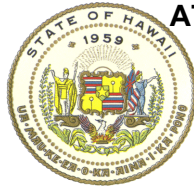
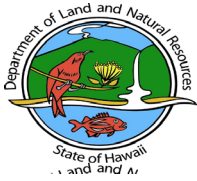


DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED BY THE BOARD  
AT ITS MEETING HELD ON  
MARCH 24, 2022**

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

*dar*

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: December 10, 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  
Cal Miyahara-Land  
Carty Chang-ENG  
Curt Cottrell-Parks  
Brian Neilson-DAR  
David Sakoda-DAR  
Trevor Fitzpatrick-OCCL

Barry Cheung-Land  
Seiko Machida-Land  
Edwin Masuda-ENG  
Alan Carpenter/Parks  
Cathy Gewecke-DAR  
Tiger Mills-OCCL  
Michael Cain-OCCL

**OTHERS**

Cindy Young/AG  
Travis Tomono/DOT HWYS  
Norman Chen/M8  
Scott Mommer/M8  
Mallory Fujitani/M9  
Christopher Woodward/M10  
Stanley Fujimoto/M10  
Shaoyu Lee/M11  
Rich Kiyabu/M12  
Tina Albao/M12  
Roy Ikeda/M12  
David Bissell/D1,D2  
Bridget Hammerquist/D1,D2  
Dave Nagata/D2  
Debbie Lee-Jackson/D2

Abby Lareau/DOT AIR  
Oliva Pham/DOT HAR  
Randal Lejuwaan/M8  
Jeffrey Hardman/M8  
Doug Lanz/M10  
Albert Palmer/M10  
Wade Ishii/M11  
Stuart Tomasa/M11  
Paddy Kauhane/M12  
Randall Tanaka/M12  
Beth Tokioka/D1,D2  
Dawn Huff/D1/D2  
Bianca Isaki/D1,D2  
Julie Sharrer/D11  
Leinaala Ley/D2

**ITEM A-1**

Hope Kalai/D2  
George Abcede/D3  
Steve Wallace/D8  
Christopher Woodard/D10  
Charles Young/E1  
Shane Nelson/E1  
Kirk Saiki/L1  
Greg Kugle/K2  
Tim Blackwood/K2

Randall Haraguchi/D3  
Lanz Dong/D10  
Albert Palmer/D10  
Leimana DaMate/E1  
Geoff Hand/E1  
Andrea H P Kaohi/E2  
Kealohi Sandefur/L1  
Scott Ezer/K2

**12.10.202 (1)/00:01:32**

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.

**12.10.202 (1)/00:02:26**

Member Gon read the Standard Contested Case Statement.

**12.10.202 (1)/00:03:39**

**ITEM A-1** Approval of the Board meeting minutes held September 24, 2021.

Board Discussion-None

Public Testimony-None

**12.10.202 (1)/00:04:00**

**MOTION**

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

**12.10.202 (1)/00:07:41**

**ITEM L-1** Authorize the Approval and Issuance of Dam Safety Permit for Miscellaneous Improvements at Waimanalo Reservoir (OA-0129) to the State of Hawaii, Department of Agriculture, Oahu, Hawaii, Tax Map Key: 4-1Gon, Car

Carty Chang, Engineering presented the submittal, Edwin Masuda (ENG), Kirk Saiki, and Kealohi Sandefur (DOA), available to answer questions.

Board Discussion

It was confirmed that the work is to bring the dam into compliance and the location of the dam is on State lands.

Public Testimony-None

**12.10.202 (1)/00:12:09**

**MOTION**

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

**12.10.202 (1)/00:13:33**

**ITEM M-1** Issuance of a Revocable Permit to Stage Fueling Vehicles for Aircraft Fueling Operations, FSM Group, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

**ITEM M-2** Issuance of a Revocable Permit for a Commercial T-Hangar for the storage and maintenance of Aircraft used for Flight Instruction, Keith G. Johnston dba Johnston Aviation, Kawaihapai Airfield, Tax Map Key: (1) 6-8-014: Portion of 017.

**ITEM M-3** Issuance of a Revocable Permit for paved, improved land for Bus parking and staging as part of the consolidated rental car facilities operations, Robert's Tours and Transportation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1)-1-1-070-042.

**ITEM M-4** Issuance of a Revocable Permit for maintenance storage to support airline carrier operations, Southern Airways Express, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

**ITEM M-5** Issuance of a Revocable Permit for a Ticket Counter and storage space in the terminal to perform Airline Carrier Operations, Southern Airways Express, LLC, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 106.

**ITEM M-6** Issuance of a Direct Lease for Land for a self-service fueling Facility, Air Service Hawaii, Inc, 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, M-2, M-3, M-4, M-5 and M-6.

Board Discussion-None

Public Testimony-None

**12.10.202 (1)/00:13:54**

**MOTION**

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

**12.10.202 (1)/00:14:14**

**ITEM M-7** Issuance of a Month-to-Month Permit to Honolulu Fishing and Supply LLC for Equipment Storage and Workshop, situated at Pier 31, Honolulu Harbor, Oahu, Tax Map Key No: (1) 1-5-035:Portion of 024 and (1) 1-5-035:Portion of 033, Governor's Executive Order No. 4167.

Olivia Pham DOT Harbors, present to answer any questions. *Verbally amended monthly rent on page 2, it should read \$747.40.*

Board Discussion-None

Public Testimony-None

**12.10.202 (1)/00:14:44**

**MOTION**

**Approve as amended (Char, Yoon) unanimous.**

**12.10.2022 (1)/00:15:53**

**ITEM M-8** Authorization to Approve the Assignment of Lease HWY-96-1 from Honolulu Warehouse Company Limited (HW) to Home Depot and waive the 50% Premium Payment. Puuloa Interchange, U-078-1 (1), Tax Map Key: (1) 1-1-007:045, approximately 46,435 square feet.

The area is currently under a 47-year lease (1997 to 2044) to HW and is being used as a paved parking lot for the abutting Moanalua 99 Market. Home Depot, if approved as the assignee, shall continue to use the area for parking purposes for a forthcoming Home Depot store which will replace Moanalua 99 Market.

Travis Tomono, DOT Highways presented the submittal. Norman Cheng (Honolulu Warehouse), Randal Lejuwaan,

Board Discussion-None

The reason for the 50% premium payment was discussed in detail. Norman Cheng, Honolulu Warehouse provided an explanation.

Public Testimony-None

**12.10.2022 (1)/00:33:52**

**MOTION**

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

**12.10.2022 (1)/00:35:51**

**ITEM M-9** Consent to Issuance of Right-of-Entry to City and County of Honolulu, Department of Design and Construction for walkway and stairs purposes as part of proposed improvements under the Salt Lake Boulevard widening Phase 3 project. Tax Map Key: (1) 1-1-001: Portion of 041. Governor's Executive Order No. 3439.

Mallory Fujitani, Hawaii State Public Library presented the submittal.

Board Discussion-None

Public Testimony-None

**12.10.2022 (1)/00:36:15**

**MOTION**

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

**12.10.2022 (1)/00:37:35**

**ITEM M-10** 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: (1) 2-1-051: Portion of 041.

Christopher Woodward, Hawaii Housing Finance Development Corporation presented the submittal. Albert Palmer (HHFDC) present to answer any questions.

Board Discussion

It was clarified that these are under Revocable Permit until such a time HHFDC moves forward with their housing plan.

Public Testimony-None

**12.10.2022 (1)/00:41:15**

**MOTION**

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

**12.20. 12.20.202 (1)/00:41:45**

**ITEM M-11** Request Consent to Issue a Revocable Permit to the County of Hawaii, for Civil Defense and Hilo Emergency Operation Center purposes under Governor's Executive Order No. 1562, to the Hawaii National Guard at 1046 Leilani Street, Hilo, Hawaii, Tax Map Key: (3) 2-1-012:003.

Stuart Tomasa, Department of Defense presented the submittal. Wade Ishii (DOD) present to answer any questions.

Board Discussion-None

Public Testimony-None

**12.20. 12.20.202 (1)/00:42:43**

**MOTION**

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

**12.20. 12.20.202 (1)/00:43:11**

**ITEM M-12** Consent to Lease of Lands to The Boys & Girls Club of Hawaii, for the purpose of Educational Supportive Services. Hawaii State Department of Education, Kauai District (Kapaa), Tax Map Key: (4) 4-6-014:031. Governor's Executive Order No, 3374.

Roy Ikeda, Department of Education presented the submittal. Paddy Kauhane and Tina Albao (Boys & Girls Club) are present to answer any questions.

Board Discussion-None

Public Testimony-None

**12.20.12.20.202 (1)/00:45:29**

**MOTION**

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

**12.20.12.20.202 (1)/00:46:44**

**ITEM F-1** *Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustees: the U.S. Department of the Interior, U.S. Fish and Wildlife Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and the Office of Hawaiian Affairs, for Access to State Waters to Conduct Conservation and Management Activities and Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife.*

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Brian Neilson (DAR) present to answer questions.

Board Discussion

Question regarding the refinements to the Cultural Protocols activities was asked. Gewecke replied she would get back to Member Gon.

Public Testimony- None

**12.20.12.20.202 (1)/00:49:54**

**MOTION**

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

**12.20.12.20.202 (1)/00:50:21**

**ITEM F-2** Request for Approval to Hold a Statewide Public Meeting and Hearing to Amend and Compile Hawaii Administrative Rules (HAR) Chapters 13-75, "Rules Regulating the Possession and Use of Certain Fishing Gear", and 13-60.4, "West Hawai'i Regional Fishery Management Area, Hawai'i"; to Amend: §13-75-1 (Definitions) to Amend the Definition of "Lay Net" to Clarify That a Lobster Net is a Type of Lay Net and to Add New Definitions for "Freshwater Stream", "Lobster Net", "Multi-Panel Lay Net", and "Throw Net"; §13-60.4-3 (Definitions) to Add a New Definition for "Multi-Panel Lay Net"; §13-75-8 (Firearms) to Prohibit the Take of Sharks With Firearms; §13-75-12.2 (Akule Nets) to Clarify that Akule May be Taken With Legal Throw Nets; §13-75-12.4 (Lay Nets) to Establish a Lay Net Permit Requirement and Fee for the Use and Possession of Lay Nets, to Remove the Existing Lay Net Registration Requirement, and to Prohibit Leaving a Lay Net Unattended for Any Amount of Time; §§13-75-12.5 (State Waters Around Molokai, Special Rules), 13-60.4-5 (Activities Prohibited Within Selected Areas), and 13-60.4-6 (Lay Net Permit and Use Requirements) to Make Conforming Amendments to Special Lay Net Rules That Apply to Molokai and West Hawai'i; §§13-

75-2 (Penalty) and 13-60.4-8 (Penalty) to Clarify the Authorized Penalties for Violations of These Chapters; to Adopt §§13-75-2.5 (Asset Forfeiture) and 13-60.4-8.5 (Asset Forfeiture) to Provide Notice of the State's Authority to Utilize Civil Asset Forfeiture as an Enforcement Tool for Violations of These Chapters; and to Make Other Non-Substantive Amendments for Formatting and Style

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](mailto:dlnr.aquatics@hawaii.gov).

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://itgov.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-notice/>.

David Sakoda, Division of Aquatics presented the submittal. Brian Neilson available for questions.

#### Board Discussion

There was a robust discussion regarding the lay-net, surround-net and gill-nets rules and how they are used.

#### Public Testimony-None

The Board approved DAR's request, subject to the proposed HAR chapter 13-75 being modified to clarify that 1) each person may set only one lay net at a time and 2) surround net fishers must be in attendance of their nets at all times when using a gill net.

**12.20.12.20.202 (1)/01:37:21**

#### **MOTION**

**Approved as submitted subject to clarification (Yuen, Gon) unanimous.**

**12.20.12.20.202 (1)/01:40:06**

Member Oi Recused himself from Items D-1 and D-2

**12.20.12.20.202 (1)/01:43:28**

**ITEM D-1** Denial of Petitions for Contested Case Hearing filed by Kia`I Wai`o Wai`ale`ale and Friends of Maha`ulepu on December 19, 2020, Regarding December 11, 2020, Agenda Item D-5, Continuation of Revocable Permit S-7340 to Kauai Island Utility Cooperative for Water Use.

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

Blue Kaanehe, Land Division presented the submittal. Ian Hirokawa (Land) available to answer questions. Beth Tokioka, David Bissell, Dawn Huff, Dave Nagata (KIUC), present to answer questions

#### Board Discussion

The Revocable Permit is due to expire. The merits of the submittal were discussed.

#### Public Testimony

Bianca Isaki opposes the submittal and stands by her written testimony. Brad Rockwell (KIUC) addressed the 100-yards of dry-stream bed. Bridget Hammerquist provided testimony on the merits of the request for contested case hearing.

#### **12.10.2021(1)/02:05:52**

Chair Case made the Motion to go into Executive Session, Member Gon seconded the motion. (6) Ayes, (1) Recused (Oi).

#### **12.10.2021(1)/02:30:10**

##### **MOTION**

**Approved as submitted (Yuen, Char). (6) Ayes, (1) Recused (Oi)**

#### **12.10.2021(1)/02:31:42**

Chair Case conveyed there was a request for a Contested Case hearing for Item D-2 ( RP 3740) from Bridget Hammerquist and asked if there was anything to add. Hammerquist proceeded to provide information. Chair Case asked if there was anyone else who want to speak on the right to a contested case.

#### **12.10.2021(1)/02:36.02**

**Member Yuen made the Motion to reject the request for contested case. Member Char seconded the motion. Unanimous.**

#### **12.10.2021(1)/02:36.54**

**ITEM D-2** Holdover/Continuation of Revocable Permits for Water Use on the Islands of Hawai'i and Kaua'i. See **Exhibit A** for list of Revocable Permits.

David Bissel (KIUC) provided testimony for RP 3740 continuation. Beth Tokioka & Dawn Huff available to answer questions.

#### Board Discussion

Kauai RP's: The positive environmental effects of producing electricity without burning fossil fuels and the negative effects were discussed. Tsuji (Land) conveyed that if the water user is working towards a long-term disposition, if they are in good standing, they are allowed to continue on a RP until a decision is made regarding a lease. There were further comments after the motion for the KIUC RP was made.



Public Testimony

Bridget Hammerquist testified in opposition. Bissell (KIUC) responded to Hammerquist' comments. Leinaala Ley (Earthjustice) testified in opposition and reserved the right to ask for a contested case hearing. Debbie Lee Jackson testified in opposition. Leinaala Lei requested a contested case.

**12.10.2021(1)/03:25:34**

Member Yuen made the Motion to go into Executive Session. Member Gon seconded the motion. Unanimous (Oi Recused)

**12.10.2021(1)/03:50:40**

**Member Yuen made the Motion to deny the oral request for a contested case. Member Char seconded the motion. Unanimous**

**12.10.2021(1)/03:51:42**

**MOTION**

**Approved as submitted KIUC RP 7340 (Yuen, Char) 6-Ayes, 1- Abstain (Yoon)**

**12.10.2021(1)/03:59:19- Member Oi rejoined the meeting**

**12.10.2021(1)/04:00:03**

**Approved as submitted Lindner RP 7088 (Oi, Char) unanimously.**

**12.10.2021(1)/04:00:47 (Hawaii Island)**

**Board Discussion**

Is HELCO ready to proceed to a lease? Kanahele conveyed they are hopeful to bring it to the Board sometime early next year.

**12.10.2021(1)/04:04:08**

**MOTION**

**HELCO RP 7463 (Yuen, Yoon) unanimous.**

**12.10.2021(1)/04:04:08 (KAU)**

**Board Discussion**

What are the remaining items needed for public auction? Kanahele replied, the appraisal.

**12.10.2021(1)/04:04:08**

**MOTION**

**Approved as submitted Kau RP's 7054, 7426, 7432,7267 and 7918 (Yuen, Canto) 6-Ayes (Gon Absent)**

**12.10.2021(1)/04:08:10 Break**

**12.10.2021(1)/04:25:14**

**ITEM D-3** Issuance of Construction and Management Right-of-Entry Permit to the Department of Transportation, Highways Division to Mitigate Sand Erosion at Wailua Beach, Wailua

House Lots, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-004: Seaward of 001 and (4) 4-1-005: Seaward of 004.

Russell Tsuji, Land Division presented the submittal with an amendment. DOT Highways George Abcede, Randall Haraguchi, Randall Urasaki (consultants) will be available to answer questions.

#### Board Discussion

The pilot project design and outcomes expected were discussed in detail. If it doesn't work, it will be removed. Michael Cain (OCCL) added to the discussion.

#### Public Testimony-None

##### *Amendment:*

*The Board amended the first sentence in recommendation 2.B by adding at the end to read "or if more testing is warranted ", provided that future rights of entry may only be issued while the Governor's emergency proclamation is still in place."*

**12.10.2021(1)/05:35:23**

#### **MOTION**

**Approved as amended (Oi, Canto) 5-Ayes 1-Oppose (Yuen), (Gon Absent)**

**12.10.2021(1)/05:34:21**

**ITEM D-4** Consent to Assign General Lease No. S-4956, Annie K. Tai See, also known as Annie Kaluhi Tai See and Annie Kaluhui Tai See, Assignor (Deceased), to Ronald David Tai See (son), Assignee, Milolii-Hoopuloa, South Kona, Hawaii, Tax Map Key: (3) 8-9-014:001.

**ITEM D-5** Amendment of General Lease No. S-6038 to Paa Pono Milolii, Lessee, for Community Enrichment & Historical Purposes, Milolii-Hoopuloa, South Kona, Island of Hawaii, Tax Map Key Nos.: (3) 8-9-014:038-041.

The purpose of the amendment is to add an additional seven lots to lease for expansion of Community Enrichment & Historical Center Purposes. Additional seven lots to include Tax Map Key Nos.: (3) 8-9-014:036, 042, 043, 044, 045, 046 and 047.

#### Public Testimony

Gail Garoutte available to answer any questions and supports the submittal.

**ITEM D-6** Consent to Assign General Lease No. S-5235, Orasa Kaiulani Fernandez, Assignor, to Wayne N. Dacalio, Don F. Dacalio, Morgan K. Dacalio Sr., and Morgan K. Dacalio Jr., Assignees, Milolii-Hoopuloa, South Kona, Hawaii, Tax Map Key: (3) 8-9-014:053.

Chair Case asked the Board member if there were any questions for Items D-4, D-5 or D-6. Russell Tsuji and Seiko Machida present to answer any questions.

#### Board Discussion-None

Public Testimony-None for Item D-4 and Item D-6

**12.10.2021(1)/05:34:53**

**MOTION**

**Approved as submitted Item D-4, Item D-5 and Item D-6 (Yuen, Oi) 6-Ayes (Gon Absent)**

**12.10.2021(1)/05:34:53**

**ITEM D-8** Refund Rent from February 2020 through September 2021 for Revocable Permit Nos. 5834 and 5835 to Association of Apartment Owners of Hale Pau Hana, Kamaole, Kula, Maui, Tax Map Key: (2) 3-9-005: Portion of 001 and Seaward of 001.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Discussion regarding the appraisals were questioned. Tsuji provided the background on the difference.

Public Testimony-None

**12.10.2021(1)/05:41:53**

**MOTION**

**Approved as submitted (Canto, Yuen) 6-Ayes (Gon Absent)**

**12.10.2021(1)/05:42:09**

**ITEM D-9** Issuance of Revocable Permit to Sandalwood Mountain Properties, Inc. for Parking Purposes; Termination of Revocable Permit No. 7900; Nuuanu, Honolulu, Oahu, Tax Map Key: (1) 2-2-010: portion of 021.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**12.10.2021(1)/05:43:37**

**MOTION**

**Approved as submitted (Yoon, Canto) 6-Ayes (Gon Absent)**

**12.10.2021(1)/05:43:42**

**ITEM D-10** Grant of Term, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes and Issuance of Construction Right-of-Entry Permit; Kewalo, Honolulu, Oahu, Tax Map Key: (1) 2-3-012:019.

Russell Tsuji presented the submittal. Albert Palmer (HHFDC) present to answer questions.

Board Discussion-None

Public Testimony-None

**12.10.2021(1)/05:44:57**

**MOTION**

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

**12.10.2021(1)/05:45:10**

**ITEM D-11** Amend Prior Board Action of October 8, 2004, Item D-5, *Grant of Term, Non-Exclusive Easement for Seawall and Reclaimed (fill) land to Harold and Julie Sharrer; Kahaluu, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-19:24 seaward*

The amendment is to Allow Payment of the Consideration in Installments.

Russell Tsuji presented the submittal. Julie Sharrer, applicant is present and provided background information for the request.

Board Discussion-None

Public Testimony-None

**12.10.2021(1)/05:47:35**

**MOTION**

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

**12.10.2021(1)/05:48:11 Break**

**12.10.2021(1)/05:55:46 (Member Gon has rejoined the meeting)**

**ITEM E-1** Annual Renewal of Revocable Permits Statewide. See **Exhibit A** for list of Revocable Permits.

Curt Cottrell, State Parks presented the submittal.

Board Discussion

Kealakua Bay RP's were discussed in depth. Alan Carpenter conveyed that the compromise would be to phase the character of use and pricing in and approve the RP's for 6-month's to allow dialog with the community and vendors.

Public Testimony

Leimana DaMate, on behalf of Aha Moku provided four recommendations stated in their written testimony.

*Amendment:*

*Staff to report back in six-months to look at the fee schedule for tour operation and issues raised by Member Gon (cultural content, days and hours of operation at Napo'opo'o Pier*

**12.10.2021(1)/06:19:14**

**MOTION**

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

**12.10.2021(1)/06:20:00**

**ITEM E-2** Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Fifteen (15) year Lease with the Hawai'i Conference Foundation, an Eleemosynary Organization, for Commercial Public Camping and Lodging Purposes at Lot 56 situated at Kōke'e, Waimea (Kona), Kaua'i, Hawai'i, Tax May Key: (4) 1-4-004:027 A, B.

Alan Carpenter, State Parks presented the submittal. Carpenter made an oral amendment to the submittal as follows: In year five (5) and onward, they will pay a nominal \$480.00 or 5 percent whichever is greater.

Board Discussion-None

Public Testimony

Andrea Kaohi is available to answer questions for the applicant.

**12.10.2021(1)/06:30:22**

**MOTION**

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

**12.10.2021(1)/06:32:20 Correction to Motion for Item E-2**

**MOTION**

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

**12.10.2021(1)/06:32:25**

**ITEM J-1** Sale of Concession by Sealed Bid for a Three-Year Mobile Food Concession Situated at Ala Wai Small Boat Harbor Honolulu, Island of Oahu, Hawaii, Identified by Tax Map Key: (1) 2-3-037:012 (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

**12.10.2021(1)/06:33:44**

**MOTION**

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

**12.10.2021(1)/06:34:06**

**ITEM J-3** Authorize a Ten-Year Extension of Boating Lease No. LK-19-001 to Kaua'i Sailing Association, Nawiliwili Small Boat Harbor, Nawiliwili, Island of Kaua'i, Hawaii; Tax Map Key: (4) 3-2-003:043 (Portion)

Carl Young, Division of Boating and Ocean Recreation presented the submittal with an oral amendment as follows:

*To include the request to exempt this request from Chapter 343 requirement to prepare an environmental assessment and the wording is as follows*

*Declare that, After Considering the Potential Effects of the Proposed Project as Provided By Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1, Hawaii Administrative Rules, This Project Will Probably Have Minimal or No Significant Effect on the Environment and is Therefore Exempt from the Preparation of an Environmental Assessment.*

*In accordance with the "Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii", dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states in pertinent part, "Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." This project is exempt from the preparation of an Environmental Assessment pursuant to the following exemption:*

*Item No. 40: "Leases of State land involving negligible or no expansion or change of use beyond that previously existing."*

Board Discussion-None

Who owns the Building? Young replied, the State.

Public Testimony-None

**12.10.2021(1)/06:37:15**

**MOTION**

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

**12.10.20212 (1)/06:38:28**

**ITEM K-1** Time Extension Request for Conservation District Use Permit (CDUP) HA-3868 for the Kamahale Farms LLC (represented by Robert Garrett) single-family residence by the Department of Land and Natural Resources, Located at 15-2145 Government Beach Road, Maku'u, Puna, Hawai'i, Tax Map Key: (3) 1-5-010:009.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Applicant Robert Garrett available to answer questions.

Board Discussion- None

Public Testimony-None

**12.10.20212 (1)/06:40:54**

**MOTION**

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

**12.10.20212(1)/06:41:22,**

**ITEM K-2** Petition for a Proposed Rule Amendment to Rezone Land from Limited to General Subzone in the State Land Use Conservation District by Randall N. Longfield and Madolyn Ann Longfield Located at Lanikai Beach Tract, Kailua, Koolaupoko, Oahu, Tax Map Key: (1) 4-3-005:077.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Trevor Fitzpatrick (OCCL) available to answer questions.

**12.10.2021(2)/00:00:00- Item K-2 Continued**

Board Discussion

Regarding the past history, the classifications and rules have changed since the first application among agencies.

Public Testimony

Greg Kugle provided the history of the application, Scott Ezer provided the content of the sub-zone application, and Tim Blackwood provided the geological aspects of the project.

**12.10.2021(2)/00:32:29**

**MOTION**

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

**12.10.2021(2)/00:33:52**

**ITEM K-3** Non-Action Item: Sam Lemmo, Administrator for the Office of Conservation and Coastal Lands to address the Board.

Sam Lemmo announced his retirement and shared his experience with DLNR.

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 S. Ferreira*

---

Darlene S. Ferreira  
Land Board Secretary

Approved for Submittal:

*Suzanne D. Case*

---

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