

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

DATE: March 8, 1985
TIME: 9:00 A.M.
PLACE: Kalanimoku Building
Room 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL

Chairperson Susumu Ono 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. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Roland Higashi
Mr. Thomas Yagi
Mr. Leonard Zalopany
Mr. Susumu Ono

STAFF

Mr. Manabu Tagomori
Mrs. Jane Sakai
Mr. Ralston Nagata
Mr. James Detor
Mr. Mason Young
Mr. Gordon Soh
Mrs. Anne Furuuchi
Mr. Maurice Matsuzaki
Mrs. LaVerne Tirrell

OTHERS

Mr. Edwin Watson, Deputy A.G.
Mr. Peter Garcia, DOT
Mr. Narahari Maharaja (Item E-7)
Mr. Eric Kawatani (Item F-1-B)
Mr. George Noguchi (Item F-8)
Mr. Ray Millard (Item H-4)
Mr. Joe Vierra (Item H-6)

AWARDS

Mrs. Jane Sakai was congratulated by the Board and presented with a lei by Manabu Tagomori for her forty years of service to the State of Hawaii. Jane will be greatly missed when she retires on March 29, 1985.

ADDED
ITEMS

Upon motion by Mr. Ing and a second by Mr. Kealoha, the board voted unanimously to add the following items to the Agenda:

Division of State Parks

Item E-8 -- Filling of Groundskeeper I Position Nos. 04374 and 10115, Washington Place, Oahu Parks Section.

Item E-9 -- Filling of Historic Sites Specialist II, Position No. 19472E Historic Sites Program, Oahu.

Division of Land Management

Item F-15 -- Filling of Vacant Land Agent IV Position No. 27730, Hawaii District Office.

To accommodate those applicants present at the meeting, items on the Agenda were considered in the following order:

ITEM F-8

RESUBMITTAL - MICHAEL DIXON, ET AL, APPLICATIONS FOR EASEMENTS AT PUPUKEA, KOOLAULOA, OAHU.

Mr. Detor said that this item had been deferred several times in order to give staff time to further examine the circumstances leading to erection of the seawalls in question and to possibly amend the recommended course of action.

Mr. Ing said that this has been divided into two separate situations. One that would require a CDUA and the other where a CDUA would not be required.

Mr. Detor said that there are two basic reasons for the division. The first one would be that work on the wall located at TMK 5-1-1:27 was actually done by the owner, Mr. Michael Dixon. As far as the others are concerned, the walls were there when they bought the property.

Insofar as Mr. Dixon's wall, because he did the work himself, a CDUA would be required. The other walls were in prior to conservation zoning. This is the reason for the division.

Nevertheless, Mr. Ono said that in both cases there is encroachment.

Mr. Detor said that at the last meeting a request was submitted to the board to sell the easement. However, in looking it over again staff had second thoughts on this because the original conservation violation which was brought to the board back in 1980-81 was never resolved nor was a CDUA ever filed so it occurred to staff that going at it for an easement at this point would be putting the cart before the horse so what staff is suggesting now is that the CDUA be taken care of first then go in for the easement.

With regard to Lots 48 and 49, Mr. Ing asked Mr. Detor why he went with a forty year lease.

Mr. Detor said that that was staff's original recommendation. They did not want to get into a perpetual thing there because they would rather have rental coming in on a regular basis, rather than perpetual, which is tantamount to a sale. They could have taken that approach but, after considerable thought, staff decided not to go that route.

Mr. Ing said that a 40-year lease is a long-term lease and what he really had in mind was something shorter. He felt that they should be discouraged from using that land and eventually it should be returned to the State, period.

What was also discussed at the last meeting said Mr. Ono was a penalty provision wherein there would be a periodic fine which could be stepped up in future years unless these structures were removed from State land.

Mr. Detor said that in that connection he was not really convinced that removal would solve the problem. He felt that if the walls were removed there would danger to the existing dwellings. This is something that should be checked out further. He did not, however, have any objection to a shorter term.

Mr. Ing said that the reason for providing the easement was to get them out of encroachment. Once they have the easement then they are no longer encroaching.

ACTION

Mr. Ing moved:

1. That Recommendation A. be approved as submitted.
2. With regard to Recommendation B., that Item B.1 be approved for the past encroachment. However, from this day forward that the party be fined a dollar a day on a continuing basis for one year and in the subsequent year the fine be increased to \$2.00 a day and accordingly every year the fee goes up a dollar per day for the encroachment until the encroachment is removed or otherwise disposed of.
3. That Item B-2 be approved for the payment of the \$500.00 fine.
4. That Item B.3 not be approved and not be deleted but add the following condition that these recommendations, should they be acted upon by the board, be referred to the Attorney General's Office for review.
5. That Recommendation C. be approved.

Mr. Detor asked what would be subject to the AG's approval.

Mr. Ing said the amendments that he made to Recommendation B.

Mr. Kealoha seconded.

Mr. George Noguchi, attorney, said that he represented Mr. Dixon at the hearing which was conducted about four years ago. At that time slides, etc. were presented to show what transpired.

Mr. Noguchi said that he just received the submittal yesterday so did not have any written testimony to present to the board today.

In answer to the recommendation of a large fine, so-called encroachment problem, and also the fine for what the State claims is their property, he said that Mr. Detor mentioned that the reason there are separate actions on the parcels at Pupukea regarding Mr. Dixon was that the other owners already had their wall up. Mr. Dixon, however, did work on this wall separately. Mr. Noguchi presented pictures of Mr. Dixon's property. He said that this wall was up prior to the conservation zoning and the pictures clearly show what the property looked like. The wall was clearly standing prior to the conservation zoning. The pictures show that at the time he was making repairs to the wall the old wall was still standing. At that time the largest storm that took place in Hawaii hit the North Shores. These walls were still standing and he was attempting to fill the big boulders behind those walls to protect his property which was rapidly eroding. Because the waves were getting quite close to his home, while awaiting the permit for the repair of the wall, what he did was put the boulders in to fill because he checked and found that he did not need a permit to fill-in his own property. The pictures show that he did have the wall up at the time he was filling in the boulders.

What happened was that at the time the crane operator was putting down the boulders he felt that the conditions were very unsafe to leave the walls standing for people passing by on the beach, so a decision was made by the crane operator at that time to knock down all remaining walls and boulders were put on the footings. The pictures show that the footings were there prior to the determination that it was a conservation zone. The stairway was also there prior to conservation zoning. When Mrs. Sorenson brought up the problem of Mr. Dixon doing illegal work on his wall one of her main concerns was that his property impeded the access to the beach. The pictures however show that there is a wide access to the beach. The stairs however did pose a problem. Mr. Dixon in consideration of her concerns took away that particular stairway and now you have a better access to the beach.

Mr. Ing asked Mr. Noguchi if his position was that you could grandfather in an encroachment.

Mr. Noguchi questioned when this became an encroachment. Prior to the State Supreme Court saying the property line was the high wash of waves? The property line was at various different levels.

So after the Supreme Court decision, Mr. Ing says that it becomes a vegetation line so that becomes State property?

Mr. Noguchi said that the Supreme Court decision says the high wash of the waves.

Mr. Ing asked if at that point it becomes State property and also at that point if it becomes encroachment. He asked Mr. Noguchi if he agreed with that.

Mr. Noguchi did not agree. He felt that this is a taking of real property without due process for all the people that have shoreline properties. If the wall was built at a time when it was their property, then it is their property.

Mr. Watson said that the only reason Mr. Dixon could not get a permit is because he was trying to rebuild an illegal wall that was there to begin with and has nothing to do with the question of high water mark. He explained that a strip of State beach reserve area between the highwater mark and Mr. Dixon's property and the walls were illegally built within the State beach park area and beyond the property line of Mr. Dixon.

Mr. Noguchi still took the position that the wall was built many years ago and that Mr. Dixon merely filled in on his property and not on the State line property and the footing was there prior to the area being considered conservation zone.

Mr. Ono asked Mr. Noguchi if he was disputing the facts as presented by staff and not necessarily the recommendation but the basis upon which the recommendations were formed.

Mr. Noguchi said that he disputed at an earlier hearing that the wall was in existence and when he dumped the rocks it was on his property and not on State property. It was his contention at that time and as such he felt that the fines asked should not be assessed. However, if there is a determination by the Board that a fine should be assessed because it is State land he is asking the Board to consider the fact that based on the footings and the old retaining wall that he did feel that this was his own property and not a deliberate and willful attempt to encroach on State property. He was just trying to protect his property and it was on his property, up to the footing line, in which he attempted to dump the boulders. Based on that any fines should be much lower than \$3,500.00. The administrative costs would be acceptable to Mr. Dixon should the fines be lowered.

What if there is no dispute on the boundary line, asked Mr. Ono. The owner and the State agree that this is the property line and you see a structure being built on the State's side and it was done many years ago, what would your position be? Your argument right now is the property line. But assuming that there is no question as to where the property line was and is today.

Mr. Noguchi said that if he was a bona fide purchaser and he bought a home from someone he does not believe that he should be punished. Building a seawall is very expensive and to tear down the wall and build another wall back of their property line is unreasonable for the State to impose such a condition.

Even if there is a clear violation, asked Mr. Ono?

Mr. Noguchi felt that they should have acted at that time.

Mr. Noguchi said that if it is found that Mr. Dixon is encroaching then they would be willing to take a long term lease. He felt that the way to do it is for the State to determine the value of all the properties along the shoreline and determine whether or not they are on State land and make an outright purchase of it. He felt that it would save the State a lot of time and money instead of assessing fines every day and trying to determine which property owner paid what.

Assuming a person violated intentionally knowing that he encroached and now we turn around and say that we are going to sell you that property that you encroached upon, then that person is coming out ahead, said Mr. Ono.

Mr. Noguchi said that you can then assess that violator a large fine so that he does not pay the same as the others.

Mr. Detor asked that Recommendation B. be amended by adding Parcel 26 which was inadvertently left out.

Mr. Ono called for a vote to Mr. Ing's motion and Mr. Kealoha's second. Vote was unanimous, motion carried.

ITEM F-1-B

A-1 ROOFING APPLICATION FOR REVOCABLE PERMIT, SAND ISLAND, HONOLULU, OAHU.

Mr. Detor explained that Movers, Inc. originally held the permit for Lots 423, 424 and 428 and have filed a Chapter 11 proceeding in the U. S. Bankruptcy court and are therefore subject to Bankruptcy Court jurisdiction. Movers, Inc. is authorized under a Plan of Organization to liquidate its assets.

A-1 Roofing has asked, through their attorney, to be issued a permit for Lots 423 and 424 and are willing to pay any back rental owed by Movers, Inc. for those two lots but not for Lot 428.

Bearing in mind that A-1 Roofing is not next on the list of applicants for Sand Island, staff is saying, "pay the back rent on all three lots and we will give you the permit." The amount of back rental they would have to pay would be \$32,579.13.

Mr. Young said that he checked with the City and County Real Property Division and the total delinquency is \$14,065.98. Mr. Young said that this amount has no bearing on the issuance of the permit but he mentioned this inasmuch as the attorney said that they would be willing to pay any back rental as well as any delinquent taxes.

Mr. Ono wondered if it wouldn't be fairer if staff would check with the people ahead of them on the list to see if they would be able to match this offer. If they are willing, then A-1 Roofing should not be allowed to jump ahead of the list.

ACTION

Mr. Ing moved to approve with the amendment that, insofar as Lots 423 and 424 are concerned, staff check with others ahead of A-1 Roofing to make sure they are not interested.

Mr. Eric Kawatani, represented Movers, Inc. and A-1 Roofing together in this application.

Mr. Kawatani said that the reason why they made this proposal is because they felt this to be the best way of working out both the delinquent rent on Movers, Inc. as well as putting in a tenant immediately to resolve the

paying of the rent. His concern is that they initially made an application back in April which was rejected sometime in November. They then found A-1 Roofing who made this offer in December and they are now here in March. His concern is that during this time no one has been using the premises and the rent continues to run. As long as they have these proceedings going on the rent continues to run. These people are paying a substantial sum of money for a use they don't get. They are asking for an exception here by jumping ahead of nine people but at the same time there is a substantial amount of money being offered here for a use which they are getting. On Movers, Inc. side they feel a bit frustrated because they had a plan where they could have gotten someone in and stopped the running of rent and instead the rent has increased during this period. Their position is that asking A-1 Roofing to take on the rent for the three lots is an exceptional burden in view of the fact that it is some \$10,000.00 more, including the real property taxes. Their position is that they would like to pay the back rent for just the two lots and that Movers, Inc. be exonerated from the back rental due on Lot 428. In this case there is a very low likelihood that Movers, Inc. will be able to repay the delinquent rent. In that respect he believes that they are asking for an approval that would benefit both parties. His concern is that as long as this issue continues the rent will increase and if you go and ask the other nine people it will increase another month or so. He felt that A-1 has submitted a proposal in good faith and gone through the application procedures since December and should be approved.

Mr. Detor did not feel that the board should forgive the rental on Lot 428.

Mr. Watson suggested that A-1 Roofing pay the back rental on all three lots and leave the delinquent taxes in bankruptcy court. This way they will have Lots 423 and 424 and DLNR will have Lot 428 to issue to one of the nine people on the list.

Mr. Ono asked what would happen if A-1 Roofing were to walk away from this situation because it would be too much of a burden. Then we will be stuck with no retroactive payment and three lots instead of one tied up in the courts.

Mr. Watson said that if you're going to be tied up with one you might as well be tied up with three.

ACTION

Mr. Ing recalled his first motion and moved insted to accept the offer from A-1 Roofing and Movers, Inc. which would mean payment of the \$20 or so thousand dollars, forgiving the \$7,000 for Lot 428 on the condition that all three lots be pulled out of the bankruptcy court and that Lot 428 be returned to the State to be rented out to someone else. While realizing that the State will be forgiving \$7,000, it will give the State back a substantial sum of the total delinquency in a situation where the State might come out with nothing.

Mr. Yagi asked what would happen if someone that's ahead on the list would be willing to make the same offer. Wouldn't the board be embarrassed for taking such an action?

Mr. Ono asked how long it would take to check with the other nine applicants.

Mr. Detor felt that this could be done in one day.

Mr. Ing also added to his motion that staff be allowed time to check with the other applicants before accepting the offer from A-1 Roofing and Movers, Inc.

Mr. Kealoha seconded, motion carried unanimously.

RESUBMITTAL - REQUEST TO CONDUCT ISKCON RELIGIOUS ACTIVITIES AT NUUANU PALI STATE WAYSIDE, OAHU.

Mr. Nagata said that this was deferred earlier in order that staff could assemble additional information addressing concerns of the Board members. A number of these concerns were submitted to the Attorney General's office for legal interpretation and as of today there has been no response from the Attorney General's office.

Mr. Nagata said that because of the deferral staff was also able to incorporate some concerns that were raised by ISKCON's attorney, Mr. David Lieberman as well as concerns which were verbally answered to by Mr. Narahari Swami and are currently included in this revised submittal.

Mr. Ing said that at the last meeting the location of the table was discussed so he asked where in the recommendation did it show where this table was to be located.

Mr. Nagata said that Item B.3 on page 3 mentions how the table is to be set up. Mr. Nagata pointed out also to Mr. Ing an area on the map where the table is to be located.

Mr. Ing asked whether, under staff's recommendation, they would have to remain within the area of the table or would they be allowed to wander around.

Mr. Nagata said that the recommendation requires that they conduct their business within five feet of the table. Under Item B.6 it says that ISKCON members shall not "rove" about to approach any person in the parking lot, sidewalks, or lookout area.

Mr. Ono asked if the table is to be placed in a fixed location.

Mr. Nagata said yes.

Mr. Ono said that there were discussions about possible signs for the table or elsewhere which would be sort of a disclaimer that this is not a State sponsored activity.

Mr. Nagata said that this is mentioned in Condition A.9 on page 3. Staff's concern regarding the sign is because the public is led to believe that it is not really a religious purpose that is being pursued. Statements have been made that this is for drug abuse or to help needy children. Although Mr. Nagata could see how these things could be incorporated into their overall activity if the department is going to permit this activity, the primary reason is because of the religious purpose.

Mr. Ono asked if there were any recommendations in the submittal not acceptable from ISKCON's standpoint.

Mr. Nagata did not know of any. He discussed the submittal with Mr. Narahari Swami and also with their attorney who had called from the mainland.

Mr. Watson said that the one thing he was looking for was that the Special Use Permit be subject to the terms and conditions of the existing Special Use Permit which is not mentioned in the submittal. One of the major provisions which is lacking is that the Permittee shall comply with all applicable Federal, State and County ordinances of the law. All permits should have this clause included.

Mr. Zalopany said that unless he gets a ruling from the Department of Health he was not ready to vote on this item today.

Mr. Narahari felt that approval should be received first from the Board then go to the Board of Health for whatever permits may be necessary.

ACTION

Mr. Ing moved for approval with the following amendments:

1) Amend provision A.9.:

No ISKCON member shall misrepresent, explicitly or implicitly, the purpose or organization for which donations are being sought. ISKCON members should at the outset of approaching a member of the public state that the member's activity: 1) is intended to fulfill a religious purpose, and 2) is not in any way associated with the State of Hawaii. A sign shall be placed at the forward edge of the table and shall be kept clearly visible to the public. The sign shall state in readily readable print, in English and in Japanese languages, the following statement:

"This is a religious activity being exercised pursuant to Freedom of Religion and Speech provisions of the First Amendment and to the United States Constitution."

The DLNR may post additional signs and/or require additional language to be included in the sign advising the public of this religious activity or aspects thereof.

2) Add provision:

A. 10. No physical structures/equipment will be allowed on the premises other than the table.

3) Replace in provision B.3.:

"a placard or similar device" with "sign"

4) Add to provision E.:

Renewal request shall be submitted no later than 2 months prior to end of the one (1) year period.

5) Add to provision F:

The Board of Land and Natural Resources (Board) in issuing the permit notes that advice requested of the Attorney General's Office is still pending and the Board gives notice that provisions of the Permit may be amended based on the Attorney General's response. In this instance, the matter will be presented for Board action.

6) Add provision:

H. Compliance with Laws:

ISKCON members shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and City and County Governments provided they are not in conflict with other conditions set forth herein. Should conflicts occur, these special provisions will prevail. State Department of Health requirements/approvals must be secured prior to distribution of foodstuffs.

Mr. Kealoha seconded, motion carried unanimously.

Speaking for himself, Mr. Ono said that he is opposed to the use as requested. The only reason he is voting for approval is because of the protection granted through the constitution. Under normal circumstances he would have no hesitation to vote against such a request.

CDUA FOR CHANNEL CLEARING, BUOY PLACEMENT, PIER CONSTRUCTION, AND CONDUCTING OF COMMERCIAL ACTIVITIES ON STATEOWNED SUBMERGED LANDS NEAR HALEPALAOA LANDING AT KAOHAI, LANAI (MR. JOE VIERRA).

In answer to Mr. Ono's question, Mr. Soh said that the pier would be on State land.

Mr. Ono asked Mr. Watson whether there was a legal requirement that the pier be open to the public.

Mr. Watson said that the Attorney General's opinion had addressed the issue from the standpoint that the pier is to be used as a recreational pier then a sign has to be posted that it is open to the public. If the pier is to be used strictly for commercial purposes then, for safety purposes, it can be restricted.

Mr. Ono asked what if it's used for both recreational and/or commercial purposes.

Mr. Watson said that as long as it is used for recreational purposes then it has to be open to the public.

Mr. Higashi felt that since the U. S. Coast Guard, the U. S. Army Engineers and the Department of Transportation have no objection to the placing of moorings and, since they are in the business of handling navigational waters, if it might not be reasonable for DLNR to allow them to have use of the moorings.

Mr. Soh said that the basin is only large enough to accommodate a certain number of buoys.

Mr. Higashi was sure the above agencies took that into consideration when they recommended no objection.

Mr. Ono asked that Mr. Vierra respond to some of the questions raised by the board.

Relative to the moorings, Mr. Vierra read what staff did in trying to come up with a radius for the number of boats and if in fact the number of boats are 65 foot wide and are anchored and not moored, then the radius is much more appropriate. But what really happens is that there are currently four crew boat operators that operate not out of this area but out of Manele and they operate from Monday to Friday. The size of their boats vary but none are as large as 65 feet.

Mr. Vierra said that when they were sizing the size of the basin it was primarily for four boats with a possibility of having more, which would be up to six. They did not conceive it getting any larger. That's where the six moorings came up. The safety aspect dictated that the moorings be moored rather than anchored primarily because the moorings are moored at the bottom with a very short line and therefore the boats cannot move as far. An anchor is moored totally at the bottom with a long line and the boats can move further so the moorings are a safety aspect and are fairly common for regular usage. Obviously if you were to look at the best, this would be to dock alongside the pier. The second best is to have moorings and the third best would be to have an anchor in the ground. So they felt that the moorings would be more appropriate. That was the reason for the number of moorings. He did not believe they could make a justification for the full six -- the best that they could do is say that they already operate at Manele so at least those four they would hope would operate on Saturdays, Sundays and holidays. Although right now four is o.k. they would like to have the opportunity, whether exclusive or not, to be able to add moorings as the need arises.

Mr. Vierra said that if they are successful in getting the moorings then they intend to request an easement. He also would have no problem with others using the moorings provided they follow the rules.

With respect to the construction requirement of Condition No. 8, Mr. Vierra requested a longer time. He was not sure that they could complete the job within the three years time.

Mr. Higashi suggested leaving the condition as is for now. However, before the first year is up they can come in and ask for an extension. By that time they should know how much time would be needed to complete the pier.

ACTION

Mr. Yagi moved for approval with the amendment that they be granted the six moorings, two of which will be for non-exclusive use. The pier is to come with a ten-foot public easement and is to be completed within three years or applicant may come back to the board for an extension if necessary. If anything short of six moorings are placed, then applicant is to give up one mooring. If six moorings are placed, then applicant is to give up two moorings. Mr. Ing seconded, motion carried unanimously.

ITEM F-5

STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-4943, PUPUKEA, KOOLAUPOKO, OAHU.

Mr. Detor said that this is a request for cancellation of revocable permit held by Sidney Quintal for land at Pupukea. He has held this permit for diversified agriculture purposes since April, 1973. After it's annual inspection on the island of Oahu, the Oahu District Office submitted a report to the effect that the permittee was not using the area for diversified agriculture purposes. He was using it for pasture purposes and had constructed a number of dwellings on the premises which were occupied by people.

Mr. Detor said that a letter was sent to Mr. Quintal advising that staff would be recommending cancellation of the permit on the premise that the area was not being used for the purpose for which the permit was issued.

In that connection, Mr. Quintal requested a contested case hearing. In checking with the Attorney General's office, they replied that in their opinion the contested case hearing should be denied inasmuch as there are no grounds for such a hearing. Staff's recommendation today is that 1) the request for contested case hearing be denied; and 2) that Revocable Permit No. S-4943 be cancelled.

Mr. Quintal said that he had no problem with the board proceeding on his case today. However, he asked that if the board planned taking any adverse action that they consider holding off in order to give him an opportunity to review whether or not he has a right to a contested case hearing. But he would like to have the matter settled today.

Mr. Quintal said that he has been using the property for the same purposes for the last ten or twelve years and whatever is there is in public view on two main roads.

Mr. Quintal said that he sent two letters to the board. The letter dated December 14, 1984 was before he received any letter recommending cancellation. He informed the Land Management Division of what he was doing and what his desires were. Every few years he had asked for the opportunity to purchase it as a remnant or to negotiate a long term lease. Everytime he did that his permit was renewed. On December 14, 1984 he asked that he be allowed to continue use of the property and asked that the permit be re-issued specifically allowing his present use or that he be allowed to negotiate a lease. He said that he was also ready to negotiate a purchase. He understood that the property he is using is only a remnant which was

acquired by condemnation in 1914 for a school. It was never used. He found it in 1971 and was told by the department when he applied for it that it never existed. He, however, walked the property with Mr. Yanamura after which time he was able to convince the Land Board that the State really owned it and it was not being utilized. He discussed this with Messrs. Yanamura and Benda about what he wanted to do out there twelve years ago and he was issued a permit. After the December 14, 1984 letter to his great happiness, he received a letter saying that the board had approved the re-issuance of the permit for one more year and he thought that to be a response to his letter. Then, right after that, he received his letter of cancellation and was quite shocked.

He wrote a letter in February in response to the cancellation letter from DLNR. His position in that letter was that he has always been utilizing the property for the purposes that he requested and his use has been very open and he has improved the property tremendously. He has put in huge copper lines and electric lines and he is using it for agricultural purposes. He has planted no fewer than 100 trees.

Mr. Ono asked about the dwellings on the property.

Mr. Quintal admitted to the dwellings being there which were built ten years ago. The last thing that he built there about six years ago was a workshop. The dwellings and the workshop are within 20-feet of the road that access Puu Mahuka Heiau Road. He was never told in the twelve years that he has been there that what he was doing was wrong. He has never been questioned although he has come to the office from time to time to try and clear up these matters so he could have some security.

Mr. Ing asked whether in any of his correspondence or conversation whether he notified the department that he would be putting structures up there for dwelling purposes.

Mr. Quintal said that he did not put anything in writing until the December 14th letter.

Mr. Detor said that the December 14th letter was prompted by a call from Mason Young. Mr. Detor read the following from their February 6th letter: "Reference is made to your December 14, 1984 letter responding to a telephone conversation with Mr. Young wherein you were informed of the following: Goes on to say what the following was.

Mr. Quintal said that he had a conversation with Mr. Young but Mr. Young did not tell him at the time that they were recommending anything to the board. He advised him that he should put in writing the status of what he was actually doing. He asked me to write the December 14th letter.

When asked by the board, Mr. Detor said that the \$12.00 rental was based on the land being used for diversified agriculture purposes. Rental would be higher if the use was for residential purposes.

Mr. Ing said that the December 14th letter requested issuance of a permit for agricultural and residential purposes.

Mr. Quintal said that this request was made only because Mr. Young had told him on the phone when he called that the board may have a problem with his dwelling but he had never been told that before. In his December 14th letter he tried to explain that he didn't think that what he had done there was a violation of his permit. But if the board decided that the permit was limited he then requested that the permit be re-issued to allow his use. He had not taken general agriculture to exclude a residence and that is the reason he applied initially.

Mr. Ono asked whether he had obtained building permits.

Mr. Quintal said yes. Everything he has built has been quality and looks nice so he has never had any problems or ever been cited.

Mr. Zalopany asked whether Mr. Quintal had obtained all building permits.

Mr. Quintal stated that he couldn't say that he had obtained "all" building permits but he did obtain building permits. He really didn't have much money when he started this thing so he involved two friends, one of which is a carpenter.

Mr. Yagi asked whether diversified agricultural use allows them to put up a house.

Mr. Detor said no.

Mr. Yagi said that when you build a house on a two acre property it's almost like having free rental. Even though Mr. Quintal was willing to pay more he was still in violation.

Mr. Quintal said that he differs with what the permit allows or does not allow. It does not say that he cannot build a residence. He has no intention of insulting anyone but the permit does not say what he cannot do. It says that he can use it for agricultural purposes which is what he is using it for and the agricultural lands would allow certain kinds of dwellings, workshops, farmhouses, etc. He said that he has researched DLNR's rules, regulations and laws tremendously over the years and could find no rule or law that would limit an agricultural permit for exclusive kinds of things. Over the twelve year period, having no notice of violation or anything he presumed, maybe naively, that the board or the Land Management people were allowing what was going on.

Mr. Kealoha asked Mr. Quintal whether he had a chance to review the submittal.

He said no. He requested in his December 14th letter that he be given copies but was not given anything. He said that the only thing he has are letters received from Messrs. Ono and Detor saying that they were recommending cancellation of his permit.

In answer to Mr. Kealoha's question, Mr. Quintal said that there are three dwellings on the property which are occupied by himself, his brother and a fireman and his family.

Mr. Ono asked whether rental was collected for these dwellings.

Mr. Quintal said no. He has never collected rental.

Mr. Ono asked whether these people were required to put in hours of work.

Mr. Quintal said no. The only thing is that one of them pays the electric bill since he is there all the time.

Mr. Kealoha asked Mr. Quintal if he was saying that neither charges were in violation of the permit.

Mr. Quintal said that he still does not know what he is being charged with.

Mr. Kealoha informed him that he is not conducting the activities for which the permit was issued.

Mr. Quintal said that there is no question that the first charge was wrong. He has expended tremendous amounts of money in planting orchards, for his cows and for his ten or twelve beehives. He has been using it clearly for diversified agriculture purposes.

He admits to using the property for pasture purposes, and that he has constructed a number of dwellings on the property which have been occupied by his brother and two families who have lived there for in excess of six or eight years.

Under the conditions of the permit, Mr. Kealoha asked whether he agreed or disagreed that these were violations.

Mr. Quintal said that he did not feel that it is a violation.

Mr. Kealoha asked whether at the time he inspected the property with Messrs. Benda and Yanamura he intended to build a home.

Mr. Quintal said yes. He had a long conversation with Mr. Benda. His first request was for residential purposes. He said that the files would show his written request.

In the process of acquiring the permits, Mr. Kealoha asked whether the City required any kind of proof that you owned the property.

Mr. Quintal said no. His letter of cancellation was the first time he had received anything from any government agency saying that what he was doing there was not legal and proper.

Mr. Ono said the reason may be that these agencies did not know what he was doing.

Mr. Quintal said that that was a possibility. However, the Department of Health does come out to pump his cesspool, the Hawaiian Electric put in the powerlines and the Board of Water Supply charged him for a meter.

Mr. Ono felt that one of the reasons Mr. Quintal may have never been cited by any government agency is because they have not been aware of what he's done.

Mr. Quintal admitted that was possible.

Representative Blair, who was at the meeting to testify on behalf of Mr. Quintal had to leave and asked to be excused. He did not feel that there was anything he could add that would be helpful to the board.

Mr. Ono said that earlier Mr. Quintal had indicated that because the permit which he obtained did not specifically prohibit him from building a dwelling he could have gone ahead.

Mr. Quintal said that in his memory of his conversation with Mr. Benda, Mr. Benda knew what he wanted to do and went and got him his permit. Based on that he proceeded and no one ever stopped him.

Mr. Ono asked Mr. Quintal what use the permit showed.

Mr. Quintal said that it was for agricultural use. He felt that if he had agricultural lands he could do this. If he owned property from a private person for agricultural purposes, the zoning would allow him to do what he has done. They would have allowed two houses.

Mr. Ono asked what the following statement, which was mentioned in his February 8th letter, meant:

"I understand that your department has been having tremendous political pressure on it for its permit system but I feel that it's improper to single me out at this time."

Mr. Quintal said that he did not know that there were other permits at issue at the time and he was quite upset that there was such a cold letter from the government saying that they would recommend cancellation.

Mr. Ono thought that his conversation with Mr. Young must have given him some indication that the permit might be cancelled.

Mr. Quintal said that Mr. Young never suggested to him that anybody would recommend cancellation.

Mr. Ono asked, "what about the violation?"

Mr. Quintal said that Mr. Young did not say anything about a violation on the phone. He basically asked me about how long the dwellings had been there.

Mr. Ono again asked about his remarks regarding the political question.

Mr. Quintal said that he was referring to the controversy at Kokee. He did not mean to suggest anything unusual. It was the fact that it appeared at that point. Some time during the twelve year period that he has been at Pupukea there has been generated some sort of need to resolve the situation of holdover permittees and holdover lessees. This is what he really meant to suggest.

Looking at the statement and listening to what Mr. Quintal had to say, Mr. Ono said that it looks like two different things.

Mr. Quintal apologized and said that he felt at the time that he was being singled out.

Mr. Ono assured Mr. Quintal that no political pressures prompted the staff to do what they did. It was just a part of the annual review of revocable permits. Another thing the board has asked staff to do is convert as many of the permits as possible into long-term leases which would mean that it would go to public auction.

Mr. Quintal said that he had wanted to bid on this property before he had put so much time and effort into the property. However, Mr. Benda told him that the permit process was the way to go.

In any event, Mr. Ono said that knowing that he only had a month-to-month tenure he was taking a chance by putting up all those buildings.

Mr. Quintal felt that if the board would find it in the public interest to correct the permits across the board, he felt that someone in his situation would deserve morally and legally to have more than thirty days to cancel his permit and ask him to leave and tear down something that he has built and lived in for twelve years.

Mr. Ing asked if he lived on the subject property now.

Mr. Quintal said that he has a home in Kalihi but he does go out there at least two or three nights a week.

Mr. Ing said that he could understand his arguments as they apply to himself but it would very difficult to apply those to whoever is living out there now.

Mr. Quintal said that with some warning they could resolve whatever is necessary. But to have two families out in thirty days would be rather difficult.

Mr. Yagi said, "then what you are saying is that thirty days is not enough time."

Mr. Quintal said that what he is saying is that the board will not cancel his permit and that the board will consider everybody across the board in his situation. He felt that it was unnecessary to cancel his permit.

Mr. Detor said that they have another problem. He had a permit which was cancelled on Maui for lack of payment which was sent to the collectors.

Mr. Quintal said that he recalled talking to Mr. Detor about that. He said that he had obtained a second permit and started to construct a cottage there but when he went for a building permit he was told that he could not do it because the property was only for pasture use. So at that time he voluntarily gave up that permit, which was six years ago. At that time he was current with his payments.

Mr. Detor said that it was cancelled but money was still owing.

Mr. Quintal asked for the amount due but Mr. Detor was not sure. As far as he knew he did not owe any money to the State. But if he did owe any money he would gladly clear it.

Mr. Watson called to the board's attention that a request was made to their office for an opinion on the initial request for a contested case hearing and the department was advised that the request for this hearing may be denied. The law is clear. A Supreme Court ruling says that a permittee is not entitled to a contested case hearing for revocation of a revocable permit. However, in reviewing the files of the Land Department addressing the problem, it is true that the request for the permit initially was made for agricultural and residential purposes. However, back in 1973 the Land Board did not approve the request but instead approved the request for diversified agriculture purposes only. Subsequently documents which were then prepared by the Land Department and executed states clearly that it is only for diversified agriculture purposes. Therefore, in reviewing the old files they advised the Land Department that if the Board is to proceed one way or another, that the Board be made fully aware that if there is a cancellation that the cancellation be made for the following reasons:

1. Failure to utilize such premises for diversified agriculture purposes only because the Permittee admits in his letter that he is using the area for pasture purposes and residential purposes with three structures for three families.
2. Failure to comply with all laws, ordinances of Federal, State and County because they see possible zoning violations, building code violations and health department violations.
3. Failure to obtain written consent of the Land Board prior to constructing or erecting any improvements on the premises.

Mr. Ono asked whether this was a specific condition of the permit.

Mr. Watson said that these are all specific conditions of the permit. So what he has quoted are specific violations of the permit.

Mr. Ing asked that this item be deferred for the following reasons:

1. He would like a chance to review the Attorney General's opinion in connection with the file and he would also like to take a look at the place and also review the department's files.

However, Mr. Ing asked that Mr. Quintal talk to the people presently on the premises and let them know that at some point and time they may have to vacate the premises.

Mr. Ing said that he would like the submittal to include the Attorney General's review and recommendations.

ACTION

Deferred.

ITEM H-4

CDUA FOR ACCESS BY HELICOPTER AT WAIEHU, MOLOKAI (MR. H. RAY MILLARD).

The applicant has used chartered helicopters as a way to get to his property in the past and admits that the service has been available since the early 1960's. The applicant, family and friends go to Waiehu for recreation. He says that use of the site does not involve construction or change in topography, vegetation or other natural features.

Once the helicopter lands and the passengers disembark, Mr. Ono asked how we would approve the types of activities that might then be carried out.

Mr. Soh says that they have been occupying the property since 1969 for activities such as camping.

In answer to Mr. Yagi's question Mr. Millard said that there are no structures on the property.

Mr. Ono asked that Mr. Millard describe a typical day once they have disembarked from the helicopter.

Mr. Millard said that this is an area where he and his family can get away from civilization. They used to camp in the Na Pali Coast but he noticed in the 50's that the area was being destroyed so he wanted to find a place where he could retire on weekends to more or less continue their vacation lifestyles. They have been going into this area since the early 1960's. They sleep in hammocks, cook over fire, admire the place, swim and just enjoy getting away from telephones, cars, etc. This is very important to them. They do no hunting and fishing. They may, however, once in a while drop a line in the water but they mostly take their own food with them.

Mr. Kealoha asked what was the normal amount of time they spend in the area.

Mr. Millard said they have stayed for two weeks but mostly for between four to five days. They go in about three to four times a year.

Mr. Ono asked if there was ever an occasion to use more than one helicopter to go into the area.

Mr. Millard said no.

Also, as far as getting from this property to other properties, Mr. Millard said that there is a cliff in the back and seas breaking on the other three sides so there is no way you can get off of that area once you get on. That is why even before he purchased the property he realized that helicopter access was the only way of getting into the area.

Mr. Yagi asked if was possible for them to go in by Sampan.

Mr. Millard said that sometimes the channel is calm enough so they could. However, he said that his family gets violently sick when they go in by Sampan so they very seldom go in that way.

Mr. Kealoha suggested limiting the number of people going into the area.

Mr. Millard could not understand why the board would want to do that. He said that sometimes they go in groups of ten, some four.

Mr. Kealoha said that a statement was made earlier that friends are sometimes taken in.

Mr. Millard said that sometimes two helicopters bring in the people.

Mr. Ono called to Mr. Millard's attention that he had mentioned earlier that only one helicopter is used.

Mr. Millard said that he thought Mr. Ono meant two at once. Sometimes they use two. It will drop them off and then go back to Maui for the other group.

Mr. Ono said then you do have more than one landing per visit.

Mr. Millard said once in a while they do have a large party.

Mr. Kealoha asked if Mr. Millard would mind limiting the number of people going in.

Mr. Soh said that the reason the Millard's have come in for a CDUA is so they can be flown in by any helicopter company.

Mr. Ing said that he could see no commercial use. All they are doing is going by helicopter to reach their own property.

Mr. Watson said that the commercial helicopter companies are aware of the fact that they need a CDUA to land on conservation lands. If Mr. Millard was flying his own helicopter the questions may have had to be addressed a little differently. But a commercial helicopter is being used.

Mr. Kealoha could see no difference. The question is still the use. The helicopter people say they don't want to land there because they will be in violation and secondly we charge them a landing fee. This is not an emergency.

Mr. Watson said that if you land along the beaches on the coastline you can land your own boats without a CDUA permit. However, if commercial boats drop people off and on you have to come in for a CDUA.

Mr. Kealoha then asked how the applicant could apply when he will not be doing the actual landing. He is only the passenger.

Mr. Watson said that as a landowner he is requesting permission for helicopters to land on his property which is conservation district.

Mr. Ono also had concerns about the number of people being in the area at one time.

Mr. Soh asked that condition no. 4 be deleted inasmuch as no construction is involved.

ACTION

Mr. Yagi moved that the proposed use be approved with the following amendments:

1. Condition No. 4 to be deleted.
2. There be a limit of ten people in the subject area at any one time.
3. No commercial activities to be conducted.

Mr. Kealoha seconded, motion carried.

Mr. Zalopany voted no.

ITEM D-1

FILLING OF DRAFTING TECHNICIAN V POSITION, DIVISION OF WATER AND LAND DEVELOPMENT, OAHU.

The board unanimously approved the appointment of Mr. William Ching to Position No. 11271 effective March 18, 1985.

(See Pages 22 and 23 for the Division of State Park's items)

ITEM F-1

DOCUMENTS FOR CONSIDERATION.

Item F-1-A

SUSAN & JOAN BROWNE APPLICATION FOR REVOCABLE PERMIT, HONOPOU, MAKAWAO, MAUI FOR GENERAL AGRICULTURAL PURPOSES, BEING TMK 2-9-01:20 CONTAINING 9.630 ACRES, MORE OR LESS. RENTAL: \$15.00 PER MO.

Item F-1-B

(See Pages 5 and 6 for Action)

Item F-1-C

PAUL GALE APPLICATION FOR REVOCABLE PERMIT, HONOPOU, MAKAWAO, MAUI FOR PASTURE PURPOSES, BEING TMK 2-9-01:08 (1.800 ACRES) AND 2-9-01:POR. 11 (8.603 ACRES, MORE OR LESS). RENTAL: \$11.00 PER MO.

Item F-1-D

HARRY A. PATTERSON APPLICATION FOR REVOCABLE PERMIT COVERING PORTION OF THE NAWILIWILI HARBOR DISPOSAL AREA, NAWILIWILI, KAUAI FOR AUTOMOBILE STORAGE PURPOSES, BEING TMK 3-2-03:POR. OF 7, CONTAINING 10,000 SQ. FT., MORE OR LESS. RENTAL: TO BE DETERMINED BY THE CHAIRPERSON.

Item F-1-E

DEPARTMENT OF TRANSPORTATION REQUEST TO LEASE PORTION OF HANA AIRPORT, HANA, MAUI, BEING TMK 1-3-03:22 TO UNIVERSITY OF HAWAII, MAUI COMMUNITY COLLEGE.

ACTION

Mr. Kealoha moved to approve Items F-1-A, C, D and E as submitted. Mr. Ing seconded, motion carried unanimously.

ITEM F-2

RESUBMITTAL - TERRY DUDA REQUEST FOR WAIVER OF REPURCHASE OPTION, LOT 54, WAHIKULI HOUSE LOTS, 4TH SERIES, LAHAINA, MAUI.

ACTION

Mr. Yagi moved to deny Mr. and Mrs. Terrance W. Duda's request that the State waive the ten (10)-year repurchase option contained in SSA S-5496 and LOD No. S-27046 covering Lot 54, Wahikuli House Lots, 4th Series, TMK 4-5-27:22. Mr. Zalopany seconded, motion carried unanimously.

ITEM F-3

STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-5639, KALIHI-KAI, HONOLULU, OAHU.

ITEM F-4

STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-5424, WAIMANALO, OAHU.

Deferred. Mr. Kealoha requested deferral of both Items F-3 and F-4 inasmuch as the applicants were not able to attend this meeting.

ITEM F-5

STAFF RECOMMENDATION FOR CANCELLATION OF REVOCABLE PERMIT NO. S-4943, PUPUKEA, KOOLAUPOKO, OAHU.

(See Page 16 for Action.)

ITEM F-6

HAITSUKA BROTHERS, LTD. REQUEST FOR RIGHT OF ENTRY TO STATE LAND AT KAWAILOA, KOOLAUPOKO, OAHU.

Mr. Detor said that Haitsuka Brothers were awarded a contract by the City and County of Honolulu to reconstruct the sewer lines along Keolu Drive in Kailua and in connection with this they want to rent land for a field

office and storage yard. They have modified their request. Originally they had asked for 10,000 sq. ft. However, they now only want 1500 sq. ft. Because of this the rental would be \$357.00 instead of \$2342.00.

ACTION Mr. Yagi moved for approval with the above change in area and rental and subject also to the conditions listed in the submittal. Mr. Zalopany seconded, motion carried unanimously.

ITEM F-7 STAFF RECOMMENDATION FOR SALE OF A LEASE AT PUBLIC AUCTION COVERING LOT 32, WAIMANALO AGRICULTURAL SUBDIVISION, WAIMANALO.

ACTION Finding the area to be an economic unit in terms of the intended use and also that the area is presently unsuitable for hunting nor will it become so during the lease term, the board, upon motion by Mr. Ing and a second by Mr. Kealoha, voted unanimously to approve the public auction sale of a lease for diversified agriculture-employee residential purposes under the terms and conditions listed in the submittal.

ITEM F-8 RESUBMITTAL - MICHAEL DIXON, ET AL, APPLICATIONS FOR EASEMENTS AT PUPUKEA, KOOLAULOA, OAHU.

(See Pages 3, 4 and 5 for Action.)

ITEM F-9 DEPARTMENT OF EDUCATION REQUEST FOR APPROVAL OF LICENSE FROM THE U. S. NAVY COVERING THE PLAYGROUND AREA AT NIMITZ ELEMENTARY SCHOOL, PEARL HARBOR, OAHU.

ACTION Mr. Ing moved to authorize acquisition of the two-acre playground area from the Department of the Navy by way of a five-year license. Mr. Kealoha seconded, motion carried unanimously.

ITEM F-10 HENRY C. W. CHOY APPLICATION TO PURCHASE REMNANT PARCEL AT ALEWA, HONOLULU, OAHU.

ACTION Finding the subject area to be physically unsuitable for development as a separate unit because of its size and shape and by definition is a remnant, the board unanimously approved the direct sale of the remnant to the applicant subject to the terms and conditions listed in the submittal. (Ing/Kealoha)

ITEM F-11 STAFF RECOMMENDATION FOR EXERCISE OF REPURCHASE OPTION, LOT 10, WAIMEA HEIGHTS, 1ST INCREMENT, WAIMEA, KAUAI.

ACTION Upon motion by Mr. Zalopany and a second by Mr. Yagi, the board voted unanimously to:

1. Authorize the repurchase of the land in question for the original sale price of \$25,000 and further authorize the purchase of the dwelling and appurtenant improvements at the fair market value to be determined by independent appraisal.
2. Authorize the sale at public auction of both land and improvements, subject to the upset price being determined by staff appraisal and such other terms and conditions required by law and as may be prescribed by the Chairperson.

ITEM F-12 STAFF RECOMMENDATION FOR TERMINATION OF G. L. NO. S-4785, KAPAA, KAUAI.

ACTION Unanimously approved as submitted. (Zalopany/Ing)

ITEM F-13	STAFF RECOMMENDATION FOR AMENDMENT OF PREVIOUS BOARD ACTION (3/27/81, AGENDA ITEM F-25) AUTHORIZING SALE OF A REMNANT AT KAPAA, KAUAI.
ACTION	Mr. Zalopany moved to amend the Board's action of March 27, 1981 (Item F-25) by naming Noboru Hiranaka, Roy K. Miyake and Satoru Tada, as abutting owners eligible to purchase the remnant. All other terms and conditions of the original action to remain in full force and effect. Mr. Yagi seconded, motion carried unanimously.
ITEM F-14	DEPARTMENT OF SOCIAL SERVICES AND HOUSING REQUEST FOR APPROVAL OF RENEWAL OF LEASE COVERING OFFICE SPACE IN THE ALA MALAMA BUILDING, KAUNAKAKAI, MOLOKAI.
ACTION	Unanimously approved as submitted, subject to the review and approval of the lease agreement by the Office of the Attorney General. (Yagi/Zalopany)
ADDED ITEM F-15	FILLING OF VACANT LAND AGENT IV POSITION NO. 27730, HAWAII DISTRICT OFFICE.
ACTION	The board unanimously approved the appointment of Mr. Duane Kanuha to fill Position No. 27730. (Kealoha/Zalopany)
ITEM H-1	AMENDMENT TO A PREVIOUSLY APPROVED CDUA FOR GUIDED TOURS IN THE KOKEE STATE PARK AND WAIMEA CANYON, ALAKAI STATE FOREST MANAGEMENT AREA AT WAIMEA, KAUAI (KAUAI MOUNTAIN TOURS, INC.)
ACTION	Deferred.
ITEM H-2	CDUA FOR SUBDIVISION OF THE WELL SITE, EXPLORATORY DRILLING, POSSIBLE DEVELOPMENT, AND RIGHT-OF-ENTRY FOR THE WAILUA HOMESTEAD WELL #2 AT WAILUA, KAUAI (MR. RAYMOND H. SATO).
ACTION	Unanimously approved as submitted. (Zalopany/Yagi)
ITEM H-3	CDUA FOR A PARKING LOT AND ACCESS DRIVE AT HONOLUA, MAUI (MAUI LAND AND PINEAPPLE CO.).
ACTION	Unanimously approved as submitted. (Yagi/Zalopany)
ITEM H-4	CDUA FOR ACCESS BY HELICOPTER AT WAIEHU, MOLOKAI (MR. H. RAY MILLARD).
	(See Page 17 for Action.)
ITEM H-5	AMENDMENT OF CDUA FOR A POWER LINE AND INSTRUMENT HOUSE AT PIIHONUA, HAWAII, TMK 2-3-30:05 (COUNTY OF HAWAII, DEPT. OF WATER SUPPLY).
ACTION	Mr. Ing moved for approval of the station modification subject to the same conditions as the original permit. Mr. Kealoha seconded, motion carried unanimously.
ITEM H-6	CDUA FOR CHANNEL CLEARING, BUOY PLACEMENT, PIER CONSTRUCTION, AND CONDUCTING OF COMMERCIAL ACTIVITIES ON STATEOWNED SUBMERGED LANDS NEAR HALEPALAOA LANDING AT KAOHAI, LANAI (MR. JOE VIERRA).
	(See Page 10 for Action.)
ITEM H-7	FILLING OF POSITION NO. 9912, ACCOUNT CLERK III, ADMINISTRATIVE SERVICES OFFICE, OAHU.
ACTION	Mr. Yagi moved to approve the appointment of Mr. Earl M. Tanaka to Position No. 9912. Mr. Zalopany seconded, motion carried unanimously.

ITEM I-1	REQUEST TO HOLD AUCTION TO SELL CONFISCATED EQUIPMENT ON HAWAII, KAUAI, MAUI, MOLOKAI, AND LANAI.
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
ITEM I-2	APPOINTMENT OF LICENSE AGENT - HAWAII HUNTING SUPPLIES, ISLAND OF HAWAII.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM I-3	APPOINTMENT OF LICENSE AGENT - KAPAA SPORTS CENTER, ISLAND OF KAUAI.
ACTION	Unanimously approved as submitted. (Zalopany/Yagi)
ITEM J-1	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 3980, ETC., AIRPORTS DIVISION.
ITEM J-2	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 3972, ETC., AIRPORTS DIVISION.
ACTION	Mr. Yagi moved to approve Items J-1 and J-2 as submitted. Mr. Zalopany seconded, motion carried unanimously.
ITEM J-3	APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 2978 and 3969, NON-CONFORMING USE, AIRPORTS DIVISION.
ACTION	Unanimously approved as submitted. (Yagi/Zalopany)
ITEM J-4	DIRECT SALE OF LEASE OF EASEMENT AT PIER 34, HONOLULU HARBOR, OAHU (PACIFIC RESOURCES TERMINALS, INC. (PRTI)).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-5	CONSTRUCTION RIGHT OF ENTRY, HARBORS DIVISION, NAWILIWILI HARBOR, KAUAI (CITIZENS UTILITIES CO.).
ACTION	Unanimously approved as submitted. (Zalopany/Yagi)
ITEM J-6	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG AND PIER 39, HONOLULU, OAHU (MOTOR IMPORTS INTERNATIONAL).
ACTION	Mr. Yagi moved for approval as submitted. Motion carried with a second by Mr. Zalopany. Mr. Kealoha was excused from voting on this item.
ITEM J-7	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (WADSWORTH YEE, INC. DBA BLUE NUN SPORT FISHING).
ACTION	Unanimously approved as submitted. (Ing/Yagi)
ITEM J-8	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MAALAEA SMALL BOAT HARBOR, MAUI (GREGORY NUETZEL).
ACTION	Unanimously approved as submitted. (Yagi/Zalopany)
ITEM J-9	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 9 GALLERY, HONOLULU, OAHU (NSA, NICHIREN SHOSHU SOKA GAKKAI OF AMERICA).
ITEM J-10	ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39, HONOLULU, OAHU, (NSA, NICHIREN SHOSHU SOKA GAKKAI OF AMERICA).
ACTION	Mr. Ing moved for approval of Items J-9 and J-10 as submitted. Motion carried with a second by Mr. Zalopany.
ITEM J-11	CONSENT OF SUBLEASE OF LEASE NO. DOT-A-75-3, LOT 007-118, LAGOON DRIVE SUBDIVISION, OAHU (HAWAIIAN ELECTRIC CO., INC.).
ACTION	Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-12	SALE OF LEASE BY PUBLIC AUCTION, HARBORS DIVISION, NEAR PIER 33, HONOLULU HARBOR, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM E-1	APPROVAL OF PROPOSED FUNDING OF PROJECT UNDER THE LAND AND WATER CONSERVATION FUND PROGRAM (LAHAINA RECREATIONAL CENTER, COUNTY OF MAUI.
ACTION	Mr. Nagata asked that the amount shown under "Estimated Federal Share" be changed from \$200,000 to \$320,000. Unanimously approved as submitted and as amended above. (Yagi/Zalopany)
ITEM E-2	REQUEST TO CAMP AT NUALOLO KAI, NA PALI COAST STATE PARK TO CONDUCT SEA TURTLE RESEARCH.
ACTION	Mr. Ing asked whether a CDUA would be required inasmuch as the applicant will need to rent a commercial helicopter to land in the park. Mr. Nagata was not sure. Mr. Zalopany moved to authorize the granting of a permit to the Honolulu Laboratory of the National Marine Fisheries Service to camp and Nualolo Kai for the purpose of green turtle research. The permit will include helicopter access and require that any research study report be made available to the Department. Mr. Yagi seconded, motion carried unanimously.
ITEM E-3	Mr. Ono asked that staff work with the Office of the Attorney General to see what needs to be done in order to be consistent with CDUA requirements. AWARD OF CONSTRUCTION CONTRACT, JOB NO. 5-OP-50, CONCRETE RAMP, NUUANU PALI STATE WAYSIDE, HONOLULU, OAHU.
ACTION	Mr. Yagi moved to award the construction contract for Job No. 5-OP-50, concrete ramp, Nuuanu Pali State Wayside to Ideal Construction, Inc. for the Schedule II Bid of \$20,572.00. Mr. Zalopany seconded, motion carried unanimously.
ITEM E-4	PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 36-MP-28, SANITARY SYSTEM IMPROVEMENTS, WAHIKULI STATE WAYSIDE, LAHAINA, MAUI.
ACTION	Unanimously approved as submitted. (Yagi/Zalopany)
ITEM E-5	PERMISSION TO ADVERTISE FOR BIDS, JOB NO. 36-MP-29, REVETMENT AND GUARD RAIL, LAUNIUPOKO STATE WAYSIDE, LAHAINA, MAUI.
ACTION	Unanimously approved as submitted. (Yagi/Zalopany)
ITEM E-6	REQUEST TO USE THE WAILOA RIVER STATE RECREATION AREA, HILO, HAWAII, FOR A FUND RAISING EVENT.
ACTION	Withdrawn at the request of the applicant.
ITEM E-7	RESUBMITTAL - REQUEST TO CONDUCT ISKCON RELIGIOUS ACTIVITIES AT NUUANU PALI STATE WAYSIDE, OAHU.
ACTION	(See Page 8 for Action.)
ADDED ITEM E-8	FILLING OF GROUNDSKEEPER I POSITION NOS. 04374 AND 10115, WASHINGTON PLACE, OAHU PARKS SECTION.
ACTION	Mr. Ing moved to approve the appointment of Mr. De Ocampo and Mr. Gervacio to fill Position Nos. 04374 and 10115. Mr. Yagi seconded, motion carried unanimously.

ADDED
ITEM E-9

FILLING OF HISTORIC SITES SPECIALIST II, POSITION NO. 19472E HISTORIC SITES PROGRAM, OAHU.

ACTION

Mr. Ing moved to approve the exempt appointment of Dr. Ross Cordy to fill Position No. 19472E, Historic Sites Specialist II, Limited Term, assigned to the Historic Sites Program. Mr. Yagi seconded, motion carried unanimously.

ADJOURNMENT: There being no further business, the meeting was adjourned at 12:45 P.M.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



SUSUMU ONO
Chairperson

It