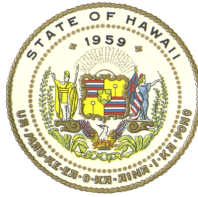


DAVID Y. IGE  
GOVERNOR OF HAWAII



**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**STATE OF HAWAII**  
**BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**AMENDED 03.22.2021**

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

DATE: January 22, 2021  
TIME: 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Sam Gon  
Chris Yuen  
Kaiwi Yoon

Jimmy Gomes  
Tommy Oi  
Vernon Char

**STAFF**

Russell Tsuji-Land  
David Smith-DOFAW  
Scott Fretz-DOFAW  
Tanya Rubenstein-DOFAW  
Jackson Bauer-DOFAW  
Curt Cottrell-Parks  
Ed Underwood-DOBOR  
Sal Salvatore-OCCL  
Carty Chang-ENG  
James Kurata-ENG  
Ernest Lau-ENG

Kevin Moore-Land  
David Penn-DOFAW  
Irene Sprecher-DOFAW  
Mike Millay-DOFAW  
Moana Rowland-DOFAW  
Brian Kanenaka-DAR  
Sam Lemmo-OCCL  
Shelly Habell-OCCL  
Brandon Kim-ENG

**OTHERS**

Melissa Goldman/AG  
Shayu Lee/M5  
Christopher Woodard/M6  
Robert Wells/K1  
Liam & Brandee McNamara/K3  
Julie China/C1  
Kawaikapuokanai Hewett/C1,E4  
Sophia Hanoa/C1  
Kupuna Jesse Ke/C1

Mike Auerbach/DOT Air  
Stuart Tomasa/M5  
Bill Wynhoff/K1-5  
Rodney Youman/K4  
Don Prchal/K5  
Leimana DaMate/C1,E4  
Darlyne Vierra/C1  
Pernell Hanoa/C1  
Rocky Kaluhiwa/C1

Kaweni Ibarra/C1  
Keoni Fox/C1  
Robin Rayner/C1  
Butch Haase/C1  
Reyna Ramolete-Hayashi/C1  
Vivian-Malia Fa'agata/C1  
Justin Cook/D8  
Ernest Lau/L1  
Cindy Young/L1

Kaleo Paik/C1  
Scott Crawford/C1  
Davianna McGregor/C1  
Lea Hong/C1  
Leah Laramée/C1  
Kristen Nalani Kāne/C2  
Herb Lee/F1  
Barry Usagawa/L1  
Bill Wynhoff/K1,2,3,4,5

**01.22.2021(1)/00:00:01**

Chair Case called the meeting to order and noted that due to Covid-19 pandemic, the meeting is held via Zoom. Those who requested to provide oral and written testimony have done so in advance of the meeting.

**01.22.2021(1)/00:00:42**

Member Gon read the standard contested case statement.

**01.22.2021(1)/00:00:29**

Chair Case announced that we will be hearing the M-Others followed by K-OCCL submittals first, and then back to the order of the agenda. Noted there will be a break between 1:00 to 2:00 pm.

**01.22.2021(1)/00:02:50**

**ITEM A-1** Approval of the Meeting Minutes for November 13, 2020.

Board Discussion-None

Public Testimony- None

**MOTION**

**Approved as submitted (Yoon, Gon) unanimous.**

**01.22.2021(1)/00:02:57**

**ITEM M-1** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, CM&D Holdings, Inc., Kalaeloa Airport, Kapolei, Oahu, Tax Max Key No.: (1) 9-1-013: 032 (Portion).

**ITEM M-2** Issuance of a Revocable Permit for Space for an Office Trailer, Atlas Air, Inc., Ellison Onizuka Kona International Airport at Keāhole, Kalaoa, Hawai'i, Tax Map Key No.: (3) 7-3-043: 003 (Portion).

**ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Hawaii Life Flight LLC, Waimea-Kohala Airport, Kamuela, Hawai'i, Tax Map Key: (3) 6-7-001: 008 (Portion)

**ITEM M-4** Issuance of a Revocable Permit to Operate the Taxi Management Concession Speedishuttle Tours & Transportation, LLC Kahului Airport, Kahului, Maui, Tax Map Key Nos.: (2) 3-8-001: 019 (Portion), 220 (Portion) & 241 (Portion).

**ITEM A-1**

Mike Auerbach and Gavin Lai, DOT-Airports, present to answer any questions for Items M-1, M-2, M-3 and

Board Discussion

Member Char recused himself for Item M-4.

Public Testimony-None

**MOTION**

**Approved as submitted Items M-1, M-2, M-3 and M-4 (Oi, Gomes) 6-Ayes, Char Recused**

**01.22.2021(1)/00:04:47**

**ITEM M-5** Request Consent to Issue of a Revocable Permit under Governor's Executive Order No. 1562 to The Hawaii National Guard Association, 1046 Leilani Street, Hilo, Hawai'i, Tax Map Key No.: (3) 2-1-012: 003.

Stuart Tomasa and Shayu Lee, are present to answer any questions

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted (Yuen, Gon) unanimous.**

**01.22.2021(1)/00:05:36**

**ITEM M-6** Consent to Issue Revocable Permits for Lands under Governor's Executive Order No. 4533 to Fisher Hawaii Inc., One Love Ministries, and Hawaiian Dredging Construction Company, Inc., in Kakaako, Honolulu, Oahu, Tax Map Key No.: (1) 2-1-051: 041 (Portion).

Christopher Woodard, Hawaii Housing Finance Development Corporation, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gon, Oi) unanimous.**

**01.22.2021/00:13:01**

**ITEM K-1** Conservation District Enforcement Case, OCCL Violation OA 20-41 Regarding an Alleged Unauthorized Structure Located Along the Shoreline Within the Conservation District by the Wells Trust (Robert S. Wells, Trustee) at 245 Portlock Road in Portlock, Honolulu, O'ahu; Tax Map Key Nos.: (1) 3-9-002: 003 & 029 (seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Sal Savatorea and Shellie Habel, (OCCL) and Robert Wells are present.

#### Board Discussion

Deputy AG Wynhoff provided background information regarding the area and the issues surrounding the shoreline armoring that has been going on for years. The Board asked several questions regarding the location of the rocks. There seemed to be a dispute regarding the location of the rocks. It was suggested that a site visit and survey be done to verify where the work was done.

#### Public Testimony

Wells conveyed that he has maintained the existing rocks that were existing and have not added anymore and that the neighbor who was installing a pool has moved the rocks several times. There was a long discussion regarding rocks and that the neighbor places the rocks near the property lines.

**01.22.2021/01:17:33**

#### **MOTION**

**Deferred (Yuen, Gon) unanimous.**

**01.22.2021/01:18:51**

**ITEM K-2** Conservation District Enforcement Case, OCCL Violation MO 20-32 Regarding an Alleged Unauthorized Structure Located Along the Shoreline Within the Conservation District by George & Susan Peabody at 10254 Kamehameha V Highway, Waialua, Kaunakakai, Moloka'i; Tax Map Key No.: (2) 5-7-001: 001 (seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Mr. Peabody was notified that this enforcement was going to be brought before the Board several times.

#### Board Discussion

Under advisement of Deputy AG Wynhoff, Lemmo proceeded to present the submittal. The Board asked questions regarding Mr. Peabody and his lack of response to the violations in the conservation area.

#### Public Testimony-None

**01.22.2021/01:30:27**

#### **MOTION**

**Approved as submitted (Gomes, Char) unanimous.**

Chair Case noted Mr. Peabody could orally request a contested case before the end of the meeting and follow-up within 10-days in writing.

**01.22.2021/01:32:46**

**ITEM K-3** Conservation District Enforcement Case, OCCL Violation OA 21-3 Regarding an Alleged Unauthorized Structure Located Along the Shoreline Within the Conservation District by Seamails LLC and Liam & Brandee McNamara at 59-175C Ke Nui Road, Paumalū (Sunset Beach), O'ahu; Tax Map Key No.: (1) 5-9-002: 026 (seaward).

Chair Case confirmed with the McNamara's, the process of requesting a contested case. They confirmed they understood but were not requesting a contested case at this time but reserve the right to request a contested case by the end of the meeting.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Liam & Brandee McNamara are present.

#### Board Discussion

They are in a difficult situation as sea-levels continue to rise, the homes in the area are built on sand dunes and the beach has been armored without permits. There was a robust discussion surrounding the circumstances that led to the homeowner repairing the seawall.

#### Public Testimony

Liam McNamara, provided the history of his ownership of the house and that the owner and realtor told him the seawall was grandfathered in. They repaired the seawall after a hurricane came through and compromised the seawall which he felt was a safety issue to the public as there is a public right-of-way right next to his house. They are seeking solutions.

#### **01.22.2021/02:59:29**

Member Yuen made the Motion to Approve Staff submittal with amendments. Member Char second the motion. Further discussion followed.

#### *Amendment:*

- 1. The removal of the unauthorized structure be done in 180-days*
- 2. Credit of \$30,000 of the fine, go to documented cost of the removal of the structure*

#### **01.22.2021/03:13:29**

#### **MOTION**

**Approved as amended (Yuen, Char) 5 -Ayes, 2-Nays (Yoon, Gomes).**

***The McNamara's made an oral request for a contested case after the Motion. Chair Case conveyed that they have 10-days to submit their request in writing.***

#### **01.22.2021/03:20:56 Break**

#### **01.22.2021/03:24:21**

**ITEM K-4** Conservation District Enforcement Case, OCCL Violation OA 21-07 Regarding an Unauthorized Structure by Zhungo, LLC and Mr. Rodney Youman Located Along the Shoreline Within the Conservation District at 59-149 Ke Nui Road Paumalū (Sunset Beach), O'ahu; Tax Map Key No.: (1) 5-9-002: 004 (seaward).

Chair Case provided the contested case statement for Mr. Youman. He declined to request it at this time and would wait to hear the outcome.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Rodney Youman is present.

### Board Discussion

Questions regarding the rocks and violation were discussed in length. OCCL will revisit the site.

### Public Testimony

Youman relayed that he had moved the rocks into a hole where a palm tree was. Due to large swells, the burritos collapsed, and the rocks came out as well and cured the violation as soon as he could. He continued to explain the situation.

**01.22.2021/04:06:48**

### **MOTION**

**Deferred (Yuen, Gon) unanimous.**

**01.22.2021/04:06:48**

*Board Member Char has left the meeting.*

**01.22.2021/04:11:21**

**ITEM K-5** Conservation District Enforcement Case, OCCL Violation OA 20-37 Regarding an Unauthorized Structure by Mr. Zdenek "Don" Prchal Located Along the Shoreline Within the Conservation District at 53-227 Kamehameha Highway Punalu'u, O'ahu; Tax Map Key No.: (1) 5-3-002: 034 (seaward).

Chair Case provided the contested case statement for Mr. Prchal. He declined to request it at this time and would wait to hear the outcome. Applicant responded that he will wait to hear the outcome first.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Noting that Don Prchal, due to technical difficulties, is participating through phone and is able to hear and respond.

### Board Discussion

A lengthy discussion followed the presentation of the submittal between the Board, Lemmo, and Prchal.

### Public Testimony-None

**01.22.2021/04:45:21**

### **MOTION**

**Approved as submitted (Gon, Yuen) 5-Ayes 1-Abstain (Gomes)**

**01.22.2021/04:56:00**

**ITEM C-1** Approve grant awards from available funds in the Land Conservation Fund, as requested in applications to the Fiscal Year 2021 Legacy Land Conservation Program and as recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State, for:

- A. Ke Ao Hāli'i (Save the Hāna Coast), \$1,581,700, for the acquisition of approximately 30.3 acres at Hāna, Maui (Maka'ala'e Lands), Tax Map Key Numbers (2) 1-4-012:002 and (2) 1-4-010:030, :032, and :034

- B. Ala Kahakai Trail Association, \$1,475,000, for the acquisition of approximately 1,841.3 acres at Ka'ū, Hawai'i (Kiolaka'a), Tax Map Key Numbers (3) 9-4-001:008, :009, :016, and :017 (and :023, pending final county enrollment of new parcel)
- C. Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'ū, Hawai'i (Manāka'a Fishing Village), Tax Map Key Number (3) 9-5-010:026
- D. Ke Ao Hāli'i (Save the Hāna Coast), \$1,863,300, for the acquisition of approximately 32.7 acres at Hāna, Maui (Mokae Lands), Tax Map Key Numbers (2) 1-4-010:008, :009, :010, and :012
- E. Molokai Land Trust, \$1,100,000, for the acquisition of approximately 1,816 acres at Kona, Molokai (Mapulehu: Valley to Summit), Tax Map Key Numbers (2) 5-7-005:002 and :027
- F. Division of Forestry and Wildlife, \$2,000,000, for the acquisition of approximately 11,020 acres at Wailuku, Maui (Nā Wai 'Ehā), Tax Map Key Numbers (2) 3-2-014:001, (2) 3-3-003:003, and (2) 3-5-003:001
- G. Division of Forestry and Wildlife, \$500,000, for the acquisition of a conservation easement over approximately 2,780 acres at Kona, Hawai'i (Hāloa 'Āina – Royal Hawaiian Sandalwood), Tax Map Key Numbers (3) 7-9-001:013, :014, and :015
- H. Waipā Foundation, \$600,000, for the acquisition of approximately 0.25 acres at Halele'a, Kaua'i (Halulu Fishpond Access), Tax Map Key Number (4) 5-6-004:017
- I. Hawaiian Islands Land Trust, \$700,000, for the acquisition of a conservation easement over approximately 17.1 acres at Ko'olaupoko, O'ahu (Waikalua Loko l'a), Tax Map Key Number (1) 4-5-030:052 (por)
- J. Division of Forestry and Wildlife, \$1,191,500, for the acquisition of approximately 0.46 acres at Honua'ula, Maui (Keone'ō'io Bay Coastal Protection), Tax Map Key Number (2) 2-1-004:068

and

Exempt eight proposed awards of grant funds—for the acquisition of interests and rights in specific parcels of land, identified as Items A, B, C, D, E, F, G, and J above (Maka'ala'e Lands; Kiolaka'a; Manāka'a Fishing Village; Mapulehu: Valley to Summit; Nā Wai 'Ehā; Hāloa 'Āina – Royal Hawaiian Sandalwood; and Keone'ō'io Bay Coastal Protection)—from the requirements to prepare an environmental assessment, pursuant to Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200.1, Hawai'i Administrative

David Penn, Division of Forestry and Wildlife presented the submittal. David Smith, Scott Fretz, Irene Sprecher, Tanya Rubenstein, Michael Millay, Jackson Bauer and Moana Rowland, DOFAW Staff, available for questions.

### Board Discussion

The merits of the proposed acquisitions were discussed in detail.

### Public Testimony

Leimana DeMate, Kawaikapuokanai Hewett, Darlyne Vierra, Sophia Hanoa, Pernell Hanoa, Kupuna Jesse Ke, Rocky Kaluhiwa, Kaweni Ibarra, Kaleo Paik, Keoni Fox, Scott Crawford, Robin Rayner, Davianna McGregor, Butch Haase, Lea Hong, Reyna Ramolete Hayashi, Leah Laramée, Vivian-Malia Fa'agata provided oral testimony.

**01.22.2021/07:10:45**

### **MOTION (1 of 2)**

Member Yuen made a Motion to accept the Staff submittal with *the amendment that the Ala Kahakai Trail Association invite, at a minimum, the groups named in the Aha Moku letter, and Pele Defense Fund, to participate in the planning process. Also, to move Item F up to the D position, and the remaining projects be moved down but kept in the same order.* Member Char seconded the Motion. 3-Ayes (Yuen, Char, Case), 3-Nays (Gomes, Oi, Yoon), 1-Abstain (Gon), MOTION does not pass).

The Board further discussed the merits of the all the applications.

#### *Amendment:*

*Recommendation No. 1: Approve Item A, Maka'ala'e Lands, using a total of \$1,581,700 for the acquisition of approximately 30.3 acres at Hāna and defer the rest.*

**01.22.2021/07:26:14**

### **MOTION (2 of 2)**

**Approved as amended (Gomes, Oi) unanimous (note: Vernon Char has returned to the meeting)**

**01.22.2021/07:44:50**

**ITEM C-2** Request for delegation of authority to the Chairperson to Enter into a Memorandum of Understanding with Hui O Ko'olaupoko to assist with invasive mangrove removal and other resource management at the Kawainui Marsh State Wildlife Sanctuary, Kailua, Ko'olaupoko, O'ahu; Tax Map Key Nos.: (1) 4-2-016: 002 & 015,

and

Request for Declaration of Exemption from preparation of Environmental Assessment under HRS Chapter 343 and HAR Chapter 11-200.1.

Dave Smith, Division of Forestry and Wildlife presented the submittal.

### Board Discussion

The area of work was clarified by Smith.

### Public Testimony

Kristen Nalani Kāne stands by her written testimony and supports the submittal.



**01.22.2021/07:47:30**

**MOTION**

**Approved as submitted (Char, Gon) unanimous (Note: Member Yoon has left the meeting)**

**01.22.2021/07:50:30**

*Chair Case stepped out and Member Gomes is acting Chair.*

**01.22.2021/07:50:50**

**ITEM L-1** Request Authorization for the Chairperson to Negotiate and Enter into a Memorandum of Agreement with the City and County of Honolulu, Board of Water Supply, to transfer Capital Improvement Project Funding for the Kunia Wells IV Exploratory Well Project, Ewa, Oahu, Tax Map Key No.: (1) 9-4-003: 010.

Carty Chang, Engineering Division, presented the submittal. Kathy Mitchell (BWS), Cindy Young, are present to answer any questions. Cindy Young Deputy Attorney General present

Board Discussion

The farmers will benefit from this. Mitchell noted that they are working on a water use plan for the farmers and will play an important role.

Public Testimony

Kathy Mitchell, BWS provided information on the project.

**01.22.2021/07:49:50**

*Chair Case returned to the meeting.*

**01.22.2021/07:57:51**

**MOTION**

**Approved as submittal (Gon, Oi) unanimous. (Note: Yoon will not be returning to the meeting).**

**01.22.2021/07:58:05 (No AG)**

**ITEM L-2** Request authorization for the Chairperson to enter a Memorandum of Understanding with the U.S. Department of Interior, U.S. Geological Survey for the Collection and Exchange of Mineral Resources Data in Hawaii.

Carty Chang, Engineering, made one correction to the submittal changing the date to reflect January 22, 2021.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as amended (Gomes, Gon) unanimous (6-members).**

**01.22.2021/07:59:32**

**ITEM E-3** Request Land Board Approve Submitting and Recommending to the Governor Acceptance of the Final Environmental Impact Statement for the Kealahou Bay State Historical Park Master Plan Project, Kealahou, South Kona, Hawai'i; Tax Map Key Nos.: (3) 8-1-007: 050; (3) 8-1-010: 001; (3) 8-1-011: 001, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014 & 016; and (3) 8-2-004: 001, 002, 008, 009, 010 & 015.

An electronic version of the Final EIS is available online, at:

[https://dlnr.hawaii.gov/dsp/files/2021/01/Kealahou-Bay-SHP-FEIS\\_Oct.2020\\_26MB.pdf](https://dlnr.hawaii.gov/dsp/files/2021/01/Kealahou-Bay-SHP-FEIS_Oct.2020_26MB.pdf).

Curt Cottrell, State Parks, presented the submittal. Martha Yent (SP) present to answer any questions.

Board Discussion-None

Public Testimony

Kawaikapuokanai Hewitt and Leimana Damate, provided support for the submittal.

**01.22.2021/08:17:02**

**MOTION**

Approve as submitted (Yuen, Gon) unanimous (6 members).

**01.22.2021/08:17:02**

**ITEM E-1** Amendment of General Lease No. SP0156, Frederick Bruce Wichman, also known as Frederick B. Wichman, Lessee, Waimea Canyon State Park, Lot 33, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Tax Map Key No.: (4) 1-4-004: 018. The Purpose of the Amendment is to correct the Termination Date to read, December 31, 2028, and to correct the identification of the Lot, which is identified in Exhibits A and B of the Original General Lease;

and

Consent to assign General Lease No. SP0156, Frederick Bruce Wichman, also known as Frederick B. Wichman, Assignor, to, Assignees, Stephen Atwood Wichman and Anthony Isaac Wichman.

**ITEM E-4** Selection of Projects for Federal Grant Awards through the Land and Water Conservation Fund Program with Fiscal Years 2019 and 2020 Funds: Park Improvements at Mālaekahana State Recreation Area - Kahuku Section, O'ahu, Tax Map Key Nos.: (1) 5-6-001: 024, 045, 046, 047, 049, 051, 053, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064 & 065; Acquisition of Land Buffer at Ulupō Heiau State Historical Park, O'ahu, Tax Map Key No.: (1) 4-2-103:032; and Renovation of Ballcourts at Three (3) County of Kaua'i Parks (Puhi Park, Bryan J. Baptiste Sports Complex, and Wailua Houselots Park), Tax Map Key Nos.: (4) 3-3-005: 008, (4) 4-5-015: 032, and (4) 4-1-016: 042.

Curt Cottrell, State Parks, noted he did not have anything to add to Items E-1 and E-4, present to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted, Item E-1 and E-4 (Oi, Gomes) unanimous (6-Members)**

**01.22.2021/08:19:27**

**ITEM F-1** Request for Approval to Enter into a Grant-in-Aid Contract Agreement (\$500,000 State Capitol Improvement Project Funds) between DLNR Division of Aquatic Resources and Pacific American Foundation, Inc. (PAF Hawaii) for a project titled “Kaneohe Aquaculture and Community Development Complex.”

Brian Kanenaka, Division of Aquatic Resources, presented the submittal.

Board Discussion-None

Public Testimony-None

**01.22.2021/08:20:22**

**MOTION**

**Approved as submitted (Gon, Oi) unanimous (6-members).**

**01.22.2021/08:21:51**

**ITEM J-1** Request for Approval and Adoption of amendments to Hawaii Administrative Rules Section 13-256-73, Kaneohe Bay ocean waters, to clarify its Commercial Activity provisions.

The Proposed Rule amendment can be reviewed in person at the DLNR Division of Boating and Ocean Recreation (DOBOR) O’ahu District Office from 8:00 am to 3:30 pm, Monday through Friday, except State holidays: 4 Sand Island Access Road, Honolulu, HI 96819.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dobor/draft-rules>.

Location and contact information for DOBOR offices is available online at: <https://dlnr.hawaii.gov/dobor/contact>.

Ed Underwood, Division of Boating and Ocean Recreation, presented the submittal. Deputy AG Daniel Morrison present to answer any questions.

Board Discussion-None

Public Testimony-None

01.22.2021/08:24:01

**MOTION**

**Approved as submitted (Gon, Oi) unanimous (6-members)**

01.22.2021/08:24:16

**ITEM J-2** Adoption of the DLNR Division of Boating and Ocean Recreation Sublease Rent Participation Policy.

Ed Underwood, Division of Boating and Ocean Recreation present.

Board Discussion

There were questions that would be lengthy, it was suggested to defer this item at this time.

Public Testimony-None

01.22.2021/08:25:09

**MOTION**

**Defer (Yuen, Gomes) unanimous (6-members).**

01.22.2021/08:26:13

**ITEM D-1** Amend Prior Board Action of April 9, 2020, Item D-2, *Amend Prior Board Action of June 8, 2018, Item D-1, Issuance of Direct Lease to the Roman Catholic Church in the State of Hawaii, Saint Theresa School, for Parking Purposes, Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-3-004: 054, and (4) 1-3-011: 001.*

The purpose of the prior amendment was to *expand the character of use to include temporary storage and school events.*

The purpose of the current amendment is to include an immediate Management and Construction Right-of-Entry Permit to allow the Roman Catholic Church in the State of

Hawaii, Saint Theresa School, to conduct maintenance activities and erect a security fence to restrict the unauthorized dumping of abandoned vehicles and trash upon the premises.

Board Discussion-None

Public Testimony-None

**ITEM D-2** Amend Prior Board Action of November 13, 2020, Item D-5, *Amend Prior Board Action of February 23, 2018, Item D-2, Grant of Term, Non-Exclusive Easement to the County of Kauai, Department of Public Works (COK DPW), for its Lihue Town Core Mobility and Revitalization Project [FAP No. TGR-0700(073)], Kalapaki, Lihue, Kauai, Tax Map Keys: (4) 3-6-002: 021 & 022; and Issuance of an Immediate Management and Construction*

*Right-of-Entry to COK DPW for Proposed Lihue Town Core Mobility and Revitalization Project, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-6-002: 021 & 022.*

The purpose of the prior amendment was to: 1) *change the duration of the easement from term to perpetual, and 2) to correct the description of the easement Character of Use to read, "Right, privilege and authority to construct, use, maintain and repair an easement over, under and across State-owned land for shared-use path purposes.*

The purpose of the current amendment is to increase the area being utilized under Easement 1 from 6,500 square feet to 9,115 square feet, and increase the area being utilized under Easement 2 from 400 square feet to 790 square feet.

Kevin Moore, Land Division, amended the submittal.

Board Discussion-None

Public Testimony-None

*Amendment:*

*Amended the submittal to correct the area associated with Easements 1 and 2. The area of Easement 1 will be increased from 400 square feet to 790 square feet and the area of Easement 2 will be increased from 6,500 square feet to 9,115 square feet, wherever the easements and their areas are referenced in the submittal.*

**MOTION**

**Approved as amended**

**ITEM D-3** Mutual Cancellation of Revocable Permit No. S-7536 to Wallace Ah Fook Aki for Residential Purposes and Waiver of Phase 1 Environmental Site Assessment, Waiakea, South Hilo, Hawai'i, Tax Map Key No.: (3) 2-1-007: 020.

Board Discussion-None

Public Testimony-None

**ITEM D-4** Consent to Assign General Lease No. S-3596, Loke M. Hill-Higgins, Personal Representative of the Estate of Lesley Hill, Deceased, Assignor, to Paradise Plants Home and Garden Center LLC, Assignee, Waiakea, South Hilo, Hawai'i, Tax Map Key No.: (3) 2-2-049: 011.

Board Discussion-None

Public Testimony-None

**ITEM D-5** Grant of Term, Non-Exclusive Easement to Association of Apartment Owners of Wailea Elua for Beach Access Stairway Purposes; Issuance of Immediate Management Right-of-Entry Permit, Wailea, Maui, Tax Map Key No.: (2) 2-1-008: 069 (seaward).

Board Discussion

Is the replacement of the Right-of-Entry with Revocable Permit on the Agenda Title allowed? Deputy AG Wynhoff concurred it was allowed.

Public Testimony-None

*Amendment:*

*Amend the submittal title to replace "Right-of-Entry" with "Revocable Permit", and also amended recommendation 3 as follows: (i) replace "Right-of-Entry" with "Revocable Permit"; (ii) require applicant to post a removal bond in an amount to be approved by Chair after consultation with Engineering Division and Land Division to cover the cost of the demolition and removal of the portion of the staircase located on State submerged lands in the event the easement for the staircase does not receive Governor's or legislative concurrence; and (iii) delegate to Chair the determination of an appropriate rental amount.*

**MOTION**

**Approved as amended (Gon/Char) unanimous (6-members).**

**ITEM D-8** Authorize a One-Year Holdover of General Lease No. S-5219, SubCom, LLC, Lessee, Sand Island, Honolulu, Oahu, Tax Map Key No.: (1) 1-5-041: 333.

Board Discussion

Is there another location that SubCom? LLC move to if DAR takes over that parcel. Moore replied, yes, they are looking for somewhere out of Honolulu Harbor. What is the timeline for DAR to move? He is not sure.

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Oi) unanimous (6-members)**

**ITEM D-9** Set Aside to DLNR Division of Aquatic Resources, for Addition to Fisheries Research Center and Related Purposes, Sand Island, Honolulu, Oahu, Tax Map Key No.: (1) 1-5-041: 333.

Kevin Moore, Land Division, available to answer any questions for Items D-1 through D-9.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Item D-1, D-2, D-3, D-4, and D-9. Approved as amended, Item D-2 and D-5 (Gon, Oi) unanimous (6-members).**

There being no further business, Chair Case, adjourned the meeting. Recording(s) of the meeting and written testimonies received by the requested deadline can be found on-line with the submittal and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully Submitted,

*Darlene Ferreira*

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Darlene S. Ferreira  
Land Board Secretary

Submitted for Approval,

*Suzanne D. Case*

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Suzanne D, Case  
Chairperson  
Board of Land and Natural Resources  
Department of Land and Natural Resources