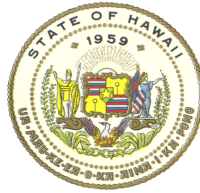


DAVID Y. IGE  
GOVERNOR OF HAWAII



**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

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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

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

DATE: April 23, 2021, 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Sam Gon  
Chris Yuen  
Kaiwi Yoon

Jimmy Gomes (9:30 AM)  
Tommy Oi  
Vernon Char

**STAFF**

Russell Tsuji-Land Division  
Brian Kanenaka-DAR  
Cathy Gewecke-DAR  
Carty Chang-ENG  
Tony Koyamatsu-ENG

Kevin Moore-Land Division  
Ed Underwood-DOBOR  
Megan Statts-DOBOR  
Richard Howard-DOBOR  
Sam Lemmo-OCCL

**OTHERS**

Cindy Young/AG  
Derrick Carne DOT HAR  
Hauhani Kane/F2  
Cory Harden/M10  
Christina Ohira/D3  
Christopher Goodwin/D3  
Dan Morris/J1,J2  
Beryl Blaich/C2  
Rick Warshauer/C2  
Janice Palma-Glennie/C2

Abby Lareau/DOT AIR  
Pelika Andrade/F1  
Bill Wynhoff/D3  
Doug Chin/D3  
Ryan Arfman/D3  
Brad Seymour/D4  
Jennifer Pham/K1  
John Sinton/C2  
Kanoe Wilson/C2  
Terry Eckland/C2

**ITEM A-1**

Carol Fong/C2  
Megan Lamson/C2  
John Replogle/C2  
Pelehonuamea Harmon/C2  
Shalan Crysdale/C2  
Leilani Rodrigues/C2  
Wendy Scott-Vance/C2  
Jeannette Bento/C2  
Kawaikapuokalani Hewett/C2  
Kaweni Ibarra/C2  
Sharon Moraes/C2  
Fauna Kness/C2  
Emalia Keohokalole/C2  
Sophia Hanoa/C2  
Aloha Beck/C2

Aina Akamu/C2  
Nohealani Kaawa/C2  
Matt Clark/C2  
Nick Belluzzo/C2  
Pine Harmon/C2  
Rocky Kaluhiwa/C2  
Aaron Walker/C2  
Darlyne Viera/C2  
Jesse Ke/C2  
Paulette Ke/C2  
Michell Galimba/C2  
Jodie Rosam/C2  
Luana Fox/C2  
Perrell Hanoa/C2

**04.23.2021/00:00:27**

Chair Case called the meeting to order and noted that due to Covid-19 pandemic, the meeting is being held via Zoom and live-streamed on YouTube. Those who requested to provide oral and written testimony have done so in advance of the meeting. Noted that Items will be taken out of order.

**04.23.2021/00:01:09**

Member Gon read the standard contested case statement. Chair Case announced that Item F-4 has been withdrawn from the agenda and provided the order of today's Items.

**04.23.2021/00:04:21**

**ITEM A-1** Approval of the March 23, 2021, Land Board Meeting Minutes.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Yoon, Gomes) unanimous**

**04.23.2021/00:05:40**

**ITEM F-1** Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Pelika Andrade, Nā Maka Onaona (Formerly Nā Maka o Papahānaumokuākea) and the University of Hawai'i at Mānoa, for Access to State Waters to use Traditional Ecological Knowledge to Conduct Intertidal Surveys and Monitoring to Advise and Direct Management Strategies for Intertidal Fisheries Activities.

**ITEM F-2** Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Haunani H. Kane, Postdoctoral Research Fellow, Department of Marine Science, University of Hawai'i at Hilo, for Access to State Waters

for the Research and Surveying of Sediment to Determine the Impacts of Extreme Storms on Critical Habitat and Near Shore Marine Environments Activities.

Cathy Gewecke, Division of Aquatic Resources presented Items F-1 and F-2. Pelika Andrade and Dr. Haunani Kane (applicants) present to answer any questions.

#### Board Discussion

Can you report back with a PowerPoint to the Board on your findings? Gewecke replied, yes.

#### Public Testimony

Andrade gave a brief report on their findings on inter-tidal research.

#### **MOTION**

**Approved as submitted Items F-1 and F-2 (Gon, Gomes) unanimous.**

**04.23.2021/00:12:28**

**ITEM M-1** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Civil Air Patrol, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 22.

**ITEM M-2** Issuance of a Revocable Permit for Aircraft Parking, Civil Air Patrol, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.

**ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Civil Air Patrol, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

**ITEM M-4** Issuance of a Revocable Permit for Spaces to install Two (2) CCTV Cameras in Lobby 8 and One (1) CCTV Camera in Baggage Claim 30 for Airline Operations, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 042 (Portion).

**ITEM M-5** Issuance of a Revocable Permit for Check-in Counters and Offices, Kamaka Air, Inc., Kahului Airport, Tax Map Key: (2) 3-8-1: Portion of 217.

**ITEM M-6** Issuance of a Direct Lease for Land for a Self-service Fueling Facility, Douglas Aircraft, Inc., Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.

#### Board Discussion

Noted that within DOT, there is a finding that it encourages competition.

*Amendment:*

*Add a finding that it encourages competition.*

**ITEM M-7** Issuance of a Revocable Permit for Aircraft Parking, Dr. Timothy E. Kale, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.

**ITEM M-8** Issuance of a Revocable Permit for Aircraft Parking, James M. Donovan, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.

**ITEM M-9** Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, Joseph Moran, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.

Abby Lareau, DOT Airports present to answer questions for Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, and M-9.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6 (as amended), M-7, M-8, and M-9 (Char, Gomes) unanimous.**

**04.23.2021/00:12:28**

**ITEM M-10** Issuance of a Revocable Permit for Office Space and Check-in Counters, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2 1-12: Portion of 09.

Board Discussion

A lengthy discussion regarding helicopter noise, 1973 EIS and how the Board can address the community's concern. One action that could be taken is to write to the for FAA for guidance and express the communities' concerns.

Public Testimony

Cory Harden requested a supplemental EIS and written guidance from the FAA on the State's responsibility for reducing noise impacts.

**04.23.2021/00:27:03**

Member Yuen made a motion to go into Executive Session, Member Gon seconded the motion. Unanimous.

**04.23.2021/00:30:28 Back in Session**

*Amendment:*

*Chair Case on behalf of the Board to send a letter to the FAA relating the communities concerns on noise and the role of the BLNR regarding flight paths and aircraft noise in consultation with the State Department of Transportation.*

**MOTION**

**Approved as amended (Yuen, Gomes) unanimous.**

**04.23.2021/00:32:07**

**ITEM M-12** Issuance of a Construction Right-of-Entry, Grant of Easement (Perpetual, Non-Exclusive), and Issuance of Lease by Direct Negotiation to Hawaiian Electric Company, Inc. for the Installation and Operation of New Utility Lines and Related Facilities needed

to Service the Kapalama Container Terminal, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-3-025:002, Portion of 011.

Derrick Carne, DOT Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**04.23.2021/00:33:12**

**ITEM M-11** Report to the Board on the status of DOT Airports qualified fixed-base operator leases at Lihue Airport (**Non-Action Item**). (This item was deferred to 4/23/21 Agenda Meeting from the last 4/9/21 Agenda Meeting).

Abby Lareau provided her findings on fixed-base operator leases and provided a process going forward and answered questions from the Board. The Board thanked Lareau for her diligence and reporting back to the Board.

**04.23.2021/00:55:30 Break**

**04.23.2021/01:10:30**

**ITEM C-1** Amend prior Board action of January 22, 2021, Agenda Item C-1, Approval for 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.

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

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Gon) 6-Ayes (Oi not present)**

**04.23.2021/01:12:29**

**ITEM C-2** 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 Parcels of Land having value as a resource to the State, for:

- A. KE AO HALI'I (SAVE THE HĀNA COAST) APPROVED JANUARY 22, 2021, UNDER AGENDA ITEM C-1
- 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) 9-4-01:008:009, :016, :017, AND :023
- 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, (APPLICATION WITHDRAWN)~~
- D. KE AO HALI'I (SAVE THE HĀNA COAST), \$1,863,300, FOR THE ACQUISITION OF APPROXIMATELY 32.7 ACRES AT HĀNA, MAUI (MOKAE II LANDS), TAX MAP KEY NUMBERS: (2) 1-4-010:008, :009:010, AND :012.
- E. ~~MOLOKA'I 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 (APPLICATION WITHDRAWN)~~
- 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. THE WAIPA 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 I'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 Proposed Awards for Acquisition of Interests and Rights in Parcels of Land identified as Sub-Items F and J Protection) from the Requirement to provide an Easement to the Department, Pursuant to Section 173A-4, Hawai'i Revised Statutes

and

Exempt Proposed Awards for the Acquisition of Interests and Rights in Parcels of Land, identified as Sub-Items B, D, F, G, and J above from the Requirement to prepare an Environmental Assessment, Pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 11-200.1, Hawai'i Administrative Rules.

David Smith, Division of Forestry and Wildlife presented the submittal. David Penn available to answer any questions. Smith noted a technical omission to add the execution of the grant agreement with Board. Robin Rayner provided information for Save Hana Coast. Reyna Ramole, and Keoni Fox presented on behalf of Ala Kahakai Trail Association.

#### Board Discussion

There was extensive discussion with the oral testifiers and Ala Kahakai Trail Association regarding the acquisition.

#### Public Testimony

The following provided public testimony: Janice Palma-Glennie, Terry Eckland, Carol Fong, Aina Akamu, Megan Lamson, Nohea, John Replogle, Matt Clark, Pelehonuamea Harmon, Nick Belluzzo, Shalan Crysdale, Pine Harmon, Leilani Rodrigues, Rocky Kaluehiwa, Wendy Scott-Vance, Aaron Walker, Jeannette Bento, Kawaikapuokalani Hewett, Darlyne Vierra, Jesse Ke, Kaweni Ibarra, Paulette Ke, Sharon Moraes, Michell Galimba, Fauna Kness, Jodie Rosam, Emalia Keohokalole, Luana Fox, Sophia Hanoa, and Perrell Hanoa,

#### *Amendment:*

1) ***Amended to read as follows:*** *Authorize the Chairperson to enter into agreements and encumber Fiscal Year 2021 funds from the Land Conservation Fund, based on a recommendation by the Land Legacy Conservation Commission, with Ala Kahakai Trail Association for up to \$1,475,000 (full award) for the acquisition of approximately 1,841.3 acres at Ka'ū, Island of Hawai'i, with a conservation easement held by the County of Hawai'i or other suitable entity, and with Ke Ao Hali'i for up to \$1,863,300 (partial award) for the acquisition of approximately 32.7 acres at Hāna, Island of Maui, with a conservation easement held by Hawaiian Islands Land Trust or other suitable entity, and co-held by the County of Maui if the County so requires – together using a total of up to \$2,818,300 from beneath the Fiscal Year 2021 spending ceiling for the Legacy Land Conservation Program, subject to:*

- a) *compliance with Chapter 173A, Hawai'i Revised Statutes;*
- b) *compliance with Chapter 343, Hawai'i Revised Statutes;*
- c) *execution of a Grant Agreement with the Board, including a clause stating that "After a community engagement process, and in the interim during the process, the Awardee shall implement reasonable managed public access, mauka-makai and lateral, on a nondiscriminatory basis.";*

- d) certification of an appraisal by the Department;
- e) insertion of Legacy Land Conservation Program restrictions and covenants into the deeds as a condition of contractual agreements with the grant recipients;
- f) approval of the Grant Agreement and of the Deeds by the Attorney General's office;
- g) the availability of funds;
- h) the approval of the Governor;
- i) such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
- j) for the Grant Agreement with Ala Kahakai Trail Association, inclusion of a clause stating that "Ala Kahakai Trail Association, after acquiring the Kiolaka'a property:

- 1. shall make an inclusive community management planning process for Kiolaka'a;
- 2. shall invite Ka'ū descendants, residents, non-profits, community groups, ranchers, and anyone who has a relationship to Kiolaka'a to participate in the community management planning process;
- 3. shall invite Ka'ū descendants, residents, and organizations to partner on stewardship projects for Kiolaka'and/or participate on the Stewardship Committee;
- 4. shall add additional board members that are Ka'ū residents
- 5. shall host quarterly community meetings to keep the Ka'ū community updated about its land protection efforts; and
- 6. shall—if it determines in its discretion that a Ka'ū nonprofit, a State agency, or a County agency has the capacity to carry the kuleana of owning these lands, meets State and County requirements, and is supported by the community—work with that entity to request BLNR and County approval to transfer the deed to said entity."

2) **Amended to read as follows:** Approve as a contingency in the event that an awardee (including the award previously approved for Ke Ao Hali'i, sub-item A) is unable to accept all or part of its awarded Fiscal Year 2021 funds the Legacy Land Conservation Commission recommendation to award remaining, available Fiscal Year 2021 funds from the Land Conservation Fund, up to the amounts originally requested in the applications, but not to exceed \$3,500,000 from beneath the Fiscal Year 2021 spending ceiling for the Legacy Land Conservation Program, to:

- a. The Division of Forestry and Wildlife, as first alternate, for the acquisition of approximately 11,020 acres at Wailuku, Island of Maui (Nā Wai 'Ehā);
- b. The Division of Forestry and Wildlife, as second alternate, for the acquisition of a conservation easement over approximately 2,780 acres at Kona, Island of Hawai'i (Hāloa 'Āina);
- c. The Waipa Foundation, as third alternate, for the acquisition of approximately 0.25 acres at Halele'a, Island of Kaua'i, with a conservation easement held by the County of Kaua'i or other suitable entity (Halulu Fishpond Access);
- d. Hawaiian Islands Land Trust, as fourth alternate, for the acquisition of a conservation easement over approximately 17.1 acres at Ko'olaupoko, Island of O'ahu, to be co-held by the City and County of Honolulu if the City so requires (Waikalua Loko I'a); and
- e. The Division of Forestry and Wildlife, as fifth alternate, for the acquisition of approximately 0.5 acres at Honua'ula, Island of Maui (Keone'ō'io Bay Coastal Protection);



*subject, as applicable, to conditions a through i as stated in Recommendation 1, above, and to all other standard conditions governing Legacy Land Conservation Program grant agreements and Department land acquisitions.*

- 5) *Exempt the five proposed uses of State funds for Fiscal Year 2021 Legacy Land Conservation Program grant awards from the Land Conservation Fund to acquire interests and rights and interests in land from the requirement to prepare an environmental assessment, in accordance with Sections 343-5 and 343-6, Hawai'i Revised Statutes; Sections 11-200.1-1, -2, -8, -13, -14, -15, and -16, Hawai'i Administrative Rules; and the Department of Land and Natural Resources Exemption List, reviewed and concurred on by the Environmental Council on November 10, 2020.*

### **MOTION**

**Approved as amended (Yuen, Yoon) unanimous.**

**04.23.2021/03:30:01 Break**

**04.23.2021/04:16:45**

**ITEM D-3** Enforcement Action for Unauthorized Encroachment and Work on Unencumbered State Lands, Hawaii Administrative Rules Chapter 13-221, and Hawaii Revised Statutes, Section 171-6, against Corine Hayashi, HTH DH Ventures LLC, and Sea Engineering, Inc. at Honolulu, Oahu, Tax Map Key: (1) 3-1-039: portions of 065.

Chair Case asked if a Contested Case is being requested? Chin representing the Owner and Sea Engineering is not requesting a contested case.

Russell Tsuji, Land Division presented the submittal and noted that Land would like to strike Recommendation #1. Barry Cheung (Land), Bill Wynhoff (Deputy AG), Doug Chin, Christina Ohira, Ryan Arfman and Christopher Goodwin representing the owner present to answer questions.

### **Board Discussion**

The question was asked if the owners were cooperative and compliant? Tsuji replied yes and clarified how the fines were assessed.

### **Public Testimony**

Doug Chin provided the sequence of events leading to the fine and asked for a reduction in fine.

### **Amendment:**

*Amended staffs' recommendation by reducing the fine to \$4,000 and ordered the fine and administrative costs totaling \$4,465.34 be assessed against and paid only by HTH DH Ventures LLC.*

### **MOTION**

**Approved as amended (Gon, Yoon) 6-Ayes 1-Nay (Gomes)**

**04.23.2021/04:46:35**

**ITEM D-4** Issuance of Revocable Permit to Seymour Resources Hawaii for Agriculture Purposes Kapaa, Kawaihau (Puna), Kauai, Hawaii, Tax Map Key: (4) 4-6-004:013.

Russell Tsuji, Land Division presented the submittal and disclosed that the applicant has currently have a contract to maintain the East Kauai Irrigation System that is not related to this parcel.

Board Discussion

Does the applicant realize that plants and irrigation could revert to the State if the RP is revoked? Seymour replied yes. There was discussion as to why this was not put up for an auction lease. Tsuji noted that the cost to for appraisal and associated cost outweigh the costs for an upset price. Transferring to DOA under Act 90.

Public Testimony

Brad Seymour noted that he was looking forward to trying to feed the community.

**MOTION**

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

**04.23.2021/04:59:56**

**ITEM J-1** Adoption of the Division of Boating and Ocean Recreation Sublease Rent Participation Policy.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal. Megan Statts, Richard Howard (DOBOR) and Daniel Morris (Deputy AG) present to answer questions.

Board Discussion

There was a robust discussion regarding Sublease Rent Participation.

Public Testimony-None

**MOTION**

**Approved the recommendation to use the same rent participation policy as Land Division (Gomes, Gon) 6-Ayes, 1-Nay (Yuen)**

**04.23.2021/05:11:01**

**ITEM J-2** Approval of Modification of Navigational Aids Construction Project at Lahaina Small Boat Harbor; Lahaina, Maui, Hawaii.

Declare Construction Project Exempt from the Preparation of an Environmental Assessment,

and

Delegate Authority to Chairperson to Approve, Procure and Award Construction Contract and Enter into Any Supplemental Agreements or Other Agreements Necessary to Implement the Construction Project

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted and approve the project (Gomes, Gon) unanimous.**

**04.23.2021/05:12:50 Break**

**04.23.2021/05:28:58 Back in Session**

Chair Case conveyed that they would take the email request by the Pele Defense Fund and Kau Advisory Council request as an oral request for a Contested Case and reminded them to follow up in writing within 10-days.

**04.23.2021/05:29:52**

**ITEM K-1** Conservation District Enforcement OA 19-42 Alleged Unauthorized Land Use [Pier] by David Pham, Jennifer Pham, and Deandrea Pham Located Upon Submerged Land of Kāneʻohe Bay, Makai of 45-030 Springer Place, Kāneʻohe, Koʻolau Poko, Oʻahu, Tax Map Key: (1) 4-5-047:118.

Chair Case noted that a request for contested case can be made before hearing the case or after hearing the submittal.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Jennifer Pham present to answer questions.

Board Discussion

Circumstances surrounding the rebuilding of the pier, fines, and compliance were discussed.

Public Testimony

Jennifer Pham provided information on the circumstances regarding the re-built pier and would like to apply for the after-the-fact permit. Felt the \$15,000 fine was excessive.

*Amendment:*

*Remove condition #6 and the Pham's to apply for an After-the-Fact CDUA permit within 3-years.*

**MOTION**

**Approve as amended (Gon, Oi) unanimous.**

**04.23.2021/06:00:34**

Chair Case let Hanoa Pernell rejoin the meeting regarding the request for contested case and acknowledged the receipt of the request and asked that they follow up in writing within 10-days.

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

Approved for Submittal:

*Suzanne D. Case*

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