

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED AS AMENDED**  
**AT ITS BOARD MEETING**  
**HELD ON**  
**JULY 26, 2019**

**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

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

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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

DATE: FRIDAY, JUNE 14, 2019  
TIME: **9:15 A.M.**  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**MEMBERS**

Suzanne Case  
Tommy Oi  
Chris Yuen

Jimmy Gomes  
Stan Roehrig  
Sam Gon

**STAFF**

Russell Tsuji- Land  
Ed Underwood-DOBOR  
Sang Kim-Parks

Ian Hirokawa-Land  
Curt Cottrell-Parks

**OTHERS**

David Day/AG  
Abby Lareau-DOT Airports  
Sandra Pfund/D5, D9  
Robert Duerr/J1  
James Callhan/J1  
Dylan Shropshire/D3  
Rob Johnson/J1  
Janet Mandrell/J1

Davis Yogi-DOT Harbors  
Fredrick Berg/E1  
Alan McConnell/J1  
Wanda Azzario/J1  
Duane Kurisu/D5  
Sherman Whitmire/J1  
Aedward Los Banos/D9  
Stephanie Pascual/D

**191614\_129/00:01:04**

Chair Case called the meeting to order at 9:19 a.m. Member Gon read the contested case standard statement,

**191614\_129/00:02:10**

**ITEM E-1** Request the Continuation of a Right-of-Entry and Revocable Permit to Honolulu Seawater Air Conditioning, LLC, for Roadway Access and for Construction and Staging Area Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:006 (Portion).

Curt Cottrell, State Parks, correction to page 4 of the submittal, strike June 1, 2017 to May 31, 2018 (2<sup>nd</sup> paragraph) and revise to June 1, 2019 to May 31, 2020.

Board Discussion-None

Public Testimony-None

**Amendment:**

***Duration of Permit will be from June 1, 2019 to May 31, 2020.***

**MOTION**

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

**191614\_129/00:03:20**

**ITEM E-2** Request for a Revocable Permit to Hawai'i Island Art Alliance for Park and Recreational Purposes, with the Wailoa Center at the Wailoa River State Recreation Area, Hilo, Hawai'i, Tax Map Key: (3) 2-2-013:003.

Curt Cottrell, State Parks, noted he needed to amend the submittal to add Exemption Notification, Chapter 343.

Board Discussion

The Board asked what the disposition of the Wailoa Center? Is there a lease?

Defer temporarily to find out disposition of lease.

Sang Kim, State Parks, after further investigation, the disposition of Wailoa Center is that it is owned by the State.

Public Testimony-None

**Amendment:**

***Add Exemption Notification, Chapter 323.***

**MOTION**

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

**191614\_129/00:10:39**

**ITEM D-5** Amending the Public Purposes of Governor's Executive Order No. 4513 to "Set Aside for Affordable Housing for Homeless Families, Including Any Revenue Generating Activities Assisting the Management of the Housing

Project Purposes"; Consent to Sublease of Lands between Kahauiki Village Development LLC and Blow Up, LLC; Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:003, 204 to 207, 211 and 212.

Russell Tsuji, Land Division, provided background information for the submittal. Dwayne Kurisu is present to answer any questions.

Kurisu, provided information on the "Village". Thanked the Board for their trust and the radio tower revenue will go back into the village.

Board Discussion

Is there anyone else who would be interested in the site and pay the fee that the appraisal is set? Previously, others who had looked at the site found it inhabitable and unusable. Kurisu came in and discussed relocating his tower that HART needed to have located.

Public Testimony-None

**MOTION**

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

**191614\_129/00:27:47**

**ITEM D-9** Quitclaim of State's Interests, if any, to the Hawaii Community Development Authority, Kakaako, Honolulu, Oahu, Tax Map Key: (1) 2-1-060:029 and 030, and portions of Ahui Street and Olomehani Street.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**191614\_129/00:27:47**

**Chair asked the Board Members if they had any questions regarding Items M-8, M-9, M-10 and M-11?**

**ITEM M-8** Issuance of Revocable Permit to Pacific Environmental Corporation to replace existing Revocable Permit No. H-96-1898, situated at Pier 4, Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key No.: (1) 9-1-014:024 (Portion), Governor's Executive Order No. 3383.

**ITEM M-9** Issuance of Revocable Permit to Pacific Environmental Corporation to replace existing Revocable Permit No. H-98-2055, situated at Pier 33,

Honolulu Harbor, Oahu, Tax Map Key No.: (1) 1-5-035:009 (Portion), Governor's Executive Order No. 2903.

**MOTION**

**Approved as Items M-8 and M-9 as submitted (Oi, Gomes) unanimous.**

**ITEM M-10** Amend prior Board action of April 13, 2018, Agenda Item M-9, for Correction to previously Approved Issuance of a Lease by Negotiation to TOELL U.S.A. CORPORATION, at Piers 24 and 25, Honolulu Harbor, Oahu, to Add Tax Map Key No.: (1) 1-5-038-011 (Portion) with (1) 1-5-038:004 (Portion), 005 (Portion), 055, 058.

**Board Discussion**

The Board requested the AG's office to investigate the question of the water-bottling company selling water from Hawaii outside of the State.

**MOTION**

**Approved as submitted (Oi, Gomes) Oppose- Roehrig**

**ITEM M-11** Issuance of Revocable Permit to MCCABE, HAMILTON & RENNY CO., LTD., for Clerk Offices, situated at Pier 5, Kalaeloa Barber's Point Harbor, Oahu, Tax Map Key No.: (1) 9-1-014:024 (Portion), Governor's Executive Order No. 3383.

Davis Yogi, DOT-Harbors present to answer any questions for Items M-8 through M-11.

**Public Testimony-None**

**MOTION**

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

**191614\_129/00:47:05**

**ITEM D-6** Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From June 21, 2019 to June 12, 2020, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

**ITEM D-7** Issuance of Right-of-Entry Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display on July 20, 2019 at the grass area fronting Kahala Hotel, Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:041.

Russell Tsuji, Land Division, presented the Item D-6 and D-7 together. Noted that the Applicant is present to answer any questions.

**Board Discussion-None**

Public Testimony-None

**MOTION**

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

**191614\_129/00:48:56**

**Chair asked the Members if they had any questions for Items M-1 through M-7?**

**ITEM M-1** Issuance of a Revocable Permit for Equipment Storage, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).

**ITEM M-2** Issuance of a Revocable Permit for Storage of Ground Service Equipment for Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).

**Board Discussion**

Where are the departure gates? Lareau said Gate 6, this area is adjacent to the gate.

**ITEM M-3** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Diamond Head Aviation, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

**ITEM M-4** Issuance of a Revocable Permit for a T-Hangar for Storage and maintenance of Aircraft, Tham Lam, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

**ITEM M-5** Issuance of a Revocable Permit for an Equipment Storage Shed, Japan Airlines Co., Ltd., Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.

**ITEM M-6** Issuance of a Revocable Permit for a Preferred Hold Room at Gates 6 and 7 of the Main Terminal, Hawaiian Airlines, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.

**Board Discussion**

**Item M-6:** How does Hawaiian qualify for a preferred Hold Room at certain gates?

Lareau replied that they must show that they have a six turn-arounds. There were further questions regarding the square footage. Lareau replied that she would have to go back and check with the neighbor island Agent and felt she was not in a position to answer the questions regarding the outer island request.

**MOTION**

**DEFER Item M-6**

**ITEM M-7** Issuance of a revocable Permit for Office Space in Car Rental Building No. 307, AvAirPros Services, Inc., Līhu'e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.

Abby Lareau, DOT-Airports, present to answer questions for Items M-1 through M-7.

Public Testimony-None

**MOTION**

**Approved as Items M-1, M-2, M3, M-4, M-5 and M-7 as submitted (Gon, Gomes)**

**191614\_129/00:59:09**

**ITEM J-1** Request for Approval and Adoption of Amendments to Title 13, Hawaii Administrative Rules (HAR), Chapters 13-234, Small Boat and State Boating Facility Fees and Charges, and 13-253, Catamaran Registration Certificate, other Registration, and Commercial Use Permit fees.

The proposed rules can be reviewed in person at a Division of Boating and Ocean Recreation (DOBOR) District Office from 8:00 am to 3:30 pm, Monday through Friday, except state Holidays as follows: Hawai'i District: Honokōhau Small Boat Harbor 74-380 Kealakehe Parkway Kailua-Kona, HI 96740; Kaua'i District: Nawiliwili Small Boat Harbor 2494 Niumalu Road Līhu'e, HI 96766; Maui District: Ma'alaia Small Boat Harbor 101 Ma'alaia Boat Harbor Road Wailuku, HI 96793; O'ahu District: Ke'ehi Small Boat Harbor 4 Sand Island Access Road Honolulu, HI 96819.

The proposed rules can be reviewed online at:

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dobor/draft-rules>. Location and contact information for DOBOR offices is available online at: <http://dlnr.hawaii.gov/dobor/contact>

Ed Underwood, Division of Boating and Ocean Recreation, provided the background of the submittal and explained the amendments.

**Board Discussion**

There was a robust discussion regarding the fees and how the revenue will be used, delaying the implementation of the mooring rules, as well as how it affects the users. In response to questions from the Board, Boating Administrator Underwood said that the proposed rule that the mooring fee would be charged based on the maximum length of the berth, if greater than the boat length, would not apply to offshore moorings installed by Boat Owner. He also said that the Boating Division was just beginning to determine the maximum berth length for the Tahiti moorings.

**Public Testimony**

*Allan McConnell*, opposed. Appraisal does not fairly represent what slip fees should be.

*Sherman Whitmire*-opposed, fundamentally flawed appraisal.

*Robert Duerr*, Wailoa, Association strongly opposes. Reeds Bay installed and maintain their own moorings

*James Callahan*, opposes.

*Brett Puritt*, opposes.

*Rob Johnson*, Ilikai, opposes. Provided an independent Analysis.

*Janet Mandrell*, opposes.

*Brian Goto*, strong concerns of the appraisal, did not take into consideration of current conditions of moorings.

*The following requested a contested case hearing: Allan McConnell, Wanda Azzario, James Callahan, and The Wailoa River and Reed's Bay Association.*

Deputy Attorney General David Day noted that Rulemaking is not subject to contested case action.

#### **MOTION**

##### **Deny request for Contested Case (Yuen, Gon)**

*Condition:*

*Require DOBOR to bring its plans for the maximum berth lengths for the Tahiti moorings (upon which the mooring fee would be charged) to the Board for approval, so that there can be a public forum where this is discussed.*

#### **MOTION**

##### **Approve as submitted with condition (Yuen, Gon) Oppose (Roehrig, Gomes) Passes**

11:55 am: Break

12:05 pm: Back in Session

**191614\_130/00:00:04**

**ITEM D-3** Grant of up to 65-Year Term, Non-Exclusive Easement to Ag-Eco Properties, LLC for Access and Utility Purposes, Kaakepa, South Hilo, Hawaii, Tax Map Key: (3) 2-8-011:003.

Russell Tsuji, Land Division presented the submittal. Applicant Representative is present.

Board Discussion

Member asked if they have KS easement? Tsuji replied not yet. Dylan Shropshire, representative said they have a Right-of-Way. Member asked to Shopshire to clarify the where the Right-of-Way.

Public Testimony-None

**MOTION**

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

**191614\_130/00:04:51**

**ITEM D-1** Set Aside to the Department of Land and Natural Resources, Land Division for the Relocation of the Hawaii District Land Office and Issuance of an Immediate Right-of-Entry, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-032:011.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**191614\_130/00:05:28**

**ITEM D-4** Issuance of a Right-of-Entry Permit to MC&A, Inc. for Beach Activities for Lexus Automobile Company at North Kihei, Wailuku, Maui, Tax Map Key: (2) 3-8-013: seaward of 011.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**191614\_130/00:05:49**

**ITEM D-8** Issuance of a Right-of-Entry Permit, after-the-fact to MC&A Inc. for Beach Volleyball Event for Chick-Fil-A Company at DT Flemings Beach, Honolua, Lahaina, Maui, Tax Map Key: (2) 4-2-004: seaward of 015.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**191614\_130/00:05:49**

**ITEM J-2** Approve Issuance of Long-Term Right of Entry Permit to Kauai Island Utility Cooperative for Electrical Service for Job No. B94DK71A Port Allen Small Boat Harbor Floating Dock Improvements, Eleele, Island of Kauai, Hawaii, Tax Map Key (4) 2-1-003:010 (Portion).

Ed Underwood, DOBOR, asked to amend the submittal to add a recommendation to the submittal. Fin McCall provided the background.

Board Discussion-None

Public Testimony-None

**Amendment:**

***Delegate Authority to the Chair to Negotiate and Execute the Right-of-Entry.***

**MOTION**

**Approved as amended (Oi, Gon) unanimous.**

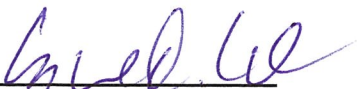
Chairperson Suzanne Case adjourned the meeting at 12:09 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,



Darlene S. Ferreira  
Land Board Secretary

Approved for submittal:



Suzanne D. Case  
Chairperson  
Department of Land & Natural Resources