



**APPROVED AS SUBMITTED**  
**AT ITS BOARD MEETING**  
**HELD ON**  
**FEBRUARY 11, 2022**

*dar*

**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

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

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

**MEMBERS**

Suzanne Case  
Sam Gon  
Chris Yuen  
Kaiwi Yoon

Tommy Oi  
Vernon Char  
Doreen Canto

**STAFF**

Russell Tsuji-Land  
Kevin Moore-Land  
Daniel Ornellas-Land  
Ian Hirokawa-Land  
Afsheen Siddiqi-DOFAW  
Alan Carpenter-Parks  
Carty Chang-Engineering  
Tiger Mills-OCCL

Daniel Ornellas-Land  
Michael Ferreira-Land  
Megan Statts-DOBOR  
David Smith-DOFAW  
Curt Cottrell-Parks  
Ed Underwood-DOBOR  
Richard Howard-DOBOR

**OTHERS**

Julie China/AG  
Gary Gasper/DOT HWYS  
Rep. Greggor Ilagan/L1  
Stanley Fujimoto/D3  
Sharon Hirota/D3  
Letani Peltier/D8  
Glen Hale/E2  
Cynthia Farias/J4  
Kekai Keahi/J5, K1  
Tiare Lawrence/J5, K1  
Robert Twogood/J6  
Lisa Cates/J6  
Katie Austin/K1  
Kanoelani Steward/K1

Abby Lareau/DOT AIR  
Olivia Pham/DOT HAR  
Kaniela Matsushima/D1  
Harry Yada/D3  
William Aila/D8  
Wayne Tanaka/D8  
Soo Stover/J4  
Christina Lizzi/J5  
Kai Nishiki/J5, K1  
Maurice Messina/J2  
Sara Sur/J6  
Wayne Hedani/K1  
Leonard Nakoa/K1  
Kaliko Teruya/K1

**ITEM A-1**

Ezra Smith/K1  
Ku Kapu Kekona/K1  
Hinatea Kodani/K1

Hana Losano/K1  
Holden Takahashi/K1  
Chris Conger/K1

**10.22.2021/00:00:14**

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 are in the waiting room. Members of the public may watch the meeting live streaming on YouTube.

Member Gon read the standard contested case statement. Chair Case noted that they plan to go in order of the agenda.

**10.22.2021/00:02:50**

**ITEM A-1** Approval of the Board meeting held August 27, 2021, Minutes.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021/00:04:58**

**ITEM M-1** Issuance of a Revocable Permit for Contractor office trailer parking area, material storage container staging area and refuse dumpster staging area, Nan, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

**ITEM M-2** Issuance of a Revocable Permit for an office for ground support as part of its Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 050.

**ITEM M-3** Issuance of a Revocable Permit for an office space for the storage of a main data frame that provides network connectivity to the overseas terminal, United States of America, Department of Homeland Security, Transportation Security Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

**ITEM M-4** Issuance of a Revocable Permit for shared use of a sprung structure for storage and maintenance of aircraft, John Totah, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-5** Issuance of a Revocable Permit for office spaces in the terminal to perform security services operations, Universal Protection Service, LP dba Allied Universal Security Services, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airports present to answer any questions for Items M-1, M-2, M-3, M-4 & M-5.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Items M-1, M-2, M-3, M-4 & M-5 (Gon, Yoon) unanimous.**

**10.22.2021/00:5:40**

**ITEM M-6** Amend prior Board Action of June 12, 2020, Item M-5, Acquisition of Temporary Construction Rights-of-Entry to Land to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kamehameha Highway, Laieloa Stream Bridge Replacement, Federal Aid Project No. BR-083-1(58) at Laie, Koolauloa, Oahu, Hawaii, Re: Tax Map Key Nos. (a) (1) 5-5-003: Portion of 201; (b) (1) 5-5-006: Portion of 038; (c) (1) 5-5-011:068 and Portion of 070; (d) (1) 5-5-013: Portions of 075, 076, 077, 078, 079, 080 and Puuahi Street; and (e) (1) 5-5-014: Portion of 001.

The purpose of the amendment is to request the Board of Land and Natural Resources (Board) to authorize the acquisition of Parcel 1 and to authorize temporary Grant of Easements for Construction parcels C4, C5, C6, C7, C8,C9, C10, C11, and C12.

No Representative

Board Discussion

It is important to take in the consideration of sea-level rise.

Public Testimony-None

**MOTION**

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

**10.22.2021/00:07:10**

**ITEM M-7** Request Approval to Issue a Month-To-Month Permit and Issuance of a Lease by Direct Negotiation to Aloha Petroleum LLC, for a Surface Pipeline Easement used to transport Petroleum Products at Pier 31, Honolulu Harbor, Island of Oahu, Tax Map Key No: (1) 1-5-036: Portion of 001, Governor's Executive Order No. 2903.

Oliva Pham, DOT HARBORS present to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021/00:07:53**

**ITEM M-8** Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, relating to Fort Weaver Road Widening, Vicinity of Aawa Drive to Geiger Road, Federal Aid Project No. CMAQ-076-1(9), Honouliuli, Ewa, Island of Oahu, State of Hawaii, Tax Map Key Nos.: (1) 9-1-017: 059, (1) 9-1-017: 004, (1) 9-1-017: 078, (1) 9-1-017: Road, (1) 9-1-043: 160, (1) 9-1-122: 007, (1) 9-1-122: 004, and (1) 9-1-122: 006.

Cody-Allen Ching, DOT Highways had technical difficulties connecting.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021/00:09:04**

**ITEM L-1** Delegation of Authority to Chairperson to Procure, Award and Enter into a Services Contract to Perform Research and Planning Assistance Pertaining to Mineral Resources, Island of Hawaii, pursuant to Act 191 (SLH 2021).

Carty Chang, Engineering presented the submittal.

Board Discussion

Surveying where the Black Cinder Cones are, do you have to go through the cultural commission to get access? Chang replied he was not sure as it is considered a mineral and would require a disposition from the Board to mine that resource. Further comments regarding cultural significance were discussed regarding the cinder cones.

Public Testimony

Representative Greggor Ilagan, addressed the comments and questions asked by the Board.

**MOTION**

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

**10.22.2021/00:23:28**

**ITEM C-1** Request for approval and acceptance of Notice of Federal Participation and Consent regarding a U.S. Fish and Wildlife Service grant for restoration of the Honu'apo Estuary property acquired in 2006, Kau, Hawaii, Tax Map Key: (3) 9-5-014:002-007,027 & 052-059.

Afsheen Siddiqi , Division of Forestry and Wildlife presented the submittal. David Smith available to answer questions

Board Discussion

Is the community ready for this? Siddiqi, replied yes, the community is very involved.

Public Testimony-None

**MOTION**

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

**10.22.2021/00:29:06**

**ITEM D-1** Issuance of Land Patent in Confirmation of Land Commission Award No. 7585, Apana 1 to Kamiona, situate at Kalihikai, Hanalei, Island and County of Kauai, Tax Map Key: (4) 5-3-004:034.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Clarification regarding the title report language “warranty deed” versus “quitclaim deed” and subdivision of the parcel. Tsuji responded it is for only this particular Tax Map Key.

Public Testimony

Kaneala Matsushima provided testimony in opposition.

*Amendment:*

*Amended the submittal on pg. 2 by replacing quitclaim deed to warranty deed, but otherwise approved Staff's recommendations.*

**MOTION**

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

**10.22.2021/00:58:40**

**ITEM D-3** Consent to Ground Lease to the County of Hawaii for the Kukuiola Emergency Shelter and Permanent Supportive Housing Project at Village 9, Villages of La`i`Opua, Kealakehe, North Kona, Island of Hawaii, Tax Map Key: (3) 7-4-020 portion of 004.

Withdrawal of Portion of Executive Order No. 4575, Hawaii Housing and Development Corporation; Set Aside 1.05 Acres to County of Hawaii, Department of Public Works, for Roadway Purposes, Villages of La`i`Opua, Kealakehe, North Kona, Island of Hawaii, Tax Map Key: (3) 7-4-020 portion of 004.

Issuance of a Right-of-Entry Permit to County of Hawaii, Department of Public Works for Road Construction and Management Purposes, Villages of La`i`Opua, Kealakehe, North Kona, Island of Hawaii, Tax Map Key: (3) 7-4-020 portion of 004.

Russell Tsuji, Land Division presented the submittal. Harry Yada (County), Stanley Fujimoto & Sharon Hirata present to answer any questions

Board Discussion-None

Public Testimony-None

*Amendment:*

*Recommendation section by adding recommendation number 4 as follows:*

4. *Consent to lease by the Hawaii Housing Finance and Development Corporation to the County of Hawaii under the terms and conditions cited above, subject to the following:*
  - a. *Review and approval of the Department of the Attorney General; and*
  - b. *Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.*

**MOTION**

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

**10.22.2021/01:01:25**

**ITEM D-4** Annual Renewal of Revocable Permits for Maui County. See **Exhibit 2** for list of Revocable Permits.

Daniel Ornellas, Maui Land District presented the submittal.

Board Discussion

Clarification regarding RP for Ruby and Sons and why they are still on the list. Ornellas replied that it will be coming back to the Board after discussions with Maui County for a set-aside.

Public Testimony-None

**MOTION**

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

**10.22.2021/01:11:29**

**ITEM D-5** Issuance of Immediate Construction Right-of-Entry Permit to Napili Bay and Beach Foundation Inc. (NBBF) to Construct Elevated Beach Access Stairs and Dune Walkover; Issuance of Revocable Permit to NBBF for Public Access Purposes and to Maintain Existing Beach Access Paths and the New Elevated Beach Access Stairs and Dune Walkover until an Easement is Granted; Grant of 25-year Term Non-Exclusive Easement

to NBBF for Public Access Purposes, Napili, Kaanapali, Maui, Tax Map Key: (2) 4-3-002:023 por. and 099 por.

Daniel Ornellas, Maui Land District presented the submittal.

Board Discussion

Is this a health & safety issue? Ornellas replied that they do not want any concrete falling into the ocean. The public will still have access to the beach and signage will be provided.

Public Testimony-None

**MOTION**

**Approved as submitted (Canto, Yuen) unanimous.**

**10.22.2021/01:16:30**

**ITEM D-6** Amend Prior Board Action of June 10, 2021, 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.*

The purpose of the amendment is to amend the subject lease by reserving the Board's right to evaluate whether any purchaser is qualified for nominal rent in accordance with Section 171-43.1, Hawaii Revised Statutes if the subject lease is sold in forfeiture.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Have we issued an Estoppel Certificate? Tsuji replied, not yet. There should be standard language in the lease regarding this matter.

Public Testimony-None

**MOTION**

**Approved as submitted (Char, Canto) unanimous**

**10.22.2021/01:24:02**

**ITEM D-7** Amend Prior Board Action of August 27, 2021, Item D-5, *Cancellation of Governor's Executive Order No. 3427; Issuance of Quitclaim Deed to the Stadium Authority; Aiea, Ewa, Oahu, Tax Map Key: (1) 9-9-003:055, 061, 070, & 071.*

The purpose of this amendment is to exclude an area of about 1,023 square feet or 0.023 acre, presently encumbered by Governor's Executive Order No. 3838, from the proposed fee transfer to the Stadium Authority.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021/01:25:17: Break**

**10.22.2021/01:37:31**

**ITEM D-8** Adoption of Guidance to Appraisers for the Determination of the Upset Rent for Public Auctions for Water Leases for Consumptive Use Purposes Pursuant to Section 171-58, Hawaii Revised Statutes.

Ian Hirokawa, Land Division presented the submittal. Russell Tsuji available for questions.

Board Discussion

Extensive questions, comments, and discussion among all parties.

Public Testimony

William Aila (Chair DHHL) made an oral request for a contested case and stated his reasons for the request.

**10.22.2021/02:20:22**

Chair Case made a Motion to go into Executive Session, seconded by Member Gon. Unanimous.

**10.22.2021/03:33:49**

Motion to deny request for contested case by Member Yuen, and seconded by Member Char. 4-Ayes, 3 -Abstain (Yoon, Gon, Canto).

Letani Peltier (OHA), testimony in favor of rule-making or other options. Wayne Tanaka (Sierra Club), opposes staff submittal and have submitted a Petition for Rulemaking.

*Amendment:*

*The Board amended the submittal: (i) on page 2, second full paragraph by rephrasing the statement that says "it would be appropriate to use the current revocable permit rent as a starting value" to "the appraiser may consider using the current revocable permit rent in its valuation and analysis"; and (2) striking the 7<sup>th</sup> factor of public benefit in the appraisal analysis.*

**MOTION**

**Approved as amended (Char, Canto) 5-Ayes 2-Nay (Oi, Yoon)**

**10.22.2021/04:38:00**

**ITEM E-1** Amend Prior Board Action of June 26, 2020, Item E-1, License of Federal Property from the United States of America to the Department of Land and Natural Resources, Division of State Parks for State Park purposes, at Makua, Waianae, O'ahu, Tax Map Key Nos.: (1) 8-1-001: 001, 002, 009, 010 and (1) 8-2, 001: 002, 009, 010 in order to:

(1) Authorize the Continued Use of the subject area for State Park purposes from March 1, 2011, to December 31, 2019; and

(2) Authorize a Declaration of Exemption from the preparation of an Environmental Assessment Pursuant to Chapter 343, Hawaii Revised Statutes.

Alan Carpenter, State Parks presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021/04:40:15**

**ITEM E-2** Consent to Assign General Lease No. SP0119, David Koch, Assignor, to, Assignee, M & M Fitzgerald Living Trust; and

Amendment of General Lease No. SP0119, David Koch, Lessee, Waimea Canyon State Park, Lot 45, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:009. The purpose of the amendment is to correct the termination date to read December 31, 2028.

Board Discussion-None

Public Testimony

Glen Hale representing the Lessee, supports the submittal

**MOTION**

**Approved as submitted Oi, Gon)**

**ITEM E-3** Consent to Assign General Lease No. SP0131, William Olson, Assignor, to, Assignee, Olson Family Trust LLC, a Hawai'i Limited Liability Company; and

Amendment of General Lease No. SP0131, William Olson, Lessee, Waimea Canyon State Park, Lot 72, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:068. The Purpose of the amendment is to correct the termination date to read December 31, 2028.

Alan Carpenter, State Parks presented Items E-2 and E-3 together.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Item E-2 and E-3 (Oi, Gon) unanimous.**

**10.22.2021(1)/04:42:15**

**ITEM J-1** Issuance of Revocable Permit to Hoemana for Storage and Recreational Purposes, Kawaihae South Small Boat Harbor, Kawaihae, Kohala, Hawaii, Tax Map Key: (3) 6-1-003:026 (Portion); and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Richard Howard, Division of Boating and Ocean Recreation presented the submittal

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021(1)/04:45:10**

**ITEM J-2** Request for Approval and Adoption of amendments to Hawaii Administrative Rules (HAR) Title 13, Chapter 256, Ocean Recreation Management Rules and Areas, Subchapter 11, West Hawaii Island Ocean Recreation Management Area, Section 13-256-152, Kahaluu Bay ocean waters, to clarify commercial activity provisions, and compilation of HAR Chapter 13-256, making technical, non-substantive, and conforming amendments.

The proposed rule amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) District Offices, including the Hawai'i District Office from 8:00 am to 3:30 pm, Monday through Friday, except state holidays: Honokōhau Small Boat Harbor, 74-380 Kealakehe Parkway, Kailua-Kona, HI 96740.

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.

Board Discussion

What are considered non-motorized vessels? Underwood replied, surfboards, paddle boards, kayaks, canoes. The question regarding foils was addressed. There were clarifications regarding the different zones and what was allowed.

Public Testimony

Maurice Messina (County) provided testimony in support of the submittal.

**MOTION**

**Approved as submitted (Yuen, Char) unanimous**

**10.22.2021(1)/05:12:32 Break**

**10.22.2021(1)/05:18:15**

**ITEM J-3** Request approval of proposed time period given to mooring permittees to remedy accounts that are delinquent in payments and/or to remedy violations of Hawaii Revised Statutes (HRS) and/or Hawaii Administrative Rules (HAR); and delegate authority to the Chairperson to revoke use permits if after lapse of the time period, the permittee fails to remedy the delinquency and/or violation.

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

Board Discussion-None

Public Testimony-None

**MOTION**

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

**10.22.2021(1)/05:21:15**

**ITEM J-4** Authorize alternative beach landing site to Welakahao Catamaran, Inc.(Revocable Permit 41) and King Parsons Enterprises, Ltd., (Revocable Permit 42) Catamaran Operators Permitted to Embark and Disembark Passengers on Waikiki Beach; and

Declare the Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Megan Statts, Division of Boating and Ocean Recreation presented the submittal. Amended the correct spelling of Welakahao should be amended where it is misspelled.

### Board Discussion

This submittal is for infrequent landing during “King Tides”. Recommendation #1 doubles the capacity on the beach which historically has not had commercial activity. It sounds like it would be used more than occasional commercial use where there was none and not just occasional use and not weekly.

### Public Testimony

Soo Stover requested an additional variance for landing and (2) anchors. Stover conveyed they do not feel they can share the landing area due to overlapping that would not accommodate two catamarans.

### **MOTION**

**DEFER (Char, Gon) unanimous**

**10.22.2021(1)/05:42:00**

**ITEM J-5** Denial of Petition for Contested Case Hearing filed on October 6, 2021, by Ka Malu O Kahālāwai, Nā Papa’i Wawae ‘Ula‘Ula, Kekai Keahi, and Kai Nishiki, regarding the Renewal of Commercial Use Permits for Hawaiian Rafting Adventures Inc., Lahaina Harbor Water Taxi Inc., and Underwater Safari, Inc. for Mala Launch Ramp, Maui.

*The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.*

Megan Statts, Division of Boating and Ocean Recreation presented the submittal.

### Board Discussion

The question was asked if Lawrence has had the opportunity to address some of the solutions/ideas to DOBOR? Lawrence conveyed she has. The rules allow (15) permits and a contested case is not appropriate in this situation. DOBOR and the community should work together to come up with a safe and amicable solution for both the permittees and the public for access and parking.

### Public Testimony

Christina Lizzi stated their reasons for the request of a contested case. Tiare Lawrence, Kekai Keahi, and Kai Nishiki provide additional testimony in support of the Petition.

**10.22.2021(1)/05:02:02**

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

**10.22.2021(2)/00:01:36**

Member Canto made a motion to not support the submittal. Member Yoon second the Motion for discussion. After discussion the second motion by Yoon was rescinded. Further discussion led to the Board to add conditions.

### Conditions:

*DOBOR to work with the Community and Commercial operators to come up with an amicable solution for parking, allow the community to use the area and report back in 6-months*

## **MOTION**

**Approved with Conditions (Char, Yuen) 6 -Ayes, 1-Abstain (Canto)**

**10.22.2021(2)/00:19:46**

*Chair Case noted that if a contested case is requested, it must be made orally by the end of the meeting and follow-up in writing within 10-days*

**ITEM J-6** Request for Administrative Enforcement and Penalties for the alleged violations of Hawaii Administrative Rules Section 13-256-3 (Commercial use permit or catamaran registration certificate requirements) against Twogood Kayaks Hawaii, Inc., for allegedly conducting commercial activity without a commercial use permit on at least five separate occasions in Kailua ocean waters, on the Island of O‘ahu.

*The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.*

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

Mr. Twogood admitted to the violation and asked for leniency. Provided information that led up to the violations.

### **Board Discussion**

The commercial activity on the beach has been an issue for some time. It is not just launching and landing its parking the boat on the beach which takes up space for the public, giving instructions on the beach while people are trying to enjoy the beach, its commercial activity taking up space on the beach while residents and non-commercial people are trying to enjoy the beach. Extensive discussion.

### **Public Testimony**

Sara Gillmore Sur supports staff submittal. Lisa Cates stands by her written testimony supporting Staff submittal.

## **MOTION**

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

*Mr. Twogood was reminded that he can request a contested case orally by the end of the meeting and follow up within 10-days in writing.*

**10.22.2021(2)/01:09:35 Break**

**10.22.2021(2)/01:15:22** (Note: Member Yoon left the meeting)

**ITEM K-1** Submittal and Recommendation to the Governor to Accept the Final Environmental Impact Statement (EIS) for the Kā’anapali Beach Restoration and Berm Enhancement by the Department of Land and Natural Resources Located at Hanakao’o, Lahaina, Maui,

Makai of Tax Map Keys: (2) 4-4-008:001, 002, 003, 005, 019 & 022; (2) 4-4-013:001, 002, 006, 007, 008 & 013

The draft FINAL EIS for the Kā'anapali Beach Restoration and Berm Enhancement can be reviewed at: <https://dlnr.hawaii.gov/occl/kaanapali/>

Tiger Mills, Office of Conservation and Coastal Lands presented the submittal and amended the submittal as follows, Staff Recommendation at the last paragraph of the report regarding the Board approving the submittal to the final, amend the State Office of Environmental Quality Control to the State Office of Planning and Sustainable Development Environmental Review Program. Chris Conger, Sea Engineering provided an informational PowerPoint presentation.

#### Board Discussion

Community outreach seemed to be a concern. Conger noted that they will continue to reach out to the community. The smothering of the coral reef, process of how the sand would be excavated, was discussed.

#### Public Testimony

Wayne Hedani supports the submittal. Kekai Keahi, Katie Austin, Leonard Nakoa, Kanoelani Steward, Kaliko Teruya, Ezra Smith, Hana Losano, Ku Kapu Kekona, Holden Takahashi, Kai Nishiki, Tiare Lawrence, Hinatea Kodani testified in opposition.

Member Canto made a motion to not support Staff submittal. There was not a second.

#### MOTION

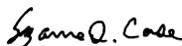
**Approved as submitted (Yuen, Char) 4-Ayes, 2-Abstain (Canto, Gon)**

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:

  
\_\_\_\_\_

Approved for Submittal:



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