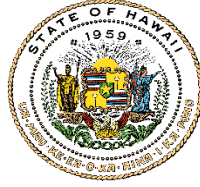


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
OFFICE OF THE CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL
RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

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

DATE: OCTOBER 27, 2022
TIME: 9:15 AM
LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream via
YouTube.

MEMBERS

Suzanne Case
Vernon Char
Kaiwi Yoon
Riley Smith

Doreen Canto
Aimee Barnes
Karen Ono

STAFF

Curt Cottrell-PARKS
Ed Underwood-DOBOR
Tiger Mills-OCCL
Andy Cullison-DOFAW

Alan Carpenter-PARKS
Megan Statts-DOBOR
Rob Hauff-DOFAW
Jay Hatayama-DOFAW

OTHERS

Julie China/AG
Clyde Aikau/J1
Aaron Rutledge/J1
Brian Adams/J1
Jerry Pupillo/J1
Keller Laros/J2
Kalani Nako/J2
Holly Crane/J2
Dane Kehai/J2
Sean Winterer/K2

Kaleo Wong/E3
Thomas Kopp/J1
David Carvalho/J1
Dolan Eversole/J1
Mike Nakachi/J2
Heather Nahaku Kalei/J2
Brian Fujikawa/J2
Iko Banga/J2
William Meurer/K1
James Leonard/K2

ITEM A-1

10.27.2022/00:27:01

Chair Case called the meeting to order and that the Board members and public are joining in person and via Zoom. The Kalanimoku Boardroom is open to the public who want to testify in person. Those who requested to provide oral and written testimony have done so in advance of the meeting.

10.27.2022/00:27:01

Member Canto read the standard Contested Case statement.

10.27.2022/00:30:37

Chair Case proceeded to conduct roll call of the Members present and explained the process of the how the meeting will be conducted.

10.27.2022/00:32:38

ITEM E-1 Establish Volunteer Agreement with the 'Āina Wellness Academy at Makiki Valley State Recreation Area, Honolulu, O'ahu, Tax Map Key: (1) 2-5-019:019 por.

Curt Cottrell, State Parks presented the submittal. Alan Carpenter (PARKS) available to answer questions.

Board Discussion

Cost of cultural landscape plan, use of pesticides, use of seawater in lieu of Roundup.

Public Testimony-None

10.27.2022/00:39:59

MOTION

Approved as submitted (Char, Yoon) unanimously.

10.27.2022/00:40:27

ITEM E-2 Establish Volunteer Agreement with 808Cleanups at Kaiwi State Scenic Shoreline, Maunaloa, O'ahu, Tax Map Key: (1) 3-9-011:006 por.

Curt Cottrell, State Parks presented the submittal.

Board Discussion-None

Public Testimony-None

10.27.2022/00:40:27

MOTION

Approved as submitted (Yoon, Smith) unanimously.

10.27.2022/00:42:20

ITEM E-3 Volunteer Agreement with Kauluakalana at Ulupō Heiau State Historical Park, Kailua, O'ahu, Tax Map Key: (1) 4-2-103:018 and 035 por.

Curt Cottrell, State Parks presented the submittal.

Board Discussion

Relationship with YMCA was discussed.

Public Testimony

Kaleo Wong provided testimony in support.

10.27.2022/00:48:50

MOTION

Approved as submitted (Barnes, Ono) unanimously.

10.27.2022/00:50:24

ITEM J-1 Request Final Approval to repeal Hawaii Administrative Rule (HAR) Chapter 13-251, Subchapter 1 Catamaran Captain, Canoe Captain, Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator Permits, Subchapter 2 Suspension or Revocation of Operator Permits, Subchapter 3 Violation of Operator Permit Provisions, and Subchapter 7 Special Operating Restrictions, to remove all certification requirements regarding catamaran captain, canoe captain, canoe second captain, surfboard instructor, sailboard instructor and commercial motorboat operator permits.

The proposed rule repeal can be reviewed in person at Division of Boating and Ocean Recreation (DOBOR) District Offices, from 8:00 am to 3:30 pm, Monday through Friday, except state holidays. District Office locations are available at:
<https://dlnr.hawaii.gov/dobor/contact>.

The current version of HAR Chapter 13-251, including a statement on the topic of the proposed repeal, can be reviewed online at:
<http://ltgov.hawaii.gov/the-office/administrative-rules>.

The current version of HAR Chapter 13-251 can also be viewed online at:
<https://dlnr.hawaii.gov/dobor/rules>.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal. Megan Statts (DOBOR) available for questions.

Board Discussion

Subzones criteria, licensing, hiring a third party to do certification, blue card, limits on blue cards, practical tests were discussed.

Public Testimony

Clyde Aikau, Thomas Kopp, Aaron Rutledge, David Carvaleo, Brian Adams, Dolan Eversole, Jerry Pupillo provided testimony.

Amendment:

Provision to include the minimum in the commercial permit includes the written part of the Blue Card application.

There will be no certification testing in the next the 60-days.

10.27.2022/02:01:19

MOTION

Approved as amended (Char, Ono) 5-Ayes, (1) Abstain (Yoon), (1) Oppose (Barnes)

Break: 10.27.2022/02:01:19

10.27.2022/02:15:00

ITEM J-2 Request approval to initiate rulemaking proceedings, including public hearings, to amend Hawaii Administrative Rules (HAR) Chapter 13-230, General Provisions, re: Section 13-230-8, Definitions, and HAR Chapter 13-256, Ocean Recreation Management Rules and Areas, to add a new Sections 13-256-26, Manta Ray Viewing, and 13-256-165, Makako Bay Manta Ray Viewing Zone, 13-256-166, Kaukalaelae Point Manta Ray Viewing Zone, as regulations for Manta Ray viewing activities.

The proposed rule amendment can be reviewed in person at 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

Mechanism to bring down the 80 permits to 40 permits, availability to view permits. Limits on distance or specific rules regarding touching the manta rays, environmental impact, permit value, environmental assessment.

Public Testimony

Mike Nakanishi, Keller Laros, Heather Nahaku Kalei, Kalani Nakoa, Holly Crane, Iko Banga, Dane, Kehai, Brian Fujikawa

10.27.2022/03:38:31

MOTION

Approved as submitted (Char, Smith) unanimously.

Break: 10.27.2022/03:39:11

10.27.2022/03:42:56

ITEM K-1 Third Time Extension Request for Conservation District Use Permit (CDUP) HA-3793 for a Single-Family Residence and Related Improvements by William Meurer Located at 'Opihikao, Puna, Hawai'i, Tax Map Key: (3) 1-3-004:008.

Tiger Mills, Office of Conservation and Coastal Lands presented the submittal. William Meurer is present to answer any questions.

Board Discussion-None

Public Testimony-None

10.27.2022/03:48:15

MOTION

Approved as submitted (Smith, Char) unanimously.

10.27.2022/03:49:00

ITEM K-2 Conservation District Use Application (CDUA) OA-3895 for a Single-Family Residence and Related Improvements by Sean Winterer located at 32-620 Piha-Kahuku Road, Piha, North Hilo, Hawai'i, Tax Map Key: (3) 3-2-004:037.

Tiger Mills, Office of Conservation and Coastal Lands presented the submittal. Applicant and James Leonard are present to answer any questions.

Board Discussion

Clarification on page 25, landscape plan, number of Ohia trees to be removed and replaced.

Public Testimony

James Leonard provided background information of the area.

10.27.2022/04:09:15 (Member Char left the meeting)

MOTION

Approved as submitted (Smith, Barnes) 6-Ayes (Member Char not present)

Lunch Break: 10.27.2022/04:10:08

10.27.2022/04:46:08

ITEM C-1 Request for Approval of a Management Plan for the Honuauia State Forest Reserve, Tax Map Keys: (3) 7-3-001:001, (3) 7-4-001:002, 003, & 004, (3) 7-4-002:007, (3) 7-5-013:013, 022, North Kona, Hawaii.

Rob Hauff, Division of Forestry and Wildlife presented the submittal along with Andy Cullison and Jay Hatayama (DOFAW).

Board Discussion

Management plan, snails if any, future impact of climate change to the forest, rapid Ohia death, public outreach, cost estimates for management plan, public access, hunters, signage, designated trails, feral

cows were discussed.

Public Testimony-None

10.27.2022/05:07:38

MOTION

Approved as submitted (Barnes, Yoon) unanimously.

10.27.2022/05:09:27

L-1 Request Approval and Adoption of Proposed Amended Dam Safety Penalty Schedule For Processing of Civil Resource Violations of HRS Chapter 179D and HAR Chapter 13-190.1; and Request Delegation to the Chairperson to Process Violations under the Civil Resource Violation System in Accordance with the Proposed Amended Dam Safety Penalties Schedule.

Carty Chang, Engineering presented the submittal. Edwin Matsuda (Engineering) available for questions

Board Discussion

CRV schedule, working with dam owners, compliance, violations, permits, dollar amount in arrears,

Public Testimony-None

10.27.2022/05:29:30

MOTION

Approved as submitted (Ono, Smith) unanimously.

10.27.2022/05:30:05

There being no further business, Chairperson 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:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources