

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

DATE: October 10, 1986
TIME: 9:00 A.M.
PLACE: State Office Building
Conference Rooms A, B, & C
75 Aupuni Street
Hilo, Hawaii 96720

ROLL
CALL

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

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

STAFF: Mr. Manabu Tagomori
Mr. James Detor
Mr. Ralston Nagata
Mr. Roger Evans
Mrs. Debbie Ishado
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.
Mr. Peter Garcia, D.O.T.
Mr. Ken Smith (Item F-3)
Mr. Herb Minakami (Item F-9)
Mr. Gerald Grimes (Item H-3)
Mr. Mike Moore (Item H-5)
Mr. Bill Bass (Item H-6)
Mr. Edward Crook (Item H-7)
Mr. Greig Pommerenk (Item H-9)
Mr. Dave Arakawa (Item H-10)
Capt. Wiedeman (Item H-11)

MINUTES:

Mr. Ing moved to approve the minutes of August 22, 1986 as circulated. Motion carried unanimously with a second by Mr. Kealoha.

ADDED
ITEMS:

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

Item C-1 -- Out-of-State Travel Request to Washington, D.C. for Victor Tanimoto, Forest Entomologist.

Item D-7 -- Permission to Advertise for Bids, Job No. 42-HW-B, Olaa Station No. 4 Reservoir, Olaa, Hawaii.

Item D-8 -- Approval for Award of Contract - Job No. 35-9W-F, Drilling Kualapuu Mauka Exploratory Well (0801-03), Kualapuu, Molokai.

Item E-5 -- Approval of State Grants-in-Aid for Historic Preservation Project.

Item H-13 -- Authorization to Appoint a Public Hearing Master to Hear Conservation District Use Application.

Item H-14 -- Request for Approval to Contract with the Research Corporation of the University of Hawaii for Assistance in Updating the State Aquaculture Development Plan.

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

ITEM F-9

CITY & COUNTY OF HONOLULU, BOARD OF WATER SUPPLY, REQUEST FOR EXECUTIVE ORDER SETTING ASIDE RESERVOIR SITE AND EASEMENTS, KAHANA VALLEY, KOOLAULOA, OAHU.

Mr. Detor said that Recommendation B.2 on page 3 of the submittal presently reads that the Kahana State Park shall be provided at no cost to the State of Hawaii with water from the reservoir and a water meter with the size to be determined by the Division of State Parks. He said that the Board of Water Supply is unable to waive the water charges because of their rules and regs. They are able, however, to waive the facility installation charges. Accordingly, Mr. Detor recommended that B.2 be stricken completely from the recommendation.

Regarding the facility charges, Mr. Ono asked if they would still have to go back to the Board of Water Supply.

Mr. Detor said, yes.

With regard to the CDUA conditions and the moratorium proposed, Mr. Ing asked whether the moratorium had been lifted.

Mr. Detor was not sure.

Mr. Herbert Minakami, Chief of Planning, Board of Water Supply, said that the moratorium was ended on December, 1985.

Mr. Ing said that there was a one year commencement date from the termination of the moratorium when you will have to start work on the construction.

Mr. Minakami said that they have already sent out to bid but they have to give the contractor the notice to proceed.

Mr. Kealoha asked Mr. Detor if Condition No. 16 on page 2 was necessary.

Mr. Detor said that these are conditions that were approved by the board in connection with the CDUA. Although they are listed in the submittal, they are not specifically listed in the recommendation. In answer to Mr. Kealoha's question he said, no, it would not be necessary.

Mr. Ing asked if the authorization is for subdivision of the parcels and to set them aside.

Mr. Detor said there are three actions here:

1. Authorize subdivision of the parcel into two lots for the purpose of establishing the reservoir.
2. Approve and then in turn recommend to the Governor issuance of an executive order placing the reservoir site easement aside to the Board of Water Supply.
3. Give them a right of entry to go ahead and install the reservoir and roadway.

Mr. Ing asked whether the reservoir was a subject of a CDUA.

Mr. Evans was not sure whether it was a part of the CDUA.

Mr. Ono asked whether the Kahana Valley Advisory Committee had been notified of today's submittal.

Mr. Detor believed they were.

ACTION

Mr. Ing moved to approve with the following amendment:

1. With respect to Recommendation A. that the subdivision action be subject to verification of whether or not it was part of a conservation district use application and if the subdivision use is not a part of the CDUA then that matter be cleared up.

Mr. Ono asked about B.2

Mr. Ing further amended his motion by adding that B.2 be deleted.

Mr. Ono asked, "if we delete B.2 in its entirety, it is with the understanding that the State Parks Division would pay for a water meter?"

Mr. Detor said that the facilities charge is to be waived by the Board of Water Supply.

Mr. Ono said that B.2 mentions both the water and the water meter.

Mr. Ing said that his amendment is not for further deletion of B.2 but only that portion dealing with payment of water.

Mr. Kealoha seconded. Motion carried unanimously.

ITEM H-5

REQUEST FOR TIME EXTENSION ON CDUA FOR A STORM DRAINAGE OUTLET AT KIHEI, MAUI.

Mr. Evans said that the applicant is requesting that the CDUA granted on August 9, 1985 be extended for another year, up to and including August 9, 1987. The developer of the property has been unable to begin construction of the drainage outlet in the State Conservation District prior to August 9, 1986. The developer has had some difficulties with a partner over the past year, resulting in a change in the developing entity.

Mr. Evans said that staff did receive a letter requesting an extension prior to the one year period. Staff feels that the applicant's request is reasonable and, therefore, is recommending approval.

ACTION

Mr. Arisumi moved to approve with the following conditions:

1. That the applicant comply with all applicable conditions imposed under CDUA MA-1782; and
2. That the new deadline to initiate construction on the project is August 9, 1987 with construction to be completed by August 9, 1989.

Mr. Zalopany seconded. Motion carried unanimously.

ITEM H-6

CDUA FOR A SUBDIVISION FOR AN ELECTRICAL SUBSTATION AND ACCESSORY USES AT KEAHOLE, NORTH KONA, HAWAII.

Mr. Evans said that, should the board approve this request, the following Condition 10 be added:

10. That the board authorize a right of entry to commence work.

ACTION

Unanimously approved as amended. (Arata/Kealoha)

CDUA FOR A SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, AGRICULTURAL, AND STABLE USE AT OLOMANA, OAHU.

Mr. Evans informed the board that written testimony was received from both the Kailua Neighborhood Board and Pohakupu County Association in opposition. Basically, they were concerned with two things: 1) view and 2) precedence. Staff's analysis is that, in terms of the view, you will not really be able to see what is occurring on the property either from the public road or from other private properties in the area. In terms of potential precedence, staff notes that it is in the general subzone and the subzone does not give any particular criteria for conservation land. Also, the Waimanalo area of Oahu is enumerated with this type of activity. Accordingly, staff is recommending approval with conditions.

With regard to the condition on the general subzone, Mr. Kealoha asked if commercial activity was permitted.

Mr. Evans said that commercial activity is permitted in any subzone should it be the board's discretion to permit it.

Mr. Gerald Grimes said that he will not be able to make his stable as large as originally shown on the plan. In order to make it that long and also comply with the expected setback to be imposed by the City and County from the roadway would require him to cut into the land substantially. Therefore, he has eliminated the 12-foot overhang as shown on either side of the building. He will therefore have only eight stalls instead of twelve.

With respect to the board's concerns about other commercial activities, he will only be engaging in the rental of stables and selling of ti leaves. He has no intention of having a retail store or anything else.

Mr. Ono asked Mr. Grimes if had a problem with the board adding a very specific condition that if he went into any other kind of commercial activity he would have to come back to the board.

Mr. Grimes said that he had no problems with the conditions.

Mr. Ono asked what kind of material would be used for the driveway from the stable to the house.

Mr. Grimes said that he would be using concrete -- but building a two-track concrete roadway to accommodate the grass. The reason is that he has found where there is a steep driveway the water accumulates during heavy rains and creates a river that comes down a totally concrete driveway which becomes unmanageable as it comes further down.

ACTION

Mr. Ing moved to approve with the following amendments:

1. With regard to the very opening sentence under "RECOMMENDATION", that it be amended as follows:
"Following the words "commercial agriculture" insert "consisting of ti leaf plants".
2. With regard to Condition 6, following the words "commercial purposes" add "except as authorized herein".
3. With regard to Condition 8, beginning at the sentence delete the word "The" and insert the word "Any". After the words "Conservation District on line 3, insert the words "authorized by the board". The remainder of the paragraph remains the same.

Motion carried unanimously with a second by Mr. Kealoha.

ITEM H-10

REQUEST TO MODIFY A CONDITION OF APPROVAL ON THE CDUA FOR 1) DREDGING OF SWIMMING LAGOON CHANNELS; 2) INSTALLING PATHS AND VIEWING PLATFORMS; AND 3) LANDSCAPING AND SHORELINE MODIFICATION ON STATE-OWNED SUBMERGED LANDS ADJACENT TO THE WEST BEACH DEVELOPMENT AT HONOULIULI, EWA, OAHU.

Mr. Evans said that there were some typo errors in Condition 12.c. Staff is therefore recommending that it be amended as follows.

- . Site number 1478 should be 1448; and
- . Site 2719 should be included and not deleted as mentioned in the submittal.

Mr. Ing asked if the applicant concurred with these changes.

Mr. Evans said that this was called to his attention by the applicant.

ACTION

Unanimously approved as amended. (Ing/Zalopany)

ITEM F-7

HILTON HAWAIIAN VILLAGE JOINT VENTURE APPLICATION FOR SIDEWALK, UTILITIES, AND DRAINAGE EASEMENT, KALIA, WAIKIKI, OAHU.

Mr. Ono asked what would happen if the request is not approved.

Mr. Detor said that if the State wanted the sidewalk to remain then the State would be responsible for taking care of it.

Mr. Ono felt that the board should know what the implications would be should they approve or disapprove.

Mr. Kealoha asked Mr. Detor what our agreement was with the hotel with respect to the easement.

Mr. Detor said that we have no agreement, but they do have a permit.

Assuming it is approved, Mr. Ono asked Mr. Detor what approach would be used insofar as payment to the State is concerned.

Mr. Detor said there would be an appraisal then there would be a lease for an easement for a term of years.

ACTION

Mr. Ing moved to approve with the following amendment:

1. That item B.1 be amended by adding the sentence "that the Hilton Hawaiian Village Joint Venture shall be required to put signs along the sidewalks indicating the fact that it is public property and that the wording of the signs, the number of signs, the placement of the signs, etc. are to be approved by the Chairman.

Seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-1

CDUA TO OPERATE A COMMERCIAL SIGHT-SEEING TOUR AT MAUNA KEA SUMMIT, HAWAII.

Calling the board's attention to Condition No. 17, Mr. Evans said that, should the board approve this request, this approval is for an "interim basis" only and will be rendered null and void upon the completion of the Mauna Kea Management Plan covering commercial uses. Once that plan is in effect staff would expect all commercial use of this nature to come under the auspices of that plan.

Mr. Arata asked Mr. Evans, "what is considered interim basis?"

Mr. Evans said that in this case there is a time element -- this time element being until the University completes their plan.

Mr. Arata asked whether the restroom facilities are adequate.

Mr. Evans said that based upon this particular program: 1) they do propose to use Hale Pohaku and the University has agreed to this, 2) they do not propose to use anything at the summit except on emergency basis. Also, with this particular tour, there is to be no snowplay or to take people up for skiing.

ACTION

Mr. Arata moved to approve as recommended by staff.

Mr. Ono questioned Recommendation 17. According to the Condition, this application is to be rescinded upon adoption of the Mauna Kea Management Plan covering commercial uses. He asked, "what happens if this applicant has been carrying passengers up there and next month the University's plan is completed. Does he have to come back with another CDUA?" Mr. Ono said this is assuming that the management plan permits this type of operation.

Mr. Evans said that should the University complete its plan next month then the sequence to that is that the University implements its commercial plan. Staff would expect the University to come in with a CDUA for commercial use of the mountain. In terms as to how it would affect this particular individual, staff made no judgement as to whether or not the plan would be consistent or inconsistent. If it is inconsistent, then staff would have it stopped. On the other hand, if it is consistent, there may not be any requirement for them to stop.

Mr. Ono said that the condition requires them to stop whether it's consistent or not. He asked if this was staff's intent.

Mr. Evans said that the intent was that staff not give an open-ended approval to this particular applicant. He said that one alternative to cover the Chairman's suggestion is to add "if inconsistent" after the words "Mauna Kea Management Plan" which is shown on the third line of Condition 17.

Mr. Ono did not want to give the applicant any more additional privileges. By the same token he did not want to make it very impractical for the applicant to operate. The new phrasing sounds like this is to be grandfathered in.

Mr. Evans said this is not what he wants to do. Maybe, rather than say "null and void" they could say "voidable".

Mr. Ono asked the applicant whether he had reviewed the conditions.

The applicant felt the same way Mr. Ono did about Condition 17. He preferred that the application be reviewed instead of null and void.

Mr. Ono asked Mr. Arata whether he had any problems with the approach that another review be conducted at the time the management plan is adopted, which may or may not suggest another series of application. It at least will not be an abrupt stop of operation.

Mr. Arata had no objection and amended his motion accordingly.

Mr. Zalopany seconded.

Mr. Ing just wanted it understood that this use is not to be grandfathered under conditions.

Assuming this application is approved, Mr. Kealoha asked whether it would preclude anyone else from going to the summit at the same time that this tour goes up.

Mr. Evans said, no.

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

ITEM H-11

REQUEST TO AMEND A USE PREVIOUSLY APPROVED FOR THE DEEP SPACE RESEARCH AND TRACKING FACILITY AT HALEAKALA, MAUI.

On July 2, 1986, the Army Corps of Engineers had requested that Condition 9 be withdrawn or be clarified. This condition reads:

9. The State of Hawaii shall be allowed to enter and inspect the facility at any time.

They are now requesting that inspections be at mutually convenient times and that the on-site program manager be present.

Condition 9 was imposed in response to concern expressed at the December 1985 Board meeting that, in the future, the equipment might be used in a manner unlike that described by Capt. Weidemann but that might be damaging to residents or embarrassing to the State or the U. S. Government.

Mr. Evans said that the Air Force's position is that as far as inspection is concerned, the site can be visited and the buildings inspected upon completion, to ensure compliance with the CDUA. After this inspection, any visit must be made in accordance with normal Air Force procedures. Two weeks notice is usually required as requests are handled via the Rome Air Development Center, Rome, N.Y. For emergencies Captain Weidemann can be contacted by telephone and the matter promptly expedited. Inspection would involve the premises but not "classified information."

Staff is recommending that Condition 9. stand.

Captain Wiedmann, on-site manager and representative of the U. S. Air Force, said he had stated in their reply that it is not their intention to restrict the board access to the facility. Because they are a research facility engaged in some classified work they are simply asking that if the board requires access that they follow channels that experimenter, visitors and Department of Defense and University agencies currently follow.

Mr. Ono asked Captain Wiedmann if he felt it unreasonable for the landowner to impose conditions to be able to visit the site at any time.

Captain Wiedmann said no problem with the visits, only that procedures are followed for requested visits. Normal visits usually take about ten days to process. However, emergency requests could be done with a phone call and will probably be processed during the time the request is written up.

Mr. Ono said that one of the reasons for this condition is because of past history associated with leasing lands to the military for research purposes.

Captain Wiedmann said that it is not their intent to deny DLNR access.

Mr. Arisumi suggested that this item be deferred and that Mr. Evans and Captain Wiedmann work out the language.

ACTION

Mr. Ing moved that the matter be deferred to allow Mr. Evans to work with Wiedmann to come up with additional language that would allow certain members of the department or board immediate access whether it's by way of pre-authorized clearance or whatever. Mr. Arisumi seconded.

Mr. Ing said that he does share the Chairman's concern about having immediate access. He did not know of any other way to police the military. He felt that too much is done in the name of national security without the input from local jurisdictions.

Mr. Kealoha felt Condition No. 9 is clear the way it is -- the landowner should be able to go in at any time for inspection purposes. He did not know why additional language was necessary. If they do not agree with our conditions then they should conduct these activities on Federal land.

Mr. Ono called for the vote. Motion carried with a majority vote.

Mr. Kealoha voted no.

ITEM F-3

HAWAII CONFERENCE FOUNDATION (HCF) APPLICATION TO LEASE THE HALE HALAWAI O HOLUALOA SITE, NO. KONA, HAWAII.

Mr. Detor called to the board's attention Condition No. 4 on page 3 requesting that building plans be submitted to and approved by the Chairperson prior to start of construction.

Mr. Detor said that in talking to the applicant, he found that they are talking in terms of a two-story building on the premises. He understood that the additional facility would be showers, bathroom facilities, etc.

Mr. Kealoha asked Mr. Detor what his recommendation would have been had he heard about the two story building.

Mr. Detor said that, personally, he cannot see a two-story building on the premises and would probably have recommended against it.

Mr. Arata suggested that this item be deferred.

Mr. Ken Smith explained that this was the plan which was presented at the July meeting. The concept was that as a youth ministry they would be able to provide the restrooms, showers, a locker and storage area, sports equipment, etc. They would also like to be able to provide some kind of food service at times in an area where they can talk story and also a counseling area so youths who have a problem could have a non-interrupted area to share and communicate. That is what they were hoping to use the adjacent hall for.

Mr. Arata said that he was of the opinion that the project was one of restoration. There was no indication that there would be food service or other recreational-type activities. There was also no mention of any structures being constructed. What the board is looking at today seems to be totally different from what was addressed at the hearing.

Mr. Smith said that this was probably his fault. He meant to cover this but probably did not.

Mr. Arata thought that whatever had to be improved e.g. office, restaurant, etc. would be done in the building being restored and not in another facility.

Mr. Owen Chock, past president of the Association, said that he could not respond except that they did submit a letter. He thought that, by inference, an accessory building would be allowed to carry on their activities.

Mr. Arata asked Mr. Chock if he was aware that staff would have denied this application had they realized a two story structure was to be built.

Mr. Ing said that he had no problem with the ancillary building. However, it has to be ancillary, it cannot become the major feature of the site. Other concerns which he had and which have been addressed by this submittal is that it is his understanding that the area would be open to the public. In his mind it was very clear at the public hearing and he wants the language in the submittal addressed because once the church takes it over they sometimes get the attitude that it is theirs and the public has no access to the area.

Mr. Ono said that the plan is eventually to restore the church and asked Mr. Chock if he had any idea how long this would take.

Mr. Chock replied, 1989.

Mr. Ono did not want to have the ancillary building approved and built and the church does not get restored.

ACTION

Mr. Arata moved for approval as recommended by staff.

Mr. Kealoha seconded.

For clarification, Mr. Ono asked Mr. Arata whether Item 4 would still remain without any amendment.

Mr. Arata said, yes.

Mr. Ono asked "then the implication is that they can still proceed with planning for the construction of the ancillary facility, subject to review of the plans?"

"Right", said Mr. Arata.

Mr. Ing asked Mr. Arata if he could include some language in the motion wherein the public could use the property.

Mr. Arata voiced no objection to including language wherein the public is invited.

ITEM H-8

REQUEST FOR TIME EXTENSION ON THE CDUA FOR NON-CONFORMING SINGLE FAMILY RESIDENTIAL USE AT LANIKAI, OAHU.

Mr. Ing asked the applicant whether he had any problems with the conditions listed in the submittal.

The applicant did voice concern with Condition No. 3. He said that he was not aware of any law or regulation that would provide for automatic abandonment of the nonconforming use of a piece of property simply because improved use was not implemented for whatever reason.

ACTION

Mr. Ing moved to approve subject to the deletion of Condition No. 3. Seconded by Mr Arisumi, motion carried unanimously.

ITEM H-9

REQUEST TO MODIFY A CONDITION OF APPROVAL ON CDUA HA-1593 FOR A NON-CONFORMING SINGLE FAMILY RESIDENTIAL USE AT KAPOHO, HAWAII.

Mr. Evans recommended that this request to modify a condition of approval be denied for the reason that the commercial rental use of a single family residential dwelling in the Conservation District is not consistent with the purpose and intent of the Conservation District.

Mr. Kealoha asked Mr. Pommerenk whether his present dwelling was on conservation or agriculture land.

Mr. Pommerenk said, "agriculture".

ACTION

Mr. Arata moved to approve as recommended by staff. Motion carried unanimously with a second by Mr. Kealoha.

ITEM H-7

CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT KOKOKAHI, OAHU.

Mr. Evans recommended approval of this request with conditions. He called the board's attention to Condition No. 11 which requires the applicant to take appropriate measures to prevent any loose boulders from falling down the slopes and causing damage to the existing homes in the lower area.

Mr. Ono asked, "what if the boulders should roll down the hillside and cause damage?"

Mr. Evans felt that because of this specific condition the developer and landowner are 100% liable.

Mr. Kealoha did not see this in the condition.

When asked by Mr. Ono if this would be adequate protection, Deputy A.G. Wong stated that this should be in writing.

Another concern Mr. Ono had with Condition 11 is that it only talked about existing homes. He felt that other properties might be involved and possibly even lives.

Mr. Ono asked whether Condition 11 was expected to cover more than the construction period.

Mr. Evans felt that it could be covered longer insofar as the conditional use that the board is granting has no time limit on it, that the condition that goes along with that conditional use has no time limit on it also. So the answer, without discussing it with the individual owners would be yes, it should cover the life of the term of the conditional use permit.

Mr. Ing said that in the past where we had a similar situation we had the applicant have their plans reviewed and approved by a civil engineer and a soil engineer so that it would give some assurance that construction would be stable. He felt that maybe this condition should also be added.

Mr. Ono asked Mr. Crook whether he had any problems with the conditions listed in the submittal as well as those which were recommended to be added.

Mr. Crook said, no.

ACTION

Mr. Ing moved to approve with the following amendments:

1. With reference to Condition No. 8, that the first word "The" be deleted and the word "Any" be added. That, after the words "Conservation District" shown on the third line the words "authorized by the board" be added so that it is clear that the paragraph only refers to construction authorized by the board.
2. That a new condition no. 12 be added as follows:
 12. That the construction plans, particularly the grading and foundation plans, be reviewed and approved by a civil engineer and soil engineer.

3. With reference to condition no. 11, that liability also be included.

Motion carried unanimously with a second by Mr. Arisumi.

ADDED
ITEM C-1

OUT-OF-STATE TRAVEL REQUEST TO WASHINGTON, D.C. FOR VICTOR TANIMOTO FOREST ENTOMOLOGIST.

ACTION

The board unanimously approved request for Victor Tanimoto to travel to Washington D.C. to pick up insects for the biological control testing program for banana poka on an "official duty" basis, the tentative dates being October 24-28 and November 27 to December 1. (Zalopany/Arisumi)

ITEM D-1

REQUEST TO CONDUCT PUBLIC HEARINGS TO AMEND THE DEPARTMENT'S ADMINISTRATIVE RULES (CHAPTER 184 OF TITLE 13) ON THE "DESIGNATION AND REGULATION OF GEOTHERMAL RESOURCE SUBZONES".

ACTION

Unanimously approved subject to the Governor's approval and authorize the Chairperson to designate a hearing officer. (Ing/Zalopany)

ITEM D-2

PERMISSION TO ENTER INTO CONTRACT FOR CONSTRUCTION SURVEYING SERVICES FOR JOB NO. 4-OW-F, MAUNAWILI DITCH IMPROVEMENTS, KOOLAUPOKO, OAHU.

ACTION

Unanimously approved as submitted. (Ing/Zalopany)

ITEM D-3

PERMISSION TO HIRE AN ENGINEERING FIRM TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR JOB NO. S-HW-E, UPPERHAMAKUA DITCH IMPROVEMENTS PROJECT (ALAKAHI AND KOIAWE SECTIONS) AT KAMUELA, HAWAII.

ACTION

Unanimously approved as submitted. (Arata/Kealoha)

ITEM D-4

FILLING OF POSITION NO. 08747, ENGINEER (CIVIL) VI, DIVISION OF WATER AND LAND DEVELOPMENT, OAHU.

ACTION

Mr. Kealoha moved to approve the appointment of Mr. Leslie Asari to Position No. 08747.

ITEM D-5

FILLING OF POSITION NO. 09874, CARPENTER I, WB9, WAIMANALO IRRIGATION SYSTEM, OAHU.

ACTION

Mr. Kealoha moved to approve the appointment of Nobuo Nishida to fill Position No. 09874 effective October 16, 1986. Seconded by Mr. Arata, motion carried unanimously.

ITEM D-6

PERMISSION TO HIRE AN ENGINEERING SERVICES FIRM TO PREPARE PLANS AND SPECIFICATIONS FOR WAIHOLE DITCH BULKHEAD PROJECT AT KOOLAUPOKO, OAHU.

Mr. Arata moved to approve and Mr. Kealoha seconded.

Mr. Ono asked whether an EIS would be required.

Mr. Tagomori said, yes.

Mr. Ono felt that it might be premature to go into this step when two major steps still needed to be taken. An EIS needs to be prepared and a CDUA approval has not been obtained.

ACTION

Deferred. Mr. Arata recalled his earlier motion and Mr. Kealoha his second.

Mr. Ono stated that the board is not against this project but there are other steps that need to be taken first.

ADDED ITEM D-7	PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 42-HW-B, OLAA STATION NO. 4 RESERVOIR, OLAA, HAWAII.
ACTION	Unanimously approved as submitted. (Arata/Kealoha)
ADDED ITEM D-8	APPROVAL FOR AWARD OF CONTRACT - JOB NO. 35-OW-F, DRILLING KUALAPUU MAUKA EXPLORATORY WELL (0801-03), KUALAPUU, MOLOKAI.
ACTION	Mr. Arisumi moved to approve the award of the contract to Roscoe Moss Co. for a bid price of \$289,995.00 for drilling and testing the exploratory well at Kualapuu, subject to the governor's release of funds. Seconded by Mr. Zalopany, motion carried unanimously.
ITEM E-1	APPROVAL OF STATE GRANTS-IN-AID FOR LANAI SWIMMING POOL PROJECT.
ACTION	Unanimously approved subject to the attorney general's approval and the governor's release of funds. (Arisumi/Zalopany)
ITEM E-2	PERMISSION FOR SECOND AMENDMENT TO STATE OF HAWAII CONTRACT NO. 19751 WITH DATA HOUSE, INC. FOR ELECTRONIC DATA PROCESSING (EDP) CONSULTANT SERVICES.
ACTION	Mr. Nagata asked that the submittal be amended by extending the time for work completion from December 31, 1986 to January 31, 1987.
ACTION	Mr. Kealoha moved to approve as amended. Seconded by Mr. Arata, motion carried unanimously.
ITEM E-3	REQUEST TO USE HONOLULU STADIUM STATE RECREATION AREA, OAHU, FOR A CHRISTMAS CONCERT.
ACTION	Mr. Kealoha moved to authorize the issuance of a permit to the Kalia Lions Club to use the Honolulu Stadium State Recreation Area on Saturday, December 13, 1986 for their free christmas band concert subject to the conditions listed in the submittal. Seconded by Mr. Arisumi, motion carried unanimously.
E-4	THE EASTER SEALS HAWAII REQUEST PERMISSION TO USE THE PERIMETER OF THE <u>ITEM</u> PARKING LOT AT AINA MOANA STATE RECREATION AREA (MAGIC ISLAND).
ACTION	Mr. Nagata asked that the date shown in the submittal for use of the park be changed from December 7, 1986 to December 14, 1986.
ACTION	Unanimously approved as amended. (Kealoha/Arata)
ADDED ITEM E-5	APPROVAL OF STATE GRANTS-IN-AID FOR HISTORIC PRESERVATION PROJECT.
ACTION	Unanimously approved as submitted. (Arisumi/Zalopany)
ITEM F-1	DOCUMENTS FOR CONSIDERATION.
Item F-1-a	TSUGIO SAKATA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-5000, TO MARK STEPHEN HILL AND KIMBERLY PARKER HILL, WAIMEA, SO. KOHALA, HAWAII
Item F-1-b	HUBERT SPIVEY APPLICATION FOR REVOCABLE PERMIT FOR PASTURE PURPOSES, CONTAINING 118.924 ACRES, WAIAKEA, SO. HILO, HAWAII. RENTAL: \$50.00 PER MO.
Item F-1-c	HAWAII ELECTRIC LIGHT CO., INC. APPLICATION FOR REVOCABLE PERMIT FOR TEMPORARY STAGING AREAS FOR STORING MATERIALS AND EQUIPMENT, PREPARING POLES, LANDING AND REFUELING HELICOPTER AND CONSTRUCTION VEHICLES IN CONNECTION WITH THE CONSTRUCTION OF THE CROSS ISLAND 138KV LINE, CONTAINING 30,000 SQ. FT., MORE OR LESS. RENTAL: TO BE DETERMINED BY STAFF APPRAISAL.

Item F-1-d RESUBMITTAL - KENNETH PERREIRA REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-5032, LOT 65, KOKEE CAMP SITE LOTS, WAIMEA, KAUAI TO R. ELECTRIC, INC.

Item F-1-e RESUBMITTAL - CLYDE MUKAI APPLICATION FOR REVOCABLE PERMIT FOR SINGLE-FAMILY RESIDENCE USE ONLY, HANAPEPE, KAUAI. RENTAL: \$122.00 PER MO.

Item F-1-f FIRST HAWAIIAN BANK REQUEST FOR CONSENT TO ASSIGN G. L. NO. S-4114, TO ALEX PETTERSON, LOT 7, SHAFTER FLATS, UNIT I, HONOLULU, OAHU.

Item F-1-g DUANE & BLOSSOM THOMPSON PARTNERSHIP APPLICATION FOR REVOCABLE PERMIT FOR MAINTENANCE OF STATE LAND AND PICNIC AREA IN CONJUNCTION WITH MCDONALD'S OF MANOA MARKET PLACE COVERING LAND AT MANOA, HONOLULU, OAHU, CONTAINING 5,400 SQ. FT., MORE OR LESS. RENTAL: \$200.00 PER MO.

Mr. Ono asked why these people have not been fined for encroachment.

Mr. Detor said that the applicant's had just purchased the restaurant.

Mr. Kealoha felt that the previous owner could still be held liable for the fine.

ACTION Mr. Ing moved to approve Item F-1-g subject to payment of a fine in the amount of \$1,000.00. by the applicants.

ACTION Mr. Kealoha moved to approve Items F-1-a through F-1-f as submitted. Seconded by Mr. Arata, motion carried unanimously.

ITEM F-2 U. S. ARMY REQUEST FOR RIGHT OF ENTRY FOR MILITARY EXERCISE, KAOHE 3RD, HAMAKUA, HAWAII.

ACTION Unanimously approved subject to the conditions listed in the submittal. (Arata/Zalopany)

ITEM F-3 HAWAII CONFERENCE FOUNDATION APPLICATION TO LEASE THE HALE HALAWAI O HOLUALOA SITE, NO. KONA, HAWAII.

(See Page 9 for Action.)

ITEM F-4 STAFF RECOMMENDATION FOR DELETION OF UNCOLLECTIBLE ACCOUNTS FROM DLNR RECEIVABLE, HAWAII, MAUI, AND OAHU DISTRICTS.

ACTION Unanimously approved as submitted. (Kealoha/Ing)

ITEM F-5 STAFF REQUEST FOR AUTHORIZATION TO PETITION LAND COURT FOR SUBDIVISION OF LAND AT KAUNAKAKAI, MOLOKAI.

ITEM F-6 COUNTY OF MAUI APPLICATION FOR SEWER AND WATERLINE EASEMENTS, KAUNAKAKAI, MOLOKAI.

ACTION Mr. Arisumi moved to approve Items F-5 and F-6 as submitted. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-7 HILTON HAWAIIAN VILLAGE JOINT VENTURE APPLICATION FOR SIDEWALK, UTILITIES, AND DRAINAGE EASEMENT, KALIA, WAIKIKI, OAHU.

(See Page 5 for Action.)

ITEM F-8 CITY & COUNTY OF HONOLULU APPLICATION FOR WATER PIPELINE EASEMENT, WAIKELE, EWA, OAHU.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM F-9	CITY & COUNTY OF HONOLULU, BOARD OF WATER SUPPLY, REQUEST FOR EXECUTIVE ORDER SETTING ASIDE RESERVOIR SITE AND EASEMENTS, KAHANA VALLEY, KOOLAULOA, OAHU.
	(See Page 3 for Action.)
ITEM F-10	HAWAII COMMUNITY DEVELOPMENT AUTHORITY (HCDA) APPLICATION TO LEASE LAND AT KAAKAUKUKUI, HONOLULU, OAHU.
	Mr. Detor said that he received a call from a Roberts Tour's representative asking that this item be deferred inasmuch as they were not able to have someone represent them at this meeting.
	Mr. Ono said that he also received a request to defer this item, but until January.
ACTION	Deferred to the next Oahu meeting.
	Mr. Ing was excused from taking any action on this item.
ITEM F-11	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LAND AT IWILEI, HONOLULU, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM F-12	STANLEY CHUN APPLICATION FOR EASEMENT, KAHALUU, KOOLAUPOKO, OAHU.
	This request for a non-exclusive easement for seawall and reclaimed land over, under, on and across state tidal and beach land at Kahaluu, Oahu. Purpose of the easement would be for the right, privilege and authority to construct, use, maintain, and repair the seawall and reclaimed land.
ACTION	Mr. Ing moved to approve with the following added condition:
	1. That there will be no fencing on any part of the state land.
	Motion carried unanimously with a second by Mr. Kealoha.
ITEM F-13	CITY & COUNTY OF HONOLULU REQUEST FOR APPROVAL OF EXTENSION OF TERM OF THE LEASE COVERING THE HAWAIIAN HUMANE SOCIETY FACILITY AT KAMOILIILI, HONOLULU, OAHU.
ACTION	Mr. Ing moved to approve as submitted. Seconded by Mr. Zalopany, motion carried unanimously.
ITEM F-14	DEPARTMENT OF TRANSPORTATION REQUEST FOR EXECUTIVE ORDER SETTING ASIDE LAND AT HALAWA, EWA, OAHU.
ACTION	Unanimously approved subject to the conditions listed in the submittal. (Ing/Kealoha)
ITEM F-15	STAFF RECOMMENDATION FOR CANCELLATION OF SALE OF LEASE COVERING LOTS 53 OF THE KOKEE CAMP SITE LOTS, WAIMEA, KAUAI.
ITEM F-16	STAFF RECOMMENDATION FOR PUBLIC AUCTION SALE OF A LEASE COVERING LOT 5 OF THE KOKEE CAMP SITE LOTS, WAIMEA, KAUAI.
ACTION	Mr. Zalopany moved to approve Items F-15 and F-16 as submitted. Motion carried unanimously with a second by Mr. Arisumi.

ITEM F-17	STATE DEPARTMENT OF DEFENSE REQUEST FOR CONSENT TO LICENSE AGREEMENT FOR MILITARY TRAINING ACTIVITIES ON LAND ENCUMBERED BY G.L. NO. S-4222, KEKAHA, KAUAI.
ACTION	Unanimously approved subject to the prior written concurrences of the Department of Hawaiian Home Lands and the Division of Forestry and Wildlife to those conditions listed in the submittal. (Zalopany/Kealoha)
ITEM F-18	STAFF RECOMMENDATION FOR ACCEPTANCE OF QUITCLAIM DEEDS FROM THE U. S. COVERING PORTION OF THE MAKAPUU LIGHT STATION, OAHU AND THE HANAPEPE LIGHT STATION AND NAWILIWILI HARBOR LIGHT STATION, KAUAI.
ACTION	Mr. Zalopany moved to approve acceptance of the subject quitclaim deeds from the United States of America. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM F-19	DSSH REQUEST FOR APPROVAL OF CANCELLATION OF LEASE COVERING ROOMS 401 OF THE ROYAL QUEEN EMMA BUILDING, HONOLULU, OAHU.
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
ITEM F-20	DSSH REQUEST FOR ACQUISITION OF LEASE COVERING SUITE 106 OF THE WAILUKU BUSINESS PLAZA, WAILUKU, MAUI.
ACTION	Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Arisumi/Zalopany)
ITEM F-21	RESUBMITTAL - OFFICE OF THE LIEUTENANT GOVERNOR REQUEST FOR ACQUISITION OF LEASE COVERING STORAGE SPACE AT 1250 NIMITZ HIGHWAY, HONOLULU, OAHU.
ACTION	Mr. Detor said that this was deferred at the last meeting because of the high rental charged for storage of books. Staff has since been notified by the Lt. Governor's office that there were six other locations and, although they were all of lesser rates, it was not possible to get a forklift into the area. They have looked around but this was the best area they could get to satisfy their needs as well as the best rates for this purpose.
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
ITEM F-22	DSSH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE AT 233 VINEYARD STREET, HONOLULU, OAHU.
ACTION	Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Zalopany)
ITEM F-23	DSSH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE AT 770 KAPIOLANI BLVD., HONOLULU, OAHU.
ACTION	Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Ing/Arisumi)
ITEM F-24	DSSH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE IN THE DAVID TRASK BUILDING, WAILUKU, MAUI.
ACTION	Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Arisumi/Zalopany)
ITEM F-25	DSSH REQUEST FOR ACQUISITION OF LEASE COVERING OFFICE SPACE AT 400 HUALANI STREET, HILO, HAWAII.
ACTION	Unanimously approved subject to the review and approval of the lease agreement by the Office of the Attorney General. (Arata/Zalopany)

- ITEM F-26 RESUBMITTAL - HONOLULU DISPOSAL SERVICE REQUEST FOR ADDITIONAL SPACE, REVOCABLE PERMIT NO. S-6188, SAND ISLAND, HONOLULU, OAHU.
- ACTION Unanimously approved subject to the conditions listed in the submittal. (Kealoha/Arata)
- ITEM G-1 FILLING OF POSITION NO. 06981, LAND COURT DOCUMENT RECEIVING CLERK I.
- ACTION Mr. Ing moved to approve the appointment of Kathleen F. Weisbarth to Position No. 06981 effective October 16, 1986. Seconded by Mr. Arata, motion carried unanimously.
- ITEM G-2 FILLING OF POSITION NO. 15078, LAND COURT DOCUMENT RECEIVING CLERK I.
- ACTION Mr. Ing moved to approve the appointment of Bridget Raymond to Position No. 15078. Seconded by Mr. Arata, motion carried unanimously.
- ITEM H-1 CDUA TO OPERATE A COMMERCIAL SIGHT-SEEING TOUR AT MAUNA KEA SUMMIT, HAWAII.
- (See Pages 6 & 7 for Action.)
- ITEM H-2 CDUA FOR DEVELOPMENT OF FOREST TRAILS, SHELTERS, AND UPGRADING EXPANSION OF KEAHUA ARBORETUM AT WAIMEA, KAWAIHAU, AND KOLOA DISTRICTS, HAWAII.
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM H-3 CDUA FOR A SINGLE FAMILY RESIDENTIAL AND COMMERCIAL, AGRICULTURAL, AND STABLE USE AT OLOMANA, OAHU.
- (See Page 4 for Action.)
- ITEM H-4 CDUA FOR SUBDIVISION OF STATE LANDS FOR LEASING PURPOSES TO ESTABLISH FOOD BEACH SERVICES, AND LODGING RENTAL CONCESSIONS AT HAPUNA BEACH STATE PARK, HAPUNA, HAWAII.
- ACTION Mr. Arata moved to defer to the next meeting of the board. Seconded by Mr. Arisumi, motion carried unanimously.
- Mr. Ing was excused from taking any action on this submittal.
- ITEM H-5 REQUEST FOR TIME EXTENSION ON CDUA FOR A STORM DRAINAGE OUTLET AT KIHE, MAUI.
- (See Page 3 for Action.)
- ITEM H-6 CDUA FOR A SUBDIVISION FOR AN ELECTRICAL SUBSTATION AND ACCESSORY USES AT KEAHOE, NO. KONA, HAWAII.
- (See Page 3 for Action.)
- ITEM H-7 CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT KOKOKAHI, OAHU.
- (See Pages 10 & 11 for Action.)
- ITEM H-8 REQUEST FOR TIME EXTENSION ON THE CDUA FOR NON-CONFORMING SINGLE FAMILY RESIDENTIAL USE AT LANIKAI, OAHU.
- (See Page 9 for Action.)
- ITEM H-9 REQUEST TO MODIFY A CONDITION OF APPROVAL ON CDUA HA-1593 FOR A NON-CONFORMING SINGLE FAMILY RESIDENTIAL USE AT KAPOHO, HAWAII.
- (See Page 10 for Action.)

<u>ITEM H-10</u>	REQUEST TO MODIFY A CONDITION OF APPROVAL ON THE CDUA FOR 1) DREDGING OF SWIMMING LAGOON CHANNELS; 2) INSTALLING PATHS AND VIEWING PLATFORMS; AND 3) LANDSCAPING AND SHORELINE MODIFICATION ON STATE-OWNED SUBMERGED LANDS ADJACENT TO THE WEST-BEACH DEVELOPMENT AT HONOULIULI, EWA, OAHU.
	(See Page 5 for Action.)
<u>ITEM H-11</u>	REQUEST TO AMEND A USE PREVIOUSLY APPROVED FOR THE DEEP SPACE RESEARCH AND TRACKING FACILITY AT HALEAKALA, MAUI.
	(See Page 8 for Action.)
<u>ITEM H-12</u>	RECONSIDERATION OF CDUA FOR LIGHTING SYSTEM IMPROVEMENTS AT KULANI CORRECTIONAL FACILITY, SO. HILO, HAWAII.
ACTION	Unanimously approved with conditions as submitted September 26, 1986. (Arata/Kealoha)
<u>ITEM H-13</u>	AUTHORIZATION TO APPOINT A PUBLIC HEARING MASTER TO HEAR CONSERVATION DISTRICT USE APPLICATION.
ACTION	Unanimously approved as submitted. (Arisumi/Zalopany)
<u>ADDED ITEM H-14</u>	REQUEST FOR APPROVAL TO CONTRACT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII FOR ASSISTANCE IN UPDATING THE STATE AQUACULTURE DEVELOPMENT PLAN.
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
<u>ITEM J-1</u>	LEASE - VENDING AGREEMENT, MAIN TERMINAL LOBBY, HIA, OAHU (AMERICAN EXPRESS TRAVEL RELATED SERVICES CO., INC.).
	Mr. Garcia asked to amend September 1, 1985 to September 1, 1986 as shown under "Term".
ACTION	Unanimously approved as amended. (Ing/Arisumi)
<u>ITEM J-2</u>	LEASE - VENDING AGREEMENT, CURBSIDE-MAIN TERMINAL, COMMUTER TERMINAL HIA, OAHU (USA TODAY).
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
<u>ITEM J-3</u>	AMENDMENT NO. 1 TO LEASE NO. DOT-A-84-28, KEAHOLE AIRPORT, HAWAII (PACIFIC INTERNATIONAL SERVICES CORP.).
ACTION	Unanimously approved as submitted. (Arata/Kealoha)
<u>ITEM J-4</u>	AMENDMENT NO. 1 TO LEASE NO. DOT-A-84-29, KEAHOLE AIRPORT, HAWAII. (TAYLOR TRANSPORTATION CO., LTD.).
ACTION	Unanimously approved as submitted. ((Arata/Kealoha)
<u>ITEM J-5</u>	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (KAN TSIU CORP., DBA SINBAD CHARTERS).
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
<u>ITEM J-6</u>	AMENDMENT OF HARBOR LEASE NO. H-83-2, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, KEALAKEHE, KONA, HAWAII (KONA FUEL AND MARINE, INC.).
ACTION	Unanimously approved as submitted. (Arata/Arisumi)

ITEM J-7

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, HONOLULU HARBOR, HARBOR, OAHU (HAWAIIAN MARINE LINES).

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-8

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI SMALL BOAT HARBOR, OAHU (HAWAII WATER SKI ASSOCIATION).

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-9

CONTINUANCE OF REVOCABLE PERMITS, HARBORS DIVISION.

ACTION

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

Mr. Ing was excused from voting on this item.

ITEM J-10

USE OF HARBORS DIVISION FACILITIES, PIERS 9 AND 10 PASSENGER TERMINAL, HONOLULU, OAHU (CITIZENS FOR WAIHEE).

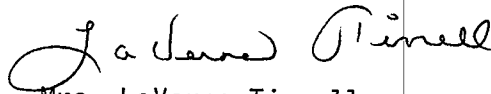
ACTION

Unanimously approved as submitted. (Zalopany/Arisumi)

ADJOURNMENT:


There being no further business, the meeting was adjourned at 1:20 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:


WILLIAM W. PATY
Chairperson

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