

APPROVED AS AMENDED

AT ITS BOARD MEETING

HELD ON

MAY 8, 2020

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

DAVID Y. IGE
GOVERNOR OF HAWAII



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: APRIL 9, 2020
TIME: 9:00 A.M.

MEMBERS

Suzanne Case
Sam Gon
Chris Yuen
Kaiwi Yoon

Jimmy Gomes
Tommy Oi
Vernon Char

STAFF

Russell Tsuji-Land
Ed Underwood-DOBOR

Curt Cottrell-Parks

OTHERS

Linda Chow/AG
Ross Smith/DOT-AIR
Olivia Pham/DOT-HAR

Peter Kubota/D6
John Gelman/F1

04.09.2020/00.02:57

Chair Case the meeting was called to order at 9:02 am. Noted that due to COVID-19, the meeting is being held remotely and live-streamed. Member Gon read the standard contested case statements

04.09.2020/00.05:23

ITEM A-1 Request Approval of meeting minutes for February 14, 2020

Board Discussion

Member Yuen had sent in edits.

Public Testimony-None

MOTION

Approved as amended (Gon, Gomes) unanimous.

04.09.2020/00:06:30

ITEM F-1 Request for Approval to Enter into a Memorandum of Understanding Between Department of Land and Natural Resources Division of Aquatic Resources and the Hawaii Marine Animal Response Regarding Facilitation of Interactions to Protect Aquatic Resources.

Brian Nielson, Division of Aquatic Resources presented the submittal. John Gelman, HMR.

Board Discussion

HMR has been around for a while, is this formalizing the relationship? Nielson, replied yes, formalizing the relationship with help DAR.

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

04.09.2020/00:10:47

ITEM D-7 Amend the Public Purpose of Governor's Executive Orders No. 383, 3577, 1402, 2466, and 3458; Honolulu and Waianae, Oahu, Tax Map Keys: (1) 2-1-051:006, (1) 2-7-008:002, and (1) 8-3-001:036.

The amendment is to revise the public purpose of the above-mentioned Governor's Executive Orders to read "Parks and Community Needs and Social Service's" purposes.

Russell Tsuji, Land Division, presented the submittal. Darrell representative for the County.

Board Discussion

The Board asked for clarification as to what was meant by "Parks and Community Needs and Social Services"? County Representative, conveyed this was a temporary use for the Homeless during the Covid-19 pandemic. The Board asked to amend the recommendation language to clarify the "community needs" are for homeless services.

Public Testimony-None

Amendment:

*Amend paragraph 2 under Recommendations to read:
Approve of and recommend to the Governor the issuance of an executive order(s) amending the public purposes of Governor's Executive Orders No. 383, 3577,*

1402, 2466, and 3458 for parks and community needs (homeless services) and social services purposes under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:"

MOTION

Approved as amended (Gon, Gomes) unanimous.

04.09.2020/00.26:43

ITEM D-6 Approve Plans and Specifications for Substantial Improvements to Lease Premises and Development Agreement for Extension of Lease, General Lease No. S-3742, JH Moku Ola, LLC, Lessee; Authorize 30-Year Extension of Lease Term, General Lease No. S-3742, JH Moku Ola, LLC, Lessee; Lot 29, Waiakea Industrial Lots, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-058:014.

Mutual Agreement for Additional Rent from Sublease, General Lease No. S-3742, JH Moku Ola, LLC, Lessee/Sublessor, to Maui Varieties Investments, Inc. Sublessee, Waiakea Industrial Lots, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-058:014.

Russell Tsuji, Land Division, presented the submittal. Peter Kubota, Counsel for present via on-line Zoom meeting. Provided a supplement to Exhibit 2A for clarification.

Board Discussion

Extension of the lease and rent participation percentage from sublease was discussed in detail.

Public Testimony

MOTION

Approved as submitted (Yuen, Char) unanimous.

04.09.2020/00:42:26

ITEM D-1 Cancellation of Governor's Executive Order No. 3633; Partial Withdrawal of 103.041 Acres from Governor's Executive Order No. 4259; Reset Aside of the 164.353 Acres Formerly Under Governor's Executive Order No. 3633 and the 103.041 Acres Withdrawn From Governor's Executive Order No. 4259 to the Agribusiness Development Corporation for Agricultural and Related Purposes, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-2-002:001, 006, 022, 035, 042 & 043, and (4) 1-2-016:001 through 020.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

04.09.2020/00:43:13

ITEM D-2 Amend Prior Board Action of June 8, 2018, Item D-1, *Issuance of Direct Lease to the Roman Catholic Church in the State of Hawaii, Saint Theresa School, for Parking Purposes, Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001.*

The purpose of the amendment is to expand the character of use to include temporary storage and school events in addition to parking.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

04.09.2020/00:44:02

ITEM D-3 Amend Prior Board Action of September 9, 2010, Item D-2, *Sale of Lease at Public Auction and Issuance of a Revocable Permit for Pasture Purposes, Portion of Kapaa Homesteads, First Series, Kapaa, Kawaihau, Kauai, Hawaii; Tax Map Keys: (4) 4-6-03:22, 23.*

The purpose of the amendment is to obtain Board approval for the annual renewal of the revocable permit after-the-fact from January 1, 2011 through December 31, 2020, together with appropriate rent therefor.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

04.09.2020/00:45:11

ITEM D-4 Issuance of Revocable Permit to Hawaii Land & Livestock, LLC for Land Maintenance Purposes, Portion of Government Land Situated at Kapaa

Homesteads 4th Series, Kapaa, Kawaihau, Kauai, Tax Map Key Nos.: (4) 4-6-009:028, 044 and 045.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion

Clarified that this is removal of underbrush and not pasture purposes.

Public Testimony-None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

04.09.2020/00:45:11

ITEM D-5 Issuance of Revocable Permit to Hawaii Land & Livestock, LLC for Pasture Purposes, Portion of Government (Crown) Land of Kapaa Parcels A & B, Kapaa, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-6-009:046.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion

Public Testimony-None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

04.09.2020/00:48:59

ITEM M-13 Issuance of Six (6) Month-to Month Permits to Young Brothers LLC for Inter-Island Barge Operations Support Facilities, situated at Pier 2, Hilo Harbor, Hawaii, Tax Map Key No.: (3) 2-1-009:007 (P), Governor's Executive Order No.: 3962.

Olivia Pham, DOT-Harbors, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

04.09.2020/00:49:37

9:50 am: Break

04.09.2020/00:58:02 Break
10:08 am: Back in Session

04.09.2020/00:58:02

- ITEM M-1** of a Revocable Permit for Space to Store Information Technology Equipment, Delta Air Lines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 042 (Portion).
- ITEM M-2** Amend Prior Board Action of February 27, 2015, Agenda Item M-2, Grant of Non-Exclusive Easement for Underground Power Line Easements for an Electrical Power Distribution Substation Facility, Hawaiian Electric Company, Inc.; Issuance of Immediate Construction Right-of-Entry Permit, Daniel K. Inouye International Airport, Tax Map Key No.: (1) 1-1-003:001 (Portions).
- ITEM M-3** Issuance of Revocable Permit for Parts and Equipment Storage and Office Space, John Bean Technologies Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:001 (Portion).
- ITEM M-4** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Kamaka Air, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 22.
- ITEM M-5** Issuance of Revocable Permit for Passenger Check-In and Office Space, Korean Air Lines Co., Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 058 (Portion).
- ITEM M-6** Issuance of a Revocable Permit for a Construction Field Office, R. M. Towill Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 085 (Portion).
- ITEM M-7** Issuance of a Revocable Permit for Warehouse and Office Space for a Construction Field Office and Equipment Storage, Shimmick/Traylor/Granite, JV, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004:011.
- ITEM M-8** Amendment No. 1 to Revocable Permit No. 8938, Requesting Additional Premises for Office, Warehouse and Parking for the Storage of Catering Supplies for Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 015 (Portion).

ITEM M-9 Issuance of Revocable Permit for a Facility to Care for Animals in Transit, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).

Ross Smith, DOT-Airports, presented Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8 and M-9.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8 and M-9 (Gon, Char) unanimous.

04.09.2020/01:01:42

ITEM M-10 Issuance of Revocable Permits for Temporary Aircraft Parking for Displaced T-Hangar and Tie-Down Tenants, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43:003 (Portion).

ITEM M-11 Issuance of Revocable Permits for Temporary Space for Storage and Maintenance of Aircraft for Displaced T-Hangar Tenants, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43:003 (Portion).

ITEM M-12 Issuance of a Revocable Permit for a Construction Field Office, Hako Plumbing, Inc. DBA Hako Construction, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:001 (Portion).

Ross Smith, DOT-Airports presented Items M-10, M-11 and M-12

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

04.09.2020/01:03:20

NON-ACTION ITEM

ITEM D-8 Report to the Board of Land and Natural Resources on the Impacts of the COVID-19 Pandemic on Lessees, Permittees, Concessionaires and Easement Holders of the Department of Land and Natural Resources (DLNR) and Department of Transportation (DOT), and DLNR's and DOT's Plan for Responding to Requests for Rent Relief from Lessees, Permittees, Concessionaires, and Easement Holders Statewide.

Chair Suzanne Case, provided a short introduction for the briefing noted that the Department has received many requests from Lessees, Concessionaires and Revocable Permits asking for rent waivers and the resources available to them.

Russell Tsuji, Land Division, Ed Underwood, DOBOR, Curt Cottrell, State Parks, and Ross Smith, DOT-Airports, present to explain how they are responding to the requests.

There being no further business, the meeting was adjourned at 10:41 am. Recording(s) of the meeting and written testimonies submitted 24-hours before the meeting are posted on-line and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully submitted,

Darlene Ferreira

Darlene S. Ferreira
Land Board Secretary

Approved for submittal:

Suzanne D. Case

Suzanne D. Case
Chairperson
Department of Land & Natural Resources