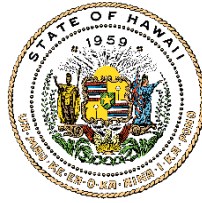


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**APPROVED BY THE BOARD**  
**AT ITS MEETING HELD ON**  
**OCTOBER 13, 2023**

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 HAWAII'  
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 NATURAL RESOURCES**

Audio Links: <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-230526-1.m4a>  
<https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-230526-2.m4a>

DATE: May 26, 2023  
TIME: 9:15 AM  
LOCATION: In person at 1151 Punchbowl St, Room 132  
(Kalanimoku Building) online via ZOOM, livestream  
via YouTube

**MEMBERS**

Dawn Chang  
Vernon Char  
Kaiwi Yoon  
Riley Smith

Doreen Canto  
Aimee Barnes (absent)  
Karen Ono (Zoom)

**STAFF**

Russell Tsuji-Land  
Luke Sarvis-Land  
Lauren Yasaka-Land  
Barry Cheung-Land  
Candace Martin-Land  
Daniel Ornellas-Land  
Les Kobata-BOC  
Cathy Gewerke-DAR  
David Neilson-DAR  
Brian Yoshida-DAR  
Tanya Rubenstein-DOFAW  
Ed Underwood-DOBOR  
Richard Howard-DOBOR

Kevin Moore-Land  
Ian Hirokawa-Land  
Luke Sarvis-Land  
Rebecca Anderson-Land  
Gordon Heit-Land  
Tiger Mills-OCCL  
Bess Palma-BOC  
Adam Wong-DAR  
David Sakoda-DAR  
David Smith-DOFAW  
Lanie Berry/DOFAW  
Megan Statts-DOBOR  
Kim Kahalehua-DOBOR

**OTHERS**

Dan Morris/AG  
Olivia Pham/DOT HAR  
Derrick Carne/DOT HAR  
Robert Moore/D2  
Stephanie Pascual/D5

Abby Lareau/DOT AIR  
Jennifer Tomita/DOT HAR  
Britt Crave/D2  
Justin White/D3  
Rion Kim/D6

**ITEM A-1**

Robert Stellmacher/D8  
Megan Kau/D10  
Veronica Laygan/D10  
Kevin Chang/F3  
Kamalei Pico/F3  
Pekelo Lina/F3  
Crichton Lind/F3  
Kane Lind/F3  
Brad Stubbs/F4  
Naud Najafi/K1  
Wei Chang Liauh/K1  
Bill Saunders/K1

Chris Sanger/D10  
Audrey Stanley/D10  
James Manaku/F1  
Alex Connelly/F3  
Kamalei Pico/F3  
Alan Yurkanin/F3  
Kauiki Lind/F3  
Bruce Lind/F3  
Zachary LaPrade/F4  
Joe Stewart/K1  
Eric Yuasa/K1  
Suzanne Case/K1

**05.26.2023(1)/00:00:33**

Chair Chang called the meeting to order. The Board members and public join in person and via Zoom. Those who requested to provide oral and written testimony have done so in advance of the meeting. The contested case standard statement was read and Roll Call of the Members conducted. Note the order of the Agenda items to be heard.

**05.26.2023(1)/00:08:00**

**ITEM G-1** Request for Authorization to Enter into a Contract for Support Services for Torrens (Land Court) Documents and Certificates.

Les Kobata, Bureau of Conveyances presented the submittal. Introduced Bess Palma Assistant Registrar.

Board Discussion

Regarding Certificate of Titles (Land Count) has improved with the use of the vendor. Although the Title of Certificates have been delayed, real estate transactions are not affected. The question of the doing away with the Torrens System. Duration of the project. It was requested that the Chair look into the continuation of the Land Court System. Initial dollar amount and Legislative approval were clarified. Evaluating of the Torrens System

Public Testimony-None

**05.26.2023(1)/00:35:36**

**MOTION**

**Approved as submitted (Canto, Yoon) unanimously.**

**05.26.2023(1)/00:38:10**

**ITEM M-1** Issuance of a Revocable Permit for a Passenger Check-In Counter, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 053.

**ITEM M-2** Issuance of a Revocable Permit for Vehicle Parking for Used Car Sales Operation, Pono's Used Cars. Inc., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

Lareau provided the following information: Pono Used Cars has land property located adjacent to land under the jurisdiction of Hilo Airport and currently using the land to park cars but what they also did was construct a rock wall and the rock wall starts at about 1-foot and ends at about 3-feet, so the height of the wall is about 3-feet. Please be advised that they will have to provide after the fact tenant improvement plans for Airports review and approval, are subject to all County, State, Federal permitting and or approvals.

Board Discussion

Reminder to Tenants to be in compliance.

**ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, The Realty Investment Company, Limited, Hilo International Airport, Tax Map Key: (3) 2-1-023: Portion of 009.

Lareau noted that a wash area has been designated.

**ITEM M-4** Issuance of a Revocable Permit for Main Terminal Floor Space for Ticket Counters, Air Canada, 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 a Sprung Structure and Storage Containers for General Aviation Aircraft Maintenance Operation, Seawings LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-6** Issuance of a Revocable Permit for an Office and Break Room, United Airlines, 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 through M-6. Provided follow-up on Items M-2 and M-3 that were previously deferred.

Board Discussion

See Items M-2 and M-3.

Public Testimony-None

**05.26.2023(1)/00:45:45**

**MOTION**

**Approved as submitted Items M-1, M-2, M-3, M-4, M-5 and M-6 (Smith, Char) unanimously.**

**05.26.2023(1)/00:45:59**

**ITEM M-7** Request for Authorization to Issue (2) two Month-to-Month Revocable Permits (RP) to Fishco Wholesale LLC, for operation of a cold storage facility, selling fishing supply, gear and equipment to support Maritime entities and commercial fishing vessels, situated at Pier 32, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-035: Portion of 012, Governor's Executive Order No. 4167.

Derrick Carne, DOT Harbor present to answer any questions.

Board Discussion-None

Public Testimony-None

**05.26.2023(1)/00:46:20**

**MOTION**

**Approved as submitted (Canto, Smith) unanimously.**

**05.26.2023(1)/00:46:49**

**ITEM M-8** Request for Authorization to Issue a Construction Right-of-Entry (CROE) and a Month-to-Month Revocable Permit (RP) to Young Brothers, LLC, for a Shore Tension Dynamic System, situated at Kaunapali Harbor, Island of Lanai, Tax Map Key: (2) 4-9-002: Portion of 001, Governor's Executive Order No. 3960.

Olivia Pham, DOT Harbors present to answer questions.

Board Discussion-None

Public Testimony-None

**05.26.2023(1)/00:47:16**

**MOTION**

**Approved as submitted (Canto, Smith) unanimously.**

**05.26.2023(1)/00:47:33**

**ITEM M-9** Request for Authorization to Issue (2) two Month-to-Month Revocable (RP) to Hawaii Stevedores, Inc., for two Office trailers with Customer Service Area and Area for Storage Container, situated at Kahului Harbor, Island of Maui, Tax Map Key: (2) 3-7-010: Portion of 006 and (2) 3-7-008: Portion of 002, Governors Executive Order No. 2986.

Jennifer Tomita, Harbors present to answer questions.

Board Discussion-None

Public Testimony-None

**05.26.2023(1)/00:47:45**

**MOTION**

**Approved as submitted (Canto, Smith) unanimously.**

**05.26.2023(1)/00:48:22**

**ITEM D-3** Consent to Transfer of 100% Stock Ownership of Parent Company of InSite Towers Development, LLC, Lessee, to American Towers, LLC, Transferee, Amended General Lease Nos.:

S-4130, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002: pors.;

S-4223, Mount Kaala, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-7-003: pors.;

S-4588, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-019: pors.;

and

S-4614, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-8-001: por. 1 & 10

Issuance of Management Right-of-Entry Permit Retroactive to January 1, 2023, and Revocable Permit to InSite Towers Development, LLC for Telecommunication Station and Telecommunication Tower Facilities Purposes, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002: pors.

Russell Tsuji, Land Division presented the submittal. Luke Sarvis (Land) available to answer questions.

**Board Discussion**

Owner of Towers, Antenna, any provisions for maintenance, removal of antennas on termination of the lease. New Right-of-Entry, Bond for removal of infrastructure as a condition.

**Public Testimony**

Justin White, representing the applicant answered the Board's questions and plans to cooperate with the State for the removal of the antenna's should the State request it.

***Amendment:***

*The Recommendation section was amended to add a removal bond (acceptable to the department) requirement to the lease for all improvements on the premises.*

**05.26.2023(1)/01:01:55**

**MOTION**

**Approved as amended (Char, Smith) unanimously.**

**05.26.2023(1)/01:02:24**

**ITEM D-10** Request to Approve Settlement Regarding Enforcement Action for Unauthorized Encroachment and Commercial Activities on State Lands, Hawaii Administrative Rules Chapter 13-221, and Hawaii Revised Statutes, Section 171-6, against Chris Sanger and Duke's Lagoon LLC at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) available to answer questions.

Board Discussion

Presetting chairs have been addressed by the Legislature. Mr. Sanger has a commercial activity permit from DOBOR for water activities.

Public Testimony

Audrey Stanley representing Chris Sanger answered the Board's questions.

**05.26.2023(1)/01:13:24**

**MOTION**

**Approved as submitted (Char, Smith) 5-Ayes 1-Oppose (Yoon)**

**05.26.2023(1)/01:14:02**

**ITEM D-2** Amend Prior Board Action of June 24, 2022, Item D-3, *Grant of a Term, Non-Exclusive Easement for each of Two Crossings Over the Honokohau Trail with Issuance of an Immediate Construction Right-of-Entry to West Hawaii Business Park LLC for Access and Utility Purposes, Honokohau 1<sup>st</sup> & 2nd, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:portions of 078 and 079.*

The purposes of the amendment are: (a) to add two (2) adjacent parcels owned by the applicant, TMKs: (3) 7-4-008:077 and 090, as benefitted parcels to Easement B; and (b) delete a provision regarding the termination of the road crossing easements upon dedication of the respective roadways to the County of Hawaii.

Russell Tsuji, Land Division presented the submittal. Candace Martin (Land) available to answer questions.

Board Discussion

Member Smith is rescuing himself from this submittal. Clarified that there will be utilities running under the easement.

Public Testimony

Bill Moore and Britt Craven representing Lanihau Properties provided information on the easement.

**05.26.2023(1)/01:19:22**

**MOTION**

**Approved as submitted (Canto Yoon) 5-Ayes, 1-Recuse (Smith)**

**05.26.2023(1)/01:20:30**

**ITEM D-6** Authorize the Department of Land and Natural Resources, Land Division to Negotiate a Development Agreement for a 40-Year Extension of Lease Term, General Lease No. S-4095 Olomana Golf Links, Inc., Lessee; Waimanalo, Koolaupoko, Oahu, Hawaii, Tax Map Key: (1) 4-1-013:010.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) available to answer questions.

Board Discussion

Must comply with all counties permitting, Phase 1 Environmental Assessment appropriate for rental reopening to provide basis line data, improvements to the property, could there be a better use of the property, was a shorter term considered, benefit to the local community, flooding mitigation, availability of a Master Plan due to the length of the lease.

Public Testimony

Rion Kim applicant provided information on improvements planned.

**Amendment:**

*The Board Amended Recommendation Number 2 by adding the following Conditions to the Development Agreement and/or lease extension document: (a) a Phase I Environmental Assessment Requirement upon rent reopening's; (b) adding a Removal Bond requirement for improvements on the property; and (c) Require the lessee to submit a master plan for the entire leased premises when the Development Agreement and lease Extension Documents are presented to the Board for final approval.*

**05.26.2023(1)/01:49:50**

**MOTION**

**Approved as amended (Char, Smith) unanimously.**

**05.26.2023(1)/01:52:45**

**ITEM D-8** Amend Prior Board Action of (A) March 24, 2023, Item D-7, *Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation (HART) for Elevated Guideway Purposes; After-the-Fact Approval of Annual Renewal of Right-of-Entry to HART for Each Year Since the Board Approval of the Initial Issuance of the Right-of-Entry at Board's Meeting of February 10, 2012, Item D-6, Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-008: portion of 025; and*

*(B) September 13, 2013, Item D-8, Issuance of (1) a right-of-entry permit for construction of an overhead guideway; (2) a grant of a perpetual non-exclusive easement for an overhead guideway; and (3) a direct lease for a park-and-ride facility, all on State lands in East Kapolei, Honouliuli, Ewa, Oahu Tax Map Key: (1) 9-1-17:97 por., to City and County of Honolulu for its planned rail transit project.*

This amendment is to add the word "operate" in the Character of Use for the requested easements and right-of-entry permits at both locations.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) available to answer questions.

Board Discussion-None

Public Testimony

Bob Stellmacher available to answer questions.

**05.26.2023(1)/01:53:25**

**MOTION**

**Approved as submitted (Char, Canto) unanimously.**

**05.26.2023(1)/01:53:42**

**ITEM D-7** Issuance of Right-of-Entry Permit for Sixty (60) Days to Jewell Tuitele for Removal of Rock Wall Encroachment from State Submerged Land at Kaneohe, Koolaupoko, Oahu; Tax Map Key: (1) 4-5-007: seaward of 032.

Russell Tsuji, Land Division presented the submittal. Ian Hirokawa and Rebecca Anderson (Land) to answer questions.

Board Discussion

Shoreline Certification required, City easement for the sewer line exposure, health and safety mitigation, access to property, shoreline dispositions.

Public Testimony

Jewell Tuitele applicant provided information on the project.

***Amendment:***

*The Board amended the recommendation section by deleting the 60-day limitation and requiring the applicant Ms. Tuitele to coordinate the removal of the encroaching rocks with the County and report to the Department and Board within 45 days on the status of the encroachment.*

**05.26.2023(1)/02:31:42**

**MOTION**

**Approved as amended (Yoon, Smith) unanimously.**

**05.26.2023(1)/02:37:11**

**ITEM C-1** Request the Approval of an Acquisition of a Perpetual Conservation Easement by the Division of Forestry and Wildlife, Kealakekua, South Kona, Island of Hawaii Tax Map Keys (3) 7-9-001:013, 014; and 015 (por).

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

Board Discussion

With 4.3 million, may have to apply for more funds depending on appraisal.

Public Testimony

Wade Lee and Justin Lee in support of the submittal. Noted that they are engaged in Native Hawaiian plants and reforestation.



**05.26.2023(1)/02:44:11**

**MOTION**

**Approved as submitted (Smith, Canto) unanimously.**

**05.26.2023(1)/02:45:09**

**ITEM D-1** Sale of Five Individual Leases at Public Auction for Industrial Purposes, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-049:014, (3) 2-2-050:077, 078, 079 and 080.

Russell Tsuji, Land Division presented the submittal. Gordon Heit, (Land) available to answer any questions.

Board Discussion

Explanation of the auction process, requirements, compliance with Phase 1 Environmental site assessments, removal of improvements at the end of the leases. Appraisal is based on existing improvements as well. How demolition costs are accounted for. Site inspections requirement.

Public Testimony-None

***Amendment:***

*The Board amended Recommendation Number 4 by adding a removal bond requirement to the lease form.*

**05.26.2023(1)/03:03:07**

**MOTION**

**Approved as amended (Smith, Yoon) unanimously.**

**05.26.2023(1)/03:04:03**

**ITEM D-4** Amend Prior Board Action of June 22, 2018, (Item D-3), *Grant of Perpetual, Non-Exclusive Easement, Issuance of a Construction and Management Right-of-Entry to the City and County of Honolulu for Sewer Line Purposes, Kalihi Kai, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:003, 004, 138, 204, 205, 206, 207, 212, and 239; (1) 1-2-021:035, 036 and 037.*

This amendment is to update the references to the tax map keys for the requested location and the encumbrances.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**05.26.2023(1)/03:04:29**

**MOTION**

**Approved as submitted (Yoon, Smith) unanimously.**

**05.26.2023(1)/03:04:50**

**ITEM D-5** Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Tuesday, June 6, 2023, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

Russell Tsuji, Land Division presented the submittal. Rebecca Anderson (Land) available to answer questions.

Board Discussion

Location and protocols were discussed.

Public Testimony

Bruce Albrecht and Stephanie Pascual, applicant provided information on the location.

**05.26.2023(1)/03:08:55**

**MOTION**

**Approved as submitted (Canto, Char) 5-Ayes, 1-Oppose (Ono)**

**05.26.2023(1)/03:09:55**

**ITEM D-9** Issuance of Right-of-Entry Permit to Insider Experience LLC, for One-Day Beach Games Event Purposes, Kihei Beach Lots, Maui; Tax Map Key: (2) 3-8-013: Seaward of 011.

Russell Tsuji, Land Division presented the submittal. Daniel Ornelas (Land) available to answer questions.

Board Discussion-None

Public Testimony-None

**05.26.2023(1)/03:10:35**

**MOTION**

**Approved as submitted (Canto, Char) unanimously.**

**05.26.2023(1)/03:12:13 Break for lunch**

**05.26.2023(1)/03:50:40**

**ITEM F-3 **Non-Action Item:**** Briefing on Proposed Adoption of a New Chapter, Chapter 13-60.11, Hawaii Administrative Rules, "Kīpahulu Community-Based Subsistence Fishing Area, Maui".

Adam Wong, Division of Aquatic Resources started this Non-Action briefing with a PowerPoint informational presentation along with Kamalei Pico and Pekelo Lind.

**(Audio) 05.26.2023(2)/00:00:01 Continue Item F-1**

### Board Discussion

Creating the Partnership with community engagement using the resources available to manage the subsistence fishing. The bag limits for fish and opihi.

### Public Testimony

James Manaku, Alana Yurkanin, Crichton Lind, Kauiki Lind, Kane Lind, and Bruce Lind provide testimony in support.

### **05.26.2023(2)/0:34:35**

**ITEM F-1** Request to Hold Public Hearings on Proposed Amendments to and Compilation of Chapter 13-74, Hawaii Administrative Rules, "License and Permit Provisions and Fees for Fishing, Fish, and Fish Products," to Add New Definitions for "Baitfish," "Bait fishing Report," "Catch Report," "Commercial Marine Vessel License," "Fishing Activities," "License Period," "Main Hawaiian Islands," "Nonresident," "Permittee," and "Qualified Aqua culturist," Remove the Definitions for "Board" and "Northwestern Hawaiian Islands," Amend the Definition for "Resident," Clarify that Licenses and Permits are Non-Refundable, Clarify the Administrative Penalty Schedule for Violations of the Chapter, Add Asset Forfeiture as an Administrative Enforcement Tool Within the Chapter, Establish and Add Provisions for a New Nonresident Recreational Marine Fishing License (NRMFL) Pursuant to Section 188-72, Hawaii Revised Statutes (HRS), Establish and Add Provisions for a New Commercial Marine Vessel License (CMVL) Pursuant to HRS §189-2, Add an Exception for CMVL Holders to the Commercial Marine License Requirements, Remove the Northwestern Hawaiian Islands Fishing Permit, Increase the Fee for the Bait License, the Mullet Pond Operator and Closed Season Sales License, the Kona Crab and Lobster Closed Season Sales License, the Special Marine Animal or Product Possession and Sale License, and the Aquaculture License from \$50.00 to \$100.00, Establish a Fee for Duplicate Aquaculture Licenses and Licenses to Sell Reared Species, Add a Catch Reporting Requirement for All Bait License Holders, Give the Department Discretion to Require Additional Reports From Aquaculture License holders, Establish a Fee of \$200 for a License to Sell Reared Species, Establish and Add Provisions for a New Commercial Marine Dealer License Pursuant to HRS §189-10, and Other Non-Substantive Housekeeping Amendments for Clarity and Consistency With Other Chapters.

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, Hawai'i 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 rules, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

Brian Neilson, Division of Aquatic Resources, and David Sakoda who provided a PowerPoint presentation.

Board Discussion

Recreational fishing, eligibility requirements, resident/non-resident cost, clarifying who would not need a license, Commercial Marine Vessel License, violation of rules and regulations of license's, enforcement. Commercial Marine Dealer License, who they can sale to.

Public Testimony-None

**05.26.2023(2)/00:55:58**

**MOTION**

**Approved as submitted (Yoon, Smith) unanimously.**

**05.26.2023(2)/00:57:43**

**ITEM K-1 Non-Action Item:** Informational Briefing by Department of Land and Natural Resources, Land Division Regarding Conservation District Use Application (CDUA) OA-3913 for the Diamond Head Breakwater Safety Project Located Seaward of 4055 Papu Circle, Oahu Tax Map Key: (1) 3-1-041:seaward of 005.

Tiger Mills, Office of Conservation and Coastal Lands, Ian Hirokawa and Lauren Yasaka from Land Division gave a PowerPoint presentation.

Board Discussion

Reducing the unsafe conditions, and health and safety issues. Would relocating the rocks prevent people from jumping into the water and eliminating the concrete pipe will help. How sea level rise affects the coastline, any plans for the Koko side groin. Noted that Doris Duke Foundation has offered funds to assist in the cost with conditions.

Public Testimony

Naud Nasjafi, Joseph Stewart, Wade Chang Liu, Bill Saunders, Suzanne Case provided testimony.

**05.26.2023(2)/01:57:26 Break**

**05.26.2023(2)/02:10:26**

**ITEM J-1** Issuance of a Revocable Permit to Hawaii Fire Department, County of Hawaii, for Office Space for West Hawaii Ocean Safety Operations Purposes, Situated at Kailua-Kona Pier, North Kona, Island of Hawaii, Hawaii, Tax Map Key: (3) 7-5-006:039 (por.); 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. Megan Statts, Ed Underwood and Kim Kahaleua (DOBOR) present to answer any questions.

Board Discussion-None

Public Testimony-None

**05.26.2023(2)/02:14:26**

**MOTION**

**Approved as submitted (Smith, Canto) unanimously.**

**05.26.2023(2)/02:16:26**

**ITEM F-2 Non-Action Item:** The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notices/>. Non-Action Item: Informational Briefing on Proposal to Adopt a New Chapter Under Hawaii Administrative Rules (HAR) as Title 13, Chapter 13-78, "Ocean Stewardship User Fee"

Brian Neilson, Division of Aquatic Resources introduced the submittal and David Sakoda (DAR) provide a PowerPoint informational presentation.

**Board Discussion**

Collaboration with DOBOR, compliance, violations, OHA will receive 20% of the revenues, educating the public on Ocean Stewardship. The Legislature has this program to sunset in 5-years and there will be an annual report for accountability. DAR and DOBOR to work in collaboration.

**Public Testimony**

Zack LaPrade and Brad Stubbs provided testimony.

**05.26.2023(2)/02:48:20**

**ITEM F-4 NON-ACTION ITEM:** Joint Division of Aquatic Resources (DAR) & Division of Boating and Ocean Recreation (DOBOR) Informational Briefing on the Proposed Amendment and Compilation of Hawaii Administrative Rules (HAR) Chapters 13-31, "Molokini Shoal Marine Life Conservation District, Maui," and 13-257, "Day-Use Mooring Rules".

Russell Sparks, Division of Aquatic Resources provided a PowerPoint informational briefing.

**Board Discussion**

Commercial permits time limit, non-commercial use, noise and sound are displacing fish.

**Public Testimony**

Brad Stubbs added some recommendations on mooring designs.

There being no further business, Chair Chang 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