

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

DATE: THURSDAY, APRIL 13, 1995
TIME: 9:00 A.M.
PLACE: 132 KALANIMOKU BUILDING
HONOLULU, HAWAII 96813

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at approximately 9:10 a.m. The following individuals were present:

MEMBERS: Michael D. Wilson Herbert K. Apaka
William Kennison Christopher Yuen
Michael Nekoba Colbert M. Matsumoto

STAFF: Michael Buck Manabu Tagomori
Ralston Nagata Mason Young
Roger Evans David Parsons
Michelle K. Bradley Larry Cobb

OTHERS: Jordan Wagner, Deputy Attorney General
Dawn Chang, Deputy Attorney General
Peter Garcia, State Department of Transportation
David Bettencourt, Esq.
Eric Nishimoto, DAGS
Michael Lau, Esq., Oshima Chun Fong & Chung
Jack Hall, Principle of Kona Fuel and Marine, Inc. (formerly Kona U-
Cart, Inc.) and Lenders Document Service, Inc.
Colin Love, Esq., Attorney for Jack Hall
Steve Bourque, Manager of Volume Services, Inc.
Vernon Char, Esq.
Maurice Matsuzaki

For your reference, attached hereto as Exhibit "A" is a true and correct copy of the Agenda. All written testimonies received are available for review at the Chairperson's Office of the State Department of Land and Natural Resources.

ITEM E-1: Ralston Nagata, Administrator of the Division of State Parks, presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM F-2: Mason Young, Administrator of the Division of Land Management, presented the staff recommendation to the Board.

David Bettencourt, Esq., testified before the Board on behalf of Robert A. Frost.

ACTION: Unanimously approved (Kennison/Nekoba).

ITEM H-4: Roger Evans, Administrator of the Office of Conservation and Environmental Affairs, presented the staff recommendation to the Board.

Eric Nishimoto testified before the Board on behalf of DAGS.

ACTION: Unanimously approved (Kennison/Kennison).

ITEM H-3: Roger Evans presented the staff recommendation to the Board.

Michael Lau, Esq., Agent for Landowner Princeville Corporation, testified before the Board.

ACTION: Unanimously approved (Apaka/Kennison).

ITEM F-5: Mason Young presented the staff recommendation to the Board with two amendments. Amendments: Under Recommendation:

1. Paragraph A add third condition . . . "consent of the security interest holder, namely, Federal Land Bank of Sacramento".
2. Paragraph C revise to state mortgage loan amount not to exceed \$84,000.00.

Vernon Char, Esq., testified on behalf of Dr. Denis Mee-Lee.

ACTION: Unanimously approved, as amended (Nekoba/Apaka).

ITEM F-1-b and c: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

ITEM J-5: Dave Parsons, Administrator of the Division of Boating and Ocean Recreation, presented the staff recommendation to the Board.

Hawaii Land Board Member Christopher Yuen stated for the record that several years ago he legally represented Mr. Dahlberg in an unrelated case but clarifies there is no apparent conflict.

Colin Love, Esq. testified before the Board on behalf of Jack Hall, Principle of Kona Fuel & Marine, Inc. Jack Hall testified before the Board as well.

Larry Cobb, staff member from the Division of Boating and Ocean Recreation, responded to questions from the Board.

Before taking action, communication with Deputy Attorney General Dawn Chang was necessary in order to clarify if the Assignment included release of liability. Chairperson Wilson entertained a motion to go into executive session (Yuen/Nekoba). The meeting recessed into executive session and later recommenced continuing with Item J-5.

Deputy Attorney General Dawn Chang responded to questions from the Board.

ACTION: Unanimously approved, as amended (Yuen/Apaka).

- Amendments:
1. That Part 1.a. of the Recommendation reflects that payment of \$50,000.00 towards outstanding balance due within sixty (60) days of effective date of the Consent to Assignment;
 2. That Part 1.c. of the Recommendation reflects that payment in full of the outstanding balance upon sale of the sale of the lease and as a condition to the subsequent Assignment of Lease be within one (1) year; and
 3. That with respect to Part 2 of the Recommendation that Kona Fuel and Marine, Inc., its successors, and assigns shall be responsible for correcting any fuel contamination problems to the satisfaction of the Department of Health and agrees to defend, indemnify and hold the State harmless against responsibility for any contamination and claims for damages arising from such contamination, it is not meant to relieve the potential liability or responsibility of any other potential or liable parties, such as the Dahlbergs, the company that installed the fuel tanks, etc.

ITEM E-2: Ralston Nagata presented the staff recommendation to the Board.

Steve Bourque, Manager of Volume Services, Inc., testified before the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM H-2: Roger Evans presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Matsumoto).

ITEM C-1: Michael Buck, Administrator of the Division of Forestry and Wildlife presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Kennison).

ITEM D-1: Manabu Tagomori, Administrator of the Division of Water and Land Development, presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM E-3: Ralston Nagata requested a deferral at this time until the Attorney General's office evaluates this matter further, as well as have an opportunity to review correspondence recently sent by the Sri Ram Society.

ACTION: Deferred (Nekoba/Matsumoto).

ITEMS F-1-a, d-h: Mason Young presented the remainder of the Consent Calendar to the Board, except requested a withdrawal of Item F-1-d until delinquency is settled prior to assignment of lease.

ACTION: Unanimously approved as to Items F-1-a, e-h; withdrawn as to Item F-1-d (Nekoba/Yuen).

ITEM F-3: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Matsumoto).

ITEM F-4: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Matsumoto).

ITEM F-6: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Nekoba).

ITEM F-7: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Kennison).

ITEM F-8: Mason Young presented the staff recommendation to the Board with one amendment -- first page under Applicant, change name from Okasaki to Okasako.

ACTION: Unanimously approved, as amended (Apaka/Kennison).

ITEM F-9: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Kennison).

ITEM H-1: Roger Evans presented the staff recommendation to the Board with one amendment to Recommendation No. 2 -- change **sightly** vegetation to **unsightly** vegetation.

ACTION: Unanimously approved, as amended (Apaka/Kennison).

ITEM H-5: Roger Evans presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Kennison).

ITEM J-1: Dave Parsons presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Kennison).

ITEM J-2: Dave Parsons presented the staff recommendation to the Board.

ACTION: Unanimously approved (Kennison/Apaka).

ITEM J-3: Dave Parsons requested for a deferral at this time regarding Item J-3.

ACTION: Deferred (Matsumoto/Kennison).

ITEMS J-4-A and B: Dave Parsons presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

ITEM K-1: Peter Garcia, representative of the State Department of Transportation, presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Kennison).

ITEM K-2: Peter Garcia presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Kennison).

There being no further business, Chairperson Wilson adjourned the meeting at approximately 1:17 p.m.

Respectfully submitted,

Michelle K. Bradley

Michelle K. Bradley
Secretary

APPROVED AS SUBMITTED:

Michael D. Wilson

MICHAEL D. WILSON
Chairperson