

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**APPROVED AS SUBMITTED
AT ITS MEETING HELD ON**

JULY 27, 2021 *date*

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

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

DATE: May 14, 2021, 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 Division
Brian Kanenaka-DAR
Cathy Gewecke-DAR
Carty Chang-ENG
Tony Koyamatsu-ENG
Curt Cottrell-Parks
David Penn-DOFAW
David Neilson-DAR
Troy Sakihara-DAR
Barry Cheung-Land

Kevin Moore-Land Division
Ed Underwood-DOBOR
Megan Statts-DOBOR
Richard Howard-DOBOR
Sam Lemmo-OCCL
David Smith-DOFAW
David Sakoda-DAR
Russell Sparks-DAR
Ian Hirokawa-Land

OTHERS

Linda Chow/AG
Kathy Muneno Thompson/F4
Mark Lane/L1
Eric Agenda/D1
Stewart Masunaga/D6
Austin Tsutsumi/D6
Jim Geiger/D7
Shannon Park/D9
Duane Fisher/D9
Chris Camit/J2
Forest Jenkins/K1
Paul Wells/K1
Robert Brown/K2

Abby Lareau/DOT AIR
Dan Byron/L1
Keoni Furse/L1
Adam Bauer/D4
Adrianne Wong/D6
Jeff Ueoka/D7
Chris Sanger/D9
Robert Martin/D9
Dan Morris/J1, J2
Lauren Chun/K1, K2
Peter Young/K1
Christine Ohia/K2
Andrew Rocheleau/D8

ITEM A-1

05.14.2021/00:05:01 *(Note there were technical difficulties)*

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 and members of the public may watch the meeting live streaming on YouTube.

05.14.2021/00:17:01

Member Gon read the Standard Contested Case Statement Request.

Item I-1 has been withdrawn from the agenda.

05.14.2021/00:27:01

- ITEM M-1** Issuance of a Revocable Permit for Parking of Ground Service Equipment for Airline Operations, Aero Micronesia, Inc. dba Asia Pacific Airlines, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:001 (Portion).
- ITEM M-2** Issuance of a Revocable Permit for an Office and Pilot Training Facilities, Kamaka Air, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072:018 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for Storage and Staging of Equipment and Clean Soil, NCNS Environmental, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-4:006 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for a Construction Staging Area for materials, Paul's Electrical Contracting, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).
- ITEM M-5** Issuance of a Revocable Permit for Passenger Check-In and Office Space in the Diamond Head Terminal, Southwest Airlines Co., Daniel K. Inouye International Airport Tax Map Key: (1) 1-1-003:042 (Portion).
- ITEM M-6** Issuance of a Revocable Permit for Commercial Use of a T-hangar for Storage and Maintenance of Aircraft, Windward Aviation, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013:151.
- ITEM M-7** Issuance of a Revocable Permit for Aircraft Parking, Fly Maui LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: 019 (Portion).
- ITEM M-8** Issuance of a Revocable Permit for Aircraft Parking for Airline Carrier Operations, Southern Airways Express, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01:019 (Portion).
- ITEM M-9** Issuance of a Revocable Permit for Spaces in the Commuter Terminal to perform Airline Carrier Operations, Southern Airways Express, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01:217 (Portion).

- ITEM M-10** Issuance of a Revocable Permit for Office and Ticket Counter Space in the Terminal for Airline Carrier Operations, Southern Airways Express, LLC, Lanai Airport, Tax Map Key: (2) 4 9-02:055 (Portion).
- ITEM M-11** Issuance of a Revocable Permit for Aircraft Parking for Airline Carrier Operations, Southern Airways Express, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43:003 (Portion).
- ITEM M-12** Issuance of a Revocable Permit for Office and Ticket Counter Space for Airline Carrier Operations, Southern Airway Express, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 003 (Portion).
- ITEM M-13** Issuance of a Revocable Permit for Ramp Space for Airline Carrier Operations, Southern Airways Express, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 003 (Portion).
- ITEM M-14** Issuance of a Revocable Permit for Office Space, Southern Airways Express, LLC, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001:008 (Portion).
- ITEM M-15** Issuance of a Revocable Permit for Aircraft Parking, West Hawaii Wingers, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43:003 (Portion).

Public Testimony-None

MOTION

Approved as submitted Items M-1, M-2, M-3 M-4, M-5, M-6, M-7, M-8, M-9, M-10, M-11, M-12, M-13, M-14, and M-15 (Gon, Gomes) unanimous.

05.14.20121/00:05:30

- ITEM F-4** Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Jordan Manley, Narrows Media, and Patagonia Films, for Access to State Waters to Film a Documentary about the Polynesian Voyaging Society Conducting Non-Instrument Navigation Activities.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Kathy Muneno Thompson representing the Applicant is present.

Board Discussion

Comments were offered in favor of the documentary.

Public Testimony

Thompson provided information regarding the voyage.

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.14.2021/00:11:33

ITEM L-1 Re-submittal of Dam Safety Enforcement Action on Ukumehame Reservoirs (MA-0140) for Failure to Comply with Notice of Deficiency, February 18, 2020, Dam Owner: West Maui Investors, LLC (Faraz Daneshgar) Location: Waikapu, Maui County Tax Map Key: (2) 4-8-002:066, (2) 4-8-002:015, (2) 4-8-002:017, (2) 4-8-002:027, (2) 4-8-002:064, (2) 4-8-002:118.

Carty, Chang, Engineering presented the submittal, Edwin Matsuda (ENG), Tony Koyamatsu (ENG), Dan Byron, Mark Lane, and Keoni Furse representing the Owners are present.

Board Discussion

Our obligation is public safety, and this has been an issue from 2008.

Public Testimony

Byron conveyed they are still waiting on permits. Lane noted that they have been challenged with the site to do the decommissioning and asked for leniency.

MOTION

Approved as submitted (Gomes, Yoon) unanimous

05.14.2021/00:38:24

ITEM E-1 Request to Write-Off Uncollectible Account on the Island of Kaua'i. Jill Hana Neerings, General Lease No. SP0129 owing \$10,736.97 and;

Request the Board to Authorize the Chairperson to submit Write-Offs for Review and Approval by the Attorney General pursuant to Hawai'i Revised Statutes Section 40-82.

Curt Cottrell, Division of State Parks presented the submittal.

Board Discussion

There was lengthy discussion regarding the process of collections with Deputy AG Chow and delegation to the Chair to approval of write-offs with the approval of the Attorney General's office.

Public Testimony- None

Member Oi made a Motion to approve as submitted, there was not a second.

Amendment:

Request the Board to Authorize the Chairperson to submit Write-Offs for Review and Approval by the Attorney General pursuant to Hawai'i Revised Statutes Section 40-82 and continue to bring write-offs to the Board.

Member Oi made a Motion to approve as submitted, there was not second.

Approved as amended (Yuen, Gomes) unanimous.

05.14.2021/01:04:23 Break

05.14.2021/01:13:02 Back in Session

ITEM C-1 Request for Approval of the use of Two Data-sharing Agreement Templates for the purpose of protecting location information connected with threatened and endangered species found on private property and Delegation of Authority to DOFAW Administrator to Enter into Agreements.

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

Board Discussion

Have you had discussions with Fish and Wildlife partners and the discussion regarding the Freedom Act? Ashine said they have had that discussion with them and understand Landowner's privacy. What happens when the public has an information request? Deputy AG responded that the Landowner needs to be informed and could refuse access. Further discussion on options.

Public Testimony-None

MOTION

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

05.14.2021/01:25:58

ITEM C-2 Petition for a Contested Case Hearing filed by The Ka'ū Advisory Council regarding Board action of April 23, 2021, Agenda Item C-2, *Approve grant awards from available funds in the Land Conservation Fund, for:*

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, :017, and :023.

David Smith, Division of Forestry and Wildlife presented the submittal. David Penn, present to answer any questions for Legacy Land. (Note: Kau Advisory is not present)

Board Discussion

The Board clarified that there is a Mauka to Makai public access to the shoreline of this property on the Ka'alu'alu Road and from the South Point side, currently at least, through DHHL property.

Public Testimony-None

MOTION

Deny request for Contested Case Hearing (Yuen, Char) unanimous.

05.14.2021/01:40:20: Break

05.14.2021/01:42:56 Back in Session

ITEM F-1 Request for Approval to Hold a Public Hearing to amend and compile Hawaii Administrative Rules (HAR) Title 13 Chapters 51 and 95.1 to update Rules relating to the

Kahalui Harbor Fisheries Management Area, Maui, and Rules relating to the Take and Possession of 'Oama on the Island of Maui.

The proposed rule amendments can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in person, email dlmr.aquatics@hawaii.gov.

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

The proposed rules can also be viewed online at: <http://dlmr.hawaii.gov/dar/rules-and-public-notice/>.

David Sakoda, Division of Aquatic Resources presented the submittal. , Russell Sparks (DAR) present to answer any questions,

Board Discussion

It was clarified that is strictly for Kahalui Harbor and Oama for the Island of Maui,

Public Testimony-None

MOTION

Approved as submitted (Gomes, Char) unanimous.

05.14.2021/01:48:44

ITEM F-2 Enforcement Action against Wayne Keaulana Spatz for Unlawful Use of a Poisonous Substance for the take of Aquatic Life (Tahitian Prawns) in the Pāhe'ehe'e Stream located in Honomū, Island of Hawai'i, Hawai'i.

David Sakoda, Division of Aquatic Resources presented the submittal. Brian Neilson and Troy Sakihara available to answer questions.

Board Discussion

The alleged violators are not present, did DAR try to try to reach Mr. Spats? Sakoda explained the steps they took. Further discussion on the harmful effects of using poison to collect prawns were discussed and how it is difficult it is for enforcement.

05.14.2021/01:53:05

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

05.14.2021/02:02:18 Back in Session

Sakoda proceeded to present the submittal. Sakihara responded to questions asked by the Board regarding the health of the stream and that it will continue to monitor. Approximately 6,000 prawns were killed during this incident.

Public Testimony-None

Amendment to the fine: \$633,840.00

MOTION

Approved as amended (Yuen, Gomes) unanimous.

05.14.2021/02:28:11

ITEM F-3 Approval of Petition for Contested Case Hearing by Jason Beevers Regarding Enforcement Action Against Jason Beevers for Unlawful Collection of Aquatic Life for Aquarium Purposes within the West Hawai'i Regional Fishery Management Area, Island of Hawai'i.

Chair Case recused herself from this enforcement action and left the meeting. Member Gomes will Chair this item.

David Sakoda, Division of Aquatic Resources presented the submittal.

05.14.2021/02:31:00

Due to the absence of the Mr. Beevers, Member Yuen made a Motion to go into Executive Session, Member Gon seconded the Motion. Unanimous

05.14.2021/02:31:56 Back in Session

Board Discussion

Member Yuen made the Motion to accept Staff submittal and Member Gon second the Motion, As Chair Case has recused from this matter, for Part 2 of the submittal, Member Yuen offered to volunteer to be the Hearing Officer. Member Gon made the Motion to accept Member Yuen as the Officer. The vote was unanimous to accept Member Yuen as the Hearing Officer.

MOTION

Approved as amended (Yuen, Gon) 6-Ayes (Chair Case recused).

05.14.2021/02:33:39

Chair Case has returned to the meeting.

05.14.2021/02:34:50

ITEM D-1 Set Aside to Department of Accounting and General Services for Cemetery Purpose; Issuance of Immediate Management Right-of-Entry Permit; Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:018.

Russel Tsuji, Land Division presented the submittal. Eric Agenda (DAGS) present to answer any questions.

Board Discussion-None

Public Testimony- None

MOTION

Approved as submitted (Oi, Gon) unanimous.

05.14.2021/02:36:48

ITEM D-2 Grant of Term, Non-Exclusive Easement to Aukahi Farm LLC for Access and Utility Purposes, Poipu, Koloa, Kauai, Tax Map Key: (4) 2-8-014: portion of Hapa Road fronting Parcel 009.

Russel Tsuji, Land Division presented the submittal.

Board Discussion

Clarification: This is not for ground disturbing activities which is incorporated.

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

05.14.2021/02:41:37

ITEM D-4 Consent to Quitclaim Assignment of an Undivided 20% interest in General Lease No. S-3611 from Kandy J. Carlsmith, Successor Trustee under that Certain Indenture of Trust Created March 26, 1955, by Nelle Wood Carlsmith for the Benefit of Carl Wendell Carlsmith, Edith Mattson Carlsmith and Donn Wendell Carlsmith, as Assignor, to Hawaii Planing Mill, Ltd. dba HPM Building Supply, as Assignee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-032:021.

Kevin Moore, Land Division presented the submittal. Adam Bauer (HPM) present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gomes) unanimous.

05.14.2021/02:44:23

ITEM D-5 Consent to Extension of Lease Term, General Lease No. S-5721, Keahole Point Fish LLC, Lessee, Kalaoa 1st through 4th, North Kona, Hawaii, Tax Map Key: (3)7-3-043: seaward of Kalaoa.

Russel Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gomes) unanimous.

05.14.2021/02:45:31

ITEM D-6 Issuance of Construction Right-of-Entry Permit to Department of Hawaiian Home Lands for Construction of Gravity Sewer and Force Main Lines for the Pulehunui Wastewater System, Pulehunui, Maui, Tax Map Keys: (2) 3-8-008:001, 037 & 038.

Ian Hirokawa, Land Division presented the submittal. Stewart Masunaga (DHHL), Adrienne Wong (Austin Tsutsumi) present to answer questions.

Board Discussion

Member Gomes noted that it was a great project, and the area could use a need light industrial.

Public Testimony

Masunaga & Wong thanked the Board for their support.

MOTION

Approved as submitted (Gomes, Gon) unanimous.

05.14.2021/02:51:24

ITEM D-7 Issuance of Revocable Permit to Mahalo 4593 LLC, a California Limited Liability Company, for Rock Revetment Purposes, Kahana, Lahaina, Maui, Tax Map Key: (2) 4-3-019: seaward of 046.

Ian Hirokawa, Land Division presented the submittal. Jeff Ueoka, and Jim Geiger (Applicant's attorney) present to answer questions.

Board Discussion

How long is this going to take? Hirokawa conveyed they hope to have it done by the next Legislative Session.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

05.14.2021/02:56:24

ITEM D-8 Issuance of Revocable Permit to Sea Engineering, Inc. for Staging Area Purposes; Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:006.

Russel Tsuji, Land Division presented the submittal.

Board Discussion

There was a discussion regarding the parcel and litigation that occurred that did not involve the State. Discussion also addressed flooding in the area. Rocheleau, (Sea Engineering) addressed the issue.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.14.2021/03:04:22

ITEM D-9 Enforcement Action for Unauthorized Encroachments and Commercial Activities on State Lands, Hawaii Administrative Rules Chapter 13-221, and Hawaii Revised Statutes, Section 171-6, against Chris Sanger and Duke's Lagoon LLC at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

Chair Case read the standard Contested Case statement. Chair Case asked Mr. Sanger if he wanted to request a contested case at this time? Shannon Park representing Sanger asked for a deferral the next meeting. Deferral was denied. Sanger requested a contested case.

Member Yuen made a Motion, contingent that they follow-up in writing requesting a contested case, approve the contested case, delegate to the Chair to appoint a Hearing Officer, Member Gon seconded the Motion. Unanimous.

After further discussion Park withdrew the requested case and reserved the right to ask for a contested case after hearing the matter before the Board.

Russell Tsuji noted that Land Division reserves the right to amend their submittal to continue adding additional days of violations up until the day Sanger stops.

Board Discussion

Member Yuen withdrew his Motion made regarding the earlier request for contested case. There was a very robust discussion following Land Division's and Sanger testimony.

Public Testimony

Sanger noted that the "Issue of Pre-Setting" is an undefined term and clarification is requested. Sanger did not agree and felt that they should be put on notice to specific what that is. Sanger noted that "Pre-Setting" is an undefined term. Sanger requested to withdrawn request for a contested case at this time, go ahead to hear the action and reserves the right to request a contested case.

Russell Tsuji, Land Division, proceeded to present the submittal.

MOTION

Approved as submitted (Yuen, Gon) 5-Ayes 1-Nay (Gomes) absent (Yoon)

Counsel orally requested a contested case. Contingent upon respondent filing a timely written request for contested case, the Board approved the contested case and authorized the Chairperson to procure a Hearings Officer.

Member Yuen made a Motion, contingent upon a timely request for a contested case in writing, the Board grants the contested case and delegate to the Chair to appoint a Hearing Officer. Member Gon seconded the Motion. 6-Ayes, noting Member Yoon not present for the vote.

05.14.2021/04:47:00

ITEM D-10 Issuance of Revocable Permit to Yamas Automotive Repair LLC, Waipahu Industrial Park, Hoaeae, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062por.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Char, Gomes) 6-Ayes Yoon absent from vote.

05.14.2021/04:48:19 Recess

05.14.2021/05:15:16 Back from Recess

ITEM J-1 Approve Mediated Settlement of Rent Reopening Dispute in Harbor Lease No. H-78-5, La Mariana Sailing Club, Inc. Lessee, Ke'ehi Small Boat Harbor, Kalihi-Kai, Honolulu, Island of Oahu, Hawaii, Tax Map Key: (1) 1-2-023:052.

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

Board Discussion

Regarding Exhibit A-3, there is the Keehi Marina, what do they pay? Underwood noted they are in rent reopening at this time. Rates for Boat Harbors was discussed.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.14.2021/05:23:59

ITEM J-2 Amend Prior Board Action of January 8, 2021, Item J-4, Amend Prior Board Action of September 11, 2020, Item J-4, Sale of Concession by Sealed Bid for a Five-Year Parking Contract to Operate a Parking Concession Situated at Ala Wai Small Boat Harbor Honolulu, Island of Oahu, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037.

The purpose of the amendment was to replace Chapter 102-2 with Chapter 103D-302, Hawaii Revised Statutes to the Legal Reference of the Board Action.

The purpose of the current Amendment is to include Authorization to purchase parking equipment and to enter into a maintenance agreement with the winning bidder.

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

Board Discussion

There were questions regarding the vendor, management and installation of the parking equipment. Underwood provided the information.

Public Testimony

Chris Camit, Ohana Parking (vendor) explained their role.

MOTION

Approved as submitted (Gon, Char) 6-Ayes, recused (Yoon)

05.14.2021/05:31:27

ITEM K-1 Conservation District Enforcement Case, OA 21-25 Regarding Alleged Unauthorized Structures Located Along the Shoreline Within the Conservation District, and on State Land, by Wells Trust and Maunalua Bay Beach Ohana, at 245 Portlock Road, Island of Oahu, Tax Map Keys: (1) 3-9-002:003 and (1) 3-9-002:029 (Seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal and noted that Item K-2 on this agenda is the neighbor. Forest Jenkins representing the Wells is present to answer questions,

Board Discussion

The reduction in the fine was discussed as well as the timing of the removal of the rocks.

Public Testimony

Forest Jenkins conveyed that the Wells plan to fully comply and they are asking for a reduction in the fine and discuss the time removal of the rocks.

Amendment:

- 1. Timing for the removal of the rocks be within 30-days before the sand by-pass in the area or December 31, 2021, whichever occurs first.*
- 2. Wells be allowed to use up to \$5,000 of the fine for the remediation.*

MOTION

Approved as amended (Yuen, Char) 5-Ayes, 1-Nay (Gomes), 1-Abstain (Yoon)

After the decision, Jenkins requested a contested case and would follow up in writing if they intend to pursue it.

05.14.2021/06:24:09 Break

05.14.2021/06:33:23 Back in Session

ITEM K-2 Conservation District Enforcement Case, OA 21-24 Regarding Alleged Unauthorized Structures Located Along the Shoreline Within the Conservation District, and on State

Land, by Gohana LLC and Maunalua Bay Beach Ohana, at 251 Portlock Road, Island of Oahu, Tax Map Keys: (1) 3-9-002:002 and (1) 3-9-002:029 (Seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Robert Brown representing the alleged Owners is present.

Board Discussion

The reduction in the fine was discussed as well as the timing of the removal of the rocks.

Public Testimony

Robert Brown representing the Owners conveyed that the revetment on the property will be removed and comply as soon as possible. They are in the process of reviewing bids. Asked the fine of \$15,000 be waived.

Amendment:

1. Timing for the removal of the rocks be within 30-days before the sand by-pass in the area or December 31, 2021, whichever occurs first.

2. Owners be allowed to use up to \$5,000 of the fine for the remediation.

MOTION

Approved as amended (Char, Oi)

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

Darlene S. Ferreira
Land Board Secretary

Approved for Submittal:

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

