

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

DATE: APRIL 27, 1990  
TIME: 9:00 A.M.  
PLACE: BOARD ROOM, ROOM 132  
KALANIMOKU BUILDING  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII

PRESENTATION OF SHIKAR-SAFARI AWARD TO WENDELL KAM

Prior to convening of the Land Board Meeting, Mr. Watson Yoshimoto, the local representative of the Shikar-Safari Club International in Hawaii, presented Mr. Wendell W.S. Kam with the Hawaii's 1989 Shikar-Safari Club International Wildlife Officer of the Year Award. The Shikar-Safari Club is an international organization founded in 1952 by big game hunters dedicated to preserving wildlife around the world through conservation practice.

Mr. Kam was nominated because of his outstanding work in upgrading DOCARE's Hunter Education Program which teaches hunter ethics, safe firearms handling, bowhunting safety, game laws, outdoor First Aid and survival and wildlife management principles.

He has strived to educate hunting, shooting and conservation groups to recognize that conservation of resources is a common goal. His success was evidenced during the 1989 Legislative Session when supportive testimony from these groups resulted in passage of a bill mandating the Hunter Education Program for hunting license applicants born after 1971 or first-time Hawaii applicants.

He says he tries to instill in hunters a feeling of respect toward the resources and fellow hunters.

He supervises 70 Volunteer Hunter Education Instructors who teach 70 classes per year, contributing more than 4,000 hours of in-kind service to DLNR. This is comparable to about \$52,000 worth of savings to the state in services that otherwise would have to be contracted.

Wendell is a graduate of Iolani School and earned a bachelor's degree in anthropology from the University of Hawaii and a master's degree in anthropology from McMaster University in Ontario, Canada.

After pursuing Ph.D. studies at UH, Wendell worked for various state agencies and joined DLNR State Parks Division in 1981 as an archaeologist. He became a volunteer instructor for the Hunter Education Program and Master Instructor for Oahu. In 1988 Wendell transferred to DOCARE as acting Hunter Education Coordinator.

Chairperson William Paty congratulated Wendell on his accomplishments and commended him on his contributions to the program.

ROLL  
CALL

Chairman William W. Paty called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

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

STAFF: Mr. Roger Evans  
Mr. Mason Young  
Mr. Ralston Nagata  
Mr. Michael Buck  
Mr. Henry Sakuda  
Mr. George Miyashiro  
Mr. Maurice Matsuzaki  
Mrs. Anne Furuuchi  
Ms. Dorothy Chun

OTHERS: Mr. Randall Young, Deputy Attorney General  
Mr. Johnson Wong, Deputy Attorney General (11:00am)  
Mr. Peter Garcia, Department of Transportation  
Mr. Larry Whang (Item H-15)  
Ms. Sandra Schutte (Item H-14)  
Mr. Charles Pietsch and Mr. Bob Leinau (Item H-4)  
Mr. Clay Kagawa, Mr. Wally Ferreira (Item F-1-c)  
Ms. Anne Mapes (Item H-11)  
Mr. Robert Cummins (Item F-1-a)  
Mr. Sidney Fuke (Item H-13)  
Mr. Doug LeGrande and Mr. Mark Graven (Item H-7)  
Mr. David Bills (Item H-6)  
Mr. Chester Koga and Mr. Robert Fullerton  
(Item H-10)

ADDED  
ITEMS

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

- Item E-4 Filling of Position No. 42807, Clerk Typist II, Oahu Parks Section
- Item F-16 Resubmittal Request Permission to Negotiate with a Consultant to evaluate the Feasibility of Developing the Veterans of Foreign War (VFW) Site at Waikiki, Oahu, TMK: 2-3-34:27 (General Lease No. S-5109)
- Item H-18 Approval to Proceed with the Single Audit of the Department's Federal Aid Programs
- Item H-19 Filling of Position No. 9912, Account Clerk III, Administrative Services Office, Oahu
- Item I-3 Out-of-State Travel Request to Guam for Maui Branch Chief Keith Keau

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

ITEM H-15 REQUEST FOR A TIME EXTENSION ON CDUP OA-1636 FOR A ROADWAY EASEMENT AT KAHANA VALLEY, OAHU; APPLICANT: BOARD OF WATER SUPPLY

Mr. Evans said due to rain delays the applicant has been unable to complete the project in the proposed time.

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM H-14 REQUEST FOR A TIME EXTENSION ON CDUP HA-2145 FOR A UTILITY AND ACCESS EASEMENT AT PUAKO, SOUTH KOHALA, HAWAII; APPLICANT: MR. RANDOLPH B. STOCKWELL

Mr. Evans made staff's presentation for item H-14.

Ms. Sandra Schutte, agent for the applicant said that staff's recommendations were acceptable to her client.

She explained that they are asking for extension on both the commencement and completion because it was recommended by staff. Her client believes it will be completed by January of 1992.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM H-4 MASTER PLAN SUBMITTAL FOR ELEMENTS OF WAIMEA FALLS PARK, OAHU; APPLICANT: MR. CHARLES J. PIETSCH, ASSOCIATES FOUR

Mr. Evans informed the Board that staff is recommending approval of the Master Plan and included in the conditions were the Security Gatehouse, General Store, Administrative Office and Maintenance Building elements.

He said that staff is recommending that condition #5 be amended by adding language to read after "land use elements within the facility," "which are not identified in the Board approved Master Plan." He said he wanted to point out to the Board on the part of the applicant, their concerns on Condition #4. One of the conditions that staff has been recommending is a condition that that the applicant provide documentation of the approval as a part of the deed instrument. It is a pretty standard condition for us at this time. There's a caveat with this applicant. The caveat seems to be, what if my land is taken out of the Conservation District and put in the Urban District? What will the effect of the condition be? From staff's perspective, if it's taken out of the Conservation District and put in Urban district, the rules and regulations to the Urban district will apply.

On condition #4, Mr. Yuen asked if it couldn't be addressed by providing in the condition that such condition would terminate as to any land that was no longer in the Conservation District.

Mr. Evans said a new condition could be added in addition to the ones listed.

Mr. Yuen requested to amend Condition 4 to say: "which documentation may provide that the conditions of approval shall no longer apply to any lands removed from the conservation district." That will give staff and the applicant or the applicant's agent room to work out the exact language.

As to Condition 5, Mr. Yuen asked if the Waimea Falls Park is presently in a special subzone. Mr. Evans said, "No, it is not," and he explained the subzone uses in relation to the park.

Mr. Charles Pietsch, Partner with Associates Four said they are in concurrence with the staff's recommendation and he added that these four items are extensions of existing uses. They already exist and have already been approved. As far as the special subzone circumstance, they also own and operate Sea Life Park which is in a special subzone and they agree with staff with the existence of a special subzone it will make it a lot easier for them to work in the park concept in the years to come, as opposed to always having to come before the Board to handle what might be otherwise considered to be administrative circumstances. They do endorse the special subzone idea. They have no problem with the suggested amendments as long as the covenants running with the land were to be terminated in the event that the land was classified other than Conservation, it's fine with them.

Mr. Kealoha asked if they had a chance to look over the conditions and asked them to look at Condition 5 again, the second sentence, is that the intent of the so called request for a special subzone, the resource on the facility or the district. Mr. Pietsch said as he reads the condition, if they want to do something other than what is on this plan, it requires

them to 1) file a new CDUA and 2) simultaneously do the subzone. Mr. Paty commented that probably instead of the word facility it should be valley or something like that. Mr. Pietsch said he was reading the word facility to mean valley.

ACTION Mr. Yuen moved for approval as amended with the amendments to condition 4 and condition 5; seconded by Mr. Kealoha, motion carried.

ITEM E-3 PERMISSION TO NEGOTIATE WITH THE FRIENDS OF IOLANI PALACE, INC., AND EXECUTE DOCUMENT FOR A MANAGEMENT CONTRACT FOR IOLANI PALACE, BARRACKS, CORONATION PAVILION AND OLD ARCHIVES (KANAINA) BUILDING, HONOLULU, OAHU

Mr. Nagata presented the request to the Board with a correction of a word in the Recommendation on line three, funds have already been appropriated and so it should read, subject to "release" of funds.

Board members had questions relating to sufficient amounts for maintenance and security and also other funds collected and moneys generated.

Ms. Alice Guild of the Friends of Iolani Palace, Inc. was present and was asked to expand on the questions asked of Mr. Nagata. She said fees charged for admission are returned to the State in the general fund. The only operating funds they have are the money that is appropriated by the Legislature each year through the Department of Land and Natural Resources. Last year for the first time, the money received was almost sufficient to operate the palace. Money raised from the Palace Shop is used to refurbish the rooms, the artifacts, although the State owns some of the artifacts, the bulk of the furnishings were turned over to the Friends and it's the Friends money that is used to refurbish those.

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

Item F-1-c MEMORANDUM OF AGREEMENT WITH U.S. DEPARTMENT OF NAVY FOR SAFETY ZONE AREA AT BARKING SANDS, KEKAHA, WAIMEA (KONA), KAUAI

Mr. Young made the presentation for staff with the recommendation for approval subject to the listed conditions.

Mr. Clay Kagawa with the U.S. Navy and Mr. Wally Ferreira, Safety Officer were present. Mr. Kagawa presented a photograph to the Board showing the two launch sites. He pointed out the areas which will be used and the station boundary in conjunction with the Polihale Beach Park and the sugar plantation lands.

He said their agreement asked that ten minutes before launch and approximately ten minutes after the launch, that they have permission to clear the area by helicopter, roving security patrols, close off the road so that during the launch nobody is within the ground hazard area. They will inform the State seven days in advance and Kekaha Sugar Company seven days in advance so that they could schedule their operations. They would also abide by the conditions that the State would request of them.

Per Mr. Apaka's request, Mr. Kagawa elaborated on the two types of launches, their approximate schedules, use of the launches in their training program and safety precautions. Mr. Ferreira added that the camping area would be patrolled and any launch would be held up until the area was cleared, should there be a fisherman in the area who refuses to leave, the launch would be held up until cleared.

Mr. Ferreira responded to Mr. Kealoha that the launches would take place on land ceded to the U.S. Government.

Both Mr. Kagawa and Mr. Ferreira said they had read the conditions and had no objections.

ACTION Mr. Apaka moved for approval of item F-1-c be approved; seconded by Mr. Kealoha, motion carried unanimously.

ITEM H-11 REQUEST FOR A SECOND 90-DAY TIME EXTENSION OF A CDUA FOR THE DEVELOPMENT OF A DOCK, LANDING AREA AND PROTECTIVE GROIN, AND FOR THE DREDGING OF A CHANNEL, ETC., IN WAIULUA BAY, SOUTH KOHALA, HAWAII; APPLICANT: HRW LIMITED PARTNERSHIP; AGENT: BELT COLLINS AND ASSOCIATES

Mr. Evans said the applicant is in the process of doing an Environmental Impact Statement and that is the reason asked for this time extension.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

Item F-1-a ASSIGNMENT OF GENERAL LEASE NO. S-4027, COMMUNICATIONS SATELLITE CORPORATION (COMSAT), ASSIGNOR, TO MOTOROLA COMMUNICATION INTERNATIONAL, INC., ASSIGNEE, MOUNT KAALA, MOKULEIA, WAIALUA, OAHU, TMK 6-7-03:21

Mr. Young explained that COMSAT was going out of business and Motorola had reached an agreement with COMSAT for an assignment of the lease.

Concerns were voiced by Mr. Kealoha regarding the lease and amount, also the public auction. He was also concerned on the recent Act 104 passed by the legislature regarding the premium.

Mr. Young clarified the concern on Act 104 which was passed in 1988, staff received an Attorney General's opinion which says any lease which was issued prior to the enactment of the law shall not apply and have consideration to the premium. This lease was issued in 1966 before the premium and so therefore the ruling of the A.G.'s office is that there is no payment as a result of the consideration.

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM H-13 REQUEST FOR A TWO-YEAR TIME EXTENSION OF AN APPROVED CDUA FOR A SUBDIVISION/CONSOLIDATION, LANDSCAPING, AND RELATED IMPROVEMENTS FOR THE WESTIN KAUAI HOTEL AT LIHUE, KAUAI, HAWAII; APPLICANT: HEMMETER/VMS KAUAI COMPANY II

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM H-7 AFTER-THE-FACT CDUA FOR A RECREATIONAL CABIN, WAILAU, MOLOKAI; APPLICANT: MR. DOUGLAS T. LEGRANDE

To begin his presentation Mr. Evans passed out photos and additional information to the members of the Board.

Mr. Evans said applicant is claiming 100% ownership of lands and put a structure on the lands without the Board's approval. He showed a photo of the structure and pointed out the location on a map.

He continued that applicant was notified that he had an illegal structure and that he needed to come in and get some kind of Land Board approval. The application was submitted on an after-the-fact basis and staff has had the opportunity to complete the processing of this application. Staff finds a violation and is recommending that applicant demolish the structure and remove it from the property; because of that staff is asking the Board for a temporary variance for this to occur. Relative to the application, staff is asking for a denial of this application for three

reasons: 1) The potential for multiple claims of property ownership; (when staff looked at the tax maps, they found that the maps listed more than one owner); 2) there's widespread concern to any survey that has been done, there hasn't been any done by a registered surveyor on the property; and (3) this parcel of land, where it's located would be considered to be a kuleana piece of property. One of the problems is that it's owned by State land. The kuleana land owner say that they have legal access in that, legal access is provided for them in the law over State lands to their parcel. The question has arisen time and time again, how does one go about getting this access. The actual attaining of the legal access is really done through the courts. So we have a land owner that basically states they've got legal access but we don't know where that legal access exists. It's never been placed on the ground and because of those reasons, staff is recommending denial of the application.

Mr. Evans said the applicant has been very cooperative. Applicant was informed that he had to do a survey to which he said he wasn't going to do one because of the time and expense; applicant had his counsel come in and review with staff relative to the three reasons for recommendation of denial.

Mr. Arata asked Mr. Evans if the the applicant had ever tried to prove to staff that they have been paying the State property tax. Mr. Evans said he did not recall any tax receipts.

Per Mr. Arisumi's request, Mr. Evans again pointed out on the map the area in question which was surrounded by State land and that there was no legal on the ground access to the property in question. Also staff had not received neither a title search nor a land court document.

Mr. Arisumi asked if applicant knew that he needed permission to put up a structure. Mr. Evans said that would have to be asked of the applicant as the structure was discovered by DLNR enforcement officer's when they went into Wailau Valley for a different reason.

Responding to the Board, Mr. Evans said staff was informed that this was a recreational cabin and presented photos to the Board. This type of structure would require Maui County clearance. Staff did not contact the County Building Department to check if applicant had applied for a building permit.

A letter from the Planning Director of the Maui County was received recommending denial of this application. (Letter was received too late to be included.) Maui County was concerned with sanitary waste and indicated that this consideration was brought up because there would be a family of 5 using the premises. In their statement, they hope that to preserve this environment, that they would support the Board in a strong, negative policy determination involving not only this, but all similar after-the-fact structures. They feel that it violates the intent and purpose of the conservation district and they hope that such a precedent would not be given favorable review by this body.

Mr. Doug LeGrande, a restoration contractor in the State, licensed since 1975 introduced himself and his attorney Mark Graven. He passed out pictures of the cabin and the surrounding area. He said when he built the cabin he tried to make it an example of what it could be and accepted in the conservation zone area. He said he tried to use a lot of discretion and the intent was in lieu of tent camping as he's been hiking in Wailau for the last 10 years. It's very difficult to get to this area and it is only for occasional use. He wanted a place that could be locked up to protect fishing and camping gear and foodstuffs.

He said he did a survey himself to satisfy himself as he didn't want to build on State land. He then explained details of the area like the walls, cleaning of the area, type of structure, etc.

He said he has contracted Mr. Pat Cummins to do a survey in June and asked that he be granted approval of this permit subject to the survey that will be done in June.

The other party claiming ownership agrees that the cabin is good for the area and they would also like to use the cabin. The person he bought the property from assured him that he had 100% ownership.

Mr. Arata asked who did he buy the land from. Mr. LeGrande said he bought the land from the Brown Trust for \$7,000 and he said it must be recorded. At the time he asked for a title search from Title Guaranty when it was requested by the Board, he was quoted a price of almost \$6,000 to do a title search, so he decided not to do it at that time as he couldn't afford it. The seller did not provide him with a title search, so he doesn't have a clear title through a title search or land court at this time. The Lopes came forward and they might have a legitimate claim. He said he was willing to share the cabin with them. Because it's so difficult to get to this area they may go only once or twice a year.

Mr. Arisumi said he did read the letter from the Lopes family where they originally were against his claim and then later they agreed to go along with him.

Mr. Arisumi asked Mr. Randy Young, if applicant does not have title to the land, can they still say they own the land.

Mr. Young responded saying there was a letter alleging that there was a deed from the Brown Trust to Mr. LeGrande. Other parcels have been treated in this way.

Mr. Graven said they maintain that they do have 100% ownership but they're going to assert it doesn't make any difference if they have 100% ownership as that should not be the issue. He said that Mr. LeGrande does have a deed to the property.

Mr. Arata said, "How can you explain that you own the property and you haven't paid taxes?"

Mr. LeGrande said he has paid taxes since he bought the property in 1988 and the Brown Trust has paid the taxes back to the 1930's on this piece of land and no one else has shared in paying the taxes since that time. He said he was not aware of the permit process. He then explained how he built the cabin and the size.

Responding to Chairman Paty's question, he says he hikes in to the property and during the summer there are boats or a zodiac that could go around. Some of the material was brought in by boat and some was brought in by helicopter. He normally picks up a permit for construction in the residential area and he thought being in the conservation area and such a small structure that he thought he didn't need a permit. After he found out that he needed a permit he says he has been cooperating with DLNR staff.

Mr. Arisumi again addressed Mr. LeGrande, since he was an experienced contractor, why is it he didn't apply at the County of Maui for a building permit. Mr. Arisumi also asked why didn't he pursue the clear title to the land, it would help the Board in making a decision if they did hold clear title to the property.

Mr. Graven continued to argue the point of having to prove clear title ownership to the property before the Board could act on this permit. He asked, "What is clear title?"

Mr. Yuen explained that it would show determination of ownership in favor of your client with the exclusion of all others.

Mr. LeGrande said being he was the applicant he would be answering questions of the board and whatever he needs to prove to the Board he will do it. If it's going to be that he has to show complete ownership and that he can't share with any multiple claimee, like they've already said they've given their permission, then he will show complete ownership. He said that he only yielded to the Lopes' because within community spirit he felt it would be better for his situation, this being Molokai and for the Lopes' to use this land. He has no qualms about that.

Mr. Evans said that staff would be open to a modification of their recommendation. Staff's concerns are: 1. A., B. and C. and in the application there is 1. and 2. Should the Board approve the request as submitted, that there would be a no. 3 added, "That to carry out... to hold in abeyance for a period of about 6 months or whatever time needed, no. 1. A., B., and C. to allow the applicant to overcome those obstacles.

Mr. Kealoha questioned the amount of time that may be needed to carryout the concerns aired. Mr. Evans said that he realized that 6 months is a short period but that is the time indicated by applicant's legal counsel.

Mr. LeGrande said that Mr. Graven is here today for the legal matters, but he is the one that will really decide what will happen responding to the Board's concerns.

Mr. Yuen said looking at it realistically, 1) if you want to go and get a title search and the survey, that might be accomplished in six months but it may lead you in the direction where you need to file a quiet title action which could take two years. At the end of six months you should know if this is actually on your land or alleged land or state land.

Mr. Arisumi reminded applicant that there was a \$500 fine for the violation.

Mr. LeGrande said he was aware of the fine and he had also sent a letter informing the Board that he would be willing to volunteer his services for any type of work in the conservation areas. He again stressed he was here to cooperate with the Board to achieve what is necessary to keep his cabin there.

Mr. Arisumi requested to add under Recommendation B., item D. "that the Board allow the applicant 6 months extension to get all the necessary documents to show ownership of the land and in the meantime, put a hold on staff's recommendation." e.g. Leave the cabin there.

Mr. Evans interrupted to ask Deputy A.G. Young's opinion where there is a 180-day expiration date, can the Board...if there is no action on the application, the application is automatically approved. Chairperson Paty said if the Board is imposing the fine and put a pending on the application, does that qualify as an action.

Mr. Kealoha said he would have a problem as the Board would not be solving anything, the board would be implying to the applicant that we are going to approve the use. The case before them is whether or not we're going to approve the use. Land ownership is something else that they will have to seek. There is an expiration date of 5/26/90; and because no EIS was necessary it's difficult to extend.



Mr. Kealoha requested an executive session as he was confused in reconsidering the determination of the application. All members being agreeable, Chairperson called for an executive session.

EXECUTIVE  
SESSION

10:50am - 11:02am

ACTION

Mr. Arisumi asked to make the following recommendations; under A. Violation, that the Board approve conditions 1. and 2. and conditions 3., 4., 5., and 6. be approved but suspended for another 180 days. Under B. Application, that the Board approve Condition 1., a., b., and c. and under Condition 2. that the temporary variance be extended for another 180 days. Motion as amended was seconded by Mr. Yuen.

Mr. Yuen said just to clarify the records, his sense of Mr. Arisumi's motion is that "we are denying the use but we are suspending the demolition requirement for a period of up to 180 days, to give him the opportunity to obtain the date of title and what your options are, bring back to the board and reapply. If nothing is done within the 180 days, then the fine extends on the immediate application.

Chairperson Paty called for the vote, motion passed unanimously.

ITEM H-6

CDUA FOR PROPERTY SUBDIVISION AND CONSOLIDATION, KAALAEA, OAHU;  
APPLICANTS: THE FONG FAMILY AND THE MARGARET L. WATSON TRUST; AGENT: MR. DAVID BILLS, GRAY, HONG, BILLS AND ASSOCIATES

Mr. Evans presented staff's recommendation to the Board and informed them that staff had been informed that once this transaction is completed there has been an expression on the behalf of one of the landowner's that a residence would be considered in the conservation district along the ridge line. This has been brought up at the neighborhood board in the area and there is concern.

Mr. Evans emphasized that the only request before the board today is the subdivision, which staff is recommending approval.

Discussion by the Board followed on the question if the Board approved the application, whether a condition should be included should the owner decide in the future to build a house in the conservation district, that a public hearing be held due to the concerns of the neighborhood.

Mr. David Bills, agent for the applicant said he wished to make one comment. He informed the board that he attended the neighborhood board meetings and listening to their concerns he does concur that the community would definitely like to be involved in a public hearing proceeding. The community really did not have any reservation if a house were pursued anywhere else in the conservation lot except on the ridgeline.

ACTION

Mr. Yuen moved for approval of item H-6 with the added condition no. 7, "That the Board conduct a public hearing on any Conservation District Use Application to construct a residence on the new consolidated parcel." Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-10

REQUEST FOR TIME EXTENSION CDUA FOR A CABLE SHIP TERMINAL AND STORAGE FACILITY, SAND ISLAND, OAHU; APPLICANT: J.R. FULLERTON, MANAGER; AMERICAN TELEPHONE AND TELEGRAPH CO. (AT&T)

Mr. Kealoha asked if the extension would allow for the site to be changed.

Mr. Evans said the site would not be changed. The extension is necessary for the Federal Agencies to approve the site.

Mr. Bob Fullerton of A. T. & T. and Mr. Chester Koga, consultant from R. M. Towill appeared before the board. Mr. Koga wished to address one point regarding staff analysis. Between the time of the extension request and today's meeting, they have received the approval from the National Park Services and the Federal Aviation Administration, and a transmittal has been made to the Chairperson and staff. Mr. Fullerton stated that they agree with the recommendation.

ACTION Unanimously approved as submitted (Yuen/Arata).

ITEM H-5 CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR COMMERCIAL TOUR USE OF MANUKA STATE WAYSIDE, KAUMAHINA STATE WAYSIDE, AND DIAMOND HEAD STATE MONUMENT; APPLICANT: RON REILLY, ISLAND BICYCLE ADVENTURES

There was much discussion by the board regarding the maximum number of bicyclists to be included, the frequency of tours, and the areas for parking of the bicycles.

Mr. Kealoha expressed concern in scheduling of the number of users mostly in the Diamond Head area. Chairperson Paty raised the question, is the Board going into scheduling. Mr. Evans pointed out that Condition No. 3 would cover that concern through the Division of State Parks.

Mr. Arisumi expressed concern on the amount of the fine listed for the violations. He cited that this was a person who used the parks, maybe once a month and was trying to abide with the rules and regulations of the State versus various bus companies which bring people to the parks, having lunch and doing this commercially and not coming in for a permit.

Mr. Ron Reilly, applicant wished to make couple of points, 1) He has two formats for his tours, one is a 6-day tour which is on island of Hawaii and Maui on a frequency of once a month and the other 2) is a 2-3 hour activity which would involve the Diamond Head area. The Diamond Head activity is meant to be on a more frequent basis of use because of the short duration of the tour. The concept is to see how it works and he would add more tours if possible. Regarding the fines, he said he presently does not have any tours in Diamond Head.

Mr. Evans commented that the daily use of Diamond Head was not covered at the public hearings held.

Mr. Yuen said he would request to amend condition no. 1 to one per month on islands of Maui and Hawaii and one per week on the island of Oahu.

Mr. Kealoha said, "I don't have a problem with that, Mr. Chairman, however, I would have a problem with the hiking to the summit. So as it reads here, this is only for the bicycle, in condition no. 1, is that correct?" Mr. Evans responded, "That's right."

Mr. Kealoha said, "I don't feel we should include the biking one with the hiking, meaning that they have an automatic permit when they park their bike without having going to the permit process through State Parks to get a hiking permit like the other people." You don't know the number of people on the certain day as they apply for permits.

It was clarified through Mr. Nagata, State Parks Administrator that a group with less than 25 people normally does not require a permit to hike in Diamond Head. Being this is commercial, something could be worked out in the permit.

Chairperson said this should be noted.

Mr. Arisumi wished to add another condition that all refuse generated by the bicyclists be removed by the applicant.

ACTION Mr. Yuen moved for approval with the following amendments:

1. The change to condition no. 1, that the maximum number of bicyclists be 14 including the guide and the frequency of tours be limited to once a month on the islands of Maui, Hawaii and one per week on the island of Oahu;
2. All refuse generated by the bicyclists be removed by the applicant; and
3. The fine for unauthorized use on the island of Maui, Kauai and Hawaii be reduced to \$500.00.

Seconded by Mr. Arata, motion carried unanimously.

ITEM H-9 REQUEST TO EXTEND THE INITIATION DEADLINE OF CDUA OA-2161: ADDITION TO A SINGLE FAMILY RESIDENCE; APPLICANT: JOHN RAPP

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM B-1 REQUEST FOR APPROVAL TO AMEND/EXTEND AGREEMENTS WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII (RCUH) AND THE UNIVERSITY OF HAWAII (UH) DURING FY 1990-1991

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM C-1 REQUEST TO ENTER INTO AN AGREEMENT FOR SUPPLEMENT NO. 2 OF THE MASTER COOPERATIVE AGREEMENT WITH THE NATURE CONSERVANCY

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 3-9W-H, KUALAPUU RESERVOIR IMPROVEMENTS, MOLOKAI

Presentation of item D-1 was made by Mr. George Miyashiro.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM E-1 OUT OF STATE TRAVEL REQUEST TO ATTEND THE THIRD INTERNATIONAL CONFERENCE ON GROUND PENETRATING RADAR

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM E-2 APPROVAL TO HIRE A CONSULTANT TO PROVIDE ASSISTANCE IN AUTOMATING THE STATE PARKS DIVISION-WIDE OFFICE INFORMATION SYSTEM

ACTION Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM E-3 PERMISSION TO NEGOTIATE WITH THE FRIENDS OF IOLANI PALACE, INC., AND EXECUTE DOCUMENT FOR A MANAGEMENT CONTRACT FOR IOLANI PALACE, BARRACKS, CORONATION PAVILION AND OLD ARCHIVES (KANAINA) BUILDING, HONOLULU, OAHU

See page 4 for action.

ADDED  
ITEM E-4 FILLING OF POSITION NO. 42807, CLERK TYPIST II, OAHU PARKS SECTION

ACTION The Board unanimously approved the appointment of Ms. Bea Hokushin to fill the Position No. 42807, Clerk Typist II. (Apaka/Yuen)

ITEM F-1 DOCUMENTS FOR CONSIDERATION:

Item F-1-a ASSIGNMENT OF GENERAL LEASE NO. S-4027, COMMUNICATIONS SATELLITE CORPORATION (COMSAT), ASSIGNOR, TO MOTOROLA COMMUNICATION INTERNATIONAL, INC., ASSIGNEE, MOUNT KAALA, MOKULEIA, WAIALUA, OAHU, TMK 6-7-03:21

See page 5 for action.

Item F-1-b ASSIGNMENT OF GENERAL LEASE NO. S-5082, GERALD L. POTTORF AND MARION T. KUNIKIYO, ASSIGNORS, TO WARD HOLMES, ASSIGNEE, LOT 53, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

Item F-1-c MEMORANDUM OF AGREEMENT WITH U.S. DEPARTMENT OF NAVY FOR SAFETY ZONE AREA AT BARKING SANDS, KEKAHA, WAIMEA (KONA), KAUAI

See page 5 for action.

Item F-1-d SUBLEASE BETWEEN TOKAI RAYON CO., LTD., SUBLESSOR, AND DR. WAYNE MATSUYAMA, ET AL, PENDLETON TAX SERVICE, AND BANK OF HAWAII, SUBLESSEES, WESTRIDGE SHOPPING CENTER, KALAUAO, EWA, OAHU, TMK 9-8-13:14

Item F-1-e CANCELLATION OF REVOCABLE PERMIT NO. S-6244 TO ERNEST K. NAPIUUNOA AND ISSUANCE OF REVOCABLE PERMIT TO ROSABELLA LUKELA RAMOS COVERING GOVERNMENT LAND OF KAHAKULOA VALLEY, KAHAKULOA, WAILUKU, MAUI, TMK 3-1-04:POR. 49

Item F-1-f ASSIGNMENT OF GENERAL LEASE NO. S-4459, LAWRENCE BALBERDE, JR., ASSIGNOR, TO PAUL JEROME BALBERDE, ASSIGNEE, LOT 21, PANAWEA FARM LOTS, 2ND SERIES, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-56:18

ACTION Mr. Apaka moved for the approval of items F-1-d, F-1-e, and F-1-f. Seconded by Mr. Kealoha, motion carried.

SET ASIDE OF STATE LAND UNDER CONTROL AND MANAGEMENT OF THE DEPARTMENT OF HEALTH FOR THE NEW HONOKAA HOSPITAL SITE, NAMOKU AND HAINA, HAMAKUA, HAWAII, TMK 4-5-10:91

ITEM F-2

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-3 REQUEST FOR GRANT OF DRAINAGE EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY AT KANAPALI, LAHAINA, MAUI, TMK 4-4-06:SEAWARD OF 5

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-4 AMENDMENT TO PRIOR BOARD ACTION CONCERNING CONSTRUCTION RIGHT-OF-ENTRY TO COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY AT HONOKOWAI, LAHAINA, MAUI, TMK 4-4-02:18

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM F-5 CITY AND COUNTY OF HONOLULU REQUESTS PERPETUAL, NON-EXCLUSIVE EASEMENT FOR WALL PURPOSES, MOANALUA ROAD, PALI MOMI STREET TO AIEA INTERCHANGE, FAUS PROJECT NO. M-7200(1), AIEA, HAWAII, TMK 9-9-38:62

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM F-6 DEPARTMENT OF TRANSPORTATION REQUESTS AUTHORIZATION TO DISPOSE OF SURPLUS HIGHWAY REMNANT, KALIHI, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Yuen/Arata)

ITEM F-7 HONOLULU GAS COMPANY REQUESTS CANCELLATION OF GENERAL LEASE NO. S-3702, WAHIAWA, OAHU

Mr. Kealoha asked how long is staff going to allow for the removal of tanks under condition no. 3.

Mr. Young said that staff will have to work this out and that is why the lease will not be cancelled until they remove it to staff's satisfaction and the date will be established at that time.

ACTION Unanimously approved as submitted. (Kealoha/Yuen)

ITEM F-8 SET ASIDE OF STATE LAND AT MOANALUA, OAHU FOR DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF LAND MANAGEMENT STORAGE AREA AND MAINTENANCE YEAR

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM F-9 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUEST SET ASIDE OF LAND FOR ADDITION TO THE STATE CAPITOL (TERRITORIAL OFFICES/E.O. 1600), HONOLULU, OAHU

Mr. Young said that staff was coming before the board today with three actions. 1) To set aside those sections of the capitol ground not encumbered to DAGS as part of the capitol facility; it would be subject to two easements a) One easement to State Parks Division so that they can continue to maintain the grounds, and b) The second easement be granted to the Department of Defense so that they can construct and place on the grounds a proposed Korean and Vietnam Veterans Memorial site.

The Department of Defense has come in with a request for permission to construct the memorial on the capitol grounds. The DAGS has been contacted and they have no objections.

Staff is recommending that the set aside be done today and that the set aside be subject to two easements. One easement to our Division of State Parks to maintain the grounds and the second easement to the DOD for the memorial site.

MOTION Mr. Yuen moved for approval as amended by staff. Second by Mr. Arata.

DISCUSSION Mr. Kealoha's question was why the memorial is not being built on military or federal government land. He cited many states have memorials built adjacent to military camps or facilities. He felt it inappropriate that it be built on state land. He said he would respect the decision but still felt it belongs on military and not state land.

Mr. Young said they were approached by the State Department of Defense who had talked to the DAGS and they had no objection.

Mr. Nagata said the veterans groups representing these two wars approached the Administration and the Governor had set up a committee to look into various sites. This is the site that was chosen.

Chairperson Paty suggested that possibly the new veterans cemetery could do a memorial for this purpose.

In response to Mr. Apaka's question, Mr. Nagata said the World War II memorial is the Eternal Flame across the State Capitol. It was the final site determination by the War Memorial Commission that was established. The temporary memorial which is fronting the old Territorial Building was allowed to remain as it took so long to build a permanent memorial.

ACTION Chairperson said there was a motion on the floor. Motion carried with one no by Mr. Kealoha.

DEPARTMENT OF BUDGET AND FINANCE REQUESTS AMENDMENT TO DEPARTMENT OF THE ARMY SUBLEASE FOR MAUNA KAPU COMMUNICATION STATION SITE, CONTRACT NO. DACA 84-3-88-24, MAKAKILO, OAHU

ITEM F-10

ACTION Unanimously approved as submitted. (Yuen/Arata)

AMENDMENT OF REVOCABLE PERMIT NO. S-6460 TO WAIANAE VALLEY RANCH COMPANY, WAIANAE, OAHU, TMK 8-5-06:11

ITEM F-11

ACTION Unanimously approved as submitted. (Yuen/Arata)

REQUEST TO AMEND QUITCLAIM DEED CONVEYING LAND FROM GSA TO STATE OF HAWAII, GSA CONTROL NO. 9-N-HI-465 A (LAND OFFICE DEED S-27660), TMK 1-1-10:4, MOANALUA, HONOLULU, OAHU

ITEM F-12

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

CONVEYANCE OF PROPERTIES BETWEEN THE STATE OF HAWAII AND THE CITY AND COUNTY OF HONOLULU, HAWAII, OAHU

ITEM F-13

Mr. Young explained the exchange of properties between the State and City and County of Honolulu.

Chairperson Paty said, "If I can add, what we have here is the Pohukaina block into one. It's going to be one of the centerpieces of the exchange with the OHA group."

Discussion followed among the Board regarding the ceded lands and conveyance to the City.

ACTION Mr. Yuen moved for approval as amended, that approval be subject to the review and approval of the Department of the Attorney General. Seconded by Mr. Arata, motion carried unanimously.

AMENDMENT TO GENERAL LEASE NO. S-3747 TO THE U.S. DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH ITS JOINT USE WITH THE FEDERAL AVIATION ADMINISTRATION AND THE HAWAII AIR NATIONAL GUARD FOR THE MOUNT KAALA LONG RANGE RADAR FACILITY AT MOUNT KAALA, OAHU

ITEM F-14

ACTION Unanimously approved as submitted. (Yuen/Arata)

KAUAI RACING ASSOCIATION REQUESTS RIGHTS-OF-ENTRY TO UTILIZE KAUAI RACEWAY PARK, MANA, KAUAI (TO BE DISTRIBUTED)

ITEM F-15

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

RESUBMITTAL REQUEST PERMISSION TO NEGOTIATE WITH A CONSULTANT TO EVALUATE THE FEASIBILITY OF DEVELOPING THE VETERANS OF FOREIGN WAR (VFW) SITE AT AT WAIKIKI, OAHU, TMK: 2-3-34:27 (GENERAL LEASE NO. S-5109)

ADDED  
ITEM F-16

Mr. Yuen asked to amend the recommendation to read, "that the Board grant permission to engage the services of one or more consultants to prepare a feasibility study of developing the Veterans of Foreign Wars (VFW) site at Waikiki, Oahu, subject to approval of the Governor."

ACTION Mr. Apaka moved for approval as amended; seconded by Mr. Yuen, motion carried unanimously.

ITEM H-1 APPROVAL FOR STAFF TO ATTEND INTERNATIONAL CONFERENCE

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM H-2 REQUEST FOR APPROVAL TO ENTER INTO A RESEARCH CONTRACT WITH THE UNIVERSITY OF HAWAII

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

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ITEM H-3 PERMISSION FOR A COST EXTENSION CONTRACT TO CARRY OUT AQUACULTURE MARKET RESEARCH AND DEVELOPMENT

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

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ITEM H-4 MASTER PLAN SUBMITTAL FOR ELEMENTS OF WAIMEA FALLS PARK, OAHU; APPLICANT: MR. CHARLES J. PIETSCH, ASSOCIATES FOUR

See page 4 for action.

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ITEM H-5 CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR COMMERCIAL TOUR USE OF MANUKA STATE WAYSIDE, KAUMAHINA STATE WAYSIDE, AND DIAMOND HEAD STATE MONUMENT; APPLICANT: RON REILLY, ISLAND BICYCLE ADVENTURES

See page 11 for action.

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ITEM H-6 CDUA FOR PROPERTY SUBDIVISION AND CONSOLIDATION, KAALAEA, OAHU; APPLICANTS: THE FONG FAMILY AND THE MARGARET L. WATSON TRUST; AGENT: MR. DAVID BILLS, GRAY, HONG, BILLS AND ASSOCIATES

See page 9 for action.

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ITEM H-7 AFTER-THE-FACT CDUA FOR A RECREATIONAL CABIN, WAILAU, MOLOKAI; APPLICANT: MR. DOUGLAS T. LEGRANDE

See page 9 for action.

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ITEM H-8 CDUA FOR A NONCONFORMING SINGLE FAMILY RESIDENCE AT HAENA, KAUAI; APPLICANT: RICHARD ANAWALT

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

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ITEM H-9 REQUEST TO EXTEND THE INITIATION DEADLINE OF CDUA OA-2161: ADDITION TO A SINGLE FAMILY RESIDENCE; APPLICANT: JOHN RAPP

See page 11 for action.

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ITEM H-10 REQUEST FOR TIME EXTENSION CDUA FOR A CABLE SHIP TERMINAL AND STORAGE FACILITY, SAND ISLAND, OAHU; APPLICANT: J.R. FULLERTON, MANAGER; AMERICAN TELEPHONE AND TELEGRAPH CO. (AT&T)

See page 10 for action.

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ITEM H-11 REQUEST FOR A SECOND 90-DAY TIME EXTENSION OF A CDUA FOR THE DEVELOPMENT OF A DOCK, LANDING AREA AND PROTECTIVE GROIN, AND FOR THE DREDGING OF A CHANNEL, ETC., IN WAIULUA BAY, SOUTH KOHALA, HAWAII; APPLICANT: HRW LIMITED PARTNERSHIP; AGENT: BELT COLLINS AND ASSOCIATES

See page 5 for action.

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ITEM H-12 REQUEST FOR TIME EXTENSION ON THE CDUA FOR AN ADMINISTRATIVE RULE AMENDMENT TO ESTABLISH A SPECIAL SUBZONE, SUBDIVISION AND EDUCATIONAL USE PERTAINING TO THE DEVELOPMENT OF THE HONUA HAWAII CULTURAL CENTER; APPLICANT: DIVISION OF LAND MANAGEMENT, DEPARTMENT OF LAND AND NATURAL RESOURCES

ACTION Unanimously approved as submitted. (Arata/Yuen)

REQUEST FOR A TWO-YEAR TIME EXTENSION OF AN APPROVED CDUA FOR A SUBDIVISION/CONSOLIDATION, LANDSCAPING, AND RELATED IMPROVEMENTS FOR THE WESTIN KAUAI HOTEL AT LIHUE, KAUAI, HAWAII; APPLICANT: HEMMETER/VMS KAUAI COMPANY II

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See page 5 for action.

REQUEST FOR A TIME EXTENSION ON CDUP HA-2145 FOR A UTILITY AND ACCESS EASEMENT AT PUAKO, SOUTH KOHALA, HAWAII; APPLICANT: MR. RANDOLPH B. STOCKWELL

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See page 3 for action.

REQUEST FOR A TIME EXTENSION ON CDUP OA-1636 FOR A ROADWAY EASEMENT AT KAHANA VALLEY, OAHU; APPLICANT: BOARD OF WATER SUPPLY

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See page 2 for action.

TEMPORARY VARIANCE REQUEST TO CONDUCT ARCHAEOLOGICAL FIELD RESEARCH AT NA PALI COAST STATE PARK, KAUAI; APPLICANT: DR. TERRY L. HUNT

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ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM H-17 SAND ISLAND INDUSTRIAL PARK DEVELOPMENT AGREEMENT

Chairperson Paty informed the Board, "relative to the item H-17, Sand Island Industrial Park Development Agreement, we have not yet reached an agreement relative to the lease terms and while we could put on the record, the conceptual review in consultation with counsel, we felt that it would perhaps be more appropriate to see if we could find a way, if we can address that concern and then subsequently take up the rest of it. Mr. Wong, for the sake of coverage, is there anything that we should touch bases with at this time relative to Sand Island, lacking the terms of agreement.

Mr. Wong said they were meeting with the bank official on Monday so he's sure there would be further changes to the development agreement as a result of that meeting. We have a tentative draft of the development agreement right now whereby the Board has indicated its objections to the provision relating to the Board's be responsible to collect delinquent assessments and management fees being imposed by SIBA. That was one of the objections and there were other concerns by the Board that i.e. the issuance of the leases by SIBA as to size, expansion, etc. would be limited only to the initial issuance and that such responsibility would revert back to the board after the initial issuance. Those were some of the main provisions but at this point he suggests that the matter be deferred until they can firm up what the bank's concerns are.

Mr. Kealoha asked to the Attorney General, "as the A.G. with respect to H-17, is it lawful and legal that on this one particular item, instead of closing today's meeting, that the meeting be continued to Monday, that a decision is to be rendered by Monday. If that is legal?"

Mr. Wong said the question of continuing this meeting until Monday, then the question is whether the Board members will be available till Monday.

Mr. Kealoha said that's the next part of his question, can they take a vote by phone?

Chairperson Paty said we have to address this in some fashion because they are bound and determined to try and to see that something happens by Monday because Session ends and they feel it's a critical time for them.



We would like if we could obviously reach an agreement on this thing, whether we can or not is yet to be seen. My discussion this morning, the need to try to maintain a fixed rent over the first 20 years or at least the last second 10 over this 20 year period. And I did not put forth any significant alternatives to them.

Mr. Kealoha said section 171-5 addresses on special meetings, where you cannot make decisions, but he wasn't sure if you could holdover the meeting, continue the meeting from a Friday to a Monday, 72 hours to make a decision.

Mr. Wong said it has been done before where you've continued your meeting to the next board meeting.

Recess the meeting. Mr. Wong wasn't sure if you could do it by phone. You have to check the administrative rules if this is covered.

Mr. Kealoha said the last delegation to the Chairman was done about 10 years ago.

RECESS 12:35pm to 12:40pm

ADDED APPROVAL TO PROCEED WITH THE SINGLE AUDIT OF THE DEPARTMENT'S FEDERAL AID  
ITEM H-18 PROGRAMS

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ADDED FILLING OF POSITION NO. 9912, ACCOUNT CLERK III, ADMINISTRATIVE  
ITEM H-19 SERVICES OFFICE, OAHU

ACTION Unanimously approved the appointment of Ms. Lorene C. Endo to Position No. 9912, Account Clerk III, on Oahu. (Yuen/Arisumi)

ITEM I-1 APPOINTMENT OF LICENSE AGENT: TOM CHRISTY DBA CAST AND CATCH, ISLAND OF KAUAI

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM I-2 FILLING OF POSITION NO. 2952, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER V, ISLAND OF KAUAI

ACTION Unanimously approved the appointment of Mr. Manuel Andrade to fill Position No. 2952, Conservation and Resources Enforcement Officer V, island of Kauai, effective May 1, 1990. (Yuen/Apaka)

ADDED OUT-OF-STATE TRAVEL REQUEST FOR MAUI BRANCH CHIEF KEITH KEAU TO GUAM  
ITEM I-3

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM J-1 LEASE - HONOLULU INTERNATIONAL AIRPORT, OAHU (UNITED STATES OF AMERICA, FEDERAL AVIATION ADMINISTRATION)

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM J-2 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4646, ETC., AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM J-3 ISSUANCE OF LEASE BY DIRECT NEGOTIATION, FORT ARMSTRONG, HONOLULU HARBOR, OAHU (AMERICAN PRESIDENT LINES, LTD.)

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NATIONAL MARINE FISHERIES BUILDING, KEWALO BASIN, OAHU (PARADISE CRUISE, LTD.)

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (SUISAN COMPANY, LTD.)

ACTION Unanimously approved as submitted. (Arata/Kealoha)

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 13/14, HONOLULU HARBOR, OAHU (OCEAN ICE, INC.)

ACTION Unanimously approved as submitted. (Yuen/Kealoha)

ITEM J-7 AMENDED: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (UNITED STATES COAST GUARD)

ACTION Unanimously approved as submitted. (Arata/Kealoha)

(CONTINUED)

ITEM H-18 Mr. Kealoha asked how rigid the rental rates were in light of the appraisal report.

The Chairperson responded that under Section 171-141(3), the law requires the board to negotiate mutually agreeable terms, conditions and rents. He then submitted SIBA's proposed rent schedule.

Mr. Yuen indicated that the Halawa and Bouganville leases which SIBA is relying on required the payment of a premium (developer's profit, risk and costs) plus assessments. Halawa's rent structure is (as of August 1989):

2.1¢ sq. ft./mo. for 1st 10 years  
4.2¢ sq. ft./mo. for 2nd 10 years  
6.6¢ sq. ft./mo. for 3rd 10 years

Plus assessment of 2¢/mo. for 20 years. Thus the effective rent is 4.1¢ to 1999 and 6.2¢ to 2009.

The Chairperson then requested that he be given final authority to negotiate and execute the lease agreement.

ACTION Mr. Kealoha moved that the Board authorize the Chairperson to negotiate the final terms, conditions and rental rate of the lease, and submit the information to the Board. Motion was seconded by Mr. Yuen and carried unanimously.

ADJOURNMENT There being no further business, the meeting adjourned at 12:50 pm.

Respectfully submitted,

*Dorothy Chun*  
Dorothy Chun  
Secretary

APPROVED FOR SUBMITTAL

  
WILLIAM W. PATY, CHAIRPERSON