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

DATE:	FRIDAY, JULY 14, 2006
TIME:	9:00 A.M.
PLACE:	KALANIMOKU BUILDING LAND BOARD CONFERENCE ROOM 132 1151 PUNCHBOWL STREET HONOLULU, HI 96813

Chairperson Peter Young 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. Peter Young
Mr. Ron Agor
Mr. Jerry Edlao
Mr. Tim Johns
Ms. Taryn Schuman
Mr. Sam Gon III

STAFF

Mr. Paul Conry, DOFAW
Mr. Sam Lemmo, OCCL
Mr. Steve Lau, Land
Mr. Russell Tsuji, Land
Ms. Tiger Mills, OCCL
Ms. Athline Clark, DAR

OTHERS

Mr. Colin Lau, Deputy Attorney General
Ms. Linda Chow, Deputy Attorney General, D-9
Ms. Annette Lee, D-6
Mr. David Thompson, D-6
Mr. Tom Staton, D-6
Mr. An Sui Lee, D-12
Ms. Elizabeth Martinez, D-8&9
Mr. Chuck Burrows, D-8&9
Ms. Laverne Higa, D-9
Ms. Susan Miller, D-8&9
Mr. David Yamada, D-7
Mr. Richard Wada, D-7
Mr. Lawerence Peck, K-1
Mr. Rick Barboza, D-6
Mr. Bill Tam, D-6
Mr. Paul Mizue, D-9
Ms. Jenny Masunaga, D-9
Ms. Tracy Manhon, D-11
Mr. Walter Kamalolo, D-10
Mr. James Wood, D-8&9

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

Item A-1: Minutes of June 23, 2006

Unanimously approved as submitted (Johns, Schuman).

Item C-3: Issuance of Special Use Permit to Mid Pacific Communications, Inc. on Lands Encumbered by the Division of Forestry and Wildlife, Kawaihao District, Kauai, TMK: (4) 4-2-001: por.2.

Paul Conry, Administrator of the Division of Forestry and Wildlife (DOFAW), indicated that the purpose of this request is to allow the establishment of the telecommunication facility at the site. They have checked with OCCL to verify that there is no further conservation district use permits are needed. The use that has been proposed falls within existing permits issued for the site. There was a question about the power supply, and Mr. Conry disclosed that there is a hospital and some radio cams that would help in supplying power. It was unknown if either of the two had the necessary permits. Staff recommended that the board pass the proposal. Also the applicant had requested a full year, rather than six months that is proposed in the special use permit. A year would allow them to gather a full range of data on the applicability of the solar panels.

The Board:

1. Amendment to item 29:

"Precautions will be taken to prevent introduction of plants or animals not naturally present in the area, <u>including consultation with DOFAW and the Kauai Invasive Species Committee.</u> Should an infestation develop, SUP is responsible for eradication by methods to be specified by DOFAW <u>in consultation with the Kauai Invasive Species Committee</u>."

Unanimously approved as amended (Schuman, Gon).

Item M-1: Issuance of Lease by Direct Negotiation Together with a Right-of-Entry to Paradise Inn Hawaii, LLC, DBA Tsukiji Fish Market Restaurant, Parcel 6, Domestic Commercial Fishing Village, Pier 38, Honolulu Harbor, Oahu.

Unanimously approved as submitted (moved and second)

Item K-1: Conservation District Use Application (CDUA) HA-3291 for a Single Family Residence for Applicant Mr. Lawrence K. Peck in Kaiwiki Homesteads, South Hilo, Hawai`i, TMK (3) 2-6-11:31.

Sam Lemmo, Administrator of the Office of Conservation and Coastal Lands (OCCL) gave some background information in which he disclosed that the applicant is also the land owner. The case is a standard CDUP, involving a house about 4,500 sq. ft. on a relatively large parcel. The area has a rural nature, and there are other structures, houses, and agriculture taking place in the area. The staff feels that the use is in keeping with the character of Kawiki Homestead. The project went through environmental review process in which a FONSI was issued in May 2006. No major issues came up. Therefore, staff is comfortable in recommending approval of this project subject to standard conditions.

The Board:

1. Amendment to section 9

"The applicant will give preference towards using native plants for the remaining landscape work <u>and to avoid introduction of problem alien species and to consult with DOFAW and the Hawaii Invasive Species Committee</u>."

Unanimously approved as amended (Edlao, Johns).

Item K-2: Conservation District Use Application (CDUA) HA-3298 for After the Fact Subdivision & Consolidation of Conservation District Land for Right of Way Public Highway Expansion and Highway Improvements, Adjacent & Makai of Queen Ka'ahumanu Highway, Keahuolu, North Kona, Island of Hawaii, TMK:(3) 7-4-008:002

Mr. Lemmo gave a brief summary of the submittal which was a Department of Transportation (DOT) project and is an after the fact CDUP to affirm a subdivision that took place and to approve one phase of the Highway improvements at Kailua-Kona. Staff has run it through the permit process and has found that it meets all of the required regulatory processes.

Unanimously approved as submitted (Johns, Schuman).

Item K-3: Request to Extend the Processing Period in Order to Process a Contested Case Hearing for Conservation District Use Application (CDUA) HA-3269 for a Single Family Residence for applicant Mr. Jonathan Cohen in Pao`o, North Kohala, Hawai`i, TMK (3) 5-7-001:005.

Mr. Lemmo and staff are requesting a time extension to allow additional time to process a contested case hearing for the Cohen single family residence. It's a request for a 90-day extension.

Unanimously approved as submitted (Johns, Edlao).

D-10: Consent to Assign Homestead Lease No. 16A; Walter Kimokeo Kamalolo, Heir to the Estate of Annie Aukai Kamalolo, Assignor, to Walter Kimokeo Kamalolo and Pok Ye Kamalolo, Assignee; Hauula, Koolauloa, Oahu, TMK: (1) 5-4-1:26, 29 & (1) 5-4-7:26.

Russell Tsuji, Administrator of the Land Division stated that the submittal is for consent to assign a homestead lease from Walter Kamalolo to Walter Kamalolo and Pok Ye Kamalolo.

Walter Kamalolo was present.

Unanimously approved as submitted (Johns, Schuman).

D-11: Consent to Assign Revetment Easement bearing General Lease No. S-5341, Thomas William Coulson, Patricia Marie Coulson, Tracy Minard Patrick, III, and Cathy Ann Patrick, Assignor, to Linda Renaud, Assignee, Pupukea, Koolauloa, Oahu, TMK: (1) 5-9-020:48 Seaward.

Applicant was present.

Unanimously approved as submitted (Johns, Gon).

D-12: Encroachment Determination on State Land and Imposition of Fine, An-Sui and Tracy Leiko Sakotani Lee, Aiea, Ewa, Oahu, TMK: 9-9-09:013 (por).

An-Sui Lee was present.

Mr. Tsuji stated that there is a dispute between the prior owner (An-Sui and Tracy Leiko Lee) and current owner. The Lees had hired a contractor who did some work and shoved some material and debris on to state land. The land was sold to the Kanes and then there was a dispute where the Lees wanted to go in and clean it, but Kanes would not allow the Lees access. Recommending the Board find that an encroachment does exist and to order them to remove the debris and material and issue a fine if it's not removed within thirty days of the Board's decision. Mr. Lee said that an agent has gone down and there is about 15 wheel barrels worth of debris. It is near the property perimeter. It does not affect the sewer easement and the path is about 200ft below the valley (it's a sloping valley). The debris is easily accessible once given permission by the current owners. Mr. Lee requested to extend the 30 days to 60 days which will allow his attorney to draft an agreement with the Kanes, to allow him enough time to schedule a contractor to go down and cleanup, as well as an agent to go in and inspect the cleanup and approve that the necessary cleanup has been done.

The Board:

1. Amendment to Recommendation C

The Respondent (Lees) is allowed sixty (60) days to remove the debris and material, before triggering the fine of $500.00 per day rather than the originally stated 30 days.

Unanimously approved as amended (Edlao, Johns).

D-8: Withdrawal from Governor's Executive Order No. 4102 to Department of Land and Natural Resources, Division of State Parks for Kawainui Marsh State Park Reserve Purposes and Reset Aside to

Department of Land and Natural Resources, Division of Forestry and Wildlife for Kawai Nui Wildlife Sanctuary Purposes at Kailua, Oahu, TMK: (1) 4-2-13:portion 5.

Testimony given by:

Susan Miller: President of the Kawai Nui Heritage Foundation (also has written testimony; originally meant for D-9 but applicable to D-8). She brought written testimony as well as a map from the 1983 resource management plan in which she states is the first study done on Kawai Nui and recommends DLNR be the agency to administer the marsh. The foundation is asking for the motion (in writing, in the recommendations) to include direction to DOFAW to involve the other appropriate divisions in the work that they do. State Parks was mentioned in the recommendation, but Ms. Miller would like to include Historic Preservation and the many community organizations so the work and concerns are dealt with more publicly.

Chuck Burrows: President of Ahahui Malama i ka Lokahi (also has written testimony; originally meant for D-9 but applicable to D-8) in support of Ms. Miller's proposal to include other community organizations. Asking to specifically be in partnership with DOFAW when the executive order is implemented of transferring the SP jurisdiction of portion 5 to DOFAW. Would like to see it stated in writing that Ahahui Malama i ka Lokahi community organization would have access to (more specifically) the area called Knott's ranch in order to help with the maintenance of not only the wetlands, but also the dry land forest ecosystem that surrounds this area in portion 5.

Todd Hendericks: In support of the proposal, but would like the board members to sit with the city and resolve the issue of flood control management/maintenance.

Jim Woods: Windward Ahupuaa Alliance supports, in general, the approach of switching the management of the area to DOFAW and also gives support to the comments of those mentioned above.

Elizabeth Martinez: In favor of both D-8 and D-9 and in support of Chuck Burrows and other community organizations.

Fred Hemmings: Supports efforts being proposed and hopes for more federal recognition and participation in developing this resource (Kawai Nui) as a cultural and environmental asset for future generations.

The Board:

1. Amendment to Number 3

"Division of Forestry and Wildlife to work cooperatively <u>with the</u> Division of State Parks, <u>the Historic Preservation Division, and community groups and other</u>

interested parties, as stated in the memorandum dated May 31, 2006, attached to the submittal as Exhibit "C"."
Unanimously approved as amended (Johns, Gon).

40:20

D-9: Acquisition of Lands and Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Habitat Restoration and Marsh Wildlife Sanctuary Purposes, Kawainui Marsh, Kailua, Oahu, TMK: (1) 4-2-13:22, 4-2-16: Portion 1, 5, and portion 6;

Mr. Tsuji stated that in addition to the original proposal, they are asking for an issuance of easements for access purposes for the City as well as the Army Corps for their purpose of flood control management of the marsh. He then gave some background information. He stated that County acquired the marsh in 1964 from a private owner to prevent development of the marsh. The County then entered into an agreement with the Federal Government for flood control purposes in the area. The County received $5 million of federal funds to implement the flood control project. Pursuant to the agreement that the County entered with the Army Corps, they are tasked with the responsibility of flood control into perpetuity. The Federal Government will look to the City and County of Honolulu based on this agreement regardless of any other contracts they may enter into or third parties that may join. There is a question of whether or not the cooperative agreement can be amended and the City and County released from their responsibility. Legislature in 1990 passed Act 314 and as amended in Act 47 in 1998, said that the state would acquire certain portions of the Kauai Nui Marsh specifically for managing the economic, ecological, and cultural resources of the marsh.

The County has taken the position that before it will allow DOFAW to pursue its project as directed by the legislature; DLNR and the state must agree to take over the flood control management. DLNR's position is that nothing in the act or its legislative history indicates that the legislature intended the state to take over flood control of the marsh. In fact, the Act merely intended that the state to manage the economic, ecological, and cultural resources of the marsh and not flood control. Various chapters and sections in the Hawaii Revised Statutes indicate that flood control is a County function. The County clearly has regulatory and enforcement jurisdiction when it comes to management of streams, channels, etc.

Board Member Johns mentions that Act 314 states that DLNR needs to approve flood control projects to their satisfaction. Provided that the City and County and the Corps shall first complete all pending flood control projects to the satisfaction of DLNR. State shall enter into required operation and maintenance agreements. Tsuji responds that the committee reports don't indicate much beyond what the land act says as far as legislative intent. Mr. Tsuji believes that its purpose is that before DOFAW goes into to do their projects these agreements should be in place. There is nothing in the act or the legislative issue that indicates that the state was supposed to take control of flood control.

Paul Mizue, program manger for the US Army Corps of Engineers for Honolulu, in response to Chairman Young's question about what happens if the ownership of the land transfers from the City to the state, in terms of flood control, stated that as far as the operation and maintenance of the flood control facility, it would remain in accordance with their current agreement with the City and County, which specifies that they would be the responsible agent for the operations and maintenance for the purpose of flood control.

The State is not required to enter into any agreements with the Army Corps, the agreement is currently only with the City and County, but the agreement can be modified to allow the state to be the agent for flood control operations and maintenance. Deputy Attorney General Linda Chow said that their interpretation is that if there were any agreements required for operation/maintenance of any Army Corps project, the board would have to enter into them. Because the City is already bound to operate and maintain, there is no requirement even if the title is transferred to the state.

Paul Conry: DOFAW is agreeable to take over the management responsibility for the cultural, environmental, and ecological aspects of the marsh, but they lack the expertise and capacity to deal with flood control management, therefore, are in agreement to have that shared responsibility with the State. In answer to Board Member Johns question about proceeding with the habitat restoration project with something other than fee simple ownership, he answers that there are other choices such as a license agreement, or entering an easement, or some other form of control over a long term. Fee simple will allow this project to move forward. They have approached the City and County (Mayors Fasi, Harris, and Hannemann) to enter into a license agreement, but they had rather proceed with land transfer and transfer of the flood control.

Laverne Higa, director for the City Department of Facility Maintenance gave some additional background information. In 1998, DLNR had requested a description change of what was to be transferred to the state and still included the levy and the marsh. The City would take control of stream between the levy and coconut grove in exchange for Oneawa canal (part of flood control project). She argues that Act 47 states that the State shall enter into a maintenance agreement and because of the levy acquisition, flood control responsibility should be transferred to the state. Kathleen Kelley, Deputy Corporation Counsel for the city also argued the interpretation of the legislative intent and Act 47 saying that it was meant for flood control responsibility to be transferred to State. The City does not want to share responsibility for the flood control because it may eventually cause a conflict of interest since there will eventually be restoration projects around the levy which might interfere with flood control projects. Deputy Attorney Chow indicates that the flood control should stay under the control of one committee only and Mr. Tsuji suggests to the board that they should pass the proposal and keep the flood control at status quo (with the City).

Chuck Burrows, Jim Wood, and Linda Paul gave testimony in supporting the approval of this project and to find a cooperative agreement with the City on flood control.

Unanimously approved as submitted (Agor, Gon).

D-7: **Consent to Assign General Lease No. S-3767, Kazuto Yamada and Ayako Yamada, Assignors, to A & K Nursery, Inc., Assignee, Consent to Mortgage and Extension of Lease Term, Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-027:028.**

Kazuto Yamada, applicant, was present.

Unanimously approved as submitted (Johns, Schuman).

F-2: **The Division of Aquatic Resources Requests Board of Land and Natural Resources (BLNR) Authorization/Approval to Issue Two (2) Northwestern Hawaiian Islands (NWHI) Native Hawaiian Permits to Nainoa Thompson of the Polynesian Voyaging Society for the Sailing Canoe Hokulea and the Escort Vessel Kamahele to Conduct Navigational Training in the State Waters of Nihoa from Mid-July to Mid-August, 2006.**

No one from the Department of Aquatic Resources was present.
One person present in support of submittal.

Unanimously approved as submitted (Johns, Schuman).

1:44:53

D-6: **Report on General Lease No. S-5707, All Tree Services, Inc., Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-10:048.**

Mr. Tsuji states that the remaining issues for this case is that the tenant has applied for an after the building permit with the city and the building permit should be more of a ministerial act rather than a discretionary act and therefore staff believes that the permit will be approved. Based on this, staff is recommending the withdrawal of their original request for forfeiture of this lease to All Tree Services, Inc.

Kali Watson, representative for All Tree, states he just found out that the final branch that needed to approve the building permit has approved it; therefore all that is really left is the payment of fees and penalties that may be imposed. He and the owner, Mr. Rodrigues attended the board meeting of the Windward Soil and Water Conservation District and the application for cooperative status (filed in September 2005), according to the chair, will be approved. The conservation plan (submitted November 2005) should be reviewed by their staff and taken to their board for approval the second Wednesday in August. There have been no changes in the farm plan.

Staff had gone out to check on the property after the last meeting and found that everything they see there is what they believe to be in accordance with the purpose of intensive agriculture. Staff recommends taking this project off the forfeiture status under the condition that by December 30, 2006 he (Mr. Rodrigues) can submit the actual building permit and conservation plan assuming that no violations or alleged violations occur. If new violations come up, it will be brought to the board.

Testimony given by:
Dean Okimoto (also provided written testimony): President of the Farm Bureau and member of review panel who approved people for the bidding process. From reviewing the business plan submitted, there was no inclination that other businesses besides intensive agriculture were going to be run on the premises. The original footprint of the buildings on the plan was smaller than what it is. He believes that All Tree was going to subvert the whole process to begin with and believes it's unfair to the other bidders and subverts the entire public bidding process. They were given numerous chances to cure their mistake, but should have been only allowed one chance. This puts the integrity of the bidding process at risk.

Bill Tam: Council for the Waimanalo Agricultural Association. He sees that there are two problems: First that this action was not a result of a harmless error. Other bidders suffered financial and personal loss due to this. Either All Tree was never qualified to acquire this lease or mislead the department. He requests that the Board should rescind the lease and start all over. He states that the cure period is past and All Tree doesn't have the building permit or the conservation plan, therefore he is at default. In response Mr. Tsuji said that the building permit is more ministerial and that there are many other instances in which others have not submitted conservation plans on time. Therefore if they were to start terminating all of their agriculture leases, that would set a bad precedent.

Chairman Young stated that there is always going to be an ongoing concern because from the very beginning the lease was supposed to be used for intensive agriculture and it was used as a base yard and a place where the tenant was operating other businesses. In addition there is a default on rent and a default on performance and inconsistency with the provisions of the lease for making improvements without building permits. There is an ongoing series of violations.

Tom Staton, Rick Barboza (also provided written testimony) and Fred Hemmings:
Also gave testimony against staff's recommendation based on losses incurred due to the situation. They are in favor of rescinding the lease. Mr. Staton states that base yard was not cured in the 60-day cure period as noted in the record. DLNR inspected the site after the 60 days, and it had not been cured within the allotted time period. Mr. Kendrick was described as a consultant at the March 10 meeting and at the May 13 meeting; it was revealed that he was growing his own plants on this site. He was described as a partner with 80% ownership with an LLC in the process of being formed with a preceding verbal agreement. Mr. Rodrigues declared that Mr. Kendrick has not been paid even a dollar, yet he was previously described as a paid consultant. A local vendor has stated in a declaration that Mr. Kendrick said in November 2005 that he was renting from All Tree.

Board member Agor brought up that there was some ambiguity in the business plan about what Mr. Rodriguez was going to do on the site. The business plan did mention that Mr. Rodrigues was going to incorporate his previous business (tree trimming and creating mulch from the trimmings).

Mr. Watson mentioned that when the conservation people came out to review the site, they commended Mr. Rodigues and were impressed with what he did to the site. He believes that Mr. Rodrigues should be made an example of because even though he did wrong, he did everything he could to make it right.
Mr. Tsuji offered another recommendation in which a $500 fine is issued for each violation equaling a total of $2500 administrative costs for compensation.
When asked his opinion about his site visit, Board member Agor felt that All Tree was in compliance with the lease.

Written testimony was also provided by Fred Humphrey and Rod Oshima.

The Board:

The Board denied staff's recommendation and voted to Terminate General Lease No. S-5707.

"~~Therefore, as long as no further defaults arise, staff is recommending that this current request for forfeiture of General Lease No. S-5707 to All Tree Services, Inc. be withdrawn, subject to All Tree Services providing to the Department by December 31, 2006: (1) a copy of a building permit issued by the County for the improvements situated on the property; and (2) a copy of the soil conservation plan for the property approved by the Board for the Windward Soil Water Conservation District by December 31, 2006.~~"

Motion to Terminate General Lease No. S-5707 (Johns, Schuman)

Yes – (Schuman, Johns, Edlao, Gon)
No - Agor

Members Schuman and Johns excused themselves from the meeting.

J-1: **Requesting final approval of amendments to Chapter 13-242, Hawaii Administrative Rules, as they relate to cruise ship fee increases and requesting authorization to submit the approved rules to the Governor for final adoption.**

Request to be deferred.

Unanimously approved (Edlao, Gon).

C-1: **Request Approval of Memorandum of Agreement (MOA) Between the Department of Land and Natural Resources and the Research Corporation of the University of Hawaii for Cooperative Firefighting Activities, Statewide.**

C-2: **Request for Approval of a Memorandum of Understanding Between the Board of Land and Natural Resources, Division of Forestry and Wildlife, and the United States Department of Agriculture, Animal and Plant Health Inspection Service Wildlife Services to Provide More Effective Procedures for Technology Transfer, Planning, Coordinating, Exchanging Information and Expertise and Developing Measures to Enhance the Beneficial Aspects of Wildlife, Statewide.**

C-3: **Issuance of Special Use Permit to Mid Pacific Communications, Inc. on Lands Encumbered by the Division of Forestry and Wildlife, Kawaihao District, Kauai, TMK: (4) 4-2-001: por.2.**

C-4: **Request Approval of Contract with Ms. Teresa Trueman-Madriaga to Coordinate the Federally Funded Urban and Community Forestry Program for the Division of Forestry and Wildlife.**

C-5: **Request Approval of Contract with Ms. Jacqueline Ralya to Coordinate the Federally Funded Volunteer/Technical Assistance Function of the Urban & Community Forestry Program for the Division of Forestry and Wildlife.**

Unanimously approved as submitted (Edlao, Gon)

L-1: **Approval for Award of Construction Contract – Job No. H10C631A, Improvements to Main Comfort Station Wailoa River State Park Hilo, Hawaii.**

L-2: **Approval for Award of Construction Contract – Job No. F00CF57A, Individual Wastewater System at Kahana Valley State Park (Boat Ramp) Koolauloa, Oahu, Hawaii.**

L-3: **Approval for Award of Construction Contract – Job No. H10C767A, Water System Improvements, Kaena Point State Park, Waianae, Hawaii.**

L-4: **Approval for Award of Construction Contract – Job No. B45CM71A, Maalaea Small Boat Harbor Electrical Improvements, Maalaea, Maui, Hawaii.**

F-1: **Amendment to Board Resolution No. 33 – Relating to Appointment of Dan A. Polhemus, Robert T. Nishimoto, William j. Walsh, Skippy**

Hau, and Alton K. Miyasaka, Public Hearing Masters for the Division of Aquatic Resources.

E-1: **Request from the Federation of American Natives to Hold the Second Annual Hilo Inter-Tribal PowWow on Portions of Wailoa River State Recreation Area, Hilo, Hawaii.**

D-1: **Grant of Perpetual, Non-Exclusive Easement to Tonia B. Vyenielo and Louis C. Green, trustees for the Green-Vyenielo Revocable Trust for Access and Utility Purposes, Kapaa Homesteads 2nd Series, Kawaihau, Kauai, TMK: (4) 4-4-003:through parcel 85, over State Ditch 7.**

D-2: **Grant of Term, Non-Exclusive Easement to Kawaihau 31 Acres, LLC for Access and Utility Purposes, Kapaa Homesteads 1st Series, Kawaihau, Kauai, TMK (4) 4-6-007: portion of Parcel 12, in favor of Parcel 17.**

D-3: **Amend Prior Board Action – Department of Transportation Request for Governor's Executive Order to Set Aside Government Lands at Puako Bay, South Kohala, Hawaii, Being the Puako Boat Launching Ramp – TMK (3) 6-9-01: Por. of 01 and 6-9-02:20.**

D-4: **Cancellation of Revocable Permit No. S-7156 to S & S Dairy, Inc. and Issuance of Month-to-Month Revocable Permit to Richard E. and Donna Lee Souza, dba R & D Farm. for Pasture Purposes; Poupouwela, Ka'u Hawaii, TMK: (3) 9-5-12:02.**

D-5: **Amend Prior Board Action of July 10, 1970, under Agenda Item F-5, for Withdrawal of Portion of Kapiolani Park (Executive Order No. 22); Reset Aside to the Department of Education; Conveyance to City and County of Honolulu and Sale of Remnant to abutting Owner, Waikiki, Honolulu, Oahu; current TMK is 2-6-27:52.**

Unanimously approved as submitted (Agor, Gon)

There being no further business, Chairperson Young adjourned the meeting at 12:20 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,

Lauren Yasaka

Approved for submittal:

PETER T. YOUNG
Chairperson
Department of Land and Natural Resources