

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

DATE: FRIDAY, JANUARY 11, 2019
TIME: **9:15 A.M.**
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

01.11.2019 (1)/00.00:01

The meeting was called to order by Chair Case at 9:24 a.m. Member Gomes read the contested case statement. The following were withdrawn from the agenda; Items F-3, F-4 and M-8.

MEMBERS

Suzanne Case
Tommy Oi
Sam Gon
Keone Downing

Jimmy Gomes
Chris Yuen
Stan Roehrig

STAFF

Russell Tsuji-Land Division
Brian Nielson-DAR
Kim Harding-DAR
Richard Howard-DOBOR

Richard Howard-Land
Ryan Okano-DAR
Annette Tagawa-DAR
Cal Miyahara-Land

OTHERS

Linda Chow/AG
Mike Vitousik/D1
A.D. Ackerman/D1
Alton Miyasaka/F1
Jay Suemori/D5
Roy Morioka/F1
Stan Fujimoto/D2
Jamie Barlow/F1
Carl Jellings/F1
Makati Christensen/F1
Davis Yogi/D4

Ross Smith-DOT-AIR
Peter Olson/D1
Steve Hicks/D1
Fredrick Berg/D7
Allene Suemori/D5
Ed Watamura/F1
David Itano/F1
Ronald Tam/F1
Marlowe Savater/F1
Bonnie Rice/D9

01.11.2019 (1)/00.01:08

ITEM D-2 Amend Prior Board action of September 28, 2018, Agenda Item D-3, *Cancellation of Governor's Executive Order No. 3586 and Reset Aside to Hawaii Housing Finance and Development Corporation ("HHFDC"); Issuance of Management Right-of-Entry to HHFDC for the Development of a Mixed-Use Project Consisting of Multi-Family Affordable Rental Housing, Office Space/Civic Center, Parking, New Maui Bus Hub and Other Incidental Uses Purposes; Kahului, Maui, Tax Map Key: (2) 3-7-004:003.*

The purposes of the amendment are to: (i) consent after the fact to the Department of Accounting and General Services' ("DAGS") issuance of a Right-of-Entry ("ROE") permit to the County of Maui ("County") for site investigation and planning purposes as the land is currently set aside to DAGS under Executive Order ("EO") No. 3586, and (ii) consent to HHFDC's issuance of a ROE permit to the County for site investigation and planning purposes, after EO No. 3586 is cancelled and the land is reset aside to HHFDC.

Russell Tsuji, Land Division presented the submittal and noted this was a house-keeping item.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

01.11.2019 (1)/00.02:49

ITEM D-5 Waive Restrictive Covenant Prohibiting Fence, Screen, Hedge, or Wall Within Building Set-Back, Lot 41, Fort Ruger Lots, Kapahulu, Honolulu, O'ahu, Tax Map Key: (1) 3-1-044:012.

Board Discussion-None

Did the applicant indicate what their plans were?

Public Testimony

Jay and Allene Suemori conveyed they would like to put a hedge in.

MOTION

Approved as submitted (Oi, Gomes) unanimous.

01.11.2019 (1)/00.07:32

ITEM D-7 Grant of Term, Non-Exclusive Easement to Kaneohe Yacht Club for Piers, Boat Ramp, Floating Dock, and Wooden Catwalk Purposes; Termination of

Revocable Permit No. S-5407; Kaneohe, Ko'olaupoko, O'ahu, Tax Map
Key: (1) 4-4-022: seaward of 032.

Russell Tsuji, Land Division, the applicant has requested to keep their rate nonanimal. We could not find a legal way to do this.

Board Discussion

They do not qualify for public purpose. This is a membership. There have been improvements made and an appraisal will be done to help determine what is fair and equitable.

Public Testimony

Fredrick Berg, Kaneohe Yacht Club, is open to discussions when the appraisal is done.

Amendment:

- 1) Approve Recommendations Nos. 1, 2 and 3, of the staff submittal**
- 2) No action on Recommendations Nos. 4 and 5.**

MOTION

Approve as amended (Gon, Gomes) unanimous.

10:15 break

10:25 back in session

181214_010401.00

ITEM F-1 Request to open Four of the Existing Main Hawaiian Islands Bottomfish Restricted Fishing Areas and Request to delegate to the Chairperson the authority to implement the decision.

Brian Nielson, Reg Kokuban, Kimberly Harding, Ryan Okano, Division of Aquatics. DAR provided a detailed PowerPoint presentation regarding Bottom Fisheries, Management, and the BRFAs. It touched upon the status of the main Hawaiian Islands Bottomfish Stock, Prioritization of which BFRAs to open, implementations and monitoring the open BRFAs.

Board Discussion

The Board engaged in a question and answer conversation with the those who testified. They talked about the Annual Catch Limits (ACL), commercial fishing versus the recreational fishing and what impacts they had for the Deep 7. The lack of Enforcement and regulation. The discussion turned to the submittal before them and that was to open four BERTAs. They all agreed that that it was a start, and this is an adaptive management approach. In addition, during the discussions they came up with a timetable to revisit opening the other BERTAs.

Public Testimony

Alton Miyasaka, retired DAR employee. Submitted written testimony and is here today because it is very important to him. He is in favor of opening all the BRFAs. All the science indicates it's doing well. The BRFAs have outlived their usefulness.

Roy Morioka, passed out a copy of a letter he previously sent to the Chair in September 2018. It includes highlights of the stock assessment and recommends opening all of the BRFAs. The Deep 7 stocks are healthy. Noted the current harvest rate is 4 percent of the standing stock. The 2018-2019 ACL is more than 400,000 pounds. We have landed 74,363 pounds. That's 15.1 %, they have never exceeded the ACL.

Ed Watamura, Waialua Boat Club, the oldest boat club in the State, testified in support of opening all the BRFAs.

Fred Chang, stated he wanted all the BRFAs opened.

David Itano, wears two hats, fisheries scientist, and fisherman. He provided information on the Western Pacific Fishery Management Council process and the Scientific and Statistical Committee process. He has seen the stock assessment go from questionable to robust.

Jaimie Barlow, he has spent an extensive amount of time on data collection in the field and supports opening the four.

Ronald Tam, supports opening all.

Carl Jellings, supports opening the four BRFAs.

Marlowe Sabater, clarified some technical questions regarding recreational catch. He said the estimate came from specific small-boat studies done but NOAA. It is not coming from non-commercial data collection from the State. There were three studies conducted and the all came up with almost similar non-commercial ratio. Supportive of opening all BRFAs.

Makani Christensen, asked the Board to make solid, rational decisions. He is opposed to the closing of the other areas with no data.

Amendment:

DAR to report back in 3-years on further information on the Bottomfish assessment and review any recommendation regarding opening other BRFAs and the evaluation of the four BRFAs for this submittal.

MOTION

Approved as amended (Yuen, Oi) unanimous.

12:45 pm: Lunch Break

1:15 p.m. Back in Session

181214_0105 01.11/00:01:39

- ITEM M-1** Amendment No. 2 to Concession Agreement No. DOT-A-18-0004 for Additional Space for the Management and Operation of the Automobile Parking Facilities, ABM Aviation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003-001.
- ITEM M-2** Issuance of a Revocable Permit for Vehicle Parking, Engineers Surveyors Hawaii, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 066 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for a Field Office, Hako Plumbing, Inc. dba Hako Construction, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 066 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for a Training Room and Storage Space, Hallmark Aviation Services L.P., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 058 (Portion).
- ITEM M-5** Issuance of a Revocable Permit for a Construction Staging Area for Equipment and Materials, NAN, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 021 (Portion).
- ITEM M-6** Issuance of a Revocable Permit for Equipment Parking, Swissport USA, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 066 (Portion).
- ITEM M-7** Issuance of a Revocable Permit for Space in the Commuter Terminal for Airline Operations, Kamaka Air, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

Ross Smith, DOT-Air presented Items M-1 through M-7.

Board Discussion

M-7: Who is Kamanaka? Smith, they are a small airline (charter).

M-2: Why is this Gratis? Smith, it is part of the terms of their contract.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Roehrig) unanimous.

181214_0105 01.11/00:09:17

ITEM D-9 Consent to Assign General Lease No. S-5373, Estate of Harold Frederick Rice, Jr., also known as Harold F. Rice, Jr., also known as Freddy Rice, Deceased, Assignor, to Gregory J. K. Garcia, Sr., Assignee, Lalamilo, South Kohala, Hawai'i, Tax Map Key: (3) 6-9-001:002.

Russell Tsuji, Land Division presented the submittal.

Member Roehrig disclosed that the deceased was his client.

Board Discussion

Gomes asked why this was not being over to Department of Agriculture per Act 90? Tsuji replied that it is on the list and not sure why but will look into it.

Public Testimony

Bonnie Rice was able to provide a picture of the boundaries for the parcel.

MOTION

Approved as submitted (Roehrig, Gomes) unanimous.

181214_0105 01.11/00:18:50

ITEM D-4. Cancellation of Governor's Executive Order No. 3953 issued to the Department of Transportation and Re-set Aside to Department of Transportation Harbors Division for Harbors Related Purposes; Iwilei, Honolulu, O'ahu, Tax Map Key: (1) 1-5-035:010.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Roehrig had questions regarding what happened to the unauthorized use of the building the Permittee was using? Smith replied that when they found out in 2015, Airports revised the rental amount. Prior to that we do not know if he was using the building between 1994 and 2015. There was a very robust discussion.

Public Testimony

Davis Yogi, DOT-Harbors, he has been working with DOT-Airports to get this turned over to for Harbors use.

MOTION

Approved as submitted (Gon, Gomes) unanimous.

181214_0105 01.11/00:49:36

ITEM D-6 Consent to Assign General Lease No. S-5380, Elizabeth L. Lee and Thomas G. Aki, Assignors, to Thomas G. Aki, Assignee, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:266.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

181214_0105 01.11/00:49:54

ITEM D-8 Request to Write-Off Uncollectible Account on the Island of Oahu. Wallace K. Lean III, Revocable Permit No. S-7814 Owing \$199.71

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Yuen, Oi) unanimous.

181214_0105 01.11/00:50:17

ITEM D-10 Issuance of Right-of-Entry Permit to United States Department of Agriculture, Agriculture Research Service, Pacific Basin Agriculture Research Center, for Removal of Rapid Ohia Death Diseased Trees from State Lands Encumbered by General Lease No. S-5374 to Kapapala Ranch, situate Kapapala, Ka`u, Hawai`i, Tax Map Key: (3) 9-8-001:010 por.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

181214_0105 01.11/00:50:50

ITEM F-2 Request for Approval to Enter into a Grant-In-Aid Contract Agreement (\$100,000 State Operating Budget) between the Board of Land and Natural Resources (BLNR) and Big Island Resource Conservation and Development Council (BIRC) as fiscal sponsor for The Marine Mammal Center to provide Marine Science Educational Opportunities to Middle-School students and teachers through their Marine Science and Ocean Conservation Program, Na Kokua O Ke Kai.

Annette Tagawa, Division of Aquatics, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

181214_0105 01.11/00:51:50

ITEM J-1 Request to Amend Prior Board action of July 13, 2018, (Item J-2). Request to amend the Board's prior approval to issue a five-year Concession Contract with an Option to renew for one additional five-year term for Operating a Parking Concession situated at Lahaina, Island of Maui, Hawaii, Tax Map Key: (2) 4-6-001:002.

and

Declare project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules. The purpose of this amendment is to rescind the Board's approval of one requirement of the Concession Contract which specifies that the Concessionaire have a minimum of seven pay stations located throughout the facility.

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion -None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

181214_0105 01.11/00:51:50

ITEM J-2 Request for Issuance of a Revocable Permit to Kona RC Flyers, a domestic non-profit, for Radio-Controlled Aircraft and maintenance of the airfield and related structures, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:071 (Por.). Concur that the issuance of a Revocable Permit for this project will probably have minimal or no significant effect on the environment and accept the finding of no significant impact.

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion -None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

181214_0105 01.11/00:54:11

ITEM J-3 Sale of Lease at Public Auction for Dockside Fuel Sales, Convenience Store, Over-The-Counter Snack Bar, Non-exclusive easement for pipelines for the transmission of petroleum products and sale of ice purposes, He'eia Kea Harbor, He'eia, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-006: Por. 067 and Pipeline Easement.

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion -None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

181214_0105 01.11/00:56:38

ITEM D-3 Issuance of a Right-of-Entry Permit to Waikiki Roughwater Swim Committee, Inc. for a Swim Race Event to be held on September 2, 2019, at Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037: portion of 021.

Russell Tsuji and Cal Miyahara, presented the submittal.

Board Discussion

Downing asked how come you charge them for coming out but not going in? How are you charging the fee? Cal Miyahara, they are entering on Kaimana Beach which is in Trust and not State lands. There was a robust discussion regarding how they are charge The fees.

Public Testimony-None

MOTION

Approved as submitted (Roehrig, Gomes) unanimous.

There being no further business, Chairperson Case adjourned the meeting at 5:01 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 S. Ferreira
Land Board Secretary

Approved for submittal:

Suzanne D. Case
Chairperson
Department of Land & Natural Resources