

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

DATE: FRIDAY, JUNE 27, 2003  
TIME: 9:00 A.M.  
PLACE: UNIVERSITY OF HAWAII AT HILO  
UNIVERSITY CLASSROOM BLDG 100  
200 WEST KAWILI STREET  
HILO, HAWAII 96720

Chairperson Peter Young called the meeting of the Board of Land and Natural Resources to order at 9:04 a.m. The following were in attendance:

MEMBERS

Mr. Peter Young  
Mr. Ted Yamamura  
Mr. Gerald DeMello

Ms. Lynn McCrory  
Ms. Kathryn Inouye  
Mr. Toby Martyn

STAFF

Mr. Glen Taguchi, State Parks  
Mr. Sam Lemmo, Land Division

Ms Dede Mamiya, Land  
Division  
Mr. Michael Constantinides,  
DOFAW

OTHERS

Ms. Yvonne Izu, Deputy Attorney General  
Ms. Linda Chow, Deputy Attorney General  
Ms. Heidi Stromberg, E-1  
Ms. Karen Plitz, D-10  
Mr. Manuel Soares Jr. D-5  
Mr. Keith Kurahashi, D-9  
Mr. Derek Kobayashi, D-3  
Mr. William Chikasuye, D-16

Mr. Danton Wong, D-10  
Ms. Sandy Padaken, D-4  
Mr. Allan Simeon, D-7, D-8  
Mr. Thomas Welch, D-11  
Mr. Ben Tsukazaki, D-20

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

**Item A-1: Minutes June 13, 2003**

The Board made the following amendments:

Page 15, second paragraph

~~[\$2,000]~~ 1,000 for the removal of all other trees less than 6 inches,

Page 15, third paragraph

**The Board questioned the violator appearing before the Board for the second time with the same type of violation. Member McCrory asked staff to look at changing [change] their recommendation to a fine of \$2,000 per tree for the 25 unauthorized trees cut along with the above fines.**

**Unanimously approved as amended (McCrory/Yamamura).**

**Item E-1: Request from the Friends for Fitness to Use a Portion of the Old Kona Airport State Recreation Area in Kailua-Kona, Hawaii, for their September 2003 Corporate Walking Contest.**

Glen Taguchi, Hilo District Superintendent appeared before the Board. Mr. Taguchi told the Board the Friends for Fitness which is a community based organization is requesting use of the jogging and walking path at the Old Kona Airport State Recreational Area for a walking contest. The primary purpose of the Friends for Fitness is to seek a healthier life style for residents and visitors. In the past the Friends for Fitness has completed phase I of the jogging/walking path and intends to make future improvements. Noting the organization has operated on grants and donations, Mr. Taguchi asked the Board to wave the \$100.00 per day rental fee. Mr. Taguchi recommended the Board approve the issuance of a special use permit to Friends for Fitness.

The Board asked Mr. Taguchi if the permit encompassed the entire month of September or for only certain days. He noted the permit would be for the entire month, as Friends for Fitness would allow individuals to come whenever they have the time. Mr. Taguchi indicated there was sufficient space for this activity to take place without interfering with the public's use of the area

Heidi Stromberg Executive Director for Friends for Fitness asked the Board to amend staff's recommendation to change the date to the month of January.

**The Board amended the recommendation section by changing the date of the contest to January and deleting recommendation number 1.**

- ~~1. not allow any exchange of monies at the Old Kona Airport State Recreation Area. Any goods or services (entry fees, food, etc.) shall be by redemption of scripts, coupons tickets, etc., pre-sold or otherwise acquired off premises.~~

~~However, exchange of monies at the Old Kona Airport State Recreation Area will be allowed if rule revisions permitting such exchange is adopted prior to the event.~~

Unanimously approved as amended (DeMello/Yamamura).

**Item D-10: Request to Extend the Processing Period for an Additional 180-days for Conservation District Use Application (CDUA) HA-3066 to Develop a Sustainable Commercial Koa Timber Forestry Operation in South Hilo, Hawaii, TMK: (3) 2-7-001: 001 & 2-8-001: 002.**

Sam Lemmo of the Office of Conservation and Coastal Planning informed the Board staff has received the final environmental impact statement (EIS) from the applicant and staff has 30 days to review it and make any changes. Mr. Lemmo informed the Board there is not sufficient time to hold the required public meetings prior to the deadline therefore he is recommending the Board approve an extension of the processing period to January 31, 2004 for the subject Conservation District Use application.

Danton Wong and Daren Piltz representing the applicant were on hand to answer any questions.

Unanimously approved as submitted (DeMello/Inouye).

**Item D-4: Grant of Perpetual, Non-Exclusive Easement to Oceanic Time Warner Cable of Hawaii and Construction Right-of-Entry for Utility Easement at Kipahoehoe, South Kona, Hawaii, TMK: 3<sup>rd</sup>/8-08-001:006.**

Dede Mamiya administrator for the Land Division stated this is a request for a perpetual, non-exclusive utility easement and construction right-of-entry for a project occurring from Kailua-Kona to Naalehu of which approximately 1.5 miles passes through State-owned lands. The project plan is to attach a fiber optic cable onto existing Hawaii Electric Light Company and Verizon Hawaii, Inc pole lines. Ms. Mamiya noted there were no objections to the project and staff has also incorporated the requests made by the Division of Forestry and Wildlife. Ms. Mamiya recommended the Board authorize the issuance of a perpetual, non-exclusive easement and immediate construction right-of-entry to Oceanic Time Warner Cable of Hawaii.

Sandy Padaken was present of behalf of Oceanic Time Warner.

The Board amended the Recommendation Section by amending paragraph 3.E. to read as follows:

**“3.E. Oceanic, its contractor, consultants, and/or persons acting for or on its behalf, agree to handcut any tree or shrub of less than four inches in diameter and agree not to remove any trees or shrubs greater than 4 inches**

**in diameter from any temporary trails cut between the highway and the easement alignment which path shall be no greater than 3-5 feet in width;"**

**Unanimously approved as amended (DeMello/Yamamura).**

**Item D-5: Consent to Assign General Lease No. S-3999, Foreclosure Commissioner for Divaco Cooperative, Assignor, to Bank of America, N.A., Assignee; Bank of America, N.A. Assignor, to MS Auto, Inc., Assignee, Lot 8 Hilo Industrial Development, Pohaku Street Section, Waiakea, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-2-58: 29 & 30.**

Ms. Mamiya briefed the Board and informed the Board before them is a request for 2 assignments of General Lease S-3999. The first assignment is from foreclosure commissioner for Divaco Cooperative to Bank of American then from Bank of America to MS Auto, Inc. She made it known MS Auto, Inc has been in business for over 30 years and is a well established business in the Hilo area. Ms. Mamiya recommended the Board consent to the two assignments subject to the Commissioner's approval.

Manuel Soares Jr of MS Auto was present to answer any questions.

**Unanimously approved as submitted (DeMello/Yamamura).**

**Item D-7: Grant of Perpetual, Non-Exclusive Easement to County of Hawaii for Traffic Signal Controller Equipment and Related Purposes, Waiakea Waena School, Waiakea, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-2-042: 017.**

Ms. Mamiya informed the Board the subject area is encumbered by Governor's Executive Order No. 656 to the Department of Education. The County of Hawaii has obtained concurrence form the Department of Education for the installation of the traffic signal controller equipment. Ms. Mamiya recommended the Board authorize the issuance of a perpetual non-exclusive easement and immediate construction right-of-entry to the County of Hawaii covering the subject area.

Allan Simeon an Engineer with the Department of Public Works was on hand to answer any questions.

**Unanimously approved as submitted (DeMello/McCrory).**

**Item D-8: Grant of Perpetual, Non Exclusive Easement to County of Hawaii for Traffic Signal Controller Equipment and Related Purposes, Kapiolani School, Waiakea, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-2-020: 001.**

Ms. Mamiya briefed the Board and noted the County of Hawaii is requesting an easement for the purpose of installing traffic signal controller equipment. Ms. Mamiya recommended the Board authorize the issuance of a perpetual non-exclusive easement and immediately right-of-entry permit to the County of Hawaii covering the subject area.

Allan Simeon an Engineer with the Department of Public Works was on hand to answer any questions.

**Unanimously approved as submitted (DeMello/McCrory).**

**Item D-9: Unauthorized Tree Removal at Moloaa Bay Ranch, LLC., Violation No. KA-03-15, by Moloaa Bay Ranch, LLC., Moloaa, Loolau, Kauai, Hawaii, TMK: (4) 4-9-11: 01.**

Mr. Lemmo pointed out this issue was deferred at the last Board meeting and it involves the unauthorized tree removal at Moloaa on the island of Kauai. Mr. Lemmo told the Board the reason this case is a violation is because there was an agreement between the State and the landowner with regards to the removal of only 6 or 7 dead ironwood trees. A subsequent site visit showed that approximately 227 trees had been removed. Mr. Lemmo also informed the Board the landowner has previously appeared before the Board with a similar violation. Mr. Lemmo recommended the Board assess a fine of \$1,000 per tree for the unauthorized removal of 25 trees, \$2,000 for unauthorized clearing and \$2,000 to cover all administrative fines.

Randall Sakumoto attorney for the applicant and Keith Kurahashi planner were present to speak before the Board. Mr. Sakumoto provided the Board with a handout he prepared. Mr. Sakumoto told the Board his client is a responsible businessman who is trying to make a significant effort to be a good citizen to the island. He made it known the landowner employs twenty-five people on the island, owns other land on the island and has donated sixty (60) acres of beachfront land to the County of Kauai. Mr. Sakumoto went over page 2 and 3 of his handout detailing the chronology of events. He told the Board they wanted to remove the trees on the slope area because they were dead and because the needles from the trees had suffocated the ground cover, which might lead to erosion. Mr. Sakumoto believed there was some form of miscommunication, which probably led to the removal of additional trees.

Mr. Kurahashi told the Board their understanding was they could cut six to seven dead ironwood trees, cut an area of approximately 5,500 square feet of dead Christmas berries in three locations, and an unspecified number of dead java plums. Mr. Kurahashi believed there existed two conflicting ideas with regards to the cutting of trees. He believed if they were cutting dead and/or diseased non-native trees it did not require department or Board approval. Mr. Kurahashi also informed the Board they have a reforestation plan in place for the area.

Mr. Sakumoto went on to point out the trees they removed were a non-native, invasive species, not valuable and secondly the trees removed was done so with the sole intention of preventing future soil erosion. Lastly, Mr. Sakumoto noted his client has incurred a substantial cost from a previous violation and he feels remorseful for his actions. Mr. Sakumoto told the Board his client would like to apply for a Conservation District Use application to remove additional ironwood trees on the slope.

The Board amended the Recommendation Section by:

1) Amending paragraph B to read as follows:

“B. That the Board of Land and Natural Resources impose a fine of [~~\$27,000~~] \$17,000 pursuant to Chapter 183C, HRS, [~~\$25,000~~] \$15,000 for the unauthorized tree removal, and \$2,000 for unauthorized clearing. In addition, that the Board impose fines to cover all administrative costs totaling \$2,000 (\$160.00 DOCARE and \$400.00 Planning Staff) for the violations; for a total of [~~\$29,000~~] \$19,000 in fines for the violation and administrative costs. The fine shall be paid within 30 days of the Board’s action;”

2) Amending paragraph C to read as follows:

“C. That in the event of failure to comply with items B and E, the Board of Land and Natural Resources impose a fine of \$2,000 per day; [~~30 days from the date of the Board’s action;~~] pursuant to Chapter 183C, HRS; and”

3) Adding a paragraph E to read as follows:

“E. That the Board of Land and Natural Resources require a reforestation plan, including a timetable for completion, acceptable to the Department to be submitted within 90 days from the Board’s action.”

Unanimously approved as amended (McCrary/Inouye).

Item D-11: Alleged Unauthorized Construction of a Shoreline Structure(s), Violation No. MA-02-06 by Kurt Ulmer, Southwest Associates, John Severson & Douglass Gallant, Speckelsville, Maui, TMK: 3-8-2: 33 (Ulmer); 3-8-2: 68 (Southwest); 3-8-2: 47 (Severson); 3-8-02: 08 (Gallant).

Mr. Lemmo indicated this alleged violation involves four landowners. He went over the exhibits included in his submittal and explained each photo. Mr. Lemmo told the Board the alleged activities took place after 1975, post Conservation District (1964). He informed the Board he used the Hawaii Coastal Erosion Management Plan (COEMAP) as approved criteria to guide staff in the prosecution of cases involving unauthorized shoreline structures. In this specific case, Mr. Lemmo feels the landowner’s failed to meet 3 of the criteria set forth by COEMAP; to protect/preserve/enhance public shoreline access; protect/preserve/enhance public beach access; and protect adjacent properties. Mr. Lemmo pointed out the wall, which is an unauthorized shoreline structure impacts the beach in two ways; 1) a direct loss of beach area from the footprint of the wall; and 2) loss of sand to maintain a wide beach. Mr. Lemmo recommended the Board impose of fine of \$2,000 for the shoreline structures and \$1,000 for administrative costs, for a total

penalty of \$3,000 for each property also upon payment of the fines the alleged shall remove the shoreline structures or participate in a beach restoration plan.

The Board questioned Mr. Lemmo's recommendation of a beach restoration plan. They wondered what would happen in ten years after the beach restoration project was over. The Board felt if the landowners placed a large amount of sand in front of the boulders it would disappear very quickly. The Board asked Mr. Lemmo if there was anything that could be done to use the existing boulders. Mr. Lemmo believes if a lot of sand is placed at the subject site on the eastside it could provide some benefits.

Thomas Welch an attorney representing Kurt Ulmer, Southwest Associates and John Severson (the three easterly properties) appeared before the Board. Mr. Welch made it known he is not in communication with Douglass Gallant's attorney. He told the Board his clients are willing to participate in a beach restoration plan. In fact the neighbors in that area have already collected \$10,000 for a restoration plan. Mr. Welch made it known that his clients deny any violations have occurred. He told the Board no boulders were added to the shoreline and the wall has not been expanded. He stated the wall built was within the deeded boundary line. In closing he asked staff to delete recommendations one (1) and two (2).

**The Board deferred this matter for 60 days and requested separate submittals for the different landowners be brought to the Board.**

**Motion to defer**

**Unanimously approved to defer (Yamamura/DeMello).**

The Board took a break at 11:30 a.m. and reconvened at 11:40 a.m.

**Item D-3: Deny Request to Rescind Prior Board Action of February 14, 2003 (Agenda Item D-8) Forfeiture of General Lease No. S-3631, A & A Hawaii, Inc., Lessee, Waiakea, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-2-50: 79.**

Ms. Mamiya disclosed that four months after the Board cancelled general lease S-3631, staff received a letter from Derek Kobayashi, an attorney representing A & A Hawaii, Inc. Mr. Kobayashi requested the Board reinstate the lease because A & A was current with its rent obligations and had the necessary property insurance. Ms. Mamiya informed the Board the lessee was served a notice of default for failure to keep the lease rent current. The sixty day cure period expired on January 13, 2003 but payment was not received until February 6, 2003. Ms. Mamiya also noted their insurance document did not show DLNR or the State of Hawaii as an additional insured. She also reminded the Board this was the fourth time the lessee has been before the Board for cancellation of this lease. Ms. Mamiya also went over condition twenty-nine and thirty of the lease. Ms. Mamiya recommended the Board deny the request to rescind its prior actions of February 14, 2003, agenda item D-8.

Derek Kobayashi an attorney representing A & A Hawaii, Inc. testified before the Board. Mr. Kobayashi made it known payment was made and received by DLNR on or about February 6, 2003. He noted the payment was tendered by the sublessee 4Digital. Because the Department accepted the payment, provided a receipt and sent subsequent billing statements, A & A believed they had cured the default. He informed the Board the action taken at its February meeting was done without the knowledge of A & A Hawaii. With regards to the statement that 4Digital Hawaii, Inc. is in good standing with the Department of Commerce and Consumer Affairs (DCCA), Mr. Kobayashi showed documents from DCCA's website to prove otherwise. Mr. Kobayashi felt the lease entered into with 4Digital was troubling. Mr. Kobayashi also provided the Board with the agent's copy of their insurance, which shows the State of Hawaii, DLNR as an additional insured.

Ms. Mamiya addressed Mr. Kobayashi's comments. She told the Board A & A Hawaii's lease was cancelled because of failure to keep the lease rent current and not for insurance purposes. With regards to the standing of 4Digital, Ms. Mamiya felt it was irrelevant to the forfeiture of A & A Hawaii's lease at the February board meeting. She told the Board when the submittal for 4Digital was prepared by Staff they were in good standing with DCCA. Ms. Mamiya addressed the billing situation by telling Mr. Kobayashi that the stop billing notice sent out by staff to the fiscal department did not reach their office prior to the billing notice being sent out.

The Board noted its displeasure with A & A coming before the Board on four previous occasions for default in rental payments.

**Unanimously approved as submitted (DeMello/McCrory).**

**Item D-16: Enforcement Action Involving Removal of Koa Timber on State Unencumbered Lands, Steve's Ag Services, Ltd. and Contract Milling, Alleged, South Kona, Hawaii, TMK: (3) 8-8-01: 08.**

Ms. Mamiya reminded the Board this action was deferred at its December 13, 2002 meeting as Mr. William Chikasuye, attorney for the alleged asked for more time to conduct their own survey and investigation. She also told the Board Mr. Chikasuye is again asking for a deferral because he needs more time to prepare his case. Ms. Mamiya feels Mr. Chikasuye has had sufficient time to prepare and asked the Board not to defer this item.

William Chikasuye, attorney for the applicant appeared before the Board. Also present in the back of the room were Steve Baczkiewicz and Raymond McGee. He presented the Board with a binder detailing all correspondence between himself and the Department of Land and Natural Resources (DLNR). Mr. Chikasuye also presented a letter asking the Board to defer this item in order to allow himself sufficient time to obtain surveys by an independent licensed surveyor and two independent foresters. He went on to ask the Board for access to his clients records which were seized in February 2003 which he will



use in presentation of his case. Mr. Chikasuye noted because of scheduling difficulties he was not able to do a site inspection until May 8, 2003 and was not given permission to access their records until last week. Mr. Chikasuye felt there were real problems with Land Divisions work, the biggest being the certification of the boundary. He told the Board he would like to hire a surveyor to determine the boundary. The Board questioned Mr. Chikasuye if his client knew where the boundary was before he cut the trees. In closing, Mr. Chikasuye reiterated if the Board intends to go ahead with action on his issue today, instead of allowing him additional time to conduct research he has no option but to ask for a contested case hearing.

Randy Hashimoto Department of Accounting and General Services Surveyor testified before the Board. The Board asked Mr. Hashimoto questions with regards to the survey he conducted at the site in question. He noted he did not conduct a ground survey of the area. However he used ground monuments and a hand held GPS which he believed to be accurate within thirty (30) feet to determine the boundary.

Member Inouye left the meeting at 12:44 p.m.

Member McCrory communicated she would be in favor of a deferral if it would not exceed six months in the meantime she made a request that staff go back and address all the issues and damages done to State land.

**A motion was made at 1:03 p.m. to move into Executive Session to discuss the Board's legal ability to provided a deferral with a time frame and what effect in will have on all of the issues before the Board.**

**Unanimously approved to move into Executive Session (McCrory/Martyn).**

The Board reconvened at 1:21 p.m.

Member McCrory and Yamamura noted they were uncomfortable with moving ahead with a deferral and were in favor of moving ahead with this action before the Board.

Chairperson Young informed Mr. Chikasuye the Board would be moving ahead with the case and asked if he would like to request a contested case hearing. Mr. Chikasuye replied no, not at this time.

Ms. Mamiya further briefed the Board and reminded them there is an ongoing criminal investigation for this activity. She also referenced a contract between Damon Estates and Steve's Ag Service.

Michael Constantinides a forester with the Division of Forestry and Wildlife (DOFAW) came forward to explain the field survey he conducted on the subject site in September 2001. Mr. Constantinides discussed several maps he displayed. He also went over his surveying technique. To ensure he measured only the activity that occurred on the parcel he buffered his position before he took measurements. From that point he followed a

compass bearing on a transect and collected data on the impacts of logging and tree harvesting. This information is detailed in figure 5 of his survey report (page 11). His survey's emphasis was to estimate the number of tree destroyed from logging and the size and quality of harvested logs (determines wood volume). The survey did not emphasize detailed measurement of the skid roads and an actual count of the trees destroyed during the construction of the skid roads. Mr. Constantinides went on to describe the photos in exhibit C of the submittal.

The Board asked Mr. Constantinides to explain what the \$3,050 per year for monitoring and maintenance activities included. He answered some of it included \$1,700 for annual fence monitoring and maintenance and \$500 for weed control along the roads. When asked the by the Board the number of years if would take the monitoring plan to work, Mr. Constantinides replied about fifteen (15) years. He also noted at the end of fifteen years you could have koa trees about thirty or forty feet tall. With regards to the reforestation, maintenance and monitoring plan for the skid roads, the haul roads and the landing areas, the Board asked Mr. Constantinides to come up with a figure.

Mr. Chikasuye came before the Board a second time and asked the Board defer this item. In his opinion, he felt by moving ahead with this action it would be a violation of Section 464-4, HRS.

**The Board amended the Recommendation Section by:**

1) **Amending paragraph 3 to read as follows:**

**"3. Authorize damages of \$291,000 to be assessed against the Alleged for the violations of Chapter 13-221, HAR and 15 years of annual monitoring costs at \$3,050 per year or \$45,750."**

2) **Adding a paragraph 5 to read as follows:**

**"5. Authorize damages of \$213,200 to be assessed against the Alleged for foregone land license proceeds."**

3) **Adding a paragraph 6 to read as follows:**

**"6. Authorize taking of \$1,035,900 less \$213,200 or \$822,700. If the criminal case addresses this amount, then this paragraph shall be automatically rescinded."**

**Unanimously approved as amended by the remaining members  
(McCrory/DeMello).**

Mr. Chikasuye requested a contested case hearing.

Chairperson Young informed Mr. Chikasuye he would also need to request a contested case hearing in writing within ten days.

**Item D-20: Conservation District Enforcement File No. OA-03-30 Regarding Unauthorized Grubbing and Grading (with Construction of a Gunitite Wall), Unauthorized Driveway and Parking Area, and Unauthorized Gravel Driveway, Kaneohe, Oahu, TMK: (1) 4-4-017: 111 and 112.**

Mr. Lemmo communicated this is a violation case that involves unauthorized grubbing and grading (and construction of a gunitite wall), unauthorized driveway and parking area and the unauthorized gravel driveway on the subject parcels. Mr. Lemmo recommended the Board fine the alleged a total of \$6,000 for three Conservation District violations, \$1,000 for administrative costs and provide a remediation/stabilization plan for all of the unauthorized improvements on the subject parcels.

Ben Tsukazaki an attorney was on hand to represent Bill and Joyce Chandler, the landowners. He agrees that the violation is serious but takes issue with the characterization that it was done willfully. Mr. Tsukazaki distributed a handout of his client's position. He feels the violations should be viewed as just one violation as opposed to three separate violations. Mr. Tsukazaki noted the improvements were done within a limited, contiguous land area and is one scope of work that occurred within a single period of time and in relationship to each other. Mr. Tsukazaki informed the Board his clients would be filing an application for a Conservation District Use Permit for the construction of a driveway, which will be used to access their new home. The Chandler's have also contacted a structural engineer to determine the soundness of the gunitite wall and driveway pavement. In terms of remediation, Mr. Robert Armstrong, an engineer hired by the Chandler's determined the removal of the unauthorized structures would create an exposed, unstable soil slope condition which would be highly susceptible to runoff and wind-induced erosion.

**The Board amended the Recommendation Section by amending paragraph 5 to read as follows:**

**"5. Upon approval by the Chairperson, the alleged, at his own expense, shall implement an approved remediation/stabilization plan; and will restore the land within the Conservation District to a condition suitable to the chairperson or submit a Conservation District Use Application within ninety (90) days of the department's approval of the plan, or by any other time as determined by the chairperson;"**

**Unanimously approved as amended by the remaining members (Martyn/McCrory).**

**Item D-1: Extension of Lease Term for GL No. S-4259, (Contract No. DACA84-5-70-16) to United States of America, Department of Army, Waimea, Kauai, Hawaii, TMK: 1-2-001: 009.**

- Item D-2:** Assignment of State's Rights under Hans Fritz Michel's Deed to the County of Maui, Department of Water Supply; Well Site and Roadway and Waterline Easements affecting Property Owned by Hans Fritz Michel; Lahaina, Maui; TMK: (2) 4-6-017: 012.
- Item D-6:** Withdrawal from Governor's Executive Order No. 2921; Set Aside to the County of Hawaii for Parks and Recreation Purposes; South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-2-04: 64, 3<sup>rd</sup>/2-2-07:18, 3<sup>rd</sup>/2-2-11: 01 and 3<sup>rd</sup>/2-2-12:16.
- Item D-12:** Rescind Prior Board Action of June 13, 2003, Agenda Item No. D-15, Consent to Assign of Grant of Easement Identified by General Lease No. S-4558, Harry Fong and Gertrude Fong, Assignors, to James Hazel Sayles, Jr. and Adriana Hall Sayles, Assignee, Hauula, Koolauloa, Oahu, TMK: 5-4-07: 063.
- Item D-13:** Conveyance of Lots A, B and C, Being Portions of the Government (Crown) Land of Lalamilo, to the Department of Hawaiian Home Lands, Waimea, South Kohala, Hawaii, TMKs: 6-6-01: Portions 54 and 6-6-04: 12, 13, 14, 15, 16 & 17.
- Item D-14:** Grant of Perpetual, Non-Exclusive Easement to County of Maui, Department of Water Supply for Waterline Purposes and Request for Construction Right of Entry, Pulehunui and Waikapu, Wailuku, Maui, TMK: (2) 3-8-008: Portions of 001 and 008.

Ms. Mamiya asked the Board to approve the above items based on the information in the submittals.

**Unanimously approved as submitted by the remaining members (Martyn/DeMello).**

- Item D-17:** Forfeiture of General Lease No. S-5045, Camp Kokee Corporation, Lessee, Waimea, Kauai, TMK: (4) 1-4-4: 47.

Ms. Mamiya briefed the Board and recommended the Board authorize the cancellation of General Lease No. S-5045 in the manner specified by law.

**Unanimously approved as submitted by the remaining members (McCrorry/Yamamura).**

- Item D-18:** Forfeiture of General Lease No. S-5023, Ted Blake and Edward Schimmelfenning, Lessees, Kokee, Kauai, TMK: (4) 1-4-3: 17.

Ms. Mamiya briefed the Board and recommended the Board authorize the cancellation of General Lease No. S-5023 in the manner specified by law.

The Board amended the Recommendation Section by adding a paragraph 5 to read as follows:

**“5. Provided that if the Lessee submits a secured performance bond within 60 days from this Board date, then the forfeiture approval shall be automatically rescinded.”**

Unanimously approved as amended by the remaining members  
(McCrorry/Yamamura).

**Item D-23: Forfeiture of General Lease No. S4997, James and Cynthia Wilson, Lessee, Waimea, Kauai, TMK: (4) 1-4-4: 8.**

**Motion to Defer**

Unanimously approved to defer by the remaining members (McCrorry/Martyn).

**Item D-19: Grant of Term, Non-Exclusive Easement for Access, Utility and Building Encroachment Purposes to Nathan & Leah Aiwohi, and Antone Arruda, Kawaihau, Kauai, TMKs: (4) 4-6-7: 27 and 28.**

**Item D-21: Quitclaim of State’s Interests, if any, in Portions of Upper Puna Road and Kapoho-Puna Road within Pahoa Village to the County of Hawaii, Pahoa, Puna, Hawaii, TMK: 3<sup>rd</sup>/1-5-12.**

**Item D-22: Amend Prior Board Action of June 28, 2002 Item D-14, May 9, 2003 Item D-7 for Issuance of Revocable Permit to Horizon Lines, LLC for Parking of Container and Trailers Purposes, Sand Island, Honolulu, Oahu, TMK: (1) 1-5-041: portion of 22.**

Ms. Mamiya asked the Board to approve the above items based on the information in the submittals.

Unanimously approved by the remaining members (DeMello/Martyn).

**Item D-15: Cancellation of Revocable Permit No. S-7161 and Re-issuance of Revocable Permit to Ernest Pung, Piionua, South Hilo, Hawaii, TMK: 3<sup>rd</sup>/2-3-30: 01 and 2-3-32: 01.**

Ms. Mamiya briefed the Board and recommended the Board authorize the cancellation of Revocable Permit No. S-7161 and re-issuance of a revocable permit to Ernest Pung covering the subject area for pasture purposes.

Unanimously approved by the remaining members (DeMello/McCrorry).

There being no further business, Chairperson Young adjourned the meeting at 3:14 p.m.

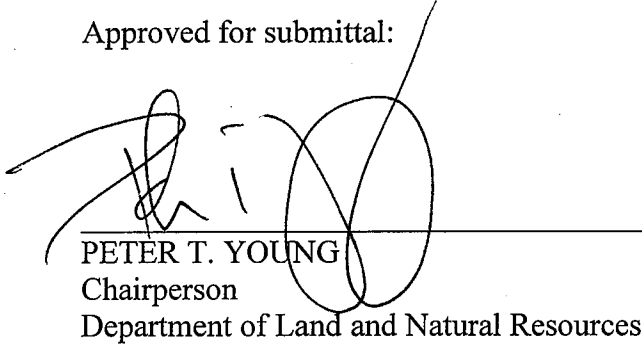
Tapes of the meeting and all written testimony submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Terry Crowell

Approved for submittal:



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PETER T. YOUNG  
Chairperson  
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