

**APPROVED BY THE BOARD
AT ITS MEETING HELD ON
JUNE 12, 2020**

DAVID Y. IGE
GOVERNOR OF HAWAII



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: May 8, 2020
TIME: 9:00 A.M.
Location: REMOTE via ZOOM
Live on YouTube

MEMBERS

Suzanne Case
Thomas Oi
Chris Yuen
Kaiwi Yoon

Jimmy Gomes
Sam Gon
Vern Char

STAFF

Russell Tsuji-Land
Ian Hirokawa-Land
Tanya Rubenstein-DOFAW
David Gulko-DAR
David Sakoda-DAR
Ed Underwood-DOBOR
Irene Sprecher-DOFAW
Mapuana O'Sullivan DOFAW

Kevin Moore-Land
David Smith-DOFAW
Brian Neilson-DAR
Sang Lee-Parks
Sam Lemmo-OCCL
Megan Statts-DOBOR
Sheri Mann-DOFAW

OTHERS

Bill Wynhoff/AG
Olivia Pham/DOT-HAR
Pam Bunn/K-3

Ross Smith/DOT-AIR
Dan Morris/AG J2

Chair Case called the meeting to order at 9:04 am, via Zoom with a live stream on YouTube. Chair Case read the standard contested case statement.

05.08.2020/00:05:16

ITEM A-1 Request Approval for the meeting minutes for April 9, 2020.

Board Discussion

Member Yuen asked if his addition was incorporated into the minutes. Darlene Ferreira, Land Board Secretary, confirmed it was incorporated.

MOTION

Approved as submitted (Gomes, Oi) unanimous.

05.08.2020/00:06:38

ITEM C-1 Request Approval of: (1) Acquisition of Private Lands; (2) Issuance of Management Right of Entry to the Division of Forestry and Wildlife; (3) and Authorize the Division of Forestry and Wildlife to conduct Public Hearings on the Island of Maui for proposed addition to the Forest Reserve System, situated at Kamehamenui, Kula, Makawao, Maui, Tax Map Key (2) 2-3-005:002 & 014;

and

Request Delegation of Authority to the Chairperson to Administer Existing Grazing Lease with Brendan Balthazar regarding Tax Map Key (2) 2-3-005:002.

David Smith, Tanya Rubenstein, Scott Fretz, Lance DeSilva, Irene Sprecher, Division of Forestry and Wildlife, Ian Hirokawa, Land Division and Julie China, AG's Office, were present to answer questions regarding the submittal.

Board Discussion

There was discussion regarding recreational hunting and how the public could be involved Fretz, conveyed they plan to create a master plan and engage with the community in the planning process. There were questions regarding how much water would go into the aquifer. Sprecher replied, they used the USGS model.

MOTION

Approved as submitted (Gomes, Gon) unanimous.

05.08.2020/00:20:38

ITEM C-2 Request Approval for Selection of Competitive Sealed Proposal process and Authorize the Chairperson to Award, Execute, Modify, and Extend a Contract(s) for the chipping, grinding and/or removal of hazardous fuels in Kōke'e Timber Management Area and Firebreak Maintenance within Pu'u ka Pele Forest Reserve, Tax Map Keys: (4) 1-4-001:014; (4) 1-2-001:006; (4) 1-4-001:002, Waimea District, County of Kaua'i;
and

Request Approval of Declaration of Exemption from Chapter 343, HRS Environmental Compliance Requirements for the project.

David Smith, Irene Sprecher, Sheri Mann, Mapuana O'Sullivan, Division of Forestry and Wildlife, present to answer any questions.

Board Discussion

What is meant by utilizing unidentified local forest products? Mann explained that they are looking for markets that could utilize the product coming out such as firewood, etc. so that fire breaks can be maintained.

MOTION

Approved as submitted (Oi, Gomes) unanimous.

05.08.2020/00:32:51

ITEM D-4 Issuance of Construction and Management Right-of-Entry Permit to Honolulu Authority for Rapid Transportation for Park and Ride Facility Purposes, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-017:097 (por.).

Ian Hirokawa, Land Division, presented the submittal. David Conrad, City & County of Honolulu present to answer any questions.

Board Discussion-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

05.08.2020/00:37:01

ITEM K-3 Proposed Time Extension of Conservation District Use Application (CDUA) MA-3663 for the Initiation and Completion of Project Construction for the Hololani Resort Condominiums Shoreline Erosion Control Project, by the Hololani Resort Condominiums, Located at 4001 Lower Honoapiilani Road, Lahaina, Maui: Tax Map Key: (2) 4-3-10:009, seaward.

Sam Lemmo, and Michael Cain, Office of Conservation and Coastal Lands, presented the submittal. Pat Bunn, Consultant, Robert Shaw, representing Hololani, Jim Barry, Sea Engineering present to answer any questions.

Board Discussion

Pat Bunn provided the history of the permit and reasons why they are requesting the extension. Bunn answered a few questions regarding the legislative process.

MOTION

Approved as submitted (Yuen, Gon) 5-Ayes, 2-Oppose (Gomes, Yoon)

05.08.2020/00:57:27

ITEM J-2 After-the-Fact Consent to Subleases under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Honokohau Food Service, Inc. dba Harbor House; The Kona Boat Club, Inc; The Charter Locker, Inc; Michael Akazawa dba Akazawa Painting and Litos Marine, L.L.C., Sublessees, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-74-008:004.

Ed Underwood, Division of Boating and Ocean Recreational, presented the submittal. Dan Morris, Deputy AG, Naomi Kawaye, and Rosemary Fazio representing the applicant, present to answer questions.

Board Discussion

There were comments regarding the sublease rent. Fazio conveyed it would be discussed at the next meeting.

MOTION

Approved as submitted (Yuen, Gomes) 6-ayes, 1-opposed (Yoon)

05.08.2020/01:02:20

ITEM J-3 Issuance of Revocable Permit to American Marine, Corp. for Storage of Roll-Off Containers for Marine Debris Disposal, Ke'ehi Lagoon, Moanalua, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-025:114 (Portion);

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

The question was asked if the material could serve another purpose (chipped, green waste). Underwood, was not sure what the plans were.

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.08.2020/01:04:59

ITEM J-4 Issuance of Revocable Permits to Cordula Incorporated for Storage and Recreational purposes, Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map key (3) 7-4-008:003 (Portion);

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion-None

MOTION

Approved as submitted (Yuen, Gon) unanimous.

05.08.2020/01:06:21

ITEM J-5 Mutual Cancellation of Revocable Permit No. 87, to Na'a Lele Corp.; Issuance of Revocable Permit to Keahole Point Fish LLC for Storage and Recreational Purposes, Honokohau Small Boat Harbor, Kealakehe, North Kona;

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

The questioned was asked if anyone other than the applicant was interested in that spot. Underwood replied, no.

MOTION

Approved as submitted (Yuen, Oi) unanimous.

05.08.2020/01:08:18

ITEM K-1 Conservation District Use Application KA-3856 by the County of Kauai, Department of Public Works for the Aliomanu Road Repair and Revetment Project in Anahola, Kauai at Tax Map Key: (4) 4-8-018: 028 and 029, seaward.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Mike Foley-Consultant, County Public Works present to answer questions.

Board Discussion

What kind of studies were conducted to ensure erosion does not happen to the surrounding areas. Mike Foley provided an explanation that there are no homes adjacent directly south. Donald Fujimoto, County of Kaua'i also provided information.

MOTION

Approved as submitted (Oi, Gomes) unanimous.

05.08.2020/01:37:04

ITEM K-2 Conservation District Use Application KA-3857 by the County of Kauai Department of Water for a 0.2 MG water storage tank at Wainiha, Kauai, Tax Map Key: (4) 5-8-007:003 and 007:007.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Kesley Yamaguchi, Bryan Wienand-Dept. of Water) present to answer any questions.

Board Discussion

Do the property owners have any concerns? Lemmo replied not that he was aware of.

MOTION

Approved as submitted (Oi, Gon) unanimous.

10:44 am: Break

10:55 am: Back in Session

05.08.2020/01:42:49

ITEM F-1 Request for Approval to Enter into a Memorandum of Agreement between Department of Land and Natural Resources Division of Aquatic Resources and Poseidon Fisheries Research for the Exchange and Use of Biological Samples and Fisheries Information.

Brian Neilson, Division of Aquatic Resources, presented the submittal.

Board Discussion

How long have they been working in Hawaii? Neilson replied approximately 2-years and fill a need.

MOTION

Approved as submitted (Gon, Yuen) unanimous.

05.08.2020/01:42:49

ITEM F-2 Request for Approval to Outplant Coral Colony Modules grown at Anuenue Fisheries Research Center as part of established Agreement with Department of Transportation, Harbors Division, regarding mitigation for Corals from Kapalama Development Project onto Outplant Site located at the damage scar of the USN "Port Royal" grounding site off the Reef Runway, Honolulu, Hawaii.

Brian Neilson and David Gulko, Division of Aquatic Resources, presented the submittal. There were technical difficulties with the presentation and will come back to this item.

Board Discussion-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

05.08.2020/02:02:49

ITEM M-1 Issuance of a Revocable Permit for Aircraft Parking, Francis P. Stallings, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

Ross Smith-DOT- Airports, presented the submittal

Board Discussion-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.08.2020/02:03:08

ITEM M-2 Issuance of Month-to-Month Permit to Matson Terminals, Inc., situated at Pier 6, Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key No. (1)9-1-014:24 (P), Governor's Executive Order No. 3383.

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

Board Discussion-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.08.2020/02:04:34

ITEM D-1 Cancellation of Revocable Permit No. S-7498 (RPS-7498) to Kamanawa Foundation and Waiver of Phase I Environmental Site Assessment Required under RP S-7498; Issuance of Direct Lease to Kamanawa Foundation for Cultural and Educational Purposes; Lot 5 Hanapepe Rice and Kula Lots, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-012:013.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

MOTION

Approved as submitted (Oi, Gomes) unanimous.

05.08.2020/02:05:55

ITEM D-2 Cancellation of Governor's Executive Order No. 1781 to State of Hawaii, Department of Defense for Hawaii National Guard Site and Reset Aside to

County of Hawaii for Recreational Programs and Expanded Community Use, Keaau, Puna, Hawaii; Tax Map Key: (3) 1-6-003:058.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion

Were there any environmental concerns of ordinances on the site? Tsuji, said not that they know of. County will be responsible for any environmental issues that come up.

MOTION

Approved as submitted (Yuen, Gon) unanimous.

05.08.2020/02:08:29

ITEM D-3 Authorize the Issuance of Four Perpetual, Non-Exclusive Easements to the Department of Transportation, Highways Division (“DOT-Highways”), and an Immediate Construction Right-of-Entry Permit to DOT-Highways for Erosion Control Matting and Wire Mesh Paneling System and Slope Stabilization Purposes, Honomanu, Hana, Maui, Tax Map Key: (2) 1-1-001:021 (portion) and

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

05.08.2020/02:11:20

Item F-2 presentation defer.

05.08.2020/02:12:41

ITEM J-1 Request Final Approval to Repeal Hawaii Administrative Rule (HAR) Chapter 13-251, Subchapter 1 Catamaran Captain, Canoe Captain, Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator Permits, Subchapter2, Suspension or Revocation of Operator Permits, Subchapter 3, Violation of Operator Permit Provisions, and Subchapter 7 Special Operating Restrictions, to Remove All Certification Requirements regarding Catamaran Captain, Canoe Captain Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator permits.

The Current Version of HAR Chapter 13-251 Can Be Reviewed Online At:
[Http://Ltgov.Hawaii.Gov/The-Office/Administrative-Rules](http://Ltgov.Hawaii.Gov/The-Office/Administrative-Rules).

The Current Version of HAR Chapter 13-251 Can Also Be Viewed Online At: [Https://Dlnr.Hawaii.Gov/Dobor/Rules](https://Dlnr.Hawaii.Gov/Dobor/Rules).

Ed Underwood, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion

There was a robust discussion regarding this issue. There were expressions of concern regarding written testimony and the issue is controversial.

Written Testimony was received

Member Gon made a Motion for discussion, Member Char second the Motion.

After much discussion, Member Yuen made a Motion to Defer, Member Gomes second the Motion.

MOTION

DEFER submittal (Yuen, Char) unanimous.

There being no further business, Chair Case, adjourned the meeting at 11.45 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

Darlene S. Ferreira
Land Board Secretary

Approved for submittal:

Suzanne D. Case

Suzanne D. Case
Chairperson
Department of Land and Natural Resources