

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

DATE: FRIDAY, APRIL 26, 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
Stan Roehrig
Sam Gon

Jimmy Gomes
Chris Yuen
Keone Downing

STAFF

Kevin Moore-Land
Curt Cottrell-Parks
David Penn-DOFAW
Maria Carnavale-DAR
Alan Carpenter-Parks

Blue Kanahale-Land
David Smith-DOFAW
Brian Kinimaka-DOFAW
Alyson Yim-Engineering

OTHERS

Amanda Weston/AG
Ross Smith/DOT-Air
Davis Yogi-DOT-HAR
Anthony Chance/F3
Rachel Higa/J2
James Markoski/E2

Dawn Huff/D9
Charles Littnan/F1
Sandy Ward/F3
Jason Tani/J2
Beth Tokioka/D9
Maunakea Trask/D9

190426_0122/00:02:14

Chair Case called the meeting to order at 9:15 a.m. Member Gomes read the contested case statement.

190426_0122/00:03:26

ITEM A-1 Approval of Meeting Minutes for December 14, 2018.

Board Discussion

Gon recused as he was not at the meeting.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

190426_0122/00:04:01

ITEM J-2 Authorize a Twenty-Year Extension of Lease No. H-78-5 to La Mariana Sailing Club, Inc., Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-2-023:052.

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 the submittal. Tenant is present to answer any questions.

Board Discussion

There was discussion regarding unauthorized slips and encroachments.

Public Testimony

Jason Tani and *Rachel Higa* said the dock was there when they took over in 2008. They do not have any plans or permits.

Amendment:

- 1. Staff to investigate how long the unauthorized dock/slips have been there, look at reasonable back rent for this area.***
- 2. OCCL to look into encroachment violation.***

MOTION

Approved as amended (Downing, Gomes) unanimous.

190426_0122/00:21:51

ITEM J-1 Request to amend Prior Board 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 this Amendment is to Revise the Slip Owner from Makani Charters, Inc. to Makani Kai Charters, Inc., the area from 200 sq. ft. to 449 sq. ft. and the Rent from \$100.00 to \$224.50.

Richard Howard, DOBOR presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

190426_0122/00:22:45

ITEM F-3 Request for Approval to Enter into a General Funded Contract for Goods and Services based upon Competitive Sealed Bids, not to Exceed \$260,000.00, between the Department of Land and Natural Resources (DLNR) and Hui O Ho'ohonua, to provide Services to Remove and Dispose of Mangrove and other Non-Native vegetation in the Honouliuli Stream in order to Minimize and Mitigate Flooding Impacts, Improve Water Quality by increasing flow and protect and enhance fish and wildlife; Declaration of Exemption for Contract Actions under HRS Chapter 343, and HAR Chapter 11-200.

Brian Kaminaka, Division of Aquatic Resources, presented the submittal. The applicants are here to answer any questions.

Board Discussion

The Board asked questions regarding the qualifications of the applicants. Sandy Ward and Anthony Chance provided background of what they do and have the necessary qualifications.

Public Testimony

Maunakea Trask, supports the community efforts to malama the land and encourage stewardship.

MOTION

Approved as submitted (Gon, Gomes) unanimous.

190426_0122/00:47:56

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Charles Littnan, NOAA Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Management and recovery actions, inclusive of the removal of individual sharks at FFS displaying predatory behavior towards pups.

Maria Carnavale, PMNM Co-Manager, DAR, presented the submittal. Dr. Littnan is present to answer any questions.

Board Discussion- None

Public Testimony

James Manaku- find another way to protect the pups, instead of killing sharks.

MOTION

Approved as submitted (Roehrig, Gon) Member Gomes was not present for vote.

190426_0122/00:50:47

ITEM E- 1 Requesting Approval for the Issuance of a Revocable Permit that will be Negotiated and Executed by Chairperson for the Collection of Parking and Entry Fees at the Hā'ena State Park, Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-001:007 Portion.

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

Curt Cottrell, State Parks, presented the submittal. Alan Carpenter, State parks has been working on this project and can answer questions the Board may have.

Board Discussion

How are the local people going to get a reservation? Carpenter said they do not need one but can apply for a parking permit.

Public Testimony

James Manaku supports the shuttle, would prefer that the stalls be 50/50.

MOTION

Approved as submitted (Oi, Gon) unanimous.

ITEM E-2 Requesting Approval for the Issuance of a Revocable Permit that will be Negotiated and Executed by the Chairperson for the Collection of Parking Fees at Kokee and Waimea Canyon State Parks, Kaua'i, Tax Map Key: (4) 1-4-001:013, 004, 003, and 002 (Portion).

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

Curt Cottrell and Alan Carpenter, State Parks, presented the submittal

Board Discussion

The Board cautioned that someone might buy up the parking tickets and sell them for more. Cottrell noted that there will be initial trial and error and they will work through it. The shuttle is going to be a key component in making this all work.

Public Testimony

Anthony Liquisio, opposes fee.

Mauna Kea Trask, supports the submittal.

MOTION

Approved as submitted (Oi, Roehrig) unanimous.

190426_0122/01:24:09

ITEM C-1 Approve a Grant from available funds in the Land Conservation Fund, as requested in an Application to the 2018-2019 Legacy Land Conservation Program, for the Payment of \$1,500,000 in Debt Service on the Turtle Bay Reimbursable General Obligation Bonds;

and

Delegate Authority to the Chairperson to approve future Annual Grants from available funds in the Land Conservation Fund, as requested each year, in an Application filed by a Nonprofit Land Conservation Organization, for the payment of \$1,500,000 in Debt Service on the Turtle Bay Reimbursable General Obligation Bonds.

David Penn, DOFAW, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gon, Roehrig) Oi was not present to vote.

ITEM C-2 Approve Grants from available funds in the Land Conservation Fund, as requested in Applications to the 2018-2019 Legacy Land Conservation Program, for the Acquisition of Interests and Rights in specific parcels of land for:

- A. Division of Forestry and Wildlife, \$66,500, for the acquisition of approximately 300 acres at Kona, O'ahu (Pia Valley), Tax Map Key Number: (1) 3-7-003:003;
- B. County of Hawai'i, \$1,452,000, for the acquisition of approximately 83.1 acres at North Kohala, Hawai'i (Kapaniaia), Tax Map Key Numbers: (3) 5-2-007:004 and (3) 5-2-007:027;
- C. Ke Ao Hali'i (Save the Hana Coast), \$2,225,625, for the acquisition of approximately 26.98 acres at Hana, Maui (Mokae-Maka'alaie Lands), Tax Map Key Number: (2) 1-4-010:004;
- D. Division of Forestry and Wildlife, \$700,000, for the acquisition of approximately 948.2 acres at Ko'olaupoko, O'ahu (Kāne'ohe Pali to

Lo'i), Tax Map Key Numbers: (1) 4-5-025:008, (1) 4-5-041:001, (1) 4-5-041:004, and (1) 4-5-042:018;

- E. The Nature Conservancy, \$400,000 for the acquisition of a conservation easement over approximately 229 acres at Kona, Hawai'i (Ho'omau Forest and Ranch), Tax Map Key Number: (3) 8-9-001:023 (por.);
- F. Division of Forestry and Wildlife, \$100,000 for the acquisition of a conservation easement over approximately 764 acres at Kona, Hawai'i (Ho'omau Forest and Ranch), Tax Map Key Numbers: (3) 8-8-001:022, (3) 8-8-001:032, and (3) 8-8-001:033;
- G. Waipā Foundation, \$650,000, for the acquisition of approximately 0.25 acres at Halele'a, Kaua'i (Halulu Fishpond Access), Tax Map Key Number: (4) 5-6-004:017;
- H. Division of Forestry and Wildlife, \$1,000,000 for the acquisition of a Conservation Easement over approximately 2,780 acres at Kona, Hawai'i (Hāloa 'Āina – Royal Hawaiian Sandalwood), Tax Map Key Numbers: (3) 7-9-001:013, (3) 7-9-001:014, and (3) 7-9-001:015; and
- I. Hawaiian Islands Land Trust, \$900,000 for the acquisition of a Conservation Easement over approximately 17.1 acres at Ko'olaupoko, O'ahu (Waikalua Loko I'a), Tax Map Key Number: (1) 4-5-030:001 (por.);

and

Declare that Approved Awards of Grant Funds for the Acquisition of Interests and Rights in Specific Parcels of Land identified as Items B, C, and D above (Kapanāia, Mokae to Maka'alae Lands, and Kāne'ohe Pali to Lo'i) are Exempt from the Requirement to Prepare an Environmental Assessment, Pursuant to Sections 343-5 and 343-6, Hawai'i Revised Statutes and Section 11-200-8, Hawai'i Administrative Rules.

David Penn, DOFAW, passed out a proposed amendment to the submittal. Representatives from Public Trust Land are here to answer questions

Board Member Gon disclosed TNC among applicants. AG noted and indicated no need to recuse.

Board Discussion

Board member asked how much lands have we acquired in the last six months? How do manage that much land? Smith commented that they are trying to acquire open space as funds become available and managing it when the resources are available.

Public Testimony-None

MOTION

Approved as amended. (Roehrig, Gomes) unanimous.

10:48 am: Recess

11:10 am: Back in Session

190426_0123/0:01:26

ITEM D-9 *Informational briefing on the status of the facilitated discussions between the Kauai Island Utility Cooperative (KIUC), Earthjustice, Kia'i Wai O Wai'ale'ale, Sierra Club, Grove Farm, and the Department of Hawaiian Home Lands, regarding their respective positions on KIUC's request to use State water for its hydroelectricity plants pursuant to Revocable Permit No. S-7340, Lihue-Koloa Forest Reserve (Wailua Section), Kauai, Tax Map Key (4) 3-9-001:001. No decision making on this item.*

1:10 pm: Break

1:40 pm: Back in Session

190426_0124/00:00:20

Chair Case noted that they will hear Items but not vote until 1:45 p.m. to ensure anyone still out to lunch, still has a chance to testify before Board votes.

- ITEM M-1** Issuance of a Revocable Permit for a Guest Service Counter, Hawaii HIS Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 195 (Portion).
- ITEM M-2** Amendment No. 9 to Concession Agreement No. DOT-A-08-0011 to Add Storage Space, Smarte Carte, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-03: 01 (Portion).
- ITEM M-3** Issuance of a Revocable Permit for Space to Install a Satellite Dish for Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 065 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Juan E. Ariza, IV, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-14:017: Portion.
- ITEM M-5** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, William A. Buck, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
- ITEM M-6** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Colby C. Jones, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

- ITEM M-7** Issuance of a Revocable Permit for T-Hangars for Storage and Maintenance of Aircraft, K & S Helicopters, Inc., Kalaeloa Airport, Tax Map Keys: (1) 9-1-13: 127 and (1) 9-1-13: Portion of 32.
- ITEM M-8** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Osamu Manabe and Kyler Manabe, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
- ITEM M-9** Issuance of a Revocable Permit for a T-hangar for Storage and Maintenance of Aircraft, Mokulele Research Corporation, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
- ITEM M-10** Issuance of a Revocable Permit for Main Terminal Floor Spaces for Two Shared Ticket Counters, Westjet, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 40.

Ross Smith, DOT-Airports, present to answer any questions on Item M-1 through Item M-10.

Board Discussion- None

Public Testimony- None

MOTION

Approved as submitted Items M-1 through M-10 (Downing, Gon) Roehrig not present to vote.

190426_0124/00:01:00

The Chair asked the Board Members if they had any questions on Items C-3, C-4 or C-5? Member Yuen recused himself from Item C-4, stated his daughter sits on the Board.

- ITEM C-3** Request Approval of the Masters Unlimited LLC, Forest Stewardship Management Plan and Forest Stewardship Agreement with Masters Unlimited LLC, Puna, Hawai'i County, Hawai'i Tax Map Key: (3) 1-8-091:016,
and

Request approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes for the project.

Request Approval to Negotiate and Sign a contract(s) for the Management of the Department of Land and Natural Resources Youth Conservation Corps Program.

David Smith, Division of Forestry and Wildlife present to answer any questions.

MOTION

Approved as submitted (Gon, Oi) unanimous.

ITEM C-4 Amend prior Board action of July 13, 2018 Item C-2

Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract(s) to furnish Helicopter Transportation Services for Department of Land and Natural Resources, Division of Forestry and Wildlife;

and

Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Compliance requirements for this procurement.

ITEM C-5 Amend prior Board action of July 13, 2018 Item C-2

Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract(s) to furnish Helicopter Transportation Services for Department of Land and Natural Resources, Division of Forestry and Wildlife;

and

Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Compliance requirements for this procurement.

David Smith, Division of Forestry and Wildlife present to answer any questions on Items C-3, C-4 and C-5.

Board Discussion

Member Yuen recused himself from voting on Item C-4

Public Testimony-None

MOTION

Approved as submitted Items C-3, C-4, and C-5 (Gon, Oi) unanimous.

Note that Member Yuen recused from voting on Item C-4.

190426_0124/00:02:03

ITEM K-2 Request for Approval of Proposed AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING between THE STATE OF HAWAII, Department of Land and Natural Resources, by its Board of Land

and Natural Resources and the WAIKIKI BEACH SPECIAL IMPROVEMENT DISTRICT ASSOCIATION to Help Fund the Construction of the Royal Hawaiian Groin Improvement Project and MEMORANDUM OF UNDERSTANDING for the Kuhio Beach Stub Groin and Sand Back Passing Project, at Waikiki, Oahu, Hawaii.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

**Approved as submitted (Yuen, Gon) Downing and Roehrig Opposed
Motion passes**

190426_0124/00:07:03

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, OCCL, noted that Mr. Wong was not present.

Board Discussion-None

Public Testimony-None

MOTION

DEFERED

190426_0124/00:07:45

ITEM M-11 Issuance of a Temporary Electrical Power Easement to Marisco, Ltd., at Piers 7, 8, and 9, Kalaeloa, Barbers Point Harbor, Oahu, Hawaii, Tax Map Key: (1) 9-14:24 (Portion).

ITEM M-12 Request Approval to Issue a Month-to-Month Permit and Issuance of a Lease by Direct Negotiation with McCabe, Hamilton & Denny Co., LTD. for a Passenger Ship Gangway, Pier 2, Honolulu Harbor, Oahu, Hawaii, Tax Map Key: (1) 2-1-15 (Portion).

Davis Yogi, DOT-Harbors, present to answer any questions.

Board Discussion- None

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gon) unanimous.

190426_0124/00:09:42

ITEM L-1 Appointment of Ed Kawamura Jr. to serve as a Director of the East Kauai Soil and Water Conservation District.

ITEM L-2 Appointment of Jon Ching to serve as a Director of the West Kauai Soil and Water Conservation District.

Alyson Yim, Engineering, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

190426_0124/00:09:56

Chair asked if Board Members had questions for Items D-1 through D-8?

ITEM D-1 Issuance of Right-of-Entry Permit to the County of Kauai, Department of Public Works, onto Unencumbered State Lands, Portions of the Kapahi Stream, Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-004: 015 por. and (4) 4-6-005:006 por.

Russell Tsuji, Land Division, present to answer any questions for Items D-1 through D-10.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

ITEM D-2 Sale of Remnant (Abandoned Ditch Right-of-Way) to Christopher Duane Thomas, Castro Tract, Kapaa Homesteads, 4th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-010: portion of 004.

Board Discussion

Member asked if all abutting land owners for Items D-2 and D-3, were asked if they wanted to purchase remnant? Tsuji, replied yes.

- ITEM D-3** Sale of Remnants (Abandoned Ditch and Pipeline Right-of-Way) to Laverne K. Packard, Castro Tract, Kapaa Homesteads, 4th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-010: portions of 004 & 005.

Board Discussion- None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

190426_0124/00:10:55

- ITEM D-4** Issuance of Right-of-Entry Permit to the Department of Land and Natural Resources, Division of Forestry and Wildlife, for Fence Construction and Maintenance Purposes on Lands Encumbered by Revocable Permit No. S-7662 to Parker Ranch, Inc., Upper Paauhau, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:004.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yuen) unanimous.

Chair noted there was no one from the public was present to testify on any remaining items.

190426_0124/00:11:20

- ITEM D-5** Authorize Division of Forestry and Wildlife to Conduct a Public Hearing on the Island of Hawaii for Proposed Withdrawal of Lands from the Mauna Kea Forest Reserve and Issuance of an Immediate Construction and Management Special Use Permit to the Department of Transportation for Survey and Construction Activities, Kaohe IV, Hamakua, Hawaii; Portions of Tax Map Keys: (3) 4-4-016:003 and 4-4-016:012.

Board Discussion-None

MOTION

Approved as submitted (Oi, Yuen) unanimous.

190426_0124/00:11:52

- ITEM D-6** Amend Prior Board Action of June 9, 2017, Item D-9, *Rescind Board Action of April 8, 1983, Item F-3, Direct Sale of Perpetual, Non-Exclusive Easement for Revetment Purposes Covering Portion of Government Beach Reserve, and Grant of 55-Year Term, Non-Exclusive Easement to New Owners: Robin M. Kean and Jennifer Downs Kean, Trustees of the Robin*

M. Kean Revocable Living Trust dated October 1, 2015 and Jennifer Downs Kean and Robin M. Kean, Trustees of the Jennifer Downs Kean Revocable Living Trust dated October 1, 2015; for Resolution of Seawall and Rock Revetment Encroachment Purposes; Issuance of Immediate Management Right-of-Entry Pending Issuance of Easement, Waiohuli-Keokea Homesteads, Kihei, Maui, Tax Map Key: (2) 3-9-012: seaward of 003.

The purpose of the amendment is to change the easement area from 650 square feet, more or less, to 668 square feet, more or less, and expand the easement character of use to include concrete steps.

Board Discussion-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

190426_0124/00:12:12

ITEM D-7 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on May 16, 2019, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021

Board Discussion-None

MOTION

**Approved as submitted (Oi, Yuen) Gon, Nay
Passes**

190426_0124/00:12:35

ITEM D-8 Amend Prior Board Action of March 22, 2019, Item D-5, *After-the-fact Consent to Two (2) Subleases under General Lease No. S-4588, InSite Towers Development, LLC, Sublessor, to Blow Up, LLC and United States Secret Service as Sublessees, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-019: portion of 013.*

The purpose of the amendment is to request an additional after-the-fact consent to a sublease under General Lease No. S-4588 to Salem Media of Board Discussion

Board Discussion

MOTION

Approved as submitted (Roehrig, Oi) unanimous.

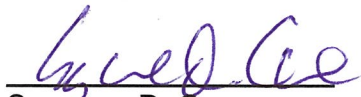
There being no further business, Chairperson Case adjourned the meeting at 1:55 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,



Darlene S. Ferreira
Land Board Secretary

Approved for submittal:



Suzanne D. Case
Chairperson
Department of Land & Natural Resources