

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

DATE: NOVEMBER 9, 1990
TIME: 9:00 A.M.
PLACE: BOARD ROOM
KALANIMOKU BUILDING, ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

ROLL
CALL

Chairperson William W. Paty called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi
Ms. Herbert Apaka
Ms. Sharon Himeno
Mr. Christopher Yuen
Mr. William W. Paty

STAFF Mr. W. Mason Young
Mr. Roger Evans
Mr. Ralston Nagata
Mr. Gordon Akita
Mr. Maurice Matsuzaki
Mr. Nathan Napoka
Ms. Dorothy Chun

OTHERS: Ms. Linnel Nishioka, Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Mr. George Houghtailing, Mr. Ben Kaito,
Mr. Wendell Foo, Mr. Jerry Rothstein, and
Mr. Patrick Smith (Item F-2)
Mr. Ivan Lui Kwan, Mr. Carl Uesugi, Mr. Bob Nako,
Senator Michael McCartney, Mr. Bob Nakata, Mr.
Robert Fernandes, Mr. Gilbert Silva, Mr. Charles
Reppun, Ms. Cecelia Akim, Ms. Carol Lucey, Ms.
Lola Mench, Mr. Ed Stevens, Mr. Jim Schwenker,
Ms. Pat Tummons, Mr. Terrence Carroll, and Mr.
Andrew Yanoviak (Item H-4)
Mr. Norman Hong (Item H-5)
Mr. Allan Tom, Mr. Robin Bond (Item H-7)
Ms. Anne Lo-Shimazu, (Item F-1a)
Mr. Gordon Wentworth, Mr. Tom Witten (Item H-6)
Mr. Kelvin Kai, Mr. Jimmy Ashford (Item H-2)
Ms. Lynn Knudsen-Fragas, Mr. Jared Lum (Item H-3)
Mr. Alan Brown (Item H-1)

ADDED
ITEM:

Upon motion by Mr. Arisumi and a second by Mr. Apaka, the following item was added to the agenda:

Item A-2 Approval to Engage the Services of a Consultant to Undertake an Archaeological Survey of Portions of Ohikilolo and Keaau, Oahu

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

ITEM F-2 RESUBMITTAL-REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS HAVING RESOURCE VALUE TO THE STATE, HOLUALOA 1ST AND 2ND, NORTH KONA, HAWAII

Mr. Mason Young went over the remarks in the submittal adding that Councilman Harry Ruddle has introduced a resolution to the council asking that this area be set aside for a county mini park. The resolution has not passed as yet but Councilman Ruddle is pushing for it.

Staff has reviewed the application again and is recommending that the Board rescind its action taken at its January 27, 1989 meeting and approve and authorize the acquisition of the subject parcel for the purpose of using it as a shoreline area for access by the public and for the County mini park.

Attorney for the applicant, Mr. Ben Kaito requested that he be allowed to present some maps and diagrams. He then introduced Mr. George Houghtailing, Planner and Civil Engineer for Community Planning who acts as consultant on this matter and Mr. Wendell K.S. Foo, representing his family who are the owners of this parcel in question.

Their presentation would be addressed to two major points in the staff's recommendation for the acquisition. 1) Flood control, they pointed out that there was an existing flood control facility there, 12' wide easement and a 5' culvert, which takes care of the existing surface water problems. 2) The merits relating to the public purpose for acquisition second point, the mini park purpose which they would like to point out that this is not suitable.

Mr. George Houghtailing, Consultant Civil Engineer for the project then read his testimony into the record regarding the events that led to up to today's proposed action. (A copy of his testimony has been placed in the departmental folder.)

Mr. Houghtailing pointed out that the Board was considering to condemn the Foo's property and rescind the Board's January 27, 1989 authorization of a sale of a remnant parcel of the Old Government Road. He also talked about the area not being suitable for a mini park and summarized that he sees no evidence of public need to condemn the Foo's property.

Mr. Foo addressed the Board on behalf of himself and his family. He expressed disappointment when he received a letter from Mr. Paty informing him that he was going to rescind the Board's previous action. He also said they felt they were being treated very unfairly and unjustly.

Mr. Foo told the Board that the property is really unsuited for a park as it is very small and not suitable for swimming. He stated that there were many properties along Alii Kai Drive that have larger parcels more suitable for a park. He told the Board that he grew up in Kona, and everyone used the church property as a park and everyone knew it as an old Hawaiian school.

Mr. Foo claimed the State did not need to condemn their property as there already was a natural beach access for the public which people have been using for many years. He continued on to tell the history of how his family first came to Kona beginning with his grandfather about 120 years ago and how he was born and raised in Kona among the Hawaiians.

Regarding flood control, he said he has never heard of a flood in this area in the last 46 years. There is a culvert large enough well suited for any heavy rains which they've never had.

He asked the Board not to rescind the Board's previous action, please not to condemn their property, his mother is 84 years old and this is causing a lot of hardship on the family. He again mentioned that he felt this was very unfair and unjust because of the whims of a few people.

Mr. Yuen asked if he had any plans for the property if they were allowed to purchase the other parcel.

Mr. Foo responded they have no intentions of selling the property. They want to keep the property and pass it on to their children to enjoy. Presently they have this elderly lady living on the property but one day they hope to improve the structure.

Ms. Himeno questioned him on one alternative that was mentioned in the staff report that was property exchange. Mr. Foo pointed out an area in which he would agree to an exchange to leave the house intact where it is.

Ms. Himeno had a question for Mr. Young, "Is there something about this piece of property where the house is situated, that makes it so uniquely attractive for the purpose of a State park as opposed to further up or even on this map you have a big piece of State land."

Mr. Young informed her that the big piece of State land is already leased, there is a graveyard there next to the property which is the subject matter today. If they had to open it up to the public they would need to worry about the graveyard. The intent of the lease to the church was for the purpose of renovating the area and bringing it back to a position where it could be used. They've cleared the area and made improvements.

Mr. Foo referred to the improvements mentioned that all they've done is cut the grass, blocked of the natural easement to the public. They've put a shed there.

Mr. Jerry Rothstein from Kailua-Kona said he had come here this morning on behalf of public Access Shoreline Hawaii (PASH), a public interest coastal zone and read his testimony into the record. He commended the Board on its pending action today to acquire the Foo property for resource value.

Mr. Rothstein continued to talk about the need for a recreational resource for the community, mentioning that a small white sand beach is situated between the Foo property and a large condominium. He presented copies of news articles relating to this property. (A copy of his written testimony has been placed in the departmental folder.)

Mr. Rothstein then rebutted previous testimony which covered the encroachment, the gratis exchange which was strongly opposed, flood control and the culverts, most suitable for a mini park and about Mrs. Robinson the present elderly occupant, they have no intention to ask the Board to do anything about her being there.

Mr. Patrick Smith of the Church called Hale Halawai, Holualoa passed some photos to the Board taken in 1906. He gave a past history of the church area and confirmed it was used as a school for a short period of time. The property has always been open and accessible. They are presently awaiting approval from County of Hawaii before doing restoration on the church. He said they didn't want the Foo family to suffer but said it was built on State land and they felt this property should be preserved for the people of the community.

Mr. Foo wished to clarify that when they built the house and the wall, they had a permit with the City and County, it was all done legally. He said if their property were condemned the shoreline would not be contiguous all the way through as Mr. Rothstein mentioned. There's also White Sand Beach that's well used by the public and adjacent to that there's a small beach area.

Mr. Yuen addressed the Chair saying that he does believe that this would be a good area for the public to acquire as it is difficult to get across that part of the seawall particular at high tide. It's important to have good shore front access for people living in the immediate vicinity. The Foo's have certainly made a sympathetic presentation and he hoped the Board can find a way to keep the person that's been living there for so long in there. He said he would suspect it would take a long time to be ready to do anything with that property.

Regarding the situation with the Foo's, Mr. Yuen said that they have had the use of the State property behind their property where their house is on for the past 25 years.

ACTION

Mr. Yuen moved that the Board adopt staff's recommendation and that the deposit that the Foo's made be returned to them. Seconded by Mr. Arisumi.

DISCUSSION

Commissioner Himeno requested a recess before decision-making as she wanted to take a closer look at the photos and maps of the area.

RECESS

10:20 a.m.-10:25 a.m.

Mr. Yuen asked to make one other comment, "Even if the State were not to try to acquire that property, I would have a lot of difficulty with the concept of the State selling the road remnant immediately behind the house site upon which the house is built, for the reason that this is near ocean front property in a very densely developed area which the State should really try to hold onto. It's difficult for me to accept the argument that because the house was built across the property that that's the justification for selling it to the Fools. 1964 is not all that long ago and I do think that somebody made a very serious error when they built that house. If the State were not to sell the little remnant to the Foo's then there really is a dilemma about what to do about the house, I don't think we can leave it there as a knowing encroachment across State property, than to be torn down. I believe the Foo family is left with an unbuildable site. This may be in the long run, I think it is a good move for the public, public recreational resources, I think also, when we consider the other alternatives, I'm sure the Foo's don't see it this way, but I do think that there's a good alternative for the Foo's compared to us simply walking away and leaving the situation as it is."

Ms. Himeno addressed the Chair saying that she also wished to comment that this particular subject matter bothers her for a couple of reasons. When someone buys property, it's their property. In absence very compelling reasons, it should remain their property. If the property goes up in value that's their gain and if the property goes down in value, that's their problem. In this case, the Foo family bought the property many, many years ago before there was all this other development and all this population growth, which is now the reason being given to condemn the parcel for a park. For the people in the area and the residents to use it who weren't there frankly when the Foo's bought it many, many years ago.

On the other hand, Ms. Himeno did want to echo Mr. Yuen's point, that because the residence is encroaching and has encroached on government land, State land for a number of years, that to her is the straw that breaks the camel's back in a sense, now what's the Board to do. From the testimony heard today, it would be difficult to build a suitable residence on that small piece of property. So with that retrospect, she feels it is better for the State to go in, condemn the property, the public gets the benefit of the park space, the Foo's get their fair market value of the land. It's not a great solution all around, but in her opinion the most reasonable solution that the Board has before them and because of the fact that the house is encroaching on government land and has done so for many years. She felt that the Board could not just close its eyes and permit that to continue.

The Chairperson added that due to the testimony offered by the landowners that relative to like, change of position, he thinks it's being reflected in what Ms. Himeno said that there are two sides to the issue and it's not an easy issue that seeks decision when the concerns of private landowners for the time they've been there played against the strong concerns of the community has for access in a crowded area. He made no apologies for the dilemma that he felt that he faced in trying to address the issue. He did want to make that point because it was a reversal of his original position but it came about because of considerable concern, study and review.

QUESTION

There being no further discussion, the Chair called for a vote on the motion. Motion carried.

Mr. Foo made a final statement, "The old territorial road goes all along the that entire Alii Kai coast. You're going to have to condemn the entire Alii Kai Coast."

ITEM H-4

REQUEST FOR A TIME EXTENSION FOR CONSERVATION DISTRICT USE PERMIT OA-1947, MINAMI GOLF COURSE AT KOOLAUPOKO, OAHU, TMK 4-5-21:1 AND 6; APPLICANT: MINAMI GROUP (USA), INC.

Mr. Evans informed the Board that subsequent to preparing the submittal members of the community expressed concerns and he was able to meet with the community leadership group. As a result he passed out a supplement to the Board this morning.

He gave some background of the CDUA and previous extension requests. He then commented on the EIS report, foreign membership, wastewater system, impact on increased traffic from golfers and other concerns.

Staff feels because of two significant changes that occurred subsequent to the EIS document, neither of which was disclosed, discussed or listed as an unresolved issue, 1) the inability to complete the project within the time frame as stated in the EIS and 2) the report to staff which is under question, of a change in membership configuration to 100% foreign from 44 and out-of-state; thus according to that report that staff was given, disallowing any local membership and staff distinguishes local membership from local play. Due to these changes, staff feels it is appropriate before the board takes any discretionary action in extending the time frame to 14 months to revisit the issue in terms of its impact on the community. Staff is also of the opinion that in the aggregate, adverse impacts will occur in the community through a number of actions or potential actions, such as the effects of stream run-off, ground water seeping into Kaneohe Bay, the requirements of the community through water, fire, ambulance, medical and wastewater functions, the increase in traffic and the negative aspects of employment generated by the operation of the project.

The owner-developer applicant was notified by mail of staff's concerns relative to the sensitivities of the community.

Mr. Evans continued to elaborate on the many different types of impact or user fees and surcharge.

Based upon the supplemental analysis, staff is recommending that the Board allow construction to continue for a period of 30 days such that the applicant be provided an opportunity to indicate through concrete action how they intend to offset the negative impacts of the project on the community subject to conditions set forth in the original submittal.

The Chair asked if Mr. Evans would like to review the other recommendations for the record.

Mr. Evans said the other recommendations for the record are that the applicant shall submit to the department a three million dollar performance bond for completion of the project. In the event the project is not finished by December 31, 1991, the bond shall be redeemed and funds will be used for any remedial work at the site deemed necessary by the Board as well as other terms and conditions prescribed by the chairman and it would also incorporate all the conditions in the original application OA-1947 which the Board put forth. It is a part of exhibit A, conditions 1-25.

Mr. Evans continued that statements were made in the EIS about how long it was going to take to complete the project. The Board put a standard three year condition and there was no variance at that time on the project being completed. What happened was the applicant comes in and says he needs a time extension. The Board granted a 6 months time extension and a subsequent 2 more time extensions. When the Board approved this golf course, there was not a sense of concern in the community relative to golf courses that there is today.

Questions were asked of Mr. Evans by the board ranging from fees, local employment, length of workable time extension, performance bond and conditions met regarding drainage, erosion and husbandry in the area.

Mr. Evans did mention that the applicant is in compliance with all other conditions with the exception of completion in three years.

Representatives for the applicant were Mr. Ivan Lui Kwan, Counsel for Minami Group U.S.A., Inc., Mr. Carl Uesugi, Executive Vice-President and Mr. Bob Nako, owners' technical representative.

Mr. Lui Kwan requested to respond to concerns of staff and the Board. He informed the board that Mr. Masao Nangaku was unable to be present today because of his physical condition. He also requested to read into the record a letter from Mr. Nangaku which was translated.

"Dear Mr. Paty: I am herewith informing you of my bad physical condition with diagnosis. I have been out of health since I have come back from Las Vegas. Please accept my deep apologies for not being able to attend the Board meeting. Commending the matter to your kind attention. Signed, Masao Nangaku."

Mr. Lui Kwan presented the Board with a copy of the diagnosis (in Japanese characters) which would need to be translated.

Mr. Lui Kwan wanted to reaffirm the statement of staff that they would need additional time for these kinds of negotiations. Complicating that are several factors that the Board of Directors and Mr. Nangaku are in Japan and it's right around the holiday season. Notice will have to be given to the interested parties including Board members. To come up with something reasonable and effective they will need at least 45 days. The intent in asking for the 45 days extension is to be sensitive to the needs of the community, the desire to be a good neighbor to try and work with the community and reach some resolution of the concerns expressed.

His partner has met with Senator Mike McCartney and Reverend Nakata and Mr. Reppun and they indicated some of their concerns and needs. They would like some consideration of their perspective as a background to entering into these discussions. He then went over points of their perspective. He also mentioned that it seems unfair that 4/5ths of their project is completed and now the rules are being changed.

Another thing he'd like to throw on the table is reference made by staff about the supreme court decision of Nolan vs California Coastal Commission. Their analysis of that case indicates that the ruling which is the base and the supreme rules of the land on this issue are there must be a rational nexus between the conditions imposed and the conditions imposed or suggested be imposed in this case at the present time are those things mentioned by staff, like the user fees, the gymnasium at Castle High School, a park, and community facility. What the Supreme Court has said is that there needs to be a connection a rational nexus between these kinds of conditions and the purposes of the regulations. The regulations are reflected in your rules on Title 13, Chapter 2, Section 13-2-21. Those rules and regulations, those purposes talk about locality and surrounding areas, talks about preservation of existing and physical environments such as open space and natural beauty, about infrastructure. There's no reference to things such as community centers, gymnasiums and the like.

Mr. Lui Kwan said that they were prepared to sit down because they are concerned about the concerns expressed by the community. They are ready to sit down with the community leaders, department staff and address the concerns and try to hopefully come up with a solution that's acceptable to everybody.

Ms. Himeno offered one comment to Counsel for the applicant. You mentioned you felt the rules had been changed on you because when they went through the initial process in 1987, conditions were placed and now they feel as though the situation is different, the rules have changed. She wanted to point out that if the applicant had stayed within the three years completion date, he would be absolutely right. Then if the Board tried to stick its nose under the tent and say, 'by the way, do these other 10 conditions', I think that would be correct but in this instance, one of the conditions was not complied with and you are here now asking for extension of that condition and the Board is re-examining where you're at, what's going on and community input on all these other types of issues. So, she just wanted to make the point that it's not a completely accurate statement that the rules have been changed, the situation has changed and it's been caused by the failure to comply with that one condition.

Mr. Lui Kwan said he appreciated that comment and agreed that's one of the conditions that's not been complied with. He also wanted to point out that according to the rules and regulations in Title 13, Chapter 2, 13-2-21c provides a mechanism by which you assess and you analyze the situation like this one, asking for an extension because one of the conditions has not been complied with and that's 13-2-21c. It talks about the criteria and deviation, meaning deviation that it's not completed on time. The deviation is necessary because of the lack of practical alternatives is that the problem of rain, they couldn't complete their project on time. The second criteria is the deviation shall not result in any significant adverse impacts effects to the environment. Those effects to the environment were prior to the issuance of the permit back in 1987. The third is that the deviation shall not conflict with the objection of the subzone, that is also determined back in March 1987, that the project was consistent with the objectives of the subzones. Fourth, that the deviation is not inconsistent with the public health, safety, or welfare of the public and they believe that completing the project is consistent with public health, safety or welfare.

He said if the project is stopped, the land has been graded and exposed and if rain comes on there may be damage, runoff and erosion.

Ms. Himeno commented that clearly the health, safety and welfare of the public could change and the considerations could change and that is what the Board is considering at the present time and felt that it is covered in the regulations and rules.

Mr. Arisumi asked about the membership.

Mr. Uesugi said they were trying to work out the membership projection and definitely they will try for a majority of local membership.

Chairperson said there has been talk about sale of the property.

Mr. Lui Kwan said there has been concerns going around and whispers going around that the Minami Group has casual problems. He wanted to indicate to the Board that the present intention of the Minami Group is to retain and complete the project and to hold on to it.

Members of the community were then invited to testify.

Mr. John Reppun read his testimony into the record. He spoke of his concerns and the impacts on the land. He asked that the Board defer action on this extension request while the State, City and the community review their concerns and goals. (Copy of his testimony is filed in the Departmental Board folder.)

State Senator Mike McCartney shared what he felt was the community consensus on the project which he said was negative. He said upon coming into office he received many calls on what the impact of this project will be and how it even got approved. One point he wanted to make was, 'It's easy to look backward and I think the challenge is for us to look forward now.' The decision has been made and he feels how can we arrive at common ground between the community, the State and the developer who has some vested rights that he'd like to see taken.

Mr. Bob Nakata, resident of the Kahului area, read into the record the testimony of Mr. David Chinen, President of the Waiahole, Waikane Community Association representing 90 families in the area. They support a time extension for CDUA OA-1947 conditional upon Minami Group U.S.A. providing a community benefit package for the impacted area as part of an impact fee. For impact fees to be constitutional there must be a nexus between the impact of the project and the conditions imposed. They would like to suggest examples of what could be included in this package; infrastructural improvements for Kaneohe, capital improvements for Castle High School, a top priority would be a new gymnasium and olympic pool and accompanying facilities, scholarship program for Castle High School, job training programs for full time employment at the golf course and a perpetual trust fund for Castle High School that will continue as long as the golf course is in operation. Since the spring of 1988 the YWCA and the Pan Pacific Azabu U.S.A. through the creation of a partnership between the developer and the community have been working on a community benefit package that has exceeded 42 million dollars, they are still working on this package and fine tuning it. In summary it is mandatory that Minami U.S.A. provide the Kaneohe community with a community benefit package commensurate with the size and scope of their project. It is under these conditions that they support a time extension for their permit.

Mr. Bob Nakata said his comments were that one of the ways this golf course can be looked at is from the island-wide impact. He feels that it is very important to the youth and others in windward Oahu as well as those in Honolulu. He dwelled on the use of conservation land its value increased because of a permit issued and benefits.

Mr. Robert Fernandez, President for the Concerned Residents of Waiahole-Waikane presented written testimony opposing the granting of an extension of this permit. (Copy of testimony placed in Departmental Board Folder.)

Mr. Fernandez said he also had written testimony from John Charlot, resident of Waiahole Valley of which he read into the record. The testimony also opposed the extension of the permit to Minami U.S.A. Inc. It also mentions assessing impact fees that would compensate the community because of this project. (Copy of testimony placed in Departmental Board Folder.)

Mr. Gilbert Silva stated that he was born and raised in Kahului and now resides in Kaneohe. He was personally against anymore private golf courses on the windward side. He said he felt it was not too late to know what the public on the windward side will get from Minami if an extension is given. He went on to mention areas for the youth of the community and monetary contribution.

Mr. Charles Reppun submitted written testimony and he said he would summarize it. He said the Board should consider this from two points of view. First of all he believed the Board failed when they issued the original permit to look at this project as a resort. He is not aware of of any accounting plan that says that Kaneohe should be a resort destination. He then talked of public play on the course.

Secondly, he feels the Board should look at the use of Conservation Land and how the permit has changed since it was issued. He also spoke of impact fees and job scales. (Copy of testimony placed in Departmental Board Folder.)

Ms. Cecelia Akim, resident of Kaneohe for past 20 years, testified that she felt the golf courses in the area were strictly for tourists and foreigners and also that they would cause her property tax to increase. She posed the question, "What happened to the community development plan, where are the benefits for windward community?" In ending, she said she supported staff's recommendations.

Ms. Carol Lucey, 17 year old graduate of Castle High School, testified that she had lived in Kaneohe all her life. She expressed concern as to where the recreational areas in the windward area would be for her and her friends. She also expressed concern on the foreseen high cost of homes in the future that people living in that area will not be able to afford.

Ms. Lola Mench, 44 years resident of Kahaluu and member of the Kahaluu Neighborhood Board, Conservation Chair of the Hawaii Chapter of the Sierra Club wanted to bring up one point that they did respond to the EIS. There was quite deep concern about this golf course from the beginning by people who made it their business to look down the road and see what's going to happen. They did draw their attention to the weather conditions and the difficulty they would have in developing this golf course. She also mentioned that many people in the community did not know about this.

Mr. Ed Stevens, past chair of Sierra Club Chapter and past chair of Kahaluu Neighborhood Board testified as an individual and said he wanted to reinforce Robert Fernandez' comments, that they had fought long and hard to get this plan that has significant conservation and agricultural areas in it. They didn't fight to get those designations to be filled up with golf courses. They would be open space and lands for perhaps hiking and agricultural lands for future uses. He felt that for the courses that are ultimately approved, that there be significant impact fees imposed.

Mr. Jim Schwenker, Kaneohe resident, said he lived above the wetlands of Heeia and their are problems of drainage and runoff into the bay. He felt the increases of the golf courses would greatly affect the bay and he was very much opposed to the golf courses other than well surveyed courses in a minimal amount.

Ms. Pat Tummons, resident of Koolaupoko area wanted to just make one comment. "While I'm sympathetic to the idea of imposing impact fees on golf courses in general, I am very sympathetic also with the applicant's position that this is changing the rules. It seems as though suddenly everyone seems to be imposing impact fees on golf courses so why don't we at the DLNR do the same, we just didn't think of it soon enough in the case of Minami and we're trying to make up for lost time. I think it's unseemly. It makes us look as though we are happy to give away conservation land if the price is high enough and we've realized that we got taken in 1987 and we're trying to make up for lost time. So sympathetic as I am, I am not in favor of suddenly deciding that we're changing rules in the middle of the game. But I would suggest instead, in the original staff submittal that was given you for this meeting, in which I was able to look at, there is one option. Option No. 2 provided that the Board might want to declare this permit null and void and require the applicant to restore the property to its natural state or as close as could be gotten to. What I would suggest instead, is have the permit declared void because the applicant has not complied with the conditions, not require the applicant however, immediately to restore the site, perhaps have a moratorium on further development of the site pending the resubmittal of the CDUA. That would give the Board an opportunity to readdress shortcomings in the original EIS. It would give the Board further opportunity to hear community concerns and to try to incorporate any impact fee that they might want to assess on the Minami development with an overall policy on golf course development in Conservation lands."

Mr. Terrence Carroll, lifelong residence of Kailua, also member of Kailua Neighborhood Board Planning and Zoning Committee, testified that he was completely opposed to any further extension of time of the Minami development and would like to see the project stopped dead in its tracks. He questioned how the clubhouse was allowed to be built. He felt it was not conducive to the area.

Mr. Andrew Yanoviak, Architect planner consultant and President of Save Mount Olomana Association, appealed to the Board to revert their earlier decision. He made reference to the subzone that the golf course was built on and questioned the building of the clubhouse. He appealed to the Board to answer the questions of the public today. He continued to criticize staff in not putting up maps, charts and tables and also the board regarding the zoning and use of lands. He asked that the Board look at this particular application and decide how they're going to address it and respond not only to the Governor but to the people in the community. Questioned the strategies and tactics of the Land Board here in Hawaii regarding attracting outside investors into our state.

Mr. Arisumi requested to make one comment that this is not a public hearing so that is one reason staff has not put up numerous maps and charts. He also felt that staff was doing a great job. He also said he would accept all criticism.

Mr. Yanoviak again made reference to the Board answering questions of the public. He asked how can the board permit with regard to the administrative rule the massive concrete 120 million dollar clubhouse in the resource subzone of the conservation land.

Mr. Arisumi questioned the amount of 120 million dollars for the clubhouse.

Mr. Nako responded that the clubhouse was contracted in the amount of 22 million dollars.

Mr. Joe Pickard testified that he and his brother Walter Pickard operate a small business on Kaneohe Bay and he was here this morning because of his concerns of what is going on in Kaneohe Bay. He pointed to the map of the area that was put up by Mr. Reppun saying how heavily the landslide

development has and will impact the bay. If Minami is granted an extension, he would like to see that they contribute to the Kaneohe Bay Fund that will look at how all the golf courses will impact the bay. He also stated that there should be a master plan of the area.

Chairman Paty addressed staff saying, "For the record you did have the Minami group into the office and you did review with them in some detail plans for completion, they did have a time log chart on every aspect of their construction proposal, is that so?"

Mr. Evans said, "To answer your question Mr. Chairman, we asked the Minami Group to submit to us prior to developing any kind analysis was a specific item by item construction schedule for each item that remained uncompleted on the project in total. They submitted to us this item by item, if you will, construction schedule showing various things, such as the cutting of piles, the layouts, the concrete work, the backfill, the concrete work for that and going down to such things as metal doors, wood doors, trellises, yard work, sky lights, relative to every aspect that remained uncompleted and we did, based upon that submittal incorporate that construction schedule and the various time frames that various items would be completed into our analysis and thus based upon the incorporation of that, the staff did come up with a requirement on behalf of the applicant for the 14 month extension."

Ms. Himeno commented that hearing the concerns and the testimony presented here today, one of the alternatives that were expressed by some of the people here today were to cancel the permit or deny the permit and start all over again. I was not on the Board when the initial permit hearing was done and approved, but I do think that we have to respect the prior decisions of the Board, otherwise we would have chaos and no continuity at all. However, in light of the concerns and the testimony we have before us, she would like to move to accept staff's recommendation and to give the Minami Group a 45 day extension, and as Senator McCartney very eloquently stated, to sit down, talk to the community, air out the concerns and see if something can be worked out.

ACTION Ms. Himeno moved that the Board accept the staff recommendation, but amend it to instead of 30 days to 45 days. Seconded by Mr. Apaka.

After a discussion, Ms. Himeno amended her motion to extend it to the first meeting in January 1991. Motion carried.

RECESS 12:55 p.m.-1:15 p.m.

ITEM H-7 CDUA TO ESTABLISH AN ENVIRONMENTAL EDUCATION PROGRAM AT HANAUMA BAY, OAHU, TMK 3-9-12:02; APPLICANT: SEA GRANT EXTENSION PROGRAM, UNIVERSITY OF HAWAII

Mr. Evans presented the request for proposed educational tours within Hanauma Bay park boundaries. In August 1989, applicants were issued a temporary variance to establish a pilot educational tour project. Applicant has submitted reports on the activities to staff on August 1990.

Staff is recommending approval subject to the listed 10 conditions.

Mr. Allan Tom of the University of Hawaii, Hanauma Bay Educational Coordinator informed the Board that they have more than just tours. They have lectures going on throughout the park. They are trying to educate the public and they also have an outreach program going to various schools and community groups who are unable to come to the park.

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM H-5 REVIEW OF CDUA FOR A SINGLE FAMILY RESIDENCE AT HAWAEA POINT, KAPALUA, MAUI, TMK 4-2-01:03 (CONTESTED CASE RESOLUTION), APPLICANT: T.P. LIEM; AGENT: GROUP 70

Mr. Evans explained that the parties in the case got together in a mediation process. Through a series of meetings, mediated the case so that they came themselves to a negotiated settlement agreement. Because all parties agreed on the negotiated settlement agreement, there is no further requirement for a contested case.

This morning staff is asking for four things listed under Recommendation on page 3 of the submittal.

Mr. Hong representing the applicant had no comments.

A representative of the petitioners commented that they were very proud of the settlement mainly because they've been able to protect open space coastal values and conservation values. Mr. Liem has dedicated permanent

public use of a significant portion of the property and this was something that they couldn't get any security about and since they had that security they felt it was all worthwhile. He thanked the staff, the applicant and the Board and felt that it was a good process and that it came out with a good result.

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

ITEM F-7 RESUBMITTAL-DIRECT SALE OF RECLAIMED LAND (FILLED) LAND AT KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU, TMK 4-5-58: SEAWARD OF PARCEL 45 (MEDFORD)

ITEM F-8 RESUBMITTAL-DIRECT SALE OF RECLAIMED LAND (FILLED) LAND AT KANEOHE BAY, KANEOHE, KOOLAUPOKO, OAHU, TMK 4-5-58: SEAWARD OF PARCEL 44 (SPICER)

Mr. Young asked the Board's permission to take up Items F-7 and F-8 together inasmuch as they relate to each other.

The reason for a deferral at a previous meeting was because it could not be confirmed that one of the owners did want to purchase the reclaimed land.

Mr. Young informed the Board that staff has been able to meet with both landowners and they both expressed their desire to purchase the reclaimed (filled) land at Kaneohe Bay, Item F-7 to Mr. and Mrs. Alfred Medford and Item F-8 to Kenneth Spicer.

ACTION Ms. Himeno moved to approve Items F-7 and F-8 as submitted. Seconded by Mr. Apaka, motion carried.

ITEM H-6 CDUA FOR THE KALIHIWAI RIDGE--PHASE II SUBDIVISION AT KILAUEA, KAUAI; TMK 5-2-2:10; APPLICANT: KILAUEA AGRONOMICS, INC.; AGENT: PBR HAWAII

Ms. Himeno asked the Chairperson to be excused as she had a conflict on this item.

Mr. Evans reviewed the submittal and concerns for the Board.

He then cited condition no. 9 on page 16 which is a standard condition whereby applicant is to submit construction plans. This condition is not really needed because there will be '0' construction on the property. This is basically a 'paper subdivision'.

On condition no. 10, staff would like to modify it to read, "The subdivision shall be initiated within one year and completed within three years."

Responding to Mr. Apaka's question, Mr. Evans said that not 100% of the land will be going for rezoning. Some portions will still remain in conservation. Mr. Apaka was concerned should the rezoning not be granted.

Mr. Evans explained that should that happen this CDUA would remain in its entirety.

Mr. Gordon Wentworth, Vice President with C. Brewer Properties representing Kilauea Agronomics, Inc. was present and introduced Mr. Tom Witten their planning consultant of PBR Hawaii. Mr. Wentworth clarified some concerns of the board by pointing out areas on his map and display to the lot lines of the conservation land, the agricultural area and the roadway. If the LUC petition is not approved, they would have to come back to the Board on one particular lot. If it is approved, the new conservation district would be based on the pali edge and all the way down the valley.

ACTION Mr. Apaka moved for approval of Item H-6 as modified. Seconded by Mr. Arisumi, motion carried.

Item F-1a ISSUANCE OF REVOCABLE PERMIT TO PIONEER MILL COMPANY, LTD., HONOKAWAI, LAHAINA (KAANAPALI), MAUI, TMK 4-4-02/4-4-04

Mr. Young explained that Pioneer Mill was holding two leases for 6 parcels of land on Maui which will be expiring on December 31, 1990. In the interim while the department is having a strategic management plan being prepared, staff is asking the Board for consent to issue the permits to Pioneer Mill.

Ms. Anne Lo-Shimazu of AmFac was present to answer any questions of the Board.

ACTION Unanimously approved as submitted. (Arisumi/Yuen)

CDUA FOR THE RECONSTRUCTION OF A TRANSMISSION LINE AT KOLOA, KAUAI,
TMK 2-5-01:11, APPLICANT: KAUAI ELECTRIC DIVISION, CITIZENS' UTILITIES
COMPANY

ITEM H-2

Ms. Himeno asked to be excused as she had a conflict of interest.

During his presentation, Mr. Evans said he wished to highlight one area for the Board. Staff had just undergone in the past year, a contested case on transmission lines. One of the concerns of the community was extremely low-frequency electromagnetic radiation. There's been in the community, nationwide concern on potential effects of high voltage electromagnetic radiation. There hasn't been a lot of work done on electromagnetic radiation on low voltage or extremely low voltage line. The only standard in this electromagnetic field and relative to electromagnetic field, encompassing human beings, has been developed by the State of Florida. Hawaii has no standards so staff reviewed this in the terms of the Florida standards, and they found that what is proposed here is less than the standards that had been developed in Florida.

Mr. Kelvin Kai representing the applicant informed the Board he was available to answer any questions.

Mr. Jimmy Ashford said he represented the Knudsen Trust that owns a large portion of the property along the entire line and he commented that there are numerous studies on the mainland suggest that high voltage lines may cause substantial health problems in human beings. Because there isn't enough known about the.. as I understand the new line will be carrying 138,000 volts, he proposed that the consideration of the application be postponed until more information is gathered back to the increased voltage.

Mr. Kai said in contrast to what was said here, the line will be designed to operate a 138 kv. Under the existing loading conditions, the 138 kv operation will actually reduce the amount of EMF that will get produced by those lines. It's not necessarily the voltage that produces the EMF that has been controversial as to whether it affects the human health or not but its the amount of load that is on the line. If we increase the voltage in this sense, the amount of EMF will actually be reduced about 10 times.

Chairperson Paty commented that the Board in hearing the contested case, heard the top experts in the entire country on both sides of the issue so they are not unacquainted with the issue.

Mr. Kai informed the Board that the piece of land in question that is in the Conservation District, is not a piece of land that is owned by Mr. Knudsen. The tower is on hill, not near the public.

ACTION Mr. Apaka moved for approval as submitted. Seconded by Mr. Arisumi, motion carried.

AMENDMENT TO PRIOR BOARD ACTION OF AUGUST 10, 1990 (AGENDA ITEM F-8)
RELATIVE TO AUTHORIZATION TO CONVEY IN FEE SIMPLE STATE LAND AT HONOKOWAI,
LAHAINA, MAUI, TO STATE HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR
DEVELOPMENT OF AFFORDABLE RENTAL HOUSING PROJECT

ITEM F-4

After his presentation of item F-4 to the Board, he informed the members that representatives from the Office of State Planning and the State Housing Finance and Development Corporation were present to answer any questions.

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

KALIHI-KAI PARTNERS REQUEST WAIVER OF RESTRICTION CLAUSE CONTAINED
IN SPECIAL SALE AGREEMENT NO. S-3590 AND LAND OFFICE DEED NO. 17835,
KEEHI INDUSTRIAL LOTS, KALIHI-KAI, OAHU, TMK 1-2-26:7

ITEM F-6

Mr. Paul Fasi representing Kalihi-Kai Partners appeared to answer any questions of the Board.

ACTION Unanimously approved as submitted. (Himeno/Apaka)

CDUA FOR A DRAINAGE PIPE EXTENSION AT KULIOUOU, OAHU; (TIDAL LAND
FRONTING TMK'S 3-8-1:21 AND 22); APPLICANT: DEPARTMENT OF PUBLIC WORKS,
CITY AND COUNTY OF HONOLULU

ITEM H-3

Ms. Lynn Knudsen-Fragas said that she has spent about five years in getting the matter this far. She feels the pipe risers will not be effective. She talked to a representative from the City and County and they have informed her if they are not effective they will be removed.

She also asked them upon looking at the maps, how far out from the edge of sand into the mud area will the pipes extend. At first, they said maybe a foot and then 4 or 5 feet.

She said 20 years ago the original pipe extended out at least 10 feet into the mud into the sand. There was never a problem with accretion at that time. This area gets runoff from all the different streams but it plugs up the pipes. Her concern was if the pipe were not put out far enough, and thinking long range and preventative, that it will be covered up very quickly and continuing accretion.

She commented that the City and County have a maintenance program, definition of maintenance being maintaining and not waiting until something is wrong and go correct things. If the City and County were to do in the distant past and come four times a year and push water through the new drainage system, there would never be a problem of drainage on their street.

Mr. Jared Lum of the Engineering Division of the City and County, Department of Public Works said one of the things that they have to get is land rights to extend the pipes because the land is owned by the State. That is one item that has to be taken into consideration as far as the extension of the pipe. He was not sure if its property code to have it open ended now, they were thinking more in terms of in the future amending the application to get the additional extension if needed.

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

ITEM H-1 CONSERVATION DISTRICT USE APPLICATION FOR A SINGLE FAMILY RESIDENCE AT KAHULUU, OAHU, TMK 4-7-37:3; APPLICANT: ALAN BROWN

Mr. Evans explained the recommendation of staff regarding the split zoning of the applicant's property. He also clarified for the Board members that both houses are in the urban district and applicant wants to build in the conservation district.

Mr. Yuen asked if the property were entirely in the urban district, how many houses would he be allowed. His concern was the applicant shouldn't be getting an extra house just because the parcel is in conservation, if the zoning would only permit two houses for this lot. Mr. Evans responded that he did not know as staff did not go into investigating what the subzoning would be with the City and County.

Mr. Alan Brown, the applicant said regarding the zoning, it is split zone urban/conservation but the urban portion is designated as country zoning. As it's situated now, you asked a question if the entire parcel were zoned urban, what would be the density, depending on the classification under the land use ordinance, if it were country, which is the urban portion zoning designation today, you're allowed one house per acre. The entire parcel is eight acres. If it were zoned other than country, like R-5 or R-10 it would be a greater density.

Ms. Himeno asked Mr. Evans if the board were to grant what is before them this morning, the dwelling on the conservation land, will they be consistent with their prior decisions, which is one house on one lot in conservation?

Mr. Evans said he couldn't say for sure because he recalled a case previously where they recommended one house per lot, but because the house was split zoned, they may have recommended and the Board sustained staff, put the house in the urban section.

Mr. Yuen agreed that was a good question on consistency. He asked if there were any other particular resource values on the conservation property they're trying to protect.

Mr. Evans said that the answer was no. He that is the reason it is in the general subzone and no botanical interest. He said this land would have fallen into the category, pre-urban in nature, as all general subzone land.

Mr. Brown added that he had researched the files and a previous landowner in the same neighbor in 1975, a Mr. Oscar Kirsch, orchid grower, owns a home around the corner and had a similar situation. He had one existing dwelling in the urban portion and he was allowed to build an additional dwelling in the conservation portion.

Answering questions of the Board, Mr. Evans said this property is the mauka portion of the lot, which is less scenic. The topography on the site is level.

Ms. Himeno addressed the Chair, mentioning that in light of the facts before them and being this would be consistent with Board policy she would like to entertain a motion.

ACTION Ms. Himeno moved for approval of Item H-1 as submitted. Seconded by Mr. Arisumi, motion carried.

ITEM A-1 ALLOCATION OF HISTORIC PRESERVATION GRANT-IN-AID FOR LIGHTHOUSE RESTORATION AND TO CERTIFIED LOCAL GOVERNMENTS

Mr. Nathan Napoka made the presentation for the State Historic Preservation Office.

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM A-2 APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO UNDERTAKE AN ARCHAEOLOGICAL SURVEY OF PORTIONS OF OHIKILOLO AND KEAAU, OAHU

Mr. Napoka commented that funds to engage the services of a consultant to undertake the project were appropriated at the last legislative session.

He was not sure exactly how much was involved, but thought it was about \$40,000.

The Chair suggested that approval could be subject to the funding of \$40,000.00, plus or minus \$10,000.00.

ACTION Ms. Himeno moved for approval subject to the funding of \$40,000, plus or minus \$10,000.00 Seconded by Mr. Apaka, motion carried.

ITEM D-1 APPROVAL FOR AWARD OF CONTRACT FOR JOB NO. 4-OW-4, UPPER PALOLO VALLEY WATER SYSTEM IMPROVEMENTS, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM F-1 TRANSMITTAL OF DOCUMENTS FOR BOARD CONSIDERATION

Item F-1a ISSUANCE OF REVOCABLE PERMIT TO PIONEER MILL COMPANY, LTD., HONOKOWAI, LAHAINA (KAANAPALI), MAUI, TMK 4-4-02/4-4-04

See page 10 for action.

Item F-1b ASSIGNMENT OF GENERAL LEASE NO. S-5061, LOT 16, PUU KA PELE PARK LOTS, WAIMEA (KONA), KAUAI, TMK 1-4-02:21

Item F-1c ASSIGNMENT OF SUBLEASE, UNIVERSAL SYNERGETICS, INC. (SUBLESSEE), ASSIGNOR, TO UNISYN, ASSIGNEE, WAIMANALO, KOOLAPOKO, OAHU, TMK 4-1-08:8

ACTION Mr. Apaka moved to approve F-1b and F-1c as submitted. Seconded by Ms. Himeno, motion carried.

ITEM F-2 RESUBMITTAL--REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS HAVING RESOURCE VALUE TO THE STATE, HOLUALOA 1ST AND 2ND, NO. KONA, HAWAII

See page 3-4 for action.

ITEM F-3 SET ASIDE OF PRESERVATION AND CONSERVATION EASEMENT TO DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE HISTORIC PRESERVATION DIVISION, HONOKAHUA SAND DUNE BURIAL SITE, HONOKAHUA, LAHAINA, MAUI

ACTION Unanimously approved as submitted. (Arisumi/Himeno)

ITEM F-4 AMENDMENT TO PRIOR BOARD ACTION OF AUGUST 10, 1990 (AGENDA ITEM F-8) RELATIVE TO AUTHORIZATION TO CONVEY IN FEE SIMPLE STATE LAND AT HONOKOWAI, LAHAINA, MAUI, TO STATE HOUSING FINANCE AND DEVELOPMENT CORPORATION FOR DEVELOPMENT OF AFFORDABLE RENTAL HOUSING PROJECT

See page 11 for action.

ITEM F-5 LEASE, PUBLIC AUCTION GOVERNMENT LANDS OF KUAOKALA AND KEALIA, WAIALUA, OAHU, TMK 6-8-02:7 AND 6-9-03:2

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM F-6 KALIHI-KAI PARTNERS REQUEST WAIVER OF RESTRICTION CLAUSE CONTAINED IN SPECIAL SALE AGREEMENT NO. S-3590 AND LAND OFFICE DEED NO. 17835, KEEHI INDUSTRIAL LOTS, KALIHI-KAI, OAHU, TMK 1-2-26:7

See page 11 for action.

ITEM F-7 RESUBMITTAL--DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEOHE BAY
KANEOHE, KOOLAUPOKO, OAHU, TMK 4-5-58:SEAWARD OF 45/MEDFORDS
See page 10 for action.

ITEM F-8 RESUBMITTAL--DIRECT SALE OF RECLAIMED (FILLED) LAND AT KANEOHE BAY
KANEOHE, KOOLAUPOKO, OAHU, TMK 4-5-58:SEAWARD OF 44/SPICER
See page 10 for action.

ITEM F-9 REQUEST FOR AUTHORIZATION TO ACQUIRE LANDS FOR MULTI-PURPOSE DROP-IN
CENTER SITE AND SUBSEQUENT SET ASIDE TO DEPARTMENT OF HEALTH, KALIHI-
PALAMA, KOIUIU, LELEO, AND KUWILI, OAHU, TMK 1-5-07:29
ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM F-10 REQUEST TO SOLICIT BID PROPOSALS TO PREPARE A STRATEGIC MANAGEMENT
PLAN COVERING STATE AGRICULTURAL LANDS
ACTION Unanimously approved as submitted. (Arisumi/Himeno)

ITEM F-11 EXCHANGE OF STATE LAND AT WAILUA AND ANAHOLA, KAUAI, FOR LIHUE PLANTATION
COMPANY, LTD. OWNED LAND AT MOLOAA, KAUAI AND SET ASIDE TO THE DEPARTMENT
OF AGRICULTURE FOR THE MOLOAA AGRICULTURAL PARK
WITHDRAWN Mr. Young said that staff requests that this item be withdrawn.

ITEM H-1 CONSERVATION DISTRICT USE APPLICATION (CDUA) FOR A SINGLE FAMILY
RESIDENCE AT KAHALUU, OAHU, TMK 4-7-37:3; APPLICANT: ALAN BROWN
See page 13 for action.

ITEM H-2 CDUA FOR THE RECONSTRUCTION OF A TRANSMISSION LINE AT KOLOA, KAUAI,
TMK 2-5-01:11; APPLICANT: KAUAI ELECTRIC DIVISION, CITIZENS'
UTILITIES COMPANY
See page 11 for action.

ITEM H-3 CDUA FOR A DRAINAGE PIPE EXTENSION AT KULIOUOU, OAHU; (TIDAL LAND
FRONTING TMK'S 3-8-1:21 AND 22); APPLICANT: DEPARTMENT OF PUBLIC WORKS,
CITY AND COUNTY OF HONOLULU
See page for 12 action.

ITEM H-4 REQUEST FOR A TIME EXTENSION FOR CONSERVATION DISTRICT USE PERMIT OA-1947,
MINAMI GOLF COURSE AT KOOLAUPOKO, OAHU, TMK 4-5-42:1 AND 6; APPLICANT:
MINAMI GROUP (USA), INC.
See page 9 for action.

ITEM H-5 REVIEW OF CDUA FOR A SINGLE FAMILY RESIDENCE AT HAWEA POINT, KAPALUA,
MAUI, TMK 4-2-01:03 (CONTESTED CASE RESOLUTION), APPLICANT: T.P. LIEM;
AGENT: GROUP 70
See page 10 for action.

ITEM H-6 CDUA FOR THE KALIHIWAI RIDGE-PHASE II SUBDIVISION AT KILAUEA, KAUAI; TMK
5-2-2:10; APPLICANT: KILAUEA AGRONOMICS, INC.; AGENT: PBR HAWAII
See page 10 for action.

ITEM H-7 CDUA TO ESTABLISH AN ENVIRONMENTAL EDUCATION PROGRAM AT HANAUMA BAY, OAHU
TMK 3-9-12:02; APPLICANT: SEA GRANT EXTENSION PROGRAM, UNIVERSITY OF HAWAII
See page 9 for action.

ITEM I-1 APPOINTMENT OF LICENSE AGENT: RECREATION SERVICES DEPARTMENT, ISLAND OF
OAHU
ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM I-2 APPOINTMENT OF LICENSE AGENT: DAVE'S GUN AND AMMO, ISLAND OF HAWAII
ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-1 REQUEST FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR ROADWAY AND WATERLINE
PURPOSES SITUATED AT HILO INTERNATIONAL AIRPORT, HAWAII (COUNTY OF HAWAII
ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM J-2 AMENDMENT NO. 1 TO LEASE NO. DOT-A-84-37, KEAHOLE AIRPORT, HAWAII (THE HERTZ CORPORATION)

Ms. Himeno requested to be excused because of a conflict of interest.

ACTION Mr. Yuen moved for approval; seconded by Mr. Arisumi, motion carried.

ITEM J-3 AMENDMENT NO. 19 TO LEASE NO. A-62-32, HONOLULU INTERNATIONAL AIRPORT, OAHU (HAWAIIAN AIRLINES, INC.)

Ms. Himeno requested to be excused because of a conflict of interest.

Mr. Garcia requested to make one amendment. The original rental is \$37,627.00 per annum which is correct but as amended, rather than \$40,032.00, it should read \$50,061.00 per annum.

ACTION Mr. Arisumi moved for approval as amended; seconded by Mr. Apaka, motion carried.

ITEM J-4 APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4718, ETC., AIRPORTS DIVISION

Ms. Himeno addressed the Chair and requested to be excused from participating on permits for Tropical Rent A Car, Auto Rent A Car and Alamo Rent A Car because of a conflict of interest.

ACTION Mr. Apaka moved for approval; seconded by Mr. Arisumi, motion carried.

ITEM J-5 APPLICATION FOR ISSUANCE OF REVOCABLE PERMIT 4715, KAHULUI AIRPORT, MAUI (DISCOVERY AIRWAYS, INC.)

Ms. Himeno requested to be excused because of a conflict of interest.

ACTION Mr. Arisumi moved for approval; seconded by Mr. Apaka, motion carried.

ITEM J-6 RENEWAL OF REVOCABLE PERMITS 2972, ETC., AIRPORTS DIVISION

Ms. Himeno requested to be excused from participating on R.P.'s 3333, 3726, 4252, 4270, 4281 and 4293 because of a conflict of interest.

ACTION Mr. Arisumi moved for approval; seconded by Mr. Yuen, motion carried.

ITEM J-7 RENEWAL OF REVOCABLE PERMITS 3924, ETC., AIRPORTS DIVISION

Ms. Himeno requested to be excused because of a conflict of interest.

ACTION Mr. Apaka moved for approval; seconded by Mr. Arisumi, motion carried.

ITEM J-8 ISSUANCE OF A LEASE BY PUBLIC AUCTION (SEALED TENDERS), HARBORS DIVISION, MARINE SERVICES BUILDING, NEAR PIER 24, HONOLULU, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-9 REQUEST FOR ISSUANCE OF A LEASE BY PUBLIC AUCTION (SEALED TENDERS), HARBORS DIVISION, CHARTER BOAT BUILDING, MAALAEA BOAT HARBOR, MAUI

ACTION Unanimously approved as submitted. (Arisumi/Apaka)

ITEM J-10 GRANT OF EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY, HARBORS DIVISION, HALEIWA BOAT HARBOR, OAHU (UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, U.S. COAST GUARD)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-11 CONSTRUCTION RIGHT-OF-ENTRY AND GRANT OF EASEMENT NAWILIWILI, LIHUE, KAUAI (CITIZENS UTILITIES COMPANY AND HAWAIIAN TELEPHONE COMPANY, INC.)

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM J-12 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 2, FORT ARMSTRONG HONOLULU, OAHU (CONTRACTOR'S EQUIPMENT AND SERVICE CORP.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-13 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, FORT ARMSTRONG, HONOLULU HARBOR, OAHU (MARK SNYDER & ASSOCIATES, INC. DBA HAWAII PORT PROCESSORS)

ACTION Unanimously approved as submitted. (Yuen/Arisumi)

ITEM J-14 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 39 SHED, HONOLULU HARBOR, OAHU (YOUNG BROTHERS, LTD.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-15 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PORT ALLEN, ELEELE, KAUAI (VINCENT & LORRY COSNER DBA CLUB ICE COMPANY)

ACTION Unanimously approved as submitted. (Apaka/Yuen)

ITEM J-16 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, BARBERS POINT HARBOR, EWA, OAHU (HAWAII STEVEDORES, INC.)

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

ADJOURNMENT There being no further business, the meeting adjourned at 2:45 p.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED FOR SUBMITTAL



WILLIAM W. PATY, Chairperson