

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

DATE: June 12, 1987  
TIME: 9:00 A. M.  
PLACE: Kalanimoku Building  
Room 132, Board Room  
1151 Punchbowl Street  
Honolulu, Hawaii

ROLL  
CALL

Chairperson William W. Paty called the meeting of the Board of Land and Resources to order at 9:00 A. M. The following were in attendance:

MEMBERS: Mr. J. Douglas Ing (excused at 2 pm)  
Mr. Moses W. Kealoha  
Mr. Leonard Zalopany  
Mr. John Arisumi (excused at 3 pm)  
Mr. Herbert Arata  
Mr. William W. Paty

STAFF: Mr. Henry Sakuda  
Mr. George Matsumoto  
Mr. Ralston Nagata  
Mr. Mike Shimabukuro  
Mr. Mason Young  
Mr. Sam Lee  
Mr. Roger Evans  
Mr. Richard Fassler  
Mrs. LaVerne Tirrell

OTHERS: Ms. Dona Hanaike, Deputy A.G.  
Mr. Peter Garcia, Dept. of Transportation  
Ms. Ann Kawamoto (Item E-7)  
Messrs. Eugene Lum, Clarence Ching, Robert Sarai,  
Anthony Laccrichio, Allan Wooddell, Kenneth Vaughn,  
Kent Adams, Roland K., Senator Clayton Hee,  
Mesdames Victoria Creed, Cheryl Wong, Donna Wong,  
Susan Miller (Item F-6)  
Mr. Don Parsons (Item F-8)  
Mr. George Young (Item H-1)  
Ms. Linda Nuland-Ames (Item H-7)

MINUTES:

February 13, 1987 - Unanimously approved as circulated. (Ing/Kealoha)  
February 27, 1987 - Unanimously approved as circulated. (Ing/Arisumi)  
March 13, 1987 - Unanimously approved as circulated. (Ing/Kealoha)

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:

- Item B-1 -- Request to Fill Clerk-Stenographer II Position No. 23588 in the Division of Aquatic Resources (Oahu).
- Item D-7 -- Approval to Attend a FEMA Hazard Mitigation Training Course in San Francisco, California.
- Item D-8 -- Filling of Position No. 19774E, Climatologist Division of Water and Land Development, Oahu.
- Item D-9 -- Filling of Engineer (Civil) VI) Position No. 2776 Division of Water and Land Development, Oahu.

Item H-10 -- Permission to Contract with the University of Hawaii to Conduct Research on the Development of Shelf-Life Technology for Gracilaria (Ogo).

Item J-9 -- Resubmittal of Approved Contract for the Operation of the Rent-A-Car Concessions, Honolulu International Airport.

Item J-10 -- Use of Harbors Division Facilities (Hui Nalu Canoe Club).

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

ITEM H-2

TEMPORARY VARIANCE CDUA FOR BEACH RESTORATION WORK AT FORT DERUSSY, OAHU.

Mr. Evans presented this item with a recommendation for approval, subject to those conditions listed in the submittal. The applicant, Corps of Engineers, propose to do beach restoration work consisting of two phases: (a) removal and disposal of rock and coral fragments and (b) placement of new sand on the beach.

In answer to Mr. Ing's question as to when this request was made, Mr. Evans replied, "about one to one-half months ago."

Mr. Ing remarked that this was being processed as a temporary variance, which we have allowed them to do in the past. He asked, however, if this has always been on a temporary basis.

Mr. Evans said, yes. Staff feels that rather than continue doing this on a temporary variance, which is being processed this time, they come back to do a CDUA which would then alleviate the need to come back in this fashion, thus streamlining the process.

Mr. Ing said that we have, for other resorts, required a CDUA for this very same activity.

Mr. Evans said that we have in the case of the Mauna Lani, the reason being that what they proposed to do was go into the water and cut some coral heads as well as basically establish a beach where there wasn't one in the past. There is a little bit of difference between that and this one where we have the beach -- this is more of a clean-up effort.

Mr. Paty asked whether they had done this before.

Mr. Evans said that they did do this before at Fort DeRussy and the type of sand that they used was of such a nature that it became calcified over time. It was a different type of sand than that which is used at some of the other beaches.

Mr. George Young of the Corps of Engineers summarized what their restoration work would consist of.

Mr. Ing asked Mr. Young how they planned to remove the material which is below the water line.

Mr. Young said that they plan to rake the area. The larger stones, however, would be picked up by hand.

Mr. Ing asked about the type of machinery that would be used to remove the material below the water line.

After a few minutes of going around in a circle, Mr. Young explained that their specifications will allow the contractor to remove this material either mechanically or using hand methods, or a combination of both. Based on previous jobs, the work was done by hand.

Mr. Kealoha seemed confused. He asked if they had the prescribed work to be done by the bidding process so that it is clear to the contractor whether he will use Type "A" contraption, or no contraption at all?

Mr. Young said that they allow the contractor the option because it is possible that the bidder may find it more economical to use one method or the other.

Mr. Ing called to Mr. Young's attention that there is a condition restricting the applicant from releasing contaminants (such as petroleum products from mechanical rakes or sieves, or both) into the water. He asked whether their bid specifications addressed this.

Mr. Young said that their environmental clauses prohibits the contractor from releasing any contaminants in the water.

Mr. Ing asked if there was a penalty provision in the bid specs in the event they do release any contaminants.

Mr. Young said that they do have the means to enforce this but he could not answer as to the exact penalty

Mr. Ing asked if someone from the Corps of Engineers will be there during the clean up.

Mr. Young said that their site inspectors will be there.

ACTION

Mr. Ing moved to approve as submitted. Mr. Kealoha seconded. Motion carried unanimously.

ITEM F-9

RESUBMITTAL - REQUEST OF SEASCAPE KAUAI, INC. FOR BOAT SUBSTITUTION, REVOCABLE PERMIT NO. S-6370, HANAIEI, KAUAI.

Before presenting this submittal, Mr. Shimabukuro said that the applicant had submitted a different request for substitution from that which is listed in the submittal. The new request is to substitute a similar boat, with similar capacity, on a temporary basis, and later on he will be requesting substitution of another boat. Accordingly, Mr. Shimabukuro requested that this item be deferred. However, should the board decide to act on this matter today, then he could elaborate on the latest request.

Because this is to be turned over to the Department of Transportation on July 1, 1987, Mr. Ing asked if it would be necessary to take action before that time.

Mr. Shimabukuro said that the reason the applicant would like action taken is because the people that have the boat would be transferred to the Department of Transportation permit and if they don't have that permit now they probably would not be given a permit.

Mr. Ing asked when this would be considered should it be withdrawn today.

Mr. Shimabukuro explained that it could be acted on administratively or the board could act on the new application today.

ACTION

Mr. Zalopany moved for:

1. Withdrawal of Agenda Item F-9; and
2. That Mr. Larry King's request of June 8, 1987 for boat substitution be approved.

Seconded by Mr. Kealoha, motion carried unanimously.

ITEM F-6

QUITCLAIM OF OLD ABANDONED GOVERNMENT ROAD REMNANT, MAUNAWILI VALLEY,  
KAILUA, OAHU.

Mr. Shimabukuro said that the applicant is Royal Hawaiian Maunawili Country Club, who are the owners of the adjacent land. The area we are talking about covers approximately two acres.

Mr. Shimabukuro asked to amend the Zoning. He said that the State Land Use Commission Zoning should be both Agriculture and Conservation. This is the area where the old government road crosses. The consideration for disposition would be by independent appraisal, same subject to review and approval of the Chairperson. Mr. Shimabukuro pointed out on the map the area affected by this submittal.

Mr. Shimabukuro said that when the applicant purchased this property a title search was done but did not show encumbrance of the old government road. However, subsequent to that there was an Attorney General's opinion saying that the old government road in Maunawili did, indeed, belong to the State. They relied on the Highway Act of 1892 to make that claim. What is being proposed today because the road has been abandoned and is not its existence physically on the site, staff is recommending to dispose of this to the Royal Hawaiian Maunawili Country Club who have made a request to purchase that roadway. In addition to staff's recommendation to sell that roadway at a price to be determined by appraisal, the landowner has also indicated that they are willing to enter into a memorandum of agreement with the State whereby they would at their own cost and expense designate, develop and maintain to State standards an alternate hiking trail in perpetuity across its fee lands to be managed and enforced by the State for use by the general public with title to said trail remaining with them. The affected areas were again pointed out on the map by Mr. Shimabukuro.

Mr. Arata suggested using an MAI appraiser. Mr. Shimabukuro said that this could be specified if this is what the board wants.

Mr. Shimabukuro indicated that the road is approximately 1.2 miles and 4 feet wide. There is no description for this road. There is a no road physically, or a trail right now, just a paper road.

Mr. Paty asked whether all of the necessary permits were obtained from the County.

Mr. Shimabukuro did not know and felt that the applicant could best answer that question.

Mr. Eugene Lum, attorney for the applicant, testified verbally as follows:

"There are minor corrections which I would like to call your attention to in the staff report. The applicant's legal name is Royal Hawaiian Country Club. Referring to the paragraph labeled Zoning, the City and County has gone through some zoning changes -- it is no longer called Comprehensive Zoning Code, it is now referred to as the Land Use Ordinance and what was formerly AG-1 is now AG-2, General Agriculture throughout the report.

'Let me first say that the applicant agrees with the recommendations of the staff report and the conditions therein. The proposed development of two world-class championship golf courses designed by world renowned designer Pete Dye of Maunawili Valley is indeed a sound, economic project within our State and very commendable use of the land at Maunawili.

'Mr. Dye is designing two unique courses. It will not be found anywhere in the world. The courses are designed to be sensitive to the surrounding environment by preserving most of the significant, historical, biological, archaeological sites by incorporating them into the design. The emphasis is on the concept of target golf which uses minimal green, tee and fairway surfaces and also avoids theoretical flood areas along existing streams by using course hazards and sand traps to function as a sediment base to control the storm runoff. An existing forest area will remain to function as a protective cripple against arid golf balls. It has been at least ten years since the last golf course was built on Oahu and there is a definite need for more golf courses as stated in City County Resolution 87-175 that makes reference to the fact that over 145,000 rounds are played every year at the old Pali Golf Course. Buying the old government road from the State will enable the applicant to build two courses -- one which will be open to the general public. If the government road is allowed to exist in its present location, only one course can be built and it will be limited to only members. Thus, your approval of the sale of the old government road would greatly help meet the public demand for more golf courses, especially on the windward side, where green open space is synonymous to beauty.

'Your staff has provided a clear understanding that many of the community and environment concerns have already been dealt with by the City's Conditional Use Permit (CUP). A public hearing on the CUP for a golf course was held in January of 1986 and after considering every argument possible the City concluded that the proposed project would not have any adverse affect on persons living or working in the area and would not be injurious to the surrounding area if all 21 conditions imposed by the permit are met.

'Under the 21 conditions the applicant is required to build a new access road to the valley in order to avoid traffic on the existing roads through the subdivision. The cost to the applicant to comply with this condition exceeds \$2 million which could have been used for community programs. The applicant has also offered five acres of land, free, to nonprofit community organizations. Since January 1, 1986 the applicant has not charged, nor received any rent from any tenants living or farming on the land hoping that when the tenants are asked to leave or relocate these tenants will have saved enough money to help defray the cost of relocation. Contrary to news reports, the applicant has never shut off any tenant's electricity nor has it demolished any occupied home. For bonafide full time farmers who will either remain on their present site or be relocated to a 52-acre site, the applicant will be offering ten year licenses. This is the only exception to the applicant's agreement to use the land solely for a golf course for the next twenty years. The applicant has accepted all of the conditions stated in the CUP and are moving as expeditiously as possible to meet everyone of them, including archaeological surveys with recovery programs, botanical preservation of significant trees and fauna and preservation of the Hedemann House. Infrastructure and environmental concerns are being answered and dealt with in the manner satisfactory to all agencies. There is one condition, however, pertaining to the old government road, which is completely within the power and discretion of this board and we ask you today to accept the DLNR's staff report recommending to sell the rights of the State of Hawaii to a non-existent road subject to the conditions therein.

'Thank you.'

To insure that the people get a course that is comparable to that of the private members, Mr. Arata asked, "what is the estimated cost for both courses?"

Mr. Lum said that the estimated cost to complete both courses is \$50 million. The first course will be \$30 million and the second \$20 million. He said that a lot of the costs of the first course deals with infrastructure and access road.

Mr. Ing asked Mr. Lum if a mauka access to Olomana was required under the CUP.

Mr. Lum said that they have agreed to provide access through their property.

"How about from Maunawili to Waimanalo, are you required to provide any such access under the CUP", asked Mr. Ing?

Mr. Lum replied, no.

Mr. Ing asked, "what form of access will you be providing?"

Mr. Lum said, "it's a hiking trail". He said that they are not required to maintain or develop a hiking trail -- they are required to give access to the public through their property to Mt. Olomana.

Mr. Ing asked, "how do you propose to do that and is that tied in any way with your proposal to provide and maintain a hiking trail pursuant to the exchange proposed today -- are the two related and if they are how do they dovetail one into another"?

Mr. Lum said that he believes they are related. He believed there was testimony on access to Mt. Olomana at the CUP public hearing and the applicant has agreed to provide access which is one of the conditions under the CUP and it does not tie in in anyway with the proposed hiker's trails that is being proposed today. He thought that maybe Community Planning who is the engineering consultant on the trail and golf course, could assist in this instance.

Mr. Robert Sarai, Community Planning Project Engineer, pointed out to the board members, from a map, which trails are presently being used and which trail they propose to develop.

Mr. Ing asked if they planned to allow that same access in order to comply with the terms of the CUP.

Mr. Sarai said, yes.

Mr. Ing asked if there was any current access from Waimanalo.

Mr. Sarai pointed out the area on the map.

With respect to the trail being proposed today, Mr. Ing said that in any event they would have to allow access along the initial section of that trail.

Mr. Zalopany was concerned that the trail was so narrow -- only 3 feet.

Mr. Lum said that the state's standard is three feet. They intend to make it a little wider -- five feet. In most of the areas it is also much wider than five feet. One of the conditions of this application is that the owner/developer applicant has to maintain and keep the trail open.

Mr. Arata asked whether both courses would be built simultaneously or whether one course would be built ten years from now.

Mr. Lum said that both courses will be developed, one right after the other. He added that financing is not a problem. The money is allocated and the developer is committed to this development.

Mr. Kealoha asked Mr. Lum whether they were required under the CUP to develop the Performing Arts Center.

Mr. Lum replied, "no, we are not." What the developer has done is offer a five-acre site to non-profit community groups of which the Windward Performing Arts is one of the groups. As far as building a building for them, this has never been discussed.

Mr. Arisumi asked, "how many people will be affected by this development?"

Mr. Lum said, "about fifteen". Full time farmers will be allowed to stay -- no pigs and no chickens. Most of the farming in the area is on a part time basis.

Mr. Arata said that most golf course developers complement the project with a housing development and asked Mr. Lum if they, also, planned to do this.

Mr. Lum said, no. Zoning does not allow them to do any residential development. They have agreed to a twenty year covenant which will be recorded in the Bureau of Conveyances against any residential development.

Mr. Paty asked, "what arrangements are being made for access for utility people and maintenance on the ditch, etc."

Mr. Lum said that they have met with Forestry and DOWALD and Hawaiian Electric and, as far as Hawaiian Electric is concerned, they are required to give them access and they have agreed to give DOWALD and Forestry access to the areas they need to get to, through their golf course, without charge.

With respect to the Hedemann property, Mr. Paty asked what they planned to do at this point.

Mr. Lum said that the Hedemann house will be preserved and renovated. The developer, as far as the specific use, has not yet made a final decision on what to do with the Hedemann House but some of the thoughts is to open it up for community use -- for group meetings, etc.

Mr. Paty asked whether the archaeological studies were underway and also whether the CUP provides for maintenance of those areas.

Mr. Lum said that they are required to satisfy our department on any and all archaeological sites of any major significance. He understands that those sites have been located and those that are in the path of development which are not major are being recovered, and the major ones are down as he understands it, by the stream beds. The use of the land as proposed by the applicant stays from the stream beds because it is a hazard so those archaeological sites will not be disturbed and will be preserved.

Mr. Paty said, "you were talking about the width of the trail, what about the grade."

Mr. Lum said that the state's standards require grades no steeper than 15% and all the grades on the trail will be kept under 15%.

Mr. Paty said that some real work would have to be done on the trail to take it to those grades.

Mr. Lum believed that the first area, after you cross the streambed will be zigzagged in order to obtain that 15 and under per cent grade. The other steep area that was roped will be circumvented and will go into an old cattle path that will not have that type of grade. The applicant will be able to offer and maintain a hiker's trail less than 15% grade throughout the trail.

Mr. Paty asked if there was anything in the CUP with respect to maintaining certain type of landmarked trees, etc.

Mr. Lum said, yes. A botanist has been retained who has gone and surveyed the entire area for significant trees and fauna and they have been earmarked and most of these are around the Hedemann House. Any and all trees which have been earmarked will be preserved.

Mr. Paty asked, "if the board were to approve your application and work was to begin, do you have a feel as to how long the old government road would be held open pending development of the trail?"

Mr. Lum said that the applicant will keep the old service road open for hikers until the alternative hiker's trail is completed and accepted by the State.

Mr. Paty invited the general public to present testimony. However, he asked that they address the issues at hand because it is the board's consideration as to whether indeed to approve of the applicant's request to quitclaim the State's interest in the trail.

Senator Clayton Hee stated that because he is a resident of Maunawili he would be greatly impacted by any decision made today. At Mr. Kealoha's request, Senator Hee pointed out on the map the location of his residence with respect to the development.

Senator Hee said that also for the record he is Chairman of the Judiciary Committee. He said that the only reason he mentions this is because the Board's action today shall be subject to disapproval by the Legislature so he is also impacted as a member of the Senate.

Senator Hee stated that he has been on record not in opposition of this golf course only because he has said emphatically that a golf course is a lesser of two evils for that area to be developed for housing. He has also been on record legislatively, through introduction of appropriations bills, for the State to purchase outright the 1000 acres. He added also that the Department of Land and Natural Resources has been on record in support of those bills to purchase the 1000 acres.

"Which thousand acres are you talking about", asked Mr. Ing?

Senator replied that it's the thousand acres impacted by the golf course. The same one which has been purchased by the developer.

Mr. Ing asked whether monies were funded.

Senator said that no monies were funded because the bills died -- this past session and the last session. The bills died in spite of the State's support as well as virtually every community association that is directly impacted and organizations such as the Outdoor Circle and Lani-Kailua Outdoor Circle and other community associations dedicated to environment and the preservation thereof. He added that although the Chairman of this board has indicated that he would like to keep the discussion relative to the action before the board this morning, he said that it is very clear and evident that the discussion has gone fairly broad in its latitude, to wit there is no discussion on the agenda relative to the golf course pur se.



Senator Hee pointed out that as he read staff's report it seemed very clear in his mind that there is a slant to this of which, for the record, a different view should be shared with the board and that is staff pointed out maps dated 1884, 1888, and 1901. Senator Hee continued as follows:

"Let's be practical people at this time in 1987. I think I have enough background at the University to know these maps were done for most intensive purposes by missionaries or descendants of missionaries who on their way to villages and towns recorded how, in their perception, they went around the big mango tree, or around the keawe tree, not from an airplane which took that trail. Many of our maps indicate that there has been public access and that to him is the message set forth in these maps. The missionaries have documented or the descendants have documented yes, there were public thoroughfares from village to village and the basis of organizations such as Hui Alalo West II provide this free access which in our books are protected and your staffer on page 4 has indicated that all roads, alley streets, etc. are hereby declared to be public highways.

'He did not know if anyone wanted to get into an academic argument that, yes, the road is there, or yes it's not there or that it is not the red line, it's not the green line, it's the brown line or the blue line -- we know there is a road there and in the testimony and in the AG's opinion that road was called "Alanui he' i Waimanalo" and in Hawaiian that means the road that went to Waimanalo. Whether we want to get into an academic argument, where is the road, let's face it, there is a road there. I have had old people like Mrs. Gilman who is now in Hilo who said that "I went on this road in my Model A and we went to Waimanalo. Don't kid me, the road is there".

Senator Hee suggested to the board that in light of the fact that this action shall be subject to disapproval of the legislature and in light of the fact that it at least is apparent to him, that the representation previously made by the attorney is somewhat nebulous. He would submit that if the media reports are accurate relative to the representations made by the previous speaker, specifically with regard to a bull which apparently pinned down a rider, either that previous speaker doesn't know anything about cattle or if he does he's a pathological liar.

Senator Hee said that this community has been torn apart by development. It is not so much in his opinion whether there should be a golf course, but the handling of the development by the developer. Japanese investors have, as far as corporations or representatives of Japanese entities, bent over backwards to be accommodating to this State and whether we agree or disagree that they should be or they should not be Japanese, it should be some other foreign country, they have been for the record the most accommodating and the complete enticices of this developer and I'm talking about the arbitrary nature of so-called non evictions that have taken place which have been documented on Channel 9. He was referring to the so-called round-up for the protection of hikers. Nobody needs a cowboy to walk that trail.

Mr. Paty asked the Senator if he would please keep this on issues and not on cattle.

Mr. Lacrichio interrupted with the remark that what the Senator was discussing was an issue -- that, being the creditability of the developer.

Mr. Paty stated that we are not trying to cut anybody off, just trying to indicate to the Senator that we are just trying to adhere as much as possible to the issues at hand and not go too far down the road on issues that are not totally germane to the situation. What the board has to decide on is whether or not to quitclaim the old government road.

Senator concluded that if the board decides to quitclaim he will initiate legislative action. Therefore, pending the outcome of the legislative action which in his mind is the third Wednesday of April 1988, regardless of what this board does, if he is correct in interpreting the statute, this quitclaim shall be subject to disapproval. He accordingly requested that the board reconsider and do more work relative to the types of questions that have been raised, the types of answers that the board has received and the types of so-called guarantees by the developers, etc. Senator Hee said that there is no rush to take action at this time certainly because they now know that he will initiate legislative disapproval and in light of that I would request of you to reconsider taking action today and if you do take action then my feeling is that it will be disapproved subject to reconsideration. On the other hand it makes good sense as representatives of the people to delay any action today subject to more information. If you rely on the information of your staff, Senator Hee said that it is rather incomplete and in some cases he felt in his opinion that the interpretation is false.

With respect to staff's report being false, Mr. Ing asked Senator Hee if he could show the board what he claims to be false in the report.

Senator Hee referred to page 4, second to the last paragraph. The conclusion to him is inaccurate. This is the paragraph which reads:

"Based on the foregoing it is our feeling that the "old government road" would follow the alignment as shown on Land Board Exhibit "A" and not the aforementioned existing road alignment."

He is satisfied that there was a road and reiterated "that is the road to Waimanalo."

So he would be clear on the Senator's remarks about the falsity of this report which runs six pages, Mr. Ing said that he has pointed to one paragraph consisting of four lines which is, in effect, an opinion.

Mr. Ing asked if there was anything else in the report which he felt was false.

Senator Hee said that this report in his opinion could have been written by the developer. He pointed out the following from page 2 of the submittal:

"Furthermore, when the land purchase was contemplated by the RHMCC, a title search was made indicating the "Old Government Road title is vested in the Castle Trusts and, therefore, the purchase of the land was consummated in good faith..."

Senator Hee asked, what constitutes good faith -- good faith by the developer or good faith by the State?

"without any concern for encumbrance by the State of an "Old Government Road".

Senator Hee asked if staff was representing the developer by the statement. In his opinion, yes. What business is that of the State.

"RHMCC rather than challenging the title accepted, albeit reluctantly, the foregoing opinion...."

This to Senator Hee is a representation of the developer.

"RHMCC is sensitive of the criticism...."

What constitutes sensitivity, asked Senator Hee? Slaughtering of a bull?

Mr. Ing asked, "isn't this a representation of what the developer feels?"

"That is exactly what I am saying", remarked Senator Hee.

Mr. Ing did not think this was flocking it with any truth or falsity, it's just saying what they say.

Right, said Senator Hee and suggested that staff or Mr. Shimabukuro could have, in light of the fact that he has chosen to represent the developer, likewise balance the scale and represent those who may not agree. If you are going to take a side, vis' a vis', developer or a person who is opposed, then balance the scale. In his opinion this is inappropriate.

Going back to the paragraph where Senator Hee read the statement, "that the purchase of the land was consummated in good faith", Mr. Ing stated that this is in quote so in his reading this is a quotation from the title search and is not something that was the opinion of the staff reporter and that seemed clear to Mr. Ing.

Senator Hee disagreed with this.

Mr. Ing reiterated that he did not think this was an opinion of the staffer who wrote the report but a quotation from the title search.

Senator Hee remarked, "I guess Mr. Ing I have been jaded by government, as a member of government, I would not presume or assume anything."

Mr. Ing said to Mr. Ing that despite his feelings about the staff report, the board has a great deal of experience in looking at these reports. They do not read these reports in a vacuum. They have, in addition, to these reports, copies of numerous letters which have been sent to the board to read. While the report may not contain everything they certainly are aware of the feelings of the community through copies of the correspondence and in some cases from direct conversation.

For the record, Senator Hee told Mr. Ing that if there is any question about his integrity he has known him long enough and if any statement made by him is taken as a personal attack on any member here then that interpretation is incorrect. He has great respect for the Vice-Chairman as well as the Chairman, the others he is not familiar with. On the other hand, because his opinion was asked for, he repeated that this report is slanted. He said that if the staffer is so complete and if he had looked at the issues and the black and white nature of this document it would seem to make good sense that the staffer would have informed the board that any quitclaim action by this board would be subject to disapproval of the legislature. He felt that this was important.

To be sure that he understood Senator Hee's position, Mr. Ing stated that it is certainly Senator Hee's prerogative to initiate disapproval of any action taken by the board but as he understands, it is basically for two reasons: one, there was a road there and if there was a road there that road should remain and it is not a matter that is a disputed claim but it is in fact in existence and the second reason relates to the conduct of this particular developer. Mr. Ing asked if this was a fair statement of Senator Hee's position.

Senator Hee clarified that he did not feel there was a road there, he stated that there is a road there. There "is" a road, there never "was" a road, there "is" a road. This is in the present tense. His feeling is that any alternative trail to be discussed relative to accessibility, grade, conclusion of that trail should be done in the total context. There is a presumption here that there was a road there, the road is no good, we don't

know where it is, if it has any value it's questionable and let us presume that whatever an appraiser decides shall be the value. That, he would submit to the board, is not the complete picture to be drawn. That road in his mind signified in ancient times the life blood -- it is an artery from a village to a village, etc.

Mr. Ing raised another point, "there is a road there and you feel that we should keep that open?"

Senator Hee remarked that he did not say that. He said that any decision made by the board relative to quitclaim, exchange, sell whatever should be done in the total picture and that in his mind is that the road and value and significance of that road should be held in its entirety and not what he heard from the previous speaker. He is not satisfied that an appraiser shall set forth a value of that road and we should accept that value. He would encourage the board take a more sensitive approach than an easy approach.

Mr. Ing said, "then you're not necessarily opposed to the exchange?"

Senator Hee said that he is not necessarily opposed to a quitclaim or an exchange. He said those golf courses have been permitted. He is assuming that the courses will be built and they will be his neighbors and the last thing that he personally wants to do is to hike through a golf course. He informed the board that their action reflects the action of the state.

Senator Hee stated, "your second point was conduct." If the so-called non-eviction had not taken place he did not think that Channel 9 just recorded what people are saying. If all of the news articles are accurate, and he assumed that the board had seen these articles as they had indicated that they are aware of what the public perception is -- if they have one centilla of accuracy -- he went on to say that he wasn't born a cowboy but he has been in rodeos so he knows that if you give a bull enough room to run that bull is not coming, he's running.

Senator Hee said that this is unbecoming of any developer and the anthesis of Japanese investors who do business in Hawaii, they have gone over backwards. He felt that this developer has no idea of what the local representatives are up to or this developer has blatant insensitivity to the concerns of the neighbors. The five acre parcel that is spoken of for an art center is in wetlands. If that is designated wetlands, then it falls under the jurisdiction of the Army Corps and if that is the case then he knows that the Army Corps has a stipulation which says "nothing shall be built on wetlands unless there is no more alternatives". He said there are 1000 acres out there so there are lots of alternatives. He felt that there were some misrepresentations before the board which inclined him to believe that more research should be done relative to the truth of the matter.

Mr. Kealoha asked Senator Hee what section he was referring to with respect to the requirement of legislative approval.

Senator Hee replied, "HRS 171-5.1, as shown in staff's report and the Attorney General's opinion dated January 9, 1987."

Mr. Kealoha asked, "then you are saying that we have a legal problem?"

Senator Hee remarked, "I am saying that the decision here does not end. The decision ends, as I read the statutes, to legislative action and I, in no way, implied to the members here that therefore, let's make a decision and throw the saddle on the legislative horse? That, in fact, is not what I am saying."

Mr. Kealoha stated that this was the impression he had.

Senator Hee remarked, "Let me state for the record that I rather you shoot the horse than I shoot that horse."

Mr. Paty stated, "Mr. Lachriccio, I believe you're up next?"

Mr. Anthony Lachriccio, attorney and resident of Maunawili Valley and a member of the Kailua Neighborhood Board said that he would be testifying in the interest of saving time in all three capacities. Where necessary, he will identify one of those capacities. Mr. Lachriccio testified as follows:

"Good morning, members of the board and members of the public and press who have attended this morning's hearing to participate in or to observe the process by which the Governor of the State of Hawaii, through his appointees, will determine whether or not the State will transfer public land, long denied to the citizens of this State, to private, foreign investors for their exclusive use and financial gain. This decision, under HRS 171-5, 1 and 2, is subject to disapproval by the legislature by a simple majority of both houses with two-thirds vote of either body.

'As an attorney, I have been asked to represent the Maunawili Community Association to bring litigation and answer to your question of, in fact this board goes ahead as planned and approves the staff's request -- I use the term "as planned" after the examination of a great deal of evidence which I'm sure Mr. Ing will ask that I be very precise about. For example, months before submitting the application which initiated this agenda item, that the State consider quitclaiming the old government road, in any and all other properties that the public may own under foreign investor's land and it appears that there may be more than one road in ancient times. They were also quitclaiming your rights to ancient trails etc. by this act.

'The developer, through his developer, Mr. Kobayashi, told Channel 4 news, Mr. Kelly Dean, and I would invite the board to check this out, that in fact the State had already decided, months before the application was submitted, to sell the road to the developers."

In answer to Mr. Zalopany's question as to where he got this news from, Mr. Lachriccio stated that he had heard this from Kelly Dean and this is why he is here this morning.

'In addition, let me read you this letter dated June 12, 1986 from John Whalen, sent to Donna Wong, Chairman of the Kailua Neighborhood Board and Vicki Creed, who is President of the Maunawili Community Association:

"Senator Hee's May 27, 1986 letter to you accurately reflects my statement to him regarding the conditional use permit for the Royal Hawaiian Golf Course. If I am advised by either the State Attorney General or the City Corporation Counsel, subsequent to the issuance of a CUP that the portion of old government road trans- versing the golf course is, in fact, still in public ownership, I will take action to revoke the CUP on the basis that the applicant has submitted erroneous material regarding the ownership of the road."

'Let me point out that the staff report which Senator Hee characterizes as false gives no information whatsoever about the extensive debate that took place at the CUP hearing about ownership of the road. It appears that the information given to this board that the developer was totally surprised by the Attorney General's opinion. We will show you in a letter from the developer to the Neighborhood Board that the developer committed to the Kailua Neighborhood Board, in exchange for it's approval of the golf course,

that if in fact the road were declared public the developer would then allow the public to use it. Instead, eighteen days after it was declared public, Mr. Lum wrote a letter to Mr. Paty asking that the State sell it the road, breaking it's promise, and breaking it's commitment to the Kailua Neighborhood Board. The issue of credibility will become an important one as you see. With this letter you will find that, and I would advise you to take further investigation because it is not contained in your staff report. And, Mr. Ing, we have checked the files which are available to the public, there is, in fact, nothing in those files which shows, for example, that the board members reviewed the petition which 1500 people signed. That was given to Mr. Paty. That gives much more than just the opinion of just a few people.

'Mr. Whalen, on January 9th, was called by myself and others and asked then to set up a hearing, given the required notice, to revoke the CUP so that a new investigation could be conducted taking into account the public ownership of the road, which was false information that was submitted. Mr. Whalen told myself and several others that Mr. Mason Young from your staff had conveyed in January and February, 4 months before application was made, that there was no need to hold that meeting, which was to be held immediately upon notification because the State had decided to convey the road to the developer to sell the road. To this day, six months and three days after the Attorney General's opinion came down, the City and County still has not held that hearing which they promised to hold, in writing, to revoke the CUP because of assurances from this department, DLNR, that you would vote, in a little bit, to approve this action -- that, in fact, the State was going to do that.

'On Wednesday, two days ago, before you were to meet to make a decision on the staff request Mr. Mason Young again informed a representative of the Sierra Club that a hike scheduled for this Sunday on old government road would have to be cancelled because the road would belong to the developer by that time. It would appear that from just these examples that the developer and members of the department's staff, see today's meeting and the actions to be taken by the board as merely a rubber stamp for what has already been decided. We will only need to wait a short while to determine if that view of reality is correct.

'Let me also point out that another false statement, and I strongly stress "false", in the staff report to you is in fact the map which was used extensively, to describe where the roads are or are not. That road is listed as Land Board Exhibit. It is not a Land Board Exhibit, it was prepared by the developer -- by Community Planning, Inc. The roads, and non-roads, were drawn on by the developer who has a strong self-interest, in light of Mr. Whalen's letter, that he could lose the CUP and where those roads are or are not. Your staff also failed to note, and another example which they showed to you, that this Maunawili map and we shall show this to you in detail in just a moment, shows the existence of the Hedemann House, which was the Boyd House, and another residence, which was the Irwin House, across the road. These maps, going all the way back to the late 1800's and the 1900's, show the structures -- they existed back in those days. The road goes right through the middle of them as it does today. The map, prepared by the developer, does not do that. It skirts the houses and says that the road does not exist. In fact, goes around the houses. You have been presented with maps but you have not been given the details on those maps. Testimony will be given later on, very simply, to further Senator Hee's point, if this was an archaeological artery between Maunawili and Waimanalo, it will be extremely easy to determine whether the present road, by taking borings and testing those borings, is, in fact, the road as shown on that 1800 map which goes between the houses. I submit to you that the house, the Hedemann house, that no final decision has been made on yet, is going to be used as a residence for the foreign investor when he comes to visit the golf course and to keep the public away from his residence, these lines have been drawn back behind the

house and, further than that, the trails have been pushed back into the conservation lands, away from the trail. It is extremely important, also, to carry on Senator Hee's point, as far as the appraiser is concerned, to call the road abandoned is ridiculous. This morning the State of Hawaii was using that road, Hawaiian Electric was using that road, approximately 2000 people have used that road. If what you are saying on you Agenda item, which is incorrect, you call it both abandoned and a remnant. Definition of remnant under Hawaii Revised Statutes, means a parcel of land economically or feasibly unsuitable, or undesirable for development or utilization as a separate unit by means of location, size, shape or other characteristics. This road, currently being used by the State, by hikers, is totally suitable for a hiking trail. Elderly people, people who were paralyzed, could be put in vehicles and brought on that road. The grade is very benign because it was originally used for horse and carriage and you couldn't have big grades. And, before that, it was used for walkers back in ancient times. You are trading that away for what Mr. Paty, himself, called a relatively marathon hike, which takes much longer, goes around the slopes of Olomana, to get the grade you need, you will have to do switchback, which will lengthen the hike and make it much more tiring to get the 15% grade and take an area subject to extreme water damage and cut a trail into it -- repeating the floods of February 14, of two years ago, of which huge boulders and trees, etc, came down in sufficient number, weighing thousands of pounds and they were carried in 19 feet deep water so that they almost wiped out the Pali Highway, blocked out the tunnels totally going under the Pali. That, by the way, which is 19 feet deep, is where the community center was to be built.

'Representations made to the Kailua Neighborhood Board, to the community association, and required in the CUP, tenants are to be permitted to be relocated on vacant areas set aside for actual use on the project site based on their present occupancy. That means that if they are chicken farmers, or pig farmers, Mr. Lum can't change the CUP language -- present occupancy -- you can't throw out the chicken farmers and the pig farmers because they smell bad for the Japanese tourists. The CUP says very simply, all they have to be is present occupants. The Wong's, whose newspaper reports will testify later, were terrorized out of their property and were not given what the CUP requires. I submit to you that this CUP that your staff refers to in their staff report has already been violated. Mr. Lum's testimony says they plan to violate it again by moving the chicken and pig farmers. Other people have been moved out without any indication of their rights under the CUP. For the landowner to make a determination who are present occupants, whether they are sublessess or so on, is in violation of the CUP.

'Also, the staff report says May 3, 1987 and it is in error -- it was May 16, 1987. The landowner invited the department and the Maunawili residents to walk through the trail. In fact, the principal person arranging that hike was your Chairman, Mr. Paty. Your Chairman personally called the Sun Press to make sure that a newspaper article would be put in about the hike. Juveniles, who were incarcerated in the Youth Home somehow or another were released to work in that very wild world area -- somebody had enough pull to arrange that -- where escape would have been very easy and we already have people from OCC who work in the area who have escaped and are still living in the area -- to clear the trail for the public viewing. How that was arranged and with who's influence, we're not sure.

'The Wong's have been told by the developer's representative that it was Mr. Paty, and I'm saying this so Mr. Paty will have a chance...cause I hope to God that this is not true... who asked that the Paniolos be brought in to protect the hikers on May 16, when the bulls were killed and the hikers were charged for it and property was stolen."

Mr. Paty responded, "that is absolutely, totally, false -- period."

Mr. Lachriccio said that they will bring in a witness who will testify that they were just told that -- one of the developer's representatives.

For the record, Mr. Paty said that he made it well known that he was very distressed that they brought them in, he told them that he thought it was unnecessary and untimely and the conduct of the group was totally unacceptable.

Mr. Lachriccio stated that these are people you are asking the public to go into their lands and to be safe. You've seen already, and this is Senator Hee's point, the conduct of these people and you are asking us to send our kids, our wives, on that hike, to that area where there will be extreme danger.

After referring to an article in the Sun Press, Mr. Lachriccio continued as follows:

"The people that the developer brought in brought paper meat trays before they came. They must have known that the bull was going to charge them. They were observed, by telescope, by a golf course person who was not opposed to the golf course, chasing the cattle. Their alleged purpose was to keep the hikers safe -- they were in fact chasing the cattle, they saw them cut up the bull and this was documented in the Sun Press. If the statement is untrue people have been willing to put their names in the paper. That kind of activity, in 1987, this is not the wild west. This is the State of Hawaii, which has laws. There are legal ways to evict people. Under the CUP, however, the developer couldn't use those because they had to offer them an alternative. Also, they had to be agricultural."

'This community has reached the point where they will bring litigation to stop this transfer. You have selected the wrong section from the statute and because that is on the agenda, are stuck with that particular section. The Attorney General's report has the force of law under Hawaii statute until challenged in the court. That opinion came down on January 9. There is no dispute and therefore the stated purpose on the staff report is an incorrect statement and you cannot use this section to quitclaim. If, in fact, the developer had filed in court, then the State and the public would have the opportunity to have the judge determine whether the developer's map, which is the only thing you were to rely on, or the map which shows those existing structures which have been there for years. They don't lie -- those structures -- they were there. They have not been moved. The road goes through them. It's a very easy determination to make.

'You will find in the files Mr. Lum's January 27 letter to Mr. Paty and another letter dated May, 1876. I think that Mr. Lum will agree that this issue hasn't been around that long. This is probably a typo and should have been 1987 instead of 1876. Language from that letter, the terminology, and this is why Senator Hee felt that the staff report was written by the developer, uses exactly the same terminology without putting it in quotes. Language like "however, as a result of subsequent legal opinion by the Department of Attorney General dated January 9, 1987 which determined that the underlying fee title to said road remained with the Territory and its successor the State of Hawaii as unencumbered government land, Royal Hawaiian Maunawili Country Club, rather than challenging the title...they admit here that they did not challenge it therefore the Attorney General's opinion is forceable, there is no dispute, albeit reluctantly...that term reluctantly you will find in the January letter. There are no quotes. The language was lifted from the developer's attorney's letter who, of course, is being paid to present only the developer's point. Senator Hee's point was that also what has been presented to you under the guise of staff's report."



Mr. Ing told Mr. Lachriccio that he missed his point on this. He remarked, "who else is going to say how the developer felt about giving up a claim to the road other than the developer? How can that be attributed to anyone else?"

Mr. Lachriccio replied, "because this report -- and I say it's false..."

Mr. Ing remarked, "if you got it from someone else then I would question the veracity, but if it came from the developer, then this is what the report represents."

Mr. Lachriccio stated, "I think, Mr. Ing, it is a very simple situation -- what you as a board, who are trying to make a decision, is only the developer's point of view. There have been extensive...."

Mr. Ing said, yes, but here he is addressing how the developer felt about giving up a claim -- who else can that come from.

Mr. Lachriccio said that the developer on November 26, 1985, in a letter to Allan Woodell, Chairman of the Planning and Zoning Committee of the Kailua Neighborhood Board, signed by George Houghtailing of Community Planning, was aware at that point that the ownership of the old government road is presently being researched. If the ownership is found to be public the access to and use of the roadway will be respected. Back in 1985 they knew that -- they made a commitment that it would be respected so what are we doing here today. He felt that this should have been included in staff's report.

Mr. Lachriccio felt that, because he is the attorney for four community associations opposed to the transfer of the road, he should have been contacted by the staff and asked for his input to this report. Instead, the report only used the developer's point of view -- that is the objection.

On that point, Mr. Ing asked Mr. Lachriccio, what road were they talking about?

Mr. Lachriccio said that the maps which have been presented to the board is the road that goes in front of the Hedemann House.

Mr. Ing asked Mr. Lachriccio if this was the road which he felt was in public ownership.

Mr. Lachriccio remarked, "if it is not, let's just take the developer's position, they agreed to respect public access if that road was determined. All three of the roads which are banting around on the Community Planning map are on the golf course so it doesn't matter for purposes of the point you're trying to make -- which one it is? If in fact, and on November 26, Mr. Houghtailing, who had full authority to speak for the developer, said that if the ownership is found to be public, the access to and use of the roadway will be respected -- that is absolutely false. Their letter of January 27 to Mr. Paty says that the only reason they need it is that they see that the road is not compatible with the golf course. He pointed out that the Waialae Golf Course has a road that runs along it all the way to the Kahala Hilton."

Mr. Lachriccio continued:

"When we met and sat at this table a couple of months ago with Mr. Paty, we asked him and he agreed to do a very simple thing -- to ask the developer to design his golf courses so that they faced away from the road so we could have both the golf course and the road. Mr. Paty promised that he would do that in exchange for our looking at the trail which came up off the golf course. That promise was never kept. The developer has never been asked.

We went to a professional and asked him to look at the golf course with the present design and see how both could live together. It certainly would be extremely easy to do. Why hasn't this been put into the staff report? You have been given no alternative but to quitclaim. That road goes far beyond the golf course. If you cut off the access to the Waimanalo trail people who have to go on that trail have to go about 2-1/2 hours longer to reach the head of the trail. They can't get off the trail. The developer will not allow anyone to get off the trail and go on his land. A fence has been put up across what so far has been determined to be a public roadway. That fence is a permanent fence which has a sign "Electrocuted". Everything possible has been done to discourage hikers from using this trail.

Mr. Paty disagreed with Mr. Lachrichio's remarks. He stated that when the road was put out there, if that is the road, and we assume that is the best we can come up with, that indeed is where it is going to have to be. The developer will either have to build one golf course or have to keep that road right through there, in any event the road will be there.

Mr. Lachriccio remarked, "that is absolute nonsense. There are 96 acres and the golf course takes 150 acres." He proposed that the board bring in an independent golf course person, who will be paid by the developer, to find out if it is true or an absolute falsehood that you can only build one golf course if that road is there. That, according to their people, is not true, you can build both, there is plenty of land.

Mr. Paty felt that to be a problem of the developer. If he wants to build one course because of the road or takes the road that is set there and builds the course around it, he will still have to accommodate the public but that will be his problem.

Mr. Lachricchio continued with his opinion that DLNR could not quitclaim the subject road and also continuously implied that staff, as well as the Chairperson, seemed to favor meeting with the developer's while putting off meeting with himself and the community groups.

Mr. Paty commented that Mr. Lachricchio's implications that he had purposely, or otherwise, denied information to the board which would prevent them from coming forth with the right type of decision, he strongly resented. He said that information on this issue was made available to the board the same way it is made available to them on any other issue. He said that to say that he went out of his way to deny them this information is totally false. Also, because he has been involved in this thing and trying to seek what appeared to be a solution to a great, awkward, difficult problem, he did not think that this should be construed as an indication that he is in the pockets of the developers. He told Mr. Lachricchio that this has been the whole thrust of the comments made all the way along by him and he took very strong D acceptance to it. He made denial of the fact that he had met with the developers. He meets with applicants of every size, shape and description that come before the board and there are no exceptions. It is true that meetings with you were put off but there were no more meetings with the developer up to that point. He had met with them twice before on this issue and when your group came together we sat here for a good period of time and we discussed the issue and to imply that I was not available to you and that I was not interested in what you had, he did not think was a correct review of the facts. The fact that I went out of my way to make the public and the people of Maunawili cognizant of the alternative and it turned out that the trail was not all that it could have been and the fact that there were incidents that took place that same day he does not deny but, in the interest of trying to find a solution to an awkward problem, he felt that he did stick his neck out in a sense of saying "is this an alternative that would be acceptable to the community and to the people". If there was interest in pursuing this then the State would be in a position to consider it. We are

here this morning to review this and to see whether indeed this is an alternative that would be a possibility of working out what exists in many cases -- a concern of the developer and a concern of the community to find some kind of a middle ground. Mr. Paty told Mr. Lachricchio that he had every right to proceed to get the board to understand his position and to propose that the application be denied. However, in the process, he took exception to any implication or any statement that part of the "good old boy" network or "in the pocket of the developer". Those statements are simply not true.

For the record, Mr. Lachricchio stated that he did not say "in the pocket of the developer" but he did refer to the "old boy network" in reference to Senator George's letter to Mr. Paty and not to the developer. He realized that this is a very aggressive and not typical testimony before the board but he did make these statements and would stick by them. He felt that he did have proof for the statements made.

RECESS: 12:05 p.m.

RECONVENED: 12:15 p.m.

OHA Trustee Clarence Ching voiced two major concern: 1) whether the statutory basis for this proposed quitclaim action, HRS 171-51(1) is legally appropriate and 2) whether the state constitutionally guarantee of traditional and customary Hawaiian rights will be either ignored or violated by the terms of the proposed quitclaim in accompanying Memorandum of Agreement. He then quoted from the Attorney General's opinion of January 9, 1987. He asked that this item be deferred and that OHA be represented in the MOA process.

Allan Burdock testifying on behalf of the Hawaii Chapter Sierra Club, said that he was also a member of the Joint Task Force on Trails and Access of the Sierra Club, Hawaii Chapter, The Hawaiian Trail and Mountain Club and the Pig Hunters Association of Oahu. He said that Mr. Paty had offered them, at an earlier meeting, to comment on the proposal relating to the Old Government Road. As a result, the Task Force sent a letter dated June 4, 1987 expressing a strong preference that the Old Government Road not be turned over to the developer because of its unique characteristics which they believe make it a very, very desirable type of trail. During their meeting it was mentioned that there were five resolutions in the immediate past session of the State legislature expressing great concern about the loss of access, both beach access and mauka access, throughout the State and particularly on Oahu where the number of trails available to the public for hiking has sharply been reduced over the last thirty years or so. They think that the loss of the old government road would be yet another step in that same direction. He felt that approval of this proposal by the board would run completely contrary to what the legislature has been saying and would undermine the purpose of the establishment of a Statewide Systems of Trails and Access that is statutorily mandated by Act 69, SLH 1974 and would adversely affect the public interest. Copies of the June 4, 1987 letter were submitted to the board for their information.

Mr. Paty asked Mr. Burdock whether it was his understanding that the old government road is the one currently used or the one on the blue line.

Mr. Burdock could not be specific. All he knew was that he hiked on May 16 and something was pointed out to him as the old government road and it did go between the two old residences there. He felt that the issue is less a question of exactly where the road is and Mr. Lachricchio has pointed out certain ways of attempting to identify exactly where it is and he would support endeavoring to find the exact location road but would not try to tell the board where it is.

Ms. Cheryl Wong, a displaced tenant rancher, urged the board to reassess staff's recommendation to approve the quitclaim. She provided copies of articles written by the Windward Sun Press along with detailed accounts of her experience with these developers. Fear, she said, is a big word in their lives right now thanks to their association with the applicants for the public road purchase. They still ask themselves, "just what was their goal that day?" They were never against the golf course. On the contrary, they testified for them on January, 1986. They wrote the testimony and we read it. They told us that if we did that they would make sure that we could keep our ranch. Of course, we wanted to protect our hard-earned investment. It couldn't have been to control trespassing on the property. To describe the situation on the ranch since May 16, 1987 is "out of control." It is a regular thoroughfare "free for all" up there. The developer probably felt they could get free cattle at their expense and frighten them into leaving in spite of the Conditional Use Permit. Under the guise of escorting the hikers on May 16, 1987, the developer's henchmen killed their animal outright, rustled the caucass, stole other cattle and vandalized and stole their equipment. The henchmen were seen not only by she and her husband but also residents of Maunawili. She asked that the board read yesterday's Sun Press on this incident. She felt that this would never have occurred had the developer followed through with their promises and operated above board and legally with them. Why do you believe that they will not do the same thing to DLNR, and people who try to use the trail. This act of terror should disturb the board and prompt you to make your decision to disapprove this quitclaim. She felt that the people of Hawaii stand to be the biggest losers.

In answer to questions posed by Mr. Zalopany, Ms. Wong said that it was her bull which was killed and that she did know who was responsible and this was reported to the police.

Mr. Allan Wooddell, Chairman of the Zoning Committee of the Kailua Neighborhood Board, has been involved in this issue from the time the CUP was requested from the City and County of Honolulu. He had met with the then attorneys for the developers, Ben Kaito and Lincoln Nishida, and at that time the question of the government road was an issue. His father had told him before he passed away that that was the way he used to go to Waimanalo and that is how he knew that the road existed. He told Messrs. Kaito and Nishida in December, 1986 that the road would be a problem which could not be ignored. He was told by them that they had a title report saying that the old government road belonged to Castle. He felt that more time should be given to examine the issue. He went on to describe the trail in more detail. As far as he was concerned the problem of the road is a legal one and asked that the board defer their decision until this problem could be solved.

Before testifying, Donna Wong of the Kailua Neighborhood Board No. 31, submitted written testimony from the Life of the Land and also read testimony from the Olomana Association objecting to staff's recommendation to quitclaim the old government road, and also making reference to the Attorney General's ruling.

Ms. Wong continued that in December 1985, the Kailua Neighborhood Board which she chaired until May 31st of this year, supported the development of two golf courses proposed for Maunawili Valley but attached a laundry list of conditions which the board wanted the developer to comply. One of those conditions was that public access be permitted through the old government road which diversifies the golf course project should it be discovered that the road is public property. On November 26, 1985, responding to questions raised by Allan Wooddell, George Houghtailing of Community Planning, consultant for the developer, stated "the ownership of the old government road is presently being researched. If the ownership is found to be public the access to and use of the roadway will be respected. However, if the

access is found to be private, some alternative route to areas around the golf course will be offered for public use." Ms. Wong said that the Board's action of December reflects their belief that the above statement was made in good faith. Ms. Wong continued to read her testimony which was also submitted for DLNR's records.

Ms. Victoria Creed, representing Maunawili Community Association, read her written testimony, which was also submitted for the records, urging the board members to reject the approval of the quitclaim. Her testimony had to do with verification of location of the road(s), knowledge of its public status and the maps. Although there were many maps, there is consistency in all of the maps that the road ran in front of the Hedemann House.

Ms. Susan Miller, President of the Kawainui Heritage Foundation, stated that the position of the foundation, which was taken in January after the road was declared to be public, is that they urge the State to retain ownership of the old government road and keep it open for the public. She felt that there are ways of finding out which is the road and to their knowledge this has not been and they believe that it should be done as a part of the archaeological survey which is ongoing as a requirement of the conditional use permit. After testifying, Ms. Miller went on to read testimony from Peggy Trask of the Kailua Outdoor Circle, which was then submitted for the records.

Kenneth Vaughn, President of the Pohakupu/Kukanono Community Association, stated that they have long opposed any development in Maunawili Valley and continues to do so. His written testimony was presented for the records.

Ms. Luning, of the Maunawili Estates and also a member of Hawaii's Thousand Friends, read testimony from Hawaii's Thousand Friends Executive Director, Muriel B. Seto, which was submitted for the records. They objected to staff's recommendation and believed that state quitclaim disposal of a state property having a prescribed specific use and purpose, a public road, in exchange for money and alternative property, may be questionable. They suggested that the Board require receipt of a copy of the completed report before entertaining land exchange proposals from the Royal Hawaiian Maunawili Country Club. In this way, the Board can satisfy its obligations as both protector and manager of Maunawili's resources. Armed with such information, it can then assess the desirability or suitability of RHMCC development as opposed to the public's right of access to and between cultural resources as yet unevaluated.

Voicing her personal opinion, Ms. Luning, felt that they could all win in Maunawili. She felt that there is enough land and if people really care enough in Hawaii and for the heritage that is here for the people that truly the Hedemann House with its richness in archaeological, botanical...could be offered as a cultural center, not in the wetlands but in a higher area with adequate parking facility where people could use the road during the day time if cultural events could be held in the evening and also she felt that a golf course could be built. She felt that everyone should really sit down and talk. Every meeting she has attended, information has been presented but they never seem to have any dialogue back and forth.

Kent Adams, representing the Waimanalo Neighborhood Board, said that their board has taken the unanimous decision that the road be retained and not sold or traded.

Someone named Roland said that he has been a tenant near the Hedemann House for over thirty-one years and he has always known the road which they use for driving as being private. The government road, which he hiked as a child growing up in the valley, starts on the side of the gate but there was a big flood and the bridge washed out and was never replaced. After that the road just got overgrown and unusable. He was not speaking for or against, just as a person who has lived there.

Written testimony in favor of staff's recommendation was also received by Messrs. Oswald Stender, Bud Pinkosh, Jack Richardson, Maureen Shimabuku and Tom Shimabuku.

ACTION

Mr. Ing expressed uncomfortable feelings about making a decision today because several serious questions have been raised. First of all the board has been presented with questions about the applicant's credibility. Secondly, several legal issues have been raised, one of which is whether or not Section 171-51(1) can be applied to this type of disposition. It certainly is not mentioned in the Attorney General's opinion so he would like the Attorney General to provide the board with a written opinion as to whether or not the particular section cited by the staff can be used to effectuate a disposition as is proposed. Secondly, he would like to know from the Attorney General what legally can be considered in evaluation of the road in response to Senator Hee's concerns. Finally, the most important issue which has been raised -- where is the road? Until that has been determined we don't know what we are exchanging and he would like a better grasp of that issue before making a decision. Accordingly, he moved that this item be deferred until these issues have been resolved. Mr. Kealoha seconded. Mr. Paty said that he had previously announced that he would not partake to vote at this point and time because of his perceived involvement on the alternatives. Mr. Paty called for the vote. Motion carried.

RECESS: 1:15

RECONVENE: 1:30

RESUBMITTAL - CITY AND COUNTY OF HONOLULU REQUEST AUTHORIZATION TO SOLICIT BIDS FOR FOOD AND BEVERAGE CONCESSION, KAPIOLANI PARK (WAIKIKI SHELL), WAIKIKI, OAHU, GOVERNOR'S EXECUTIVE ORDER NO. 22.

ITEM F-4

Mr. Shimabukuro presented staff's recommendation to approve the City's request for permission to issue, through public bid, a contract for the operation of a food concession stand within the Waikiki Shell area of Kapiolani Park subject to the terms and conditions listed in the submittal.

Ms. Carla Coray, Director of Auditoriums, asked that the board approve their regular five-year contract for the food and beverage concession at the Waikiki Shell. It is a single document which covers both the Blaisdell Center and the Waikiki Shell because both facilities are under the Department of Auditorium. It calls for the same type of concession services which have been going on. The proposed concessionaire will be investing approximately \$700,000.00 to improve the concession stands. The same two existing stands will be at the Shell, plus two portables which will be used depending on the type of show.

In answer to Mr. Kealoha's question as to when did the concession stands go into the shell, Ms. Coray said that they were constructed in 1959 and there have been concession stands operating since that time.

Mr. Kealoha asked whether plans showing the improvements were submitted to the Land Board.

Ms. Coray replied that they did not submit the plans but that the identical concessions as shown on the map would remain the same, as far as the exterior is concerned.

ACTION

Mr. Ing moved to approve as submitted. Motion carried unanimously with a second by Mr. Kealoha.

ITEM E-7

REQUEST FOR A ONE-YEAR EXTENSION FOR THREE SPECIAL USE PERMITS TO MAKE COMMERCIAL TOUR BOAT LANDINGS ON NA PALI COAST STATE PARK, KAUAI.

Mr. Nagata asked to amend Recommendation 1., shown on page 3, by deleting the word "projected" on line one and adding in its place the words "subjected to" and deleting the words "subject to" on line 2.

Mr. Kealoha stated, "you are asking for a one year extension -- what happens one year from the issuance of the permit if you cancel the permit? Will they still be able to operate and originate out of Hanalei?"

Mr. Nagata remarked, "I would say, no. They would need to get a permit from DOT."

Mr. Kealoha questioned Clancy Greff's operation from Haena Point. Referring to the Ad Hoc Committee's report, he said that they just left Greff alone. He had no problems with Tom Hegarty's and Lady Ann Cruises, Inc. operations since they originate out of Hanalei. However, Clancy Greff was not included as one of the permittee's coming out of Hanalei.

Mr. Nagata said that it was Mr. Greff's preference to originate out of Tunnels.

Ms. Ann Kawamoto of Lady Ann Cruises requested approval of their request to land on the Na Pali Coast.

ACTION

Mr. Zalopany moved to extend the three existing Special Use Permits for commercial tour boat landings on the Na Pali Coast for one year subject to the conditions listed in the submittal. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM E-2

REQUEST TO INCREASE RENTAL FEE FOR PRIVATE PARTY USE OF THE VISITOR CENTER, HEEIA STATE PARK.

ACTION

Mr. Kealoha moved to amend General Lease No. S-86-01 to the Friends of Heeia State Park, Inc., effective January 1, 1988, authorizing an increase in the rental fee for use of the visitors center for private functions from \$250.00 per 16 hour day to \$350.00 per 16 hour day. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM H-3

CDUA FOR EXTENSION OF THE HILO OUTFALL, PUHI BAY, HAWAII (HON. HUGH Y. ONO).

Mr. Evans said that because the submittal was received rather late by the applicant they had performed an analysis in their interest and they brought to staff's attention several recommendations which they had concern with. Staff would normally, based upon this, ask the board to defer this so staff could take a look at this and come up with a good analysis. However, this application cannot be deferred without passing the 180-day limit. Staff is therefore asking that the board approve this submittal as submitted, with an additional condition that this letter be incorporated as a condition and that staff will work together with the applicant and come back to the board with something worked out with the conditions stipulated by the applicant.

ACTION

Mr. Arata moved to approve as recommended by Mr. Evans. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-6

RESUBMITTAL - REQUEST TO USE THE OLD KONA AIRPORT STATE RECREATION AREA, HAWAII, TO TEST A SOLAR POWERED CAR.

Mr. Nagata said that this item had been deferred by the board rather than take action on staff's recommendation to deny. He informed the board that he did contact Mr. Smoot who indicated that the primary reason for requesting this site was of the straight runway which is available for brake testing. Once it was tested, the vehicle would be driven along County or State highways to monitor it's road-handling performance. He was not sure whether they were able to secure a road testing site. Their original intent was to construct the vehicle in Hawaii and conduct all road testing in Australia, and therefore, had not looked into the feasibility of conducting initial tests in Hawaii.

Mr. Arisumi felt that the applicants are trying to do something good for Hawaii so we should look into every avenue to help them and support them.

Mr. Arata said that the County of Hawaii is very much in favor of this request and therefore moved to approve the applicant's request. He said that he personally checked their facilities and firmly believed that this could be done safely.

Mr. Nagata said that if it was the board's desire to approve this request they could set conditions for use.

In answer to Mr. Kealoha's question as to when they would like to use this park, Mr. Nagata replied that they would like to use the runway on weekdays during the first two weeks in July. They would also like to have the option of further testing use during the subsequent weekdays as may be necessary with notification to be given by phone calls to proper authority on 24 to 48 hours notice.

Mr. Kealoha felt that we should be specific as to when they will be using the area inasmuch as this is the height of the summer season when there will be high usage of the park. He felt strongly that the designated days and hours should be specific, with a time limit, and the notification by phone should be to a designated person within 48 hours.

Mr. Arata said that the concerns voiced by Mr. Kealoha could be addressed by the applicant.

Mr. Kealoha felt that these conditions should be worked out with the applicant and brought back to the board at its next meeting.

Mr. Paul Mitchell said that this car is being built on his farm at Pauilo and there is nothing but good, positive things that can come out of building this car. They will be racing it in a very fast, continental solar race -- right across Australia. Nine different countries, twenty-two entries, will be in this race and there will be good publicity for Hawaii. They feel that Hawaii is an energy state and, really, this is a continuation showing that Hawaii is really into alternative energy.

When you say your car will benefit Hawaii, asked Mr. Kealoha, will you car show "Hawaii"?

Mr. Mitchell said that it will have a Hawaiian name with a special Hawaii license plate showing Hawaii on it.

Mr. Kealoha asked whether they were talking about using the area from July 1st to July 12th.



Mr. Mitchell said that the car is 90% finished right now and they would like to start test driving in mid-July. This test driving would be an intermittent situation. They have test conditions that simulate the Australian weather conditions. They had never intended to test drive the car in Australia because it is prohibitive to ship a car to Australia and test drive it and then ship it back to Hawaii to make any modification. The test driving that they are speaking of on this air strip is simply a start and stop situation. There are no high speeds included in the situation. They will simply be going from 0 to 15 mph and stopping the car again. They will be rehearsing changing and switching drivers, which is part of a racing operation. It should not be construed that the car will be comparable to one in the Indianapolis 500 race which goes 200 mph. They only want the car for intermittent use -- for example they need to test early morning conditions -- with the sun coming up to see how the solar radiation will affect their car. They would take the car over there about 6 a.m., begin testing about 7 a.m. for a couple of hours and return the car to home base in Paauilo for any adjustment. The car is in no way dangerous inasmuch as they will be going at very low speed.

Mr. Mitchell asked that they be allowed to carry on their testing over a four to five week period. Testing would only take place for three to four hours a day during the weekdays only. After making necessary adjustments then they would like to test again. He said the car is totally silent in operation and pollution free. Hopefully, this will be the car of the future. National Geographic will be filming their car. They have already shot the car during construction.

ACTION

Mr. Arata asked to withdraw his earlier motion and moved instead to defer action until the June 26, 1987 meeting. Mr. Arisumi seconded.

Mr. Kealoha asked that specific times and date be included in the conditions.

Mr. Paty called for the vote. Motion carried unanimously.

REQUEST FOR TIME EXTENSION ON CDUA FOR NON-CONFORMING SINGLE FAMILY RESIDENCE AT KIHOLE BAY, NO. KONA, HAWAII, TMK 7-1-2:12 (MS. LINDA NULAND-AMES, AGENT FOR CONRAD LEHMAN).

ITEM H-7

Mr. Arata voiced concern about the many extensions requested by the applicant and asked that this item be deferred to the the June 26, 1987 meeting.

Ms. Linda Nuland-Ames, counsel for the applicant, said that one of the problems with building on this property was that the road had to be constructed etc. which took up a great deal of time so construction was only able to commence after the first three year period.

Mr. Arata asked, "what phase of the construction is he in?"

Ms. Nuland-Ames said that he has laid the cement footings and has built the pillars.

Mr. Arata asked that Ms. Nuland-Ames inform her client that extensions are possible but not to run for a lifetime.

ACTION

Mr. Arata moved to approve as submitted. Mr. Arisumi seconded.

Mr. Kealoha asked whether the route of the driveway to the residence had been settled.

Ms. Nuland-Ames said that it had.

Mr. Paty called for the vote. Motion carried unanimously.

- ITEM B-1      REQUEST TO FILL CLERK-STENOGRAPHER II POSITION NO. 23588 IN THE DIVISION OF AQUATIC RESOURCES (OAHU).
- ACTION      Mr. Kealoha moved to approve the appointment of Ms. Melba Arakaki to Position No. 23588. Seconded by Mr. Arata, motion carried unanimously.
- ITEM D-1      DIVISION OF WATER AND LAND DEVELOPMENT WATER USE PERMIT APPLICATION PEARL HARBOR GROUND WATER CONTROL AREA, OAHU.
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM D-2      PERMISSION TO RETAIN ENGINEERING CONSULTANT(S) TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS.
- ACTION      Unanimously approved as submitted. (Arata/Arisumi)
- ITEM D-3      PERMISSION TO HIRE A CONSULTANT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR JOB NO. 4-OW-P, KULIOUOU WELL DEVELOPMENT PROJECT AT KULIOUOU, OAHU.
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- Mr. Kealoha asked that, upon completion of the EIS, the members of the board receive a copy.
- ITEM D-4      PERMISSION TO HIRE A CONSULTANT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT FOR JOB NO. 3-OW-D, WAIKOLU WELL DEVELOPMENT PROJECT AT WAIKOLU, MOLOKAI.
- ACTION      Unanimously approved as submitted. (Arisumi/Arata)
- ITEM D-5      FILLING OF POSITION NOS. 8747 AND 9635, ENGINEER (CIVIL), DIVISION OF WATER AND LAND DEVELOPMENT, OAHU.
- ACTION      Mr. Kealoha moved to approve the appointment of Mr. Neal Imada to Position No. 8747, and Mr. Stephen Miyamoto to Position No. 9635, effective June 16, 1987. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM D-6      SOIL AND WATER CONSERVATION DISTRICT DIRECTORS, HAWAII AND KAUAI.
- ACTION      Unanimously approved as submitted. (Arata/Arisumi)
- ADDED ITEM D-7      APPROVAL TO ATTEND A FEMA HAZARD MITIGATION TRAINING COURSE IN SAN FRANCISCO, CALIFORNIA.
- ACTION      The board voted unanimously to approve travel request by Mr. Thomas Nakama to attend the FEMA training course on June 22-24, 1987. (Arisumi/Arata)
- ADDED ITEM D-8      FILLING OF POSITION NO. 19774E, CLIMATOLOGIST DIVISION OF WATER AND LAND DEVELOPMENT, OAHU.
- ACTION      Mr. Kealoha moved to approve the appointment of Mr. Paul Y. Haraguchi to Position No. 19774E effective June 15, 1987. Seconded by Mr. Zalopany, motion carried unanimously.
- ADDED ITEM D-9      FILLING OF ENGINEER (CIVIL) VI POSITION NO. 2776 DIVISION OF WATER AND LAND DEVELOPMENT, OAHU.
- ACTION      Mr. Kealoha moved to approve the appointment of Mr. Richard Suzuki to Position No. 2776 effective July 1, 1987. Seconded by Mr. Zalopany, motion carried unanimously.

- ITEM E-1                    REQUEST TO USE HAPUNA BEACH STATE RECREATION AREA, ISLAND OF HAWAII, FOR A ROUGHWATER SWIMMING EVENT.
- ACTION                    Unanimously approved as submitted. (Arata/Arisumi)
- ITEM E-2                    REQUEST TO INCREASE RENTAL FEE FOR PRIVATE PARTY USE OF THE VISITOR CENTER, HEEIA STATE PARK.
- (See Page 23 for Action.)
- ITEM E-3                    REQUEST TO USE AINA MOANA STATE RECREATION AREA (MAGIC ISLAND) TO HOLD A SURF MEET.
- Mr. Arisumi asked that the submittal be amended by changing the alternate date from June 12, 1987 to July 12, 1987.
- Mr. Kealoha questioned the size of the judging stand.
- Mr. Nagata said that the stand is to be approximately 12' long x 5' wide instead of 51 wide and asked that the submittal be amended accordingly.
- Mr. Kealoha asked also that the applicant be required to hire a police officer to make sure that parking is handled properly.
- Mr. Nagata suggested that we use our enforcement officers and have the applicant pay. This was fine with Mr. Kealoha.
- ACTION                    Unanimously approved with the above amendments. (Kealoha/Zalopany)
- ITEM E-4                    REQUEST PERMISSION TO USE A PORTION OF THE AINA MOANA STATE RECREATION AREA FOR THE ANNUAL EASTER SUNRISE SERVICE.
- Rather than give out a permit on a first come basis, Mr. Nagata said that staff will try to work out something where a specific area could be designated.
- ACTION                    Unanimously approved as amended. (Kealoha/Zalopany)
- ITEM E-5                    FILLING OF POSITION NO. 04374, GROUNDSKEEPER I, WASHINGTON PLACE, OAHU PARK SECTION.
- ACTION                    Mr. Kealoha moved to approve the appointment of Mr. Domingo Oliveros to fill Position No. 04374. Seconded by Mr. Arata, motion carried unanimously.
- ITEM E-6                    RESUBMITTAL - REQUEST TO USE THE OLD KONA AIRPORT STATE RECREATION AREA, HAWAII, TO TEST A SOLAR POWERED CAR.
- Deferred. See Pages 24 & 25.
- ITEM E-7                    REQUEST FOR A ONE-YEAR EXTENSION FOR THREE SPECIAL USE PERMITS TO MAKE COMMERCIAL TOUR BOAT LANDINGS ON NA PALI COAST STATE PARK, KAUAI.
- (See Page 23 for Action.)
- ITEM F-1                    DOCUMENTS FOR CONSIDERATION.
- Item F-1-a                    SUBLEASE OF GENERAL LEASE (G.L.) NO. S-4862 (NICKI LYNN MEDEIROS), LOT 62, KAPAA HOMESTEADS, KAPAA, KAUAI, TMK 4-6-06:28 & 29.
- Mr. Shimabukuro said that he was asked by the sub-lessee to withdraw this item. Accordingly, he requested withdrawal of Item F-1-a.

Item F-1-b

ASSIGNMENT OF G. L. NO. S-4312, R. HIRAE PAINTING, INC. TO RICHARD M. HIRAE AND CORLISS T. HIRAE, H/W, LOT 12, HILO INDUSTRIAL DEVELOPMENT, POHAKU STREET SECTION, TMK 2-2-58:26, WAIAKEA, SO. HILO, HAWAII.

Item F-1-c

RESUBMITTAL - REQUEST BY LOUIS K. REGO FOR REVOCABLE PERMIT (R.P.) TO STOCKPILE SAND ON STATE LAND, KEKAHA, KAUAI.

Mr. Kealoha felt that the stockpiling should be monitored at the source -- Bonham Airbase. He asked Mr. Sam Lee if he saw any problem with the moving of the sand.

Mr. Lee said there may a problem with State people being on the base to monitor this activity. You can only go on the base with permission.

Mr. Kealoha suggested we ask the federal government if they can make a report as to how much has come out. This way no one need go onto the base.

Mr. Shimabukuro said that because we would be corresponding with the Navy as to the ownership of the sand we could also ask if they would be willing to give us a report.

Item F-1-d

ASSIGNMENT OF G. L. NO. S-3598, MR. & MRS. JOHN BUTLER, ASSIGNORS, TO MR. AND MRS. RICHARD M. FULLER, 1/2 INTEREST, ASSIGNEES, LOT 17, KANOELEHUA INDUSTRIAL LOTS, TMK 2-2-50:85, WAIAKEA, SO. HILO, HAWAII.

ACTION Mr. Arata moved to approve Items F-1-b, F-1-c and F-1-d as submitted. Seconded by Mr. Kealoha, motion carried unanimously.

Item F-1-a was withdrawn.

ITEM F-2

SALE OF RESIDENTIAL LOT AT PUBLIC AUCTION, LOT 93-A, PIIHONUA HOUSELOT SUBDIVISION, 2ND SERIES, SOUTH HILO, HAWAII, TMK 2-3-028:029.

Mr. Shimabukuro asked for an amendment. In this particular case the auction will be held for the Department of Agriculture so he asked that Recommendation D. be added as follows:

D. That the proceeds from the public auction sale shall be applied as follows:

1. Offset the cost of the public auction sale.
2. Balance of the proceeds to go to the Agriculture Revolving Fund.

Mr. Kealoha asked why the upset price had not yet been determined.

Mr. Shimabukuro said that we will get an upset price before it is put up for auction.

Mr. Kealoha felt that the board should be notified of the price.

Mr. Shimabukuro said that the approximate upset price will be about \$69,000 or higher.

ACTION

Unanimously approved as amended. (Kealoha/Zalopany)

ITEM F-3

AMENDMENT TO PRIOR BOARD ACTION RELATING TO GRANT OF DRAINAGE EASEMENTS TO CITY AND COUNTY OF HONOLULU, WAIMANALO AGRICULTURAL PARK, PHASE I, WAIMANALO, KOOLAUPOKO, OAHU.

ACTION

Unanimously approved as submitted. (Kealoha/Zalopany)

- ITEM F-4      RESUBMITTAL - CITY AND COUNTY OF HONOLULU REQUEST AUTHORIZATION TO SOLICIT BIDS FOR FOOD AND BEVERAGE CONCESSION, KAPIOLANI PARK (WAIKIKI SHELL), WAIKIKI, OAHU, GOVERNOR'S EXECUTIVE ORDER NO. 22.
- (See Page 22 for Action.)
- ITEM F-5      AMENDMENT OF G. L. NO. S-4933 (DIRECT AWARD), WAIMANALO AGRICULTURAL PARK, PHASE I, WAIMANALO, KOOLAUPOKO, OAHU.
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-6      QUITCLAIM OF OLD ABANDONED GOVERNMENT ROAD REMNANT, MAUNAWILI VALLEY, KAILUA, OAHU.
- (See Page 22 for Action.)
- ITEM F-7      GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU, TMK 4-1-10:POR. 79.
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-8      RESUBMITTAL - STATE DEPARTMENT OF TRANSPORTATION REQUEST FOR RIGHT OF ENTRY TO STATE LAND AT HANAIEI BAY AND ANINI, KAUAI.
- Staff is recommending that the area where the boat landings are being conducted be turned over to the Department of Transportation so they can issue DOT permits effective July 1, 1987.
- Mr. Zalopany asked Dave Parson of DOT whether there would be more people policing the area.
- Mr. Parson said that they have already requested additional summer help and the legislature has appropriated funds for additional (3) marine patrol officers.
- ACTION      Mr. Zalopany moved to grant the State Department of Transportation an immediate right of entry to State properties described above to allow for the management of commercial boating activity.
- ITEM F-9      RESUBMITTAL - REQUEST OF SEASCAPE KAUAI, INC. FOR BOAT SUBSTITUTION, R.P. NO. S-6370, HANAIEI, KAUAI.
- (See Page 4 for Action.)
- ITEM F-10      AMENDMENT TO PRIOR BOARD ACTION REGARDING LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES & HOUSING, ISLAND OF HAWAII.
- ACTION      Unanimously approved as submitted. (Arata/Kealoha)
- ITEM F-11      AMENDMENT TO PRIOR LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING, HEALTH CARE ADMINISTRATION DIVISION, OAHU.
- ITEM F-12      AMENDMENT OF SUBLEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING, PUBLIC WELFARE DIVISION, OAHU.
- ACTION      Mr. Kealoha moved to approve Items F-11 and 12 as submitted. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-13      LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS, KANEOHE EMPLOYMENT SERVICES, OAHU.
- ACTION      Unanimously approved as submitted. (Arata/Kealoha)

- ITEM F-14      LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES & HOUSING, PUBLIC WELFARE DIVISION, HAWAII.
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-15      RESUBMITTAL - LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF THE ATTORNEY GENERAL, MEDICAID FRAUD UNIT, OAHU.
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM H-1      CDUA FOR A COMMERCIAL TROPICAL FISH STORAGE AND PROCESSING FACILITY AT HONOKOHAU, HAWAII (MR. ROBERT MCCLEAN).
- ACTION      Unanimously approved as submitted. (Arata/Kealoha)
- ITEM H-2      TEMPORARY VARIANCE CDUA FOR BEACH RESTORATION WORK AT FORT DERUSSY, OAHU.  
(See Page 3 for Action.)
- ITEM H-3      CDUA FOR EXTENSION OF THE HILO OUTFALL, PUHI BAY, HAWAII (HON. HUGH Y. ONO).  
(See Page 23 for Action)
- ITEM H-4      CDUA FOR A WATER RESERVOIR USE AT HANA, MAUI (MR. THOMAS WADDOUPS).
- ACTION      Unanimously approved as submitted. (Arata/Zalopany)
- ITEM H-5      CDUA FOR AN ACCESS ROAD REALIGNMENT AT WAIAKEA, HAWAII (MR. TADASHI HIGAKI, UH-HILO).
- ACTION      Unanimously approved as submitted. (Arata/Kealoha)
- ITEM H-6      REQUEST FOR TIME EXTENSION FOR PREVIOUSLY APPROVED APPLICATION FOR HORTICULTURAL AND BOTANICAL GARDEN FOR COMMERCIAL PURPOSES AT KAALAEA, KOOLAUPOKO, OAHU, TMK 4-7-07:10 & 15 (HIRAM L. FONG, ET AL).
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM H-7      REQUEST FOR TIME EXTENSION ON CDUA FOR NON-CONFORMING SINGLE FAMILY RESIDENCE AT KIHOLO BAY, NO. KONA, HAWAII, TMK 7-1-2:12 (MS. LINDA NULAND-AMES, AGENT FOR CONRAD LEHMAN).  
(See Page 25 for Action.)
- ITEM H-8      REQUEST FOR RECONSIDERATION OF AN IMPOSED CONDITION ON CDUA OA-6/24/86-1926, TO REBUILD A PORTION OF A RESIDENCE AT TMK 5-9-05:21, WAIMEA, OAHU (MR. & MRS. PHILO OWEN).
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM H-9      REQUEST FOR TIME EXTENSION ON PAYMENT OF CDUA FINE FOR AFTER-THE-FACT RESIDENTIAL USE AT TMK 4-1-13:11, WAIMANALO, OAHU (MR. THOMAS NOA).  
Because the applicant had paid the fine, Mr. Evans asked that this item be withdrawn.
- ACTION      Withdrawn.
- ITEM H-10      PERMISSION TO CONTRACT WITH THE UNIVERSITY OF HAWAII TO CONDUCT RESEARCH ON THE DEVELOPMENT ON SHELF-LIFE TECHNOLOGY FOR GRACILARIA (OGO).
- ACTION      Unanimously approved as submitted. (Kealoha/Zalopany)

- ITEM J-1            LEASE, WAIMEA-KOHALA AIRPORT, HAWAII (FAA).  
ACTION            Unanimously approved as submitted. (Arata/Kealoha)
- ITEM J-2            AMENDMENT NO. 4 TO LEASE NO. DOT-A-78-22, LIHUE AIRPORT, KAUAI (HAWAIIAN AIRLINES, INC.).  
ACTION            Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM J-3            APPLICATION FOR ISSUANCE OF R.P.'S 4340, ETC., AIRPORTS DIVISION.  
Regarding Permit No. 4337 to J.E. Merk & Associates, Mr. Arata thought that this company was bankrupt.  
Mr. Garcia was not aware of this and suggested that this item be approved subject to staff checking on their financial situation.  
ACTION            Unanimously approved as amended. (Arata/Kealoha)
- ITEM J-4            RENEWAL OF R.P.'S 2367, ETC., CONFORMING USE, AIRPORTS DIVISION.  
ACTION            Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM J-5            SALE OF LEASE BY PUBLIC AUCTION, HARBORS DIVISION, PIERS 33 AND 34, HONOLULU HARBOR, OAHU.  
ACTION            Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-6            APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LEASE NO. H-75-7, KEWALO BASIN, HONOLULU, OAHU (GRG ENTERPRISES, INC.).  
ACTION            Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-7            CONSENT TO ASSIGNMENT OF SUBLEASES, HARBOR LEASE NO. H-82-4, HONOKOHAU BOAT HARBOR, HAWAII (ROBERT K. HOLMES).  
ACTION            Unanimously approved as submitted. (Arata/Zalopany)
- ITEM J-8            ISSUANCE OF R.P., HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (YOUNG BROTHERS, LTD.).  
ACTION            Mr. Arata moved to approve as submitted. Seconded by Mr. Zalopany, motion carried unanimously.  
Mr. Ing was excused at 2:00 p.m. so did not vote on this item.
- ITEM J-9            RESUBMITTAL - APPROVED CONTRACTS FOR OPERATION OF SIX (6) RENT-A-CAR CONCESSIONS, HONOLULU INTERNATIONAL AIRPORT, OAHU.  
ACTION            Unanimously approved as submitted. (Kealoha/Zalopany)

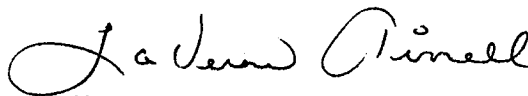
ADDED  
ITEM J-10

USE OF HARBORS DIVISION FACILITIES (HUI NALU CANOE CLUB).

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

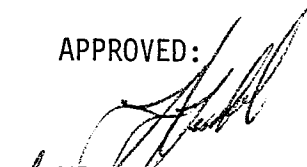
ADJOURNMENT: There being no further business, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell  
Secretary

APPROVED:

  
WILLIAM W. PATY  
Chairperson

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