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. Chair Case read the standard case statement and noted that Member Gon will be joining us shortly.
NOTE: Member Gon will be joining the meeting approximately at 10:00 am
ITEM D-2 Has been WITHDRAWN.

06.10.2021/00:03:46
ITEM A-1 Request Approval of the April 9, 2021, BLNR Meeting Minutes.

Board Discussion-None

Public Testimony-None

MOTION
Approved as submitted (Gomes, Char) 6-Ayes, Member Gon-absent

06.10.2021/00:06:16
ITEM C-1 Acceptance of a hearing master’s report, and Approval to set aside of Natural Area Reserve purposes to the Division of Forestry and Wildlife, approximately 300-acres as the Pia Natural Area Reserve, Tax Map Key: (1) 3-7-003: 003, O’ahu; and 0.75 acres as an extension to the Ka’ena Point Natural Area Reserve, Tax Map Key: (1) 6-9-002: 012, O’ahu;

and

Declaration of exemption from preparation of environmental assessment under HRS Chapter 343 and HAR Chapter 11.200.1 for proposed natural area reserve management of these parcels.

David Smith, Division of Forestry & Wildlife, presented the submittal. Emma Yuen and Marigold Zoll (DOFAW) provided additional information.

Board Discussion
Will fishing be allowed in the Kaena Pt. extension? Yuen noted yes. There is just some vehicular access that may be restricted to a certain point to protect habitat. Enforcement issues were discussed.

Public Testimony-None

MOTION
Approved as submitted (Char, Gomes) 6-Ayes Member (Gon absent)

06.10.2021/00:14:05
ITEM C-2 Request for approval and adoption of the Division of Forestry and Wildlife’s administrative sanctions schedule for the processing of Forestry and Wildlife resource violations.

David Smith, Division of Forestry & Wildlife, presented the submittal. Marigold Zoll and Kathryn Stanaway (DOFAW) presented a PowerPoint presentation. (Pause while setting up, will take D-1 until ready)
06.10.2021/00:21:18
ITEM D-1 Issuance of Right-of-Entry Permits to the United States Department of Agriculture (USDA) Forest Service for the Forest Inventory and Analysis Project (FIA) on State Lands at six plot (sample site) locations at Kukailau, Hamakua, Hawaii, Tax Map Key: (3) 4-2-007:002, Kalopa, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:002, Kaohe, Hamakua, Hawaii, Tax Map Key: (3) 4-3-010:002, Makuu, Puna, Hawaii, Tax Map Key: (3) 1-5-010:002, Keonepoko, Puna, Hawaii, Tax Map Key: (3) 1-5-008:001 and Puako, South Kohala, Hawaii, Tax Map Key: (3) 6-6-001:002.

Russell Tsuji, Land Division presented the submittal. Made an amendment to page 3, Exemption Exhibit 343, the heading should be General Exemption 5 Part 1 Item 13, no substantive change.

Board Discussion-None

Public Testimony-None

MOTION
Approved as amended (Yuen, Gomes) 6-Ayes, Member Gon absent

06.10.2021/00:23:53
ITEM D-3 Consent to Mortgage and Request to Issue Estoppel Certificate, General Lease No. S-5954, Diamond Head Theatre, Lessee, Kaimuki, Honolulu, Oahu, Tax Map Key: (1) 3-2-030:001.

Russell Tsuji, Land Division presented the submittal. Applicants Deena Dray and Colin Miwa present to answer questions.

Board Discussion
How many years would the term for the loan be? Miwa replied 25-years.

Public Testimony
Drey explained what the funds would be used for.

MOTION
Approved as submitted (Char, Oi) 6-Ayes, Member Gon absent

06.10.2021/00:28:06 (Back to ITEM C-2) Member Gon has joined the meeting
Kathryn Stanaway (DOFAW) presented a PowerPoint presentation. Jason Reduella, Division of Conservation and Enforcement provide information on how violations will be handled. Bin Li, also provided information regarding enforcement proceedings,

Board Discussion
The different categories, fines and enforcement were discussed in length.

Public Testimony-None
Board Amendment:
Add for Category 6: $5,000 per specimen fine (195-D-9-E)

Approve as amended (Yuen, Gon) unanimously.

06.10.2021/01:26:06 Break

06.10.2021/01:37:58
ITEM E-1 Request Amendment to Extend and Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Ten (10) Year Lease Extension with Camp Hale Koa Association, an Eleemosynary Organization, for Recreational Campground purposes at Lots 55, 56, 57, and 58 situated at Pu'u ka Pele, Waimea, (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002: 055.

The purpose of the amendment is to: extend the current lease set to expire on November 30, 2025, for an additional ten (10) years with an updated rental rate to be determined by an independent appraiser.

Curt Cottrell, State Parks presented the submittal with an Amendment to page 3, last paragraph to read, despite the Indemnity language in paragraph 15 of the lease, DSP determined the public would be best served by waiving the obligation “to pay the EPA fine”- for the commitment of CHKA to install the (3) IWS.

Board Discussion
What was the fine? Cottrell replied, roughly $79,604.00. The duration of the lease rent was discussed at length.

Public Testimony
Rick Bundschuh provided information on the rehabilitation on the camp and provided information on funding.

Board Amendment:
Extend the Lease to (20) years, rental reopening every (5) years.
Remains in its current use and available to the public to rent for camping purposes.

MOTION
Approved as amended (Oi, Gomes) unanimous.

06.10.2021/02:06:49
ITEM F-1 Request for Approval to Enter into a Federally Funded Memorandum of Agreement (MOA) ($104,000.00) For Goods and Services Between the Department of Health (DOH) and the Department of Land and Natural Resources (DLNR) to Support the Mission of the State’s Polluted Runoff Control Program.

Brian Neilson, Division of Aquatic Recourses presented the submittal, Ryan Okano available to answer questions.
Board Discussion-None

Public Testimony-None

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

06.10.2021/02:08:07

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Michelle Lino, present to answer questions.

Board Discussion
Ask what the take was on sharks. Lino provided the information. Aggressive Galagapos Sharks are the type of sharks that are targeted. Legislature recently passed a “shark law”, special permits are allowed.

Public Testimony
Lino provided information on research to be conducted.

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

06.10.2021/02:15:25
**ITEM F-3** Request for Final Approval to Amend and Compile Chapter 13-34, Hawaii Administrative Rules, Pūpūkea Marine Life Conservation District; to Amend: § 13-34-1 (Boundaries) to Provide More Accurate GPS Coordinates and Boundary Descriptions; § 13-34-1.1 (Definitions) to Clarify and Update Definitions Including “Limu Lipe‘epe‘e”; § 13-34-2 (Prohibited Activities) to Prohibit the Feeding of Marine Life; § 13-34-3 (Permitted Activities) to § 13-34-4 (Exceptions; Permits) for Grammatical and Technical Amendments; § 13-34-5 (Penalty) to Clarify the Types of Penalties Authorized by Statute for Violations of this Chapter; to Adopt § 13-34-6 (Asset Forfeiture) to Provide Notice of the State’s Authority to Utilize Civil Asset Forfeiture as an Enforcement Tool for Violations of This Chapter; Located at Pūpūkea, Ko‘olauloa, O‘ahu, Hawai‘i.

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 dlnr.aquatics@hawaii.gov, or call (808) 587-0100.
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: http://dlnr.hawaii.gov/dar/rules-and-public-notices/.

David Sakoda, Division of Aquatic Recourses presented the submittal. Ryan Okano (DAR), Denise Antolini and Jenny Jovovich supporters of the rule change were present to answer questions.

Board Discussion
Going forward what are your management plans? Antolini conveyed they are working with Makai Watch and DAR’s 30x30 initiative.

Public Testimony
Antolini and Jovovich provided information of the support that has been received.

MOTION
Approved as submitted (Gon, Oi) unanimous.

06.10.2021/02:24:50

ITEM K-1 Conservation District Use Application (CDUA) KA-3876 Public Purpose After the Fact Public Purpose Subdivision of Land for a Microwave and Radio Communication Site by State of Hawai‘i-Department of Accounting and General Services on behalf of the Office of Enterprise Technology Services (ETS) located at Waimea Canyon State Park, Kaua‘i, Tax Map Key: (4) 1-2-001: 009.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal with an amendment to Chapter 343 (HRS) indicating that the correct Exemption should be to update to 2020 exemption list, identifying general exemption Type 1, Part 1 Item No. 41. Ryan Okano (DAGS) present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION
Approved as amended (Oi, Gomes) unanimous.

06.10.2021/02:30:09


ITEM M-2 Issuance of a Revocable Permit for Storage and Warehouse for Fruit Export Operations, Hawaiian Sealife Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004: 021 (Portion).
ITEM M-3  Issuance of a Revocable Permit for Aircraft Parking, Keith G. Johnston, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

ITEM M-4  Issuance of a Revocable Permit for Aircraft Parking, Kevin Grosshandler, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-5  Issuance of a Revocable Permit for Two Aircraft Parking, Lani Lea Sky Tours LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-6  Issuance of a Revocable Permit for Construction Field Office, Rider Levett Bucknall Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 066 (Portion).

ITEM M-7  Issuance of a Revocable Permit for Ticketing Kiosks, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 226.

ITEM M-8  Issuance of a Revocable Permit for Baggage Make-up Area, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.

ITEM M-9  Issuance of a Revocable Permit for Construction Laydown Space, Air Service Hawaii, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-10 Issuance of a Revocable Permit for Aircraft Parking, Colin Burkardt, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-11 Issuance of a Revocable Permit for Vehicle Parking, Reginald Ignacio, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-12 Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, William Wilton, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airports present to answer questions for Items M-1 thru M-12.

Board Discussion-None

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 and M-12 (Gomes, Gon) unanimous.

06.10.2021/02:31:07
ITEM M-13 Amendment of Harbor Lease No. H-17-61, issued to Pacific Shipyards International, LLC, to reduce the submerged land area and include a Non-Exclusive Access Easement, Pier
24 and Pier 25, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-038: Portion of 001.

Derrick Carne, DOT Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**
Approved as submitted (Gon, Gomes) unanimous.

06.10.2021/02:31:41

**ITEM M-14** Request Approval to issue four (4) Month-to-Month permits and Issuance of a Lease by Direct Negotiation to HPBS INC., for an Office, Pilots Area, Subsurface Sewer Easement, and Storage Space, situated at Pier 19, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 007; and (1) 1-5-039: Portion of 064, Governors Executive Order No. 2903.

Jennifer Tomita, DOT Harbors present to answer questions.

Board Discussion
Can you clarify why there is a Month-to-Month permit? Is the lease ready? Tomita conveyed they are working on the 35-year lease.

Public Testimony-None

Amendment:
Approve the issue of (4) Month to Month permits and DOT Harbors to bring the Lease before the Board for approval.

**MOTION**
Approved as amended (Char, Gomes) unanimous.

06.10.2021/02:34:57

**ITEM M-15** Issuance of a Gratis Right-of-Entry and Revocable Permit to Partners In Care for Temporary Storage of furniture and furnishing in support of a Rapid Re-Housing Program for Individuals and Families experiencing homelessness due to Covid-19 at the unimproved gravel lot, Piers 19 and 20, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 015, Governor's Executive order No. 2903.

Olivia Pham, DOT Harbors present to answer questions.

Board Discussion-None

Public Testimony-None
MOTION
Approved as submitted (Gon, Gomes) unanimous.

06.10.2021/02:36:20

ITEM F-4  Request for Final Approval to Amend and Compile Hawaii Administrative Rules (HAR) Title 13 Chapter 74 to Increase the Commercial Marine License (CML) Fee for Non-Residents of Hawaii from $100 to $250 Per Year, to Provide Clarification on Baitfish Species Authorized for Take Under a Baitfish License, and to Remove Unnecessary Rule Language.

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 dlnr.aquatics@hawaii.gov, or call (808) 587-0100.

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/dar/rules-and-public-notices/.

David Sakoda, Division of Aquatic Recourses presented the submittal. Brian Neilson present to answer questions.

Board Discussion
Is this comparable to other States. Sakoda replied that they are.

06.10.2021/02:46:30

Member Yuen made a Motion to go into Executive Session, Member Gon seconded the Motion. Unanimous. Before the Board went into Executive Session, they heard Public Testimony from Eric Kingma.

Public Testimony
Kingma, opposes the fee in principle.

After Public Testimony, the Board went into Executive Session

06.10.2021/02:55:47 Executive Session
06.10.2021/03:01:59 Back in Session

MOTION
Approved as submitted (Gomes, Oi) unanimous.
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:

[Signature]
Darlene Ferreira
Land Board Secretary

Approved for Submittal:

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