

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

DATE: October 13, 1989
TIME: 8:30 a.m.
PLACE: Mauna Kea Conference Room
Kona Surf Resort
Keauhou, Hawaii

ROLL CALL: Vice-Chair Moses W. Kealoha called the meeting of the Board of Land and Natural Resources to order at 8:35 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi
Mr. Herbert Arata
Mr. Herbert Apaka
Mr. Moses W. Kealoha

Absent and Excused

Mr. William W. Paty
Mr. William Yuen

STAFF: Mr. Henry Sakuda
Mr. Bob Nishimoto
Mr. Michael Buck
Mr. Roger Evans
Mr. Ralston Nagata
Mr. Charles Supe
Mr. Mike Shimabukuro
Mrs. LaVerne Tirrell

OTHERS: Messrs. Gordon Leslie, Walter Hemming, Lester Gamble, Bill Block, Ian Byrne and Richard Cormack, Ms. Nancy Griffith Lukela and Cynthia Northorp (Item E-11)
Mr. Frank Honey (Item F-1-d)
Messrs. Kelly Greenwell, Larry Deal, Von Hester, Marvin Sanemitsu, Larry Shimizu, Chris Welch, Sonny Shimooka, David Roy, William Paris, David Jennings, Larry Tanimoto, Walter Kunitake, George Ishida, Harold Meltzer; Ms. Marge Mulhul, Ms. Jean Comer, Mrs. Kunitake, Dr. Howard Rogers, Councilman Harry Ruddle & Representative Virginia Isbell. (Item F-3)
Messrs. Mark Nelson and Ben Ishii (Items F-4 and J-1)
Ms. Kathy Matayoshi and Chris Skrona (Item H-2)
Mr. Joe Clarkson (Item H-5)

ADDED
ITEMS:

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

- Item B-4 - Adoption of Administrative Rules of the Department of Land and Natural Resources, New Chapter 13-55, Kawaihae Harbor, Hawaii.
- Item D-2 - Approval for Award of Contract - Job No. 4-OW-I, Waianae Exploratory Well No. 2 (2810-03), Waianae, Oahu, Hawaii.
- Item F-14 - Request for Authorization to Hold a Public Hearing to Include Land on the Island of Hawaii as Part of the Kau, So. Kona, and Honuaula Forest Reserves.
- Item G-2 - Filling of Abstracting Assistant V Position No. 27299.

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

ITEM F-2 RESUBMITTAL - PROPOSED LAND EXCHANGE INVOLVING GRANT 2023 AT AWAKEE (TAX MAP KEY 7-2-04:03) AND STATE LAND OF MANINIOWALI AND KUKIO 2ND (TAX MAP KEY 7-2-04:PORTION 17), NO. KONA, HAWAII.

Mr. Shimabukuro asked to withdraw this item until a full board could be present to take action.

ACTION The board voted unanimously to withdraw this item from today's Agenda.

ITEM F-3 RESUBMITTAL - DIRECT LEASE TO COUNTY OF HAWAII COVERING THE OLD KONA AIRPORT, STATE RECREATION AREA, TAX MAP KEY 7-5-05:07 AND 83, NO. KONA, HAWAII.

Mr. Shimabukuro asked that Item F-3 also be withdrawn until a full board was present to take action.

Vice Chairman Kealoha explained to the many people that were present at this morning's meeting that he, too, felt that this item should be considered when all members of the board were present. However, Mr. Kealoha said that he would allow anyone wanting to testify to be heard before the item was withdrawn.

A member of the audience felt that because action would not be taken today they would only have to testify again when the matter was put back on the Agenda. Mr. Arata explained that today's comments would be recorded so those members of the Board who were not present today would have a chance to review today's comments. This way, those present today would not have to attend the meeting when this item was put back on the Agenda. The audience, however, did not feel that the recorded testimony would have as much impact as testifying in person. Mr. Arata agreed. However, in fairness to all concerned, Mr. Arata felt that all board members should be present to vote on this item.

The following testified:

Jeanne Comer, a Kona resident, and former Parks and Recreation employee, presented written testimony and also said that she was asked by the previous administration to look at the feasibility for the use of the 19 acres at the south end of the park which had been acquired in 1987 and also the acquisition of the additional park area. What Ms. Comer submitted this morning was two year's correspondence relating to that acquisition and the placement of the gymnasium. One thing she wanted to be made clear is that the placement of the gymnasium is not the only reason for the acquisition of that additional acreage. Her written testimony stated other reasons for that acquisition.

She felt that overall management of that area is sadly lacking; it is being under-used and vandalized. Ms. Comer asked that this park be managed by the County of Hawaii. She said that never, during the planning of the gymnasium, was there ever any intention of active recreation areas being imposed on the northern area of the park. All of these active recreation areas were to be located where the active recreation is now taking place. The only lighted ball field in Kona is down there and that certainly is active recreation. She informed the board of the other active recreation activities taking place in the area. The intent was to place the gym and the pool at the end of the park so the entire area would be active recreation, leaving the northern part for passive recreation but managed by the County of Hawaii.

Dr. Howard Rogers, a resident of Kona for 14 years and very active in various youth organizations, stated that all of the groups he represents are in favor of the beach park. None of these groups are in favor of putting athletic fields over the existing beach park. They would like to see it developed more. The 21 acres between West Hawaii Motors and the existing playing fields are not enough land for a sports complex.

He said that Mrs. Kunitake has been working very hard for many years to have the passive park at the old Airport and use 100 acres at Kealakehe to build a major sports complex. Unfortunately, as of today, the State does not have 100 acres at Kealakehe targeted for such a complex. It has been planned for 15-20 years without action. Dr. Rogers continued:

"As we all know Kona's entire infrastructure, road, sewerage, water, park, etc. is way behind for its present population and will be devastatingly behind in 10 years unless the State and County governments will start to provide for its people. This is why we have the situation today of Mrs. Kunitake vs. the rest of the community. Yes, Kona needs both passive and recreational parks but at this late time the children should have priority because they lack adequate playing fields and playground facilities which are not existent in Kailua-Kona. We adults cannot continue to preach "just no to drugs" without giving the children the recreation that they deserve. This is hypocrisy. It is unfortunate that this hearing is not held when the kids could testify. They should not wait any longer for Kealakehe to become a reality. Who is going to speak for them if adults do not. Don't you people here today believe that the children are a more valuable asset than the land for a passive park? Two years ago at Kealakehe School a group of us were told by Governor Waihee that the remaining acreage at the old Kona Airport would be leased to the County by executive order. Don't we teach children to honor promises? So now it's time for the State to honor their promises. Again I reiterate that we are not interested in touching the beach park. We would like to see it further developed which would take pressure off the community for asking for access to beach parks as well as developers who want to build in shoreline areas."

Mr. Kealoha thanked Dr. Rogers for his testimony and informed the audience again that this is a land board meeting and not a public hearing.

Representative Virginia Isbell presented the board with a report titled "OLD KONA AIRPORT PARK" (historical Background), dated February 16, 1970 to Jan. 22, 1986. She testified as follows:

"As you will notice from my testimony, I have several pages which I would like to summarize. What I have given you is some background because not one of you was a member of the Board of Land and Natural Resources when this old Airport first came up. The very first document which I refer to in the Table of Contents is for a dragstrip and I don't know if any of you remember, but we first suggested that the old runway be used as a dragstrip and it was and that certainly is not compatible with the beach park but it was approved and it was allowed for quite sometime then it was discovered that the roadway was just too short and the cars had to go just too fast and stop too fast. The next thing was a House Resolution to allow the dragstrip.

'The next item are minutes of a subcommittee which I chaired and it is dated April 27, 1970. This has been going on for nineteen years. Those minutes were of a subcommittee on land zoning under the Kona Citizens Planning Council which is no longer in existence but that was a very active group made up of organizations from all over Kona. As you will notice there is another one here and sometime between that, April and June, is when the Kunitake's got involved and they came to one of the meetings and from then on they were going to help us get the old Airport turned over to the community.

'At one time their son Melvin was the Chairman of that committee and if you will notice in the minutes, over and over it states that we want the whole 119 acres turned over to the County by the State Department of Land and Natural Resources.

'Attached to my testimony is a packet of documents, which is only a fraction of those on file in the County of Hawaii offices and my office. This packet is meant to help you understand the old Kona Airport and how it has simply gotten older with some improvements, but with a great deal of time, effort and money, we would not be here today and the old Airport would be the recreational park it was originally intended to be if one simple decision had been made definitely -- that, of astro turf. The decision by the county not to use astro turf is basically why we are here today. The County decided, because of economic reasons, that they would have to dig up the pavement, put in grass, water it, etc. because astro turf, they decided, would be too expensive to replace on a regular basis because of the hot sun and the salt spray. That one decision has been a fateful one and it is unfortunate that that has been the cause of why you are here today and why I am here today.

'The people who did not want this to happen went to court and tried to stop it. There was an attempt to stop the baseball fields and also an attempt to stop the tennis courts, etc. An attempt to stop the baseball court lights also went to court. There was also an attempt to stop the soccer fields. The soccer fields were built by the army and all of the dirt, irrigation systems and everything else was provided by the community at no cost to the county and the state. The soccer fields are heavily used and right next to them is an area that could be flexibly used in the future to make more soccer fields and a skateboard park. The gymnasium which is proposed is across from the beach and not on the beach. Some people are going around saying that the gymnasium will be on the beach.

'It is time to put this thing at rest. Time that the State turned over the old Kona Airport over to the County. Let them run it like they do in other counties. Major parks in the state, including beach parks like Hanauma Bay, are run by the Counties. Let's look at the facts. Do not take anything heresay -- look at the documents. They will tell you over and over again -- written by councilmen, Kona Chamber of Commerce, Hawaii Leeward Planning Council, everywhere it is said over and over again that this should be done, this should be allowed, so I ask that you look favorably upon it."

Sonny Shimooka, minister of a local church in Kona, Police Chaplain, and with the Kona Crime Prevention Committee, asked about the difference between this being a meeting, and a hearing. Would everyone's desires and comments count in this meeting.

Mr. Kealoha explained that this meeting is for the purpose of making a decision and every testimony is recorded -- though not necessarily verbatim.

Mr. Shimooka continued:

"You know our great need for a gym in Kona. Several weeks ago I attended a meeting in Honolulu with the Criminal Justice Committee where Attorney General Warren Price spoke on the difficulty with gangs and the susceptibility of our younger community who can get involved with these gangs, especially the ones from Los Angeles that are slowly moving to Hawaii.

'My main concern for being here today is that I feel that we need as much facilities and opportunities for those of us who work with the young people in our community to offset the influence from the mainland. Especially the influence on the drug abuse problem. There is right now a

plan that we are working on with the Kona Crime Prevention Committee and the Parks and Recreation Department of setting up some kind of program where we would definitely need a gymnasium to bring in a lot of the kids who have nothing to do on weekend nights. One of my greatest concern is that our children really have nothing to look forward to on weekends."

Mr. Shimooka continued explaining their great need for a gymnasium and urged the board to look favorably to approving the area for a gymnasium.

Mr. Von Hester, owner of a sports facility in Kona, said that he coaches soccer for the kids 12 months a year and there are only two soccer fields. If it is decided to build a gymnasium on the south end he said that this would rule out the possibility of any room for a soccer field. They go to the airport four times a week for practice and one time a week for games. They have roughly five teams practicing every day on each field. It only makes sense to him that they go ahead and build a gymnasium and a swimming pool etc. on the north end. It is not going to be on the beach. The complex is not on the beach but you have to leave room for more growth for the children, etc. He strongly urged the board to go down to the old airport and see where these things are to be built. There are not enough facilities for the kids and something has to be done soon. As far as Kealakehe, Mr. Von Hester said that it is cold and rains almost every day.

Mr. George Ishida, Acting Director of Parks and Recreation, said that their position on the matter has not changed. However, they would have no objection to this matter being deferred because of the lack of a full board.

Mr. Kealoha said that at the last meeting, the board, in its consideration is really not weighing where the gymnasium is going. The question before the board is whether to lease the land to the county. If this is approved, it becomes the obligation of the County where the gym goes. It seems that the County has not made it clear to those in attendance this morning what the issue is -- and that is disposition of the land and not the construction of improvements.

Mr. David Roy, reminded those at the meeting that the subject area belonged to the Queen Liliuokalani Trust and it was her will that this land be used for the betterment of the orphans and indigent people of the Hawaiian population and he felt that this was still in practice. However, the State at one time decided that they needed an airport so condemned the property and the airport was built -- sometime in 1947. Since that time it was found to be inadequate and so built a new one in Keahole. He personally felt that this land still belongs to the Liliuokalani Trust but that in turning it over to some other use it is hoped that they will keep in mind that this property should be turned over to the public for maximum use -- to accommodate needs of all the public and not just for one sector. He asked that the lease for the northern section be deferred until all possible alternatives and options have been exhausted.

Mr. Arisumi asked Deputy Attorney General Wong who actually owned the subject land. Mr. Wong referred this question to Mike Shimabukuro. Mr. Shimabukuro said that as far as the State is concerned, they are the owners and the first page of this submittal explained staff's reasons.

Mr. William Paris, lifelong resident of Kona, said that as far as the old Kona Airport is concerned, he has been acting chairman for the past month for the Friends of the Old Kona Airport and has had a longstanding interest in the area and feels that the beach should remain for public use. They are not opposed to the gymnasium being placed on the 21 acres on the south end. However, they feel that the sports complex should be placed elsewhere where all facets of sports can be accommodated. He felt that the present acreage on the north end should be kept for passive recreation i.e. picnics, etc. with trees, picnic tables.

Mr. David Jennings, President for the West Hawaii Youth Council, explained the problems they have had with the youth and drugs. One of the problems was that there were no recreation facilities so they went to Mayor Matayoshi with petitions for the 21 acre parcel. Also, at that time they went to the County Council who voted 9-0 at the time for the Old Kona Airport area for a sports complex. He continued:

"During the time which the Kealakehe Plan was proposed, as Mrs. Kunitake stated in her letter to the editor, that if the Kealakehe Sports Complex was a good idea then why wasn't it built. The reason was \$90 million and on State land and that is why it still has not been built today.

'When Youth Council turned its support for the sports complex to Mayor Carpenter to build the sports complex on the 21 acres, this plan was embraced by Mayor Carpenter and consequently he turned this over to the Dept. of Parks and Recreation. The Youth Council is not against the sports complex at Kealakehe but the old gym was torn down 31 years ago for a hotel to be built and consequently today there still is no gym. They also feel that 21 acres is not enough.

'According to Mrs. Kunitake's statements and Friends that they are interested in taking up the beach front land, that is not true. There is no where in the records that the County, the Youth Council or any sports group ever said that they wanted to place the gym or recreation facility on the beach front property. In my opinion, if we build the sports complex and the beach front property that this area would be one of the best parks in the State. We need both, but the community does not

need to wait another 30 years to have the gym built up at Kealakehe. The County can build on the 21 acres now if the State were to turn over the land to the County."

Mr. Larry Tanimoto summarized some of the County's thoughts. He said that enough testimony has been received to having the gym built now. If it is the feeling of the board to defer they would have no problem. He continued, in part, as follows:

"I think it is my duty to address some of the needs and, as much as we have gone on record requesting all of the 80 acres, that we do not have in possession, control of the total 100+ acres at the old Kona Airport. The issue of usage is a great concern of many of the people here. By allowing the gym to be anywhere in that new 80 acres next to the pavilion would allow 2 soccer fields, a track and some ball fields to be built in the 21 acres.

'It has also been our position to support Kealakehe Sports Complex. This complex would be a regional park, more spectator oriented. It is also not our intent to put the gym near the ocean front. The County is in tune with about 50+ acres being for passive use.

'If it became a whole county park, I know the wish is to not have a state park next to a county park therefore they continue to request transfer of the 80+ acres to the County of Hawaii.

Mr. Kealoha asked Mr. Tanimoto if they planned to have some public hearings with respect to the master plan for the area. Mr. Tanimoto said they would certainly have public hearings if the lands were transferred to them. They are now in the process of getting a new advisory group for the whole master planning process.

Mr. Kealoha also clarified that this matter was discussed at the last meeting and the question is not where the gym should be but whether or not the County should take "all or nothing", as far as the land is concerned.

Mr. Larry Deal, member of the Friends of Old Kona Airport, said that Mr. Tanimoto came close to some of the things that they should be looking at. Number 1, who is this gym really for. It's not just for the kids but for all of the people. A park is needed, but a gym is also needed. He felt that the Old Kona Airport is the last area in Kona where a beach park could be built and one is needed. While a gym is needed, he felt that if the gym was placed north of the existing pavilion and a running track, soccer fields, etc. were in, there would not be much area left to build a beach park.

Mr. Deal presented a petition, with about 50 signatures, which read as follows:

"We, the undersigned, support the building of a gymnasium for the West Hawaii residents. We oppose the current County of Hawaii proposal for a gymnasium to be placed north of the baseball field on the old Airport. We support the gymnasium to be located either south of the tennis court on the land the County already leases or on the proposed Kealakehe Regional Sports Complex."

Mr. Deal asked that the board look ahead and consider where Kona will be 20 years from now. If people had done this 20 years ago the ballpark would not be where it is because it is in a position where it cannot expand indefinitely.

Mr. Marvin Sanimitsu, representing Senator Malama Solomon, said that she supports the construction of a gymnasium on the existing 21 acres.

Mr. Kealoha asked Mr. Sanimitsu to convey to Senator Solomon the board's consideration as to whether or not the land should be set aside by executive order as opposed to a lease and whether it would be more appropriate to go through the legislative body or just extend the lease. These are the things to be considered by the board.

Mr. Larry Shimizu, a resident of Kailua, Kona, said that they are all in agreement to a gym being built but not at the risk of losing the passive recreational area. They are in favor of putting the gym on the present 21 acres which the County is leasing from the State. He asked that the County not lease any more property at the Old Kona Airport. The reasons they are not in favor of any additional area at this time are: 1) badly in need of maintenance funds; 2) Kahaluu Beach Park could use another pavilion and the parking lot improved; 3) The Center at Holualoa needs to improve the acoustics; 4) Hale Halawai could be spruced up.

Mr. Chris Welch, a Kona High School senior, said that in the past day and a half he became aware of this meeting so he went around and got a petition with 270 signatures requesting that the sports complex be built at the Old Kona Airport for immediate use by the youth of Kona. Great concern is being expressed for a gymnasium to be located somewhere at the old Airport. They have been without a public gymnasium in Kona for the past 30 years -- it is time.

Ms. Marge Mulhull, a 28-year resident of Kona, spoke in support of recreational facilities for West Hawaii. She continued:

"Our very limited beach front land should be preserved for beach activities and family outings. All shoreline beaches sorely need preservation and improvement as beaches -- Kahaluu, White Sands Beach, and the old Kona Airport Beach area.

'I implore you to maintain and improve the Old Airport Beach as a park for all the people of West Hawaii. It is also very necessary to build a sports complex for our many young people. In my opinion, the best location for such a complex is near the Kealakehe School.

'Number 1, it is cooler for active sports at the higher elevation.

'Number 2, it will be near a large number of existing homes and 4500 more proposed to be built in the next twenty years. At Kealakehe, it would be most accessible to the most users.

'Number 3, the land is publicly owned and proposed in both the County and State Land Use Plans."

Ms. Mulhall urged that the land be preserved and the limited beach areas be preserved and that a gym and sports complex that has been promised for the last thirty years be built.

Mr. Kelly Greenwell, a friend of the Old Kona Airport, said that it is with deep concern to him that the county is going to possibly have the opportunity to become the landlord of what is the only beach frontage park which they have left in Kona, of any significant size. The County, with all due respect to the present administration, in the past has not been able to demonstrate to them that they are the proper landlords for that land. They do not have the funding to build the park; to build the kind of recreational facilities which they need right now. They do need the State to maintain the land right now so that they have a landlord that have the funding to build the needs for Kona. Everything else today has been said. They certainly recognize the fact that they need the facilities for the children and also recognize the necessity in the near future for a large and expansive passive park as essential for the wellbeing of the community. There is no question that both facilities can be had. He did not feel that the cost was a big concern. The biggest concern is "who should our landlord be?" They would like the State to be the landlord in order to keep things moving.

Mr. Harold Meltzer, a real estate broker, member of the Board for the West Hawaii Youth Council, and presently the basketball league manager for the Parks and Recreation for the adult men's basketball league. Presently they have 12 teams in the league (15 on each team). Last year, during the previous county administration, he went to a meeting at the County Hale Halawai (200-300 people attended) where they discussed the regional sports complex and where it ought to be. There were about a dozen who were directors of various sports. About 20-30 people spoke and all who spoke were in favor of the sports complex at the old Airport. Mrs. Kunitake was the last speaker and she spoke in favor of having it at Kealakehe. The newspaper the next day reported that the opinion of the community was divided. He was outraged. He felt that today's testimony is reflective of the split in the community. He felt that the State should transfer the property to the County since the County is closer to the people and more responsive to their needs.

Councilman Harry Ruddle thanked Mrs. Kunitake and the Friends of the Old Kona Airport for displaying their real concern for Kona at this mornings meeting. He said that use of the old Airport for active sports started sometime ago. He said that he was working for Mayor Matayoshi in 1975 at which time the mayor envisioned active park facilities at the south end. As recently as 1984, the County council, through Kalani Schutte, submitted a resolution asking that the lands be turned back to the County. He wanted it to be made very clear that the old Airport would be a community park and that they are in favor of the regional park being located at Kealakehe. The size of the facilities that will be built at the old Airport are entirely different at Kealakehe and, again, the county supports the Kealakehe Regional Park facility. However, they waited 30 years for the park to get a gym. If they really look to the future, then by providing the gym in the proposed area and keeping the south area open for active park development such as fields, this is the only alternative there is for the old Airport as a community park because he, as a Councilman, would fight to keep the ocean frontage clear and

passive. Too many beaches have already been lost. He is here representing himself when he says that he does favor the presentation asking for the park to be turned over to the County and that he would like also to look for a recreational facility at Kealakehe.

Mr. Kealoha reminded the audience that the board did have a very long agenda yet to consider and that further testimony not cover those areas which had already been heard.

Mrs. Kunitake, said that she is looking forward to supporting the development of jogging paths north of the events pavilion towards the north end of the old Airport. It is another step in development of the park for open space. She presented, also, 97 signatures in support of the Friends of the Old Kona Airport, an addition to the 655± signatures which she was able to collect in the last 4-5 days.

Mr. Walter Kunitake presented written testimony from Representative Mike O'Kieffe, who supports the Friends of the Old Kona Airport. Representative O'Kieffe's testimony read, in part, as follows:

"My testimony, today, is in opposition to the proposed lease of 85 acres at the Old Kona Airport to the County of Hawaii for the purpose of a sports complex.

'I am not in opposition to the sports complex per se, but merely the location of these vitally needed facilities.

'The Big Island is in the midst of explosive growth by the resort industry. We, on the relatively unscathed Big Island, have Waikiki, Kaanapali, and Lahaina to view as examples of what such explosive and unchecked growth can bring if it is not accompanied with the appropriate infrastructure.

'We have miles of unspoiled coastal vistas which now must be the envy of the state. The State has recognized the importance of maintaining these vistas by noting in the State Plan the destination centers of Mauna Kea, Mauna Lani, Waikoloa, and Kona Village. Yes, and it has even recognized the urbanization from Keahole Airport to Kailua-Kona.

'While we may be long on unspoiled coastal vistas, we are short on usable beaches and accessible beach parks. One of the few that we do have is known as the Old Kona Airport, the subject of this hearing today.

'If we look off in the future and see a Kealakehe Project, a Queen Liliuokalani Trust project, and see Palisades/Kalaoa built out, one of the first questions in my mind is where are these people going to find recreation? One of the naturals, of course, is the Old Kona Airport which is already being used by hundreds of families for sports, swimming, and family recreation.

'To pave this area over, whether it be in parking lots or buildings, will be robbing thousands of people of vitally needed ocean front recreational possibilities.

'The State has already leased the County of Hawaii 35 acres, and if it leases the additional 85, I'm afraid what we will soon see will be a gym, then a BMX tract, then a swimming pool, and on and on until the coast line is paved over and the view plains are blocked.

'These facilities can be planned now to be mauka of the highway in the Kealakehe area, the Queen Liliuokalani lands, or some other viable area of state owned lands -- anywhere but along the shoreline.

'I implore this board to deny this petition. Please leave the Old Kona Airport as open, and as passive as possible, which will then provide more recreational possibilities to more people. The people of West Hawaii need a sports complex, but don't rob them of vitally needed open space. A "win-win" situation can be obtained by planning the sports complex in a more suitable area."

Mr. Kunitake said that they are not opposed to the gymnasium. He said that there is a misconception that Mrs. Kunitake has opposed many things being put at the airport. Yes, she has opposed many things. For instance, the tennis courts. But the reason was to have the decision makers go to an open space sports facility such as mauka of Liliuokalani. Mrs. Kunitake has revived the Kealakeha concept because of the 20-30 years syndrome. People have been saying that this sports facility needs to be built at the old Kona Airport because they cannot wait another 20-30 years to have the Kealakeha Sports Complex. He felt that the community, the county and the state need to come together and work for a sports facility that is much needed and that everyone today is asking for. The problem is that there has been propaganda saying that it will take 20-30 years. If this kind of propaganda prevails, then it will be 20-30 years from now for this sports facility on the mauka side of Queen Kaahumanu. All people need to unite and say that West Hawaii needs these kinds of facilities and start working for it. What is being said today is "put the sports facility at the Old Airport because we don't have Kealakehe today. I would say that we should work for the Kealakehe site or some other viable site.

Mr. Kunitake clarified some points which were brought up this morning. The Friends of the Old Kona Airport do not agree on the "baseball field for a gymnasium". If you take the entire airport area, the mauka side of the runway, toward the mountain, has been referred to as a "pile of beer bottles" and that they are saying that the County should build a gym on the beach area. The Friends envision the rough lave area, even though it has beer bottles now, being developed like Ala Moana.

The State has come up with a Master Plan from Keahole to Palani Road, said Kunitake, and one of the things being proposed is that there is going to be a scenic route coming from the Honokohau Boat Harbor, all the way through south of that, just directly behind the old Kona Airport and then swinging to the Palani Road as it gets closer to the Industrial area. Anything past the north of the end of the old airport they agree should be open space. But there is nothing in the area which they can consider to be beach park.

Mr. Kunitake said that earlier testimony stated that the value of people should be placed in front of the value of land. Because they only have Kahaluu Beach, White Sands Beach, Hapuna Beach and the old Airport Beach Park, the beach area is very, very valuable. They agree also that the youth should be taken care of.

ACTION

Mr. Arisumi moved to withdraw Item F-3. Motion carried unanimously with a second by Mr. Arata.

Mr. Kealoha asked the audience to check with the Division of Land Management for the rescheduling date.

RECESS:

10:10 - 10:20 a.m.

COUNTY OF HAWAII REQUEST FOR SET ASIDE OF GOVERNMENT LANDS FOR HILO WASTEWATER TREATMENT AND CONVEYANCE PROJECT, TAX MAP KEY 2-1-13:PORTION OF 02, WAIAKEA, SOUTH HILO, HAWAII.

ITEM F-4

Mr. Shimabukuro asked to amend Recommendation No. B.1. by deleting it in its entirety and to read as follows: "That the County coordinate with the Department of Transportation, Airports Division, relative to construction within Hilo International Airport lands.

ACTION Unanimously approved as amended. (Arata/Arisumi)

REQUEST FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES, HILO INTERNATIONAL AIRPORT, HAWAII (COUNTY OF HAWAII, DEPT. OF PUBLIC WORKS).

ITEM J-1

Mr. Kealoha called the board's attention to Condition No. 6 and asked that it be amended to read "Director of Transportation".

ACTION Unanimously approved as submitted. (Arata/Arisumi)

CDUA AMENDMENT TO ESTABLISH A CO-HABITATION TELECOMMUNICATION FACILITY, UTILITY EASEMENT, AND OTHER SITE IMPROVEMENTS, HALEAKALA, MAUI; APPLICANT: DEPARTMENT OF BUDGET AND FINANCE.

ITEM H-2

Mr. Evans asked that Condition No. 11, page 9, be amended to read as follows:

11. That the applicant ensure that all existing and future telecommunication equipment operates at the facility in a manner so that it does not interfere with existing broadcasters, astronomical equipment, or other electrical equipment. Should interference be reported, the applicant will notify the Department of Land and Natural Resources immediately and will take all appropriate actions, as directed, to mitigate adverse conditions;

Mr. Ernest Shima, assistant administrator for the Information Communications Division of Budget and Finance said that he had reviewed staff's recommendations and would have no problem complying with the listed conditions.

ACTION Unanimously approved as amended. (Arisumi/Arata)

AMENDMENT TO CDUA FOR NAVIGATIONAL IMPROVEMENTS AT LAUPAHOEHOE POINT, NORTH HILO, HAWAII; APPLICANT: COUNTY OF HAWAII DEPT OF PARKS & RECREATION.

ITEM H-6

ACTION Unanimously approved as submitted. (Arata/Arisumi)

REQUEST TO AMEND PREVIOUSLY APPROVED CDUA TO SUBDIVIDE A PARCEL OF LAND AND MARKET THE ANIMAL FEED GRASS PRODUCTS AT WAIAKEA, HAWAII; TMK 2-4-08:22; HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL.

ITEM H-5

Mr. Evans said that when the board first approved this request December 14, 1984, Condition No. 8 required that any work or construction to be done on the land would be initiated within one year of the approval of such use, and all work and construction to be completed within three years of the approval of such use. Failure to comply with this condition would render this application null and void.

In September 1985 the board amended the application to allow for a subdivision and marketing of animal feed grass products at Waiakea. The above condition, which became Condition No. 7, was also included as a part of this approval.

To date, no work or construction has been initiated. The applicant has asked that Condition No. 7 be modified such that this application not be null and void, rather that it remain current so the project could continue without having to go through another CDUA process in which the likelihood is that the staff would have the same recommendation as before.

Mr. Evans explained that when the board puts in a "null and void" condition, it means just that. Here, however, staff feels is not a frivolous exercise of land use regulation. Staff also looked at the time frame involved and noticed that there were state funds that were applied for and the time frame between the application for these funds and the actual release of these funds to start construction occurred over two state administrations and normally what happens is that when you have a corporate body and you have members of that corporate body change, it is quite unusual that that corporate body would change overnight. This is what happened here. Because of this significantly unique situation, staff felt that in the interest of consistency and of equal service to all, they would recommend that the application remain current with the understanding that should another entity, public or private, find themselves similarly situated in the future that only under those conditions would staff come back to the board with such a recommendation.

Staff is asking that the board consider two things:

1. That the board modify the CDUA to read as follows:

A. Condition seven (7):

Any work or construction to be done on the land shall be initiated within one (1) year of this action, and all work and construction must be completed within three (3) years. Failure to comply with this condition shall render this application null and void.

B. That this action by the Board is not considered precedent relative to the question of null and void in any other Conservation District Use Application.

Mr. Arisumi voiced concern that this request had expired December, 1987 and only now, two years later, you want the board to consider continuity of this request. Mr. Evans explained that this was the original date. However, on September, 1985, the board amended that, which gave them a new completion date from September 1985 to September 1988. When asked by Mr. Arisumi why they did not come before the board before September 1988, Mr. Evans replied that he did not know.

Mr. Kealoha asked:

1. Under the general subzone, is this a permitted use?

Mr. Evans replied, no. This would have been submitted, processed and approved by the board as a conditional use.

2. As a conditional use, in the general subzone, is the applicant in the process of extending the deadline, or renewing the application through an extension, and will the use be the same?

Mr. Evans said, yes.

3. In your opinion, has the use ceased at any point after 1987?

Mr. Evans said, yes.

Mr. Joe Clarkson, Director of Research and Development for the Hawaii County Economic Opportunity Council (HCEOC), testified as follows:

"I jointed HCEOC in 1987 at which time money had been appropriated but not yet released for the construction of a hay drying facility. The CDUA allowed us to grow these crops and process them on the site. Crops were grown successfully during the period of the permit. However, they could not be dried in the field because of the lack of consistent daily sunshine at the site so application was made for funds to construct a drying facility, basically a barn with forced air ventilation. Those funds were appropriated during the Ariyoshi Administration. However, due to various review processes those funds were not released for construction until January, 1989.

During the interim, some warehouse buildings which had been a part of the original application and permit were in the process of being converted partially to the haydrying facility. This matter came before DLNR when the addition to that building required a building permit for a shed to cover air handling equipment for the haydrying facility. At that point, it was indicated that since we had not completed the haydrying facility that an extension of that original permit would be required. So I can simply say that our agency did not simply allow the project to lie foul. Ever since I have been there we have raised the the fadder products. We have recently cleared more ground for planting; we have several thousand dollars shipment of seed enroute from Texas to grow more hybrid sodum sedan grass. We have purchased all of the equipment required to complete the haydrying facility and we would like to continue with the project which would be very valuable for the Waiakea area."

Mr. Arisumi asked when the request for extension was received -- before or after the expiration date? If this request was received in September, then why is it only now coming before the board. Mr. Evans said that this is the first meeting of the board since the request was received, which was just last month.

Mr. Clarkson said that their experience was that they thought that they were in compliance. They submitted building plans for the haydrying facility to the building department for the addition to the existing structure and were told that since it was on State land, State approval would be required on the plans. Upon submission of those plans to DLNR, they were told that due to the lapse of time their permit had expired. That is the reason for the request for extension.

Mr. Kealoha asked Mr. Clarkson whether their operations had continued after 1987. Mr. Clarkson replied that they did. They had utilized some of their seed stock to raise experimental fields of the crops which they intended to raise and process. They have it analyzed as livestock feed and they have made commercial attempts to sell it to feedlots in the Hamakua area and they have continued to prepare additional ground for seeding in the hopes that they would be able to get the crop raised at about the same time the drying facilities are completed.

Mr. Kealoha asked if the reason they had to request for new funds was because of the rainy seasons. Mr. Clarkson said, yes.

Mr. Evans referred the board to the statement on page 2 of the submittal which read: "To date, no work or construction has been initiated." He explained that he had taken that statement in light of the 500 acres in the general subzone. If that statement is incorrect, then that sheds a very clear, and different light on this entire matter.

Mr. Arata moved to approve.

Mr. Arisumi did not agree that the applicant should be given one year to start work and to be completed within three years. He preferred to have the project completed within one year.

Mr. Clarkson said that they are willing to reduce the completion time to one year, and are prepared to begin construction of the building immediately.

ACTION

Mr. Arata moved to amend his earlier motion to read that the construction is to be started within one year and to be completed within one year of the construction date. Mr. Arisumi seconded; motion carried unanimously.

ITEM F-1-d

ISSUANCE OF REVOCABLE PERMIT TO MAUNA KEA BEACH HOTEL CORP. COVERING PORTIONS OF PARCEL 15-C OF GOVERNMENT LANDS AT KEANUIOMANO AND PUUIKI, WAIMEA, SO. KOHALA, HAWAII FOR HORSEBACK RIDING PURPOSES, TAX MAP KEY 6-5-01:PORTION 20.

Mr. Shimabukuro asked to add the following Condition No. 6:

6. That the permittee shall submit a report on gross proceeds and make payment on percentage rent, if any, on a calendar-quarter basis, such report shall be submitted to the State no later than the 20th day after the close of each calendar-quarter.

ACTION

Unanimously approved as amended. (Arata/Arisumi)

ADDED
ITEM B-4

ADOPTION OF ADMINISTRATIVE RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, NEW CHAPTER 13-55, KAWAIHAE HARBOR, HAWAII.

Mr. Sakuda explained that this new rule is proposed to address the recurring conflict between pole-and-line fishing, and net fishing in the South Small Boat Basin of Kawaihae Harbor on Hawaii.

ACTION

Unanimously approved as submitted. (Arata/Arisumi)

ITEM F-13

ACQUISITION OF LAND FROM THE COUNTY OF HAWAII AND SET ASIDE TO THE STATE DEPARTMENT OF DEFENSE AS ADDITION TO KOHALA ARMORY SITE (GOVERNOR'S EXECUTIVE ORDER NO. 1293), TAX MAP KEY 5-4-09:04, HONOPUEO, NO. KOHALA, HAWAII.

ACTION

Unanimously approved as submitted. (Arata/Arisumi)

ITEM E-3

DISPOSITION OF THE MOORINGS WITHIN KEALAKEKUA BAY STATE UNDERWATER PARK, ISLAND OF HAWAII.

Mr. Nagata explained that Kealakekua Bay is divided into Subzone A, regulated by the Department of Land and Natural Resources, and Subzone B, regulated by the Department of Transportation.

Subzone A is located on the northern portion of the bay, contains 120.0 acres, and is the more restrictive of the two. Under Division of Aquatic Resources' rules, this subzone prohibits fishing by any method and also prohibits the taking, altering, defacing, destroying, possessing or removing of any geological feature (sand, coral, rock, etc.) or specimen. The area is also governed by the Conservation District's rules because of its conservation designation. Under DOT rules, this subzone restricts any person from anchoring or mooring any vessel except at locations or mooring buoys designated by the Department of Transportation.

Subzone B is located on the southern portion of the bay and contains 195.0 acres. Under Aquatic Resources' rules, this subzone allows limited fishing. Fishing is allowed for akule, opelu and crustacean fishing by any legal device except traps. Any other fishing can only be done with a hook and line or throw net. The area is governed by the Conservation District rule because

of its conservation designation. Under DOT rules, this subzone restriction is that no person shall operate, anchor or moor any vessel in such manner as will injure or damage any marine life or geological features and specimens within the Kealakekua Bay shore waters.

Mr. Nagata said that presently there are four mooring pins in Subzone A, identified during the September 1988 survey. These moorings service the commercial tour boats and are occasionally used by other boats.

Twenty-four pins are in Subzone B, identified during the September 1988 survey. The moorings are generally contained within an area fronting the heiau, south along the shoreline to the Napoopoo Landing seaward.

Mr. Nagata said that oral public comments were received at a public informational meeting on July 11, 1989. In addition, handouts of the State's preliminary proposal were made available at the meeting. Letters were sent to organizations, businesses, and individuals who expressed interest in the Bay or would be affected by any action or inaction taken by the State.

Submittal of written comments were accepted up to July 25, 1989 for any person or organization who wished to do so. Some of the comments that were made are listed in the board submittal. (Mr. Nagata summarized a few of these comments.)

Mr. Nagata asked also, that wherever 1962 is shown in the text, that it be changed to "1964".

Mr. Nagata also summarized comments received from other government agencies. These comments are listed in the submittal.

Not being able to achieve an acceptable concensus, Mr. Nagata said that staff basically set up the following criteria:

1. Conformance with any state law, rules or regulations which are applicable to Kealakekua Bay.
2. Impact the moorings would have on the integrity of the land portion of Kealakekua Bay State Historical Park.
3. Impact the moorings would have on the recreation resource users (i.e. swimmers, fishermen, surfers, etc.).
4. Other considerations.

Mr. Nagata said that under Criteria 1, while staff states that a conflict exists, in further discussion with DOT, they felt that no conflict really exists at this time but they do plan to follow up in preparing revised rules, which they are required to do by law, for ocean waters of the State where moorings are involved and they do intend to work with the Department of Land and Natural Resources to set this up.

Under Criteria 2, Mr. Nagata said that a proliferation of boats in the area will impact the historic integrity of the surrounding historical park. Increasing the number of moorings will involve an enormous amount of effort, which our department is not presently equipped to handle.

Under Criteria 3, the present moorings are located outside the swimming area and does not significantly impact swimming or surfing.

Under Criteria 4, the Leslie family has been mooring in the area since 1911. Also, commercial tour boats are presently using the Kaawaloa Cove area adjacent to the Captain Cook's monument.

Since the Conservation District administration rules were never complied with for the post 1964 moorings, they are considered illegal and should be removed. The State Parks Division does not have the expertise regarding mooring and boating needs and these activities are clearly under the Department of Transportation, who have indicated their willingness to address the situation.

Staff feels that removal of the moorings should be done after an approximate eight months in order for the boat owners to 1) have time to petition the Department of Transportation for mooring spaces elsewhere; 2) allow non-qualifying commercial tour boats to accommodate any reservations which they have received without creating a hardship, if the removal were to occur immediately; and 3) to allow time for interested parties to submit a CDUA application for DLNR's consideration for a mooring site within the Bay, individually. The time frame of eight months may not be sufficient for DOT to establish designated mooring area(s) with DLNR concurrence.

All moorings should be removed at the owner's expense and any remaining moorings will be removed by the State, said Mr. Nagata. This action will allow the mooring owners to claim any and all items such as chains, ropes, anchors, etc.

Mr. Arata asked, "Mr. Nagata, is it clear that there is no CDUA approval for mooring in Kealakekua Bay?" Correct, said Mr. Nagata.

Mr. Arata asked also whether any moorings within the bay were grandfathered. Mr. Nagata said that prior to the inception of the conservation district in 1964 there were two mooring users -- the Leslie family since 1911, and Capt. Cook's Cruisers, since 1953.

Mr. Arata asked if there were any other bays in the State of Hawaii falling under the same criteria as Kealakekua Bay. Mr. Nagata said that Hanauma Bay is a Marine Life Conservation District but no mooring is allowed in this area.

Mr. Arisumi asked how staff had come up with the eight months. Mr. Nagata said that if they had to go through the CDUA process they would need a minimum of six months, and another two months to prepare something for the CDUA.

Mr. Arisumi asked whether the 22 moorings could be accommodated in the Capt. Cook Monument area. Mr. Nagata said, no. What staff would like from the board is direction as to how disposition should be handled.

Mr. Arisumi said that since most of the people do not live in their boats then it should not be too big a problem to relocate them. Mr. Nagata expressed his personal opinion. He felt that it would be a problem because these people probably live in the Kealakekua Bay area and, if they had to relocate their mooring to Kailua like all others, then to get to their boat they would have to drive quite a distance. But if that is the designated area for legal mooring by the Department of Transportation, then there are others in the Kona area that would have to travel a distance to get to their moored boats.

Mr. Apaka asked for a definition of "P" subzone in the conservation district.

Mr. Evans said that the "P" subzone, which stands for "Protective", is one of four subzones that in 1978 the board, in its review of the conservation district administrative rules, established for the first time. The board divided the conservation district into four separate subzones -- protective, limited, resource and general. Those subzones then had criteria assigned to them. The criteria was the same as the Land Use Commission used when the LUC

places lands in the conservation district. Among the criteria that the board established for the protective subzones were lands where we have unique watersheds, unique wildbird sanctuaries, lands such as those that allow the green sea turtle; for example, to thrive, lands that have unique phisio-graphic significance. In the particular area of Kealakekua Bay, as the board went through its series of public hearings, the people in West Hawaii and more particularly at Kealakekua and Honaunau, came to the board and made strong representations that the waters in these areas had unique features attached to them, different from other water areas in the State. As a result, the board classified these initially as "protective" lands. The "protective", or "P" subzone lands, are the most pristine that we have in the State -- whether they are up in the mountains, are part of a natural reserve or, in the case of Kealakekua, are waters. Subsequent to the board's designation of those waters as "protective", the department, through its aquatic resources division and others then took a look at those and subsequently made that area, and marine portions of that area, a "Marine Life Conservation District", which was then consistent with the board's designation.

Mr. Kealoha asked Mr. Evans if he would explain to the board the objectives of the "P" subzone. Mr. Evans explained that the "P" subzone are those lands which meet the criteria for unique, protected resources to the State regardless of where they occur -- in the top of the forest, or in the water.

Mr. Apaka asked Mr. Nagata, "if we abide by what Mr. Evans has determined are the rules, then there should not be anything on the bottom interfering with the conservation district "P" subzone?" Mr. Nagata felt that Mr. Evans should answer that question. However, his opinion is that an ultimate determination is that it could be a discretionary matter with the board. Mr. Apaka explained the reason for the question is that in the document from State Parks the mooring comes under the Department of Transportation's administration rules. These rules stipulate that there shall be no anchoring or mooring within the conservation area. Mr. Nagata said that under Zone "A" the rules state that the subzone restricts any person from anchoring or mooring any vessels except at locations or mooring buoys designated by the Department of Transportation. In Zone "B", basically it says the subzone restriction is that no person shall operate, anchor or moor any vessel in such a manner that will injure or damage marine life or geological features and specimens within the Kealakekua Bay Shore waters. He pointed out, however, that what Mr. Evans was addressing is the conservation district, and that it is also a marine life conservation district.

Mr. Kealoha asked how many boats were moored in the bay prior to the establishment of the marine life conservation district in 1964. Mr. Nagata said, assuming that the MLCDD was established in 1969, to staff's knowledge there were only two users in the area.

Prior to 1978, Mr. Kealoha asked how many boats were moored in the bay. Mr. Nagata said that in 1971, the Fairwind was there.

Mr. Nagata said that there are now four mooring pins (2-paired moorings) in Subzone A. There are 24 pins in Subzone B, although Mr. Nagata did not know how many boats were moored to these pins.

Mr. Kealoha asked how many vessels could be accommodated in Subzone A. Mr. Nagata said that each pair of pins would be used for a vessel at any one time, so two boats could be accommodated at one time.

In the application process, Mr. Kealoha asked if anyone would be required to complete an environmental impact statement, or an environmental assessment. Mr. Nagata was not sure. The bottom line would be a negative declaration or a statement that an EIS is required. Whoever receives this, if they accept it as a negative declaration, then no EIS would be required.

Referring to the submerged lands, Mr. Kealoha asked whether, in the process of filing an application for CDUA, the Department of Transportation had any authoritative ruling, whether or not an impact statement or assessment would be required. Mr. Nagata was not able to answer.

Mr. Kealoha then asked whether, in their plans for a so-called recreation center, the plans addressed the surface of the ocean, or both the surface and submerged lands. Mr. Nagata said, both. It is not necessarily addressed solely to recreation but to the mooring or anchoring of the boat.

Mr. Kealoha asked if temporary mooring was allowed in Kealakekua Bay. Mr. Nagata said that under the existing DOT rules, in Subzone B, anchoring is allowed as long as it does not injure the significant marine life or subsurface land areas.

Mr. Kealoha also asked whether by survey, photographs, or otherwise, if staff knew the exact type of pins and/or moorings that were presently in place. Mr. Nagata said that the survey which was done in 1988, in conjunction with DOT, was done with the assistance of the department's Division of Conservation and Resources Enforcement and his understanding is that they do have sketches of every pin that was found and they have also located and layed it out on a map.

Of the ownerships of vessels that have been determined, and rest on the surface of Kealakekua Bay, Mr. Kealoha asked if it was known how many were resident-owners. Mr. Nagata did not know but would made this information available to the board at a later date.

Mr. Kealoha asked Mr. Nagata whether in any of the four criteria, day moorings only were considered by staff and, if so, whether there was a tentative area for day mooring only on a first come, first served basis. Essentially, because these moorings are basically illegal, Mr. Nagata felt that this question should be addressed when DOT comes up with their updated rules for the area. All of these things would be addressed since the rules would have to be promulgated subject to formal public hearings. Mr. Kealoha said that they all agree that none of the moorings should be there.

Mr. Kealoha suggested that State Parks, and DOT, discuss the conservation district use administrative rules with Mr. Roger Evans. Mr. Kealoha did not feel that DOT had the ultimate authority to permit any moorings on submerged lands since that is regulated clearly by law under the conservation district use application. Also, Mr. Kealoha asked that where submerged and ceded lands are concerned, there be input from OHA on any future development of submerged lands.

Mr. Gordon Leslie represented both the Napopo Community Association and the Henry Leslie family.

Mr. Leslie said that since the July meeting at Yano Hall they had instigated a CDUA. He said that he is also a lifelong resident of Kealakekua Bay and, that up until 1969 or 1971, this area was under the jurisdiction of the DOT. At that time, members of the State decided that they wanted this bay to be a conservation area. Many public hearings were held and, at that time, the DOT made it very clear that they did not want to assume that responsibility since they did not have conservation rules or jurisdiction. DLNR decided that they would assume this responsibility. During the public hearings, Lt. Governor Tom Gill attended and had assured the community, the Leslie family, and the fishing people of the village that, though the bay would be in conservation, they would be grandfathered in.

Mr. Leslie said that his grandfather started his fishing business in 1911 and became one of the largest fishing industries in the State of Hawaii and the only fishing industry during the Japan War. His grandfather had 15 vessels and this information is filed with the Division of Aquatic Resources. He said that when DLNR took over Kealakekua Bay they took over the ownership but there was no enforcing agency to enforce any of the conservation rules from 1970 to present.

He went on to say that he launched a massive campaign in 1978 to Governor Ariyoshi's office since he found after coming back from Viet Nam, that there was established 33 live-aboard sailboats in Kealakekua Bay. He still has all the data from this survey. From 1978-1981 DLNR had taken no interest in enforcing any of the conservation laws in the area so he took responsibility upon himself to discourage those living in the bay to vacate the bay. It took some years but they did.

Mr. Leslie said that he was confused about the pin system of mooring. He said that they have what is called either a one point, or a two point system. All the moorings in Kealakekua Bay are one point. He submitted, for the board's information pictures of the moorings in the bay. They are not pins, but seaman's blocks. The method of moorings used by those who were living in the sailboat was to go to the rubbish dump, pick up an old engine block, drop it and attach their line to it. When they left the area, under pressure, they just cut their lines off. He continued that some people in the community took the liberty of applying new lines to these moorings and called it theirs. There was also speculation that these moorings were rented out to those coming in with sailboats, which they stopped real quick.

Mr. Leslie said that the issue here today is that the law was established back then that no moorings were to be deployed in Kealakekua Bay therefore they, as kamaainas, respected that law and refrained from deploying their own personal moorings in this bay. However, in the last 5-6 years a few people came over from the mainland, bought land and felt that they had a right to have a mooring in Kealakekua Bay so they started to put in more moorings, thus the 24 pins. He said that all the illegal boats, because this is an underwater park, should not be allowed to remain there.

Mr. Leslie agreed with Mr. Arisumi that the eight month period for keeping the unauthorized vessels in the bay is a long time. He said that almost all of the illegal boats in the bay never go out -- at least not more than once every two-three months.

Mr. Kealoha asked Mr. Leslie to stay with the issues -- and this issue is whether or not all the boats should be removed.

Mr. Leslie recommended that the board not allow any moorings in the bay except for those that were there prior to establishment of the 1971 rules. Mr. Arisumi asked whether the correct date was 1964 or 1971. Mr. Leslie said that the public hearings were held from 1968 through 1971 and, that according to his records, the executive order was issued in 1971.

In reply to Mr. Arata's question as to the number of boats the Leslie's operated, Mr. Leslie said that they had one large boat and about 4-5 smaller boats and they go fishing every day. Their fish is marketed on the islands of Hawaii, Oahu and Maui.

Napopo resident Walter Hemming said that his family has been in the area since the turn of the century. He was deeply disturbed that the people here this morning were basically representing themselves and not interested in the bay itself. He felt that the bay is in subzone "P", which is preservation, so there should be no boats at all in the bay. He said that he has a 20-foot boat but if it is disturbing the bay and against the law then he will leave.

One problem he has is that everyone is saying that they are illegally there yet he understands that the Department of Transportation has a priority for permanent moorings in Kealahou Bay. Another problem -- commercial and private people dive in the area so if no pins are provided people will drop anchors. He said that he sees this all the time and it disturbs him.

Mr. Lester Gamble said that this was a personal thing. He has had a home in the area for 23 years and has, since that time, had a 17-foot Boston Whaler which they keep in the sand so they would not have to anchor and disturb the coral.

Mr. Bill Block, a Napopo resident for 15 years, said that he bought his boat in 1975, fished Opelu for 4-5 years, and sold his fish to the lessees with stands on the road. He then bought a whaler, and then a 75-foot boat, which he moored in the bay and presently fishes on a 55-foot boat which is moored in the bay on a mooring that came with the boat, called the Holokahana, which the Leslie's used to own. That mooring was there prior to 1964. After 15 years of fishing, he stated that he would like to continue to fish in the area and keep the mooring in the bay. He said that he has two moorings presently.

Mr. Ian Birnie, District Manager for Harbors Division, Hawaii District, to clarify the process for mooring on submerged lands within the state waters, said that you need to have three permits: one from the Corps of Engineers, a conservation district use permit and, because there was a change in the law in 1988, effective January 1, 1989, all offshore moorings were also under the jurisdiction of DOT. However, this does not relieve the applicant from the requirement to obtain the other two permits. It essentially injects a third permit that one must obtain. It has been DOT's position that for a marine life conservation district such as Kealahou that they would defer to the DLNR.

Mr. Birnie said that they can, as an agency, go before the board for a CDUA for an entire area such as Kailua Bay and then people would go to them for the individual permits. Living aboard a boat is allowed only on the island of Oahu, and then only by permit. DOT plans to install pins in Kealahou Bay. Currently there are no pins -- only mooring blocks. DOT would also like to ban anchoring in order to protect the natural resources.

Mr. Richard Cormack, member of the Napopo Community Association and the Friends of Kealahou Park, said that he sailed over in a small sailboat in 1977 and, at that point, put in a small mooring and kept his boat in the bay for a number of years.

Mr. Cormack said that he attended a public information meeting July 11th and was given a set of rules and regulations that talked about what the DLNR was going to do under Executive Order No. 2550. There was a lot of community input at that meeting. He said that a notice of this morning's meeting was just received yesterday. The new brochure he received from Mr. Supe, explaining what was going to happen under this new recommendation, did not mention what was talked about at the original meeting so he was very confused. From the new recommendations, it looked like DLNR was basically going to ignore the executive order and throw it to DOT. Meanwhile, the community is saying: "what about all the prior discussions?" He went on to reiterate some of the things which were discussed at the earlier hearing.

Mr. Cormack recommended allowance of more public input by circulating the new document and also that this item be deferred until receipt of this added information. The conservation law was passed 25 years ago and nothing was done during that period of time and now all of a sudden the State is saying that eight months from now everyone has to go because the mooring is illegal.

Mr. Arata said that whether or not the State has been negligent or slow in enforcing the law does not mean that this is allowable -- it is illegal according to the law.

Ms. Nancy Griffith Lukela, resident of Napopo and owner of more than one vessel and also Captain of the large vessel which has been accused of polluting the beach at Napopo, asked that the Board take a look at the facts as it relates to mooring and pollution. It was her feeling that the bay is not polluted. The waters of the bay are remarkably clear.

Ms. Lukela said that on July, 1988 a mainland absentee landlord of a house on the south side of Kealakua Bay claimed that she had toilet paper and fecal material in her hair and bathing suit. She wrote a letter to the paper accusing my vessel, the Edna, of providing that kind of pollution. It is a fact that on the afternoon that she was there there was no one aboard the Edna and no one had been aboard for the previous 24 hours because her crew had gone to Hilo to see the Japanese training ship. I think she saw some of the limu bloom that comes in the summer time. Ms. Lukela said that she telephoned this woman after the article had come out in the paper but she had already gone back to Colorado. Ever since this incident everyone is talking about the pollution in Kealakekua Bay. She said that she has never seen pollution in the area. Her vessel has been examined by the federal and/or state/city agencies nine times in the last fourteen months. Since that time, there has never been any citation for pollution emanating from her vessel. Ms. Lukela said that she does have an illegal toilet on the boat but that it is not used when they are in local waters. It is now sealed completely, but it was not sealed at that time. Ms. Lukela continued:

"My freighter carries products from the State of Hawaii to the near Pacific Islands. I have been going regularly back and forth to Christmas Island, Fanning Island and to the Cook Islands. I carry cargo worth about \$75-100,000 each time I leave. I have done eight voyages in the last two years since I came into association with this vessel. I also spend about \$10-15,000 each time I re-provision the vessel here so that is business for the State of Hawaii. It is my livelihood just as fishing is the livelihood of other people. I pay taxes on all of that stuff and it generates business for this island. I would like to operate out of this island but it has been difficult for me to satisfy the U.S. Customs Department because there is no accommodation for foreign-going vessels to clear and enter on this side of the island so I am put in the position of either going to Hilo or to Honolulu."

Mr. Lukela said that her vessel is away months at a time. She left the first week of February, 1989 and did not return to this island until the 29th of August. If there was pollution attributed to her vessel then the Board of Health should have shown a drop in the pollution level during all of those months that I am gone. She believed that pollution, if any, comes from cesspools that are close to the water that go below the high tide level and there might be pollution from shore but she really did not believe that there was any pollution coming from vessels.

With respect to moorings and anchorings, she understood that this is allowed and is addressed on page 2 of the submittal. She said that Gordon has done a great deal for the community. The community gets together to see that these moorings are on sand and they are careful not to put their moorings on coral -- the feeling being that there is not much biological life on sand.

Ms. Lukela said that she and the fishing people earn their livelihood and have their major assets tied up in the value of the vessels and to just say that you have to move it here, or to move it there, is a great hardship for them. She said that the only reason she lives in Kealakekua Bay is because it is close to where her major vessel is moored. She was not born in Hawaii but did graduate from the University of Hawaii. She has lived on the Big Island since 1973 and lived in Napopo since 1980.

Ms. Cynthia Northorp agreed with Mr. Cormack that there should be more discussion and did have the following recommendations:

- . Carefully limit some of the uses of Kealakekua Bay underwater park.
- . Increasing others to make this a more accessible park for the people -- both residents and visitors to the Big Island. This includes swimming and boating, but that there be a speed limit in the bay so that there is no water skiing.
- . The boats presently in the bay should continue to be there with maybe some additional moorings. She said that she has only seen 12± boats out there.

She said that she goes out on her boat every week and would like to be able to keep her boat there. She felt that there should be six additional moorings just west of the Captain Cook monument for public day use with only a two-hour limit in the morning. She also felt that the Fairwinds and the Captain Cook VII should be allowed to continue with their present moorings since they provide a very sufficient way for thousands of people to see the bay who otherwise would not have the opportunity.

MOTION

Mr. Arata moved that, because all of the moorings in the bay are illegal and, because Kealakekua Bay is a marine sanctuary, more particularly in Subzone "P", that the BLNR initiate the removal of all moorings within Kealakekua Bay State Underwater Park and that the moorings be removed within eight months from the date of this action. Those wishing to install moorings can apply under the CDUA process. Mr. Arisumi seconded.

Mr. Arisumi asked Mr. Nagata, "you made an exception of two moorings to remain there, with the understanding that they go through a CDUA process? Mr. Nagata said that this was not the intent. Staff felt that these two pre-1964 moorings came in before the conservation district was established and it was staff's feeling, even though they may not be the authority to decide on this, that all they needed was a land disposition type permit. Mr. Nagata noted that he did hear Mr. Leslie say that his family did submit a CDUA, but he was not sure that this was necessary.

Mr. Arisumi asked Mr. Wong, "people who were moored there before 1964, under the law, does this not apply to them? Am I right or am I wrong?" Mr. Wong said that the use would be grandfathered in under the conservation law. But the permit itself would be under the discretion of the board as to whether to issue a mooring permit. Mr. Wong said that we are separating the distinction between the use and the mooring permit.

The two moorings that were there before 1964, Mr. Arisumi asked whether they should go through the CDUA process. Mr. Wong said that, normally, even under a grandfathered use, it is the policy to have an application submitted to determine whether it actually has been grandfathered. There is no way to determine that without an application.

ACTION

Mr. Kealoha called for the vote on Mr. Arata's motion. The vote was unanimous; motion carried.

Mr. Kealoha told Mr. Nagata that, between now and the eight-month period, there is another question -- If there is a moor in place now and whomever the user may be does not remove that mooring, who owns the moor? Does it become State property? Mr. Nagata imagined so but he did not think the board would like to maintain it there since these are engine and concrete blocks. But if there is no ownership then it becomes the property of the State and the State then becomes responsible for the removal. Mr. Nagata said, yes.

RECESS:

1:00 - 1:05 p.m.

- ITEM C-1 A REQUEST FOR PERMISSION TO CONTINUE TESTING GLYPHOSATE HERBICIDE (RODEO) FOR THE MARIJUANA ERADICATION PROGRAM ON AN INTERIM BASIS.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM B-1 FILLING OF POSITION NO. 9620, AQUATIC BIOLOGIST VI, COMMERCIAL FISHING AND AQUACULTURE BRANCH, OAHU (ERIC W. ONIZUKA).
- ITEM B-2 REQUEST TO FILL TEMPORARY STATISTICAL CLERK POSITION NO. 35424 IN THE DIVISION OF AQUATIC RESOURCES (MRS. WENDY K. SEKI).
- ITEM B-3 REQUEST FOR APPROVAL TO HOLD PUBLIC MEETINGS AND HEARING TO ESTABLISH DEPARTMENTAL ADMINISTRATIVE RULES RELATING TO FISHING IN KAUNAKAKAI HARBOR, MOLOKAI.
- ACTION Mr. Arata moved for approval of Items B-1, B-2 and B-3 as submitted. Mr. Arisumi seconded; motion carried unanimously.
- ADDED ITEM B-4 ADOPTION OF ADMINISTRATIVE RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, NEW CHAPTER 13-55, KAWAIHAE HARBOR, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM C-1 A REQUEST FOR PERMISSION TO CONTINUE TESTING GLYPHOSATE HERBICIDE (RODEO) FOR THE MARIJUANA ERADICATION PROGRAM ON AN INTERIM BASIS.
- Unanimously approved as submitted. See above.
- ITEM C-2 FILLING OF TEMPORARY POSITION NO. 41172, CLERK STENOGRAPHER II, ADMINISTRATION, OAHU.
- ACTION Unanimously approved the appointment of Mrs. Kimie Shikuma to Position No. 41172. (Arata/Apaka)
- ITEM C-3 REQUEST FOR APPROVAL OF CONTRACT WITH MS. REBECCA L. USNIK FOR AVICULTURAL ASSISTANT CONSULTANT SERVICES AT THE ENDANGERED SPECIES FACILITY AT OLINDA, MAUI.
- Mr. Arisumi asked if Ms. Usnik was the only applicant. Mr. Buck explained that there were sixteen applicants -- two from Hawaii and fourteen from the mainland. The two applicants from Hawaii lacked both the experience and the academic credentials in handling endangered birds, as far as incubation and the hatching-type process that would be involved in this job. The applicant that was selected has worked with the California Condor program and is extremely qualified.
- ACTION Mr. Arisumi moved to approve as submitted. Mr. Arata seconded; motion carried unanimously.
- ITEM C-4 FILLING OF POSITION NO. 21433, GENERAL LABORER I, ISLAND OF KAUAI.
- ACTION Unanimously approved the appointment of James Hutchinson to fill Position 21433. (Apaka/Arata)
- ITEM D-1 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 22-HW-M, HONOKOHAU BOAT HARBOR WATER SUPPLY SYSTEM, NORTH KONA, HAWAII.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)

ADDED APPROVAL FOR AWARD OF CONTRACT - JOB No. 4-OW-I, WAIANAE EXPLORATORY WELL
ITEM D-2 NO. 2 (2810-03), WAIANAE, OAHU, HAWAII.

ACTION Unanimously approved as submitted. (Arata/Arisumi)

FILLING OF ONE VACANT GROUNDSKEEPER I POSITION NO. 27097 FOR OAHU PARK
ITEM E-1 SECTION.

ACTION Unanimously approved the appointment of Wayne Miyaji to fill Position No.
27097. (Arata/Apaka)

REQUEST PERMISSION TO ALLOW A SKIMBOARD COMPETITION TO BE HELD ON BIG BEACH
ITEM E-2 AT MAKENA STATE PARK, MAUI.

Mr. Arisumi referred to a similar case involving beach at Kauai Surf and we
charged them for use so he would like us to be consistent.

Mr. Nagatga said that if it is difficult for them to operate makai of the
shoreline, or high water mark, what staff would tell them is that a rental
provision would be included. Mr. Kealoha did feel that this was the problem.
The problem is that you have to stay outside of the conservation district --
whether it be the shoreline or mauka of the shoreline.

ACTION Unanimously approved as submitted. (Arisumi/Arata)

DISPOSITION OF THE MOORINGS WITHIN KEALAKEKUA BAY STATE UNDERWATER PARK,
ITEM E-3 ISLAND OF HAWAII.

See Page 22 for Action.

ITEM F-1 DOCUMENTS FOR CONSIDERATION.

Item F-1-a ISSUANCE OF LAND LICENSE TO BFI WASTE SYSTEMS FOR TAKING OF SOIL MATERIALS
FROM SOIL SETTLING POND AT KEKAHA, KAUAI (PORTION OF GENERAL LEASE NO.
S-4222 TO KEKAHA SUGAR CO.), TAX MAP KEY 1-2-02:PORTION 01.

Item F-1-b CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4973 COVERING LOT 7, KOKEE
CAMP SITE LOTS, WAIMEA (KONA), KAUAI; ALBERT J. KOCHER AND HELEN S. KOCHER,
ASSIGNORS TO THE KOCHER TRUST, ASSIGNEE, TAX MAP KEY 1-4-03:05.

Item F-1-c CONSENT TO ASSIGNMENT OF GENERAL LEASE NO. S-4976 COVERING LOT 10, KOKEE
CAMP SITE LOTS, WAIMEA (KONA), KAUAI; MICHAEL A. GIVENS, ASSIGNOR TO
MICHAEL ALLAN SCANLON-GIVENS AND JOANN SEAN SCANLON-GIVENS REVOCABLE
LIVING TRUST, ASSIGNEE, TAX MAP KEY 1-4-03:09.

ACTION Mr. Apaka moved to approve Items F-1-a, b and c as submitted. Mr. Arisumi
seconded; motion carried unanimously.

Item F-1-d ISSUANCE OF REVOCABLE PERMIT TO MAUNA KEA BEACH HOTEL CORP. COVERING PORTIONS
OF PARCEL 15-C OF GOVERNMENT LANDS AT KEAUNUIOMANO AND PUUIKI, WAIMEA, SO.
KOHALA, HAWAII FOR HORSEBACK RIDING PURPOSES, TAX MAP KEY 6-5-01:POR. 20.

ACTION See Page 14.

RESUBMITTAL - PROPOSED LAND EXCHANGE INVOLVING GRANT 2023 AT AWAKEE (TAX MAP
ITEM F-2 KEE 7-2-04:03) AND STATE LAND OF MANINIOWALI AND KUKIO 2ND (TAX MAP KEY
7-2-04:PORTION 17), NO. KONA, HAWAII.

ACTION See Page 2.

- ITEM F-3 RESUBMITAL - DIRECT LEASE TO COUNTY OF HAWAII COVERING THE OLD KONA AIRPORT, STATE RECREATION AREA, TAX MAP KEY 7-5-05:07 AND 83, NO. KONA, HAWAII.
- ACTION See Page 10.
- ITEM F-4 COUNTY OF HAWAII REQUEST FOR SET ASIDE OF GOVERNMENT LANDS FOR HILO WASTE-WATER TREATMENT AND CONVEYANCE PROJECT, TAX MAP KEY 2-1-13:POR. OF 02, WAIAKEA, SO. HILO, HAWAII.
- ACTION See Page 11.
- ITEM F-5 DIRECT SALE OF EASEMENT AND CONSTRUCTION RIGHT OF ENTRY TO MAUI ELECTRIC CO. AND HAWAIIAN TELEPHONE CO. AT KAMAOLE, KULA, MAKAWAO, MAUI.
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM F-12 REQUEST TO APPROVE SETTLEMENT AGREEMENT REGARDING A TRAIL LOCATED WITHIN A SHORELINE RESIDENTIAL DEVELOPMENT AT KAILUA-KONA, HAWAII; ADJACENT TO THE OLD KONA AIRPORT STATE RECREATION AREA, CIVIL NO. 86-212, 3RD CIRCUIT, KONA OLD HAWAIIAN TRAILS GROUP VS. STATE OF HAWAII.
- Mr. Shimabukuro said that there was a problem as to whether to include the wall within the easement area. Mr. Kealoha said that there were some concerns. The Trails people feel that the wall should be made a part of the trail system. The problem is that if the public is permitted, under DLNR rules, than the wall is a part of the trail so therefore the State is liable for both the State and private side. Anything makai of the wall, even if the trail is 5 or 10 feet -- the question is whether we should leave it as it is written or just be silent about it. Another concern is: "who takes the financial burden of clearing the trail?"
- Mr. Shimabukuro understood, and he is working with the deputy attorney general on this, that the property owners will clear that area -- it is their responsibility and not the States. As far as the walls, the question of liability, the state may be liable if the wall is included.
- Mr. Shimabukuro said that the wall is included, as written in the submittal. Because of this concern, he felt that maybe the wall should be excluded.
- Mr. Arisumi said that if we are to give them the trail then it should be made very clear that the trail should not be less than 4-feet wide. Mr. Kealoha said that he would like to move on with the motion but that that portion of the wall be turned over to the A.G. for further study.
- ACTION Mr. Arata moved to approve, but that the question of the wall be turned over to the Attorney General's office for further study. Mr. Arisumi seconded; motion carried unanimously.
- ITEM F-6 GRANT OF PERPETUAL NON-EXCLUSIVE EASEMENT TO THE CITY AND COUNTY OF HONOLULU FOR ROAD WIDENING PURPOSES AT AIEA, OAHU.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-7 DIRECT SALE OF REMNANT, FORMER TRAFFIC ISLAND AT MAKEE ROAD, KUHIO AVENUE AND KAPAHULU AVENUE, WAIKIKI, HONOLULU, OAHU, TAX MAP KEY 2-6-27:52.
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM F-8 CONVEYANCE IN FEE SIMPLE OF CERTAIN ROADWAY LOTS TO THE HOUSING FINANCE AND DEVELOPMENT CORPORATION (HFDC) FOR DEVELOPMENT OF THE WAIAHOLE VALLEY AGRICULTURAL PARK, WAIAHOLE VALLEY, OAHU.

- ITEM F-9 CONVEYANCE OF PORTIONS OF ABANDONED DITCH RIGHT-OF-WAY TO THE CITY AND COUNTY OF HONOLULU, HALEKOU-WAIKALUAKAI HOMESTEADS, KANEOHE, OAHU, TAX MAP KEY 4-5-76:46 (PORTION).
-
- ITEM F-10 REQUEST TO AMEND LAND AND BUILDING PURCHASE AGREEMENT WITH HEMMETER INVESTMENT COMPANY COVERING STATE OFFICE TOWER SITE (GALEN PARCEL), TAX MAP KEY 2-1-17:19, HONOLULU, OAHU.
-
- ITEM F-11 RESUBMITTAL - TERMINATION OF REVOCABLE PERMIT NOS. S-4980 AND S-5056 TO SALTA CONSTRUCTION, INC., SAND ISLAND, HONOLULU, OAHU, TAX MAP KEY 1-5-41:140 & 171.
-
- ACTION Mr. Arata moved to approve Items F-6, F-7, F-8, F-9, F-10 and F-11 as submitted. Mr. Arisumi seconded; motion carried unanimously.
- ITEM F-12 REQUEST TO APPROVE SETTLEMENT AGREEMENT REGARDING A TRAIL LOCATED WITHIN A SHORELINE RESIDENTIAL DEVELOPMENT AT KAILUA-KONA, HAWAII; ADJACENT TO THE OLD KONA AIRPORT STATE RECREATION AREA, CIVIL NO. 86-212, 3RD CIRCUIT, KONA OLD HAWAIIAN TRAILS GROUP VS. STATE OF HAWAII.
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- ACTION See Page 25.
- ITEM F-13 ACQUISITION OF LAND FROM THE COUNTY OF HAWAII AND SET ASIDE TO THE STATE DEPARTMENT OF DEFENSE AS ADDITION TO KOHALA ARMORY SITE (GOVERNOR'S EXECUTIVE ORDER NO. 1293), TAX MAP KEY 5-4-09:04, HONOPUEO, NO. KOHALA, HAWAII.
-
- ACTION See Page 14.
- ADDED ITEM F-14 REQUEST FOR AUTHORIZATION TO HOLD A PUBLIC HEARING TO INCLUDE LAND ON THE ISLAND OF HAWAII AS PART OF THE KAU, SO. KONA, AND HONUULA FOREST RESERVES.
-
- ACTION Mr. Shimabukuro asked to include TMK 7-5-13:13 to Honuula Tract #3, to the second page of the submittal.
- ACTION Mr. Arata moved to approve as amended. Mr. Arisumi seconded; motion carried unanimously.
- ITEM G-1 FILLING OF ABSTRACTING ASSISTANT IV, POSITION NO. 40395, OAHU.
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- ACTION Unanimously approved the appointment of Janis N. Kamimura to Position No. 40395. (Arisumi/Arata)
- ITEM G-2 FILLING OF ABSTRACTING ASSISTANT V POSITION NO. 27299.
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- ACTION Unanimously approved the appointment of Darlene N. Haney to Position No. 27299. (Arata/Arisumi)
- ITEM H-1 CDUA FOR A SINGLE FAMILY RESIDENCE AND 5-ACRE COMMERCIAL AGRICULTURE DEVELOPMENT AT KAIWIKI, SO. HILO, HAWAII; APPLICANT: THEODORE J. STRAND AND DAVID E. KO.
-
- Mr. Evans asked to add a Condition No. 11 as follows:
11. No on-site retail sales of commercially grown products.
- ACTION Unanimously approved as amended. (Arata/Arisumi)
- ITEM H-2 CDUA AMENDMENT TO ESTABLISH A CO-HABITATION TELECOMMUNICATION FACILITY, UTILITY EASEMENT, AND OTHER SITE IMPROVEMENTS, HALEAKALA, MAUI; APPLICANT: DEPARTMENT OF BUDGET AND FINANCE.
-
- See Page 11 for Action.

ITEM H-3 CDUA FOR AN EXPLORATORY WELL AND ACCESS ROAD AT HAUULA FOREST RESERVE, OAHU;
 APPLICANT: BOARD OF WATER SUPPLY.

Mr. Evans asked to amend Condition No. 10 as follows:

10. If this exploratory well proves successful that the applicant apply for subdivision of the land at the time that they come in for the CDUA for development purposes.

ACTION Unanimously approved as amended. (Arisumi/Arata)

ITEM H-4 MASTER PLAN SUBMITTAL FOR WAIMEA FALLS PARK, OAHU; APPLICANT: BISHOP CORPORATION.

Mr. Evans presented to the board the Master Plan for Waimea Falls, which the board approved at an earlier meeting. He pointed out, however, two areas in red, called "future proposed items". Staff is recommending that the board approve the master plan. However, on the "future proposed items", which are: 1) the office expansion; and, 2) the maintenance building expansion, staff is recommending that there be a hold on these two items because they are required to obtain SMA approval from the County first.

ACTION Mr. Arata moved for approval of the Waimea Falls Park Master Plan, as presented by staff, with the exception of 1) the office expansion; and, 2) the maintenance building expansion. Mr. Arisumi seconded; motion carried unanimously.

ITEM H-5 REQUEST TO AMEND PREVIOUSLY APPROVED CDUA TO SUBDIVIDE A PARCEL OF LAND AND MARKET THE ANIMAL FEED GRASS PRODUCTS AT WAIAKEA, HAWAII; TMK 2-4-08:22; APPLICANT: HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL.

ACION See Page 14.

ITEM H-6 AMENDMENT TO CDUA FOR NAVIGATIONAL IMPROVEMENTS AT LAUPAHOEHOE POINT, NORTH HILO, HAWAII; APPLICANT: COUNTY OF HAWAII DEPT. OF PARKS & RECREATION.

ACTION See Page 11.

ITEM H-7 APPOINTMENT OF PLANNER V, POSITION NO. 26433.

ACTION Unanimously approved the appointment of Edward J. Lembeck to Position No. 26433. (Arata/Arisumi)

ITEM H-8 OUT OF STATE TRAVEL REQUEST FOR DAVID C. WHARTON, DEPARTMENTAL DATA PROCESSING COORDINATOR, ADMINISTRATIVE SERVICES OFFICE.

ACTION The board unanimously approved Mr. Wharton's request to attend the TechConnect West Wang Tradeshow and Conference in Long Beach, California December 5-7, 1989. (Arata/Arisumi)

ITEM J-1 REQUEST FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ROADWAY PURPOSES, HILO INTERNATIONAL AIRPORT, HAWAII (COUNTY OF HAWAII, DEPT. OF PUBLIC WORKS.)

ACTION See page 11.

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, WAIAKEA, SO. HILO, HAWAII (SHELL OIL COMPANY).

ACTION Unanimously approved as submitted (Arata/Arisumi)

- ITEM J-13 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, HAWAII (JIMMIE L. AND KIMMER JONES).
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, LAHAINA SMALL BOAT HARBOR, MAUI (SEABIRD CHARTERS, INC.).
- ACTION Unanimously approved as submitted. (Arisumi/Arata)
- ITEM J-2 LEASE - VENDING AGREEMENT, MAIN TERMINAL LOBBY, HONOLULU INTERNATIONAL AIRPORT, OAHU (AMERICAN EXPRESS TRAVEL RELATED SERVICES COMPANY, INC.).
- ITEM J-3 AMENDMENT NO. 1 TO LEASE NO. DOT-A-88-1, HONOLULU INTERNATIONAL AIRPORT, OAHU (DUTY FREE SHOPPERS LIMITED PARTNERSHIP).
- ITEM J-4 CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (DELTA AIR LINES, INC. - CONTINENTAL AIRLINES, INC.)
- ITEM J-5 AMENDMENT TO CONSENT TO SUBLEASE, HONOLULU INTERNATIONAL AIRPORT, OAHU (AIRTOUR ACQUISITION CORPORATION - COSMO FLYING SCHOOL).
- ITEM J-6 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4592, 4593, AIRPORTS DIVISION.
- ITEM J-7 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4585, 4588 AND 4589, AIRPORTS DIVISION.
- ITEM J-8 RENEWAL OF REVOCABLE PERMITS 1950, ETC., AIRPORTS DIVISION.
- ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, ROOM #109, HONOLULU, OAHU (KONO CHARTERS, LTD.).
- ACTION Mr. Arata moved to approve Items J-2, J-3, J-4, J-5, J-6, J-7, J-8 and J-9 as submitted. Mr. Arisumi seconded; motion carried unanimously.
- ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, WAIAKEA, SO. HILO, HAWAII (SHELL OIL COMPANY).
- ACTION Unanimously approved. See page 27.
- ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, LAHAINA SMALL BOAT HARBOR, MAUI (SEABIRD CHARTERS INC.).
- ACTION Unanimously approved. See above.
- ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 19/20, MAKAI END OF WAREHOUSE #8, HONOLULU HARBOR, OAHU (AALA SHIP SERVICE, INC.).
- ACTION Unanimously approved as submitted. (Arata/Arisumi)
- ITEM J-13 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HONOKOHAU SMALL BOAT HARBOR, HAWAII (JIMMIE L. AND KIMMER JONES).
- ACTION Unanimously approved. See above.
- ITEM J-14 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, ROOM #104, HONOLULU, OAHU (KONO CHARTERS, LTD.).
- ACTION Unanimously approved as submitted. (Arata/Arisumi)

ITEM J-15 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (IDEAL CONSTRUCTION, INC.).

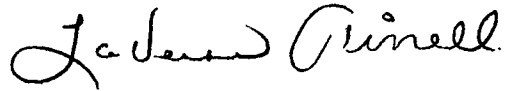
ITEM J-16 CONTINUANCE OF REVOCABLE PERMITS H-84-1160, ETC., HARBORS DIVISION.

ITEM J-17 CONTINUANCE OF REVOCABLE PERMITS H-88-1536, ETC., HARBORS DIVISION.

ACTION Mr. Arata moved to approve Items J-15, J-16 and J-17 as submitted.
Mr. Arisumi seconded; motion carried unanimously.

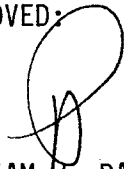
ADJOURNMENT: The meeting was adjourned at 1:30 p.m.

Respectfully submitted,



Mrs. LaVerne Tirrell
Secretary

APPROVED:



WILLIAM M. PATY
Chairperson

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