

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

DATE: MAY 11, 1990
TIME: 8:30 A.M.
PLACE: COMMUNITY SERVICE BUILDING
MAUI COMMUNITY COLLEGE
310 KAAHUMANU AVENUE
KAHULUI, MAUI

ROLL CALL: Chairperson William Paty called the meeting of the Board of Land and Natural Resources to order at 8:40 a.m. The following were in attendance:

MEMBERS: Mr. Moses W. Kealoha
Mr. John Y. Arisumi
Mr. Herbert K. Apaka
Mr. Herbert Y. Arata
Mr. William W. Paty

STAFF: Mr. Ralston Nagata
Mr. W. Mason Young
Mr. Henry Sakuda
Mr. Eddie Ansai
Mr. Alan Tokunaga
Mr. Wayne Ching
Mr. Donald Horiuchi
Ms. Dorothy Chun

OTHERS: Mr. Johnson Wong, Deputy Attorney General
Mr. Ronald Hirano, Dept of Transportation
Mr. David Rezachek (Items E-4, E-5)
Ms. Charlotte Flavin, Mr. Arnold Sciuillo, and
Mr. Greg Lamb (Item F-1-c)
Mr. Glenn Hara (Item F-5)

MINUTES: Mr. Kealoha entertained a motion to approve the minutes of October 13, 1989 and February 9, 1990 as circulated. Seconded by Mr. Apaka, motion carried.

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

- Item B-1 Out-of-State Travel Request for Henry M. Sakuda, Administrator, Division of Aquatic Resources to Attend the Annual Conference of the Western Association of Fish and Wildlife Agencies and the Western Division of the American Fisheries Society
- Item B-2 Request for Approval to Enter into Agreements with the University of Hawaii FY 1990-1991
- Item H-2 Filling of Land Management Administrator, EM 08, Position No. 9636, Land Management
- Item F-10 Request to Hire Consultant for Manana Acquisition

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

ITEM E-4

REQUEST FROM THE SOLAR CAR CLUB OF THE KONAWAENA HIGH SCHOOL TO USE THE RUNWAY OF THE OLD KONA AIRPORT

Mr. Nagata made staff's presentation of item E-4 and item E-5 as the two items were tied in together.

For the event in item E-5, Mr. Nagata mentioned that they would like to confine this event mainly to the weekdays from Monday to Friday, July 25-27, 1990 with the times to remain the same.

Mr. Arisumi's question directed to Mr. Nagata was in reference to a previous request for use of the runway of the Old Kona Airport. Mr. Nagata said that request was made by a professional who later went on to race in Australia. There were no problems but they don't want to turn the runway into a regular race course.

Responding to Mr. Kealoha's questions regarding the width and usage, Mr. Nagata said that the public would be using 12 feet one way and 12 feet the other way. The applicant would also be using part of the shoulder of the paved section too. Applicant was looking at a 17 mile segment of the highway between Keahole Airport entrance and Waikoloa Beach Park Road but the police department did not agree with that site.

Mr. Kealoha suggested a piece of land that the State owns that goes into Mahaiula that is approximately 36 to 40 feet wide from the highway down to the beach, known as Hawaii Untouched. Mr. Nagata said he did not know if it would be available but could look into it.

Mr. Kealoha asked why there was no rent imposed. Mr. Nagata said that generally they have not imposed rentals for the one, two or three day events out in the open area.

Mr. Apaka asked if staff's proposal has been discussed with the applicant. Mr. Nagata said that the proposals had been provided to the applicants and he had discussed parts of the proposal to some degree.

Applicant was called forward: Mr. David Rezachek said he was with the Department of Business and Economic Development, Energy Division, and he was the Ka'ahale La Coordinator. He was also here today to represent the Konawaena High School to make an additional request. Their original application mentioned a maximum speed of 35 miles per hour (mph) but they really don't know how fast their cars will go and they'll be lucky if they can get it up to 25 mph using full battery power. Last year the fastest car went 23 mph. They are requesting to increase the speed limit to 20 mph. He continued to elaborate on the expected speed and methods used. Each car would be equipped with a calibrated speedometer and odometer.

During the test period, they would like to add the days of June 20 and June 27, 1990. Regarding the certified mechanics as mentioned in condition no. 6, he has been informed that there are only 2 certified mechanics. He is asking for a definition of certified mechanic. As part of the event they have preliminary and final technical inspections. They do have a number of rule committee members who have professional engineering and mechanical licenses.

Mr. Kealoha asked if they planned to have this as an annual event if it proves highly successful this round.

Mr. Rezachek said that would be nice but DBED Energy Division doesn't have sufficient funds every year to put on this type of event so they would need to get some additional support from the Department of Education.

Mr. Kealoha said he had concerns that events like this be conducted on the same site every year. There would be public problems and he again suggested a strip that goes to Mahaiula they could look at and maybe something could be worked out with the permittee.

ACTION

Mr. Arata moved that item E-4 be approved as recommended by staff with the following amendments to the conditions:

No. 1: That the dates June 20 and June 27 be added;

No. 5: That the speed limit be changed to 20 miles per hour; and

No. 6: That the vehicles pass a technical safety check; vehicles be inspected by the Grounds Committee of the Ka'ahahele La Project Rules Committee.

Seconded by Mr. Arisumi, the motion carried unanimously.

Chairman Paty asked for clarification in regards to the loop being used. It was clarified that the vehicles would turn in a loop in the upper end and not in the lower end. Chairman Paty asked that this be included in the amended motion.

ITEM E-5

REQUEST TO USE THE FORMER RUNWAY AT THE OLD KONA AIRPORT STATE RECREATION AREA FOR A SOLAR CAR COMPETITIVE RACE

Mr. David Rezachek said he would go directly to comment on the conditions listed in the submittal.

On Condition 1, they have already been informed by the police department that they will not allow them to use the Highway 19, 17 mile stretch of roadway requested for the competition. Conditions 2, 3 and 4 they have no problem with those; and Condition 5 they would prefer the dates be kept the same and they will try to minimize the interference on the weekends.

Chairman Paty questioned him on how they intended to minimize the interference.

He said they will park all their vehicles on the mauka shoulder and they don't believe there will be that many vehicles involved. Students will be staying at the Hotel King Kamehameha as will all the event coordinators and other officials and so there will only be a few vehicles that would be used to shuttle people back and forth. They will use some space on the mauka shoulder to provide a pit stop area for each of the teams. He feels they will be able to accommodate all their participants on the mauka shoulder. As far as people coming to visit the beach or attend the event, he didn't know how it would be separated, their participants will all be found on one side.

On Condition 6, again they wished to increase the speed limit to 20 mph, Condition 7, the 24 foot makai strip they have no problem with that. They went off the shoulder to allow them to have a wider turning radius on the south turn. They can move that over and put all the heavy vehicles traveling on the improved surface. The speed limit will be 10 mph so no problem there. The participant parking has already been addressed. Certified mechanics, they have their rules committee and will be having another member to look at the electrical safety aspects.

Regarding other sites, as mentioned they had considered Highway 19, the 17 mile segment and have looked at several other sites but they were rejected for a number of reasons. They did look at a site above Kona but it was too windy.

ACTION: Mr. Arata moved for approval of item E-5 as recommended by staff with the following amendments to the conditions:

- No. 1: That this condition be eliminated;
- No. 6: That the speed limit be changed to 20 mile per hour; and
- No. 9: That the vehicles pass a technical safety check; vehicles be inspected by the Grounds Committee of the Ka'ahele La Project Rules Committee.

Seconded by Mr. Arisumi, motion carried unanimously.

Mr. Kealoha added that for the record he expected the same concerns on item E-5 as item E-4, that he hopes it doesn't become an annual affair for the Old Kona Airport.

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO DEPARTMENT OF HEALTH TO MAUI AIDS FOUNDATION, INC., KULA SANITORIUM SITE AT KEOKEA, MAKAWAO (KULA), MAUI, TMK 2-2-04:POR. 34

Mr. Young said that staff is recommending that the Board allow the Department of Health issue the permit to the Maui Aids Foundation Inc.

ACTION Mr. Arisumi moved for approval and seconded by Mr. Arata.

DISCUSSION Mr. Kealoha asked if this executive order was for sanitorium purposes only or rephrasing: for what specific use was this executive order set aside.

Mr. Young said it was his understanding that it was for the Kula Sanitorium site. Within the E.O. he was not sure for what specific use. Mr. Young asked if that's the case, could he double check the E.O. and see if it's conforming and if it is then proceed.

Mr. Kealoha wanted the Maui member to be aware of the E.O. that was issued, that staff should clarify the specific use in the case of this nature so that we know that this type of issuance is permitted under the E.O.

Present were Mr. Arnold Sciallo, Mr. Greg Lamb and Ms. Charlotte Flavin. Ms. Flavin from the Department of Health said she did not understand the discussion.

Mr. Kealoha explained when a land or a building is set aside for a specific department under the Executive Order, it's usually designated by a specific use and if it is a restrictive use, we may not be able to approve something that may be requested. He is qualifying the motion to be certain that in this case that the Department of Health wants to permit the sub-user, that it is permitted under the E.O. .

Ms. Flavin said that the house is empty right now and there is an urgency right now as they have also applied for funds through HUD through the County and they have to have this approval before HUD will approve it. HUD wants all the papers by June 1st and they understand that they need the signatures . They need this approval together with the rest of their proposals for money to renovate the facility.

QUESTION Chairman called for further discussion. Calling for the question, the motion to approve Item F-1-c subject to clarification of the use of the Executive Order was unanimously approved.

ITEM F-5 DIRECT AWARD OF NON-EXCLUSIVE EGRESS AND INGRESS EASEMENT ON, OVER AND ACROSS LOT 7, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO., HILO, HAWAII, TMK 2-2-37:144

Mr. Young presented item F-5 to the Board with staff's recommendation for approval subject to the conditions listed.

Discussion followed regarding the lease, value of the easement and the area of the parcel.

Mr. Glenn Hara, agent for the applicant said they want to allow access over a line because of some restrictions and changes in the lease. With respect to the insurance condition, he believes it will be easier to administer if the insurance condition just stated that "that condition would be satisfied if they satisfied the condition of the insurance requirement in the lease." Otherwise there would be two separate requirements to basically permitting access over an imaginary line.

Chairperson Paty asked for clarification from Mr. Young. He said that there are two different documents that would set the policies. If they want to have a rider on, the insurance company allows them a rider, he had no problem with that.

Discussing the liability provisions, Mr. Hara again stated that they would like to combine coverage for both documents. Under Condition 5, in terms of the reverter clause, rather than it being terminated on abandonment of a specific purpose, he would terminate the easement to tie in with the termination with the lease. discussion continued with Mr. Young.

ACTION Mr. Arata moved for approval as amended, that the grantee be allowed to either have a separate insurance policy for his lease and easement or a rider on the policy that he has for the General Lease to include the easement. Seconded by Mr. Arisumi, motion carried unanimously.

RECESS: 9:40am to 9:50am

ITEM J-1 LEASE OF SPACE SITUATED AT KAHULUI AIRPORT, MAUI (PACIFIC HELICOPTER TOURS, INC.)

Mr. Ron Hirano presented item J-1 to the Board. Responding to Mr. Arisumi's question he explained that previously they had issued a revocable permit and the requirement was that they were going to meet certain requirements before the Department of Transportation issued them a lease. To date they have met those requirements and now a lease can be issued.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM J-2 AMENDMENT NO. 1 TO LEASE NO. DOT-A-70-22, HONOLULU INTERNATIONAL AIRPORT, OAHU (TRANS WORLD AIRLINES, INC.)

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4655, ETC., AIRPORTS DIVISION

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM J-4 ISSUANCE OF RIGHT-OF-ENTRY FOR TEST BORINGS, HARBORS DIVISION, ALA WAI BOAT HARBOR, OAHU (ALA WAI FUEL SERVICES, INC.)

Mr. Hirano responding to the Board's questions he said that this does not tie into the Aloha Tower Development. It is in submerged lands and

he understands that a Conservation District Use Application is not required as the Executive Order No. 1795 for Ala Wai Boat Harbor was issued in 1957.

ACTION Mr. Kealoha moved for approval subject to final determination whether or not this application requires a Cдуа. Seconded by Mr. Apaka, motion carried.

ITEM J-5 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF HARBOR LEASE NO. H-86-21, KEWALO BASIN, HONOLULU, OAHU (WRAF CORPORATION, A HAWAII CORPORATION/ SUISAN SEAFOOD INTERNATIONAL, INC., A HAWAII CORPORATION)

Mr. Hirano said they were requiring any sandwich profits be paid to the State.

Deputy Attorney General Wong suggested an amendment be made by, adding a condition at the end of another condition thereto: "That the gross receipts of the sublessees would be considered as the gross receipts of the lessee in determining the percentage of the gross receipts payable by the lessee to the State."

ACTION Mr. Kealoha moved for approval as amended, seconded by Mr. Apaka, motion carried.

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 42, HONOLULU HARBOR, OAHU (ISLAND MOVERS, INC.)

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM J-7 ISSUANCE OF REVOCABLE PERMIT NO. HY-90-053, HIGHWAYS DIVISION, LUNALILO FREEWAY, PARCELS 63-68, HONOLULU, HAWAII, OAHU (BERGER'S AUTOHAUS SALES, INC., DBA SAAB HAWAII)

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT NO. HY-90-054, HIGHWAYS DIVISION, PORTION OF PARCEL 14 OF HAWAII BELT ROAD, HAWAII (J. WILLIAM SANBORN AND SUSAN J. MOSS)

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ADDED ITEM B-1 OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA, ADMINISTRATOR, DIVISION OF AQUATIC RESOURCES TO ATTEND THE ANNUAL CONFERENCE OF THE WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES AND THE WESTERN DIVISION OF THE AMERICAN FISHERIES SOCIETY

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ADDED ITEM B-2 REQUEST FOR APPROVAL TO ENTER INTO AGREEMENTS WITH THE UNIVERSITY OF HAWAII FY 1990-1991

Mr. Sakuda requested to amend staff's recommendation by adding the Department of Health along with the University of Hawaii.

ACTION Moved for approval as amended by Mr. Kealoha; seconded by Mr. Arisumi, motion carried.

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 17-KW-C, ANAHOLA WELL NO. 0818-03, KAUAI

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM D-2 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 86-OP-C, SAFETY RAILING AND PARKING LOT RECONSTRUCTION, NUUANU PALI STATE WAYSIDE, OAHU

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM D-3 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 61-OF-1, FOOTBRIDGE, MANOA FALLS TRAILS, OAHU

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM E-1 PERMISSION TO NEGOTIATE AND ENGAGE THE SERVICES OF CONSULTANTS FOR A BIOLOGICAL SURVEY AND A NEARSHORE RECREATION STUDY FOR A PROPOSED STATE PARK AT THE KIHOLLO BAY AREA, NORTH KONA AND SOUTH KOHALA, HAWAII

After Mr. Nagata's presentation, Chairperson Paty informed the Board that this is a proposed park at Kiholo Bay area in addition to Mahaiula Bay for park development, so there are two major plans for park development.

Mr. Kealoha said with the permission of the Board, he would like to request that the recommendation be amended to read that the Chairman to select the consultant.

ACTION Unanimously approved as amended. (Arata/Arisumi)

ITEM E-2 PERMISSION TO NEGOTIATE AND ENGAGE THE SERVICES OF A CONSULTANT FOR A BIOLOGICAL SURVEY FOR WAIANAPANAPA STATE PARK, MAUI

Chairperson Paty said some of the Board members had a question as to the little signs on the Waiianapanapa cabins which reads visiting hours 6-8 p.m.

Wayne Ching said the visiting hours are more for controlling the people in the cabin area, the non-permittees. Mr. Nagata said in the past they've had some problems where others will come around and stay and camp.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM E-3 PERMISSION TO NEGOTIATE AND ENGAGE THE SERVICES OF A CONSULTANT FOR A BOTANICAL SURVEY AT POLIHALE STATE PARK, KAUAI

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM E-4 REQUEST FROM THE SOLAR CAR CLUB OF THE KONAWAENA HIGH SCHOOL TO USE THE RUNWAY OF THE OLD KONA AIRPORT

See page 3 for action.

ITEM E-5 REQUEST TO USE THE FORMER RUNWAY AT THE OLD KONA AIRPORT STATE RECREATION AREA FOR A SOLAR CAR COMPETITIVE RACE

See page 4 for action.

ITEM E-6 REQUEST TO USE THE PARKING LOT AT AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) FOR PARKING FOR THE WAIKIKI IMPROVEMENT ASSOCIATION SUMMER BLOCK PARTY

Mr. Kealoha asked who would the department have to secure the grass area down to the water (to the stone wall).

Mr. Nagata responded saying that there would be police officers hired. He said that the department's DOCARE officers would normally make periodic checks.

Mr. Kealoha suggested that DLNR's DOCARE officers be given first priority before hiring police officers and that they be hired at the over-time rate to patrol our own State park. Mr. Nagata said an event of this magnitude would require several officers and what they could do is offer this over-time duty to our DOCARE officers on a first priority.

ACTION Mr. Kealoha moved for approval with the amendment to condition no. 3 that the State's DOCARE officers be given first priority to accept the over-time duty to patrol the park for the event. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-7 REQUEST FOR PERMISSION TO CONDUCT CEREMONIES TO OBSERVE THE 150TH ANNIVERSARY OF PUBLIC EDUCATION IN HAWAII ON THE IOLANI PALACE GROUNDS, HONOLULU, HAWAII

Mr. Nagata informed the Board that this was a request by the Governor's Commission for the 150th Anniversary of Public Education in Hawaii to utilize the grounds of Iolani Palace to commemorate this particular occasion.

Mr. Kealoha asked if there were any response from the Friends of Iolani Palace and also the Department of Accounting and General Services regarding the parking.

Mr. Nagata said he was not aware of any objections from the Friends and the Governor's Commission did inform the Friends of Iolani Palace of their request through a cc of the letter of request sent to DLNR.

Mr. Nagata said they would be sure to contact DAGS regarding the parking.

DEFERRMENT Mr. Kealoha requested that this item be deferred to the next meeting to allow staff to obtain answers to the Boards concerns. There being no objections, Chairperson declared this item be deferred.

ITEM E-8 REQUEST FOR PERMISSION TO AMEND THE 1989-1990 MANAGEMENT AND MAINTENANCE CONTRACT WITH THE FRIENDS OF IOLANI PALACE

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM E-9 PERMISSION TO NEGOTIATE WITH A CONSULTANT TO ADDRESS THE CONCERNS OF THE HAWAIIAN COMMUNITY IN THE PLANNING FOR KEOLONAHIHI (KAMOA POINT) STATE HISTORIC PARK, NORTH KONA, HAWAII

Mr. Nagata said basically staff has received some feed back from the Hawaiian community and there's an individual recommended. Subject to reallocation of funds and getting other contract processing approved, the person being recommended is Mrs. Puanani Kanahela.

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

Item F-1-a ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 7733, APANA 1, TO MOA BY APPLICATION OF THOMAS M. OKUNA, HILEA, KAU, HAWAII

Item F-1-b ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 9971, APANA 1, TO W. P. LELEIOHUKU BY APPLICATION OF THOMAS OKUNA, HILEA, KAU, HAWAII

ACTION Mr. Arisumi moved for approval of items F-1-a and F-1-b as submitted; seconded by Mr. Arata, motion carried.

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO DEPARTMENT OF HEALTH TO MAUI AIDS FOUNDATION, INC., KULA SANITORIUM SITE AT KEOKEA, MAKAWAO (KULA), MAUI, TMK 2-2-04:POR. 34

See page 4 for action.

Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO HILO BAY INN AND HOSTEL, STATE LAND AT WAIAKEA, SO. HILO, HAWAII, TMK 2-1-06:77

Mr. Young said staff would like to amend item F-1-d as follows:

Under Recommendation conditions 6., 7., and 8. to read:

6. The consumption of alcoholic beverages shall be strictly prohibited.
7. The applicant shall insure that Public access and use are provided at all times but reserves the right to remove unruly and/or intoxicated persons;
8. Such other terms and conditions as may be prescribed by the Chairperson which will best serve the interest of the State.

DEFER There were concerns voiced by the Board. The Board requested the staff to inspect the premises to determine whether clearing and construction had commenced prior to Board approval, and to report findings back to the Board. The Board was in agreement to defer item F-1-d, Chairman Paty so declared.

ITEM F-2 PROPOSED LAND ACQUISITION OF 725 ACRES, MORE OR LESS, AT AKOAKOA POINT, POLOLU, NO. KOHALA, HAWAII

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-3 CANCELLATION OF GENERAL LEASE NO. S-4545 TO HONUA HAWAII AND ISSUANCE OF NEW LEASE TO HONUA HAWAII 2000, WAIAKEA, SO. HILO, HAWAII, TMK 2-4-04:131 & 132 (TO BE DISTRIBUTED AT MEETING)

Mr. Young announced to the Board that item F-3 was to be distributed at this meeting. Staff had intended to withdraw this item but after further discussion he will make a verbal presentation subject to ratification by the Board at a later meeting.

Verbal Presentation as follows:

That the Board:

- A. Authorize the cancellation of General Lease No. S-4545 to Honua Hawaii, subject to:
 1. Written consent of Honua Hawaii.
 2. Written consent and/or release by Farmers Home Administration (FHMA) (Mortgagee), with respect to outstanding mortgage on the lease premises.
 3. Ratification by the Land Board at its June 8, 1990 meeting.
 4. Effective date of cancellation to be determined by the Chairperson.
 5. Review and approval by the Office of the Attorney General.
 6. Other terms and conditions the Chairperson may prescribe.
- B. Subsequent to the cancellation of General Lease No. S-4545, authorize the direct award of a lease to Honua Hawaii 2000 under the same terms and conditions of General Lease No. S-4545, subject to the following revisions and conditions:

1. Honua Hawaii 2000 shall be certified by the Director of Taxation to be tax exempt under Section 239-9(a)(2), HRS.
 2. Effective date of commencement to be determined by the Chairperson.
 3. Other terms and conditions the Chairperson may prescribe.
 4. Review and approval by the Office of the Attorney General.
 5. Ratification by the Land Board at its June 8, 1990 meeting.
- C. Grant Honua Hawaii 2000 an interim right-of-entry to the subject premises for purpose of conducting the necessary studies required for the rehabilitation and reinstatement of an outdoor recreation center subject to terms and conditions to be prescribed by the Chairperson and consent of Honua Hawaii, if necessary.

Responding to the board's questions, Mr. Young said that normally there is a written submittal. Depending on obtaining the written consents and the releases from the lessees as well as the mortgagee, he would like to have the effective date of cancellation date determined by the Chairperson, or at the time of the release.

Mr. Young said that staff was going to withdraw this item from the agenda but after speaking to counsel, staff was advised that a verbal presentation would be acceptable subject to the action taken being ratified by the Board at a later date. Staff will follow up with a written form of this presentation to all Board members.

- ACTION Unanimously approved as presented verbally by staff. (Arisumi/Apaka)
- ITEM F-4 DIRECT SALE OF REMNANT AT KALAOA 4TH, NO. KONA, HAWAII, TMK 7-3-22:POR. 1
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-5 DIRECT AWARD OF NON-EXCLUSIVE EGRESS AND INGRESS EASEMENT ON, OVER AND ACROSS LOT 7, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO, HILO, HAWAII, TMK 2-2-37:144
- See page 5 for action.
- ITEM F-6 HANSON GALLERIES, INC. REQUESTS DIRECT AWARD OF NON-EXCLUSIVE EASEMENT FOR CONCRETE PIER AND WOODEN DECK COVERING GOVERNMENT SUBMERGED LAND AT LAHAINA, MAUI, TMK 4-5-01:SEAWARD OF 6
- ACTION Unanimously approved as submitted. (Arisumi/Apaka)
- ITEM F-7 WITHDRAWAL FROM GENERAL LEASE NO. S-4197 TO A&B HAWAII, INC. AND SET ASIDE TO DEPARTMENT OF DEFENSE, HAWAII ARMY NATIONAL GUARD FACILITY SITE, PULEHUNUI AND WAIKAPU, WAILUKU (KULA), MAUI, TMK 3-8-08:POR. 1
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-8 CONVEYANCE IN FEE TO COUNTY OF MAUI FOR DRAINAGE PURPOSES, STATE LAND AT WAIOHULI-KEOKEA, WAILUKU, MAUI TMK 3-9-01:POR.68
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-9 AMENDMENT TO REVOCABLE PERMIT NO. S-5566 TO HAWAIIAN ELECTRIC CO., INC., PUU MANAWAHUA, EWA, OAHU, TMK 9-2-05:14 (TO BE DISTRIBUTED AT MEETING)
- WITHDRAWN Staff requested this item be withdrawn from the agenda. Staff has not been able to consummate the completion of the amendment.

- ADDED
ITEM F-10 REQUEST TO HIRE CONSULTANT FOR MANANA ACQUISITION
- ACTION Mr. Kealoha moved for approval. Seconded by Mr. Apaka, motion carried unanimously.
- ADDED
ITEM H-1 REQUEST FOR APPROVAL OF OUT-OF-STATE TRAVEL TO ATTEND AQUACULTURE CONFERENCE
- ACTION Unanimously approved as submitted. (Apaka/Arisumi)
- ADDED
ITEM H-2 FILLING OF LAND MANAGEMENT ADMINISTRATOR, EM 08, POSITION NO. 9636, DIVISION OF LAND MANAGEMENT
- ACTION Unanimously approved the appointment of Mr. W. Mason Young to fill Position No. 9636, Land Management Administrator in the Land Management Division, Oahu. (Kealoha/Apaka)
- For the record, Mr. Arisumi said that he would like to thank Mr. Mason Young on behalf of the board. He said that he has enjoyed working with Mr. Young during the past five years while he was assisting the Administrator of the Land Management Division. He is doing a very competent job.
- Chairman Paty added that the remarks as indicated reflect the position of the other board members and they would expect that hereafter he will be doing an even more competent job.
- ITEM I-1 OUT-OF-STATE TRAVEL REQUEST FOR RANDY AWO AND SANDY SUGIYAMA
- ACTION Unanimously approved as submitted. (Arisumi/Kealoha)
- ITEM J-1 LEASE OF SPACE SITUATED AT KAHULUI AIRPORT, MAUI (PACIFIC HELICOPTER TOURS, INC.)
- See page 5 for action.
- ITEM J-2 AMENDMENT NO. 1 TO LEASE NO. DOT-A-70-22, HONOLULU INTERNATIONAL AIRPORT, OAHU (TRANS WORLD AIRLINES, INC.)
- See page 5 for action.
- ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4655, ETC., AIRPORTS DIVISION
- See page 5 for action.
- ITEM J-4 ISSUANCE OF RIGHT-OF-ENTRY FOR TEST BORINGS, HARBORS DIVISION, ALA WAI BOAT HARBOR, OAHU (ALA WAI FUEL SERVICES, INC.)
- See page 6 for action.
- ITEM J-5 APPROVAL OF CONSENT TO SUBLEASE A PORTION OF HARBOR LEASE NO. H-86-21, KEWALO BASIN, HONOLULU, OAHU (WRAF CORPORATION, A HAWAII CORPORATION/ SUISAN SEAFOOD INTERNATIONAL, INC., A HAWAII CORPORATION)
- See page 6 for action.
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 42, HONOLULU HARBOR, OAHU (ISLAND MOVERS, INC.)
- See page 6 for action.

ITEM J-7

ISSUANCE OF REVOCABLE PERMIT NO. HY-90-053, HIGHWAYS DIVISION, LUNALILO FREEWAY, PARCELS 63-68, HONOLULU, HAWAII, OAHU (BERGER'S AUTOHAUS SALES, INC., DBA SAAB HAWAII)

See page 6 for action.

ITEM J-8

ISSUANCE OF REVOCABLE PERMIT NO. HY-90-054, HIGHWAYS DIVISION, PORTION OF PARCEL 14 OF HAWAII BELT ROAD, HAWAII (J. WILLIAM SANBORN AND SUSAN J. MOSS)

See page 6 for action.

PROPOSED DECISION AND ORDER FOR CONTESTED CASE KA-7/31/90-2303

Mr. Donald Horiuchi addressed the members of board with the following: The Decision and Order (D & O) on the Kalihiwai Transmission Line Contested Case is here as directed by the Board and is submitted for your review and approval. He has been advised by the Deputy Attorney General that since this is only a proposed Decision and Order and is not final, the contents should not be made public at this time. Upon approval by the Board the document will be released to the concerned parties.

Mr. Apaka's question was, "On the issuing of this D & O, they'll be a timetable involved in this whole thing?" Mr. Horiuchi said, 'yes'. Written Objections to the proposed D & O as approved by the Board will be due to their office by May 18, 1990. Oral arguments on the proposed D & O will be presented to the Board on the May 24th Board meeting.

Mr. Kealoha said, "For the record, in the closing for the contested case hearing conducted on Kauai, all parties were notified that this Proposed Findings of Facts, Conclusions of Law and Decision and Order would be issued by today, the 11th of May and that on the 18th or by the 18th of May, the parties should have the response back to the Department of Land and Natural Resources and on the 24th of May the Final Order by the Board will be taken in its meeting on Kauai."

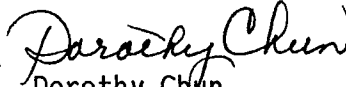
ACTION

Mr. Apaka moved that the Board approve the Proposed Findings of Facts, Conclusions of Law, and Decision and Order for CDUA KA-7/31/89-2303. Seconded by Mr. Kealoha, motion carried unanimously.

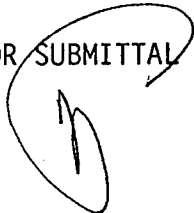
Counsel Wong commented that the Board was going through this proposed procedure because not all the Board members were at the last half hour of the session held in Lihue, Kauai. Had all the Board members remained for the entire session this would not have been necessary.

ADJOURNMENT There being no further business, the meeting was adjourned at 11:00 a.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED FOR SUBMITTAL



WILLIAM W. PATY, Chairperson