

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

DATE: FRIDAY, DECEMBER 20, 1991
TIME: 9:00 A.M.
PLACE: BOARD ROOM
KALANIMOKU BUILDING, ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII

**ROLL
CALL**

Chairman William Paty called the meeting of the Board of Land and Natural Resources to order at 9:10 a.m. The following were in attendance:

MEMBERS: Mr. John Arisumi (Excused at 2:30 p.m.)
Mr. Herbert Apaka
Mr. Christopher Yuen
Ms. Sharon Himeno
Mr. T.C. Yim
Mr. William Paty

STAFF: Mr. W. Mason Young
Mr. Roger Evans
Mr. Ralston Nagata
Mr. Henry Sakuda
Dr. Don Hibbard
Mr. Michael Buck
Mr. Noah Pekelo
Mrs. Sandra Furukawa
Mr. Michael Buck
Ms. Dorothy Chun

OTHERS: Ms. Dona Hanaike, Deputy Attorney General
(9:00am-9:30am)
Ms. Linnel Nishioka, Deputy Attorney General
Mr. Peter Garcia, Department of Transportation
Mr. Edgar Hamasu, Mr. Walter Arakaki (Item F-17)
Representative Jackie Young (Item F-3)
Mr. Glenn Kobayashi (Item F-3)
Mr. Rick Scudder, Ms. Patricia Tummons (Item F-3)
Ms. Barbara Smith, Ms. Marjorie Ziegler (Item F-3)
Mr. Carl Christensen (Item F-3)
Mr. Grant Gerrish, Mrs. Sharon Gerrish (Item H-3)
Mr. Sam Lindley (Item H-3)
Mr. Michael Lau, Mr. Robert Fiorentino (Item H-1)
Mr. Cliff Eblen (Item H-1)
Mr. Alton Miyamoto (Item H-2)
Mr. Benjamin Matsubara (Item H-4)
Mr. Charles R. Wichman (Item H-5)
Mr. Michael Barnette (Items E-2 and E-3)

MINUTES Minutes of August 23, 1991 were unanimously approved as circulated.
(Apaka/Arisumi)

Minutes of November 8, 1991 were unanimously approved as circulated.
(Arisumi/Apaka)

**ADDED
ITEMS:**

Upon motion by Mr. Arisumi and a second by Mr. Apaka, the following were added to the Agenda:

- Item A-1 Approval to Engage the Services of a Consultant to Prepare Architectural Drawings and Construction Documents of Two Historic Structures at the Ke'e Hula Platform Site, Haena, Kauai
- Item A-2 Authorization to Enter into Reburial Agreement

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

ADOPTION OF THE DECISION AND ORDER IN THE MATTER OF THE SHORELINE CERTIFICATION APPLICATION OF ROBERT P. SCURICH, LOTS 18 AND 19, SUNSET BEACH LOTS SITUATE AT PUPUKEA, ITEM F-17 KOOLAULOA, OAHU, TAX MAP KEY 5-9-20:39 AND 40

Mr. Young said that Item F-17 was a request that was filed for a contested case hearing on a certified shoreline certification concerning some properties at Sunset Beach. The Board had authorized a hearing of the Contested Case on January 24, 25 and 29th. Subsequently, final oral arguments were also heard from the Board on November 21, 1991. The Decision and Order for this particular case was rendered to the Board by the Hearings Officer. Today the Board has adjudged for this contested case and has to make a decision. Counsel from the Attorney General's Office is present today should there be any questions.

Chairperson Paty at this time read into the record, the Board's decision, "In the Matter of the Shoreline Certification of Robert Scurich, L. M. Case No. OA-123; Announcement of Decision and Order. The Board has reviewed and considered the entire record, including the parties proposed findings of fact and conclusions of law, and the Hearings Officer's Recommended Decision.

"It is hereby Ordered, that the Hearings Officer's Recommended Decision shall be adopted, rejected, and modified as follows:

"Mr. Nuha determined the shoreline for the subject properties to be co-terminus with the property/deed line of the subject properties. This determination was based on the facts that (a) vegetation grows along the revetment, (b) the vegetation line and the property line are in very close proximity, (c) the vegetation fronting Lots 17 and 20 (the two lots adjacent to the subject properties) runs approximately in line with the property line of the subject properties, and (d) the bottom ("toe") of the revetment is co-terminus with the makai property line of the subject properties. (Exhibits B-1 & B-2, Tr. Vol. III, p. 23-24, lines 9-25, 1-7).

"2. The BOARD hereby rejects the recommended finding of fact number 41 of the Hearings Officer's Recommended Decision and Petitioners' proposed finding of fact number 4. The BOARD finds and concludes that the October 25, 1984 and May 7, 1986 shoreline certifications did not correctly set the upper reaches of the wash of the waves during the high surf season because the evidence at that time was not sufficient to allow the vegetation line to be adequately considered as evidence of the shoreline.

"3. The BOARD hereby adopts the Hearings Officer's Recommended Decision, including the recommended findings of fact and recommended conclusions of law, not previously modified or rejected herein above.

" FURTHER, the shoreline fronting Petitioners' properties is certified as being co-incidental with the makai property lines of Petitioners' two parcels; and

" FURTHER, the shoreline, as certified herein, is effective for one full year beginning from the date of this Decision and Order."

ITEM F-21 MASTER LEASE TO THE SAND ISLAND BUSINESS ASSOCIATION (SIBA)
FOR THE DEVELOPMENT OF THE SAND ISLAND INDUSTRIAL PARK AT
SAND ISLAND, OAHU

Mr. Young began his presentation with the background in the submittal. He informed the Board that staff is presently working with the SIBA people as well as the Attorney General's Office in redrafting the sections of the master lease that was submitted to staff. Today, staff is asking the Board to approve in concept a master lease to SIBA for the Sand Island Industrial Park and authorize the Chairperson, with the assistance from the Attorney General's office, to negotiate the terms and conditions of the master lease with the proviso that the master lease, once it's been revised, is submitted back to the Board subject to its review and approval.

Mr. Yim asked for clarification that the Board is being asked to approve the concept of a master lease and form and in no way is approving the contents of the draft master lease that is attached to the submittal this morning.

Mr. Young said that was correct. Staff will continue to review the draft master lease together with the Attorney General's office and SIBA. The final draft will be submitted to the Board for approval. Continuing to respond to Mr. Yim, Mr. Young said that staff is trying to mesh the master lease under the development agreement in one so that the clarity and the intent is spelled out under that lease that they would like to present back to the Board.

Mr. Young continued to answer questions of Mr. Yim regarding the request for a master lease and issuing of leases by the Sand Island Business Association instead of going by the Development Agreement and long term leases by the department.

Mr. Yim said he had lots of reservations in the Development Agreement regarding selecting new lessees, relocating tenants, adjusting lot sizes among other concerns.

Mr. Yim continued that he would like to tie the master lease to the Development Agreement, including the rationale that he may be in error. He said that he does not see as tenants of the industrial park area, where they're coming from to have that kind of authority that they have development rights also, all in this agreement. That is some of the objections that he was raising and strongly disagree. He feels he would like to reopen negotiations of the agreement by dangling that master lease.

Chairperson Paty said that this would need to be reviewed with counsel. No further action can be taken until the Board sits down with legal counsel to see if this can be done. He said that his concerns are noted and will be taken up and checked very seriously. The Chairperson then invited the representatives from the Sand Island Association to come forward.

Mr. Edgar Hamasu of the Association introduced Mr. Walter Arakaki who is the President of Sand Island Business Association. He said that there are 113 permittees on the land right now occupying properties in a whole range of sizes. SIBA is working on the premise and they have already submitted a subdivision plan to the city that the roadways would be widened to City standards. All the infrastructure would be to City standards, underground utilities included. Because the roadways are going to be widened, the minimum lot sizes in the area will be 7,500 square feet where presently there are some lots that are 3,000 or 5,000 square feet. The zoning calls for 7,500 square feet. Initially in their discussions with the Attorney General's Office and the DLNR, there was an agreement that the developer, namely Sand Island Business should have the flexibility to move people in different locations. It is not like developing vacant pieces of land. There are already built up to temporary shacks, but there are people occupying the lands there now and they have to move these people throughout the subdivision to make this subdivision what they feel to be an acceptable first class one. After the initial issuance of the leases, then the development agreement clearly states that DLNR will take the permittee's or the prospective lessees from the DLNR list. So it's only in the initial issuance the developer would have the flexibility to move people around on this basis. From that point on after the initial development, the issuances of the leases, they would need to get the names from the DLNR waiting list.

Mr. Walter Arakaki responding to question of, "Why a master lease instead of a development agreement and a lease?" He said that it was from a financing viewpoint. They had met with the banks, especially the Bank of Hawaii and they have helped them formulate the draft master lease agreement that was in front of the Board today. This master agreement is something that is viable to the banks from a financial viewpoint. That is the reason they are asking for a master lease.

Mr. Arakaki said in closing that he would like the Land Board to approve the recommendation as set forth by the staff and they look forward to proceeding with their development and plans.

Mr. Hamasu added that there was mention of windfall profit. He said that the Sand Island tenant for the most part, are owner operators. They operate the industrial activities and are in full support of the anti-speculation. They understand the law that was passed by the legislature, approved by the Governor. This was meant to help the small business on Sand Island and this is the reason why in their initial proposal their intent was to administer the entire anti-speculation policies involved in the assignment of lease as well as the subletting, in fact they were going to do it and not take any money and give the 50-50 sharing of the profit to the State but he thinks it was DLNR that indicated that if they're going to administer that, then at least the cost of the administration should be paid to SIBA.

Mr. Arisumi asked if all the people on Sand Island had joined their organization.

Mr. Hamasu said that all have joined but there were two permittees that had difficulty in paying the Board of Water Supply charge. They all were required to put down \$16,900 for a quarter inch meter per tenant. All 111, except 2 persons came through. One person contacted them recently and said they would try to get the money in. Mr. Hamasu feels they may have made a comparison of the situation where they are now on a month to month basis and they can't borrow money from the bank to improve their structures and they feel once they have a long term lease they could make some improvement.

Mr. Yuen clarified with Mr. Young that should the Board approve this concept today they are not necessarily approving the terms of the draft master lease and the people from SIBA recognizes that Board action today does not approve any of the terms today.

Mr. Young said that was correct and Mr. Hamasu said that they understood.

Clarification was also summed up by Ms. Himeno and again by Mr. Yuen.

ACTION Unanimously approved as submitted. (Himeno/Arisumi)

ITEM F-3 LAND BOARD REPORT TO LEGISLATURE IN RESPONSE TO HOUSE
CONCURRENT RESOLUTION NO. 146 REGARDING GENERAL LEASE NO.
S-3589 TO F. NEWELL BOHNETT, PUUWAAWAA, NO. KONA, HAWAII

Mr. Young presented Item F-3 to the Board and highlighted DLNR's Report on House Concurrent Resolution 146.

Mr. Yuen asked, "On the dump site, does the Department of Health have a fine system for an illegal dump and have they imposed any kind of fine?"

Mr. Young said that he knows there is a fining system but with respect to the dumping he doesn't know if anyone has been fined.

He said all they had so far is a report that was submitted about a week and a half ago from the lessee and their consultant, R. M. Towill who did the report on the three dump sites. One is at the bluff and there's two others. The finings are provided for and they are in the R. M. Towill report. They are working with the Department of Health as well as the lessee to come out with the procedures and the course of action to be taken and to address how best to resolve the correction of the dump site.

Chairperson Paty asked what was the resolution relative to reviewing it with the environmental groups.

Mr. Young said that the resolution asked that the environmental community of the concerned agencies be apprised regarding the department's schedule. What they had done is set up a field trip for the interested legislators and certain environmental groups to see the leased premises.

Ms. Himeno addressed the Chairperson saying that she may have a possible conflict with this matter and with his permission would excuse herself from acting on this item. Chairperson acknowledged and so noted.

Mr. Glenn Kobayashi said he was the attorney representing Mr. Bohnett. He said that he had no comment except to reiterate that Mr. Bohnett is working with the Division of Land Management to resolve any outstanding issues, including the report to the legislature, the follow up with the Department of Health (DOH) regarding the dump sites and providing whatever reports that DLNR is requesting on other items. They anticipate getting the reports to DLNR before the end of the year and before the next legislature.

Mr. Yuen asked if the DOH had issued a fine for the dumps.

Mr. Kobayashi's reply was 'no' and he did not know if they had the authority to issue a fine.

Mr. Young replied that the section of the statutes allows the Board to a \$500.00 fine per incident, so if there's three violations regarding the dumps, one being the bluffs, one being the old dump site and the existing dump site it would amount to \$1,500.00 total.

Mr. Yuen asked, "Wouldn't it be, everytime you dumped something that you would be in violation? I dumped something once, that would be \$500. But if I come back and dump more stuff in the same place, wouldn't that be another violation?"

Mr. Young said that was true. More discussion followed regarding violations regarding the violation of the dump sites and the activity.

Mr. Young said that when the lessee was informed by the legislative group, the environmental groups and the DLNR, of the unauthorized dumping, they did stop. Then it also boils down to what was the dump site for. It wasn't just for the lessee, it was for the community of Puuwaawaa also being that the dump site in Lalamilo was some distance away. (Mr. Young added that doesn't make it right.)

847

S/b
21,000
* Mr. Yuen said that he couldn't agree with their thinking because he understands that it would be very convenient for the people in the area. Here is a neighbor who leases 21 acres from the State, allowed them to come and dump their garbage on State land and then he's going to go away at the end of his lease in the year 2000 more or less. Then what will happen, he leaves and just walks away from it.

Mr. Young gave some background saying that the original lessee had been allowing the community and so the present lessee said that if that was fine with the community, he had no problem with that. But when it was brought to his attention that this was a violation he took action by stopping the dumping and even hired the consultant R. M. Towill to do the report of any corrective measures that could be done.

Chairperson Paty said that given the fact that there was a violation of the lease, the department was not aware of them or did not take the necessary scrutiny to catch them in the act, (if you will), how do you and the staff look to providing the overall monitoring of the lease at this point forward.

Mr. Young said that he has met with his districts and will be meeting with them

again to reinforce their knowledge with respect to Puuwaawaa. They are also concerned with the monitoring and management of all their State lands. They have on record and a direction to the district land agent their responsibility of conducting inspections on a bienium basis, that the lessees are complying with the terms and conditions of the lease as well as to insure that the lease file itself is in order.

Chairperson Paty said that he was well aware of the fact that having just two on the staff for the entire island, most of the State land alone doesn't make it easy for monitoring compliance. He said he was aware of the fact that they were understaffed.

State Representative Jackie Young said that she was the Chair of the subcommittee of the Puuwaawaa lease violation. She said that their committee took a site visit of Puuwaawaa in September and there were 8 legislators at that time along with a large group of agency people, Mr. Bohnett and Mr. Glenn Kobayashi. All totalled to about 31 people. Since then the subcommittee met on December 18, 1991 and unfortunately at that time they had not received the action plan and were not able to review it.

Representative Young said that personally she finds this Board submittal quite lenient and lethargic compared to the severity of violations and this business as usual. She also mentioned that no further action should be taken on the guest house and the recreation facility, in other words, no destruction of the recreation facility or the guest house until they come up with an action plan in the larger context. The legislature had some ideas about this and they would like to be able to work it out in detail before they present it to the community. They would also like to include the environmental groups in that one.

Representative Young also asked that the Board submit the action plan to the legislature saying that it is preliminary, the resolutions are not in fact to be carried out as it is noted here but that you develop an action plan in a more aggressive way with all parties involved.

Chairperson Paty responded to Representative Young's comments that here is a violation of a lease which is obvious and staff has come back and is saying that you've violated the lease and take it down. Chair Paty commented that to say business as usual would be a little unfair to staff when they are prepared to move on it and also characterizing the report as lenient, he felt it may be lenient in some places but yet you want us to maintain and not take it down till you can find a better solution for it.

Representative Young pointed out that it has taken staff a long time to ask the lessee to take it out and another six months would not make much difference.

Mr. Rick Scudder said that he was at the Board meetings in 1984 when action was taken on Puuwaawaa. Conservation Council for Hawaii (CCH) had sent a letter with a long list of violations that had not been addressed at that time. He said that they have been involved with Puuwaawaa for the last 20 years. They called for a Natural Area Reserves to be set up there in 1975, so their interest goes a way back.

He then gave a brief history and geography lesson to the Board members

pointing to a drawing showing the boundaries of the various state and private properties. He listed the different landowners and when it was purchased by Mr. Bohnett. He recommended that the Board not approve the DLNR report and initiate the appropriate procedures to effect forfeiture of the lease.

He said that the report submitted to the Board today was developed without any written communication from the environmental community as called for in the Resolution.

Mr. Scudder continued to refer to violations of unsubmitted reports and use of the airfield, hangar and runways. He also referred to three illegal open dumps found on his leased lands. He also referred to the renewal of the lease and insufficient insurance coverage by the applicant.

Their recommendations to the Board are:

1. Reject this report.
2. Fine Mr. Bohnett for the illegal dumps on State land.
3. Insure that the dumps are cleaned up thoroughly with removal of all waste offsite at the lessee's expense.
4. Take the illegal structures and reservoirs for use by the State/Public after Mr. Bohnett has obtained the required County and State approvals and paid any possible fines related to their being so, after the fact.
5. Remove this lessee from these public lands and the public draw.
6. Initiate detailed planning of the entire Puuwaawaa area and all its resources for long term public benefit with an open dialogue with a wide range public interest.

Mr. Yuen asked if the Conservation Council has a specific recommendation for what areas should be put into the NARS, given the fire situation, he recalls there was a recommendation before the fire.

Mr. Scudder said that they are still formulating, the ecologist they have talked to have said that even though the fire did occur and there was much damage, they have to take a long term evolutionary view of the landscape.

Mr. Carl Christensen said that he was on the staff of the Native Hawaiian Legal Corporation. He said that they had expressed their concerns specifically regarding the repayment plan that was agreed to in 1985 with regard to back rent and their objection there was the Board's failure to insist on payment of interest on the unpaid balance from 1985 on. It's his understanding that there have been doubts raised as to the Board's authority to impose an interest requirement. He then referred to the 1979 Report by the Legislative Auditor, HRS 478-1 which is now HRS 478-2 which would appear to give the Board the authority to impose an interest requirement under the circumstances. He also talked about the creation of a proposed Natural Area Reserve.

Ms. Patricia Tummons said her testimony had been passed out to the Board members and that she was passing out a copy of the March issue of Environment Hawaii which had some role in setting off the resolution that is before the Board. She said that her reporting is based exclusively on documents she finds in the public record. (Ms. Tummons continued to read from her written testimony, a copy of which has been placed in the Departmental Board Folder.) She spoke of concerns relating to unauthorized

improvements, the airstrip, the dump, the lease rent, the bulldozed reservoir, informing the environmental community and she seconded the concerns raised by Rick Scudder about the sufficiency of the insurance policy held by the lessee.

Ms. Marjorie Ziegler said she was testifying on behalf of the Hawaii Audubon Society. The Audubon Society strongly urges the Board not to accept the September 20, 1990 report from the Department of Land Natural Resources because it does not adequately respond to the House Concurrent Resolution 146. The report is vague, does not provide justification for the department's findings, it fails to address concerns previously brought forth by the public and legislators, and it was prepared with no consultation with the environmentalists who possess relevant information on the violations. Furthermore the December 20, 1991 report was mailed to the environmental community only after they found out that it existed. The committee report to the resolution does say that the DLNR will be in communication with the environmental community, they agreed to work together on these problems.

For the record, Ms. Ziegler said that she would like to request for the second time in public, that the Sierra Club Legal Defense Fund, Inc. be included on the mailing list for Puuwaawaa. Addressed to 212 Merchant St., Suite 202, Honolulu, Hawaii 96813, Attention: Marjorie F. Y. Ziegler. She would further request that they receive the past reports starting with the September 20th memo. She thought there was another report in between and then the December 20th report.

Ms. Ziegler feels that the Puuwaawaa issue has become a symbol of this department's reluctance or inability to enforce the terms of State leases in certain situations. They do understand that the department is understaffed and they understand that there aren't enough resources to do the job properly.

The Audubon Society is most concerned with the lack of follow-up on the Kiholo Reservoir, the air strip and back rent arrangement. They are also unclear about the insurance matter that was brought up last session.

She concluded by saying that the lessee continues to violate the lease and other State and County laws, the department is unwilling and/or incapable of properly investigating this matter and enforcing the lease. Furthermore, she said that the lessee is given special treatment regarding back rent, lease fee and insurance. The Audubon Society encourages the Board to terminate the lease and return the lands to the landowners, that is the citizens of Hawaii. They feel that these lands should be managed for the long term public benefit. Appropriate uses include 1) Establishment of a Natural Area Reserve, 2) expansion of an existing forest bird sanctuary to include elevational bands of vegetation from the mauka lands at least to the road, 3) expansion of existing fenced areas for rare and endangered plants, 4) koa reforestation and 5) possible recreation.

Chairperson Paty addressed Mr. Young regarding the lack of communication between the department and the environmental groups as pointed out this morning. He expressed his concern regarding the letter from Marjorie Ziegler and although he does not agree with a number of things that was said in the letter, that is not the point. These environmental groups did not have an

opportunity to give their input to this report. He stressed the fact that the department and the environmental groups need to work together and they are entitled to be on with this program.

Chair Paty also asked the staff to follow up on 1) confirming whether the liability insurance policy is acceptable in its present form; 2) whether the required annual reports were filed; 3) obtain copies of progress reports filed by the lessee to County of Hawaii for airstrip per Special Permit No. 660 for verification; need to tie-in this to lease operation or the airstrip may have to be discontinued if it is being used merely for commuting to and from Oahu and Hawaii; and 3) follow up on the issue of spreading out the payments of the back lease rent, without interest, the A. G. will review for the legality of this practice and DLM will obtain from Deputy A.G. Nishioka a copy of the Attorney General's opinion.

Mr. Yuen wished to make several comments before making his motion.

Mr. Yuen said that the issues could really be separated into two categories 1) the violations and 2) question of what to do about the endangered plant resources in the area. He said that he did not want anyone to think that this report is the end of the process on what the department is going to do about the dry land forest in Puuwaawaa Ranch.

He said that early on when coming on the Board he met with Mr. Mike Buck of Forestry and Wildlife and spoke at length about Puuwaawaa Ranch. He was of the opinion that the area had been too badly degraded to warrant an extensive Natural Area Reserve, dry land plant sanctuary. There may be actions which can be taken to preserve the dry land forest other than putting them in the Natural Area Reserves System.

He said that he could understand between the time the legislative resolution and the present, there has not been enough time for DOFAW to come up with a specific proposal. There is not enough time for the environmental groups to come up with a consensus position on what ought to be done. He does want this process to go forward and he will be asking for an amendment of the report to the legislature, that will put a time frame on this.

They've been asked to terminate the lease. He has talked with a number of people. They uniformly agreed that for the Board to withdraw the lease at the present time would not do anyone any good and might do a great deal of harm to the resources. The State has about a million acres on the island of Hawaii that is publicly owned and they have only two people in the Division in Land Management who are responsible for that and he doesn't how many people that DOFAW has.

To simply withdraw the lease might bring some emotional satisfaction to people who have their legitimate concerns about the way the ranch has been managed. He doesn't feel the State is ready to take over the ranch. The ranch manager is willing to work with the State on innovative means of managing the ranch for protection of dry land plants. He was also told that the water source, the rain catchment is under the private fee ownership of Mr. Bohnett and if the State were to manage the ranch, they would have a ranch without any water source at the present time.

9-5
the refors *
to Mike Buck

MOTION Mr. Yuen made a motion to approve the report with the following amendments:

B. Violation:

Guest house and recreation facility.

Amendment: DLNR will delay any order to dismantle or destroy the structures, to allow time for interested parties to discuss alternative uses with the Lessee and present such alternatives to the Department and Board for approval.

C. Possibility for Violation: Airstrip and hangar facility.

Amendment: (2) The annual progress report should be submitted to the Division of Land Management (DLM) as well as the County. DLM will review the report to see that the prohibitions against commuting to other airport facilities and other non-ranch uses are being followed.

D. Violation: Three (3) waste dump sites.

Amendment: DLNR will impose fines of \$2500 for the abandoned waste dump site, and \$2500 for the new waste dump site, but not for the bluffs dump site. This fine is based on the lease violation, and is not meant to prejudice the right of the Department of Health to impose fines for the dump site. If deemed permissible by the Attorney General, DLNR will add to the fine, the DLNR staff costs related to the dump problem. The Lessee will bear all costs of the corrective actions required.

F. Concern: Dryland lamakauwila forest.

Amendment: DOFAW will prepare an action plan for the lamakauwila dryland forest and other rare plant communities in consultation with the Lessee, the NARS Commission, and interested environmental and community groups and present it to the Board within one year. The plan will address the protection, restoration and long-term management of the rare plant communities found in the Pu'uwa'awa'a lease area, fire suppression, and fountain grass control.

K. Concern: Establishment of a Natural Area Reserve.

Amendment: Same as F. above.

ACTION With those amendments, Mr. Yuen said he would ask for approval of this report. There is one other item and that is the delay in back payments. He said that he does not find that in the report. He felt additional time would be required to discuss that and because that is not part of the report he will not go through it.

Motion was seconded by Mr. Yim and motion carried.

RECESS 11:05am - 11:15am

Chairperson Paty called the regular meeting back to order.

CDUA FOR THE RECONSTRUCTION OF THE PORT ALLEN TO WAINIHA TRANSMISSION LINE, TMKS: (VARIOUS); APPLICANT: KAUAI ELECTRIC DIVISION, CITIZENS UTILITIES COMPANY

ITEM H-2

Mr. Evans presented Item H-2 and informed the Board that as of today, applicant has not presented any county shoreline management area clearance to staff.

Mr. Alton Miyamoto, Manager of Engineering at the Citizens Utilities Company said to clarify this SMA question, he said that he met with the Planning Department, County of Kauai yesterday. He said it was not an excuse but their reasoning for not filing an SMA prior to the Conservation District Use Application being filed, was their understanding that the project was being done in phases and the SMA would be filed for a different time because it was not in the same area but 15-20 miles away from the conservation area.

Mr. Evans said that the applicant did not have to come in with a permit but would need some form of clearance by the County, it could be in the form of a letter saying that the CDUA lies outside of the Special Management Area.

After more discussion, Mr. Miyamoto feels he would be able to obtain County clearance on Monday.

DEFERRED Mr. Apaka moved to defer this item to the next meeting in Hilo on January 10, 1992. Seconded by Mr. Arisumi, motion carried unanimously.

CONSTRUCTION PLAN REVIEW FOR CDUP OA-2051, SINGLE FAMILY RESIDENCE AT LANIKAI HILLSIDE, OAHU, TMK: 4-3-2:1; PERMITTEE: RALPH AND BETTY ENGELSTAD; AGENT: BENJAMIN MATSUBARA

ITEM H-4

Before his presentation, Mr. Evans passed out additional information to the members of the Board. He began by recalling for the Board that this item was deferred at the last meeting at the request of the Attorney General's office. At that meeting staff did receive a letter dated November 21, 1991 from the applicant that was presented at that meeting. Subsequently two additional pieces of correspondence have been provided by staff, a letter dated December 17 by counsel for the applicant as well as a legal opinion from the Department of the Attorney General.

Mr. Evans continued to review how this CDUA was approved back in December of 1987 and the court's ruling on the 180-day application. Today, the issue before the Board is the size of the house. He feels that staff's recommendation is justified.

Mr. Evans then referred to the packet that he had passed out to the Board members. In the packet there are 7 letters, which he said he would not read but he pointed out that the Judge did say that compliance with Section 20 had been met and staff would like to show how compliance occurred. He explained step by step how compliance took place and how applicant notified the department that work had begun and continues to be done on the construction plans. In October applicant writes that he would like to know the conclusion to the plan and the scale construction model so as to complete construction by March 1992. Then November 20, 1991, applicant files in First Circuit Court, to

Grant Relief of a Three Year Deadline Requirement that has been placed upon him.

Letter arrived on December 17, 1991 from the applicant where he expands on his position. Applicant informs the department that there have been problems with delays and they are concerned that they can't complete construction in three years due to problems in processing the permits. The City has placed a moratorium on construction in that area. Mr. Evans said that in normal practices, when an applicant knows of the delay they will come in and request an extension. Staff would then make a request of the Board for an extension.

Mr. Evans went to his drawing on the board to demonstrate the different sizes of homes and how they affect the surrounding area and how staff derived the term of large and grandiose. Applicant's subsequent construction plans consisted of a three-story Mediterranean white stucco villa which is clearly not consistent with condition 1, compatible with the locality and the surrounding area.

Mr. Evans said that there is another issue brought up this morning, the taking of private property by government. The court said you get a house, and we want to see that there is compliance with that court ruling. Staff is having difficulty from a lay perspective, suggesting that simply to downscale the house, is a taking.

Mr. Apaka's inquiry was that you indicate that the structure is not compatible to the community there, is this relative to the size?

Mr. Evans said that the original application said that the maximum dimensions of the structure would be 264' x 120' including decks, garages, etc. That would come to about 31,680 square feet. Subsequently there's been some discussion that may only be about 22,000 square feet. The question of size is predicated on a significant difference between that proposal and the single family residences in the immediate surrounding community which are significantly less in size.

Mr. Ben Matsubara, Attorney for the applicant said that this has been discussed with the Board several number of times and he had submitted letters supporting the position that he is advocating at this time. He said the uniqueness of this application is that it was granted by operation of law as opposed to an affirmative Board action that normally occurs for most CDUAs. Because of the method by which this CDUA became a CDUP and obtained life makes different by which the controls, the regulations and the statutes govern this particular CDUP. He said that he has attempted to lay that out in the submittals that he has made to the Board and he won't reiterate it. Just some clarification in regards to the compatibility which they've talked about in their submittal:

- 1) It is residential and he said that he thinks the focus has been on the size of the residence, but also relevant on the size of the lot which each resident occupies.

- 2) He referred to the model saying that it outlines the perimeter of his client's property line, the lot is 76 acres and the request is for one home. The plans submitted are details of what was originally submitted with the CDUA. The

dimensions mentioned by Mr. Evans relate to the footprint of the home on the lot. If you review the plans in the EIS and with the CDUA along with the detailed plans that were submitted, the dimension of the home would be about 13,000 square feet which is large.

In terms of the plans submitted in regard to Section 21, their contention has been that the single family dwelling and the use was approved and what they're doing is showing the Board what they submitted with their original CDUA is what they intend to do and that is the reason why the final working drawings that you give the contractor as to how he is to construct the home are being submitted. It is to show the Board that they're doing what they said they would do and it is their position that based on the applicable statute, the review of the Board is limited to that. Mr. Evans has indicated that I've said that the Board has no jurisdiction of this. If you will look at the footnote that I was referencing, footnote 10 on my letters, referring to a statement in staff's report to the Board, which is that the department could not find any technical faults with the proposed structure but it must be noted that we do not have the expertise for review of such structure. The statement goes on to say that we require that all structures in the Conservation District be built in accordance to the building code of the respective county and depend on the County Building Department for complete review and adequacy and that is what his reference was in regard to the purview of the County and the State in regard to the structure they are requesting.

Mr. Evans wished to make one clarification, that they wanted to clearly demonstrate what came on page 12, footnote 6, again within the footnote where the statement made by the applicant that had concerned staff that OCEA must demonstrate how its present recommendation furthers its purpose.

Ms. Himeno directed her question to Mr. Matsubara, "Is it your position that Section HAR 13-2-21 does not apply to the present situation? In other words, your client does not have to comply with any of the conditions under 13-2-21?"

Mr. Matsubara responded, "You see the way I have laid out my position, it's alternative pleadings, is 1) to satisfy the conditions of 21 and as we've argued, 'Why?' As the alternative we've said, the alternative would be 21 does not apply. It's alternative pleading in the sense that if 21 applies, we've complied with it. The alternative would be 21 does not apply because under the statute, 183-41 if no action is taken within the 180 days, the language we contend is clear. The owner may automatically put the owner's land to the use or usage requested in the owner's application. So our contention is that, that granted the CDUP and gives us permission to proceed with whatever we requested, which is not what we've done. There's no attempt here to try and ignore or not work with the Board and staff to try and put something up that to some extent, satisfies as close as can possibly be done, the statutory duties and responsibilities you're entitled to enforce." He said that he was talking in two ways, 1) as an attorney to cover all the potential legal rights that his client may have in this particular situation. So, yes, he's saying if 21 applies, they've complied with. On the other hand, there's a possibility that 21 may not apply.

Ms. Himeno had more questions in this regard on the statutory enabling language. She mentioned she had concern with, taken to its logical extreme, say somebody puts in preliminary plans for a house and for some reason the

Board does not act within a 180-days and that house with that size had sewage problems, health and safety hazards, etc. and some of the other concerns that are mentioned in 13-21-21. According to your logic that house would be approved and there would be nothing that the Land Board could do about it.

Mr. Matsubara responded that he would hate to think that any home like that would be approved but under his argument, it would be and he asked to explain why the rationale for his argument in that regard. He said that in reviewing the legislative history relating to 183-41, he couldn't find any committee reports which gave a basis as to why the 180-day time limit was imposed from the Board. He said that he may be wrong but obviously this is not something that the Board may have requested, impose a 180-day deadline with the sanction if we don't act they automatically get to do what they want. In this particular situation and this is conjecture as he had no legislative support, that it was imposed from without, as a time limit on administrative agencies to process diligently all applications before it or suffer the sanction as a hammer. If you do not do so, the consequences is that the individual can put the property to the use he's requested. The only analogy he could draw to that is the Land Use Commission has statutory time limits within which decisions must be made. If the decision is not made by that time it is null and void. In the Land Use Commission's time provision, there is reference to the fact that the reason for it was to ensure that applications are processed and not left to sit forever. His only argument would then be, yes, you painted a terrible scenario of the type of home that would conceivably be permitted under his argument, but he felt that the statute was meant "as a hammer" for the agency to act within the 180-days.

Ms. Himeno referenced to the Hawaiian Telephone case, a Supreme Court case that was decided in 1986. In that one, it seems that the Court is saying that we will enforce the regulatory rule if 1) the language is unambiguous in the rule, 2) if the literal application is consistent with the policy of the statutes, which the rules implement. In reading the statutes and the rule, she felt the statute is quite general as far as what its policy is to preserve open spaces or areas, maintain, protect for future use for public enjoyment use, etc. When it is interpreted in that light, the language of the regs seem to be, to her reading, consistent with the policies stated in the statutes. In 13-2-21-2, it's very much the same language, open space characteristics to be preserved or improved upon, etc. Looking at it from that perspective, she doesn't necessarily see that there is a conflict between the statutes and the regs which would invalidate the regs under statutory construction law.

Mr. Matsubara responded, "I think when a statute is meant to act as a hammer, and it's promulgated by the legislature, it would serve a counter purpose if the agency of that department that was to be subject to that hammer and then pass a regulation, that defeats the purpose behind the clear statement of that statute, which is, you don't act within a 180-days, applicant can do what he requested. My argument would be that if the regulation is promulgated in such a way that it defeats the purpose behind the basic statute, then I believe that argument would be then that regulation goes beyond the scope of that statute. That would be my response."

Ms. Himeno said, "Cause I use the counter argument to be raised with, the statute approves the use that you can put the house there and not necessarily

the type or the condition or particularly creating the parade of horrors that it violated health, safety and all of these other considerations that are listed in 13-2-21."

Mr. Matsubara said, "I think your staff has aptly covered that to the extent that they're still requiring approval by the City Building Department on all structures and all improvements that are to be placed there so that there is a second skin, so to speak of, approvals and requirements that need to be gone through before we can actually put up the structure."

Ms. Himeno asked, "Is it your position that the house as it's set forth in the model and according with the plans, is compatible with the area?"

Mr. Matsubara answered, "Yes."

Ms. Himeno continued, "And that size is not the only determining factor, there are other factors, such as residential and how its set back and all these other factors?"

Mr. Matsubara answered, "Right."

Ms. Himeno then commented that she felt Mr. Matsubara had been very forthright and very reasonable in his arguments that he set forth. The fact that he alerted the Board to a potential passing of another time limit, she just wanted to say on behalf of this Board member that she appreciated his fair and open procedure.

Mr. Evans said that as staff indicated themselves relative to the time limits, it could be construed that if he would request a time limit extension to complete the house because he has a difficulty with the three years, and it turns out the representations are to staff, that these time problems, these delays are caused by such things as, staff processing problems, delays, City & County official moratorium and then staff with that knowledge would come before the Board and recommend denial, then there would in their mind be some vindictiveness.

Mr. Yuen asked, "Do you agree that we have a valid rule that requires residences to be compatible to the surrounding community?"

Mr. Matsubara asked if that was Section 2-13-2-21 to which Mr. Yuen said, "Yes." Mr. Matsubara replied, "You promulgated that rule, I assume according to the A.G. so I assume it's valid."

Mr. Yuen asked, "So generally speaking, we can in determining whether or not we're going to grant a house, we can decide whether the proposed design is compatible to the surrounding community?"

Mr. Matsubara responded, "You're paraphrasing whether or not you have the authority to do what 13-2-21(1) states. That would follow."

Mr. Yuen said, "So we could reject a house because its design and size are incompatible with the surrounding community, you don't disagree with that as a general proposition?"

Mr. Matsubara said, "As a general proposition, if we have no argument as to what compatible encompasses and it's supportable and you have the basis by which you can find it incompatible, I would agree. I think in my earlier argument, I said that if it applies, the question of.... I don't agree with staff's definition of compatibility, but I'm not contesting the fact that you have the right to review according to what's stated in sub (1)."

State Representative Jackie Young said she represents District 20, Lanikai, Keolu Hills and Waimanalo. She said that she plans to introduce some legislation that would hopefully correct some of the ambiguities that are in the statutes that are under question. She said that the model by the applicant is totally inaccurate. She suggested that Ms. Himeno's remark about parade of horrors is very accurate because it would perpetuate that kind of theme to have a home that large up there. She said that there is no home that large in Lanikai.

Ms. Himeno inquired about hiking trails and the visibility of the house from the trails and the street level.

Representative Young said that there are established hiking trails and the house would be very visible from the trails and the street by everyone.

Mr. Tom Cestare, President of the Lanikai Association also referred to the model as being very misleading and said that it does not demonstrate the topography at all. A point he made was that although the CDUP was granted through litigation rather than Board action, does not negate the Board's ability from exercising its statutory power to ensure proper use of conservation land. The house lots in Lanikai are on the average of 10,000 square feet and the proposed house would be twice the size. He also mentioned the driveway would be wider than any street in Lanikai.

Mr. Cestare said that Judge Klein found for the applicant on March 20, 1989 and he issued an order pursuant to Section 183-41A in Section 13-2-20, the Conservation District Use Application was granted. The Chairman of the DLNR then issued a letter to the applicant's attorney informing him of the Judge's decision and that all applicable time on it as well as the conditions as contained in 13-2-21 had been approved by the Board. The applicant acknowledged this on October 30, 1989 when they signed and returned Mr. Paty's letter. Thereafter the applicant failed to take any action with regard to permit or seek approval from the Board. The statute does not attempt to confer blank authorization upon the landowner to place whatever structure he wishes on the property to accomplish a particular use granted. The word 'use' as it appears in 183-41 obviously denotes the activities performed on the property. He continued to cite different sections such as 13-2-21, 183-41 and various explanations.

Ms. Barbara Hoppy Smith said that her comments were from the Association mainly based on the model because they were invited to come in and review the model. She passed out her letter to the members of the Board at the same time saying that most of the concerns in her letter had already been addressed. She stated that they felt the model was totally inaccurate. The hills have been flattened and lowered. The valley has been made to look shallow and not very steep. She pointed to the many discrepancies they felt that were on the model.

She also mentioned that the house would be about ten times greater than the houses in the immediate area and ten times greater than most of the houses in Lanikai. The lots in Lanikai range from approximately or are supposed to be 10,000 square feet and there are some that are smaller and a couple that come close to 20,000. She said that the home will be seen from the beach, from the ridge and from more than half the houses in the community and from the ocean.

Mrs. Mollie Foti said she was a 30 year resident of Lanikai. She read her letter to the Board which concerned mostly with the potential threat by flood waters that the proposed construction would cause to the Lanikai residents below. A copy of her letter has been placed in the Departmental Board Folder.

EXECUTIVE SESSION Ms. Himeno said that there were couple legal issues that she would like to clear up counsel. She therefore moved to go into an executive session. Seconded by Mr. Apaka, motion carried.

12:55 pm - 1:20 pm

Chairperson Paty called the regular meeting of the Board to order.

MOTION Ms. Himeno entertained a motion to approve Item H-4 as recommended by staff. Motion was seconded by Mr. Yim.

She then commented that the statutes does enable the Board to promulgate the regulatory rules which it had done and in this instance she thinks that the rules do apply and the Board does have jurisdiction over the number of factors as set forth in 13-2-21. The key factor is the issue of whether the use that's been proposed is compatible with the locality and the surrounding area. In light of the testimony that has come forth today, that the home is much larger than any other home in the area and the fact that the house could be viewed from hiking trails that are used in the area as well as from the street level and from the beach. She felt that the use was not compatible and on the basis of that she would recommend denial of the plan, rejection of the construction plan, approval of the staff recommendation.

Mr. Yuen also commented that he felt the law requires the consideration of the open space. There is a very different sense between an ordinary residence nestled in the hills and the kind of mansion that is being proposed here. He also wanted to say that he feels there is no vindictiveness in the position that the Board is taking here. Had this originally been approved as a residential use, he doubts that the house would have been approved as submitted.

ACTION Chairperson called for the question and motion carried unanimously.

ITEM H-3 CDUA FOR SINGLE FAMILY RESIDENTIAL USE AT LAUPAHOEHOE, NORTH HILO, HAWAII, TMK: 3-6-02:11; APPLICANTS: GRANT AND SHARON GERRISH

Mr. Evans said the issue before the Board this morning is two-fold. First on the violation and second on the application itself.

1) Relative to the violation, there has been some cutting of trees and the

analysis on pages 5 and 6 indicate that those trees were basically located within an electric company easement. The electric company did confirm with staff that the applicant did cut the trees within the areas as a safeguard and as routine maintenance for their lines. On the surface, there were some trees that were cut and further analysis indicates that they were part of the routine maintenance and as a result they find no specific violation on the property in terms of the staff.

2) In terms of the application itself, relative to the question of non-conforming use the Board will recall we did go through a period with the Department of the Attorney General relative to a Legislative Auditor's Report that did transpire about two years ago. One of the effects of that was to bring in a question, the use of non-conforming the areas that were outside of the forest reserve as of 1957. The Department of the A. G. in concert with the DLNR in discussions that we should be attempting to bring all non-conforming uses into conformance with the law. They issued an opinion that said, "The lands outside the forest reserve as of 1957, should not really be considered as non-conforming nature."

As a result, based upon the non-conforming use aspect, staff is recommending that the lot does not qualify as non-conforming use. Staff did indicate to the Attorney General that should that be challenged in the interim, prior to any change in legislation that the A. G. would be prepared to defend staff and they have indicated in the affirmative. Secondly, staff looked at this as a conditional use. Past practice has been to recommend denial for single family residences in the limited subzone and that is the basis for staff's recommendation.

Mr. Yuen asked if there was any way to qualify this as a kuleana non-conforming?

Mr. Evans responded, "There may be a way but the burden is on the applicant. We did not enter into that on our own."

Mr. Yuen asked if the applicant knows about that.

Mr. Evans said that he did not know if they knew but that they could apprise them of it. He said that should the Board approve staff's recommendation they could direct staff to inform the applicant of all the possibilities of the kuleana.

Discussion followed on the process of changing the subzone. Mr. Yuen referred to a previous applicant who had property in Nuuanu that went through a zone change. Mr. Evans said that process took about six months.

Mrs. Sharon Gerrish began her testimony with her introduction that she had graduated in 1973 from Waialua High School, came to the Big Island of Hawaii in 1978 and married her husband Grant. They found this land in Laupahoehoe that was advertised as Ag-1. They did research on the area and felt her dream home was in reach. Upon closing of escrow, a week later they received their first tax notice which said their land was conservation. She was told there was no mistake, it is County zoned Ag-1 and State zoned conservation. This would mean a CDUA process for them, coming before the Board today. She said that all their savings are in this land and have no other to build on. They just can't

walk away from this land and start all over as this would cause a great hardship on their part. They have the support of the Laupahoehoe community and they want to live on and care for their land.

Mr. Grant Gerrish said based on staff's recommendation he felt he did not need to address the violation issue. He passed out copies of maps and visuals to the Board members and used it to point out the different areas, i.e. resource and limited subzones; the houses, community center, the armory and the ocean. He said that their parcel would not stand in the way or be involved in access to open space and the ocean.

Mr. Gerrish made three arguments to support their request for approval, 1) He will submit evidence that there will be no loss or diminishment for public resources in approving this; 2) Under the reading of the law they do qualify for non-conforming use; and 3) He will address this question of subzone, are they in an appropriate subzone and if they are directed in the route that's been hinted, they'll have to apply for the subzone, which is not automatic. He referred to staff's submittal which he said did not contain any objections from the department's divisions or agencies regarding conservation values. The only negative comment that came up he pointed out was that the Office of State Planning raised a question about the possible negative run-off. He mentioned the Division of Aquatic Resources comments which found no significant impacts on aquatic resources, it did suggest some simple mitigations that might be important during construction to keep the run-off from going into the stream. He said that the land is level and they hope to maintain the land in a vegetative condition.

He pointed out that there was a house on the property in 1961 and the previous owner had dismantled it for materials. Other neighbors talk about taro and banana cultivation and one neighbor said they had cattle in the past.

He said that they did not have access to an Attorney General's opinion which referred to non-conforming use. Not having the opinion they can only refer to the initial laws, to HRS 183-41 and Title 13. He believes that they do meet the first criteria of non-conforming use under the definition non-conforming use under 13-2. They have clearly shown that residential and agriculture use had been established prior to 1969. The photos show residential use.

He said, "We do not meet the criteria for Limited Subzone. The land is merely flat it is also about 2%. Also there is no undue natural hazards or risks of natural hazard. It is not in a tsunami zone....flood danger on their land is minimal and is certainly no worse than that in the resource subzone and no worse than that in many parts in the State." He showed photos of the flood in 1941 and explained that during that flood, the photo shows the power line was up over their property. He said that his property had no more threat of flooding than the nearby resource subzone.

Mr. Yuen asked Mr. Gerrish whether he knew if his property deed comes from a kuleana grant.

Mr. Gerrish said that they researched that and his understanding is that the kind of kuleana grant that is important is the kind that was granted to a native tenant that went before the Land Commission and got a Land Commission award. It

has a royal patent on it but not the kind of patent that implies the LCAW.

**EXECUTIVE
SESSION**

Mr. Yuen said that there was a legal issue that he would like to discuss and made a motion to go into an executive session. Seconded by Ms. Himeno, motion carried.

2:00p-2:07pm

Chairperson Paty called back to order the regular meeting of the Land Board.

Mr. Sam Lindley requested to speak on behalf of Sharon and Grant Gerrish. He said that he had been to the property site and he has observed how the Gerrishs love and care for the animals they took care of. He said that he knew of their desire for a dream home and asked that the Board act favorably in their behalf.

Mr. Yuen said that he would like to make a couple of comments before his motion. He said that he felt they made a good case of why their property should not be in the limit subzone. He thought that they had submitted a good application but the subzones are like major tools for managing the more than 2 million acres in the conservation district. It may be frustrating but in an orderly zoning process. If it does not fit into the zone, it usually requires that the zone be changed and then the application can be granted. This is a normal process for any kind of zoning situation. The Office of Conservation and Environmental Affairs has always recommended disapproval of the CDUAs in a limited subzone for residences and the Board has never allowed one.

ACTION Mr. Yuen said his motion is:

- 1) To approve applicant's single family residence as a conditional use, subject to the "Standard Conditions."
- 2) Prior to approving the construction plans for the single family residence, the applicant must seek and obtain approval to reclassify the subject property from the Limited Subzone to another subzone in which the Board has approved single family residences.
- 3) Applicant will be permitted to do landscaping and other kinds of actions subject to the Standard Conditions.

Motion was seconded by Ms. Himeno and motion carried.

Mr. Evans clarified Mr. Yuen's motion that it included all the standard condition and that the additional condition stated that construction plans for the house would not be approved until the property is out of the limited subzone. He also informed the applicant that it would be their responsibility to have their property taken out of the limited subzone. Their office would work with the applicant to show them how best to process the change of subzone.

ITEM H-1 **AFTER-THE-FACT CONSERVATION DISTRICT USE APPLICATION FOR A
TELECOMMUNICATION FACILITY AT HONOLIULI FOREST RESERVE,
OAHU, TMK 9-2-05:13; APPLICANTS: KFVE TELEVISION (K-5), MCCA
W
TELEPAGE, HAWAII PUBLIC RADIO**

Mr. Evans made his presentation of Item H-1. He explained that this is a situation where a Conservation District Use Application was done, the Board did

basically approve the CDUA and subsequent to that, applicant went out and built a tower and antennas without submitting construction plans.

Staff has had discussions with the three applicants KFVE Television (K-5), McCaw Telepage and Hawaii Public Radio on Campbell Estate lands.

Staff's recommendation this morning is in two parts, relative to the violation:

1. That there be an after-the-fact application, that has 11 violations; McCaw Telepage to be responsible for 8 and Hawaii Public Radio for 3.
2. They are also recommending an audit of McCaw Telepage, which they understand might be forthcoming.
3. That the applicant's pay the fine in 30 days.

After this part is agreed with, staff's recommendation is that the Board approve this after-the-fact for future antennas subject to the conditions on pages 8 and 9.

Mr. Michael Lau, Attorney for McCaw Telepage was present with Robert Fiorentino, local manager for McCaw. They both said that they agree with the report and recommendation by staff and had no other comments.

Mr. Cliff Eblen of Hawaii Public Radio was present with his attorney. Mr. Eblen said he felt the fine was unnecessary at this point as they have been paying through the nose ever since they made this mistake.

Mr. Evans made a comment at this point relative to the fine that this is a public radio institution and staff has worked with them before. In the past, the Board has allowed certain in-kind contributions rather than up-front monies to be paid in fines. He asked whether Hawaii Public Radio would be willing to consider some in-kind contribution to some of the programs that the Department is trying to do, instead of putting \$1500.00 into the general fund. He said that this is something that the Board could consider and that this would be a suggestion for all parties.

Mr. Eblen said it would certainly be a possibility on their part. They are here to do public service and it is their job.

Ms. Himeno asked how could this be done and also inquired of the Deputy Attorney General present if the Board could do something like this.

Mr. Evans said that regarding the violations, everything could be put on a deferral status for awhile and that the department's public relations officer and the two companies could get together and try to work something out. The department, in the past has paid out of the departmental funds to other news or organizations for these kinds of public relations.

Deputy A. G. Nishioka responded that in the past, the Board has allowed and approved in-kind service.

Mr. Lau said the McCaw would be receptive to similar type of service if the

Board can come up with the type of in-kind service they would want, perhaps paging service for their enforcement division or staff.

Chairperson said that we might put the fine subject to negotiations with the Chair and staff. He said that he did not know if they could accommodate the entire fine, for example \$4000.00, but they could work in that direction.

ACTION Ms. Himeno moved to approve with the amendment which deems with regard to the violations. To defer the agreement of the violations until such time as both parties can sit down with the Chairperson and see if something can be worked out as far as the in-kind contributions. Seconded by Mr. Arisumi, motion carried.

2:30 P.M. Mr. Arisumi was excused and absent for the rest of the meeting.

ITEM H-5 PETITION TO AMEND TITLE 13, CHAPTER 2 HAWAII ADMINISTRATIVE RULES IN ORDER TO ESTABLISH A SPECIAL SUBZONE AT LIMAHULI GARDENS AND PRESERVE AT HAENA, KAUAI, TMKS: 5-9-1:3; 5-9-6:2, 3, 4, 5, 6, 8, 9; PETITIONERS: NATIONAL TROPICAL BOTANICAL GARDEN, CHARLES R. WICHMAN, CHARLES R. WICHMAN, JR.

Mr. Charles Wichman said he had no objections to staff's recommendations. His only concern was relative to any time limit on this process.

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM F-18 CANCELLATION OF GOVERNOR'S EXECUTIVE ORDER NO. 2440 AND GRANT OF RIGHTS-OF-ENTRY TO DEPARTMENT OF HEALTH AND HAWAII FOODBANK, INC., LOT 4, SHAFTER FLATS INDUSTRIAL DEVELOPMENT, UNIT II, MOANALUA, HONOLULU, OAHU, TAX MAP KEY 1-1-64:28

Mr. Young made the presentation of Item F-18. He informed the Board that Mr. John White from the Hawaii Foodbank was present to answer any questions.

ACTION Unanimously approved as submitted. (Yim/Apaka)

ITEM E-2 SPECIAL USE PERMIT TO MICHAEL C. BARNETTE NURSERY AND RELATED PURPOSES, KALIHI, OAHU

AND

ITEM E-3 SPECIAL USE PERMIT TO HOWARD MCPHERSON FOR RESIDENTIAL USE AND RELATED PURPOSES, KALIHI, OAHU

Mr. Nagata requested that Items E-2 and E-3 be taken up together as they were both related. He said that they were both current permittees to the City on the parcel of land that will be turned over to the State if everything goes well on January 1, 1992.

He said that Mr. Michael Barnette is present and he has been utilizing a portion of that parcel for a residential nursery and related purposes.

The second item E-3 is under Mr. McPherson's name. According to Mr.

Barnette, who also produced a letter from Mr. McPherson, he has been utilizing the rest of the parcel for the last eight years or so and he has been paying for the second Item E-3 as well. Mr. Nagata then pointed out the locations on a display of the area.

The City is unable to develop the parcel into a park so they are transferrring it to the State. The State is not in a position to develop it at this time. He said that Mr. Barnette has the nursery operation there and he has the fronting pretty well-landscaped and nicely manicured. The County permit ends January 31st. Staff is recommending to the Board that the permit be extended to the end of 1992 to Mr. Barnette.

Mr. Nagata said that he had discussed this with the Kalihi-Palama Council and they agreed that it would be good to have somebody there on the premise otherwise people might use it as a dumping ground as it is at the end of the road.

Staff has taken Land Management's revocable permit conditions and applied it to this new permit that they are proposing. It will be called a Special Use Permit using the revocable permit conditions.

ACTION Unanimously approved as submitted, Items E-2 and E-3. (Himeno/Apaka)

ADDED
ITEM A-1 APPROVAL TO ENGAGE THE SERVICES OF A CONSULTANT TO PREPARE ARCHITECTURAL DRAWINGS AND CONSTRUCTION DOCUMENTS OF TWO HISTORIC STRUCTURES AT THE KE'E HULA PLATFORM SITE, HAENA, KAUAI

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ADDED
ITEM A-2 AUTHORIZATION TO ENTER INTO REBURIAL AGREEMENT

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM B-1 REQUEST FOR APPROVAL TO HOLD A PUBLIC HEARING ON DEPARTMENT ADMINISTRATIVE RULES TO ESTABLISH A KEAUHOU BAY FISHERIES MANAGEMENT AREA, HAWAII

ACTION Unanimously approved as submitted. (Yim/Himeno)

ITEM B-2 REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT TO SUPPORT FEDERAL FISHERIES MANAGEMENT-RELATED ACTIVITIES OF THE DIVISION OF AQUATIC RESOURCES DURING 1992

ACTION Unanimously approved as submitted. (Himeno/Yim)

ITEM D-1 PERMISSION TO HIRE CONSULTANT FOR JOB NO. 89-HP-11, MASTER PLAN FOR OLD KONA AIRPORT STATE RECREATION AREA, HAWAII

Mr. Ralston Nagata made the presentation of the 'D' Items.

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM D-2 PERMISSION TO HIRE A CONSULTANT FOR JOB NO. 61-OF-B, MASTER PLAN FOR KAWAINUI MARSH, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM E-1 OBSERVATION OF THE 100TH ANNIVERSARY OF THE OVERTHROW OF THE KINGDOM OF HAWAII

ACTION Unanimously approved as submitted. (Himeno/Yim)

ITEM E-2 See Page 24 for Action.

ITEM E-3 See Page 24 for Action.

ITEM E-4 REQUEST TO TERMINATE EXISTING LEASE AND ISSUE RIGHT-OF-ENTRY AND LEASE TO ALTERNATIVE BUILDING CONCEPT GROUP, INC. FOR THE OPERATION OF PUBLIC CAMPING AND CABIN RENTALS AT MALAEKAHANA STATE RECREATION AREA, KAHUKU, OAHU

ACTION Unanimously approved as submitted. (Himeno/Yim)

ITEM F-1 DOCUMENTS FOR BOARD CONSIDERATION

Item F-1-a Issuance of Land Patent in Confirmation of Land Commission Award No. 1706 Issued March 20, 1854 to Ohule by Application of Stanley Ho, Pauoa Valley, Oahu, Tax Map Key 2-2-40:5

Item F-1-b Assignment of Grant of Easement No. S-5000, Access and Utility Purposes, Government Land on The Southeast Side of Kaplalani Road, Waimea, So. Kohala, Hawaii, Tax Map Key 6-5-04:Por. 15

Item F-1-c Issuance of Revocable Permit to Fay T. Rapozo, Lots 2-C-1 and 2-C-2, Kapaa Rice and Kula Lots and Access Easement at Kapaa, Kawalahu (Puna), Kauai, Tax Map Key 4-5-15:35 and 36

Item F-1-d Issuance of Land Patent in Confirmation of Land Commission Award No. 1599 Issued October 29, 1853 to Kuhilani by Application of Stanley Ho, Pauoa Valley, Oahu, Tax Map Key 2-2-28:1

Mr. Young requested to make an amendment to F-1-d. Amendment: Issuance of Land Patent be subject to prior payment of commutation due.

Item F-1-e Issuance of Revocable Permit to John S. and Yvonne R. Medeiros, Government Land Situate at Waiakoa-Alae 3 & 4 Homesteads, Makawao, Maui, Tax Map Key 2-2-13:10

Mr. Young requested to make an amendment to F-1-e. Amendment: Condition 3. under RECOMMENDATION concerning "Fencing" to include both the perimeter of the permit premises and the petroglyph site.

Item F-1-f Issuance of Revocable Permit Between the Salvation Army and the Department of Health, Honokaa Hospital Annex Building, Haina, Hamakua, Hawaii, Tax Map Key 4-5-10:27

Item F-1-g Issuance of Department of Agriculture Revocable Permit No. 2 to Kamuela Vacuum Cooling Cooperative, Ltd., Kamuela Vacuum Cooling Plant Site at Waikoloa and Lalamilo, Waimea, So. Kohala, Hawaii, Tax Map Key 6-6-05:28

Mr. Young asked to make an amendment to F-1-g, Amendment: Monthly rent subject to payment of 20% to OHA.

Item F-1-h Issuance of Department of Agriculture Revocable Permit No. 3 to Kona Producers Cooperative, Ltd., North Kona Marshalling Yard, Part 1, Honalo, No. Kona, Hawaii, Tax Map Key 7-9-16:4, 8 & 18

Item F-1-i Issuance of Department of Agriculture Revocable Permit No. 1 to Maui Produce Processing Cooperative, Ltd., Vacuum Cooler Plant Site, Lot A, Oma'opio Homesteads, Oma'opio, Makawao (Kula), Maui

Requested Amendment: Monthly rent subject to payment of 20% to OHA.

Item F-1-j Issuance of Revocable Permit Covering Government Land at Kapalama, Honolulu, Oahu, Tax Map Key 1-5-18

Mr. Young requested an Amendment: Paragraph A. under RECOMMENDATION amended to read "Retain from the collateral security deposited by Kokea Construction and Consultants, Inc. under Revocable Permit No. S-6515, the amount of \$1,500.00 as a fine for unauthorized subletting/renting of the premises to Kapalama Equipment Co., Pacific Preferred Contractors and Paradise Roofing."

ACTION Motion was made by Mr. Apaka to approve Items F-1-a, F-1-b, F-1-c, F-1-f and F-1-h as submitted; approve Items F-1-d, F-1-e, F-1-g, F-1-i and F-1-j as amended; seconded by Ms. Himeno, motion carried unanimously.

ITEM F-2 **RELEASE OF RESTRICTIONS, LAND PATENT GRANT NO. 11,404 TO AGNES KALIKOLANI COVERING LOT 15, PUUEPA-KOKOIKI HOMESTEADS, PUUEPA AND KOKOIKI, NO. KOHALA, HAWAII**

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM F-3 See Page 11 for Action.

ITEM F-4 **HAWAII ELECTRIC LIGHT COMPANY AND GTE HAWAIIAN TELEPHONE COMPANY REQUEST RIGHT-OF-ENTRY TO GOVERNMENT LANDS SITUATE AT KIOLAKA'A-KEA'A HOMESTEADS, KAU, HAWAII, TAX MAP KEY 9-4-03:POR. 26**

ACTION Unanimously approved as submitted. (Yuen/Yim)

- AMENDMENT TO PRIOR BOARD ACTION OF MAY 24, 1991 (AGENDA ITEM F-2) RELATIVE TO THE DIRECT SALE OF A PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT, KAMAOLE, WAILUKU (KULA), MAUI, TAX MAP KEY 3-9-04:POR. 140 AND 141**
-
- ITEM F-5** **ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- PROPOSED LAND EXCHANGE BETWEEN STATE OF HAWAII AND HALEAKALA RANCH COMPANY COVERING LANDS AT HAIKU-UKA AND KULA, MAKAWAO, MAUI, TAX MAP KEYS 2-4-16:POR. 1 AND 2-3-05:POR. 4**
-
- ITEM F-6** **ACTION** Unanimously approved as submitted. (Apaka/Himeno)
- DIRECT SALE TO CHRISTINE C. LOW, ET AL OF PERPETUAL, NON-EXCLUSIVE WATERLINE EASEMENT AT MAKAWAO, MAUI, TAX MAP KEY 2-4-13:POR. 78**
-
- ITEM F-7** **ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- DIRECT SALE OF ROBERT L. AND TAMARA L. HORCAJO OF PERPETUAL, NON-EXCLUSIVE WATERLINE EASEMENT AT MAKAWAO, MAUI, TAX MAP KEY 2-4-13:POR. 78**
-
- ITEM F-8** **ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- DIRECT AWARD TO ROBERT E. WILLIAMS OF A PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AND CONSTRUCTION RIGHT-OF-ENTRY, GOVERNMENT LAND AT HONOPOU-HOOLAWA, MAKAWAO, MAUI, TAX MAP KEY 2-9-03:POR. 8**
-
- ITEM F-9** **ACTION** Unanimously approved as submitted. (Apaka/Himeno)
- DIRECT SALE TO QUEEN'S MEN OF A PERPETUAL, NON-EXCLUSIVE UTILITY EASEMENT AT WAILUKU, MAUI, TAX MAP KEY 3-4-11:POR. 31**
-
- ITEM F-10** **ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- AMENDMENT TO PRIOR BOARD ACTION OF FEBRUARY 9, 1990 (AGENDA ITEM F-1-b) COVERING SUBLEASE BETWEEN COUNTY OF MAUI, SUBLESSOR, AND K. D. FARMS, INC., SUBLESSEE, GENERAL LEASE NO. S-4433, PALAAU AND HOOLEHUA, MOLOKAI, TAX MAP KEYS 5-2-01 AND 5-2-04**
-
- ITEM F-11** **ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- AMENDMENT TO PRIOR BOARD ACTION OF DECEMBER 7, 1990 (AGENDA ITEM F-12) COVERING A PERPETUAL, NON-EXCLUSIVE STORM DRAIN EASEMENT TO THE CITY AND COUNTY OF HONOLULU, KULIOUOU, WAIKIKI, OAHU, TAX MAP KEY 3-8-01:POR. 21 AND 22**
-
- ITEM F-12** **ACTION** Unanimously approved as submitted. (Himeno/Apaka)

- ITEM F-13** REQUEST FOR AUTHORITY TO ACQUIRE INTEREST IN FIVE OR MORE PRIVATELY/PUBLICALLY HELD LAND PARCELS FOR THE PURPOSES OF DEVELOPING THE WEINBERG VILLAGES FOR THE HOMELESS
- ACTION** Unanimously approved as submitted. (Yim/Himeno)
- ITEM F-14** LEASE OF OFFICE SPACE FOR THE DEPARTMENT OF HEALTH, WAIKIKI, HONOLULU, OAHU, TAX MAP KEY 2-6-03:POR. 24
- ACTION** Unanimously approved as submitted. (Himeno/Yim)
- ITEM F-15** GRANT OF EASEMENT FOR SEWER PURPOSES ACROSS STATE LAND ENCUMBERED UNDER CERTIFICATE OF OCCUPATION NO. 96 (JUDD), TAX MAP KEY 3-4-03:04 FOR HOOK UP TO CERTIFICATE OF OCCUPATION NO. 102 (NAPUUNOA), TAX MAP KEY 3-4-03:18, PALOLO VALLEY HOMESTEADS, WAIOMAO, PALOLO VALLEY, HONOLULU, OAHU
- ACTION** Unanimously approved as submitted. (Yim/Himeno)
- ITEM F-16** AMENDMENT TO PRIOR BOARD ACTION OF SEPTEMBER 14, 1990 (AGENDA ITEM F-13) AUTHORIZING SEAWALL EASEMENT AT KALUANUI, OAHU, TAX MAP KEY 5-3-10:SEAWARD OF 17
- ACTION** Unanimously approved as submitted. (Himeno.Yim)
- ITEM F-17** See Page 2 and 3 for Action.
- ITEM F-18** See Page 23 for Action.
- ITEM F-19** WITHDRAWAL FROM GOVERNOR'S EXECUTIVE ORDER NO. 931 AND SET ASIDE TO DEPARTMENT OF LAND AND NATURAL RESOURCES, HISTORIC PRESERVATION DIVISION FOR HISTORIC PRESERVATION PURPOSES, GOVERNMENT LAND AT HANAPEPE, WAIMEA, KAUAI, TAX MAP KEY 1-8-08:POR. 4
- ACTION** Unanimously approved as submitted. (Apaka/Himeno)
- ITEM F-20** DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES REQUEST ON BEHALF OF KAUAI DEPARTMENT OF WATER FOR PERPETUAL, NON-EXCLUSIVE EASEMENT FOR FIRE HYDRANT AND WATERLINE PURPOSES, KALAHEO ELEMENTARY SCHOOL, KALAHEO, KAUAI, TAX MAP KEY 2-3-02:POR. 5
- ACTION** Unanimously approved as submitted. (Apaka/Yim)
- ITEM F-21** See Page 5 for Action.
- ITEM G-1** AMEND STATE OF HAWAII CONTRACT NO. 28716 WITH COMPUTAB, INC. FOR COMPUTER SERVICES
- ACTION** Unanimously approved as submitted. (Himeno/Apaka)
- ITEM H-1** See Page 23 for Action.

ITEM H-2 Deferred, see Page 12.

ITEM H-3 See Page 21 for Action.

ITEM H-4 See Page 18 for Action.

ITEM H-5 See Page 23 for Action.

ITEM I-1 **APPOINTMENT OF HUNTER EDUCATION INSTRUCTORS, ISLANDS OF OAHU, HAWAII, MAUI, AND MOLOKAI**

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM I-2 **APPOINTMENT OF LICENSE AGENT: SOUTH POINT SAFARIS, ISLAND OF HAWAII**

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-1 **APPLICATION FOR ISSUANCE OF REVOCABLE PERMITS 4710, 4827 AND 4828, AIRPORTS DIVISION**

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-2 **DIRECT SALE OF LEASE OF PARCELS OF LAND, WAREHOUSE AND OFFICE SPACE, KAWAIHAE HARBOR, HAWAII (YOUNG BROTHERS, LTD.)**

Mr. Garcia requested that Items J-2 and J-3 be taken up together.

ACTION Unanimously approved as submitted. (Yuen/Himeno)

ITEM J-3 **DIRECT SALE OF LEASE FOR WAREHOUSE SPACE AND PARCELS OF LAND, HILO HARBOR, HAWAII (YOUNG BROTHERS, LTD.)**

See above J-2 for action.

ITEM J-4 **DIRECT SALE OF LEASE OF PARCELS OF LAND, OFFICE SPACES, AND ELECTRICAL EASEMENT, KAHULUI HARBOR, MAUI (YOUNG BROTHERS, LTD.)**

ACTION Unanimously approved as submitted. (Himeno/Yim)

ITEM J-5 **DIRECT SALE OF LEASE OF PARCELS OF LAND WAREHOUSE SPACE, NAWILIWILI HARBOR, KAUAI (YOUNG BROTHERS, LTD.)**

ACTION Unanimously approved as submitted. (Apaka/Himeno)

ITEM J-6 **DIRECT SALE OF LEASE, OFFICE AND UTILITY SPACE, PIER 35, HONOLULU HARBOR, OAHU (ROBERT LEITELT, DBA GALLATIN ENTERPRISES)**

ACTION Unanimously approved as submitted. (Himeno/Yim)

ITEM J-7 DIRECT SALE OF LEASE, OFFICE AND UTILITY SPACE, PIER 35,
HONOLULU HARBOR, OAHU (KEN KAUFFMAN)

ACTION Unanimously approved as submitted. (Himeno/Yim)

ITEM J-8 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIERS 37 AND
38, HONOLULU HARBOR, OAHU (CHEVRON U.S.A. INC.)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-9 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, NEAR PIER 52
(MATSON CONTAINER YARD), SAND ISLAND, HONOLULU, OAHU (MR.
HERBERT R. FRANCO, JR. DBA HERB'S)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-10 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, PIER 8 SHED,
HONOLULU HARBOR, OAHU (HAWAII OCEAN TRANSIT SYSTEMS, INC.
(HOTS))

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-11 ISSUANCE OF REVOCABLE PERMIT, HARBORS DIVISION, WAIANAE
SMALL BOAT HARBOR, OAHU (MALCOLM K. AHLO AND VICTOR J.
RAPOZA)

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-12 RIGHT-OF-ENTRY FOR HOMELESS' TEMPORARY SHELTER AT PIER 18,
HONOLULU HARBOR, OAHU

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-13 CONTINUANCE OF REVOCABLE PERMITS H-89-1614, ETC., HARBORS
DIVISION

ACTION Ms. Himeno asked to be excused from participating on Matson Navigation Co. Inc., Nos. H-86-1381, H-86-1382 and Brewer Chemical Corporation Nos. H-80-872, H-81-1118. Chair so noted.
Approved as submitted. (Yim/Yuen)

ITEM J-14 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO SUBLEASE
FROM MAUI ELECTRIC COMPANY, LIMITED AT KALIALINUI, KULA,
MAKAWAO, MAUI

ACTION Ms. Himeno asked to be excused from acting on this item due to a conflict.
Approved as submitted. (Apaka/Yuen)

ITEM J-15 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY
THE REAL PROPERTY INTEREST OF PORTION OF RIVER STREET, STATE
HIGHWAY SYSTEM AGREEMENT SUPPLEMENT NO. 12

ACTION Unanimously approved as submitted. (Himeno/Apaka)

ITEM J-16 AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO CONVEY THE REAL PROPERTY INTEREST OF PORTION OF A ROAD SITUATE AT WAIPIO, EWA, OAHU, HAWAII TO THE CITY AND COUNTY OF HONOLULU

ACTION Unanimously approved as submitted. (Himeno/Yuen)

RESOLUTIONS: The Board adopted the following Resolutions expressing their appreciation for their many years of faithful service and extended their sincere congratulations and best wishes in a well-earned retirement to the following:

Ms. Helen T. Hayakawa, Conveyancing Supervisor
Bureau of Conveyances, 46 years (service began with the Territorial of Hawaii)

Mr. Ralph Soichiro Saito, Wildlife Biologist V
Division of Forestry and Wildlife, 32 years service

Mrs. Miyoko S. Yamasaki, Forestry Worker I
Division of Forestry and Wildlife, 29 years of service

Mr. James Kaaha Akuna, Forestry Worker II
Division of Forestry & Wildlife, 17 years of service

Mr. Eddie Teruji Ansai, District Land Agent
Division of Land Management, Maui Office, 15 years of service

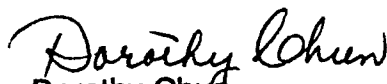
Mr. Thomas Shizuo Nakashige, Park Caretaker II
Division of State Parks, 14 years service

Mr. Joseph Reyes, Park Caretaker II
Division of State Parks, 10 years service

All retiring on December 30, 1991 except, Mr. James Kaaha Akuna on December 31, 1991.

ADJOURNMENT The meeting was adjourned at 2:50 p.m.

Respectfully submitted,


Dorothy Chun
Secretary

APPROVED:



WILLIAM W. PATY, Chairperson

dc