

DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED
BY THE BOARD AT ITS
MEETING HELD ON
SEPTEMBER 27, 2019 *doc*

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, September 13, 2019
TIME: **9:15 A.M.**
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

MEMBERS

Suzanne Case
Jimmy Gomes
Stanley Roehrig

Sam Gon
Tommy Oi
Chris Yuen

STAFF

Kevin Moore- Land
Richard Howard-DOBOR

Carl Young-DOBOR
Barry Cheung-Land

OTHERS

Bill Wynhoff/AG
William Kam/DOT-AIR
Kevin Simons/DOT HWY
Gabrielle Gersh/M5
Jon Yamamura/D4

Ross Smith/DOT-AIR
Olivia Pham/DOT-HAR
Gary Gasper/DOT HWY
Gerald Glennon/D4

09.13.2019/00:04:00

Chair Case called the meeting to order at 9:16 a.m. Member Gon read the standard contested case statement.

09.13.2019/00:05:28

ITEM A-1 Request Approval of the July 26, 2019 Meeting Minutes.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Roehrig) unanimous.

ITEM A-2 Request Approval of the August 9, 2019 Meeting Minutes.

Board Discussion-None

Replace the word “Agua” with “ALGA”, on page 3, Item F-2.

Public Testimony-None

MOTION

Approved as submitted (Gon, Roehrig) unanimous.

09.13.2019/00:05:55

ITEM M-1 Issuance of a Revocable Permit for Field Office/Storage Space, Hawaii Unified Industries, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-033:006 (Portion).

Board Discussion-None

Public Testimony-None

ITEM M-2 Issuance of a Facilities Lease Encompassing Office and Warehouse Space by Notice of Public Auction, 2909 Ualena Street, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004: 011.

Ross Smith, DOT- Airports, presented Items M-1 and M-2.

Board Discussion

Item M-2, is this an airport related activity? Lease is designed as an airport function, but open to the public.

Public Testimony-None

MOTION

Approved as submitted Items M-1 and Item M-2, (Gon, Roehrig) unanimous.

09.13.2019/00:08:08

ITEM M-5 Acquisition of Perpetual Easements and Temporary Construction Right of Entry to the Department of Transportation, Highways Division, for the purposes relating to Kuhio Highway, replacement of Wainiha Stream Bridges No. 2 and 3. Wahina, Hanalei, Kauai, Hawaii, Tax Map Keys: (4) 5-8-007 Portion of 23; (4) 5-8-006: Portions of 009, 011-2; (4) 5-8-006: Portion of 030; (4) 5-8-007: Portion of 024; (4) 5-8-006: Portion of 46; (4) 5-8-006: Portion of 033; (4) 5-8-002 Portion of 002; (4) 5-8-006: Portion of 031.

Kevin Simons DOT-Highways Division and Gabriel Gersh, Federal Highways Division, present to answer any questions.

Board Discussion

The Board asked if this has to do with the on-going work now? Simons replied, yes.

Public Testimony-None

MOTION

Approved as submitted (Oi, Roehrig) unanimous.

09.13.2019/00:09:26

ITEM M-4 Acquisition of Lands with Abutter's Rights of Vehicle Access, Temporary Construction Right-of-Entries to the Department of Transportation, Highways Division for the purpose of the Kamehameha Highway, Kaipapau Stream Bridge Replacement; Federal Aid Project No. BR-083-1(48), Kaipapau, Koolauloa, Oahu, Hawaii, Tax Map Keys: (1) 5-4-011: Portion of 004; (1) 5-4-011-020, (1) 5-4-018: Portions of 001 and 002; (1) 5-4-018-00;

and

Grant a Perpetual Non-Exclusive Easement for Maintenance purposes for the Kaipapau Stream Bridge.

Gary Gaspar DOT-Highways Right-of-Way Division, Nina Okita, DOT-Project Manager, Design Branch, and Walter Chung, Consultant, RM Towell, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

09.13.2019/00:10:48

ITEM M-3 Issuance of a Month-to-Month Permit to Honolulu Marathon Association, for storage, and minor fabrication of materials, situated at Pier 2, Honolulu Harbor, Oahu, Tax Map Key: (1) 2-1-015: 054 (Portion).

Olivia Pham, DOT Harbors, presented the submittal

Board Discussion

Is the Honolulu Marathon Association a 501C3 or is it a for profit organization? Pham conveyed it is a domestic non-profit. There was further discussion regarding the use of the space.

Public Testimony-None

MOTION

Approved as submitted (Gon, Roehrig) unanimous.

09.13.2019/00:14:51

ITEM D-4 Issuance of Right-of-Entry Permit to Resorttrust Hawaii, LLC for Private Event Purposes to be held on September 29, 2019 at the Grassy Area Fronting Kahala Hotel; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portion of 041.

Kevin Moore, and Barry Cheung, Land Division, presented the submittal and requested to make two (2) amendments.

Board Discussion

The Board asked if public access will be available? Gerald Glennon from Resorttrust and Jon Yamamura, Council for Resorttrust, said the public access will be unimpeded. There will be no security or staff asking the public to leave the area.

Public Testimony-None

Amendment:

Replace all references to Hawaii Administrative Rules (HAR) Chapter 11-200 with HAR Chapter 11-200.1, and all references to HAR Section 11-200-8 with HAR Section 11-200.1-15. The Board additionally amended Exhibit B of the submittal to correct the event date from September 30, 2019 to September 29, 2019.

MOTION

Approved as amended (Oi/Gon) unanimous.

09.13.2019/00:22:37

ITEM J-1 After-the-Fact Continuation of Revocable Permit to North Shore Canoe Club, for Storage for Canoes and Trailer Parking, located at Haleiwa Small Boat Harbor, Haleiwa, Oahu, Tax Map Key: (1) 6-2-003:011 (Portion);

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules.

Carl Young, Division of Boating and Ocean Recreation, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submittal (Gon, Gomes) unanimous.

09.13.2019/00:23:10

ITEM J-2 Issuance of Revocable Permit to Defries Lunch Wagon, LLC, for a Mobile Food Concession, located at the Waikaea Small Boat Harbor, Kapaa, Kauai, Tax Map Key: (4) 4-5-006:001 (Portion);

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules.

Board Discussion

The Board asked why this did not go out to Public Auction? Howard replied, they are correcting the current permit which is "Miscellaneous" to the proper disposition and see if it is viable and will observe over the next year. Sanitation was discussed percentage rent as well.

Public Testimony-None

ITEM J-3 Issuance of Revocable Permit to the Hungry Menehune, LLC, for a Mobile Food Concession, Located at the Kikiaola Small Boat Harbor, Kekaha, Kauai, Tax Map Key: (4) 1-2-006:017 (Portion);

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules.

Richard Howard, Division of Boating and Ocean Recreation presented Items J-2 and Item J-3.

Board Discussion

The Board noted that the same questions as Item J-2 would apply here as well. DOBOR will come back to the Board for approval to out to Auction. The Board asked DOBOR to spot check.

Public Testimony-None

MOTION

Approved as submitted Item J-2 and Item J-3 (Oi, Gon) unanimous.

09.13.2019/00:37:51

ITEM J-4 Amendment of Prior Board Action of April 26, 2019, (Item J-1) which amended the Board's Action of February 22, 2019, (Item J-3) for issuance of a Revocable Permit ("RP") to Makani Charters, Inc., for a Covered Area, used for Storage and Recreation at Honokohau Small Boat Harbor, Kailua-Kona, Hawaii, identified by Tax Map Key: (3) 7-4-008:003 (Portion).

The purpose of the April 26, 2019, amendment was to correct the company name from "Makani Charters, Inc." to Makani Kai Charters, Inc., and the area from 200 sq. ft. to 449 sq. ft., with Rent from \$100.00 to \$224.50.

The purpose of this amendment is to Revise the Revocable Permit area from 449 sq. ft. to 200 sq. ft. and the Rent from \$224.50 to \$100.00.

Richard Howard, Division of Boating and Recreation, noted that this was to make corrections to the Revocable Permits.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Roehrig, Gomes) unanimous.

09.13.2019/00:38:47

ITEM D-2 Consent to Assign Land Office Deed (LOD) Nos. S-27293 and S-27477, Hana Water Company, Inc., Assignor, to Hana Water Systems, LLC, Assignee, Honomaele, Hana, Maui, Tax Map Key: (2) 1-3-003: portions of 017.

Kevin Moore, Land Division, presented the submittal.

Board Discussion

There was a robust discussion on the issue of whether the water system operator should be required to secure a water disposition from the State pursuant to Section 171-58-A, HRS for transmitting or selling State water.

Public Testimony-None

MOTION

Approve as submitted (Gomes, Gon) unanimous.

09.13.2019/00:51:45

ITEM D-3 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on September 25 and October 26, 2019, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

Kevin Moore, Land Division, presented the submittal and added an amendment replacing HAR Chapter 11-200.

Board Discussion-None

Public Testimony-None

Amendment:

Replace all references to Hawaii Administrative Rules (HAR) Chapter 11-200 with HAR Chapter 11-200.1, and all references to HAR Section 11-200-8 with HAR Section 11-200.1-15.

MOTION

Approved as amended (Oi, Roehrig)

09.13.2019/00:52:17

ITEM D-5 Amend Prior Board Action of September 14, 2018, Item D-16, *Sale of Lease and Conveyance of Leasehold Commercial Improvements by Bill of Sale at Public Auction for Business, Commercial or Industrial Purposes, Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062.*

The amendment is to delete that portion of the Board's prior approval that would have authorized the conveyance of the leasehold commercial improvements to the successful bidder at auction for the duration of the lease term. Instead, staff recommends the Board approve a lease of the improved property and make other technical amendments of its prior action.

Kevin Moore and Barry Cheung presented the submittal.

Board Discussion

The Board had questions regarding the subleases and Cheung explained how the Master Lease was structured so that the Master Lessor would manage the sublessees.

Public Testimony-None

MOTION

Approved as submitted (Roehrig, Gomes) unanimous.

09.13.2019/00:01:07

ITEM D-6 Grant of Perpetual, Non-Exclusive Easement and Issuance of Immediate Construction and Management Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Electrical Transmission Lines Purposes, Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-003: portions of 070 and 071.

Kevin Moore, Land Division, presented the submittal and added an amendment replacing reference to HAR Section 11-200.

Board Discussion-None

Public Testimony-None

Amendment:

Replace all references to Hawaii Administrative Rules (HAR) Chapter 11-200 with HAR Chapter 11-200.1, and all references to HAR Section 11-200-8 with HAR Section 11-200.1-15.

MOTION

Approved as amended (Gon, Gomes) unanimous.

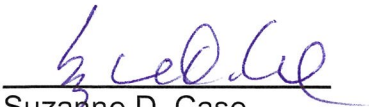
There being no further business, Chairperson Suzanne Case adjourned the meeting at 10:21am. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate 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