

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

DATE: May 27, 1988
TIME: 9:00 A.M.
PLACE: Kalanimoku Building
Room 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL
CALL:

Chairperson William 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

STAFF: Mr. Ronald Walker
Mr. Manabu Tagomori
Mr. Mike Shimabukuro
Mr. Roger Evans
Mrs. Anne Furuuchi
Mr. Melvin Young
Mr. Maurice Matsuzaki
Mr. Alvin Katekaru
Mr. Ralston Nagata
Mrs. LaVerne Tirrell

OTHERS: Ms. Dona Hanaike, Deputy A.G.
Mr. Edwin Watson, Deputy A.G.
Mr. Peter Garcia, Dept. of Transportation
Ms. Patricia Mumford, Ms. Cynthia Thielen,
Mr. Don Hong, Mr. Neil Abercrombie (Item F-8)
Mr. Bob Smolensky (Item H-1)
Mr. Joseph Fedorowski (Item H-3)
Messrs. Daniel Hong & Brian Cook (Item H-4)
Mr. Ernest Shima (Item H-6)
Messrs. Randy Sing, Al Beety & Mark Hughes
(Item J-2)

ADDED
ITEMS

Upon motion by Mr. Ing and a second by Mr. Kealoha, the following items were added to the Agenda:

- Item D-11 -- Permission to Advertise for Bids - Job No. 3-9W-31, Waikolu Wells Development, Molokai Irrigation System, Waikolu, Molokai.
- Item H-10 -- Filling of Forestry and Wildlife Administrator, Position No. 2822, Division of Forestry and Wildlife, Oahu.
- Item H-11 -- Request for Temporary Variance and Right of Entry to Drill Three Exploratory Borings in Maunalua Bay and Adjoining Land at Maunalua Beach Park, Honolulu.
- Item I-2 -- Filling of Conservation & Resources Enforcement Officer II Positions, Oahu.
- Item I-3 -- Filling of Conservation & Resources Enforcement Officer II Positions, Hawaii Island.

Item I-4 -- Filling of Conservation & Resources Enforcement Officer II Positions, Maui.

Item I-5 -- Filling of Conservation & Resources Enforcement Officer II Positions, Kauai.

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

ITEM H-1

REQUEST TO MODIFY A CONDITION ON AN APPROVED CDUA FOR A BOAT REPAIR AND STORAGE FACILITY AT HONOKOHAU, NO. KONA, HAWAII (MR. ROBERT MCCLEAN).

As explained by Mr. Evans, On June 13, 1986 the board had approved a CDUA to Mr. Robert McClean for a boat repair and storage facility at Honokohau. Condition 9. of that CDUA stated that within 2 years from the date of this approval of this permit, the applicant shall submit a petition to the Land Use Commission to redesignate the 3-1/2 acre facility to another zoning district more appropriate for the type of use. By letter dated April 28, 1988, the applicant's agent requested a one-year time extension to the two-year time limit imposed under said Condition 9.

Mr. Arata asked Bob Smolensky, agent for the applicant, if he was satisfied with staff's recommendation. Mr. Smolensky answered in the affirmative.

ACTION

Unanimously approved as submitted. (Arata/Arisumi)

ITEM J-2

CONSENT TO ASSIGNMENT OF LEASE DOT-A-84-6, LIHUE AIRPORT, KAUAI (TAYLOR TRANSPORTATION CO., LTD.).

ITEM J-3

CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-84-14, KAHULUI AIRPORT, MAUI (TAYLOR TRANSPORTATION CO., LTD.).

ITEM J-4

CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-87-21, HONOLULU INTERNATIONAL AIRPORT, OAHU (TAYLOR TRANSPORTATION CO., LTD.).

ITEM J-5

CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-84-29, GENERAL LYMAN FIELD AND KEAHOLE AIRPORT, HAWAII (TAYLOR TRANSPORTATION CO., LTD.).

ITEM J-6

CONSENT TO ASSIGNMENT OF LEASE NO. DOT-A-78-14, GENERAL LYMAN FIELD, HAWAII (TAYLOR TRANSPORTATION CO., LTD.).

Mr. Garcia explained that Items J-2 through J-6 are consents to assignment of leases from Taylor Transportation Co., Ltd. to National Car Rental Systems, Inc. and are for counter spaces on the islands of Kauai, Maui, Oahu and Hawaii and also a baseyard at the General Lyman Field.

ACTION

Mr. Ing moved to approve Items J-2 through J-6 as submitted. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM H-6

CDUA FOR A SUBDIVISION OF A PARCEL TO CREATE A TELECOMMUNICATIONS FACILITY AT HALEAKALA, MAUI (STATE DEPARTMENT OF BUDGET & FINANCE).

Mr. Evans called the board's attention to Condition 16. where the applicant would prepare a feasibility study, within one year of this approval, on how this new site can be used by other non-governmental users. The study shall be submitted to DLNR and if feasible, this application will be amended to accommodate non-governmental users. Staff's rationale for this condition is that over the past years there has been an increase in telecommunications and telecommunication antennas, etc. and it is the idea that as long as that becomes a reality staff would like to narrow the number of sites which have to be used.

Mr. Ing asked whether there was a condition addressing the location of the tower with respect to the issue of the petrels. Mr. Evans referred Mr. Ing to Condition 13.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM H-4 REQUEST FOR TIME EXTENSION OF THE CDUA FOR A SINGLE FAMILY RESIDENCE AND UTILITY IMPROVEMENT USE AT AHUIMANU, OAHU (DANIEL S. C. HONG).

Messrs. Daniel Hong and Brian Cook were present to answer any questions the board might have.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM F-8 WITHDRAWAL OF LAND FROM G. L. NO. S-4948 (PEARL CITY YOUTH COMPLEX ASSOC.) AND DIRECT LEASE OF THE AREA TO THE HAWAII COUNCIL OF CHURCHES, FORMER HALE MOHALU SITE, PEARL CITY, WAIMANO, EWA, OAHU, TMK 9-7-19:33.

Mr. Shimabukuro explained that the board, on October 26, 1984, approved a lease to the Pearl City Youth Complex Association (PCYCA). Subsequent to that, however, the Hawaii Council of Churches Coalition for Specialized Housing (HCCCSH) did file a suit against the Pearl City Youth Complex and the Board of Land and Natural Resources. This suit is still pending. In the interim, the PCYCA AND THE HCCCSH have come to an agreement for joint use of that particular property. To implement this joint use, staff is recommending the withdrawal of 5.972 acres from G.L. S-4948 and subsequently make a direct lease of the withdrawn area to the Council of Churches.

Mr. Ing asked Mr. Shimabukuro where the language in Condition 17 had come from. Mr. Shimabukuro replied that the language was drafted by staff, with assistance from the Attorney General's office. Mr. Ing asked why the dismissal "without prejudice" if a settlement was effectuated. "Without prejudice" means that they can file another lawsuit. Mr. Shimabukuro said then if that is the case it should read "with" prejudice.

Mr. Shimabukuro asked that Condition 17 be amended as follows:

17. Prior to the issuance of a direct lease to the Hawaii Council of Churches, the Coalition for Specialized Housing shall dismiss all civil actions initiated under Civil No. 84-1661 against the Board of Land and Natural Resources, State of Hawaii; Susumu Ono, in his capacity as Chairman of the Board of Land and Natural Resources, State of Hawaii; and Moses Kealoha, Roland H. Higashi, Thomas S. Yagi, J. Douglas Ing, and Leonard Zalopany, in their capacity as Members of the Board of Land and Natural Resources, State of Hawaii; and the Pearl City Youth Complex Association with prejudice, and waive all claims against the Board of Land and Natural Resources, its past and present members and the Department of Land and Natural Resources and the Pearl City Youth Complex Association resulting from the Board of Land and Natural Resources approval of the issuance of a lease to the Pearl City Youth Complex Association on October 26, 1984 under agenda Item F-11 and the subsequent issuance of General Lease No. S-4948 to the Pearl City Youth Complex Association for the former Hale Mohalu Site, Pearl City, Waimano, Ewa, Oahu.

Members of the Council of Churches were invited to address this issue in order to give the board an overall view of the proposed joint use.

Ms. Patricia Mumford felt that this was a wonderful solution to a long-standing, difficult situation. She introduced their consultant, Don Hong, who drew up the plans which were presented to the board. Pointing out the affected area from the plan, Mr. Hong went on to explain their projected development of the housing project.

With respect to the rental, Mr. Paty noted that the fair market annual rental was to be determined by an independent appraisal and wondered how this would be with the Council of Churches group. Ms. Mumford understood that some negotiation would be possible in terms of that fair market value being determined by the type of project. Mr. Paty asked Mr. Shimabukuro if he could explain. Mr. Shimabukuro said that it would be determined by an outside appraiser, not the board, and the value would be the market value for that type of development, for that type of use, as limited by the restrictions of the lease.

Mr. Watson suggested amending staff's Recommendation A. after the word "Association" that the words "reserving to the Pearl City Youth Complex the right to use a portion of said area". In other words, when withdrawing the land from their lease, they should also be allowed to reserve their right to use a portion of their lease. Mr. Watson was referring to the one acre mentioned in Condition A.3. With respect to Condition C. 13., he asked that the following be added: "that the subdivision plans shall require the prior written approval of the Chairperson prior to being submitted to the City."

Mr. Ing asked who would be responsible for fencing the area around the canal to prevent anyone from falling in. Ms. Mumford said that they would each have their own responsibility of fencing the area on their side.

Senator Abercrombie said that he was there the day the site was closed, and was very happy to see the approval of this joint use.

Mr. Souza, a resident of the abutting property, said that he's known Ms. Mumford for many years and was happy to see their group in the area. However, his thorn is the prospect of the ball fields in the area. He did not think that this was a good mix use. Ms. Cynthia Thielen, with all due respect to the resident's comments in favor of the Housing Project, did comment that the Housing people were pretty excited about the joint use complex. They are already talking about ways that the elderly people living at the site would be able to assist in some of the work on the athletic field. There is a great spirit of cooperation between the two organizations.

ACTION

Mr. Ing moved to approve with the following amendments:

1. With respect to Recommendation A., the language reserving the right to the Pearl City Youth Complex Association to use a portion of the withdrawn lands be added.
2. That Condition C. 17. be amended as indicated earlier.
3. That Condition C. 13. also be amended to require approval of the Chairman of the Board of Land and Natural Resources prior to submission to the City and County of Honolulu.

Mr. Kealoha seconded; motion carried unanimously.

RECESS:

The board recessed from 10:00 A.M. to 10:10 A.M.

ITEM H-2

CDUA FOR A SUBDIVISION/CONSOLIDATION, LANDSCAPING AND RELATED IMPROVEMENTS FOR THE WESTIN KAUAI HOTEL AT KALAPAKI, LIHUE, KAUAI (SIDNEY FUKU).

Mr. Evans asked that amendments to the following conditions be made as follows:

5. That construction be initiated within two (2) years, instead of one (1) year and that all work and construction be completed within five (5) years instead of three (3) years.

11. That the word "potential", after the word "highest", be changed to "normal".

ACTION

Mr. Zalopany moved to approve as amended. Motion carried with a second by Mr. Arata. Mr. Ing was excused from voting on this item.

ITEM H-3

FOLLOW UP ON BOARD ACTION RELATIVE TO AFTER-THE-FACT CDUA FOR NON-EXCLUSIVE FIRST AMENDMENT ACTIVITIES AT HANAUMA BAY BEACH PARK AND BLOW HOLE LOOKOUT ON OAHU (FILED BY STAFF).

Mr. Evans stated that the Board, on March 24, 1988, had approved the land use subject to a number of conditions. Among them were staff follow-up on the proposed layout plan and the incorporation of other specific terms and conditions based upon the ideas discussed and representations made by the applicant and their legal counsel.

Mr. Evans felt that the layout plan, with an underlying theme of disclosure, predicated entirely upon conduct. Presented this morning were also complaints which currently demonstrate that their conduct does need modification. He also informed the board that the applicant, as well as his counsel, was given a copy of the submittal. The applicant's counsel did call on Monday and indicated that this morning's submittal was totally unacceptable. Subsequent to that, Mr. Evans said that he and the applicant's counsel did have some discussion and it seems appropriate that the applicant inform the board why it is unacceptable. Given what the minutes say, what the background was and what has transpired, Mr. Evans asked that he be given an opportunity to correct any mis-statements that may be made.

Mr. Arata asked whether the wearing of robes could be made a requirement. Mr. Evans said that at the board meeting of March 24, 1988 the statement was made that there is no question about this being a religious activity, which is the giving out of sanctified food. But as to why they wear normal clothes as opposed to the saffron robe, the counsel felt that it may be because it creates controversy. Mr. Arata felt that any religious organization or any other organization, should be proud to wear their uniform. He accordingly urged that the uniform be a part of the requirement.

Mr. Arata felt also that their booth should take the appearance of a religious booth so that there would be no mis-conception by the public.

Mr. Joseph Fedorowski, appearing on behalf ISKCON Hawaii, said that due to a scheduling conflict Mr. Schweigert could not be at this morning's meeting. Before addressing the specifics proposed to the board, Mr. Fedorowski asked to review some of the history of this case. In October, 1987 he said that they proposed a compromise where they would desist from activities at the Pali in return for, basically, normalization of activities at Hanauma Bay and Blow Hole and to clean up the situation at those two places. They did not, at that time, enter into an agreement to completely redo every aspect of ISKCON's activities at the Blow Hole and Hanauma Bay. When they received the proposed regulations prepared by Mr. Evan's office, they found two different categories, some of which they felt were totally unreasonable and not workable and others where they felt there would be room for compromise.

To start with, said Mr. Fedorowski, on the specific objections that they do have, he called the board's attention to:

1. Sign. It is proposed that a 6' to 8' high sign be placed the entire width, which for many reasons they did not feel was possible. He said there are 30 to 40 mph winds at those sites so it would be impossible

to have a sign that size. Other than the physical impossibility, he understood that the Land Board desired to have the two remaining places, Hanauma Bay and Blow Hole, not to be an eyesore. By having this kind of sign, they felt would be aesthetically offensive. They also feel that it violates the spirit of compromise as contained in their October agreement, which was accepted by the Board. They also felt that some of the language for the sign is inappropriate and somewhat derogatory. He said that they have had the name ISKCON HAWAII, Inc. since 1979. The Hare Krishna table which is proposed for the sign is not the official or formal name of the organization. They also felt that the following language as suggested by staff, "If you are forced to make a donation to participate in this religious activity, please report the identification of the individual to the Department of Land and Natural Resources at 548-5919", they felt was inappropriate and derogatory to the mood that they would also like to create at these two sites. Other than the language and the sign they have problems with some of the new regulations which have been suggested.

2. Layout of the Table. To have the literature in the middle and the foodstuffs on the side he said would make it unworkable for the members. The food and liquids would spill on the books. They would have no objection with putting half the table with food stuffs and half the table with literature.
3. Food Stuffs. The suggestion is that all of the foodstuffs be packaged. The whole idea, he said, of giving samples away, is that the member does not have to unwrap a specific piece of foodstuffs. The Health Department has already approved the way it is done now and they feel that is more than adequate. They have a little problem with the labeling. They basically agree with most of the labelings except they do not see a necessity to place on the labels the specific phrase "part of a religious ritual". As far as the punch goes, they agree with the idea that it should not be a logo cut and ISKCON will refrain from using Coca-Cola or Pepsi cups, but to have a cup that has no design seems to them to be unreasonable.
4. Literature. They agree to place half the table with literature and half the table with foodstuffs. But to have a specific site for the literature to make it unworkable for the person distributing the food they felt is quite burdensome and not necessary.
5. Donations. They have no problem with the language of the donations as proposed.
6. Storage. The idea of placing a grass skirt around the bottom of the table he said was to make it workable because the cooler takes up about a quarter of the table itself. If they cannot have anything under the table it means that every 5 or 10 minutes they would have to run back to the van. It is not a workable arrangement.

He said that they have no problems with the waste basket and the price listing.

Mr. Fedorsowski said that he spoke to Mr. Evans and Randy Young of the Attorney General's office before this meeting and they had basically agreed to sit down and discuss these specific objections, defer this matter for two weeks, to the next meeting, and come up as to where they stand. He felt that on some things they would be able to compromise and some where they would not be able to agree.

Referring to Mr. Evan's comments about the creditability issue, Mr. Fedorowski said that they realize that there have been complaints and ISKCON has specifically remedied that situation. One of the boys at the table did not have his badge on and he is no longer allowed at those places anymore. As far as the table not being first amendment, the idea to have a table in the first place was to avoid having members roving in a certain area and contacting the public. He said that Mr. Evans suggested that there has been difficulty administratively -- the letters have not been signed. He noticed that the letter dated March 31, 1988, has a paragraph which says to consult with your attorney prior to acknowledging the receipt. He said that ISKCON is doing that. However, ISKCON did not send this letter back with their signature because there is a major problem with the regulation. They have a new Temple President, Jim Higgins, who has a very strong administrative and business background. Their intention is to clean those two places up in the spirit of the October agreement. They do not feel that they should have unreasonable regulations but they do feel that there should be some changes and they are willing to do that. They are not going to ignore the problem and that is why Jim Higgins was brought on. He is committed on straightening out this problem.

Mr. Ing asked whether more foodstuffs than literature was passed out at these tables. Mr. Fedorowski felt that it was equivalent. Mr. Ing felt that if it is their intent that disclosure be by way of the literature, and that is only 50% of what is distributed, and the sanctified foodstuffs is going on without a disclosure, then he felt that there is a serious problem. He said that he was up there and received foodstuffs but did not get any of the literature on the table. Mr. Fedorowski said that they realize there have been problems and they are trying to correct them. Mr. Ing said that the board feels that there should be 100% disclosure whether they take foodstuff or literature. Mr. Fedorowski understood that this was the reason for the sign on the table.

Because of the many details of this particular aspect, Mr. Ing suggested the board allow Mr. Evans to discuss potential compromises with counsel for ISKCON. He said that the board is clear that they will require a sign that will give adequate disclosure, and he is not talking about some small sign in the corner of the table -- that is not going to work. Mr. Fedorowski said that the sign at the airport is put up by the State, which has language appropriate for that First Amendment activity that goes on. He suggested that the clean way of doing this would be for the State to erect the sign, which they have agreed to in principal and which is not derogatory to the specific activities on ISKON at the site as opposed to mandating that ISKCON place an unworkable sign on their booth. He thought that this might solve the problem.

They agree that the theme of disclosure is appropriate, they just don't agree on the manner in which Mr. Evan's suggests disclosure be made. Every piece of literature that goes out goes out under ISKCON's name. Nothing is being hidden as to who ISKCON is and what they do.

ACTION Deferred.

ITEM C-1 FILLING OF POSITION NO. 04664, CARPENTER I, ISLAND OF HAWAII.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM D-1 PERMISSION TO ENTER INTO AN AGREEMENT WITH THE SOIL CONSERVATION SERVICE TO CONSTRUCT AN IRRIGATION PIPELINE FOR THE WAIMANALO IRRIGATION SYSTEM, WAIMANALO, OAHU.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

<u>ITEM D-2</u>	PERMISSION TO ENTER INTO A CONTRACT WITH THE CITY & COUNTY OF HONOLULU FOR THE DREDGING OF HALAWA STREAM, HALAWA, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM D-3</u>	PERMISSION TO ENTER INTO A CONTRACT WITH THE COUNTY OF HAWAII FOR THE WAILEA-HAKALAU WATER SYSTEM IMPROVEMENTS, SO. HILO, HAWAII
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
<u>ITEM D-4</u>	PERMISSION TO ADVERTISE FOR BID, DIVISION OF WATER AND LAND DEVELOPMENT PROJECT.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM D-5</u>	PERMISSION TO ADVERTISE FOR CONSTRUCTION BIDS, DIVISION OF STATE PARKS PROJECTS - STATEWIDE.
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
<u>ITEM D-6</u>	PERMISSION TO HIRE AN ARCHITECTURAL CONSULTANT FIRM TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR JOB NO. 64-KF-A, KAUAI DLNR BASEYARD IMPROVEMENTS.
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
<u>ITEM D-7</u>	PERMISSION TO HIRE AN ARCHITECTURAL CONSULTANT FIRM TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS FOR JOB NO. 61-OM-4, MAHIMAHI REARING TANKS.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM D-8</u>	APPROVAL TO AWARD CONTRACT - JOB NO. 91-HP-F, RECONSTRUCTION OF PIOPIO BRIDGE, WAILOA RIVER STATE PARK, HAWAII.
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
<u>ITEM D-9</u>	APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT, UNNAMED STREAM AT KAALAEA, KOOLAUPOKO, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM D-10</u>	APPLICATION FOR A STREAM CHANNEL ALTERATION PERMIT, KAWAINUI CANAL, KAILUA, KOOLAUPOKO, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Zalopany)
<u>ADDED ITEM D-11</u>	PERMISSION TO ADVERTISE FOR BIDS - JOB NO. 3-9W-D1, WAIKOLU WELLS DEVELOPMENT, MOLOKAI IRRIGATION SYSTEM, WAIKOLU, MOLOKAI.
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
<u>ITEM F-1</u>	<u>DOCUMENTS FOR CONSIDERATION.</u>
<u>Item F-1-a</u>	CONSENT TO LEASE OF SET ASIDE LANDS, COUNTY OF MAUI, LESSOR, TO NATIONAL PARK SERVICE, HALEAKALA NATIONAL PARK, LESSEE, TMK 1-4-04:28, 28, AND 30, HANA, MAUI.
<u>Item F-1-b</u>	CONSENT TO SUBLEASE, GENERAL LEASE (G.L.) NO. S-4359, WILLIAM T. WHITE III, SUBLESSOR TO 1) FLEET SPECIALISTS, INC.; 2) HAWAII TOBACCO; 3) ABLE ELECTRIC, LOT 3, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-37:88.

- Item F-1-c CONSENT TO ASSIGNMENT OF G.L. NO. SL-5036, RICHARD B. ROBERTS, ASSIGNOR, TO DOUGLAS M. WEDEMEYER, ASSIGNEE, LOT 75, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-04:49.
- Item F-1-d CONSENT TO AGREEMENT OF SALE OF G.L. NO. SL-5036, DOUGLAS M. WEDEMEYER, VENDOR, TO GEORGE H. AND ANNETTA M. SPANGRUDE, HUSBAND AND WIFE, VENDEE, LOT 75, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-04:49.
- ACTION Mr. Kealoha moved to approve Items F-1-a, b, c and d as submitted. Seconded by Mr. Zalopany, motion carried unanimously.
- ITEM F-2 ADJUSTMENT OF RENT AT REOPENING FOR G.L. NO. 3589, PUUWAAWAA, NO. KONA, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-3 ACQUISITION OF EASEMENT FOR THE PROPOSED NEW MAUI INTERMEDIATE SCHOOL SITUATE AT KAHULUI, MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-4 STAFF RECOMMENDATION TO AMEND REVOCABLE PERMIT (R.P.) NO. S-5563 TO CITY AND COUNTY OF HONOLULU AND CONSENT TO USE AGREEMENT OF PREMISE (CITY & COUNTY OF HONOLULU AND STATE DEPT. OF HEALTH), PUU MANAWAHUA, MAKAKILO, EWA, OAHU.
- ACTION Unanimously approved as submitted. (Kealoha/Zalopany)
- ITEM F-5 DEPARTMENT OF EDUCATION, STATE PUBLIC LIBRARY SYSTEM, REQUEST SET ASIDE OF STATE LANDS ON ISLANDS OF OAHU, KAUAI, AND HAWAII FOR LIBRARY SITE PURPOSES.
- ACTION Unanimously approved as submitted. (Zalopany/Kealoha)
- ITEM F-6 CONVEYANCE OF ROADWAY TO THE CITY & COUNTY OF HONOLULU, HOALOHA PLACE, DOWSETT HIGHLANDS, NUUANU, HONOLULU, OAHU.
- ACTION Unanimously approved as submitted. (Ing/Arisumi)
- ITEM F-7 DIRECT ISSUANCE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR ROADWAY AND UTILITY PURPOSES, PUEA, WAIANAE, OAHU, TMK 8-5-05:POR. 9.
- ACTION Unanimously approved as submitted. (Ing/Arisumi)
- ITEM F-8 WITHDRAWAL OF LAND FROM G. L. NO. S-4948 (PEARL CITY YOUTH COMPLEX ASSOC.) AND DIRECT LEASE OF THE AREA TO THE HAWAII COUNCIL OF CHURCHES, FORMER HALE MOHALU SITE, PEARL CITY, WAIMANO, EWA, OAHU, TMK 9-7-19:35.
- ACTION See Page 4.
- ITEM F-9 REVISION OF AREA AND MONTHLY RENTAL OF R.P. NO. S-5258 TO ROBERT'S ILIMA TOURS, INC., KAAKAUKUKUI, HONOLULU, OAHU.
- Mr. Shimabukuro said that this item was deferred at the board's meeting of June 26, 1987 inasmuch as the representative of the permittee needed additional time to submit other information. However, nothing has been submitted to date and the situation still exists so staff would like to amend the permit and collect rental retroactive to 1987 for the additional area which they have been using.
- Mr. Ing asked to be excused from acting on this item inasmuch as he has represented Robert's Ilima Tours.

Mr. Arisumi voiced concern with respect to the low rental being charged. He suggested that this item be deferred. Mr. Shimabukuro said that he also felt that it was low but that this rental was based on the same criteria as that for Sand Island.

Rather than deferring, Mr. Kealoha felt that the rental could be readjusted at a later date. Mr. Kealoha said that he also did not see where rental was charged for the last increase in January, which was effective March, 1988. Mr. Shimabukuro said that this could be adjusted to include the new rate. Mr. Kealoha felt that if the board did not move ahead on this then they would wait another year or so before staff goes after the money. We have been after these people for about a year or two and he felt that more money is owed the State than what is shown in the submittal. Mr. Kealoha suggested approving this item with an amendment that the area continue to be monitored and the difference of rental from March, 1988 be brought back to the board for action.

Mr. Shimabukuro suggested approving with an amendment that the rental be adjusted to reflect the March 1, 1988 increase.

ACTION Mr. Kealoha moved to approve with an amendment that the rental be adjusted to reflect the March 1, 1988 increase. Seconded by Mr. Arisumi, motion carried unanimously.

ITEM F-10 REQUEST FOR EXTENSION OF G. L. NO. S-4101 (WAIMANALO DAIRY, INC.), WAIMANALO, OAHU, TMK 4-1-08:80 AND 4-1-26:04.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM F-11 REQUEST TO WAIVE DWELLING RESTRICTION OF G. L. NO. S-4930, LOT 9, WAIMANALO AGRICULTURAL PARK, PHASE I, WAIMANALO, KOOLAUPOKO, OAHU.

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM F-12 ACQUISITION OF LANDS (KAWAINUI MARSH) FOR STATE PARK PURPOSES, SITUATED AT KAILUA, OAHU.

Mr. Shimabukuro asked to amend Condition No. 2 by deleting "Division of State Parks for state park purposes", at the end of the paragraph and add "for state parks and wildlife sanctuary purposes."

ACTION Unanimously approved as amended. (Ing/Kealoha)

ITEM F-13 RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, MAUI FOOD STAMP UNIT, PUBLIC WELFARE DIVISION, WAILUKU, MAUI.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

ITEM F-14 RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, HAWAII INTAKE SERVICES CENTER, KEALAKEKUA, KONA, HAWAII.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-15 LEASE OF OFFICE SPACE FOR THE DEPT. OF THE ATTORNEY GENERAL, CHILD SUPPORT ENFORCEMENT AGENCY, WAILUKU, MAUI.

ITEM F-16 LEASE OF OFFICE SPACE FOR THE DEPT. OF HUMAN SERVICES, PUBLIC WELFARE, DIVISION, WAILUKU, MAUI.

ACTION Mr. Arisumi moved to approve Items F-15 and F-16 as submitted. Seconded by Mr. Zalopany, motion carried unanimously.

<u>ITEM H-1</u>	REQUEST TO MODIFY A CONDITION ON AN APPROVED CDUA FOR A BOAT REPAIR AND STORAGE FACILITY AT HONOKOHAU, NO. KONA, HAWAII (MR. ROBERT MCCLEAN)
ACTION	Approved. See Page 2.
<u>ITEM H-2</u>	CDUA FOR SUBDIVISION/CONSOLIDATION, LANDSCAPING, AND RELATED IMPROVEMENTS FOR THE WESTIN KAUAI HOTEL AT KALAPAKI, LIHUE, KAUAI (SIDNEY FUKU).
ACTION	Approved as amended. See Pages 4 and 5.
<u>ITEM H-3</u>	FOLLOW UP ON BOARD ACTION RELATIVE TO AFTER-THE-FACT CDUA FOR NON-EXCLUSIVE FIRST AMENDMENT ACTIVITIES AT HANAUMA BAY BEACH PARK AND BLOW HOLE LOOKOUT ON OAHU.
ACTION	Deferred. See Pages 5, 6 & 7.
<u>ITEM H-4</u>	REQUEST FOR TIME EXTENSION OF THE CDUA FOR A SINGLE FAMILY RESIDENCE AND UTILITY IMPROVEMENT USE AT AHUIMANU, OAHU (DANIEL S. C. HONG).
ACTION	Approved. See Page 3.
<u>ITEM H-5</u>	AUTHORIZATION TO APPOINT A PUBLIC HEARING MASTER TO HEAR A CONSERVATION DISTRICT USE APPLICATION.
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
<u>ITEM H-6</u>	CDUA FOR A SUBDIVISION OF A PARCEL TO CREATE A TELECOMMUNICATIONS FACILITY AT HALEAKALA, MAUI (STATE DEPT. OF BUDGET & FINANCE).
ACTION	Approved. See Page 2.
<u>ITEM H-7</u>	FILLING OF POSITION NO. 9912, ACCOUNT CLERK III, ADMINISTRATIVE SERVICES OFFICE, OAHU.
ACTION	Mr. Ing moved to approve the appointment of Ms. Judith T. Garo to Position No. 9912. Seconded by Mr. Kealoha, motion carried unanimously.
<u>ITEM H-8</u>	APPROVAL TO PROCEED WITH THE SINGLE AUDIT OF THE DEPARTMENT'S FEDERAL AID PROGRAMS.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM H-9</u>	PERMISSION TO FIRST AMENDMENT TO STATE OF HAWAII CONTRACT NO. 23042 WITH DATA HOUSE, INC. TO PROVIDE ELECTRONIC DATA PROCESSING (EDP) MAINTENANCE SUPPORT SERVICE.
ACTON	Unanimously approved as submitted. (Ing/Kealoha)
<u>ADDED ITEM H-10</u>	FILLING OF FORESTRY AND WILDLIFE ADMINISTRATOR, POSITION NO. 2282, DIVISION OF FORESTRY AND WILDLIFE, OAHU.
ACTION	Mr. Arata moved to approve the appointment of Dr. Calvin Lum to Position No. 2282 effective June 16, 1988. Seconded by Mr. Zalopany, motion carried unanimously.
<u>ADDED ITEM H-11</u>	REQUEST FOR TEMPORARY VARIANCE AND RIGHT OF ENTRY TO DRILL THREE EXPLORATORY BORINGS IN MAUNALUA BAY AND ADJOINING LAND AT MAUNALUA BEACH PARK, HONOLULU.
	Mr. Evans explained that the reason for this exploratory boring is so that basic data gathering can take place on soils so the Department of Transportation can then design a ferry construction pier which is intended

to be one part of a "park and ride" avenue into Honolulu. If successful, people will go down to Maunaloa Bay and board a ferry to Pier 8 and return back to Maunaloa Bay at the end of the working day. During the day, the ferry would be used for tourists. However, in this particular case, over the weekend there was a complaint so their operation was closed down and staff did get together with the Department of Transportation to try and find a way to allow this. Notwithstanding the violation, said Mr. Evans, the idea of a temporary variance was suggested and which can be given under certain conditions where good cause is shown and where good conservation practices are being maintained. Staff felt that what DOT proposes in terms of this exploratory boring is in fact temporary in use and is consistent with what the intent of the temporary variance was meant to be. Accordingly, staff is recommending 1) that the DOT be fined \$500.00. In terms of the variance, staff is recommending approval subject to the conditions listed in the submittal.

Mr. Ing asked why the party that did the drilling was not fined. Mr. Evans said that when the operation was shut down they went to DOT because they were all under the impression that DOT had given them permission to go out there and do it. Mr. Ing felt that opposed to fining DOT he wondered why Fewell Geotechnical, Inc. was not fined. Mr. Evans said staff felt that DOT, as the issuer of the contract, was the responsible party.

In response to Mr. Paty's question as to how long this project would take, Mr. David Higa of DOT said that it would probably take about 4 to 5 days to complete. Unfortunately, he said that they were not fully aware of what proviso of the CDUA law was violated. He said he would need to know this so he could process the fine through their procedures. They definitely will be coming in for a CDUA once the plans are developed. He said that it was never their intent not to submit a CDUA.

ACTION Mr. Ing moved to approve as recommended. Motion carried with a second by Mr. Zalopany. Mr. Kealoha opposed.

ITEM I-1 APPOINTMENT OF LICENSE AGENT, KAYA FISHING SUPPLY, INC., ISLAND OF OAHU.

ACTION Unanimously approved as submitted. (Ing/Arisumi)

ADDED
ITEM I-2 FILLING OF CONSERVATION & RESOURCES ENFORCEMENT OFFICER II POSITIONS, OAHU.

ACTION The board unanimously approved the appointments of Michael N. Lapilio, Francis M. Pekelo, Neal F. Yoro and James D. Sequin to fill the Oahu positions. (Kealoha/Zalopany)

ADDED
ITEM I-3 FILLING OF CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II POSITIONS, ISLAND OF HAWAII.

ACTION Upon motion by Mr. Arata and a second by Mr. Arisumi, the board unanimously approved the appointments of Messrs. James Kaulukukui, Jr., Michael M. Hill and Gary Provencal to fill the Hawaii Island positions.

ADDED
ITEM I-4 FILLING OF CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II POSITIONS, MAUI.

ACTION Mr. Arisumi moved to approve the appointments of Calvin Ah Loy, Richard P. Tavares, Jr., Randy K. Awo and Mark M. Pocock to fill the Maui positions. Seconded by Mr. Arata, motion carried unanimously.

ADDED ITEM I-5	<u>FILLING OF CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II POSITIONS, KAUAI.</u>
ACTION	Mr. Zalopany moved to approve the appointments of Patrick T. Kenney and Roland D. Pablo to fill the Kauai positions. Seconded by Mr. Arisumi, motion carried unanimously.
ITEM J-1	<u>GRANT OF EASEMENT, KAHULUI AIRPORT, MAUI (MAUI ELECTRIC CO., LTD.).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
ITEMS J-2 through J-6 were all approved as submitted. See Page 2.	
ITEM J-7	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS (R.P.) 4456, ETC., AIRPORTS DIVISION.</u>
ACTION	Unanimously approved as submitted. (Zalopany/Arisumi)
ITEM J-8	<u>RENEWAL OF R.P. 2010, ETC., AIRPORTS DIVISION.</u>
ACTION	Unanimously approved as submitted. (Zalopany/Kealoha)
ITEM J-9	<u>APPROVAL OF CONSENT TO SUBLEASE A PORTION OF THE PREMISES OF LEASE NO. 42, PIER 35 HONOLULU HARBOR, OAHU (NATIONAL COMPANY, INC.)</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-10	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 18, HONOLULU, OAHU (PACIFIC FISHING BOAT OWNERS COOPERATION, INC.).</u>
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
ITEM J-11	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 40, HONOLULU, OAHU (P&R WATER TAXI, LTD.).</u>
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
ITEM J-12	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39, HONOLULU HARBOR, OAHU (JACK ENDO ELECTRIC, INC.).</u>
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
ITEM J-13	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8, HONOLULU, OAHU, (SEA LINK OF HAWAII, INC.).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-14	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU, OAHU (IMPS, INC.).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-15	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU, OAHU (HAWAIIAN CRANE & RIGGING, LTD.).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
ITEM J-16	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 31A, HONOLULU, OAHU, (SHELL OIL CO.).</u>
ACTION	Unanimously approved as submitted. (King/Kealoha)

ITEM J-17 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (SERVCO PACIFIC, INC.)

Mr. Garcia asked that "dba McWayne Supply" be added after "SERVCO PACIFIC, INC."

ACTION Mr. Zalopany moved to approve as amended. Motion carried with a second by Mr. Ing. Mr. Kealoha was excused from voting on this item.

ITEM J-18 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU, OAHU (KANAKA HAWAII CORPORATION).

ACTION Unanimously approved as submitted. (Ing/Kealoha)

ITEM J-19 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (DHC, INC. DBA HOKUNANI CRUISES).

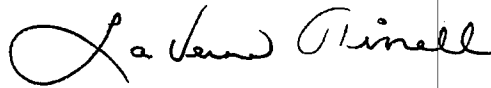
ACTION Unanimously approved as submitted. (Ing/Arisumi)

ITEM J-20 CONSTRUCTION RIGHT-OF-ENTRY AND LEASE OF EASEMENT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU HARBOR, OAHU (HAWAII COMMUNITY DEVELOPMENT AUTHORITY, DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT).

ACTION Unanimously approved as submitted. (Ing/Kealoha)

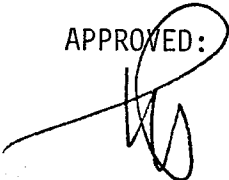
ADJOURNMENT: The meeting was adjourned at 12:00 noon.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



WILLIAM W. PATY
Chairperson

lt