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

> DATE: September 12, 1986

9:00 A. M. TIME:

PLACE: Kalanimoku Building

Room 132, Board Room 1151 Punchbowl Street Honolulu, Hawaii

ROLL. CALL

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

MEMBERS:

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

STAFF:

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

OTHERS:

Mr. Art Muraoka, Deputy A. G.

Mr. Adam Vincent, DOT

Mr. Clarence Ching (Item C-1) Mr. Al Marmelstein (Item C-3)

Mr. Bob Stauffer (Item F-5)
Messrs Reed Witt, Vernon Woo, Bertrand Kobayasahi,
David Sterrett, Mrs. Luci Pfaltzgraff and

Ms. Mary Walston (Item F-6) Mr. Bill Bass (Item F-10)

Messrs. Jake Fernandes and John Pauole

(Items H-3 and H-11) Mr. Bob Hirano (Item H-6) Mr. Ben Matsubara (Item H-9)

SAFARI SHIKA AWARD

Prior to starting the formal Land Board meeting, Mr. Landgraf introduced Mr. Yoshimoto, President of the Safari International Club, who presented the Safari Shika award to Ms. Marie Morin, a former employee of the Division of Forestry and Wildlife.

MINUTES:

Mr. Ing moved to approve the minutes of May 23, 1986, June 13, 1986 and June 27, 1986 as circulated. Seconded by Mr. Kealoha, motion carried unanimously.

ADDED ITEMS

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

Item B-3 -- Out-of-State Travel Request for Henry M. Sakuda and Member of the Board to attend the Western Pacific Fishery Management Council Meeting in Saipan, Commonwealth of the Northern Mariana Islands (CNMI) and Guam.

Item C-5 -- Out-of-State Travel Request for Libert K. Landgraf, Administrator, Division of Forestry and Wildlife.

ITEM F-6

DIAMOND HEAD RACQUET CLUB ASSOCIATION APPLICATION TO LEASE LAND AT FORT RUGER, HONOLULU, OAHU.

Mr. Detor said that today's proposal is a result of two public informational meetings which were held by the Board on November 7, 1985 and on June 19, 1986.

Mr. Detor said that three letters were received after the submittal was printed. One is from the Save Diamond Head Association, who are against the project, the second letter is from Bertrand Kobayashi who is also opposed to the project and last is a letter from the West Diamond Head Association who are also against the project.

Mr. Ing said that he was also in receipt of a letter from the Outdoor Circle.

The proposal, as explained by Mr. Detor, is to let a thirty-five year term lease which would commence from the date of sale covering the land, which would be approximately 19 acres. There would be a minimum rental to be bid on at the public auction with a percentage of the gross, should it exceed the bid minimum to be the effective rental which is to be set by appraisal. Terms and conditions are also listed in the submittal.

Mr. Detor said that although the land is zoned Urban by the State Land Use Commission, it is zoned Preservation by the City and County of Honolulu so it would be necessary that a variance be obtained before this could go ahead. One of the conditions being suggested is that the applicant, on behalf of the State, work with the City to get that variance prior to this lease being offered at public auction. The suggested amount of money to be spent in connection with this project is listed in the submittal and is less than was proposed by the applicants — but this is a minimum amount and, reading from it, within two years from the date of commencement of the lease, improvements consisting of but not limited to fifteen tennis courts, clubhouse with locker rooms, health facilities, food and beverage facilities, instructional facilities, a center court with seating provisions for spectators valued at not less than \$1 million in accordance with building plans and specs which have been submitted and approved by the Chairperson. In addition to that, within two years an additional \$1 million for landscaping in accordance with landscape plans submitted and approved by the Chairperson.

During the preliminary discussions, Mr. Ono said that there were indications from a particular interested party that should they be the successful bidder they would see that the general public would benefit through this particular project. Looking at the recommendations and conditions, there isn't too much in there about the University and public school tournaments to be held there. About half of the 20 acres will be park area to be maintained by the successful bidder.

Mr. Detor said that the terms and conditions in the submittal are rather general but they do mean to incorporate that. As far as younger players are concerned, high school and so forth, they would be able to play and it would be open to the public. The rates would be subject to the approval of the Chairperson prior to it going into effect. Also, as far as the park part of it is concerned, this is approximately 10 acres — it would be a passive type of park. Mr. Detor said that the provisions of this lease would be patterned after the Olomana Golf Course lease.

Another observation on the rental reopenings, remarked Mr. Ono, is that the first reopening will be fifteen years after the award of the lease. He felt that was too long.

Mr. Detor said that the rationale behind that is because they are calling for a minimum bid of \$2-1/2 million and that is why the initial reopening period is set longer than the subsequent reopenings. However, it's up to the board if they wish to change that.

Mr. Ing asked Mr. Detor whether there had been a formal proposal in writing as to what their exact proposal is. As he recalled at the second hearing, there was some confusion as to whether this was a final proposal, or a conceptual proposal -- in any event he said that he has not seen anything from the proposed developer in writing that really sets out what the perimeters are.

Mr. Detor said it is true that we have not had a detailed analysis of cost projection or income projections but they do not have a rate schedule set.

Mr. Ono asked if this is the normal process -- the party comes in with his conceptual plans and by the time he goes out to bid staff's specifications would call for more details and as you go through each phase you get a little more detail.

Mr. Detor said, this is correct. This is not anything unusual when you compare it to the normal course of processing of the lease -- particularly one that goes to public auction.

As presently planned, Mr. Ing asked whether this project sat in the area set aside for the Diamond Head Monument.

Mr. Detor said that the monument boundaries have not been officially set, they are still working on a proposal. The legislation which set up the monument says that the department will determine the boundaries to preserve the unimpaired view of Diamond Head. They will see when the lease is let that the view of Diamond Head is not impaired when they go in there.

Mr. Ono asked whether this project called for an environmental impact statement.

Mr. Detor said, yes. If the board approves this proposal which in a sense is still preliminary because you still have the EIS procedure to go through yet and also the variance from the City so this is not a final action.

Mr. Ing asked Mr. Detor what the sequence would be in assessment in relationship to the board's action.

Mr. Detor said that if the board approves going ahead then the material would be developed and an assessment made. Based on that assessment would be a decision as to whether an EIS or a Negative Declaration is in order and then it would be posted to OEQC.

Mr. Ing asked why this could not be done in reverse.

Bearing in mind that this is a public auction situation, Mr. Detor said that if the board feels that it should not go ahead then no use wasting any more time and money.

Mr. Ing said that part of the board's decision may depend on what is in the assessment.

Mr. Detor said that may be true but there should at least be an indication that if all of these things are o.k. that they can go ahead.

Mr. Ing asked whether in the past we had authorized an auction subject to an assessment and later said that the assessment was insufficient.

Mr. Detor did not recall such an instance but there many times the board has approved going ahead without first getting the assessment, except for conservation lands.

Mr. Ono said, in relation to Mr. Ing's question, there is nothing to prevent the board from attaching such a condition.

Mr. Detor said no, this is a policy decision.

Mr. Kealoha asked if the recommendation shouldn't be amended to include those other conditions such as the EIS.

Mr. Detor said that they already have, in relation to the variance, subdivision approval, etc. In connection with that, you have come up with an EIS anyway to satisfy the City so it would automatically be care taken of. Staff cannot put that in specifically.

Senator Bertrand Kobayashi said that he had sent a letter to the board yesterday. In summary, he said that this proposal has a great many loose ends. A formal written proposal was never submitted to this board. By formal written proposal, he meant something like a business plan and it should probably include a marketing plan, a financial plan, a development plan etc. No one knows who is going to play there and at what cost. The board's action leaves him feeling that there are a great many things that need to be defined first.

First of all, this is very valuable land which can be used for a great many things e.g. public and private purposes, commercial as well as non-commercial purposes, etc. He feels that everyone should have a good shot at it, not just tennis players. He understood at the last public hearing that a written, firm proposal was to be submitted and this was not done. Should this land go up for public auction, he suggested that anybody and everybody bid, including the State Parks Division.

Mr. Ono asked Senator Kobayashi if he was asking the board to deviate from its present leasing procedure as specified by statute.

Senator Kobayashi did not know this was deviation from statute. What he was saying is that the proposal before the board is for one type of bid only.

Mr. Ing remarked that he understood the Senator's concerns about wanting to see a more definitive proposal but he felt that one of the suggested alternatives to open it up to anyone seemed impractical.

The Senator did not agree.

Mr. Ing said that if we proceeded along the lines suggested by the Senator, the State would have little control over the ultimate use of the area.

Senator Kobayashi said that the board would then have the decision of whether to consider all the possibilities and the bid would not necessarily go to the highest bidder. You could say that we sacrifice income for public use.

Ms. Mary Walston, representing the League of Women Voters of the Save Diamond Association, said that in the early 70's when the historic cultural scenic district was being discussed but not yet been passed, the League of Women Voters had, from 1973 to 1974, in their program for the year, supported the preservation of Diamond Head as a historic cultural and scenic site with minimum development of the Diamond Head area and with the residential area on the makai side of Diamond eventually converted to park use. With the passing of the preservation ordinance, they assumed that the League considerations would be taken care of and that it would be in good hands from then on.

Mr. Vernon Woo, attorney for the applicant Reed Witt, in response to some of the allegations that were raised, said that Mr. Witt did file a formal application for this proposal in November, 1985. In January, 1986, an assessment was prepared which explained at that time what it would do and what it planned to develop there. It listed things such as a club house (49,000 sq.ft., \$2,028,000.00), health club (16,500 sq.ft., \$990,000), day care center (4,100 sq.ft., \$111,000). There was some financial investigation of the development. The total cost of the facility approximated \$8-1/2 million. This is all subject to change based upon approval of the design as well as the density. There were no appraisal of the project at the time but this will be done should the board approve sale at public auction in order for them to determine what feasible and what kinds of public rates there are. He said that all that has been done so far has cost Mr. Witt way in excess of \$25,000.00.

Mr. Ono asked, "what would be your reaction should the the bidding specifications call for not exclusive use for tennis courts but other recreation?"

Mr. Woo said that complimentary uses e.g. swimming, parks that allow for complimentary sports etc. would certainly be a feasible situation but if you put a skating rink there obviously that would be two separate uses within one area.

Mr. Ono was not talking about multiple use. He was talking about one or the other. If there is a skating rink then the tennis court goes out.

In answer, Mr. Woo said that all of the concerns and questions raised in determining community needs for that particular area has been with respect to the sport of tennis. He could only say that has generated enough interest from leaders of our community that there is a need for a tennis center. The Diamond Head tennis courts have already been under so much publicity because of its inadequacy and overuse because there are no other public courts that can handle professional public world tennis.

Mr. David Sterret, President of the West Diamond Head Community Association, said that if the proposed developer were interested in solving the shortage of tennis courts, he would seek to build them any place. The reason he is here before the board is to get a hold of public lands. He felt it inappropriate for the board to consider this approval and hoping that later an appeal for a variance in use might turn them down and do the job of the board. Mr. Sterret said that this public land is a monument and is not available for commercial development. He felt that this request should be turned down.

Mr. Kealoha remarked, "the city is not going to do our job for us, we do our own."

Mr. Detor commented that all of the houses that are presently on the slopes of Diamond Head, which includes people in the West Diamond Head and East Diamond Head Association, are living on land that, if this were today, would probably be a part of the Monument area and they would not be able to acquire it.

Ms. Luci Pfaltzgraff of the Outdoor Circle said that the one point she would like to make today is that when they met with the Board in June, the Parks department was sitting on a contract which needed a signature and when that contract is signed State Parks can then go ahead to determine the metes and bounds of the Diamond Head Monument. That is still sitting without signature so the contract for \$40,000 has not been spent. She felt that if this step was taken earlier this question would probably not be in the sense it is today.

Mr. Reed Witt felt that there is a tremendous need for a year-round program for our Juniors, particularly in light of the comments of adults fighting over court times. If this lease is granted and they turn out to be the successful bidder they are firmly committed to establishing a comprehensive program for the use of the State to include advance training programs and a traveling team for competition.

Mr. Ono asked Mr. Witt if he would consider hosting tennis tournaments by the various age groups for the general public.

Mr. Witt said that they would be able to handle, on an annual basis, the high school championships as well as the Hawaii State open championships.

Mr. Kealoha voiced concerns about the high school juniors not being charged for use of the courts.

Mr. Witt said that normally those who run the tournaments charge a standard court fee for the operation of the event to buy the tennis balls and trophies.

Mr. Ing said that the idea of having a tennis facility in that area strikes him as one way of actually improving the appearance of the area. However, he is very uncomfortable because he does not feel that he has seen enough of what is being proposed there that he can act with any degree of certainty. He, for one, is very reluctant to move ahead on this simply because he has not seen enough of the conceptual plans. He expected a little more from the developer, and proposed bidder, in the way of conceptual plans showing what the visual impact would be. While they have prepared a form of an assessment and they did have some other conceptual plans, what is on the wall now differs somewhat from that and he is still not comfortable with that. If he had to decide anything today, he would move that it be deferred.

Mr. Kealoha asked whether there was any degree of urgency inasmuch as he felt the same as Mr. Ing -- that the display before the board today differs from what they had seen at the last meeting.

Mr. Detor said that there is no urgency but from the perspective developers standpoint the question would have to be addressed to them.

Mr. Ono said that if this is deferred staff would need direction as to how long this is to be deferred, what kind of details would be expected to be put together by staff, etc.

Mr. Ing said that what he has in mind is line site projection, elevations, etc. This shouldn't require any great deal of time. He felt that he would need this information before acting on this item. He said that he would also like to see the delineation of the public uses of the area -- either in the conditions of the proposed bid specs or in other form. This would include such things as what would be available to high school players.

Mr. Ono said that the next Oahu meeting is scheduled for October 24th.

ACTION

Mr. Arisumi moved to defer to the October 24, 1986 meeting, with the understanding that more details will be forthcoming. Seconded by Mr. Ing, motion carried unanimously.

Mr. Ono suggested that the submission to the board on this item be put in some kind of folder.

ITEM H-3 CDUA FOR KAUMANA-KEAMUKU 138 IV TRANSMISSION LINE ADJUSTMENTS.

Mr. Evans said that the board, on February 10, 1984, did approve a 48-mile long 138-KV power line of the road traversing the saddle area between Mauna Kea and Mauna Loa. What HECO is asking for now is a change of that alignment.

With regards to the proposed use, paragraph no. 1 in the amended section, staff indicates there a perpetual easement. Mr Ing asked, "what about if we change that for a term of years or some other form other than perpetual?"

From staff's perspective, Mr. Evans said that he would have no difficulty with that. However, he could not speak for the applicant.

Mr. Ing said that he would not want to limit the disposition aspect.

In terms of the use which the board is considering at this time, Mr. Evans said that staff has one of their standard conditions, Condition No. 3, that it is only for the use and any disposition on State lands would be a follow up action should the use be approved today. This follow-up action would be coming to the board from the Division of Land Management. The Board could specify at this time that it would be other than a perpetual easement.

Mr. Ing said that he understood the realignment, as a result of the cinder cone shown on Exhibit C. The realignment necessitated by their inability to acquire an easement across private land shown on Exhibit B, however, he could not understand. He asked about the nature of the realignment there.

Mr. Evans said that on Exhibit B staff does have an originally approved alignment.

Mr. Ing asked, "where does that go?" He said that it doesn't connect to anything so he could not tell what the change is as shown on that exhibit.

Mr. Evans said that Exhibit B shows the new alignment resulting from the requirement they had to go through because they could not get the original private landowner.

Mr. Ing remarked that the new alignment goes in circles and is not connected.

Mr. Jacob Fernandes of the Hawaiian Electric Co. said that, on Exhibit B, the old alignment is not very clearly shown. He pointed out to the Board, from a map, where the alignment went. The map showed two pink alignments -- Mr. Fernandes said that they will go either way the board dictates them to go.

Discussion continued as to where the alignment would go.

Mr. Ing asked if the submittal allowed for the selection of the alternative routes.

In that particular area, Mr. Evans said that it would be a part of other terms and conditions -- should the board approve it, the board would have a condition in there that relates to other terms and conditions. They would want to see the lines as they come in and pick the least obstrusive line. Hawaiian Electric has said that they will go with either line.

Mr. Ono said, "there was an amendment to this submittal."

Mr. Evans said, yes. The last paragraph on page 2 should read:

 An alignment adjustment and a perpetual easement involving State-owned land identified by TMK: 2-5-02:4 and privately-owned parcels 2-5-02: 3 and 2-4-08:3. The other parcels involved were included in application HA-1554, approved in 1984. ACTION

Mr. Arata moved to approve as amended. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-11

REQUEST TO AMEND A CONDITION IMPOSED ON CDUA FOR THE KAUMANA-KEAMUKU 138 KV TRANSMISSION LINE ON THE ISLAND OF HAWAII.

Mr. Evans said that on February 10, 1984 the board approved HELCO's application with 12 conditions. Condition 3.f. stated:

No tree trimming or use of herbicides shall be allowed in the transmission line right-of-way within the Conservation District without permission of the Chairperson of the Board of Land and Natural Resources.

The applicant indicated that due to the distance between the islands, coordination will be difficult if permission from the Chairperson, who is located in Honolulu, is sought each time tree trimming is needed. Mr. Evans said that after discussing this with staff on the Big Island they decided that rather than having the condition read without prior approval of the Chairman, that it would be appropriate to read "without prior departmental approval." This way, should the Chairman so desire, it could be delegated down to the district level. The applicant has indicated that this might meet with what they are looking for.

ACTION

Mr. Arata moved to approve as recommended by staff. Mr. Arisumi seconded.

Mr. Fernandes said that he also had problems with Condition 19 of the H-3 submittal.

Mr. Ono said that we would first take action on H-11 and called for the vote. Motion carried unanimously.

Mr. Evans said that the board has taken an action to change the original condition so this would automatically carry over.

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

ITEM D-1

ACTION

Unanimously approved as submitted. (Ing/Arata)

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.

ACTION

Unanimously approved as submitted. (Ing/Arata)

Mr. Ben Matsubara thanked the board for its action at the last meeting. Since he could not get the other parties to sign a stipulation to dismiss the appeal, they filed motion to the Third Circuit Court which was heard Wednesday. Judge Kubota dismissed three of the appeals and Judge Kimura dismissed the other three appeals so as it presently stands these six appeals have been dismissed by the Third Circuit Court.

ITEM H-4

CDUA FOR A NONCONFORMING SINGLE FAMILY RESIDENCE AT HAENA, KAUAI.

ACTION

Unanimously approved as submitted. (Zalopany/Arisumi)

ITEM F-9

MICHAEL MILLER APPLICATION FOR ACCESS EASEMENT, HANALEI, KAUAI.

Mr. Detor said that he was in receipt of a letter from the Attorney for the people of Waioli Church who are objecting to the easement. Staff is in favor of granting the easement subject to Mr. Miller first acquiring from the private owners involved access across the private properties.

Mr. Ono asked, "how does he get access to that property now?"

Mr. Detor said, "he doesn't."

Mr. Resnick, museum director of Waioli Mission House, apologized for not having copies of their comments in advance. He said this was because they received verbal notice of this meeting only 24 hours before this meeting.

Mr. Resnick said that their organization acknowledges Mr. Miller's needs and rights for access to his property but they have three major concerns:

- 1. Historic preservation
- 2. A need for alternatives in Waioli Valley because it is a productive farm.
- 3. Physical limitations of the old Government right-of-way.

Mr. Resnick said that Mr. Detor's letter to their attorney said that historic concerns were adequately taken into account. He disagreed with staff's findings on that matter and went on to quote Section 16-8 of the HRS. To his knowledge the department in its historic capacity has not investigated the effect of this project upon Waioli Mission property nor has the board obtained the required concurrence of the DLNR as 16.8 mandates. The staff recommendation per Mr. Resnick is silent as to this issue. The only reference to this matter is that the Historic Sites Office has determined that the proposed easement area does not lie within the Mission House State Historic and National Registered District. He felt that this is irrelevant as to the question of whether the proposed easement will, in fact, affect the historical property.

Mr. Ing asked, "you mean just because someone is going to drive a car next to that historic property that it is going to be affected?"

Mr. Resnick said, no, but as you look at the site the site is not open. The road is overgrown and there are very heavy trees growing in there which is a part of the screen which is a part of the historic district and that is where he thinks the impact can be determined. It's not the vehicles passing, it's the opening up of the road which has been abandoned for at least 70 years.

Mr. Ing asked whether these trees were on the property which has been registered as a historic site.

Mr. Resnick said, both.

Mr. Ing asked Mr. Resnick if he had any objection to the taking away of the vegetation screen from the non-historic property.

Mr. Resnick said, yes. He said that on-site visit by staff will show that it will have affect especially by the building by the State of Hawaii of a new school directly adjacent to it.

Mr. Zalopany asked Mr. Resnick if he had any suggestions.

Mr. Resnick believed that both the department and the attorney general's office received in August information from one of the other landowners in the valley proposing an alternative route.

In summary, Mr. Resnick asked that this be deferred and the board look at it in more detail. They do support the alternative.

Mr. Zalopany said that he would like to see this matter deferred to the next meeting on Kauai and maybe at that time staff can get more details as to whether the adjoining owners will or will not permit Mr. Miller to proceed through their property.

Mr. Ing asked, "on the alternate route or the proposed route?"

Mr. Zalopany said either one.

Mr. Detor stated that he had heard that there was a ruling affecting someone else, not Mr. Miller, which ruled in favor of the person asking for the right-of-way. He did not know what affect this would have on Miller but staff would check this out.

Mr. Kealoha asked if someone would be available to show the board around in early November.

Mr. Ing requested two things of Mr. Resnick:

- 1. That it be drawn on the plot plan where the vegetation screen lies.
- 2. Present photographs of the area should a field trip not be possible.

ACTION

Mr. Arisumi moved to defer this to the next meeting on Kauai. Seconded by Mr. Ing, motion carried unanimously.

RESUBMITTAL - STAFF RECOMMENDATION TO SERVE NOTICES OF DEFAULT, KAHANA VALLEY REVOCABLE PERMITS, KAHANA, OAHU.

Mr. Detor said that this item was deferred inasmuch as staff was asking that permits in Kahana Valley be cancelled because they did not have liability insurance and, as far as the fire insurance was concerned, that this be deferred. Since that time, they have gotten together and the liability question has basically been solved. The policies will be issued as soon as the premiums are paid.

Mr. Arisumi asked about the fire insurance.

Mr. Detor said that because of the condition of the dwellings, they are not able to get fire insurance so they have been given additional time in this area.

Mr. Ono asked, "how realistic is Recommendation A?" They cannot get insurance now because the structure is not up to standard and if they are going to bring it up to standard they will have to spend a lot of money and we don't know how long the permittee will be allowed to stay at the particular place. Even if they may be allowed to stay in the valley it may not be at that particular place.

Mr. Detor said that he would like to at least put some kind of pressure on them to do something. It may be necessary for the board to amend it later but the alternative may be "never mind the fire insurance".

Mr. Stauffer said that there was a two month deferral on the liability insurance and he was asked to go back and try again. They were able to secure liability insurance through an independent agent, B&B Insurance Agent. Letters went to the twelve residents who were unable to get insurance to tell them that the policies would be issued upon payment of their premium. He understood that to date three of the twelve have paid. He recommended that they be given a few more week to send in their checks so as not to have to initiate letters until September 30 and then for those who have not paid there would be no excuse at that point and by all means send out a default letter.

Regarding the fire insurance, the board has said that if it's possible through the legislature to get leases for these people that almost all of them have to be relocated within the valley and this would probably take a

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few years. The problem is what do you do with these old homes in the mean time. The old homes would probably have to be rewired and he has no problems to giving them one year to do this. They have bids for about \$2000 a house for rewiring which will have to be borne by the individual. He asked that the fire insurance requirement be deferred until September 30, 1987.

Mr. Ing asked if anyone would rewire for \$2000.00.

Mr. Ono asked Mr. Stauffer, "the only specific recommendation you are making is changing April 30 to September 30, 1987 and that default letters not be sent until September 30, 1986?"

ACTION

- Mr. Ing moved to approve with the following amendments:
- 1. With regards to Condition A, that the date be changed from April 30th to September 30th.
- 2. With regards to Condition D, instead of saying sixty days that it be changed to November 30th.

Motion carried unanimously with a second by Mr. Kealoha.

ITEM H-6

REQUEST TO AMEND A USE PREVIOUSLY APPROVED: GREENHOUSE FOR LYON ARBORETUM TO INCLUDE RENOVATION AND CONSTRUCTION.

Mr. Evans said that two previous applications have been approved. What is being proposed now is a greenhouse and some roadwork.

Mr. Ing said that the last time they requested this they submitted a plot plan and a diagram showing the greenhouse. There was some question about the height of the greenhouse and he didn't see anything about this in the submittal.

Mr. Evans was not sure that the same kind of plan was submitted this time. From staff's perspective, there will be no enlargement of Building H which is the building that they wanted to renovate. Should the board approve the use for roadwork then they would be required to come in with their construction plans as a follow up action. Staff would have some concerns if, within a short period of time, the same applicant came in with another amendment. They would need to think in terms of asking the applicant to provide staff with a master plan of the entire area. They did not think this was necessary in terms of this application.

Mr. Ono asked whether there was any discussion to enlarge the facilities or make some changes in the general area.

Mr. Evans said that they have not heard of any. The changes are of an incremental nature. This is why staff feels that should there be a request for another amendment it should be accompanied by a master plan.

Mr. Bob Hirano, researcher with the Arboretum, in answer to Mr. Ono's question as to whether any changes are contemplated, replied that there are no real major overall plans for the arboretum and no construction plans for future buildings. All they want to do right now is to make the access more accessible. Right now the buses cannot get up to the arboretum.

ACTION

Mr. Ing moved to approve with the following amendment:

1. That any further requests for improvements to existing facilities or additions be accompanied by a master plan for the arboretum.

Motion carried unanimously with a second by Mr. Arisumi.

ITEM F-10

DPED REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 860, CENTRAL PACIFIC PLAZA, HONOLULU, OAHU.

Mr. Ing said that when this lease was originally approved the owners of the building were going to put in some improvements, he asked if this was done and what was the value of the improvements that were put in.

Mr. Bass of the High Tech office said this was done but he did not have the figures. They put in walls, carpeting, light fixtures, air condition ducts, etc. The original lease was for February 1, 1984 through January 31, 1987.

ACTION

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

COOPERATIVE AGREEMENT BETWEEN THE BOARD OF LAND AND NATURAL RESOURCES AND THE U.S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR ENDANGERED FOREST BIRD CAPTIVE PROPAGATION.

ITEM C-3

ACTION

Unanimously approved as submitted. (Zalopany/Arata)

REQUEST FOR APPROVAL TO ENTER INTO TWO AGREEMENTS WITH THE WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL (WPRFMC) AND THE RESEARCH CORP. OF THE UNIVERSITY OF HAWAII (RCUH) FOR CONTINUING A FY 1986-87 FISHERIES PROJECT: 1) SUPPORT TO THE DIVISON OF AQUATIC RESOURCES FOR COUNCIL ACTIVITIES, AND 2) ADMINISTRATIVE SERVICES TO THE DIVISION OF AQUATIC RESOURCES.

ITEM B-1

Mr. Sakuda said that since the preparation of this board submittal, the Western Pacific Council has asked us to change the period of agreement to a calendar basis by extending the current agreement by three months from the original ending date of October 1, 1986 to December 31, 1986 and to make the next annual agreement for the calendar year 1987 to run from January 1st to December 31st. The Council will make available additional funds for the three months extension and the usual funds for the 1987 one year period. The RCUH, on the other hand, simply needs a new agreement covering the entire fifteen month period from October 1, 1986 to December 31, 1987. The draft agreements are being modified to reflect the change.

Mr. Sakuda asked that the recommendation be amended to read that the board approve execution of the aforementioned two (2) agreements with the three months extension and the one year agreement period subject to the Governor's approval and approval as to form by the Attorney General's Office.

ACTION

Unanimously approved with the above amendment. (Zalopany/Kealoha)

ITEM B-2

REQUEST FOR APPROVAL TO HOLD PUBLIC HEARING TO AMEND THE DEPARTMENT'S ADMINISTRATIVE RULES RELATING TO AQUATIC RESOURCES.

ACTION

Unanimously approved as submitted. (Zalopany/Arisumi)²

ADDED ITEM B-3 OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA AND MEMBER OF THE BOARD TO ATTEND THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL MEETING IN SAIPAN, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS (CNMI) AND GUAM.

ACTION

Unanimously approved as submitted. (Kealoha/Zalopany)

CLARENCE F. T. CHING REQUEST FOR RIGHT-OF-ENTRY TO KANIAKAPUPU, THE SUMMER PALACE OF KAMEHAMEHA III AT LUAKAHA, NUUANU WITHIN THE CLOSED WATERSHED PORTION OF THE HONOLULU WATERSHED FOREST RESERVE.

Mr. Kealoha asked that this matter be deferred in order that the board members may visit the site before taking action.

Mr. Clarence Ching, Chairman of Malama Kaniakapupu committee to do this project presented pictures of the area to the board. He then continued to explain what the area was and the reason they want to restore the area. He said that Hawaii's 1000 Friends have received a \$500.00 grant to do a stabilization study and they have obtained the services of Dr. Davis who is an archaeologist to do this study. They are requesting this right-of-entry so that Dr. Davis can get in there to do this study. In addition, they are trying to raise money for this project.

Mr. Kealoha asked Mr. Ching if he could take the board through the area.

Mr. Ching said he would be happy to do this at the board's convenience.

ACTION Deferred.

ITEM D-1

COOPERATIVE MANAGEMENT AGREEMENT NO. 1 WITH HAWAIIAN HOMES COMMISSION FOR THE MOLOKAI 'OHAI PLANT RESERVE.

ACTION Unanimously approved as submitted. (Zalopany/Kealoha)

COOPERATIVE AGREEMENT BETWEEN THE BOARD OF LAND AND NATURAL RESOURCES AND THE U. S. DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, FOR

ITEM C-3 ENDANGERED FOREST BIRD CAPTIVE PROPAGATION.

(Unanimously approved as submitted. See Page 12.)

MUTUAL AID AGREEMENT BETWEEN THE DIVISION OF FORESTRY AND WILDLIFE AND THE COUNTY OF KAUAI.

ACTION Unanimously approved as submitted. (Zalopany/Kealoha)

ADDED OUT-OF-STATE TRAVEL REQUEST FOR LIBERT K. LANDGRAF, ADMINISTRATOR, DIVISION OF FORESTRY AND WILDLIFE.

ACTION Unanimously approved as submitted. (Arisumi/Zalopany)

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

(Unanimously approved as submitted. See Page 8.)

PERMISSION TO HIRE A CONSULTANT FOR A FIVE-YEAR REVIEW AND RE-EVALUATION OF GROUND WATER CONDITIONS IN THE PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.

ACTION Unanimously approved as submitted. (Ing/Zalopany)

APPROVAL OF COOPERATIVE GEOLOGIC MAPPING AGREEMENT FOR FISCAL YEAR 1987 WITH U. S. GEOLOGICAL SURVEY FOR GEOLOGIC MAPPING OF THE ISLAND OF HAWAII.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM D-4 SOIL AND WATER CONSERVATION DISTRICT DIRECTOR, MOLOKAI.

ACTION Mr. Arisumi moved to certify Mr. Charles Busby for the term ending June 30, 1987 to serve as Director of the Molokai-Lanai Soil and Water Conservation District. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM E-1	FILLING OF POSITION NO. 10015, GROUNDSKEEPER I, WASHINGTON PLACE OAHU PARKS SECTION.
ACTION	Mr. Kealoha moved to approve the appointment of Mr. Florentino Feliciano to fill Position No. 10015. Seconded by Mr. Zalopany, motion carried unanimously.
ITEM E-2	FILLING OF POSITION NO. 30028, PARK CARETAKER II, KAHANA VALLEY STATE PARK, OAHU PARK SECTION.
ACTION	Mr. Ing moved to approve the appointment of Mr. Richard Danuser to fill Position No. 30028. Seconded by Mr. Zalopany, motion carried unanimously.
ITEM E-3	REQUEST FOR PERMISSION TO USE IOLANI PALACE GROUNDS FOR A PROGRAM TO CELEBRATE THE HAWAIIAN, HO'OLAKO 1987.
ACTION	Deferred. Mr. Nagata to get more information about the applicant.
ITEM E-4	APPROVAL OF STATE GRANTS-IN-AID FOR HISTORIC PRESERVATION PROJECTS.
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
ITEM E-5	REQUEST TO USE AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) FOR AN RRCA CHAMPIONSHIP 5-KILOMETER RACE.
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM E-6	REQUEST PERMISSION TO USE PUU UALAKAA STATE WAYSIDE FOR SUNRISE SERVICE, SERVICE, OAHU PARK SECTION.
	Mr. Nagata said that the applicant has asked that this item be withdrawn.
ACTION	Withdrawn.
ITEM F-1	DOCUMENTS FOR CONSIDERATION.
Item F-1-a	HARRY M. S. FONG REQUEST FOR CONSENT TO ASSIGNMENT OF GRANT OF EASEMENT NO. S-4558 TO ROCHELLE LEIMOMI CRAFT, HAUULA, KOOLAULOA, OAHU.
Item F-1-b	DANIEL LAPPALA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4766, LOT 29, PANAEWA AG. PARK, WAIAKEA, SO. HILO, ḤAWAII TO EMIL J. YADAO.
<u>Item F-l-c</u>	TAKASHI UEDA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-5044, LOT 89, KOKEE CAMP SITE LOTS, WAIMEA, KAUAI TO KOKEE MOUNTAIN HOUSE, INC.
Item F-1-d	AVELINA DURAN AND HERBERT SEMARA REQUEST FOR CONSENT TO TRANSFER SSA NO. S-5587 COVERING LOT 5, BLOCK K, KAPAA TOWN LOTS, 1ST SERIES, KAPAA, KAUAI
<u>Item F-l-e</u>	WANDA WOODS, ET AL APPLICATION FOR REVOCABLE PERMIT, KAPAA, KAUAI FOR HOME GARDEN USE. RENT: \$11.00 PER MO.
Item F-l-f	HELEN & LILY BERNARD REQUEST FOR ISSUANCE OF LAND PATENT IN CONFIRMATION OF LCA NO. 8559-B, APANA 3, TO WILLIAM C. LUNALILO, NO. KOHALA, HAWAII.
ACTION	Mr. Kealoha moved to approve Items F-l-a through F-l-f as submitted. Seconded by Mr. Zalopany, motion carried unanimously.
ITEM F-2	DOT REQUEST FOR CONSTRUCTION RIGHT OF ENTRY AND EXECUTIVE ORDER SETTING ASIDE LAND REQUIRED FOR HIGHWAY USE, SO. HILO, HAWAII.
ACTION	Mr. Zalopany moved to approve subject to the conditions listed in the submittal. Motion carried with a second by Mr. Ing.

Mr. Arata was excused from voting on this item.

DOT REQUEST FOR RIGHT OF ENTRY FOR MANAWAINUI BRIDGE REPLACEMENT. ITEM F-3 KALAMAULA, MOLOKAI. ACTION Unanimously approved subject to the conditions listed in the submittal. (Arisumi/Zalopany) RESUBMITTAL - MICHAEL DIMITRION APPLICATION TO PURCHASE ABANDONED SECTION OF WAIKELE ROAD, WAIKELE, EWA, OAHU. ITEM F-4 Mr. Detor said that this item was deferred at the last meeting because there was some confusion about use of the area. Mr. Dimitrion had applied to purchase the area and the Bank and the other abutting owners had waived so the applicant could buy the whole area. However, he was to give the people who have a three story apartment building an easement and also allow the bank to use a portion of the area. So he has an agreement with these people for them to use these areas should he be allowed to buy the whole thing. Mr. Ing understood that they were going to waive on the condition that they not use it for certain purposes. He felt that this was something strictly between the parties involved. Mr. Detor said that it will be used in consolidation. He did not feel that it was up to staff to make this requirement. Accordingly, he asked that staff's recommendation no. 6 be amended as follows: The subject remnant shall be used in consolidation with the Applicant's adjoining fee property. Mr. Ing moved to approve with an amendment that there be a period after the ACTION word "property" in Condition No. 6 and the rest to be deleted. Seconded by Mr. Zalopany, motion carried unanimously. RESUBMITTAL - STAFF RECOMMENDATION TO SERVE NOTICES OF DEFAULT, KAHANA ITEM F-5 VALLEY REVOCABLE PERMITS, KAHANA, OAHU. (See Page 11 for Action.) DIAMOND HEAD RACQUET CLUB ASSOCIATION APPLICATION TO LEASE LAND AT FORT ITEM F-6 RUGER, HONOLULU, OAHU. (See Page 6 for Action.) CITY & COUNTY OF HONOLULU APPLICATION FOR SEWER AND WATER LINE EASEMENTS, ITEM F-7 KALIHI, HONOLULU, OAHU. ACTION Unanimously approved as submitted. (Ing/Arisumi) STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LAND AND ITEM F-8 IMPROVEMENTS AT HANAPEPE, KAUAI.

(See Page 12 for Action.)

(See Page 10 for Action.)

PLAZA, HONOLULU, OAHU.

ACTION

ITEM F-9

ITEM F-10

Unanimously approved as submitted. (Zalopany/Kealoha)

MICHAEL MILLER APPLICATION FOR ACCESS EASEMENT, HANALEI, KAUAI.

DPED REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 860, CENTRAL PACIFIC

DSSH REQUEST FOR ACQUISITION OF LEASE COVERING SPACE IN THE J. WALTER ITEM F-11 CAMERON CENTER, WAILUKU, MAUI. ACTION Deferred. Mr. Arisumi to find out why rental charged is so low. DOH REQUEST FOR APPROVAL OF AMENDMENT OF LEASE COVERING ROOM 300 OF THE BETHEL-PAUAHI BUILDING, HONOLULU, OAHU. ITEM F-12 ACTION Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Zalopany) CITY & COUNTY OF HONOLULU REQUEST FOR AN AMENDMENT OF PREVIOUS BOARD ACTION (6/13/86, AGENDA ITEM F-12) ON EXECUTIVE ORDER SETTING ASIDE LAND FOR ADDITION TO MORGUE SITE, IWILEI, HONOLULU, OAHU. ITEM F-13 **ACTION** Unanimously approved as submitted. (Ing/Kealoha) CDUA FOR REPLACEMENT OF A STEEL TOWER STRUCTURE, LIQUID PROPANE TANKS, AND ITEM H-1 2 ANTENNAS AT PUU MANAWAHUA, EWA, OAHU. Mr. Ing said that we have recently been trying to get more people to consolidate their antennas. In this respect, he asked Mr. Evans if he knew whether anyone else was on this tower besides HECO. Mr. Evans did not know but said that he would find out. Mr. Ing said that he just wanted a condition which would allow others to put antennas on that tower if it is available. Mr. Evans said that, should the board approve this, as a part of the letter of approval staff could incorporate into that letter an expression of the feelings to combine the antenna as much as possible by different users. ACTION Mr. Ing moved for approval as submitted. Seconded by Mr. Kealoha, motion carried unanimously. ITEM H-2 CDUA FOR THE LAUPAHOEHOE NAVIGATIONAL IMPROVEMENTS AT LAUPAHOEHOE, HAWAII. Unanimously approved as submitted. (Arata/Zalopany) ACTION CDUA FOR KAUMANA-KEAMUKU 138 KV TRANSMISSION LINE ADJUSTMENTS. ITEM H-3 (See Page 7 for Action.) CDUA FOR A NONCONFORMING SINGLE FAMILY RESIDENCE AT HAENA, KAUAI. ITEM H-4 (Unanimously approved as submitted. See Page 8.) CDUA FOR A SINGLE FAMILY RESIDENTIAL USE AT LAUPAHOEHOE POINT, NORTH HILO, ITEM H-5 HAWAII. **ACTION** Unanimously approved as submitted. (Arata/Zalopany) REQUEST TO AMEND A USE PREVIOUSLY APPROVED: GREENHOUSE FOR LYON ARBORETUM ITEM H-6 TO INCLUDE RENOVATION AND CONSTRUCTION.

(See Page 11 for Action.)

INFORMATION ONLY	Mr. Evans said that staff has been reviewing their formats of CDUA's and have been looking for ways that they may be able to cut down a little bit and have found that one area where they might be able to do this is in some of the summary of comments. Staff would like to come in to the board in the future with a CDUA which would have some cutting down of the "Comments" section.
	Mr. Ono asked that Mr. Evans try this but to make sure that he has the backup material.
ITEM H-7	TEMPORARY VARIANCE TO CONDUCT ENVIRONMENTAL STUDIES FOR USE IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT STATEMENT FOR A HYDROELECTRIC PROJECT AT THE WAILUKU RIVER AND HOOKELEKELE STREAM AT SOUTH HILO, HAWAII.
ACTION	Unanimously approved as submitted. (Arata/Kealoha)
ITEM H-8	TIME EXTENSION OF CDUA FOR PERIODIC MAINTENANCE AT VARIOUS STREAM MOUTHS.
	Mr. Ing asked whether the City & County of Honolulu has been submitting one month prior to each instance of work data as to location, method, duration of work, amount of material to be moved, etc.
	Mr. Evans said that he would have to go back and check the records.
ACTION	Mr. Ing moved to defer to the next meeting of the board. Mr. Evans to obtain additional information with respect to Mr. Ing's question. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM H-9	CANCELLATION OF THE BOARD'S FEBRUARY 25, 1983 DECISION AND ORDER ON CDUA TO EXPLORE AND DEVELOP 250 MW OF GEOTHERMAL ENERGY AT KAHAUALEA, HAWAII.
	(Unanimously approved as submitted. See Page 8.)
ITEM H-10	REQUEST FOR HEARING MASTER.
	Mr. Evans asked that two more CDUA's be added to this list number 1937 and 1931.
ACTION	Mr. Kealoha moved for approval as amended. Motion carried with a second by Mr. Zalopany.
	Mr. Ing was excused from voting on this item.
ITEM H-11	REQUEST TO AMEND A CONDITION IMPOSED ON CDUA FOR THE KAUMANA-KEAMUKU 138 KV TRANSMISSION LINE ON THE ISLAND OF HAWAII.
	(See Page 8 for Action.)
ITEM J-1	LEASE - VENDING MACHINE AGREEMENT, HIA, OAHU (ROYAL MAINTENANCE SERVICE CORP.)
	Mr. Vincent asked to change "Royal Maintenance Service Corp." to Royal Maintenance Service, Inc."
ACTION	Unanimously approved as amended. (Ing/Kealoha)
ITEM J-2	AMENDMENT NO. 2 TO LEASE NO. DOT-A-77-21, HIA, OAHU (AIRTOUR ACQUISITION CORP.).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-3	AMENDMENT NO. 9 TO LEASE NO. DOT-A-78-2, HIA, OAHU (MARRIOTT CORP.)

Unanimously approved as submitted. (Ing/Arisumi)

ACTION

ITEM J-4	APPLICATION FOR ISSUANCE OR REVOCABLE PERMIT, AIRPORTS DIVISION.
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
ITEM J-5	RENEWAL OF REVOCABLE PERMITS, AIRPOTS DIVISION.
ACTION	Unanimously approved as submitted. (Kealoha/Zalopany)
ITEM J-6	LEASE - VENDING MACHINE AGREEMENT, ALA WAI BOAT HARBOR, OAHU (RUDY R. VELA).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-7	CONSENT TO SUBLEASE - LEASE NO. 42, PIER 35, HONOLULU HARBOR, OAHU (NATIONAL CO., INC. TO ABERDEEN OF HAWAII, LTD. AND GEMINI WINDOW CORP.).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-8	ISSUANCE OF REVOCABLE PERMIT, PIER 24, HONOLULU HARBOR, OAHU (YOUNG BROTHERS LTD.).
ACTION	Mr. Kealoha moved to approve as submitted. Motion carried with a second by Mr. Arisumi.
	Mr. Ing was excused from voting on this item.
ITEM J-9	ISSUANCE OF REVOCABLE PERMIT, PIER 24, HONOLULU HARBOR, OAHU (DILLINGHAM TUG AND BARGE CORP.).
ACTION	Unanimously approved as submitted. (Kealoha/Zalopany)
ITEM J-10	ISSUANCE OF REVOCABLE PERMIT, PIER 8, HONOLULU HARBOR, OAHU (DHC, INC.)
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-11	ISSUANCE OF REVOCABLE PERMIT, PIER 14, HONOLULU HARBOR, OAHU (UAUKEWAI DIVING, SALVAGE, AND FISHING, INC.).
ACTION	Unanimously approved as submitted. (Arisumi/Ing)
ITEM J-12	ISSUANCE OF REVOCABLE PERMIT, PIER 35, HONOLULU HARBOR, OAHU (FLYNN-LEARNER).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-13	ISSUANCE OF REVOCABLE PERMIT, HALEIWA SMALL BOAT HARBOR, OAHU (THE NORTH SHORE RESOURCE, INC.).
ACTION	Unanimously approved as submitted. (Kealoha/Zalopany)
ITEM J-14	CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.
ACTION	Mr. Kealoha moved to approve as submitted. Motion carried with a second by Mr. Zalopany.
	Mr. Ing was excused from voting on this item.
ITEM J-15	USE OF HARBORS DIVISION FACILITIES, PIER 10 AND 11, HONOLULU HARBOR, OAHU HONOLULU MARATHON ASSOCIATION).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-16

USE OF HARBORS DIVISION FACILITIES, PIER 9 AND 10, HONOLULU HARBOR, OAHU (THE HONOLULU ADVERTISER).

ACTION

Withdrawn, at Mr. Vincent's request.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:45 p.m.

Respectfully submitted,

Mrs. LaVerne Tirrell

Secretary

APPROVED:

SÚSUMU ONO Chairperson

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