

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

DATE: MARCH 9, 1990
TIME: 8:30 A.M.
PLACE: STATE OFFICE BUILDING
CONFERENCE ROOMS A, B, & C
3060 EIWA STREET
LIHUE, KAUAI

ROLL CALL: Chairman William Paty called the meeting of the Board of Land and Natural Resources to order at 8:33 a.m. The following were in attendance:

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

STAFF: Mr. Michael Buck
Mr. Roger Evans
Mr. Ralston Nagata
Mr. Mason Young
Mr. Henry Sakuda
Mr. Maurice Matsuzaki
Mr. Sam Lee
Ms. Dorothy Chun

OTHERS: Ms. Linnell Nishioka, Deputy Attorney General
Mr. Peter Garcia, DOT
Mr. Ken Melrose (Item H-6)
Mr. Kelvin Kai (Item H-8)
Mr. Peter Thacker (Item F-1-g)
Mr. Don Knoll, Mr. Rex Magee (Item J-7)
Mr. Bob Triantos, Mr. Bob Johnson and
Mr. Wil Chee (Item H-4)
The Honorable Hannibal Tavares,
Mr. Anthony Ranken, Mr. Peter Rowley,
Ms. Terri Garleb, Lola Taylor and
Lois Love (Item E-1)
Mr. & Mrs. John Kolos (Item H-3)

Mr. Yuen moved that the minutes of the meeting of December 15, 1989 be approved as circulated, seconded by Mr. Arisumi motion carried.

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

- C-5 - Out-of-State Travel Request for Carl T. Masaki to assist the USDA Forest Service in the Selection Process for a Forester for Hawaii, April 16-17, 1990 in San Francisco, California, and to Attend a Financial Assistance Training Session, April 18-19, 1990 in Denver, Colorado
- C-6 - Filling of Position No. 14401, Forestry Worker III (T), Maui (NARS) NTE 6/30/91
- E-3 - Filling of a Clerk Typist II Position, No. 40142, Maui District
- I-2 - Filling of Position No. 34579, Conservation and Resources Enforcement Officer II, Island of Kauai

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

ITEM H-6

REQUEST FOR SECOND 90-DAY TIME EXTENSION OF A PENDING CDUA, FOR THE INSTALLATION OF MOORINGS, ETC., ON SUBMERGED LANDS IN 'ANAHEHO'OMALU BAY, OFFSHORE FROM THE WAIKOLOA BEACH RESORT, COUNTY OF HAWAII; APPLICANT: WAIKOLOA DEVELOPMENT COMPANY; AGENT: BELT COLLINS AND ASSOCIATES

Presentation of the request for extension of a pending Conservation District Use Application was made by Mr. Evans.

Mr. Kealoha asked for the end date of the first extension. Mr. Evans said the first extension ends 3/19/90.

Chairman Paty asked if the applicant had indicated that the progress relative to this is sufficiently well in hand that they would expect to complete it within the extended time frame, since this is what they indicated the last time.

Mr. Evans said that applicant indicated they are working actively on it and it is more of a process question than substance.

ACTION

Unanimously approved as submitted. (Kealoha/Arisumi)

ITEM H-8

CDUA, AFTER-THE-FACT, FOR A 69/57 KV TRANSMISSION LINE AT ANAHOLA, KAUAI; APPLICANT: KAUAI ELECTRIC DIVISION

Mr. Evans presented item H-8, going over staff's the recommendation to the Board regarding a violation and the application.

Mr. Apaka questioned the \$5,000.00 fine.

Mr. Evans said that it was broken down into four poles and six transmission lines, \$500 for each. These were placed in the Conservation District mostly in one general area. He explained that this is the maximum allowable fine.

Responding to Mr. Kealoha's question, Mr. Evans said that the violations did not occur in our Forestry lands but in the general subzone of the Conservation District.

Chairman Paty addressed Mr. Evans saying that the Board has had a practice of looking at utilizing fines for in-kind service. He asked if he had considered that in his recommendation.

Mr. Evans said it was an oversight on the part of staff. He requested, should the board support staff's recommendation, might they be permitted to modify condition no. 3 under Violation to read, That prior to payment of the fine, the applicant discuss with the Department the method by which it is carried out.

Mr. Kelvin Kai representing Kauai Electric said he concurs that they are in violation of the rules, however the circumstances are that prior to obtaining land use determination from the Land Use Commission(LUC), the initial determination was that that section of the road, the right of way was not within the Conservation District. Normally the Conservation District would abut the road right-of-way, based on the initial determination from the LUC. They went ahead and constructed the lines within those two separate areas, assuming they had the right to that. Later on the LUC did come back with a final determination that did say that the section of the road right-of-way is within the conservation district. He then gave the explanation given him by the LUC.

Mr. Kai suggested that if the Board should go with the in-kind services, he understood that the Wildlife Division is looking at conducting an experiment on Kauai in regard to shearwater. They would be glad to participate in that program.

ACTION Mr. Apaka moved that there be an assessment towards the violation in the amount of \$7000.00 in-kind service and subject to terms as worked out with the chairman for the department; seconded by Mr. Kealoha, motion carried unanimously.

Regarding the application, Mr. Apaka moved for the approval of the application as submitted by staff; seconded by Mr. Yuen, motion carried unanimously.

Item F-1-g ASSIGNMENT OF GENERAL LEASE (GRANT OF EASEMENT) NO. S-5123 COVERING GOVERNMENT LAND AT KAPAHULU, WAIKIKI, HONOLULU, OAHU, TMKS 3-1-42:POR. 14 AND 3-1-35:POR. 23

Mr. Young presented item F-1-g, an assignment of general lease for land at Kapahulu.

Mr. Kealoha clarified with Mr. Young that this easement was the portion along the boundary at the foot of Diamond Head.

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM J-7 CONSENT TO SUBLEASE (VIA REVOCABLE PERMIT), HARBORS DIVISION, KEWALO BASIN, HONOLULU, OAHU (WRAF CORPORATION/DEPARTMENT OF FOOD AND AGRICULTURE OF CALIFORNIA)

Mr. Garcia made the presentation of item J-7 to the board.

ACTION Unanimously approved as submitted. (Yuen/Apaka)

ITEM H-5 RESUBMITTAL OF A CDUA FOR SINGLE FAMILY RESIDENCES AT KIHOLE BAY, NORTH KONA, HAWAII; APPLICANT: PAUL MITCHELL TRUST; AGENT: WIL CHEE

Mr. Evans explained that this was a resubmittal of a previous application which was denied because applicant proposed six structures for the two parcels. In the resubmittal applicant proposes to construct two Balinese style residences within two parcels. Instead of constructing a non-conforming house on each parcel, the applicant proposes to put the bedrooms on one parcel and the house structure on the other parcel. This is a Balinese style residence for the use of the trust on two basic lots.

Staff has done their analysis and feels they can recommend approval of it. It is in the resource subzone which generally would allow one house per lot by statute. A number of conditions have been recommended and staff would like to add a condition relative to public access. This condition could be subject to review by the Attorney General and public access to be available along the the Na Ala Hele Trail Demonstration Project running through the property from Kawaihae in Kona.

Chairman Paty asked if the trails were shown on staff's exhibit. Mr. Evans said he didn't think the trails were shown on the exhibits that were passed out. The large exhibit is basically an expanded exhibit no. 4. Mr. Yuen pointed out that the large exhibit appears to have a trail on the southern boundary which seems to run right into one of the houses and come out the other side. It appears the trail would run through where the applicant proposes to locate the bedroom structure. Mr. Evans could not represent that it was the demonstration trail and it may be a different trail. Mr. Evans could not give Mr. Yuen a definition of a demonstration trail at this time.

Chairman Paty interjected saying that the term demonstration is only used to indicate that this is one of the additional trails that the Na Ala Hele on the Big Island is seeking to establish and, where they want to preserve and maintain. The applicant may be able to shed some light on this.

Mr. Yuen expressed concern that he would want to make sure that the State would get an easement upon the granting of this application. That the State have the right to relocate the easement on the grounds pending the outcome of the demonstration.

Mr. Kealoha said if there is evidence of a trail, his concern is that the house configuration moves and not the trail or the easement they're on. For that reason, the Board is entertaining staff's recommendation. He would like to see State Forestry, State Parks and the Na Ala Hele group confirm the trail system before the plans and construction plans are not necessarily approved but on hold till such time that clarification is received.

Mr. Evans responded that in this case if we have a piece of private property it would essentially be a two step process. The first step is the basic land use, does he or doesn't he get a house; or in this case two parcel property, basically two structures. Should the Board approve that, then there's the second step, the applicant will have to provide the department with construction plans that are appropriate and those plans will have to meet any conditions the board places on them.

Mr. Yuen said as a practical matter that you wouldn't want the applicant to go out and start doing detailed construction plans and the end result of that, review of those plans tell him that it's in the wrong place and he has to start all over again. It would save a lot of time and trouble is he were told up front that the house was not in the right location.

Chairman Paty suggested at this time that the applicants or representatives, Mr. Bob Triantos, Mr. Bob Johnson and Mr. Wil Chee be called upon to come forward and perhaps they could answer some of the pertinent questions. He instructed them that they could add anything further to the application.

Mr. Wil Chee added that the exhibit that they submitted to the department indicates where they've been able to identify the end of the property. There is a defined trail entering the southern portion and there's also a recognizable trail area which they assume is the Na Ala Hele on the northern side of Kiholo Bay. They will be happy to work with the department through the course of the demonstration trail project to see if they could work out a trail system, whether it's an easement over the property or alongside.

Mr. Arata asked Mr. Chee, at the time of the public hearing was there not a request that public access be provided on both sides of the property. Mr. Chee said yes, the question was raised whether or not they would be open to providing public access and at that time they had stated that they would be willing to provide public access on the edges of the property which are really the only visible areas, the rest is water. There is one foot-bridge which people use already to get to the beach and they had stated at that time that the property would not be fenced and there would be no attempt to prevent people from using that bridge to get to the bay. He added on the issue to the trail that they have had an archaeological reconnaissance survey done as part of this application and the archaeologist at that time did not see any evidence of the trail as it passes over the property.

Mr. Yuen asked Mr. Chee to show on the map how they obtained access to the property.

Mr. Triantos said that presently they did not have an easement over State land but they would be working with the Division of Land Management.

Mr. Yuen asked if their clients would have an objection to granting the State an easement to maintain a trail at a location to be determined by the Chairman. Mr. Chee said they would have to work it out with the department and that they were in agreement with Mr. Yuen's suggestion regarding final construction plans.

Chairman Paty asked where was the property relative to the structure recently built down there. One comment made was although you have the right to go ahead and use your property, it's always been a very special coastline and the development of large structures as in this last case resemble a reasonable size resort. There are concerns, Balinese or otherwise. Responding to the Chair's question, Mr. Chee said five acres was the reply by Mr. Chee.

Mr. Arata asked if the development would be seen from the highway, the reply was, "no."

Mr. Yuen requested the reaction of Mr. Evans if Condition No. 8 were modified to require that the applicant submit copies of not only construction plans and specifications but also plans for any design or construction on the roadway from the highway to the property to the chairperson for review, although the portion of the roadway of the property may not be in conservation. His concern was that nothing is done on the roadway which will discourage public access.

Mr. Evans responded that Condition No. 8 could be modified to read, "plans for any design/construction on the roadway leading to the property from the highway with the idea that nothing be done on or to the roadway to discourage or hamper public access." He mentioned that the entire property going out to the main road would require an easement over State lands. Land Management may have a vehicle by where this idea could also be expanded. He wouldn't want it to be limited to a CDUA. Mr. Yuen mentioned that Land Management does not necessarily review the plans.

Mr. Chee mentioned that in order for them to get to the property now, they use the roadway that traverses State land and there is a system of gates that they have to go thru, like 5 or 6 gates requiring special keys. They would certainly be willing to work with the State on the easement document. He said the Board may be asking for something that they can't grant, as they have no control over who has jurisdiction over the gates.

Mr. Evans said his understanding is that there is gated entry but as to who holds the key, he is not sure.

Chairman Paty interjected that it could be made subject to a review of the access aspect of this. Mr. Evans said that this could be done if the Board moves on this today.

Mr. Kealoha also had some concerns. For the record, he would like to address the trail system that they get the clarification and confirmation from the Forestry Division, State Parks and Na Ala Hele if there is any construction over the trail continuing through the property.

"So Mr. Evans, we have now two other conditions?" asked Mr. Arata. Mr. Evans said that it could be worked into Condition No. 12, "That the applicant, after consultation with the department, provide for and record permanent public easement for access along Na Ala Hele Kahakui trail running through the property" and he could modify Condition No. 8.

ACTION

Mr. Arata moved for approval as amended. Seconded by Mr. Arisumi, motion carried unanimously.

REQUEST FOR PERMISSION TO AMEND RULES OF THE HAWAII STATE PARK SYSTEM TO INCLUDE PROVISIONS RELATING TO SWIMMING AND NUILITY

Mr. Nagata read his submittal into the record.

Chairman Paty called for questions of Mr. Nagata by the Board. There being no questions Chairman Paty said that the Board has been through this review of clothing optional at some length over a considerable period of time and are quite familiar with all the arguments pro and con; have been through a number of Board meetings on it and public hearing; the department has been deluged by letters--worldwide; they are acquainted with long petitions pro and con; and suspect that the Board members are ready to vote on the matter. However, at the last Board meeting there was some concern expressed by those opposed to clothing optional that they had not been afforded the opportunity to express their views and those only favoring the clothing optional were recognized. So this morning, the Chair would like to offer the opportunity to those who oppose the clothing optional approach to testify and then by the same token if there are one or two on the pro-optional can come up. The Chair is not intending to turn this back into a quasi-public hearing again.

The Honorable Hannibal Tavares, Mayor of Maui came forward to give his comments. He felt that the issue was ably handled at the public hearing on Maui and didn't realize the proponents had another crack at the issue at another Board meeting at which he did not attend. He said that he made a special effort to be present today to say that he agrees with the staff report which covered all of the points that needed to be covered and he was going to sit on the sidelines to listen to what else is said and beg the Board's indulgence if necessary.

Ms. Terri Garleb came forward and said she was representing the Concerned Women For America of Hawaii. Her concerns were basically a lot that was laid out and presented in letters to the Board. She wished to touch on the areas of the laws of other states. She also brought up the fact that there is not a constitutional right to appear nude in public; and she also had several court cases should the board wish to review. She sighted one case in particular, the New York Court of Appeals Ruled in 1986, People vs. Hallman that "Public nudity is not an essential ingredient of constitutional liberty, and that, far from promoting and preserving the public order, it frequently causes a breach of the public peace, because it violates the predominate sense of moral decency which our society has already accepted." She also cited other cases relating to this type of issue. (Copy of her testimony has been placed in the Office Board Folder.)

Ms. Garleb also cited the case State v. Bull (1979), upheld the convictions of defendants arrested for sunbathing nude at Small Beach, Makena, Maui in violation of this statute.

Ms. Lola Taylor, former French citizen, now U.S. citizen addressed the board regarding her position against public nudity. In her visit to France 10 years ago, there were only topless ladies on the beach. During her visit this past summer it was completely different; nudity was all over most of the beaches and it didn't stop there. It started with topless and now it's getting worse and no stopping i.e. free sex on the beach. She said would hate to see the same thing happen here in Hawaii. She felt the next generation needs the strong moral value.

Ms. Lois Love from Makena expressed her views on public nudity saying that it was embarrassing and offensive to her as well as the majority of citizens on Maui. She said that she lived on a small residential beach in Makena and people have come to the beach, strip naked right in front of her house, play frisbee in the nude, and stroll back and forth in the nude. Several members of her family have even witnessed sexual intercourse in broad daylight on the beach.

She also felt that enforcement can be effected if the State hired life guards to be stationed there with communication equipment with which they could inform those people that are not in compliance with the ban.

Chairperson then called on those present who favored clothing optional beaches.

Mr. Anthony Ranken, Esquire, said that he represented Friends of Little Beach Association which is an informal association of over 5000 members who wish to use Little Beach as a clothing optional area.

Chairman Paty reminded Mr. Ranken that he should keep his comments brief as this is not a review of what has been reviewed.

Mr. Ranken said he would like to respond to staff's report and to some of the things said by the previous speakers.

Mr. Peter Rowley, Chairman of the Friends of Little Beach Association then said that Little Beach is the most utilized beach on Maui relative to its size, it is also clean and secluded. He said that if the board voted to completely ban total nudity on every state park throughout the state that a major problem with enforcement would be created. He said the number of people using that beach is extremely high. He said that on Oahu, nudity is cropping up randomly around the island. There used to be a northshore park where nudity was pretty much confined to, but now that it doesn't exist anymore, people are seeking areas where they can sunbathe in the natural. He said that Little Beach has been used for 35 years in this manner and consequently people don't go to other areas. He claimed that there request is not out of line. He said, "You've already made many facilities available for special use groups and there's no sound reason for the State to discriminate against their user group." He asked that the board consider exempting Little Beach from nudity regulations and thereby preserve a long-standing tradition. He closed by saying that he speaks on behalf of countless thousands of people throughout the State of Hawaii and throughout the United States and from around the world that appreciated the fact that the Board did not act rapidly the last time and took time to think about it and look closely at the facts involved.

Mr. Ranken also commented on staff's report that it did not incorporate any observations at the beach after the last meeting and said it was disappointing that the report did not take into account their input at the last meeting in Hilo. Responding to staff's report, he said it was not fair how signatures were compared on letters and petitions, i.e. petitions gathered from church groups, etc. He referred to two public opinion surveys which contained signatures of numerous tourists who favored use of a designated clothing optional beach or beaches and signatures of Hawaii residents against the idea.

He said that his clients were just asking for a specific small area be designated clothing optional, this area being in Little Beach. He closed by saying that there's room in this Aloha State for all kinds of people and all kinds of traditions. He realizes that sunbathing without clothes may not be part of the life style of everyone but it is not an immoral choice and it is a custom that is followed by many people in Hawaii. He asked that the Board adopt the rules with two modifications, first, follow the example of the legislature and do not expand the definition of nudity to include women's breasts and second, please adopt the language suggested in the letter from attorney Isaac Hall who is attending a hearing in Lanai today; Mr. Hall's letter of January 9, 1990 contains the language they are proposing, the addition of the clause exempting clothing optional recreational areas as designated by the Board of Land and Natural Resources.

The Honorable Mayor Tavares said he was here today to hear something new which he didn't and felt the board had all the information needed.

ACTION Mr. Kealoha moved that the Board accept the recommendation as proposed and contained in item E-1. Second by Mr. Arata.

DISCUSSION Mr. Yuen requested an amendment to Condition 2; the paragraph should be clarified to allow nudity with bathing or changing of clothes in enclosed facilities and also allow a woman breast feeding at the beach.

In all fairness, the Chair said that all Board members have been impressed with the effort and dedication and sincerity of those who do favor clothing optional and that they recognize a very strong segment of people worldwide seeks this opportunity. He's been given to understand, the management of the decorum of Little Beach has been above approach without question and thinks the Board members feel that given the long term plans for Little Beach as the opportunity for families and small children to utilize it because of the safer closed area may work against the long term approval for clothing option for that area. Taking into consideration all points of view, the Board is prepared to take a vote. The Chair asked for any further discussion.

Mr. Yuen said that he would like to add for the people who felt the staff report did not indicate or reflect any comments following visits by the board members, that he did visit Little Beach with a staff member after the last meeting and frankly was not convinced of the arguments made by the proponents of clothing optional choice.

QUESTION The Chair called for the vote on the motion as amended and motion carried unanimously.

ITEM H-4 CDUA FOR A SINGLE FAMILY RESIDENCE, HAWEA POINT, KAPALUA, MAUI;
APPLICANT: T.P. LIEM; AGENT: GROUP 70, LIMITED

Mr. Evans said there was a public information meeting held regarding this application as there were a number of concerns expressed. When staff's submittal was written up, the applicant had failed to obtain the required County clearance. Subsequent to that, the applicant has transmitted a copy of the clearance from the Maui County Planning Department. That clearance in effect says that there is no shoreline management area requirement for this applicant in this case. Staff's recommendation for denial was based solely on the applicant's failure to obtain County clearance. Staff is now able to provide the Board this morning with a new recommendation to approve the proposed single family residence based upon analysis done by staff.

Mr. Evans went on to explain that the State Conservation District Plan covers all the conservation districts of all counties. Within the definition section, 'scenic reserve' is defined and within that definition provisions were made for 'open space'. Additionally with these definitions, staff went around to all conservation lands statewide and mapped those areas of scenic reserve or open space. This particular property does not fall within that designated area; relative to single family residences, it is defined in our rules as, basically a building which is used or intended to be used as a home or dwelling place for one family. There is no square footage limitations, no height designations as there are other considerations that limit those.

Based upon Statewide definitions and also incorporated in staff's analysis is the state's subzoning method. Staff is recommending approval of this proposed single family residence. This is based basically for the land use subject to the conditions on pages 2, 3, and 4 of the revised

submittal. Staff is asking the Board to approve a single family residence on the property entirely within the General subzone, under these conditions. (Mr. Kealoha interrupted, "Before you move on, could you correct your front page under, Subzone: General/Limited, and eliminate "Limited.") Mr. Evans responded, "Yes, thank you."

Should the Board approve this application today, staff is asking that the applicant have the assurance that he can have a single family residence as it is defined within the General Subzone. There would be a second subsequent step for the applicant to take and that would be that the applicant provide the department with four sets of construction plans, reflecting any conditions that are in this approval as well as any concerns the board members may have and subject to board approval after review by departmental staff.

Mr. Kealoha confirmed with Mr. Evans that the previous recommendation for denial was applicant's failure to obtain County SMA clearance for the land use and now the applicant has produced the SMA requirement.

Mr. Norman Hong the architect, representing the applicant said that he would like to respond to some of the concerns aired at the Public Informational Meeting of February 9. They have been quite responsive in terms of the size of the residence and public access. They have submitted a revised proposal which is covered in staff's report on page 2 (he briefly went over the revised proposal) which reduces the area of square feet, reduced the number of bedrooms from 9 to 7 and the caretaker quarters to allow a maximum of 2 people. As a result of these reductions they are now able to avoid the relocation of the Coast Guard light beam. In terms of the public shoreline access, they are still providing the ten parking stalls on the adjoining property with an improved access to the shoreline. In addition they are providing a lateral access along the south boundary between the applicant's property and the hotel; this will provide lateral access around the applicant's property to the public. They have reviewed the conditions that have been stated by staff and agree to them except for one question for the board and that is, "When we go forth on the construction plans, we would like to have some guidance from the Board regarding the proposed and revised size of the house." That would help them as they proceed further.

Mr. Kealoha said that this could be done under other terms and conditions and they could probably come up some other guidelines.

Mr. Arisumi asked how wide was the public access, if it were 12 feet to accommodate the fishermen. For the record, he wanted to be sure the fishermen get their right of way to the beach.

Mr. Kealoha asked Mr. Hong if his client would entertain the thought of permitting the elderly citizens to in some way or fashion use the exterior area of the property in his absence as it's understood that during his absence, he would have a full-time staff maintaining the grounds and the house, as a thought. Mr. Hong asked if he would elaborate on that as they are not a commercial venture.

Mr. Kealoha explained i.e. a group of senior citizens who have never had an opportunity to play tennis or swim in a swimming pool or something of that nature, to use the facilities outside of the main dwelling. Whether or not his client would entertain the thought in that direction. Mr. Hong said they would take it under advisement.

Mr. Arata said that he would like to expand that to voluntary organizations also like, the Boy Scouts, etc. Mr. Hong said that they would take it under advisement as they would have to look into the matter of security etc.

Mr. Evans said he would like everyone to take a good look at the plans because if we're talking about a single-family residence under our rule and the applicant does have a right that seems to us that he wants to have physical security on the site, but does that mean that we have to provide housing for that physical security on site. These are some of the questions the Board would need to look at.

Question was asked how many bedrooms were they down to and the answer came up seven.

Mr. Evans reminded the Board that staff had been under a degree of public criticism because of some houses, the size of some houses that were allowed on the big island. Now this is one of the reasons why staff felt it important to come back to the Board and not just approve it and later are criticized by someone. The construction plans have to be submitted back to the Board.

Mr. Arisumi said that in all fairness to Mr. Hong, he thinks they should give him an idea as to what the Board can grant him and what they can't grant him, as he has to revise the plans, come back to the Board and maybe revise it again.

Mr. Evans said that staff wanted to make it clear that the applicant will get a house on the lot but their concern is to the size of the house.

Mr. Anthony Ranken said he was again filling in for Mr. Isaac Hall also representing the Friends of Hawea Point, Maui, an association of surrounding property owners and regular users of Hawea Point and Maui residents to preserve Hawea Point as an open space recreation area and requesting a Contested Case Hearing on this matter for Mr. Hall.

Mr. Ranken said that Mr. Hall had a scheduling conflict and had to be on Lanai all day. He was asked to read Mr. Hall's statement and asked for a Contested Case. (read letter into record)

Mr. Ranken asked that the Board be sensitive to the concerns of Maui residents. They request a contested case hearing in this matter on behalf of the Friends of Hawea Point, a petition to intervene will be filed in ten days. They were unaware that the Board would be looking at further modifications.

The Chairperson said in view of the request for a Contested Case called upon Mr. Evans.

Mr. Evans said in view of the request for a Contested Case that has come before this Board, that is all that is before the Board at this time. From staff's perspective, they have a 180 day expiration of 3/13/90. If the Contested Case is granted, then there's an automatic 90-day extension. If the Contested Case is not granted and no action is taken today, the house would be approved automatically under the statutes. With that consideration, would the Board entertain adding a condition, and all parties should be aware of it, a condition 25: For a review by the Department of Attorney General, that no Contested Case is required in this matter.

What that means is: Our recommendation is still for approval, still under these conditions adding a new condition, providing no Contested Case is required. If the ultimate decision from the Attorney General is they get a contested case, then we would go into the contested case mode. If it turns out that we don't have one, at least staff has a basic decision, which is approval with conditions.

The Chair said given with the situation the Board might want to consider an Executive Session. It was so moved by Mr. Arata, seconded by Mr. Kealoha and carried.

EXECUTIVE SESSION: 10:45am - 10:50 am

The Chair called the meeting back to order. He asked Mr. Ranken if he had anything further to add.

Mr. Ranken said he was confused by Mr. Evans' explanation before the break. As he understood there were further modifications that staff was going to look at to bring the construction plans back to the Board with revised versions. He said it didn't make sense to put a condition in that the application would be approved as is if the Contested Case were denied. It would make more sense if the Board members are dissatisfied with the current application, it would make more sense to deny that if the contested case is not allowed and they can always come back with a revised application.

Mr. Evans said he didn't have anything to add except relative to the staff changing page 1, to take "Limited" out from the proposal under Subzone and the addition of condition 25 as explained to the Board.

Mr. Evans said the 25 conditions you see before you today, reflect a lot of concerns and if they wind up with no decision or a deferral today, and then for some reason no Contest Case takes effect, they find themselves in a situation where they have a 180-day deadline they missed. So this is a cautionary move so that doesn't happen.

Mr. Ranken objected to the procedure that he feels is being called for the Board to make a tentative decision when there's a Contested Case Petition that's being filed.

From a staff response, Mr. Evans said that's somewhat not totally accurate. Relative to a Contested Case occurring, several things must transpire in the process. This morning only the first has transpired. Were that process not been carried out completely, then there is the possibility that a contested case would not occur.

ACTION

Motion was entertained by Mr. Arisumi to approve staff's amended recommendation to approve the application with correction by staff on page 1 and addition of condition no. 25. Seconded by Mr. Kealoha, motion carried.

ITEM H-3

CDUA FOR A NON-CONFORMING SINGLE FAMILY RESIDENT, SOUTH KONA, HAWAII;
APPLICANT: DAVID J. AND CAROL E. KOLOS

Mr. Evans said that staff was recommending approval, however the application had to be split in two parts as there is a violation on the property. Although it's non-conforming use, staff felt that three violations have occurred. The matter of the violations have been discussed with the applicant.

Although applicant does not deny the violations occurred, from their perspective they felt they were not made aware of the conservation laws of Hawaii from the realtor. In cases of this type, staff has held the applicant and in this case the landowner responsible. If there's any recourse, it's really between the applicant and the realtor from whom he bought the property.

Staff is recommending three violations for \$1500.00 relative to the violation. The applicant's application does meet the criteria of non-conforming use and staff is recommending approval subject to the conditions on page 7 and 8.

Mr. Kealoha referred to a previous CDUA. Mr. Evans responded to the question that the fine be taken out through an in-kind project instead of the general fund could clearly be worked out. He could check with the Division Chief, Head of State Parks and see if there's an appropriate contract or something that the \$1500 could be put towards.

Mr. John Kolos the applicant said that he was an electrician. He said that he just didn't know anything about the Department of Land and Natural Resources and the realtor didn't inform him. The fine of \$1500 is a lot of money and had he known, he wouldn't have done it but by then it was too late. Now he's just trying to alleviate it then go on.

Mr. Kealoha asked if he could do some in-kind services as opposed to paying the fine. Mr. Kolos said that he would be agreeable and amenable to the discussion.

Mr. Evans said with the Board's permission, he could amend staff's recommendation under violations after the three listed violations at \$500, he could add, "In a manner determined by the department."

Mr. Kealoha said that he can't see where one of the violations being assessed \$500; he would rather see it amended to the point where you cap it at a \$1000 and perform in-kind services up to a \$1000, rather than \$1500 as proposed.

In response to Mr. Arisumi, Mr. Kolos said he went back to escrow and there was no disclosure statement whatsoever. The realtor has never helped him in any way. He has filed a complaint with the Consumer Affairs but he can't do anything until this is all settled and then it might become a Civil matter. He still trying to recover moneys lost.

ACTION Motion was made by Mr. Kealoha to approve staff's recommendation as amended, with the \$1000 cap and the applicant to perform in-kind services subject to details to be worked out with the department.

ITEM H-2 REQUEST FOR TIME EXTENSION ON THE CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR AN ADMINISTRATIVE RULE AMENDMENT TO ESTABLISH A SPECIAL SUBZONE, SUBDIVISION AND EDUCATIONAL USE PERTAINING TO THE DEVELOPMENT OF THE HONUA HAWAII CULTURAL CENTER; APPLICANT: HONUA HAWAII CULTURAL CENTER, AGENT: MR. ALAN M. OKAMOTO

ACTION Mr. Kealoha introduced a motion to defer item H-2; seconded by Mr. Arisumi, motion carried unanimously.

ITEM C-1 FILLING OF POSITION NO. 42408T, WILDLIFE BIOLOGIST IV, ISLAND OF HAWAII

ACTION Unanimously approved the appointment of Mr. Tod Lum to fill Position No. 42408T, Wildlife Biologist IV, Island of Hawaii. (Kealoha/Apaka)

ITEM C-2 FILLING OF POSITION NO. 14400, TEMPORARY APPOINTMENT, FORESTRY WORKER III, ISLAND OF HAWAII, (NARS)

ACTION Unanimously approved the appointment of Mr. John P. Mauga, Sr. to fill Position No. 14400, Temporary Forestry Worker III, Island of Hawaii (NARS). (Kealoha/Apaka)

ITEM C-3 FILLING OF POSITION NOS. 13312, 13313 AND 13314; GENERAL LABORER I; ISLAND OF HAWAII (NARS)

ACTION Unanimously approved the appointments of Mr. Glenn Nihipali, Mr. John P. Mauga, Jr. and Mr. Robert Miguel to fill Position Nos. 13312, 13313 and 13314; General Laborers I; Island of Hawaii (NARS). (Kealoha/Apaka)

ITEM C-4 REQUEST FOR AUTHORIZATION TO HOLD PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO CHAPTERS 122 (GAME BIRD HUNTING) AND 123 (GAME MAMMAL HUNTING), STATEWIDE

ACTION Unanimously approved as submitted. (Kealoha/Apaka)

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO PARKER RANCH COVERING STATE LAND AT WAIKOLOA AND LALAMILO, WAIMEA, SO. KOHALA, HAWAII, TMK 6-6-01:POR. 38

Item F-1-d ASSIGNMENT OF GENERAL LEASE NO. S-4663, LOTS 1 AND 3, BLK. 40, WAIAKEA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-37:94

Item F-1-e ASSIGNMENT OF GENERAL LEASE NO. S-4466, PARCELS 8-A AND 8-B, GOVERNMENT LAND OF HONOKAIA, HAMAKUA, HAWAII, TMK 4-6-11:4 & 5

Item F-1-f ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 11046, APANA 1 TO MOLALE, BY APPLICATION OF RICHARD M. AND NANCY B. FRAZIER AND KAMEHAMEHA INVESTMENT CORPORATION

ACTION Motion was made by Mr. Kealoha to approve items F-1-c, F-1-d, F-1-e and F-1-f as submitted. Seconded by Mr. Apaka, motion carried.

ITEM F-2 AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 17, 1989 (AGENDA ITEM F-3) SETTING ASIDE LAND TO THE DEPARTMENT OF EDUCATION, KEONEPOKO-IKI, PUNA, HAWAII, TMK 1-5-09:POR. 9

ITEM F-3 REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS HAVING RESOURCE VALUE TO THE STATE, MAHAIULA-KAULANA, NORTH KONA, HAWAII

ACTION Mr. Kealoha moved that the board approve items F-2 and F-3 as submitted; seconded by Mr. Apaka, motion carried.

ITEM C-6 ADDED FILLING OF POSITION NO. 14401, FORESTRY WORKER III (T), MAUI (NARS) NTE 6/30/91

ACTION Unanimously approved the appointment of Mr. Dwight Thompson to fill the position of No. 14401, Forestry Worker III in the Division of Forestry and Wildlife, Island of Maui. (Arisumi/Kealoha)

ITEM E-3 ADDED FILLING OF A CLERK TYPIST II POSITION, NO. 40142, MAUI DISTRICT

ACTION Unanimously approved the appointment of Ms. Ann Marie K. Sentani to fill the Clerk Typist II position No. 40142, Maui District in the Division of State Parks. (Arisumi/Kealoha)

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO STEVEN DECOITE COVERING GOVERNMENT LAND OF HONOPU, HAMAKUALOA, MAKAWAO, MAUI, TMK 2-9-01:POR. 21

ITEM F-4 STATE DEPARTMENT OF DEFENSE REQUESTS RIGHT-OF-ENTRY ONTO STATE LANDS FOR PLANNING, TOPOGRAPHY, SURVEY, ENVIRONMENTAL AND ENGINEERING STUDIES RELATIVE TO PROPOSED CONSOLIDATED HAWAII ARMY NATIONAL GUARD FACILITY AT PULEHUNUI AND WAIKAPU, WAILUKU, MAUI, TMK 3-8-08:POR. 1

- ITEM F-5 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE WATER TRANSMISSION PIPELINE EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY OVER AND ACROSS STATE LAND AT KALAMAULA, MOLOKAI, TMK 5-2-14:POR. 3
- ACTION Mr. Arisumi moved for approval items F-1-b, F-4, and F-5 as submitted. Seconded by Mr. Kealoha the motion carried unanimously.
- ITEM F-1-a ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 3917, APANA 4 TO D. NAHAU, BY APPLICATION OF SAM S. HERSH AND RUTH HERSH, HANALEI, KAUAI
- ITEM F-7 DIRECT SALE OF ABANDONED RAILROAD RIGHTS-OF-WAY TO KAPAA JODO MISSION AT KAPAA, KAWAIHAU (PUNA), KAUAI, TMK 4-5-13:POR. 12
- ACTION Mr. Apaka moved for approval of items F-1-a and F-7 as submitted. Seconded by Mr. Kealoha, motion carried unanimously.
- ITEM I-2 ADDED FILLING OF POSITION NO. 34579, CONSERVATION AND RESOURCES ENFORCEMENT OFFICER II, ISLAND OF KAUAI
- ACTION Unanimously approved the appointment of Mr. Tarey W.K. Low to fill Position No. 34579, Conservation and Resources Enforcement Officer II, Island of Kauai. (Apaka/Kealoha)
- ITEM B-1 REQUEST TO FILL TEMPORARY EXEMPT LIBRARIAN II POSITION NO. 19879E IN THE DIVISION OF AQUATIC RESOURCES, OAHU
- ACTION Unanimously approved the appointment of Mrs. Janet R. Yasumatsu to fill the Temporary Exempt Librarian II Position No. 19879E in the Division of Aquatic Resources, Oahu, at the Anuenue fisheries Research Center, Aquaculture Program. (Yuen/Arisumi)
- ITEM B-2 OUT-OF-STATE TRAVEL REQUEST FOR WALTER IKEHARA TO ATTEND THE INTERNATIONAL SYMPOSIUM AND WORKSHOP ON CREEL AND ANGLER SURVEYS IN FISHERIES MANAGEMENT, MARCH 26-31, 1990, AT HOUSTON, TEXAS
- ITEM C-5 ADDED OUT-OF-STATE TRAVEL REQUEST FOR CARL T. MASAKI TO ASSIST THE USDA FOREST SERVICE IN THE SELECTION PROCESS FOR A FORESTER FOR HAWAII, APRIL 16-17, 1990 IN SAN FRANCISCO, CALIFORNIA, AND TO ATTEND A FINANCIAL ASSISTANCE TRAINING SESSION, APRIL 18-19, 1990 IN DENVER, COLORADO
- ITEM D-1 PERMISSION TO HIRE CONSULTANTS TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS
- ITEM D-2 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 31-OL-C, WAIKIKI SEAWALL IMPROVEMENTS, PHASE V, OAHU
- ITEM D-3 APPROVAL TO ATTEND NFIP STATE COORDINATORS WORKSHOP IN SAN FRANCISCO CALIFORNIA
- ITEM E-2 APPROVAL OF A RESOLUTION SUPPORTING THE 25TH ANNIVERSARY COMMEMORATION OF THE LAND AND WATER CONSERVATION FUND GRANT PROGRAM
- ITEM F-6 REQUEST TO APPROVE SUPPLEMENTAL AGREEMENT NO. 5 EXTENDING DEPARTMENT OF THE AIR FORCE LEASE CONTRACT NO. DA-94-626-ENG-117 COVERING HICKAM ELEMENTARY SCHOOL (LAND OFFICE DEED NO. S-24,310), HICKAM AIR FORCE BASE, HALAWA, EWA, OAHU
- ACTION Motion was made by Mr. Yuen to approve Items B-1, B-2, C-5, D-1, D-2, D-3, E-2 and F-6 as submitted. Seconded by Mr. Arisumi, motion carried unanimously.

- ITEM H-7 CDUA FOR PERMISSION TO REPAIR UNAUTHORIZED ADDITION TO AN EXISTING
NONCONFORMING STONE GROIN; APPLICANT: WILLIAM L. STERN
- DEFERMENT Mr. Yuen requested that Item H-7 be deferred. There being no objections,
the item was deferred to the next Oahu meeting.
- ITEM H-9 AMENDMENT TO DELETE A BOARD CONDITION FOR CDUA FOR RIGHT-OF-ENTRY,
EXPLORATORY WELL, ETC.; APPLICANT: THE HONORABLE KAZU HAYASHIDA
- ITEM I-1 OUT-OF-STATE TRAVEL REQUEST FOR MESSRS. WENDELL W.S. KAM AND WATSON T.
OKUBO
- ITEM J-1 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4632 AND 4640,
AIRPORTS DIVISION
- ITEM J-2 RENEWAL OF REVOCABLE PERMITS 1771, ETC., AIRPORTS DIVISION
- ITEM J-3 CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, SAND ISLAND
CONTAINER FACILITY, HONOLULU, OAHU (MATSON TERMINALS, INC.)
- ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR,
HAWAII (UNITED STATES COAST GUARD)
- ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 31 TRANSIT SHED
(CAGED AREA), HONOLULU HARBOR, OAHU (CLEAN ISLANDS COUNCIL)
- ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 1 AND 2, 7-29,
31-36, 39 AND 40, 51A-53, HONOLULU HARBOR AND KEWALO BASIN, OAHU (PACIFIC
RESOURCES TERMINALS, INC.)
- ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HIGHWAYS DIVISION, WAIMANU, OAHU (CLASSIC
RUSTPROOFING, INC.)
- ACTION Motion was made by Mr. Yuen to approve items H-9, I-1, J-1, J-2, J-3, J-4,
J-5, J-6 and J-8 as submitted. Seconded by Mr. Arisumi, motion carried
unanimously.
- ITEM H-1 REQUEST FOR COMMUNICATION FACILITIES AT THE MAUNA KEA SCIENCE RESERVE;
APPLICANT: UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY
- ACTION Unanimously approved as submitted. (Kealoha/Yuen)
- ITEM C-1 FILLING OF POSITION NO. 42408T, WILDLIFE BIOLOGIST IV, ISLAND OF HAWAII
- See page 12 for action.
- ITEM C-2 FILLING OF POSITION NO. 14400, TEMPORARY APPOINTMENT, FORESTRY WORKER III,
ISLAND OF HAWAII, (NARS)
- See page 12 for action.
- ITEM C-3 FILLING OF POSITION NOS. 13312, 13313 AND 13314; GENERAL LABORER I; ISLAND
OF HAWAII (NARS)
- See page 13 for action.
- ITEM C-4 REQUEST FOR AUTHORIZATION TO HOLD PUBLIC HEARINGS TO CONSIDER AMENDMENTS
TO CHAPTERS 122 (GAME BIRD HUNTING) AND 123 (GAME MAMMAL HUNTING),
STATEWIDE
- See page 13 for action.

ADDED
ITEM C-5 OUT-OF-STATE TRAVEL REQUEST FOR CARL T. MASAKI TO ASSIST THE USDA FOREST SERVICE IN THE SELECTION PROCESS FOR A FORESTER FOR HAWAII, APRIL 16-17, 1990 IN SAN FRANCISCO, CALIFORNIA, AND TO ATTEND A FINANCIAL ASSISTANCE TRAINING SESSION, APRIL 18-19, 1990 IN DENVER, COLORADO

See page 14 for action.

ADDED
ITEM C-6 FILLING OF POSITION NO. 14401, FORESTRY WORKER III (T), MAUI (NARS) NTE 6/30/91

See page 13 for action.

ITEM D-1 PERMISSION TO HIRE CONSULTANTS TO PREPARE CONSTRUCTION PLANS AND SPECIFICATIONS

See page 14 for action.

ITEM D-2 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 31-OL-C, WAIKIKI SEAWALL IMPROVEMENTS, PHASE V, OAHU

See page 14 for action.

ITEM D-3 APPROVAL TO ATTEND NFIP STATE COORDINATORS WORKSHOP IN SAN FRANCISCO CALIFORNIA

See page 14 for action.

ITEM E-1 REQUEST FOR PERMISSION TO AMEND RULES OF THE HAWAII STATE PARK SYSTEM TO INCLUDE PROVISIONS RELATING TO SWIMMING AND NUILITY

See page 6-8 for action.

ITEM E-2 APPROVAL OF A RESOLUTION SUPPORTING THE 25TH ANNIVERSARY COMMEMORATION OF THE LAND AND WATER CONSERVATION FUND GRANT PROGRAM

See page 14 for action.

ADDED
ITEM E-3 FILLING OF A CLERK TYPIST II POSITION, NO. 40142, MAUI DISTRICT

See page 13 for action.

ITEM F-1 DOCUMENTS FOR BOARD CONSIDERATION:

ITEM F-1-a ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 3917, APANA 4 TO D. NAHAU, BY APPLICATION OF SAM S. HERSH AND RUTH HERSH, HANAIEI, KAUAI

Item F-1-b ISSUANCE OF REVOCABLE PERMIT TO STEVEN DECOITE COVERING GOVERNMENT LAND OF HONOPI, HAMAKUALOA, MAKAWAO, MAUI, TMK 2-9-01:POR. 21

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO PARKER RANCH COVERING STATE LAND AT WAIKOLOA AND LALAMILO, WAIMEA, SO. KOHALA, HAWAII, TMK 6-6-01:POR. 38

Item F-1-d ASSIGNMENT OF GENERAL LEASE NO. S-4663, LOTS 1 AND 3, BLK. 40, WAIAKEA INDUSTRIAL LOTS, WAIAKEA, SO. HILO, HAWAII, TMK 2-2-37:94

Item F-1-e ASSIGNMENT OF GENERAL LEASE NO. S-4466, PARCELS 8-A AND 8-B, GOVERNMENT LAND OF HONOKAIA, HAMAKUA, HAWAII, TMK 4-6-11:4 & 5

Item F-1-f ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 11046, APANA 1 TO MOLALE, BY APPLICATION OF RICHARD M. AND NANCY B. FRAZIER AND KAMEHAMEHA INVESTMENT CORPORATION

See pages 13-14 for action for items F-1-a through F-1-f.

Item F-1-g ASSIGNMENT OF GENERAL LEASE (GRANT OF EASEMENT) NO. S-5123 COVERING GOVERNMENT LAND AT KAPAHULU, WAIKIKI, HONOLULU, OAHU, TMKS 3-1-42:POR. 14 AND 3-1-35:POR. 23

See page 3 for action.

ITEM F-2 AMENDMENT TO PRIOR BOARD ACTION OF NOVEMBER 17, 1989 (AGENDA ITEM F-3) SETTING ASIDE LAND TO THE DEPARTMENT OF EDUCATION, KEONEPOKO-IKI, PUNA, HAWAII, TMK 1-5-09:POR. 9

See page 13 for action.

ITEM F-3 REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS HAVING RESOURCE VALUE TO THE STATE, MAHAIULA-KAULANA, NORTH KONA, HAWAII

See page 13 for action.

ITEM F-4 STATE DEPARTMENT OF DEFENSE REQUESTS RIGHT-OF-ENTRY ONTO STATE LANDS FOR PLANNING, TOPOGRAPHY, SURVEY, ENVIRONMENTAL AND ENGINEERING STUDIES RELATIVE TO PROPOSED CONSOLIDATED HAWAII ARMY NATIONAL GUARD FACILITY AT PULEHUNUI AND WAIKAPU, WAILUKU, MAUI, TMK 3-8-08:POR. 1

See page 13-14 for action.

ITEM F-5 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE WATER TRANSMISSION PIPELINE EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY OVER AND ACROSS STATE LAND AT KALAMAULA, MOLOKAI, TMK 5-2-14:POR. 3

See page 14 for action.

ITEM F-6 REQUEST TO APPROVE SUPPLEMENTAL AGREEMENT NO. 5 EXTENDING DEPARTMENT OF THE AIR FORCE LEASE CONTRACT NO. DA-94-626-ENG-117 COVERING HICKAM ELEMENTARY SCHOOL (LAND OFFICE DEED NO. S-24,310), HICKAM AIR FORCE BASE, HALAWA, EWA, OAHU

See page 14 for action.

ITEM F-7 DIRECT SALE OF ABANDONED RAILROAD RIGHTS-OF-WAY TO KAPAA JODO MISSION AT KAPAA, KAWAIHAU (PUNA), KAUAI, TMK 4-5-13:POR. 12

See page 14 for action.

ITEM H-1 REQUEST FOR COMMUNICATION FACILITIES AT THE MAUNA KEA SCIENCE RESERVE; APPLICANT: UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY

See page 15 for action.

ITEM H-2 REQUEST FOR TIME EXTENSION ON THE CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR AN ADMINISTRATIVE RULE AMENDMENT TO ESTABLISH A SPECIAL SUBZONE, SUBDIVISION AND EDUCATIONAL USE PERTAINING TO THE DEVELOPMENT OF THE HONUA HAWAII CULTURAL CENTER; APPLICANT: HONUA HAWAII CULTURAL CENTER, AGENT: MR. ALAN M. OKAMOTO

See page 12 for action.

ITEM H-3 CDUA FOR A NON-CONFORMING SINGLE FAMILY RESIDENCE, SOUTH KONA, HAWAII; APPLICANT: DAVID J. AND CAROL E. KOLOS

See pages 11-12 for action.

ITEM H-4 CDUA FOR A SINGLE FAMILY RESIDENCE, HAWEA POINT, KAPALUA, MAUI; APPLICANT: T.P. LIEM; AGENT: GROUP 70, LIMITED

See pages 8-11 for action.

ITEM H-5 RESUBMITTAL OF A CDUA FOR SINGLE FAMILY RESIDENCES AT KIHOLA BAY, NORTH KONA, HAWAII; APPLICANT: PAUL MITCHELL TRUST; AGENT: WIL CHEE

See pages 3-5 for action.

ITEM H-6 REQUEST FOR SECOND 90-DAY TIME EXTENSION OF A PENDING CDUA, FOR THE INSTALLATION OF MOORINGS, ETC., ON SUBMERGED LANDS IN 'ANAEOHOMALU BAY, OFFSHORE FROM THE WAIKOLOA BEACH RESORT, COUNTY OF HAWAII; APPLICANT: WAIKOLOA DEVELOPMENT COMPANY; AGENT: BELT COLLINS AND ASSOCIATES

See page 2 for action.

ITEM H-7 CDUA FOR PERMISSION TO REPAIR UNAUTHORIZED ADDITION TO AN EXISTING NONCONFORMING STONE GROIN; APPLICANT: WILLIAM L. STERN

See page 15 for action.

ITEM H-8 CDUA, AFTER-THE-FACT, FOR A 69/57 KV TRANSMISSION LINE AT ANAHOLA, KAUAI; APPLICANT: KAUAI ELECTRIC DIVISION

See page 3 for action.

ITEM H-9 AMENDMENT TO DELETE A BOARD CONDITION FOR CDUA FOR RIGHT-OF-ENTRY, EXPLORATORY WELL, ETC.; APPLICANT: THE HONORABLE KAZU HAYASHIDA

See page 15 for action.

ITEM I-1 OUT-OF-STATE TRAVEL REQUEST FOR MESSRS. WENDELL W.S. KAM AND WATSON T. OKUBO

See page 15 for action.

ITEM J-1 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4632 AND 4640, AIRPORTS DIVISION

See page 15 for action.

ITEM J-2 RENEWAL OF REVOCABLE PERMITS 1771, ETC., AIRPORTS DIVISION

See page 15 for action.

ITEM J-3 CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, SAND ISLAND CONTAINER FACILITY, HONOLULU, OAHU (MATSON TERMINALS, INC.)

See page 15 for action.

ITEM J-4 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, HILO HARBOR, HAWAII (UNITED STATES COAST GUARD)

See page 15 for action.

ITEM J-5 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 31 TRANSIT SHED (CAGED AREA), HONOLULU HARBOR, OAHU (CLEAN ISLANDS COUNCIL)

See page 15 for action.

ITEM J-6 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 1 AND 2, 7-29, 31-36, 39 AND 40, 51A-53, HONOLULU HARBOR AND KEWALO BASIN, OAHU (PACIFIC RESOURCES TERMINALS, INC.)

See page 15 for action.

ITEM J-7 CONSENT TO SUBLEASE (VIA REVOCABLE PERMIT), HARBORS DIVISION, KEWALO
BASIN, HONOLULU, OAHU (WRAF CORPORATION/DEPARTMENT OF FOOD AND
AGRICULTURE OF CALIFORNIA)

See page 3 for action.

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HIGHWAYS DIVISION, WAIMANU, OAHU (CLASSIC
RUSTPROOFING, INC.)

See page 15 for action.

ADJOURNMENT There being no further business, the meeting was adjourned at 11:18am.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED FOR SUBMITTAL


William W. Paty, Chairperson