

DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED AS AMENDED
BY THE BOARD AT ITS
MEETING HELD ON
09.13.2019

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

MEMBERS

Jimmy Gomes
Stan Roehrig (9:30 am arrived)
Chris Yuen

Tommy Oi
Sam Gon

STAFF

Russell Tsuji- Land
Brian Nielson-DAR
Allyson Yim-Engineering
David Gulko-DAR
Alan Carpenter-Parks

Dave Smith-DOFAW
Curt Cottrell-Parks
Maria Carnevale-DAR
Jason Misaki-DOFAW

OTHERS

Amanda Weston/AG
Olivia Pham-DOT-Harbors
Dave Hamil/E1
Jennifer Samson/F2
Paul T. Ito/D6
Kathy Inouye/D3
Janice Takahashi/D3

Ross Smith-DOT-Air
Mark Jeffers/E1
Mapuana deSilva/C1
Lawrence Ito/D6
Rochelle Ito/D6
Craig Hirai/D3

08.09.2019 Voice Recording/00:00:02

ITEM A-2

Member Oi called the meeting to order at 9:15 am. Member Yuen read the standard contested case statement.

Item J-1 has been withdrawn from the Agenda.

08.09.2019 Voice Recording/00:00:02

ITEM E-1 Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a 15-year Lease with The Storybook Theatre of Hawai'i, an Eleemosynary Organization, for Arts Education at Lots 14, 90, and 91 situated at Pu'u Ka Pele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:024.

Curt Cottrell, State Parks, presented the submittal. Applicants David Hameil and Mark Jeffers representing Storybook, provided background information on their programs and the capital improvements they plan to put in.

Board Discussion

The question regarding the status of the capacity of the cesspool and the one that will replace it would it be adequate. Cottrell said yes. Alan Carpenter, State Parks provided an update of the mandates and improvements to be made.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous (Roehrig was not present to vote).

08.09.2019 Voice Recording/00:09:22

ITEM C-1 Request for Delegation of Authority to the Chairperson to Enter a Memorandum of Understanding with Hika'alani.

Jason Misaki, Division of Forestry and Wildlife presented the submittal. Applicant is present to answer any questions.

Board Discussion

The Board thanked deSilva for the work they were doing in working with DOFAW and SHPD and for sharing the stewardship with the younger generation to manage the site. The Board asked DOFAW to add the condition to provide an annual report to the MOU.

Public Testimony-None

Amendment:

The Board to receive yearly briefings on the MOU and activities undertaken fun the course of its implementation.

MOTION

Approved as amended (Gon, Yuen) unanimous. (Roehrig was not present to vote).

08.09.2019 Voice Recording/00:17:55

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Jennifer Samson, National Oceanic and Atmospheric Administration, Pacific Island Fisheries Center, for Access to State Waters to Conduct Activities for the Pacific Reef Assessment and Monitoring Program.

Maria Carnevale, Division of Aquatics, presented the submittal and made an amendment to Recommendation No. 2(e) of the submittal and noted that applicant is present to answer any questions.

Board Discussion

The Board asked how the Red Agua <Algae?> was introduced. Carnevale replied, they are not sure yet and there is testing being done so we can find a way to contain it.

Public Testimony-None

Amendment:

Recommendation No. 2(e), amend language to say “and additional biosecurity measures developed by the MMB for the current AIS outbreak at P&H.

MOTION

Approved as amended (Gon, Gomes) unanimous.

08.09.2019 Voice Recording/00:23:38

ITEM D-6 Withdrawal from Governor's Executive Order No. 1598 issued to Department of Agriculture and Sale of Remnant (Abandoned Ditch Right-of-Way) to Irene I. Chung, Lawrence Y. Ito, Mary Y.I. Gehrke, David D. K. Ito, and Paul T. Ito; Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-024:115.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

The Board asked if it would have to be subdivided? Tsuji replied, no. Paul Ito noted as well that the water resource comes from a privately-owned reservoir and they use County water.

Public Testimony-None

MOTION

Approve as submittal (Gon, Gomes) unanimous.

08.09.2019 Voice Recording/00:28:47

ITEM D-3 Seeking Authorizations for Various Actions Relating to the Proposed Mixed-Use Residential Development at 902 Alder Street, Kewalo, Honolulu, Oahu, Tax Map Key: (1) 2-3-012:019:

- a) Cancellation of Governor's Executive Order No. 1577 and Reset Aside to the Hawaii Housing Finance and Development Corporation for Mixed-use Residential and Current and Future Family Court Services including Shelter Services for Juveniles under the Jurisdiction of the Court;
- b) Issuance of Right-of-Entry Permit to the Hawaii Housing Finance and Development Corporation;
- c) Consent to the Right-of-Entry Permits to be issued by the Hawaii Housing Finance and Development Corporation related to the development of the project;
- d) Authorize the Creation of a Condominium Property Regime; Authorize the Chairperson to Execute Documents related to the Condominium Property Regime;
- e) Consent to the Leases issued by the Hawaii Housing Finance and Development Corporation to the Selected Developer and the Judiciary; and
- f) Consent to Mortgage.

Russell Tsuji, Land Division, summarized the submittal and noted that Representatives from HHFDC were present to answer questions.

Board Discussion

Deedee Lex with the Judiciary replied to the question regarding the relocation of the kids while construction is in process and will move back after the facilities are completed.

Craig Hirai and Janice Takahashi, HHFDC, answered questions regarding the cost of building. Elton Wong, Kobayashi Group, the Developer, replied to questions regarding the units to be built.

Public Testimony

Kathy Inouye, Kobayashi Group, noted that this is a good example of State and City partnership and it has been a challenge to keep it affordable.

MOTION

Approved as submitted (Gon, Gomes) unanimous.

08.09.2019 Voice Recording/00:41:00

ITEM M-1 Issuance of a Revocable Permit for Vehicle Parking, All Nippon Airways Co., Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).

ITEM M-2 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Jim Jacobs, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: 020 (Portion).

ITEM M-3 Issuance of a Revocable Permit for Marketing and Visitor Information Podiums, Hilton Resorts Corporation dba Hilton Grand Vacations, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: 040 (Portion).

Ross Smith, DOT-Airports, presented Items M-1 through M-3.

Board Discussion

The Board reminded Smith to email a copy of the lease agreement.

Public Testimony-None

MOTION

Approved as submitted Items M-1, M-2, and M-3 (Gomes, Gon) unanimous.

08.09.2019 Voice Recording/00:43:57

ITEM M-4 Issuance of a Month to Month Permit to MARISCO, LTD., for Submerged land for site of Lil Perris Dry Dock for Ship Building and Repair Facilities, situated at Pier 9, Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key: (1) 9-1-014:024 (Portion). Governor's Executive Order No. 3383.

Olivia Pham, DOT-Harbors, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes/Gon) unanimous.

08.09.2019 Voice Recording/00:45:47

ITEM D-7 Issuance of Right-of-Entry Permit to the University of Hawaii, by its Department of Oceanography, for Air-Sea Gas Exchange and Inert Dye Release Study Purposes Over Submerged Lands in Kaneohe Bay; Kaneohe, Koolaupoko, Oahu; Tax Map Key: N/A – Submerged Lands.

Russell Tsuji, Land Division presented the submittal, DAR had comments and UH responded.

Board Discussion

The Board ask what they anticipated to learn? Brian Nielson, Division of Aquatic Research (DAR) noted they are interested in the circulation patterns of larvae in the Bay. David Gulko, DAR, provided background information regarding the evolution and coral reef in the bay.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

08.09.2019 Voice Recording/00:50:15

ITEM F-1 Request for Approval to Enter into a Memorandum of Agreement Between the State of Hawaii, Board of Land and Natural Resources and the State of Hawaii, Department of Transportation regarding the New Kapalama Container Terminal Wharf and Dredging, Honolulu Harbor, Oahu, Hawaii (Job H.C. 10498) and the Proposed Offset Measure Designed to Offset the Losses to Coral on Man-Made Substrates.

Brian Nielson and David Gulko, Division of Aquatics presented the submittal and a slide show on the coral nursery and how they are used for out planting. The Board was invited to visit the nursery.

Board Discussion

There general questions asked regarding reproduction, chemicals in the water affecting the coral.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

08.09.2019 Voice Recording/01:24:15

ITEM D-1 Grant of Term, Non-Exclusive Easement to George M. Mori for Access Purposes and Cancellation of Revocable Permit S-7516, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-007: Por. 015.

ITEM D-2 Issuance of Right-of-Entry Permit to Hawaii Surfing Association Maui for an Amateur Surf Competition at Haneoo (Koki Beach), Hamoa, Hana, Maui, Tax Map Key: (2) 1-4-007: 009.

ITEM D-4 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on September 19, 2019, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

ITEM D-5 Amend Prior Board Action of March 23, 2007, Item D-5, *Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Drainage Purposes, Maunalua, Honolulu, Oahu, Tax Map Key: (1) 3-9-027:007 seaward.*

The purpose of the amendment is to add Section 171-53(c), Hawaii Revised Statutes to the Legal Reference section.

Russell Tsuji, Land Division stands by the remaining Land Division Items D-1, D2, D-4 and D-5 and is available for questions.

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted (Gomes, Roehrig) unanimous.

08.09.2019 Voice Recording/01:25:44

ITEM L-1 Appointment of Yarrow Flower to Serve as a Director of the Central Maui Soil and Water Conservation District.

Amendment:

Yarrow Flower will fulfill the unexpired term of Dan Clegg, exciting June 3, 2020.

ITEM L-2 Appointment of Pueo S. Wright to Serve as a Director of the Hana Soil and Water Conservation District.

ITEM L-3 Appointment of Garret Hew to Serve as a Director of the Olinda-Kula Soil and Water Conservation District.

ITEM L-4 Appointment of Kimo Falconer to Serve as a Director of the West Maui Soil and Water Conservation District.

Alyson Lim, Engineering present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as amended Item L-1 and Approve as submitted Items L-2, L-3 and L-4 (Gomes, Gon) unanimous.

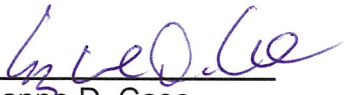
There being no further business, Member Oi adjourned the meeting at 10:45 am. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,



Darlene S. Ferreira
Land Board Secretary

Approved for submittal:



Suzanne D. Case
Chairperson
Department of Land & Natural Resources