

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
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHANE
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

Audio Link: (1) <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-251024-1.m4a>
(2) <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-251024-2.m4a>

Date: October 24, 2025

Time: 9:00 AM

Place: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st floor/ & Online via Zoom

MEMBERS

Dawn Chang
Calvin Young
Denise Iseri-Matsubara
Riley Smith
Doreen Canto
Karen Ono
Kaiwi Yoon (Zoom)

STAFF

David Smith, DOFAW Administrator
Tanya Rubenstein, DOFAW
Scott Fretz, DOFAW
Michael Cain, OCCL Administrator
Mari Kurosawa, OCCL
Ian Hirokawa, Acting Land Administrator
Brian Neilson, DAR Administrator
David Sakoda, DAR
Chris Teague, DAR

(1) 00:00:08 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1) 00:05:49

ITEM A-1 Approval of September 26, 2025 Summary Minutes

(1) 00:06:16 **To Approve Summary Minutes as Submitted**
MOTION (Canto, Ono)

(1) 00:06:30 **PASSED**
VOTE 5 – Ayes (Canto, Chang, Iseri-Matsubara, Ono, Young)
2 – Abstain (Yoon, Smith)

(1) 00:07:07

ITEM A-2 Approval of October 10, 2025 Summary Minutes

ITEM A-1

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(1) 00:07:42 **To Approve Summary Minutes as Submitted**
MOTION (Canto, Ono)

(1) 00:07:54 **PASSED**
VOTE 6 – Ayes (Canto, Chang, Ono, Iseri-Matsubara, Smith, Young)
1 – Abstain (Yoon)

**(1) 00:08:34
ITEM C-1**

(a) Approve the Acquisition of Private Lands at Hamakualoa District, Island of Maui, Tax Map Key Nos. (2) 2-9-013:021, (2) 1-1-001:029, and (2) 1-1-001:036;

(b) Approve Post-Closing Issuance of a Management Right-of-Entry for Tax Map Key Nos. (2) 2-9-013:021, (2) 1-1-001:029, and (2) 1-1-001:036 to the Division of Forestry and Wildlife;

(c) Authorize the Maui Branch Manager, Division of Forestry and Wildlife, to Issue Permits Pursuant to Hawaii Administrative Rules Chapters 13-104, 13-22, 13-123, 13-124, 13-126, and 13-209, for Uses of the Lands Identified by Tax Map Key Nos. (2) 2-9-013:021, (2) 1-1-001:029, and (2) 1-1-001:036 until Such Lands are Added to a Forest Reserve;

and

(d) Authorize the Division of Forestry and Wildlife to Conduct a Public Hearing on the Island of Maui for Regarding the Proposed Addition of Approximately 651.8 acres of land at Hamakualoa District, Island of Maui, Identified as Tax Map Key Nos.: (2) 2-9-013:021, (2) 1-1-001:029, and (2) 1-1-001:036 to the Koolau Forest Reserve.

(1) 00:21:15 **To Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

(1) 00:21:27 **PASSED**
VOTE 7 – Unanimous (Canto, Chang, Ono, Iseri-Matsubara, Smith, Young, Yoon)

**(1) 00:22:55
ITEM K-1**

Request for Administrative Fines and Other Penalties Against the Hawai'i Loa Ridge Preserve, a Nonprofit Corporation (John Guagliardo, Executive Director), and John Guagliardo "Individually" for Conservation District Enforcement Case OA 25-01 Regarding Unauthorized Land Uses in the Conservation District Located at 184 Pu'uikena Drive, 'Āina Haina, Honolulu, Island of O'ahu, Tax Map Key Nos.: (1) 3-6-004:023 and (1) 3-6-013:121.

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

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issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

(1) 01:04:38 **To Approve Staff Recommendation as Submitted**
MOTION (Iseri-Matsubara, Young)

(1) 01:06:10 **PASSED**
VOTE 7 – Unanimous

(1) 01:06:18

ITEM K-2

Request for Administrative Fines and Other Penalties Against James D. Greig and Rhodette R. M. Greig for Conservation District Enforcement Case OA 25-29 Regarding the Alleged Permit Noncompliance, Construction of Shoreline Erosion Control Device, and Encroachment Upon State Land Located Makai of 55-271 Kamehameha Highway, Tax Map Key No.: (1) 5-5-002:088.

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.

(1) 01:32:52 **To Approve Staff Recommendation as Submitted**
MOTION (Yoon, Iseri-Matsubara)

(1) 01:33:52 **Executive Session**
MOTION (Chang, Young)

(1) 01:34:06 **PASSED**
VOTE 7 – Unanimous

(1) 01:34:17 The Board went into Executive Session for Item K-2.

(1) 01:48:38 The Board returned from Executive Session.

(1) 01:49:21 Member Yoon and Member Iseri-Matsubara withdrew their motion to Approve Staff Recommendation as Submitted.

(1) 01:49:48 **To DEFER to the December 12th, 2025 BLNR Meeting**
MOTION (Chang, Iseri-Matsubara)

(1) 01:51:16 **PASSED**
VOTE 7 - Unanimous

(1) 01:52:40 The Board took a 5-minute recess.

(1) 02:00:10 The Board returned for the recess.

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(1) 02:00:32

ITEM D-1 Set Aside to the Department of Transportation for Pedestrian Safety Improvements Purposes, and Issuance of a Construction and Management Right-of-Entry, Kawaihoa-Waimea, Waialua, Oahu, Tax Map Key: Seaward of (1) 6-1-009:Pors 021, 022, (1) 6-1-010:Pors. 019, 020.

(1) 02:03:50 **To Approve Staff Recommendation as Submitted**
MOTION (Iseri-Matsubara, Young)

(1) 02:04:00 **PASSED**
VOTE 7 – Unanimous

(1) 02:04:10

ITEM D-2 NON-ACTION ITEM: Discussion Regarding Hawai'i Supreme Court Published Opinion in *Ke Kauhulu o Mānā v. Board of Land and Natural Resources*, No. SCWC18-0000057 (Haw. Aug 26., 2025).

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.

(1) 02:04:50 **Executive Session**
MOTION (Young, Smith)

(1) 02:04:56 **PASSED**
VOTE 7 – Unanimous

(1) 02:06:15 The Board went into Executive Session for Item D-2 and recessed for lunch.

(1) 03:04:39 The Board returned from Executive Session/Lunch Break.

(1) 03:07:50

ITEM F-1 Recommendation to Deny the Written Contested Case Hearing Request Filed by Ron Tubbs et al. Regarding the Board's Acceptance of a Petition to Initiate Rulemaking Filed by Rulemaking Petitioners Kalanihale, Kama'āina United to Protect the 'Āina (KUPA)/Friends of Ho'okena Beach Park, Moana 'Ohana, Ko'olaupoko Hawaiian Civic Club, and For the Fishes.

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

(1) 03:26:35 **To Approve Staff Recommendation as Submitted**
MOTION (Smith, Canto)

(1) 03:27:14 **PASSED**
VOTE 7 - Unanimous

(1) 03:27:19

ITEM F-2 Request for Approval to Hold Public Hearings on Proposed Consolidation of Hawaii Administrative Rules (“HAR”) relating to Aquarium Life Management into Proposed HAR Chapter 13-77.1: “Aquarium Fishery Management” and on Proposed Amendments to HAR Chapters 13-75: “Rules Regulating the Possession and Use of Certain Fishing Gear” and 13-60.4: “West Hawai‘i Regional Fishery Management Area, Hawai‘i” for Clarity and Consistency with Proposed HAR Chapter 13-77.1. The Proposed Rules would update and consolidate aquarium life fishery management regulations by:

- 1) Establishing a standard, State-wide permit for activities relating to aquarium fishing;
- 2) Repealing the West Hawai‘i aquarium permit and associated rules from HAR chapter 13-60.4, “West Hawai‘i Regional Fishery Management Area” (“WHRFMA Rules”);
- 3) Establishing the West Hawai‘i geographical endorsement and West Hawai‘i-specific terms and conditions, a species whitelist (or list of species that are permitted to be kept or traded), and annual catch limits;
- 4) Moving the aquarium fishing vessel registration and marking requirements from the WHRFMA Rules into the Proposed HAR Chapter 13-77.1 and expanding those requirements to apply State-wide;
- 5) Establishing commercial aquarium fish dealer registration and requirements; and
- 6) Other updates to HAR chapters 13-60.4 and 13-75 to address concerns that were identified through public scoping and testimony regarding potential regulatory loopholes, compliance, and enforcement issues.

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/> and <https://dlnr.hawaii.gov/dar/rules-and-public-notice/>.

The proposed rules 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.

(1) 05:20:52 The Board took a 10-minute recess.

(1) 05:35:45 The Board returned from their recess.

(2) 00:15:29 **Executive Session**
MOTION (Smith, Canto)

(2) 00:15:49 **PASSED**
VOTE 7 – Unanimous

(2) 00:15:59 The Board went into Executive Session for Item F-2.

(2) 00:35:58 The Board returned from Executive Session.

Amendments: The Board Member Riley Smith proposed two amendments to the proposed rules and provided two instructions/guidance.

The amendments were to:

1. Remove kole, Chevron Tang, and umaumalei from the whitelist of species and;
2. Reduce the annual catch limit for lau'īpala to 100,000 per year.

The instructions were as follows:

1. The Board asked DAR to find a solution on the safety issue raised about allowing an additional diver to be in the water with appropriate diving gear - that would be SCUBA tanks - so if someone on the bottom collecting fish ran into trouble, the additional diver could respond immediately. The Board recommended DAR find a way to have prudent dive safety measures implemented so divers are not at risk. It's unlikely that two permittees would collaborate, to dive in the same place, at the same time, on the same day. A solution needs to be found to allow that safety diver.
2. The Board would like DAR to propose a fee structure that the Attorney General's office would allow or perhaps the [State] senate would permit to be proportional to revenue, quantity of fish, or something along those lines. A flat fee may seem inappropriate, as you might reach the limit in a month and it's not appropriate to charge everyone the same, if they don't harvest a similar amount of fish.

After the motion was made, Mahesh Cleveland from Earthjustice asked to clarify the Board's instructions and Chair Chang explained: "DAR is going to have to implement the Board's guidance which is to come up with a safety solution for the dive and the second one is to come up with a fee structure. We may not be able to do that. It might be a legislative matter so I think what the Board is asking [DAR] to do is confer with the Attorney General's office on what it is we can do. I also recognize the fishers are right - we need to treat everybody fairly. If we're going to start charging commercial fishermen, we need to start charging them equitably. If we cannot make the change in this set of rules, the recommendation of the Board is we would like to go out to public hearing on these rules in a timely fashion and let the process roll out."

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(2) 00:36:55 **To Approve Staff Recommendation as Amended**
MOTION (Smith, Yoon)

(2) 00:51:35 **PASSED**
VOTE 7 – Unanimous

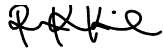
(2) 00:52:35 There being no further business, Chair Chang adjourned the meeting.

Respectfully Submitted:

Reeana Wright

Acting Land Board Secretary

Approved for Submittal:



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