

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

DATE: FRIDAY, APRIL 11, 2008
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HI 96813

Chairperson Laura Thielen called the meeting of the Board of Land and Natural Resources to order at 9:08 a.m. The following were in attendance:

MEMBERS

Laura Thielen
Ron Agor
Tim Johns

Rob Pacheco
Jerry Edlao

STAFF

Sam Lemmo, OCCL
Charlene Unoki, LD

Dan Quinn, SP
Dan Polhemus, DAR

OTHERS

Julie China, Deputy AG
Jeff Strahn, F-2
Stephanie Nagata, K-5

Bill Wynhoff, Deputy AG
Dawn Chang, K-5
Ron Terry, K-5

{Note: language for deletion is [bracketed], new/added is underlined}

Item A-1 Amended December 14, 2007 Minutes, replacing Item K-5.

Item A-3 February 8, 2008 Minutes.

Item A-5 March 14, 2008 Minutes.

Unanimously approved as submitted (Pacheco, Johns)

Item A-2 January 25, 2008 Minutes.

Item A-4 February 22, 2008 Minutes.

Item A-6 March 28, 2008 Minutes.

Deferred (Pacheco, Edlao) Not ready.

Item K-2 Recommendation to DENY Conservation District Use Application (CDUA) HA-3405 to Develop a Sustainable Commercial Koa Timber Forestry Operation by Koa Timber Inc. at Papaikou and Paukaa Districts, Island of Hawaii, TMKs: (3) 2-7-001:001 and (3) 2-8-001:002

Sam Lemmo, Administrator for Office of Conservation & Coastal Lands (OCCL), reminded the Board that the last time this request was granted there was a caution expressed that if no progress hadn't been made staff would not recommend favorably on an extension for this project. Staff recommended the Board deny this application without prejudice for failure of completing an EIS in a timely manner. Notices were sent to the applicant and there has been no response. Staff had been working closely with DOFAW and expressed a number of concerns.

Member Johns queried whether or not counsel was present at the Board meeting regarding this.

Mr. Lemmo didn't think so.

Chair Thielen inquired is this denial without prejudice. Are they able to file another CDUA?

Mr. Lemmo answered in the affirmative.

Chair Thielen suggested if this Board takes action today, in notifying the applicant, have staff look back in the files to see if there was counsel representation for the applicant and to make sure the notice goes to them.

Unanimously approved as submitted (Pacheco, Johns)

Item K-3 Request to Extend the Processing Period in Order to Process a Contested Case Hearing for Conservation District Use Application (CDUA) KA-3399 for the Consolidation of Two Parcels and the Construction of the Morrow Single Family Residence (SFR), Haena, Hanalei District, Kaua'i, TMK (4) 5-9-03:10 and 45

Member Agor recused himself.

Sam Lemmo of OCCL described submittal background. The applicant is asking for a 60 day extension until June 27, 2008 and staff recommends approval.

Chair Thielen asked is this an extension to initiate the contested case hearing.

Mr. Lemmo replied staff is not actively involved in a contested case because there might be a proposed settlement agreement provided to the Board.

Chair Thielen asked why 60 days.

Mr. Lemmo said the attorney is keeping staff on a tighter rope.

Chair Thielen asked could a determination come in 30 days.

Mr. Lemmo stated no because staff is finalizing the environmental document that will be published and then propose a resolution.

Unanimously approved as submitted (Johns, Edlao)

Item K-4 Request to Extend the Processing Period in Order to Process a Contested Case Hearing for Conservation District Use Application (CDUA) HA-3269 for the Cohen Single Family Residence (SFR), Pao`o, North Kohala, Island of Hawai`i, TMK (3) 5-7-001:005

Sam Lemmo representing OCCL reported on background. Cohen's counsel is asking for an additional 6-1/2 months, a November 30, 2008 deadline. The contested case hearing is in a week with more days for testimony. Staff recommends granting the extension because this has gone through the contested case process and more hearings are scheduled in May. He described the entire process. The hearing officers are not full time hearing officers.

The applicant's representative was here to answer questions.

Unanimously approved as submitted (Pacheco, Johns)

Item K-1 Time Extension Request for Conservation District Use Permit (CDUP) HA-2969 for Saddle Road Improvements Section II (Milepost 28-42) by the U.S. Department of Transportation Federal Highway Administration Central Federal Lands Highway Division Located at Saddle Road, County of Hawaii, Portions of TMKs: (3) 3-8-001: 1, 7, 8 & 13; (3) 4-4-015: 4 & 8; (3) 4-4-016: 3, 5 & 6

Sam Lemmo of OCCL asked for a deferral.

Deferred. (Pacheco, Johns)

Item E-4 Request for a Special Use Permit from the World Triathlon Corporation to Use the Hapuna Beach State Recreation Area in South Kohala, Hawaii, for the 2008 Ironman 70.3 Hawaii Honu Triathlon

Dan Quinn, Administrator for State Parks, gave background. Staff recommends approval with attached conditions and representatives are here to answer any questions.

The Board inquired how is this different from the Ke Kahakai wilderness park which was denied a similar permit.

Mr. Quinn explained that the distinction is Ke Kahakai is a commercial free area.

Unanimously approved as submitted (Pacheco, Johns)

Item D-8 Consent to Assign Homestead Lease No. 34, Henrietta Kia Cypher, Assignor, to, Barney Kealoha Cypher, Assignee, Waianae, Oahu; Tax Map Key: (1) 8-5-004:027

Charlene Unoki representing Land Division asked for consent to 50% interest each to Henrietta Kia Cypher's and Barney Kealoha Cypher's lease.

Henrietta Cypher and her counsel were present to support this proposal.

Unanimously approved as submitted (Johns, Edlao)

Item F-2 Resubmittal-Enforcement Action Against Maui Snorkel Charters, Inc. for Damaging Coral within the Molokini Shoal Marine Life Conservation District

Dan Polhemus, Administrator for Division of Aquatic Resources (DAR), requested the Board to evaluate and take action on a proposed settlement from the responsible party and he conveyed background. He reminded the Board that at the January 25, 2008 meeting the Board asked staff and the Chairperson to negotiate a settlement with Maui Snorkel Charters (MSC) to include a commercial use permit suspension of an undetermined amount of time and a payment plan of not less than \$550,000. And, for the Chairperson to report back to the Board with the outcome of those settlement negotiations to include \$10,000 for administrative costs.

A proposed final settlement by Maui Snorkel has been submitted and he presented a letter, Exhibit L. This letter suggests settlement terms different from those directed by the Board on January 25, 2008 and by the Responsible Party (RP). He read submittal recommendation.

Member Johns summarized counsel's letter, Exhibit L, inquiring if there was a follow-up letter which there is not. He noted that this is inconsistent with the original offer.

Mr. Polhemus recollected that the original offer was \$550,000 over a period of 10 years.

Bill Wynhoff, Deputy Attorney General, recalled the amount of \$550,000 was considered by the Board and the length of the term was difficult to determine. He and the Chair had discussions with the RP who was concerned with committing to something Maui Snorkel couldn't pay over a shorter period. He confirmed the amount of \$550,000 and a suspension term.

The Board asked if the original offer is still available, which it is not once withdrawn unless the RP renews it.

The Board inquired if a contested case is available and if Maui Snorkel could still operate.

Mr. Wynhoff replied in the affirmative. The RP intends to ask for one and they can still operate during a contested case which could take months. The RP could appeal.

Chair Thielen asked if this is a term permit and when it would end.

Mr. Wynhoff said he believed it was December.

Member Johns cautioned he wasn't sure whether to ask that question because if the RP fails to renew the permit is that contestable.

Mr. Wynhoff replied it could be. That's a difficult question wrestled with many times over the years. The question whether anybody has the right to renew a permit, but the position to that is no. It is not necessarily very clear depending on the type of permit, but could be thought of when the permit came up for renewal.

Mr. Polhemus added that the renewal of the permit is an internal administrative action that is signed by the Chairperson. Revocation of a permit is a Board action which clearly allows the possibility of a contested case.

Member Johns inquired about failure to renew.

Mr. Wynhoff said the argument was renewal is a property right entitling an RP to due process. He didn't agree with the argument.

Mr. Polhemus noted that this is a preserve and not a playground. Commercial use of a marine life conservation district is a privilege and not a right. Maui Snorkel currently holds a permit.

Mr. Wynhoff stated revocation (in contrast to non renewal) is a deprivation of property for which due process is required.

Member Johns commented on a possible administrative rule change (as an example) to lower the number of permits for the entire resort.

Member Johns and Mr. Wynhoff agreed that a contested case is not an appeal of the Board's decision – it is a de novo review. RP intends to ask for a contested case if the matter is not resolved.

Member Johns inquired whether the Board requires negligence to impose a fine and/or to act on the use permit. It doesn't, right?

Mr. Wynhoff confirmed that. There was no state of mind, the RP just did it and destroyed a bunch of coral. As to the amount, the Board could take into consideration whether the destruction was deliberate or negligent.

Member Pacheco stated that RP's contention is the damage wasn't as great as the State contends. Is there any update from staff?

Mr. Polhemus responded that staff stands by their original damage assessment. The question centers on the value of the lost ecosystem services. Monetary value of the loss is not included in the statutory penalties.

Chair Thielen reported on the discussions she, staff and the RP's counsel had. She did not feel comfortable with the time period proposed. The recommended fine of \$550,000 was agreed upon based on the number of specimens lost and a suspension for some period of time.

Member Johns asked at that point it was \$550,000 over 10 years. After the RP analyzed their situation they could only pay \$250,000 over a period of 10 years or was it \$250,000 now and \$550,000 over 10 years.

Chair Thielen said she wasn't clear because it wasn't discussed at that meeting any concept of doing a settlement with an up front payment and suspension on the remainder. When this letter came through the Board members were flushing it out, she asked the RP to come up to explain the reasons for the offer.

Jeff Strahn representing Maui Snorkel Charters confirmed that the original offer was \$550,000 over a 10 year period which his company felt they could pay with the cash flow. The Board wasn't comfortable with the 10 year period. Their counsel and Mr. Wynhoff met to work on the numbers and they came up with 8 years which was still not satisfactory. How MSC came up with the current number was based on the greatest amount of money they could borrow. His company wants to resolve this, which is why it is presented in this form.

Chair Thielen concerned that the 10 year period is a significantly long period of time not knowing if the company might be sold or remain in business. The 8 years is not a significant decrease from 10 years, but she understands the bottom line. The suspension of \$300,000 is a significant difference that hadn't been discussed.

Member Edlao stated he didn't agree with a surcharge to MSC patrons. He asked about the \$10,000 in addition.

Mr. Strahn agreed they can do that amount.

Chair Thielen explained why she brought this back to the Board was she didn't have the delegation of authority to negotiate about a suspension of the fine which changed the parameters of the discussion. The best offer was \$550,000 over an 8 year period which she wasn't comfortable with.

Member Pacheco recalled that the amount was up to \$550,000.

Chair Thielen asked the Board whether to continue the negotiations and to give her broader parameters to enter into discussion with the RP or the likelihood of going into a contested case as such, we need to make a decision and allow it. But she needs further direction from the Board given that this offer is different and it's conceiving a suspension of a significant portion of the fine from the RP's perspective.

The Board asked the RP if the 2 months they were out was to make repairs to the ship and they confirmed that.

Member Johns summarized the Chair would like the Board to give her the ability to continue to negotiate and give her additional flexibility with regard to the fine. Because the suspension has been on the table for some time and the Board didn't specify a suspension every year nor did they say the fine needed to be paid under a year or number. The \$550,000 over years was in the discussion which the Board granted to the Chair the last time, but a waiver or a suspension is outside of what the Board recommended or acted on last time. He inquired of the Chair whether it would be fruitful to have that discretion to enter into continued negotiations. If not, we should get on with a contested case.

Mr. Strahn responded that they would like to continue negotiations and resolve this.

Chair Thielen said it's always worthwhile to continue negotiations, but she doesn't want to continue them indefinitely. She suggested the Board give a timeframe for some conclusion that allows them guidance to focus their time and efforts. Because she is at the Legislature it would be better to schedule after May 1st.

Member Agor queried whether to have the RP pay \$250,000 now and the balance over 8 years.

Mr. Strahn replied his company would have to run the numbers, but he can't commit. It would have to make sense, but they are open-minded.

Member Edlao felt comfortable with 5 years as oppose to 8 years. He reiterated that someone has to be accountable if something should happen to the business.

Chair Thielen recommended giving her 90 days.

Mr. Strahn asked if there could be some direction to what the Board is looking for.

Member Edlao replied he can live with the 3 month suspension because the RP has been in dry dock for 2 months which is negotiable.

Mr. Strahn asked for clarity whether its \$550,000 and 3 months or a lesser amount and longer suspension.

Member Edlao clarified the RP comes up with some money and the balance can be negotiated over a period of time to ease the pressure on the RP and a 3 month suspension.

Member Johns felt the \$550,000 over 8 or 10 years is reasonable to him, but he was concerned with the risk of not collecting the fine in the 6th, 7th and 8th year. Another way is to look at the discounted value of what those payments would be. If the RP is payment \$300,000 in 3 months the discounted income stream is \$55,000 per year you'd be getting close to it. He suggested the Chair work with those numbers using \$550,000 over 10 years and \$300,000 goes to \$370,000 in 3 months. Or \$250,000 now and \$120,000 next year then we're very close to what the Board intends to do to accommodate the RP. Back off the \$550,000 from 10 years and discount backwards to today.

Mr. Strahn inquired whether all cash situation or a payment over a shorter period of time.

Member Johns replied depends how it's negotiated.

Chair Thielen summarized the Board is considering delegating the Chair the authority in coming up with a variety of solutions with greater flexibility but still looking at some order of magnitude and time being an issue recognizing a payment immediately is a greater value.

Member Agor stated if we do negotiate a balance to not take an extended suspension because we want the RP to make payment.

Member Johns asked whether the Board is allowing the Chair to have the flexibility not to impose a suspension because it was part of the direction last time. He would prefer still having a suspension. The other issue is the negligence issue and whether the Board needs to give any direction, which is more a legal issue. Why couldn't the Board say that since it's not required under our applicable statutes and regulations, to take our action that we take no position in regards to the negligence as opposed to saying making a finding that was not negligent.

Mr. Wynhoff said it becomes part of the settlement the RP might want to disclaim any of the issues.

Mr. Strahn would have to check on the language.

Mr. Polhemus wanted to make sure he had the proper sense of the Board which is to guide the Chair to negotiate within the parameter of an overall value of a \$550,000 fine over 10 years which could be suitably discounted by payment in less than that time. A suspension of undetermined length which could be determined by the Chair and the Board has the option of remaining silent in regards to the issue of negligence. He believes staff can support that recommendation and will revise it.

Chair Thielen will bring this back within 90 days.

The Board:

Directed the Chair to negotiate within the parameter of an overall value of a \$550,000 fine over 10 years which could be suitably discounted by payment in less than that time plus a suspension to be negotiated. The Chairperson will report back to the Board within 90 days.

Unanimously approved as amended (Edlao, Johns)

Item F-1 Request for Approval to Enter into a Two-Year Contract for Professional Services with the University of Hawaii to Fund (\$134,000) a Project Titled "A Recreation Management-By-Objectives Framework for Hawaii's Coastal Resources: Applications at Kealakekua Bay (Hawaii) and Molokini Shoal (Maui)" (Estimated Term: July 1, 2008-June 30, 2010)

Dan Polhemus of DAR asked for approval.

Unanimously approved as submitted (Pacheco, Schuman)

Item K-5 Land Board Briefing on the Development of a Comprehensive Management Plan for the Mauna Kea Science Reserve (Joint Presentation by the Office of Mauna Kea Management and Ku'iwalu Consulting), Island of Hawaii, TMK: (3) 4-4-015:009

Chair Thielen stated that Member Pacheco has been in consultation with the State Ethics Commission and because this is an informational briefing he isn't required to recuse himself. She has more information to report from yesterday's meeting with UH and the Dept. of Attorney General after Ms. Chang's briefing.

Member Johns concerned whether the Board is violating Judge Hara's court order by having this briefing today.

Chair Thielen clarified this briefing is for UH to familiarize, and inform the Board with the process of developing a Mauna Kea management plan at the summit. This is an informational briefing listed as a non-action item. It is not in violation.

Dawn Chang with the University of Hawaii introduced Ron Terry and Stephanie Nagata of the Mauna Kea Management Board. She mailed letters to all the plaintiffs urging them to attend this meeting. Ms. Chang distributed copies of the Mauna Kea Comprehensive Management Plan Draft Table of Contents and she is open to comments.

In 2000, there was a Master Plan that was approved by the Board of Regents that identified management objectives. Protect historic and cultural resources, protect natural resources, protect and enhance educational research, protect and enhance recreational opportunities and promote public safety. In 2005 the auditor did a follow up audit and the recommendations were specifically: UH obtain administrative rule making authority; revise and update planning documents; develop, implement and monitor a comprehensive management plan for natural, cultural and historic resources at the summit. In 2005 and 2006 the office of Mauna Kea Management worked on various components of the management plan and she went on to explain how they did that.

In January 2007 Judge Hara's decision affected the Outrigger telescope. It was a very narrow decision addressing the Land Board's granting of the CDUP for that telescope. However, his conclusions specifically say there is a legal requirement to prepare a comprehensive management plan and he cited DLNR rules, conservation district rules and American and blas dictionary to define comprehensive. He references the legislative intent of Chapter 183c-1 and to conclude as a matter of law that the comprehensive management plan must cover multiple land uses within the Mauna Kea Science Reserve and it is a pre-condition to the Land Board granting a CDUP. Judge Hara also further states that to allow management plans on a project by project basis would result in foreseeable contradictory management conditions for each project that do not conform with the comprehensive management plan. He indicated that the Land Board needs to approve that.

UH's vision is to remove older obsolete facilities and consider building larger more technically advanced telescopes on Mauna Kea. UH also acknowledged their failure to involve the community in the management of Mauna Kea. The management has not been cultural or environmentally sensitive to those issues. UH supports the a comprehensive management plan. Ms. Chang noted the difficulties to meet the cultural and environment and still meet the regulatory frame work

UH is not disputing Judge Hara's decision, but is here to propose a process to complete the management plan and address the community concerns in a timely manner. Ms. Chang summarized their goals reiterating the above.

Member Johns asked what kind of information does the Board need to make a decision to approve the plan if they don't have a Chapter 343.

Ms. Chang described the Mauna Kea Comprehensive Management Plan Draft Table of Contents. One problem is lack of cultural sensitivity. The plan will look at the resources first then manage the uses and activities. The community will be involved.

Chair Thielen shared that UH approached the Department to discuss. She thinks it's a good for UH, but it is a lengthy process. Judge Hara's decision is to protect the entire summit. She approves having a comprehensive management plan that is not project driven. Under the rules for management plans one of the requirements is an environmental assessment. The rules permit the Department to take action on a management plan provided by the University alone because it is a pre-condition to any CDUP or in concert with a CDUP. She also noted UH will need a CDUP for any management activities. Staff can be made available on this.

Ms. Chang stated that an environmental assessment is inconsistent with what was proposed. This is the first time she is hearing this. The CDUP is site driven based on the rules.

Chair Thielen clarified that exhibit 3 speaks to management plan requirements. That is where the environmental assessment is listed.

There was discussion whether a change in the management plan will trigger a CDUP, but a management plan doesn't authorize a use.

There was discussion on an EIS and cited the example of Papahānaumokuākea where management plans are ordinarily accompanied by an environmental document. The Attorney General's office has to decide. As long as it goes before the Land Board. There are difficulties of identifying specific uses and activities for the future. UH is willing to fill the gaps and add a process of pre-planning development plan.

Stephanie Nagata of the Mauna Kea Management Board said they are adaptive and there will be changes every 3 or 5 years. An EA doesn't have to happen every time they update this plan. Their office needs to plan soon to guide their management.

Ron Terry, Mauna Kea Management Board, explained why this management plan was because of the harbor ruling.

Member Johns recommended to get the plan as close to an EA as possible.

Ms. Chang agreed.

Chair Thielen summarized the situation for UH and the rules the Board and Attorney General's office follow. It's up to the UH how they want to proceed.

Ms. Chang appreciates the meetings being held at Imiloa and UH can bring reports to the Board every 3 months.

Gentleman from the public asked to consider whether it meets amended rules in light of Judge Hara's decision.

Item D-2 Amend Insurance Requirement for (48) General Leases Awarded for Residential Purposes, Pursuant to Act 314, Session Laws of Hawaii 1991, as Amended, Kikala and Keokea, Puna, Hawaii, Tax Map Keys: (3) 1-2-43: 1-69

Charlene Unoki representing Land Division was alerted to a typo error. Recommendation H & G should be B & C. Staff asked to amend and she distributed written amendments. Only one tenant has insurance.

Amend Recommendation A.1.:

- 1. Change the insurance provision to read as follows “comprehensive general liability in an amount of at least \$100,000 for each occurrence and \$100,000 aggregate or homeowner’s insurance in an amount of at least \$100,000 for each occurrence and \$110,000 aggregate, with a duly licensed insurance company.” In the event additional insurance becomes reasonably available, this matter will be returned to the Land Board for consideration of whether the required insurance should be increased.**
- 2. Correct typographical errors found on Recommendation H and G. Should be labeled Recommendation B and C.**

Item D-3 Authorization to Conduct a Drawing to Award Nineteen (19) Direct Residential Leases Pursuant to Act 73, Session Laws of Hawaii 2007, Kikala and Keokea, Puna, Hawaii, Tax Map Keys: (3) 1-2-43: 2, 7, 9, 16, 19, 21, 24, 26, 27, 28, 42, 44, 57, 58, 61, 62, 64, 66, and 67.

The Board:

Amended staff’s submittal as follows:

- Correct typographical errors found on page 4, paragraph 4, it should read SLH 1991, not SLH 2007**
- page 4, paragraph 5, last line should reference the 1983 eruption, not the 1993 eruption**
- page 4, paragraph 7, it should read Act 73 not Act 314**
- page 5, paragraph 1, it should read Act 73 not Act 314**

Unanimously approved as amended (Pacheco, Johns)

10:50pm Member Johns departed.

Item D-4 Approval in Principle for Acquisition of Perpetual Conservation Easement by the Division of Forestry and Wildlife, Kealakekua, South Kona, Island of Hawaii, Tax Map Key: (3) 8-2-012: 001 (por.)

Charlene Unoki asked the Board’s approval and described background.

The Board asked how money was secured for something not approved, yet.

Sheri Mann representing DOFAW explained it's through the Federal Forest Legacy Program. Land owners who have property that are part of a list or touch lands that are on the list are eligible. There are other requirements and she gave more details.

Ms. Unoki described the process and noting staff can't start without approval by the Land Board.

Chair Thielen shared upland sites of Kealakekua Bay and Ahihi Kinau are considered.

Unanimously approved as submitted (Pacheco, Edlao)

Item D-7 Grant of Term, Non-Exclusive Easement to Steven M. Bailey for Floating Pier Purposes, Kahaluu, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-030:018 seaward.

Charlene Unoki of Land Division spoke on background.

Steven Bailey described what happened with the dock and wants to make it legally right. He approves the recommendation.

Ms. Unoki noted normally a leeway is given, but it didn't happen here.

Chair Thielen inquired whether there is a standard dollar figure per square foot.

Ms. Unoki replied staff has it in the easement.

Unanimously approved as submitted (Agor, Edlao)

Item D-1 Issuance of Revocable Permit to Sigrid Marmann, Portion Wailua House Lots, 4th Series, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-12: portion 08 (bottom portion).

Charlene Unoki representing Land Division referred to testimony received which alludes to a dispute between the neighbors. She presented background and map.

Unanimously approved as submitted (Agor, Pacheco)

Item D-5 Consent to Assign General Lease No. S-5309, Clarence T. Medeiros, Assignor, to Clarence T. Medeiros and Joanne K.E. Medeiros and Devon J. Medeiros, Assignees, Waimanalo, Koolaupoko, Oahu, Tax Map Key:(1) 4-1-013:17

**Item D-6 Withdrawal from Governor's Executive Order No. 2642 and Reset
Aside to Department of Agriculture for Irrigation Purpose,
Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-027: 003.**

Unanimously approved as submitted (Pacheco, Agor)

**Item E-2 Request for Special Use Permit from The Rotary Club of Volcano to
use the Large Pavilion at the Wailoa River State Recreation Area in
Hilo, Hawaii for their "Labor Day Lobsters and Silent Auction"
Fundraiser**

Dan Quinn, Administrator for State Parks, distributed exhibits and asked to strike out exhibit A. This is not a wilderness park because fees are being charged.

Unanimously approved as amended (Agor, Pacheco)

**Item E-1 Request for a Special Use Permit from the Federation of American
Natives to Hold the Third Annual Hilo Inter-Tribal PowWow on
Portions of Wailoa River State Recreation Area, Hilo, Hawaii**

Dan Quinn of State Parks reported on background. They will hire DOCARE officer.


**Item E-3 Request for a Special Use Permit from the Friends of Donna Ikeda to
use the Large Pavilion at the Wailoa River State Recreation Area in
Hilo, Hawaii, for a Political Fundraiser**

Unanimously approved as submitted. (Agor, Edlao)

Adjourned. (Edlao, Pacheco)

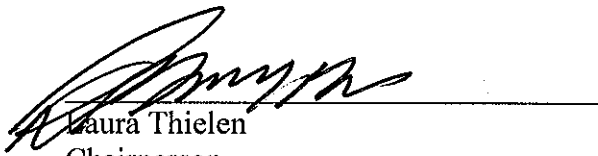
There being no further business, Chairperson Thielen adjourned the meeting at 11:20 a.m. Recordings of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Adaline Cummings
Land Board Secretary

Approved for submittal:



Laura Thielen
Chairperson
Department of Land and Natural Resources