

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

DATE: August 14, 1987  
TIME: 9:00 A.M.  
PLACE: Kalanimoku Building  
Room 132, Board Room  
1151 Punchbowl Street  
Honolulu, Hawaii

ROLL  
CALL

Mr. Moses W. Kealoha, Presiding Officer, called the meeting of the Board of Land and Natural Resources to order at 9:00 A.M. The following were in attendance:

MEMBERS: Mr. Leonard Zalopany  
Mr. John Arisumi  
Mr. Herbert Arata  
Mr. Moses W. Kealoha

Absent & Excused:

Mr. William W. Paty  
Mr. J. Douglas Ing

STAFF: Mr. Henry Sakuda  
Mr. Ronald Walker  
Mr. Manabu Tagomori  
Mr. Ralston Nagata  
Mr. Mike Shimabukuro  
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.  
Mr. Peter Garcia, D.O.T.  
Mr. & Mrs. James Kaleo, Kathleen Callahau  
(Item F-5)  
Ms. Georgette Deemer (Item H-4)  
Mr. Kelvin Taketa (Item H-6)  
Messrs. Walter Schoettle and  
Kamuela Price (Item H-7)  
Mr. & Mrs. Andrew Schwartz (Item H-9)  
Mr. James Schweigert (Item H-11)

MINUTES: Minutes of June 26, 1987 were unanimously approved as submitted. (Arisumi/Zalopany)

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

Item D-4 -- Filling of Position No. 12994, Irrigation System Worker I, Division of Water & Land Development, Hawaii.

Item D-5 -- Permission to Hire Consultants for Job No. 62-MM-A, Improvements to Hawaii Endangered Species Propagation Facility, Phase II, Olinda, Maui, Hawaii.

Item E-2 -- Filling of Clerk Typist III Position No. 12969, Staff and Supportive Services, Oahu Administration Office, Division of State Parks.

Item E-3 -- Filling of Planner VI, Position No. 21762, Oahu.

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

ITEM J-8

CONSENT TO ASSIGNMENT, LICENSE NOS. 47, AS AMENDED, AND 81, NAWILIWILI HARBOR, KAUAI (SHELL OIL COMPANY).

Mr. Peter Garcia asked to amend this submittal by deleting "Pacific Resource Terminals, Inc.", listed under REMARKS to "Hawaiian Independent Refinery, Inc."

ACTION

Unanimously approved as amended. (Zalopany/Arisumi)

ITEM J-16

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOLULU, OAHU (PACIFIC RESOURCES, INC.).

ITEM J-17

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 31, 31A AND 32, HONOLULU HARBOR, OAHU, PASSAGE OF PETROLEUM PRODUCTS (PACIFIC RESOURCES, INC AND CHEVRON U.S.A., INC.).

ITEM J-18

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 31, 31A AND 32, HONOLULU HARBOR, OAHU, PASSAGE OF DIESEL PRODUCTS (PACIFIC RESOURCES, INC. AND CHEVRON U.S.A. INC.).

ITEM J-19

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 3, HILO HARBOR, HAWAII (PACIFIC RESOURCES, INC., CHEVRON U.S.A., INC. AND UNION OIL COMPANY OF CALIFORNIA).

ITEM J-20

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 3, HILO, HAWAII (PACIFIC RESOURCES, INC., MILLER PETROLEUM COMPANY, INC. AND UNION OIL COMPANY OF CALIFORNIA).

ITEM J-21

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, KAHULUI HARBORS, MAUI (PACIFIC RESOURCES, INC.).

Mr. Garcia explained that Items J-16 through J-21 are revocable permits issued in the name of Shell Oil Company, who are selling all of their rights to Hawaiian Independent Refinery, Inc. Accordingly, Mr. Garcia asked that for each one of the applicants, where it reads Pacific Resources, Inc.(PRI), he asked that it be changed to Hawaiian Independent Refinery, Inc., which is a subsidiary of PRI.

ACTION

Mr. Arata moved to approve Items J-16 through J-21 as amended. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-7

REQUEST FOR RECONSIDERATION ON THE AFTER-THE-FACT CDUA FOR RELIGIOUS USE AT WAIMEA BAY BEACH PARK, WAIMEA, OAHU, HAWAII - FILED BY MR. KAMUELA PRICE REPRESENTING LONO MAKAHIKI EHU HOU.

Mr. Evans said that at the board's meeting of July 10, 1987, the board denied this land use request which incorporates a lunch truck at Waimea Beach Park. At the time of that action the applicant was present and did ask the board for reconsideration. Subsequent to that, the applicant has had an opportunity to meet with staff and go over the basis by which staff, in any event, would entertain a recommendation to this board for reconsideration. Specifically, staff informed the applicant that if they could provide a letter from the Office of Hawaiian Affairs (OHA) that the use of hotdogs is bona fide and native Hawaiian religious practice, that Attachment 1 which was developed by staff, was legally deficient or lastly that they had entered into an agreement with the private landowner of Waimea Falls Park for such a use on adjacent private lands. Given any of those variables, or new evidence or new arguments, staff would then analyze those variables and come back before the board with a recommendation. Unfortunately, until this meeting none of these variables have been presented to staff for an analysis for the board's consideration. Therefore, staff is recommending that the matter not be reconsidered.

Mr. Kealoha asked Mr. Evans, "in your recommendation you recommend that the Board not consider reconsideration. The question I have, in the event that the Board does not reconsider, does this preclude the applicant from re-filing a new CDUA?"

Mr. Evans said that this would not stop the applicant from re-filing.

Before presenting his case, Mr. Kealoha informed Mr. Schottle that, for the purpose of reconsidering this application, which the Board had acted upon at the last meeting, a motion and approval of the Board would be required to place this on the Agenda for action. If the motion is not made, or made without a second with the concurrence of all members present, then the request for reconsideration will be moot.

Addressing that point, Mr. Schottle requested that reconsideration be allowed. He felt that he had a few points which the Board should consider before they make the decision. He noted, also, that no findings of fact or actual written decision, as far as he knew, was made.

Mr. Zalopany moved to reconsider this item.

Mr. Arisumi asked Mr. Evans, "there was nothing whatsoever that came to your office after your discussion to bring this matter to the board?"

"Correct", said Mr. Evans.

Mr. Kealoha asked for a second to the motion. There was no second. Therefore, the recommendation not to reconsider the board's past action was approved. However, Mr. Kealoha offered the applicants time to state their position, with the understanding that no action would be taken.

Referring to Mr. Evan's statement, "that it was found that this activity is not a bona fide religious activity because OHA's position was that hotdogs and accepting money for exchange for food was not a traditional practice", Mr. Schottle felt that this encroached on the First Amendment because essentially what is being done is that OHA is being set up as a decider of what is proper religious practice for Hawaiians. He said that if the board accepts OHA's position then the Board, in effect, is deciding what is religion.

Mr. Price did not know whether there was a decision or not, but the Board is saying now that they need to re-apply. Since there was no decision the first time, it seemed to him that the board is asking them to make another application. It was his opinion that you cannot reconsider something that was not considered originally and asked what position they should take now. Not totally understanding what took place, Mr. Price asked for direction from the board as to what their position is.

Mr. Kealoha told Mr. Price that, on July 10, 1987, the Board denied his application for a conservation district use. However, that action did not preclude him from filing a new application.

Mr. Schottle stated, "you say that the action of July 10, 1987 was a final decision, but my understanding is that, in order to appeal, there has to be written findings of fact and conclusions by the Board and we have thirty days to appeal that at the Circuit Court at the time that the decision is rendered. No written decision, to my knowledge, has been made so if the decision is negative it would have been our intention to appeal it to the Circuit Court, but no decision has been rendered so no appeal can be made to the Circuit for review."

Mr. Kealoha said that a decision to deny was made on July 10, 1987.

Mr. Schottle asked, "a written decision and findings of fact?"

"The action by the board", remarked Mr. Kealoha.

Mr. Kealoha informed Mr. Schottle that findings of facts are not sent out for all decisions made by the board.

Mr. Schottle felt that unless the Board says they are denying this application because this is not a proper exercise of religion then he has nothing to appeal. If the Board says that, then he can appeal, saying that it is in conflict with the First Amendment. The board has not said anything except that the application is denied.

Mr. Kealoha thought that Mr. Schottle's request was unusual since we do not have written decisions on all actions taken by the Board other than notification of approval or denial.

In light of his unusual request, Mr. Schottle felt that, under Chapter 91, the Administrative Procedures Act, a written decision and findings are required to be made in administrative proceedings.

Mr. Wong replied, "only if we have a contested case hearing".

"This is not a contested case hearing", asked Mr. Schottle?

Mr. Wong informed Mr. Schottle that this was not.

Being that the applicant is in favor of something and staff is opposing it, Mr. Schottle wondered how could it not be a contested case matter.

Mr. Wong said that by a contested case hearing you have verbatim records, you have a right to cross examine, etc., but this never took place. No request was ever made for a contested case hearing so this was treated as a normal public hearing and there is no requirement for filing of findings and facts for a public hearing.

CDUA FOR CONSOLIDATION AND RESUBDIVISION TO EXPAND BOUNDARY OF THE UPPER HAKALAU NATIONAL WILDLIFE REFUGE, TMK: 3-7-01:10, 11, UPPER HAKALAU, HAWAII - FILED BY NATURE CONSERVANCY.

ITEM H-6

Mr. Evans asked to correct typo on page 4, number 3. on the top of the page, the very last sentence where we talk about the SMA requirements. That SMA requirement "has" been obtained, instead of "has not". With that correction, Mr. Evans asked that this request be approved subject to the conditions listed in the submittal.

Mr. Kealoha asked Mr. Evans whether the applicant had a chance to review staff's recommendation and conditions.

Mr. Evans said, yes.

Mr. Arata asked about the plan to protect the pig hunters.

Mr. Evans said that this has not yet been developed. It will be after this action is finalized. At that time, the hunter aspect will be addressed in the Plan.

ACTION

Mr. Arata moved to approve as submitted. Mr. Arisumi seconded; motion carried unanimously.

Mr. Kealoha asked Mr. Evans whether staff's condition no. 1 also included any other conditions set forth by the Chairman.

Mr. Evans said, yes.

AFTER-THE-FACT CDUA FOR CONDUCTING RELIGIOUS ACTIVITIES AT HANAUMA BAY BEACH PARK, BLOW HOLE LOOKOUT AND NUUANU PALI LOOKOUT ON OAHU - FILED BY MR. ARNUNDA, c/o ISKCON HAWAII, INC.

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Mr. Evans said that a public hearing was held on this matter and, as a result of this hearing, as well as the result of a number of comments which were received by various Federal, State and County agencies and developing of Attachment 1 by staff and a review by the Department of Attorney General, staff analysis was made. Mr. Evans continued....

"Our staff analysis is primarily developed in Attachment 1. Our staff concern is that a religious "activity" is considered a land use, and, that the land use, religious in nature is First Amendment protected. To us, that means that any entity under the auspices of a First Amendment protected "activity" which is much broader than the instant application, will have a vested right to the use and disposition, in some form, of public lands.

'Our concern is that if the Board cannot deny a religious land use, regardless of subzone, then the purpose and intent of the Conservation District is emasculated. In terms of our staff, we feel that the issue then is greater than the immediate issue before us. As such, we feel that the board needs to have the discretion to deny this religious land use as a conditional use on public lands. If they don't have that discretion, then we need to look forward to the next application which proposes a religious land use incorporating a structure. There are differences of degree in our view.

'Also, we are concerned that once the board approves a single land use application under the auspices of this First Amendment protected activity they will, in our minds, elevate that activity to a vested right on public land. As we look at the implications, although the immediate question before us centers around two park areas on Oahu; Hanauma Bay and the Halona Blow Hole and one forest reserve area which is administered as a park, the Nuuanu Pali, conservation district public lands are the issues.

'When we take a look at the usage of the areas in question we note that, for example, in the case of the Nuuanu Pali, the public usage there is by bus primarily in terms of our visitors. There are some rent-a-car uses there but we have been informed by our administrators of that area that the public usage of that area is increasing over the years. In the case of Hanauma Bay, for example, the public usage there has increased to the point where even our local counsel has entertained the concept of fees for parking because the public usage is increasing to the degree it is. The same holds true...we feel that the general tourist count has resulted in an increase -- that increase can be correlated with the increase in tourists at the Blow Hole as well. It is because of this type of significance that we attached...that we do distinguish this as a significant action.

'We need to state that we are not opposed to the conduct of the First Amendment activities on appropriate public forms. We do feel that the board's jurisdiction is diminished through a requirement that this must be approved as has been submitted to the board. In other words, with the facts that have been presented. As such, we stand before you this morning with a recommendation for denial for the following reasons:

'1. That the First Amendment constitutionally protected activities defined as a land use have not been elevated as vested rights of land use;

'In our views it has not been shown that the proposed existing activity even if it is a religious activity, is required to be practiced at these sites; nor historically practiced at these sites.

'2. That the proposed religious land use at Hanauma Bay Beach Park, Blow Hole and Nuuanu Pali Lookout on Oahu is not compatible with the locality and surrounding areas, and appropriate to the physical conditions of the specific parcels of lands as required by Section 13-2-21 of our Administrative Rule;

'We relate to you, for example, the increase in public usage in these areas. We also would like to point out in the case of the Nuuanu Pali; that Lookout has historically been considered to be the site where Kamehameha I engaged in a decisive battle in the ultimate unification of the Hawaiian Islands. In our view it would be highly incompatible to allow any semblance of commercial activity in those areas.

'3. That the existing physical and environmental aspects of these areas, such as natural beauty and open space characteristics will not be preserved or improved upon as required by Section 13-2-21 of our Administrative Rule;

'The limited areas, in our view, and the heavy use of the sites simply make it unattractive to have such activity.

'4. That the application for religious land use on public lands does not meet the purpose and intent of the State's Conservation District as required by Section 13-2-21b(4);

'Such an activity, for example, at Hanauma Bay Beach Park, we feel would unfairly compete with the existing concession which was issued pursuant to public bidding.

'5. That any religious land use approval on public lands would not be consistent with the Board's public trust responsibilities as developed in Attachment 1.

'It has not, again, been shown that the proposed existing activity, even if it is a religious activity, is required to be practiced at these sites--nor historically practiced at these sites. In that same general sense, if you will, shows for example in our number 6...

'6. That the elevation of a First Amendment protected "activity" to a religious "land use", on public land, crosses the threshold by which the Board has a compelling State interest to protect the interests of the general public from the well meaning and acceptable is a forum other than that of land use decision making as a developed in Attachment 1; and

'7. That approval of this proposed land use under the auspices of the First Amendment protections will lead to greater emasculation of the purpose and intent of the Conservation District due to the wide range of "activities", now defined as land use, under the First Amendment.

'Notwithstanding this denial, we do feel that in accordance with whatever administrative rules are currently in place that the continuation of First Amendment protected activities do be allowed.

'Lastly, we do ask the Board that before you reach a decision today, consider the Department of Attorney General's response to our memorandums of May 14, and June 16, 1987 prior to reaching a final decision."

Mr. Evans stated that the above is in terms of what they sense that the proposed existing use has the semblance of a commercial activity.

Mr. Kealoha asked whether the applicant had had an opportunity to review this Item H-11 with all its contents.

Mr. Evans replied as follows:

"Mr. Presiding Officer, as a part of our process, we sent the applicant a copy of this submittal as well as it's attachment 1. Also as a part of that process, because the applicant had legal counsel from Los Angeles, we called that legal counsel in Los Angeles to let the legal counsel know we sensed it would be a smart idea for him to come in today. Also, we cc'd the legal counsel a copy of our submittal to the board. When I did have an opportunity this week to discuss the matter with the Los Angeles counsel, I was informed that he did have it, he did read it and yet he was unable to be present. Notwithstanding that, staff this week met with representatives of the applicant and, again, suggested to them that they should act in their best interest notwithstanding the fact that legal counsel from Los Angeles could not be present it may be in their best interest to contact local counsel and we understood that that was going to occur."

Mr. Kealoha asked the board members if they had any other questions for Mr. Evans.

Mr. Arata stated that, if from what he understands, counsel for ISKCON wishes to withdraw, then I have no questions for you.

Mr. Evans said that at this point we are still engaged in the staff presentation and could not speak for the applicant.

Mr. Arata asked that the applicant be called forward.

Mr. Jack Schweigert, appearing on behalf of ISKCON Hawaii, said that he was called last night about this and they are withdrawing the request. He remarked "quite frankly, we don't even know how it even got filed. It was not on advice of legal counsel; I didn't know about it, legal counsel in California didn't know about it, so it was done by the members of ISKCON Hawaii without going through legal counsel. We do not think this is a land use, we don't see a need to make such an application, and we ask that we be allowed to withdraw the request."

Mr. Kealoha asked, "is that all you have?"

Mr. Schweigert answered, "yes".

Mr. Kealoha remarked that he felt kinda strange because it's so short.

Mr. Schweigert said that this has been going on for a couple of years without a CDUA being filed so he doesn't even know why it came to be. But the fact that it did -- it shouldn't have been.

Mr. Kealoha said that he did not think we needed to go into detail with respect to the hearing but he recalled the counsel from Los Angeles was here at the time of the public hearing, he wasn't certain, but he thought he was here and he represented the ISKCON.

Mr. Schweigert said, "that's right and he was just coming in as of last night. He asked if he knew why it got filed and he said that he didn't know why it got filed. Whether he was here for a public hearing or not, that would be after the fact, As to the actual filing of the application he didn't recommend it and I don't know how it got to be as far down the road as it got to be."

Mr. Zalopany said that he saw on TV where they were selling cookies -- \$5.00 for so many pieces and it was not a commercial area and we have had many complaints about that. This is supposed to be a religious thing and not to make money. He thought that Mr. Schweigert should look into this.

Mr. Schweigert said that he would. It was his understanding that it had been worked out in the past as to what the sign was supposed to say. He thought that this was something that was worked out between our office and Mr. Lieberman from California. He stated that he is really ignorant as to what has gone on in the history of the case so if there is a problem he will take it back to make sure that something is done with it. He took it that the idea of selling was a prohibition and it should be strictly a donation. He said that he would definitely take this back.

Mr. Kealoha said that a request has been made on behalf of the applicant that this application be withdrawn and asked the board members if there were any objections.

There were none.

Mr. Kealoha stated as follows:

"Roger, I would like to advise counsel for the applicant that there is no objection on the part of the board to withdraw this item. However, we will direct our State Parks to advise the applicant that the activity, pursuant to the present agreement, stop. We will also advise the City and County of Honolulu the same intent of their letter to the applicant and if the applicant wishes to reapply then they are free to reapply for a new application. I am reminded that the present arrangements at the Nuuanu Pali was based under the State Park's Rules and Regulations; however, this application was made under the State's Conservation District Use Application so there may be a difference of opinion or attitude with that respect but we will so advise our various departments of the withdrawal and the intent to advise the applicants."

Mr. Kealoha asked Mr. Evans if he had anything to add with respect to the process for the withdrawal.

Mr. Evans said, "our process would be that this application was processed as a land use based on the facts that were submitted. The facts that were submitted incorporated not only the proselytizing in the area but also the use of a table, the use of foodstuffs and those were, in our view, materially different from simply proselytizing so, with the withdrawal which is now made, what we will, as you suggest do, based on the facts that were presented, is advise the managers/landowners that insofar as there has been no board approval for this activity that they take appropriate action to assure compliance with our Chapter 183-41."

Mr. Schweigert remarked that he doesn't see that there is non-compliance with Chapter 183 by doing what they're doing as long as they act within the bounds of the First Amendment, so it is their imposition that it is not a land use but if our department is going to take the position that it is a land use, he said that they'll just face that when and if it comes to be, but right now he did not really think it was before the board.

ACTION

Mr. Kealoha stated, "members of the board, just so that we have for the record the advice to terminate per the correspondence from our agencies, including the City and County, I would like to vote that the activity be terminated. Mr. Arata so moved. Mr. Arisumi seconded. Motion carried unanimously."

ITEM H-4

AMENDMENT TO CDUA FOR CONDUCTING COMMERCIAL FILMING ACTIVITIES AT VARIOUS LOCATIONS WITHIN THE STATE OF HAWAII - FILED BY DBED.

Mr. Evans said that at the July 24, 1987 meeting the Board approved the subject amendment to allow the various district offices to issue helicopter landing permits for conducting commercial filming activities on stateowned



and/or conservation zoned lands. This approval was subject to a condition that the board review the criteria/conditions/guidelines that will apply statewide to the subject activity.

This approval would allow the various line division representatives on each island to issue the helicopter landing permits for commercial filming activities in their respective area. Rather than establish selected sites throughout the State, this approach would rely on the judgment of the line division's personnel to determine whether or not a proposed site would be suitable for landing a helicopter at a particular time.

Accordingly, staff is asking that this be approved subject to the conditions listed in the submittal.

Mr. Arata asked about the "line personnel", who would this be?

Mr. Evans said that this would be the land agents, the district foresters, the district state park superintendents, etc.

Mr. Arata asked if it would pose a real inconvenience if the Board member on each island was also contacted.

Mr. Evans did not think so. This condition could be added very easily.

Because the applicant's name was not shown, Mr. Kealoha asked that this item be amended to include the applicant's name, whoever that might be.

Mr. Evans said he would. In this case, it would be the Department of Business and Economic Development.

#### ACTION

Mr. Arata moved to approve with the following added conditions:

- . That authorization be sought from the Land Agent and Land Board Member of each respective island.
- . That the applicant's name be added to this submittal.

Mr. Evans saw no problem with the Land Board member. However, he asked whether the board really wanted to have the approval of the Land Agent in the forestry area. He felt that it should be the appropriate manager of that particular piece of land.

Mr. Arata amended his motion accordingly.

Mr. Arisumi wanted it made clear that the Board Members could look after these matters, but they would not be making decisions. He didn't mind raising questions, but not making decisions.

Mr. Kealoha asked the applicant whether they wanted to make a presentation.

Ms. Georgette Deemer of the Department of Business and Economic Development (DBED), said that from their experience the request for landing helicopters for filming activities really does not occur on a daily basis. The average number of permits requesting this kind of activity may be once a week at the most. They support his change in procedure because they feel that it will expedite the matter and will support whatever guidelines which DLNR wishes to make to insure the safety of the film makers, etc.

Mr. Kealoha said that there were two new recommendations to be added -- Conditions 4 and 5, and asked Ms. Deemer if she saw any problem with that.

Ms. Deemer had none.

To clarify his statement, Mr. Arata said that the only reason that he said "seek the land commissioner's approval" is because the Big Island, for example, is having a lot of marijuana harvesting and, if staff is not aware of a raid that is to be conducted, and the Land Commissioner was notified, then they will need to coordinate that. Although he would not be able to say why the helicopter cannot go in because of the top secrecy, that would be his reason.

Mr. Kealoha called for the vote. Vote was unanimous; motion carried.

ITEM F-5

RESUBMITTAL - AUTHORIZATION TO SERVE NOTICE OF DEFAULT AND CAUSE FORFEITURE OF HOMESTEAD LEASE NO. 53 TO THE ESTATE OF CLARA KEALA KAMAKEEAINA, LOT L, HAUULA HOMESTEADS, HAUULA, KOOLAULO, OAHU, TMK 5-4-02:9.

Mr. Shimabukuro said that this item was deferred on May 8, 1987 so that something could be worked out for payment of the real property taxes and also so the applicant could submit a Land Utilization Plan for the homestead lot. Staff was asked to bring this back to the Board at the first Oahu meeting, after sixty days deferral. This is the first opportunity to bring it back to the board.

Mr. Shimabukuro said that staff's Land Use Agriculture Specialist had looked at the property since the last meeting and indicated in his report, which was attached to the submittal, that the property would be economically viable for a flower and nursery type of operation. At the same time, a letter dated July 29, 1987, was received from the City and County of Honolulu indicating that Mr. and Mrs. James Kaleo had not been able to work out any kind of agreement for payment of the real property taxes. Staff was therefore recommending that the Board authorize the serving of a Notice of Default on Homestead Lease No. 53 in the manner specified by law and, with the concurrence of the Governor, terminate all rights and obligations of the lessee effective sixty days from the date of receipt of this Notice, in the event the Lessee does not cure or remedy the breach of default by either paying the delinquent real property taxes in full or signing an installment agreement with the City and County of Honolulu, Division of Treasury, for the payment of said delinquency.

Mr. Kaleo stated that his counselor had informed them of how similar problems to theirs were resolved. When it got to a state where the penalties and the interest were escalating and it was almost impossible for the individual to make those payments, the penalties and interest were done away with and only the taxes were required to be paid. He felt, after talking it over with his family, that because they were not responsible for the taxes until the last three years, that they wouldn't mind paying the taxes provided the Real Property people would remove the penalties and interest, which is something like \$23,000.

Mr. Kaleo said that about ten days after the meeting, he received a letter from Gary Yokoyama, Deputy Corporation Counsel, asking him to come in to make arrangements. He asked Mr. Yokoyama whether he had received the minutes of the meeting and whether he was informed by the Tax people that some kind of option was being worked out. He said, no. Anyway, Mr. Yokoyama asked him to submit the letter when he was ready. He did reply to Mr. Yokoyama's letter, which said in part they are pursuing to pay the real property taxes in arrears by borrowing the sum of \$25,000 to pay for taxes due only. Mr. Kaleo reiterated that they did respond. However, the time needed for this loan is ninety days and they could not take out this \$25,000 if they still had a balance of \$25,000 for penalties and interest. He has been waiting to hear from the City as to whether they would remove this penalty and interest charge.

Mr. Arisumi asked Mr. Kaleo whether any payment was made to the City since the last meeting with the Board.

Mr. Kaleo said, no. If they were going to lose the property in sixty days then why make a payment. The action was that even if a small payment was made the lease was going to be stopped.

Mr. Zalopany said that the submittal indicated that in February, 1986, a Real Property Tax Payment Agreement was prepared by the Corporation Counsel allowing payment of the delinquency on an installment basis and was submitted to you (Mr. Kaleo) for execution, but the agreement was not returned.

Mr. Kaleo said that what is not listed in his letter was how payments were to be made. They felt that living on the property as a family, they would be able to make the payments. However, they did not get a building permit until about 3-4 months ago so there was no way he could sign the agreement to do certain things inasmuch as they could not even get on the property.

Ms. Kathleen Callahau, Deputy Corporation Counsel, said that Mr. Yokoyama did prepare an agreement to be signed by Mr. Kaleo and they did incorporate some of his suggestions in the agreement, which was that, for the first six months, it would be \$250 a month, for the second six months, \$500 per month and thereafter a schedule of \$2000 a month, rather than requiring a lump sum. The amount now due and owing as of July 1st is \$51,981.25. It is true that of this amount the taxes due amount to \$23,833.91 and the remaining amount consists of penalties and interest -- \$10,671.69 in penalties and \$17,425.55 for interest.

Mr. Zalopany asked if it was possible to waive the penalties and interest.

Ms. Callahau said that prior to the May 8th meeting there was no discussion of this. The hesitancy on the part of staff and the Department of Finance is that it is on very rare occasions that they waive penalties and interest. These taxes have been accumulating since 1968 and that is why the amount is so high. The only time they seem to waive is where the property is going to leave the taxpayer's hands, as in the case of foreclosures, bankruptcies, etc.

Mr. Arisumi said that in anything, there is a first time, so asked what kind of consideration could be given to the Kaleos by the City so that only taxes and not interest and penalties could be paid.

Ms. Callahau said that all they can do is make a recommendation and perhaps the City Council could approve this.

Discussion continued on how interest and penalties are assessed.

Mr. Kealoha said, "if the board may recall, at the May meeting I volunteered to work with Mr. Kaleo and the City to see if any amenities could be worked out. I was the person that went with Mason Young to the County Tax Office to see whether or not the interest could be waived, the penalties could be waived and, as presented by the County staff, no commitment can be made until they meet with the Corporation Counsel and some evidence of the ability to pay would have to be demonstrated on the part of the property owner. They have not been able to get the two parties together. There may be alternatives still available for Mr. Kaleo, but it's going to take a lot of effort."

Mr. Kealoha said that the real problem is the ability of the applicant to pay. He said that his offer to assist was still good but a time, place and location would have to be set to meet so something can be worked out. The Board is willing to extend this for one month. If something cannot be resolved between the County and the property owner, then he would personally recommend that staff's recommendation to serve the notice be upheld.

ACTION

Mr. Arata moved to approve as recommended by staff. Mr. Arisumi seconded; motion carried unanimously.

RECESS: 10:30 A.M.

RECONVENE: 10:40 A.M.

ITEM H-2

CDUA FOR THREE MOORINGS (2 AFTER-THE-FACT) FOR COMMERCIAL USE AND A BEACH USE AND PERMIT FRONTING THE MAUI PRINCE HOTEL, MAKENA MAUI - FILED BY MAKENA BOAT PARTNERS.

Mr. Evans presented this item with several recommendations for the board's consideration.

Referring to Recommendation E.1., that no physical markings be placed on the beach; and 2., that the beach area to be used be an area devoid of other beach users including hotel guests and other members of the public, Mr. Arisumi felt that some area should be marked off so that people sunbathing would stay out of the marked area.

Mr. Evans said that this could be revised. The reason for the condition was because they do not know what would be happening in the future. Staff felt that this could be a problem so they attempted to address the problem.

Mr. Arisumi asked whether the applicant had had a chance to review all of the conditions.

Mr. Evans said that a copy of the submittal was sent to the applicant but that, subsequent to the meeting, he did not have a chance to meet with the applicant.

Mr. Arata asked how far the primary mooring and the emergency mooring was from land. Mr. Evans said that the distance was relatively short, within the hundreds of yards.

That being the case, Mr. Arata said that he could not see sewage being disposed at either the primary or emergency mooring.

Mr. Evans said that staff also could not; but when the submittal was written staff was trying to be as complete as possible.

Mr. Arata felt that maybe it should be stated that sewage may be disposed of only at sea and not around either the primary or emergency moorings.

Mr. Evans said that in staff's analysis they did take into account comments that were made at the public hearing, and his recollection of the public hearing, specific public comments came in that sewage and garbage had been dumped overboard. Whether it was true, valid, or this particular applicant, the comment on the record reflected that it occurred.

Mr. Arisumi asked to amend Condition C.1. by putting a period after the words "may be disposed ", and deleting the rest of the sentence.

When asked, the applicant said that he could live with staff's recommendations insofar as the primary mooring and emergency mooring, but he would like to ask the board to reconsider the fine, which he felt was kind of high.

Mr. Kealoha asked Mr. Akiona about compliance of Condition 4, which says that failure to comply with this section within thirty (30) days the matter be turned over to the Department of Attorney General for appropriate action to include: a) removal of the existing moorings at the applicant's expense; and b) all administrative costs by the state.

Mr. Akiona had no problem with those conditions.

- ACTION Mr. Arisumi moved to approve this submittal with the following amendments:
- . Recommendation A.3., that the applicant be fined a total of \$500.00 instead of \$1500.00.
  - . Amend Condition C.1. by putting a period after the words "may be disposed" and deleting the remainder of the paragraph.
- Mr. Arata seconded; motion carried unanimously.
- ITEM H-9 CDUA FOR AN EXPANSION TO A SINGLE-FAMILY RESIDENTIAL USE AT TANTALUS, OAHU, HAWAII - FILED BY MR. & MRS. ANDREW SCHWARTZ.
- Mr. Arisumi asked the applicant if he was aware of all the conditions of the submittal and if he could live with it.
- Mr. Schwartz said he could, but did want clarification of Nos. 10 and 7. Mr. Evans informed the board that he would sit with Mr. Schwartz and explain.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM B-1 REQUEST FOR APPROVAL OF AGREEMENT WITH THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII TO IMPLEMENT TWO TUNA FISHERIES PROJECTS DURING FISCAL YEAR 1987-88.
- ACTION Unanimously approved as submitted. (Zalopany/Arisumi)
- ITEM C-1 FILLING OF NURSERY WORKER I, POSITION NO. 04669, ISLAND OF MAUI.
- ACTION Mr. Arata moved to approve the appointment of Mr. Richard Nakagawa to fill Position No. 04669. Seconded by Mr. Arisumi, motion carried unanimously.
- ITEM D-1 PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 4-OW-W, DRILLING FEEDWATER WELLS, DEMONSTRATION DESALTING PLANT, EWA, OAHU, HAWAII.
- ITEM D-2 PERMISSION TO ADVERTISE FOR CONSTRUCTION BIDS - DIVISION OF STATE PARKS PROJECTS.
- ITEM D-3 PERMISSION TO READVERTISE FOR BIDS - JOB NO. 61-OM-2A, AQUATIC ANIMAL ISOLATION AREA, KAPALAMA, OAHU.
- ACTION Mr. Zalopany moved to approve Items D-1, D-2, and D-3 as submitted. Mr. Arata seconded; motion carried unanimously.
- ADDED ITEM D-4 FILLING OF POSITION NO. 12994, IRRIGATION SYSTEM WORKER I, DIVISION OF WATER AND LAND DEVELOPMENT, HAWAII.
- Mr. Tagomori asked to change Irrigation System Worker I to Irrigation Worker II, as shown in the Subject. Also, under RECOMMENDATION, the effective date should be August 17, 1987 instead of June 15, 1987.
- ACTION Unanimously approved as amended. (Arata/Zalopany)
- ADDED ITEM D-5 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 62-MM-A, IMPROVEMENT TO HAWAII ENDANGERED SPECIES PROPAGATION FACILITY, PHASE II, OLINA, MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Zalopany)
- ITEM E-1 OUT-OF-STATE TRAVEL REQUEST TO THE INDO-PACIFIC PREHISTORIC ASSOCIATION-UNIVERSITY OF GUAM MICRONESIAN ARCHAEOLOGICAL CONFERENCE (SEPT. 9-12, 1987).
- ACTION Unanimously approved as submitted. (Zalopany/Arata)

ADDED  
ITEM E-2 FILLING OF CLERK TYPIST III POSITION NO. 12969, STAFF AND SUPPORTIVE SERVICES, OAHU ADMINISTRATION OFFICE, DIVISION OF STATE PARKS.

ADDED  
ITEM E-3 FILLING OF PLANNER VI, POSITION NO. 21762, OAHU.

ACTION Mr. Zalopany moved to approve Items E-2 and E-3 as submitted. Mr. Arata seconded; motion carried unanimously.

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-a THE HAUULA TROPICAL FOOD TREE PROJECT, INC. REQUEST FOR REVOCABLE PERMIT, UNIMPROVED SECTION OF HAUULA HOMESTEAD ROAD, HAUULA, OAHU, TMK 5-4-051:13.

Item F-1-b AUTO RECYCLING CORPORATION REQUEST FOR REVOCABLE PERMIT, LOT 215, SAND ISLAND, HONOLULU, OAHU, TMK 1-5-41A:POR. 280.

Item F-1-c CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4254, FROM T.T. KURAMOTO & CO., LTD., TO ASANO TOGIOKA, ET AL, LOT 5, KEKAHA TOWN LOTS, KEKAHA, KAUAI, TMK 1-3-03:40.

Item F-1-d REQUEST FOR KOKEA CONSTRUCTION & CONSULTANTS, INC. FOR REVOCABLE PERMIT, PORTION OF FORMER KAPALAMA INCINERATOR SITE, TMK 1-5-18:POR. 2 & 4, HONOLULU, OAHU.

Item F-1-e CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4997, FROM ARTHUR PALAMA AND LENA K. PALAMA AND ABDULADIM M. SENUSSI, TO SAID PALAMAS AND DARYL W. KANESHIRO AND JANE C. KANESHIRO, LOT 43, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-04:08.

Item F-1-f CONSENT TO SUB-SUBLEASE BETWEEN KUBUN HONOLULU, INC., ASSIGNOR/SUBLESSOR AND WILLIAM JACINTO AND SHIRLEY JACINTO AND RAINBOW EXPRESS, INC., ASSIGNEE/SUB-SUBLESEE, GENERAL LEASE NO. S-4643 TO GEM OF HAWAII, INC., KUWILI, HONOLULU, AOHU, TMK 1-5-20:6.

Item F-1-g Mr. Shimabukuro asked to withdraw Item F-1-f. He felt that the way it was written was rather confusing so he would rewrite this at a later date.

Item F-1-g EDWIN AND CYNTHIA K. SORENSON REQUEST FOR REVOCABLE PERMIT FOR PRIVATE BOAT DOCK RECREATION PIER, KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU, TMK 4-6-22: SEAWARD OF 26.

ITEM F-1-h ISSUANCE OF REVOCABLE PERMIT TO UNITED RECAPPING CO., LTD., LOT 122-A, SAND ISLAND, HONOLULU, OAHU, TMK 1-5-41A:POR. 153.

ACTION Mr. Zalopany moved to approve Items F-1-a, b, c, d, e, g and h as submitted, and to defer Item F-1-f. Mr. Arata seconded; motion carried unanimously.

ITEM F-2 SET ASIDE OF AGRICULTURAL PARKS TO THE DEPARTMENT OF AGRICULTURE.

ACTION Unanimously approved as submitted.

ITEM F-3 NOTIFICATION OF LEGAL SUCCESSORS TO HOMESTEAD LEASE NOS. 55 AND 59, UALAPUE, MOLOKAI.

ACTION Unanimously approved as submitted.

ITEM F-4 GRANT OF NON-EXCLUSIVE EASEMENT FOR TUNNEL AND VAULT FACILITIES, PUNCHBOWL, PUNCHBOWL, AUWAIOLIUM, HONOLULU, OAHU, TMK 2-2-06:26.

ACTION Unanimously approved as submitted.

- ITEM F-5 RESUBMITTAL - AUTHORIZATION TO SERVE NOTICE OF DEFAULT AND CAUSE FORFEITURE OF HOMESTEAD LEASE NO. 53 TO THE ESTATE OF CLARA KEALA KAMAKEEAINA, LOT 18, HAUULA HOMESTEADS, HAUULA, KOOLAULOA, OAHU, TMK 5-4-02:9.
- (See Page 11 for Action.)
- ITEM F-6 AMENDMENT TO PRIOR BOARD ACTION OF MAY 8, 1987 (ITEM F-1-a) CONCERNING ASSIGNMENT OF GENERAL LEASE NO. S-5061, LOT 16 PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-02:21.
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM F-7 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 12, 1987 (ITEM F-14) COVERING THE LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AT 101 AUPUNI STREET, HILO, HAWAII.
- ACGTION Unanimously approved as submitted.
- ITEM F-8 LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, 277 OHUA AVENUE, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted. (Arisumi/Zalopany)
- ITEM F-9 AMENDMENT TO PRIOR BOARD ACTION OF JUNE 12, 1987 (ITEM F-13) COVERING LEASE OF OFFICE SPACE FOR DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, HONOLULU.
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM F-10 AMENDMENT TO PRIOR BOARD ACTION OF JULY 10, 1987 (ITEM F-23) COVERING LEASE OF OFFICE SPACE FOR DEPARTMENT OF HUMAN SERVICE, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted. (Zalopany/Arisumi)
- ITEM F-11 FILLING OF POSITION NOS. 02733, 12337, 38696, CLERK STENOGRAPHER II, HONOLULU, OAHU.
- Mr. Shimabukuro asked to change the appointment of Mrs. Molly Kubo to Diane Shito. Mrs. Kubo had accepted another position after this submittal was written.
- ACTION Unanimously approved as amended. (Zalopany/Arata)
- ITEM F-12 AMENDMENT TO ITEM F-23, MAY 8, 1987 LAND BOARD MEETING THAT APPROVED PUBLIC HEARINGS ON THE ISLAND OF HAWAII, MAUI, OAHU AND KAUAI.
- Mr. Shimabukuro asked to withdraw this item inasmuch as authorization to add Molokai to the public hearing list had already been received.
- ACTION Withdrawn.
- ITEM H-1 APPROVAL TO PROCEED WITH THE SINGLE AUDIT OF THE DEPARTMENT'S FEDERAL AID PROGRAMS.
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM H-2 CDUA FOR THREE MOORINGS (2 AFTER-THE-FACT) FOR COMMERCIAL USE AND A BEACH USE PERMIT FRONTING THE MAUI PRINCE HOTEL, MAKENA, MAUI - FILED BY MAKENA BOAT PARTNERS.
- (See Page 13 for Action.)

- ITEM H-3 AFTER-THE-FACT AMENDMENT TO CDUA FOR COMMERCIAL SAND MINING AT KEKAHA SANITARY LANDFILL AT WAIMEA, KAUAI - FILED BY HON. TONY T. KUNIMURA.
- Mr. Zalopany asked that the hole left from the removal of sand be filled with top soil. Mr. Evans said that he would amend Recommendation No. 2 by adding, at the end of the sentence, "and the replacement of fill material with top soil."
- ACTION Unanimously approved as amended. (Zalopany/Arisumi)
- ITEM H-4 AMENDMENT TO CDUA FOR CONDUCTING COMMERCIAL FILMING ACTIVITIES AT VARIOUS LOCATIONS WITHIN THE STATE OF HAWAII - FILED BY DBED.
- (See Pages 9 and 10 for Action.)
- ITEM H-5 CDUA FOR AMENDMENT TO APPROVED CDUA HA-6/23/83-1554 FOR KAUMANA-KEAMOKU 138 KV TRANSMISSION LINE POHAKULOA TRAINING AREA, TMK: 4-4-15:8 - FILED BY MR. JACOB FERNANDEZ, AGENT FOR HAWAII ELECTRIC LIGHT CO.
- ACTION Unanimously approved as submitted. (Zalopany/Arisumi)
- ITEM H-6 CDUA FOR CONSOLIDATION AND RESUBDIVISION TO EXPAND BOUNDARY OF THE UPPER HAKALAU NATIONAL WILDLIFE REFUGE, TMK: 3-7-01:10, 11, UPPER HAKALAU, HAWAII - FILED BY NATURE CONSERVANCY.
- (See Page 4 for Action.)
- ITEM H-7 REQUEST FOR RECONSIDERATION ON THE AFTER-THE-FACT CDUA FOR RELIGIOUS USE AT WAIMEA BAY BEACH PARK, WAIMEA, OAHU, HAWAII - FILED BY MR. KAMUELA PRICE, REPRESENTING LONO MAKAHIKI EHU HOU.
- (See Pages 2, 3 & 4 for Action.)
- ITEM H-8 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT HAENA, KAUAI, TMK: 5-9-02:41 - FILED BY MR. E. BRIAN SMITH.
- Mr. Evans asked to amend page 4 by adding "Approved, subject to the conditions listed."
- ACTION Unanimously approved as amended. (Zalopany/Arata)
- ITEM H-9 CDUA FOR AN EXPANSION TO A SINGLE-FAMILY RESIDENTIAL USE AT TANTALUS, OAHU, HAWAII - FILED BY MR. AND MRS. ANDREW SCHWARTZ.
- (See Page 13 for Action.)
- ITEM H-10 CDUA FOR SINGLE-FAMILY RESIDENTIAL USE AT ANAHOLA, KAUAI - FILED BY MR. JAMES L. HUNT.
- Mr. Zalopany felt that there were questions he wanted answered by the applicant and asked that this item be deferred to the September 24, 1987 meeting on Kauai so the applicant could be present.
- ACTION Deferred.
- ITEM H-11 AFTER-THE-FACT CDUA FOR CONDUCTING RELIGIOUS ACTIVITIES AT HANAUMA BAY BEACH PARK, BLOW HOLE LOOKOUT AND NUUANU PALI LOOKOUT ON OAHU - FILED BY MR. ARNUNDA, C/O ISKCON HAWAII, INC.
- (See Page 8 for Action.)



- ITEM H-12 VIOLATION OF LAND USE WITHIN THE STATE CONSERVATION DISTRICT AT WAAHILA RIDGE, MANOA, OAHU - FILED BY OCEA.
- Mr. Evans asked to withdraw this item inasmuch as the fine was already paid by Hawaiian Electric Co. so they are in compliance with the law at this time.
- ACTION Withdrawn.
- ITEM I-1 APPOINTMENT OF LICENSE AGENT: KULA UNION 76, ISLAND OF MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM I-2 FILLING OF POSITION NO. 33269, CLERK TYPIST II, ISLAND OF MAUI.
- ACTION Mr. Arisumi moved to approve the appointment of Pamela Nakamura to Position No. 33269. Seconded by Mr. Arata, motion carried unanimously.
- ITEM J-1 AGREEMENT - CONCESSION, NEW TERMINAL BUILDING LOBBY, LIHUE AIRPORT, KAUAI UNITED STATES POSTAL SERVICE).
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM J-2 VENDING MACHINE AGREEMENT, LIHUE AIRPORT, KAUAI (BRYAN MIYAKE).
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM J-3 AMENDMENT NO. 11 TO LEASE NO. DOT-A-78-2, HONOLULU INTERNATIONAL AIRPORT, OAHU (GREETERS OF HAWAII, INC.).
- ITEM J-4 AMENDMENT NO. 2 TO LEASE NO. DOT-A-85-6, HONOLULU INTERNATIONAL AIRPORT, OAHU (GREETERS OF HAWAII, INC.).
- ACTION Mr. Zalopany moved to approve Items J-3 and J-4 as submitted. Mr. Arata seconded; motion carried unanimously.
- ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4372, ETC., AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM J-6 RENEWAL OF REVOCABLE PERMITS 3231, ETC., CONFORMING USE, AIRPORTS DIVISION.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM J-7 METERED TAXICAB SERVICES CONCESSION, KAHULUI AIRPORT, MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Zalopany)
- ITEM J-8 CONSENT TO ASSIGNMENT, LICENSE NOS. 47, AS AMENDED, AND 81, NAWILIWILI HARBOR, KAUAI (SHELL OIL COMPANY).
- (See Page 2 for Action.)
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI SMALL BOAT HARBOR, OAHU (MR. MERV NOVAK DBA THE BLOCK ICE CO.).
- ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, BARBERS POINT HARBOR, OAHU (MARISCO, LTD.).
- ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, ALA WAI BOAT HARBOR, OAHU (ALA WAI MARINE, LTD.).

ITEM J-12      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 24, HONOLULU HARBOR, OAHU (IMAGES INTERNATIONAL OF HAWAII).  
ACTION      Mr. Arisumi moved to approve Items J-9 through J-12 as submitted. Mr. Arata seconded; motion carried unanimously.

ITEM J-13      USE OF HARBORS DIVISION FACILITIES, PIER 10 PASSENGER TERMINAL, HONOLULU, OAHU (PACIFIC WHEELCHAIR TENNIS OF HAWAII).  
ACTION      Unanimously approved as submitted. (Zalopany/Arata)

ITEM J-14      AMENDMENT OF HARBOR LEASE NO. H-67-2 AND CONSENT TO SUBLEASE, HARBORS DIVISION, KAWAIHAE HARBOR, HAWAII (BREWER CHEMICAL COMPANY, INC.).  
ACTION      Unanimously approved as submitted. (Arata/Arisumi)

ITEM J-15      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)

ITEMS J-16 THROUGH J-21 (See Page 2 for Action.)

ITEM J-22      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI COMMERCIAL SUBDIVISION, HONOLULU, OAHU (MR. JUDD S. SEE DBA MARINE FIBERGLASSING).  
ACTION      Unanimously approved as submitted.

ITEM J-23      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (C. BREWER CORPORATION, DBA HT&T).  
ACTION      Mr. Garcia asked to change the name of the applicant from C. Brewer Corporation to HT&T Co., Inc.  
Unanimously approved as amended. (Arata/Zalopany)

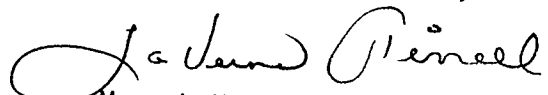
ITEM J-24      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (AIKANE CATAMARAN CRUISES).


ITEM J-25      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, MAALAEA BOAT HARBOR, MAUI (PINEAPPLE HILL RESORT, LTD.).

ITEM J-26      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI COMMERCIAL SUBDIVISION, HONOLULU, OAHU (BFI OR HAWAII, INC. DBA WASTE SYSTEMS).  
ACTION      Mr. Arisumi moved to approve Items J-24, J-25 and J-26 as submitted. Seconded by Mr. Arata, motion carried unanimously.

ADJOURNMENT:      There being no further business, the meeting was adjourned at 11:45 A.M.

Respectfully submitted,

  
Mrs. LaVerne Tirrell  
Secretary

APPROVED:  
  
WILLIAM W. PATY  
Chairperson

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