

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

DATE: FRIDAY, OCTOBER 27, 1995
TIME: 9:00 A.M.
PLACE: KOMOHANA AGRICULTURE COOPERATIVE SERVICE
CONFERENCE ROOM A
875 KOMOHANA STREET
HILO, HAWAII

Chairperson Michael D. Wilson called the meeting of the Board of Land and Natural Resources to order at approximately 9:20 a.m. The following individuals were in attendance:

MEMBERS: Chairperson Michael D. Wilson; Kauai Land Board Member Herbert Apaka; Maui Land Board Member William Kennison; Hawaii Land Board Member Christopher Yuen; Oahu Land Board Member Michael Nekoba; and Member-At-Large Colbert Matsumoto.

STAFF: Dean Uchida; Roger Evans; Dave Parsons; Rodney Oshiro; and Michelle K. Bradley.

OTHERS: Dawn Chang, Deputy Attorney General; Juliet Begley; Ben Matsubara, Esq., Agent for Applicants Ralph and Betty Engelstad; Barbara Smith, Resident of Kailua, Oahu; Charles McKay, Representative for Keehi Marine, Inc., a Hawaii corporation; The Honorable Shunichi Kimura, Mediator for mediation process regarding resolution of public access to Onomea Bay; Ray Soon, Department of Hawaiian Home Lands Representative; Sandra Pechter Schutte, Attorney for Permittee Hawaii Tropical Botanical Garden; Daniel J. Lutkenhouse, President of Hawaii Tropical Botanical Garden; Ed Johnston, Share Onomea Access Representative; and Rick Warshauer.

For more detailed information regarding the instant land board submittals, please refer to a copy of the Agenda, which is attached hereto as Exhibit "A". All testimonies and documentation submitted pertaining to the agenda items are available for inspection and review at the Chairperson's Office of the Department of Land and Natural Resources.

ITEM H-2: Roger Evans presented the staff recommendation to the Board. Ben Matsubara, Esq. and Barbara Smith testified before the Board.

A motion was made to go into an executive session to discuss the legal issues with Deputy Attorney General Dawn Chang (Nekoba/Kennison). The Chairperson therefore

called a recess at approximately 10:13 a.m. The meeting resumed at approximately 10:58 a.m.

ACTION: Unanimously denied (Nekoba/Yuen).

ITEM F-7: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Yuen/Nekoba).

ITEM J-1: Dave Parsons presented the staff recommendation to the Board. Chuck McKay testified before the Board.

ACTION: Unanimously deferred (Nekoba/Matsumoto).

ITEM F-1-c: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended. Amendment: Name of Assignee changed from Mauna Lani Bay Hotel, Inc. to "Mauna Lani Resort [Operation], Inc." (Yuen/Nekoba).

ITEMS F-1-a and b: Dean Uchida presented the remainder of the Consent Calendar to the Board.

ACTION: Unanimously approved as submitted (Yuen/Apaka).

ITEM F-2: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved, as amended. Amendment: Change the start date from October 31, 1989 to October 31, 1995 (Apaka/Kennison).

ITEM F-3: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Nekoba/Apaka).

ITEM F-4: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Nekoba/Apaka).

ITEM F-5: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Nekoba/Matsumoto).

ITEM F-6: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously deferred (Matsumoto/Nekoba). Deputy Attorney General Dawn Chang advised we consult with the Attorney General in order to develop a legally appropriate and fair procedure to determine the sequence of applicants to whom Revocable Permits will be issued to at the Keehi Industrial Lots.

ITEM F-8: Dean Uchida presented the staff recommendation to the Board.

ACTION: Unanimously approved as submitted (Apaka/Kennison).

ITEM H-1: Roger Evans presented the staff recommendation to the Board. Ray Soon, State Department of Hawaiian Home Lands Representative, testified before the Board.

ACTION: Unanimously approved as submitted (Yuen/Nekoba).

ITEM H-3: Roger Evans presented the staff recommendation to the Board. The following individuals testified before the Board: Sandra Pechter Schutte, Esq.; Daniel J. Lutkenhouse; Ed Johnston; Rick Warshauer; Deputy Attorney General Dawn Chang; and The Honorable Shunichi Kimura. Rick Warshauer read written testimony submitted by Steven D. Strauss.

Hawaii Land Board Member Christopher Yuen made the following two-part motion:

I. That the fines imposed against Hawaii Tropical Botanical Garden for two violations of CDUP HA-1447 may be paid by in-kind contribution of fencing materials for the Alakahi Trail and the Onomea Access Road. First, as to submitting a site plan of a three-year condition date, a \$100.00 fine is recommended. Second, as to supporting historic sites and access condition, a \$500.00 fine is recommended; and

II. That the Mediation Agreement be adopted.

ACTION: Unanimously approved two-part motion as outlined above (Yuen/Nekoba).

ITEMS J-2-a through c: Dave Parsons presented the Consent Calendar to the Board.

ACTION: Unanimously approved Items J-1-a through c as submitted (Matsumoto/Apaka).

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

ACTION: Unanimously approved as submitted (Matsumoto/Kennison).

There being no further business, the Chairperson adjourned the meeting at approximately 2:25 p.m.

Respectfully submitted,

Michelle K. Bradley

MICHELLE K. BRADLEY
Land Board Secretary

APPROVED FOR SUBMITTAL:

Michael D. Wilson

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Chairperson