

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

DATE: May 8, 1987
TIME: 9:00 A. M.
PLACE: Kalanimoku Building
Room 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

Chairperson William W. Paty 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. William W. Paty

STAFF: Mr. Henry Sakuda
Mr. George Matsumoto
Mr. Ralston Nagata
Mr. Mike Shimabukuro
Mr. Sam Lee
Mr. Mason Young
Mr. Roger Evans
Ms. Gail Harada
Mr. Richard Fassler
Mrs. LaVerne Tirrell

OTHERS: Mr. Edwin Watson, Deputy A.G.
Mr. Peter Garcia, DOT
Mr. Carey Smoot (Item E-1)
Mr. Frank Chun (Item F-2)
Mr. & Mrs. Jim (Phoebe) Kaleo, Ms. Grace
Nakamura and Mr. Nishimura (Item F-7)
Mr. & Mrs. Paul (Winnie) Goya (Item F-8)
Ms. Doris Berg Andrews (Item F-13)
Mr. Hugh Gordon (Item H-2)

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

ITEM J-1

RESUBMITTAL - LICENSE AND AGREEMENT FOR MOTOR COACH AND LIMOUSINE GROUND
TRANSPORTATION SERVICES (AIRPORT SHUTTLE BUS), OAHU.

ACTION

Mr. Kealoha moved to approve the proposed amendments listed in the submittal. Motion carried with a second by Mr. Zalopany.

Mr. Ing was excused from voting on this item.

ITEM J-2

AMENDMENT NO. 7 TO LEASE NO. DOT-A-73-29, HONOLULU INTERNATIONAL AIRPORT,
OAHU (AMERICAN AIRLINES, INC.).

ACTION

Unanimously approved as submitted. (Ing/Arisumi)

- ITEM J-3 AMENDMENT NO. 9 TO LEASE NO. A-62-15, HONOLULU INTERNATIONAL AIRPORT, OAHU (NORTHWEST AIRLINES, INC.).
- ACTION Unanimously approved as submitted. (Ing/Arisumi)
- ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4324, ETC., AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION (REVISED), ALA WAI BOAT HARBOR, OAHU.
- Mr. Garcia asked that the upset rental be changed from \$3700.00 to \$2600.
- ACTION Unanimously approved as amended. (Ing/Kealoha)
- ITEM J-6 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LICENSE NO. 26, KEWALO BASIN, OAHU (SERVCO PACIFIC, INC.).
- ACTION Mr. Ing moved to approve as submitted. Motion carried with a second by Mr. Zalopany.
- Mr. Kealoha was excused from voting on this item.
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (YOUNG BROTHERS, LTD.).
- ACTION Mr. Arata moved to approve as submitted. Motion carried with a second by Mr. Arisumi.
- Mr. Ing was excused from voting on this item.
- ITEM J-8 CONTINUANCE OF REVOCABLE PERMITS H-337, ETC., HARBORS DIVISION.
- ACTION Mr. Arisumi voted to approve as submitted. Motion carried with a second by Mr. Arata.
- Mr. Ing was excused from voting on this item.
- ITEM J-9 USE OF HARBORS DIVISION FACILITIES, PIER 10 PASSENGER TERMINAL, HONOLULU, OAHU (MAKE A WISH HAWAII, INC.).
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ADDED
ITEMS Upon motion by Mr. Ing and a second by Mr. Kealoha, the board voted unanimously to add the following items to the Agenda:
- Item B-3 -- Request for Approval of Agreement with the Research Corporation of the University of Hawaii to Provide Administrative Service for the Statewide Kapu System Project.
- Item H-5 -- Permission to Fill the Position of Secretary II, Position No. 18174E, in the Aquaculture Development Program, Oahu.
- Item J-10 -- Supplemental Agreement - License dated June 10, 1947 and Consent to Supplemental Agreement to Sublicense dated August 3, 1983, Harbors Division.
- ADDED
ITEM J-10 SUPPLEMENTAL AGREEMENT - LICENSE DATED JUNE 10, 1947 AND CONSENT TO SUPPLEMENTAL AGREEMENT TO SUBLICENSE DATED AUGUST 3, 1983, HARBORS DIVISION.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-13

DIRECT SALE OF RECLAIMED (FILLED) LAND TO DORIS BERG ANDREWS, KANEOHE, KOOLAUPOKO, OAHU.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-8

RESUBMITTAL - WINNIE HARM REQUEST FOR GRANT OF NON-EXCLUSIVE EASEMENT FOR EXISTING ROCK REVETMENT AND CONCRETE STEPS AT KALUANUI, TMK 5-3-08:18, KOOLAULO, OAHU.

Mr. Shimabukuro presented for the board's review a copy of the plot plan showing the location of the revetment in relation to the lot itself.

Mr. Ing asked Mr. Shimabukuro, "what has been done with the other lots in relationship to this particular lot, with respect to the seawall?"

Mr. Shimabukuro was not aware that there was a seawall. If there was a seawall they have not done any research on this.

Mr. Arata suggested that staff, should they hereafter find discrepancies on several lots, notify all the owners so they can take action all at once.

The applicant, Mr. Paul Goya, said that the wall existed before they purchased it and any violation was not intended on their part. They were not aware that they were encroaching on State property. They feel that they should not be levied the assessment recommended to the board and also that they should be granted the easement so they can proceed with the new construction of the existing building which is quite deteriorated.

In answer to Mr. Ing's question, Mr. Goya said that the property was purchase in 1977 and they have occupied the property off and on since that time but have made no improvements to the property.

Mr. Ing said that while he understood the Goya's concern with respect to the \$500.00 encroachment fee, there are two ways to look at this. One is that they have had the benefit of the rock wall which is on State land for ten years for which they have not paid a fee or easement charge and it does serve a useful purpose of protecting their existing property from further erosion. The easement being proposed will become effective sometime in the future. If they are not charged something for the encroachment then they would have had full use of the land for free.

Mrs. Goya felt that because they had to pay more taxes with the wall where it is they, in essence, have paid for the wall.

Mr. Ing said that the wall could be taken down. They either want the wall or they don't want the wall. The board could order them to take the wall down.

Mrs. Goya felt that the wall was for the protection of all the properties in the area.

Mr. Ing explained to the Goya's that if the board approves the submittal as recommended by the staff then they would be assessed \$500.00 for the encroachment and that would only take care of what has gone on in the past. So they would not be charged for any future encroachment, they would give them an easement but they would have to pay for that easement over a period of years, a fee which would be set by an appraiser. This would eliminate the problem of having encroachment in the future years.

Mr. Goya said that if the barrier was placed there prior to their occupancy then why can't they it take from the time they took it over and assess them at the lesser amount. He asked if the \$500.00 figure was an arbitrary figure.

Mr. Shimabukuro explained that the amount, by law, is to be \$500.00 per day. However, staff decided to assess one amount of \$500.00 instead of per day.

Mr. Ing said that we are looking at about 900 sq. ft. which he would not call a minimal encroachment.

ACTION

Mr. Ing moved to approve with the following amendments:

1. Add a Condition No. 7 that no improvements be constructed on the land covered by the easement.
2. That the assessment for encroachment be reduced to \$300.00.
3. That Condition No. 4 be amended to add the word "defend" after the word "indemnity."

Mr. Arisumi seconded. Motion carried unanimously.

ITEM F-7

RESUBMITTAL - AUTHORIZATION TO SERVE NOTICE OF DEFAULT AND CAUSE FORFEITURE OF HOMESTEAD LEASE NO. 53 (ESTATE OF CLARA KEALA KAMAKEEAINA), LOT 18, TMK 5-3-08:18, KOOLAULOA, OAHU.

This item was deferred in order that staff might check to see if there were any surviving heirs. Staff found that there were three surviving heirs and, subsequently, the homestead lease was quitclaimed to one of the heirs, Mrs. Phoebe Kaleo.

Mr. Jim Kaleo, husband of Phoebe Kaleo, said that no taxes were paid since 1969 because at the time of the death of the parents only one house could be built on the property and there were five children at that time and no one at that point could tell who would be living on the property. However, when they found that there was going to be a tax auction, he and his wife met with the family and said that they would be responsible for the taxes and that is how the property was quitclaimed to them. In the meantime, when they sat down with the tax people they did not get correct information from them. They understood that they had to pay the taxes in arrears first. They were paying about \$250.00 a month and found that they were falling further back. When he called the tax office to see how the tax payments were to be disbursed, he was told that it was up to him. However, Mr. Kaleo said that he wanted to know what was the law and was told that he could pay his current taxes first. He said that they have paid about \$10,000 in the last three years but most of this money went to the taxes in arrears and they were being penalized for the current taxes. Mr. Kaleo went on to explain the problems they have been having e.g. trying to get a mortgage, paying the taxes, etc., not being able to qualify for a mortgage because he was not a farmer and he also came down with shingles. He was here to request that the board extend his lease for another year and in the meantime whatever monies he will be paying will go for current taxes.

Mr. Ing said that when the board allowed the quitclaim in February of 1984 the outstanding tax bill was \$39,960.00. At the time this submittal was prepared, it is now \$48,906.00. He wanted to know what had become of the \$10,000 payment that he made.

Mr. Kaleo said that he would have to ask the tax people this question.

Mr. Ing asked Mr. Kaleo if he would be able to get something from the tax people to see how this \$10,000 was disbursed.

Mr. Arisumi asked Mr. Kaleo what he expected to do during the one year extension.

Mr. Kaleo said that they plan to bring some of their children in and will probably be able to pay between \$600 to \$1000 a month which will go first for the current taxes and then to the taxes in arrears. They are thinking of growing things such as flowers, etc.

Ms. Grace Nakamura and Mr. Nishimura from the City's Real Property Division reviewed the situation for the board.

Ms. Nakamura said that when they first contacted the Kaleo's, they did come in and said that they had the quitclaim from the other heirs and would be responsible for the taxes. This was referred to their Attorneys to work up some kind of agreement for payment. This agreement was sent to the Kaleo's for signature but the signed copy was never returned.

Mr. Ing asked how much had been paid since they have dealt with the Kaleo's.

Ms. Nakamura did not have her ledger sheets so was not sure. However, interest on the balance amounts to 10% a year. The outstanding tax at this time is about \$24,000.00.

In answer to Mr. Paty's question, Ms. Nakamura said that taxes on the subject property is about \$1200.00 a year.

There was much discussion with respect to the amount of taxes owed and how interest and penalties are calculated.

Mr. Ing asked, "when was the last time the Kaleo's made a payment?"

Ms. Nakamura said, "March 5, 1987."

Mr. Ing said that at the rate the Kaleo's are going he could see no way that they could get themselves out of the tax hole. If there had been more payments in the last three years he could have more hope. However, at this stage he couldn't see what a one year extension would do.

In response to Mr. Ing's concern, Mr. Kaleo said that when they first became responsible for the lease they put down a payment of \$3000.00. They also put about \$25,000 into the property. All this money is coming out of their pockets since they cannot borrow on the property. If they were to put all the monies into the taxes then they could not put up a house on the property so where do they start. He realizes that taxes have to be paid but if they cannot put anything on the property then "forget it". In order to pay the taxes, they have to be able to put up a house first. They would like to resolve this thing but all they want is time. He feels that they are responsible people.

Mr. Paty stated that the board does not feel that they are not responsible people, however, they are looking at the figures which they are up against and the meter keeps running. It's hard for the board to see how they can work themselves out of this thing unless they can demonstrate to the board that there is some kind of payment schedule that can be met. This has not been done so far.

Mr. Kaleo felt that once they begin to prosper, he would be able to have the taxes paid off in about two or three years.

Mr. Arisumi asked Mr. Kaleo, "what kind of payment would you be able to make?"

Mr. Kaleo said \$250.00 a month until he can get his family down there and after that he would be able to pay about \$650.00 a month.

Mr. Ing said that from what has been done in the last three years by the Kaleo's it seems to be a losing battle. However he would prefer to defer this for about three months and have it come back again at an Oahu meeting to see how much they have been able to come up with to pay the taxes rather than approve a one year extension.

Deputy A.G. Watson suggested a two month deferral rather than three months to see if they could come up with some kind of agreement.

Mr. Kealoha suggested that the County get together with the Kaleo's to see if a schedule could be worked out. In the meantime, he would like to see the Land Management people, more particularly Mr. Yanamura, go down and assess that parcel of land occupied under this lease and see what is the best possible agricultural potential and then make some recommendation to the board at a later date -- one month, two months, or whatever it is. At that time the board can re-assess the whole situation more accurately. He agrees with Mr. Ing that, at this point, from the information received thus far that Mr. Kaleo can't cut it. Minimum payment at this point, to break even, would have to be about \$2400.00 a month.

Mr. Paty suggested also that the Kaleo's develop some kind of business plan such as market, cost and timing insofar as farming the land.

ACTION

Mr. Ing moved to defer the matter for sixty days, or the next Oahu board meeting, providing it is not less than the sixty days, with the understanding that Mr. Kaleo will come up with a farming plan and to try to work out some form of an agreement with the City on payment. Seconded by Mr. Arisumi, motion carried unanimously.

RECESS:

The board recessed for five minutes at 11:10 A.M.

ITEM F-2

REQUEST FOR RIGHT OF ENTRY FOR MILITARY EXERCISE PURPOSES, KAOHE 3RD, TMK 4-4-15:POR. 13, HAMAKUA, HAWAII.

Mr. Ing asked if this was the same plot which was used last year.

Mr. Shimabukuro said, yes.

Mr. Ing asked if there were any violations on the conditions set.

Mr. Shimabukuro was not aware of any.

ACTION

Mr. Arata moved to grant the right of entry to the Real Estate Division, Corps of Engineers, Department of the Army, over State land identified above and encumbered by Land License No. S-298, to Allied Aggregates Corporation for military exercise purposes during the period May 1st through May 28, 1987, subject to the conditions listed in the submittal.

Mr. Kealoha asked whether they were already in the area.

Mr. Frank Chun said they will not go in until approval is received.

Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-1

REQUEST TO USE THE OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII, TO TEST A SOLAR POWERED CAR.

Mr. Nagata said that Mana O Kala, a solar research and aquacultural center located at Paauilo on the island of Hawaii, is an entrant in the World Solar Challenge, the first international transcontinental solar power car race. The race starts on November 1, 1987 and runs from Darwin to Adelaide, Australia, a distance of 2,000 miles through the Australian outback. There are now 24 cars entered in the race. The Mana O Kala car will be one of three entrants from the United States.

When the car is completed in mid-June, 1987, they will need a place to conduct initial road testing, and they are requesting permission to use the former runway at the old Kona Airport State Recreation Area. The vehicle has a maximum speed of 55 miles per hour, but the top speed may not be attained during the tests because of the short runway length.

Mr. Nagata said that the applicant will cone off the test course with appropriate flags or cone markers as may be required. Also, security or off-duty police will be employed as may be required by the Board. Also, a National Geographic film crew will film the tests for showing nationwide as a part of a documentary on the race. The applicant has stated willingness to provide a certificate of liability insurance to cover the State of Hawaii for the use of the park.

Staff is recommending denial as they feel the use is not compatible with the purpose for which the Park has been established and would have adverse impacts on the normal users of the parks.

Mr. Arata asked whether there were any adverse comments since this activity has been in the papers.

Mr. Nagata said, no. However, there was support of this application in the papers. He recalled reading something that a State representative from the area saying that the use could be accommodated there.

Mr. Arata asked Mr. Nagata, "if the applicant can assure the staff that, since public safety is your concern, of denying any public access or use of the beach as mentioned, then staff would have no objection except those others that you mentioned?"

Mr. Nagata replied that those would be staff's two main concerns, but generally their overall concern is not to try to include uses which are incompatible.

Mr. Arisumi felt that we should try to accommodate these people who have come all the way from Australia to test their car.

Mr. Carey Smoot felt that since the State does support alternative energy, he felt that this project supports alternative energy and the benefits for Hawaii are tremendous. Insofar as coverage by National Geographic Magazine, he said that they do not make a profit when they make films, it just helps to educate the world in new things and it's amazing that new things have such a difficult time getting done. He said that there is no fuel involved so nothing explodes and the car won't reach 50 miles an hour at that 3000 foot level. They just want to test the brakes and do the safety part then they will go on the highway so they may not even use the area but a few weeks to get the safety parts squared away. They also do not want to disrupt the public.

Mr. Arata asked if this item could wait for the next board meeting in order that the applicant may obtain more information such as public safety, etc. in order to help their cause.

Mr. Smoot said that the amount of money and time that has been spent on this project -- waiting another month puts them down to the point to where they need to run the car.

Mr. Arata said that if the board took action in June it should help being that the car won't be ready until July. This way the board will have some time to see how they can help put this thing together for him.

ACTION

Mr. Arata moved to defer this item to the first board meeting in June. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-2

CDUA FOR SUBDIVISION AND CONSTRUCTION OF FOUR 90-FOOT RADIO TOWERS AT KEAHOLE, HAWAII (BIG ISLAND BROADCASTING CO., LTD.).

Mr. Evans said that the purpose of this application is to construct four 90-foot tall radio towers, a ten-foot by fifteen-foot building to house the transmitter, and a road from the easement to the transmitter building.

Mr. Evans said that several questions were raised by the board at the public hearing which staff felt they were able to address. For example, they did check with the Attorney General's office and in terms of this specific application at this specific location, in terms of its purpose, that the subdivision did not constitute a material change to the application so it was amended. One of the major things that staff wanted to take a look at was that there was residential subdivision relatively close and a concern was expressed, "will it affect the television reception in the area?" Staff's analysis was that by establishing this there would be no affect on the existing television reception.

Other considerations related to landscaping. Mr. Evans said that staff has recommended approval subject to 18 conditions some of which do relate to the concerns that were expressed by the public as well as the board such as FAA specifications, the Division of Forestry's concerns relating to lighting the towers, the site and construction of the towers in terms of its coordination with the County of Hawaii and also landscaping concerns.

ACTION

Mr. Arata moved to approve with the following amendment:

That Condition 18 read as follows:

18. That the applicant would use wood in the construction of the building instead of tile.

Condition 18. Other terms and conditions as prescribed by the Chairperson, would then become Condition No. 19.

Mr. Arisumi seconded.

Mr. Ing said that he would like to see the photographs mentioned in the submittal.

Mr. Evans apologized that the photographs were not available this morning.

Mr. Ing asked that Ms. Gail Harada explain to the board what was shown in said photographs.

Mr. Arisumi asked whether another generator would be needed in the future.

Mr. Evans said that based on representations from the applicant they expect an amendment to come in for an addition of another generator. They said that by the time they got to the public hearing the applicant had already indicated that he would like to have another generator but it is not a part of this application.

The applicant, Hugh Gordon, in reply to Mr. Arisumi's question regarding the addition of another generator, felt that Mr. Arisumi's concern had to do with HELCO's generators which run all day and is shut off for several hours every evening. The main concern was from three families who live in the agricultural subdivision. He said that their transmitter will be totally

quiet. The only time the county has proposed purchasing a civil defense generator as back up is in case the power goes out. That would be the only time that their generator would run and would not be heard by any family close by.

Mr. Zalopany asked the applicant whether he would prefer a hollow tile building over a wooden.

Mr. Gordon thought that might be a concern and did make considerations for a wood building with concrete slab. He did have difficulty, however, with the 10'x 15' size. He would feel much safer with a 15' x 20' building if that were possible.

Mr. Arata asked Mr. Gordon if he had any problems with the conditions listed as well as the new added condition.

Mr. Gordon said he had no problems except for Conditions 12 and 13 having to do with the lighting of the towers. He said that lighting of the towers is an FAA restriction if the towers are over 100 feet. These towers are only 90 feet tall so they have questioned FAA who think they have made a mistake. There is a possibility that the towers will not have to be lit at all. However, if FAA requires that they light the tower then he would not be able to accommodate Condition No. 10, which is to paint the tower an earthtone color. If the towers have to be lit then they also have to be painted an FAA color. Other than that, he had no problems with the conditions listed.

Mr. Paty called for the vote, motion carried unanimously.

Mr. Ing asked, "what happens with the requirement that the towers be painted?"

Mr. Evans said that he does not know as of today. However, if there is some change then the applicant will come back showing the changes made by the FAA and staff would come back to the board.

Mr. Ing said that he either complies to Condition No. 13 or he complies to No. 10. He cannot comply with both.

Mr. Ing asked, "if the FAA does not require that the tower be lit but Forestry does, then do they have to paint the tower to FAA specifications or can they paint it any color?"

Mr. Gordon understood that condition no. 13 is just a standard clause by the Division of Forestry that any lighting be according to their standards, if you're lighting. However, they have not specifically said that he had to light the tower.

MINUTES:

Mr. Ing moved to approve the January 23, 1987 minutes as circulated. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM B-1

REQUEST FOR APPROVAL OF PROJECT AGREEMENTS WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) AND THE UNIVERSITY OF HAWAII (UH) TO CONTINUE FISHERIES DEVELOPMENT PROJECTS DURING FISCAL YEAR 1987-88.

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ITEM B-2

OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA, ADMINISTRATOR, DIVISION OF AQUATIC RESOURCES TO ATTEND THE ANNUAL CONFERENCE OF THE WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES AND THE WESTERN DIVISION OF THE AMERICAN FISHERIES SOCIETY.

ACTION

Unanimously approved as submitted. (Arisumi/Arata)

ADDED
ITEM B-3 REQUEST FOR APPROVAL OF AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO PROVIDE ADMINISTRATIVE SERVICE FOR THE STATEWIDE KAPU SYSTEM PROJECT.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM D-1 FILLING OF POSITION NO. 12771, ENGINEER (CIVIL) III, DIVISION OF WATER AND LAND DEVELOPMENT, OAHU.

ACTION Mr. Ing moved to approve the appointment of Mr. Sterling L. Chow to Position No. 12771. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-1 REQUEST TO USE THE OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII, TO TEST A SOLAR POWERED CAR.

(See Page 8 for Action.)

ITEM E-2 ALLOCATION OF HISTORIC PRESERVATION GRANTS-IN-AID TO CERTIFIED LOCAL GOVERNMENT.

ACTION Unanimously approved as submitted. (Zalopany/Kealoha)

ITEM E-3 REQUEST PERMISSION TO USE THE GROUNDS AT THE IOLANI PALACE FOR THE ALOHA WEEK OPENING DAY CEREMONIES.

ACTION Mr. Ing moved to approve with an amendment to include use of the steps as long as it is coordinated with the Friends of Iolani Palace. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-4 REQUEST PERMISSION TO USE PORTION OF THE AINA MOANA STATE RECREATION AREA FOR CANOE REGATTA DAY RACE.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-a ASSIGNMENT OF LEASE, GENERAL LEASE NO. S-5061 from LAWRENCE VIDINHA AND DAISY R. VIDINHA TO KATHRYN FLEET, LOT 16, PUU KA PELE PARK LOTS, WAIMEA, KAUAI.

Item F-1-b ASSIGNMENT OF GENERAL LEASE NO. S-4915 FROM JOSEPH B. DIMEO AND JEANETTE M. DIMEO TO THE FLAGS RESORT APARTMENTS, INC., TMK 3-9-05:56, KAMAOLE, MAUI.

Item F-1-c SUBLEASE, CORMAX CORP., SUBLESSOR AND BREAD BROTHER'S INC., SUBLESSEE, G. L. NO. S-4644 TO CORMAX CORP., TMK 9-8-13:14, KALAUAO, EWA, OAHU.

Mr. Shimabukuro asked that the words "Amendment of" shown in condition no. 3 be deleted.

Mr. Ing asked if we need to say anything in the event they violate the easement. The board had given Bread Brothers an easement to use a portion of State land for a driveway exit which is an adjacent parcel. However, the conditions are very strict on that, they can use it only during certain hours so the board could shut them down if they violated the easement.

Mr. Watson suggested that the sublease conditions be subject also to the conditions of the easement area.

Mr. Shimabukuro said that this would be included under terms and conditions.

Item F-1-d ASSIGNMENT OF G. L. NO. S-5051 FROM HAJIME TAKANISHI AND KIMIYO O. TAKANISHI TO NED T. DANA AND HOLLIS H. DANA, TMK 1-4-02:18, LOT 3, PUU KA PELE PARK LOTS, WAIMEA, KAUAI.

- Item F-1-e ASSIGNMENT OF 1/4 INTEREST OF MR. & MRS. MAURICE CONTRADES IN G. L. NO. S-5090, LOT 70, PUU KA PELE PARK LOTS, TMK 1-4-02:67, WAIMEA, KAUAI.
- Item F-1-f ASSIGNMENT OF G. L. NO. S-5069 FROM JAMES W. LUSKE AND MELODIE C. LUSKE TO NANCY C. SEAT, LOT 30, PUU KA PELE PARK LOTS, TMK 1-4-02:22, WAIMEA, KAUAI.
- Item F-1-g ASSIGNMENT OF G. L. NO. S-5100 FROM MR. & MRS. LAWRENCE JORDAN, ASSIGNOR, TO LEONARD VIERRA TO LILLIAN SAKAGUCHI, ASSIGNEE, LOT 89, PUU KA PELE PARK LOTS, TMK 1-4-02:85, WAIMEA, KAUAI.

Mr. Ing, referring to the four requests for transfer of the Kokee lots, voiced the board's earlier concerns about sale of these lots for a profit. He asked Mr. Shimabukuro how this could be controlled.

Mr. Shimabukuro said that if rental is increased then the new buyers would be penalized.

Mr. Ing asked Sam Lee if he would give the board some insight.

Mr. Lee said that it was certainly clear in his mind that at one point staff proposed a very tight time frame knowing of the board's previous concerns about false sale assignments -- it was so tight that they allowed for only one assignment and this could only be to a member of a family, but only under extreme circumstances. The Tenant's Association challenged them immediately on this point, referring to HRS 171 which says that staff cannot impose on them a restriction which is greater than that imposed by the statute so staff backed off very quickly and what is now written in the lease is exactly what is written in the statute. How staff can tighten up on that in view of the broadness of the statute is something staff has not been able to figure out yet.

Mr. Ing said that one of the reasons the board did not want them to do this was to get around the speculative aspects and the State not profiting from their own lands. In the past, if it is sold at a higher value than some of that can be attributed to the increased value of the land then they have a provision to escalate the rent somehow.

Mr. Watson said that we can still do that. However, the lease rentals are already very high.

ACTION

Mr. Kealoha moved to approve Items F-1-a, b, d, e, f and g as submitted and Item F-1-c as amended. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-2

REQUEST FOR RIGHT OF ENTRY FOR MILITARY EXERCISE PURPOSES, KAOHE 3rd, TMK 4-4-15:POR. 13, HAMAKUA, HAWAII.

(See Page 6 for Action.)

ITEM F-3

CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 1665, NANAWALE PARK AND GRAVEL PIT SITE, TMK 1-4-03:18, NANAWALE, PUNA, HAWAII.

Mr. Shimabukuro said that he was informed by the Hawaii Land Agent that the parcel involved has all kinds of rubbish on the land so before we except the return of this land we would like to have the county clean the lot. Accordingly, he would like to amend the submittal that before the cancellation is made that the county clear the land of all junk cars and other abandoned material before the jurisdiction is returned to the State.

Mr. Kealoha said that if the county doesn't do it then we would have to just wait until they do it. Mr. Kealoha suggested that staff given them a time limit to do the work and if they don't do it then staff will have the area cleaned and the bill given to the County.

Mr. Shimabukuro said that he will include Mr. Kealoha's suggestion as part of the condition. Allow the County a period of 120 days after which time staff will have the area cleared and the County billed.

- ACTION Unanimously approved as amended. (Arata/Arisumi)
- ITEM F-4 DIRECT SALE OF REMNANT, TMK 2-4-21:63, WAIAKEA, SO. HILO, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Zalopany)
- ITEM F-5 DIRECT SALE OF ABANDONED FLUME RIGHT OF WAY, TMK 2-4-06:19, WAIAKEA, SO. HILO, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-6 DIRECT SALE OF UTILITY EASEMENT, TMK 2-5-02:POR. 01, KAUMANA AND PONAHAHAWAI, SO. HILO, HAWAII.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-7 RESUBMITTAL - AUTHORIZATION TO SERVE NOTICE OF DEFAULT AND CAUSE FORFEITURE OF HOMESTEAD LEASE NO. 53 (ESTATE OF CLARA KEALA KAMAKEEAINA), LOT 18, TMK 5-4-02:09, HAUULA, KOOLAULOA, OAHU.
- Deferred. See Page 6.
- ITEM F-8 RESUBMITTAL - WINNIE HARM REQUEST FOR GRANT OF NON-EXCLUSIVE EASEMENT FOR EXISTING ROCK REVETMENT AND CONCRETE STEPS AT KALUANUI, TMK 5-3-08:18, KOOLAULOA, OAHU.
- Approved as amended. See Page 4.
- ITEM F-9 AMENDMENT OF SPECIFIC USE FOR REVOCABLE PERMIT NO. S-5424 TO THOMAS L. NOA, SR., WAIMANALO, OAHU.
- Mr. Kealoha asked whether there was a requirement that they get liability insurance.
- Mr. Shimabukuro said that under the terms of the permit they would be required to get liability insurance.
- Mr. Kealoha asked about insurance for the CDUA disposition portion.
- Mr. Shimabukuro said that they would add a condition that liability insurance be required.
- ACTION Mr. Kealoha moved to approve with the added condition that liability insurance be required. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-10 CITY & COUNTY OF HONOLULU REQUEST TO RETURN JURISDICTION OF LAND AT KAAKAUKUKU, HONOLULU, OAHU, TMK 2-1-15:POR. 22, ALA MOANA SEWAGE PUMPING STATION (GOVERNOR'S EXECUTIVE ORDER NO. 568).
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-11 CONVEYANCE IN FEE TO CITY AND COUNTY OF HONOLULU FOR ROADWAY PURPOSES, SUNSET VIEW LOTS, AIEA, OAHU.
- ACTION Unanimously approved as submitted. (Kealoha/Arisumi)

- ITEM F-12 CONVEYANCE IN FEE TO HAWAII HOUSING AUTHORITY FOR HOUSING PURPOSES, PUUIKI AND KAWAIKI, HONOLULU, OAHU.
- ACTION Mr. Kealoha moved to approved with the added condition that Revocable Permit No. S-1979 also be transferred to Hawaii Housing Authority. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-13 DIRECT SALE OF RECLAIMED (FILLED) LAND TO DORIS BERG ANDREWS, KANEOHE, KOOLAUPOKO, OAHU.
- Approved. See Page 3.
- ITEM F-14 CITY AND COUNTY OF HONOLULU REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR DRAINAGE PURPOSES AT HALAWA, EWA, OAHU.
- ACTION Unanimously approved as submitted. (Ing/Arata)
- ITEM F-15 DIRECT SALE OF RECLAIMED (FILLED) LAND TO EDWARD R. CRUICKSHANK, KAHALUU, KOOLAUPOKO, OAHU.
- ACTION Unanimously approved as submitted. (Ing/Kealoha)
- ITEM F-16 HAWAIIAN ELECTRIC CO. REQUEST FOR PERPETUAL NON-EXCLUSIVE EASEMENT FOR UTILITY PURPOSES.
- ACTION Unanimously approved as submitted. (Ing/Arata)
- ITEM F-17 STAFF REQUEST FOR AUTHORIZATION TO CONTINUE REVOCABLE PERMITS FOR TEMPORARY PROGRAM FOR COMMERCIAL TOUR BOAT LANDINGS AT HANAIEI BAY AND ANINI, KAUAI.
- Mr. Shimabukuro said that our staff had met with the Department of Transportation and they had indicated that they would like to take management of the boat tours, including the permits, effective July 1, 1987. Accordingly, he asked that this item be withdrawn.
- ACTION Withdrawn.
- ITEM F-18 SMITH'S MOTOR BOAT SERVICE, INC. REQUEST FOR WAIVER OF LEASE BOND REQUIREMENT, G. L. NO. S-4659, WAILUA, KAUAI.
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM F-19 COUNTY OF KAUAI REQUEST TO WITHDRAW AND RESET ASIDE OF STATE LANDS, TMK'S 4-5-11:50 AND 4-5-09:33, AT KAPAA, KAUAI.
- ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM F-20 RATIFICATION OF CHAIRPERSON'S CONSENT TO ISSUANCE OF A LAND LICENSE TO THE COUNTY OF KAUAI FOR OPERATION AND MAINTENANCE OF THE ANAHOLA VILLAGE PARK, ANAHOLA, KAUAI.
- ACTION Unanimously approved as submitted. (Zalopany/Ing)
- ISSUANCE
ITEM F-21 REDUCTION OF AREA OF REVOCABLE PERMIT NO. S-5679 (GAY & ROBINSON) AND OF NEW PERMIT FOR RESIDENCE PURPOSES TO MRS. GENEVA TEXEIRA.
- ACTION Unanimously approved as submitted. (Zalopany/Arisumi)
- ITEM F-22 LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING, CHILD SUPPORT UNIT, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted. (Ing/Kealoha)

STAFF REQUEST FOR AUTHORIZATION TO HOLD PUBLIC HEARINGS ON THE ISLANDS OF HAWAII, MAUI, OAHU, AND KAUAI FOR AMENDMENT TO EXISTING RULE AND ADOPTION OF PROPOSED RULES.

ITEM F-23

ACTION

Mr. Kealoha moved to approve with the amendment that a public hearing also be held on the island of Molokai. Seconded by Mr. Zalopany, motion carried unanimously. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM H-1

CDUA TO ESTABLISH THE PAUPAU PLANT SANCTUARY AT LAHAINA, MAUI (DIVISION OF FORESTRY AND WILDLIFE).

Mr. Arisumi questioned Condition No. 2 which holds the State of Hawaii harmless, etc. inasmuch as the Division of Forestry is the State of Hawaii. Mr. Evans said this was an error and asked that Condition 2 be deleted.

ACTION

Mr. Arisumi moved to approve with the following amendments:

1. That Condition No. 2 be deleted.
2. That the words "not be disturbed" be added at the end of Condition No. 9.

Seconded by Mr. Ing, motion carried unanimously.

ITEM H-2

CDUA FOR SUBDIVISION AND CONSTRUCTION OF FOUR 90-FOOT RADIO TOWERS AT KEAHOE, HAWAII (BIG ISLAND BROADCASTING CO., LTD.).

Approved as amended. See Pages 8 and 9.

ITEM H-3

CDUA FOR SHORELINE PROTECTION REVETMENT AT NAWILIWILI BOAT HARBOR, NIUMALU, KAUAI (EDWARD Y. HIRATA, DIRECTOR, DEPARTMENT OF TRANSPORTATION).

ACTION

Unanimously approved as submitted. (Zalopany/Arisumi)

ITEM H-4

CDUA FOR SUBDIVISION OF STATE LAND AT KAHANA VALLEY, OAHU (BOARD OF WATER SUPPLY).

ACTION

Unanimously approved as submitted. (Ing/Kealoha)

ADDED
ITEM H-5

PERMISSION TO FILL THE POSITION OF SECRETARY II, POSITION NO. 18174E, IN THE AQUACULTURE DEVELOPMENT PROGRAM, OAHU.

ACTION

Mr. Ing moved to approve the appointment of Theresa Matsumoto to Position No. 18174E. Seconded by Mr. Kealoha, motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 1:15 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



WILLIAM W. PATY
Chairperson

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