

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

DATE: December 16, 1988
TIME: 9:00 a.m.
PLACE: Kalanimoku Building
Room 132
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

Acting Chairperson J. Douglas Ing 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. Moses W. Kealoha
Mr. John Arisumi
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. J. Douglas Ing

ABSENT AND
EXCUSED: Mr. William W. Paty

STAFF: Mr. Manabu Tagomori
Mr. Henry Sakuda
Mr. Ronald Walker
Mr. Ralston Nagata
Mr. Michael Shimabukuro
Mr. Archie Viela
Mr. Roger Evans
Mr. John Corbin
Mr. Mason Young
Mr. Dean Uchida
Ms. Patty Edwards
Mr. Dan Quinn
Mrs. Geraldine M. Besse

OTHERS: Johnson H. Wong, Esq., Deputy Atty. Gen.
Edwin Watson, Esq., Deputy Atty. Gen.
Mr. Ted Meyers (Item E-1)
Ms. Carol Wilcox (Item E-1)
Mr. Francis Kauhane (Item F-1-e)
Ms. Lydia Tsui (Items F-1-f and -g)
Angela Fong, Esq. (Items F-1-f and -g)
Mr. Gordon Wentworth (Item F-11)
Mr. Richard Hirata (Items F-11 and 12)
Mr. Al Ahana (Items F-11 and 12)
Mr. Raymond Ho (Items F-11 and 12)
Daniel Case, Esq. (Item F-20)
Dr. H. Douglas Pratt (Item H-3)
Mr. Peter Garcia (D.O.T.)

ADDED
ITEMS

Upon motion by Mr. Kealoha and a second by Mr. Apaka, the Board voted unanimously to add the following items to the agenda:

- Item B-1 -- Request for Approval to Hold Public Meetings and Hearing on Hawaii Administrative Rules Relating to the Establishment of the Makapuu Marine Life Conservation District, Oahu
- Item D-8 -- Filling of Civil Engineer VI, Position No. 09635, Division of Water and Land Development, Oahu
- Item D-9 -- Filling of Irrigation District Manager Position No. 14858, Division of Water and Land Development, Molokai

Item E-4 -- Filling of Position No. 8702, Park Maintenance Supervisor I, East Unit, Kauai Parks Section

Item F-1-h -- Confirmation of Land Commission Award No. 9754 to Kapela 2 by Application of J. M. Tanaka Construction, Inc.

Item F-21 -- Lease of Office Space for the Department of Land and Natural Resources, Island of Oahu

Item H-4 -- Request for Approval for Out-of-State Travel

Items on the agenda were considered in the following order to accommodate those applicants present at the meeting.

ITEM J-7: GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENTS ACROSS RAILWAY RIGHT-OF-WAY, WEST BEACH, HONOULIULI, OAHU (WEST BEACH ESTATES)

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-11: SUBDIVISION AND CONVEYANCE OF STATE LANDS TO HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR AFFORDABLE HOUSING DEVELOPMENT, HANAPEPE, KAUAI

and

ITEM F-12: CONVEYANCE OF STATE LANDS AT HANAPEPE HEIGHTS HOUSE LOTS TO HOUSING FINANCE AND DEVELOPMENT CORPORATION, HANAPEPE, KAUAI

Mr. Shimabukuro stated that the land involved is presently under revocable permit to Olokele Sugar Company under Permit No. 6134, which covers some 1,872 acres. The State is proposing to take out approximately 85 acres from that area to turn over to HFDC for the development of affordable housing. He noted that the consideration will be determined by the Chairperson.

He stated that the area is presently zoned urban and agricultural; the portion zoned agricultural is the roadway parcel, which is also to be taken, and the particular area is adjacent to Hanapepe Heights Subdivision. The staff proposes that the Board authorize the cancellation of the revocable permit and authorize the subdivision of the site into Lots 1, 2, and 3; Lots 1 and 3 to be transferred at a later date to HFDC. The staff recommends conveyance of Lot 1, which is 82.8 acres, and Lot 3, which is the roadway parcel of 3.2 acres, with consideration to be negotiated and transferred under terms of the submittal, including a commitment by HFDC to allocate a portion for employees and retirees of Olokele Sugar Company. It is also recommended that the Board rescind a prior Board action which authorized the sale of leases at public auction. Mr. Shimabukuro stated that authorization is also necessary to issue a new permit to Olokele Sugar Company covering 1,786 acres under the terms and conditions, which include the reduction of monthly rentals to \$6,000 per month, and to further authorize HFDC interim right-of-entry to Lots 1 and 3 to work out the housing development proposal.

Mr. Shimabukuro distributed to members of the Board a copy of a letter received from C. Brewer on behalf of Olokele Sugar Company clarifying certain aspects of the proposal. Olokele indicated there is an irrigation pipeline running across Lot 1, which they would like to relocate with the assistance of HFDC. Based on the letter, Mr. Shimabukuro asked to amend his submittal as follows:

* Under Recommendation C.2, add after the word "Ltd.," "With applicable financing appropriate for individual purchasers of the 75 dwelling units (house and lot) to be so allocated."

* Add Condition No. 5 to read as follows: "HFDC to coordinate harvesting of cane crop with Olokele Sugar Company; HFDC to be responsible for payment of crop damage, if any."

* Add Condition No. 6 to read as follows: "HFDC to coordinate the relocation of any sugar cane irrigation system (pipes or ditches) within the parcels with Olokele Sugar Company."

In response to a question from Mr. Arisumi, Mr. Shimabukuro stated that this was a house and lot package to be developed by HFDC. Mr. Shimabukuro stated that of the 85 acres to be withdrawn, it was his understanding that approximately 70 acres were in sugar; three acres, the roadway; and ten acres, part of the gulch.

Mr. Shimabukuro indicated that the sugar cane fields were high yield. Mr. Apaka noted that \$150,000 in net income would be lost annually, according to Olokele Sugar. Regarding the proposal to reduce the monthly rental amounting to \$40,000 per annum, Mr. Shimabukuro stated that they were attempting to make the land available for affordable housing and attempting to balance it so that Olokele would not be losing money. The 75 lots to Olokele employees and retirees are part of the consideration for the land. Mr. Apaka expressed his concern that in this endeavor it is implied that the State is attempting to help Olokele to exist. Mr. Shimabukuro stated that the representative from Olokele could probably address Mr. Arisumi's and Mr. Apaka's concerns.

Regarding employee housing, Mr. Kealoha wanted to know under what section of the law the Land Board would be assigning the parcel under permit to the HFDC and at the same time ordering them to set aside a certain number of house lots for employees and/or retirees of Olokele. Mr. Shimabukuro stated that the State cannot so order a private party but in this case the State is cancelling the Olokele permit. The transfer is being made as a part of the Board's conditions under section 171-95 and includes the price and other conditions necessary to carry out the project. Mr. Kealoha stated he did not have a problem with turning over the land to HFDC but to instruct them on the use of the land was a problem and questioned whether this was legal.

Mr. Ing stated it was an interesting point--that if by government action a certain class is favored, generally under the law, there must be a compelling State reason for doing so and raises a constitutional issue on whether the State can do that--in this particular case favor the class of people who are employees and retirees of Olokele.

Mr. Watson stated that it was his understanding that this was a revocable permit and that the standard provision is that the State has the right at any time to withdraw any portion for public use. At present it is under sugar cane but the State has the right to withdraw the land and use it for housing without any strings attached. By law the Board is guided by section 171. A particular class cannot be favored. The second point was the letter regarding the main water supply line. The standard provision is that the State has the right, if the State requires it for its projects, to require relocation of any easements, with the State providing additional land. The cost of the relocation is to be borne by the the permittee or lessee, not the HFDC in this case.

Based on the discussion, Mr. Shimabukuro asked to delete recommendation C.2 but in reference to the irrigation pipeline he stated that the recommendation was that HFDC assist in the relocation of the line. Mr. Watson indicated that the question on who should bear the cost of the relocation should be clarified before the permit and withdrawal.

Mr. Shimabukuro stated that since C.2 is being deleted, all reference to employees or retirees in the submittal should also be deleted.

Mr. Shimabukuro also clarified that the 85 acres is classified "urban."

Mr. Richard Hirata from HFDC introduced Al Ahana from HFDC and Raymond Ho, the developer. Mr. Hirata indicated Hanapepe Heights on the map and explained the project is a natural expansion of the Hanapepe Heights subdivision. He stated that the developer is proposing a 356 lot subdivision, of which 100 lots will be sold at market, lots being 6,000-10,000 square feet each. The remaining 256 lots will have homes built on them. The status of the project is that the Board has given developmental rights, subject to the BLNR conveyance of the land to HFDC. A request has also been sent to the Governor to approve the financing of the project, Mr. Hirata stated.

Mr. Hirata noted that approximately 60 acres are in cane and are being harvested this date. The \$150,000 annual loss figure was calculated by Olokele Sugar and accepted by HFDC and is the average figure for the cycle of the field, which is about 18 months. Mr. Apaka pointed out that the loss would also be to the State. Mr. Hirata stated that they are taking prime sugar cane land for housing and because of the demand for affordable housing, they looked at how they could help Olokele Sugar lessen the loss. HFDC has a provision in their law enabling them to do employee housing so it was decided to give them 75 lots. The market price of the rim lots are projected between \$55,000-65,000.

Mr. Hirata noted the need for more affordable housing but when looking at isolate areas, the infrastructure costs are horrendous.

Mr. Apaka stated that HFDC had come away from the public hearing with many questions. Mr. Hirata indicated they went back to their board with the concerns raised at the hearing. Mr. Apaka suggested that they now go back to the community regarding the status of the project.

Mr. Arisumi said that HFDC stated that approximately 40 people would qualify and the rest Hula Mae. Mr. Kealoha asked whether there were any differences from previous developments. Mr. Hirata stated that in the past they did the entire project for employee housing. Mr. Kealoha wanted to know why it is now a mixed project. Mr. Hirata stated that they now have an entire subdivision. Selling vacant lots is also new he said. Mr. Hirata stated that the lots will be awarded by lottery up to 75. The total cost of the project is \$31 million estimated. Mr. Hirata stated that the last housing development on Kauai consisted of 18 units, approximately two years ago in Hanamaulu. Currently, they have a project of 13 units in Puhi. Mr. Hirata stated that the Kauai study indicates that 2-3,000 affordable units are needed. There is master plan, he said, and under the previous administration they looked at 220 acres at Wailua; however, they have just begun a preliminary feasibility study, which will take 18-24 months to get started. They are also looking at private land at Hanamaulu consisting of approximately 70 acres, currently in sugar.

Mr. Apaka asked whether there was enough water in the area. Mr. Hirata stated that a reservoir has to be constructed, which would be on a half acre site. The cost is in HFDC budgeted costs.

Mr. Hirata indicated they have 500 applicants in the area. Mr. Arisumi noted that on Maui there were 3,000 applicants but most did not qualify.

The representative from C. Brewer who appeared before the Board stated that he was unable to answer the question of Olokele's survival. He stated that there was a letter of July 6 to Mr. Paty regarding the income from the property and the operating costs if taken out of sugar. It was approximately \$240,000 per 23-month cycle. He said the older employee housing, most built prior to 1946, have high maintenance costs and having employees/retirees purchase their own homes would be a possible cost reduction for Olokele. The other cost savings would be a reduction in the revocable permit rent. He stated that they support the need for affordable housing in the area.

ACTION

Mr. Apaka moved for deferral of Items F-11 and -12 to the Kauai meeting in order that the following questions could be answered by staff:

- (1) Real property tax impact.
- (2) Financial impact to the State on the loss of the lands under the revocable permit.
- (3) The need to pay for the loss of income. Do we have to pay?
- (4) Could there be more lots for sale--as opposed to a house and lot package?

The motion was seconded by Mr. Arisumi and unanimously carried.

ITEM F-1-f

CONSENT TO AMENDMENT OF SUBLEASES, CORMAX CORPORATION, SUBLESSOR, OROWHEAT FOODS COMPANY, MUNDY HAWAII, INC., AND FRONK CLINIC, INC., SUBLESSEES, TMK 9-8-13:14 (WESTRIDGE CENTER), KALAUAO, EWA, OAHU

and

ITEM F-1-g

CONSENT TO ASSIGNMENT OF LEASE BETWEEN CORMAX CORPORATION, ASSIGNOR, AND TOKAI RAYON CO., LTD., ASSIGNEE, TMK 9-8-13:14 (WESTRIDGE CENTER), KALAUAO, EWA, OAHU

Mr. Ing asked to be excused from participating in these items as his law firm is involved in part of the transactions. Mr. Kealoha then presided.

Mr. Shimabukuro stated that F-1-f involved General Lease No. S-4644 to Cormax Corporation, which has a building on the site, at Waimalu, below Kam Drive Inn. The submittal involves the amendment to three subleases as listed: Orowheat Company, Mundy Hawaii, and Fronk Clinic. In this connection, Mr. Shimabukuro stated, staff would like to also set an additional rental rate on all of the subleases made under General Lease No. S-4644. Although the submittal reads "three subleases," it is also recommended that the basic rental rate be raised to 9%. He said, the amendment of the subleases must be approved and at the same time increase the rental of the basic rent by 9%.

In connection with the above, Mr. Shimabukuro asked that Item F-1-g be considered, which is the consent to the assignment of the General Lease No. S-4644 from Cormax Corporation to Tokai Rayon Co., Ltd. Staff recommends that the Board consent to the assignment, subject to the provision that the additional rent proposed under F-1-f be fully paid prior to finalization of the assignment.

In response to Mr. Arisumi, Mr. Shimabukuro asked to amend Recommendation 4 on both submittals to read "1988."

Mr. Arata moved for approval as amended; motion seconded by Mr. Arisumi.

Angela Fong representing Cormax asked to appear before the Board. She said she was basically retained for the "sale." She stated her client asked for consent in September and the sale has not been entered into yet; however, they have obtained a 60-day extension.

Westridge Shopping Center is in the business of subletting and such amendments are routinely submitted to the Board, she said. Ms. Fong stated she believed that the recommendation affects the interest of the buyer directly and is not being dealt with in the sale and neither was the buyer present to comment on it. She said she could speak for the seller that the Board and buyer have a right to raise the rent of the ground lease in the event of the sublease. She asked to delay this item in order that the buyer could participate.

She asked to deal only with the consent to assignment and defer the consent to the amendment of subleases.

Mr. Watson asked Mr. Shimabukuro for the status of the increased rental. Mr. Shimabukuro stated it was unresolved and was the reason that they would like to resolve it before assigning it. Mr. Watson stated that the past policy of the Board was that when there is delinquent rental due, which hasn't been resolved with the present lessee, the Board does not give subsequent approval for subleases or assignments because once approval is given the State is still faced with negotiations. Mr. Shimabukuro stated that was the reason for the submittal of F-1-f first. If the Board does not approve it, then the second item, F-1-g, should not be approved also. If one is deferred, the second one should also be deferred. Mr. Shimabukuro stated it is his understanding that the present lessee is willing to accept 9%. It is not in writing but he was informed they had agreed and that was the reason it was before the Board.

Mr. Watson stated that once the agreement to 9% is in writing, a check tendered for the back rent, together with the interest, then submittal is made to the Board requesting assignments, amendments, etc. Mr. Shimabukuro agreed that was the normal process, but lessee wanted to close by the end of the year.

Mr. Arisumi asked that the items be deferred until the issues are resolved, including the letter of acceptance of the 9%. Mr. Arata withdrew his motion.

Ms. Fong stated as far as the sale itself, they were scheduled to close on or before November 22nd. Because of the lack of the correct documentation, they were unable to appear before the Board sooner. However, she said, they have obtained a 60-day extension which will expire shortly after the next Board meeting. For that reason, she stated she is anxious to obtain the consent to the assignment. As to the 9%, she said she did not participate in the negotiations with the Land Board but would need to confirm that with her client. In the context of the sale, they have been negotiating since 1986 but the buyer would have an interest and would like, therefore, to split the two items due to the time constraints and the involvement of another partner. Ms. Fong acknowledged agreement with Mr. Watson that the delinquent rentals should be resolved before the consent to the sale.

Mr. Watson stated that the Board could approve the sale subject to the condition that before any approval documents are granted the seller agrees with the State as far as the percentage, and all back rentals and interest are paid as a condition preceding the sale.

Mr. Arata moved to approve Item F-1-f, subject to the provision that everything be brought up to current and that Item F-1-g be deferred.

Ms. Fong pointed out that on the last page of the F-1-g, Recommendation No. 4, states that all additional rent due through 1988 must be paid in full prior to finalization of the assignment and believes that ties in part to the previous item and if there are additional rents owing, that would have to be done but is "leery" about setting up formulas for the buyer to follow after closing.

ACTION

Based on legal counsel's representation and the staff's recommendation, Mr. Arata moved that Items No. F-1-f and -g be deferred to the next Board meeting on the island of Kauai. The motion was seconded by Mr. Arisumi and unanimously approved.

Ms. Fong stated that she wanted to clarify the point under No. 3 that the Board wanted the consent of all holders of record of security interest. She explained that in their mortgage documents there is no due on sales clause yet they have every right to assign and there is an assumption between the buyer and seller and between them there is a contractual obligation to pick up the mortgage. In terms of consent, she can substitute a estoppel certificate from the first mortgagee, John Hancock, which states that the sale is in order and does not violate any of the terms of the mortgage.

ITEM F-1-e

CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4269, PUAHALA ENTERPRISES, ASSIGNOR TO HADLEY-SPECTOR, INC., ASSIGNEE, PARCEL A, SUBMERGED AREA AT PUAHALA AND KAAMOLA, MOLOKAI

Mr. Shimabukuro asked that the submittal be amended to include a condition that the rental be brought up to current.

ACTION

Unanimously approved as amended (Arisumi/Kealoha).

ITEM F-8: EXCHANGE OF LANDS BETWEEN STATE OF HAWAII AND SANKYO TSUHO CO., LTD., DBA MOKULEIA LAND COMPANY, MOKULEIA, WAIALUA, OAHU

Mr. Shimabukuro asked that the Board approve the exchange in principle and staff would come back before the Board with further details after the appraisal.

Mr. Shimabukuro indicated that part of the roadway is 24-feet wide. Mr. Apaka moved to amend the width of the roadway from 24 feet to 36 feet.

ACTION Unanimously approved as amended (Apaka/Kealoha).

ITEM F-20: DISPOSITION OF STATE ROADWAY REMNANT IN EXCHANGE FOR A PORTION OF EXISTING FARRINGTON RIGHT-OF-WAY AND PARK PROPERTY, WAIANAE, OAHU

ACTION Unanimously approved (Kealoha/Arisumi).

ITEM F-15: LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, FOOD STAMP II, HONOLULU, OAHU

ACTION Unanimously approved (Kealoha/Apaka).

ITEM E-1: RESUBMITTAL - REQUEST TO PERMIT USE OF A PORTION OF HAENA STATE PARK PARKING LOT FOR NA PALI ZODIAC TOUR BOAT OPERATORS

Mr. Nagata stated that in July of 1988 this matter was deferred pending an opinion from the Attorney General's Office. A legal memorandum was received indicating there are no legal objections and the matter does not require conservation district review. The earlier submittal recommended approval with a number of conditions, which Mr. Nagata indicated were still valid. A key condition is that the permit may be terminated at any time and would automatically be terminated if the existing boat landing at Haena Point was no longer allowed. Mr. Nagata stated that the removal of the landing point is anticipated as part of the Department of Transportation's tour boat management objectives.

Mr. Nagata asked to add an amendment: Other conditions as may be deemed appropriate by the chairperson.

Mr. Nagata noted that he received a letter from Mina Morita, which essentially opposed the recommended action. A particular point made was that if a permit is granted a rental fee should be charged.

Mr. Nagata indicated that State Parks will work with the Attorney General's Office regarding specific language so that the permittee may not use his permit as a basis to oppose future expansion or use of the park.

Mr. Nagata stated that he would like to see some level of control by DLNR of use of the parking lot. In answer to Mr. Apaka's concerns, Mr. Nagata stated they wanted to set the parking lot for non-exclusive use. Mr. Nagata noted that an interim permit was granted pending Board approval. Previously, the Zodiac customers were parking in or near the Tunnels area on private property. Some were parking along the roads or the county park.

Ted Meyers, operations manager for Na Pali Zodiac, appeared before the Board. He stated that there are approximately 150 people at one time during peak season utilizing their services involving approximately 50-75 cars. In winter, the number is about 30 people. He estimated that approximately 100 cars could park in that lot. Mr. Nagata stated the figure would be 120 approximately.

Carol Wilcox, as a private citizen, appeared before the Board. She stated her concern was the broader issue of park use. She stated the only CDUA she could locate was the one issued in 1979 to the operator, which allowed two boats and 360 people a month. She stated the applicant has alleged that he can serve up to 9,000 people per month with 10-15 boats. She stated there is another operation out of Hanalei operating at those same numbers. In 1983 there was another application but because of community response and the matter was deferred. Because of the operator's expansion, it has impacted the communities of Hanalei and Haena. She stated that there are parking problems and service and storage problems of boats in Hanalei, and a special use permit has been issued. DOT, she stated, has not applied for relocation and the matter is still "up in the air." Ms. Wilcox stated there are at least 20 other companies which would like the same privilege of operating at Haena. She stated that NaPali Zodiac is using the permit as part of their advertising because of its proximity to NaPali State Park.

In terms of management of the entire park, Ms. Wilcox stated that besides the present operator, two other operators were recently given permits. She said there are questions in the community on what the criteria are for allowing certain permittees to land on the NaPali shore.

Mr. Ing responded that NaPali Zodiac was "first in line, first in right." He stated, however, that this may change in the future. Mr. Ing stated that where there is high demand and limited availability, the State ultimately goes to the bidding process. DOT he said has jurisdiction over the landings and may be on their own timetable.

She said the Board should consider alternate operations for the entire industry. She stated that in the 1986 meetings State Parks and Land Management clearly stated as policy non-commercial activities in the park.

Mr. Apaka questioned Mr. Meyers regarding the \$1 per car fee for parking. Mr. Meyers stated he thought a reasonable rent would be acceptable.

Mr. Watson asked to clarify Ms. Hanaike's opinion. He said the permittee has a CDUA for the boating operation--with respect to the parking lot. However, State Parks already has the parking area within the prior approval and the lot remains for parking purposes and thus does not require a new CDUA.

Mr. Ing stated this was a difficult question to address; however, the operator does not take boats on to the fast land; they just anchor and that is the reason why the operation is currently controlled by the State Parks permit system. The CDUA only covers the conservation land and beach below the high water mark.

ACTION

Mr. Arisumi amended his motion to grant the permit on the number of people with the fee to be included in the parking permit fee. A maximum of 75 at one time will be allowed, subject to review by the Attorney General's office. Mr. Ing suggested a compromise of 50 cars per day. Mr. Arata seconded the motion. The motion was unanimously carried.

ITEM F-6:

SET ASIDE OF STATE LAND AT WAIALEE, KOOLAULOA, OAHU, TO THE CITY AND COUNTY OF HONOLULU FOR PARK PURPOSES

ACTION

Unanimously approved as submitted (Kealoha/Arata). Mr. Kealoha asked that Mr. Shimabukuro touch bases with OHA regarding any interest in the property located on the makai side of the highway.

CDUA FOR COMMERCIAL BIRD WATCHING TOURS AT THE KAOHE GAME MANAGEMENT RESERVE IN THE HAMAKUA DISTRICT, HAWAII (APPLICANT: H. DOUGLAS PRATT, PH.D.)

ITEM H-3:

ACTION Unanimously approved as submitted (Arisumi/Kealoha).

REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARING ON HAWAII ADMINISTRATIVE RULES RELATING TO THE ESTABLISHMENT OF THE MAKAPUU MARINE LIFE CONSERVATION DISTRICT, OAHU

ITEM B-1:

ACTION Unanimously approved as submitted (Kealoha/Arisumi).

RECESS

Chairperson Ing called a recess from 12:40 to 12:50 p.m.

DUTY STATUS REPORT FOR ANDREW ENGILIS, JR., TO MEET WITH WILDLIFE REFUGE EXPERTS IN THE SAN FRANCISCO BAY AREA, JANUARY 3-5, 1989

ITEM C-1:

ACTION Unanimously approved as submitted (Apaka/Arisumi).

ITEM C-2: FILLING OF POSITION NO. 27063, GENERAL LABORER I, ISLAND OF KAUAI

ACTION Unanimously approved to appoint Charles Cobb-Adams, Jr., to fill Position No. 27063, General Laborer I, Kauai (Apaka/Arisumi).

ITEM C-3: APPLICATION FOR F.Y. 1989 RURAL COMMUNITY FIRE PROTECTION FUNDS, DIVISION OF FORESTRY AND WILDLIFE (DOFAW) AND HAWAII COUNTY

Mr. Walker asked that the subject and content of submittal be amended to reflect that the application is for projects on Hawaii and Kauai counties.

ACTION Unanimously approved as amended (Arisumi/Apaka).

ITEM D-1: PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 17-HW-B, DRILLING KAU EXPLORATORY WELL, KAU, HAWAII

and

ITEM D-2: PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 33-HL-A, KONA MARSHALLING YARD, PHASE II, KONA, HAWAII

and

ITEM D-3: PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 98-MP-H1, WAINAPANAPA STATE PARK, PARK IMPROVEMENTS, HANA, MAUI

ACTION The above three items were unanimously approved as submitted (Arisumi/Kealoha).

ITEM D-4: PERMISSION TO HIRE A SOILS CONSULTANT JOB NO. 2-HW-F, PUU PULEHU RESERVOIR LINING, WAIMEA IRRIGATION SYSTEM, HAWAII

and

ITEM D-5: PERMISSION TO HIRE AN ENGINEERING CONSULTANT TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR JOB NO. 2-HW-H, UPPER HAMAKUA DITCH IMPROVEMENTS, PHASE III, WAIMEA, HAWAII

and

- ITEM D-6: PERMISSION TO HIRE A SURVEYING FIRM TO PREPARE A TOPOGRAPHICAL BOUNDARY AND SHORELINE SURVEY FOR JOB NO. 98-MP-F1, MAKENA LA PEROUSE STATE PARK, MAUI
- ACTION The above three items were unanimously approved as submitted (Arisumi/Kealoha).
- ITEM D-7: COOPERATIVE AGREEMENT WITH U.S. GEOLOGICAL SURVEY FOR WATER RESOURCES INVESTIGATIONS, FISCAL YEAR 1989
- ACTION Unanimously approved as submitted (Apaka/Kealoha).
- ITEM D-8: FILLING OF CIVIL ENGINEER VI, POSITION NO. 09635, DIVISION OF WATER AND LAND DEVELOPMENT, OAHU
- ACTION Unanimously approved the appointment of Thomas Kam to Civil Engineer VI, Position No. 09635, Oahu, effective January 1, 1989 (Kealoha/Apaka).
- ITEM D-9: FILLING OF IRRIGATION DISTRICT MANAGER, POSITION NO. 14858, DIVISION OF WATER AND LAND DEVELOPMENT, MOLOKAI
- ACTION Unanimously approved the appointment of Thomas N. Matayoshi to Irrigation District Manager, Position No. 14858, Molokai, effective January 1, 1989 (Arisumi/Kealoha).
- ITEM E-1: See page 9.
- ITEM E-2: FILLING OF ARCHAEOLOGIST POSITIONS FOR HAWAIIAN HOME LANDS INVENTORY PROJECT
- ACTION Unanimously approved the appointment of Lou Jane Moana Lee to the Archaeologist I temporary hire position (Kealoha/Apaka).
- ITEM E-3: REQUEST FOR PERMISSION TO ADOPT EMERGENCY RULES FOR THE HAWAII STATE PARK SYSTEM
- Unanimously approved as submitted (Kealoha/Apaka).
- ITEM E-4: FILLING OF POSITION NO. 8702, PARK MAINTENANCE SUPERVISOR I, EAST UNIT, KAUAI PARKS SECTION
- ACTION Unanimously approved the appointment of Clayton Kawada to Position No. 8702, Park Maintenance Supervisor I, East Unit, Kauai Park Section.
- ITEM F: Documents for consideration:
- ITEM F-1-a: ISSUANCE OF REVOCABLE PERMIT TO MRS. BERNICE BAILEY FOR RECREATIONAL PIER AT KANEOHE BAY, KANEOHE, KOOLAUPPOKO, OAHU
- ITEM F-1-b: ISSUANCE OF REVOCABLE PERMIT TO MR. RICK RALSTON, MAKIKI ROUND TOP FOREST RESERVE, MAKIKI, OAHU
- Mr. Shimabukuro asked to add the words "to be determined by staff appraisal, same subject to the approval of the Chairperson."
- Mr. Kealoha asked Mr. Shimabukuro to check with State Parks to determine when and for what purpose the home will be used.
- ITEM F-1-c: ISSUANCE OF REVOCABLE PERMIT TO MR. BRIAN PERREIRA FOR LAND AT HANEHOI, MAKAWAO, MAUI, TMK 2-9-10:12 AND 2-9-11:13
- ITEM F-1-d: ISSUANCE OF REVOCABLE PERMIT TO HANA EQUIPMENT CO., LTD. FOR ROCK CRUSHER AND DIESAL GENERATOR SITE, TMK 1-3-06:POR. 15, WAKIU AND KAWAIPAPA, HANA, MAUI

ITEM F-1-e: See page 7.

ITEM F-1-f: See page 7.

ITEM F-1-g: See page 7.

ITEM F-1-h: CONFIRMATION OF LAND COMMISSION AWARD NO. 9754 TO KAPELA 2 BY APPLICATION OF J. M. TANAKA CONSTRUCTION, INC.

Mr. Shimabukuro asked to substitute the following as Recommendation No. 1: That the Board approve the issuance of Land Patent on Land Commission Award 9754 to Kapela 2.

ACTION Mr. Kealoha moved for approval of Items F-1-a, -b, as amended, -c, -d, and -h, as amended. The motion was seconded by Mr. Apaka and unanimously approved.

ITEM F-2: STAFF RECOMMENDATION TO SET ASIDE STATE LAND AT WAKIU, HANA, TO THE COUNTY OF MAUI FOR UTILITY ACCESS, WELL AND PUMP AND TANK LOT PURPOSES, WAKIU, HANA, MAUI

ACTION Unanimously approved as submitted (Arisumi/Kealoha).

ITEM F-3: AMENDMENT TO PRIOR BOARD ACTION OF OCTOBER 28, 1988, AGENDA ITEM F-9, CONCERNING THE CONVEYANCE IN FEE OF STATE LANDS AT HALAWA, EWA, OAHU, TO THE CITY AND COUNTY OF HONOLULU FOR DRAINAGE PURPOSES, TMK 9-9-10:PORTION 30

Mr. Shimabukuro asked to amend the submittal to also include the conveyance of the maintenance easement.

ACTION Unanimously approved as amended (Kealoha/Apaka).

ITEM F-4: AMENDMENT OF PRIOR BOARD ACTION REGARDING AUTHORIZATION TO ACQUIRE EASEMENT FOR SEWER PIPELINE AT HALAWA, EWA, OAHU (ITEM F-8, JULY 10, 1981)

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-5: CANCELLATION OF GRANT OF EASEMENT (DOCUMENTED UNDER LAND OFFICE DEED NO. S-27,020) COVERING A 15-FOOT PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AT WAIALEE, KOOLAULO, OAHU

ACTION Mr. Shimabukuro asked to withdraw this item.

ITEM F-6: See page 9.

ITEM F-7: ACQUISITION OF LAND AT LAIE POINT FOR PARK PURPOSES, TMK 5-5-10:03 AND 29, LAIE, KOOLAULO, OAHU

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-8: See page 8.

ITEM F-9: REQUEST TO SET ASIDE LAND AT WAIMANALO TO THE CITY AND COUNTY OF HONOLULU FOR WAIMANALO WASTEWATER TREATMENT PLANT, WAIMANALO, OAHU, TMK 4-1-09:270

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-10: REQUEST FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR TWO FIRE HYDRANTS WITHIN EWA ELEMENTARY SCHOOL GROUNDS, EWA, OAHU, TMK 9-1-17:02

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-11: See page 5.

ITEM F-12: See page 5.

ITEM F-13: AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HILO EMPLOYMENT SERVICE AND UNEMPLOYMENT INSURANCE DIVISION, ISLAND OF HAWAII

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-14: LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF BUDGET AND FINANCE, PUBLIC DEFENDER'S OFFICE, OAHU

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-15: See page 8.

ITEM F-16: LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, CENTRAL OAHU COMMUNITY MENTAL HEALTH CENTER, AIEA, OAHU

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-17: AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, HAWAII AUTOMATED WELFARE INFORMATION PROJECT, HONOLULU, OAHU

ACTION Unanimously approved as submitted (Kealoha/Apaka).

ITEM F-18: AMENDMENT TO LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF BUDGET AND FINANCE, PUBLIC DEFENDER'S OFFICE, HILO, HAWAII

ACTION Unanimously approved as submitted (Arisumi/Apaka).

ITEM F-19: AMENDMENT OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, MOLOKAI ECONOMIC DEVELOPMENT COORDINATOR, KAUNAKAKAI, MOLOKAI

Mr. Shimabukuro asked to amend the last line under "Term" to December 31st.

ACTION Unanimously approved as amended (Arisumi/Apaka).

ITEM F-20: See page 8.

ITEM F-21: LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES, ISLAND OF OAHU

ACTION Unanimously approved as submitted (Apaka/Kealoha).

ITEM G-1: FILLING OF LAND COURT DOCUMENT RECEIVING CLERK I, POSITION NO. 33257, OAHU

ACTION Mr. Viela asked to withdraw his submittal.

ITEM G-2: FILLING OF ABSTRACTING ASSISTANT V, POSITION NO. 145, OAHU

ACTION Unanimously approved the appointment of Susan M. Cummings, Abstracting Assistant V, Position No. 145 (Kealoha/Apaka).

Mr. Kealoha moved to add Item No. H-4 to the agenda; motion seconded by Mr. Arisumi and unanimously approved.

- ITEM H-1: REQUEST FOR APPROVAL TO ENTER INTO THREE CONTRACTS WITH THE UNIVERSITY OF HAWAII
- ACTION Unanimously approved as submitted (Kealoha/Arisumi).
- ITEM H-2: AUTHORIZATION TO APPOINT A PUBLIC HEARING MASTER TO HEAR CONSERVATION DISTRICT USE APPLICATIONS
- Mr. Evans asked that the Board authorize the appointment of masters to keep up with the number of hearings the Board is faced with.
- With respect to Recommendation No. 3, Mr. Ing stated he would be more comfortable with it if the Board were advised as to what hearings would be before a master and that each board member be given the option to attend the hearing, in addition to the master. Mr. Kealoha stated that the Board should be consulted in determining which hearings go before a master.
- ACTION Unanimously approved as submitted (Arisumi/Arata).
- ITEM H-3: See page 10.
- ADDED
- ITEM H-4: REQUEST FOR APPROVAL FOR OUT-OF-STATE TRAVEL
- ACTION Unanimously approved as submitted (Arisumi/Apaka).
- ITEM J-1: LEASE, SOUTH RAMP, HONOLULU INTERNATIONAL AIRPORT, OAHU (U.S. FEDERAL AVIATION ADMINISTRATION)
- ACTION Unanimously approved as submitted (Kealoha/Arisumi).
- ITEM J-2: APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4518, ETC., AIRPORTS DIVISION
- ACTION Unanimously approved as submitted (Arisumi/Kealoha).
- ITEM J-3: RENEWAL OF REVOCABLE PERMITS 2086, ETC., AIRPORTS DIVISION
- Mr. Kealoha asked for deferral on permits 3503, 3936, and 3954. Mr. Garcia stated the items would be on the next agenda.
- ACTION Unanimously approved as amended (Apaka/Arisumi).
- ITEM J-4: CONSENT TO SUBLEASE, GENERAL LYMAN FIELD, HAWAII (DEPARTMENT OF DEFENSE, STATE OF HAWAII - UNITED STATES, DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION)
- ACTION Unanimously approved as submitted (Kealoha/Apaka).
- ITEM J-5: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, WAIANAE BOAT HARBOR, OAHU (MR. MALCOLM AHLO)
- ACTION Unanimously approved as submitted (Kealoha/Arisumi).
- ITEM J-6: APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LEASE NO. H-83-2, HONOKOHAU HARBOR, HAWAII (KONA FUEL & MARINE, INC.)
- ACTION Unanimously approved as submitted (Arisumi/Kealoha).

ITEM J-7: See page 2.

ITEM J-8: AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANTS, HALAWA, OAHU

ACTION Unanimously approved as submitted (Kealoa/Apaka).

ITEM J-9: AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE OF HIGHWAY REMNANT, WAIPAHU, OAHU

ACTION Unanimously approved as submitted (Kealoa/Arisumi).

ITEM J-10: ISSUANCE OF REVOCABLE PERMIT NO. HY-88-038, HIGHWAYS DIVISION, FORT WEAVER ROAD REALIGNMENT, OAHU (HART ESTATE INVESTMENT COMPANY)

ACTION Unanimously approved as submitted (Kealoa/Apaka).

ITEM J-11: ISSUANCE OF REVOCABLE PERMIT NO. HY-88-028, HIGHWAYS DIVISION, PARCEL 10A OF WILIKINA DRIVE, OAHU (MR. WESLEY F. TOMLINSON DBA ISLAND AUTO EXCHANGE)

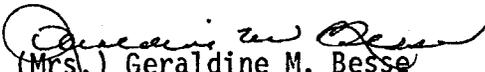
ACTION Unanimously approved as submitted (Kealoa/Apaka).

RESOLUTIONS Resolutions expressing the Board's appreciation for services rendered were unanimously adopted by the Board for the following individuals who are retiring:

- *Mrs. Yoshiko Takeuchi, Bureau of Conveyances, Abstractor
- *Ms. Yoshiko Chinen Yamashiro, Bureau of Conveyances, Abstractor
- *Ms. Beverly Sadako Hatanaka, Bureau of Conveyances, Abstracting Assistant
- *Ms. Loretta Len Ching, Bureau of Conveyances, Land Document Receiving Clerk
- *Mr. Robert A. Merriam, Division of Forestry and Wildlife, Forester IV

ADJOURNMENT There being no further business, the meeting was adjourned at 1:57 p.m.

Respectfully submitted,


(Mrs.) Geraldine M. Besse
Secretary

APPROVED:


WILLIAM W. PATY
Chairperson