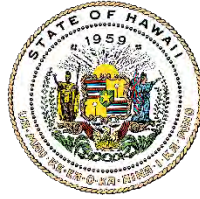


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**APPROVED AT ITS
BOARD MEETING
HELD ON
MARCH 10, 2023**

dar

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

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

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

DATE: NOVEMBER 10, 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 (absent)
Riley Smith

Doreen Canto
Aimee Barnes
Karen Ono

STAFF

Russell Tsuji-Land
Ian Hirokawa-Land
David Smith-DOFAW
Jason Omick-DOFAW
Scott Fretz-DOFAW
David Sakoda-DAR
Trevor Fitzpatrick-OCCL
Edwin Matsuda-ENG
Alison Neustein-Land

Kevin Moore-Land
Gordon Heit- Land
Emma Yuen-DOFAW
Ayron Stauch-CWRM
Brian Neilson-DAR
Andrew Porter-DAR
Michael Cain-OCCL
Dicky Lee/ENG

OTHERS

Miranda Steed/AG
Jennifer Tomita/DOT HAR
Lauren Chun/K1
Brad Romine/K1
Paul Murakawa/F1
Steve Dollar/F1
Emmet Kinney/F1
Christy Martin/F3

Dawn Tsue/DOT-AIR
Darrell Ing/DHHL
Loren Seehase/K1
Emmet Kinney/F1
Tony Montgomery/F1
Andrea Milan/F1
Brian Ishida/F2
Andrew Porter/F3

Dawn Yokohama/C2
Brandi Bohanon/D1
David Frankel/D5
Shane Senesce/D5
Meredith Ching/D5
Mike Fault/D5
Aedward Los Banos/D8
Bahman Sadeghi/D4
Cal Chipchase/D6
John Romanowski/D3

Paul Murakawa/F1
Cliff Barbari/D1
Lucienne DeNaie/C3,D5
Toni Ethan/D5
Grant Nakama/D5
Jesse Colandrea/L1
Darrell Young/D8
Bob Masuda/D4
Keiki-Pua Dancil/D6

11.10.2022/00:00:20

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. Noted that Item F-3 will not be heard today.

11.10.2022/00:02:27

Member Canto read the contested case statement.

11.10.2022/00:03:05

Chair Case conducted Roll call of the Board and noted Member Yoon was absent.

11.10.2022/00:06:23

ITEM M-1 Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, Gyrocopters Hawaii LLC, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 001.

ITEM M-2 Issuance of a Revocable Permit for Aircraft Parking, Peter Kelley, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

ITEM M-3 Issuance of a Revocable Permit for Aircraft Parking, Kenneth Mumford, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

ITEM M-4 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft in Support of an Aeronautical Maintenance Business, PMX Aviation Services LLC., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.

ITEM M-5 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of an Aircraft, Phillip Wilson Jr., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 020.

ITEM M-6 Issuance of a Revocable Permit for Ramp Space to Park Ground Service Equipment and Mobile Refuelers, Air Service Hawaii, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

- ITEM M-7** Issuance of a Revocable Permit for an Office and Breakroom, Alaska Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003,
- ITEM M-8** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Kupau, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-9** Issuance of a Revocable Permit for an Office and Breakroom, Southwest Airlines Co., 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 Storage Space for Aircraft Cabin Supplies and a Truck Loading Dock, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 263.
- ITEM M-11** Issuance of a Revocable Permit for Aircraft Parking, Shortcut LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.
- ITEM M-12** Issuance of a Revocable Permit for an Office for Airline Carrier Operations, Southern Airways Express, LLC, Lanai Airport, Tax Map Key: (2) 4-9-002: Portion of 055.
- ITEM M-13** Issuance of a Revocable Permit for a Baggage Service Office, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 241.

Dawn Tsue, DOT Airports present to answer question for Items M-1 through M-13.

11.10.2022/00:07:02

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, and M-13 (Canto, Smith) unanimously.

11.10.2022/00:07:40

ITEM M-14 Issuance of Five (5) Month-to-Month Revocable Permits to Sause Bros., Inc., for Office, Storage, and Warehouse Space, situated at Pier 21, Honolulu Harbor, Oahu, Tax Map Key Nos.: (1) 1-5-039: Portion of 035 and (1) 1-5-039: Portion of 007, Governor's Executive Order No. 2903.

Jennifer Tomita, DOT Harbors present to answer any questions.

Board Discussion

Member Smith noted his opposition on principal.

11.10.2022/00:08:29

Chair Case went back to the Motion for Items M-1 through M-13 to conduct a roll call on the Motion (noting Member Yoon's absence).

11.10.2022/00:09:01

MOTION

Approved as submitted (Ono, Canto) 5-Ayes 1-Nay (Smith)

11.10.2022/00:09:34

ITEM M-15 Authorize the Deregistration from Land Court of East Kapolei, Certificate of Title No. 908,339, Lots 19890, 19891, 19892, 19893, and 19895, Map 1667, Land Court Application No. 1069. identified by Tax Map Keys: (1) 9-1-017:156, (1) 9-1-017:157, (1) 9-1-017:158 (1) 9-1-017:159 and(1) 9-1-017:161, Kapolei, Island of Oahu, Hawaii.

Darrell Ing, Department of Hawaiian Homes Lands presented the submittal.

Board Discussion-None

Public Testimony-None

11.10.2022/00:10:07

MOTION

Approved as submitted (Char, Canto) unanimously.

11.10.2022/00:10:25

ITEM C-1 Request for Approval to Extend License Agreement No. 510 for One-Year Between The Department of Land and Natural Resources and the Department of Hawaiian Home Lands for the purpose of Maintaining Public Hunting Areas and Approval to Extend by Mutual Agreement of the parties.

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

Board Discussion

Long-term disposition was discussed.

Public Testimony-None

11.10.2022/00:13:39

MOTION

Approved as submitted (Char, Ono) unanimously.

11.10.2022/00:13:45

ITEM C-2 Request for Approval to Hold Statewide Public Hearings to Amend and Compile Title 13, CHAPTER 209, Hawaii Administrative Rules: Rules Regulating Activities within Natural Area Reserves (NARS).

The rule amendment can be reviewed online at:
<http://ltgov.hawaii.gov/the-office/administrative-rules/>
or can be reviewed in person at any Division of Forestry and Wildlife district office
from 8:00 am to 3:30 pm, Monday through Friday, except State holidays.

David Smith, Division of Forestry and Wildlife presented the submittal. Emma Yuen (DOFAW),
and Dawn Yokohama available for questions.

Board Discussion

Process of Public Hearings, purpose for amended rules were discussed.

Public Testimony-None

11.10.2022/00:17:46

MOTION

Approved as submitted (Ono, Canto) unanimously.

11.10.2022/00:19:01

ITEM C-3 Authorize the Division of Forestry and Wildlife to conduct Public Hearings on the
Islands of Kauai, Oahu, Molokai, Maui, and Hawaii to Set-Aside Lands as Forest
Reserves, Natural Area Reserves, and Wildlife Sanctuaries Statewide:

FOREST RESERVES ON TAX MAP KEY NOS:

KAUAI: 444001002, 454002026, 456002001

OAHU: 148013013, 169001004, 191017158, 199010052, 199011002

MOLOKAI: 257005026, 257005031, 258003023, 258015007, 258015009

MAUI: 211001001, 211001021, 211001031, 211001052, 211002005,
211002006, 211002007, 211008001, 211008005, 212001039,
213003017, 213006007, 214011003, 214011004, 214012019,
215002004, 215008004, 215010008, 215011007, 215011012,
215011014, 215011015, 215011029, 216002009, 217002011,
217002044, 217003013, 224016001, 229001020, 229001033,
229002012, 229010008, 229010009, 229010012, 229010022,
229011008, 229011013, 229013004, 229013012, 229013014,
229013016, 229013017, 229013018, 229013020, 231001001,
231001021, 231001029, 231006003, 236001014 (por), 244004002,
244004006, 244004009, 244004011, 244004019, 244007006,
245021004, 245021023, 248001001 (por), 248002002, 248003008
(por), 248003040, 248003040, 248002039

HAWAII: 324008035, 351001006, 387014015, 396007002

NATURAL AREA RESERVES ON:

MOLOKAI: 261001002 (por)

MAUI: 218001005, 221003050 (por), 221004075, 221004110, 221006010,
221006077, 221006078

WILDLIFE SANCTUARIES ON:

MAUI: 231002011, 231001014

David Smith, Division of Forestry and Wildlife presented the submittal. Emma Yuen and Scott Fretz (DOFAW), available for questions.

Board Discussion

Noted that there is a link that will take you to the different parcels. Outreach and website searching for the parcels were discussed.

Public Testimony

Lucienne DeNaie in support of the submittal

11.10.2022/00:29:00

MOTION

Approved as submitted (Ono, Canto) unanimously.

11.10.2022/00:29:08

ITEM C-4 Delegation of Authority to the Chairperson to Procure, Award, and Enter into a Professional Service Consultant and Construction Contracts for a Warehouse in the Kamuela State Tree Nursery, Tax Map Keys: (3) 6-6:005:001 and (3) 6-6:005:002, Waimea, Hawaii.

Emma Yuen, Division of Forestry and Wildlife presented the submittal. David Smith (DOFAW) available for questions.

Board Discussion

The hub will be a welcome addition for the community.

Public Testimony-None

11.10.2022/00:31:45

MOTION

Approved as submitted (Smith, Ono) unanimously.

11.10.2022/00:33:33

ITEM D-1 Consent to Sublease General Lease No. S-3952, to United States of America, Department of the Navy, Sublessor, to the Federal Aviation Administration, Sublessee, Makaha Ridge, Waimea, Kauai, Tax Map Key: (4) 1-2-01: por. 06.

Russell Tsuji, Land Division presented the submittal. Alison Neustein (Land) and Brandi Bohanon and Cliff Barbari with Federal Aviation available to answer questions.

Board Discussion

Access to the facility and maintenance, gratis status was discussed.

Public Testimony-None

11.10.2022/00:39:53

MOTION

Approved as submitted (Ono, Canto) unanimously.

11.10.2022/00:40:41

ITEM D-8 Continue Right-of-Entry Permit Approved under Prior Board Action of June 24, 2022, Item D-5; *Issuance of Right-of-Entry Permit to the City and County of Honolulu for Homeless Outreach and Navigation for Unsheltered Persons Program Purposes (“HONU”) on Land Set Aside the Department of Land and*

Natural Resources, Land Division, under Governor’s Executive Order No. 3461; Kahauiki, Honolulu, Oahu, Tax Map Key: (1) 1-1-006:003, for an Additional One-Year Period.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Purpose of use was discussed.

Public Testimony

Aedward Los Banos and Darrell Young, City and County of Honolulu in support.

11.10.2022/00:52:40

MOTION

Approved as submitted (Char, Ono) unanimously.

11.10.2022/00:52:54

ITEM D-9 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on December 1, 2022, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

Russell Tsuji, Land Division presented the submittal. Bruce Albrecht available to answer questions.

Board Discussion

Firework issues over water, impact on air and aquatic life, post clean-up, sustainability plan was discussed.

Public Testimony-None

11.10.2022/01:01:40

MOTION

Approved as submitted (Canto, Smith) 4-Ayes 2- Nay (Barnes, Ono)

11.10.2022/01:02:47

ITEM D-2 Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for a Private Sand Sculpting Team Building Event at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

11.10.2022/01:03:13

MOTION

Approved as submitted (Ono, Canto) unanimously.

11.10.2022/01:03:27

ITEM D-3 Cancellation of Revocable Permit No. S-7751 and Issuance of a Direct Lease to Jas. W. Glover, Ltd. for Base Yard Purposes, Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-1-012:portion of 004.

Issuance of a Revocable Permit to Jas. W. Glover, Ltd. for Open Storage Purposes Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-1-012:portion of 004.

Kevin Moore, Land Division presented the submittal. Gordon Heit (Land) present to answer questions.

Board Discussion

Member Smith disclosed that he knows the applicant and does not have any conflict of interest.

Public Testimony

John Romanowski representing the applicant stand by their written testimony.

Amendment:

The Board amended the staff submittal in the following manner; and otherwise approved the submittal and recommendations in all other respects:

Page 2, under CHARACTER OF USE, delete "General Industrial Purposes" and replace it with:

*Direct Lease – Base yard purposes.
Revocable Permit – Open storage purposes.*

Page 2, under ANNUAL RENT, change the heading to ANNUAL/MONTHLY RENT and replace the text under the heading with:

Direct Lease – Annual fair market rent to be determined by an independent appraiser procured by the Department and paid for by the applicant.

Revocable Permit – Monthly fair market rent to be determined by an independent appraiser procured by the Department and paid for by the applicant.

Page 5, Recommendation 3.A., change “commercial” to “industrial” in the following sentence:

The standard terms and conditions of the most current [~~commercial~~] industrial lease document form, as may be amended from time to time.

11.10.2022/01:12:27

MOTION

Approved as amended (Smith, Char) unanimously.

11.10.2022/01:13:07

ITEM D-4

Mutual Cancellation of General Lease No. S-4662 (GL4662) and Reissuance of Direct Lease to Meadow Gold Dairies Hawaii, LLC, for Dairy Processing Purposes with Clarification that Mutual Cancellation of GL4662 shall not Vest of Ownership of Existing Improvements on Premises of GL4662 in State, Waiakea, South Hilo, Hawaii Tax Map Keys: (3) 2-1-012:004, 005, and 025.

Cancellation of Executive Order Nos. 2283 and 3825 and Reset Aside to the County of Hawaii, Department of Parks and Recreation for Base Yard Purposes, Waiakea, South Hilo, Hawaii Tax Map Keys: (3) 2-1-012:004 and 005.

Kevin Moore, Land Division presented the submittal. Gordon Heit (Land) present to answer questions.

Board Discussion

If or any other dairies on the Big Island was addressed. Meadow Gold Dairies LLC is a new entity.

Public Testimony

Bahman Sadeghi representing the applicant in support of the submittal. Bob Masuda, First Deputy, testified in support of the submittal.

Amendment:

The Board amended the staff submittal in the following manner; and otherwise approved the submittal and recommendations in all other respects:

Page 5, recommendation 4.A., delete “commercial” at the beginning of the following sentence:

~~The standard terms and conditions of the most current cancellation and new commercial/~~industrial lease document form, as may be amended from time to time.

11.10.2022/01:19:34

MOTION

Approved as amended (Smith, Barnes) unanimously.

11.10.2022/01:25:13

ITEM D-3 MOTION TO APPROVE AS AMENDED was revisited and approved as amended unanimously.

11.10.2022/01:28:13

ITEM D-6 Approve: Assignment of License of Private Property No. 216 (LPP No. 216), As Is, Where Is With All Faults to the County of Maui, But If Not Accepted Within 180 Days, then the Department is Authorized to Immediately Enter into a Mutual Termination of LPP No. 216 with the Owner, Lanai Resorts, LLC dba Pulama Lanai; Lanai, Hawaii, Tax Map Key: (2) 4-9-002:001 portion.

Russell Tsuji and Division presented the submittal. Cal Chipchase and Keiki-Pua Dancil, Pulama Lani available to answer questions.

Board Discussion

Outstanding County taxes do not apply to the State.

Public Testimony

Cal Chipchase and Keiki-Pua Dancil answered questions and testified in support.

11.10.2022/01:34:19

MOTION

Approved as submitted (Ono, Canto) unanimously.

11.10.2022/01:34:38

ITEM D-7 Request to Rescind Previous Board Action of July 14, 2000, Agenda Item D-32, Rescinding Previous Board Action of October 11, 1985, Agenda Item F-4, and Authorizing a Public Auction; and Amend Previous Board Actions of October 11, 1985, Agenda Item F-4 and September 13, 1985, Agenda Item F-10, Involving the Direct Sale of a Non-Exclusive Easement to Charles M. Foreman, Trustee and Cathedral City Investments, Inc., Kaohai, Lanai, Tax Map Key: (2) 4-9-003:Seaward 010.

The purpose of this rescission and amendment is to cancel the public auction approved by Board Action of July 14, 2000, Agenda Item D-32 and approve the direct sale of a non-exclusive easement, which was previously approved by the

Board on September 13, 1985, Agenda Item F-10, as amended on October 11, 1985, agenda item F-4, subject to the same terms and conditions, to current owner, Lanai Resorts, LLC dba Pulama Lanai, and amend the name of the applicant to the current owner of the abutting property and replacing rent reopening dates instead with known stepped-up rents appraised at fair market value, and other housekeeping amendments.

Russell Tsuji and Division presented the submittal. Cal Chipchase and Keiki-Pua Dancil available to answer questions.

Board Discussion

Current use of the dock, silt, use of the pier, public access, commercial use

Public Testimony

Keiki-Pua Dancil provided information on the efforts to improve the area.

11.10.2022/01:46:38

MOTION

Approved as submitted (Canto, Ono) unanimously.

Break: 11.10.2022/01:47:38

11.10.2022/02:09:28

ITEM D-5 Continuation of Revocable Permits S-7263 (Tax Map Key (2) 1-1-001:044), S-7264 (Tax Map Keys (2) 1-1-001:050, 2-9-014:001, 005, 011, 012 & 017) and S-7265 (Tax Map Key (2) 1-1-002:por. 002) to Alexander and Baldwin, Inc., and S-7266 (Tax Map Keys (2) 1-2-004:005 & 007) to East Maui Irrigation Company, Limited, for Water Use on the Island of Maui.

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.

Ian Hirokawa, Land Division presented the submittal. Ayron Strauch (CWRM), and Scott Fretz (DOFAW) available for questions. Meredith Ching, Grant Nakama, Mike Fault for the applicant provided information on their operations.

Board Discussion

County of Maui's interest in the lease, diversion of water by the County, County's water use, calculation of system losses, lining the reservoirs, future land that will be withdrawn from this area, reduced footprint, watershed management fee, seepage, sustainability, Sierra Clubs suggested conditions, fee structure.

Public Testimony

Lucienne DeNaie, Shane Senesce, Toni Ethan provide testimony.

David Frankel provided testimony in opposition and requested a contested case hearing.

11.10.2022/03:15:16

Member Canto made a Motion to go into Executive Session. Member Ono seconded the Motion. The Motion was unanimous.

11.10.2022/04:12:19

Further Discussion-Continue Public Testimony

Chair Case asked if Frankel would like more time to provide testimony, he would have to withdraw his request for contested case. Frankel noted conditions in which he would withdraw his request for contested case. Frankel continued with his testimony. After further testimony Frankel requested a contested case and stated his basis for the request.

11.10.2022/05:40:39

MOTION

Deny request of contested case (Char, Canto) unanimous.

Amendment:

The Board approved the staff submittal and recommendations but made the following specific amendments:

1. Allow up to 40.49 mgd to be diverted, calculated on a monthly moving average;
2. Rent will be based on the amount of water used at a rate of \$6,018.00 per mgd per year, the rent amount shall be calculated and paid monthly in arrears;
3. Permittees shall report water use calculated per acre per day for the entire farm operation; and
4. DLNR will be invited to participate in stakeholder meetings as available.

11.10.2022/05:48:10

MOTION

Approved as amended (Canto, Char) unanimously.

Break: 11.10.2022/05:48:20

11.10.2022/06:05:03

ITEM K-1 (1) Approval of a Settlement Agreement, Restrictive Covenant, and Seawall Removal Plan and Stipulated Judgment to resolve *State of Hawai'i v. James O'Shea and Denise O'Shea, as Trustees of the James and Denise O'Shea Trust, James O'Shea, individually and Denise O'Shea, individually*, Civil No. 17-1-1543-09 JPC, and Contested Case OA-18-01 regarding 59-171 D Ke Nui Road, Hale'iwa, O'ahu, Tax Map Key No. (1) 5-9-002:025 (seaward), and delegation of authority to the Chairperson to execute the same;

(2) Approval of a Declaration of Exemption for the Demolition and Removal of a Seawall from Chapter 343, Hawaii Revised Statutes Located at 59-171 D Ke Nui

Road, Hale'iwa, O'ahu, Tax Map Key No. (1) 5-9-002:025 (seaward).

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

Michael Cain, Office of Conservation and Coastal Lands, presented the submittal. Brad Romine (Sea Grant) available to answer questions.

Board Discussion

Conditions of the settlement if the house is sold was discussed. Timeline for the repairs to be done.

Public Testimony-None

11.10.2022/06:20:30

MOTION

Approved as submitted (Char, Smith) 5-Ayes 1-Abstain (Barnes)

11.10.2022/06:20:57

ITEM F-2 Request for Final Approval to Amend and Compile Hawaii Administrative Rules 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 Add New Definitions for "Freshwater Stream", "Multi-Panel Lay Net", "Resident", and "Throw Net" and to Clarify and Update the Definitions of "Akule", "Iao", "Opelu", and "Pua"; §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 (Gill Nets) to Clarify That It is Unlawful to Leave a Gill Net Unattended for Any Amount of Time; §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 Fees 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.

The proposed rules, including a statement on the topic of the proposed rules, 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-notice/>.

Davis Sakoda, Division of Aquatic Resources presented the submittal. Brian Ishida available to answer questions.

Board Discussion-None

Public Testimony-None

11.10.2022/06:25:14

MOTION

Approved as submitted (Canto, Smith) unanimously.

11.10.2022/06:25:39

ITEM F-1 Settlement Agreement with Healy Tibbitts Builders, Inc. for Stony Coral and Live Rock Damage resulting from the anchoring incident that occurred on or about May 4, 2021, outside the Honolulu Harbor entrance channel, island of Oahu.

Brian Neilson, Division of Aquatic Resources presented the submittal with a presentation of the overview of the incident. David Sakoda, Andrew Porter, Andrea Millian, Paul Murakawa, Tony Montgomery (DAR) and Emmet Kinney (Healy Tibbitts) available to answer questions.

Board Discussion

Mediation work, cost, ways to moor the vessel when dredging was discussed.

Public Testimony

Emmet Kinney provided testimony the company's remorse regarding the incident.

11.10.2022/06:48:57

MOTION

Approved as submitted (Char Ono) 5-Ayes, (Barnes not present)

11.10.2022/06:50:42 (Member Barnes has rejoined the meeting via phone)

ITEM J-1 Request approval and adoption of amendments to Hawaii Administrative Rules (HAR) Section 13-256-152, Kahaluu Bay ocean waters, regarding commercial surfing instruction, including a map exhibit and technical 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>

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

Board Discussion

Hours of operation, number of permits and enforcement was discussed.

Public Testimony-None

11.10.2022/06:56:21

MOTION

Approved as submitted (Smith, Ono) unanimously.

11.10.2022/06:57:38

ITEM L-1

Request Approval of Variance of Hawaii Administrative Rules Title 13, Subtitle 7, Chapter 190.1, Section 13-190.1-4(a)(3); Spillway constructed in natural ground, for Kehalani Offsite Retention Basin (MA-0141), Maui, Dam Owners: RCFC Kehalani, LLC, Legal Landowner: Heona Investments, LLC, Location: Waikapu, Maui, Tax Map Key Number: (2) 3-5-0028:001.

Dicky Lee, Engineering presented the submittal. Edwin Matsuda (ENG) and Jesse Colandrea representing the applicant present to answer any questions.

Board Discussion-None

Public Testimony-None

11.10.2022/06:58:40

MOTION

Approved as submitted (Canto, Ono) unanimously.

11.10.2022/06:59:18

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:

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