

DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
JULY 24, 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

**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

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

DATE: May 22, 2020
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Live on YouTube

MEMBERS

Suzanne Case
Jimmy Gomes
Tommy Oi
Sam Gon

Chis Yuen
Vernon Char
Kaiwi Yoon

STAFF

Russell Tsuji-Land
David Smith-DOFAW
Brian Neilson-DAR
Ed Underwood-DOBOR
Nicole Smith-DAR

Emma Yuen-DOFAW
David Penn-DOFAW
Sam Lemmo-OCCL
Carty Chang-ENG
Chris Teague-DAR

OTHERS

Dan Morris/AG
Julie China/C1
Olivia Pham/DOT-Harbors
Jason Baswell/F1
Topher Dean/F2
Terry Vanderveer/F2
Jim Lynch/F2
Mike Nakachi/F1, F2
Debbie Ward/F2
Kaimi Kaupiko/F2
Wilfred Kaupiko/F2
Ron Tubbs/J2
Representative Tina Wildberger/F2

Bill Wynhoff/AG
Ross Higashi/DOT-AIR
Dawn Tsue-DOT-AIR
Mahesh Cleveland/F1
Greg Asner/F2
Bob Rezhman/F2
Mahesh Cleveland/F2
Mike Nakachi/F2
Kathy Koch/F2
Diane Ware/F2
Maxx Phillips/F2
Jim Lynch/F2
Michael Domeier/F2

Charlie Fasano/F2
Rene Umberger/F2
Jason Hoopai/J1
Dennis Chun/M5

Inga Gibson/F2
Tim Vandevveer/J1
Frederic Berg/K1

05.22.2020(1) 00:09:40

Chair Case opened the meeting with announcements. Member Gon read the standard Contested Case statement. Chair Case noted that a request for Contested Case on Item F-1 and we will not be hearing that item today. Deputy AG Bill Wynhoff reminder that the those who requested the contested case must follow up with the written request.

05.22.2020(1) 00:11:56

ITEM A-1 Request Approval for the meeting minutes for April 24, 2020.

Board Discussion-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

05.22.2020(1) 00:12:16

ITEM C-1 Delegate Authority to the Chairperson to 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 Operation, Maintenance, and Management of Lands acquired by way of the Land Conservation Fund.

David Smith, Division of Forestry and Wildlife presented the submittal. David Penn, & Emma Yuen, DOFAW, Julie China, Deputy Attorney General, present to answer any questions.

Board Discussion

Will the Non-Profit pick up the maintenance part and the revenue that is generated would be used for maintenance? Smith replied, yes, and we would share in the revenue. Chair Case explained the back-up plan if we do not get funding approved this year.

Public Testimony-None

MOTION

Approved as submitted (Gon, Char) unanimous.

05.22.2020(1) 00:18:47

ITEM D-1 Request to Close A Portion of Waikiki Beach Fronting the Royal Hawaiian Hotel for the Royal Hawaiian Groin Project; Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-6-002: seaward of 005.

Russell Tsuji, Land Division, presented the submittal. Sam Lemmo, OCCL is present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

05.22.2020(1) 00:20:10

ITEM D-2 Amend the Easement described in Governor's Executive Order No. 1592, Manoa, Honolulu, Oahu, Tax Map Key: (1) 2-9-072: Portion of 012.

The purpose of the amendment is to reduce the easement area pursuant to a recent agreement between the Division of Forestry and Wildlife and the owner of the private land the easement crosses.

Russell Tsuji, Land Division, presented the submittal

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

05.22.2020(1) 00:21:21

Contested Case requested from one of the parties, we will not hear this today.

ITEM F-1 Enforcement Action against Tyron Terazono, Kacie Terazono, and Wayne Newman for Unlawful Collection of Aquatic Life for Aquarium Purposes within the West Hawai'i Regional Fishery Management Area, Island of Hawai'i.

05.22.2020(1) 00:28:42

ITEM F-2 Determination of Whether the Final Environmental Impact Statement (FEIS) Complies with Applicable Law and Adequately Discloses the Environmental Impacts of Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area

The Final Environmental Impact Statement can be found online at:

http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2020-04-23-HA-FEIS-Hawaii-Island-Aquarium-Permits.pdf

Brian Neilson, Division of Aquatic Resources presented the submitted. David Smith, Chris Teague, Nicole Smith, DOFAW staff, Applicant Jim Lynch and Kim Koch provided a presentation along with Terry Vanderveer, and Bob Rezhman

Board Discussion

There was a robust discussion with many questions.

05.22.2020(1) 02:01:21 Break

05.22.2020(1) 02:13:38 Back in session

Public Testimony

The following opposed the approval of the Final Environmental Impact Statement:

Greg Asner, Kaimi Kaupiko, Wilfred Kaupiko, Diane Ware Maxx Phillips, Ron Tubbs, Representative Tin Wildberger, Michael Domeier, Inga Gibson, Rene Umberger, & Mahesh Cleveland, Charlie Fasano, provided oral testimony.

05.22.2020(1) 03:31:45

Member Yuen made a Motion to go into Executive Session to consult with Counsel on legal issues raised by this application. Member Gon second the Motion. Unanimous.

05.22.2020(2) 00:14:52

Back in Session

Due technical difficulties the Board heard public testimony from the following:
Charlie Fasano & Mike Nakachi, testified in opposition

Member Yuen made a Motion to disapprove the EIS and Member Gon second for further discussion.

MOTION

Deny the Approval of the Final Environmental Impact Statement (Yuen, Gon) unanimous.

05.22.2020(2) 00:34:57

ITEM J-1 Termination of Boating Lease No. LH-19-002, Pacific Marine Partners, LLC, Lessee, Honokohau Small Boat Harbor, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (Por).

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal. Petitioner Jason Hoopai, and Tim Vandever, Attorney, representing petitioner Jonas Ikaika Solliday to address the submittal.

Board Discussion

There was a lengthy discussion with Hoopai & Vandever.

Testimony

Jason Hoopai and Tim Vandever for Jonas Solliday, provided background information.

MOTION

Approve as submitted (Yuen, Gomes) unanimous.

(Note: Tim Vandever orally requested a Contested Case after the Board made their Motion)

05.22.2020(2) 01:09:19

ITEM K-1 Fourth Time Extension Request for Conservation District Use Permit (CDUP) OA-3579 for the Honolulu Seawater Air Conditioning Project by Honolulu Seawater Air

Conditioning, LLC. Located Upon Submerged Land, Makai of Kaka'ako Waterfront Park, Offshore of Plat (1) 2-1-060 and Channel D of Ke'ehi Lagoon, Island of O'ahu

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

Board Testimony

The Board commented that permitting does take a while.

Testimony

Frederic Berg, Applicant available to answer questions.

MOTION

Approve as submitted (Gon, Gomes) unanimous.

NON-ACTION ITEM

Briefing by the Office of Conservation and Coastal Lands regarding its Coastal Lands Program and its continuing efforts to protect the State's beaches and coastal communities from climate change threats.

Deferred

05.22.2020(2) 01:14:40

ITEM L-1 Appointment of Eric Hansen to Serve as a Director of the East Kauai Soil and Water Conservation District.

ITEM L-2 Appointment of Adam Killermann to Serve as a Director of the West Kauai Soil and Water Conservation District.

Carty Chang, Engineering, presented Items L-1 and L-2.

Board Discussion-None

Testimony- None

MOTION

Approve as submitted Items L-1 and Item L-2 (Oi, Gon) unanimous.

ITEM L-3 Delegation of Authority to Appoint Soil and Water Conservation District Directors to the Chairperson of the Board of Land and Natural Resources.

Carty Chang, Engineering, presented Item L-3.

Board Discussion-None

Testimony- None

MOTION

Approve as submitted (Gon, Oi) unanimous.

05.22.2020(2) 01:18:55

ITEM M-1 Amendment No. 2, to Lounge Lease No. DOT-A-14-0004, Requesting Additional Space for an Office, Hawaii HIS Corporation dba H.I.S. Hawaii, Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-003: 050 (Portion).

ITEM M-2 Issuance of a Revocable Permit for Construction Material Storage and Equipment Staging, Watts Constructors, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-14: 007, 099, and 100.

ITEM M-3 Issuance of Parking Concession Agreements for the Management and Operation of Automobile Parking Facilities to ABM Aviation, Inc. at: Kahului Airport, Tax Map Key: (2) 3-8-001:019 and Kapalua-West Maui Airport, Tax Map Key: (2) 4-3-001:068.

ITEM M-4 Issuance of a Revocable Permit for Terminal Spaces to Support Signatory Airline Carrier Operations, Southwest Airlines Co., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

Ross Higashi, and Dawn Tsue, DOT-Airports present to answer any questions

Board Discussion-None

Testimony- None

MOTION

Approve as submitted (Gomes, Yuen) unanimous.

05.22.2020(2) 01:20:22

ITEM M-5 Issuance of a Month-to-Month Permit to Na Kala Wa'a O Kaua'i for Temporary Drydock and Maintenance of Voyaging Canoe, Namahoe, situated adjacent to Pier 2, Nawiliwili Harbor Kauai, Tax Map Key: (4) 3-2-004:021 (P), Governor's Executive Order No. 509.

ITEM M-6 Issuance of Month-to-Month Permit to Marine Spill Response Corporation, situated at Kawaihae Harbor, Tax Map Key: (3) 6-1-003:023 (P), Governor's Executive Order No. 1862.

Olivia Pham, DOT-Harbors, present to answer any questions for Items M-5 & M-6. Dennis Chun, Applicant, for Item M-5 is also present to answer any questions.

Board Discussion-None

Testimony- None

MOTION

Approved Items M-5 and M-6 (Oi, Gon) unanimous.

05.22.2020(2) 01:22:28

Meeting adjourned.

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
Board of Land and Natural Resources
Department of Land and Natural Resources