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

> DATE: December 19, 1986

TIME: 9:00 A.M.

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 9:10 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. Mike Shimabukuro Mr. Roger Evans Mr. Melvin Young Mrs. LaVerne Tirrell

OTHERS:

Mr. Johnson Wong, Deputy A.G.

Mr. Peter Garcia, D.O.T.

Messrs. George Yuen and Gary Johnson (Item E-3) Ms. Georgiana Padeken, Ms. Margaret Apo, Messrs. Bart Kane, Kamaka Kamahele, Wallace Okamura, Van Diamond and Clarence Kamai (Item F-6)
Mr. Neil McPhersen (Item F-8)
Mr. Bob D. Dewitz (Item F-14)

Messrs. Hiram Kamaka, Wurderman, Duke Kawasaki &

Councilman Leigh Wai Doo (Item F-16)

Ms. Carla Coray (Item F-17)

**AWARDS PROGRAM**  Certificates were presented to several people and companies for their involvement in the wise use of natural and historical resources in Hawaii.

Ralston Nagata explained that this special awards program is part of the National Take Pride in America, This Land is Your Land Campaign, announced in President Reagan's 1986 State of the Union Address. The President called upon all Americans to take pride in their outstanding public lands and historic sites and that we must all work together for a renewed awareness of these lands that are our lands.

#### ADDED ITEMS

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

Item D-3 -- Approval for Award of Contract - Job No. 42-HW-B, Olaa Station No. 4 Reservoir Replacement (0.30 M.G. District of Puna, Hawaii.

Item H-8 -- Request for Personnel Action.

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

## ITEM F-6

DIRECT AWARD OF LEASE TO DEPARTMENT OF HAWAIIAN HOME LANDS AND SET ASIDE TO THE DEPARTMENT OF EDUCATION, LIBRARY SERVICES, COVERING LANDS AT KAKAAKO, HONOLULU, OAHU.

Mr. Shimabukuro explained that several agencies had property, namely the Office of Hawaiian Affairs and however that one lease should be issued to the Department of Hawaiian Home Lands and that they be responsible for subleasing to the other interested parties.

Mr. Kealoha asked who would determine what portion of the 32,000 sq. ft. would be occupied by the DOE.

Mr. Shimabukuro said that there is a building presently being used by the DOI for their book processing. They will occupy the same area.

Mr. Ono said that correspondence was received from the superintendent of DOE pertaining to the Pohukaina School site. He requests that this board defer the matter before the final action is taken in order to allow the department's needs to be further assessed. The uncertainty arises because Kakaako is being developed and they are concerned that there may be a need for school sites in that area. Mr. Ono suggested that this item be discussed first, and the matter of deferral be decided on later.

Ms. Georgiana Padeken, Chairperson of the Department of Hawaiian Home Lands, gave a brief history of the Kakaako area and urged the board's approval of staff's recommendation.

Mr. Kealoha called Ms. Padeken's attention to Condition No. 3 relating to rental. It was his feeling that Hawaiian Homes should be charged rental whether or not revenues are earned through commercial activities. He did not feel that rent should be gratis.

Mr. Bart Kane, State Librarian, testified as follows:

"The Hawaii State Public Library System, in the Department of Education under the authority of the State Board of Education, maintains and operates the Centralized Processing Center on the Pohukaina School Lot at Kakaako, Oahu, being Parcel 9 of Tax Map Key 2-1-51.

'The Centralized Processing Center was constructed in 1975. It is a 16,800 sq. ft. technical services center for the State's public libraries and public school libraries. It employs 52 FTE staff. Since 1982, it also houses the public libraries' computer operations. Minor CIP was accomplished in 1982 and again in 1986 to create, and then enlarge, a special room with environmental controls, to house the public libraries' two minicomputers.

'The public library systems has no plans to enlarge the CPC building. However, we are concerned with parking for our 52 FTE staff. There are 30 marked parking stalls on the makai portion of the Pohukaina School Lot that are filled daily by CPC staff. There is insufficient parking throughout Kakaako and every day the Pohukaina School Lot is ringed with nearly 100 private cars of workers in the neighborhood businesses. Up until two years, the City prohibited parking along Coral Street, diamond head and adjacent to our CPC building, but they removed their signs because of complaints of local businesses of the lack of parking. Now 60 private cars are crammed daily onto our grass and lot.

'During the past 15 years, the Department of Education has made plans to centralize its school for the handicapped, and in a second plan, to move its procurement and distribution business section to Pohukaina School Lot. Both plans included parking facilities for the 52 FTE CPC staff. The centralized handicapped school plan included the concept of closing off Coral Street between Pohukaina and Halekauwila Streets and using it for a parking lot.

'In a separate concern about Pohukaina School Lot, my long-term staff who have been working in Kakaako for the past 11 years, inform me that they have been told that there is a stipulation in the lease of the Mother Waldron Playground that it reverts back to the donor if Pohukaina School Lot is used for any purpose other than a school. We have no written documents supporting this claim, verbal comments have been made by Bishop Estate representatives and Kakaako Development Corp. officials to my CPC staff concerning the playground and its open space."

Mr. Kane recommended to the board that some consideration be given to either maintain the existing paved parking facility for the staff or that they be given a parcel (which he pointed out on the map) to develop parking for their staff.

Mr. Ono asked Mr. Kane, "if a structure is to be built by Hawaiian Homes, OHA and Alu Like jointly and in the same structure parking accommodations can be made, would you have any objections?"

Mr. Kane stated, minor. He pointed out that state employees who work throughout public buildings complex pay for parking to the Dept. of Accounting and General Services. DOE members who work on school grounds do not pay. Even though his office is only a short distance away his staff pays for parking. If a lease is given to Hawaiian Homes and DAGS manages the parking lot would they be given parking? This was his minor concern.

Mr. Kamaki Kanahele, Administrator of the Office of Hawaiian Affairs, testified that OHA wished to withdraw its name and therefore participation from the intended lease between the Department of Hawaiian Home Lands and the Department of Education and the Department of Land and Natural Resources due to their inability to inform the trustees prior to December 19, 1986. They are cognizant of the fact that both the Commissioners of the Department of Hawaiian Home Lands and the Board of Alu Like have been fully apprised of the issue while unfortunately their board has not.

Mr. Wallace Okamura of the Department of Education said that he was asked by the Superintendent to ask the board to defer action on this item until they have had a chance to review the student projections and come to a determination on the affects of the pending board action.

Mr. Ing asked Mr. Okamura, "what is the DOE's present student projection for that area?"  $\,$ 

Mr. Okamura said that according to the Kakaako planners up to the year 2000 their projection is somewhere in the range of 100 to 300 students depending on the type of buildings that will be built.

"The 100 to 300 students projected for the year 2000", asked Mr. Ing," would that mean that they would need another school?"

Not by their standards, replied Mr. Okamura. The Kakaako Plan has only one school site for the whole development, so if the one school site is taken away then the Board of Education is concerned.

Mr. Ono asked Mr. Okamura whether by DOE standards they would be able to build a school with the acreage available.

Mr. Okamura said that with the park next door the amount of acreage would be larger than Royal or Kaahumanu School.

Mrs. Margaret Apo, Vice-Chairperson of the Board of Education's Facilities Committee said that she had been authorized by the Board Chairperson Randal Yoshida to testify on this matter. She remarked that this is an addition to information furnished by Superintendent Francis M. Hatanaka's memo to the Board of Land and Natural Resources.

Mrs. Apo testified as follows:

"Due to the fact that not only native Hawaiian students but children of all ethnic groups would be denied the total use of Pohukaina School land whereupon an elementary school has already been earmarked for such land. This property has never been vacant and is today still being used by the department for the library and of importance, for training of our multiple-handicapped students to prepare them for employment towards achieving economic self-sufficiency. Otherwise they too must be added to the list of welfare recipients.

'The recommendation calls for the joint use of Pohukaina school for the Department of Hawaiian Home Lands, Office of Hawaiian Affairs and Alu Like. It is important that I draw attention to the fact that when the Linekona School lease issue was addressed by this Board, both Hawaiian Home Lands and Alu Like had already been approached on the use of Pohukaina School without either the Department of Education or Office of Hawaiian Affairs being involved in this matter. The question is why? Upon hearing of this effort by DLNR, I as Chairperson of the Board's Facilities Committee inquired of the agencies as to what was their reaction to this proposal by DLNR.

"To my astonishment, I found that OHA had not been involved in the proposal; only Department of Hawaiian Home Land and Alu Like. She stated that she is not against the Hawaiian agencies having a place to house their offices. On page 2 of the recommendation is stated and I quote: "Due to the urgency of the part of the Department of Hawaiian Home Lands, OHA and Alu Like to secure a suitable and permanent site for their administrative offices and, in light of the fact that the Department of Education does not foresee the use of the school lot for school purposes until 10 to 15 years hence," is the basis DLNR's recommendation is being made.

'Ten years is a very short time in comparison to the 65 year lease which is being recommended for use of and control of this land by the Department of Hawaiian Home Lands.

'Land exchanges with state owned land by Hawaiian Homes can and should be made the means of obtaining land for its purpose. This is not new.

'The control for 65 years of this Pohukaina School property by Hawaiian Home Lands is not conducive to the best interest of our students in our Hawaii educational system. The Department of Education charged with the responsibility of ensuring the availability of facilities for this purpose is one which this Board intends to implement to its fullest. As then Chairperson of the Facilities Committee, then the Linekona School issue was added and having information on the negotiation for the lease of Pohukaina School with only the Department of Hawaiian Home Lands and Alu Like involved lead me to believe that the possible intent of including the Office of Hawaiian Affairs in this present recommendation is to satisfy the Office of Hawaiian Affairs' complaint time and again of being denied the use of ceded land returned to the State by the Department of Defense. The Board of Education in May 1986, as affects the meeting on the Linekona School lease t the Academy of Arts, did request that action on that lease issue be deferred to permit the Department of Education to present its case for retention of the Linekona School for the use of the Office of Hawaiian Affairs which agency is already expending funds for the training of teachers to service our children in the mandated Hawaiian Studies Program.

'The Office of Hawaiian Affairs has agreed to renovate the Linekona School building for their use and that of our Adult Education Program. The letter also mandated by the Federal Government to service the adult population of Hawaii in their desire to obtain a high school diploma to train for American citizenship and to learn skills which will allow these adults to become gainfully employed.

'As such and for the reasons stated above, it is requested that your Board defer rendering a decision on this matter to allow this Board and all concerned to thoroughly review the concerns as stated hereon for the sake of the education of all of our Hawaii children who according to the development plan of Kakaako calls for 5500 additional dwelling units by the Year 2000."

Mr. Ono informed Mrs. Apo that OHA was involved in the discussion regarding the use of Linekona School and Pohukaina School through the then Chairman of the Board.

Mr. Ing asked if one deferral would be o.k.

Mrs. Apo felt one month would be fine.

Mr. Van Diamond, on behalf of Alu Like, said that they support the position of the Department of Hawaiian Home Lands.

Mr. Clarence Kamai, a minister from the island of Maui, wanted it known that he was in favor of staff's recommendation.

ACTION

Mr. Ing moved to defer this item for one month to allow DOE to prepare a response and to undertake the necessary projections which they had discussed in their presentation to the board and also to give OHA additional time for their Board of Trustees to meet and come back to the board with their position. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM F-16

RECONSIDERATION OF REQUEST FROM CITY & COUNTY OF HONOLULU FOR AUTHORIZATION TO SOLICIT PROPOSALS AND ISSUE CONTRACT FOR A FOOD SERVICE CONCESSION AT THE HONOLULU ZOO.

Mr. Shimabukuro said that the board had approved the City and County's request for permission to issue, through public bid, a fifteen year contract for the operation of a food and refreshment rights to the Honolulu zoo. Subsequently, a question arose as to whether or not the proposed restaurant at the zoo is a proper use within Kapiolani Park. Therefore, the Office of the Attorney General was asked to review and respond to the matter.

Based on the AG's aproval, staff is asking the board to rescind its approval action of July 11, 1986 and to deny the City's request to issue the concession to the Honolulu Zoo.

The Attorney General's office has indicated that the concession proposed by the City is not a proper use under Executive Order 22 which was set aside for Kapiolani Park.

Mr. Ing voiced concern that the opinion seems to express in part what are legal concerns and in part what are factual concerns. He had no problem with the AG's office reviewing and telling us what the law was but he did have some concern about the AG's office construing the facts as they may be applied to this particular situation. He wanted an opportunity to review the opinion.

Mr. Hiram Kamaka, Chief Budget Officer for the City and County of Honolulu, said that he had seen the opinion and maybe later might want to comment on this.

Mr. Kamaka said that he was here today to ask the board to let stand its original approval of July 11, 1986. He testified further as follows:

"There are currently, in Kapiolani Park, four fast-food facilities serving about 1,000 park users daily. The four concessions close between the hours of four in the afternoon and ten in the evening. The City believes that the establishment of a family-type restaurant where patrons can enjoy their meal in a park setting is an integral part of an overall development plan for Kapiolani Park. This overall plan calls for, among other things, improvement of the zoo facilities and the enhancement of opportunities for park users.

'If we were to continue to operate the current food concessions which serve only the zoo and selected groups of patrons, we will be forever limited to mediocre menus like we have today in Kapiolani Park. It is our avid hope that the State shares with us the vision of the long-range future and improvement of this park which includes the Honolulu Zoo.

'Proposed plans call for a \$1.5 million investment over the relatively brief period of fifteen years for amortization purposes. After fifteen years, the restaurant facility will revert back to the City.

'It is the City's sincere hope that the State, through this board, will join us in striving to increase the enjoyment of park better eating facilities in the park. The City does not envision or plan a restaurant of the caliber of a John Dominis. I have happy to share with the board members, of the proposed menu with prices. A review of the menu will show that the City is committed to improve the level of food services in the park but at reasonable prevailing prices.

'The City Administration is charged with providing recreational opportunities for <u>all</u> the users of Kapiolani Park, both residents and visitors. The proposed zoo food concession is wholey located within zoo property. However, it will be fully accessible to all park users including those who have not purchased admission to the zoo.

'Although the restaurant will be located on the services provided are meant to be for the benefit and Kapiolani Park and its environs. The Honolulu Zoo is much larger Kapiolani Park complex where you can go to the beaches; play tennis; enjoy the driving range; play soccer; use the plan, go fly a kite. There are also the Waikiki Shell and Kapiolani

Bandstand. Thus the restaurant's patrons are not intended to be limited to zoo visitors, but will include the vast array of residents and visitors who frequent and enjoy the many facets and activities of Kapiolani Park.

'Operation of a quality, reasonably priced food facility, as the City proposes in Kapiolani Park, will help reduce the proliferation of concessions in the park and neighboring areas. And, most importantly, establishment of this restaurant will promote more open space and preserve the beauty of one of the most attractive public parks on this island.

'The State has given the City and County of Honolulu the awesome charge of meeting the multi-faceted recreational needs of the citizens of this city. We respectfully request that the State acknowledge this charge to the City and support and assist us in our endeavors to accomplish this goal which will benefit all the people of Hawaii, both young and old, resident and visitor."

Sketches of the proposed project were presented to the board by Mr. Hiram Kamaka and a member of his staff.

Mr. Wurdeman, the City's Corporation Counsel, said that he had reviewed the Attorney General's opinion and found it quite puzzling. He said that all challenged uses that are cited were ultimately approved. The question of what is an appropriate use for a park and whether a restaurant is an appropriate use for a park is best answered in a case cited by the Attorney General 795 Fifth Avenue, City of New York. They talked about a 2-story glass building, 22,000 sq. ft. in Central Park. This was challenged and the court found that the test is not whether the facility attracted people who are in the park but whether the park setting enhances the enjoyment of the people who use the restaurant. He felt that the proposal by the City and County does meet this test. Mr. Wurdeman did not think that the law cited by the Attorney General in developing his analysis does not support his conclusion.

Mr. Ono read communication from Mr. Stanley Hong, President of HVB, asking for deferral of this matter until further review. HVB sees merit in the City's proposal.

Councilman, Leigh Wai Doo, wanted it made clear to the board that what has been presented to the board by the City is an administrative proposal and should not be characterized as a City proposal. The matter has never formally been decided or been received or reviewed by the City Council. In fact the Corporation Counsel has rendered a citationless opinion saying that they can get around City law which says that they have to be reviewed by the Council or any lease agreement that extends beyond five years. They are saying on a prior matter these things, in 1980, the Council had allowed it so that the City can proceed to do this without first coming to the Council. He felt this is wrong. He feels very strongly that the matter should be denied.

Councilman Doo requested that the board reconsider its prior approval of the proposed restaurant near the Honolulu Zoo submitted by the administration of the City and County of Honolulu. He said that the submittal did not have the concurrence of the Honolulu City Council as the matter has not been formally submitted to the Council for decision making.

Councilman Doo felt that such a restaurant is not in character and the public use of the Honolulu Zoo and Park. Such a blatantly commercial use of the zoo and the public that uses the park and would extend the commercialization of Waikiki deep into the heart of the first major park created in Hawaii. Even if the proposed facility were entirely within the confines of the zoo, the only way that it-would be appropriate in his view would be as an ancillary use as a zoo concession which permission he believed authority for.

Councilman Doo requested that the Board: 1) rescind its approval action of July 11, 1986, and 2) deny the request to issue a 15-year contract to operate a food concession at the Honolulu Zoo as submitted in the application to the Department of Land and Natural Resources.

With regard to restaurant/food concession in the zoo, Mr. Ing stated that one exists there today and asked Councilman Doo if he had any difficulty with that.

Councilman Doo said no, it's ancillary to the zoo use.

Mr. Carroll F. Taylor, one of the attorneys for the Preservation Society, emphasized that Kapiolani Park is not only unique physically as a preserve for public use but it has a The terms by which Kapiolani Park was created they believe are currently applicable and those terms restrict, among other things, any leasing of the property within Kapiolani Park. The Trust by which the Park was created is very clear that there shall be no lease or sale of the land at Kapiolani Park. The real concern the Society has is that the private donors of land that is used for the park have, they believe, a serious and legally recognizable claim to get their land back if the park is not used the way it was created to be used.

## ITEM F-17

REQUEST FROM CITY AND COUNTY OF HONOLULU FOR AUTHORIZATION TO LEASE PORTION OF THE KAPIOLANI PARK (WAIKIKI SHELL AREA).

Ms. Carla Coray, Director of Auditoriums, briefed the board on the problems they have at the shell and the reasons for them wanting to lease out the shell. They feel that with the proposal they now have they can correct the dressing room situation, triple the number of restrooms, put a canopy on the shell to control the sound, no more rained out symphonies, and the local people as well as the tourists will be able to view spectacular entertainment and technology coming from the mainland. They will also be providing employment for about 150 people. They will be putting into the state coffers about \$40 to \$50 thousand a years from the 4% general excise tax. The City will have \$20,000 per month for a period of ten years if this is allowed.

Renderings of the proposed improvements were presented to the board by Mrs. Coray and Mr. Wynand.

Mr. Duke Kawasaki was at a loss to understand the position taken by Mr. Mike Shimabukuro.

Mr. Wynand briefed the board on his show.

Much discussion also continued on the noise level.

ACTION

Mr. Ing moved to defer Items F-16 and F-17 to the next Oahu meeting to give the board an opportunity to review the Attorney General's opinion. He also asked that a very specific proposal from the City be the space of the facility as compared to that of the number of stories and the capacity of the restaurant so that the board can get a better idea whether the proposed restaurant with respect to the zoo is ancillary or whether it is really something that is beyond ancillary to park uses. Seconded by Mr. Kealoha, motion carried unanimously.

CDUA FOR ERADICATION OF MARIJUANA ON THE ISLAND OF HAWAII, MAUI, AND MOLOKAI (DLNR DIVISION OF FORESTRY AND WILDLIFE).

ACTION

Deferred.

Mr. One announced that, as of this morning, the environmental impact statement had not been processed.

RESUBMITTAL - REQUEST TO USE DIAMOND HEAD CRATER FOR A JAZZ FESTIVAL, HONOLULU, OAHU.

Mr. Nagata presented this item with a recommendation to deny the Hawaii Jazz Preservation Society's request to use Diamond Head Crater for their festival. They do not believe that the crater is suitable for such a large scale event for several reasons such as limited access into the crater, limited facilities, etc. Another thing, remarked Mr. Nagata, is that an activity of this nature in Diamond Head, should the board desire to pursue it further, would need to be processed through the CDUA process.

Mr. Ing said that he was not aware of the CDUA process. He had heard of other activities which were allowed without having to go through the CDUA process.

Mr. Nagata said that one of the reasons is because it is being used for a fundraising event and the other the magnitude of the event.

Mr. Ono asked Mr. Evans for a specific reason a CDUA would be required.

Mr. Evans said that they would have considered it a conditional use in terms that we currently do have a land use there and this proposal would somewhat change the current land use and if any proposal comes in that is either a new, a different or basically an extension of the existing use a CDUA will be required.

Mr. Gary Johnson, Managing Director of the Hawaii Jazz Preservation Society, said that what they are proposing is quite different from past uses of rock and roll and things of this nature. He said that jazz is America's only unique form of music and is enjoying a healthy rejuvenation. They feel that Hawaii is an outstanding location to put on a world-class jazz festival. Their goals is to:

- 1. Bring revenue to Hawaii from the mainland and Japan (conservatively, \$19 million of fresh revenue).
- 2. Create a music education trust fund from net Fest ival proceeds for the organization and operation of an innovative comprehensive jazz program for Hawaii schools, and to create a scholarship program to enable students to attend prestigious music schools throughout the country.
- 3. To help fund civic non-profit organizations' main tenance and beautification projects for Diamond Head.

Because of the concerns raised by the Planning Office and the processing of the CDUA, Mr. Ing said that if it is required that you need a CDUA even if we acted favorably you could not do anything until the CDUA process is completed. Mr. Ing said that he would be willing to allow him to go through the CDUA process to at least air the problems e.g. traffic, noise, restrooms, etc.

Mr. Ing said that he would like this problem to be deferred and have the applicant commence with a CDUA. This will address the environmental and social concerns.

Mr. Nagata felt that this item should be withdrawn instead of deferred.

ACTION

Withdrawn. Applicant to file for Conservation District Use Application.

REQUEST TO REVIEW FOR RENEWAL OF CDU PERMIT ISSUED TO ROCK ISLAND RIDERS TO CONDUCT YEARLY RECREATIONAL MOTORCYCLE RIDE ON ISLAND OF HAWAII (ROCK ISLAND RIDERS).

ITEM H-4
ACTION

Mr. Arata moved to approve with the following amendment:

- 1. That Condition No. 22 as listed under Recommendation 1 not be deleted.
- 2. That Recommendation No. 2 be deleted.

Seconded by Mr. Arisumi, motion carried unanimously.

ITEM F-1-b

ASSIGNMENT OF G. L. S-4662 FROM JAMES C. WO TO BEATRICE DAIRY PRODUCTS, INC., WAIAKEA, SO. HILO, HAWAII.

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

ROBERT D. DEWITZ REQUEST FOR ROADWAY (DRIVE-THRU SERVICE LANE) EASEMENT ACROSS G. L. NO. S-3811 CONSOLIDATED AMUSEMENT CO., LTD., KALAUAO, OAHU.

Mr. Shimabukuro said that the applicant proposes to sublet an area within the Cormax building for a fast food restaurant and is requesting to exit its patrons across State land presently leased to Consolidated Amusement Co., Ltd., under General Lease No. S-3811 and therefore desire to be issued said easement.

Mr. DeWitz stated that Consolidated's use of the easement is non-exclusive. He felt that the question is not whether you have a right to use the easement but what is reasonable or unreasonable use of the easement. He addressed this issue by explaining the traffic pattern in the area and answering the many questions posed by the board.

ACTION

Mr. Ing moved to defer this matter to the next 0ahu meeting for the following reasons:

- To allow consolidated to respond to the vehicle count presented by Bread Brothers.
- 2. Bread Brothers to get another vehicle count during the holiday period when traffic may be heavier.

# ITEM F-8

DIRECT GRANT OF NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES, HAUULA, KOOLAULOA, OAHU.

Mr. Shimabukuro said that the applicant, Hauula Tropical Food Tree Project, Inc., is a non-profit organization related to the Hawaii Conference of the United Church of Christ. They are requesting the easement in order to gain access to their land and are asking that the easement be granted free of charge on the basis that the project is primarily an educational venture designed to help subsistence people in the tropics.

Mr. Shimabukuro said that staff has no objections to the granting of the easement. However, the rental for the easement cannot be for free inasmuch as statutes do not permit this. The rental shall be fair market based on independent appraisal.

Reverend Neal MacPherson, who is staffing the project, reviewed the conditions imposed by staff and said that it was fine with him.

ACTION

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

ITEM H-6

RESUBMITTAL - CDUA FOR A NONCONFORMING SINGLE FAMILY RESIDENTIAL USE AT WAILUA, OAHU (MR. FREDERICK J. TITCOMB).

In answer to Mr. Ing's question, Mr. Titcomb said that he had no problems with staff's recommendation.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM H-3

CDUA FOR AN AFTER-THE-FACT SUBDIVISION AND NONCONFORMING SINGLE FAMILY RESIDENTIAL USE AT LAUPAHOEHOE, HAWAII (MRS. PATRICIA POPPE).

Mr. Ono asked Mrs. Poppe if she had a chance to review staff's recommendations.

She replied that she had and would comply with whatever conditions were listed in said submittal.

ACTION

Unanimously approved as submitted. (Arata/Arisumi)

**REPORT** 

CDUA REPORT RE BUILDING OF MULTI-PURPOSE BUILDING BY KAMEHAMEHA SCHOOLS.

Mr. Evans said that staff was directed by the board at the last meeting to get together with the Bishop Estate with respect to their request to build a multi-purpose building in the limited subzone on the Big Island. As a result of the last meeting, staff has had an opportunity to analyze a number of suggestions or thoughts which the board members and many others had expressed.

Based upon discussions with the applicant's consultant staff wanted to find out when do you have to have it in. They indicated that should a normal processing time frame of six months transpire to process a CDUA for special subzone they felt that it was something they could live with. Based upon that, staff, as directed by the board, working with the consultant, felt that the consultant might function in his best interest by applying a CDUA for a special subzone. Staff is here this morning with only a report because:

1) a CDUA for a special subzone is now in their office and 2) they only have a report because CDUA 1930 relating to the last board meeting item has been withdrawn so staff has tried to accomplish directions given by the board.

Mr. Ing asked what the present time table is.

Mr. Evans said that a recommendation would be submitted to the board sometime in June or early July.

ITEM H-5

CDUA TO REBUILD A PORTION OF A RESIDENCE AT WAIMEA, KOOLAULOA, OAHU, TMK: 5-9-05:21 (MR./MRS. PHILO OWEN).

Mr. Evans said that this item was deferred at the last board meeting inasmuch as indication was received from the applicant requesting deferral. There was a question of process raised by the applicant. They felt that the three days given to review staff's submittal was not appropriate time for them to respond and also because the meeting was not to be held on Oahu.

Recommendation by staff is to deny this request because:

- a. The reconstruction is inconsistent with the Board's past practice; and
- b. It is also contrary to the objective of the Limited Subzone.

Also recommended is that a fine of \$500 be assessed against the applicant for unauthorized construction within Conservation District.

Mr. Owen stated that there is a little dispute with boundaries. When this first came into effect in 1981 he had requested urban zoning up to the Waimea Triangulation. After going they had granted him 40%. After the hearing Land Use asked if it helped his situation. He could not understand how his boundary was now set. The intent of the Land Use Commission not want anyone building on the bluff. His building last fifteen years on flat land. What he could not understand is how the boundary ever came right through their bedroom was beyond him. He had been to the LUC several times over the years and requested that the State send a surveyor to determine the zoning and this was never done.

Mr. Owen felt it was irresponsible for staff to say that he could not get a building permit and then ask the Attorney General's office to assess a fine of \$500.00. He said that he had a a document which showed that a building was applied for in 1972 from the Tax Office. The fact that his wife was not able to produce a permit was no reason for staff to assume that there was no permit. He asked, "who keeps a permit after fifteen years?"

Mr. Evans said that the 1972 permit was for a house to be built entirely in the urban district. To staff's knowledge no building permit was ever issued for them to build in the conservation district.

Mr. Owens said that before they were able to obtain a building in 1972 they had to present a document delineating the urban and conservation line. A document was prepared by Park Engineering where the conservation zoning was several 100 feet away. He felt that they complied through the due process of law. He was upset that he was being accused of not complying.

Mr. Owens, in answer to Mr. Ing's question, said that the papers at this time but would be able to get them. He explained that this whole problem came up because his bedroom was damaged and destroyed by fire so they went through the process of getting a building permit. This is when he found that the line went through his bedroom. He did not think it demarcation line go through flat land but on the bluff.

Mr. Owens asked whether staff had made an on-site inspection.

Mr. Evans said that DOCARE is asked to make an inspection on each application. He was not sure in this case whether this was done.

ACTION

Mr. Ing moved to approve as recommended by staff, which is to deny this request and that a \$500 fine be assessed against the applicant for unauthorized construction within Conservation District. Seconded by Mr. Arata, motion carried unanimously.

ASSIGNMENT OF GENERAL LEASE S-4118, FROM ECONOMIC LABORATORY, INC., TO INTERCONTINENTAL INDUSTRIES, INC., SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT I, MOANALUA, OAHU.

ITEM F-1-e

ACTION

Unanimously approved as submitted. (Ing/Arisumi)

ITEM B-1		REQUEST FOR ADOPTION OF DEPARTMENT OF LAND AND NATURAL RESOURCES ADMINISTRATIVE RULES: (1) NON-SUBSTANTIVE TECHNICAL CHANGE AMENDMENTS TO VARIOUS CHAPTERS; AND (2) AMENDMENT TO CHAPTER 13-89 SPINY LOBSTER OR ULA
ACTION		Unanimously approved as submitted. (Kealoha/Arisumi)
ITEM C-1		AWARD OF CONTRACT, PROJECT NO. DOFAW 87-1, FURNISHING, DELIVERING, AND INSTALLING MOBILE AND PORTABLE 2-WAY RADIOS FOR THE DIVISION OF FORESTRY AND WILDLIFE.
ACTION		Mr. Kealoha moved to award the contract to the bidder, Motorola Communication and Electronics Inc. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM D-1		REQUEST FOR AUTHORIZATION TO EXECUTE RIGHT-OF-ENTRY DOCUMENT PREPARED BY DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE SOUTH KOHALA EXPLORATORY WELL (PUUKAPU WELL 6237-01), WAIMEA, SOUTH KOHALA, HAWAII.
ACTION		Unanimously approved as submitted. (Arata/Arisumi)
ITEM D-2		SOIL AND WATER CONSERVATION DISTRICT DIRECTOR, HAWAII.
ACTION		The board voted unanimously to appoint Mr. Alvin Oyadomari for the term ending June 30, 1989 to serve as Director of the Puna Soil and Water Conservation District. (Arata/Arisumi)
ADDED ITEM D-3		APPROVAL FOR AWARD OF CONTRACT - JOB NO. 42-HW-B, OLAA STATION NO. 4 RESERVOIR REPLACEMENT (0.30 M.G. DISTRICT OF PUNA, HAWAII.
ACTION		Mr. Arata moved to award the contract for the subject project to M. Sonomura Contracting Co., Inc. for their low bid of \$388,060.00 subject to the release of funds by the Governor. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM E-1		FILLING OF POSITION NO. 14937, GROUNDSKEEPER I, WEST KAUAI UNIT, KAUAI PARKS SECTION.
ACTION		Mr. Arisumi moved to approve the appointment of Mr. Clifford J. Kuboski to fill Position No. 14937, subject to passing a physical examination. Seconded by Mr. Kealoha, motion carried unanimously.
ITEM E-2		REQUEST TO USE A PORTION OF THE AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) FOR A SUNRISE SERVICE.
ACTION		Unanimously approved subject to the conditions listed in the submittal. (Kealoha/Arisumi)
ITEM E-3		RESUBMITTAL - REQUEST TO USE DIAMOND HEAD CRATER FOR A JAZZ FESTIVAL, HONOLULU, OAHU.
		Withdrawn. See Pages 9 and 10.
ITEM E-4		RESUBMITTAL - REQUEST FOR A SIX-MONTH LEAVE OF ABSENCE WITHOUT PAY.
ACTION		Withdrawn.
		Mr. Nagata said that this request is presently being reviewed by the Department of Personnel Services.
ITEM E-5	-	CHANGE OF VISITING HOURS AND DAYS FOR WAILOA CENTER, HILO, HAWAII.
ACTION		Unanimously approved as submitted. (Arata/Arisumi)

HORSE UNITS FOR THE 71ST ANNUAL KING KAMEHAMEHA CELEBRATION PARADE, JUNE 6, ITEM E-6 ACTION Unanimously approved as submitted. (Kealoha/Arisumi) F-1 DOCUMENTS FOR CONSIDERATION. DANELLE COAKLEY APPLICATION FOR REVOCABLE PERMIT COVERING LOTS 1, 23, 23-A, Item F-1-a 34-A, AND 35-A, HANALEI HOMESTEADS, HANALEI, KAUAI FOR RESIDENCE PURPOSES, COMMENCING OCTOBER 1, 1986. RENTAL: \$127.00 PER MO. Withdrawn. Mr. Shimabukuro asked to withdraw this item at this time. Permittee's name is to be changed. Item F-1-b ASSIGNMENT OF G. L. S-4662 FROM JAMES C. WO TO BEATRICE DAIRY PRODUCTS, INC., WAIAKEA, SO. HILO, HAWAII. Approved. See Page 10. ASSIGNMENT OF G. L. S-4119, FROM WALTER E. FALLON TO BERT TADAO AND MIRIAM KIYOKO KAMINAKA AND KURT KEN KAMINAKA, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, Item F-1-c UNIT I, MOANALUA, OAHU AMENDMENT OF SUBLEASE BY AND BETWEEN W. E. FALLON AND SUNVAN HAWAII, INC., Item F-1-d G. L. S-4119, MOANALUA, OAHU Item F-1-e ASSIGNMENT OF LEASE, G. L. S-4118, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT I, MOANALUA, OÁHU. Approved. See Page 12 for Action. Item F-1-f RESUBMITTAL - RICHARD EDNIE APPLICATION FOR REVOCABLE PERMIT, LALAMILO, SO. KOHALA, HAWAII FOR PASTURE PURPOSES COMMENCING RETROACTIVE TO DECEMBER 6, 1986. RENTAL: \$11.00 PER MO. ASSIGNMENT OF ONE-HALF INTEREST, GRANT OF EASEMENT FOR ACCESS PURPOSES, PORTION OF THE GOVERNMENT LAND OF WAIMEA, SO. KOHALA, HAWAII FROM MELVIN S. KUROMOTO to MR. EMILIO RICHARD OLCESE, JR. AND MRS. PEGGY LEE OLCESE. Item F-1-g JULES J. GERVAIS, JR. AND SOONTAREE GERVAIS REQUEST FOR CONSENT TO ASSIGN Item F-1-h G. L. S-4634 TO DONALD J. HUNTER AND CAROLYN LEE HUNTER, LOT 6, PANAEWA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII. Item F-1-i KAOHU MARK COOPER REQUEST FOR CONSENT TO ASSIGN G. L. S-4756, PANAEWA AG. PARK, WAIAKEA, SO. HILO, HAWAII. Mr. Shimabukuro asked to add a new Condition no. 4 as follows: That the lessee be qualified under the agricultural park program. Item F-1-j ASSIGNMENT OF G. L. S-4787, POR. OF GOVERNMENT LANDS OF KA'U AND NUKAKAIA, KA'U, HAWAII FROM ALAN CURRY TO FRANK G. BELCHER AND LYNN BELCHER. ACTION Mr. Kealoha moved to approve Items F-1-c, d, f, g, h, i & j. Seconded by

REQUEST FOR PERMISSION TO USE IOLANI PALACE GROUNDS AS A HOLDING AREA FOR

Mr. Arata, motion carried unanimously.

ITEM F-2	HAWAII ELECTRIC LIGHT CO., INC. APPLICATION FOR EASEMENT AT KEAHOLE, NO. KONA, HAWAII.
	Mr. Shimabukuro asked to change the zoning from Agriculture to Conservation
ACTION	Unanimously approved as amended. (Arata/Arisumi)
ITEM F-3	AMENDMENT TO STAFF RECOMMENDATION FOR AWARD OF LEASE COVERING GRANDFATHERED "RESIDENCES" AT MILOLII, SO. KONA, HAWAII.
ACTION	Mr. Arata moved to approve and authorize the disposition by direct award of a residential lease to Louis P. Paulo, Sr., and Mona K. Paulo covering Lot 12 of the Miloli'i Subdivision, So. Kona, Hawaii, subject to the terms and conditions as prescribed in the agenda Item F-3 of December 28, 1984, and agenda Item F-2 of April 26, 1985. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM F-4	COUNTY OF MAUI REQUEST TO LEASE PORTION OF EXECUTIVE ORDER NO. 3349 LAND TO MAUI HUMANE SOCIETY FOR ANIMAL SHELTER FACILITY PURPOSE, PULEHUNUI, WAILUKU, MAUI.
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
ITEM F-5	COUNTY OF MAUI REQUEST TO LEASE LANDS UNDER EXECUTIVE ORDER NO. 3321 TO HANA CULTURAL CENTER FOR OPERATION AND MAINTENANCE OF CULTURAL MUSEUM PURPOSES, HANA, MAUI.
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
ITEM F-6	DIRECT AWARD OF LEASE TO DEPARTMENT OF HAWAIIAN HOME LANDS AND SET ASIDE TO THE DEPARTMENT OF EDUCATION, LIBRARY SERVICES, COVERING LANDS AT KAKAAKO, HONOLULU, OAHU.
	Deferred. See Pages 3 through 5.
ITEM F-7	EXCHANGE OF LANDS BETWEEN STATE OF HAWAII AND WAIANAE AMUSEMENT CO., LTD. COVERING LANDS AT WAIANAE-KAI, WAIANAE, OAHU.
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
ITEM F-8	DIRECT GRANT OF NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS PURPOSES, HAUULA, KOOLAULOA, OAHU.
	Approved. See Pages 10 and 11.
ITEM F-9	RESUBMITTAL - ANNUAL REVIEW OF REVOCABLE PERMITS, ISLAND OF OAHU.
-	Mr. Shimabukuro asked to amend this submittal. All of those listed in the submittal as of today have paid in full so staff would like to recommend that they be allowed to continue their permits for another year subject to the conditions approved at the Board's meeting of November 21, 1986, including
ACTION	Mr. Kealoha moved to approve as recommended by staff and as amended above. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM F-10	CONVEYANCE OF STATE LANDS FOR ROAD WIDENING PURPOSES, KAPAA, KAWAIHAU (PUNA),
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM F-11	PUBLIC AUCTION SALE OF LEASE FOR HYDROELECTRIC POWER FACILITIES AND APPURTENANT EASEMENTS FOR WATER AND ELECTRICAL TRANSMISSION PURPOSES, WAIALUA, KAUAI.  Mr. Shimabukuro asked to amend Recommendation C. by adding another condition as follows:
ACTION	C.8. That the license be subject to legislative disapproval.  Unanimously approved as amended. (Kealoha/Arata)
ITEM F-12	LEASE AT PUBLIC AUCTION, CONCESSION AT WAILUA RIVER MARINA COMPLEX, WAILUA,
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
ITEM F-13	RESUBMITTAL - ANNUAL REVIEW OF REVOCABLE PERMITS, ISLAND OF KAUAI.
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
ITEM F-14	ROBERT D. DEWITZ REQUEST FOR ROADWAY (DRIVE-THRU SERVICE LAND) EASEMENT ACROSS G. L. NO. S-3811 TO CONSOLIDATED AMUSEMENT CO., LTD., KALAUAO, OAHU.
	Deferred. See Page 10.
ITEM F-15	DEPARTMENT OF HAWAIIAN HOME LANDS REQUEST FOR APPROVAL TO EXECUTE AMENDMENT TO WAIANAE-KAI LAND EXCHANGE, WAIANAE, OAHU.
ACTION	The board voted unanimously to waive and release the mineral and metallic mines reservation contained in the 150 lots Waianae-Kai Subdivision which was transferred to the Hawaiian Homes Commission by exchange Deed dated March (Kealoha/Arisumi)
ITEM F-16	RECONSIDERATION OF REQUEST FROM CITY & COUNTY OF HONOLULU FOR AUTHORIZATION TO SOLICIT PROPOSALS AND ISSUE CONTRACT FOR A FOOD SERVICE CONCESSION AT THE
ITEM F-17	REQUEST FROM CITY AND COUNTY OF HONOLULU FOR AUTHORIZATION TO LEASE PORTION OF THE KAPIOLANI PARK (WAIKIKI SHELL AREA).
	Items F-16 and F-17 were both deferred to the next Oahu meeting. See Pages 5 through 8.
ITEM H-1	CDUA FOR THE SOUTH KOHALA EXPLORATORY WELL AT WAIMEA, HAWAII (DOWALD)
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
ITEM H-2	CDUA FOR SINGLE FAMILY RESIDENCE AT HAENA, KAUAI (MR./MRS. BRIAN KENNELLY).
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
ITEM H-3	CDUA FOR AN AFTER-THE-FACT SUBDIVISION AND NONCONFORMING SINGLE FAMILY RESIDENTIAL USE AT LAUPAHOEHOE, HAWAII (MRS. PATRICIA POPPE).
	Approved. See Page 11.
ITEM H-4	REQUEST TO REVIEW FOR RENEWAL OF CDU PERMIT ISSUED TO ROCK ISLAND RIDERS TO CONDUCT YEARLY RECREATIONAL MOTORCYCLE RIDE ON ISLAND OF HAWAII (ROCK ISLAND RIDERS).
	Approved. See Page 10.

ITEM H-5	CDUA TO REBUILD A PORTION OF A RESIDENCE AT WAIMEA, KOOLAULOA, OAHU, TMK: 5-9-05:21 (MRS. PHILO OWEN).
	(See Page 12 for Action.)
ITEM H-6	RESUBMITTAL - CDUA FOR A NONCONFORMING SINGLE FAMILY RESIDENTIAL USE AT WAILUA, OAHU (MR. FREDERICK J. TITCOMB).
	Approved. See Page 11.
ITEM H-7	CDUA FOR ERADICATION OF MARIJUANA ON THE ISLAND OF HAWAII, MAUI, AND MOLOKAI (DLNR DIV. OF FORESTRY & WILDLIFE).
ACTION	Deferred.
ADDED ITEM H-8	REQUEST FOR PERSONNEL ACTION.
ACTION	Mr. Kealoha moved to approve the appointment of Dean Uchida to Position No. 26435 effective January 2, 1987. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM J-1	RESUBMITTAL OF APPROVED CONTRACT FOR THE OPERATION OF THE AUTOMOBILE PARKING FACILITIES AT GENERAL LYMAN FIELD, HAWAII.
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
ITEM J-2	GRANT OF EASEMENT, KEAHOLE AIRPORT, HAWAII (WATER COMMISSION OF THE COUNTY OF HAWAII).
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
ITEM J-3	VENDING MACHINES AGREEMENT, LIHUE AIRPORT, KAUAI.
ACTION	Unanimously approved as submitted. (Kealoha/Arata)
ITEM J-4	APPLICATION FOR REVOCABLE PERMIT NOS. 4249, ETC., AIRPORTS DIVISION.
ACTION	Unanimously approved as submitted. (Kealoha/Arata)
ITEM J-5	RENEWAL OF REVOCABLE PERMITS 3477, ETC., CONFORMING USE, AIRPORTS DIVISION.
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
ITEM J-6	SALE OF LEASE THROUGH PUBLIC AUCTION, MALA WHARF, MAUI.
ACTION	Deferred.
ITEM J-7	CONTINUANCE OF REVOCABLE PERMITS H-80879, HARBORS DIVISION.
ACTION	Unanimously approved as submitted. (Kealoha/Arata)
ITEM J-8	TICKET BOOTHS, LAHAINA HARBOR, MAUI (SCOTCH MIST SAILING CHARTERS, INC.)
	Mr. Garcia asked that the word "Approval" be added after "RECOMMENDATION".
ACTION	Unanimously approved as amended. (Arisumi/Arata)
ITEM J-9	AMENDMENT NO. 1 TO LEASE NO. DOT-A-85-6, HONOLULU INTERNATIONAL AIRPORT, OAHU (GREETERS OF HAWAII, LTD.).
ACTION	Unanimously approved as submitted. (Kealoha/Arata)

### **RESOLUTIONS:**

Resolutions expressing the board's appreciation for services rendered to the State of Hawaii were adopted for the following employees:

- . MRS. YVONNE WALTER DIAS, Clerk Stenographer with the Division of Land Management for her more than nineteen years of government service.
- . MR. CHARLES TADASHI INATSUKA, Civil Engineer III in the Division of Water and Land Development for his more than 30 years of government service.
- . MR. SEISO KAMIMURA, Park Superintendent II with the Hawaii Park Section, Division of State Parks, for his more than 26 years of government
- . MR. KENNETH KENICHI KATO, Park Caretaker II at Diamond Head State Monument in the Division of State Parks, for his more than nine years of government service.
- . MR. GEORGE SUSUMU MORIMOTO, Engineering Program Manager in the Division of Water and Land Development, for his more than 31 years of government
- . MISS C. RUBY OKAFUJI, Clerk Stenographer II in the Division of Land Management for her more than six years of government service.
- . MR. HAROLD MASARU SAKAI, Engineering Program Manager in the Division of Water and Land Development, for his more than 29 years of government
- . MRS. LOIS FUJIE SAKATA, Clerk II in the Bureau of Conveyances, for her more than 17 years of government service.
- . MR. RAYMOND HECIA SANTANA, Park Caretaker III at Keaiwa Heiau State Recreation Area in the Division of State Parks, for his more than 39 years of government service.
- . MR. MASAYOSHI TAKAOKA, Forestry Technician VI of the Central Tree Nursery Branch of the Division of Forestry and Wildlife, for his more than 39 years of government service.

ADJOURNMENT: There being no further business, the meeting was adjourned at 2:15 P. M.

Respectfully submitted,

Mrs. LaVerne Tirrell Secretary

Chairperson 1t

ROVED

WILLIAM W. PATY