

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

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

DATE: FRIDAY, JULY 12, 2019
TIME: **9:15 A.M.**
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 96813

MEMBERS

Jimmy Gomes
Tommy Oi
Chris Yuen

Sam Gon
Stan Roehrig

STAFF

Russell Tsuji- Land
Maria Carnavale-DAR
Emma Yuen-DOFAW

Sam Lemmo-OCCL
Curt Cottrell-Parks

OTHERS

Linda Chow/AG
Ross Smith-DOT-AIR
Henry Kennedy-DOT-HWY
Les Harwell/D3

Olivia Pham-DOT-HAR
Fredrick Berg/E1
Mike Okimoto-DOT-HWY
Ben Evans/F1

190712_0134/00:00:12

Member Gomes called the meeting to order at 9:16 a.m. Member Yuen read the standard contested case statement.

ITEM A-3

190712_0134/00:01:08

ITEM A-1 Meeting Minutes for April 26, 2019 for Approval.

Board Discussion

Member Gon relayed he had given the Board Secretary his comments.

Public Testimony-None

MOTION

Approved as amended (Gon, Yuen) unanimous.

190712_0134/00:01:29

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Benjamin K. Evans, National Oceanic and Atmospheric Administration (NOAA) Ship RAINIER, for Access to State Waters to Conduct Shipboard Support Activities.

Maria Carnevale, PMNM, Co-Manager, DAR, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

190712_0134/00:03:22

ITEM D-3 Authorize the Department of Land and Natural Resources, Land Division, to Negotiate a Development Agreement for a 30-Year Extension of Lease Term of General Lease No. S-3621, Crescent City Properties, Inc., Lessee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-049:006.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Yuen) unanimous.

190712_0134/00:04:30

ITEM M-5 Request the Acquisition of Lands and Temporary Construction Right-of-Entries, to the Department of Transportation, Highways Division, for the replacement of Makaha Bridge No. 3 and Makaha Bridge No. 3a, Federal

Aid Project No. BR-093-1(20), situated at Makaha, Waianae, Oahu, Hawaii, Tax Map Key Nos.: (1) 8-4-001: Portion of 012; (1) 8-4-002: Portions of 045 and 047; (1) 8-4-008: Portion of 020 and (1) 8-4-018: Portion of 014.

Henry Kennedy and Mike Okimoto, Department of Transportation, Highways Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

190712_0134/00:05:40

ITEM M-3 Issuance of a Revocable Permit to National Response Corporation at Pier 4, Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key No.: (1) 9-1-014:024 (Portion).

Olivia Pham-DOT Harbors presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yuen) unanimous.

190712_0134/00:06:30

ITEM M-4 Issuance of Six (6) Month-to-Month Permits to Young Brothers, LLC at Pier 3, Nawiliwili Harbor, Kauai, Tax Map Key No.: (4) 3-2-003: 007 (Portion)

Board Discussion

The Board asked why their doing month-to-month permits? Pham replied that a plan was being developed for the area and once that is done, they will be looking into leases.

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

190712_0134/00:09:19

ITEM D-4 Set-aside to County of Hawaii, for Affordable Housing Purposes and Issuance of Immediate Management Right-of-Entry to County of Hawaii, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-024:157.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

The Board asked why we held on to this land until now? Tsuji explained the background surrounding this and that DHHL had asked the State to hold on to it.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Oi) unanimous.

190712_0134/00:19:59

ITEM E-1 Issuance of a Right-of-Entry Permit to AECOM Technical Services, Inc. for Topo-graphic Survey for the Sand Island Wastewater Treatment Project City and County of Honolulu at Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:351 and (1) 1-5-041:006 Portion.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yuen) unanimous.

190712_0134/00:22:06

ITEM C-1 Request Approval for Selection of the Competitive Sealed Proposal Process and Authorize the Chairperson to Award, Execute, and Extend Contracts for the Implementation of Watershed Management Plans and Projects that Support Native Ecosystem Protection and Management for Fiscal Years 2020-2021.

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

Board Discussion

Member Yuen recused himself. The Board asked E. Yuen to be able to demonstrate the effects of weed and animal control in the management areas and the watershed.

Public Testimony

James Manaku, he is concerned about is the eradication portion of the proposal. It is part of their resources and would like DOFAW to come to the hunters and allow them to hunt in lieu of eradicating.

MOTION

Approved as submitted (Gon, Oi) unanimous.

190712_0134/00:42:50

ITEM M-1 Issuance of a Revocable Permit for a Preferred Hold room at Gate 9 in the Main Terminal, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

ITEM M-2 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.

Ross Smith, DOT-Airports, present to any questions.

Board Discussion

Item M-2: It was noted that when Hawaiian lands in Hilo, the elderly have quite a way to go to baggage claim. Smith, noted that the problem is the design of the airport. There was a robust discussion regarding preferred holding rooms at the different airports.

Public Testimony-None

Amendment to M-2:

DOT to speak to Hawaiian Airlines to get public input regarding where the preferred gates should be;

If there is Preferential Hold on Gate 5, to cancel that RP;

Provide a copy of the Airports lease agreement regarding Preferred Gates.

MOTION

Approve Item M-1 as submitted (Yuen, Oi) unanimous.

Approve Item M-2 as amended (Yuen, Gon) unanimous.

190712_0134/01:22:26

ITEM K-1 Denial of Request to Waive the Timeliness of an Oral Request for a Contested Case Hearing Regarding an Unauthorized Seawall at Kaneohe, Island of Oahu, Seaward of Tax Map Key: 4-6-001:007, Charles T.Y. Wong Trust - Docket No. ENF - OA 19-01.

Sam Lemmo, Office of Conservation and Coastal Lands, provided the background for this request regarding Item K-1 which was a violation submitted on September 28, 2018, which the Board approved the Staff submittal with a few changes.

Board Discussion

The Board reviewed HAR 13-1-29 (a) and the Board can waive for good cause. The Board also had a discussion regarding

Public Testimony

Charles Wong, opposes Staff's submittal. He misunderstood the oral request by the end of the meeting and submitted in writing prior to the deadline of 10-days.

MOTION

Motion to Deffer for not more than 3-months and resubmission of the original motion or reconsideration of the options to apply for after-the-fact permit or other reasonable actions as determined by OCCL and Homeowner (Gon, Roehrig) unanimous with reservations (Oi, Gomes, Yuen)

190712_0134/02:12:31

ITEM D-1 Consent to Assign General Lease No. S-5579, John Contrades, III, Assignor, to Adam Asquith, Assignee, Kapaa, Kawaihau, Kauai, Hawaii; Tax Map Keys: (4) 4-6-005: 007 & 008.

Russell Tsuji, Land Division, presented the submittal

Board Discussion-None

Oi noted that the lease is for agriculture use, Mr. Contrades has not been doing anything with the land. Tsuji said that he has someone that will be farming the land.

Public Testimony-None

MOTION

Approved as submitted (Oi, Roehrig) unanimous.

190712_0134/00:042:50

ITEM D-2 Grant of Term, Non-Exclusive Easement to Bockrath & Bockrath, LLC, for Utility Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-032:011.

Board Discussion

The Board asked if the applicant was fine with the submittal.

Public Testimony-None

Derek Simon and Johnathan Bockrath concurred.

MOTION

Approved as submitted (Roehrig, Gon)

There being no further business, Member Gomes adjourned the meeting at 12:40 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