

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

DATE: APRIL 12, 1990
TIME: 8:30 A.M.
PLACE: KONA SURF RESORT
KOHALA CONFERENCE ROOM
KEAUHOU, HAWAII

ROLL
CALL

Vice Chairman Moses Kealoha called the meeting of the Board of Land and Natural Resources to order at 8:30 a.m. The following were in attendance:

MEMBERS: Mr. Moses Kealoha
Mr. John Arisumi
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. William Yuen

ABSENT & EXCUSED: Mr. William Paty

STAFF: Mr. Mason Young
Mr. Roger Evans
Mr. Michael Buck
Mr. Manabu Tagomori
Mr. Ralston Nagata
Mr. Maurice Matsuzaki
Mr. Robert Lee
Mr. William Devick
Mr. Glenn Taguchi
Ms. Dorothy Chun

OTHERS: Mr. Johnson Wong, Deputy Attorney General
Mr. Peter Garcia, Dept of Transportation
Mr. Eric Guinther, Mr. Rick Schaefer (Item H-3)
Ms. Deborah Chang Abreu (Item C-3)
Ms. Marsha Freeman (Item H-5)
Mr. David Bills (Item H-13)
Mr. Ronald Matsumura (Item H-6)
Mr. Dennis Vierra, Mr. Glen Dryer (Item H-8)
Mr. James M. Greenwell, Mr. James S. Greenwell
(Item C-2)
Mr. Earl Matsukawa, Mr. Arne La Prade (Item J-3)
Mr. Edgar Hamasu (Item H-12)

MINUTES: Mr. Apaka moved for approval of the minutes of the meeting on 1990 as circulated. Seconded by Mr. Arata, motion carried.

ADDED
ITEMS Upon motion by Mr. Arisumi and a second by Mr. Apaka, the following items were added to the agenda:

- D-6 Approval to Award Construction Contract-Job No. 31-OW-A, Maunawili Valley On-Site Improvements, Oahu
- D-7 Permission to Hire Planning Consultant for Job No. 31-OL-E, Bus Stop Area Light, Nanakuli, Oahu
- G-1 Permission for Fourth Amendment to State Hawaii Contract No. 21292 with the Large Group for Electronic Data Processing Consultant Services
- H-13 Conservation District Use Application for Subdivision into Two Land Court Parcels; Applicant: Austin Estate Trust
- I-1 Filling of Position No. 02898, Conservation and Resources Enforcement Officer III, Island of Hawaii
- I-2 Filling of Position No. 02953, Conservation and Resources Enforcement Officer IV, Island of Hawaii

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

Item F-1-1 ISSUANCE OF REVOCABLE PERMIT TO KENNETH W. REDSTONE, HOOLAWA, HAMAKUALOA, MAKAWAO, MAUI, TMK 2-9-08:8

ACTION Approved as submitted. (Arata/Arisumi)

REQUEST TO AUTHORIZE DESIGN PROPOSALS REGARDING CDUA FOR THE ATLANTIS SUBMARINE TOUR OPERATION OFFSHORE OF WAIKIKI, OAHU; APPLICANT: ATLANTIS SUBMARINES INC.; AGENT: ERIC GUINTHER

ITEM H-3

Mr. Yuen asked how applicant was proposing to remove the day use mooring and how would it be stored. Mr. Evans said their understanding is that the day use mooring would be brought out when the first boat goes out and brought in with the last boat at nite.

Mr. Eric Guinther, Agent for Atlantis and Mr. Rick Schaefer, General Manager were present. To answer the questions of the Board, Mr. Guinther explained that the buoy that exists now, is attached to the items that are down in the bottom, specifically the sunken ship. Most likely that will be the method for the buoy that is being requested. The Army Corps of Engineers have requested that the buoys not be on the surface at night, there were concerns by the sailing community that even a lighted buoy would be hard to see at night.

The buoy is taken out in the morning and attached to the ship by divers and removed in the last dive of the day. Basically the mooring buoy is used by Atlantis or the divers have a surface boat and they are the primary users of the existing mooring now. There are occasions when private persons come out and they use the buoy. By having a 2nd buoy, it would be used by people that are not associated with Atlantis but it would make available a mooring mainly for public access and safety reasons.

Mr. Schaefer said that at least a boat a day comes out and few more on the weekends. They try to get them to tie up to the bouy and most are cooperative.

Mr. Arisumi asked if there is a rope to the buoy and is it safe, and is there a chance of it catching on to a propeller as it is dangerous.

Mr. Guinther answered that the Corps requires that nothing be in the water column down to a depth of 40 feet and Mr. Shaefer said that the top of the ship is at 40 feet.

Mr. Arata said his concern is whether the sunken vessel had any oil or gas leaks. Mr. Guinther said the Coast Guard and the Department of Health need certification that the craft is properly cleaned and inspected.

Responding to Mr. Kealoha, Mr. Evans said applicant was required to file an Environmental Assessment upon which staff made a negative declaration.

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM C-3 REQUEST FOR BOARD ADOPTION OF PROPOSED POLICY STATEMENT FOR PRESERVATION OF THE PREHISTORIC-EARLY HISTORIC ALA LOA COASTAL TRAILS

Mr. Michael Buck presented the proposed policy.

Mr. Arata said he had a problem with the language and was concerned with the definition of the word "preserve". He would need more time to review the proposed policy statement with staff and possibly the Attorney General's Office also.

ACTION

Mr. Arata moved to defer this item to the next Kona Board meeting. Motion was seconded by Mr. Arisumi.

DISCUSSION

Mr. Apaka said he also had concerns regarding the language of the polices. He asked if the trails mentioned were for all the islands.

Ms. Deborah Chang Abreu, Project Coordinator of the Na Ala Hele Program said traditionally an ancient culture there were foot trails encircling every island. Currently there are not too many trails left on Oahu. Na Ala Hele has demonstration trails on all islands and the intent of the proposed policy is for all islands.

Mr. Buck said that the Na Ala Hele Program extends beyond just along the coast and is also working toward makai and mauka accesses as well.

Mr. Buck said that this is only one component of the program. Ms. Abreu then handed out maps to the Board to illustrate and focus in on this particular type of trail.

Vice Chair Kealoha said there was a motion and second on the floor to defer this item. Chairman is now declaring that this item be deferred until the next Kona meeting.

ITEM J-3 ISSUANCE OF RIGHT-OF-ENTRY FOR TEST BORINGS, HARBORS DIVISION, PIER 5 TO PIER 14, HONOLULU, OAHU (ALOHA TOWER ASSOCIATES (ATA))

After Mr. Garcia's presentation to the Board, Mr. Yuen asked if the results of the borings will be made available to the Department of Transportation. Mr. Garcia said, "Yes, they would be made available to DOT."

Mr. Earl Matsukawa, with the firm of Wilson Okamoto and Associates said they were on contract for the preparation of the Environmental Impact Statement for the project. Mr. Arne La Prade said he was working with Charles Pankow Builders doing construction of the project. They were both present to any questions that the Board might have.

To answer Mr. Arata's question, Mr. Matsukawa said EKS is Eric K. Smith Development.

Mr. Yuen moved for approval as submitted, second by Mr. Arata.

Mr. Garcia wished to amend the term to nine months.

ACTION

Mr. Yuen amended his motion for approval with an amendment to term of 9 months instead of 6 months with extensions. Seconded by Mr. Arata.

DISCUSSION

Mr. Kealoha asked Mr. Garcia if the request for right-of-entry was for submerged lands only and the ownership. Mr. Garcia answered that it was for submerged and fast lands. The fast lands were owned by the Department of Transportation (DOT) and every boring to be done is all within the executive order no. 1793 which is issued to the DOT Harbors Division.

Mr. Kealoha also asked if this Board issues right-of-entry to Harbor owned lands. Mr. Garcia responded that this was a form of a disposition.

Another concern regarding the borings on submerged lands, was whether it required a Conservation District Use Application (CDUA). Mr. Garcia felt it didn't require a CDUA because this particular executive order existed prior to 1964 and this is a government sponsored project. Mr. Kealoha's concern was that he did not see any comments from the Office of Conservation and Environmental Affairs and Office of Hawaiian Affairs. He would rather the Department of Transportation address these concerns before going on or proceeding.

QUESTION: Vice Chair said there was a motion on the floor to approve this item as amended, he called for the question and motion carried.

ITEM H-5 CDUA FOR A "PERMITTED USE," TO CONSTRUCT A CLASSROOM BUILDING AT "KULANI HONOR CAMP" (KULANI CORRECTIONAL FACILITY); APPLICANT: STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

Staff is recommending approval for permitted use and government use to construct a classroom building at Kulani Honor Camp.

Mr. Arata said he had heard that construction had already started. Mr. Evans said no work has been done to the structure itself. There was some work done on grading but a prior CDUA allowed for the grading.

Ms. Marsha Freeman, Educational Director at the Kulani Correctional Facility spoke before the Board and informed them of all the proposed uses for the building.

ACTION Unanimously approved as submitted. (Arata/Yuen)

ITEM F-3 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AT WAIOHINU, KAU, HAWAII

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ADDED
ITEM H-13 CONSERVATION DISTRICT USE APPLICATION FOR SUBDIVISION INTO TWO LAND COURT PARCELS; APPLICANT: AUSTIN ESTATE TRUST

Mr. Evans wanted to make a modification on page 7 of the submittal, Condition no. 5 to make it clear by adding, "or any area in the Conservation District."

Discussion continued on the division of the parcel into the two portions and clarification on what and where applicant could build a house.

Mr. David Bills, Engineer with the firm of Gray, Hong & Bills Associates, also the agent for the applicant explained that in 1949, two tax map parcels were created, however it was never carried through and actually filed to get the lots separated through the Land Court. The Board was contacted to see if the subdivision could proceed without a CDUA. They were advised that a CDUA was required. A CDUA has been submitted to allow finalization of the subdivision which was previously requested in 1949, previously filed with the Land Court. Subdivision boundary follows the forest reserve boundary.

For clarification, both lots are in the Conservation District except for a small portion of the lower lot which is in the Urban District. The intent of the owners was that the upper lot not have any homes on it as it's in the forest reserve boundary as proposed. The owners have reviewed the conditions and they have no problems with the conditions. Regarding the modification to condition no. 5, they would agree with the concept of no home to be built in the upper lot. Although there is urban id in the lower lot, much of it is unbuildable as it lies in an area sceptible to floods.

Discussion followed to clarify the modification suggested by Mr. Evans to condition no. 5.

ACTION Mr. Yuen moved for approval of item H-13 as submitted. Seconded by Mr. Arisumi, motion carried.

ITEM H-6 TEMPORARY VARIANCE FOR ROADWAY RIGHT-OF-WAY SURVEY, KAIWIKI HOMESTEADS, HAWAII; APPLICANT: DEPARTMENT OF PUBLIC WORKS, COUNTY OF HAWAII

Mr. Apaka asked if applicant was asking for right-of-entry to the top of bridge or all the way to the forestry line. Mr. Evans understood they wanted to go all the way up but not all of that is in Conservation.

Mr. Ronald Matsumura, Land Surveyor with the County of Hawaii said in regards to the maintenance of the road, the County will assume maintenance for the one mile of the road.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM H-4 REQUEST TO REVIEW FOR RENEWAL OF CDUA ISSUED TO ROCK ISLAND RIDERS TO CONDUCT YEARLY RECREATIONAL MOTORCYCLE RIDE ON THE ISLAND OF HAWAII; APPLICANT: MR. DENNIS VIERRA

Mr. Evans explained that the applicant was originally granted a CDUA permit to conduct the motorcycle ride on September 9, 1983 and subsequently on December 19, 1986. Each time the Division of Forestry and Wildlife Recreation reported there were no problems during and following the event.

Vice Chair Kealoha asked if any lands involved are ceded lands and if they had checked with the Office of Hawaiian Affairs. Mr. Evans said he did not know if any ceded lands were involved and would inform OHA as requested.

Mr. Dennis Vierra was present with his legal counsel Glen Dryer, who is also the Vice President of Rock Island Riders. Mr. Vierra made his presentation asking for the Board's review and approval for their 15th Annual Event. The last six years have been under the guidance of the Board through their CDUA.

In response to questions of the Board, he said that last year there were 105 applicants and so far this year they've received 88 applications. They provide lodging at the Mauna Kea State Park pavilion if they wish, others may go to nearby hotels. There have been a few injuries, couple broken ankles and broken legs but all applicants do use legal equipment and carry insurance. The club also carries under the American Motorcycle Association insurance, a \$1,000,000.00 Policy. In the 14 years there has been no suit. The average age of the participants is 45 years old. He explained how the race is conducted and the routes. This is not a speed race and the contestants must follow different speed rules or they are disqualified.

ACTION Mr. Arisumi moved for approval; seconded by Mr. Apaka. Mr. Arata asked to amend Condition No. 6, to read, "traffic flow on State and County facilities". Mr. Arisumi seconded the amended motion and motion carried unanimously.

ITEM C-2 REQUEST TO INCLUDE LAND ON THE ISLAND OF HAWAII AS PART OF THE HONUULA FOREST RESERVE

Mr. Buck presented the request to the Board. He also said that staff had met with both Mr. Jim Greenwell, senior and Jim Greenwell, junior and both are present today. They had worked out an agreement which they felt would be both beneficial to the State and to the Greenwell's.

Mr. Buck also wanted to modify his submittal by adding a pending request to the Division of Land Management for a water easement across Tract 2 and the Division of Forestry has no problem with that request.

Mr. James M. Greenwell, President of Palani Ranch Company and Mr. James S. Greenwell, Vice President said they were present to answer any questions of the Board. They have reviewed and agree with the submittal as presented. The senior Mr. Greenwell thanked the Board for deferring this matter to this meeting so that they were able to work out an agreement with staff that has some compromises on both sides. He also commended Mr. Buck and Mr. Charles Wakida of the Division of Forestry and Wildlife for the very excellent manner in which they worked out this problem. They have worked out their differences and both have made commitments and they intend to live up to theirs.

ACTION Unanimously approved as modified. (Arata/Yuen)

ITEM F-7 AMENDMENT TO REVOCABLE PERMIT NO. S-5566 TO HAWAIIAN ELECTRIC CO., INC., PUU MANAWAHUA, EWA, OAHU, TMK 9-2-05:14

Mr. Young reminded the Board that in January 26, 1990, a Conservation District Use Application (CDUA) was approved which would allow Hawaiian Electric to expand its facilities at Puu Manawahua, Ewa. As a result of the CDUA, the Division of Land Management has to come before the Board to amend the permit because of the increase of the area from 288 square feet to 1,420 square feet. Staff is recommending that the monthly rent be reopened, secondly that there is a third condition, that the transmission of video, voice and data communication by or for other Hawaiian Electric Industries subsidiaries shall be governed in accordance with all applicable PUC, FCC, Federal and State laws and rules and regulations.

The condition C. was the same condition which the Board had approved with respect to the tri-party agreement between the State of Hawaii-DLNR, Hawaiian Electric and the Telecommunication Division in the Department of Budget and Finance with respect to Lanai, Haleakala, and Kaupulehu on the Big Island as part of the HITS program system.

Staff is recommending that the Board approve amending Revocable Permit No. S-5566 subject to the amendments provided to the Board this morning in the handout. (Copy of amendments to be placed in Departmental Board folder.)

ACTION Mr. Yuen moved to approve item F-7 as amended by staff's handout. Seconded by Mr. Arata, motion carried unanimously.

ITEM H-12 APPROVAL OF DEVELOPMENT AGREEMENT FOR SAND ISLAND INDUSTRIAL PARK

Mr. Young said he was asked by Administration to present Item H-12 to the Board this morning.

Each member of the Board voiced criticism and objection to receiving a copy of the development agreement on the date of the meeting, and also to the 'draft form' which was presented to them. Specific comments were as follows:

Requested that the Board be briefed by Deputy Fukumoto and Deputy Attorney General Wong prior to next Board meeting.

Objected to having the department collect and reimburse SIBA of all delinquent assessment on infrastructure development listed on Page 8, #6 and Page 7, #8.

Insurance requirement has to be beefed-up to include hazard, performance bond, liability and flood clauses.

Objected to SIBA having a voice in commercial center, Page 5, #5 and in providing SIBA the right to develop commercial center, Page 4, #14.

Inquired whether Bank of Hawaii reviewed development agreement and whether they were going to come in with additional comments.

Mr. Kealoha said that at the last Board meeting, the board had agreed to a Memorandum of Understanding for the development of Sand Island and the Board has moved in their favor. Subsequently they were of the understanding that they would have a chance to review: 1. The Developer's, Development Agreement as they're proposing to the Board; also the appraiser would be mutual to the hiring to have the place appraised; and 2. There would be some sort of review period before this item would return to the Board, if not, this meeting then a subsequent meeting would be scheduled for the 27th of April. If there is a time constraint to act then the Board would act favoring their own agreement rather than a review of two agreements. So far the staff, whoever was negotiator for the State in dealing with Sand Island has not done a good job.

Mr. Arisumi asked what was the time constraint and urgency.

Mr. Edgar Hamasu, Executive Director of the Sand Island Business Association, answered that the urgency is the fact that the SIBA is already effective March 1, 1990 and has been assessing the 116 tenants. Fortunately, they've been very supportive. Out of the 116 they have 6 that have held out but all others have contributed what they've been assessed and are hoping that the Development Agreement could be approved today.

Mr. Arisumi said he had a problem. The staff at the Department of the Attorney General's office had reviewed the Development Agreement and with the staff handling the negotiations to conclude negotiations. There are a lot of questions as they are not attorneys and he would like to question Mr. Wong on some of these understandings. Also having only gotten a copy this morning he would like to defer this matter to the April 27th meeting.

DEFERMENT Mr. Arisumi moved that this matter be deferred to the April 27, 1990 meeting. Seconded by Mr. Apaka, motion carried..

Mr. Hamasu wanted to thank the Board as its been a trying experience for all involved, also the Attorney General. He will accept the fact that it has to be deferred.

ITEM B-1 OUT-OF-STATE TRAVEL REQUEST FOR DR. ROBERT NISHIMOTO TO PARTICIPATE IN THE SEVENTH CONFERENCE ON THE ECOLOGICAL AND EVOLUTIONARY ETHOLOGY OF FISHES, MAY 19-23, 1990, AT FLAGSTAFF, ARIZONA

Mr. William Devick made the presentation for the Division of Aquatic Resources.

ACTION Unanimously approved as submitted. (Arata/Yuen)

ITEM B-2 REQUEST FOR APPROVAL TO SELL FRESHWATER PRAWN SEED TO HAWAII'S PRAWN FARMERS IN 1990

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM C-1 FILLING OF POSITION NO. 42244, WILDLIFE BIOLOGIST II, ISLAND OF KAUAI

ACTION The Board unanimously approved the appointment of Mr. Thomas Kaiakapu to fill Position No. 42244, Wildlife Biologist II on the Island of Kauai. (Arata/Apaka)

ITEM C-2 REQUEST TO INCLUDE LAND ON THE ISLAND OF HAWAII AS PART OF THE HONUAULA FOREST RESERVE

See pages 5-6 for action.

ITEM C-3 REQUEST FOR BOARD ADOPTION OF PROPOSED POLICY STATEMENT FOR PRESERVATION OF THE PREHISTORIC-EARLY HISTORIC ALA LOA COASTAL TRAILS

See pages 2-3 for action.

ITEM C-4 OUT-OF-STATE TRAVEL REQUEST FOR MICHAEL G. BUCK, ADMINISTRATOR OF THE DIVISION OF FORESTRY AND WILDLIFE, TO ATTEND THE ANNUAL MEETING OF THE COUNCIL OF WESTERN STATE FORESTERS AND MEET WITH THE U.S. FISH AND WILDLIFE SERVICE IN PORTLAND, OREGON, MAY 20-25, 1990

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT-JOB NO. 85-OP-F2, MALAEKAHANA STATE RECREATION AREA SEWER AND WATER IMPROVEMENTS, PHASE I, INCREMENT 2, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM D-2 APPROVAL FOR AWARD OF CONTRACT-JOB NO. 63-HF-A, MAUNA KEA GAME MANAGEMENT AREA, ACCESS ROAD IMPROVEMENTS, HAWAII

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM D-3 APPROVAL FOR AWARD OF CONTRACT-JOB NO. 60-OF-A4, NUUANU FOREST TRAIL, OAHU

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM D-4 PERMISSION TO HIRE PLANNING CONSULTANT FOR WASTEWATER EFFLUENT RECYCLING PROJECT, HONOLULI, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM D-5 PUBLIC HEARING FOR AMENDING THE AREA OF THE MAUNA KEA SOIL AND WATER CONSERVATION DISTRICT AND CREATING A NEW SOIL AND WATER CONSERVATION DISTRICT (SWCD)

ACTION Unanimously approved as submitted. (Yuen/Arata)

ADDED ITEM D-6 APPROVAL TO AWARD CONSTRUCTION CONTRACT-JOB NO. 31-OW-A, MAUNAWILI VALLEY ON-SITE IMPROVEMENTS, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arata)

ADDED ITEM D-7 PERMISSION TO HIRE PLANNING CONSULTANT FOR JOB NO. 31-OL-E, BUS STOP AREA LIGHT, NANAKULI, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM E-1 FILLING OF POSITION NO. 32291, GENERAL LABORER I, ASSIGNED TO THE HAWAII PARKS DISTRICT

ACTION Unanimously approved the appointment of Mr. Jack Odani to fill the position No. 32291, General Labor I to the Hawaii Parks District. (Arisumi/Apaka)

ITEM E-2 FILLING OF ARCHAEOLOGIST POSITION FOR HAWAIIAN HOME LANDS INVENTORY PROJECT

ACTION Unanimously approved the appointment of Dr. Pat McCoy to fill the exempt position no. 5052E for the Temporary Hire Historic Sites Specialist II for the Hawaiian Home Lands Inventory Project. (Yuen/Arisumi)

ITEM E-3 OUT OF STATE TRAVEL REQUEST TO ATTEND THE ANNUAL MEETING OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM E-4 APPROVAL OF STATE GRANT-IN-AID FOR HISTORIC PRESERVATION PROJECTS

Mr. Nagata presented item E-4 to the Board and the Recommendation that the Board authorize the Chairperson and another member of the Board to negotiate and execute contract agreement with the two groups.

Mr. Arata said he thought it should be clearer that the Board member to help negotiate and work out the contract be from that respective island.

Mr. Nagata said he did not have a problem with that amendment.

ACTION Mr. Arata moved for approval as amended; seconded by Mr. Yuen motion carried.

ITEM E-5 APPROVAL TO HIRE A CONSULTANT TO DEVELOP HAZARD WARNING SIGNS FOR AREAS MANAGED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM F-1 DOCUMENTS FOR CONSIDERATION

Item F-1-a ISSUANCE OF REVOCABLE PERMIT TO KENNETH W. REDSTONE, HOOLAWA, HAMAKUALOA, MAKAWAO, MAUI, TMK 2-9-08:8

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO MYRON HIGASHI, GOVERNMENT BEACH RESERVE, WAIHOLI-KEOKEA BEACH HOMESTEADS, WAIHOLI-KEOKEA, WAILUKU, MAUI, TMK 3-9-09:POR. 11

Item F-1-c SUBLEASE BETWEEN COUNTY OF MAUI AND MOLOKAI COOLING COOPERATIVE, INC., LOTS 2-B, AGRICULTURAL LEASE LOTS, HOOLEHUA-APANA 2 AND PALAAU-APANA 2, PALAAU AND HOOLEHUA, MOLOKAI, HAWAII, TMKS 5-2-01 AND 5-2-04

Item F-1-d ASSIGNMENT OF GENERAL LEASE NO. S-4450, LOT 19, PANAWEA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII, TAX MAP KEY: 2-4-49:3

Item F-1-e ASSIGNMENT OF GENERAL LEASE NOS. S-3742 AND S-4668, LOTS 8 TO 13, 14-B AND 15-B, BLK. 48, WAIAKEA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-58:14 AND 39

Item F-1-f ISSUANCE OF REVOCABLE PERMIT TO IVAN AH CHOY AND BERNADETTE DELA CRUZ, OOKALA SCHOOL COTTAGE, OOKALA, NO. HILO, HAWAII, TMK 3-9-01:POR. 6

Item F-1-g CANCELLATION OF REVOCABLE PERMIT NO. S-5569 AND ISSUANCE OF REVOCABLE PERMIT TO SEVEN PILLARS, INC., KAPAA HOMESTEADS, 4TH SERIES, KAPAA, MAUI, TMK 4-6-09:28 AND PORS. 44 AND 45

AL ERAL LEASE NO. S-5116, JULES KANAREK, ASSIGNOR TO SEVEN HAWAII CORPORATION, ASSIGNEE, KAPAA, KAWAII (PUNA), 1:46

ITEM F-1-h for approval of items F-1-a through F-1-h; seconded by Mr. Yuen motion carried.

ITEM F-1-1 CONSENT TO ASSIGNMENTS OF LEASE AND SALE OF LEASEHOLD BY AGREEMENT OF SALE OF GENERAL LEASE NO. S-4330, LOT 4, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-37:122

See page 2 for action.

WITHDRAWAL FROM KOHALA FOREST RESERVE AND SET ASIDE TO DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE FOR THE WAIMANU NATIONAL ESTUARINE RESEARCH RESERVE, WAIMANU VALLEY, NO. KOHALA, HAWAII, TMKS 4-9-01:POR. 7 AND 4-9-13:POR. 1

ITEM F-2

Mr. Young requested to correct a typo error on page 2 under Recommendation 2) where it reads 2,550 acres, it should be 3,550 acres.

ACTION Unanimously approved as amended. (Arisumi/Apaka)

ITEM F-3 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AT WAIOHINU, KAU, HAWAII

See page 4 for action.

ITEM F-4 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AT AHUALOA, HAMAKUA, HAWAII

ACTION Unanimously approved as submitted. (Arata/Yuen)

ITEM F-5 AUTHORIZATION TO LEASE AT PUBLIC AUCTION LOTS 5 AND 6, PUUEPA-KOKOIKI HOUSE LOTS, PUUEPA 2 AND KOKOIKI, NO. KOHALA, HAWAII TMK 5-5-04:51

Mr. Young requested to make an amendment which would incorporate two conditions with respect to employee residents and with the prohibition of allowing the lessee to use the property as his principle domicile. He said he would provide the conditions of the amendment once the minutes are distributed.

ACTION Unanimously approved as amended. (Arata/Arisumi)

*Mr. Young provided the conditions of the amendment to Item F-5 under Paragraph B of Recommendation as follows:

The lessee is permitted to construct and/or place an employee dwelling on the lease premises. If a dwelling is placed on the premises, the lessee shall within two (2) years from the date of sale expend no less than \$3,000.00 to termite treat, paint and otherwise renovate or improve the dwelling. All such improvement shall be done in accordance with County, State or Federal regulations and shall be accomplished to the satisfaction of the Chairperson. Confirmation that the funds have been expended to make improvements shall be provided the Chairperson in the form of receipts for goods and services rendered by the lessee.

Lessee is prohibited from using the lease premises as his principal domicile and from placing and/or constructing another structure on the lease premises for residential purposes.

ITEM F-6 DIRECT SALE OF EASEMENTS, KANIAHIKU HOMESTEADS AND KEONEPOKO-IKI FARM LOT SUBDIVISION, PUNA, HAWAII, TMKS 1-5-03:POR. 45 AND 1-5-16:POR. 18, 19 AND 46

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-7 AMENDMENT TO REVOCABLE PERMIT NO. 2-5566 TO HAWAIIAN ELECTRIC CO., INC., PUU MANAWAHUA, EWA, OAHU, TMK 9-2-05:14

See page 6 for action.

- AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 7, 1986 (AGENDA ITEM F-25)
AMENDING HEFTEL BROADCASTING CORP. TO HEFTEL COMMUNICATIONS HAWAII, INC.,
KALIA, WAIKIKI, HONOLULU, OAHU, TMK 2-6-13**
- ITEM F-8**
- ACTION** Unanimously approved as submitted. (Yuen/Arata)
- REQUEST FOR APPROVAL FOR RENEWAL OF DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES LEASE AGREEMENT NO. 71-1, BETWEEN STATE OF HAWAII AND LANAKILA CRAFTS, INC., HONOLULU, OAHU**
- ITEM F-9**
- ACTION** Unanimously approved as submitted. (Yuen/Arata)
- AUTHORIZATION TO CANCEL GENERAL LEASE NO. S-4890 TO GULSTON CRAWFORD, LOT 7, MAUNALAHA HOMESITES, MAUNALAHA, HONOLULU, OAHU TMK 2-5-24:7**
- ITEM F-10**
- ACTION** Unanimously approved as submitted. (Yuen/Arata)
- AMENDMENT TO PRIOR BOARD ACTION OF OCTOBER 11, 1985 (AGENDA ITEM F-11) COVERING DIRECT AWARD OF PERPETUAL, NON-EXCLUSIVE ACCESS EASEMENT AT HAILUA, KAWAIHAU (PUNA), KAUAI**
- ITEM F-11**
- ACTION** Unanimously approved as submitted. (Apaka/Arisumi)
- ADDED PERMISSION FOR FOURTH AMENDMENT TO STATE OF HAWAII CONTRACT NO. 21292 WITH THE LANGE GROUP FOR ELECTRONIC DATA PROCESSING CONSULTANT SERVICES**
- ITEM G-1**
- ACTION** Unanimously approved as submitted. (Yuen/Arisumi)
- CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR A SINGLE FAMILY RESIDENCE AT PUNA, HAWAII; APPLICANT: MR. AND MRS. SAMUEL PRITIKIN**
- ITEM H-1**
- After Mr. Evans' presentation of item H-1, Mr. Arata made a correction on page 2, he pointed out on the last paragraph, it should be the County of Hawaii and not the County of Kauai.
- ACTION** Unanimously approved as amended. (Arata/Arisumi)
- REQUEST FOR TEMPORARY VARIANCE AND FOR A RIGHT-OF-ENTRY FOR FOUNDATION TEST BORES; APPLICANT: STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, HARBORS DIVISION**
- ITEM H-2**
- ACTION** Unanimously approved as submitted. (Yuen/Arisumi)
- REQUEST TO AUTHORIZE DESIGN PROPOSALS REGARDING CDUA FOR THE ATLANTIS SUBMARINE TOUR OPERATION OFFSHORE OF WAIKIKI, OAHU; APPLICANT: ATLANTIS SUBMARINES INC.; AGENT: ERIC GUNTHER**
- ITEM H-3**
- See page 2 for action.
- REQUEST TO REVIEW FOR RENEWAL OF CDUA ISSUED TO ROCK ISLAND RIDERS TO CONDUCT YEARLY RECREATIONAL MOTORCYCLE RIDE ON THE ISLAND OF HAWAII; APPLICANT: MR. DENNIS VIERRA**
- ITEM H-4**
- See page 5 for action.
- CDUA FOR A "PERMITTED USE," TO CONSTRUCT A CLASSROOM BUILDING AT "KULANI HONOR CAMP" (KULANI CORRECTIONAL FACILITY); APPLICANT: STATE OF HAWAII, DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**
- ITEM H-5**
- See page 4 for action.

ITEM H-6 TEMPORARY VARIANCE FOR ROADWAY RIGHT-OF-WAY SURVEY, KAIWIKI HOMESTEADS, HAWAII; APPLICANT: DEPARTMENT OF PUBLIC WORKS, COUNTY OF HAWAII

See page 5 for action.

ITEM H-7 CDUA FOR CONTINUED BASEYARD AND TEMPORARY FIELD OFFICE USE, KAHULUI, MAUI; APPLICANT: F&M CONTRACTORS, INC.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM H-8 CDUA FOR FOUR FLOATING DOCKS AND A MARINA WALL AT KUAPA POND, OAHU; APPLICANT: HAWAII KAI YACHT CLUB

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM H-9 CDUA FOR SUBDIVISION AND THE ESTABLISHMENT OF A NATURAL AREA RESERVE; APPLICANT: STATE OF HAWAII, NATURAL AREA RESERVES SYSTEM COMMISSION

Mr. Robert Lee, Executive Secretary of NARS said his understanding was that the County of Maui Highways says at present there is no easement that goes through the ranch. So what they're requesting here is a 50 foot easement should they decide in the future to have a legal easement.

Mr. Arisumi voiced concern where the County was requesting a 50 foot easement for the future.

Mr. Evans said a Condition No. 10 could be included to read "As it reads on page 4 under the Department of Public works", and Condition No. 10 will become No. 11. Mr. Arisumi was agreeable to the language.

ACTION Unanimously approved as amended. (Arisumi/Apaka)

ITEM H-10 SECOND REQUEST TO EXTEND THE PROCESSING PERIOD FOR CDUA KA-2303 FOR A 69/57 KV TRANSMISSION LINE THROUGH KALIHUAI, KAUAI

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM H-11 REQUEST FOR TEMPORARY VARIANCE FOR TEST BORINGS AND ARCHAEOLOGICAL CORING AND TEST EXCAVATIONS; APPLICANT: DEPARTMENT OF THE ARMY, U.S. ARMY ENGINEERING DISTRICT, HONOLULU

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM H-12 APPROVAL OF DEVELOPMENT AGREEMENT FOR SAND ISLAND INDUSTRIAL PARK

See pages 6-7 for action.

ADDED
ITEM H-13 CONSERVATION DISTRICT USE APPLICATION FOR SUBDIVISION INTO TWO LAND COURT PARCELS; APPLICANT: AUSTIN ESTATE TRUST

See pages 4-5 for action.

ADDED
ITEM I-1 FILLING OF POSITION NO. 02898, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER III, ISLAND OF HAWAII

ACTION Unanimously approved appointment of Mr. Edward Lewis to fill Position No. 02898, Conservation and Resources Enforcement Officer III, island of Hawaii, effective April 16, 1990. (Arata/Arisumi)

ADDED
ITEM I-2 FILLING OF POSITION NO. 02953, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER IV, ISLAND OF HAWAII

ACTION Unanimously approved appointment of Mr. Charles Nahale to fill Position No. 02953, Conservation Resources Enforcement Officer IV, Island of Hawaii, effective April 16, 1990. (Arata/Yuen)

ITEM J-1 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4649, ETC., AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM J-2 CONSTRUCTION RIGHT-OF-ENTRY AND DIRECT SALE OF LEASE OF EASEMENT, PIERS 31-33, HONOLULU HARBOR, OAHU (CHEVRON U.S.A. INC.)

Responding to Mr. Arisumi's question under Base Rental, Mr. Garcia clarified that the amount of \$42,394.00 should have read per year.

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-3 ISSUANCE OF RIGHT-OF-ENTRY FOR TEST BORINGS, HARBORS DIVISION, PIER 5 TO PIER 14, HONOLULU, OAHU (ALOHA TOWER ASSOCIATES (ATA))

See page 3 for action.

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (MR. JOHN C. KINER, II AND MR. DONALD E. MONROE, JR.)

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM J-5 AMENDMENT TO REVOCABLE PERMIT NO. H-85-1274, HARBORS DIVISION NAWILIWILI HARBOR, LIHUE, KAUAI (MR. ROBERT C. JORDAN, DBA GENT-LEE FISHING CHARTERS)

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (KIEWIT PACIFIC CO.)


ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT NO. HY-90-050, HIGHWAYS DIVISION, HONOLULU-PEARL HARBOR ROAD, HONOLULU, OAHU (ALL SHIP & CARGO SURVEY, LTD.)

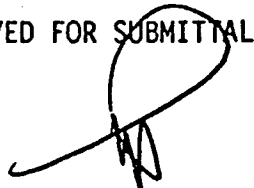
ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ADJOURNMENT There being no further business, the meeting adjourned at 11:25 a.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED FOR SUBMITTAL



William W. Paty, Chairperson