

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

DATE: March 11, 1988
TIME: 9:00 A.M.
PLACE: Mauna Kea Room
Kona Surf Hotel
Kona, Hawaii

ROLL
CALL

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

MEMBERS: Mr. J. Douglas Ing
Mr. Moses W. Kealoha
Mr. Leonard Zalopany
Mr. John Arisumi
Mr. Herbert Arata
Mr. William W. Paty
(Mr. Paty was excused at 11:00 a.m.)

STAFF: Mr. Mike Shimabukuro
Mr. Ralston Nagata
Mr. Manabu Tagomori
Mr. Ronald Walker
Mr. Roger Evans
Mr. Glenn Taguchi
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.
Mr. Peter Garcia, Dept. of Transportation
Messrs. Anthony Commendador & Roland Talbot
(Item E-2)
Mr. Chuck Adams (Item F-13)
Mr. Walton Hong (Item H-1)
Mr. Peter Yuh (Item H-2)
Mr. Jeff Schweigert (Item H-3)
Mr. Ben Kaito (Item H-4)
Mr. Norman Sakata, Ms. Lily Kong, a representative
of the Young Farmers (Item E-4)

MINUTES: The minutes of February 12, 1988 and February 26, 1988 were 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 D-3 -- Filling of Irrigation System Supervisor Position No. 9871, Waimanalo Irrigation System, Oahu.
- Item E-3 -- Filling of Clerk Typist II, Position No. 31471, Lihue District Office, Kauai Park Section.
- Item E-4 -- Review of Guidelines on Rental or Use of the Events Pavilion at the Old Kona Airport State Recreation Area, Kailua-Kona, Hawaii.
- Item H-6 -- Authorization to Appoint a Public Hearing Master to Hear Conservation District Use Application.

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

ITEM H-1

CDUA FOR CONSTRUCTION OF A ROCK SEAWALL AT HAENA, KAUAI (MR. WALTON D. Y. HONG, AUTHORIZED REPRESENTATIVE OF OWNERS - MURCIA-TORO, INC.) .

Mr. Evans explained that this application is identical to one submitted in October 1986, but later withdrawn due to the need to prepare a shoreline study and engineering report. The applicant desires to construct a 170-foot rock seawall along the shoreline boundary for the purpose of preventing further erosion into the subject property.

Referring to Condition No. 7, with respect to public lateral access along the shoreline, Mr. Kealoha asked whether it was clear to the applicant that any improvements would have to be constructed mauka of the shoreline. Mr. Evans replied, yes and referred to page one where, according to the applicant, the lot originally contained 161,520 square feet based upon pertinent tax maps but that a recent survey of the lot indicated that there was only 148,936 square feet of fast land remaining, or a loss of approximately 12,584 square feet. The applicant did assert that this land loss was primarily incurred as a result of the storms and associated shoreline erosion during the winter of 1985.

ACTION

Unanimously approved, subject to the conditions listed in the submittal. (Zalopany/Arisumi)

ITEM H-2

CDUA FOR ENLARGEMENT OF EXISTING DRAIN CHANNEL, CONSTRUCTION OF REVETMENT AND UTILITY ROAD, AND RELOCATION OF UTILITIES AT KAKAAKO, OAHU (HAWAII COMMUNITY DEVELOPMENT AUTHORITY).

Representing the applicant at the meeting was Peter Yuh who, in answer to Mr. Ing's question as to whether he had reviewed staff's recommendations, said that he did and had no problems with said recommendations.

ACTION

Unanimously approved as submitted. (Ing/Arisumi)

ITEM E-4

REVIEW OF GUIDELINES ON RENTAL OR USE OF THE EVENTS PAVILION AT THE OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII.

Mr. Nagata said that since being opened in 1983, the State Parks Division had adhered to the "No sales on premises" policy in issuing permits for pavilion use. Recently, however, they have received several applications for events where the applicants have expressed a desire to sell admission tickets, and/or food and refreshments and/or products on or adjacent to the premises in conjunction with their planned event.

Mr. Nagata believed that "No sales on premises" policy for the events pavilion should be retained but wanted the board's reaffirmation on the matter.

Present at the meeting and speaking on behalf of their groups, were Mr. Norman Sakata, representing the Boy Scouts, Ms. Lily Kong, Chairperson for Representative Daniel Akaka's fund raiser and a representative of the young farmers.

Mr. Arata asked whether there were any other facilities in Kona that could accommodate the requests of those present at the meeting. He asked also how long this "No Sale" policy had been in effect.

Mr. Nagata said that the reason the pavilion was in demand was because of the reasonable rent and that the "No Sale" policy had been in effect since the pavilion opened in 1983.

With respect to the "No Sales on Premises" policy, Mr. Arata asked if this could not be handled on a "case-by-case" basis. Mr. Nagata said that they could and suggested that maybe this could be delegated to the Division in charge or the Chairman. In the past, they have allowed carnivals to take place in the area.

Mr. Kealoha felt that the board should have been briefed on this instead of having it presented as a board submittal. Mr. Nagata said that it was not his original intention to bring this matter up to the board. However, because the board meeting was in Kona and there were several requests to sell on the premises, he thought it would be a good time to consider this item. The three requests for use of the pavilion were from:

1. Ms. Lily Kong for a political fund raiser.

Ms. Kong said that tickets would be pre-sold. However, they wanted permission to sell tickets outside of the pavilion to those individuals who were not able to buy their tickets ahead of time.

2. Mr. Norman Sakata, for a Boy Scouts makahiki.

Mr. Sakata said that he had called in about a year ago to reserve the pavilion for the makahiki. He explained that they usually sell items such as hots dogs, soda, etc. to accommodate the families attending and not for profit. He did not know until just about a week ago that selling on the premises was not allowed.

3. Young farmers, who would like to sell their produce.

Mr. Ing asked Mr. Nagata if the "No Sale on Premises" was a State Park regulation or a special use permit condition. Mr. Nagata said that they had set up guidelines for use of the events pavilion prior to opening it up so he thought that there was board action on this, specifically for Kona Airport.

Mr. Ing asked about state park regulations in general. Mr. Nagata said that they have had rules that commercial activities will be at the discretion of the land board such as for something as complex as a carnival.

Mr. Paty asked if we wouldn't get much more use if we allowed this. Mr. Nagata agreed, however he felt that we would be getting away from recreation type use.

Mr. Paty asked, "how much use does the area get now for recreation purposes?" Mr. Nagata did not have any figures. He felt that these uses could be accommodated but it could also get out of hand.

Mr. Arata moved to approve staff's recommendation to reaffirm the existing "No sales allowed on premises" policy for the use of the Events Pavilion but that the board approve the requests by the Boy Scouts of America, Committee for Daniel Akaka Fundraiser and the young farmers group. Mr. Arisumi seconded.

Mr. Kealoha went along with the first part of Mr. Arata's motion to reaffirm the "No sales be allowed on the premises". However, because the submittal did not address the three requests mentioned by Mr. Nagata, he did not think the board could act on the second part of Mr. Arata's motion. He therefore asked that the board go into executive session so counsel could advise the board accordingly.

EXECUTIVE
SESSION:

9:55 a.m.

Mr. Paty called the meeting back to order at 10:10 a.m.

ACTION

Mr. Arata moved to withdraw his earlier motion and moved instead that the board reaffirm the "No Sale on Premises" policy. Mr. Arisumi seconded, motion carried unanimously.

Mr. Paty informed the applicant's that they would be afforded the opportunity to address their requests at the next board meeting.

Mr. Ing said that the advice received from the Deputy Attorney General was that to take action on specific requests made by the Boy Scouts, Ms. Kong and the farmers would be inappropriate at this time inasmuch as it would not be in compliance with the notice requirements of the statutes so the board is not able to take action on these individual requests.

CDUA FOR AN AFTER-THE-FACT SEAWALL, FILL, AND PORTION OF A BEACH COTTAGE ON STATE-OWNED LANDS AT HOLUALOA, NO. KONA, HAWAII (COMMUNITY PLANNING, INC., AGENT FOR WENDELL, SUE, AND EVELYN FOO).

ITEM H-4

Mr. Ben Kaito represented the applicant.

Mr. Evans said that the applicant had asked, at the last meeting, that this item be deferred in order for them to consult with counsel. This request was granted. Subsequent to that action, staff met with the applicant and their counsel. Staff was presented at that time with a number of new documents and new arguments based upon those documents. Staff did not have an opportunity since that meeting to provide the board with an analysis today. The applicant, likewise, in listening to what the staff had to say, was not really of a frame of mind where all the time possible to prepare for today was there. However, based upon discussions with the staff and noting that this request was on this morning's agenda, entertained the idea of a possible withdrawal of this application. Should the board allow such a withdrawal, in discussions with the applicant, staff did note that the survey that staff is referring to is the 1970 survey. What would be appropriate for both parties would be to have an up to date survey as possible. As a result, staff has also become concerned about the ownership of Alii Drive, the realignment of Alii Drive, other factual information that may be pertinent in terms of the applicant's case. Staff indicated to the applicant that under certain conditions staff would support a withdrawal should the board decide to allow a withdrawal. Also, that the issue not be drawn out forever but that the applicant come back as soon as possible to reapply. At the time of reapplication, staff would like to sit with the key players e.g. surveyor, county planing, land management. While this matter is under discussion, staff is suggesting that a hole be knocked into each side of the wall so the public could have access. Because of the high tides, the public would not have access if they had to walk around this wall.

Mr. Kaito said that he goes along with the idea of public access. However, at this point, based upon information that they have, they are contending that the owners, Mr. and Mrs. Foo, own the land. This is the fact he felt would either have to be borne out or rejected by the state surveyor's certification. If this is the situation then the access will certainly be over state land. However, at this point, without conceding title, they are willing to accommodate as an interim measure until this matter has been resolved, which will probably not be possible until additional studies and surveys are done.

ACTION

Withdrawn.

ITEM E-2

REQUEST TO ESTABLISH A RIGHT-OF-ENTRY AND SUBSEQUENT SHORT-TERM LEASE FOR THE OPERATION OF PUBLIC CAMPING AND CABIN RENTALS AT MALAEKAHANA STATE RECREATION AREA, KAHUKU, OAHU.

Mr. Nagata brought to the board's attention Mr. Benjamin Hopkins' March 8, 1988 application for lease of Malakehana State Park. He said that Hopkins has been in communication with staff, however, they had reviewed applications received from Hawaii Youth for Christ and Network Enterprises, Inc. and was recommending issuance of the lease to Network Enterprises, Inc.

Mr. Arisumi asked how, when there are two or more applications, this is handled. Mr. Nagata said that because this is non-profit there is no bid requirement so it is at the discretion of the board.

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

Messrs. Anthony Commendador and Roland Talbot of Network Enterprises, Inc. were in attendance.

ITEM H-3

AFTER-THE-FACT CDUA FOR CONDUCTING RELIGIOUS ACTIVITIES AT HANAUMA BAY BEACH PARK AND BLOW HOLE LOOKOUT ON OAHU (PUSKARDAS, C/O ISKCON HAWAII, INC.)

Mr. Evans asked to amend page 6, item C. Ancillary Activities by adding, after the word Activities, (non First Amendment Protected).

Mr. Evans said that a similar CDUA was presented to the board several months ago at which time the board allowed the applicant to withdraw. Subsequent to that withdrawal, the matter has gone to court and, as a result of that court action, the applicant resubmitted his application. Mr. Evans said that there are some modifications to this application. In terms of the location, Nuuanu Pali, which was first proposed, is no longer proposed. The only locations involved are Hanauma Bay and the Blow Hole, both under City and County ownership. What is proposed to be done is the practice of "Sankirtan", which is a practice emanating from this religious group practicing its religion.

Mr. Evans said that staff is recommending approval but on a non-exclusive basis, which means that if this particular group is practicing its first amendment protected activities and no other group desires to do the same this group would be allowed to conduct those activities on a daily basis from 8:00 to 5:30. However, if another group wants to practice its first amendment activities staff would resolve this by having these groups split time within these designated areas.

With respect to the price list wherein they say "suggested donations", Mr. Ing felt that this is more commercial in nature than religious. He felt that if they were there to offer something and the public is free to give whatever it wants to give whether it's a penny or whether it's \$100 he could see a religious connection. But if there is a sign, with a package of cookies, saying "suggested donations - \$5.00" that he felt runs counter to their assertion that this is a First Amendment Protected Right.

Mr. Kealoha noted that the expiration date was August 3, 1988 and asked if this was filed last week.

Mr. Evans explained that this is before the board on a relatively expedited basis for two reasons:

1. Staff has been through the basic process and have had the comments, the public hearing, etc.
2. Staff has been informed that there is an expectation for the State's Attorney to return to court sometime this month with some form of answer.

Addressing Mr. Schweigert, Mr. Wong said that he did not think the Judge expected them to reach a decision by that date. Mr. Schweigert explained that at the last conference they indicated that they felt that they could settle the case. The guys at the first amendment conference said that if that is the case, then he would continue this for 30 days, from Monday morning coming up, and then in order to reach settlement, they would need board approval so they have tried to work the two together -- getting back with them in 30 days to meet the court's requirements as well as seeing if they can get back with a settlement.

Mr. Wong felt that it was unfair to put a time constraint of March 14 on the board inasmuch as there are other considerations which they might want to consider. Mr. Schweigert said that the ninth circuit does not say that this case should be settled. Mr. Wong suggested that the Judge be informed on March 14 that the board has not yet been able to finalize terms and conditions and hopefully in another thirty days they can do so.

Mr. Schweigert said that the Judge is trying to avoid the filing of further documents with the court -- he is not saying that this case has to be settled by March 14.

Discussion continued between Mr. Schweigert and Mr. Ing with respect to the sign, the table, etc. With respect to Nuuanu, Mr. Ing said that it seemed more like they were setting up daily for a business than for religious reasons. Mr. Schweigert said that he also would prefer to see the sign, with suggested prices, taken down -- donate what you want or don't donate anything. Mr. Ing said that he hasn't done it, but has often thought about taking a package of cookies to see what they would do. Mr. Ing asked, "that's the true purpose, whether it's one cookie or two dozen." Mr. Schweigert replied, "that's correct." Mr. Ing wanted to make sure that if he decides to do that he would not be accosted. Mr. Schweigert agreed that he technically had the right to do this.

ACTION Mr. Ing moved to defer taking action to the next meeting of the board. Seconded by Mr. Zalopany, motion carried unanimously.

ITEM F-1-e KUKAIAU CATTLE CORP. REQUEST FOR CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4472, HOEA-KAAO, HAMAKUA, HAWAII.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM B-1 REQUEST FOR ADOPTION OF AMENDED CHAPTER 13-89, HAWAII ADMINISTRATIVE RULES (HAR) RELATING TO SPINY LOBSTER (ULA) AND SLIPPER LOBSTER (ULA PAPAPA).

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM C-1 FILLING OF POSITION NO. 37648, TEMPORARY APPOINTMENT, GENERAL LABORER I, ISLAND OF MAUI.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM C-2 FILLING OF POSITION NO. 8526, WILDLIFE MANAGEMENT ASSISTANT IV, DIVISION OF FORESTRY AND WILDLIFE, ISLAND OF OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM C-3 FILLING OF POSITION NO. 2947, EQUIPMENT OPERATOR I, WB-04, ISLAND OF HAWAII.

ITEM C-4 FILLING OF POSITIONS NOS. 14113 AND 15129, TEMPORARY APPOINTMENT, GENERAL LABORER I, ISLAND OF HAWAII.

ACTION Mr. Arata moved to approve Items C-3 and C-4 as submitted. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM D-1 PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 3-9W-D, REPLACEMENT OF ELECTRICAL TRANSFORMER, WAIKOLU WELLS, KALAWAO, MOLOKAI.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM D-2 PERMISSION TO HIRE AN ENGINEERING CONSULTANT TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR THE DREDGING OF HALAWA STREAM, AIEA, OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ADDED
ITEM D-3 FILLING OF IRRIGATION SYSTEM SUPERVISOR POSITION NO. 9871, WAIMANALO IRRIGATION SYSTEM, OAHU.

ACTION Mr. Zalopany moved to approve the appointment of Nobuo Nishida to Position No. 9871 effective March 16, 1988. Seconded by Mr. Kealoha, motion carried unanimously.

ITEM E-1 REQUEST FOR PERMISSION TO AMEND THE 1987-1988 MANAGEMENT AND MAINTENANCE CONTRACT WITH THE FRIENDS OF IOLANI PALACE (FRIENDS).

ACTION Mr. Kealoha moved to approve a \$62,070 increase in the Friends current contract subject to release of funds by the Governor and execution of contract amendment by the Chairperson and a Board Member. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM E-2 REQUEST TO ESTABLISH A RIGHT-OF-ENTRY AND SUBSEQUENT SHORT-TERM LEASE FOR THE OPERATION OF PUBLIC CAMPING AND CABIN RENTALS AT MALAEKAHANA STATE RECREATION AREA, KAHUKU, OAHU.

ACTION Approved. See Page 5.

ADDED
ITEM E-3 FILLING OF CLERK TYPIST II, POSITION NO. 31471, LIHUE DISTRICT OFFICE, KAUAI PARK SECTION.

ACTION Mr. Zalopany moved to approve the appointment of Ms. Lynette Tsuda to fill Position No. 31471. Seconded by Mr. Kealoha, motion carried unanimously.

ADDED
ITEM E-4 REVIEW OF GUIDELINES ON RENTAL OR USE OF THE EVENTS PAVILION AT THE OLD KONA AIRPORT STATE RECREATION AREA, KAILUA-KONA, HAWAII.

ACTION Approved. See Page 4.

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-a CONSENT TO SUBLEASE AMENDMENTS, GEM OF HAWAII, INC. TO EVANGELISM FELLOWSHIP OF HAWAII, GENERAL LEASE NO. S-4643, KUWILI, HONOLULU, OAHU.

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO UNITED AIRLINES, GOVERNMENT LAND OF KAAKUKUKUI, HONOLULU, OAHU.

Withdrawn.

Item F-1-c CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4684, ALIKA COOPER AKA ALIKA KAILIANU C. COOPER (1/2 INTEREST) AND FORMER WIFE, ALMA K. HENDERSON, FNA, ALMA K. COOPER (1/2 INTEREST), ASSIGNORS TO MAHI AND JONI COOPER, HUSBAND & WIFE, ASSIGNEE, LOT 5, KEAHOLE AGRICULTURAL PARK, KEAHOLE, NO. KONA, HAWAII, TMK 7-3-41:05.

Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO MICHAEL DECOITE FOR PASTURE USE OF LAND AT UALAPUE AND EAST OHIA, MOLOKAI, TMK 5-6-06:17 AND 18.

- Item F-1-e KUKAIAU CATTLE CORP. REQUEST FOR CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4472, HOEA-KAAO, HAMAKUA, HAWAII.
- ACTION Mr. Kealoha moved to approve Items F-1-a, c and d as submitted. Item F-1-b was withdrawn. See Page 6 for action taken on Item F-1-e.
- ITEM F-2 EXCHANGE OF LAND FOR THE ADDITION TO THE WAIMEA INTERMEDIATE AND ELEMENTARY SCHOOL SITUATE AT WAIMEA, SO. KOHALA, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Kealoha)
- ITEM F-3 DEPARTMENT OF WATER SUPPLY, COUNTY OF HAWAII, REQUEST FOR DIRECT GRANT OF EASEMENT FOR WATERLINE PURPOSES, NAALEHU SCHOOL SITE, NAALEHU, KAU, HAWAII.
- ACTION Unanimously approved as submitted. (Zalopany/Arisumi)
- ITEM F-4 RECOMMENDATION FOR PUBLIC AUCTION, KAHEI-PU'UEPA 2ND, NO. KOHALA, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-5 U. S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE, REQUEST FOR DIRECT LEASE FOR PARK PURPOSES, KAWAIHAE, SO. KOHALA, HAWAII.
- Mr. Shimabukuro asked that this item be withdrawn inasmuch as the subject parcel is in the conservation district so they will have to go through the Cdua process before this item can be taken up.
- ACTION Withdrawn.
- ITEM F-6 DIRECT SALE OF WATERLINE EASEMENT AT WAIOHULI-KEOKEA, KULA, MAKAWAO, MAUI, TMK 2-2-04:18.
- ACTION Unanimously approved as submitted. (Kealoha/Arata)
- ITEM F-7 RESUBMITTAL - DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR MAINTENANCE OF EXISTING SEAWALL AND LANDSCAPED AREA, LAHAINA, MAUI; APPLICANT: BETTY ALBORO HUI.
- ITEM F-8 RESUBMITTAL - DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR MAINTENANCE OF EXISTING SEAWALL AND LANDSCAPED AREA, LAHAINA, MAUI; APPLICANT: LIBERT KAHAHANE, JR.
- ITEM F-9 DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR REPAIR AND MAINTENANCE OF EXISTING SEAWALL AND LANDSCAPED AREA, LAHAINA, MAUI; APPLICANT: DONALD L. HURLOCK AND ODETTA MOFFETT HURLOCK.
- Mr. Shimabukuro asked that Items F-7, F-8 and F-9 be considered together inasmuch as they all pertain to direct sale of easements for seawalls in Lahaina.
- ACTION Mr. Arisumi moved to approve Item F-7, F-8 and F-9 as submitted. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-10 DIRECT AWARD OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR FENCE PURPOSES, WAIMANALO, KOOLAUPOKO, OAHU.
- Mr. Shimabukuro said that the applicants, Stephen and Charlene Williams, have requested an easement over state land of approximately 1 foot by 77 feet to construct a fence. They have had problems with the public walking down their driveway instead of the public right-of-way. Since their driveway is only 8 feet wide they cannot construct a fence on their property and still have room to get to and from the property.

Mr. Ing voiced concern that we allow him to put up a fence then he will have exclusive use. He asked to see pictures of this situation. He felt that an 8 foot driveway, ordinarily, is sufficient to pass. He had no problems with them putting up a fence, just with having exclusive use of that one foot strip. Mr. Shimabukuro said that he could defer this matter and get some pictures for the board's review.

ACTION Deferred.

ITEM F-11 SALE OF COMMERCIAL LEASE AT PUBLIC AUCTION, GOVERNMENT LAND AT HONOLULU, OAHU, TMK 1-7-02:03.

ACTION Unanimously approved as submitted. (Kealoha/Zalopany)

ITEM F-12 BOARD OF WATER SUPPLY REQUEST FOR CONSTRUCTION RIGHT-OF-ENTRY AND SET ASIDE BY EXECUTIVE ORDER OF LAND AT WAHIAWA, OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM F-13 STAFF RECOMMENDATION REGARDING ENCROACHMENT AT KALAPAKI BEACH, KALAPAKI, NAWILIWILI, KAUAI.

Mr. Chuck Adams, Assistant Manager of the Westin Kauai Hotel, was present to answer any questions posed by the board.

Mr. Arisumi asked why things weren't done properly, such as applying for a permit for this event.

Mr. Adams said that his responsibilities are with beach and pool activities and, as far as responding, there was an apparent misunderstanding on their part as to what approvals were needed to place the tents and torches on the beach.

Mr. Arisumi felt that the \$3,3224.00 charge by staff for encroachment and after-the-fact use fees for State beach lands was excessive. He therefore moved to approve staff's recommendation but that the fine be reduced to \$500.00. Mr. Arata seconded.

Mr. Ing's personal feeling was that the \$500 fine was too low. Mr. Kealoha felt, like Mr. Arisumi, that the fine of \$3224 was too high, but he also felt that \$500 was too low.

Mr. Arisumi felt that they had no excuse for not coming before the board for the proper permits, however, he did speak to the Westin Kauai Hotel's consultant Sidney Fuke who said that he would be talking to those responsible at the hotel to see that this would not happen again. Being that this was the first offense, Mr. Arisumi felt that the minimum fine of \$500 should be applied.

Mr. Kealoha told Mr. Arisumi that he had a problem with reducing the fine to \$500.00.

ACTION Mr. Arisumi amended his motion to reduce the fine to \$1000.00 instead of \$500.00, such amount to include both fine and rent. Mr. Zalopany seconded; motion carried unanimously.

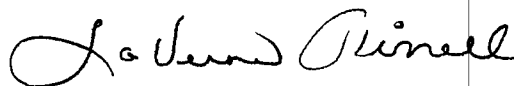
ITEM F-14 LAND EXCHANGE FOR BOUNDARY ADJUSTMENT AT HANAPEPE PARK, GOVERNOR'S EXECUTIVE ORDER NO. 1639 TO COUNTY OF KAUAI, HANAPEPE, KAUAI.

ACTION Unanimously approved as submitted. (Zalopany/Arata)

- ITEM F-15 LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, PUBLIC WELFARE DIVISION, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Zalopany)
- ITEM F-16 RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, FAMILY HEALTH SERVICES AND MENTAL HEALTH DIVISION, MAUI.
- ACTION Unanimously approved as submitted. (Zalopany/Arata)
- ITEM G-1 FILLING OF POSITION NO. 142, ABTRACTOR VI, OAHU.
- Mr. Ing asked that the submittal be amended. The position is to be filled by Pilar Ebalagoza instead of Helen Muramoto, who has retired.
- ACTION Unanimously approved as amended. (Kealoha/Zalopany)
- ADDED ITEM Mr. Kealoha moved to add Item G-2 to the Agenda. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM G-2 FILLING OF LAND COURT DOCUMENT RECEIVING CLERK I, POSITION NO. 4371, OAHU.
- ACTION Mr. Zalopany moved to approve the appointment of Nicolene Gega-Chang to Position No. 4371. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM H-1 CDUA FOR CONSTRUCTION OF A ROCK SEAWALL AT HAENA, KAUAI (MR. WALTON D. Y. HONG, AUTHORIZED REPRESENTATIVE OF OWNER - MURCIA-TORO, INC.)
- ACTION Approved. See Page 2.
- ITEM H-2 CDUA FOR ENLARGEMENT OF EXISTING DRAIN CHANNEL, CONSTRUCTION OF REVETMENT AND UTILITY ROAD, AND RELOCATION OF UTILITIES AT KAKAAKO, OAHU (HAWAII COMMUNITY DEVELOPMENT AUTHORITY).
- ACTION Approved. See Page 2.
- ITEM H-3 AFTER-THE-FACT CDUA FOR CONDUCTING RELIGIOUS ACTIVITIES T HANAUMA BAY BEACH PARK AND BLOW HOLE LOOKOUT ON OAHU (PUSKARDAS, C/O ISKCON HAWAII, INC.).
- ACTION Deferred. See Page 6
- ITEM H-4 CDUA FOR AN AFTER-THE-FACT SEAWALL, FILL, AND PORTION OF A BEACH COTTAGE ON STATE-OWNED LANDS AT HOLUALOA, NO. KONA, HAWAII (COMMUNITY PLANNING., INC., AGENT FOR WENDELL, SUE, AND EVELYN FOO).
- ACTION Withdrawn. See Page 4.
- ITEM H-5 AMENDMENT TO CDUA FOR RESEARCH AND COMMERCIAL ALTERNATIVE ENERGY AND MARICULTURE USES: REQUEST FOR REMOVAL OF ORIGINAL CONDITION NO. 8, WITH A PROPOSED TRENCH AND MONITORING SYSTEM (NATURAL ENERGY LABORATORY OF HAWAII).
- Mr. Evans said that NELH has requested that this item be withdrawn. They will need more time to answer questions posed by the board.
- ACTION Mr. Arata moved to withdraw Item H-5. Seconded by Mr. Arisumi, motion carried unanimously.
- ADDED ITEM H-6 AUTHORIZATION TO APPOINT A PUBLIC HEARING MASTER TO HEAR CONSERVATION DISTRICT USE APPLICATION.
- ACTION Unanimously approved as submitted. (Zalopany/Kealoha)


- ITEM J-1 METERED TAXICAB SERVICES CONCESSION, LIHUE AIRPORT, KAUAI.
 ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM J-2 VENDING MACHINE AGREEMENT, PASSENGER TERMINAL BUILDING, LANAI AIRPORT, LANAI (MAUI SODA AND ICE WORKS, LTD.).
 ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM J-3 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4441, 4442, AND 4443, AIRPORTS DIVISION.
 ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-4 APPROVAL OF CONSENTS TO SUBLEASE PORTIONS OF THE PREMISES OF HARBOR LEASE NO. H-70-14, KEEHI LAGOON, OAHU (KEEHI MARINE CENTER).
 The board was not able to read Page 1 of this submittal. Therefore this item was presented verbally by Mr. Garcia.
 ACTION Unanimously approved as presented by Mr. Garcia. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 18 SHED, HONOLULU HARBOR, OAHU (MESSRS. DALE SCHUTTE AND WILLIAM BLOCK).
 ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU HARBOR, OAHU (AIKANE CTAMARAN CRUISES).
 ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-7 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEEHI COMMERCIAL SUBDIVISION, HONOLULU, OAHU (ISLAND RECYCLING, INC.).
 ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, FORT ARMSTRONG, HONOLULU, OAHU (AMERICAN DIVERS, INC.).
 ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM J-9 LEASE, KAHULUI AIRPORT, MAUI (HAWAII HELICOPTERS, INC.).
 ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ADJOURNMENT: There being no further business, the meeting was adjourned at 12:10 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
 Secretary

APPROVED:



WILLIAM W. PATY
 Chairperson

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