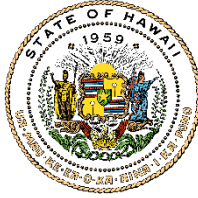


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
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: December 8, 2022
TIME: 9:15 AM
LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream
via YouTube.

Audio Links:

<https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-221208-1.m4a>
<https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-221208-2.m4a>
<https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-221209-1.m4a>
<https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-221209-2.m4a>

MEMBERS

Suzanne Case
Vernon Char
Kaiwi Yoon
Riley Smith

Doreen Canto
Aimee Barnes
Karen Ono

12.08.2022/00:31:23(1)

Chair Case noted the meeting protocols and conducted roll call of the Members.

12.08.2022/00:39:36(1)

ITEM A-1 Request Approval of the July 22, 2022, Summary Meeting Minutes. (Yoon recuses)

ITEM A-2 Request Approval of the August 12, 2022, Summary Meeting Minutes. (Barnes recuses)

ITEM A-3 Request Approval of the August 26, 2022, Summary Meeting Minutes

ITEM A-4 Request Approval of the September 9, 2022, Summary Meeting Minutes. (Case recuses)

Items A-1 through A-4 were taken together.

12.08.2022/00:41:36(1)

MOTIONS

Item A-1 Approved as submitted (Char, Ono) 6-Ayes, 1-Recuse (Yoon)

Item A-2 Approved as submitted (Char, Ono) 6-Ayes, 1-Recuse (Barnes)

Item A-3 Approved as submitted (Char, Ono) unanimously.

Item A-4 Approved as submitted (Char, Ono) 6-Ayes, 1-Recuse (Case)

12.08.2022/00:43:17(1)

- ITEM M-1** 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, Flying Mermaid, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 022.
- ITEM M-2** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of an Aircraft, Richard Schuman LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 020.
- ITEM M-3** Issuance of a Revocable Permit for Private Use of a T-Hangar for Storage and Maintenance of Aircraft, V35B Bonanza LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.
- ITEM M-4** Issuance of a Revocable Permit for a T-Hangar for the Storage and Maintenance of a Private Aircraft, Jeffrey M. Ellis, 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 Ramp Space to Stage Fueling Vehicles for Aircraft Fueling Operations, FSM Group, 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 Main Terminal Space for the Storage of Aircraft Maintenance Tools and Equipment, Hawaiian Airlines, 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 Break Room, Hawaiian 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 Vehicle Parking, Hawaiian Airlines, 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 Ramp Space for Ground Service Equipment and Vehicle Parking, Hawaiian Airlines, Inc., 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 Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, PMX Aviation Services LLC, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-11** Issuance of a Revocable Permit for Ramp Space for Equipment Parking and a Mobile Office, Unifi Aviation, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-12** Issuance of a Revocable Permit for Ground Service Equipment Storage, Hawaiian Airlines, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-13** Issuance of a Revocable Permit for an Office, Break Room and Training Room, Unifi Aviation, LLC, Lihue Airport, Tax Map Key: (4) 3-5-001, Portion of 135.
- ITEM M-14** Issuance of a Right-of-Entry Permit to Maui Oceanview LP for Access Purposes over Akahele Street, Kapalua Airport, Tax Map Key: (2) 4-3-001: Portion of 068.

12.08.2022/00:43:41(1)

MOTION: Approve Items M-1 – M-14 as submitted (Ono, Yoon) unanimously.

12.08.2022/00:44:10(1)

- ITEM M-16** Issuance of Month-to-Month Revocable Permit to Ice Partners LCC, for Ice Manufacturing and Distribution Facility, situated at Pier 38, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-042: Portion of 006, Governor's Executive Order No. 4092.
- ITEM M-17** Issuance of Month-to-Month Revocable Permit to Pacific Ocean Producers, Inc., for Employee Parking situated at Pier 38, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-042: Portion of 006, Governor's Executive Order No. 4092.
- ITEM M-18** Authorize One-Year Holdover of Harbor Lease No. H-12-52 to Liquid Robotics, Inc., for North Shed and adjacent open paved area, situated at Kawaihae Harbor, Island of Hawaii, Tax Map Keys: (3) 6-1-003: Portion of 023 and (3) 6-1-003: Portion of 048, Governor's Executive Order No. 186.

12.08.2022/00:46:36(1)

MOTION: Approve as submitted Items M-16, M-17, M-18 (Canto, Barnes) unanimously.

- ITEM M-19** Issuance of a Month-to-Month Revocable Permit to Honolulu Men's Shed for space for Public Service Projects to improve the Health and Well-Being of Older Men who may suffer from issues related to aging, etc., situated at Warehouse 6, Pier 20, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-039: Portion of 026, Governor's Executive Order No. 2903.

12.08.2022/00:47:14(1)

MOTION: Approve Item M-19 as submitted (Canto, Ono) unanimously.

12.08.2022/00:47:23(1)

ITEM M-20 Authorize One-year Holdover of Harbor Lease No. H-87-29 as Amended to Par Hawaii, LLC dba Kauai Petroleum Company, Ltd., for Storage and Distribution of Petroleum Products situated at Nawiliwili Harbor, Island of Kauai, Tax Map Key: (4) 3-2-004: Portion 002, (4) 3-2-004: Portion of 008, (4) 3-2-004:016 and (4) 3-2-004: Portion of 063, Governor's Executive Order No. 509 and 2532.

12.08.2022/00:49:20(1)

MOTION: Approved Item M-20 as submitted (Ono, Smith)

6- Ayes (Ono, Smith, Case, Yoon, Canto, Char), 1-Oppose (Barnes)

12.08.2022/00:50:00(1)

ITEM M-21 Authorizing the Department of Transportation (DOT) to Dispose of Interstate Highway, Federal Aid Project No. I-HI-1 (82), Keehi Interchange, Moanalua, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 1-1-004: Portion of H1 Interstate, aka Land Court Lot Application 1074 Lot 846-A-2.

12.08.2022/00:51:27(1)

Defer Item M-21 to later in the day when DOT Highways has a representative available.

12.08.2022/00:53:41(1)

ITEM D-5 Cancellation of Revocable Permit No. S-7914, Oceanfront 121, Inc., and Request for Waiver of Requirement for Conducting Phase I Environmental Assessment upon Cancellation; Issuance of Month-to-Month Revocable Permit and Management Right-of-entry to Banyan Drive Management, LLC, for Apartment and Hotel Purposes, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-1-005:020.

12.08.2022/00:57:37(1)

MOTION: Approve Item D-5 as submitted (Smith, Canto) unanimously.

12.08.2022/00:59:00(1)

ITEM E-1 Consent to Assign General Lease No. SP0460, Yvette Scribner, Assignor, to, Yvette Scribner and Mark Scribner, Assignees, Lot 47, Pu'u Ka Pele Park Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4) 1-4-002:034.

ITEM E-2 Consent to Assign General Lease No. SP0115, Virginia Dunas, Assignor, to, Virginia Dunas and David P. Slaski and Andrea L. Slaski, Assignees, Lot 35, Pu'u Ka Pele Park Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4) 1-4-002:015.

12.08.2022/01:00:10(1)

MOTION: Approve Item E-1 and Item E-2 as submitted (Ono, Canto) unanimously.

12.08.2022/01:00:40(1)

ITEM E-3 Continuation of Revocable Permits Statewide and Amend some Revocable Permits to include an Update in Terms and Conditions (See Exhibit A for list of Revocable Permits); and

Request Approval of Environmental Compliance by Declaring Actions to Issue Permits as Exempt from Requirements of Preparation of Environmental

Assessment under Chapter 343, Hawai'i Revised Statutes and Title 11, Chapter 200.1, Hawai'i Administrative Rule

Amendment:

Adjust the rate for SPO191 (Hawaii Conference Foundation/Church of Christ) to \$480.00 a month.

12.08.2022/01:08:10(1)

MOTION: Approved Item E-3 as amended (Ono, Barnes) unanimously.

12.08.2022/01:08:30(1)

ITEM E-4 Division of State Parks Recommendation for Denial of Petition for Contested Case Hearing filed on September 7, 2022, after Denial of Oral Request for Contested Case Hearing at Board of Land and Natural Resources Meeting on August 26, 2022, regarding the Board's Decision on Item E-3, "Forfeiture of General Lease No. SP0186, Anthony Locricchio, Lot 82, Pu'u Ka Pele Park Lots, Waimea, Kona, Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:079"

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

12.08.2022/01:22:13(1)

MOTION: Approved Item E-4 as submitted (Yoon, Barnes) unanimously.

12.08.2022/01:22:20(1) Break

12.08.2022/01:34:20(1)

ITEM F-5 Request for Approval to Hold Public Hearings to Amend Hawaii Administrative Rules Chapter 13-95, "Rules Regulating the Taking and Selling of Certain Marine Resources," to Increase the Minimum Size for Manini, Establish a Minimum Size Limit for Take, Possession, or Sale of Kole, Establish a Bag Limit for Kala, Update Regulations for Uhu to Mirror the Current Island-Wide Uhu Regulations for the Island of Maui, Allow the Take of Female Pāpa'i Kualoa (Kona Crab) Without Eggs, Extend the Pāpa'i Kualoa (Kona crab) Closed Season from May through September, and Make 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.

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-notices/>.

12.08.2022/03:35:49(1)

Continuation of this item to be continued on Friday, December 9, 2023.

12.08.2022/03:36:17(1)

ITEM J-1 Request for Contested Case hearing by William G. Friel III, regarding the Board's May 31, 2022, Decision to Impose Fines, Revoke Regular Mooring Permit, and Prohibit Mr. Friel from Obtaining any Division of Boating and Ocean Recreation Use Permit for 24-months, under Item J-3 on the Board's special meeting agenda.

12.08.2022/03:39:03(1)

MOTION: Approve Item J-1 as submitted (Char, Ono)

4-Ayes (Char, Ono, Canto, Barnes), 1-Oppose (Smith), 2-Abstain (Ono, Yoon)

12.08.2022/03:43:03(1)

ITEM J-2 Mutual Cancellation of Lease LH-20-003 to The Jupiter Research Foundation, Situated at Kawaihae Small Boat Harbor South, Kawaihae, Island of Hawaii, Hawaii Tax Map Key: (3) 6-1-003:026 (por).

12.08.2022/03:44:45(1)

MOTION: Approve Item J-2 as submitted (Char, Canto) unanimously.

12.08.2022/03:45:16(1) Lunch

12.08.2022/04:57:25(1) Returned from Lunch

12.08.2022/05:01:03(1)

ITEM M-21 Authorizing the Department of Transportation (DOT) to Dispose of Interstate Highway, Federal Aid Project No. I-HI-1 (82), Keehi Interchange, Moanalua, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 1-1-004: Portion of H1 Interstate, aka Land Court Lot Application 1074 Lot 846-A-2.

12.08.2022/05:03:53(1)

MOTION: Approve Item M-21 as submitted (Char, Yoon) (Member Smith has left the meeting)

6-Ayes (Char, Canto, Case, Ono, Barnes, Yoon)

12.08.2022/05:04:05(1)

ITEM C-1 Approval of a Memorandum of Understanding between the Division of Forestry and Wildlife and the Big Island Resource Conservation & Development, Inc. for Watershed Protection Management in the Hana, Koolau, and Kahikinui Forest Reserves, and the Nakula, Kanaio, and Hanawi Natural Area Reserves, and other State Lands, Maui, Tax Map Keys: (2) 2-3-005:002, (2) 1-8-001:006, (2) 1-8-001:009, (2) 1-8-001:005, (2) 1-1-002:002, (2) 1-2-004:005, (2) 1-2-004:007, (2) 1-3-001:001, (2) 1-4-001:001, (2) 1-5-001:001, (2) 2-1-003:050 (por), (2) 2-1-003:054, (2) 2-1-002:002; and

Request Approval of Declaration of Exemption from Chapter 343, Hawaii Revised Statutes Environmental Compliance Requirements for the project; and

Request for Delegation of Authority to the Chairperson to Negotiate, Approve, and Execute a Memorandum of Understanding, Right-of-Entry and Release of Liability

Agreements, for the Big Island Resource Conservation & Development, Inc. for Watershed Protection Management in the subject parcels.

- ITEM C-2** Approval of Memorandum of Understanding between the Division of Forestry and Wildlife and the Nature Conservancy for Watershed Protection Management in the Na Pali-Kona and Halelea Forest Reserves, Kauai, Tax Map Keys: (4) 1-4-001:003 and (4) 5-4-001:001; and

Request Approval of Declaration of Exemption from Chapter 343, Hawaii Revised Statutes Environmental Compliance Requirements for the project; and

Request for Delegation of Authority to the Chairperson to Negotiate, Approve, and Execute Memorandum of Understanding, Right-of-Entry and Release of Liability agreements, for the Nature Conservancy for Watershed Protection Management in the Na Pali-Kona and Halelea Forest Reserves.

- ITEM C-3** Approval of a Memorandum of Understanding between the Division of Forestry and Wildlife and Uhiwai o Haleakala, Inc. for Watershed Protection Management in the Ahihi Kinau, Nakula and Kanaio Natural Area Reserves, and other State Lands, Maui, Tax Map Keys: (2) 1-8-001:006, (2) 1-8-001:009, (2) 1-8-001:005, (2) 2-1-003:050 (por), (2) 2-1-003:054, (2) 2-1-002:002, (2) 2-1-004:113, (2) 2-1-004:073, (2) 2-1-004:075, (2) 2-1-004:110, (2) 2-1-006:010, (2) 2-1-006:077, (2) 2-1-006:078; and

Request Approval of Declaration of Exemption from Chapter 343, Hawaii Revised Statutes Environmental Compliance Requirements for the project; and

Request for Delegation of Authority to the Chairperson to Negotiate, Approve, and Execute a Memorandum of Understanding, Right-of-Entry and Release of Liability Agreements, for Uhiwai o Haleakala, Inc. for Watershed Protection Management in the Subject parcels.

- ITEM C-6** Approval of a Memorandum of Understanding between the Division of Forestry and Wildlife and the Kohala Center, Inc. for Watershed Protection Management in the Pu'u o 'Umi Natural Area Reserve, Koaia Tree Sanctuary, and other State Lands, Hawaii, Tax Map Keys: (3) 4-9-013:001 (por), (3) 6-1-001:001 (por), (3) 6-2-001:001, (3) 6-2-001:002, (3) 6-3-001:002 (por), (3) 6-3-001:004 (por), (3) 6-3-001:005 (por), (3) 6-2-001:031; (3) 6-2-001:003 (por); and

Request Approval of Declaration of Exemption from Chapter 343, HRS Environmental Compliance Requirements for the project; and

Request for Delegation of Authority to the Chairperson to Negotiate, Approve, and Execute a Memorandum of Understanding, Right-of-Entry, and Release of Liability Agreements, for the Kohala Center, Inc. for Watershed Protection Management in the Subject parcels.

Items C-1, C-2, C-3, and C-6 were presented together.

12.08.2022/00:00:54(2)

MOTION: Approved as submitted Item C-1, Item C-2, Item C-3 and Item C-6 (Canto, Case) unanimously.

12.08.2022/00:01:56(2)

ITEM C-4 Request Approval to Authorize the Chairperson to Negotiate, Enter into, Amend, Extend, and Terminate a Memorandum of Agreement between the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, Nā ala Hele Trails and Access Program, and National Park Service, Ala Kahakai National Historic Trail, and Dr. Phil Foti, and Mr. Jordan Medeiros, Tax Map Key: (3) 8-7-005:029, 'Ala'ē 1st and 2nd, South Kona.

12.08.2022/00:07:17(2)

MOTION: Approved Item C-4 as submitted (Yoon, Barnes) unanimously.

12.08.2022/00:08:45(2)

ITEM C-5 Request for Approval for the Use of a Request for Proposals for Forest Bird Captive Propagation facilities; and

Request for Approval for a Delegation of Authority to the Chairperson to Award, Execute, and Extend Agreements with Successful Providers.

12.08.2022/00:09:23(2)

MOTION: Approved Item C-5 as submitted (Canto, Ono) unanimously.

12.08.2024/00:14:24(2)

ITEM K-1 Conservation District Use Application (CDUA) HA-3898 by the Board of Water Supply for the Kapaa 272' Reservoir Replacement Project at 1691 Mokapu Boulevard, Kailua, Oahu, Tax Map Key: (1) 4-2-017:016.

12.08.2022/00:20:14(2)

MOTION: Approved Item K-1 as submitted (Barnes, Char) unanimously.

12.08.2022/00:21:57(2)

ITEM K-2 Second time extension request by the Hyatt Regency Maui for Emergency Conservation District Use Permit (CDUP) MA-22-07 for an erosion protection skirt at the Hyatt Regency Maui Resort in Kaanapali, Lahaina, Maui, seaward of Tax Map Key: (2) 4-4-013:008.

12.08.2022/0:39:03(2)

**MOTION: Approved Item K-2 as submitted (Ono, Char)
5-Ayes (Case, Canto, Char, Ono, Yoon), 1- Nay (Barnes)**

12.08.2022/0:40:38(2)

ITEM D-1 Issuance of Revocable Permit to Lappert's, Inc. for Business Purposes; Sale of Lease at Public Auction for Business and Commercial Purposes Consistent with County Zoning; Termination of Revocable Permit to Lappert's, Inc. on 30 Days' Written Notice in the Event of a Successful Sale of Lease at Public Auction, Lot

15, Brodie Lots, Hanapepe, Waimea (Kona), Kauai, Hawaii, Tax Map Key: (4) 1-8-008:062.

12.08.2022/00:50:39(2)

MOTION: Approved Item D-1 as submitted (Ono, Char) unanimously.

12.08.2022/00:50:48(2)

ITEM D-2 Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

12.08.2022/00:51:25(2)

MOTION: Approved Item D-2 as submitted (Ono, Yoon) unanimously.

12.08.2022/00:51:37(2)

ITEM D-6 Approve a Development Agreement for a 30-Year Extension of Lease Term, General Lease No. S-3621, Crescent City Properties, Inc., Lessee; and

Authorize the Chairperson to Negotiate and Execute a Lease Extension Document for a 30-Year Extension of Lease Term of General Lease No. S-3621, Crescent City Properties, Inc., Lessee; Lot 32, Kanoelehua Industrial Lots, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-049:006.

12.08.2022/00:53:43(2)

MOTION: Approved Item D-6 as submitted (Char, Barnes) unanimously.

12.08.2022/00:54:04(2)

ITEM D-7 Denial of Petition for Contested Case Hearing filed by the Department of Hawaiian Home Lands on August 22, 2022, Regarding August 12, 2022, Agenda Item D-2, *Sale of Water License at Public Auction for the Non-Consumptive Use of Water from the Wailuku River for Hydroelectric Generation Purposes, Pi`ihonua, South Hilo, Island of Hawaii, Tax Map Key: (3) 2-6-009; 2-6-029; and Acceptance of Wailuku Watershed Management Plan.*

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.

12.08.2022/01:07:14(2) The Board went into Executive Session

12.08.2022/01:46:50(2) Back in Session

12.08.2022/01:51:02(2)

**MOTION: Approved Item D-7 as submitted (Char, Ono)
5-Ayes (Char, Case, Ono, Barnes, Yoon), 1- Recused (Canto)**

12.08.2022/01:52:53(2)

ITEM D-10 Set-Aside to Department of Accounting and General Services for State Office and Hawaii State Art Museum Site, Honolulu, Oahu, Tax Map Key: (1) 2-1-017: 002.

Amend Prior Board Action of October 27, 2000, Item D-10, *Lease Purchase of the No. 1 Capitol District Property (Formerly Hemmeter Headquarters) and Eventual Set-Aside of Same to The Department of Accounting and General Services (DAGS), Honolulu, Oahu, Tax Map Key: (1) 2-1-017:001.*

The purpose of this amendment is to expand the purpose of the set-aside from “State office space” to “State office space, museum, and ancillary purposes”. In addition to office space, the subject property also houses the Hawaii State Art Museum and retail shop space and a commercial kitchen and café space.

12.08.2022/01:54:58(2)

MOTION: Approved Item D-10 as submitted (Char, Yoon) unanimously.

12.08.2022/01:55:02(2)

Chair Case paused the meeting until Friday, 12.09.2022, 9:15 am.

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

DATE: **December 9, 2022**
(Continuation of the 12.08.2022 Agenda)
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

12.09.2022/00:14:25(1)

Chair Case noted the continuation of the meeting from Thursday, 12.08.2022, noted the meeting protocols and conducted roll call of the Members.

**SPECIAL AGENDA ITEM FOR 12.09.2022
DIVISION OF AQUATIC RESOURCES**

12.09.2022/00:15:04(2)

ITEM F-1

Request for Approval to Adopt Rules Temporarily Establishing a New Chapter Under Hawaii Administrative Rules as Title 13, Chapter 60.41, "West Hawai'i Pāku'iku'i Replenishment" by Formal Action of the Board of Land and Natural Resources through Adaptive Management Rulemaking Pursuant to Section 187A-5(b), Hawaii Revised Statutes, in Response to Rapidly Declining Population Size.

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://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/>.

12.09.2022/00:16:02(1)

MOTION: Approved **Special Agenda Item F-1 as submitted (Smith, Barnes) unanimously.**

Continuation of the portion of the Thursday, December 8, 2022 Agenda

12.09.2022/00:17:01(1)

ITEM F-1 Enforcement Action against John Joseph Barry III and Avalanche Adventures Corp. for Alleged Stony Coral and Live Rock Damage Resulting from the May 28, 2021, *Avalanche* Anchoring Incident Within the Waters of the Kaloko-Honokōhau Fish Replenishment Area / Netting Restricted Area, Hawai'i Island.

12.09.2022/00:21:31(1)

MOTION: Approve Item F-1 as submitted (Smith, Barnes) unanimously.

12.09.2022/00:22:32(1)

ITEM F-2 Enforcement Action against Kimberly Brady for Alleged Stony Coral Damage Resulting from the March 24-25, 2021, *Blaze II* anchoring incident outside the Māla Wharf, Lāhainā, Maui.

12.09.2022/01:13:25(1)

**MOTION: Deny Item F-2 staff recommendation as submitted (Canto, Ono)
4-Ayes (Canto, Ono, Smith, Char), 2-Nay (Case, Barnes), 1-Abstain (Yoon)**

12.09.2022/01:21:40(1) The Board took a short break.

12.09.2022/01:44:25(1)

ITEM F-3 Enforcement Action against Anthony Hodgson and 2G Vessel Owner Limited for Alleged Stony Coral and Live Rock Damage Resulting from the September 29-30, 2021, *Endless Summer* Anchoring Incident within the Kailua Bay Fisheries Management Area, Island of Hawaii.

12.09.2022/01:47:15(1)

Lisa Bell on behalf of Anthony Hodgson has requested contested case in writing and appeared via Zoom.

12.09.2022/01:48:14(1)

MOTION: Accept request for Contested Case on Item F-3 (Smith, Yoon) unanimously.

12.09.2022/01:48:41(1)

ITEM F-7 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 (inclusive of the Hawaiian Monk Seal Research Program's (HMSRP) Management and Recovery Activities) and the Office of Hawaiian Affairs, for Access to State Waters to Conduct Conservation and Management Activities, and to Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife.

12.09.2022/02:09:15(1)

**MOTION: Approved Item F-2 staff recommendation as submitted (Canto, Yoon)
5-Ayes (Char, Case, Yoon, Canto, Smith) (Member Barnes absent from vote)**

12.09.2022/02:09:55(1) Board took a break a short break

12.09.2022/03:16:02(1) Continuation from 12.08.2022

ITEM F-5 Request for Approval to Hold Public Hearings to Amend Hawaii Administrative Rules Chapter 13-95, "Rules Regulating the Taking and Selling of Certain Marine Resources," to Increase the Minimum Size for Manini, Establish a Minimum Size Limit for Take, Possession, or Sale of Kōle, Establish a Bag Limit for Kala, Update Regulations for Uhu to Mirror the Current Island-Wide Uhu Regulations for the Island of Maui, Allow the Take of Female Pāpa'i Kualoa (Kona Crab) Without Eggs, Extend the Pāpa'i Kualoa (Kona crab) Closed Season from May through September, and Make 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.

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/>.

12.09.2022/03:44:55(1)

**MOTION: Approve Item F-5's Option 2 recommendation as submitted (Barnes, Ono)
5-Ayes (Barnes, Char, Canto, Ono, Smith), 2-Oppose (Yoon, Case)**

12.09.2022/03:45:31(1)

ITEM D-3 Continuation of Revocable Permits for Water Use on the Islands of Hawai'i and Kaua'i. See Exhibit A for list of Revocable Permits.

12.09.2022/04:18:38(1)

**MOTION: Approved Item D-3 staff recommendation as submitted (Char, Ono)
6-Ayes (Char, Case, Canto, Barnes, Ono, Smith), 1-Absent (Yoon)**

12.09.2022/04:19:48 (1) continued on 12.09.2022/00:00:01 (2)

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

Amendment:

The Board amended the submittal by:

(a) Deleting RP 7700; and

(b) Amend page 9 of Exhibit 2 as follows with respect to RP7531:

- i. change the RP number to RP7953,
- ii. change the permittee name to Puako View, LLC,
- iii. change the commencement date to 9/21/21,
- iv. change the character of use to "Landscaping and Storage Purposes,"
- v. change the annual rent for 2021 (from and after 9/21/21), 2022 and 2023 to \$7,828.32, and
- vi. delete the first bullet point in the comments and replace it with a statement that the rents were determined by separate Board action of August 26, 2022, Item D-1, as amended.

12.09.2022/00:15:29(2)

MOTION: Approved Item D-4 as amended (Smith, Ono) 6-Ayes, 1-Absent (Yoon)

12.09.2022/00:16:02(2) The Board is taking a short break

12.09.2022/00:22:00(2)

ITEM D-11 Cancellation of Governor's Executive Order No. 4584 to the Department of Agriculture for Agriculture Purposes, Honouliuli, Ewa, Oahu, Tax Map Key:(1) 9-1-031:001.

12.09.2022/02:06:40(2)

MOTION: Deferred Item D-11 for sixty (60) days. Mr. Farias of Hawaii Land & Livestock, LLC to report on (1) a schedule for the removal of the industrial equipment and objects from the subject 110-acre parcel; and (2) its plans for use of the subject 110-acre parcel. (Char, Ono) 6-Ayes, 1-Absent (Yoon).

12.09.2022/02:08:17(2) The Board is taking a short break

12.09.2022/02:17:30(2)

ITEM D-8 Amend Prior Board Action of November 10, 2022, 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.*

The purpose of the amendment is to rescind the terms and conditions of the revocable permit rent, approved as amended by the Board, and instead approve staff's recommended monthly rent for the year 2023.

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.

12.09.2022/02:45:30(2)

**MOTION: Approved Item D-8 staff recommendation as submitted (Char, Ono)
6-Ayes, 1-Absent (Yoon)**

12.09.2022/02:47:03(2)

ITEM D-9 Denial of Petition for Contested Case Hearing filed by the Sierra Club on November 17, 2022, Regarding November 10, 2022 Agenda 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.

12.09.2022/02:47:03(2)

**MOTION: Approved Item D-9 staff recommendation as submitted. (Char, Canto)
6-Ayes, 1-Absent (Yoon)**

12.09.2022/02:50:53(2)

Chair Case adjourned the meeting.

Respectfully Submitted:

Darlene Miyazaki

Land Board Secretary

Approved for Submittal:



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