

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

DATE: April 28, 1989  
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 Natural Resources to order at 9:03 a.m. The following were in attendance:

MEMBERS: Mr. J. Douglas Ing  
Mr. Moses W. Kealoha  
Mr. John Y. Arisumi  
Mr. Herbert K. Apaka  
Mr. William W. Paty

Excused

Mr. Herbert A. Arata

STAFF: Mr. Henry Sakuda  
Mr. Manabu Tagomori  
Mr. Sterling Chow  
Ms. Sherrie Samuels  
Mr. George Matsumoto  
Mr. Ralston Nagata  
Mr. Mike Shimabukuro  
Mr. Archie Viela  
Mr. Roger Evans  
Mr. John Corbin  
Mrs. LaVerne Tirrell

OTHERS: Mr. Johnson Wong, Deputy A.G.  
Mr. Peter Garcia, Dept. of Transportation  
Mr. Russel Smith, Mr. Ben Matsubara, Mrs. Cathleen  
Mattoon and Rep. Reb Bellinger (Item D-1)  
Mr. Kawaipuna Prejean (Item F-1-d)  
Ms. Natalie Buchman (Item F-9)  
Mr. Ron Glover, Mr. Bill Austin and Ms. Sandy  
Kapuni (Item H-2)  
Mr. Larry Whang (Item H-5)  
Mr. Robert Rowland (Item H-7)  
Messrs. Timothy Stack, Gregory Gillette and Pat  
Cummins (Item H-8)  
Mr. Kelvin Kai (Item H-9)

ADDED  
ITEMS:

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

- Item B-5 -- Request for Approval to Sell Freshwater Prawn Seed to Hawaii's Prawn Farmers in 1989.
- Item D-8 -- Approval for Award of Contract - Job No. 33-HL-A, Kona Marshalling Yard, Phase II, Kona, Hawaii.
- Item E-4 -- Authorization to Declare a Moratorium of Mooring Sites Within Kealakekua Bay, Island of Hawaii.
- Item F-15 -- Lease of Office Space for the Dept. of Health, Island of Oahu.
- Item H-10 -- Request for Approval to Enter into a Research Contract with the University of Hawaii.

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

ITEM H-5

CDUA TO SUBDIVIDE AND DEVELOP WAIANAE WELLS I AND II, AT WAIANAE, OAHU;  
APPLICANT: BOARD OF WATER SUPPLY, C&C OF HONOLULU.

Mr. Evans felt that Condition No. 4 could be deleted inasmuch as this is a government project.

ACTION

Unanimously approved with the amendment that Condition 4 be deleted.  
(Ing/Arisumi)

ITEM D-1

RESUBMITTAL - DISPOSITION OF STREAM CHANNEL ALTERATION PERMIT VIOLATION,  
PUNALUU STREAM, OAHU; APPLICANT: KOOLAU AGRICULTURAL CO. (KACo).

Mr. Tagomori said that at its meeting of August 26, 1988, the Board considered the investigation of channel alteration work at Punaluu Stream, Oahu, undertaken by the Koolau Agricultural Co. under a Board-issued permit, SCAP-OA-7, dated April 12, 1985. This submittal also covered Item D-5 which was deferred at the Board's meeting of March 23, 1989 addressing disposition of the two pending petitions for contested case hearings on this matter.

Mr. Tagomori stated that at the August 26, 1988 meeting staff had recommended as follows:

1. That a violation took place and that the maximum fine allowed by law of \$1,000 be assessed.
2. That the realigned channel be maintained and that additional work be done at the lower reaches of Punaluu Stream.

At this meeting, written petitions were submitted by Hawaii's Thousand Friends and Punaluu Community Association for a contested case hearing, calling for the imposition of the maximum penalty allowable by law and complete restoration of Punaluu Stream. Based upon the request for contested case, the Board deferred action.

Pointing out the affected areas from a map, Mr. Tagomori went on to explain the reason for staff's recommendations, as listed in the submittal.

Mr. Ing asked Mr. Tagomori if he would explain what was authorized under SCAP-OA-7. Mr. Tagomori stated that the permit allowed the applicant to clear all overgrowth and debris contained in the stream alignment. There was no authorization to realign the stream.

Mr. Paty asked if the work included deepening of the channel or just clearing of debris. Mr. Tagomori explained that it allowed cleaning of debris and some channel work -- but contained within the alignment. Staff, upon investigation, viewed the work that was done as a major realignment. Staff's recommendation at the August meeting to retain the alignment was based upon the flood benefits. Staff felt that there were greater flood benefits with the new channel vs. the old channel. However, staff's recommendation today is to restore to the original pre-project alignment. From 1985-1988 the alignment had shifted so staff is recommending that the current alignment be restored back to the original alignment, which would be better for fish habitat and flood control problems.

Mr. Arisumi asked if staff's thinking was in line with the thinking of the U. S. Corps of Engineers. Mr. Tagomori said, yes.

Mr. Ing asked if the violation was one in which they exceeded the work allowed under the original permit or was it that they failed to get a permit for the work that was actually done. Mr. Tagomori said that they had exceeded the scope of work on the original permit and they also failed to get a permit for the work that was done, which was the realignment.

In answer to Mr. Ing's question as to what condition 4. was, Mr. Tagomori said that it requested work to be done within the limits of the original application. On issuing the permit, staff recommended that the applicant look at the estuary area (downstream) and maintain that particular area also. The applicant had requested to do work in the upper stream area. Mr. Tagomori said that to his knowledge no work was done in the downstream area. Mr. Ing asked if this constituted another violation. Mr. Tagomori was not sure. George Matsumoto said that KACo. was issued a "stop-work" order by the Corps of Engineers so they never did complete the project.

Mr. Kealoha asked Mr. Tagomori to explain what he meant when he said that staff's alignment was similar to the Corps of Engineers alignment -- the 1985 alignment and the 1988 alignment. Mr. Tagomori pointed out on the map the similarities.

With respect to the stop-work order, Mr. Kealoha said that the applicant had applied for an extension -- which occurred first, the stop-work order which included the bottom portion, or the extension? Mr. Tagomori said that the stop-work order was issued by the U.S. Corps of Engineers March, 1988. Sherrie Samuels said that the extension was approved February, 1988 for one year beyond the April 12, 1988.

Mr. Apaka felt that the problem was at the bottom and not the meandering stream.

Had the work been completed at the mouth before the stop-work order, Mr. Paty asked Mr. Tagomori if he would assume then that the flood problems would have been addressed by that action. Mr. Tagomori said, "not the entire flood problem." However, if the work was done all the way to the ocean, it would have helped some of the problems that have come about in the lower reaches since that channel was cut. So what you are recommending is that the stream be restored to the latest of many configurations of that stream and the configuration that prevails today may not be the one that may prevail next winter, said Mr. Paty. Mr. Tagomori agreed. Mr. Paty felt that by following this particular approach the Chong's property down below would be in greater jeopardy. Mr. Paty stated also that he had never seen a Corps of Engineers project that was anything but "straight line" -- the shortest distance between two points. It appeared that the project that is going on at Laie Stream, just a mile or two down the road, is an example of that kind of thing and yet they are recommending that the applicant go back to the meandering approach. Mr. Tagomori felt that after all studies, etc. from the flood control standpoint it would be a straight channel going out to the ocean.

Mr. Tagomori explained that there were several permits. However, the last emergency permit was for the purpose of clearing the debris and/or trees which had fallen into the streams. Mr. Matsumoto said that the applicant

was applied for a channel alteration -- in other words to remove the berm at the mouth of the stream. Staff felt that this was outside of the emergency work so did not allow this.

In answer to Mr. Ing's question as to when the emergency permit was issued to clear the mouth of the stream, Sherrile Samuels replied, December, 1988. Mr. Ing wondered why this was not put back on the agenda so the board would have the opportunity to view the work being authorized under the emergency permit. Because four months had gone by and no work had been done, he felt that either the permit was moot or should have been terminated and if there was time available then at least it could have been put on the regular board agenda so that all the members of the board would have had the opportunity to review the work and so would the public. If the work was still not being done then he would very much like to have the permit rescinded and have it come back to the board. Also, since the emergency nature is somewhat moot now since the work was not done and they don't have the city permit. Mr. Tagomori said this could be done.

Mr. Ing said that since they had asked to remove the berm at the mouth of the stream as a part of the emergency request and this was not allowed under the emergency permit, he asked whether the applicant had submitted a separate application to have this work done. Mr. Tagomori was not aware of such a request.

With respect to the fines, Mr. Ing understood that staff had interpreted the penalty provisions of the statute to authorize a maximum of \$1000 fine for this particular violation and also that the attorney general's office had validated that interpretation. Mr. Tagomori said, yes. Mr. Ing said that from what he understood that staff called the violation, which is exceeding the scope of the original permit, staff has locked in the analysis or the interpretation of the penalty provision. Since the violation is exceeding the scope of the original permit and a cease order is issued and a stop-work, the interpretation is then that once they stop work, they no longer have a continuing violation, and therefore the \$500 per day additional fine is not set. He asked Mr. Tagomori if this was correct.

Mr. Tagomori explained that the board has not taken any action as yet. All that has transpired to date is staff's recommendation. The stop-work was issued by the Corps of Engineers. If the board approves this submittal then a violation has taken place and staff's recommendation is \$1000 fine for that violation. The \$500 a day fine would take effect once the board issues an order to restore. Mr. Ing asked if the statute did not allow for a penalty for violation of the provisions of the statute in addition to violations of provisions ordered by the board. Mr. Tagomori said that by statute the fine is \$1000.00. Mr. Ing agreed. However, he said that a violation can be a violation of the permit conditions; violation of board orders or violation of the statute itself. The statute requires that they obtain a stream channel alteration permit if they intend to alter the stream channel so as long as they don't have a stream permit for the work that was done, Mr. Ing asked if the violation didn't then continue? Mr. Tagomori explained that the violation is on the permit that has exceeded that and the board has not recommended or approved that violation. Mr. Ing said that if the applicant failed to get a permit for the work that was done, then wouldn't the violation continue for every day that they didn't have the permit? Mr. Tagomori said that they do have a permit. However, Mr. Ing said that the permit was not for the work that was done. Mr. Tagomori said that was the reason they determined that to be a violation and the fine is on that violation. Mr. Ing felt that the Division had approached the violation aspect in an extremely conservative manner and he would hate to see the board saddled with that type of interpretation for

...provisions in the statutes because it gets down to what we characterize as the violation, whether it's exceeding the work authorized in the permit or the failure to get the permit in the first place. For example, if no permit had been obtained for the work that was done then what would the violation be? Mr. Jagomora said that would be the violation since there was no permit. In this instance, a permit was issued but a condition of the permit was violated. Mr. Ing said that they exceeded the scope of the work of the permit but they did the work authorized by the permit so he sees the violation, not as one of exceeding the scope of an existing permit but failing to get a proper permit which would have required further engineering studies, etc. so as long as they did not obtain that permit it is a continuing violation and then he would have looked at the \$500 per day additional provision of the fine rather than restricting it simply to exceeding the scope of work under an existing permit.

Mr. Benjamin Matsubara, Attorney for Koolau Agricultural Co., said that he had reviewed staff's re-submittal to the board and took issue with its issues, analysis and recommendations. The things that they were the most surprised with was that in the resubmittal of April 28th, staff referred on page 3, 2nd paragraph of its conclusion to its earlier submittal of August 26, 1988, which stated as follows:

"In its earlier submittal to the Board, action on which was deferred, staff had recommended that the present channel alignment be retained for its flood control value. Staff has since learned that the unauthorized channel alteration had taken place after the major January 1988 storm and, therefore, could not have directly contributed to the reported reduction in flood impacts."

Mr. Matsubara said that it appeared that the 180° change between what was recommended in August 26, 1988, which was to keep the stream in the yellow alignment, changed because additional information came to staff's attention. Drawing attention to staff's 1986 report, he said that the information which was just discussed was known to staff at the time. It says in the last paragraph under investigation:

"However, following the completion of the departmental staff investigation and report an additional aerial photograph became available to the department. This photograph taken February 3, 1988 shows Punaluu Stream flowing in a meandering course."

Because of the above, Mr. Matsubara said that he could not understand the premise by which the recommendation made in August had changed to what it is today. Their objections, he said, fall in two categories: The first would be a finding that a violation occurred; and, secondly, goes to the recommendation that the Punaluu Stream be returned to the February, 1988 alignment. Mr. Matsubara said that he would be addressing their objections as to why staff's findings that a violation occurred is erroneous and Mr. Russel Smith, Engineering Consultant for KACO would address the second point, as to why from a purely engineering standpoint, staff's recommendation to return the stream to its February, 1988 alignment is not technically sound.

As to why a violation did or did not occur, Mr. Matsubara believed that staff's analysis and conclusion that a violation occurred is erroneous because the analysis and recommendation as contained in this resubmittal is severely limited and restricted and does not consider all the relevant permits that were issued to KACO in this matter. Staff's records reflect that two permits were issued to KACO during the relevant period.

Mr. Matsubara passed out a packet with several Exhibits for the Board's review. He said that the permit, which is mentioned in staff's resubmittal, is the SCAP-08-7 permit (Exhibit 1); which was issued on April 21, 1985.

The permit, which was granted pursuant to that application, is marked Exhibit 3. The second permit, which Mr. Matsubara felt was relevant for purposes of determining whether a violation occurred or not, was the second permit which was issued to KACo and is not discussed in the resubmittal. That, he said, is SCAP-08-2 issued by the board on March 1, 1988. An application for that emergency permit is Exhibit 6 and the permit which was issued is attached as Exhibit 7. Mr. Matsubara felt that both permits needed to be reviewed by the board in order to determine the scope of work.

Mr. Matsubara said that the original permit was requested to conduct stream maintenance, clear the channel, the banks which had been eroded and restore the stream to its original channel prior to its diversion due to the obstructions -- that was the 1985 permit. The second emergency permit which was issued March 1, 1988, was for purposes of addressing emergency conditions which had arisen as a result of heavy rains on December 31, 1987 and January, 1988. The emergency permit application (Exhibit 6), under Paragraph 4., relating to the description of the proposed channel alteration and related facilities, the applicant had indicated: 1) return stream channel to location existing prior to January 1, 1988 storm damage; 2) realign stream to minimize future damage; and, 3) remove trees and other debris from the stream channel.

Mr. Matsubara called the board's attention also to Paragraph 5 of the application, where it says statement of project purpose, desirability and environmental impacts, the applicant indicated: 1) prevent further damage to a residence; 2) prevent future damage to other residences along the stream channel; and, 3) prevent damage to Kam Highway Bridge over Punaluu Stream due to debris being washed down during the next storm. Under that, in parenthesis, the applicant said: "this is a request to expand the work area authorized by Permit No. SCAP-08-7." Mr. Matsubara continued that this emergency application was addressed to expanding a permissible work area.

Mr. Ing asked Mr. Matsubara if any of the applications showed the new channel. Mr. Matsubara said, no, since the alignment of the channel at the time was not known. Mr. Ing asked whether anything was submitted to the board to show the emergency work which they intended to do -- such as how they intended to realign the channel. Mr. Matsubara said the only thing was the map which was submitted with the application, which denoted the extended work area. Mr. Ing asked if the intent of that was to show where the work was going to be done. Mr. Matsubara said that the original permit did not go that far up stream -- up to where the damaged residence is located so the emergency permit was filed for expanding the original work area to include the colored area past the endangered residence. As a result of that application, staff issued SCAP-EMER-OA-2 to KACo on March 1, 1988. Staff's letter indicated as follows:

"You have requested emergency authorization to clear fallen trees and other debris from Punaluu Stream channel, to return the channel to its location prior to the January 1, 1988 storm and to realign the channel to minimize future damage.

'It is our understanding that the emergency work is intended to prevent further damage to a residence, to prevent future damage to residences located along the stream and to prevent damage to the Kamehameha Highway bridge over Punaluu Stream by removing trees and debris deposited by the January 1, 1988 storm.

Referring to the Emergency Authorization of the permit, Mr. Matsubara said that it indicates: 1) removal of trees; 2) return stream channel to its former location prior to the January 1, 1988 storm to prevent further damage to the residence shown on the attached map; and 3) realign stream to the extent needed to minimize future damage to other residences located

along the stream channel. Mr. Matsubara said that work began immediately upon receipt of this permit. The work for the violation which is being discussed today. Mr. Matsubara believed that the permit allowed KACo to do the work which they did and asked that the board, in reviewing this matter, look not only at the SCAP Permit which was referenced by staff but also the emergency permit in determining whether or not the work which was actually done was in violation of the emergency permit.

Mr. Ing said that there were several conditions attached to the March 1, 1988 permit, one of which was Condition No. 7, asking that the applicant be responsible for obtaining all other Federal, State and County permits and approvals for the proposed work; he asked if this was done. Mr. Matsubara said that no permits were obtained but copies of all requests were provided to the U.S. Corps of Engineers. Mr. Ing asked whether Corps of Engineers approval was obtained for the new channel. Mr. Matsubara said no separate permit was issued for this. It was construed by KACo to be covered by the original permit, which was issued by the Corps on November 20, 1984.

Referring to Condition No. 8, which said that all work performed would be limited to the area indicated on the attached map, Mr. Ing said that he recalled looking at the original of the permit issued and what it showed was the colored line which followed the meandering stream alignment. Mr. Matsubara agreed. Mr. Ing then asked if the work was confined to the meandering stream alignment or did it go beyond that? Mr. Matsubara said that, after March 1, 1988, there was realignment work done and he believed that the work was probably not confined to the meandering stream alignment.

Mr. Kealoha asked Mr. Matsubara whether an SMA was required in the original permit that was issued. Mr. Matsubara said that since they registered with the Agricultural Stabilization and Conservation Service there was no requirement for an SMA. However, since problems have arisen with the Corps and the Board, the County has now indicated that they want KACo to file an SMA, which they have discussed with the City but cannot finalize this until a determination is worked out between the Corps, the Board and the City as to the actual work that will be agreed to by all agencies that they should perform.

Mr. Russel Smith, Engineering Consultant hired by Koolau Agricultural Co. to analyze and recommend corrective action to the existing conditions of the Punaluu Stream testified as follows:

"The presentation that I put forth hereinafter is my studied opinion of that which will best serve both my client and the adjacent land owners. The latter includes the State of Hawaii for its interests in the Punaluu Stream Bridge on Kamehameha Highway.

'In the re-evaluation performed by the DLNR staff, they have assessed the value of the straightened stream alignment against the transient alignment of the stream as it was reformed by the January 1988 storm. By recommending that the February 1988 stream alignment be restored, the DLNR staff are requesting an alignment that has never carried a storm flow other than the one that formed it. The staff has also compared the February 1988 alignment against the 1985 alignment in paragraph 1 of their Analysis and have stated that the alignments are "vastly different." That is absolutely true! Their assessment goes farther to state that the 1988 embankments were near vertical. That too is true but fails to recognize that those "near vertical" banks had been man-made by KACo prior to the realignment of March 1988 in order to save the Punaluu Valley Road, which closely paralleled the stream bed.

...the reasoning set forth for the transient February 1988 alignment of the straightened channel now existing is its improved habitat for aquatic life. It is recognized in paragraph 2 of the Analysis that neither the February 1988 alignment nor the present alignment exhibit all the desirable habitat values normally found in pristine streams.

'Paragraph 3 clearly points out that the stream bank erosion has occurred in the lower reaches of Punaluu Stream since March 1988. It has been admitted by the DLNR staff that this erosion could have occurred by the February 1988 alignment as well as with the present alignment. With this, I fully agree. The contributory factor is the flow-obstructing peninsula located just upstream of the bridge upstream of the bridge on the Kahana side of the estuary as expressed by the final sentence of paragraph 3 of the DLNR staff analysis.

'It was my studied opinion in January 1989, as it is today, that the removal of that peninsula, while leaving the present alignment intact is the proper solution to the Punaluu Stream problem.'

Mr. Smith went on to explain his rationale and then recommended that the peninsula be removed from the estuary between the current stream alignment and the bridge in accordance with Paragraph D of the DLNR recommendations within 60 days, after a Shoreline Assessment can be completed and turned in to the Department of Land Utilization of the City and County of Honolulu. He went on to illustrate this on drawings which he presented to the board.

Mr. Smith felt that there was over twice the carrying capacity in a straightened stream than there is in the 1988 alignment. Also, if he were directed to put it back into the alignment of February, 1988 then he asked who would take the responsibility of putting it back and then having it damage the Chung property. Mr. Smith said that his insurance company would not allow him to do it.

Mr. Ing stated he was happy that Mr. Smith was retained by KACo because of his excellent reputation as an engineer, particularly on flood control. In answer to Mr. Ing's question as to when he was retained by KACo, Mr. Smith replied, on the 4th of January, 1989. Mr. Ing asked Mr. Smith what his process in analyzing the process, as a civil engineer, would have been had he approached the problem from scratch in coming up with a solution. First of all, said Mr. Smith, he would go back and read the studies which had been done by other people. He said that he did concur pretty much with the studies which were done in 1983 and 1973, which were recommendations by the U.S. Corps of Engineers and the DLNR. Secondly, he would go and walk up and down the streams and look at its condition in its natural form. Recognizing that the shortest distance between two points is a straight line and in order to avoid the meanderings and the eating out of the banks as the stream goes from its restricted area up mauka where the mountain sides come down to the transition zone in the stream that it should be straightened at least from approximately these two houses down since this is a flat area and you will find that this is where the stream spreads out. Also, although in the study that we show of the various meanderings, he said that they have about 12 different alignments over the last 100 years. If you analyze the soil conditions you will find that the stream bed comes out quite wide; therefore, at sometime the stream may have been a very broad area. Mr. Smith continued explaining what he would do, pointing out the areas he talked about from a map. He said that he would recommend exactly what's been done but he would also recommend that the peninsula be taken out, which he did in January.



Mr. Ing asked if he would have recommended, as an engineer, that the work mauka of the Chung property be done without having done the work makai of the bend. Mr. Smith said that he probably would have started from the bridge and gone up. He did ask KACo. why they didn't do that and they said that they were trying to dry out the area so they could get the equipment in to get to that peninsula.

Mr. Ing asked Mr. Smith if he would agree that doing the work on the mauka side without doing the makai end would tend to compound the problems on the makai end. Mr. Smith did not think that it would compound the problem. He explained why, pointing at the map.

With the straight channel and the opening of the peninsula, Mr. Ing asked what impact that would have on the bridge itself. Mr. Smith believed that there would be no more velocity of flow. There would be a greater flow under flood conditions in which, instead of going over the entire highway, you have a greater flow through here. But if you are able to confine it within the 1988 alignment or the straight alignment then there would be no difference at this point. Mr. Smith pointed to the affected areas on the map and continued to explain.

Mr. Paty gathered from Mr. Smith's testimony that he felt that the first priority should be given to straightening the last segment of the stream -- in effect, removing the peninsula. Mr. Smith said yes. He fully believed that the Chung property has been damaged quite badly and that by removing the peninsula it would rush past the Chung's property and go out to the sea. Mr. Smith also passed out photographs showing the mauka portion of the stream.

Mr. Matsubara testified again that it is KACo's position that a violation did not occur since there was an appropriate permit issued to cover the scope of the work done. However, in the alternative, if the board should find that the work that was done was not covered by the permit and in fact there was a violation, Mr. Matsubara asked that the recommendation as far as work to be done on the stream, be the recommendation as presented by Mr. Smith this morning. He felt that Mr. Smith's recommendation not only covers the proportion of the stream which concerns the alignment controversy but also the mouth of the stream. Staff's recommendation at this time is just to correct the alignment, nothing is addressed to the mouth of the stream. That, in staff's recommendation, comes later. Mr. Matsubara felt that this should be looked at completely and just to fix one part of the stream without the other would not resolve the concerns everyone has.

Mr. Creighton Mattoon, President of the Punaluu Community Association, testified for their attorney, Judy Givens, in objection to staff's conclusions and recommendations. She felt that the Corps had issued an order and is awaiting DLNR's input before commenting on KACo's revised compliance plan. Ms. Givens felt that there was danger of conflicting orders, factual disputes and importance of the matter justifies either a deferral pending approval of the Army Corps of Engineers compliance plan or by granting of a petition for contested case.

Speaking on behalf of the Punaluu Community Association, Mr. Mattoon requested that action be deferred regarding petitions for a contested case hearing until:

It can be determined how the restored stream condition recommended by DLNR's Manager-Chief Engineer compares with that required by the Army Corps of Engineers.

2. It can be documented that KACo's stream alteration work occurred earlier than March, 1988;
3. It can be documented that, if indeed the February, 1988 stream conditions were vastly different from that of 1985, this difference is due to the storm of January 1988 and not to stream alteration work by KACo.

Representative Reb Bellinger of the 15th District agreed with Mr. Ing's earlier thoughts that there were several areas of violation: 1) whether or not the term of the permit was exceeded; and, 2) whether or not there is an existing violation in the alterations that were done. If it is found that there is a continuing violation, he felt that the \$1000 fine is only a slap on the hand. He agreed with Mr. Ing that there should be a daily fine. His main concern is that the people at the lower end of the stream are being impacted right now. He asked that the board look at how they can immediately establish a series of actions to address the problems that these folks are seeing and some very specific time frames also be established.

Mr. Tagomori said that in his earlier discussion he specifically limited the discussions to SCAP-07 and pointed out the limits of the application. He clarified that the emergency permit discussed here was outside the limits of that application. He continued to point this out on the map.

Mr. Ing noted that Mr. Tagomori had indicated in the Emergency Permit that work be done on the makai side, which was the removal of the debris. He asked Mr. Tagomori whether his staff had looked at the removal of the peninsula -- cutting through the hau bush. Mr. Tagomori said, yes. Mr. Ing asked Mr. Tagomori what his position was with respect to the removal of that peninsula. Mr. Tagomori said that they did not think that could be accomplished within the emergency nature of the work and secondly they did feel that a further study should be done within the peninsula area before any work commenced. The applicant's proposal was to leave a small island in the area. When staff analyzed the flood flow coming through the channel they did not quite understand what would happen.

Mr. Ing asked, "what if the board ordered that the applicant pursue the work on the makai end -- the mouth of the stream, under a new SCAP permit where you would have a chance to look at what they are submitting and analyze it." Mr. Ing felt that until something is done with the mouth of the channel anything that is done mauka will not correct anything. It may shift the stream over but there would still be a problem on the bottom. Mr. Tagomori said that staff is recommending that the board require Koolau Ag, in concert with the owners' affected properties on the makai side, to pursue the maintenance clearing of the stream's estuaries and submit to the board a plan of work detailing the actions to be taken, including the submittal of an environmental assessment prepared in accordance with Chapter 343 before the work is conducted.

Mr. Paty said that Representative Bellinger indicated that when you have water waiting at your door in some areas they are not too appreciative of waiting for an EIS before some kind of action is taken. Before the stop work order was issued by the Corps, Mr. Paty asked Mr. Smith if he knew what KACo's plans were to address that makai portion. Mr. Smith said that their intent was to dry the area out and then reach in with a drag line to

put the muck out. They were going to create a little island and then drag the muck back to fill in the area so that there would eventually be a peninsula so there would a straight-through but they will no longer have an island because part of the peninsula that projected out is now gone.

**ACTION**

Mr. Ing moved as follows:

1. That Koolau Agricultural Company, Ltd. is in violation of Chapter 176D, HRS, and its implementing Administrative Rule 13-167 for failure to obtain a proper permit for the work that was performed and not as indicated by staff, which was for exceeding the limits as specified in SCAP-OA-7.
2. That the Board assess a fine based upon the failure to obtain a proper permit for the work that was performed and that this matter be again referred to the Attorney General's Office to see whether or not the \$1000 limitation still applies and that this be brought back to the board for further action in determining the amount of the fine.
3. That Condition C., to restore Punaluu Stream to its February 1988 alignment, be deleted.
4. That the Board order KACo, in compliance with other rules and regulations, to pursue maintenance clearance and removal of the peninsula by application of a new stream channel alteration permit and that staff be directed to expedite review of that permit and to bring that to the board as soon as practical in order that the board can reach some kind of resolution by summer's end.
5. That the Board deny the petitions for a contested case hearing filed by Hawaii's Thousand Friends and the Punaluu Community Organization.

With respect to whether we ultimately restore alteration of the stream channel, Mr. Ing felt that this issue has to be revisited once the problem has been corrected at the mouth of the stream.

Mr. Kealoha seconded; motion carried unanimously.

RECESS: 11:20 - 11:40 a.m.

ITEM H-2

CDUA FOR COMMERCIAL USE OF SHORELINE PROPERTY TO PROVIDE OCEAN RECREATION INSTRUCTION AND EQUIPMENT STORAGE, PUKOO, MOLOKAI. APPLICANT: BILL KAPUNI'S SNORKELING ADVERTURES.

Mr. Arisumi questioned why no effort was made by Mr. Kapuni to pay the fines assessed by the board on August 12, 1988. Mr. Evans said that the way the fine aspect was structured, staff was to send him a letter and if there was any difficulty the applicant would contact staff. A letter was sent, they did respond, and have been in contact with the department. Subsequent to conversations with Mr. Kapuni there has been some challenge as to the board's authority to impose such a fine.

Mr. Apaka asked whether there was a legal opinion where an SMA must be obtained before coming to the board with this application. Mr. Evans said that staff has an opinion dated April 27, 1987. At that time the question to the Attorney General was, "can the Land Board, in taking an action on an application for a use which requires a special management area permit, do so with the following condition: that no development occur until the special management area permit is first gotten." The answer from the attorney general's office was no. The way the law is structured is that when somebody has this requirement, which says either "here is your permit"

or "you're exempt", or "you're outside the SMA" -- one of these clearances from the County must be had before staff can recommend approval to the board. Absence that clearance, staff cannot recommend approval. Accordingly, the applicant was notified on December 20, 1988 that it was his responsibility to comply with the provisions relative to the SMA law. This statement, said Mr. Evans, is a standard statement made to all applicants not just this applicant.

Mr. Paty asked if this could be dismissed, without prejudice, so if they get the SMA they can come back again. Mr. Evans that in this particular case staff would say no. This is just one of four reasons for recommending denial.

Mr. Bill Austin of Aloha Voyagers said that all they are requesting is a 16' x 20' area in which to recover windsurfers and kyaks. They are not considering building a structure on the beach. All they are asking for is a corridor to get from the water to the property. As it is now those pieces of recreational equipment must be carried across the beach.

As to the SMA permit, Mr. Austin said that there is a contested case hearing that was just completed but there will be another 60 to 90 days before there can possibly be any resolution of that application for a special land use permit of the subject private property adjacent to the beach parcel. This is what is holding up the SMA permit.

Mr. Austin was not sure what was happening with some of the reference to commercial licenses, etc. from the Department of Transportation. He said that the DOT, who they have been in contact with, is not accepting applications for anchoring on Molokai and have not established ingress/egress yet.

Sandy Kapuni voiced concern that they were given the special land use permit the first time and that they have not used their property on a commercial basis since May, 1988. Mrs. Kapuni also submitted written testimonies from her husband, Bill Kapuni, dated April 27 and 28, 1989.

Mr. Austin said that what they are asking for in this permit is to let a visitor beach a kayak or windsurfer on the beach and not let that be a violation.

Mr. Ron Glover reiterated Mr. Austin's statements.

Discussions continued between Messrs. Apaka and Austin with respect to the commercial activities taking place. While a lot of the people on Molokai protested this activity, Mr. Austin felt that most of the people protesting are good and sincere people. However, he did not think that they understand what is happening on Molokai even though they live there. There will be change on Molokai, but it can be controlled. As far as the special land use permit for the private property, this is also important. This has gone through a contested case. The Maui Land Use Commission has had several hearings on this and did grant Mr. Kapuni the special permit to operate the Molokai luau in the past and then they extended it and have on every occasion.

Mr. Paty asked Mr. Evans to explain "That the proposed commercial use is presently inconsistent to the existing Rural District designation..." Mr. Evans could not explain at this time -- it was not pointed out in the analysis. Because the application is focused on "beach resource, unencumberd state land", then the only issue before the board at this time is the commercial use of the beach. From staff's perspective they would view the commercial use of the beach inconsistent with the immediately mauka area of that beach which is rural and not commercial.

Mr. Arisumi moved to approve as recommended and if the necessary permits from the Department of Transportation are given then we should take another look at it.

Mr. Evans asked for clarification -- the motion is to deny without prejudice relative to the questions A. 3 and A.4.?

Mr. Arisumi said that he also had questions with respect to the fine as shown in Part C. Mr. Kealoha felt that the rental problem should be referred to the Attorney General's Office. Mr. Arisumi added to his motion that Part C. be referred to the Attorney General's office. Mr. Kealoha seconded; motion carried unanimously.

ITEM H-3

CDUA FOR AN OFFSHORE COMMERCIAL MOORING, PUKOO, MOLOKAI; APPLICANT: BILL KAPUNI'S SNORKELING ADVENTURES/ALOHA VOYAGES.

Mr. Evans said that the board did impose a monetary fine and that this applicant, upon receipt of a written notice of this fine, did pay that fine in full.

Mr. Arisumi asked whether the applicant presently had a designated mooring site. Mr. Evans said they did not and, from information received from the Department of Transportation, there is none contemplated in the near future. DOT sees no compelling reason at this time why a mooring site should be designated.

Mr. Austin said that as far as he knew there is no designated anchoring area on Molokai -- it has not been and will not be addressed for some time by the Department of Transportation, who is mandated to implement the law on anchoring. They are not accepting applications for anchoring on Molokai because they have not yet addressed the problem. They have been told by DOT if they do address this Pukoo will be one of the natural places for ingress and egress and probably for anchoring and there appears to be no problem in getting a permit.

ACTION

Mr. Arisumi moved as follows:

1. Approval of Recommendation Part A. Application.
2. Delete Recommendation Part B. Contested Case Proceeding Petition.
3. Amend Recommendation Part C. Enforcement of DLNR Administrative Rules as follows:
  - a. That C.1 be changed from (10) days to (30) days in the event something can be worked out the board may reconsider its action.
  - b. That C.5 be changed from (30) days to (45) days.

Mr. Kealoha seconded; motion carried unanimously.

ITEM H-8

CDUA FOR A WATERLINE FROM WAIHANAU STREAM TO MEYER LAKE; APPLICANT: TIMOTHY J. STACK; AGENT: GREGORY C. GILLETTE AND PAT CUMMINS.

This item was deferred on April 14, 1989 in order to allow staff additional time to study the matter. Staff, in further studying their earlier concerns saw no reason to change. Among the concerns which were presented was staff's requirement for a Shoreline Management Area permit. If an activity occurs within a shoreline management area there is a responsibility on the part of the applicant to clear that matter with the respective county. Absent this clearance, then basically under the law staff has to recommend denial.

Mr. Kealoha asked if the County is saying that they absolutely must have the SMA clearance. Mr. Evans said that this is an opinion from the Attorney General's office based upon actions that were previously taken.

Mr. Paty invited the applicant to come forward. Mr. Gregory Gillette, representing R. W. Meyer, said that they did ask Maui County if they were within the SMA in this project. They were told that a portion of the pipeline does lie within the SMA and the necessary permit would be required. His response to Maui County was whether they would be able to submit to a minor permit. In their conversations with various staff members of the Maui County they were led to believe that a minor permit would be sufficient for this project but they did not receive anything in writing as to what type of permit would be required. They submitted for a minor permit on the 22nd of February. Early March they received correspondence from Maui County stating that a minor permit was not acceptable and that they should submit for a full SMA permit. At that time it was not possible to process a full SMA permit before the end of the 180 day period so they took this problem to the engineer involved in this project and they determined that approximately 1000 feet of the waterline lay within the SMA (the boundaries shown on the 1979 SMA Boundary Maps). As the gradient in this area was very gentle, Mr. Gillette said that they were able to realign the waterline and bring it up on top of the slope as opposed to 20-30 feet down the slope. That was submitted in a letter of March 22, 1989 to Mr. Paty asking for this realignment as an amendment to their CDUA. A copy of this letter went to Mr. Hart along with the amended alignment table showing that the pipeline was pulled out of the SMA district. They also submitted to Maui County a copy of the SMA Boundary map showing that the pipeline was no longer within the SMA boundary.

Mr. Gillette continued that he did have numerous conversations with the Maui County Planning Department since that March 22nd letter asking for a response. Specifically, he spoke on the 28th of March to Mr. Ralph Yasuda, Assistant Deputy of Maui Planning Office and his comments were it appears that the pipeline is no longer within the SMA district and they would clear this up by responding in writing. Further conversations on April 14 and 18, talking with Planner Al Perez, his comments were that it appears that it is outside of the SMA but we feel that the intent of the SMA boundary was to include all of Kalalau County and they see that one parcel lies outside of the SMA, the parcel that your waterline runs through so therefore we have given this situation to the Corporation Counsel to advise us how to proceed. Mr. Gillette said that he still did not receive any comments up to April 24th so he took it upon himself to go to the Maui County Planning Department and sat down with Mr. Perez and reminded him that we were still waiting for a letter to clarify whether they would give us a letter on their decision on this situation. He stated that it was still with the Corporation Counsel and that the intent was to have the SMA include all of Kalalau County.

Mr. Gillette said that he did receive a Fax letter from Mr. Chris Hart late yesterday afternoon stating that all of Kalalau County is within the SMA. Now there have not been any boundary amendments to the SMA boundary to include this one parcel in which the waterline runs through so all of the information they have shows that the waterline does in fact lie outside of the SMA, there have been no boundary amendments in accordance with HRS 205A-23c, Chapter 91, which would require proper notification of public hearings so their contention is that the SMA boundary as delineated in 1979 is in fact the proper boundary. Their pipeline lies outside of that boundary and Mr. Hart has taken it upon himself to take the position that they are still required to submit for an SMA permit.

Mr. Kealoha said that even though they did do a lot of leg work the fact still remains that the board would need the evidence from the County whether or not you're inside or outside the SMA boundary.

Mr. Gillette said that they have shown Maui County clearly that their pipeline is outside of the SMA boundary as shown on the 1979 maps and they recognize that this was the case when they sent this to the Attorney General to determine whether the intent of where they wanted the SMA line to be would govern, or the actual location of the SMA line.

Mr. Evans said that they are guided by the County Planning Director. There may be a case but Mr. Gillette challenged the County's statement whether it's inside or outside of the SMA.

Mr. Evans suggested the following options:

1. The board could deny without prejudice and they could resubmit right away.
2. On the question of withdrawal, once all the submittals are made and it goes out to everybody, staff's past practice has been to not let someone withdraw. Once a request gets to the board a request for withdrawal can be made but it should be made to the board and the board can decide whether they will allow the application to be withdrawn.

In either case, if they withdraw there would be no decision on the record but one thing the applicant could then do is resubmit right away. They know now that Maui County wants an SMA so they resubmit and get an SMA for that alignment. But even if they resubmitted, when it comes to the board again, the SMA question would still need to be answered.

Mr. Gillette said that they have everything in their control to comply with the SMA regulations and they find that they have not been successful so he asked if the board would consider going against the AG's opinion and consider granting them approval of this permit pending resolution of the problem with Maui County.

Mr. Paty felt that there were strong signals from the board that they would like to proceed with the Attorney General's opinion. Mr. Gillette then asked for voluntary withdrawal of this matter.

ACTION Withdrawn.

ITEM F-1-d CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4414 (GRANT OF EASEMENT), ACCESS AND UTILITY EASEMENT AT WAIOLI, HANAIEI, KAUAI, TMK 5-5-06:20.

Mr. Shimabukuro asked to amend Recommendation B.1 by deleting the words "one residential" and insert the word "existing", also the word "structure" should be changed to "structures".

ACTION Unanimously approved as amended. (Kealoha/Arisumi)

Mr. Kawaipuna Prejean said that, like Gertrude Quinlan, he is also a descendent. He felt that this was premature for staff to move ahead before a full study is made for amenable administrative types of arrangement. He said that they are still challenging use of the land and he is not eager to see this move by the board until all of these questions are answered satisfactorily. Mr. Paty said that the board will only be addressing these particular problems today.

**CDUA FOR THE UPPER WAILUA HYDROELECTRIC PROJECT AT WAILUA, KAUAI;  
APPLICANT: ISLAND POWER CO., INC. AGENT: DEAN ANDERSON**

Mr. Evans asked to add Condition No. 16 which is relevant to some unresolved issues in the environmental impact statement. He also pointed out on page 21, third paragraph, 5th line from the bottom of that paragraph where it reads "developments in the State of Idaho", -- it currently reads "the applicant did not take", the word not should be crossed out.

Mr. Evans said that when an EIS is required that EIS must be an accepted document before staff can recommend approval. Mr. Evans said that two staff people, including himself, took a hard look at the EIS and the document was accepted on April 18th for two reasons. Those reasons being: 1) it provided information; and 2) it disclosed. There are no other criteria for accepting or not accepting.

Mr. Evans said that there were some accusations made at the public hearing to the developer by members of the public. Those accusations were relative to the security and exchange commission reporting that type of thing. Staff felt that many could interpret those accusations in terms of the character of the company which staff feels is unfair.

Staff felt that there is a tie between the environmental impact statement and the CDUA in one area and that tie is that there is a section in every EIS that calls for unresolved issues. There are about eight of them. Because of those unresolved issues staff feels that should the board approve the project that there should be a special condition in the board's approval relative to those unresolved issues which should read: "all issues listed in Section 11 of the final EIS, summary of unresolved issues, be resolved with the department prior to commencement of the project. The unresolved issues are:

(1) The exact location of an adze quarry located near the proposed penstock route at the confluence of Maheo Stream and the North Fork Wailua River is unknown. We believe it to be located near the Keahua Stream which is outside the project boundary. However, the State Historic Preservation Office feels this could be a significant archaeological site with high sensitivity to archaeological resources. Prior to disturbing the ground surface at the proposed powerhouse location, the State Historic Sites Section has proposed a plan of action. This plan is described in detail in Section 8.3 of the Final EIS. In general, it consists of detailed surveys at the exact location of project construction. This survey will involve removing the vegetation and inspection of the site. If historical or archaeological resources are found, any activity of a ground disturbing nature will be halted and the agencies contacted. At that time, a mitigation plan will be developed with the consultation of appropriate state and federal agencies prior to the start of construction activities.

(2) A survey of Newell's Shearwater needs to be conducted to determine if this threatened species nests within the project area or will be affected by the project. If the project is deemed to have an impact on this species, the project will need to be modified to minimize the impact. The survey for adult Shearwaters will be conducted in late April or May - the most likely time of year to locate these species within the project area. If they are found in the project area, a determination of nesting success will be made by additional surveys. If the Newell's Shearwater is found to be nesting in an area where direct impacts will occur, the project will be modified.

(3) Further surveys may be needed to establish the presence of the endangered hoary bat. A survey was conducted (in February, 1989), but the time of year was not optimum. An additional survey will be conducted in April-May during the Newell's Shearwater investigation.



(4) Detailed construction plans for development of the project will need to be completed. This should be done in consultation with contractors and appropriate state and federal agencies.

(5) Detailed soil erosion control plans will need to be completed. This should be done in consultation with contractors and appropriate state and federal agencies.

(6) Detailed revegetation plans will need to be completed. The revegetation plan should utilize native plant species and be prepared in consultation with interested state and federal agencies.

(7) A geotechnical evaluation of soils and slope stability will need to be completed prior to construction.

(8) The exact diversion screening method has not been determined. The final design will depend upon obtaining bypass flows from the irrigation company. The project is, however, committed to screening the intake diversion.

Mr. Evans felt that every comment which was made on the EIS during the comment period provided by statute has been addressed in the final EIS. Staff is aware of a letter from a private citizen dated April 11 which lists three specific reasons why the review process has not occurred. Staff is considering this as a later comment under the EIS rules and as such there is no requirement that anything be addressed.

Mr. Dean Anderson, representing the applicant Island Power Co., said that in the final EIS they made some changes to the design and configuration of the project and all those changes were attempts on their part to accommodate what they felt were legitimate comments and concerns expressed by the various agencies, by members of the public and by the board. None of the changes were for the purpose of enhancing the economics of the project and although they have not gone over those specific changes in the format shown in the submittal he stated that he would be happy to explain any questions from the board.

Mr. Apaka asked Mr. Anderson if he could cover the unresolved issues mentioned by Mr. Evans. Mr. Anderson responded as follows:

(1) The question of the archaeology will be resolved as suggested whereby they will not remove any vegetation without having an appropriate archaeologist there to halt the construction in the event anything is found. They will follow techniques which are required by the archaeologist.

(2) The survey for the Newell Shearwater is going on now. He said that he won't prejudge the conclusions of the survey but they are committed that if there are nests in the area which they might disturb they will modify the project to avoid those nests as required by the agency. He said that the reasons the surveys were delayed until now is because this is the nesting time.

(3) The survey for the hoary bat is also presently going on.

(4) They agree to submit the detailed construction plans when they are completed. They are not working on the detailed plans now since they are waiting for directions from the Water Resource Manager.

(5) They have done a draft soil erosion control plan, which is not site specific for each specific area but they have a conceptual draft erosion control plan which will be submitted as a part of the agency process.

(6) They have not started the detailed revegetation plan but they acknowledge the requirement and that would be a part of their normal planning.

(7) Same as (6) above.

(8) The exact diversion screening method will also be something they will not finalize until they receive input from the Commission on Water Resource Management.

Mr. Anderson, in reply to Mr. Apaka's request, informed the board of the status of the required approvals for this project

Mr. Apaka asked also what would be the benefits to the people. Mr. Anderson said that the first question would probably be what it would mean to their pocket book. In the long run it would help to displace the use of oil to a small extent. It allows the dispersal of the load in the Kauai Electric system which is presently overly dependent on a couple of oil burning steam plants for generation. This power, said Mr. Anderson, will only be sold to Kauai Electric.

ACTION

Upon motion by Mr. Arisumi and a second by Mr. Apaka, the board unanimously approved this item with the added condition no. 16 as follows:

16. All issues listed in Section 11 of the final EIS, "Summary of Unresolved Issues", be resolved with the Department prior to commencement of the project.

CDUA AFTER-THE-FACT FOR COMMERCIAL OCCUPANCY OF STATE-OWNED PROPERTY;  
APPLICANT: PATRICK J. BALLENGER AND MARIANA VAN CLOM, AGENT: ROBERT E. ROWLAND.

ITEM H-7

Relative to the violation, Mr. Evans asked that the \$500 fine be imposed only for the encroachment.

Mr. Kealoha was not sure of the reason for the fine. Mr. Evans said that the fine was for the wall being on state land, which is currently in the conservation district. Since the wall was there since 1920, Mr. Kealoha asked Mr. Evans how he determined that this wall was on state land. Mr. Evans said that this determination would have been made as a part of previous actions taken with respect to encroachment problems -- a survey was also done.

Mr. Bob Rowland, representing the fee owners of the property, Patrick J. Ballenger and Mariana Van Blom, in answer to Mr. Arisumi's question whether there was any construction going on now, Mr. Rowland said, no. The only thing that is going on now is to comply with the Maui Historic Commission. There is one window area between the restaurant and Lahaina Yacht Club next door, what was a full pane, and the Maui Commission said that they wanted this broken up into separate panes so they went in to change that one piece of glass.

Mr. Rowland had problems with Condition No. 8. He wasn't sure what plans staff was talking about inasmuch as they did have to submit "as built" drawings of the building to the County, which they accepted, in order to get their SMA permit. Mr. Evans said that the concrete pilings were sitting in the water in the 1920's. The reason for this condition is that

the applicant went and built a deck onto those pilings after the conservation law came into effect. At the time the deck was built the pilings were also reinforced and that is where the conservation fine comes in.

Mr. Kealoha said that the submittal did not indicate what would be done to that portion of the structure sitting on state lands. Mr. Evans said that should the board approve this submittal then Condition B.3, requiring the applicant to obtain appropriate authorization through the Division of Land Management, should take care of this problem.

ACTION Mr. Arisumi moved to approve but that the total fine listed under Condition No. 4 be changed to \$500.00. Mr. Kealoha seconded; motion carried unanimously.

ITEM J-5 APPROVAL OF CONSENT TO SUBLEASE THE LAND UNDER HARBOR LEASE NO. H-72-1, NORTH KONA, HAWAII (GEORGE Y. AND SUZUKO TAMASHIRO).

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-9 AMENDMENT NO. 1 TO FACILITIES USE AGREEMENT BETWEEN THE UNIVERSITY OF HAWAII AND THE DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT REGARDING FILM STUDIO SITE AT KAPIOLANI COMMUNITY COLLEGE CAMPUS.

Mr. Shimabukuro explained that this request is to amend the acreage of the original agreement from 4.8 acres to 7.8 acres, more or less.

Ms. Natalie Buckman, a Kapiolani Community College student, presented written testimony from Dr. Michael Molloy, Co-Chair, Art Advisory Committee, Kapiolani Community College, who is strongly against this request. In part, Dr. Molloy's testimony stated that the purpose of this amendment is to permanently establish a film studio, which is essentially a business and an industry, on the slopes of Diamond Head and runs counter to the nature of the site, which is zoned residential, and is next to a college, a cemetery, and a State Monument, with a second school and private houses nearby. Other sites for a film studio, suggested by Dr. Molloy, would be Kakaako, Ewa, Hawaii Kai, Waipio, and sites on Kauai and the Big Island.

Ms. Buckman also presented written testimony from the Outdoor Circle voicing their concern with the proposed expansion of the film facility.

Mr. Kealoha said that a few years ago the board dedicated this parcel of land for film studio purposes. At one time the Outdoor Circle wanted the studios away from Ft. DeRussy so the suggestion was made by both private and government sectors to go somewhere else where the area would be more conducive to this type of business. In response, the board settled on this particular site which occurred about 15 years ago. Everytime the studio moves people say move it somewhere else -- anybody's backyard but not mine. As far as the construction, Mr. Kealoha had no problem with suggestions from groups such as the Outdoor Circle being considered.

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM H-6 CDUA FOR COMMERCIAL BICYCLE TOURS IN THE PUU KA PELE FOREST RESERVE ON KAUAI; APPLICANT: BREN JOSHUA DONOFRIO.

Mr. Evans said that this item was deferred from the Board's March 23, 1989 agenda in order to allow consideration by the Kauai Board Member.

Mr. Evans said that concerns raised by the board relative to liability, enforcement, racing and single-file are legitimate concerns. He stated that enforcement is a slow process; he does have liability; and probably

the applicant could explain racing and single-file. Mr. Kealoha also asked whether identification of the applicant's group from other bicycle riders would be of any significance. Mr. Evans felt that this would be of significance. In the event any complaints came in the public would probably identify the colors worn by the riders.

Mr. Donofrio said that this is primarily in the forest area with access through the state parks. They are offering small tours under the leadership of a guide and is to be an environmental kind of trip. There will be frequent stops to explain the plants, the valleys, etc. There will be no racing -- just a relaxing, easy bike ride. Mr. Donofrio said that he has trained with OSHA for first aid and all their guides will be trained to meet any problems if and when it occurs. They will meet the visitors at the Kaana State Park Picnic area across from Puu Ka Pele Viewpoint which has complete restroom facilities and a covered pavilion before they depart in the truck and the van to the natural clearing to start the ride. The clearing is just a couple miles down the road from the picnic area and the off-road parking is a grassed area where the state has moved over some trees and there is room for about four cars and is hardly ever used.

Mr. Donofrio said that he has worked out some of the concerns with Messrs. George Niitani and Ralph Dahler. He realizes that this is a new venture and agrees to comply with all DLNR recommendations in order to get this business started right.

Mr. Kealoha asked Mr. Donofrio whether there would be age restrictions and whether this would be advertised so the riders would know before they took a ride up who would be allowed to ride. Mr. Donofrio said that they are not imposing an age restriction but he will discuss over the phone their life styles and physical abilities such as how often they ride, how long do they like to ride to make sure that they are physically capable of doing the journey.

In reply to Mr. Apaka's concerns on communication, Mr. Donofrio said that they would have a cellular phone installed in the van in case there was an accident they would be able to radio Kauai Veterans Hospital for emergency care. The guides would carry first aid equipment with them on the bikes such as splints and be certified by the Safety Management Services on Kauai and provide care in case someone did get hurt. They are providing and will require that all riders wear helmets.

With all due respect to the applicant, Mr. Evans said that from what he has heard this has developed into a very loose operation and asked that the following condition be added:

9. That the applicant submit final business plans, including maps, of specific activities, to the Department of Land and Natural Resources, for review and approval prior to commencement of activities.

Some of the things to be included in this plan, said Mr. Evans, would be what kind of cellular phones would be used; type of splints, etc. Also addressed would be concerns such as parking, racing, etc.

ACTION

Mr. Apaka moved to approve with the added Condition 9, as shown above. Mr. Kealoha seconded; motion carried unanimously.

ITEM H-4

REQUEST FOR TIME EXTENSION ON THE CDUA FOR MOBILE TELEPHONE CELL SITE, KOKO HEAD, OAHU; APPLICANT: HONOLULU CELLULAR TELEPHONE CO.

ACTION

Unanimously approved as submitted. (Kealoha/Apaka)

OUT-OF-STATE TRAVEL REQUEST FOR HENRY M. SAKUDA, ADMINISTRATOR, DIVISION OF AQUATIC RESOURCES TO ATTEND THE ANNUAL CONFERENCE OF THE WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES AND THE WESTERN DIVISION OF THE AMERICAN FISHERIES SOCIETY.

ITEM B-1

ACTION

The board unanimously approved Mr. Sakuda's trip to Seattle, Washington, July 4-8, 1989. (Kealoha/Apaka)

ITEM B-2

REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE WESTERN PACIFIC REGIONAL FISHERY MANAGEMENT COUNCIL TO SUPPORT FISHERIES ACTIVITIES OF THE DIVISION OF AQUATIC RESOURCES DURING 1989.

ACTION

Unanimously approved as submitted. (Kealoha/Apaka)

ITEM B-3

OUT-OF-STATE TRAVEL REQUEST FOR MR. REGINALD M. KOKUBUN, RESEARCH STATISTICIAN, DIVISION OF AQUATIC RESOURCES.

ACTION

Unanimously approved Mr. Kokubun's trip to Long Beach, California, May 26, 1989. (Arisumi/Apaka)

ITEM B-4

OUT-OF-STATE TRAVEL REQUEST FOR MR. WALTER N. IKEHARA, AQUATIC BIOLOGIST, DIVISION OF AQUATIC RESOURCES.

ACTION

Unanimously approved Mr. Ikehara's trip to Lake Arrowhead, California, May 23-25, 1989 and to Long Beach, California, May 26, 1989. (Kealoha/Apaka)

ADDED  
ITEM B-5

REQUEST FOR APPROVAL TO SELL FRESHWATER PRAWN SEED TO HAWAII'S PRAWN FARMERS IN 1989.

ACTION

Unanimously approved as submitted. (Kealoha/Apaka)

ITEM D-1

RESUBMITTAL - DISPOSITION OF STREAM CHANNEL ALTERATION PERMIT VIOLATION, PUNALUU STREAM, KOOLAULOA.

ACTION

See Page 11.

ITEM D-2

APPROVAL FOR AWARD OF CONTRACT - JOB NO. 17-HW-B, DRILLING OF KAU WELL (0139-01), HAWAII.

ACTION

Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM D-3

PERMISSION TO HIRE CONSULTANTS FOR THE KAHULUI FLOOD CONTROL PROJECT, KAHULUI, MAUI.

ITEM D-4

PERMISSION TO HIRE A SURVEYING CONSULTANT FOR WAINPEE STREET DRAINAGE IMPROVEMENTS, LAIE, OAHU.

ITEM D-5

PERMISSION TO HIRE AN ACOUSTICAL ENGINEERING CONSULTANT FOR NOISE ABATEMENT AT OLD KONA AIRPORT STATE RECREATION AREA, KONA, HAWAII.

ACTION

Mr. Arisumi moved to approve Items D-3, D-4 and D-5 as submitted. Mr. Kealoha seconded; motion carried unanimously.

ITEM D-6

PERMISSION TO HIRE CONSULTANTS FOR PLANNING AND DESIGN OF HAPUNA BEACH STATE RECREATION AREA AND GOLF COURSE, SOUTH KOHALA, HAWAII.

Mr. Nagata explained that this was a pork barrel appropriation by the legislature for the planning and design of the golf course, in conjunction with updating of the master plan which State Parks had in the late 70's. This golf course probably would be incorporated in the mauka portion of Hapuna State Beach Park, extending into the Wailea area but away from the

*beach. Mr. Nagata thought that this might generate some public interest since the Hawaii Tribune Herald had called expressing surprise that this item was on the agenda. It will be the first time that this department will be getting involved in the design and probably the ultimate construction of a golf course facility. As far as operation of such a facility, those kinds of questions still need to be answered.*

Mr. Kealoha asked whether this report would come back to the board for review. Mr. Tagomori said that the Master Plan would come back.

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM D-7 APPOINTMENT AND CERTIFICATION OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS.

ACTION Upon motion by Mr. Arisumi and a second by Mr. Kealoha, the board unanimously approved the following appointments:

<u>District</u>	<u>Name</u>	<u>Term to Expire</u>
South Oahu	David Ringuette	6/30/91
Waiakea	Stanley Watanabe	6/30/92

ADDED ITEM D-8 APPROVAL FOR AWARD OF CONTRACT - JOB NO. 33-HL-A, KONA MARSHALLING YARD, PHASE II, KONA, HAWAII.

ACTION The board voted unanimously to award the contract for the above project to N. Rego Contracting for their low bid of \$336,000.00 subject to release of funds by the Governor. (Kealoha/Arisumi)

ITEM E-1 FILLING OF VACANT GROUNDSKEEPER I POSITION FOR KAHANA VALLEY STATE PARK.

ACTION Unanimously approved the appointment of Mr. David Saito to Position No. 33472. (Kealoha/Apaka)

ITEM E-2 OUT-OF-STATE TRAVEL REQUEST TO ATTEND THE TRAINING COURSE ON ARCHAEOLOGICAL PROTECTION.

ACTION Unanimously approved Ms. Nancy McMahon's attendance at the National Park Service's training course on archaeological protection May 2-3, 1989 in Washington, D.C. (Kealoha/Arata)

ITEM E-3 SPECIAL USE PERMIT REQUEST FOR EVENTS PAVILION AT OLD KONA AIRPORT STATE RECREATION AREAS.

ACTION The board unanimously approved a waiver of the no cash sale condition to accommodate last minute constituent participation in Representative Isbell's May 26, 1989 political fund raiser. (Arisumi/Kealoha)

ADDED ITEM E-4 AUTHORIZATION TO DECLARE A MORATORIUM OF MOORING SITES WITHIN KEALAKEKUA BAY, ISLAND OF HAWAII.

Mr. Kealoha asked about the requirement for a conservation district use permit. Mr. Nagata said that this might not be the case depending on staff's study. His reason for saying this is that Kealakekua Bay is also a Marine Life Conservation District (MLCD) and last year the legislature passed a law which allows them to consider mooring within the MLCD so it is possible that moorings could be allowed through the MLCD rules without having to address the CDUA rules.

ACTION The board unanimously approved the moratorium of the present 29 mooring sites with the understanding that fate of these sites will be determined by the Board in 60 to 90 days from recommendations formulated by the Division of State Parks. (Arisumi/Kealoha)

ISSUANCE OF REVOCABLE PERMIT TO GEORGE B. FERNANDES, WAILUA PASTURE LAND, WAILUA, KAWAIIHAU (PUNA), KAUAI, TMK 4-1-09:05 AND 06.

Mr. Shimabukuro asked to make the following amendments:

- 1. Under LOCATION AND AREA, change Area: from 10/444 to 10.444 acres±
- 2. Under MONTHLY RENTAL, delete \$250.00 per month and add "to be determined by staff appraiser, said subject to approval of the chairperson.
- 3. Under SECURITY DEPOSIT, delete \$500.00 and add "twice the monthly rental."
- 4. Under LIQUIDATED DAMAGES, delete \$5.00 per day, and add "20% of the monthly rental per day.

Item F-1-b CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4414 (GRANT OF EASEMENT), ACCESS AND UTILITY EASEMENT AT WAIOLI, HANAIEI, KAUAI, TMK 5-5-06:20.

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO SEISO BUSSAN FOR RECREATIONAL PIER, WAILUPE PENINSULA OFFSHORE, SEAWARD OF TMK 3-6-01:35, MAUNALUA BAY, OAHU.

Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO FOUR OCCUPANTS OF GOVERNMENT LAND OF KALAWAHINE, TMK 2-4-34:08, KALAWAHINE, MAKIKI, OAHU.

ACTION See Page 15.

Item F-1-e CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-3168, LOT 35, OCEAN VIEW LOTS, TMK 2-1-07:34, WAIAKEA, SO. HILO, HAWAII.

Item F-1-f ISSUANCE OF REVOCABLE PERMIT TO CHALON INTERNATIONAL OF HAWAII, INC., GOVERNMENT LANDS SIUATE AT KAHEI, HUALUA, OPIHIPAU, HUKIAA, AWALUA AND HAENA, NO. KOHALA, HAWAII, TMK 5-5-03:05, 13 AND 19; 5-5-06:02, 03 AND 04 AND 05; 5-5-07:05, 07, 08, 09 AND 13; 5-5-11:47; 5-6-01:01.

Mr. Shimabukuro asked to amend as follows:

- 1. Under LOCATION AND AREA, a) delete the entire Tax Map Keys listed inasmuch as some are in error and in its place insert "all of the easements covered under Revocable Permit No. S-5751 to Kohala Corporation"; and b) change the area from 26.610 to 24.08 acres.
- 2. Under REMARKS and RECOMMENDATION, change the permittee from Kohala Ditch Co. to Kohala Corporation.

Item F-1-g ISSUANCE OF REVOCABLE PERMIT TO JULES KANAREK, KAHOLONO STREAM AND PAHEEHEE STREAM, HONOMU HOMESTEADS, HONOMU, SO. HILO, HAWAII, TMK 2-8-10:07 AND 091.

Item F-1-h CONSENT TO ASSIGNMENT OF SUBLEASE G.L. NO. S-3662 PIIHONUA ROAD IN PIIHONUA CAMP 4, SO. HILO, HAWAII.

ACTION Mr. Kealoha moved to approve Items F-1-a, as amended; Items F-1-b through F-1-e, as submitted; Item F-1-f as amended; and Item F-1-g and h as submitted. Mr. Apaka seconded; motion carried unanimously.

AMENDMENT TO PRIOR BOARD ACTION REGARDING DIRECT SALE OF EASEMENT AT  
PUUNAWAA, NO. KONA, HAWAII.

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

ITEM F-3 DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR ACCESS AND UTILITY  
PURPOSES, PORTION OF GOVERNMENT LAND AT OLAA HOMESTEAD RESERVATION LOTS,  
PUNA, HAWAII, TMK 1-7-06:HOMESTEAD ROAD.

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-4 DIRECT SALE OF PERPETUAL NON-EXCLUSIVE EASEMENT FOR TRAFFIC SIGNAL  
CONTROLLER AT PIHONUA, SO. HILO, HAWAII, TMK 2-3-26:ROAD RESERVE.

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-5 UNIVERSITY OF HAWAII REQUEST FOR CONSENT TO SECOND AMENDMENT OF SUBLEASE  
COVERING GENERAL LEASE NO. S-4351, WAIAKEA, SO. HILO, HAWAII, TMK  
2-4-01:162.

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-6 SALE OF LEASE AT PUBLIC AUCTION, DIVERSIFIED AGRICULTURE LEASE, LOTS 20  
AND 20-A, WAILUA HOMESTEADS, HANA, MAUI, TMK 1-1-04:06 AND 18.

Mr. Shimaburo asked to change under TOPOGRAPHY, SOIL CLASSIFICATION &  
VEGETATION, third line, where the first 20A appears, delete the "A".

ACTION Unanimously approved as amended. (Arisumi/Kealoha)

ITEM F-7 REQUEST FOR EXTENSION AND CONSENT TO MORTGAGE OF GENERAL LEASE NO. S-4007,  
WAIMANALO AGRICULTURAL SUBDIVISION, TMK 4-1-27:23 AND 24, WAIMANALO, OAHU.

ACTION Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM F-8 AMENDMENT TO CONSENT TO MORTGAGE AND EXTENSION OF GENERAL LEASE NO. S-4009,  
CHAR HUNG SUT FISH FARMS, INC., WAIMANALO, OAHU.

Mr. Shimabukuro asked to change the TMK under LOCATION AND AREA from 25 to  
"24". Should read TMK 4-1-24:54.

ACTION Unanimously approved as amended. (Kealoha/Arisumi)

ITEM F-9 AMENDMENT NO. 1 TO FACILITIES USE AGREEMENT BETWEEN THE UNVERSITY OF  
HAWAII AND THE DEPT. OF BUSINESS AND ECONOMIC DEVELOPMENT REGARDING FILM  
STUDIO SITE AT KAPIOLANI COMMUNITY COLLEGE CAMPUS.

ACTION See Page 19.

ITEM F-10 LEASE AT PUBLIC AUCTION SALE, GOVERNMENT LAND AND IMPROVEMENTS AT CORNER  
OF LELE ROAD AND KAUMUALII HIGHWAY, HANAPEPE, KAUAI, TMK 1-8-08:35.

ACTION Unanimously approved as submitted. (Apaka/Kealoha)

ITEM F-11 REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING TO INCLUDE LAND AT  
WAIOLI, HANAIEI AS PART OF THE HALELEA FOREST RESERVE AND LAND AT PAPAA,  
MOLOAA, KOOLAU, KAUAI AS PART OF THE MOLOAA FOREST RESERVE, KAUAI.

ACTION Unanimously approved as submitted. (Apaka/Kealoha)



ITEM F-12

ACTION Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-13

LEASE OF OFFICE SPACE FOR MOLOKAI COMMUNITY MENTAL HEALTH CENTER, DEPT. OF HEALTH, ISLAND OF MOLOKAI.

ACTION

Unanimously approved as submitted. (Arisumi/Kealoha)

ITEM F-14

AMENDMENT OF LEASE OF OFFICE SPACE FOR THE DEPT. OF EDUCATION, ISLAND OF OAHU.

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

ADDED  
ITEM F-15

LEASE OF OFFICE SPACE FOR THE DEPT. OF HEALTH, ISLAND OF OAHU.

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM G-1

FILLING OF ABSTRACTING ASSISTANT V, POSITION NO. 40437, OAHU.

ACTION

Unanimously approved the appointment of Nancy L. Alvey to Position No. 40437. (Kealoha/Arisumi)

ITEM G-2

FILLING OF ABSTRACTING ASSISTANT V, POSITION NO. 153, OAHU.

ACTION

Unanimously approved the appointment of Faith E. Hope to Position No. 153. (Kealoha/Arisumi)

ITEM G-3

FILLING OF LAND COURT DOCUMENT RECEIVING CLERK I, POSITION NO. 33257, OAHU.

ACTION

Unanimously approved the appointment of Wil J. Cabatic to Position No. 33257. (Kealoha/Arisumi)

ITEM H-1

REQUEST FOR APPROVAL TO ENTER INTO A RESEARCH CONTRACT WITH THE UNIVERSITY OF HAWAII.

ACTION

Unanimously approved as submitted. (Kealoha/Apaka)

ITEM H-2

CDUA FOR COMMERCIAL USE OF SHORELINE PROPERTY TO PROVIDE OCEAN RECREATION INSTRUCTION AND EQUIPMENT STORAGE, PUKOO, MOLOKAI. APPLICANT: BILL KAPUNI'S SNORKELING ADVERTURES.

ACTION

See Page 13.

ITEM H-3

CDUA FOR AN OFFSHORE COMMERCIAL MOORING, PUKOO, MOLOKAI; APPLICANT: BILL KAPUNI'S SNORKELING ADVENTURES/ALOHA VOYAGES.

ACTION

See Page 13.

ITEM H-4

REQUEST FOR TIME EXTENSION ON THE CDUA FOR MOBILE TELEPHONE CELL SITE, KOKO HEAD, OAHU; APPLICANT: HONOLULU CELLULAR TELEPHONE CO.

ACTION

Approved. See Page 20.

ITEM H-5

CDUA TO SUBDIVIDE AND DEVELOP WAIANAE WELLS I AND II, AT WAIANAE, OAHU; APPLICANT: BOARD OF WATER SUPPLY, C&C OF HONOLULU.

ACTION

See Page 2.

<u>ITEM H-6</u>	<u>CDUA FOR COMMERCIAL BICYCLE TOURS IN THE PUU KA PELE FOREST RESERVE ON KAUAI; APPLICANT: BREN JOSHUA DONOFRIO.</u>
ACTION	See Page 20.
<u>ITEM H-7</u>	<u>CDUA AFTER-THE-FACT FOR COMMERCIAL OCCUPANCY OF STATE-OWNED PROPERTY; APPLICANT: PATRICK J. BALLENGER AND MARIANA VAN BLOM, AGENT: ROBERT E. ROWLAND.</u>
ACTION	See Page 19.
<u>ITEM H-8</u>	<u>CDUA FOR A WATERLINE FROM WAIHANAU STREAM TO MEYER LAKE; APPLICANT: TIMOTHY J. STACK; AGENT: GREGORY C. GILLETTE &amp; PAT CUMMINS.</u>
ACTION	See Page 15.
<u>ITEM H-9</u>	<u>CDUA FOR THE UPPER WAILUA HYDROELECTRIC PROJECT AT WAILUA, KAUAI; APPLICANT: ISLAND POWER CO., INC.; AGENT: DEAN ANDERSON.</u>
ACTION	See Page 18.
<u>ADDED ITEM H-10</u>	<u>REQUEST FOR APPROVAL TO ENTER INTO A RESEARCH CONTRACT WITH THE UNIVERSITY OF HAWAII.</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)
<u>ITEM J-1</u>	<u>AMENDMENT NO. 15 TO LEASE NO. DOT-A-78-2, HONOLULU INTERNATIONAL AIRPORT, OAHU (MARRIOTT CORPORATION).</u>
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
<u>ITEM J-2</u>	<u>AMENDMENT NO. 3 TO LEASE NO. DOT-A-84-9, LIHUE AIRPORT, KAUAI (AVIS RENT A CAR SYSTEM INC.).</u>
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
<u>ITEM J-3</u>	<u>APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 4543, HONOLULU INTERNATIONAL AIRPORT, OAHU (ALOHA AIRLINES, INC.).</u>
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
<u>ITEM J-4</u>	<u>AUTHORIZE THE DIRECTOR OF TRANSPORTATION OR DESIGNEE TO REPRESENT THE STATE, BID AND EXECUTE BID DOCUMENTS AT PUBLIC AUCTION FOR THE ACQUISITION OF 7.8 ACRES OF GOVERNMENT LAND, KAPALAMA MILITARY RESERVATION, OAHU, HARBORS DIVISION.</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)
<u>ITEM J-5</u>	<u>APPROVAL OF CONSENT TO SUBLEASE THE LAND UNDER HARBOR LEASE NO. H-72-1, NO. KONA, HAWAII (GEORGE Y. AND SUZUKO TAMASHIRO).</u>
ACTION	See Page 19.
<u>ITEM J-6</u>	<u>ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, BARBERS POINT DEEP-DRAFT HARBOR, EWA, OAHU (PACIFIC RESOURCES, INC.).</u>
ACTION	Unanimously approved as submitted. (Kealoha/Arisumi)
<u>ITEM J-7</u>	<u>ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, SAND ISLAND, OAHU (SEA-LAND SERVICE, INC.).</u>
ACTION	Unanimously approved as submitted. (Arisumi/Kealoha)

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STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
HONOLULU, HAWAII

ITEM J-8

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, PIER 2, HONOLULU, OAHU (HAWAII STEVEDORES, INC.).

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM J-9

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39, HONOLULU HARBOR, OAHU (YOUNG BROTHERS, LTD.).

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM J-10

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU BOAT HARBOR, HAWAII (MR. JOHN EDWIN TRIMBLE).

ACTION

Unanimously approved as submitted. (Arisumi/Kealoha)


ADJOURNMENT: The meeting was adjourned at 4:20 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell  
Secretary

APPROVED:



WILLIAM W. PATY  
Chairperson

lt