

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED AS SUBMITTED  
BY THE BOARD AT ITS  
MEETING HELD ON  
JUNE 26, 2020**

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

**STATE OF HAWAII  
BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

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

DATE: FRIDAY, October 11, 2019  
TIME: 9:15 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**MEMBERS**

Suzanne Case  
Jimmy Gomes  
Stan Roehrig

Sam Gon  
Tommy Oi  
Chris Yuen arrived 10:14 am

**STAFF**

Kevin Moore-Land  
Curt Cottrell-Parks  
Daniel Ornellas-Land  
Emma Yuen-DOFAW  
Ed Underwood-DOBOR

Ian Hirokawa-Land  
Dave Smith-DOFAW  
Wesley Matsunaga-Land  
Tiger Mills-OCCL

**OTHERS**

Bill Wynhoff-AG  
Jessica Zane-DOT Harbors  
E.Halealoha Ayon/D1,2  
Jeff Pearson/D1  
Jeff Sandborn/E1  
Marti Townsend/D1  
Wayne Tanaka/D1  
Grant Nakana/D1  
Yvonne Izu/D1,7  
Phyllis Shimabukuro-Geiser/D1  
Debbie Lee-Jackson/D1  
Lucienne deNaie/C1, D1, D2  
Alan Murakami/D1

Ross Smith-DOT Airport  
Barrie Morgan/K1  
Kim Brady/J4  
Simon Russell/D1  
Wai Yi Ng/C1  
Meredith Ching/D1  
Lynn McCrory/D7  
Camiel Doorenweerd/C1  
Leinaala Ley/D1  
Ryan Komatsu/D1  
Nat Lam/C1

**ITEM A-1**

**10.11.2019 (1):00:00:19**

Meeting called to order by Chair Case at 9:55 am. Member Gon read contested case statement.

**10.11.2019 (1):00:01:46**

**ITEM-10** Issuance of Month to Month Permit to Winters Ranch, Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.

**ITEM M-11** Issuance of Month to Month Permit to A & A Trucking Services, LLC., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.

**ITEM M-12** Issuance of Month to Month Permit to ACR Water Hauling Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.

**ITEM M-13** Issuance of Month to Month Permit to Bertelmann, Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.

**ITEM M-14** Issuance of Month to Month Permit to Cantor Brothers Transport Services, Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.

Jessica Zane, DOT-Harbors present to answer questions for Items M-10, M-11, M-12, M-3, and M-14.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve Items M-10, M-11, M-12, M-3, and M-14 as submitted (Gon, Gomes) unanimous.**

**10.11.2019 (1):00.02:35**

- ITEM M-1** Amendment No. 3 to Concession Agreement No. DOT-A-18-0004 for Additional Parking Space, ABM Aviation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-14:021 (Portion).
- ITEM M-2** Issuance of a Revocable Permit for Space for an Employee Training Room/Support Facility, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:001 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Reach Air Medical Services, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01:019 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for Cargo Area Ramp Space for Equipment Storage, Aeko Kula, LLC dba Aloha Air Cargo, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
- ITEM M-5** Issuance of a Revocable Permit for Cargo Area Ramp Space for Equipment Storage, Aloha Contract Services, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
- ITEM M-6** Issuance of a Revocable Permit for Vehicle Parking Stalls for Package Delivery Operations, Reginald Ignacio, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
- ITEM M-7** Issuance of a Revocable Permit for Equipment Parking and a Mechanics Tent for Airline Operations, United Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
- ITEM M-8** Issuance of a Revocable Permit for Tech Operations Office Space for Airline Operations, United Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
- ITEM M-9** Issuance of a Revocable Permit for Space for an Office Trailer, Oxford Electronics, Inc. dba Oxford Airport Technical Services, Hilo International Airport, Tax Map Key: (3) 2-1-12: 090 (Portion).

Ross Smith, DOT-Airports present to answer question for Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8 and M-9.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8 and M-9 (Gomes, Oi) unanimous.**

**10.11.2019 (1):00:03:01**

**ITEM K-1** Final Environmental Impact Statement (FEIS) Acceptance Determination for the Adventist Health Castle Master Plan- Hawai'i Loa Campus Located at 45-045 Kamehameha Hwy., Kaeleuli, Kāne'ōhe/Kailua, Island of O'ahu, Tax Map Key: (1) 4-5-035:010.

Tiger Mills, Office of Conservation and Coastal Lands, presented the submittal. Applicant available for questions.

**Board Discussion**

The Board noted it previously heard this matter when it went out for public hearing on rule amendments.

**Public Testimony-None**

**MOTION**

**Approved as submitted (Gon, Gomes) unanimous.**

**10.11.2019 (1):00:04:51**

**ITEM J-4** Declare an existing Offshore Mooring Exempt from requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules, Lahaina, Island of Maui, Hawaii, for Hawaii Four-O, LLC.

Ed Underwood, Division of Boating and Ocean Recreation, presented the submittal. Applicant Kim Brady present to answer any questions and is working to be compliant.

Due to the mooring being already installed, and past the Statute of Limitations for a challenge, it does not need to come back before the Board for an Exemption.

**Board Discussion**

Noted the Applicant sailed over-night to make it to the meeting. AG agrees with Underwood and had no objections to the Board voting, but it is not necessary.

**Public Testimony-None**

**MOTION**

**Approved as submitted (Gomes, Oi) unanimous.**

**10.11.2019 (1):00:07:32**

**ITEM J-5** Declare an Existing Offshore Mooring Exempt from requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii

Administrative Rules, Lahaina, Island of Maui, Hawaii, for Sumner H. Bates, Inc.

Ed Underwood, Division of Boating and Ocean Recreation, noted due to the mooring being already installed, and past the Statue of Limitations for a challenge, it does not need to come back before the Board for an Exemption.

Board Discussion

Same situation as Item J-4.

Public Testimony-None

**MOTION**

**Approve as submitted (Gon, Gomes) unanimous.**

**10.11.2019 (1):00:07:53**

**ITEM E-1** Issuance of a Month-To-Month Revocable Permit to Diamond Parking Services, LLC, for Parking Fee Collection Services at Mākena State Park, portions of Maluaka, Mooiki, Mooloa, Moouku, Nau, Honuaula, Makawao, Maui, Tax Map Key: (2) 2-1-006:003 (Portion).

Curt Cottrell, State Parks, presented the submittal.

Board Discussion

Member Gomes said he has received feedback that there is not enough parking. Will there be more? Cottrell noted that, they are looking areas to see how they can enlarge parking, at moment they do not have anything.

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Gon) unanimous.**

**10.11.2019 (1):00:09:36**

**ITEM E-2** Request for a Special Use Permit to Crossfit Allstar LLC, to be able to Utilize a Portion of the Hapuna Beach State Recreation Area, for an Exercise and Swim activity. Kamuela, Hawaii Tax Map Key: (3) 6-6-022:035.

Curt Cottrell, State Parks, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Roehrig, Gomes) unanimous.**

**10.11.2019 (1):00.11:08**

**ITEM C-1** Request to Restrict Access in portions of the West Maui Natural Area Reserve, Lihau section, for up to a period of two years, Tax Map Key: (2) 4-8:001:002 (Portion).

Emma Yuen, Division of Forestry and Wildlife presented the submittal.

Board Discussion

Member Yuen disclosed that Emma Yuen was his daughter and they have no personal interest in the item.

Public Testimony

Wai Yi Ng, opposed the closure and requested a contested case.

Member Gon made a motion to go into Executive Session and Member Gomes seconded the motion. Unanimous.

**10:16 am: Executive Session**

**10:45 am: Back in Session**

**10.11.2019 (1):00:48:16**

Member Roehrig made the Motion to deny the contested case. Member Gomes second the motion. Unanimous.

**10.11.2019 (1):00:52:16**

***Resume Public Testimony***

Ng, noted that they would like to request working on a management plan that would benefit both NARS and the climbers.

Nat Lam, ARCH Project, conveyed that the climbers would like to work with DOFAW.

Lucienne deNaie, supports the submittal.

**MOTION**

**Approved as submitted (Gomes, Gon) unanimous.**

**10.11.2019 (1):00:59:47**

**ITEM D-7** Annual Renewal of Revocable Permits for the County of Maui, See **Exhibit 2** for list of Revocable Permits (RP).

Daniel Ornellas, Land Division presented the submittal.

Board Discussion

Member Gomes conveyed that he reviewed line-by-line with the Ornellas and is satisfied with the submittal.

Public Testimony

Lucienne deNaie made suggestions on the following: RP 7539, RP 7345, RP 7699.

Wayne Tanaka, OHA submitted written testimony.

**MOTION**

**Approved as submitted (Gomes, Roehrig) unanimous.**

**10.11.2019 (1):01:59:47**

**ITEM D-1** Continuation of Revocable Permits for Water Use for the Islands of Maui, Hawai'i and Kaua'i. See **Exhibit 1** for list of Revocable Permits.

Issuance of Revocable Permit for Water Use to Ka'u Mahi, LLC from Moa'ula Gulch Tunnel, Ka'u Forest Reserve, Ka'u, Island of Hawai'i, Tax Map Key: (3) 9-6-006:010.

Ian Hirokawa, Land Division presented the submittal.

Board Discussion

There was discussion regarding East Kauai Water Co-op not renewing their permit and how it affects the farmers.

Meredith Ching, A&B and Grant Nakama, (Mahi Pono) provided a summary of the farm plan. Requested 45 MGD. The Board discussed the allocation of the water and the County's needs.

Jeff Pearson, Director of Water Supply, Maui County, and a Representative from Corporation Counsel. Noted that there are (2) other sources of water that supply the County and rely on the EMI irrigation system in times of need and for public use.

11:40 am: Break

11:58 am: Back in Session

**10.11.2019 (1):02:01:46**

David Bissell, KIUC, provided an updated report on the conditions imposed last year, operational issues, and provided a hard copy of the EA as part of the process of obtaining a lease. There were discussions revolved around the diversions and issues with the community.

Yvonne Izu, representing Kau Mahi, provided information on the lands the water services and working on a long-term lease.

*EMI RP*

E. Halealoha Ayau, DHHL, supports the submittal for EMI, asked for 3 amendments and are working toward a water lease and have their reservation in place.

Morris Atta, Department of Agriculture supports submittal for Hawaii's food sustainability.

Katie Ersbak and Scot Fretz, Division of Forestry and Wildlife, submitted written response to Sierra Club's recommendations.

Wayne Tanaka, OHA, submitted written testimony. Asked the Board to defer the matter.

12:30 pm: Break for Lunch

1:30 pm: Back in Session

**10.11.2019 (2):00:03:09**

Public Testimony (By Island)

Maui- Member Gomes recused himself.

Warren Watanabe, Maui County Farm Bureau, in support. Andy Ho, Maui for Maui, in support. Lucienne deNaie, expressed concerns. Brian Miyamoto, Hawaii Island Farm Bureau, supports the water permits.

**MOTION WAS MADE TO:**

**Approve Hawaii Island and Linder Permits as submitted (Yuen, Gomes) unanimous. And continue testimony for EMI and KIUC.**

*Continuation Maui Island Testimony:*

Shiloh Jones, in support. Alan Murakami, Native Hawaiian Legal Corporation, expressed his concerns regarding Native Hawaiian Traditional Cultural Practices. Simon Russell, would like to see long-term water leases, has concerns regarding Mahi Pono.

Marti Townsend, Sierra Club, stands by their written submittal. And requested a contested case hearing. Dave Frankel, council provided the basis for the request.

Member Yuen Motioned to Deny the contested case. There was no Second to the Motion.

Member Roehrig Motioned to Allow the contested case. There was no Second to the Motion.

Member Gon made a Motion to go into Executive Session. Member Roehrig Seconded the Motion (unanimous).

12:28 pm: Executive Session

1:30 pm: Back in Session

**10.11.2019 (2):01:29:39**

Member Yuen made the Motion to **Deny** the Request for a contested case. The Motion was seconded by Member Oi. The vote was unanimous.



**10.11.2019 (2):01:30:34**

There was further discussion between the Board Members, Mahi Pono and EMI regarding, amount of water needed, debris in the streams and what is being done.

**10.11.2019 (2):01:45:22**

Member Yuen made a motion to approve with (2) amendments. Member Roehrig added another amendment.

*Amendments:*

- 1) Increase the cap to 45 million gallons a day, averaged annually;*
- 2) Mahi Pono is to advise any third-party lessee's, that any decisions they make is based on availability of water on a month-to-month basis renewed annually unless there is a permanent lease;*
- 3) the (14) streams outside of the IFFS area continue to be cleaned of debris and Applicant is to provide a status report every three months to Staff;*
- 4) Staff is to look at whether the land area around the streams are viable for State land and agriculture leases.*

**MOTION**

**Approved as amended (Yuen, Roehrig) unanimous.**

**10.11.2019 (2):01:52:34** Island of Kauai (KIUC)

Member Oi recused from voting.

**Public Testimony**

Debbie Lee-Jackson, opposes. Leinaala Ley, Earth Justice, opposed.

There was further discussion between the Board and KIUC regarding returning 4-million gallons in Waialeale stream, what was to be returned to Waikoko stream, and what goes to Grove Farm.

**MOTION**

**Approve as submitted (Yuen, Gon) 5-Ayes**

**10.11.2019 (2):02:22:10**

**ITEM D-2** Update on Development and Implementation of Watershed Management Plans for Leases of Water Rights Pursuant to section 171-58(e), Hawaii Revised Statutes (HRS).

Ian Ishikawa, Land Division presented the submittal

Board Discussion

There was a question if the Kau Reserve Management Plan meets the minimum content as stated in the submittal. Katie Esbeck, DOFAW confirmed that it does.

Public Testimony-None

**MOTION**

**Approved as submitted (Gon, Gomes) unanimous.**

**10.11.2019 (2):02:27:21**

**ITEM D-3** Issuance of Right-of-Entry Permit to the Young Men's Christian Association of Kauai for the Kalapaki Bay Foil Challenge Event over unencumbered State Lands at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

**ITEM D-4** Issuance of Right-of-Entry Permit to Sigrid Marmann for Maintenance Purposes onto State Lands, Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-012:008.

**ITEM D-5** Consent to Assign General Lease Nos. S-4472 & S-4473, Ernest De Luz, Assignor, to Ernest De Luz Ranch, LLC, Assignee, Kaohe 6<sup>th</sup>, Hoesa-Kaao, Hamakua, Hawaii, Tax Map Keys: (3) 4-1-006:007 and 4-2-008:002.

**ITEM D-6** Amend Prior Board Action of July 26, 2019, Item D-3, *Approval of 15-Year Term Extension of General Lease No. S-4257, aFein Holdings, LLC, Lessee; Kapaa Town, Kauai, Tax Map Key: (4) 4-5-009:008.*

*Consent to Sublease under General Lease No. S-4257, aFein Holdings, LLC, Lessee, to (i) Dorland and Associates, Inc., CPAs, and (ii) Island Rental Cars, LLC, Sublessees; Kapaa Town, Kawaihau, Kauai, Tax Map Key: (4) 4-5-009: portions of 008.*

*After-the-fact Consent to Sublease under General Lease No. S-4257, aFein Holdings, LLC, Lessee, (iii) Julian M. Martinez dba Kukui Street Tattoo, (iv) Eat Chef George, LLC, (v) Hannah Finazzo-Krueger, LLC, (vi) Christopher Mario Ragsdale Jr, (vii) Adam Lang and (viii) Max Lemaire, Sublessees; Kapaa Town, Kawaihau, Kauai, Tax Map Key: (4) 4-5-009: portions of 008.*

The purpose of this amendment is to change the statement under the submittal heading "RENTAL REOPENINGS:" from "Reopening's for the extended term shall be on August 12, 2019 and August 12, 2029" to "Reopening for the extended term shall be on August 12, 2019 (an independent appraiser will conduct one (1) appraisal for the current fair market rental of the extension and a step-up in rental for the 10<sup>th</sup> year of

the extension, to take effect on August 12, 2029).”

**ITEM D-8** Rescind Prior Board Action of June 25, 1993, Item F-4, *Lease – Public Auction Covering State Land at Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029 and 066;*

Rescind Prior Board Action of June 24, 1997, Item D-18, *Request to Amend the Board’s June 25, 1993 Agenda Item F-4 Authorizing the Issuance of a Revocable Permit to the Present Occupant for Pasture Purposes and Sale of Lease at Public Auction for Property Identified as Tax Map Keys: (2) 2-2-004: 001, 002, 029 and 066, Situate at Waiohuli-Keokea, Kula, Makawao, Maui;*

Rescind Prior Board Action of April 13, 2012, Item D-5, *Amend prior Board Action of June 24, 1997, Item D-18, to Authorize the Inclusion of Three (3) Additional Parcels in the Sale of Leases at Public Auction for Pasture Purposes, Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029, 031, 066, and (2) 2-2-005:047 & 053;*

Rescind Prior Board Action of November 30, 2012, Item D-4, *Clarification of On-Site and Off-Site Conditions Related to the Sale of Lease at Public Auction for Pasture Purposes Amended and Approved by the Board Action of April 13, 2012, Item D-5, Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029, 031, 066, and (2) 2-2-005:047 & 053;*

Set Aside to the Department of Agriculture for Agriculture Purposes and the Issuance of an Immediate Management Right-of-Entry for Unencumbered Parcels at Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029, 031, 066, and (2) 2-2-005:047 & 053.

**ITEM D-9** Issuance of a Right-of-Entry Permit to Kanaka Ikaika Racing Association for the KIRA Race #6 Event to be held on March 1, 2020, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

Ian Hirokawa, Land Division, present to answer any questions for Items D-2, D-3, D-4, D-5, D-6, D-8, and D-9.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted, Items D-2, D-3, D-4, D-5, D-6, D-8, and D-9 (Gon, Gomes) unanimous.**

**10.11.2019 (2):02:28:34**

**ITEM F-1** Request for Approval to Hold Public Meetings and Hearings to Repeal Hawaii Administrative Rules (HAR) Title 13 Chapters 84 and 89 and to Amend and Compile HAR Title 13 Chapter 95, to Update and Consolidate Rules and Statutory Provisions Regulating the Take, Possession, and Sale of Samoan Crab, Kona Crab, and Lobster.

The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

Brian Nielson and David Sakoda, Division of Aquatics, presented the submittal.

Board Discussion

Do you have Kona Crab data? Nielson conveyed that they rely on commercial reports.

Public Testimony

Randy Cates, supports the submittal.

**MOTION**

Approved as submitted (Gon, Gomes) unanimous.

**10.11.2019 (2):02:44:30**

**ITEM J-1** Find and Declare that La Mariana Sailing Club, Inc. (LMSC) has Encroached onto to State Land at or adjacent to Ke'ehi Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 1-2-023:081 (Por.) and assess back Rent for the Encroachment.

**ITEM J-2** Issuance of a four-month Right-of-Entry and subsequent Revocable Permit to Cates Marine Services, LLC., for purposes of Marine Salvage and Marine Services, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-023:057;

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

**ITEM J-4** Declare an existing Offshore Mooring Exempt from requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules, Lahaina, Island of Maui, Hawaii, for Hawaii Four-O, LLC.

**ITEM J-6** Approve Installation of two Moorings outside of an established Offshore Mooring area after-the-fact, Reed's Bay, Hilo, Island of Hawaii, Hawaii, for Thomas Wolff;

and

Declare the two Existing Offshore Moorings Exempt from Requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Richard Howard, Division of Boating and Ocean Recreation, present to answer questions on Items J-1, J-2, J-4, and J-6.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted Items J-1, J-2, J-4, and J-6 (Gon, Gomes) unanimous.**

**10.11.2019 (2):02:45:04**

**ITEM C-2** Pacific Rim Conservation, Inc., and the Department of Land and Natural Resources, Division of Forestry and Wildlife to engage as Partners in a Cooperative effort to Support Habitat Restoration, Natural Resource Protection, and Predator exclusion fence construction, Na Pali, Kauai, Tax Map Key: (4) 5-9-001:001;

and

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for this project.

Emma Yuen, Division of Forestry and Wildlife, presented the submittal.

Board Discussion

Member Yuen disclosed that Emma Yuen was his daughter and that they have no personal interest in this matter.

Public Testimony

**MOTION**

**Approve as submitted (Gon, Oi) unanimous.**

**10.11.2019 (2):02:46:20**

**ITEM C-3** Request Approval to Authorize the Chairperson to Negotiate, Enter into, Amend, Extend, and Terminate a Memorandum of Agreement between the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, Haleakala Ranch Company, Public Access Trails Hawaii, and the Sierra Club, Maui Group for public use and access to a portion of Haleakala Trail, District of Makawao, Ahupua'a of Kalialinui, Maui, Tax Map Key: (2) 2-3-005:004;

and

Request to Authorize the Chairperson, pursuant to Chapter 13-221, HAR, upon a Determination of Need, to Establish a Reasonable Schedule of visiting hours for all or portions of the trail, or to Close or Restrict the Public Use of all or any Portion thereof, when necessary for the Protection of the area or for the Safety and Welfare of persons or property, by the Posting of appropriate Signs indicating the extent and scope of closure.

Scot Fritz, Division of Forestry and Wildlife, presented the submittal.

Board Discussion

Member Roehrig disclosed that he was involved in the investigation of the trail.

Public Testimony-None

**MOTION**

Approved as submitted (Gomes, Gon) unanimous.

There being no further business, Member Gomes, adjourned the meeting at 4:40 pm. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,

*Darlene Ferreira*

Darlene S. Ferreira  
Land Board Secretary

Approved for submittal:

*Suzanne D. Case*

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Suzanne D. Case  
Chairperson  
Department of Land & Natural Resources