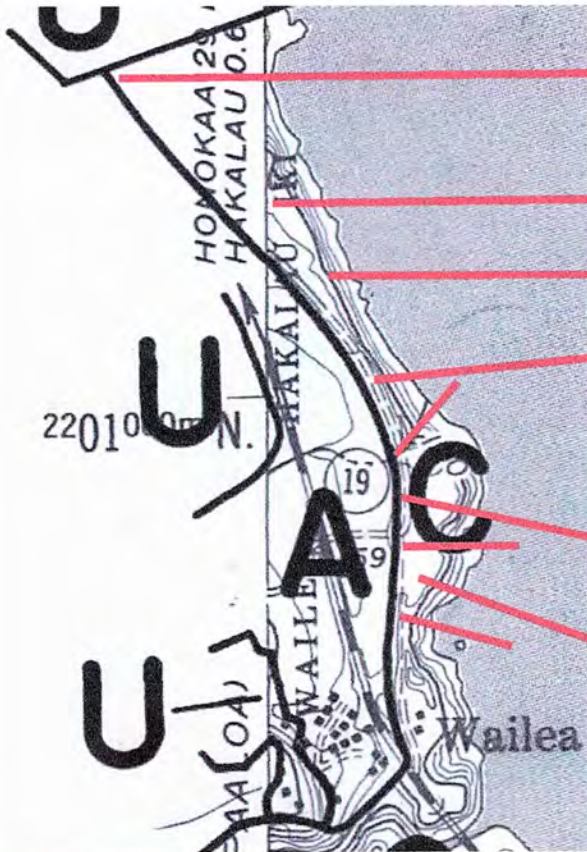


Exhibit 38

Hakalau to Kolekole Gulch



**conservation district
aprox. 800 ft. inland**

**cons. overlaid 13.35
acres of cane field**

top of cliff line

former railroad

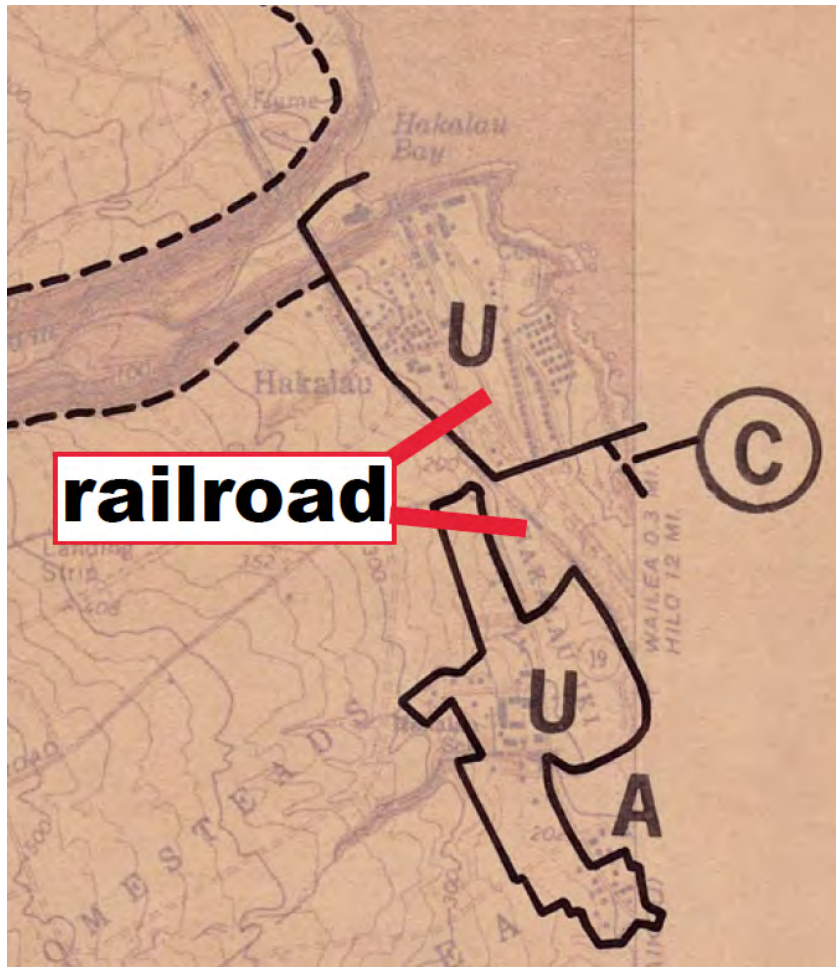
Petitioners' Property

3.4 acres of cane field - district line 330 ft. inland of the "ridge top" and 430 ft. inland of the high wash of the waves

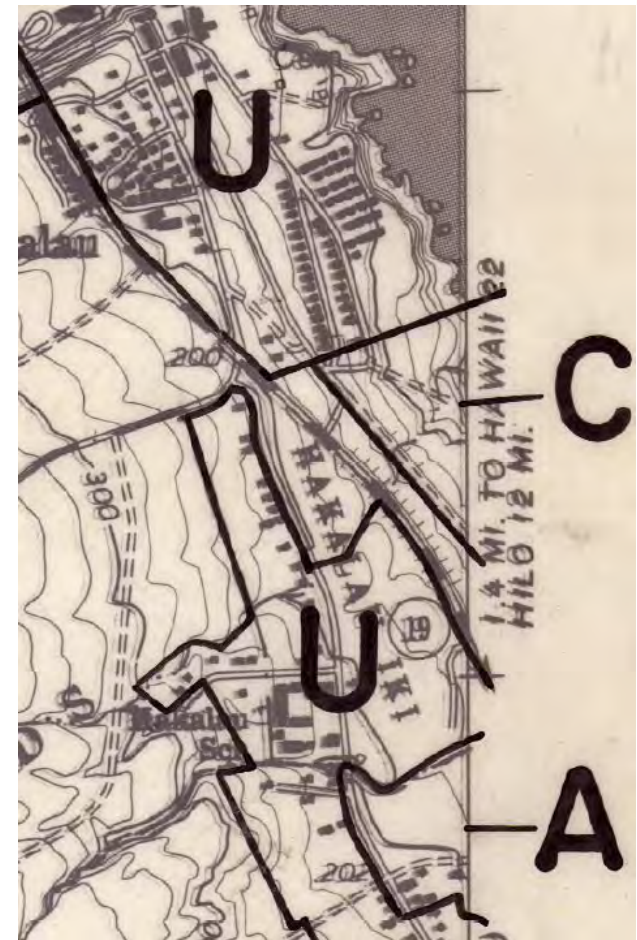
**lot :013 cane field
aprox. 1.3 acres**

**total cane field overlaid
between Hakalau and
Kolekole approx. 18.05
acres**





Source, Exhibit 38, Papaaloa Map H-59 1969 Proposed



Source, Exhibit 40, 1974 Map H-59

Note: how the district line moved on the 1969 map vs. the 1974 map (see next page)

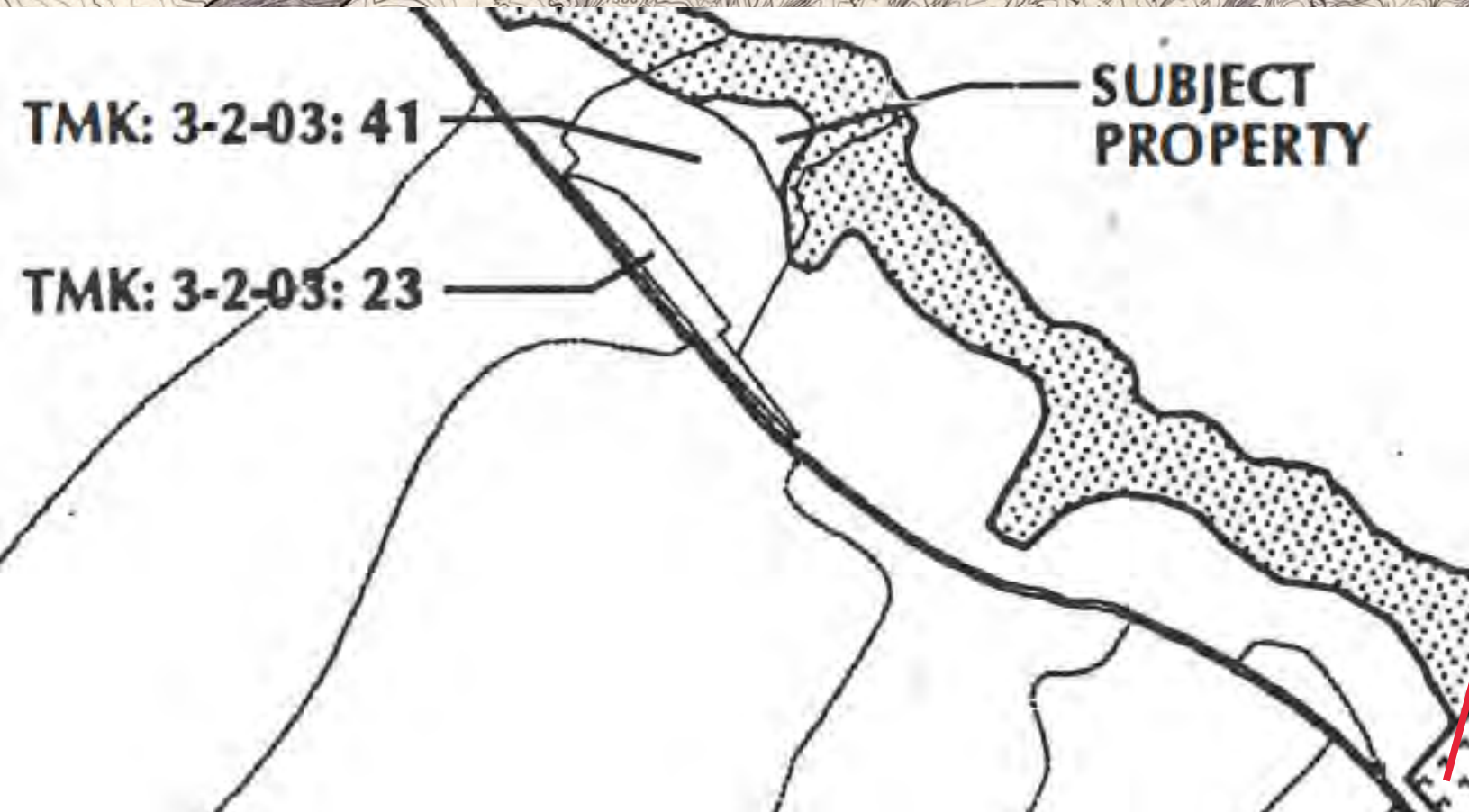
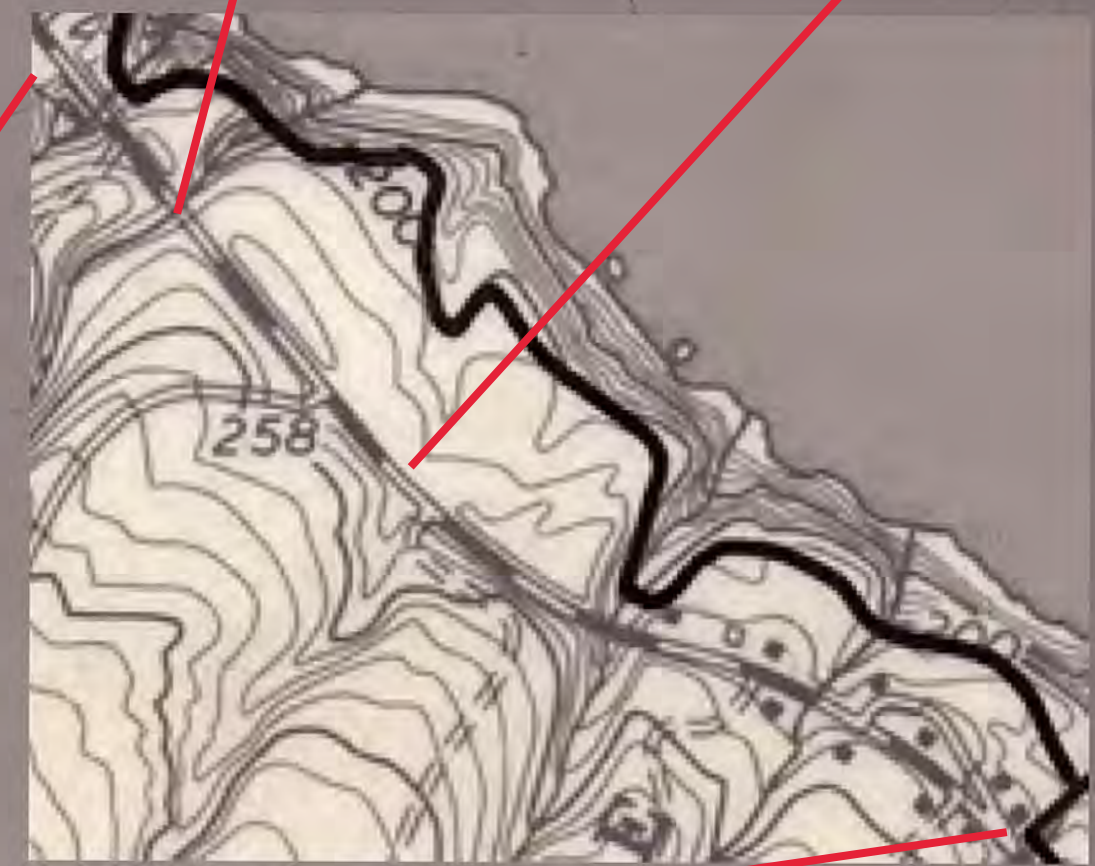
1 But that's, I think, different than what
2 the Churches have argued, which is they actually
3 used the -- they used the cliff boundary here, and
4 past interpretations have been incorrect.
5 **MS. KATO:** I'm not sure what they used in
6 1969. I understand that the -- I believe the maps
7 were from a later time.
8 **COMMISSIONER SCHEUER:** Okay.
9 **MS. KATO:** The maps that were later drawn
10 based on the report.
11 **COMMISSIONER SCHEUER:** Yeah. You're
12 correct. I have nothing further.

Source, Exhibit 5, Hearing Transcript, page 107 (emphasis added)

While the maps were drawn later during the period between 1969 and 1974 lots of errors occurred. The Proposed and Adopted 1969 district line did generally follow the railroad on Map H-59. Then in 1999 the district line was moved makai following DR99-21. Mysteriously, on the 1969 map, when the district line was drawn on to the map it was no longer following the railroad as it led southward from Hilo, but by 1974 the line had moved back to the railroad as it led southward out of Hakalau.

December 20, 1974 map H-59 - we know the lines on this map are not true to 1974 because the 1999 DR99-21 (Stengle) change is shown. Also note there is no evidence that the line was erased in the area of Stengle when it was redrawn in 1999. The only evidence is the notation box in the bottom left hand corner of the map which refers to DR99-21

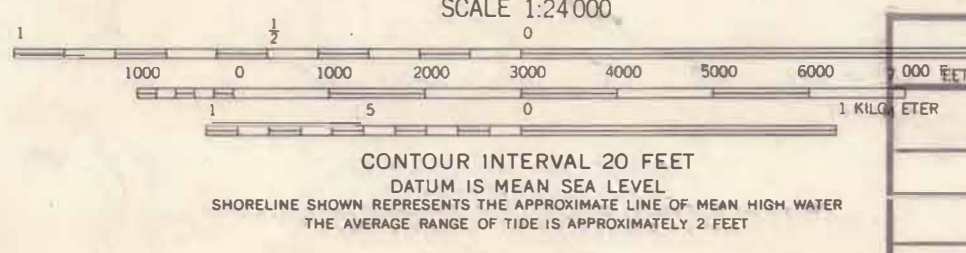
Stengle's land



Note: when we look at this 1974 map H-59 the district line at Stengles land in the upper box shows the 1999 redrawn district line. There is no obvious eraser and change to the line. It appears that the entire map was redrawn in 1999. The lower box comes from Exhibit 1, DR99-21. It shows where the 1974 line was in 1999. The upper box shows where the line was after 1999.

BOUNDARY AMENDMENTS	
DOCKET NO.	DATE
A82-531 A & C to U DR99-21 ROBERT R. & CHRISTINE M. STENGLE	FEB 28, 1983 Effective Date: 03/24/89 Rec. 10/01/89

APPROXIMATE MEAN DECLINATION, 1966



BOUNDARY AMENDMENTS	
DOCKET NO.	DATE

ROAD CLASSIFICATION
Medium-duty ——— Light-duty ———
Unimproved dirt - - - - -
State Route ○

TOP

Advance Sheet
Subject To Correction

BOUNDARY AMENDMENTS	
DOCKET NO.	DATE
A72-348	Apr 6 '73

JUL 18 1969

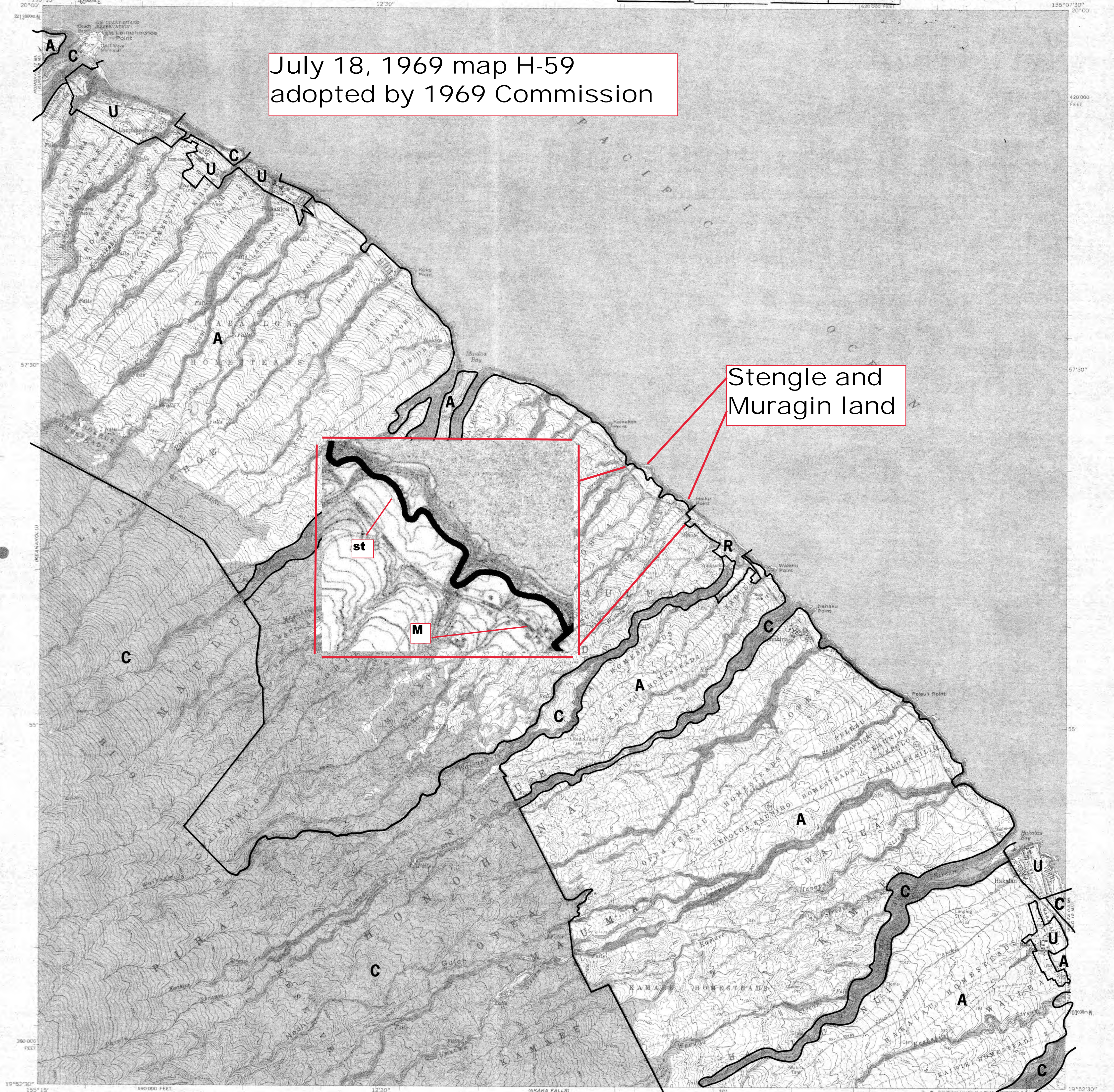
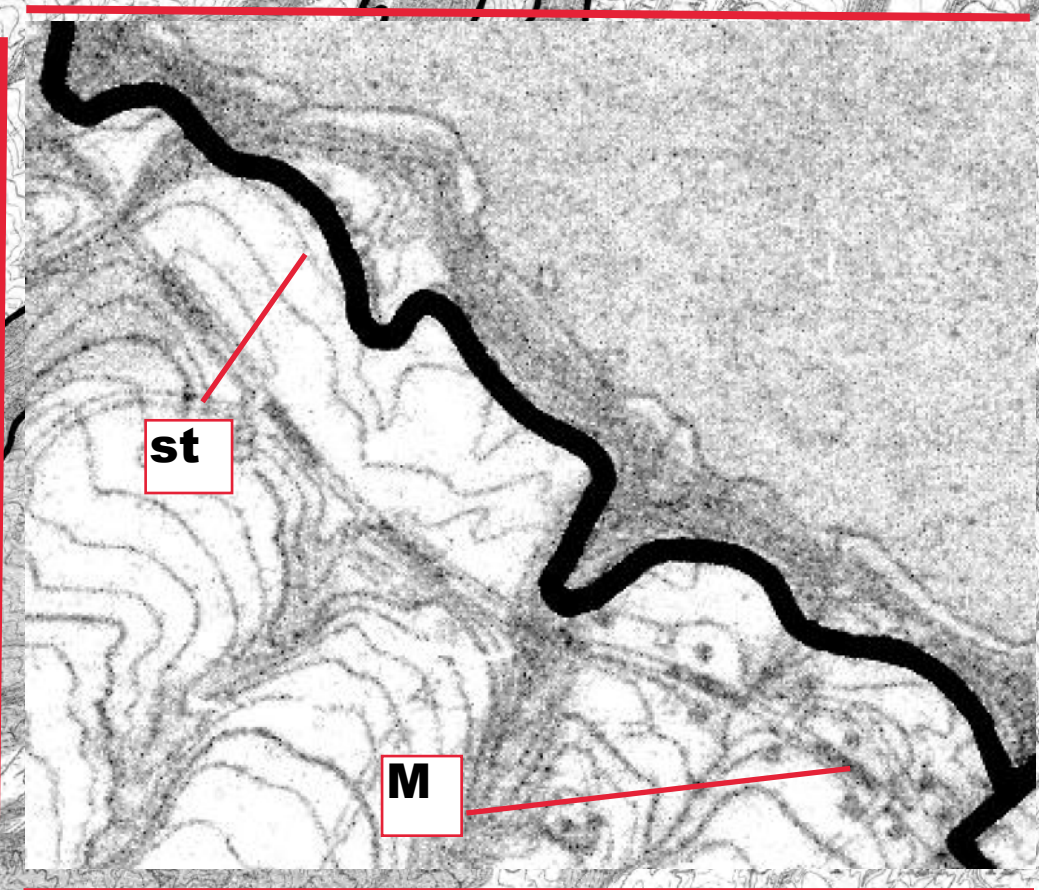
LAND USE DISTRICT BOUNDARIES		
DISTRICT MAP	STATE OF HAWAII	DISTRICTS
H-59	LAND USE COMMISSION	U = URBAN
	DEPT. OF PLANNING & ECONOMIC DEVELOPMENT	R = RURAL
	EFFECTIVE DATE: AUG 4 1969	A = AGRICULTURAL
		C = CONSERVATION

PAPAALOA QUADRANGLE
HAWAII—ISLAND AND COUNTY OF HAWAII
7.5' MINUTE SERIES (TOPOGRAPHIC)
NW/4 HONOLULU 15' QUADRANGLE

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

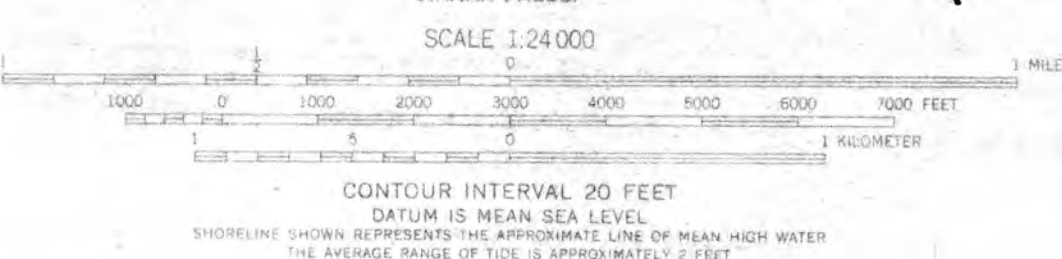
July 18, 1969 map H-59
adopted by 1969 Commission

Stengle and
Muragin land



Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photographs taken 1954 and 1965. Field checked 1966
Polyconic projection. Old Hawaiian datum
10,000-foot grid based on Hawaiian coordinate system, zone 1
1,000-meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue

APPROXIMATE MEAN
DECLINATION, 1966



ROAD CLASSIFICATION
Medium-duty ——— Light-duty ———
Unimproved dirt ———
State Route ———

H-59 PAPAALOA, HAWAII
NW/4 HONOLULU 15' QUADRANGLE
N1952.5—W15507.5/7.5

FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

TOP

Advance Sheet
To Correction

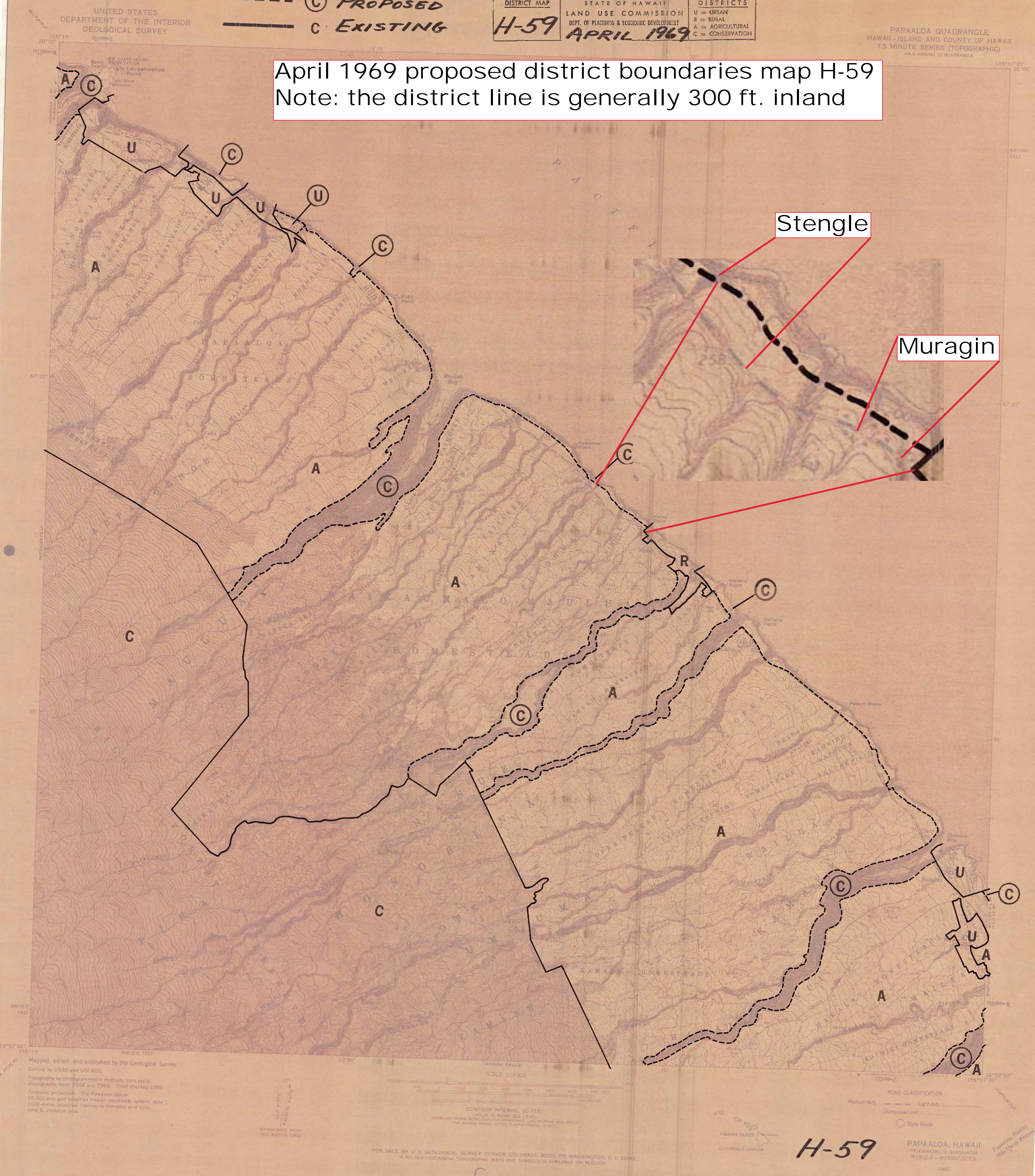
PROPOSED LAND USE DISTRICT BOUNDARIES

--- (C) **PROPOSED**
 --- **EXISTING**

DISTRICT MAP	STATE OF HAWAII	DISTRICTS
H-59	LAND USE COMMISSION	U = URBAN
	DEPT. OF PLANNING & ECONOMIC DEVELOPMENT	R = RURAL
	APRIL 1969	A = AGRICULTURAL
		C = CONSERVATION

PAPALOAO QUADRANGLE
HAWAII-ISLAND AND COUNTY OF HAWAII
7.5 MINUTE SERIES (TOPOGRAPHIC)
NWA HONOLULU 12 QUADRANGLE

April 1969 proposed district boundaries map H-59
Note: the district line is generally 300 ft. inland



Stengle

Muragin

Mapped, edited and published by the Geological Survey
Control by USGS and USC&GS
Topography by photogrammetric methods from aerial
photographs taken 1954 and 1965. Field checked 1965.
Polyconic projection. Old Hawaiian datum.
10,000-foot grid based on Hawaiian coordinate system, zone 1.
1000-meter Universal Transverse Mercator grid ticks,
zone 5, shown in blue.

SCALE 1:4000
CONTOUR INTERVAL 20 FEET
DATUM IS MEAN SEA LEVEL
SHOULDER MARKS REPRESENT THE APPROXIMATE LINE OF TIDE HIGH WATER
THE AVERAGE WIND SPEED IS APPROXIMATELY 2 MPH

H-59

PAPALOAO, HAWAII
NWA HONOLULU 12 QUADRANGLE
N1952.5-W15507.5/7.5
1966

FOR SALE BY U.S. GEOLOGICAL SURVEY DENVER, COLORADO, 80225, OR WASHINGTON, D.C. 20242
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST