

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

DATE: JULY 13, 1990  
TIME: 8:30 A.M.  
PLACE: STATE OFFICE BUILDING  
CONFERENCE ROOMS A, B, C  
3060 EIWA STREET  
LIHUE, KAUAI, HAWAII

ROLL CALL: Vice-Chairperson John Arisumi called the meeting of the Board of Land and Natural Resources to order at 8:30 a.m. The following were in attendance:

MEMBERS: Mr. Herbert Arata  
Mr. Herbert Apaka  
Ms. Sharon Himeno  
Mr. John Arisumi

ABSENT & EXCUSED: Mr. William Paty

STAFF: Mr. Roger Evans  
Mr. Mason Young  
Mr. Ralston Nagata  
Mr. Gordon Akita  
Mr. Sam Lee  
Ms. Dorothy Chun

OTHERS: Mr. Johnson Wong, Deputy Attorney General  
Mr. Peter Garcia, Dept of Transportation  
Mr. Bruce McClure, Mr. Glenn Kobayashi, (Item H-2)  
Mr. Randall Sakumoto (Item F-1-b)  
Mr. Michael Burke (Item F-5)  
Mr. Art Challacombe (Item H-4)  
Mr. Wendell Silva,  
Ms. Bernadette Sakoda (Item E-1)

MINUTES Mr. Apaka moved for the approval of the minutes of March 23, 1990 as circulated. Seconded by Mr. Arata, motion carried.

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

ITEM H-2 CDUA FOR AN ACCESS ROAD TO THE WEST HAWAII SANITARY LANDFILL AT PUJWAAWAA, NORTH KONA, HAWAII: TMK 7-1-2:01; APPLICANT: DEPARTMENT OF PUBLIC WORKS, COUNTY OF HAWAII

Before beginning his presentation on item H-2, Mr. Evans corrected the Expiration Date on page 1, it should read "180 Day Exp. Date: 8/02/90", and continued.

Subsequent to the writing of this submittal, staff has received a written request by a citizen represented by counsel for a contested case in this matter. Under our rules, there is a two step process, firstly when there is no public hearing, which we did not have in this case, the request for a contested case must be made orally at the time of the board decision-making meeting which is subsequently under our rules to be followed up by a written request which states the reasons, the interests, the standing, and why they would want to have a contested case hearing. In this particular case, the written request for the contested case hearing was delivered to staff earlier this week.

The County was contacted. It was indicated to them that the department had concerns. The concerns that were department in nature were largely those that this road will lead to a landfill that is proposed by the County. The landfill is in the State's agricultural zone district on State land. When staff reviews the conservation district applications they normally limit our review to the Conservation District itself and really do not go beyond the bounds. Our Division of Forestry and Wildlife is not opposed to a landfill per se but they would like to have some conditions put in subsequent to any board action. What staff is suggesting and we suggested to the applicant, is that not only do we have a contested case hearing perspective, we also have some departmental concerns relative to a landfill on State lands in the ag district and perhaps it would be wise if the Land board had an opportunity to consider the entire project, not just the road. If we proceeded this morning, and with our recommendation, it would be difficult in the future for anybody then to say, you gave us the road in the Conservation District but on the subsequent action the disposition in the agricultural district, "you're not going to give us the landfill?"

This is the kind of concern that we expressed to the County and they indicated that they would be here. We indicated to the County basically that they have some options and one is to withdraw and one they can ask for a deferral. Staff's concern is relative to the statute itself, if the County does not exceed to the deferral for the contested case, they being the applicant, our recommendation this morning would be denial of this application.

Mr. Arata said he appreciated the concerns about the application for the road and the application for the dump site, but why didn't the department consider that and tell the applicant at that time that the two things would be considered together instead of separately as previously anticipated. Was it an oversight?

Mr. Evans said that it has not been a habit for staff to go beyond the bounds of their functional responsibilities. If someone comes in with a house in conservation they process it. If someone comes in with a road they will process it. In this case, there were concerns expressed by the divisions relative to the landfill itself. There are 2 pages of concerns, but those concerns lie outside the conservation district.

Mr. Apaka asked if there were other locations considered with this application before this selection was made, relative to the road and landfill.

Mr. Evans said that his understanding is that they looked at a number of different sites for both the road issue and the landfill issue and this site was ultimately selected.

Mr. Apaka said, "Therefore there are other areas that was considered that they can also go back to in the event this application is turned down."

Vice-Chairman Arisumi asked if the applicant were present.

Mr. Glenn Kobayashi said he was here on behalf of Phillip Leas, legal counsel for Mr. Bohnett, the petitioner for a contested case. He wanted to make couple points of clarification. He said that Mr. Evans correctly pointed out, this week they submitted a petition for a contested case hearing and the basic reason why they feel a contested case is necessary is because there are certain environmental concerns, health concerns that Mr. Bohnett has about the proposed access road which he believes were not adequately considered in either the

environmental impact statement that was prepared for the applicant or the application itself. In the event that the application is granted, Mr. Bohnett will not other recourse to challenge the location of the access road unless he requests a contested case. So he feels compeled at this time to do that in order to preserve his legal rights to question the location of this road. There is an appeal pending in the Hawaii Supreme Court on the adequacy of the EIS, so the location of the landfill site and the location of the access road are still contingent issues that have not been resolved yet. Mr. Bohnett would like the board to stay the decision on the application until the decision of the court is resolved.

Mr. Arata asked Mr. Evans if the applicant were present. Mr. Evans said that they indicated they would be present.

Mr. Arata moved to defer and continue this item to the latter part of this meeting to allow the representative from the County of Hawaii to appear before the board today. There being no objections, Vice-Chair Arisumi so declared.

Item F-1-b ASSIGNMENT OF GENERAL LEASE NO. S-3809 BETWEEN TELEGLOBE CANADA, INC., ASSIGNOR, AND TELEPHONE AND TELEGRAPH COMPANY (ATT&T), ASSIGNEE, KEAWAULA, WAIANAE, OAHU, TAX MAP KEY 8-1-01:23

Mr. Young said item F-1-b was a request by Teleglobe Canada, Inc. for assignment of two leases. This covers some properties at Yokohama Bay in Keawaula. Staff is recommending that the Board approve the assignment of General Lease No. S-3809 and Grant of Easement of S-5104, to American Telephone and Telegraph Company (A T & T) from Teleglobe Canada, Inc. Assignor to Assignee, subject to terms and conditions as listed in the submittal.

Mr. Apaka asked what is to happen to the other 20 owners by this assignment.

Mr. Young said that they are all part of the same system, each of the 22 owners have ownerships and different systems worldwide. A T & T just happens to be one of the ones designated to take over the system at Yokohama Bay. They're all part of the same cable system where they share the services throughout the world. Teleglobe is willing to relinquish their position as lessee for these two sites at Keawaula. A T & T will take their position as one of the 22 in controlling this system worldwide.

Mr. Randall Sakumoto of McCorriston, Miho and Miller, responding to Mr. Apaka said he didn't know what their plans are right now. He does know that they intend to bring in some very high-tech upscale equipment that is not being used right now.

Mr. Robert Fullerton, Operations Manager, Pacific Operations for A T & T, said that their plans right now for that station are to consolidate the operations of the Keawaula Cable Station with their Makaha Cable Station.

Responding to Mr. Apaka, he said that at this time there are no plans to expand the stations. The facility between those two stations are somewhat limited and it's under study. There is a fiber optic system between the stations at this time and as far as plans to bring in new fiber optic cable to this site, there are no plans now but it is a possibility.

ACTION Unanimously approved as submitted. (Apaka/Arata)

PROPOSED SETTLEMENT OF LAND COURT APPLICATION NO. 439 (PIONEER MILL CO., LTD.), LAHAINA, MAUI (TO BE DISTRIBUTED AT BOARD MEETING)

Mr. Young said this was a proposed settlement of Land Court Application No. 439 between the State of Hawaii and Pioneer Mill Co., Ltd. for lands situate at Puou, Kuholilea, Kuhua, Hahakea and Puuki, Lahaina, Maui. The matter of the settlement of the Land Court Application has been pending since June 28, 1919 and has been brought up as a result of the Housing Finance Development Corporation (HFDC) desire to do some of the affordable housing projects in Lahaina.

Mr. Young explained the proposed settlement with Pioneer Mill as to the different lots and parcels involved.

One of the reasons why this project has been brought to this point where we would like to see the well sites that we need for HFDC provided by deed from Pioneer to HFDC and in the future, provide to Pioneer Mill three additional well sites.

Mr. Young wished to make several amendments. On page 2, 3rd paragraph, there is a Judge Samuel King, Jr. listed, "Jr." should be deleted. On page 3 at the top, Lot 3 should be "Lot 3C". On page 3 under the paragraph that reads: The State would: under sub-paragraph 2. staff would like to add a condition to read, "Effective date, terms and conditions of the lease to be prescribed by the chairperson."

Staff feels this settlement is a good positive step in resolving a long pending problem that existed since 1919. Therefore they are recommending that the board approve the proposed settlement of Land Court Application No. 439 as described in this submittal and subject to the terms and conditions as amended and listed in the Board submittal.

Mr. Young said that Mr. Mike Burke from Pioneer Mill was here this morning to answer any questions and also Deputy Attorney General Johnson Wong, whose office was instrumental in the settlement.

Mr. Wong mentioned that he did not recall working on the recommendation that the State was going to give to Pioneer Mill the three well sites.

Mr. Young said when the submittal was drafted he talked to Deputy A. G. Randall Young and Neal Wu of HFDC. His understanding was that Pioneer would deed to HFDC three existing well sites and in return for the deed from Pioneer to HFDC, we then would provide three future well sites. Mr. Young said he did not have a copy of any letter from Deputy A.G. Young giving the well sites to Pioneer.

Mr. Mike Burke said the exchange of the well sites is something that's been proposed by the State, HFDC. Pioneer was looking to basically exchanging well sites on an even basis or same number in the land they currently lease from the State under General Lease 4229.

Mr. Burke said that there were two proposals. To settle this one back in January that involved the well sites, which was really HFDC's request. They tried to settle out the issues to try to clear the title and deal with the well sites after they've gotten the title cleared. He said he was acceptable to either way.

Counsel Wong asked Mr. Young if there was any emergency for this item.

Mr. Young said staff did not have an emergency, but HFDC had wanted the matter of the well sites resolved.

Counsel Wong asked Mr. Burke if the State could have the assurance from his client, Pioneer Mill Co. to convey to HFDC the well sites so that it won't affect their project until they could work out the well sites that Pioneer wanted.

Mr. Burke said that their proposal was to basically exchange well sites. The problem is the underlying title to the well sites that HFDC wants is encumbered by this Land Court Application pending for some time here.

Counsel Wong asked if the well sites Pioneer wanted were on Parcel 3D and 3E that they were giving to the State.

Mr. Burke said, no, that they were located outside of the Land Court Application.

Counsel Wong said that if this were strictly an exchange of well site for well site then they wouldn't be involved in trying to resolve this parcel of land. It was his impression to get the well sites for HFDC, Pioneer wanted to resolve those parcels of land because of the underlying title question. Counsel Wong said this is the first time he's seeing that Pioneer wants the well sites.

Counsel Wong suggested this be deferred to next board meeting. He wanted their assurance that Pioneer will give the well sites to HFDC so that they can proceed.

Mr. Burke said that their proposal to get the well sites to HFDC, was to say that HFDC wanted the well sites on their land and they wanted some equivalent well sites in the future on State land in an exchange. He said he would be happy to delete the reference to the well sites in this submittal and settle the Land court application and take up the well sites at a subsequent meeting.

Responding to Counsel Wong, Mr. Young said that they had not looked at value of the parcels. He did not know if they would be able to get an appraisal of the value by the next Board meeting. At the recommendation of Deputy A. G. Young, staff was recommending that this be settled.

Mr. Burke said that because it isn't a land exchange he wasn't sure if values come into play here. As Mason said it's ownership and determining who owns which parcels of land.

Counsel Wong addressed Mr. Burke saying that you're asking us, the State to concede our claim to certain parcels of land and in return you are conceding certain parcels and what you're saying you're conceding to us is nothing but gully. Mr. Burke said he disagrees that it's nothing but gully, he believed they drafted a lease, that's their proposal that has part of the land in Conservation. However there are 171 acres in cane cultivation within the 300+ acres.

Mr. Young said a third is really in a big gulch and the other third is being used for cane and that's why he said it was in a gully.

DEFERRED Mr. Apaka moved to defer action due to lack of much information.  
Seconded by Mr. Arata, motion carried.

For clarification, Vice-Chair Arisumi asked if the deferrment asked for was till the next Oahu meeting. Mr. Apaka felt it might take longer than the next Oahu meeting. Taking a look at the entire project, it might be talking about appraisals or other things and he felt that staff would not have enough time to develop all this information by the next Board meeting.

RECESS 9:15 a.m. to 9:30 a.m.

ITEM H-4

REQUEST TO AMEND CDU PERMIT OA-1302 FOR BEACH PARK IMPROVEMENTS AT HANAUMA BAY, OAHU; TMK 3-9-12:02; APPLICANT: DEPARTMENT OF PARKS AND RECREATION, CITY & COUNTY OF HONOLULU

Presentation of item H-4 was made by Mr. Evans with staff's recommendation for approval of the proposed beach park improvements which are consistent with the previously approved CDUA and Master Plan Scoping.

Mr. Art Challacombe of Wilson Okamoto and Associates was present to represent the Department of Parks and Recreation. He said he previously was a planner with the Department of Parks and Recreation and Haunama Bay was one of his principal projects. He said that while it is true that there is a cut back on the bus traffic, the principal reason for the road widening was for overall congestion including pedestrians that are dropped off from the bus ways presenting a traffic and pedestrian hazard. Responding to Mr. Apaka's question of the shaded areas on Exhibit 5, he explained that the buses would still be allowed to come down to the viewing areas. They just can't drop people off and they will not be able to go down to the beach area.

Mr. Apaka had questions on the new sewer system.

Mr. Challacombe said that this would be a back up system with manual shut-off valves.

ACTION

Unanimously approved as submitted. (Apaka/Arata)

ITEM E-1

THE STATE FOUNDATION ON CULTURE AND THE ARTS' REQUEST TO HOLD A FESTIVAL AT AINA MOANA (MAGIC ISLAND) STATE RECREATION AREA, OAHU

Mr. Nagata made the presentation of item E-1, a request by the State Foundation on Culture and the Arts with Smithsonian Institution assistance to present a similar program that was held in 1989 in Washington, D.C. on American Folklife. He went over all the details listed in the submittal.

Mr. Arata asked if State Parks had looked at other sites as previously suggested by the Board.

Mr. Nagata said they had looked into couple other sites but there were concerns aired. After careful consideration, this site was chosen.

Responding to Mr. Apaka's concerns, Mr. Nagata said that the joggers would still be allowed. Individual tents would be cordoned off and most away from the walkways. There is no intent to stop the jogging activity or any of the fishing or surfing offshore.

Mr. Wendell Silva, Executive Director of the State Foundation on Culture and the Arts was present and he introduced Commissioner Bernadette Sakoda, representing the island of Kauai. He first thanked the Board for allowing them to appear and asked their consideration of their application. He also thanked Mr. Nagata for presenting his application in a very eloquent and articulate fashion. He added that they would like to have this wonderful event for the people of Hawaii. The site of Magic Island or Aina Moana was very carefully chosen and they had expertise from the Smithsonian to take a look at different sites. They are making provisions for a First Aid area and there will be a place for it.

They are trying to make this an important educational opportunity, not only for our people and our young people but for the visitors too. They are targeting the students in the 6th, 9th and 11th grade levels primarily because these people don't have the opportunity for excursions and experience these types of events as opposed to younger children.

Under Recommendation, Condition 2, they would like permission to dig an imu and roast a pig in the Hawaiian fashion. They would have to dig about 2 feet with some coral fill-in and maybe build a mound approximately 16 inches of soil so as not to disturb too much of the land.

Miss Sakoda commented that she was fortunate to attend the festival in Washington D. C. and it was such a wonderful opportunity to see the different activities.

Vice-Chair Arisumi asked Mr. Silva how they selected their concessionaires.

Mr. Silva said that he checked with the Attorney General's Office and they are considering utilizing clubs, ethnic groups and organizations that are trying to preserve the traditions and carry-on the culture. Many of their participants belong to organizations that could really use some fund raising efforts and they are planned to be used. Many are non-commercial vendors who have the capability and experience with working with festivals.

Mr. Apaka asked Mr. Nagata if he would amend Condition 2 to allow for the imu as requested and also to provide for the First Aid facility or area. Mr. Nagata said he would include it in the permit.

ACTION Mr. Apaka entertained a motion to approve item E-1 as amended. Seconded by Mr. Arata, motion carried.

(CONTINUATION)

ITEM H-2 CDUA FOR AN ACCESS ROAD TO THE WEST HAWAII SANITARY LANDFILL AT PUUWAAWAA, NORTH KONA, HAWAII, TMK 7-1-2:01; APPLICANT: DEPARTMENT OF OF PUBLIC WORKS, COUNTY OF HAWAII

Vice-Chair Arisumi recalled the continuance of item H-2 to afford the applicant's representative to appear before the Board.

Mr. Evans said that the applicant has arrived and staff has had opportunity for a discussion with the applicant. As pointed out earlier, the 180 day date on page one is corrected to 8/02/90.

Applicant would like to request a deferral to the next Board meeting of July 27, 1990. Staff indicated to them that a deferral would not be opposed as long as there was time. Staff will be asked to consider all the concerns of the Board that were brought up, even those outside of the Conservation District.

Mr. Evans mentioned that a petition for a contested case hearing has been received. Staff will be referring this petition to the Attorney General's Office for consultation. A deferral today does not mean that the applicant will get it approved two weeks hence.

The County indicated to staff that from their perspective they may want some time to take a good hard look at what's happening on this, and they may wind up withdrawing.

Mr. Bruce McClure, Chief Engineer, Dept of Public Works, County of Hawaii appeared before the Board and said he had no objections to staff's recommendations.

Vice-Chair Arisumi advised the legal counsel for Mr. Bohnett that he would have the opportunity later, not today, to make another presentation because of the deferral.

DEFERRED Mr. Arata moved to defer this item to the July 27, 1990 Board meeting. Seconded by Mr. Apaka, motion carried.

ITEM D-1 AWARD OF CONSTRUCTION CONTRACT - JOB NO. 87-OP-D1, DIAMOND HEAD STATE MONUMENT, SITE IMPROVEMENTS, OAHU

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM D-2 AWARD OF CONSTRUCTION CONTRACT - 3-9W-F, TELEMETRY AND SUPERVISORY CONTROLS FOR THE MOLOKAI IRRIGATION SYSTEM

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM D-3 BOUNDARY AMENDMENT FOR MAUNA KEA SOIL AND WATER CONSERVATION DISTRICT (SWCD) AND CREATION OF HAMAKUA SWCD

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM D-4 APPOINTMENT AND CERTIFICATION OF SOIL AND WATER CONSERVATION DISTRICT DIRECTORS

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM E-1 THE STATE FOUNDATION ON CULTURE AND THE ARTS' REQUEST TO HOLD A FESTIVAL AT AINA MOANA (MAGIC ISLAND) STATE RECREATION AREA, OAHU

See pages 6-7 for action.

ITEM F-1 DOCUMENTS FOR CONSIDERATION:

Item F-1-a ISSUANCE OF LAND PATENT IN CONFIRMATION OF LAND COMMISSION AWARD NO. 9136 TO KINIAKAPO, KAOHE, WAIOLI, HALELEA, KAUAI, TAX MAP KEY 5-5-08:43

Item F-1-b ASSIGNMENT OF GENERAL LEASE NO. S-3809 BETWEEN TELEGLOBE CANADA, INC., ASSIGNOR, AND TELEPHONE AND TELEGRAPH COMPANY (ATT&T), ASSIGNEE, KEAWAULA, WAIANA, OAHU, TAX MAP KEY 8-1-01:23

See page 3 for action.

Item F-1-c ISSUANCE OF REVOCABLE PERMIT TO WILLIAM K. MEDEIROS, KALAHEO, KOLOA, KAUAI, TAX MAP KEY 2-3-07:13

Mr. Young requested to make an amendment on the rental. It should be \$31.00 rather than \$250.00. The collateral security should be \$62.00 rather than \$500.00 and the liquidated damages should be \$19.00. There was an error on the computations and staff is recommending that a permit be issued to Mr. William Medeiros covering a pasture lot comprising of 32 acres in Koloa, Kalaheo, Kauai.

Item F-1-d ASSIGNMENT OF GENERAL LEASE NO. S-5031, LOT 64, KOKEE CAMP SITE LOTS, WAIMEA (KONA), KAUAI, TAX MAP KEY 1-4-04:40

Item F-1-e ISSUANCE OF REVOCABLE PERMIT TO PAM McCOY, GOVERNMENT LAND AND SPRING RESERVE, KALAHEO, KOLOA, KAUAI, TAX MAP KEYS 2-4-01:5 AND 2-4-02:1

ACTION Mr. Apaka moved for the approval of F-1-a, F-1-c as amended, F-1-d and F-1-e. Seconded by Mr. Arata, motion carried.

ITEM F-2 AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 15, 1989 (AGENDA ITEM F-3), DIRECT SALE OF UTILITY EASEMENT, PAHOA VILLAGE LOTS, KEONEPOKO IKI, PUNA, HAWAII, TAX MAP KEY 1-5-117:24

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM F-3 DIRECT SALE OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT, HOOLAWA-MOKUPAPA, MAKAWAO (HAMAKUALOA), MAUI, TAX MAP KEY 2-9-2:POR. 12

ACTION Unanimously approved as submitted. (Apaka/Arisumi)

ITEM F-4 DIVISION OF FORESTRY AND WILDLIFE REQUESTS SET ASIDE OF GOVERNMENT LAND AT KAHAKULOA, WAILUKU, MAUI, FOR THE KAHAKULOA GAME MANAGEMENT AREA

ACTION Unanimously approved as submitted. (Apaka/Arata)

ITEM F-5 PROPOSED SETTLEMENT OF LAND COURT APPLICATION NO. 439 (PIONEER MILL CO., LTD.), LAHAINA, MAUI (TO BE DISTRIBUTED AT BOARD MEETING)

See page 5.

ITEM F-6 AMENDMENT TO PRIOR BOARD ACTION OF JANUARY 26, 1990 (AGENDA ITEM F-7), PUUOWAINA, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM F-7 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES, ON BEHALF OF CITIZENS UTILITIES AND HAWAIIAN TELEPHONE COMPANY, REQUESTS A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR UTILITY PURPOSES, HANAMAULA, LIHUE, KAUAI

ACTION Unanimously approved as submitted. (Apaka/Arata)

ITEM F-8 SALE AT PUBLIC AUCTION, LOT 10, BLOCK 1, KAPAA TOWN LOTS, FIRST SERIES, KAPAA, KAWAIIHAU (PUNA), KAUAI, TAX MAP KEY 4-5-09:43

After Mr. Young's presentation, Vice-Chair pointed out a typo on page one under the heading, Remarks, seventh line the word 'low' should be 'lot'.

Mr. Apaka asked if the lot was in the residential or business area. Mr. Young clarified that it was in the commercial area. It will be offered under the residential price range because of the demand for residential lots.

ACTION Unanimously approved as submitted. (Apaka/Arata)

RECESS: 10:35 am to 10:50 am

ITEM H-1 REVIEW OF CONDITION IMPOSED ON CONSERVATION DISTRICT USE PERMIT FOR A WATER PIPELINE, WEST MAUI FOREST RESERVE, MAUI TMK 3-1-6:01 AND 03 (PORTION) APPLICANT: NED NAKOA; AGENT: MR. ALAN MURAKAMI

Mr. Evans said staff had asked for interpretation of legal considerations from the Department of the Attorney General on a previous approved CDUA because it involved water rights. The rewording for condition 9 as suggested by the Attorney General is listed on page two of the submittal.

Vice-chair questioned Mr. Evans that he thought he saw an article in the paper about two months ago that a Ned Nakoa died. Mr. Evans said he was not aware if that was the applicant.

ACTION Unanimously approved as submitted. (Apaka/Arata)

ITEM H-2 CDUA FOR AN ACCESS ROAD TO THE WEST HAWAII SANITARY LANDFILL AT  
PUUWAAWAA, NORTH KONA, HAWAII: TMK 7-1-2:01; APPLICANT: DEPARTMENT OF  
PUBLIC WORKS, COUNTY OF HAWAII

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Deferred. See page 8.

ITEM H-3 CDUA FOR FLOATING DOCK AT KUAPA POND, HAWAII KAI, OAHU; TMK 3-9-34:33;  
APPLICANT: MR. E. HAROLD EDWARDS

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ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM H-4 REQUEST TO AMEND CDU PERMIT OA-1302 FOR BEACH PARK IMPROVEMENTS AT  
HANAUMA BAY, OAHU; TMK 3-9-12:02; APPLICANT: DEPARTMENT OF PARKS AND  
RECREATION, CITY & COUNTY OF HONOLULU

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See page 6 for action.

ITEM H-5 AFTER-THE-FACT CDUA AMENDMENT FOR AN EXISTING SWIMMING POOL, TILE  
PATIO(S), JACUZZI AND POOL EQUIPMENT SHED, AND FOR A PROPOSED  
SECOND-FLOOR ADDITION TO AN EXISTING HOUSE, KAHAULOA, SOUTH KONA,  
HAWAII; TMK 8-3-05:16; APPLICANT: BILL M. BRODBECK

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Before his presentation, Mr. Evans distributed to the Board copies of a revised Item H-5. He explained the reason H-5 had to be revised were questions to the violations. The applicant has been contacted and advised and indicated of staff's recommendations. Staff is addressing it in two parts, the violation and the application.

Staff has addressed each after-the-fact violation separately, the pool, tile patio, jacuzzi and the pool equipment shed already in existence for a total of \$2000.00 fine (\$500 each).

Staff is also recommending the Board deny this application which is for the second floor addition, as the applicant has not even completed a CDUA form, the Environmental Assessment has not been done.

Discussion followed on applicant's responsibility to the after-the-fact violations, possible recommendation to remove the violations and the amount of the fine.

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM H-6 AUTHORIZATION TO APPOINT A PUBLIC HEARING MASTER FOR HA-2380

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ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM I-1 APPOINTMENT OF LICENSE AGENT: SCHOFIELD BARRACKS EQUIPMENT CENTER,  
ISLAND OF OAHU

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Mr. Nagata made the presentation of the I items.

ACTION Unanimously approved as submitted. (Arata/Apaka)

ITEM I-2 OUT-OF-STATE TRAVEL REQUEST FOR MR. WENDELL W.S. KAM

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ACTION Unanimously approved as submitted. (Arata/Apaka)

Vice-Chair Arisumi commented that the Board is consistently approving Out-Of-State travel requests, whether it be funded by State, County or Federal agencies and he felt that the person or persons traveling should submit some kind of report back to the Board of the accomplishment by their attendance.

- ITEM J-1      GIFT, PACKAGED FOODS, FLORIST AND SUNDRIES CONCESSION, KAHULUI, AIRPORT, MAUI
- ACTION      Unanimously approved as submitted. (Arata/Apaka)
- ITEM J-2      LEASES FOR LEI VENDING CONCESSION, HILO INTERNATIONAL AIRPORT, HAWAII (AH LAN HIRO, AH LIN LOO, ANNA KAMAHELE)
- ACTION      Unanimously approved as submitted. (Arata/Apaka)
- ITEM J-3      AMENDMENT NO. 1 TO LEASE NO. DOT-A-84-37, KEAHOLE AIRPORT, HAWAII (THE HERTZ CORPORATION (HERTZ))
- ACTION      Unanimously approved as submitted. (Arata/Apaka)
- ITEM J-4      APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4666, ETC., AIRPORTS DIVISION
- Mrs. Himeno wished to be excused from voting on Revocable Permits Nos. 4666, 4674, 4681 and 4682 due to a conflict of interest.
- After a brief discussion, the Board agreed to defer only the Revocable Permits Nos. 4666, 4674, 4681 and 4682.
- ACTION      Mr. Apaka moved to approve Item J-4 as amended. Seconded by Mr. Arata, motion carried.
- ITEM J-5      APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4676 AND 4677, AIRPORTS DIVISION
- ACTION      Unanimously approved as submitted. (Arata/Apaka)
- ITEM J-6      ISSUANCE OF A LEASE FOR A RESTAURANT AND PARKING LOT, KEWALO BASIN, HONOLULU, OAHU
- ACTION      Unanimously approved as submitted. (Arata/Apaka)
- ITEM J-7      SALE OF A LEASE BY PUBLIC AUCTION, HARBORS DIVISION, FOUR TAXICAB STALLS, FISHERMAN'S WHARF RESTAURANT, KEWALO BASIN, HONOLULU, OAHU
- ACTION      Unanimously approved as submitted. (Himeno/Apaka)
- ITEM J-8      ISSUANCE OF CONSTRUCTION RIGHT-OF-ENTRY AND NEGOTIATED LEASE, KAWAIHAE HARBOR, HAWAII (MATSON NAVIGATION COMPANY, INC.)
- DEFERRED      Item J-8 was deferred as Ms. Himeno informed the Chair of a conflict of interest.
- ITEM J-9      AMENDMENT OF PREVIOUS BOARD ACTION FOR THE SALE OF A LEASE AT PUBLIC AUCTION, HARBORS DIVISION, KEWALO BASIN, OAHU
- Mr. Garcia gave his presentation of item J-9.
- Under Recommendation C. The annual rent is waived for the first year of the lease term. Mr. Garcia said they wished to add, "or when the lessee first begins operation whichever occurs first."
- ACTION      Unanimously approved as submitted. (Apaka/Arata)
- ITEM J-10      ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU, OAHU (ALOHA CARGO AGENCY SERVICES, INC.)
- ACTION      Unanimously approved as submitted. (Himeno/Apaka)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 9 - PILOTS  
TUNNEL-ALOHA TOWER COMPLEX, HONOLULU HARBOR, OAHU (WALDRON STEAMSHIP  
ITEM J-11 COMPANY)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 9- MEZZANINE,  
ITEM J-12 ROOM 1, HONOLULU HARBOR, OAHU (PACIFIC MARITIME ACADEMY)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8 SHED, HONOLULU,  
ITEM J-13 OAHU (THE WEBE CORPORATION, LTD.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 42, HONOLULU  
ITEM J-14 HARBOR, OAHU (HEALY TIBBITS BUILDERS, INC.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR  
ITEM J-15 DISPOSAL AREA, LIHUE, KAUAI (KAUAI BUILDERS, LTD.)

ACTION Unanimously approved as submitted. (Apaka/Arata)

ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NAWILIWILI HARBOR,  
ITEM J-16 LIHUE, KAUAI (HIRAM K. PIA)

ACTION Unanimously approved as submitted. (Apaka/Arata)

ISSUANCE OF REVOCABLE PERMIT NO. HY-90-055, HIGHWAYS DIVISION,  
ITEM J-17 HALEAKALA ROAD AND PAIA SPUR, PARCEL A, WAILUKU, MAUI (E. E. BLACK LTD.)

ACTION Unanimously approved as submitted. (Arata/Apaka)

ISSUANCE OF REVOCABLE PERMIT NO. HY-89-043, HIGHWAYS DIVISION, FAP NO.  
ITEM J-18 U-097-1(1), LILIHA STREET WIDENING PROJECT, BETWEEN KING STREET AND  
VINEYARD BOULEVARD, OAHU (HAWAIIAN DREDGING & CONSTRUCTION COMPANY)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

Vice-Chairman Arisumi on behalf of the Board wished to welcome Ms. Sharon Himeno to  
her first Land Board Meeting.

ADJOURNMENT: There being no further business, the meeting was adjourned  
at 11:35 a.m.

Respectfully submitted,

*Dorothy Chun*

Dorothy Chun  
Secretary

APPROVED FOR SUBMITTAL:

*William W. Paty*

WILLIAM W. PATY, Chairperson