

1990-10-08-MO-FEB
 Sykes Single Family Residence
 STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 P. O. BOX 621
 HONOLULU, HAWAII 96809

February 1983

FILE COPY

FOR DLNR USE ONLY

Reviewed by _____
 Date _____
 Accepted by _____
 Date _____
 Docket/File No. _____
 180-Day Exp. _____
 EIS Required _____
 PH Required _____
 Board Approved _____
 Disapproved _____
 Well No. _____

DEPARTMENT MASTER APPLICATION FORM

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
 (If State land, to be filled
 in by Government Agency in
 control of property)

Name Sarah E. Sykes
 Address P.O. Box 370
Kaunakakai, Hawaii
96748
 Telephone No. (808) 553-3831
 SIGNATURE Sarah E. Sykes
 Date July 31, 1990

II. APPLICANT (Water Use, omit if applicant
 is landowner)

Name _____
 Address _____
 Telephone No. _____
 Interest in Property _____

(Indicate interest in property; submit
 written evidence of this interest)

*SIGNATURE _____
 Date _____

III. TYPE OF PERMIT(S) APPLYING FOR

- () A. State Lands
- (*) B. Conservation District Use
- () C. Withdraw Water From A Ground Water Control Area
- () D. Supply Water From A Ground Water Control Area
- () E. Well Drilling/Modification

*If for a Corporation, Partnership,
 Agency or Organization, must be signed
 by an authorized officer.

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Wailau
 Island Molokai
 County Maui
 Tax Map Key (2) 05-05-05:16
 Area of Parcel 1.71 acres
 (Indicate in acres or
 sq. ft.)
 Term (if lease) N/A

MASTER APPLICATION FORM
Substitute Page Two

V. Environmental Requirements

(1) Applicant:

Sarah E. Sykes, trustee for the Sarah Louise Ebert Sykes
Rev Living Trust dated 10-30-87

P.O. Box 370
Kaunakakai, Hawaii 96748

(2) Approving Agency:

Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

(3) Consultant Agencies:

Environmental Protection Agency
(Honolulu and San Francisco offices)

Department of Land and Natural Resources
(Dean Uchida, Bill Paty, Roger Evans, Don Horiuchi, Bill Puleloa,
Charlie Neumann, Keith Keau, Robert Hobdy, Meyer Ueoka -
staff contacts)

Department of Accounting and General Services
Land Survey Division (Charlie Okino, staff contact)

Department of Health

Department of Education

Nature Conservancy of Hawaii

Sierra Club and Sierra Club Legal Defense Fund, Inc.

Alu Like, Inc

National Tropical Botanical Garden (formerly Pacific Tropical
Botanical Garden)

University of Hawaii

MASTER APPLICATION FORM
Substitute Page Two
First Add

V. Environmental Requirements (cont'd.)

(4) **General Description of action's characteristics:**

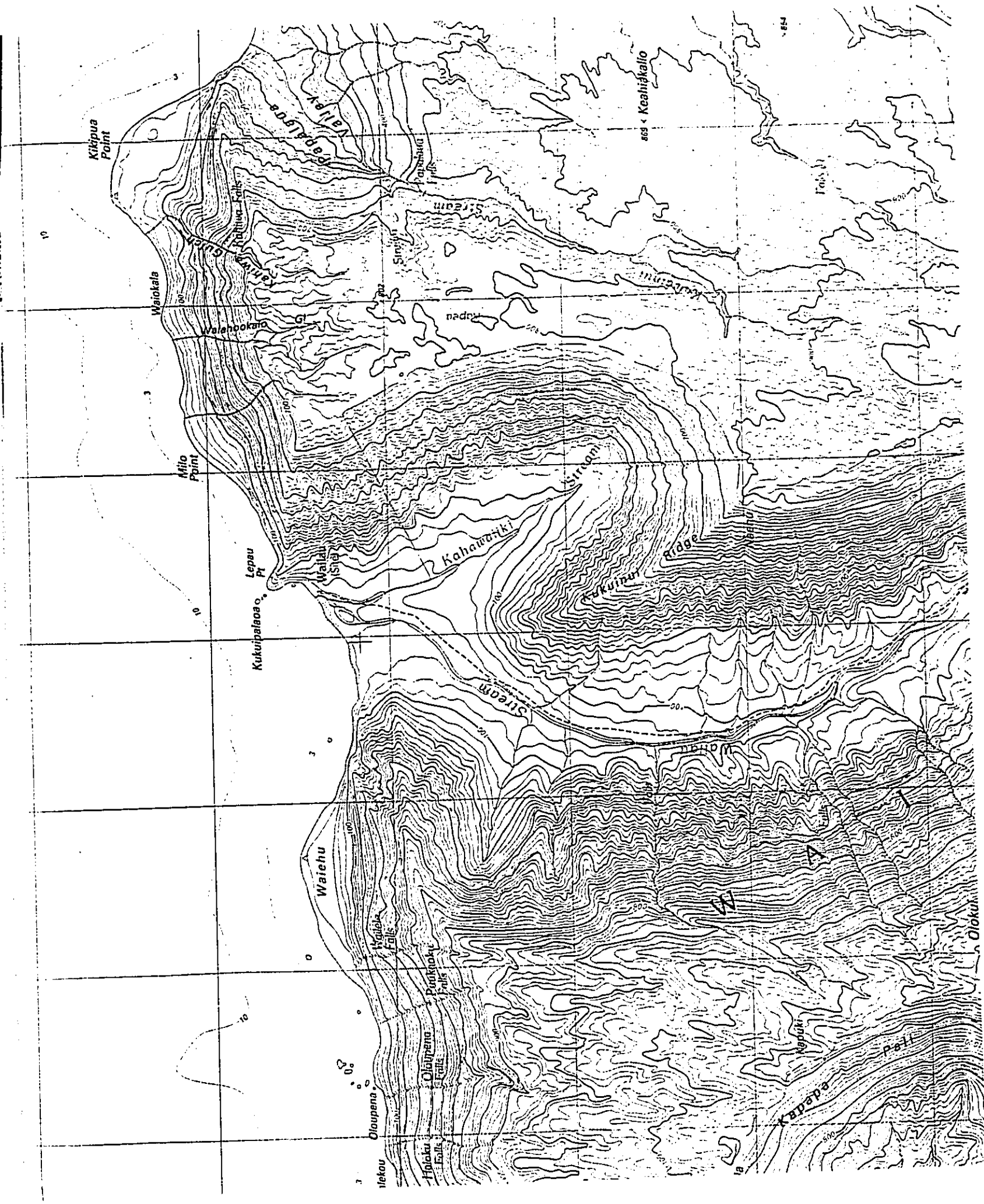
Please see the attached maps, photos and drawings. Also, please be aware that our intent is to remain extremely sensitive to the environmental impact of our small presence in the valley. Relative to the water in Wailau, we are well aware that eventually we all live downstream. We have discussed these plans extensively, revising them at many points reflecting appropriate information from assisting agencies. We will forever be in the process of identifying endangered plants, aquatic life and birds which live deeper in the valley. We have discovered no endangered species on the front parcel ((2) 05-09-05:16) where we are applying to build shelter. Most of the vegetation is non-indigenous and invasive. We need to clear more of the invasive vegetation to establish clear lines-of-sight for completing a modern survey. And, of course, trail-clearing work on the recently re-discovered ancient Hawaiian haul-road will continue.

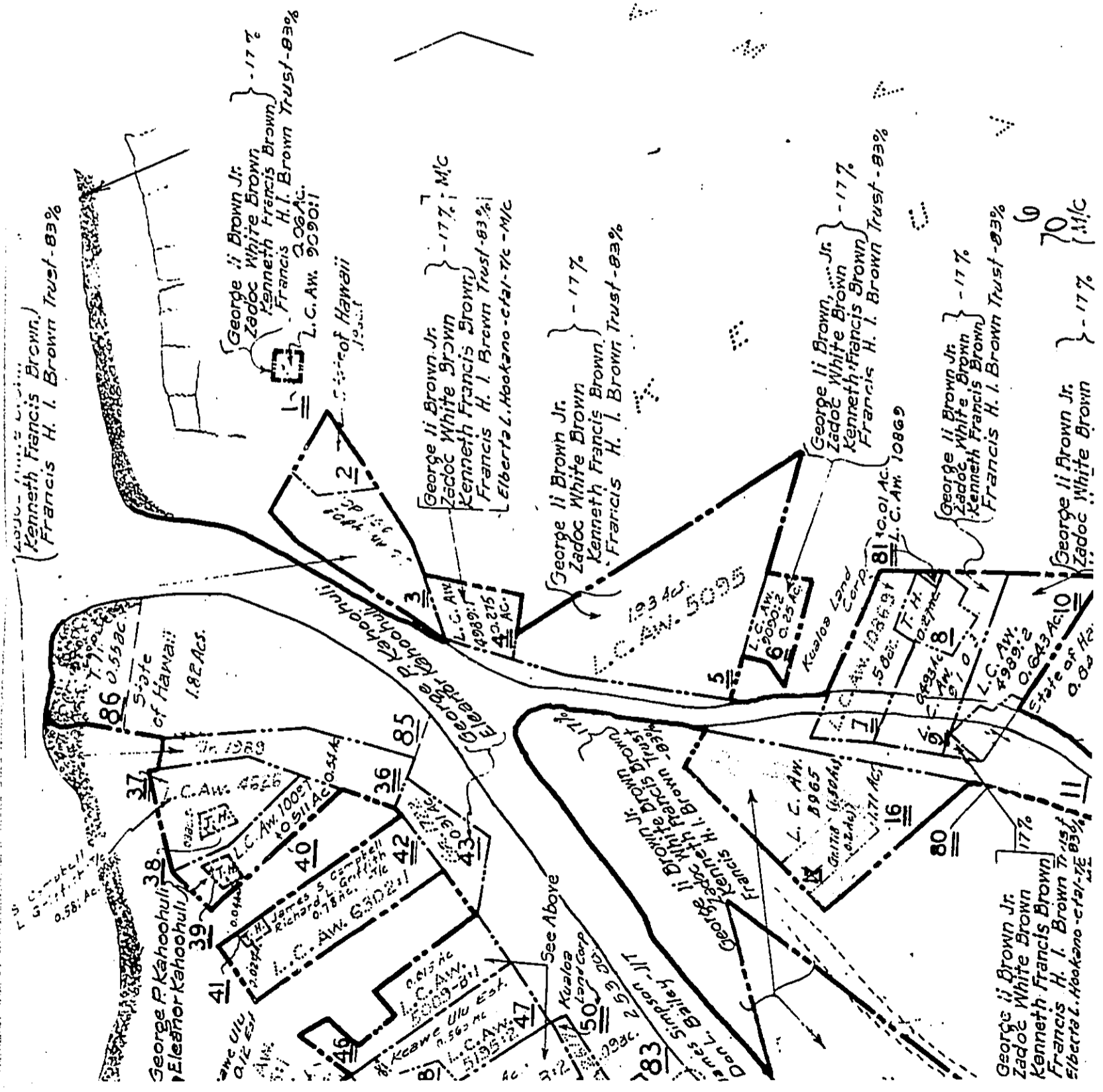
There is no economic impact on the area associated with our presence in Wailau Valley.

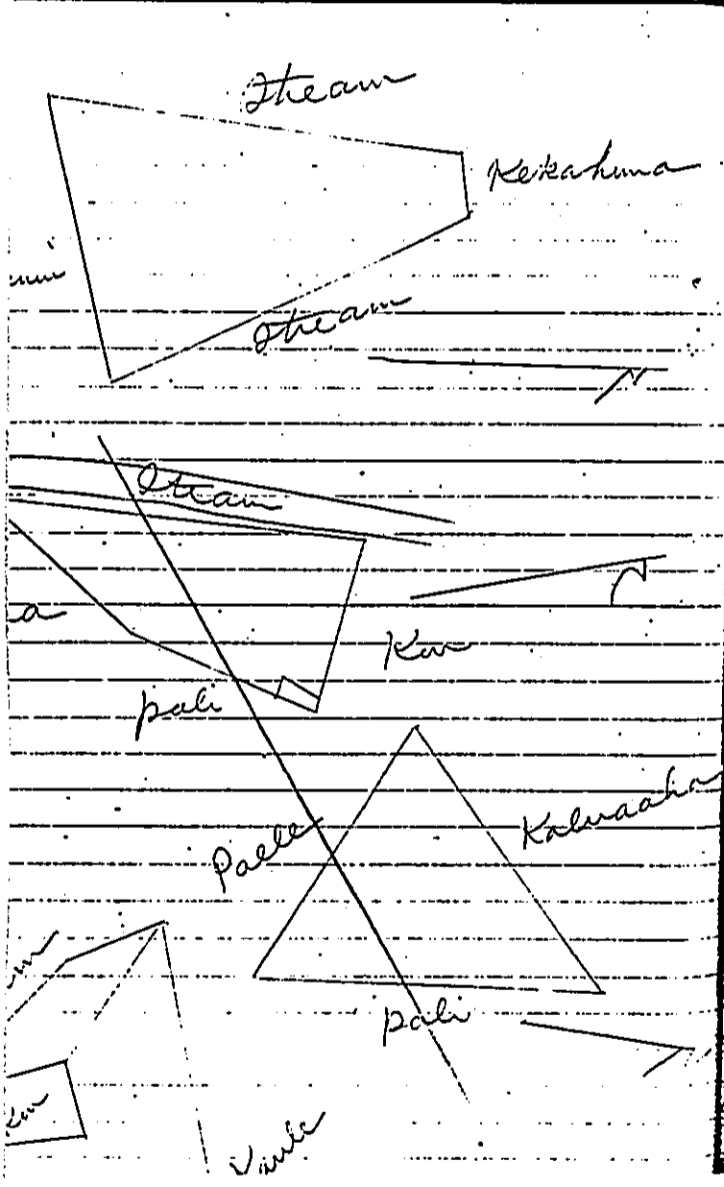
There is a social impact, since a large part of our goal in Wailau is to educate Molokai's children about their heritage through hands-on work in the valley. We have discussed programs with Nature Conservancy, Audubon Society, Alu Like, Job Corps, State of Hawaii - Department of Education, and State of Hawaii - DSSH - Maui County. Before bringing in the kids we need to erect strong shelter (we have witnessed 74 m.p.h. winds), deal appropriately with human waste in all its forms, and prepare the balance of written program materials. Our eventual goal is multi-faceted, including environmental education, historic preservation, self-actualization, and a general deepening of the childrens' appreciation for all that Wailau Valley has to offer them.

(5) **Location and site maps:**

Please see the attached maps, photos and drawings.







TNR 5-9-05-16 99

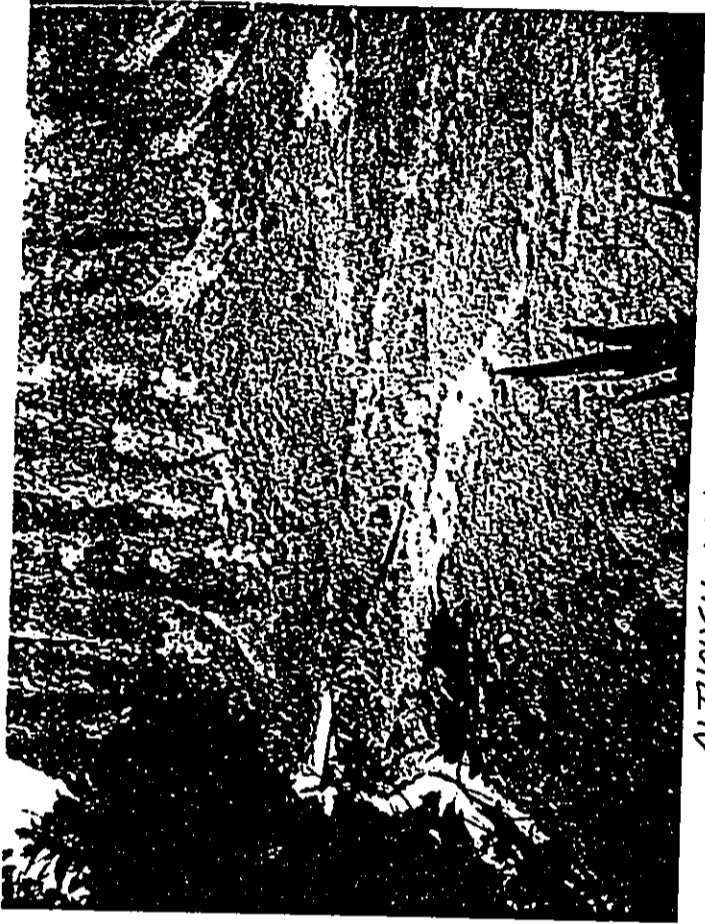
965 *c.a* **Kuku Wailan**
500 ft
5
Sheet
 30 1/2 E 6.52 - 430.3 *Stream*
 N 87 W 4.74 - 312.8 *Kauwini*
 N 4 1/2 E 5.08 - 335.3 *Stream*
 N 75 E 1.00 - 66.0 *Kekahuna*
 1 1/2 Acres
 Sept 8/52 - 5 lii Kau *R.W. Meyer*

9106 **Kamohole Wailan**
 Ali of Kukumui *Cum N.W. <*
 0 64 1/2 E 3.12 - 205.9 *Kau*
 0 33 1/2 W 3.30 - 217.5 *Pali*
 0 54 1/4 W 3.37 - 222.4 *Mahina*
 N 16 E 6.23 - 411.2 *Stream*
 1.67 *Acres* *167 Sq feet*
 Sept 8/52 - 1 lii Kau *R.W. Meyer*

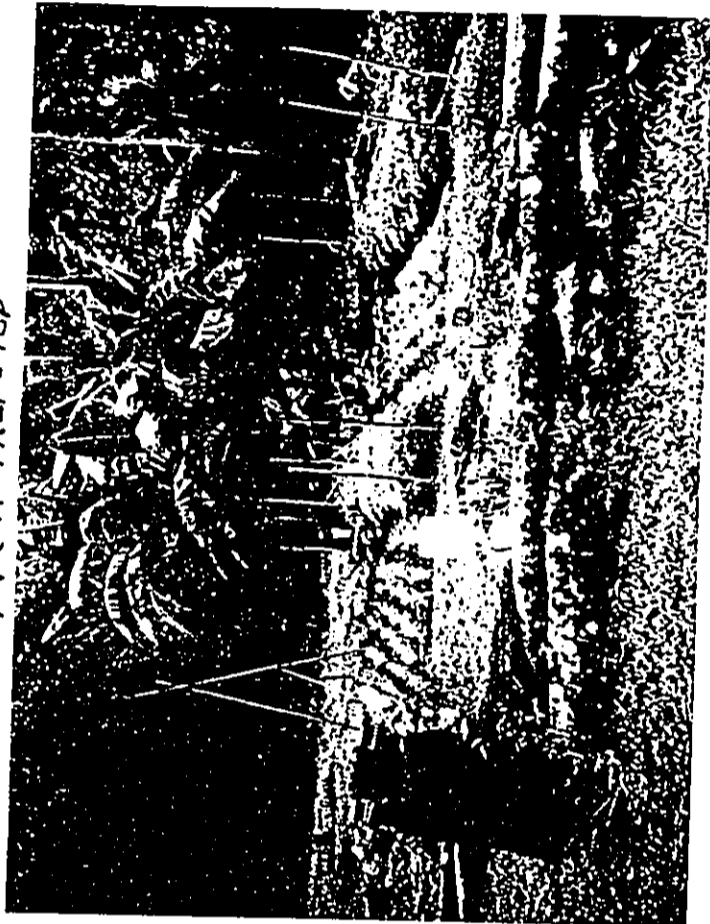
717 **Mahina Wailan**
 Ali of Palihoi *Cum W. <*
 0 52 E 5.00 - 330.0 *Palle*
 N 5 W 5.75 - 379.5 *Pali*
 0 48 1/2 W 5.48 - 361.7 *Kaluaaha*
 1.00 *Acres* *303 Sq feet*
 Sept 8/52 - 2 lii Kau *R.W. Meyer*

628 **Pihi Wailan**
 Ali of Papeiaoa *Cum N.W. <*

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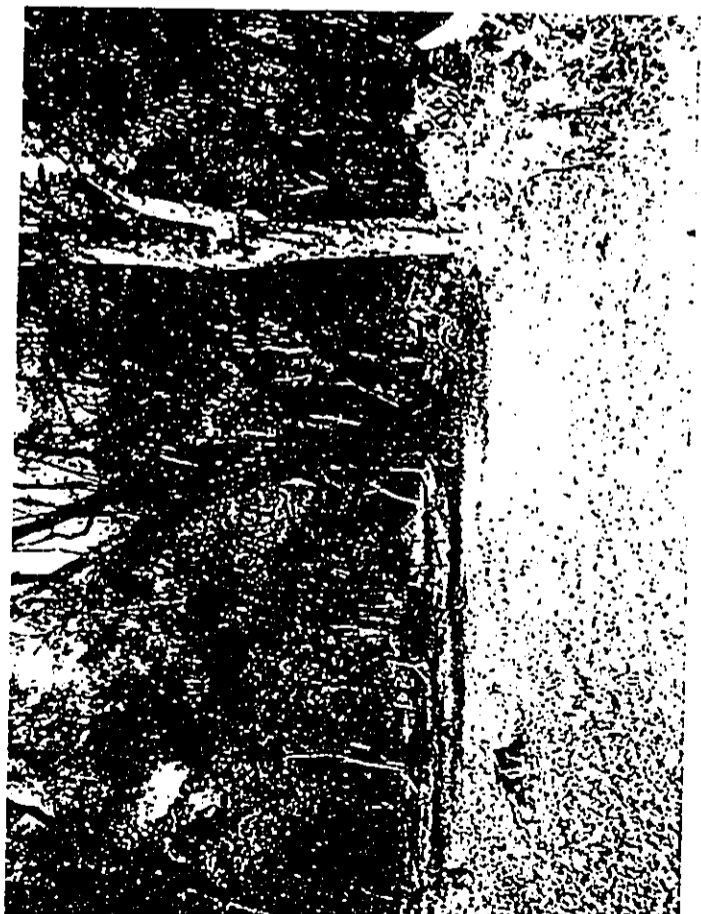
ALTHOUGH WE'VE CLEARED
NEARLY AN ACRE, CAN SEE NO
CLEARING FROM PALI - TOP



KUKUI - WALLED GARDEN ON
TMK 5.9.5:16



WAILAU VALLEY - BEACH



CLEARED AREA CENTER OF
PARCEL TMK 5.9.5:16

MASTER APPLICATION FORM
Substitute Page Two
Second Add

V. Environmental Requirements (con d.)

(6) **Major impacts and alternatives considered:**

Originally, in early 1987, I purchased the 55-acre parcel in the "bowl." After only a cursory examination of that area, I purchased another parcel, near the front of the valley, where people had lived before, even into modern times. (I still would very much prefer to live on the back parcel, but that would not be in the best interest of the valley.) Evidently, the front parcel, on which we hope to construct permanent shelter, was traditionally and recently inhabited and cultivated in its entirety. The auwai protects it from flooding, and directs water to the taro lohi on the property. This parcel will be cleared of invasive vegetation to the best of our ability. We plan to re-plant taro (much has come back spontaneously as we pull weeds), Hawaiian medicinal plants, and a small kitchen garden. We will also plant banana, coconut, citrus and other food trees. Care must be taken to only transplant banana trees from within Wailau Valley, lest alien pests be introduced.

(7) **Proposed mitigation measures:**

No mitigation measures should be necessary since we are working to restore the environment. We plan to install a Sun-Mar Self-Composting toilet, greywater effluent irrigation system, back-up leachfield, solar power home (without fuel-dependent back-up power generation), . . . and even our small garden will be walled to help prevent the escape of exotic alien plants. Much of our time is spent digging out past decades' garbage, introduced weed plants, and invasive vegetation.

(8) **Determination:**

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MASTER APPLICATION FORM
Substitute Page Three

I. Description of Parcel

A. Existing Structures/Use:

Per Temporary Variance TV-90-12, we have erected bamboo and tarp shelter on parcel (2) 05-09-05:16. This is temporary. There is also a very small bamboo and tarp lean-to over a pit toilet/outhouse to help keep out rain and bugs, per recommendation of the Health Department that it not be left open to the elements.

A long, stone-lined auwai borders the parcel on the full extent of the east side. There is another partially stone-lined auwai on the west side of the parcel, but it has been cut through for the modern Wailau Trail. The ancient Hawaiian haul-road meets the parcel on the east side, but to the best of my knowledge, it only borders the property, appearing to not cross it. There are three taro lohis on the parcel. There are three identifiable modern house areas on the parcel. About ten years ago, judging from the plastic deterioration, someone lived or worked on this land, since there are many plastic growing pots half-buried in the soil. There are also many "piles" of garbage, some of which we've bagged and taken out by boat. More remain to be removed.

B. Existing utilities:

There are no existing utilities in a municipal sense. We have a few experimental solar panels, to make certain there will be sufficient insolation to support a permanent structure with refrigeration. We now use a pit toilet, described in I. A. This facility is approximately 100 feet from the nearest flowing water, and only used by four people at a time. Talked with the staff on Oahu and here on Molokai about sewage and wastewater management. We are in compliance with all their rules and regulations, and will remain in strict compliance when a permanent shelter is constructed. Our water will be drawn from Kahawaiiki Stream. Communication will be enhanced when a permanent, secure structure is completed with a full ham radio facility. We are also working within our U.S. Coast Guard Auxiliary unit to establish a solar-powered repeater on Waiehu, at the USGS survey point, to help close the communications gaps throughout Molokai's North Shore waters.

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C. Existing access:

Existing access is via the ancient Hawaiian haul-road, the modern Wailau Trail, and via Kahawaiiki Stream. Please see accompanying maps, showing the trails.

D. Vegetation:

Vegetation on this parcel at this time includes guava, Java plum, grasses, fern (no haupu), Wandering Jew, Coleus, Coster's\Curse, hau, coffee, mango, mountain apple, banana, Eugenia Cauliflora, Chinese fan palm, bamboo, kukui, thimble berries, coconut palm, gingers (torch, shampoo, white and yellow), taro, ti, mamaki, lilies, orchids, bird's nest fern, Maui Rose, and mint. We hope to introduce rare native plants in a naturalized setting to assist in generating breeding stock for NTBG.

E. Topography:

Please refer to attached maps. This parcel is located in bottom lands, much-cultivated through the centuries. The soil is alluvial throughout most of the 1.71 acres. Topsoil deposits seem to indicate that the auwai in geologically modern times drew the river flow off to the taro lohi below the area where we hope to build.

F. Shoreline:

This is not germane to our application.

G. Covenants, easements, restrictions:

There are no covenants or restrictions on the land except those I apply when this parcel is added to Paekukui in my Trust document. Then it too will be protected from commercial development or environmentally inappropriate use. For now, I have researched the property back to the Great Mahele, having documents translated where necessary, and no restrictions, easements or covenants were found.

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H. Historic sites affected:

No historic sites are adversely affected. When we find any collection of rock appearing to be possibly not naturally occurring we clear the weeds around it and leave it alone. One day we hope to have sufficient shelter to feel safe inviting the island's kupunas and kumu hula to Wailau Valley to help us identify what we've found.

II. Description:

We would like to construct a secure home in Wailau Valley consisting of a main house, storage-tool shed to hold solar- and water-generated energy storage batteries and panels, bath house/self-composting toilet structure attached to the main house, a shade house for a kitchen garden, and possibly a small, authentic Hawaiian "kids' hale," per the Bishop Museum's plans. Detailed site and floor plans are attached. Activities on the site will be those undertaken by any average family living environmentally conscientiously in a natural setting.

III. Commencement Date: March 21, 1991

Completion Date: March 21, 1994

IV. TYPE OF USE REQUESTED

- 1. Permitted Use
DLNR Title 13, Chapter 2, Section 14, Subzone General or Resource.

Per Subchapter 3, we are requesting a permit, based on these preliminary plans as described on page 2-13 (f). We have already talked with Carl Puhi (Maui County Building Inspector-Molokai Office), Department of Health (discussing at length Chapter 11-62, Subchapter 3, including 11-62-31), and many office staff from DLNR. We have already talked to the Molokai Planning Commission, providing them a copy of this application, as well as the March 21, 1989 application. Have discussed this with Clayton Yoshida, Maui County Planning. So far, we seem to be in compliance throughout the state's agencies.

Area of Proposed Use (2) 05-09-05:16 1.71 acres
(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark
Tepau Point, Wailau Valley, approximately 2000-2500 feet

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone General
County General Plan Designation Conservation

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

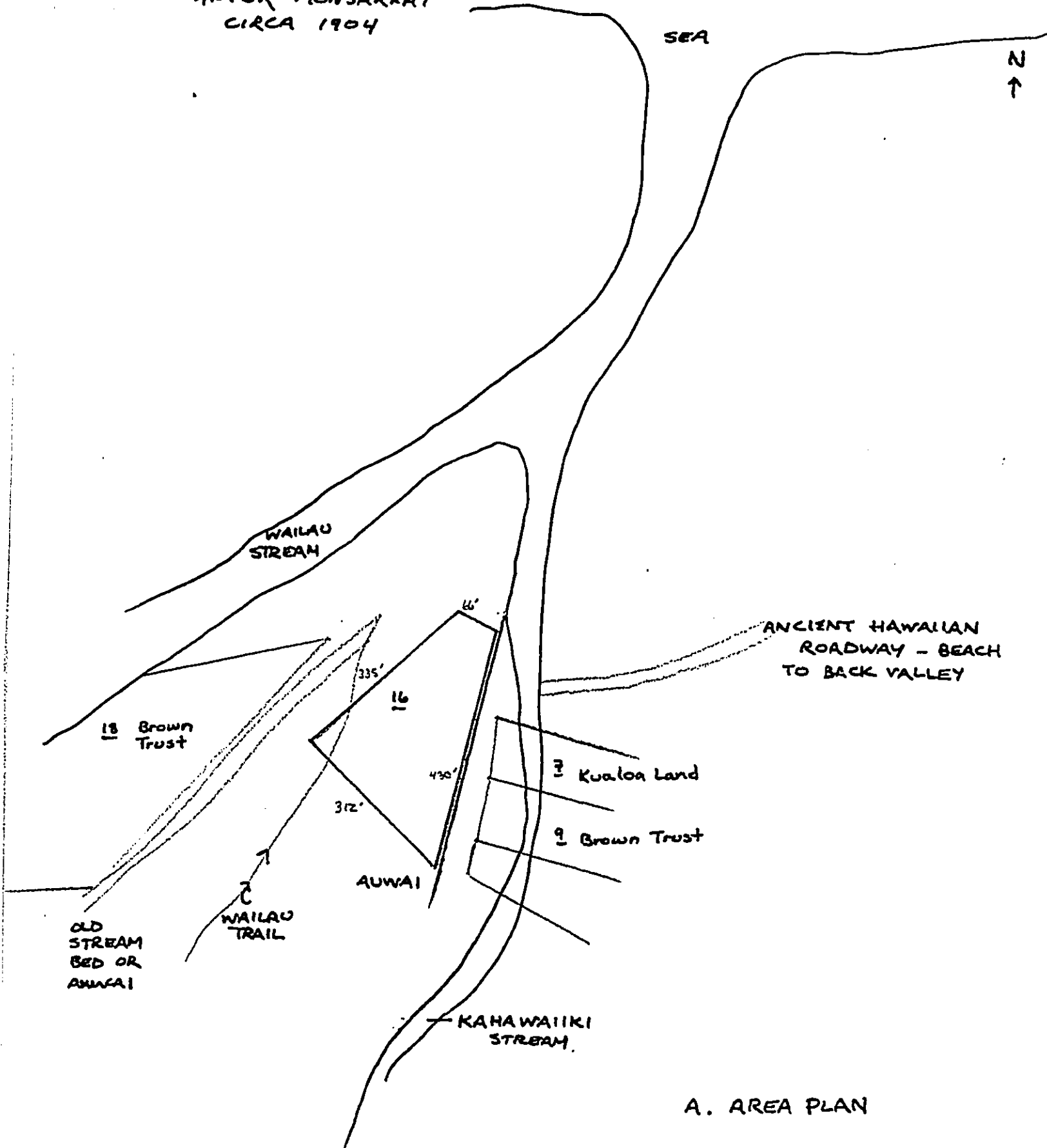
I. Plans: (All plans should include north arrow and graphic scale).

- A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
- B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.
- C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
- D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
- E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
- F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.

II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).

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AFTER MONSARRAT
CIRCA 1904

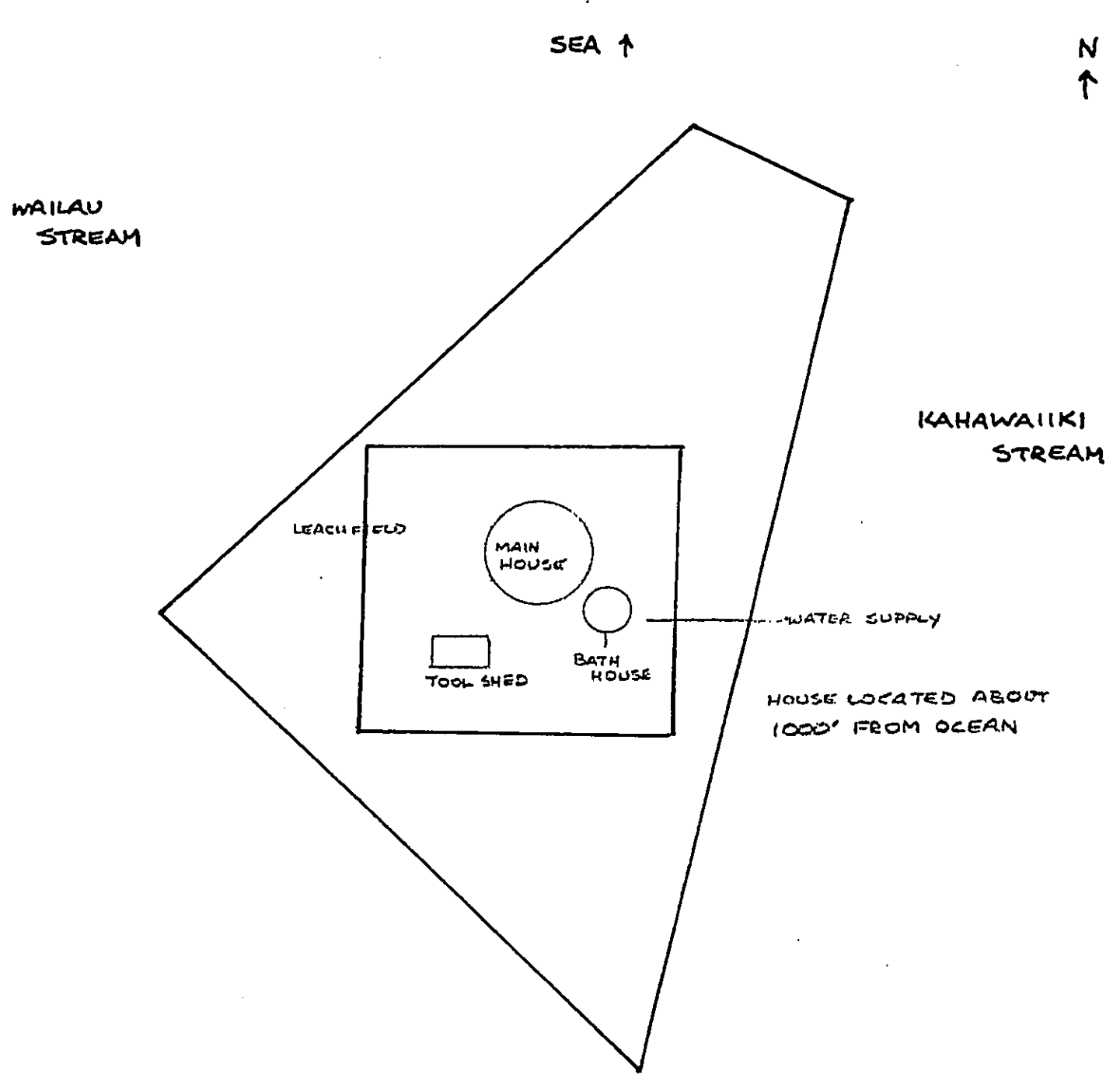


A. AREA PLAN

1" = 200' APPROX

05/09/05

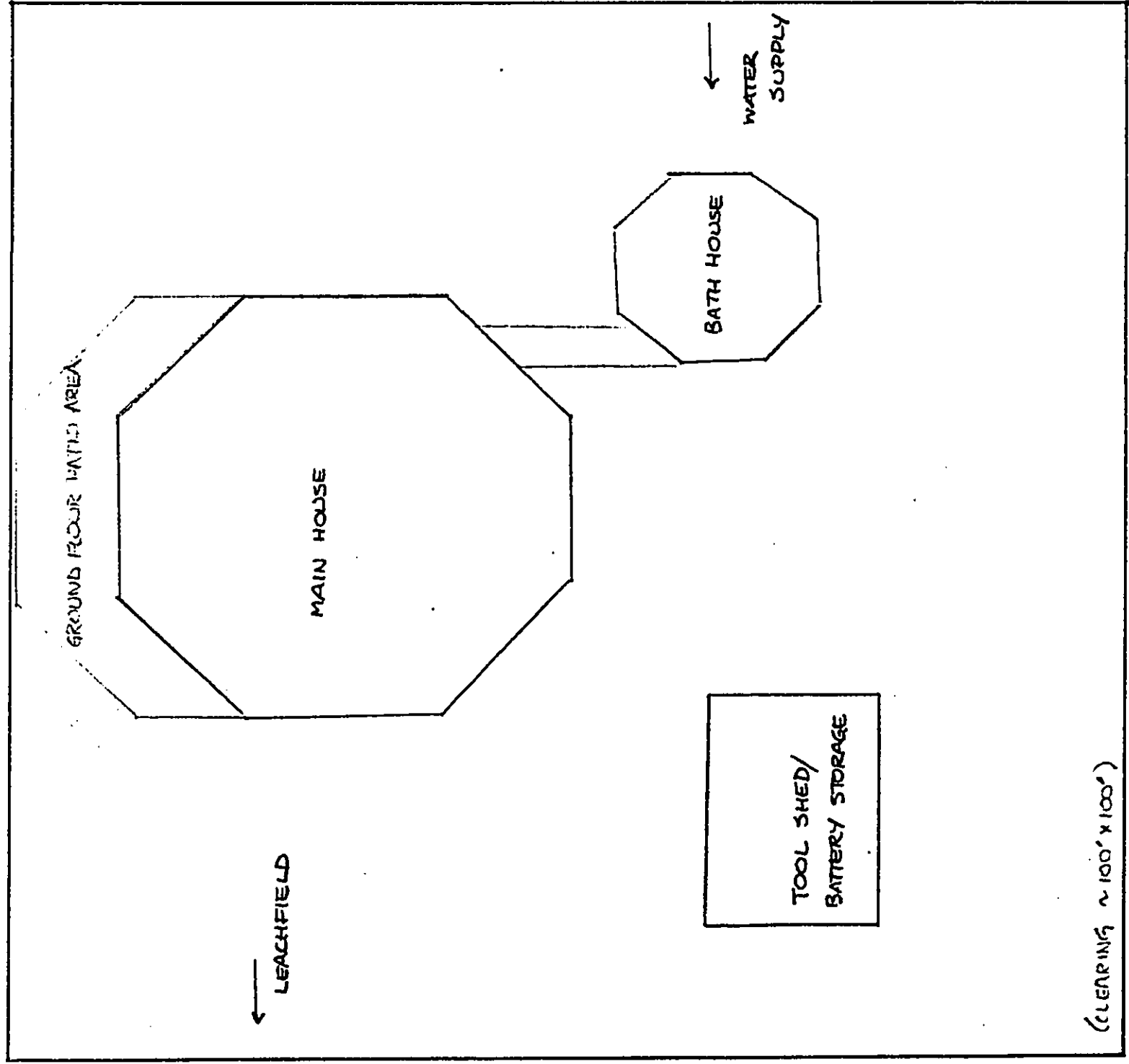
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B. SITE PLAN A

1" = 50' APPROX

05/09/05:16



N ↑

3. SITE PLAN B

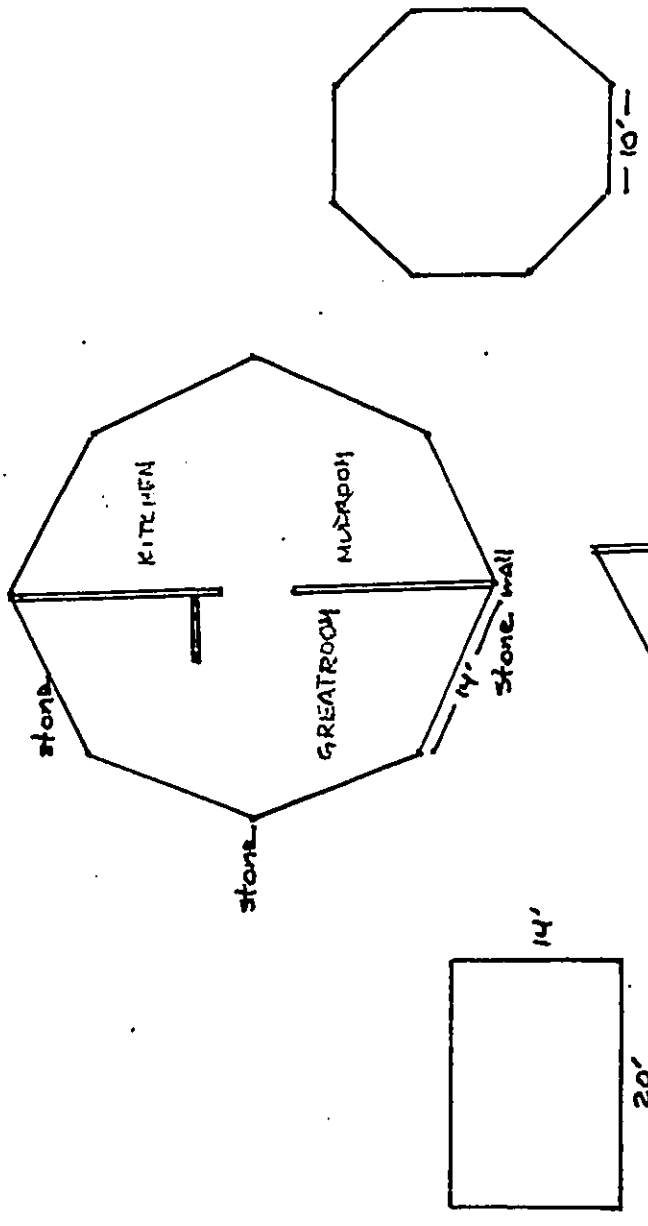
(CLEARING ~ 100' x 100')

1" = 12.5' APPROX.

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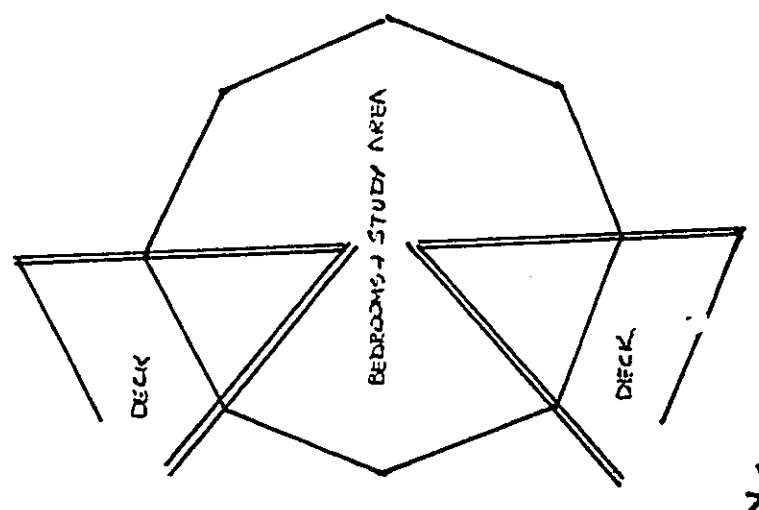
N ↑

GROUND FLOOR



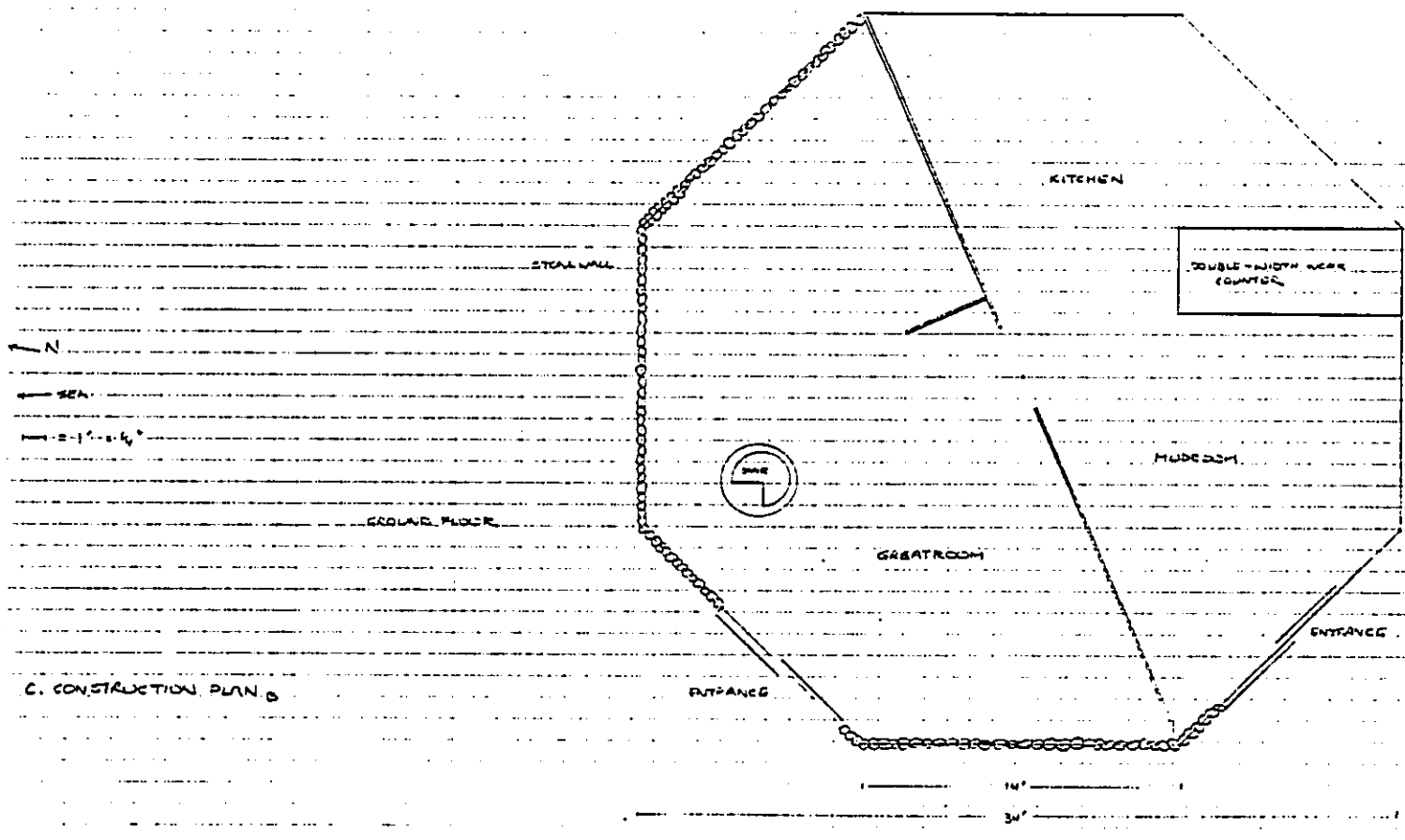
- ~ 1960 sq. ft. main house
- ~ 520 sq. ft. bath house
- ~ 300 sq. ft. tool shed

UPPER LEVEL

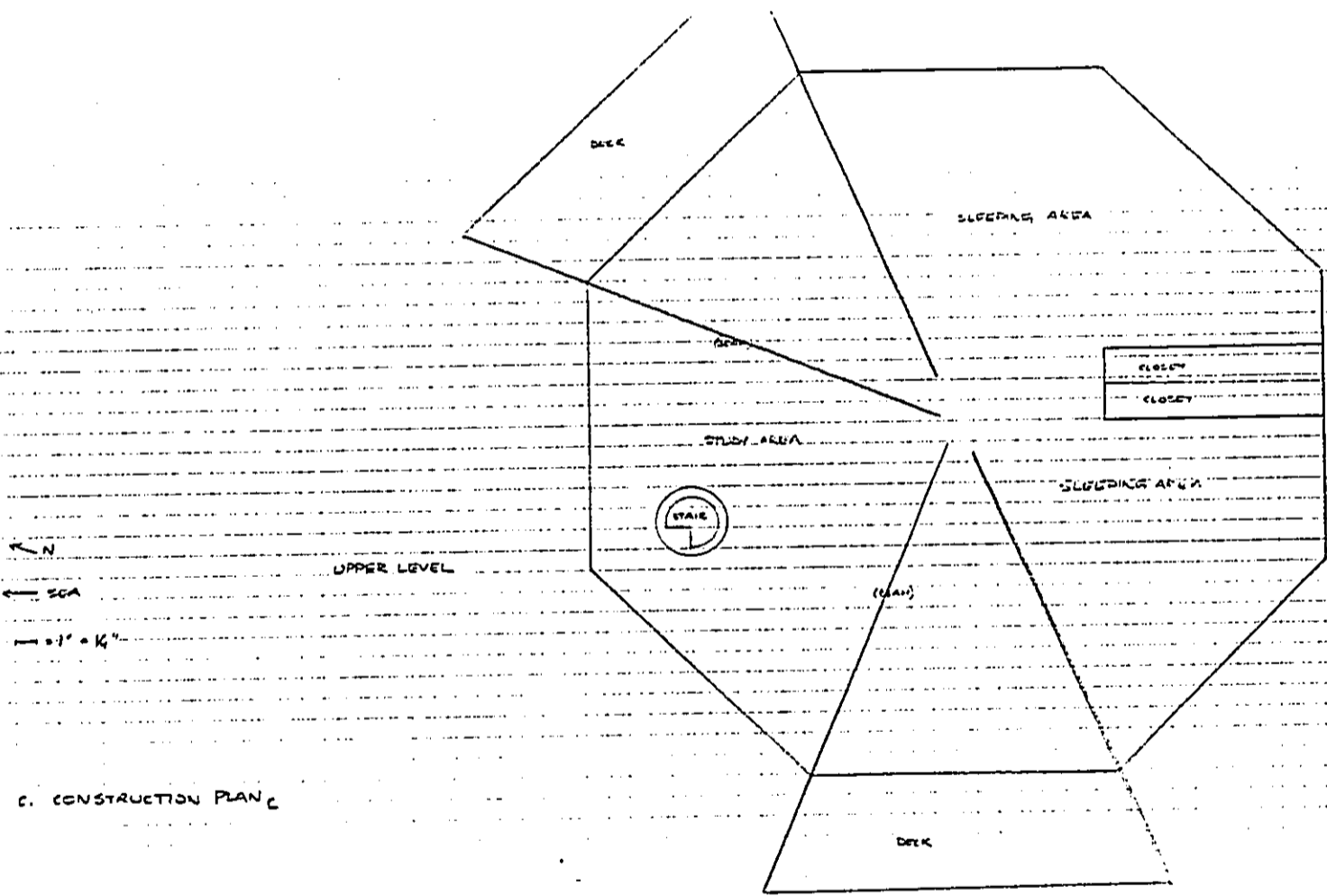


C. CONSTRUCTION PLANA

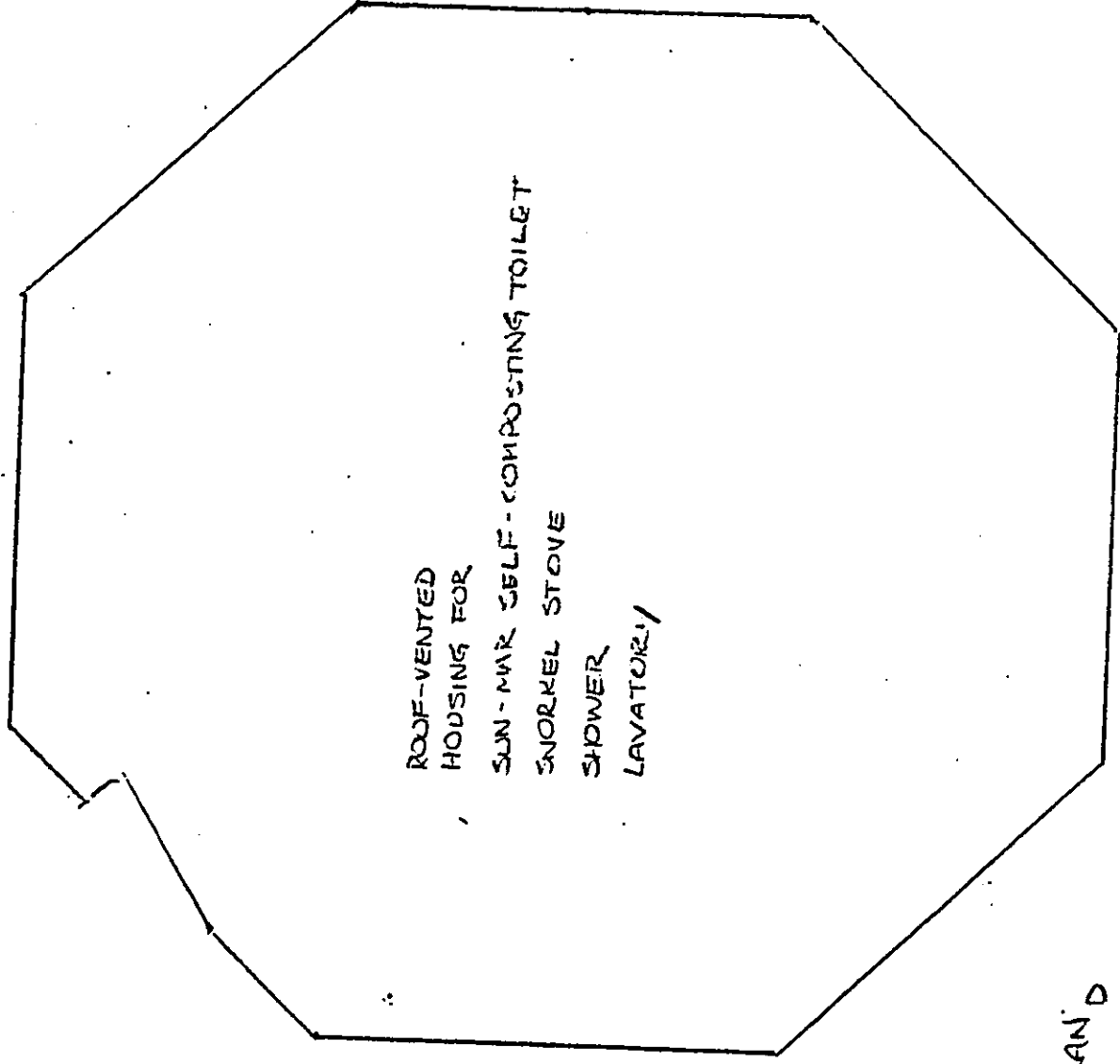
1" = 16' APPROX.



C. CONSTRUCTION PLAN



C. CONSTRUCTION PLAN C



N

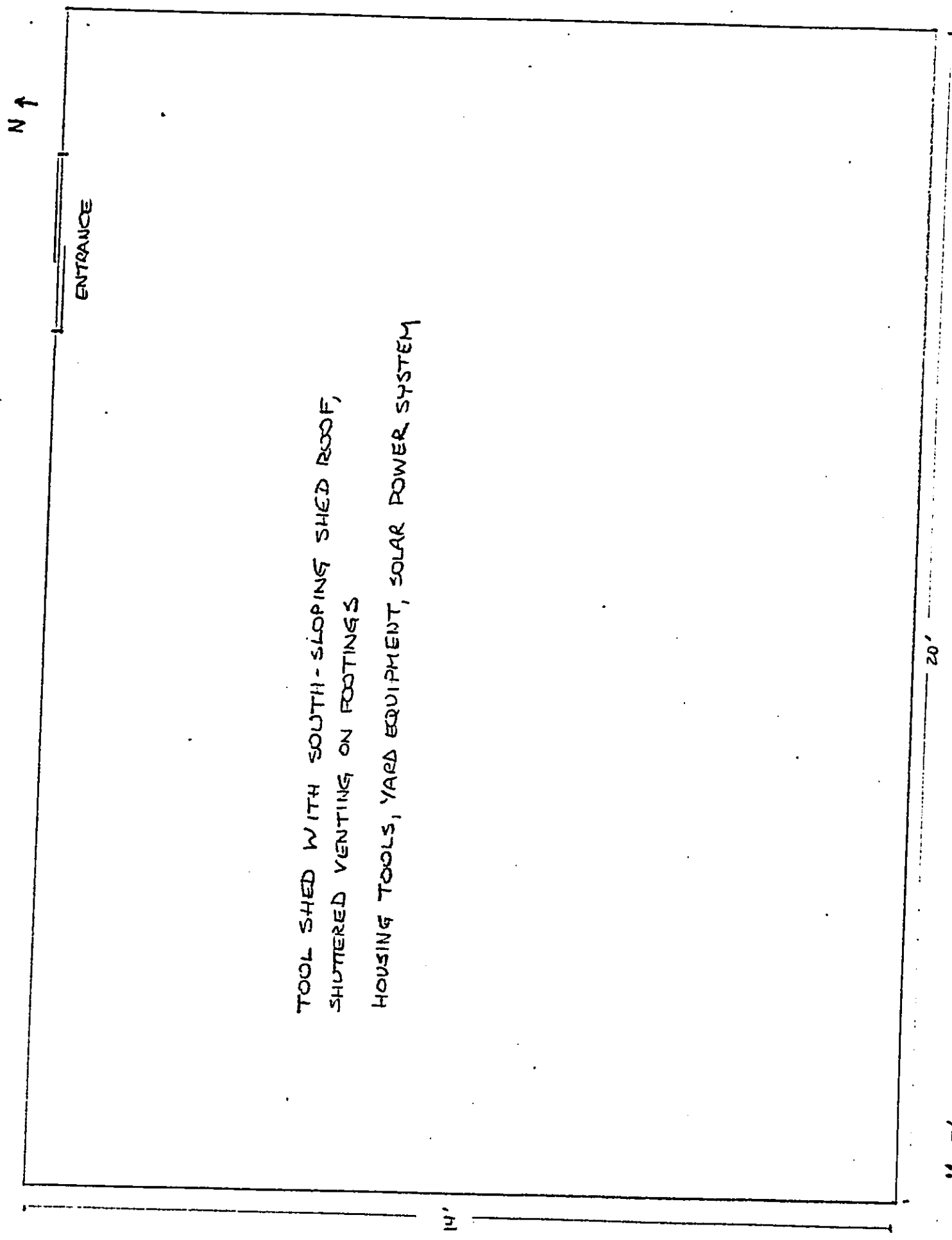
← SEA

1" = 1' = 4"

BATH - HOUSE

C. CONSTRUCTION PLAN D

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TOOL SHED WITH SOUTH-SLOPING SHED ROOF,
SHUTTERED VENTING ON FOOTINGS
HOUSING TOOLS, YARD EQUIPMENT, SOLAR POWER SYSTEM

ENTRANCE

N ↑

14'

20'

1" = 2'

C. CONSTRUCTION PLAN E

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MASTER APPLICATION FORM
Substitute Page Four

II. Subzone Objective:

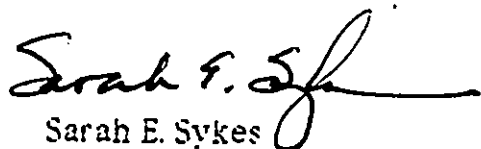
Everything described in this application and our many exchanges of letters follows the recommended uses for either General or Resource Subzones. Some of the lands in Wailau Valley are taxed as Agricultural Zone, some are listed in Resource, some in General.

Basically, we're going to be constructing a part-year home, capable of withstanding Wailau Valley's winds, rains and floods. Its design lends itself to eventual use as a research station or interpretive center. In the meantime, it needs to stand as emergency shelter for those who might be in the valley and not capable of constructing their own shelter.

To accomplish its construction we will need temporary helicopter landing permission on rare occasions. Rather than applying for a helipad permit as exists on Waiehu, I would prefer to seek date-specific permission.

If you have any questions or suggested revisions, please notify me promptly. Thank you for your consideration of this application.

Sincerely,


Sarah E. Sykes

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WILL OF
SARAH LOUISE EBERT SYKES

I, SARAH LOUISE EBERT SYKES of Molokai, Hawaii, hereby revoke all my former Wills and Codicils and declare this to be my last Will.

ARTICLE I
PERSONAL REPRESENTATIVE

I appoint DUSTIN SYKES of Palo Alto, California, and NOLLY EBERT, of Coral Gables, Florida, to serve as my personal co-representatives. If DUSTIN SYKES or NOLLY EBERT dies, resigns, fails to qualify or is unable to so act, for any reason, the remaining party may act as sole personal representative. If both die, resign, fail to qualify or are unable to act, then I appoint _____ to serve as my personal representative. I direct that no bond be required of said parties while serving as my personal representative.

ARTICLE II
DEBTS AND EXPENSES

I direct my personal representative to pay out of the principal of my residuary estate all funeral expenses, expenses of administration (including ancillary), costs of delivering bequests, legally enforceable debts, and other proper charges against my estate, provided, however, that such direction shall not apply to debts secured by property or insurance, whether or not such property or insurance is included in my probate estate. As to legally enforceable debts secured by property, my personal representative shall have discretion as to whether or not to pay, in whole or in part, any such debt out of the principal of my residuary estate, or allow such debt, in

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ARTICLE V
PERSONAL EFFECTS

(1) My personal representative shall divide between my children who survive me such of my personal and household effects, such as jewelry, clothing, automobiles, furniture, furnishings, silver, books and pictures, including policies of insurance thereon, and the like as my personal representative, in their sole discretion, determines that such children might want to retain at the time of my death, or later, taking into account any wishes which they might express, to the end that substantial equality will be achieved between them, without being required to achieve exact equality in monetary value.

(2) Any of my personal and household effects and the like not distributed to my children shall be added to and become a part of my residuary estate.

ARTICLE VI
RESIDUARY ESTATE

All of the rest and residue of my estate, being all real and personal property (except for the 55-acre parcel known as Paekukui in Wailau Valley, Molokai, which is separately dealt with under the terms of the aforementioned Trust Agreement), wherever situated, in which I have any interest at the time of my death not effectively disposed of above or otherwise, but not including any property over which I have a power of appointment, I give to the Trustee or Trustees under a Trust Agreement dated the 30th day of October, 1987, which I signed as Grantor with myself as Trustee, to be added to and commingled with the Trust property of that Trust and held, or distributed, in whole or in part, as if it had been a part thereof immediately before my death, in accordance

ARTICLE IX
POWERS

Any personal representative acting hereunder shall have the following powers, in addition to and not in limitation of the general powers vested in a personal representative by law, all of which may be exercised by said personal representative without prior approval of any court:

(1) To retain all property of my estate, and any property into which any such property may be converted, without regard to lack of diversification, risk or non-productivity;

(2) To invest and reinvest my estate in any property or undivided interests therein, wherever located, including bonds, notes secured or unsecured, stocks of corporations regardless of class, real estate or any interest in real estate or interests in trusts and common trust funds, without regard to lack of diversification, risk or nonproductivity and without being limited by any statute or rule of law concerning investments by personal representatives;

(3) To sell any real or personal property of my estate (except for the 55-acre parcel known as Paekukui in Wailau Valley, Molokai, Hawaii which is separately dealt with under the terms of the aforementioned Trust Agreement), for cash or on credit, at public or private sales, for any purpose; to exchange any such property for other property; to grant options to purchase or acquire any such property; to determine the prices and terms of sales, exchanges and options; and to lease any property;

(4) To employ attorneys, auditors and investment advisors, and to act without independent investigation upon their recommendations, and to employ depositaries, proxies and agents, with or without discretionary

powers; to keep any property in the name of a personal representative or a nominee, with or without disclosure of any fiduciary relationship, or in bearer form;

(5) To borrow money and to mortgage or pledge any property of my estate;

(6) To collect, pay, contest, compromise or abandon claims of or against my estate, wherever situated, and to execute contracts, conveyances and other instruments, including instruments containing covenants and warranties binding upon and creating a charge against my estate and containing provisions excluding personal liability;

(7) To enter into any transaction authorized by this Article with trustees, personal representatives or administrators of any other trusts or estates in which any beneficiary hereunder has any beneficial interest, even though any such trustee or personal representative is also a personal representative hereunder;

(8) To make distribution or division of my estate in cash or in kind or both, and to allocate different kinds of disproportionate shares of property or undivided interests in property among the beneficiaries, and to determine the value of any such property;

(9) To permit any beneficiary to enjoy the use in kind, during probate of this Will, of my tangible personal property without liability on the part of said personal representative for any injury to, consumption of or loss of any such property, and to relieve any beneficiary or his representative of any liability for any unintentional, non-negligent injury to, consumption of or loss of any property so used;

(10) Except for the 55-acre parcel known as Paekukui in Wailau Valley, Molokai, Hawaii, to operate, maintain, repair, rehabilitate, alter, improve or

whom the child is residing, without further responsibility, and the distributee's receipt shall be sufficient discharge to my personal representatives. If such distribution is made directly to someone other than the minor child, the distributee may, in their discretion, hold all or any part of the minor child's share for his benefit until he reaches his majority, deliver all of or any part before or at that time to him or for his use to any person with whom he is residing, or sell all or any part and add the proceeds to the trust principal of the Trust referred to above, without further responsibility.

(5) Adopted children shall be regarded as, and share equally with, natural children. Distributions to children or to issue shall be construed to mean distributions per stirpes and not per capita.

(6) All words used herein in the singular number shall, if applicable, include the plural and all words used in the plural number shall, if applicable, include the singular. All words used in one gender shall include both genders.

(7) Any foregoing provision of this Will to the contrary notwithstanding, I direct my personal representatives to carry out the terms of any legally binding agreements, whether stockholder agreements, partnership agreements or otherwise, which I may have entered into during my lifetime.

IN WITNESS WHEREOF, I hereby sign this Will on this 30th day of October, 1987 at Molokai, Hawaii.

Sarah Louise Ebert Sykes

SARAH LOUISE EBERT SYKES

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The foregoing instrument, consisting of 10 typewritten pages, including this page, was signed and published by said Testator as her last Will in the presence of each of us who, at her request, in her presence and in the presence of each other, have hereunto subscribed our names as witnesses. We each certify that at the time of the execution of this Will, the Testator was mentally competent and acting voluntarily.

Signed Norma Dudot of Kaunakakai, Hawaii

Signed Kimberly Johnston of Kualapuu, HI

AFFIDAVIT

State of Hawaii)

ss

County of Maui)

October 30, 1987
~~September~~

Kaunakakai, Molokai

Then and there personally appeared the within named

NORMA DUDOT and Kimberly Johnston

who, being duly sworn, depose and say: That they witnessed the execution of the within Will of the within named testator, Sarah Louise Ebert Sykes, that said testator subscribed said Will and declared the same to be her last Will and Testament in their presence; that they thereafter subscribed the same as witnesses in the presence of said testator and in the presence of each other and at the request of said testator; that the said testator at the time of the execution of said Will appeared to them to be of full age and of sound mind and memory, and that they make this affidavit at the request of said testator.

Signed Norma Dudot of Kaunakakai, Hawaii

Signed Kimberly Johnston of Kualapuu, Hawaii

Subscribed and sworn to before me this 30th day of October, 1987.

Clemens H. Orono

Notary Public, State of Hawaii

My commission: May 9 1990
(SEAL)

2m
NP

LS

REVOCABLE LIVING TRUST AGREEMENT

THIS AGREEMENT made this 30th day of October, 1987, by and between SARAH LOUISE EBERT SYKES, of Kaunakakai, Island of Molokai, State of Hawaii, hereinafter called "Settlor", and SARAH LOUISE EBERT SYKES, of Kaunakakai aforesaid, hereinafter called "Trustee";

W I T N E S S E T H T H A T :

WHEREAS, the Settlor is presently unmarried and her children now living are BENJAMIN PAUL SYKES and JASON BYRNE SYKES;

AND WHEREAS, the Settlor is now the owner of certain property including insurance policies described in Schedule "A" attached hereto and made a part hereof, and desires to make provision for the care and management thereof, the collection of the income, if any, therefrom, and the disposition of both said income and property in the manner hereinafter provided;

NOW, THEREFORE, the Settlor, in consideration of the acceptance by the Trustee of the trust hereinafter contained, does hereby transfer, assign, set over and deliver unto the Trustee, its successors in trust and assigns, the property listed on said Schedule "A" attached hereto and made a part hereof, which property is hereinafter referred to as the "trust estate";

trust real property; provided, however, that the 55-acre Paekukui, Wailau Valley property on Molokai shall be allocated equally to each separate trust of the primary beneficiaries which property shall remain in these trusts as long as the primary beneficiaries use such property which use shall be satisfied if the property is occupied by each of the said primary beneficiaries or secondary beneficiaries, as the case may be, or their descendants for at least two (2) weeks each calendar year. The Settlor's purpose in purchasing this 55-acre parcel known as Paekukui was to provide a place to live full-time or part-time for herself and her immediate family, in harmony with the unspoiled land and water of Wailau Valley. It was also to protect the water resource of Kahawaiki Stream for those people living downstream; Therefore, at no time would structural development of the parcel's resources beyond that required for comfortable occupancy by the Settlor and Trustee and her family be acceptable use of the land. Otherwise, such property shall become subject to the purchase option set forth in Paragraph 10B below.

The balance of the trust assets (no more than twenty percent [20%] of the then fair market value of the trust assets) shall be distributed free of trust and without restriction on the use of distributed funds to the following organizations or activities:

- (1) One-eighth (1/8) to the Neighborhood House of Milwaukee, Inc., located in Milwaukee, Wisconsin;
- (2) One-eighth (1/8) to the Ice Age Park & Trail Foundation, Inc., located in Milwaukee, Wisconsin;

(3) One-eighth (1/8) to House of Peace Community Center presently managed by Brother Booker Ashe and located in Milwaukee, Wisconsin;

(4) One-eighth (1/8) to the Nature Conservancy of Hawaii;

(5) One-half (1/2) to the Molokai Community Service Council to be distributed equally among the following activities and programs:

(a) a scholarship fund in health service for persons who will practice at least four (4) years on the Island of Molokai following their licensure in their chosen field;

(b) the placement and maintenance of fire-rescue equipment at Molokai beaches and other Molokai recreation areas;

(c) Molokai Public Radio Project (presently operating under the sponsorship of Sounds Great, Inc.);

(d) Friendly Isle Soccer Organization;

(e) Boy Scouts of America-Maui County Council-Molokai organization;

(f) Family Planning Project (or, if it ceases to exist), any Planned Parenthood or family planning organization deemed appropriate for funding by the Molokai Community Service Council/Friendly Isle United Fund);

(g) fireworks for Molokai Independence Day; and

(h) the general Friendly Isle United Fund.

Should any of the above-named organizations or activities cease to function prior to the distribution among them, their share in its entirety shall be divided only among the remaining named organizations or activities.

4. Administration of Each Separate Trust. Each share held as a separate trust shall be held, administered and distributed as follows:

10. Powers of the Trustee: Except as reserved to

the Settlor, the following powers, and any others that may be granted by law, with respect to the trust, to be exercised as the Trustee, in its sole discretion, determines to be in the best interest of the beneficiaries hereunder, without authorization by any court:

A. To retain indefinitely any property, real, personal or mixed;

B. The Trustee shall not sell any real property during the term of this trust except upon distribution of such real property pursuant to Paragraph 5 above and then only upon the request of the beneficiary designated to receive such real property; provided, however, that in the event either of the Settlor's said sons decide not to keep any such real property, or if during the term of these separate trusts, either or both of the primary beneficiaries or their respective secondary beneficiaries or descendants fail to occupy the 55-acre Paekukui, Wailau Valley, Molokai property for the requested period of time each calendar year as provided in Paragraph 3 above, such real property shall first be offered to the Nature Conservancy for purchase by the Nature Conservancy at the lesser of (i) then fair market value or (ii) \$5,500 upon terms and conditions acceptable to the Trustee and the applicable beneficiary. In the event the Nature Conservancy does not purchase such real property within one hundred eighty (180) days of receipt of written notice from the Trustee of their option to purchase such real property, the Trustee shall send

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

10. Powers of the Trustee: Except as reserved to

the Settlor, the following powers, and any others that may be granted by law, with respect to the trust, to be exercised as the Trustee, in its sole discretion, determines to be in the best interest of the beneficiaries hereunder, without authorization by any court:

A. To retain indefinitely any property, real, personal or mixed;

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written notice to The Sierra Club of their option to purchase such real property on the terms and conditions set forth above. If the Sierra Club fails to purchase such real property within one hundred eighty (180) days after receipt of written notice from the Trustee, the Trustee shall distribute such real property, free of trust, to the State of Hawaii. As to all other property, the Trustee may sell, convey, or otherwise dispose of the whole or any part of any property at any time held hereunder at such times, for such prices, to such party or parties, in such manner, for cash or on credit, and upon such other terms and conditions as it shall deem advisable; to make such purchases or exchanges at such times, for such prices, in such manner and upon such other terms and conditions as it shall deem advisable; and to invest and reinvest in such bonds (including flower bonds), preferred or common stocks mortgages, interests in any kind of investment trust or common trust fund, insurance on the life of any person, leases, commodities, oil or gas royalties, or other evidences of rights, interests or obligations, secured or unsecured, or in such other property, real, personal or mixed, domestic or foreign, as it shall deem advisable, whether or not any investment shall be of a wasting asset nature and without regard to any law concerning the investment of trust funds or to the amount which shall be invested in any one security or in any one kind of investment, and even though all or substantially all of such investments may be in common stocks or other equities;

DOCUMENT CAPTURED AS RECEIVED

~~19. Trustee's Acceptance and Trustee's Duty~~

accepts the within trust and covenants and agrees with the Settlor that it will faithfully discharge and carry out the same.

20. Construction. This agreement and the disposition hereunder shall be construed and regulated and their validity and effect shall be determined by the law of the State of Hawaii as it may from time to time direct.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed on the day and year first above written.

Sarah Louise Ebert Sykes
SARAH LOUISE EBERT SYKES

"Settlor" and "Trustee"

STATE OF HAWAII)
COUNTY OF Mau) : SS.

On this 30th day of October, 1987, before me personally appeared SARAH LOUISE EBERT SYKES, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

LS

Robert H. Monday
Notary Public, State of Hawaii.

My commission expires: May 9 1990

Lorraine U. Meyer
PO Box 454
Kaunakakai, Hawaii 96748

27 July 1990

Department of Land &
Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, Hawaii 96813

To whom this may concern:

I met Sarah Sykes in June 1987. Sarah hiked into the Wailau Valley with a couple of friends to check on the parcel of land she had purchased from Francis Brown Estate. I was amazed by her petiteness and stamina. To hike from Mapulehu to Wailau Valley takes a lot of 'get up and go.' Whew!

In July I met Sarah's sons, Ben and Jason. I thought, "a little lady with two little boys, it's going to be hard." Wrong! Sarah is a doer; she accomplishes whatever she starts. She sets her plans and reaches that goal and is not afraid of hard work.

Sarah is friendly and easy to get along with. She is a giver, giving of herself to help people. She helps families, friends, neighbors, as well as strangers. She is active in community programs, committees, Boys and Cub Scouts, and is a substitute teacher at Molokai High and Intermediate School. One cannot find a better person to be involved with, for Sarah is dependable, one you can count on. She is extremely intelligent, yet she'll converse on any subject and at any level to make one feel comfortable.

Sarah is honest and expects the same from others, which is only fair. Sarah lives by the golden rule and teaches her sons the same - what is right is right, and what is wrong is wrong. Likewise, no if's, and's, or but's about it!

I've never known Sarah to do anything illegal; she's not a pot grower or a smoker for that matter. Sarah is in the valley of Wailau simply because she enjoys living there.

Sarah is a believer in preserving the land and water; you take care of the land and it takes care of you; and you use the water wisely, that's Sarah. She believes in preserving water and land for the children and future children of tomorrow. "If all is taken today, what will be left for one's children, grandchildren, great grandchildren, and great great grandchildren," she states.

Department of Land &
Natural Resources
27 July, 1990
Page Two

Sarah wants to teach children their culture and Wailau is a peaceful valley where children can enjoy learning about Hawaii of old and now new.

By all means, let Sarah have a CDUA to build a home in Wailau. Take a look at her tent home, it was built with a lot of hard work and love that goes to the yard and garden, too. This family has accomplished so much in one year.

To know Sarah is like seeing a country girl planting food in a wide open field; she's country. Leave her there and she will grow enough food to share with people in all walks of life.

I for one am very fortunate to have Sarah Sykes for a friend.

Sincerely,

Lorraine U. Meyer

Lorraine U. Meyer

Wayne Meyer
PO Box 454
Kaunakakai, Hawaii 96748

27 July 1990

Department of Land &
Natural Resources
PO Box 621
Honolulu, Hawaii

SUBJECT: Letter of Recommendation for SYKES, Sarah
Application for a CDUA PERMIT

To whom this may concern:

I have known Sarah Sykes and her two sons, Jason and Ben, ages 8 and 13, for the last four years and have high regards for this family.

Sarah assisted my wife and me acquire property at Wailau; they are our neighbors there. Our families oftentimes go on camping trips and other outings together and we've also been clearing old Hawaiian trails and sites. Whenever Sarah is away from her home, my wife and I house sit for her.

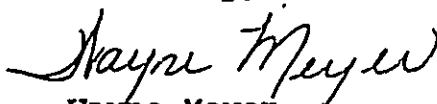
Sarah has cleared her Wailau property with assistance from friends. She has taken a variety of trees to beautify her property, including coconut, pineapple, lime, tangerine, orange, lychee, macadamia nuts, and even planted a garden. When the weather permits, usually from May through October of each year, Sarah and her boys can be found at Wailau, during which time she home teaches her boys.

Sarah is a hard working, intelligent, and a responsible individual who takes the time to care for her family, property, and shows much interest in the preservation of the forestry, etc.

No matter where my family would reside, we would be happy and honored to have Sarah Sykes as our neighbor. It is without reservation that I submit this letter of recommendation on her behalf.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Wayne Meyer

Bob Liljestrand

July 20, 1990

Department of Land and Natural Resources,
State of Hawaii, P. O. Box 621, Honolulu, Hawaii 96809

I understand that Sarah Sykes is applying for a Conservation District Use Authorization so that she and her family can live part of the year on their property in Wailau Valley, Moloka'i. I am writing to support her application.


For years Sarah Sykes has been a positive influence in the Moloka'i community. She has been active in educational and environmental efforts and has worked voluntarily and enthusiastically in numerous other community activities. I have traveled to Moloka'i with the Hawaii International Film Festival and have been helped greatly by her efforts.

Now Sarah has expanded her community interest to include Wailau Valley and Wailau Valley has benefited greatly. She has worked to organize educational and environmental restoration programs for the children of Moloka'i, programs which will allow the children to fully understand the ecological and archeological wealth of their history and culture. Sarah - with other landowners in Wailau - has worked tirelessly to clear invading pests, bamboo and hau, and to collect, bag, and remove by boat thousands of pounds of garbage that were left over decades of environmental abuse.

I have camped in Wailau Valley every summer since 1976. Over that period I have seen Wailau go through numerous stages and much abuse. At last, it is returning to health; conservation and preservation is at work. Sarah Sykes deserves much of the credit for this trend. We, the residents of Wailau and of Hawaii, should be thankful for her stewardship.

I hope that you approve her activities so that her positive influence and protection of Wailau will continue over the years.

Sincerely,



Bob Liljestrand

3935 Round Top Drive

Honolulu, Hawaii 96822

(808) 947-3860

J. E. CRAFT

Representing the Manufacturer

124 Molokai Shores
Kaunakakai, HI
96748
(808) 553-5238

June 19, 1990

TO WHOM IT MAY CONCERN:

Subj. Sarah SYKES

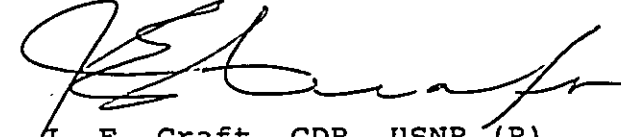
It is with extreme pleasure to attest to the fact that the above subject person is of high moral character, and worthy of any and all consideration in granting her the approval of her CDUA application.

Having known Mrs. Sykes for a number of years and observing the high standards that she has instilled in her sons, and students, it would be a shame that she cannot carry on the valuable training for youngsters that she has been teaching.

She has been invaluable in her participation in the US Coast Guard Auxiliary here on Molokai.

Your consideration, and approval of her application will be greatly appreciated.

Sincerely,



J. E. Craft, CDR. USNR (R)

Chairman and Members of the Board
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii

July 31, 1990

Dear Members of the Board,

I write to you today to support Sarah Sykes' application for a Conservation District Use permit. She hopes to construct a home and shelter in Wailau Valley, North Shore Molokai, for her family and the children of Molokai.

I have worked with Sarah on CPS issues, education issues, job issues, economic development, water resource conservation, and the Molokai Health Foundation. She is well-equipped to put together a meaningful educational program for the children of Molokai.

Her goal in Wailau is to provide an environment where the island's youngsters will be able to learn self-respect through self-responsibility and personal understanding of their heritage and their choices for the future.

In order to implement this goal, she needs to erect secure shelter, put in a suitable water line, construct appropriate toilet facilities, and deal with the other environmental issues so no one coming in to Wailau will be inadvertently loving nature to death.

Without reservation I recommend you grant her the Conservation District Use permit.

Sincerely,



Rachel Kamakana

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY
SAINTS

KAUNAKAKAI WARD
Kahului Hawaii Stake

June 25, 1990

Chairman and Members
Department of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Dear Sirs:

I have known Sarah E. Sykes and her two sons, Jason and Ben, for the past five (5) or more years as respectable members of the Molokai Community. They have been close neighbors on Kamiloloa Heights these many years.

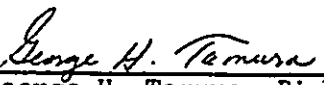
Mrs. Sykes have been very supportive and most active in our Cub Pack, serving as a Den Mother of Pack 57 for many years.

I have known Mrs. Sykes to be a very people oriented person. She is a very caring person, who is very open and express much love for the youths on Molokai.

I fully support her request to reside in Wailau Valley, and be allowed to pursue her educational and environmental goals, along with the preservation of Wailau Valley and its habitat.

Please feel free to contact me if I could be of any help to you and your members.

Sincerely,


George H. Tamura, Bishop
Kaunakakai Ward

JOHN R. ZILLMER
735 NORTH WATER STREET
MILWAUKEE, WISCONSIN 53202

June 22, 1990

Department of Land and Natural Resources
State of Hawaii

Re: Sarah E. Sykes

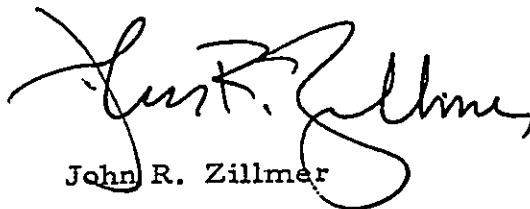
Gentlemen:

I have just retired as the president of the Ice Age Park and Trail Foundation. The foundation is the group putting the Ice Age National Scenic Trail on the ground, 1,000 miles across the State of Wisconsin, under the aegis of The National Park Service and the Wisconsin Department of Natural Resources.

During my years with the foundation I worked extensively and closely with Sarah Sykes. She started her work on the trail as a staff member of the office of former Wisconsin Congressman Henry S. Reuss. But it soon became more than a part of her job. The Ice Age National Scenic Trail had no harder worker. It had no more enthusiastic supporter.

Sarah Sykes is as fine a person as you will meet. She is a dedicated conservationist. She is a dedicated educator. I cannot recommend her too highly.

Very truly yours,



John R. Zillmer

JRZ/as



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
TDD NO. 608-267-6897

June 28, 1990

IN REPLY REFER TO: 1400

Board of Land & Natural Resources

Dear Board Members:

I am writing to you on behalf of Sarah E. Sykes. During the late 1970's and early 80's Sarah and I worked together to secure federal recognition for Wisconsin's Ice Age Trail and on other matters related to the Ice Age Trail. During the time I worked with Sarah, I knew her as a dedicated conservationist and a person of high principles. I believe she will be an outstanding steward of the land.

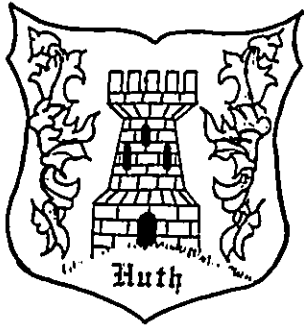
Sincerely,

William T. Moorman
Ice Age Coordinator
Bureau of Parks and Recreation

WTM:rh
v:\9007\pr9sykes.wtm

cc: Sarah Sykes





NORMAN C. HUTH
3034 N. PARK RD. TEL. 964-2128
GLENDAL, WIS. 53217

June 29, 1990

Board of Land and
Natural Resources

I recommend Sarah E Sykes for a Conservation District Use Authorization to live in Wailau and engage in worthwhile educational and Conservation programs.

I am a past president and a member of the Board of Directors and executive committee of the Ice Age Park and Trail Foundation of Wisconsin Inc. Sarah Sykes is a former director and was an active worker on behalf of the Ice Age Trail and other conservation projects. She proved to be a very stable and knowledgeable person. Prior to becoming an Ice Age Foundation director, she was a staff member of Congressman Reuss (up to his retirement from Congress), assigned to cooperating with us in behalf of the Ice Age Scientific Reserve and the Ice Age Trail, a part of the National Scenic Trail System by act of Congress. She demonstrated such a constructive dedication to our conservation and educational activities we asked her to become one of our directors when the Congressman retired.

The Ice Age Foundation is recognized both by the National Park Service and the State of Wisconsin. Our Board of Directors includes A former three term Governor, a Congressman for 28 years, District Attorney , former Nat Chairman of a major political party, University professors, a banker, manufacturers, attorneys, Real Estate men and other reputable persons .

Norman C. Huth
Norman C Huth

Henry S. Reuss
• 8010 Riverside Drive, Cabin John, MD 20818 • (301) 229-1528

July 7, 1990

Hawaiian Board of Land and Natural Resources
Hawaii

Dear Friends:

As representative from Wisconsin in the U.S. Congress for many years, I was privileged to have Mrs. Sara Sykes on my staff. In this capacity, she performed with distinction critical work in the field of conservation, particularly in the establishment of the Ice Age National Scenic Trail. She was also active as a leader in civic organizations and as an educator.

Because of her integrity and dedication, I would recommend her without reservation for any position or trust and responsibility.

Sincerely,



Henry S. Reuss

DOCUMENT CAPTURED AS RECEIVED

Sarah E. Sykes

July 31, 1990

State of Hawaii-Department of Land and Natural Resources
Chairman and Board Members
P.O. Box 621
Honolulu, Hawaii 96809

Accompanying this Conservation District Use Application are a few extra documents.

One set of papers is letters of recommendation I had asked a few friends to send. Having only lived in Hawaii since 1985, I felt it might help if you had a bit of background reference on me. There are also letters from Molokai residents. The Meyers are my nearest neighbor in Wailau Valley. Bob Liljestrand has a parcel of land at the beach.

One set of papers is part of my Trust document and will. I understand you might be concerned that I intend some day to profit from the land in Wailau Valley. Since before the ownership papers came through, it has been protected from commercial development in these documents. I had selected the Nature Conservancy as the initial recipient. Sierra Club and the State of Hawaii are secondary and tertiary recipients. The land is not a part of my estate. (It might seem a bit strange to have such documents prepared at my age, but my husband was killed by waves on Molokai in January, 1987 and I have two young children.)

For centuries, even into the 1900's, Wailau Valley produced taro and other crops. Most of Molokai's population lived in North Shore valleys. When pineapple was introduced to the island, most families left for cash jobs on the other side. The valleys were abandoned. Then the hippies and pot-growers "discovered" them in the 60's and 70's. That all ended in the early '80's. Luckily the earlier legacy remains as the stronger. Taro patch walls and heiaus exist, while pot-holes have gratefully grown over. Many families now use Wailau Valley for hiking, camping, fishing, hunting, and simply showing the children a bit of their heritage.

Part of our work in Wailau leads us to set up three educational programs for Molokai kids (gifted and talented, abused, and job training) as well as a preservation-restoration project for the ancient Hawaiian cultural remains, and a re-introduction of native endangered species, working with the National Tropical Botanical Garden on Kauai. We are making great

P.O. Box 370 Kaunakakai, Hawaii 96748 808-553-3831

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Sarah E. Sykes

progress in the valley and have found sponsoring organizations to one day run the educational and restoration programs. We only want to provide them a foot in the door, a base camp, a pointing-in-the-right-direction. This is why we need a permit to erect a strong home, putting in appropriate wastewater and sewage facilities. Eventually, we hope to see the entire North Shore from Kalaupapa to Halawa protected as a National Tropical Rain Forest under the Department of Agriculture. Then, perhaps, we'll have to leave. But at least the valleys will be protected, and our home could serve as a park or preserve headquarters, or base camp while an interpretive center is constructed.

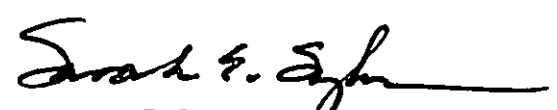
What's in it for me is a clear conscience that something is being done to preserve one of Hawaii's last pristine cloud-forest ecosystems. . .that I'm raising my kids and their peers to understand they have self-responsibility as well as self-worth in this world. . .that one of the best-preserved large-scale ancient Hawaiian (as opposed to plantation-era, post-contact era) communities might be saved from the bulldozers.

While this is a simple application to continue that which was presented in my application for a Temporary Variance (valid to March 22, 1991), I understand that further applications will have to be submitted for any programs, any re-planting of indigenous species, and any additional construction undertaken as part of proposed programs (i.e., erecting a traditional Hawaiian Hale as part of a hands-on cultural education program).

Since we are still trying to accomplish a modern re-surveying of the valley, I ask for a Conservation District Use Permit to take effect upon the expiration of my Temporary Variance. That will give us three full years to complete all covered construction.

Thank you for your consideration.

Sincerely,


Sarah E. Sykes

P.O. Box 370 Kaunakakai, Hawaii 96748 808-553-3831

END

CERTIFICATION

I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF
FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

2004

DATE

Juelle Kaai

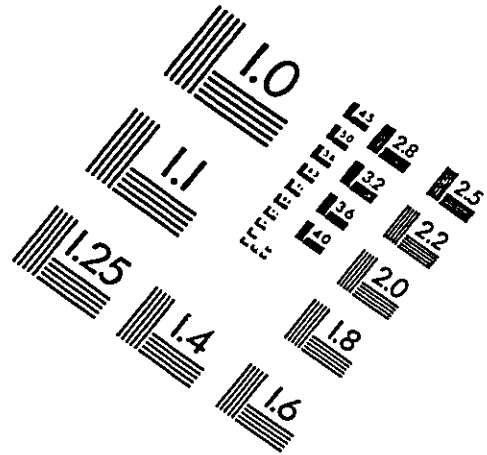
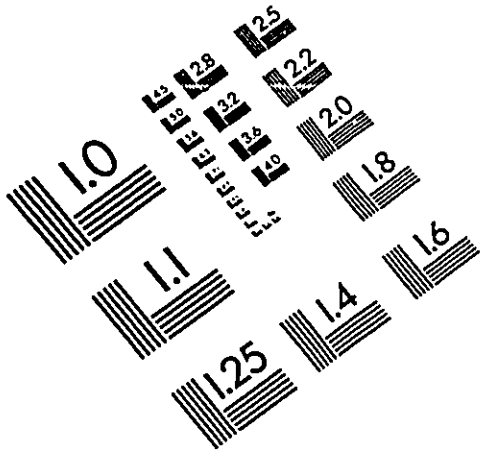
SIGNATURE OF OPERATOR



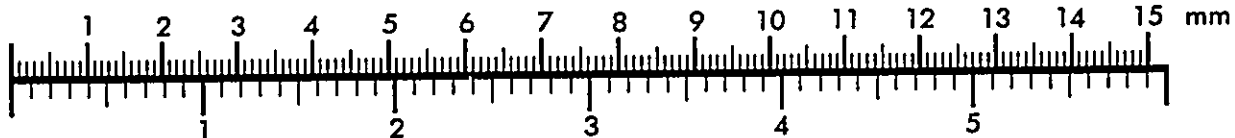
AIM

Association for Information and Image Management

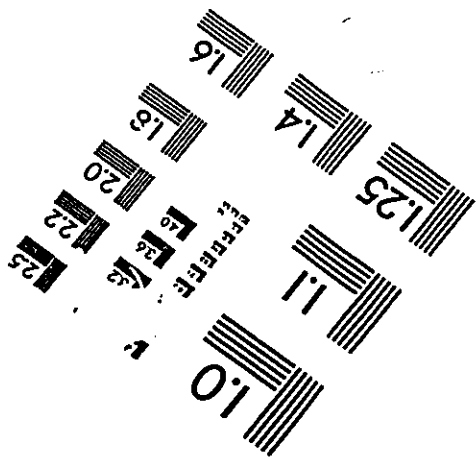
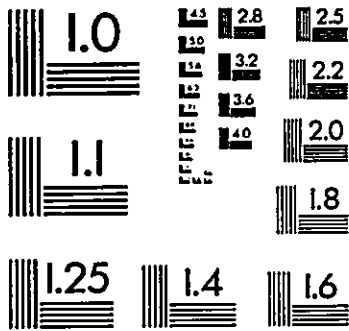
1100 Wayne Avenue, Suite 1100
Silver Spring, Maryland 20910
301/587-8202



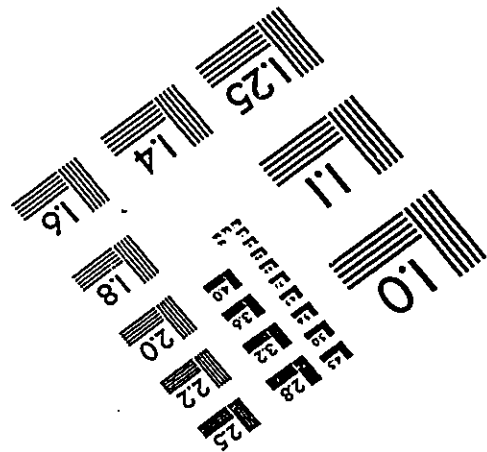
Centimeter



Inches



MANUFACTURED TO AIM STANDARDS
BY APPLIED IMAGE, INC.



DENSITY TARGET



ADVANCED MICRO-IMAGE SYSTEMS HAWAII