

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

DATE: FRIDAY, AUGUST 28, 2015  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

Chairperson Suzanne D. Case called the meeting of the Board of Land and Natural Resources to order at 9:00 a.m. The following were in attendance:

**MEMBERS**

Suzanne D. Case  
Thomas Oi  
Keone Downing

James Gomes  
Ulalia Woodside  
Christopher Yuen

**STAFF**

Brian Kanenaka/DAR  
Russell Tsuji/LD  
Samuel Lemmo/OCCL  
Russell Tsuji/LD

David Sakoda/DAR  
Randolph Lee/SHPD  
Galen Kawakami/DOFAW

**OTHER**

Calvert Chun/DOT-Harbors  
William Aila/ DHHL  
Anne Shige/DOT-AIR  
Ethan Tomokiyo/DOT-AIR  
Joanne Church/K-1  
Luana Foriseth/D-2

Drey Kaliwi/DOT-Harbors  
Ross Smith/DOT-AIR  
Abbi Louru/DOT-AIR  
Ken Church/K-1

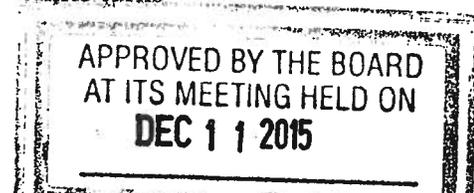
**ITEM A-1 Approval of April 24, 2015 Minutes**

Member Yuen noted that on page 6, which is on item 2, “stunt” should be replaced with “stent” and on ITEM D-4 bottom of Page 9, the Lessee’s appraisal should be 1/3<sup>rd</sup> of the department.

**Unanimously approved as submitted (Yuen, Gomes)**

**ITEM A-2 Approval of May 8, 2015 Minutes**

Member Yuen noted that on Page 14, item J-3, “white sturns” should be “white turns”



**Unanimously approved as submitted (Gomes, Downing)**

**ITEM M-1 Issuance of a Right-of-Entry to the Department of Hawaiian Home Lands and Royal Contracting Co., LTD at Kalaeloa Barbers Point Harbor, O‘ahu, for Hauling of Coral Stockpile Material, Tax Map Key No. (1) 9-1-014, Portions of 024 and 039.**

Calvert Chun and Drey Kaliwi of the Department of Transportation Harbors Division-DOT - HAR introduced themselves and were available for further questions.

William Aila thanked the DOT for giving the Department of Hawaiian Home Lands- DHHL the material.

**Unanimously approved as submitted (Gomes, Oi)**

**ITEM M-2 Issuance of a Revocable Permit for a Construction Staging Area and Management Field Office, NAN, INC., Honolulu International Airport, Tax Map Key: (1) 1-1-003: 001 (Portions).**

**ITEM M-3 Issuance of a Revocable Permit for a Ramp Maintenance Office, Hawaiian Airlines, Inc., ‘Ewa Concourse, Honolulu International Airport, Tax Map Key: (1) 1-1-003:066 (Portion).**

**ITEM M-4 Issuance of a Revocable Permit for the Purpose of a Field Office, Oxford Electronics, Inc. dba Oxford Technical Services, ‘Ewa Concourse, Honolulu International Airport, Tax Map Key: (1) 1-1-003: Portion of 066**

**ITEM M-5 Issuance of a Direct Lease for Contractor’s Office and Storage for Construction and Environmental Cleanup Equipment and Materials, Punalu‘u Builders, Inc., Ualena Street, Honolulu International Airport, Tax Map Key: (1) 1-1-14:07 & 99.**

**ITEM M-6 Issuance of a Revocable Permit for Flight Operations and Aircraft Maintenance, Aviation Academy Hawai‘i LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-72: Portion of 13:.**

**ITEM M-7 Issuance of a Revocable Permit for General Aviation Aircraft Maintenance, KD Aviation LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-72 Portion of :13.**

**ITEM M-8 Issuance of a Revocable Permit for Aircraft Parking, George’s Aviation Services, Inc., Honolulu International Airport, Tax Map Key: (1)1-1-76:Portion of 23.**

- ITEM M-9 Issuance of a Revocable Permit for Aircraft Parking, Kaipo K. Miller, Honolulu International Airport, Tax Map Key: (1) 1-1-76:Portion of 23.**
- ITEM M-10 Issuance of a Revocable Permit, Parking Area for Cargo Operations, United Parcel Service Co., Honolulu International Airport, Tax Map Key: (1) 1-1-72: 24.**
- ITEM M-11 Issuance of a Revocable Permit for the Storage of Vehicles and Equipment, Southern Foods Group, LLC dba Meadow Gold Dairies, Kapalama Military Reservation, Honolulu International Airport, Tax Map Key: (1) 1-2-025: 108 & Portion of 109.**
- ITEM M-12 Issuance of a Revocable Permit for Airport Land for Aircraft Work Area on Ramp, Phillip D. Byrnes, Hilo International Airport, Tax Map Key: (3) 2-1-12:Portion of 90.**
- ITEM M-13 Issuance of Revocable Permits for Aircraft Parking, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**

Items M-2 through M-13.

**Unanimously approved as submitted (Gomes, Oi)**

- ITEM M-14 Issuance of a Revocable Permit for a T-Hangar, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.**
- ITEM M-15 Issuance of a Revocable Permit for a T-Hangar (End Room), K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12:Portion of 90.**

Items M-14 and M-15.

**Withdrawn (Gomes, Oi)**

- ITEM M-16 Issuance of a Revocable Permit for Aircraft Parking, Terrence A. Donnelly, Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 8.**
- ITEM M-17 Issuance of a Retail Concession, Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 08.**

**Unanimously approved as amended (Gomes, Oi)**

Ross Smith from the Department of Transportation Airports Division-DOT-AIR introduced himself and property managers Anne Shige, Abbi Louru, and Ethan Tomokiyo. They were all available for further questions. Smith requested to withdraw M-14 and M-15 from the agenda

and M-17 amended that that the issuance follows chapter 343 class number one and to offer for bid a new concession which will be operating in the Lihue terminal building.

Member Oi asked that it was the existing shop. Smith acknowledged that they were putting it out for bid.

**Unanimously approved as amended (Gomes, Oi)**

**ITEM F-1 Request for Approval to Hold Public Hearings to Adopt a New Chapter Under Hawaii Administrative Rules as Title 13 Chapter 86.1, "Sea Cucumber Management." This Chapter is Intended to Regulate the Harvest of Sea Cucumbers from State Waters.**

**The Rules can be reviewed online at <http://itgov.hawaii.gov/the-office/administrative-rules/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on O'ahu at 1151 Punchbowl St. Room 330 Honolulu, Hawai'i, 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.**

Brian Kanenaka, acting program manager for the Division of Aquatic Resources- DAR and David Sakoda, marine legal fellow with DAR, were available for further questions. Sakoda presented Item F-1 and detailed that Sea Cucumber Management was to continue to prohibit take of sea cucumber for consumption purposes, meaning for food and/or medicine use. Sakoda added that the proposal included the allowing taking Sea Cucumber for aquarium purposes; only on Oahu, 20 per day per person is allowed to be harvested. Sakoda's concern were that Native Hawaiian practitioners have argued that there is a low level of take for personal use, limiting 5 per day to no sale.

Member Gomes asked if the aquarium was limited to Oahu, due to lack of informing from outer islands. Sakoda clarified that the only other fishery is on west Hawaii, but due to adopted rules, take of sea cucumbers are not allowed anymore.

Sakoda added that other highlights were that data is collected to help further with regulations and an annual limit of 3600 for commercial aquarium use. If the number is reach or will be reached soon, DAR will bring the submittal to close the fishery for the remainder of the year.

Chair Case asked if this had been the limit for the past 7 years and if there are there going to be any monitoring to keep it on a sustainable level. Sakoda responded that they would continue to monitor the catch report and that there are no plans yet for in-water monitoring.

Member Oi added that would namako species be included. Sakoda answered that namako is not the 2 aquarium species but allowed for collection of at least 5 a day per person. Sakoda clarified that these numbers were reasonable for personal use. Sakoda mentioned that at public hearings, the bag limit could change.

Member Oi asked if everyone had to register to take sea cucumber. Sakoda confirmed.

Member Woodside wanted clarification on the public hearing process and that these rules would be amended and brought back to the board. Sakoda confirmed that after the board approves it, it will go to the governor for final approval.

Member Gomes asked if the public hearings were going to be done within 120 days. Sakoda answered that they were required to give a 30 days' notice depending on when the governor approves it for public hearings.

Member Downing asked what is the use of sea cucumber in an aquarium that they require 3600 to be collected a year. Sakoda answered that, it helps clean the aquarium, from their records, and they have records indicating that there have been a couple of collectors that specifically collect these specific species in Oahu,

Member Oi asked, what is the public hearing process and how many on each island? Sakoda answered that they would hold them on all islands as well as email and written testimony. One on Kauai, Oahu, Maui County, Hilo and Kona. The process is that we would take the public input and if necessary amend the rules to incorporate the input from the public to the board.

Member Oi added that at all the public hearing he has attended in the past, it seems like the public's input is gathered but with no follow up. Sakoda responded that the public will have a chance to testify at the board meeting as well. Member Oi followed up with concerns that not everyone can attend the board meeting on this island and that shouldn't there be a follow up meeting on the neighboring islands to inform the public of the change to the rules? Sakoda responded that, it is up to the board if they want us to go back to the neighboring islands.

Chair Case added that the board might want to put it out online that the comments is documented and make sure the people that had expressed testimony have access.

Member Oi added that the situations we deal with, they find public testimony against issues but it is not reflected in the rules that have been produced. This is a way to make the public more comfortable.

Member Downing asked if there was going to be a state wide rule that also encompasses each island as something different or do they have different circumstances as rules being amended for each island. Sakoda answered that in this case they have components for both for general person take for 5 state wide. For Aquarium purposes, we are only limiting it to Oahu. For these rules there are components for both.

Member Downing added that we are not going to the commercial side of it, it is only Oahu. As for personal take, Oahu is taking 5, Maui 5 etc. Sakoda answered that there could be different bag limits for different islands.

Member Yuen wanted clarification on the numbers especially the take on the commercial end being small and aquarium end being 3600, and how a count is tallied. In addition, Member Yuen asked if the Chinese market were supposed to report as well and on the field, if you are a DOCARE officer, how you would check if someone is registered. Sakoda answered that there

had been some data since June and that some of the Chinese had reported. Due to the low number of licensees that report. There was significant underreporting based off of conversations of people harvesting. Somewhere to at least a third has reported. At this time I don't know how someone would know if you were registered or not. Enforcement is further away for discussion we want to put it to public hearings for discussion.

Chair Case added that there has to be a balance and non-intrusive way of long standing traditional practice.

Member Oi added that should it be easier to issue permits and from there give information on what they do. Sakoda informed that the permit is something we could revoke and as for registration we don't intend to revoke but mostly for information.

Member Oi added that DOCARE officers are going to have an issue with enforcement and they lack manpower.

Member Woodside added that the commercial fisherman is under the same registration process allowing you to gather many, you can decide that and call to get an after the fact registration number. Sakoda informed that commercial fisherman need a commercial marine license and aquarium permit and that they know they are collecting sea cucumber so they register ahead of time.

Chair Case asked if there is any information gathering in anticipation to future to help with basic data? Sakoda answered that it would be the main reason to follow up and that they currently have a register of who is taking sea cucumber.

Member Gomes wondered if registration for an individual is worth that we are creating a violation and that most recreational fishers have a bag limit and don't require a recreational fishing permit.

Member Oi was concerned that we are putting more regulations on the everyday individual because of illegal commercial taking.

Member Yuen added that there discussion of individual squeezing the internals of the Sea Cucumber for medicinal purposes and then being thrown back in the sea. Sakoda stated that this is ok since they regenerate naturally and that it is a native Hawaiian practice.

Member Yuen asked if there is a market in this, such as the Chinese selling for use. Sakoda informed that to his knowledge if you apply it directly to the wound, the properties cannot be stored after the fact.

Member Woodside added some thoughts on the 3600 number that is currently being used and that it is recognized that it could change and there is a confidentiality to the data. In addition, some clarification is needed for understanding if this number is correct. Member Yuen asked if there is a sunshine law exception where the board could go into executive session and look into the data. It is not confidential. Sakoda clarified that they got the 3600 number from the aquarium

annual take and it ranged from 1600 to 3500. Sakoda stated that what is proposed is to limit it at the maximum take and have the possibility to change. That is the goal to preserve the fishery.

Member Yuen asked how you could figure that number out but not how much was shipped to China. Sakoda clarified that it was one operation and based on discussion with an individual.

Chair Case asked what the rule is on what is publicly reportable. Sakoda answered that they can report public compiled data if it comes from three reports. If three fisherman report their catch, we can come up with a number. That is the reasoning of it and policy of confidentiality.

Attorney General clarified that you can put into consideration confidential information only if it is pursuant to state, federal, or court order and that if the statute states that the information is confidential then you can go into executive session. Also that if it is in policy it is not adequate basis to go into executive session.

Member Yuen asked on if the department has a right to keep data confidential if it is not pursuant to statute rule. Attorney General clarified that it would be that it was not disclosed and if the purpose is to gain information and relies on voluntary disclosure then that may be a reason to withhold the information.

Sakoda added that the reports from fisherman are confidential.

Member Woodside asked if the board would be able to make a change in the rule when it comes back. Sakoda answered that the number can be adjusted as long as it has been discussed at the hearings and without having to go back to public hearing.

Member Yuen added that there is a statement stating if the catch limit was being reached and that getting a catch report monthly, it should go to the chairperson and not the board.

Sakoda added that should the board to delegate to the chair the closure of the fishery and if the board would like to make changes before going to public hearing. Member Yuen noted a suggestion to make an amendment. Member Gomes agreed.

There was no public testimony.

Member Yuen made a motion to send this out to public hearing, rather the board declare the closure of the fishery, that it be the chairperson give notice of the closure of the commercial fishery. Member Gomes seconded the motion

Member Oi made a motion on 13-86.1-5 on the non-commercial fishery, to delete the valid sea cucumber registration number and go that any person can take or possess up to 5 sea cucumbers per day.

Sakoda said it would make sense to take out section 86.1-2 because that's the registration prevision. Member Yuen commented that he would rather just say the Board instruct DAR to change the wording.

Chair Case clarified that the motion to approve the rule, with a change of the Chair providing notice of sea cucumber industry aquarium harvest season and to delete the requirement for registration for personal human use of consumption. Member Gomes seconded.

**Unanimously approved as amended (Oi, Gomes)**

**ITEM D-2 Issuance of a Right-of-Entry Permit to the O'ahu Hawaiian Canoe Racing Association for the 2015 Na Wahine o Ke Kai and Molokai Hoe, Kaiwi Channel Canoe Race Event Operations and Staging Purposes; Tax Map Key: (2) 5-1-002: 012, Hale-o-Lono, Kaluako'i, Moloka'i.**

Russell Tsuji, Administrator for Land Division-LAND conveyed item D-2 and was available for further questions.

Member Downing stated that the total cost was incorrect. The cost had shown higher than the total days. They have asked for 6 days total instead of 12 days. The cost should be \$1740.

Luana Foriseth, president for Oahu Hawaii Canoe Racing Association, this is the 64<sup>th</sup> year of this race. It is the first time coming before the board. We request for a 3 year right of entry into Haleolono.

Member Gomes asked if they were going to move the races to Kaunakakai. Foriseth answered that the races would not survive due to the current and both races do not want to do it from there.

Member Yuen added that there was a lot of time and effort put on this event last year and asked if it is the same this year. Foriseth answered that they put up caution tapes, information on website, escort boat meetings prior to the event.

Member Yuen added that the board had a similar discussion last year that this should not need to be brought before the board to make a dependable process. Tsuji added that there had been times in the past that we had been sued and that everything had been with the board.

Member Woodside asked even with the binding of the board, can a board bring an item back and rescind it the action taken by the board. Tsuji noted that if not brought back to the board's attention they would not know about it.

Member Gomes added that the lease was with HCND, it is not really of recreational use but commercial use, under the DOT but some have made comments on why does LD have to manage it when DOT should be taking care of it and should it be turned back to DOT? Tsuji added that the division on Maui is not appreciative because it was created by another department, as member Downing is aware, the responsibility falls on our own division and that there is no accountability.

Foriseth added that they had a 10 year plan of dates of the event. Tsuji asked if it was a possibility to allow for a 2 or 3 year permit. Member Downing added that we could make it a 10 year and just rescind if necessary.

Tsuji added that many organizations are taking up space on the beach, and discussing areas in Waikiki and small room on Kuhio beach.

Chair Case asked if the Board had the delegation but the right to bring it before the board. Tsuji answered that, which is what they have been doing.

Tsuji said the big race that always comes up every year, Member Gomes is aware and that is one which we try to get their end to come in early to smoothen out the process.

Member Woodside made a motion to approve, Member Gomes seconded.

**Unanimously approved as submitted (Woodside, Gomes)**

**ITEM C-2 Request to Conduct a Public Hearing Regarding a Set Aside of Approximately 300 Acres as the Pia Natural Area Reserve, Tax Map Key 3-7-03:03, O‘ahu.**

**Withdrawn**

**ITEM I-1 Request Approval for Selection of Competitive Sealed Proposal and Authorize the Chairperson to Award and Execute a Contract to Organize, Coordinate and Facilitate the Development of a New State Historic Preservation Plan (State Plan) for 2018-2022 with Approval of the National Park Service (NPS).**

Randolph Lee representing the State Historic Preservation Division- SHPD reviewed on item I-1.

**Unanimously approved as submitted (Gomes, Oi)**

10:26AM RECESS

10:32AM RECONVENE

**ITEM K-1 Site Plan Approval HA 16-4 for a 1,200 Square Foot Accessory Structure, by Kenneth Church, Located at Kaiwiki, South Hilo, Island of Hawai‘i, Tax Map Key: (3) 2-9-003:029.**

Sam Lemmo, administrator of OCCL presented item K-1, discussions have been on going with Mr. Church. Mr. Church enquired about building a single family residence on their property and was notified that they would require a CDUP. Mr. Church mentioned that the previous owner, Mr. Mccully, had been issued a CDUP but had never been built; an EA had been done. OCCL instructed Mr. Church that he could take the EA, repackage it, and use it for the home that he wants to build. In addition, Mr. Mccully went to the land use commission to rezone the land from conservation to agriculture. OCCL went into and stated that it was a bluff area with dangers attached and a layer of conservation around it, by then Mr. Church had purchased the property

from Mr. Mccully and wanted to reconfigure the parcels. The chair approved the CDUP for consolidation of the parcels, a configuration to a more likely to Mr. Church which was authorized. Mr. Church then came to build a shed, between 1000 and 1600 sq. ft. OCCL recommended that he request for a CDUP. OCCL's recommendation is to not authorize the structure of under a site plan approval.

Ken and Joanne Church introduced themselves, read their testimony and gave submission on item K-1. The Churchs 4.6 acres were purchased on July 14, initially the intentions were to make it their permanent home, currently they live on a boat. A letter had been received from OCCL stating the garden is seen as non-conformed use. Mr. Church complained that OCCL has not streamlined the applicant process and did not provide efficient service. Mr. Churchs request is to have a restroom, in the meantime, the Churchs are not sure if they want to build a house.

Member Woodside asked if Church has a CDUP for this property, or any buildings, EA, or FONSI references to this building. Mr. Church answered that they have a CDUP to combine and subdivide. Lemmo mentioned that this is sensitive environment and it decreases to less sensitive. It was OCCL's finding in this EA #11.

Member Woodside stated that the EA went through its own process and that process has not been applied even though the structure will be smaller. Church mentioned that it has not gone through that same process.

Chair Case asked what subzone it was in and what the status of the agricultural complication was. Church answered that it was in a resource subzone. Church added that it is generally lawn with approved gardens and 16 fruit trees. The Churchs had been advised to fit it under 13-522. p8 or apply for agriculture use over an acre.

Mr. Church pointed out that in his submission, that the site plan approval request is all of the information in the CDUA, and it is up to the board discretion on how they would treat it. We are aware that we have to comply with the SMA guidelines. Mr. Church added that the previous FONSI, while it was for a house, had a storage unit associated with it.

Member Woodside mentioned that the Churchs talked to other planning professionals on the SMA and that they did not want to do the project and work with OCCL. Member Woodside asked if it is because they did not want to go through an EA or CDUA process.

Mr. Church answered that this is was early on when they first bought the property, back in last July. Mr. Church added that there were 6 lots and early on there had been communication from Mr. Lemmo to Mr. Mccully. Mr. Church stated that they had submitted a copy of their deed and had to go into an intense title search.

Member Woodside emphasized that the board wants to hone in this application. Mr. Church expanded that they had a letter in hand from OCCL saying that it was no longer an issue and it stated that we could combine it and re-subdivide it.

Ms. Church added that they were fully aware that if they build a house they would have to do a CDUA and are before the board to do it the right way and apply a site plan approval.

Member Yuen asked if the Mccully CDUP for the house have a time limit on it and has it lapsed? Lemmo answered that it had an initiation construction deadline that has lapsed.

Member Yuen asked that Mr. Church mentioned in the analysis 1200 to a 1000 sq foot and if it make a difference? Lemmo answered that OCCL thinks they indicated in their report as an accessory, shed type structure, and that lawn mowers would be ok.

Member Yuen asked if there had been issues along Hamakua coast that come up because it was all sugar cane up to the cliff edge but in certain places, such as here and the conservation does not go along the cliff edge. Lemmo answered that the statute talks about non-conforming use and if the land is zoned conservation etc. the rules are specific that if you have a non-conforming structure and you tear it down and discontinue it, unless you re-establish it. It is no longer in affect.

Member Yuen noted that in the beginning, Mr. Church came in for a CDUA plus EA for the 1200 sq. ft. you would process it and bring it to the board. Member Yuen asked if he need more AG.

Lemmo answered that it is either a major alteration or AG, and if he is not planning on doing much AG on the property, what is said is that we would not compel him to make a make believe plan on AG then why would we ask him to do that. Lemmo added that the rules are not perfect and they are based on identified uses.

Member Yuen added in an example that they have a land owner with couple 1000 acres of conservation land and that they don't have any permits; currently they are managers. Member Yuen asked that they want to put up a nonresidential structure, do maintenance and no CDUP's. How would that be processed? Lemmo answered that they would fit it in as an existing structure with re-use with the possibility of calling it a PA, unless there is a provision under land management.

Member Yuen added that there are grey areas and what people want to do that are reasonable. Member Yuen asked what more does he have to do to submit this as a PA major alteration board permit. Lemmo answered setting aside the EA issue, not too much. OCCL would want a 20% plan on the building by a professional architect and phase the drawings down from an end point from beginning point, for cost. Lastly, a grading and earth action taking place resulting in a low resolution plan.

Member Yuen thought for something like this it seems like a simple plan.

Chair Case asked if OCCL has a square footage delineation under accessory structure. So the accessory structure in this case, is contemplated and not accessory to of property and not building. Lemmo answered that there is nothing in the rules.

Ms. Church added that there is something in the rules where the size of the structure should be 50% of the use. Mr. Church also expanded that in order to qualify for a p-8 it is a major alteration. In definition and it states it has to be of 50% use and as correction, the Churches are ready to reduce it to 700sq ft.

Member Yuen mentioned that the Churches want to store a truck as well? Mr. Church answered that they have a half ton truck

Chair Cased asked OCCL about this p-9 on its construction or placement of structure accessory to existing facilities of usage and if it apply here, if the structure is reduced to 700sq ft. to existing use and was there a viable allowable structure for this property. Lemmo was unsure and expanded that you can have an accessory structure but you have to consider what is subordinate to and what is appropriate to the given use of the property.

Chair Case added that if the existing use is 13 fruit trees and cleaning up debris and maintenance and that it is unusual because there is no structure but that provision references to section b-1 to land management. Chair case asked if there any reason why a 700sq foot structure for the purpose of basic land management parcel would be a problem. Lemmo's concern was that it is a problem from the standpoint of where we implement our rules.

Chair Case asked do you need an EA or CDUP or can you do it at board level if this is interpreted under those provisions. Lemmo answered that given that OCCL does not have clarity on this particular request, using some discursion their preference would be have the board rule this as a CDUP and for the EA, the site of proposed structure was already vetted in an ea. OCCL does not have an issue. But OCCL has given the Churches a site plan approval for him to do minor actions. Currently OCCL is being asked to put a 1200sq foot structure.

Ms. Church mentioned that there were unpermitted structures similar to that what they want to build. Lemmo added that OCCL would recommend a site approval after the fact and not a full CDUA.

Member Yuen moved that the board go into executive session to consult with legal council.

Member Gomes seconded the motion.

11:54AM EXECUTIVE SESSION  
12:16AM RECONVENE

Member Yuen made a motion that the Board doesn't take action, there are things missing from the complete applications. The motion would direct OCCL to process site plan up to 750 sq. ft. as an accessory building to the land management practices. If OCCL wants a more detailed plan there is flexibility. As far as pushing it as the floor use for an accessory use given the sized property, the board does not want to micro manage this. OCCL can use its discretion to exempt the accessory structure.

Member Gomes seconded the motion.

Mr. Church added that he can support this and that it seems they have overdone what we are trying to do here.

Chair Case asked if they had any issues with the proposal. Mr. Church did not have any issues.

Chair Case added that with clarification because it is on one parcel that is the arena for the determination of basic land use and asked if this is correct. Member Yuen answered that once he has the structure on one lot, there is nothing preventing you to mowing the other lot.

Member Gomes requested to the Churches to work with OCCL and that they do great work. This is the first that he had heard negative reviews of OCCL. The Churches concurred and look forward to working with the department and follow the law.

**Approval denied (Yuen, Gomes)**

**ITEM C-1 Request for Approval of a Forest Reserve Management Plan for Nounou and Kālepa Forest Reserve, Tax Map Keys (4) 4-2-004: Portion of 001, (4) 4-1-012:011 Through 013, and (4) 3-9-002: Portion of 014, Waipouli, Olohena and Wailua, Puna, Kaua'i.**

Galey Kawakami acting administrator for the Division of Forestry and Wildlife-DOFAW conveyed item C-1. This is their last forest reserve management plan for the island of Kaua'i.

Member Oi made a motion to approve, Member Gomes seconded.

Member Woodside commented that when they refer the sandalwood harvest and the impacts of it based on historical harvesting, it seems that harvest alone is not what causes the greatest impact to sandalwood forest. She asked everyone to think about this and recognize this.

Kawakami added that the fire adds to degradation, especially on Kauai the whole propagation is a real test to us.

**Unanimously approved as submitted (Oi, Gomes)**

**ITEM C-3 Request Approval of a Revised Forest Stewardship Management Plan and Increased Cost Share Support for the Kokua Kalihi Valley Forest Stewardship Agreement, Tax Map Key 1-4-014:026; 1-4-014:001; and 1-4-016:003, Kalihi, Kona, O'ahu.**

**Request Approval of Declaration of Exemption from Chapter 343, HRS, Environmental Compliance Requirements for the Project.**

Kawakami-DOFAW presented item C-3, there was nothing to add, no questions and no public testimony.

**Unanimously approved as submitted (Woodside, Gomes)**

**ITEM D-1 Issuance of a Right-of-Entry Permit to MC&A Inc. for Storage and Use of Recreational Equipment for a Beach Day Event for the Toyota Financial Group, at Maluaka Beach, Makena, Maui, Hawai'i: Tax Map Key:(2) 2-1-005: seaward of 086.**

**ITEM D-3 Consent to Assignment of General Lease No. S-3591 from Vetpro, Inc., Assignor, to Jieyu Shepard, Assignee; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease Provisions for General Lease No. S-3591; and Approve Lease Term Extension Pursuant to Act 207, Session Laws of Hawai'i 2011, General Lease No. S-3591, Kanoelehua Industrial Lots, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-049:017.**

Russell Tsuji-LAND had no changes to items D-1 or D-3.

**Unanimously approved as submitted (Gomes, Yuen)**

Member Woodside moved to adjourn meeting

Member Gomes seconded the motion.

There being no further business, Chair Suzanne Case adjourned the meeting at 12:34p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Ku'ulei Moses  
Land Board Secretary

Approved for submittal:



Suzanne D. Case  
Chairperson  
Department of Land and Natural Resources