

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

DATE: August 22, 1986  
TIME: 9:00 A.M.  
PLACE: Hilo High School  
536 Waiianuenu Avenue  
Multi-Purpose Room  
Hilo, Hawaii

ROLL  
CALL

Chairperson Susumu Ono called the meeting of the Board of Land and Natural Resources to order at 9:07 A.M. The following were in attendance:

MEMBERS

Mr. J. Douglas Ing  
Mr. Moses Kealoha  
Mr. Leonard Zalopany  
Mr. John Arisumi  
Mr. Herbert Arata  
Mr. Susumu Ono

STAFF

Mr. Henry Sakuda  
Mr. Bob Nishimoto  
Mr. Manabu Tagomori  
Mr. Ralston Nagata  
Mr. Jim Detor  
Mr. Glenn Taguchi  
Mr. Libert Landgraf  
Mr. Roger Evans  
Mrs. LaVerne Tirrell

OTHERS

Mr. Johnson Wong, Deputy A.G.  
Mr. Peter Garcia, DOT  
Mr. Todd Tachera (Item H-1)  
Ex. Dir, HNC (Item H-2 & E-1)

ADDED  
ITEMS

Upon motion by Mr. Ing and a second by Mr. Kealoha, the following items were added to the Agenda:

Item C-1 -- Presidential Request from the Federated States of Micronesia Asking for the Loan of Mr. Edwin Q. P. Petteys to Assist in the Establishment of Forestry Programs.

Item C-2 -- Request for Leave without Pay for Educational Purposes.

Item E-4 -- Filling of Historic Sites Specialist III, Position No. 7260E, Historic Sites Program, Oahu.

Item F-16 -- Filling of Position No. 12337, Clerk Stenographer II, Land Management Division, Oahu.

Item J-5 -- Use of Harbors Division Facilities, Piers 9 and 10 Passenger Terminals, Honolulu, Oahu.

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

ITEM H-4 CDUA FOR ADDITIONAL BUILDINGS AT KULANI CORRECTIONAL FACILITY, SO. HILO, HAWAII.

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

Mr. Nagata of DSSH said that he had seen the submittal and had no concerns.

ACTION Mr. Arata moved to approve with an amendment that construction plans be submitted for approval. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-3 STAFF RECOMMENDATION FOR WITHDRAWAL OF LAND FROM G. L. NO. S-4141 AND ISSUANCE OF REVOCABLE PERMIT TO MAUNA LANI RESORT, INC., LALAMILO, SO. KOHALA, HAWAII.

ITEM F-4 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LAND AT LALAMILO, SO. KOHALA, HAWAII.

ACTION Mr. Arata moved to approve Items F-3 and F-4 as submitted. Motion carried with a second by Mr. Kealoha.

Mr. Ing was excused from voting on this item.

ITEM D-1 ADJUSTMENT OF OAHU SUGAR COMPANY'S PRESERVED AND PERMITTED USES IN THE PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM D-2 NAVY'S REQUEST FOR INCREASED WITHDRAWALS, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

Mr. Tagomori said that staff is recommending that the Navy be granted new permitted uses equal to their 1979-85 average use, rather than maximum, since all allocations are based upon average uses. Their average preserved used is 21.350. Staff is recommending 22.670, a difference of 1.32 mgd.

ACTION Unanimously approved as recommended by staff. (Kealoha/Zalopany)

ITEM D-3 HONOLULU BOARD OF WATER SUPPLY WATER USE PERMIT APPLICATIONS, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

Mr. Tagomori said that insofar as the Kunia Source was concerned, there was no need to increase inasmuch as Oahu Sugar was giving up part of their supply.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM D-4 LAU TARO FARM WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

Mr. Tagomori said that the Lau Taro Farm formerly obtained its irrigation water from a small spring. Prior to designation of the Pearl Harbor Ground Water Control Area, gasoline contamination from a nearby station forced the closing of their spring source. Temporary wells adjacent to the farm were drilling to remove the contaminants and to supply water to the farm. To date, most of the contamination has been removed and the temporary wells, which are not located on the farm, will be sealed. Applicant requests water use permit for a new well to be drilled on the farm to replace the temporary well source. A new well will tap the same water that formerly issued as springs on the farm.

Mr. Ono asked, "if the spring source becomes good water again, what happens?"

Mr. Tagomori said that this would probably take many, many years. However, if the source should get cleaned up, then most likely they would want to use that.

Mr. Ono asked, "what about adding a condition that if the spring sources contamination problem is resolved then we can turn out the well source."

Mr. Tagomori felt that this condition would be in order.

ACTION

Mr. Kealoha moved to approve with an amendment that the following condition be added:

- Other terms and conditions as may be prescribed by the Chairman.

Motion carried with a second by Mr. Zalopany.

Mr. Ing was excused from voting on this item.

RESUBMITTAL - CANCELLATION OF THE BOARD'S DECEMBER 28, 1984 DECISION AND ORDER ON THE PROPOSED GEOTHERMAL RESOURCE SUBZONE (GRS) AT KAHAUALEA, HAWAII.

ITEM D-5

ITEM H-5

CANCELLATION OF THE BOARD'S FEBRUARY 25, 1983 DECISION AND ORDER ON THE CDUA TO EXPLORE AND DEVELOP 250 MW OF GEOTHERMAL ENERGY AT KAHAUALEA, HAWAII.

Mr. Ono asked Mr. Tagomori if all parties concerned had been notified and whether a return receipt was requested.

Mr. Tagomori said that they had been working with the Attorney General's office and contact with the parties concerned was by phone.

In answer to Mr. Kealoha's question, Mr. Tagomori said that he did not have a list of the people contacted.

Mr. Ono said that one of the reasons this was first deferred was to make sure that all parties concerned were contacted.

ACTION

Items D-5 and H-5 were deferred to the September 12, 1986 meeting on Oahu.

ITEM E-1

LEASE FOR HAWAII NATURE CENTER, INC. TO OPERATE ENVIRONMENTAL EDUCATION PROGRAMS IN MAKIKI VALLEY.

ITEM H-2

CDUA TO CONDUCT A NATURE PROGRAM AT MAKIKI, OAHU.

Mr. Evans said that a concern raised by Land Management was that should a lease be granted, then the land where the building is located should be subdivided. The public hearing notice did not include a subdivision, and therefore the requirement of sufficient public notice has not been met. A new and separate hearing must be held should a subdivision be contemplated.

Mr. Evans said that he did have an opportunity to discuss this with the A.G. -- they said that this would be a requirement if there was a mortgage on the property.

Mr. Ono said, "you indicated a subdivision might be required -- what does that mean?"

Mr. Evans said if there is some kind of vehicle given where the metes and bounds did not have to be spelled out then there is no need for a subdivision.

Mr. Kealoha asked, "weren't the metes and bounds already established?"

Mr. Evans replied, yes, for the old area. But this particular area is limited within one of those areas for which the metes and bounds have been established.

Mr. Ing asked if there was a response from the A.G. as to whether this is necessary.

Mr. Evans said, no, just a discussion. In working with the A.G. no formal subdivision was necessary.

Mr. Ono suggested taking up item E-1 at this time.

Mr. Nagata said that the Hawaii Nature Center now requests that the State allow the Center to have a ten year lease for the entire building where it currently operates and a portion of the surrounding land area which they use intensively. A CDUA was filed to authorize this use.

In comparing this with Heeia, Mr. Ing asked, "isn't Heeia more like an operational lease instead of a real property lease?"

Mr. Nagata said that it is a general lease.

Testimony was presented by Ms. Tamar Chotzen, Executive Director of the Hawaii Nature Center. In answer to questions raised regarding retail sales on the subject property, Ms. Chotzen said that they intend to limit sales only to their program.

Mr. Ono asked why this activity was not shown on the original application.

Ms. Chotzen said that this was not an after-thought. They had discussed the possibility of selling items when they were working on the lease.

Mr. Ono said that the CDUA to be acted on did not include that kind of activity. This is sensitive because this is retail sales.

Ms. Chotzen said that she had studied this carefully and did not realize that it was not a part of the application.

Mr. Arata asked if she would have any objection if we removed Condition No. 4.

Ms. Chotzen said, no.

ACTION

Mr. Arata moved for approval of Items H-2 and E-1 with the following amendments:

1. That Condition No. 4 be deleted from Item E-1.
2. That the following new condition be added:
  - a. Other terms and conditions as may be prescribed by the Chairman.

Motion carried unanimously with a second by Mr. Zalopany.

Mr. Ing asked that the CDUA be clarified regarding subdivision.

ITEM H-1

CDUA FOR A TOOL SHED AT WAI AHOLE, OAHU.

ACTION

Unanimously approved as submitted. (Ing/Zalopany)

<u>ITEM F-1-1</u>	<p><u>INTER-ISLAND RESORTS, LTD. AND FINANCE INVESTMENT CO., LTD., REQUEST FOR CONSENT TO ASSIGN G.L. NOS. 2480, 2481, 2610, 3268, AND S-4253 AND AN ESTATE OF YEARS, WAIAKEA, SO. HILO, HAWAII.</u></p> <p>Mr. Ing asked whether any administration fees are assessed for everytime they have come in.</p> <p>Mr. Deter said that we charge a document fee.</p>
ACTION	<p>Unanimously approved as submitted. (Arata/Zalopany)</p>
<u>ITEM B-1</u>	<p><u>FILLING OF POSITION NO. 10336, AQUATIC BIOLOGIST III, IN THE DIVISIONS OF AQUATIC RESOURCES (OAHU).</u></p>
ACTION	<p>Mr. Ing moved to approve the appointment of Ms. Jo-Anne Ho to Position No. 10336. Seconded by Mr. Kealoha, motion carried unanimously.</p>
<u>ADDED ITEM C-1</u>	<p><u>PRESIDENTIAL REQUEST FROM THE FEDERATED STATES OF MICRONESIA ASKING FOR THE LOAN OF MR. EDWIN Q. P. PETTEYS TO ASSIST IN THE ESTABLISHMENT OF FORESTRY PROGRAMS.</u></p>
ACTION	<p>Unanimously approved as submitted. (Ing/Zalopany)</p> <p>For the record, Mr. Ono said that in the event, one year and fifteen days from now, there is another request for an extension he wants to make sure that today's action by the board does not preclude any consideration of that request.</p>
<u>ADDED ITEM C-2</u>	<p><u>REQUEST FOR LEAVE WITHOUT PAY FOR EDUCATIONAL PURPOSES.</u></p>
ACTION	<p>Mr. Zalopany moved to approve the one-year leave without pay (educational leave) for Mr. Matthew Higashida for the period September 2, 1986 to August 31, 1987. Seconded by Mr. Ing, motion carried unanimously.</p>
<u>ITEM D-1</u>	<p><u>ADJUSTMENT OF OAHU SUGAR COMPANY'S PRESERVED AND PERMITTED USES IN THE PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.</u></p>
	<p>(See Page for Action.)</p>
<u>ITEM D-2</u>	<p><u>NAVY'S REQUEST FOR INCREASED WITHDRAWALS, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.</u></p>
	<p>(See Page 2 for Action.)</p>
<u>ITEM D-3</u>	<p><u>HONOLULU BOARD OF WATER SUPPLY WATER USE PERMIT APPLICATIONS, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.</u></p>
	<p>(See Page 2 for Action.)</p>
<u>ITEM D-4</u>	<p><u>LAU TARO FARM WATER USE PERMIT APPLICATION, PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.</u></p>
	<p>(See Page 3 for Action.)</p>
<u>ITEM D-5</u>	<p><u>RESUBMITTAL - CANCELLATION OF THE BOARD'S DECEMBER 28, 1984 DECISION AND ORDER ON THE PROPOSED GEOTHERMAL RESOURCE SUBZONE (GRS) AT KAHUALEA, HAWAII.</u></p>
	<p>(See Page 3 for Action.)</p>

<u>ITEM D-6</u>	<u>APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH U.S. BUREAU OF MINES FOR MINERAL PRODUCTION DATA IN HAWAII</u>
ACTION	Unanimously approved subject to approval as to form by the Attorney General's Office. (Ing/Zalopany)
<u>ITEM D-7</u>	<u>SOIL AND WATER CONSERVATION DISTRICT DIRECTORS, HAWAII, KAUAI AND OAHU.</u>
ACTION	Unanimously approved as submitted. (Arata/Zalopany)
<u>ITEM D-8</u>	<u>PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 62-MM-B, IMPROVEMENTS TO POLIPOLI ACCESS ROAD, KULA FOREST RESERVE, KULA, MAUI.</u>
ACTION	Unanimously approved as submitted. (Zalopany/Arata)
<u>ITEM E-1</u>	<u>LEASE FOR HAWAII NATURE CENTER, INC. TO OPERATE ENVIRONMENTAL EDUCATION PROGRAMS IN MAKIKI VALLEY.</u>
	(See Page 4 for Action.)
<u>ITEM E-2</u>	<u>REQUEST TO USE A PORTION OF THE AINA MOANA STATE RECREATION AREA FOR ANNUAL EASTER SUNRISE SERVICE.</u>
ACTION	Mr. Kealoha moved to authorize the issuance of a permit to the Calvary Chapel of Hawaii to hold their annual Easter Service subject to the conditions listed in the submittal. Seconded by Mr. Zalopany, motion carried unanimously.
<u>ITEM E-3</u>	<u>OUT OF STATE TRAVEL TO HISTORIC PRESERVATION TAX CERTIFICATION WORKSHOP.</u>
ACTION	Mr. Ing moved to approve this out-of-state travel request for Dr. Don Hibbard to attend the National Park Service's historic preservation tax certification workshop. Seconded by Mr. Zalopany, motion carried unanimously.
<u>ADDED ITEM E-4</u>	<u>FILLING OF HISTORIC SITES SPECIALIST III, POSITION NO. 7260E, HISTORIC SITES PROGRAM, OAHU.</u>
ACTION	Mr. Ing moved to approve the exempt appointment of Dr. Ross Cordy to fill Position No. 7260E. Seconded by Mr. Zalopany, motion carried unanimously.
<u>ITEM F-1</u>	<u>DOCUMENTS FOR CONSIDERATION.</u>
<u>Item F-1-a</u>	DOH REQUEST FOR APPROVAL TO ISSUE REVOCABLE PERMIT TO INTERNATIONAL LIFE SUPPORT, INC. COVERING SPACE WITH THE LAHAINA COMPREHENSIVE HEALTH CENTER, THE MAUI MEMORIAL HOSPITAL COMPLEX, AND THE HANAPEPE HEALTH CENTER, MAUI AND KAUAI.
<u>Item F-1-b</u>	NELH REQUEST FOR CONSENT TO SUBLEASE (TO DAVID ROBICHAUX) PORTION OF G. L. NO. S-4717, KEAHOLE, NO. KONA, HAWAII.
<u>Item F-1-c</u>	NELH REQUEST FOR CONSENT TO SUBLEASE (TO ALCAN INTERNATIONAL LTD.) PORTION OF G. L. NO. S-4717, KEAHOLE, NO. KONA, HAWAII.
<u>Item F-1-d</u>	NELH REQUEST FOR CONSENT TO SUBLEASE (TO MURRAY D. DAILEY) PORTION OF G. L. NO. S-4717, KEAHOLE, NO. KONA, HAWAII.
<u>Item F-1-e</u>	NELH REQUEST FOR CONSENT TO SUBLEASE (TO U. H. SEA GRANT) PORTION OF G. L. NO. S-4717, KEAHOLE, NO. KONA, HAWAII.
ACTION	Mr. Arata moved to approve Items F-1-b through F-1-e as submitted. Seconded by Mr. Zalopany, motion carried unanimously.

- Item F-1-f SAM KAINA APPLICATION FOR REVOCABLE PERMIT, KALAWAHINE, HONOLULU, OAHU.  
Mr. Keahola asked that a condition be added that no plant is to grow higher than 6-feet.
- Item F-1-g ALFRED STEELMAN, ET AL, REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-5071, LOT 35, PUU KA PELE PARK LOTS, WAIMEA, KAUAI.
- Item F-1-h MATSUMOTO NURSERY, INC. REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4366, LOT 22, PANAWEA LOTS, 2ND SERIES, WAIAKEA, SO. HILO. HAWAII.
- Item F-1-i INTER-ISLAND RESORTS, LTD. AND FINANCE INVESTMENT CO., LTD. REQUEST FOR CONSENT TO ASSIGN G. L. NOS. 2480, 2481, 2610, 3268, AND S-4253 AND AN ESTATE OF YEARS, WAIAKEA, SO. HILO. HAWAII.  
(See Page 5 for Action on Item F-1-i.)
- Item F-1-j T & Y ENTERPRISES, INC. APPLICATION FOR REVOCABLE PERMIT, IWILEI, HONOLULU, OAHU FOR PARKING OF TRANSPORTATION AND BAGGAGE VEHICLES COMMENCING SEPTEMBER 1, 1986. RENTAL: \$1365.25 PER MO.
- ACTION Mr. Kealoha moved to approve Items F-1-a, F-1-g, F-1-h and F-1-j as submitted and Item F-1-f as amended. Seconded by Mr. Arata, motion carried unanimously.
- ITEM F-2 COUNTY OF HAWAII REQUEST FOR RIGHT OF ENTRY TO CONDUCT FEASIBILITY STUDY FOR POLICE STATION SITE, NAALEHU, KAU, HAWAII.
- ACTION Unanimously approved subject to the conditions listed in the submittal. (Arata/Arisumi)
- ITEM F-3 STAFF RECOMMENDATION FOR WITHDRAWAL OF LAND FROM G. L. NO. S-4141 AND ISSUANCE OF REVOCABLE PERMIT TO MAUNA LANI RESORT, INC., LALAMILO, SOUTH KOHALA, HAWAII.
- ACTION Mr. Arata moved to approve as submitted. Motion carried with a second by Mr. Kealoha.  
Mr. Ing was excused from voting on this item.
- ITEM F-4 STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LAND AT LALAMILO, SO. KOHALA, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Kealoha)
- ITEM F-5 YAMADA TRANSFER, INC. REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, G. L. NO. S-46763, WAIAKEA, SO. HILO, HAWAII.
- ITEM F-6 ESTATE OF ROBERT M. YAMADA REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, G. L. NO. S-3583, WAIAKEA, SO. HILO, HAWAII.
- ITEM F-7 YAMADA TRANSFER, INC. REQUEST FOR WAIVER OF PERFORMANCE BOND REQUIREMENT, G. L. NO. S-4302, WAIAKEA, SO. HILO, HAWAII.
- ACTION Mr. Arata moved to approve Items F-1-5, F-6 and F-7 as submitted. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-8 DEPARTMENT OF DEFENSE REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND FOR FIRING RANGE, UKUMEHAME, LAHAINA, MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Zalopany)

**ITEM F-9**  
**ACTION** STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (JULY 11, 1986, AGENDA ITEM F-11) AUTHORIZING CONVEYANCE OF IMPROVEMENTS WITHIN THE WAIMANALO AG. PARK, WAIMANALO, OAHU.  
 Unanimously approved as submitted. (Ing/Kealoha)

**ITEM F-10**  
**ACTION** RESUBMITTAL - DEPARTMENT OF TRANSPORTATION REQUEST FOR AUTHORIZATION TO DISPOSE OF HIGHWAY REMNANT, FAP NO. I-HI-I(1), HONOLULU, OAHU.  
 Unanimously approved as submitted. (Ing/Kealoha)

**ITEM F-11**  
**ACTION** STAFF RECOMMENDATION TO SERVE NOTICES OF DEFAULT, SAND ISLAND, REVOCABLE PERMITS, HONOLULU, OAHU.  
 Mr. Deter asked that Revocable Permit No. S-5909 be deleted from the list submitted.  
 Unanimously approved as amended. (Ing/Zalopany)

**ITEM F-12**  
**ACTION** HAWAII COMMUNITY DEVELOPMENT AUTHORITY (HCDA) REQUEST FOR CONVEYANCE OF LAND REQUIRED FOR ROAD WIDENING PURPOSES, HONOLULU, OAHU.  
 Mr. Kealoha questioned whether the HCDA is able to hold fee title. He thought only the University could.  
 Mr. Deter thought this to be a good point and said he would look into it.  
 Mr. Ing moved to approve with the amendment that this be subject to clarification of the transfer in fee. Seconded by Mr. Kealoha, motion carried unanimously.

**ITEM F-13**  
**ACTION** STAFF RECOMMENDATION FOR WITHDRAWAL OF LAND FROM REVOCABLE PERMIT NO. S-6123 AND ISSUANCE OF NEW REVOCABLE PERMIT COVERING LAND FOR BAITFISH REARING PURPOSES, HANAPEPE, KAUAI.  
 Unanimously approved as submitted. (Zalopany/Arata)

**ITEM F-14**  
**ACTION** DEPARTMENT OF EDUCATION REQUEST FOR AMENDMENT OF LEASE COVERING TEMPORARY MILILANI UKA ELEMENTARY SCHOOL SITE, OAHU.  
 Unanimously approved as submitted. (Ing/Kealoha)

**ITEM F-15**  
**ACTION** LEASE OF ADDITIONAL OFFICE SPACE FOR DSSH, HEALTH CARE ADMINISTRATION DIVISION, OAHU.  
 Unanimously approved as submitted. (Ing/Kealoha)

**ADDED ITEM F-16**  
**ACTION** FILLING OF POSITION NO. 12337, CLERK STENOGRAPHER II, LAND MANAGEMENT DIVISION, OAHU.  
 Mr. Kealoha moved to approve the appointment of Mrs. Margaret Honda to Position No. 12337. Seconded by Mr. Arisumi, motion carried unanimously.

**ITEM G-1**  
**ACTION** OUT-OF-STATE TRAVEL FOR CHARLES F. NEUMANN III.  
 Unanimously approved as submitted. (Zalopany/Kealoha)

**ITEM G-2**  
**ACTION** APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO COMPLETE THE COMPUTERIZATION OF THE LAND COURT AUTOMATED TITLE SYSTEM.  
 Unanimously approved as submitted. (Ing/Kealoha)



ITEM H-1

CDUA FOR A TOOL SHED FOR WAIHAOLE, OAHU.

(See Page 4 for Action.)

ITEM H-2

CDUA TO CONDUCT A NATURE PROGRAM AT MAKIKI, OAHU.

(See Page 4 for Action.)

ITEM H-3

CDUA FOR COMMERCIAL FOOD VENDOR SERVICE USE AT KIPAHULU, MAUI.

Mr. Evans said that a question came up at the public hearing in terms of land ownership. As a result of this question staff got together with the applicant as well as follow up with the various owners. There does seem to be a cloud on the title of that 99% land. Staff did ask Nature Conservancy whether they had done a clear title search on the land and their answer was negative. Nature Conservancy also indicated that the rationale for not having a title search was that it was too expensive. Nature Conservancy nevertheless is a prime supporter of this particular project.

In terms of the National Park Service, Mr. Evans said that they are a landowner encompassing one percent undivided interest in the land. Staff does not know where that one percent lies.

Mr. Evans said that based on previous written opinion from the Office of the Attorney General staff was of the position that if someone applies and has a percentage ownership of the land what staff can do is go ahead and process that application. If staff recommends approval of that application and the board sustains that approval what happens is that the board can grant the approval subject to getting the concurrence of all the other landowners. However, they have also been informed by the A.G. that if we have a piece of property where there is an undivided interest such as this case and that landowner objects to the proposed use then out of respect for private property rights staff would recommend denial. Mr. Evans said this is the only basis today for a recommendation for denial.

Mr. Evans said that staff did talk to the applicant about what this one percent interest means and the applicant has sat down with the landowner but as of the current time there does not appear to be a manner or fashion available whereby the interest of both parties would be mutually resolved by the 180 day expiration date. Hopefully the parties involved will be able to work out their difficulties and this can be resubmitted at a later date.

Mr. Kealoha asked Mr. Evans, "our decision today is to decide the use or the use based on the land -- what is our decision today?"

Mr. Evans said, the use.

Much discussion continued between Messrs. Evans and Kealoha with respect to Use vs. Land Use.

Mr. Ono said that there is a two step process when you use state land -- you determine the use first and the disposition secondly. He asked how this application differs.

Mr. Evans said that this is the same. When we have a state land application that application is not even processed to come to the board unless the application is signed by the landowner -- in this case the board.

Mr. Arisumi asked, "what if we approve this application subject to the approval of the National Park Service?"

Mr. Evans said that staff's recommendation is based upon the written opinion from the Attorney General's office.

Mr. Arata said that there is a strong appeal by the public for this service and maybe this one percent ownership having realized that if the board of land and natural resources approves this proposal with the blessings and support of the community they may change their thinking.

Mr. Evans was certain there would be some effect.

**ACTION**

Mr. Arisumi moved to grant this application for the purpose of setting up a lunch wagon subject to the approval of the National Park Service.

Mr. Kealoha questioned the motion wherein this would be subject to the approval of the National Park Service even though they only own one percent. He asked, "what if the 99% owner says o.k.?"

Mr. Arisumi said that as far as the 99% owner it's o.k. We're only dealing with the one percent owner.

Mr. Kealoha seconded.

Looking at Mr. Watson's opinion of May 14, 1981, Mr. Ing said that it indicates first that the applicant must be a landowner.

Mr. Wong said that Mr. Kealoha has a point in addressing the use, as to whether the use can be implemented without the consent of the other owners as a separate issue. He felt that until the full ownership question is resolved, the decision of the board is only addressed to the use itself. Approval by the National Park Service is something else. He felt also that Mr. Watson's opinion should be clarified inasmuch as it seems to prohibit the granting of that use.

Mr. Ing said where he is confused by Mr. Watson's opinion is that it says that if Nature Conservancy made an application, because they have a 99% ownership interest the board could process that. However, if someone other than one of the landowners who have undivided interest processes the application they cannot even though they may have approval of one of the landowners.

Mr. Wong did not read the opinion the same way as Mr. Ing.

Mr. Ono asked Mr. Wong if he was saying it was o.k. to proceed the way things are now.

Mr. Wong said, right.

Mr. Ono asked if we could get this opinion in writing later on.

Mr. Ono called for the vote. Motion carried unanimously.

Mr. Alan Akuena, representing the Ohe'O Ohana, said that as he understands the motion approval is granted subject to approval from the National Park Service.

Mr. Kealoha said that this is the same as discussions which have been going on between Mr. Lind and the Park Service. If they say no then you cannot go on their land.

**ITEM H-4**

**CDUA FOR ADDITIONAL BUILDINGS AT KULANI CORRECTIONAL FACILITY, SO. HILO, HAWAII.**

(See Page 2 for Action.)

- ITEM H-5 CANCELLATION OF THE BOARD FEBRUARY 25, 1983 DECISION AND ORDER ON THE CDUA TO EXPLORE AND DEVELOP 250 MW OF GEOTHERMAL ENERGY AT KAHAUALEA, HAWAII.  
(See Page 3 for Action.)
- ITEM J-1 SALE OF LEASE BY PUBLIC AUCTION, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI.  
ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM J-2 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALOHA TOWER, 8TH & 9TH FLOORS, HONOLULU HARBOR, OAHU (HAWAII MARITIME CENTER).  
ACTION Unanimously approved as submitted. (Ing/Arisumi)
- ITEM J-3 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI LAGOON COMMERCIAL SUBDIVISION, HONOLULU, OAHU (JAMES S. NELSON DBA FKH BUSINESS SERVICE).  
ACTION Unanimously approved as submitted. (Ing/Arisumi)
- ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MANELE BOAT HARBOR, LANAI (LANAI CITY SERVICE, INC.).  
ACTION Unanimously approved as submitted. (Arisumi/Kealoha)
- ADDED ITEM J-5 USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINALS, HONOLULU, OAHU.  
ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ADJOURNMENT: There being no further business, the meeting was adjourned at 11:30 A.M.

Respectfully submitted,

*La Verne Tirrell*

Mrs. LaVerne Tirrell  
Secretary

APPROVED:

*S. Ono*  
SUSUMU ONO  
Chairperson

It