

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

DATE: FRIDAY, APRIL 28, 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 9:05 a.m. The following individuals were present:

MEMBERS:	Michael D. Wilson Christopher Yuen Colbert M. Matsumoto	Herbert K. Apaka Michael Nekoba
STAFF:	Michael Buck Mason Young Michelle K. Bradley Steven Tagawa Larry Cobb	Cathy Tilton Roger Evans Samuel J. Lemmo Dave Parsons
OTHERS:	Linnel Nishioka, Deputy Attorney General Peter Garcia, State Department of Transportation Sandra E.P. Schutte, Esq. Palikapu Dedman, President of Pele Defense Fund Alfred P. Lerma, Jr., Esq. Margaret McGuire, Member of Pele Defense Fund Rick Warshauer Mike Matsukawa, Esq. Ed Johnston, Share Onomea Access State Senator Mike McCartney, 23rd Senatorial District Gregory Flick, Chairperson for Castle Hills Robert McWilliams, Pastor for Hope Chapel Kaneohe Melvin Y. Kaneshige, Esq. Dean Choi	

For your reference and more detailed information, 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 H-2: Roger Evans, Administrator of the Office of Conservation and Environmental Affairs, presented the staff recommendation to the Board.

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The following individuals testified before the Board: State Senator Mike McCartney, 23rd Senatorial District; Gregory Flick, Chairperson for Castle Hills; Robert McWilliams, Pastor for Hope Chapel Kaneohe; Melvin Y. Kaneshige, Attorney for Hope Chapel Kaneohe; and Dean Choi, Member of Hope Chapel Kaneohe.

The Chairperson called a recess at approximately 10:27 a.m.; the meeting recommenced at approximately 10:39 a.m., resuming with Item H-2.

ACTION: Deferred until next land board meeting when submittal will be approved subject to mutual agreement between the Chairperson, DLNR's Office of Conservation and Environmental Affairs ("OCEA"), and Applicant Hope Chapel Kaneohe of the seventeen (17) proposed conditions prepared in advance by the OCEA staff (Nekoba/Apaka).

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At approximately 10:50 a.m., Member-At-Large Colbert M. Matsumoto excused himself from the remainder of the meeting.

ITEM H-4: Roger Evans presented the staff recommendation to the Board.

The following individuals testified before the Board: Sandra E.P. Schutte, Attorney for Daniel J. Lutkenhouse; Mike Matsukawa, Esq.; Albert P. Lerma, Jr., Esq.; Ed Johnston, Share Onomea Access; Palikapu Dedman, President of Pele Defense Fund; Margaret McGuire, Member of Pele Defense Fund; and Rick Warshauer.

After hearing testimony from DLNR staff, Applicant's counsel, and the general public, a motion to go into executive session to further discuss the matter was made (Yuen/Nekoba). As a result, the Chairperson recessed the meeting at approximately 12:30 p.m. to go into executive session; the meeting reconvened at approximately 1:10 p.m.

Since the Applicant's counsel was not present at the time the meeting reconvened, other agenda items were taken out of sequence until such time Ms. Schutte returned.

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ITEM H-1: Roger Evans presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Yuen).

ITEM H-3: Roger Evans, at the direction of Maui Land Board Member William Kennison, requested for a withdrawal of Item H-3 due to Mr. Kennison's absence.

ACTION: Withdrawn (Yuen/Nekoba).

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

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM C-2: Michael Buck presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Yuen).

ITEM J-1: Dave Parsons, Administrator of the Division of Boating and Ocean Recreation, presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Nekoba).

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

ACTION: Unanimously approved, as amended (Nekoba/Yuen). Amendments:
Recommendation 2: Delete reference to "as liquidated damages".

Recommendation 4: Authorize the Division of Boating of Ocean Recreation to work with the Attorney General to **determine the date of vacatement and assumption of the premises.**

Recommendation 6: In addition to collection of all outstanding monies due, to **include all other monies due for present continued occupancy of the premises subsequent to the date of termination.**

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Upon the return of Applicant's counsel, Sandra E.P. Schutte, the Chairperson resumed with Item H-4 as follows:

ACTION: As to the request for contested case hearing: **Unanimously denied, per the advice of the Attorney General.** There is, however, a possibility the request can be renewed when the comprehensive access plan is considered by the Board (Yuen/Nekoba).

As to the remainder of the Recommendation, with exception of the gate:
Deferred for 120 days (Yuen/Nekoba).

As to the gate: I think vehicular access is a big question of safety -- open vehicular access -- so I am not going to move to remove the gate at this time, but there should be a condition that within fourteen (14) days, the Tropical Botanical Garden owner shall clear an area at least three feet (3') wide mauka of the gate which will permit unimpeded pedestrian access. This is not necessarily the permanent solution, and it does not necessarily imply that the gate will permanently be there. The gate is one of the issues that will be considered in the 120-day period. I am not sure what signs exist at the present time, but the only signs -- all signs of the private property, no trespassing type, should be removed within fourteen (14) days, except for the one-way traffic sign (Yuen/Nekoba).

The Chairperson stated for the record that our Division of Forestry and Wildlife will check within fourteen (14) days just to see what kind of access has been provided and to make sure that it is done in a way that seems reasonable.

ITEM J-3: Dave Parsons presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEMS F-1-a - F-1-g: Mason Young, Administrator of the Division of Land Management, presented the Consent Calendar to the Board with amendments to F-1-b, F-1-c, and F-1-g.

ACTION: Unanimously approved as to Items F-1-a, d-f (Nekoba/Apaka).

Unanimously approved, as amended, as to F-1-b. Amendment: Monthly rent revised from \$240.00 to \$300.00 (Nekoba/Apaka).

Unanimously approved, as amended, as to F-1-c. Amendment: **Concurrence of the Governor (Nekoba/Apaka).**

Unanimously approved, as amended, as to F-1-g. Amendment: Add condition under Recommendation, Paragraph B -- 13. **That permittee shall maintain the drainage ditch between Alahao Place and Hoonee Place to a condition acceptable to the Oahu District Land Agent in lieu of a fifty percent (50%) reduction of the monthly rental (Nekoba/Apaka).**

ITEM F-2: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

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

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM F-4: Mason Young presented the staff recommendation to the Board with one amendment -- under subject heading, Tax Map Key, change "portion of 02" to "portion of 46".

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

ITEM F-5: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

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

ACTION: Unanimously approved (Nekoba/Yuen).

ITEM F-7: Mason Young presented the staff recommendation to the Board with one amendment -- monthly rental approved at \$140.00 per month.

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

ITEM F-8: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

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

ACTION: Unanimously approved (Nekoba/Apaka).

ITEM F-10: Mason Young presented the staff recommendation to the Board with one amendment -- Line 1, first paragraph, change "1995" to "1994".

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

ITEM F-11: Mason Young presented the staff recommendation to the Board with one amendment -- Recommendation: "The Board amend its action of January 27, 1995 under agent Item F-7 to change the statutory authority from 171-53(c), HRS to 171-13, HRS and other applicable sections of Chapter 171, HRS, as amended, plus, delete conditions 8 and 9 of its approval."

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

ITEM F-12: Mason Young presented the staff recommendation to the Board.

ACTION: Unanimously approved (Apaka/Nekoba).

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

ACTION: Unanimously approved (Yuen/Nekoba).

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

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM K-3: Peter Garcia presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

ITEM K-4: Peter Garcia presented the staff recommendation to the Board.

ACTION: Unanimously approved (Yuen/Nekoba).

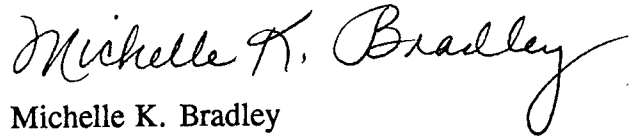
ITEM K-5: Peter Garcia presented the staff recommendation to the Board.

ACTION: Unanimously approved (Nekoba/Apaka).

ITEM K-6: Peter Garcia stated that Item K-6 is just a report to the Board on revocable permits issued by the Department of Transportation for consistent uses for the period November 1994 through March 1995, and no action is required.

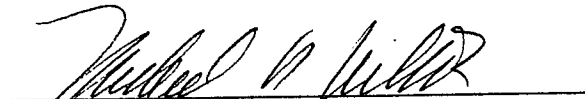
There being no further business, the Chairperson adjourned the meeting at approximately 2:00 p.m.

Respectfully submitted,



Michelle K. Bradley
Secretary

APPROVED AS SUBMITTED:



MICHAEL D. WILSON
Chairperson