

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i

February 28, 2020

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: ACCEPTANCE OF HEARING OFFICER'S REPORT ON A PUBLIC HEARING FOR TWO PROPOSED WITHDRAWALS FROM THE FOREST RESERVE SYSTEM ON THE ISLAND OF HAWAI'I.

APPROVAL AND RECOMMENDATION TO THE GOVERNOR ISSUANCE OF EXECUTIVE ORDERS FOR THE WITHDRAWAL OF TAX MAP KEY (3) 4-4-016: PORTION OF 003, COMPRISING APPROXIMATELY 2.9 ACRES, FROM MAUNA KEA FOREST RESERVE, KAOHE IV, HĀMĀKUA, HAWAI'I AND SUBSEQUENT SET-ASIDE TO THE STATE OF HAWAI'I DEPARTMENT OF TRANSPORTATION FOR HIGHWAY MAINTENANCE BASEYARD PURPOSES.

APPROVAL AND RECOMMENDATION TO THE GOVERNOR ISSUANCE OF EXECUTIVE ORDERS FOR THE WITHDRAWAL OF THE GILBERT KAHELE RECREATION AREA, TAX MAP KEY (3) 4-4-016: PORTION OF 003, COMPRISING APPROXIMATELY 32.572 ACRES, FROM MAUNA KEA FOREST RESERVE, KAOHE IV, HĀMĀKUA, HAWAI'I AND SUBSEQUENT SET-ASIDE TO THE COUNTY OF HAWAI'I.

GRANT OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT TO THE DEPARTMENT OF TRANSPORTATION OVER TAX MAP KEYS (3) 4-4-016: PORTION OF 003 AND (3) 4-4-016: PORTION OF 012.

GRANT OF PERPETUAL, NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT TO THE COUNTY OF HAWAI'I OVER TAX MAP KEY (3) 4-4-016: PORTION OF 012.

SUMMARY:

This Board Submittal requests acceptance of a Hearing Officer's Report for proposed withdrawals from the Forest Reserve System (FRS) on the Island of Hawai'i. Additionally, the Division of Forestry and Wildlife (DOFAW) requests approval and recommendation to the Governor, issuance

of executive orders (EO) for this withdrawal of land from Mauna Kea Forest Reserve (MKFR) and for subsequent set-asides to the Department of Transportation (DOT) and the County of Hawai‘i (CoH). The Division of Forestry and Wildlife also requests granting of separate perpetual, non-exclusive access and utility easements to the CoH and DOT for these areas over Tax Map Keys (TMK) (3) 4-4-016: portion of 003 and (3) 4-4-016: portion of 012. These actions are requested to complete formal transfer of the Gilbert Kahele Recreation Area (“Rec Area”) to the CoH, and to transfer land to DOT for highway maintenance baseyard purposes.

LEGAL REFERENCE:

Section 183-11, Hawai‘i Revised Statutes (HRS), as amended
Section 171-11, HRS, as amended

LOCATION:

Portion of Government lands situated at Kaohe IV, Hāmākua, Hawai‘i, identified by TMKs (3) 4-4-016: portion of 003 and (3) 4-4-016: portion of 012, as shown on the attached map labeled as **Exhibit 1**.

AREA:

(3) 4-4-016:003 (DOT highway maintenance baseyard purposes)	2.9 acres
(3) 4-4-016:003 (Gilbert Kahele Recreation Area)	32.572 acres
(3) 4-4-016:012 & (3) 4-4-016:003 (Easements)	2.385 acres

ZONING:

State Land Use District: Conservation
Subzone: Resource
County of Hawai‘i: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawai‘i Admission Act

DHHL entitlement lands pursuant to the Hawai‘i State Constitution: No

CURRENT USE STATUS:

Tax Map Keys (3) 4-4-016:003 and 4-4-016:012 are part of the MKFR and under Governor’s Proclamation dated June 5, 1909, as modified by Governor’s Proclamation dated May 2, 1938, and managed by DOFAW. Portions of both parcels are also designated as Gilbert Kahele Recreation Area (“Rec Area”) and managed by the CoH under a Special Use Permit (SUP) between DOFAW and the CoH. The CoH was issued Conservation District Use Permit (CDUP) HA -3761 from the Office of Conservation and Coastal Lands (OCCL) on May 20, 2016 for the construction of various improvements at the Rec Area located at TMK (3) 4-4-016: portion of 003.

The Department of Transportation was issued CDUP HA-3683 from OCCL on January 10, 2014 for their highway maintenance baseyard located at TMK (3) 4-4-016: portion of 003.

Tax Map Key (3) 4-4-016:012 is a remnant of the Old Saddle Road and currently used to access the Rec Area, MKFR, and the State of Hawai'i Division of Conservation and Resources Enforcement (DOCARE) facility.

Tax Map Key (3) 4-4-016:003 is encumbered by two easements for utilities as follows:
GL S-3853a to the United States of America for water pipeline and equipment;
LOD 28756 to Verizon Hawaii, Inc. for transmission lines, poles and anchors;

Hawaiian Electric Light Company, Inc. has electrical transmission lines and poles traversing TMK (3) 4-4-016:003 with easement documents pending.

BACKGROUND:

Proposed Withdrawal and Set-Aside to the Department of Transportation

At its meeting on April 26, 2019, under agenda item D-5, the Board of Land and Natural Resources ("Board") authorized DOFAW to conduct a public hearing on the Island of Hawai'i regarding the proposed withdrawal of TMK (3) 4-4-016: portion of 003 (2.9 acres) from MKFR for proposed DOT highway maintenance baseyard purposes.

The Saddle Road realignment project was a partnership of federal and State agencies to upgrade and modernize Saddle Road (Daniel K. Inouye Highway) from milepost 6 in South Hilo to the junction with Mamalahoa Highway in South Kohala, to provide safe and efficient travel between East and West Hawai'i. Without a strategically located maintenance baseyard, highway crews are required to transport all equipment, vehicles, and machinery from the Hilo baseyard on a daily basis, reducing productivity by approximately 30%. To provide increased efficiency in use of taxpayer resources, the subject withdrawal of lands is proposed to be set-aside to the DOT for a centrally located maintenance baseyard to efficiently operate and maintain the new highway. At its meeting on April 26, 2019, under agenda item D-5, the Board approved issuance of an SUP to DOT allowing commencement of survey and immediate construction activities.

The maintenance baseyard project will be sited at the obsolete nēnē captive breeding facility and includes construction of a road maintenance facility with an office building, equipment garage, material and small tool storage facilities, fuel dispensing facility, equipment wash down facility, septic system, site improvements, and other related improvements. Access to the area will be from Saddle Road at the existing entrance to the Rec Area.

Proposed Withdrawal and Set-Aside to the County of Hawai'i

Mayor Billy Kenoi approached DLNR in 2010 on transferring management of the Rec Area to the CoH. At the time, the park was operated and managed by the DLNR Division of State Parks. The County of Hawai'i asserted that it could operate and manage the area more effectively with improved service to the Rec Area's comfort station.

At its meeting on March 28, 2014 under agenda item E-4, the Board approved, in concept, the withdrawal of TMK (3) 4-4-016: portion of 003 (32.572 acres) from MKFR and set-aside to the CoH for Gilbert Kahele Recreation Area, formerly known as the Mauna Kea State Recreation Area and Mauna Kea Recreation Area. Awaiting the completion of a public hearing and final Board approval to withdraw the subject lands from the FRS, the CoH assumed management of the Rec Area in 2014 through SUPs issued by DLNR.

The State of Hawai'i Division of Conservation and Resources Enforcement has a cabin and storage area located within the subject area to be withdrawn and set-aside to the CoH. The CoH has stated their commitment to support the necessary agreements for DOCARE's continued use and access to their existing facility located within the Rec Area. If the subject withdrawal and set-aside are approved by the Board, the State of Hawai'i Land Division will work with DOCARE to issue the proper agreements needed to retain control of and access to their existing facility before the EO is finalized.

Perpetual, Non-exclusive Access and Utility Easements

The Department of Transportation is also requesting a perpetual, non-exclusive access and utility easement over MKFR and Rec Area lands between Saddle Road and the baseyard area, TMK (3) 4-4-016: portion of 003 and (3) 4-4-016: portion of 012. Tax Map Key (3) 4-4-016: portion of 012 is a remnant of the Old Saddle Road and is currently used to access the Rec Area, MKFR and the DOCARE facility.

Based on department staff's review of the maintenance baseyard and access easement, none of the prior utility easement areas will be affected by this project. The existing access area from Saddle Road is used by the public to enter the Rec Area, by DOFAW staff to access areas of MKFR, and by DOCARE to access their facility located within the Rec Area.

The County of Hawai'i will need a perpetual, non-exclusive access and utility easement for lands between Saddle Road and the Rec Area, TMK (3) 4-4-016: portion of 012.

DISCUSSION:

Approval to hold a public hearing on the proposed forest reserve withdrawals was obtained from the Board on March 28, 2014 and April 26, 2019. Approval to set the date, time and location of the public hearing and to appoint Jay Hatayama, the Forest Management Supervisor II, as the Hearing Officer was obtained from the Chairperson on May 17, 2019.

Notice of this public hearing was published on June 9, 2019, in the Sunday editions of the Garden Island, Honolulu Star-Advertiser, Maui News, West Hawai'i Today, and Hawai'i Tribune-Herald newspapers. The public hearing was held on June 26, 2019 at the DOFAW Hilo Office, for the purpose of receiving public input on the proposed FRS changes. Five members of the public attended this meeting and four provided testimony. Three written testimonies were received by email. All testimony received is included in the attached Hearing Officer's Report (**Exhibit 2**) and a summary is presented below.

Four oral testimonies were received for the proposed withdrawal of the Rec Area from MKFR. One individual supported the proposed withdrawal, provided that access in and out of public hunting areas is maintained. Three members of the public opposed the proposed withdrawal. The reasoning presented by those in opposition included public health hazard concerns due to Depleted Uranium (DU) oxide particles being deposited into the park by winds coming from the south off of the neighboring Pōhakuloa Training Area (PTA). It was suggested that testing and monitoring for DU oxide particles be done to ensure protection of public health and safety and that the CoH needs to assess liability before this transfer is considered. Two individuals referenced United States Public Law 103-150, commonly known as the “Apology Resolution” as the basis for their belief that all executive orders are illegal and that it should be clearly stated that the title to this land is clouded. It was also expressed that this transfer of jurisdiction would be a gross neglect of the State’s fiduciary duties and transactions should not happen due to missing data and lack of a proper database that documents all transactions involving crown or government lands.

Two oral testimonies were received for the proposed withdrawal of approximately 2.9 acres of TMK (3) 4-4-016: portion of 003 from MKFR for DOT highway maintenance baseyard purposes. Both individuals opposed the proposed withdrawal. The reasoning presented included the claim that the State has been neglectful regarding PTA bombings and cleanup and lands are not being used for the betterment of Native Hawaiians; and that there are liability questions that need to be dealt with concerning DU oxide traveling by wind from PTA, a public health hazard that needs to be thoroughly tested before transferring potentially radioactive contaminated land.

Three written testimonies were received by email. Two of the testimonies provided general comments in opposition to both agenda items. One opposed due to claims that all lands in the state have a clouded title and are fraud; and the other stated that chopping up and siphoning off parts of the forest reserve to other interests will open the door to further degradation and that the CoH and DOT have missions ill-suited for protection of the lands for present and future generations. One written testimony was submitted addressing the withdrawal of the Rec Area. This individual opposes the proposed withdrawal if hunting access is not provided or if hunters are limited by DOT or CoH laws or ordinances restricting dogs, firearms and related matters typically associated with hunting. He expressed wanting adequate parking areas for hunters and for access to be a permanent condition of use.

Considering the comments received during the public hearing process, the majority of which were in opposition of the proposed withdrawal, DOFAW still believes that proceeding with the proposed withdrawals from MKFR is the most appropriate action moving forward. All concerns received about this area, including all health, safety and liability concerns have been relayed to both the CoH and DOT. They are fully aware of the issues raised by the public, and thus far we have not received a request from either entity to not proceed with the proposed action. As such, the proposed set-aside to DOT will allow for more efficient maintenance of a heavily-used highway, and the proposed withdrawal and set-aside to the CoH will allow them to continue to maintain and improve the area for public use and to operate more efficiently. Staff recommendation is to proceed with the proposed withdrawals and subsequent set-asides.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action does not trigger the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343, HRS, environmental requirements apply to the Applicants use of lands, the Applicants shall be responsible for compliance with Chapter 343, HRS, as amended.

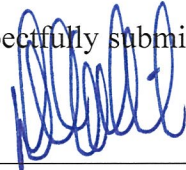
RECOMMENDATION:

That the Board:

- 1) Accept and approve the Hearing Officer's report and minutes for the public hearing held on June 26, 2019, for two proposed withdrawals from the Forest Reserve System on the island of Hawai'i.
- 2) Approve of and recommend to the Governor issuance of an executive order to withdraw Tax Map Key (3) 4-4-016: portion of 003, comprising approximately 2.9 acres from the Mauna Kea Forest Reserve, Kaohe IV, Hāmākua, Hawai'i.
- 3) Approve of and recommend to the Governor issuance of an executive order to withdraw the Gilbert Kahele Recreation Area, Tax Map Key (3) 4-4-016: portion of 003, comprising approximately 32.572 acres from the Mauna Kea Forest Reserve, Kaohe IV, Hāmākua, Hawai'i.
- 4) Approve of and recommend to the Governor issuance of an executive order setting aside Tax Map Key (3) 4-4-016: portion of 003, comprising of approximately 2.9 acres, to the State of Hawai'i Department of Transportation for highway maintenance baseyard purposes.
- 5) Approve of and recommend to the Governor issuance of an executive order setting aside Tax Map Key (3) 4-4-016 portion: of 003, comprising of approximately 32.572 acres, to the County of Hawai'i for the Gilbert Kahele Recreation Area, subject to the DOCARE's continued use and access to their existing facility area.
- 6) Authorize the issuance of a perpetual, non-exclusive easement to the Department of Transportation for access and utility purposes, Kaohe IV, Hāmākua, Hawai'i, TMKs (3) 4-4-016: portion of 003 and (3) 4-4-016: portion of 012.
- 7) Authorize the issuance of a perpetual, non-exclusive easement to the County of Hawai'i for access and utility purposes, Kaohe IV, Hāmākua, Hawai'i, TMK (3) 4-4-016: portion of 012.
- 8) Recommendation Nos. 2 through 5 are further made subject to the following:

- a. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- b. Disapproval by the Legislature by two-thirds vote of either the House of Representative or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- c. Review and approval by the Department of the Attorney General; and
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



DAVID G. SMITH, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

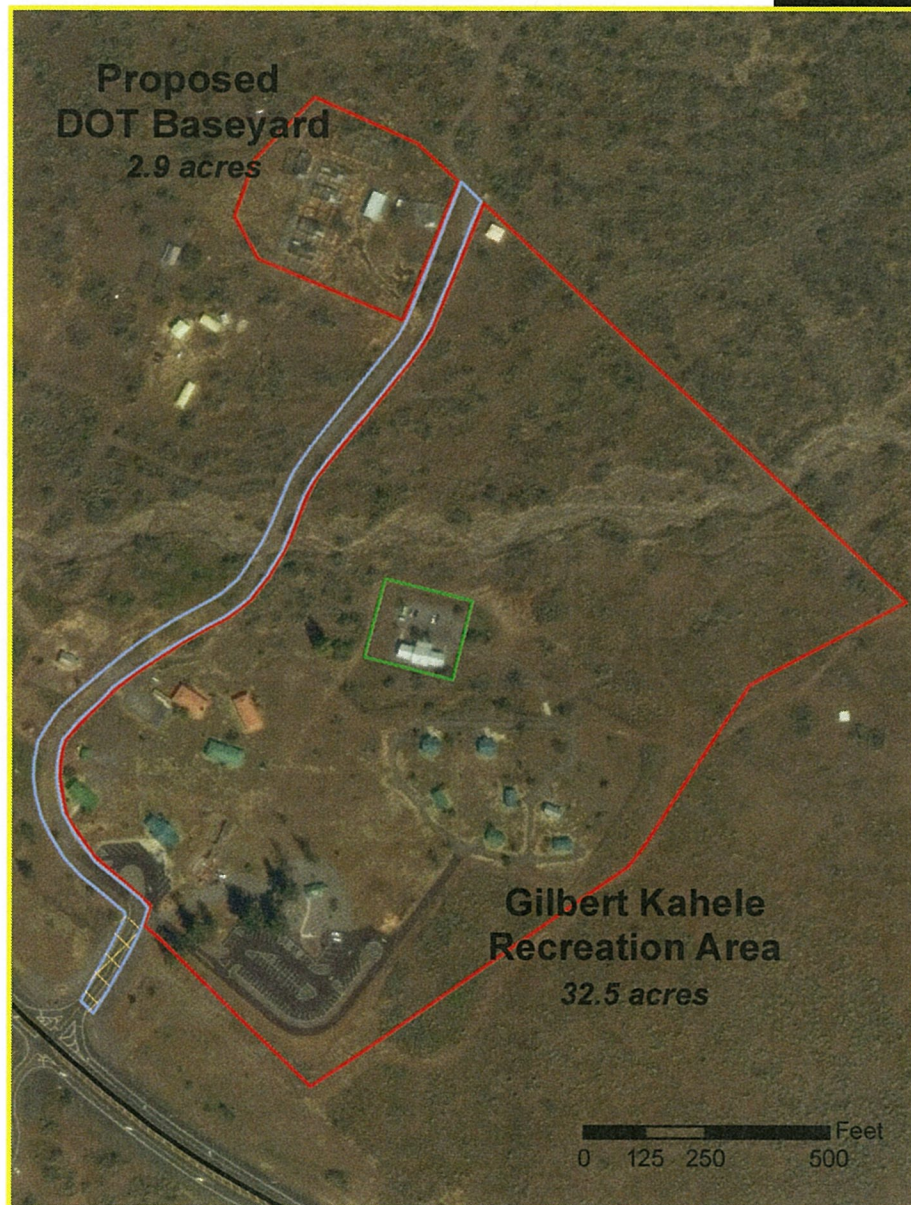
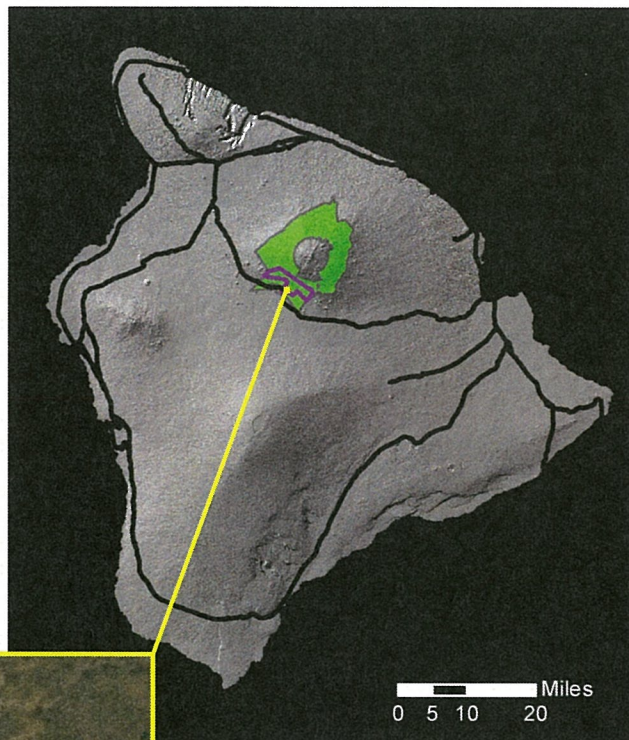


SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Exhibit 1. Mauna Kea Forest Reserve Proposed Withdrawals



State of Hawai'i
Department of Land and Natural Resources
Division of Forestry and Wildlife
(808) 587-0160
November 2019



Legend

- Mauna Kea Forest Reserve (75,075 acres)
- TMK (3) 4-4-016:003
- Proposed Withdrawal
- DOCARE Baseyard
- Requested DOT Easement
- Requested County Easement
- Major Roads



Exhibit 2.
HEARING OFFICER'S REPORT AND MINUTES OF:

**Public Hearing for two (2) Proposed Changes Affecting the Area of
Government Forest Reserve Lands on the Island of Hawai'i**

Division of Forestry and Wildlife Hilo Baseyard
Conference Room
19 E Kawili Street
Hilo, Hawai'i 96720

6:00 pm

June 26, 2019

SUMMARY OF TESTIMONIES RECEIVED

Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.

Two oral testimonies were received for Agenda Item #1, the proposed withdrawal of a portion of Tax Map Key (3) 4-4-016:003, comprising approximately 2.9 acres from Mauna Kea Forest Reserve, Kaohe IV, Hāmākua, Hawai'i.

Iokepa Kaeo – Identified himself as a representative of the Beneficiary Trust Council Moku 'o Keawe Waitlisters. He stated that there are currently about 9,000 on the list and growing. This parcel is across from PTA. He is concerned that DLNR is a government agency that is supposed to be managing our lands, yet a judge views that the State is neglecting Pōhakuloa Training Area (PTA) regarding the bombings and cleanup, a breach of trust. He feels these lands are not being used for the betterment of Native Hawaiians. There is a need to address a national crisis of homelessness, health, and education. Therefore, he cannot support or approve the proposed withdrawal and set aside.

Jim Albertini – Identified himself as being part of an organization called Malu 'Āina. He is more concerned about Agenda Item #2 but commented on this since they are adjacent. His main concern is that the subject lands are located across the street from PTA, where the military has used Depleted Uranium (DU) weapons. PTA has been bombed for 75 years and when these high explosives hit DU metal it turns into Depleted Uranium Oxide particles that can travel long distances by the wind. According to Dr. Lorrin Pang, 24-year Army Medical Corp MD, if inhaled, the particles can cause cancer and genetic damage that can be passed onto future generations. Mr. Albertini stated that he brought \$1000 certified calibrated radiation monitors to the May 29, 2007 Saddle Road dedication, during a protest of 50-100 people, and picked up from the winds coming from the south headed into the park, radiation readings 4-5 times the background level. He is concerned radioactive contaminated land is being transferred and it may be a public health hazard. There are liability questions that need to be dealt with. He recommended that air monitoring facilities be setup in the park area and comprehensive soil testing be conducted to pick up DU readings over an extended period of time.

Four oral testimonies were received for Agenda Item #2, the proposed withdrawal of a portion of Tax Map Key (3) 4-4-016:003, comprising approximately 32.572 acres from Mauna Kea Forest Reserve, Kaohe IV, Hāmākua, Hawai‘i.

Jim Albertini – Stated that he emailed Mayor Billy Kenoi about his radiation concerns back in 2010-2014 and recommended that the Mayor have the park tested for radiation contamination before assuming liability of the park. Mr. Albertini never got a response from Mayor Kenoi and believes testing has not been done. He feels that there is still a need for independent and comprehensive testing and monitoring and suggested that Dr. Lorrin Pang, the current Maui County Public Health Officer, and Dr. Mike Reimer, a retired nuclear geologist, should be involved in designing the study for the park. He feels the park has been much improved under County management and more people are using the park, so we need to make sure public health and safety is protected. He cannot support any further activity until the testing and monitoring is done.

Mr. Albertini returned to offer additional testimony to elaborate on DU conditions and high radiation readings detected. DU has a half-life of 4.5 billion years which means it will be around forever. The firing range for a weapon system that contained DU was located less than a mile from the park. Winds from the south come off the impact area and go into the park. Radiation readings have been well above background level on many occasions since 2007. He feels there must be soil testing and air filter monitoring for extended periods of time and it should be paid for by the military. He urged the County to review Resolution 639-08 passed by County Council in 2008 calling for eight action plans; one was to stop all live fire at PTA until there's a complete assessment and cleanup of the DU. The military ignored these resolutions.

Ronald Fujiyoshi – Identified himself as the Treasurer of 'Ohana Ho'opakele, a not-for-profit Hawaiian organization, and retired pastor of Ola'a First Hawaiian Church Congregational which is part of the United Church of Christ Hawai'i Conference. He, along with Mr. Albertini and Ruth Aloa, met with Mayor Kim about a year and a half ago to raise the issue of DU Oxide. They relayed to Mayor Kim that even after raising the issue many times with PTA they claim that there is no danger associated with DU. Mr. Fujiyoshi clarified that it is the DU Oxide that is the danger, especially to young children and pregnant women. They recommended to the Mayor to have the park surveyed to understand the danger it may pose to users of the park. He is not opposing or affirming the transfer but wanted to raise the concerns. He suggested to the County that they find out if they will be liable for any issue that the public may raise regarding health hazards of DU Oxide.

He also shared the Māhele book, on page 31 Kaohe IV is listed as government land. Kaohe IV was originally Victoria Kamāmalu lands but these lands were relinquished to the King as government lands. He then referenced United States Public Law 103-150, which Congress passed to offer apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawai'i. He goes further to read from the apology, "Whereas, the indigenous Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people or over their national lands to the United States either through their monarchy or through a plebiscite or referendum." Elroy Osorio, former Hawai'i County Council Chairman and real-

estate broker, once told him that every executive order since that apology is illegal. He believes there is a clouded title on this land, and he thinks it should be clearly stated that this is a transfer of land with clouded title.

Mr. Fujiyoshi returned to offer additional testimony to share that preliminary testing for DU Oxide has been done by doctoral candidate Drake Logan from City University of New York. She has equipment and can put together a budget for testing at the Mauna Kea park, which Mr. Fujiyoshi feels would be at a reasonable cost for the County to do the testing to find out the dangers prior to the transfer. Dr. Logan has made contact with the County.

Steven Hurt – Stated that he represents Big Island Bird Hunters. They support the change but want to ensure that access in and out of the public hunting areas for all users are not lost, including access to the leased lands when they are opened up by the Army.

Iokepa Kaeo – The beneficiary trust council cannot support the proposed withdrawal. He stated that it would be a gross neglect of the State's fiduciary duties. DLNR has shown a massive breach of trust and does not have a proper database for crown or government lands documenting how much land was used, leased, sold, etc. They can't allow transactions to occur at this moment because of missing data no matter how good they are for the community.

He also raised the issue of the gross neglect on adjacent lands and the liability this poses to the County. He stated that Dr. Lorrin Pang is well respected in the community, and he echoed suggestions of Mr. Albertini and Mr. Fujiyoshi and recommends a comprehensive management plan for the testing for DU Oxide.

Referencing Public Law 103-150, he stated that this area is under an illegal executive order and believes it should be reviewed. DLNR has failed over the years to manage these parcels and this is one example of what will happen with any land transfers in the future so it should be evaluated and reviewed at this time. They oppose the transfer of land because of liability and health concerns.

Three written testimonies were received by email. Two emails provided testimony on both agenda items and one email provided testimony on only Agenda Item #2.

Lis K – Opposed the proposed withdrawals. Stated that all lands in the state have clouded title and are fraud.

Andrew Laurence – Opposed to both agenda items. The importance of Mauna Kea FR is how large, complete and continuous it is. With overpopulation, overdevelopment and climate change we need to secure such lands for the greater public good. He opposes the FR being chopped up and siphoned off to other interests, which will open the door to further degradation of this precious natural resource. He trusts the care that DLNR is able to give these lands more than DOT and the CoH, whose missions are ill-suited to the protection of these lands for present and future generations.

Joel Nakamoto (*Agenda Item #2*) – Not opposed to the withdrawal, provided that access is maintained from Daniel K. Inouye Highway to the Mauna Kea FR for hunting purposes. He is concerned that if DOFAW does not specifically require access in the withdrawal/transfer documents, access to the FR may be inadvertently or purposefully denied by new controlling government agencies. This would eliminate the only legal public access point to Mauna Kea FR between Hale Pōhaku and Kilohana. With the steep terrain of surrounding areas, losing this access point is functionally equivalent to losing the hunting area. He does not want to be limited by DOT or CoH laws or ordinances restricting dogs, firearms and related matters typically associated with hunting. He wants adequate parking areas for hunters and for access to be a permanent condition of use. He opposes the withdrawal if hunting access is not provided.

I. SUMMARY OF PUBLIC HEARING PROCEEDINGS

- A. The public hearing was called to order at 6:05 pm.

In attendance were the following staff members from the Department of Land and Natural Resources:

Division of Forestry and Wildlife:

Jay Hatayama – Hearing Officer

Kylee Wideman – Recorder

Steve Bergfeld

Irene Sprecher

Hawai‘i District Forest Management Supervisor

Hawai‘i Island Forestry Associate

Hawai‘i DOFAW Branch Manager

Forestry Program Manager

Also in attendance were the following staff members from the Department of Transportation and the County of Hawai‘i:

Department of Transportation:

Robert Lee

Harry Takiue

Project Engineer

Maintenance Engineer

County of Hawai‘i:

Wil Okabe

Roxcie Waltjen

Maurice Messina

Managing Director

Director, Parks and Recreation

Deputy Director, Parks and Recreation

- B. One media person and five members of the public attended the meeting, four of whom provided oral testimony with regards to the proposed Forest Reserve withdrawals during the meeting. The information that the Division of Forestry and Wildlife had prepared regarding these items was presented as planned.

- C. The public hearing was adjourned at 6:57 pm.

II. APPROVALS AND NOTICES OF PUBLIC HEARING

- A. Approval to hold this public hearing on the proposed forest reserve items was obtained from the Board of Land and Natural Resources on March 28, 2014 and April 26, 2019.

- B. Approval to hold the public hearing and to appoint Jay Hatayama, the Forest Management Supervisor II, as the Hearing Officer was obtained from the Chairperson on May 17, 2019.
- C. Notice of this public hearing was published on June 9, 2019, in the Sunday editions of the Garden Island, Honolulu Star-Advertiser, Maui News, West Hawai'i Today, and Hawai'i Tribune-Herald newspapers.

Minutes prepared and respectfully submitted by Jay Hatayama.