

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED BY THE  
BOARD AT ITS MEETING  
HELD ON  
MAY 22, 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

**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 24, 2020  
TIME: 9:00 A.M.  
LOCATION: VIA ZOOM & YOUTUBE

**MEMBERS**

Susanne Case  
Thomas Oi  
Chris Yuen  
Kaiwi Yoon

Jimmy Gomes  
Sam Gon  
Vernon Char

**STAFF**

David Smith-DOFAW  
Emma Yuen-DOFAW

Brian Nielson-DAR  
David Penn-DOFAW

**OTHERS**

Cindy Young/AG  
David Smith/DOT-AIR  
Davianna McGregor/D3  
Scott Crawford/C3

Lea Hong/C3  
Dr. Noa Emmett Aluli, /C3  
William Fox/C3

The meeting was held via Zoom due to the COVID-19 restrictions. The public could watch a live stream but not offer oral testimony. Applicants were allowed to be part of the Zoom meeting.

Chairperson Case called the meeting to order at 9:02 a.m. Member Gon read the standard contested case statement.

04.24.2020/00:01:40

**ITEM A-1** Request Approval for the meeting minutes for February 28, 2020.

Board Discussion

Member Gomes was not present at the meeting. Member Char confirmed he did recused himself.

Public Discussion-None

**MOTION**

**Approved as submitted (Gon, Char) 6-Ayes, Member Gomes did not vote.**

04.24.2020/00:02:14

**ITEM A-2** Request Approval for the meeting minutes for March 13, 2020.

Board Discussion-None

Public Discussion-None

**MOTION**

**Approved as submitted (Gomes, Gon) unanimous.**

04.24.2020/00:03:32

**ITEM M-1** Grant of Non-Exclusive Easement for Underground Power Line Easements for 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-2** Issuance of a Revocable Permit for Ramp Space for Container Storage, Helicopter Transport Services, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

**ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Helicopter Transport services, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

**ITEM M-4** Issuance of a Revocable Permit for Two Aircraft Parking, Snowbird Air, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

**ITEM M-5** Issuance of a Revocable Permit for Aircraft Parking, Barbers Point Flight School, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

Ross Smith, DOT-Airports, presented Items M-1, M2, M-3, M-4 and M-5.

Board Discussion-None

Public Discussion-None

**MOTION**

**Approved as submitted Items M-1, M2, M-3, M-4 and M-5, (Gomes, Gon) unanimous.**

04.24.2020/00:06:35

**ITEM C-1** Request to Enter into a Memorandum of Understanding between the State of Hawaii Department of Land and Natural Resources and the Marine Corps Base of Hawaii for the staging of helicopters operations. Oahu, Hawaii, Tax Map Key: (1) 4-4-008:001.

David Smith, Division of Forestry and Wildlife, presented the submittal.

Board Discussion-None

**MOTION**

**Approved as submitted (Gon, Oi) unanimous.**

04.24.2020/00:09:05

**ITEM C-2** Authorization of funding for the Nature Conservancy for \$545,952 during FY 21-26 for continued enrollment in the Natural Area Partnership Program and acceptance and approval of the Waikamoi Preserve East Maui Irrigation Addition Long Range Management Plan, Tax Map Key: (2) 2-4:016:004, (PORTION), Maui.

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

Board Discussion

Member Gon recused himself. Chair Case noted she worked on an early version of this many years ago and has no conflict of interest.

Public Testimony-None

**MOTION**

**Approved as submitted (Char, Gomes) 6-ayes, Member Gon recused**

04.24.2020/00:12:26

**ITEM C-3** Approve grant awards from available funds in the Land Conservation Fund, as requested in applications to the Fiscal Year 2020 Legacy Land Conservation Program and as recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State, for:

- A. Ala Kahakai Trail Association, \$2,400,000, for the acquisition of approximately 1,363 acres at Ka'ū, Hawai'i (Kaunāmano), Tax Map Key Numbers: (3) 9-5-011:001, :004, :005, and :006, and (3) 9-5-012:001.
- B. Molokai Land Trust, \$1,100,000, for the acquisition of approximately 1,816 acres at Kona, Molokai (Mapulehu: Valley to Summit), Tax Map Key Numbers: (2) 5-7-005:002 and :027.

- C. Ke Ao Hāli'i (Save the Hāna Coast), \$1,581,700, for the acquisition of approximately 30.3 acres at Hāna, Maui (Maka'alaie Lands), Tax Map Key Numbers: (2) 1-4-012:002 and (2) 1-4-010:030, :032 and :034.
- D. Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'ū, Hawai'i (Manaka'a Fishing Village), Tax Map Key Number: (3) 9-5-010:026.
- E. Waipā Foundation, \$600,000, 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.
- F. Division of Forestry and Wildlife, \$500,000, 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, :014, and :015.
- G. Division of Forestry and Wildlife, \$2,000,000, for the acquisition of approximately 11,020 acres at Wailuku, Maui (Nā Wai 'Ehā), Tax Map Key Numbers: (2) 3-2-014:001, (2) 3-3-003:003, and (2) 3-5-003:001.
- H. Hawaiian Islands Land Trust, \$700,000, 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 (portion).
- I. Division of Forestry and Wildlife, \$1,191,500, for the acquisition of approximately 0.5 acres at Honua'ula, Maui (Keone'ō'io Bay Coastal Protection), Tax Map Key Number: (2) 2-1-004:0681
- J. Mālama Kaua'i, \$1,000,000 for the acquisition of approximately 21.6 acres at Puna, Kaua'i, (Olohena 'Āina Center), Tax Map Key Number: (4) 4-4-002:039;

and

Exempt Eight Proposed Awards of Grant Funds for the acquisition of interests and rights in specific parcels of land, identified as Items A, B, C, D, F, G, I, and J above (Kaunāmano; Mapulehu: Valley to Summit; Maka'alaie Lands; Manaka'a Fishing Village; Hāloa 'Āina – Royal Hawaiian Sandalwood; Nā Wai 'Ehā; Keone'ō'io Bay Coastal Protection; and Olohena 'Āina Center), from the Requirements to prepare an Environmental Assessment, pursuant to Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200.1, Hawai'i Administrative Rules.

Chair Case conveyed that a Contested case request by Vivian-Malia Fa'agata was submitted through e-mail and distributed to the Board. Chair asked Deputy Attorney General Cindy Young to advise.

Cindy Young, Deputy Attorney General, conveyed that the request was reviewed and provided the following guidance that there is "no property interest", therefore the Board can deny the request for Contested Case.

Chair Case the Board if there were any questions or comments on the Contested Case request.

Member Char made the **Motion** based on the legal advice of the Attorney General's Office to **deny** the request for Contested Case. Member Yuen second the Motion. The **Motion to deny the contested case was unanimously approved.**

David Smith, Division of Forestry and Wildlife, provide information regarding the status of the funding for this project

David Penn, Division of Forestry and Wildlife-Legacy Land Conservation, focused on the top 2-ranked projects. Applicants, their Partners, and two members of the Legacy Land Commission are present as well. Noted that 20 written testimonies were received for Kaunāmano.

#### Board Discussion

The question was asked if the 2-ranked projects for Fiscal year 2020 do not get funded, do they come back for FY 2021? And do the remaining projects keep the same priority? Penn said that it may be a different set of projects and different priorities. There was a long discussion regarding public access and conditions of the grant. It was of great concern that the public have access for gathering rights and other cultural practices.

*William Keoni Fox*, Ala Kahakai for Items A & D under the submittal. Fox acknowledged and validated the concerns regarding the future management of the properties and public access. They are committed to community-based stewardship and managed with descendents and Ka'u community volunteers. Continue management of public access. He said that for their earlier Waikapuna purchase, they have implemented vehicular public access. A key can be obtained from the Kuahiwi ranch office after an application; no applicant has been denied to date. He thought they would have a similar arrangement for Kaunāmano.

The Board questions included ownership of the property and who were members of the 501C organization, revenues from the cattle lease, how public access is managed through the ranches. Fox provided answers, The Board would like to see Departmental oversight. Penn noted that the County will have oversight as well and self-reporting and conditions they have to meet.

Penn, next presented Item B of C-3. The Board noted that the Wailau trail that goes through the property.

*Davianna McGregor*, representing the applicant, noted that there was limited access to the Wailau trail as there is a lot of overgrowth and it needs some work. She agreed that it was owned by the State. Conveyed support and the urgency of the acquisition.

*Dr. Noa Emmett Aluli*, provided testimony in support

*Lea Hong*, Trust for Public Land provided an update.

Penn presented the rest of the back-up projects.

Member Oi, regarding Waipa (E), asked if any changes to the property. *Lea Hong*, Trust for Public Land, noted that the property is zoned Urban, but no changes to the property.

*Scott Crawford*, Ke Ao Hali'i joined the meeting late regarding "C", and provided an update.

*Amendment for Item A (Ala Kahakai Trail Association):*

*Recommendations 1(c) add the language to include:*

*The Grant Award Contract shall include a clause stating that after a community engagement process, and in the interim during the process, the Awardee shall implement reasonable managed public access, mauka-makai and lateral, on a nondiscriminatory basis."*

## **MOTION**

**Approved as amended (Yuen, Gomes) unanimous.**

04.24.2020/02:01:52

**Break**

04.24.2020/02:10:39

**Back in session**

**DIVISIONS OF AQUATIC RESOURCES BRIEFING (NON-ACTION ITEM)**

Holomua: Marine 30x30 Initiative

Brian Neilson, Division of Aquatics Resources presented the briefing along with a PowerPoint presentation.

There being no further business, the meeting was adjourned at 11:40 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 interested parties present.

Respectfully submitted,

*Darlene S. Ferreira*

Darlene S. Ferreira  
Land Board Secretary

Approved for submittal:

*Suzanne D. Case*

---

Suzanne D. Case  
Chairperson  
Department of Land & Natural Resources