

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

DATE: FRIDAY, MARCH 13, 2009  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HI 96813

Chairperson Laura Thielen called the meeting of the Board of Land and Natural Resources to order at 9:12 a.m. The following were in attendance:

**MEMBERS**

Laura Thielen  
Ron Agor  
Tim Johns  
Dr. Sam Gon

Rob Pacheco  
Jerry Edlao  
Taryn Schuman

**STAFF**

Morris Atta, LD  
Ed Underwood, DOBOR  
Lisa Hadaway, NARS  
Bin Li, ADMIN  
Alton Miyasaka, DAR  
Kamaile Nichols, DAR

Dan Quinn, SP  
Paul Conry, DOFAW  
Dan Polhemus, DAR  
Chris Buddenhagen, HISC  
Francis Oishi, DAR  
Doug Smith, DOBOR

**OTHERS**

Linda Chow, Deputy AG  
Randy Stevenson, Item D-3  
Keola Lindsey, Item D-4

Barbara Locricchio, Item E-1  
Owen Ito, Item D-5

{Note: language for deletion is [bracketed], new/added is underlined}

**Item A-1 February 12, 2009 Briefing Minutes**

Members Gon, Johns, and Schuman recused.

**Approved as submitted (Agor, Edlao)**

**Item A-2 February 13, 2009 Amended Minutes**

Member Gon and Schuman recused.

**Approved as amended (Johns, Agor)**

**Item A-3 February 27, 2009 Minutes**

Member Pacheco recused himself.

**Approved as submitted (Johns, Agor)**

**Item F-6 Request for Approval to Hold Public Meetings and Hearings to Amend Hawaii Administrative Rules, Section 13-95-70, Stony Corals, and Hawaii Administrative Rules, Section 13-95-71, Live Rocks**

Dan Polhemus, Administrator for Division of Aquatic Resources (DAR), said that the purpose is to amend this rule to effectively regulate and protect stony coral and he read the submittal.

Member Johns asked about the prohibition of selling live rock and stony coral. Mr. Polhemus said staff felt prohibitions on sale were sufficiently established by law for stony coral, but staff was concerned that they can't technically bring a case against someone who breaks coral with a boat hull. There is a question whether a boat hull is an implement as written in the rule.

**Unanimously approved as submitted (Gon, Edlao)**

**Item E-1 Consent to Assign General Lease No. SP-186, Anthony Locricchio, Assignor to Anthony Locricchio, Barbara Locricchio, and Norman Andersen, Assignee, Puu Ka Pele Lots, Waimea, Canyon State Park, Kauai**

Administrator for State Parks, Dan Quinn reported that this lease was discussed previously which is listed under Anthony Locricchio who wants to include his wife, Barbara and a Norman Andersen.

Barbara Locricchio was here to answer any questions.

Member Gon asked whether Ms. Locricchio was cognizant of the recommendations and conditions and she expressed that she was.

**Unanimously approved as submitted (Agor, Gon)**

**Item D-3 Consent to Assign General Lease Nos. S-3831, S-3840, S-4647, Anekona Aloha Ownership LLC, Assignor, to Aloha Beach Resort – Nomura CDO, LLC, Assignee, and Estoppel Certificate to Wells Fargo Bank, National Association, in its Capacity as Trustee for the Nomura CRE CDO Grantor Trust, Series 2007-2, Wailua, Kauai, TMK: (4) 3-9-6:16 and 20.**

Land Division Administrator, Morris Atta described that Aloha Beach Resort is going through foreclosure action, and rather go through that, the parties have negotiated for an assignment in lieu of foreclosure with Wells Fargo Bank. The lender foreclosing agreed to this transaction with a condition to the assignment that the bank is asking for an estoppel to ensure the lease is in full compliance which it was per staff and recommends going forward.

Randy Stevenson from Goodsill Anderson representing Wells Fargo Bank was here to answer any questions.

Member Johns asked Mr. Atta to explain the lender's covenant regarding not seeking a monetary deficiency. Mr. Atta said that is between the lender and borrower and that the lender should explain it. Mr. Stevenson said that is how the assignment for foreclosure works. On the lease of the mortgage Wells Fargo gave the borrower a covenant that they will not sue for any deficiency and the mortgage remains in place until all the means and so forth are cleared.

**Unanimously approved as submitted (Agor, Schuman)**

**Item D-5 Approval in Principle to Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife for Waimanalo Forest Reserve Purposes; Rescind Prior Approval dated June 26, 1992, Item F-9; Authorize the Division of Forestry and Wildlife to Conduct an After-the-fact Public Hearing Relating to Waimanalo Forest Reserve; at Kailua, Kaneohe, and Waimanalo, Koolauapoko, Oahu, TMK: (1) 4-1-008:013, 4-1-010:074, 091 & 093, 4-2-005:001, and 4-2-010:portion of 001.**

Mr. Atta reported on background history where some DHHL Lands should be excluded. Also, the Luluku banana farmers asked to exclude their RP lands so that they may keep those lands in banana farming and pass it down to their children. A parcel closest to Olomana had been EOed previously, but a public hearing needs to be conducted to properly transfer it. DOFAW requested to do this as an approval in principle until public hearings could be heard for the transfer of all these lands and also include the previous parcel that has been set aside with an after-the-fact hearing so that all issues are covered.

Member Gon asked referring to exhibit A whether the dark green area is the banana farmer lands in question which Mr. Atta confirmed. The yellow numbered parcels are the

ones in question and are the un-numbered yellow parcel existing Waimanalo Forest Reserve? Paul Conry of DOFAW acknowledged that.

Owen Ito, President of the Luluku Banana Growers Association, said he was here to answer any questions. Member Gon asked whether he understood that the green portion is the banana farmers' lands that will taken out of the proposal to be set aside with forestry which Mr. Ito confirmed and was very happy with.

**Unanimously approved as submitted (Schuman, Gon)**

**Item C-2 Request for Approval to Enter into a contract with Pacific Consulting Services, Inc., to Prepare an Archeological Inventory Survey Report and Cultural Resources Management Plan for the Mauna Kea Ice Age Natural Area Reserve, Hawaii**

Administrator Paul Conry with the Division of Forestry and Wildlife (DOFAW) reported that this request as one of the steps to complete the Mauna Kea Management Plan. Approval for this contract is contingent on obtaining the necessary approvals from the Governor's Office. Staff is asking the Board for their approval contingent on funds.

Member Johns asked why only one bid.

Lisa Hadaway, Big Island Natural Area Reserve Manager, explained that a bid was put out in December and only one came in. People recognized this is professional courtesy to PCSI's Pat McCoy who has worked for years on Mauna Kea as one of the experts on the adze quarry area. The price has reduced from what was originally quoted.

Office of Mauna Kea Management (OMKM) has been doing archaeological surveys of the science reserve. Based on the auditors request NARS did a survey of the Lake Waiiau area and the Natural Area Reserve is over 3500 acres. Last summer was spent doing archaeological surveys of half the reserve and this year will pull all the archaeological surveys together.

Member Pacheco asked whether there will be one report or more of the whole summit area including the NARS and science reserve. Ms. Hadaway said that OMKM has a report from PCSI who are working on an EIS report and a draft cultural resources management plan for OMKM.

Member Gon asked whether there was a biological or natural resources management plan for the Mauna Kea Ice Age now. Ms. Hadaway replied not yet, but they have the capability in house of doing that portion of it. The priority is the cultural resources management plan and archaeological inventories because staff doesn't have the expertise in-house to do that.

Member Gon asked is the intent to do an integrated natural and cultural resources plan for the Mauna Kea Ice Age. Ms. Hadaway's response was ideally yes based on the auditors' request. Member Gon said he was sorry the consultant wasn't here because he wanted to

ask him questions. One thing that is important in an integrated natural and cultural resource plan is the handling of the issue of natural resources as cultural resources is very difficult especially in this case. Most of the arguments spinning around Mauna Kea deal with intangibles. It's dealing with the significance of the place which includes not just sites and historic human use, but everything making up that place that's considered culturally relevant and significant. Member Gon agreed doing part of it in-house is good, but puts the challenge on NARS to take the cultural aspect and try to weave that in correctly.

Member Johns asked Paul Conry whether that kind of integration could be done easily since Pat McCoy has worked with the department for many years. Mr. Conry acknowledged that saying staff will need to participate more actively with the cultural to provide input on the natural resources and take it to the next step instead of an inventory of archaeological sites. Ms. Hadaway agreed recognizing that OMKM and UH is writing the management plans and NARS is roughly two years behind where they (UH) are based on availability of resources and staff is hoping to integrate things that OMKM were able to ascertain through the process.

Chair Thielen said Ms. Hadaway talked about ideally integrating the biological and cultural resources plan and asked Ms. Hadaway if she was working to align her staff along the time frame of this contract. Ms. Hadaway said she has been focused on getting the contract done within those two years, particularly working on the ahinahina, and working closely with the contractor on that process. Staff is interested on the biological aspects like ahinahina wrapped in tapa in some of the caves and looking at what kind of bones were in the caves. There are lots of data at the Bishop Museum from the 1970s that they could integrate into it. Member Gon asked whether the Hawaii Island NARS staff will review and give feedback to the contractor to help assure the integration period which Ms. Hadaway confirmed.

Member Johns asked ultimately, that is what you want, a cultural resources management plan for the reserve. Member Gon said that cultural resource is more than sites and human distribution. There is a natural resource aspect of it. It is typically missing from the cultural resources management plan and vice versa when there is a natural resources management plan it typically doesn't delve far enough into the cultural aspects of it so this is a good opportunity to try to realize that. Member Johns said his opinion is that cultural resource plans touch on it more than biological plans because it starts out in the preface introduction with the cultural significance, but it doesn't dig into it. Member Gon said typically cultural is used as part of the context and when staff gets into the details of the recommendation it's forgotten. Member Johns said when it comes to the actual monitoring staff doesn't tie it back.

Mr. Conry said that this could be set up as a good model on how staff should be doing this in the future. This is unique to any other requirement for cultural resource evaluation based on the recent change in state law. It all relies on how good this contractor is because there is a lot of biological knowledge more closely linked to the cultural practices that is not available within staff. This is an opportunity that staff will need to

reach out. Ms. Hadaway noted that in the mindset of the Natural Area Reserves it was set-up geologic in nature; it didn't consider the cultural aspects of it. Establishment of the NARS Program included the cultural resources which staff is trying to deal with. NARS is working with Kahu Ka Mauna, the cultural advisory committee along with OMKM and hoping to get insight from them. Mr. Conry said he hopes this gets all its approvals because staff doesn't have anything like this.

**Unanimously approved as submitted (Pacheco, Gon)**

**Item D-4 Grant of Perpetual, Non-Exclusive Easement to the Carol A. Christianson Trust, for Access and Utility Purposes, Hienaloli, North Kona, Hawaii, TMK: (3) 7-5-11:portion of 6.**

Mr. Atta for Land Division described background. Staff recommends granting this easement in order for the owner to build a home on the kuleana lot.

Keola Lindsey from the Office of Hawaiian Affairs (OHA) apologized for his late testimony and they recognized the applicant's need to gain an easement to his parcel. OHA acknowledged that SHPD (State Historic Preservation Division) conducted a review of the inventory survey related to the easement and will be conducting a final inspection with the applicant. Mr. Lindsey was unable to verify the effort by the archaeological consultant to consult with the descended families of those in the cemetery and he is unaware of the specific layout of the cemetery. OHA has been contacted by the descended families who would like to participate in this process and OHA requests the Board consider an amendment to the second applicant requirement on page 3 by adding that the identified family be provided opportunity to attend the final inspection to share their thoughts with the applicant and the Department.

Mr. Atta asked whether Mr. Lindsey's recommendation is for the applicant to consult with family members of those interred in the cemetery during the process of identifying and establishing the location of the easement. Mr. Lindsey replied that there is only one identified family member at this time. Member Gon clarified that the request is to modify Applicant Requirement #2 so that individual can be present for that final inspection which Mr. Lindsey confirmed.

There was discussion over why the Applicant Requirements on page 3 wasn't with the Recommendation and there was reference to Recommendation #3 that states "Subject to the Applicant fulfilling all of the Applicant requirements listed above." But, it could refer to Recommendation #1 and #2 only. Chair Thielen suggested amending Applicant Requirements #1 and #2 on page 3 to Recommendation #3 and #4 on page 5 and change Recommendation #3 to #5. Also, add to Recommendation #4 "that the identified descended family be notified of that final site inspection and be given the opportunity to attend it."

Member Johns asked Mr. Atta, did he not get a response from Na Ala Hele (referencing the trail). Mr. Atta said Na Ala Hele had no record of this trail that was mentioned, but he can go back to them to check. Member Pacheco said that SHPD did address it.

Chair Thielen said we could add in to the new Recommendation #5.D. “including, but not limited to public access.” That way, if there is a comment from SHPD or Na Ala Hele regarding public access it’s mainly that the easement doesn’t interfere with public access. And, Mr. Atta is to check with Big Island Na Ala Hele staff which he acknowledged.

**The Board:**

**Approved staff’s submittal with the following amendments:**

- 1. From page 3, Applicant Requirements #1 and #2 will become Recommendation #3 and #4 on page 5.**
- 2. On page 5, change Recommendation #3 to #5.**
- 3. Add to the new Recommendation #5.D. “including, but not limited to public access.”**
- 4. Add to Recommendation #4 “that the identified descended family be notified of that final site inspection and be given the opportunity to attend it.”**

**Unanimously approved as amended (Pacheco, Johns)**

**Item C-1 Request Approval to Fund & Implement the Proposals to be Awarded from the Hawaii Invasive Species Council Request for Proposals for the Research and Technology Grant Program**

Member Gon and Johns recused themselves.

Mr. Conry informed the Board on the background. This is to report on the outcome of the request for proposal process. It identifies the projects that are recommended and the funding amounts for it. Basically, implementing the program.

Hawaii Invasive Species Council (HISC) coordinator, Chris Buddenhagen distributed a handout of the summary of projects.

Mr. Conry explained the recommendation.

Member Pacheco asked when the team is evaluated is there a formal vetting process. Mr. Buddenhagen said every RFP has to have published criteria and the RFP has a number of criteria, but the main criterion is to improve management over the long term. It’s not applicable to one single situation and the funding aspect helps staff illuminate that. There are 15 criteria.

**Unanimously approved as submitted (Pacheco, Schuman)**

**Item D-1 Set Aside to Department of Land and Natural Resources, Department of Forestry and Wildlife for Remote Automatic Weather Station and Division Related Purposes and Immediate Issuance of a Right-of-Entry Permit, Waimea, Kauai, TMK: (4) 1-2-11: 16.**

Mr. Conry recommended an amendment to broaden the use that if there is a fire he would like the ability to stage for that purpose where Mr. Atta pointed out the agenda title having "Division Related Purposes" which was fine with Mr. Conry.

**Unanimously approved as submitted (Agor, Pacheco)**

**Item D-2 Amend Prior Board Action of June 12, 1992, Item F-14, February 9, 2007, Item D-4, and September 14, 2007, Item 2; Authorization to Withdraw Land from the Operation of General Lease No. S-4413 and Right-of-Entry to the Department of Transportation, Highways Division for Contra-Flow Road Purposes, Wailua, Kawaihau, Lihue (Puna), Kauai; TMK: (4) 3-9-006:001 por. and 012.**

**Item D-6 Rescind Prior Board Action of August 22, 2008, Item D-8, Sale of Remnant to Hoku Lele LLC, Waimanalo, Koolaupoko, Oahu, TMK: (1) 4-1-025:abuttuing 051.**

**Item D-8 Amend Prior Board Action dated December 12, 2008, Agenda Item D-21; Amendment of Grant of Easement bearing Land Office Deed No. 27464 to Chevron U.S.A. Inc. for a Brine Water Discharge Pipe Purposes; Honouliuli, Ewa, Oahu, TMK: (1) 9-1-014: seaward of 010. (ODLO) Timmy**

Mr. Atta reported no changes. There was no public testimony.

**Unanimously approved as submitted (Agor, Johns)**

**Item D-7 Amend Prior Board Action dated February 25, 1966, Item F-13, April 12, 1991, Item F-4, and October 28, 2005, Item D-19; Direct Perpetual Non-Exclusive Easement for Electrical Transmission Line, Pole and Anchor at Waianae, Oahu; TMK: (1) 8-5-06: portions of 01 and 04 and 6-7-03: portions of 18 and 25.**

Member Johns recused himself.

Mr. Atta explained that the previous submittal did not specifically include the purpose of the easement to include a telecommunications line which is what this is for. On the AG's advice staff is broadening that purpose definition to make sure it didn't fall outside of the purpose of the easement. He apologized for not having a map. The easement has already been issued and this is a broadening of the purpose to ensure the existing use conforms with the allowed use.

Member Gon noted that any time something happens in conservation district or native ecosystems that include trimming trees is always a trigger with him. This happened in 1966 before the Board was aware of inadvertent introduction of alien species during the course of maintenance. The Department has been adding the condition of consultation with DOFAW, NARS with Ka'ala and HISC to minimize risk of unwanted introduction of alien species in the course of maintenance and have that in the record for this and maybe consideration for the Chair for terms and conditions.

Chair Thielen asked whether Member Gon wants Recommendation A tied to that activity maybe subject to those terms and conditions because it would be for staff's ability to go up to do the maintenance and tree trimming. Is that appropriate? Member Gon agreed.

Member Pacheco asked whether that should be a standard condition. Chair Thielen said what Member Gon's point is in 1966 permits didn't have those kinds of conditions, but permits today would. There was more discussion regarding whether this should be standard terms and conditions as it is today and where to put the amendment – under Recommendation A or C. Chair Thielen preferred using Recommendation A because it is more specific and asked Member Gon what that language is. Member Gon said to consult with NARS and HISC to minimize risk of unwanted introduction of alien species and damage to native vegetation and wildlife.

**The Board:**

**Approved staff's recommendation with the following addition to Recommendation A: To consult with NARS and HISC to minimize risk of unwanted introduction of alien species and damage to native vegetation and wildlife.**

Chair Thielen informed Mr. Atta to inform the easement holder about this requirement.

**Unanimously approved as amended (Gon, Schuman)**

- Item F-1 Request for Approval to Amend/Extend a DLNR/RCUH Agreement for the Division of Aquatic Resources' Aquatic Invasive Species Project, Contract No. 52850 (Amendment No. 6), that Provides \$246,334 in Added FY09 Funding (\$203,200 Special Funds, \$43,134 Federal Funds) and Extends the Agreement through June 30, 2010**
- Item F-2 Request for Approval to Provide Additional Funds (\$393,146) and Extend through FY10 DLNR/RCUH Contract No. 51059 for a Division of Aquatic Resources Stream/Estuarine Studies Project**
- Item F-3 Request for Approval to Add Federal Funding (\$52,000) and Extend through FY10 a Project Agreement with the Research Corporation of the University of Hawaii for an On-Going Ulua Tagging Project (Contract No. 52851)**

**Item F-4 Request for Approval to Enter into a New Federally-Funded Project Agreement (\$269,860) between the Research Corporation of the University of Hawaii and the Department of Land and Natural Resources for a Maui/Oahu Marine Resources Assessment Project for FY10 (7/1/09-6/30/10)**

**Item F-5 Request for Approval to Extend Two (2) DLNR/University of Hawaii Contracts, Contract No. 47471: Hawaii Fish Aggregating Device System and Contract No. 55137: Evaluating the Effectiveness of Restricted Fishing Areas for Improving the Bottomfish Fishery, From July 1, 2009 through June 30, 2010 and Provide Additional Federal Funding (\$330,000 and \$300,000, Respectively)**

Francis Oishi representing DAR reported no changes.

Member Johns asked whether Bishop Museum is one of the sub-contractors doing work under any of these projects and Mr. Oishi didn't believe so.

Member Gon asked the same for Nature Conservancy, but noted how important each is.

No public testimony

**Unanimously approved as submitted (Johns, Gon)**

**Item L-1 Appointment of Windward Oahu Soil and Water Conservation District Director**

**Item L-2 Approval for Additional Funds to Construction Contract - Job No. H10C663A, Haena State Park, New Comfort Station and Other Improvements, Haena, Kauai, Hawaii**

**Item L-3 Certification of Election and Appointment of Molokai-Lanai Soil and Water Conservation District Directors**

**Unanimously approved as submitted (Johns, Edlao)**

**10:05 am RECESS**

**10:20 am RECONVENED**

**Item H-1 Request for Adoption of Administrative Sanctions Schedule for the Civil Resource Violations System  
*SUBMITTAL TO BE DISTRIBUTED.***

The Department's Administrative Proceedings Coordinator, Bin Li apologized for not filing the submittal when the binders were mailed out last week and noted that there will be amendments. This is a request for adoption of a partial Administrative Sanctions Schedule for the Civil Resources Violations System. He stressed that this is an internal guideline issued by the Land Board to the Department staff to implement the rules adopted last year signed into law last month by the governor. Staff is adopting a piece by piece strategy to implement the rules because it's a big project involving multiple divisions over the next two years. Staff wants to set the fines low enough to encourage people to comply rather than having contested cases. There has been a series of discussions with department staff and the Office of the Attorney General resulting in these schedules. Staff from DOCARE, DOBOR and DAR are here to answer questions. This guideline is an internal directive from the Land Board and won't deviate from the current legal authorities and will not change any rules or affect people's rights or procedures to the public. Staff doesn't believe this requires a public hearing, but if the Board wishes they could conduct public informational meetings in the future. Staff wants to keep this at a limited scope for now to concentrate on those cases that are reasonable for them to proceed with.

Chair Thielen noted to the Board that after some consultation with the Deputy Attorney General there were some proposed amendments to the draft. The rules passed by the Board awhile ago allows the Department to issue civil fines in minor cases and those would be selected by the Board and a guidelines schedule put forth which is what this submittal is. The amendments are page 1-1, 1<sup>st</sup> sentence after "...is adopted" insert as a guideline. Also all the fines in the schedule will be up to the set amount rather than the dollar figure so it gives the department the discretion to set the fine up to that dollar amount. Page 2-1, 1<sup>st</sup> underlined sentence add and § 187A-12.5, HRS after 189-3, HRS. Insert a new (a) §187A-12.5, HRS authorizes a maximum fine up to \$1,000 for a first violation, up to \$2,000 for a second violation, and up to \$3,000 for a third violation. This would notice everyone in this guideline that the statute authorizes maximum fines of up to \$1,000, \$2,000 and \$3,000 for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> violations for failure to file monthly catch reports. But the recommendation in this guideline for the civil penalty system would be up to \$15.00 for the 1<sup>st</sup> offense, after 21 days increase up to \$30.00, for the 2<sup>nd</sup> offense up to \$25.00 increased up to \$50.00 after 21 days, and a 3<sup>rd</sup> time offense up to \$100 increased up to \$200 if not paid within 21days. She stressed under the Administrative Rules under the statute the Department has the authority of opting to use the Civil Penalty System or going through alternate routes. If it provides for petty misdemeanor they could use criminal route or bring the matter to the Land Board, but for minor violations this would be a more efficient process used more often and therefore encourage more compliance. Page 3-1, 1<sup>st</sup> sentence add §200-14.5, HRS after "(§200-31, HRS which is the statutory fines for boater registration. Add a new (a) §200-14.5, HRS authorizes a maximum fine of up to \$5,000 for a first violation, up to 10,000 for a second violation, and up to \$15,000 for a third violation. The fines under the Civil Penalties System for violations for boater registration are consistent with the commercial marine license. Item 3-2 after "(§200-16, HRS" add and §13-234-5, HAR. This administrative rule varies per day and add (a) §13-234-5, HAR authorizes daily fines for unauthorized mooring. Under Item 3-3 add and §200-14.5, HRS after "(§13-234-31, HAR" then add a new (a)

§200-14.5, HRS authorizes a maximum fine of up to \$5,000 for a first violation, up to \$10,000 for a second violation, and up to \$15,000 for a third violation. Then add the same language under Item 3-4. The Deputy AG amendments are more technical and we have noticed in this guidelines schedule to what the administrative authorities for the fines and amounts are. All fines are guidelines up to the set amount.

**The Board:**

Approved staff's submittal with the following amendments to the ADMINSTRATIVE SANCTIONS SCHEDULE:

Wherever the fine dollar amount appears add the words up to or up before it. For example: Item 2-1, (c) "...an administrative fine of up to \$15 shall..." "...fine shall increase up to \$30 if the respondent...."

For Items 2-1, 3-1, 3-2, 3-3, and 3-4 re-format letters by amending (a) to (b), (b) to (c), (c) to (d), etc.

page 1-1: 1<sup>st</sup> sentence, add as a guideline after ...is adopted

page 2-1: Item 2-1

1<sup>st</sup> sentence, add and § 187A-12.5, HRS after "(§ 189-3, HRS"  
Add a new letter (a) §187A-12.5, HRS authorizes a maximum fine up to \$1,000 for a first violation, up to \$2,000 for a second violation, and up to \$3,000 for a third violation.

page 2-2: Appendix 2-A.

Under the columns "Fine (In 21 Days)" and "Fine (Late)" add the words up to before the fine dollar amounts.

page 3-1: Item 3-1.

To the 1<sup>st</sup> sentence add and §200-14.5, HRS after "(§200-31, HRS  
Add a new (a) §200-14.5, HRS authorizes a maximum fine of up to \$5,000 for a first violation, up to 10,000 for a second violation, and up to \$15,000 for a third violation.

To Item 3-2., first sentence add and §13-234-5, HAR after "(§200-16, HRS"

Add a new (a) §13-234-5, HAR authorizes daily fines for unauthorized mooring.

page 3-2: Under Item 3-3., first sentence add and §200-14.5, HRS after "(§13-234-31, HAR"

Add a new (a) §200-14.5, HRS authorizes a maximum fine of up to \$5,000 for a first violation, up to \$10,000 for a second violation, and up to \$15,000 for a third violation.

page 3-3: Under Item 3-4., first sentence add and §200-14.5, HRS after “§13-234-34, HAR”  
Add a new (a) §200-14.5, HRS authorizes a maximum fine of up to \$5,000 for a first violation, up to \$10,000 for a second violation, and up to \$15,000 for a third violation.

page 3-4: Appendix 3-A.  
Under the column “Fine (Late)” under “item 3-2” change “Additional” to “additional” and add up to in front of all the fine amounts in the chart.

Unanimously approved as amended (Johns, Gon)

Adjourned (Johns, Pacheco)

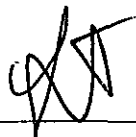
There being no further business, Chairperson Thielen adjourned the meeting at 10:32 a.m. Recordings of the meeting and all written testimony submitted at the meeting are filed in the Chairperson’s Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,



Adaline Cummings  
Land Board Secretary

Approved for submittal:



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Laura Thielen  
Chairperson  
Department of Land and Natural Resources