

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

DATE: October 14, 1988
TIME: 9:00 A.M.
PLACE: Kalanimoku Building
Room 132, Board Room
1151 Punchbowl Street
Honolulu, Hawaii

ROLL CALL: Chairperson William W. Paty called the meeting of the Board of Land and Resources to order at 9:02 a.m. The following were in attendance:

MEMBERS: Mr. J. Douglas Ing
Mr. Mose W. Kealoha
Mr. John Arisumi
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. William W. Paty

STAFF: Mr. Henry Sakuda
Dr. Calvin Lum
Mr. Herbert Kikukawa
Mr. Manabu Tagomori
Mr. Ralston Nagata
Mr. Mike Shimabukuro
Ms. Sandra Furukawa
Mr. Melvin Young
Mr. Noah Pekelo
Mr. Wendell Kam
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G. (excused 12:30 p.m.)
Mr. Randall Young, Deputy A.G. (arr. 12:30 p.m.)
Mr. Peter Garcia, Dept. of Transportation
Mr. Joe Kaipo (Item E-1)
Messrs. Frank Mento & Frank Farm (Item E-2)
Ms. Debbie Chun (Item F-1-d)
Messrs. Carlton Ching, Richard Hirata, Hugh Ono,
Ronald Ibarra and Scott Leithead (Item F-3)
Charles and Helen Smith & John Lehnert (Item F-6)
Ms. Livia Wang and Messrs. Jerry Rothstein
and Fred Madlener (Item F-7)
Mr. Clifford Fujimoto (Item F-9)
Messrs. Mike Burke and Owen Moe (Item F-12)

MINUTES: The board approved unanimously the minutes of July 22, 1988, August 26, 1988 and September 9, 1988. (Ing/Kealoha)

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

Item E-3 -- Filling of Position No. 12969, Account Clerk III, Staff and Supportive Services Office, State Parks Division.

Item F-23 -- Lease of Office Space for the Office of the Attorney General, Island of Oahu.

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

ITEM F-9

CANCELLATION OF R.P. NOS. S-5249, S-5578 AND S-5616 TO WAILUA PRODUCTS, LTD. AND SHOICHI AND SUMIE FUJIMOTO, IWILEI, HONOLULU, OAHU.

Mr. Shimabukuro said that staff had recommended cancellation of the above permits because of delinquent rental payments; however, rental payments were made current as of today. In line with the past delinquencies, staff also asked the applicant to 1) post a performance bond in the amount of \$5,000, which has not been done; 2) remove all sub-renters by 4:00 p.m. Friday, September 30, 1988, which has not been done; and 3) remove all their property from areas not authorized in their permit by Friday, September 30, 1988, which also has not been done. Staff is therefore recommending that all three permits be cancelled effective thirty (30) days from receipt of Notice.

Mr. Clifford Fujimoto was called by Mr. Paty to come forward to respond to staff's recommendation. Insofar as the rental, Mr. Fujimoto said that the responsibility was given to his bookkeeper. However, he should have followed up to see that the rental was being paid. He did not find this out until Mason Young and Dean Uchida stopped by in early September to say that the rental had not been paid.

With respect to the sub-tenants, Mr. Fujimoto said that their business had gotten smaller and they had all these empty ice boxes on the premises so they did not think that they were in violation when they rented out these boxes. However, when Dean Uchida came down and asked him to move these people out he did ask the tenants to move but because they have been there for five years it would take some time for them to pack up and find another area to move to.

Mr. Fujimoto did not feel that he was fully responsible for all of the rubbish in the area. Before the State came in to clean up the area everybody else, including the "street" people throw their rubbish in the area.

Mr. Fujimoto said that if their permits are cancelled then about 18 employees will be out of a job. He is making an effort to put things together the way it should be.

Mr. Ing asked Mr. Fujimoto if his bookkeeper had a reason for not paying the bills. Mr. Fujimoto said that he did ask but Mr. Moriyama did not really reply. Mr. Ing wanted to know what assurance the board had that Mr. Moriyama would not do the same thing again. Mr. Fujimoto said that he did hire someone else.

In reply to Mr. Ing's question as to who the sub-tenants were, Mr. Fujimoto said, Oahu Produce, someone named Eddie and someone named David. Mr. Ing asked that Mr. Fujimoto find out the amount of rental being charged and also that his books be submitted for review.

Mr. Ing asked Mr. Fujimoto if he ever considered giving up some of the area under permit to decrease his rental, especially now that he knows that he is not allowed to rent out the ice boxes.

Mr. Ing said that he would like to see the Fujimoto's continue in their family business but he would like 1) to see the space reduced; and 2) that they comply with the bond requirement. Rather than try to work this out at this time, Mr. Ing asked that Mr. Fujimoto meet with the Oahu Land Agent to

see how much of his area can be reduced and return later in the meeting with a new proposal. Mr. Ing also wanted to know how they expected to comply with the other requirements.

ACTION

Deferred to later in the calendar. (See Pages 12 & 13)

ITEM F-6

RESUBMITTAL - REQUEST FOR AN EXTENSION OF TERM, CONSENT TO SUB-AGREEMENT OF SALE, AND CONSENT TO ASSIGNMENT OF G. L. NO. S-4093, LOT 44, WAIMANALO AGRICULTURE SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU.

Mr. Shimabukuro explained that this item was deferred by the board at its meeting of August 26, 1988 in order for the applicants to find other ways to assign their interest in G.L. No. S-4093. The earlier request for extension and consent to mortgage was actually being made by Mr. Joseph R. Baker who had no interest in the lease. As a matter of policy, the Board does not consider requests by parties who have no actual interest in a lease agreement.

Although staff is submitting essentially the same request, the Smith's, about a week ago, submitted a new proposal to sell the leasehold on the basis of a sub-sub agreement of sale to a new buyer, John Lehnert. Mr. Lehnert has agreed to acquire the property for \$100,000 without any extension. He has also agreed to make the balloon payment due on the Agreement of Sale.

Staff is requesting that the board 1) deny the request to extend the lease; 2) deny consent to the sub-agreement of sale between Charles and Helen Smith and Joseph Baker; 3) deny the consent to mortgage between Joseph Baker and Honolulu Mortgage Co.

Mr. Shimabukuro asked also to add the following Recommendation C.

C. That the Board consent to the foregoing sub-sub-agreement of sale covering General Lease No. S-4093 subject to the following terms and conditions:

1. That this consent shall not in any manner be construed as varying in any respect the terms and conditions of said General Lease and provided further, that no further transfer of any interest under this lease shall be made without the written consent of the Board of Land and Natural Resources being first obtained.
2. It is understood that should there be any conflict between the terms of said lease and the terms of said sub-sub-agreement of sale, the former shall control.
3. Approval of document by the Attorney General's Office.
4. Consents from Harriet Towne Gega (Lessee) and Lerae Britain Moeller and Lois J. Kittle Engman to sub-sub-agreement of sale.
5. That the buyer, Mr. John Lehnert, understands that the lease expires on March 19, 1997 and that he has no assurance that the lease term will be extended.
6. The consent to the sub-sub-agreement of sale is contingent on the payment of the \$1,500.00 fine by Charles and Helen Smith.
7. The assignment of lease to buyer will be made only after all the conditions of the prior agreement of sale, sub-agreement of sale and this sub-sub-agreement of sale are fully satisfied.

8. That the purchaser, John Lehnert, understands that the use of the land demised under General Lease No. S-4093 is for "flower and nursery cultivation and small animal husbandry."
9. That the purchaser shall post a surety bond, naming the State of Hawaii, Board of Land and Natural Resources, as obligee, in the principal amount equal to twice the annual rent of General Lease No. S-4093, guaranteeing performance in accordance with the terms and conditions of said general lease.
10. Such other terms and conditions as may be prescribed by the Chairperson.

With respect to the conditions already listed in the submittal, Mr. Shimabukuro asked that Condition A. 4. be deleted inasmuch as it will not be in effect.

Mr. Lehnert stated that proposed Recommendation C.9 requiring that a surety bond in the principal amount equal to twice the annual rent of General Lease No. S-4093 be posted, naming the State of Hawaii as obligee, was new to him. He asked how soon he would have to come up with this bond. He did not think that he could come up with the bond by closing time. Mr. Shimabukuro said that the normal time is thirty days from the date the lease is issued.

Mr. Lehnert asked about the possibility of a lease extension once he is on the property -- whether he would be allowed to reapply or whether this would be the option only of the original lessee, Mrs. Gega. Mr. Ing informed Mr. Lehnert that the board was not in a position to counsel him as to what he may or may not do. Mr. Paty felt that this question would be better addressed to the Land Management staff.

Mrs. Helen Smith asked to clarify Mr. Lehnert's question regarding the bond. She informed him that they had applied for a bond through their insurance company -- they just paid the premium and the company guaranteed the amount of the bond. Their premium was \$50.00.

ACTION

Upon motion by Mr. Ing and a second by Mr. Kealoha, the board voted unanimously for approval with the following amendments:

1. Deletion of Recommendation A.4.
2. Addition of Recommendation C.1 through 10 as shown above.

ITEM F-7

RESUBMITTAL - APPROVAL FOR ADOPTION OF CHAPTER 13-222, HAWAII ADMINISTRATIVE RULES, ENTITLED "SHORELINE CERTIFICATION," STATEWIDE.

Mr. Shimabukuro asked to amend the last paragraph on page 2 to read as follows:

"Also the language in Section 13-222-26(b) was revised to require petitioner to submit a survey map to be submitted prior to the contested case hearing itself."

Mr. Shimabukuro continued that staff did take into consideration the Board's concerns which were expressed at the August 26, 1988 meeting. Accordingly, the following revisions were made in conformance with their suggestions:

1. Application requirement no. 12 was added to subsection 13-222-7(c) making it mandatory for applicant to file a statement granting representatives of the State, including the State Surveyor, right-of entry to the property involved for the purpose of site inspection and verification of the shoreline to be certified.
2. A new paragraph was added to Section 13-222-11 for the purpose of confirming the validity of certified shoreline cases where artificial structure remains intact and unaltered. This will make it unnecessary for a property owner whose shoreline falls under this section from having to re-certify the shoreline so long as prior certification was at the artificial structure which remains intact and unaltered.
3. The public notice section (Section 13-222-12) was revised and clarified that two types of public notices be made in the OEQC Bulletin or any other monthly or bi-monthly governmental publication.
4. Forms Exhibit "A" and "B" for appeal on a contested case hearing basis was removed from the rules and references to the exhibits was deleted from Section 13-222-26.

Also the language in Section 13-222-26(b) was revised to require petitioner to submit a survey map to be submitted prior to the contested case hearing itself.

In addition: Section 13-222-9(b) was revised to provide that survey maps shall be drawn to engineer or architect scale in unit of feet only.

Referring to Section 13-222-26 Appeal of shoreline certification, (a) wherein a person may appeal a shoreline certification or rejection thereof to the board by requesting in writing a contested case hearing no later than 10 calendar days from the date of public notice of shoreline certification or rejection thereof.

This notice, said Mr. Ing, is to be published in the EQC bulletin but this bulletin is always dated the 8th and the 22nd of the month and then mailed out. Sometimes it is not mailed out until the 23rd or 24th or whatever day it is ready. If you allow two days for mailing, someone could be left with only five days in which to get the request in writing and to get it back to the board. He felt that the 10 day requirement was too short because of the current practice of EQC in mailing their notices. He suggested extending this to 15 or 20 days.

Mr. Kealoha also voiced concern with Section 13-222-26 since some people don't have the daily paper. In some cases even the 15 or 20 days might be too short. Mr. Ing said that he would like to make it 20 days.

Mr. Shimabukuro asked for clarification -- 1) change 10 days to 20 days in subparagraph (a); and 2) also change 10 days to 20 days in subparagraph (1)? Mr. Ing thought that subparagraph (a) might be inconsistent with subparagraph (1) so the attorney general's office should look at this. He felt definitely that subparagraphs (a) and (2) should be changed to 20 days but that the attorney general's office should take a look at (1) to make sure that it is consistent with the rest.

Mr. Ing commented also that he agreed with one of the attorneys who had submitted a letter with respect to subparagraph (b) of that section which requires a petitioner to file a survey map prepared by a registered land surveyor prior to the contested case hearing, that this is a heavy burden, especially if the filing involves substantial shoreline. He felt that the board, in a contested case, would have the ability to weigh evidence

submitted by way of photographs or otherwise. Requiring them to come with another shoreline survey done by a registered land surveyor would be just too heavy a burden so he would like to see this section deleted.

While it may be a heavy burden on the person appealing, Mr. Shimabukuro felt that the heavy burden is also on the person wanting the shoreline certified so staff is saying that if there is an appeal then staff's position is that the State Surveyor's certification is correct and whoever is appealing should show staff that they are wrong and also where they are wrong.

Mr. Ing felt that the purpose of this is to allow an appeal to the board or whoever would be ruling on the contested case. However, this is restricting the board to one shoreline survey by registered land surveyor and another. This is like saying that this is the only kind of evidence the board can look at but there may be other factors. Mr. Ing felt that a lot of this becomes subjective judgment by the Land Surveyor, whether he's from the State or private industry. However, someone who lives in the area and knows a little more about the area may want to come in and give testimony, photographs or other kinds of evidence and he did not want to restrict that person to come in with another registered surveyor's results.

Mr. Ing said that there could probably be some alternative wording. One alternative would be that they submit a map of some sort showing what they feel should be the shoreline for that portion of the survey that they are contesting.

Taking into consideration Mr. Ing's comments, Mr. Shimabukuro amended subsection (b) to read as follows:

(b) Petitioner shall submit prior to the contested case hearing a map prepared to scale, depicting the shoreline advocated by the petitioner.

Mr. Paty thought that maybe they could just use the surveyor's map and show where they disagreed.

Ms. Livia Wang, Attorney with the Native Hawaiian Legal Corporation, presented testimony dated September 20, 1988. In terms of alternate language she called the board's attention to page 2 of her testimony which showed alternate language which could be used in section (b) in terms of the requirement for evidence. However, she also felt that the new language which was just proposed would also be fine with her.

Another concern, said Ms. Wang, is the time period for public review and comment. As is stated now, comments have to be written and received by the department within 14 days, they are proposing at least 20 days. Mr. Paty stated that the board had already proposed this longer period of time before she arrived at the meeting this morning.

Ms. Wang's last proposal is that a provision be added to 13-222-16 to clarify that when markers are placed in the ground that they are not taken out until the shoreline is certified. This would aid the public who contested a shoreline certification in presenting evidence to the Board.

Mr. problem with this, said Mr. Shimabukuro, is that one day after the surveyor places the markers someone goes in and pulls it out. He did not think it would be possible for staff to make sure that a marker is always there.

Mr. Ing felt that if this condition is left in and the marker is moved away for whatever reason, then there will be a complaint that there was no compliance with regulations.

Mr. Fred Madliner of the Sierra Club said that the basis of the certification is the actual state of the shoreline. If it is said to be somewhere it isn't they agree that there ought to be a process for establishing exactly where it is. Although the remedy the State has attempted is a good one, they still feel that it is not complete and might not achieve all of the goals. As the rule stands now, the cost is great and puts an undue burden on the persons wanting to contest.

Mr. Jerry Rothstein from the Big Island said that he has been involved with this issue for about 6-7 years and feels that today it is finally coming to a head. His only concern with shoreline delineation is that it has got to be accurate. What makes him question the accuracy is that time and time again he has seen very substantial erroneous shoreline survey certification. He has seen lines drawn through water; shorelines certified at the edge of illegal rock fills; shorelines certified where the ocean, at low tide, touches the wall that was built there. He believed that the reason for the inaccuracies is that the process is done in the dark, which means that there are just a couple of dozen shoreline survey companies in the State and two or three state surveyors who are basically responsible for certifying shorelines.

Mr. Rothstein felt that over the years certain ways which were developed for surveying did not assure accuracy. He suggested a three point plan i.e. 1) include public notice; 2) on-site inspection by the State Surveyor's office at such time as there is timely input from a member of the public who has gone out during the period which public input is allowed from the public notice, has inspected the site and found what appears to be an incorrect survey; 3) at such time that the State Surveyor does come out to look at the questionable survey, that at that time interested parties are notified and are allowed to participate in his observing the questionable survey.

The way the rules are set up now, there is public notice which calls for a period of fourteen days where the public is allowed to send a letter to the State Surveyor notifying him of any problems and that is the end of public involvement because the next step is that when the State certifies the shoreline then the parties who have requested and are interested are then notified of the status of the survey -- when it has been certified or not certified. If the person is dissatisfied with the certification then the next step is to request contested case hearing and after that is always a judicial remedy. The trouble with that procedure, said Mr. Rothstein is that there is nothing between the letter and the contested case hearing. The trouble with the contested case hearing is that first of all a citizen has to pay \$100. Secondly, he would have to hire a surveyor and pay much money to have a survey made and then you ask one surveyor to testify against another surveyor and to question the survey which has been certified by the State Surveyor.

Finally, said Mr. Rothstein, even though you may request a contested case hearing there is no guarantee that it will be granted.

Mr. Paty noted from Mr. Rothstein's remarks that he had one principal concern, which is trying to provide public opportunity at the time the survey is being made. Mr. Paty felt as far as being notified, staff had taken care of this. He asked Mr. Shimabukuro, "what opportunity is there for the public to be onsite when this kind of thing takes place?" Mr. Shimabukuro was not sure how this would be handled. He did not know whether the Surveyor would have time to notify the concerned parties before he went out to inspect the site. The Surveyor would only go out if there was a difference in opinion after reviewing whatever evidence was submitted. Mr. Paty asked Mr. Rothstein for his comments on this problem.

Mr. Rothstein said that the State Surveyor would have received a letter and whatever other photographs that would indicate that there is a need for the shoreline to be inspected. There would be some requirement, say three to seven days before he goes out to take a look that he notify the property owner and all those other people who have gone out and inspected that tentative proposed shoreline and have responded in writing in a timely fashion. They would not have to agree on a time. The State Surveyor would pick his time and those who are able to make it, fine. He did not think that this was such a major obstacle. Commenting on some of Mr. Rothstein's remarks, Mr. Shimabukuro said that Mr. Rothstein seems to think that the shoreline certification is the ownership boundary certification. It is not. It mainly certifies where the shoreline is and does not have anything to do with property so when he says that we are losing public land, the opposite is true. The private owners are the ones losing land from erosion. Mr. Rothstein agreed. However, the practical matter he stated was that if you draw a shoreline at the water's edge and build a rockwall because you get a variance, then the shoreline should be put back 40-feet. That 40-feet behind the wall is lost to the public and becomes private.

Mr. Ing felt that Mr. Rothstein was confusing several concepts about land ownership -- erosion and accretion. He explained that the property owner has a right to protect his property whether its from waves or intrusion from members of the public. As far as Mr. Rothstein's proposal, he felt that this would be rather cumbersome. He could see a situation where a State Surveyor goes out to the shoreline, particularly where substantial shoreline is involved and, in order to get to the area of dispute, he would have to find the benchmark and run the survey in order to tie in the proposed shoreline located on the map with what is shown on the ground. This could take weeks. If he goes to the area of dispute, unless he can locate it on the ground and verify that whatever pins or stakes have not been moved, it would take an enormous amount of time. However, he felt that those concerns addressed by Mr. Rothstein could be addressed by the Contested Case proceedings.

Prior to going to a contested case hearing, Mr. Rothstein asked that the State Surveyor come out and meet with those people who have gone to the site during the approved time and have found fault with the survey. He felt that this would resolve many, many instances where a contested case hearing might otherwise be called for. He felt that, by these rules, staff is cutting out most of the meaningful public input which otherwise would result in an accurate shoreline survey. As far as cumbersome, he said that most of the marks are out there on the ground and it would not be that cumbersome to go from mark to mark to see where the problems are in the area.

Mr. Ing said that there are two means to bring this to the board's attention: one is through comments and if that does not resolve the problem then he has a contested case where he can bring the same material to the attention of the board. Then he is no longer dealing with the State Surveyor. If he is still not satisfied then he can take it to the Circuit Court. Mr. Rothstein said that the comments are addressed to the State Surveyor during the comment period (14 days), not to the board. If you just write to the Surveyor you have no way of knowing if the letter ever got there or what the Surveyor decided about it. As far as a contested case goes, they could do it, but the way it is set up he felt that it is more for the private property owner who wants to oppose what the State has certified. Mr. Rothstein continued conveying his feelings of the importance of public input without having to go the way of the contested case hearing.

ACTION

Mr. Ing moved to approve with the following amendments to the proposed rules:

- . With respect to Section 222-12(c) that the words "and postmarked" be inserted between "Surveyor" and the word "no" on the third line of that subparagraph.
- . With respect to Section 222-26(a) that the time be changed from 10 calendar days to 20 calendar days.
- . With respect to 222-26(1) that the time also be changed from 10 calendar days to 20 calendar days.
- . With respect to 222-26(2) that the time also be changed from 10 calendar days to 20 calendar days, with the following proviso that the Attorney General's Office review all three paragraphs in that subsection for consistency.
- . With respect to 222-26(b) that it be amended to read as follows:

"(b) Petitioner shall submit prior to the contested case hearing a map to scale depicting the shoreline advocated by petitioner."

The last sentence as it presently reads be deleted in its entirety and also the clause requiring that the map be prepared by a registered land surveyor also be deleted.

Mr. Kealoha seconded.

Mr. Ing said that he did not incorporate the comments made by Mr. Rothstein although he agreed that there may be some merit in it. He suggested trying the process as proposed under these regulations and, should problems arise, there are provisions for amending the rules so should problems continue to exist the concerns raised by Mr. Rothstein and not addressed by the procedural requirements set forth in the rules that the rules be amended at a later time.

Mr. Paty called for the vote; vote was unanimous, motion carried.

RESUBMITTAL - COUNTY OF KAUAI REQUEST FOR WITHDRAWAL OF LAND FROM G. L. S-4222 AND ISSUANCE OF EXECUTIVE ORDER FOR ADDITION TO KEKAHA SANITARY LANDFILL AT KEKAHA, KAUAI.

ITEM F-12

Mr. Shimabukuro said that there seemed to be some problems with the way the County of Kauai had buried some cars at the existing landfill. Until the problem of whether they will dig up the cars and bury it somewhere else has been resolved, Mr. Shimabukuro asked that this item be deferred.

ACTION

Deferred. (Apaka/Kealoha)

RECESS:

11:00 a.m. - 11:05 a.m.

RESUBMITTAL - REQUEST OF COUNTY OF HAWAII FOR SET ASIDE OF LAND FOR MUNICIPAL WASTEWATER TREATMENT PLANT AND WASTEWATER RECLAMATION FIELD, KEALAKEHE, NO. KONA, HAWAII.

ITEM F-3

Mr. Shimabukuro said that if the County and the HFDC had not agreed to an exact site, he asked to amend the submittal to set aside some area within the land of Kealakehe, below the highway, the exact site to be worked out between HFDC and the County and also give HFDC a right of entry to locate the specific site. Mr. Ing asked why we couldn't just give them the site they are requesting and if HFDC wants to change it, then convince the County. Mr. Shimabukuro suggested that HFDC reply to this question.

Mr. Ronald Ibarra, Managing Director for the County of Hawaii, emphasized that there are two things which they are concerned with, one is time and the second is money. As to the time, the current wastewater treatment plant is 95% capacity and, at times, over 100% capacity so they need a treatment plant pretty quick. Also, their federal funds may be in jeopardy and cost of the project, if there is any other delay in a different site, may be lost.

With respect to staff's recommendation that a site below the road to be worked out with HFDC, Mr. Ibarra said that they have been trying to work out an agreeable site with HFDC but to no avail. Suddenly all the communication which they have is that the present location conflicts with their housing plans. He would agree with Mr. Ing's comment, especially since they need to proceed or jeopardize their federal funding, that this board make a decision to approve staff's recommendation to convey the present site to the County and they would be most willing to work with HFDC to come up with a compromise. He said that they need a specific site in order to continue trying to build their treatment plant. Mr. Ibarra informed the board that County Engineer Hugh Ono, Project Manager Ken Sakai and Scott Leithead, Administrator from the Office of Community Development were present to answer any questions the board may have.

Mr. Ono submitted for the board's information a letter which was received by the Department of Health from the Environmental Protection Agency which says yes, they could do this...but subject to Conditions A-F. He explained that these were new conditions which were placed on the County since October 3, 1988, which did not exist prior to the board's meeting of September 23rd. He felt that these were additional deadlines which would not have been imposed had they been on their course of proceeding with the project. The initial impact is that \$344,000.00 is currently being withheld from their ongoing projects because this matter was even raised by the EPA. If the board could approve the executive order to proceed with the site as they had planned and then they could continue the discussion with HFDC and, should it be agreeable to proceed with alternate plans the County would certainly be willing to do that.

Mr. Paty asked how this \$344,000 came about. Mr. Ono explained that initially a request came from the State to delay the construction date of this project from 12 months to 18 months. The EPA said yes; however, when they said yes they also placed about six conditions, first of which is that they would withhold funds on two ongoing projects until such time as an application is submitted for the current project. Mr. Ono said that this is one of thirteen project in a whole system and the EPA works on a whole system rather than project by project basis.

In reply to Mr. Arisumi's question as to what the other conditions were, Mr. Ono said that 1) October 1st they withheld the money for previous projects; 2) if the county does not accept the Kealakehe Wastewater Treatment Grant (which means bidding on the project by December 31st, selecting the contractor and making a recommendation to EPA to allow them to award the project) by December 31st then they will withhold another \$1.6 million. The total commitment would come up to \$19 million if the County fails to proceed according to their conditions. This is a big concern to the County of Hawaii.

Mr. Ing asked if "withholding" meant that you would never get it or that you would get it should you meet other conditions. Mr. Ono said that it would be released should the conditions be met. He explained that the money they are withholding at the current time are payments to the consultant and to a contractor who is doing work on an ongoing project.

Mr. Richard Hirata, development manager for HFDC, apologized for causing a delay and inconvenience with regards to the County's project. He said that from the outset they had stated that they would not jeopardize the funding of the project and they continue to honor that statement. Mr. Hirata said that they are talking about \$350-\$400 million in aggregate funds if they do the project so it should be thought through very carefully so that the planning of the overall area is done comprehensively. Mr. Hirata proceeded to show the board, from a map on the wall, what the situation was. He also went on to explain why they needed the area being requested by the County. He then suggested that the board defer taking action on this item for another month or two to allow them time to solidify their analysis and come up with a definite plan with the County.

Mr. Ing told Mr. Hirata that if he went to Alternate Site 2 that would cause a large decrease on the County's side. Mr. Hirata said that they would make this up.

Mr. Paty asked Mr. Hirata, you have indicated that although you recognize the delays HFDC would make good the difference and/or penalties which the county would incur by reason of their EPA funding. Mr. Hirata said that they would should they be fortunate to move. He agreed that they should be responsible for that cost factor and not the county.

Mr. Ing suggested giving the County the present site and then allow HFDC time to work things out. This would then allow the county to move ahead and at least stay on their present track. Mr. Ing felt that Mr. Hirata's alternatives created double and triple jeopardy, particularly with the sites on Liliuokalani Trust lands. Mr. Hirata said that he would prefer that the State control the lands.

Mr. Ono agreed that the project being considered is one that is valid but if the county does not start construction right away they will be billed by the contractors in the amount of \$344,000 which they do not have. He did not think the County of Hawaii had any spare money floating around to pay this bill either. So the impact to the County of Hawaii is immediate. They have a lot to talk about with HFDC as to who will cover these costs during the interim two month period. He therefore saw no harm in having the executive order granted to Hawaii County and allowing them to proceed. This way their financial problems are not immediate and they can keep the project on course and discuss the changes as they go along. They would like to work with HFDC to make this thing happen without having an immediate impact on the County of Hawaii.

Mr. Ing said that HFDC's concern is that once the county has it they will put it in their pocket and take it to the bank and they will never be able to negotiate. He asked Mr. Ono if he had anything to say which might alleviate HFDC's concern of them taking that position. Mr. Ronald Ibarra, Managing Director of Hawaii County, replied that the Mayor is as much concerned as the Governor in providing affordable housing for the residents of the County of Hawaii. Besides, the County is already, together with the State, in a joint venture to have the area developed. He felt that it would be in the Mayor's best interest to see the HFDC project go through.

ACTION

Mr. Arata moved to approve staff's recommendation to recommend to the Governor of Hawaii the issuance of an Executive Order setting aside 55 acres, more or less, under the management and control of the County of Hawaii, for its Kealakehe wastewater treatment plant and wastewater reclamation field site subject to the terms and conditions listed in the submittal. Motion carried unanimously with a second by Mr. Arisumi.

ITEM E-2

REQUEST FOR A SPECIAL USE PERMIT TO CONDUCT COMMERCIAL BOAT SNORKLING/SCUBA DIVING EXCURSIONS IN HANAUMA BAY STATE UNDERWATER PARK, OAHU.

Mr. Nagata presented for the record, letters from TORCH (The Ocean Recreation Council of Hawaii) and Neighborhood Board #1 (Hawaii Kai) on the subject matter. In summary, TORCH asked that before any consideration is given to issuance of any permits for boating in Hanauma Bay that more study be conducted. Their concern was that any growth in the area be handled in a manner which would allow the pristine nature of the area to remain intact. Neighborhood Board #1 requested the board to deny this application. Mr. Nagata said that someone from the Senate Majority Office was also at the meeting earlier and indicated that Senator Ikeda also opposed the request. A Ralph Goda, who heads the City and County Lifeguards was also at the meeting earlier hoping to testify against the request for safety reasons.

Mr. Paty asked Mr. Nagata to explain Park's jurisdiction in this area. Mr. Nagata explained that the Department of Transportation controls navigable water and, by virtue of that, they have set forth their Ocean Management Rules. State Park's rules applies because Hanauma Bay itself is under executive order to State Parks. The lands around the bay are under the jurisdiction of the City and County of Honolulu. Mr. Nagata explained that permission would have to be given by both agencies in order for a permit to be effective under their rules.

Also testifying on this item were Messrs. Frank Mento and Frank Farm.

ACTION

Mr. Ing moved to approve staff's recommendation to deny this request for a special use permit to operate a commercial boat during tour at Hanauma Bay. Mr. Arisumi seconded; motion carried unanimously.

ITEM F-9

CANCELLATION OF R.P. NOS. S-5249, S-5578 AND S-5616 TO WAILUA PRODUCTS, LTD. AND SHOICHI AND SUMIE FUMIMOTO, IWILEI, HONOLULU, OAHU.

(Continued from Page 3.)

Mr. Shimabukuro informed the board that Mr. Fujimoto had agreed to:

1. Post a \$5000.00 bond by October 21, 1988.
2. By November 15, 1988 they would do the following:
 - a. Remove the sub-renters (Oahu Produce & Produce Market)
 - b. Clean up the area.
 - c. Clean up the lot to be returned.
 - d. Vacate Lots A, K, 1/2 of D, 13, B and the slab next to A.

Mr. Shimabukuro pointed out the areas involved from a map presented to the board.

Mr. Shimabukuro said that any improvements left on the lot were subject to inspection by staff for determination as to whether the State should keep said improvements or have it removed. Also, the board would consider issuing permits to sub-renters (Oahu Produce and Produce Market) rather than have them vacate.

Mr. Ing voiced concern that when they sublet the area they received twice as much income from what they were paying the State. The permit specifically prohibits that. Mr. Shimabukuro said that staff would recommend a fine when they come back to the board.

Because of recent discussions with the applicant, Mr. Ing asked Mr. Shimabukuro whether he was recommending, under his new proposal, that certain areas in each of the permits are to be dropped. He asked whether staff was also recommending that a new permit which would incorporate these lots or were several permits to be issued to Wailua Products. Mr. Shimabukuro said that one permit would be issued to cover whatever areas he would be retaining.

In answer to Mr. Kealoha's question, Mr. Shimabukuro said that he was recommending as follows:

- A. Recommendations A, B, C, D and E as listed in the submittal be deleted.
- B. That the Board accept the Agreement between staff and Mr. Fujimoto as follows:
 1. Post \$5000.00 by October 21, 1988.
 2. By November 15, 1988:
 - a. Remove all sub-renters (Oahu Produce and Produce Market)
 - b. Clean up the area.
 - c. Clean up lots being removed.
 - d. Vacate Lots A, K, 1/2 of D, 13, B and slab next to A.
 3. Rental to be determined by Chairperson.
 4. New Permit contingent on compliance of the above. Any failure to meet bond, clean up or vacating requirements will result in an automatic cancellation of any and all permits issued to the applicant without any other action by the Board.
 5. Fine to be levied for illegal subrenting. Amount to be recommended by staff at the next meeting of the board.
- C. Staff to submit a new proposal for revocable permit at the next meeting of the board.

Mr. Kealoha moved to approve as recommended above. Mr. Arisumi seconded. He also asked Mr. Fujimoto if he felt that he could meet these conditions by the next meeting of the Board. Mr. Fujimoto felt that he could comply with all condition except move out the subrenters. He thought that this might be a problem because they have other people working for them. Mr. Kealoha's reaction was "you got yourself in trouble, you get yourself out."

Mr. Paty called for the vote. Vote was unanimous, motion carried.

ITEM F-1-d CONSENT TO ASSIGNMENT OF G. L. NOS. S-3831, 3840, AND S-4646, AND CONSENT TO ESTOPPEL CERTIFICATE, CHARLES RIVER LIMITED PARTNERSHIP, ASSIGNOR TO MARUKO, INC., ASSIGNEE, WAILUA RESORT SITES, WAILUA, LIHUE, KAUAI.

Mr. Kealoha asked whether any part of this lease involved the heiau. Ralston Nagata said no. Mr. Apaka felt that if the boundaries were set people would know where the heiau is and there would probably be less problems. Mr. Nagata thought this would be possible. The State Archaeologist could decide where the boundaries are and the Land Surveyor could then stake out the area. Mr. Paty said that there is a boundary line there now. The hotel has a fence wrapped around the area.

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM E-1	<p>PERMISSION TO AWARD CONCESSION AGREEMENT FOR THE OPERATION OF THE FOOD AND BEVERAGE FACILITY, BEACH SERVICES AND LEDGING CONCESSION, HAPUNA BEACH STATE RECREATION AREA, HAWAII.</p>
ACTION	<p>In answer to Mr. Kealoha's question, Mr. Nagata said that the Attorney General's Office did have an opportunity to review this document and they did try to express the concerns voiced by the board at the Kona meeting.</p> <p>Mr. Arata moved to approve as submitted. Motion carried with a second by Mr. Arisumi.</p> <p>Mr. Ing was excused from acting on this item.</p>
ITEM F-13	<p>SALE OF LEASE (WATER LICENSE) AT PUBLIC AUCTION, MOLOAA FOREST RESERVE, PAPAA, HANAIEI, KAUAI.</p>
RENTAL, be	<p>Mr. Shimabukuro asked that the following changes, under UPSET ANNUAL made:</p> <ul style="list-style-type: none"> . Add the word "fee" after the word "license". . After the word "Ka Loko" delete the word "Ditch" and add "Reservoir System".
ACTION	<p>Unanimously approved as amended. (Apaka/Kealoha)</p>
ITEM B-1	<p>REQUEST TO FILL POSITION NO. 19880E, EXEMPT TEMPORARY FISHERY TECHNICIAN III IN THE DIVISION OF AQUATIC RESOURCES.</p>
ACTION	<p>Unanimously approve the appointment of Ms. Leslee E. Yasukochi to Position No. 19880E. (Ing/Kealoha)</p>
ITEM B-2	<p>REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARINGS TO AMEND THE ADMINISTRATIVE RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES RELATING TO AQUATIC RESOURCES.</p>
ACTION	<p>Unanimously approved as submitted. (Ing/Apaka)</p>
ITEM C-1	<p>FILLING OF POSITION NO. 21436, DIVISION OF FORESTRY AND WILDLIFE, ISLAND OF OAHU.</p>
ACTION	<p>Unanimously approved the appointment of Mr. Henry K. M. Pang to Position No. 21436. (Ing/Kealoha)</p>
ITEM C-2	<p>FILLING OF POSITION NO. 11422, FORESTER VI, ADMINISTRATION OFFICE, OAHU.</p>
ACTION	<p>Unanimously approved the appointment of Carl T. Masaki to Position No. 11422. (Ing/Kealoha)</p>
ITEM C-3	<p>OUT OF STATE TRAVEL REQUEST FOR DR. CALVIN W. S. LUM, ADMINISTRATOR, DIVISION OF FORESTRY AND WILDLIFE.</p>
ACTION	<p>Unanimously approved Dr. Calvin Lum's request to attend the Forest Fire Council meeting in Reno, Nevada from October 25-27, 1988. (Ing/Kealoha)</p>
ITEM C-4	<p>FILLING OF POSITION NO. 2886, FORESTER II, DIVISION OF FORESTRY AND WILDLIFE, ISLAND OF OAHU.</p>
ACTION	<p>Unanimously approved the appointment of Earl K. Pawn, Jr. to Position No. 2886. (Ing/Kealoha)</p>

<u>ITEM C-5</u>	FILLING OF POSITION NO. 15297, FORESTER IV, DIVISION OF FORESTRY AND WILDLIFE, ISLAND OF OAHU.	
ACTION	Unanimously approved the appointment of Mark F. Scheffel to Position No. 15297. (Ing/Kealoha)	
<u>ITEM D-1</u>	APPOINTMENT AND CERTIFICATION OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS.	
ACTION	Upon motion by Mr. Arisumi and a second by Mr. Arata, the Board voted unanimously to approve the following appointments:	
	<u>SWCD DISTRICT</u>	<u>NAME</u>
	Molokai-Lanai	Harry Yamamoto
	South Oahu	James Lee Ingamells
	South Oahu	Michael J. Conway
	South Oahu	Judith Nii
		<u>TERM TO EXPIRE</u>
		6/30/89
		6/30/91
		"
		"
<u>ITEM D-2</u>	PERMISSION TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF MAUI, DEPARTMENT OF WATER SUPPLY FOR THE KULA WATER SYSTEM IMPROVEMENTS IN KULA, MAUI.	
ACTION	Unanimously approved as submitted. (Arisumi/Arata)	
<u>ITEM E-1</u>	PERMISSION TO AWARD CONCESSION AGREEMENT FOR THE OPERATION OF THE FOOD AND BEVERAGE FACILITY, BEACH SERVICES AND LODGING CONCESSION, HAPUNA BEACH STATE RECREATION AREA, HAWAII.	
ACTION	Approved. See Page 14.	
<u>ITEM E-2</u>	REQUEST FOR A SPECIAL USE PERMIT TO CONDUCT COMMERCIAL BOAT SNORKELING/ SCUBA DIVING EXCURSIONS IN HANAUMA BAY STATE UNDERWATER PARK, OAHU	
ACTION	See Page 12.	
<u>ITEM E-3</u>	ADDED FILLING OF POSITION NO. 12969, ACCOUNT CLERK III, STAFF AND SUPPORTIVE SERVICES OFFICE, STATE PARKS DIVISION.	
ACTION	Unanimously approved the appointment of Ms. Shirley A. Alegado to Position No. 12969. (Ing/Kealoha)	
<u>ITEM F-1</u>	<u>DOCUMENTS FOR CONSIDERATION.</u>	
<u>Item F-1-a</u>	ISSUANCE OF REVOCABLE PERMIT (R.P.) TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY COVERING PORTION OF THE FORMER ALA MOANA SEWAGE PUMP STATION, TMK 2-1-51:PORTION 22, HONOLULU, OAHU.	
	Mr. Kealoha felt that the recommended rental was too low and that the applicant should be assessed the same rental paid by other government employees. Mr. Shimabukuro said that he would amend the submittal accordingly.	
<u>Item F-1-b</u>	ISSUANCE OF REVOCABLE PERMIT TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY COVERING PORTION OF THE FORMER POHUKAINA SCHOOL SITE, TMK 2-1-51:09, HONOLULU, OAHU.	
	Mr. Kealoha wanted it clear that if the area is used for government employee parking that these employees pay the same rental as all other government employees.	
<u>Item F-1-c</u>	CONSENT TO ASSIGNMENT OF GENERAL LEASE (G.L.) NO. S-4280, TSUNEYO UYEDA, ASSIGNOR TO GILBERT UYEDA, ASSIGNEE, PARCEL B AND ROAD EASEMENT, PORTIONS OF THE NANAWALE FOREST RESERVE, PART 3, KANIAHIKU, PUNA, HAWAII.	

Item F-1-d Approved. See Page 13.

Item F-1-e ISSUANCE OF REVOCABLE PERMIT TO THE CHRONICLE PUBLISHING CO. FOR MICRO-WAVE ANTENNA SITE FOR CABLE TV, HONOMAELE AND KAELEKU, HANA, MAUI, TMK 1-3-03:33.

B. Item F-1-f CONSENT TO ASSIGNMENT OF GRANT OF EASEMENT, A. STARK WOLKOFF AND MARGARET SCALES, ASSIGNOR TO JUDITH BLATT PHILPOTT, ASSIGNEE, TMK 2-4-13:POR. 78, HALEAKALA HOMESTEAD, MAKAWAO (OLINDA), MAUI.

Item F-1-g CONSENT TO ASSIGNMENT OF G. L. NO. S-5061, KATHRYN FLEET, ASSIGNOR, TO ROBERT BRUCE HANSEN, ASSIGNEE, LOT 16, PUU KA PELE PARK LOTS, WAIMEA, KAUAI.

Item F-1-h CONSENT TO RADIO EQUIPMENT AND TOWER SPACE USE AGREEMENTS FOR THE DEPARTMENT OF HEALTH AT KAAAWA AND KAILUA, OAHU.

Item F-1-i ISSUANCE OF REVOCABLE PERMIT TO DENNIS AND MISHA BOWMAN COVERING GOVERNMENT LAND AT KAPUAIKINI, KIPAHULU, HANA, MAUI, TMK 1-6-09:17.

Mr. Shimabukuro asked to amend the monthly rental from \$11.00 to \$12.00 and the collateral security deposit from \$22.00 to \$24.00.

Item F-1-j ISSUANCE OF REVOCABLE TO ERNEST NUNES COVERING PORTION OF LAHAINALUNA SCHOOL LANDS, LAHAINA, MAUI, TMK 4-6-18:POR. 7.

Item F-1-k ASSIGNMENT OF LEASE, PACIFIC CONSOLIDATED INVESTMENTS TO GEORGE R. MADDEN, JR. AND JEAN S. MADDEN, G. L. NOS. S-4331 AND S-4332, LOT 6, HILO INDUSTRIAL DEVELOPMENT, LEILANI STREET SECTION, WAIAKEA, SO. HILO, HAWAII.

Mr. Shimabukuro asked to amend the date shown under REMARKS - Annual Rent: from April 15, 1984 to April 14, 1988.

ACTION Mr. Kealoha moved to approve Items F-1-a and F-1-b as amended; F-1-c, e, f, g, h, i and j, as submitted; and F-1-k as amended. Motion carried unanimously with a second by Mr. Apaka. Item F-1-d was considered earlier and approved.

ITEM F-2 REQUEST FOR CREDIT, AMFAC AGRIBUSINESS, INC., DBA AMFAC TROPICAL PRODUCTS, REVOCABLE PERMIT NO. S-6518, WAIAKEA, SO. HILO,, HAWAII.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-3 RESUBMITTAL - REQUEST OF COUNTY OF HAWAII FOR SET ASIDE OF LAND FOR MUNICIPAL WASTEWATER TREATMENT PLANT AND WASTEWATER RECLAMATION FIELD, KEALAKEHE, NO. KONA, HAWAII.

ACTION Approved. See Page 11.

ITEM F-4 REQUEST FOR WAIVER OF PERFORMANCE BOND, G.L. NOS. S-4954 AND S-4955, KAIMU-MAKENA HOMESTEADS, KAIMU, PUNA, HAWAII.

ACTION Unanimously approved as submitted. (Arata/Kealoha)

ITEM F-5 DIRECT SALE OF A PERPETUAL NON-EXCLUSIVE EASEMENT FOR WATER PIPELINE PURPOSES AND CONSTRUCTION RIGHT OF ENTRY, MOLOKAI TASK FORCE AGRICULTURE SUBDIVISION, HOOLEHUA, MOLOKAI, TMK 5-2-01:9, 20 AND 27.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

<u>ITEM F-6</u>	RESUBMITTAL - REQUEST FOR AN EXTENSION OF TERM, CONSENT TO SUB-AGREEMENT OF SALE, AND CONSENT TO ASSIGNMENT OF G.L. NO. S-4093, LOT 44, WAIMANALO AGRICULTURE SUBDIVISION, WAIMANALO, KOOLAUPOKO, OAHU.
ACTION	Approved as amended. See Page 4.
<u>ITEM F-7</u>	RESUBMITTAL - APPROVAL FOR ADOPTION OF CHAPTER L3-222, HAWAII ADMINISTRATIVE RULES, ENTITLED "SHORELINE CERTIFICATION," STATEWIDE.
ACTION	See Page 9.
<u>ITEM F-8</u>	AMENDMENT OF BOARD ACTION DATED AUGUST 12, 1988, ITEM F-12, FOR LEASE - PUBLIC AUCTION, LOT 18, HAUULA HOMESTEADS, KOOLAULO, OAHU.
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM F-9</u>	CANCELLATION OF REVOCABLE PERMIT NOS. S-5249, S-5578 AND S-5616 TO WAILUA PRODUCTS, LTD. AND SHOICHI AND SUMIE FUJIMOTO, IWILEI, HONOLULU, OAHU.
ACTION	See Page 13.
<u>ITEM F-10</u>	DAYNE NAKAMURA REQUEST FOR EXTENSION OF CONSTRUCTION DEADLINE AND TRANSFER OF INTEREST IN SPECIAL SALE AGREEMENT NO. S-5568, LOT 4, KAPAA TOWN LOTS, FIRST SERIES, KAPAA, KAWAIIHAU, KAUAI, TMK 4-5-09:61
ACTION	Unanimously approved as submitted. (Apaka/Kealoha)
<u>ITEM F-11</u>	JOHN PUNDYKE, JR., DBA OHANA HIKING TOURS REQUEST FOR REVISION OF REVOCABLE PERMIT NO. S-6513, WAILUA, KAUAI.
	Mr. Arisumi felt that the request to reduce the rental from \$240.00 a month to \$24.00 or 10% of the gross monthly proceeds was a rather great reduction. Mr. Shimabukuro explained that he would also be paying 10% of his gross proceeds. This was not required under the present permit. Mr. Shimabukuro thought that maybe this item could be deferred so staff could find out what his present gross proceeds are.
	Mr. Kealoha also wanted to know how this rental differs from a regular lease rental, etc. He felt that we might have problem with other lessees wanting to drop their rentals also, unless we can show that this is different from other leases. In order to justify this, Mr. Shimabukuro felt that we should get his net proceeds. The \$240.00 rental was derived from staff's appraisal based on what Mr. Pundyke expected to collect per head. He may have been too optimistic.
ACTION	Deferred.
<u>ITEM F-12</u>	RESUBMITTAL - COUNTY OF KAUAI REQUEST FOR WITHDRFAWAL OF LAND FROM G.L. NO. S-4222 AND ISSUANCE OF EXECUTIVE ORDER FOR ADDITION TO KEKAHA SANITARY LANDFILL AT KEKAHA, KAUAI.
ACTION	Deferred. See Page 9.
<u>ITEM F-13</u>	SALE OF LEASE (WATER LICENSE) AT PUBLIC AUCTION, MOLOAA FOREST RESERVE, PAPAA, HANAIEI, KAUAI.
ACTION	Approved as amended. See Page 14.
<u>ITEM F-14</u>	RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, PUBLIC WORKS DIVISION, CHILD PROTECTIVE SERVICES AND INCOME MAINTENANCE UNIT, HAWAII.
ACTION	Unanimously approved as submitted. (Arata/Arisumi)

<u>ITEM F-15</u>	<u>LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, FOOD PRODUCTS SECTION OF THE ENVIRONMENTAL SERVICES DIVISION, HONOLULU, OAHU.</u>
ACTION	Unanimously approved as submitted. (Ing/Arata)
<u>ITEM F-16</u>	<u>RENEWAL OF LEASE OF SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, PUBLIC WELFARE DIVISION, MOLOKAI BRANCH, KAUNAKAKAI, MOLOKAI.</u>
	Mr. Shimabukuro asked to change the previous term from February 1, 1988 to February 1, 1985.
	Mr. Arisumi voiced concern that the rental had gone up so much within a one year period from \$1.30 per sq. ft. to \$1.82. Mr. Shimabukuro felt that the applicant has no choice since office space on Molokai is so limited. However, he said that he would check this out.
ACTION	Deferred.
<u>ITEM F-17</u>	<u>RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, PUBLIC WELFARE DIVISION, WINDWARD UNIT, KANEOHE, OAHU.</u>
ACTION	Unanimously approved as submitted. (Ing/Arisumi)
<u>ITEM F-18</u>	<u>LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF DEFENSE, OFFICE OF VETERANS SERVICES, HILO, HAWAII.</u>
ACTION	Unanimously approved as submitted. (Arata/Arisumi)
<u>ITEM F-19</u>	<u>RESUBMITTAL - LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF TAXATION, TAX REVIEW COMMISSION, FINANCIAL PLAZA OF THE PACIFIC, HONOLULU, OAHU.</u>
	Mr. Shimabukuro said that a question was raised at the last meeting as to why the rental was so high and why did they have to rent space in this area. In checking, staff was told that the rental actually includes use of the conference room as well as the library resources and that there would be no charge for janitorial services. Mr. Ing still questioned why the office had to be located here. He didn't know of anyplace in town that has rental of that per sq. ft. value.
	Mr. Ing asked that this item be deferred and that the applicant come in at the next meeting to explain or write us a letter.
ACTION	Deferred.
<u>ITEM F-20</u>	<u>AMENDMENT OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HUMAN SERVICES, CHILD PROTECTIVE SERVICES UNIT, WAILUKU, MAUI.</u>
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
<u>ITEM F-21</u>	<u>LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT, HUNTER EDUCATIONAL PROGRAM, HONOLULU, OAHU.</u>
ACTION	Unanimously approved as submitted. (Ing/Arata)

<u>ITEM F-22</u>	<u>RENEWAL OF LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF THE ATTORNEY GENERAL CHILD SUPPORT ENFORCEMENT UNIT, WAILUKU, MAUI.</u>
	Mr. Shimabukuro asked that the Renewal Rental be changed from \$2639.00 per month to \$2625.00 per month and that the sq. ft. cost be changed from \$1.76 to \$1.25. Also, that the Total Rent shown be changed from \$2744.56 per month to \$2730.56 per month and the sq. ft. cost be changed from \$1.83 to \$1.82.
ACTION	Unanimously approved as amended. (Arisumi/Arata)
<u>ADDED ITEM F-23</u>	<u>LEASE OF OFFICE SPACE FOR THE OFFICE OF THE ATTORNEY GENERAL, ISLAND OF OAHU.</u>
ACTION	Unanimously approved as submitted. (Ing/Arata)
<u>ITEM G-1</u>	<u>REQUEST FOR LEAVE WITHOUT PAY FOR POSITION NO. 135, ABSTRACTING ASSISTANT V, OAHU.</u>
ACTION	Unanimously approved the appointment of Carol Matsunaga to Position No. 135. (Ing/Arata)
<u>ITEM G-2</u>	<u>FILLING OF POSITION NO. 40400, ABTRACTOR IX, OAHU.</u>
ACTION	Unanimously approved the appointment of Janice Horimoto to Position No. 40400. (Ing/Arata)
<u>ITEM H-1</u>	<u>REQUEST TO FILL POSITION NO. 19007, CLERK TYPIST II, IN THE OFFICE OF THE CHAIRPERSON, OAHU.</u>
ACTION	Unanimously approved the appointment of Elaine Keb to Position No. 19007. (Ing/Kealoha)
<u>ITEM I-1</u>	<u>APPOINTMENT OF LICENSE AGENT: HANAPEPE HARDWARE AND SURPLUS, ISLAND OF KAUAI.</u>
ACTION	Unanimously approved as submitted. (Apaka/Arata)
<u>ITEM J-1</u>	<u>AMENDMENTS TO RENT-A-CAR CONCESSION LEASES, KAHULUI AIRPORT, MAUI.</u>
ACTION	Unanimously approved as submitted. (Arisumi/Arata)
<u>ITEM J-2</u>	<u>AMENDMENT NO. 5 TO LEASE NO. DOT-A-78-23, LIHUE AIRPORT, KAUAI (ALOHA AIRLINES, INC.).</u>
ACTION	Mr. Kealoha moved to approve as submitted; Mr. Apaka seconded, motion carried. Mr. Ing was excused from acting on this item.
<u>ITEM J-3</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS (R.P.) 4508 AND 4509, AIRPORTS DIVISION.</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-4</u>	<u>APPLICATION OR ISSUANCE OF REVOCABLE PERMIT NO. 4505, LIHUE AIRPORT, KAUAI (KAUAI HELICOPTERS, INC.).</u>
ACTION	Unanimously approved as submitted. (Apaka/Kealoha)

<u>ITEM J-5</u>	<u>RENEWAL OF REVOCABLE PERMIT NO. 3564, ETC., AIRPORTS DIVISION.</u>
ACTION	Mr. Kealoha moved to approve, Mr. Arisumi seconded, motion carried. Mr. Ing was excused from acting on this item.
<u>ITEM J-6</u>	<u>SALE OF LEASE BY PUBLIC AUCTION, HARBORS DIVISION, KEEIA-KEA SMALL BOAT HARBOR, OAHU.</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-7</u>	<u>APPROVAL OF CONSENT TO SHORT FORM LEASE, HARBOR LEASE NO. H-87-30, PIER 7, HONOLULU HARBOR, OAHU (HAWAII MARITIME CENTER).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-8</u>	<u>APPROVAL OF CONSENT TO SUBLEASE HARBOR LEASE NO. H-87-30, PIER 7, HONOLULU HARBOR, OAHU (HAWAII MARITIME CENTER).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-9</u>	<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)
<u>ITEM J-10</u>	<u>AMENDED: ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 13/14, HONOLULU HARBOR, OAHU (OCEAN ICE, INC.).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-11</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU, OAHU (A.S.A. INC. DBA GENERAL RUSTPROOFING).</u>
ACTION	Unanimously approved as submitted. (Ing/Kealoha)
<u>ITEM J-12</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (JEFFREY AMES ZAGER).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)
<u>ITEM J-13</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (BRUCE BOHANNON).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)
<u>ITEM J-14</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (JOSEPH DETTLING).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM J-15

REQUEST FOR APPROVAL OF CONTINUANCE OF REVOCABLE PERMITS, HIGHWAYS
DIVISION.

ACTION Unanimously approved as submitted.

ADJOURNMENT: There being no further business, the meeting was adjourned at 2:10 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



WILLIAM W. PATY
Chairperson

It