

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED BY THE  
BOARD AT ITS  
MEETING HELD ON  
AUGUST 14, 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

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

DATE: JUNE 26, 2020  
TIME: 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Sam Gon  
Chris Yuen  
Kaiwi Yoon

Jimmy Gomes  
Tommy Oi  
Vernon Char

**STAFF**

Russell Tsuji-Land  
Ian Hirokawa-Land  
Martha Yent-Parks  
Brian Neilson-DAR  
Ed Underwood-DOBOR  
Sam Lemmo-OCCL  
Salvatore Saluga-OCCL

David Smith-DOFAW  
Kevin Moore-Land  
Curt Cottrell-Parks  
Maria Carnevale-DAR  
Edward Kekoa-DAR  
Richard Howard-DOBOR  
Heather Vltal-Wards-DAR

**OTHERS**

Colin Lau/AG  
Abby Lareau/DOT-Air  
Jon Okada/E5  
Gabriela Figueredo/F1  
Presley Won/F3  
Chris Tokushi/L1  
Brent Uechi/L1

Mike Auerbach/DOT- Air  
Matthew Parry/C1  
Michelle Barberi/F2  
Emily Cadiz/F3  
Kuulei Rodgers/F3  
Russell Arakaki/L1

**06.26.2020 00:01:02**

Chair Case, conveyed that due to the pandemic, the meeting is being held via Zoom and live-streaming on YouTube, and noted that written testimony and request for oral testimony have been received in advance. The Agenda will be taken in order.

Member Gon read the standard contested case statement.

**06.26.2020 00:02:55**

**ITEM A-1** Request Approval for the meeting minutes for October 11, 2019.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**06.26.2020 00:04:14**

**ITEM C-1** Request for Delegation of Authority to the Chairperson to Enter into a Memorandum of Agreement with the National Oceanic and Atmospheric Administration to conduct a Marine Debris Cruise in the Papahānaumokuākea Marine National Monument.

David Smith, Division of Forestry and Wildlife, presented the submittal. Applicant Matthew Parry is present to ask any questions.

Board Discussion

Why is Forestry involved in the marine debris side of this? Smith replied that they are responsible for the Kruell Atolls and the wildlife sanctuaries out there.

Public Testimony-None

**MOTION**

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

**06.26.2020 00:10:14**

**ITEM D-1** Grant of Perpetual, Non-Exclusive Easement to the United States of America, Army Corps of Engineers for Drainage and Flowage Purposes and Issuance of Right-of-Entry Permit; Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-006: portion of 013.

Russell Tsuji, Land Division, presented the submitted.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Yoon, Char) unanimous.**

**06.26.2020 00:12:09**

**ITEM E-1** Request to Approve License of Federal Property from the United States of America to Division of State Parks for State Park Purposes, at Makua, Waianae, and O'ahu, Tax Map Key Nos.: (1) 8-1-001:001, 002, 009, 010 and (1) 8-2-001:002, 009, 010.

Curt Cottrell, State Parks, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**06.26.2020 00:15:55/ 00:36:29 (present again due to Member Oi being off-line)**

**ITEM E-2** Amend Prior Board Action of January 10, 2020, Item E-1 for Selection of Projects for Federal Grant Awards through the Land and Water Conservation Fund Program with Fiscal Years 2017 and 2018 Funds.

The Purpose of the Amendment is to Add Russian Fort Elizabeth State Historical Park, Waimea, Kaua'i as an LWCF Funded Project.

Curt Cottrell and Martha Yent, State Parks, presented the submittal.

Board Discussion

Is the installing the statue still happening? Cottrell said yes, they are meeting to secure the grant funding.

Public Testimony-None

**MOTION**

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

**06.26.2020 00:18:20**

**ITEM E-4** Request the Continuation of Right-Of-Entry and Revocable Permit to Honolulu Seawater Air Conditioning, LLC, for Roadway Access and for Construction and Staging Area Purposes, Sand Island, Honolulu, O'ahu, Tax Map Key: (1) 1-5-041:006 (Portion).

Curt Cottrell, State Parks, presented the submittal.

Board Discussion

Is this Right-of Entry a renewal because it lapsed? Cottrell replied, yes.

Public Testimony-None

**MOTION**

**Approved as submitted (Gon, Gomes) 6-Ayes (Oi, off-line)**

**06.26.2020 00:19:59**

**ITEM E-5** Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Ten-Year Lease with Hawai'i Softball Foundation, an Eleemosynary Organization, for Outdoor Recreation and Maintenance Purposes at Sand Island State Recreation Area (SISRA), Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 1-5-041:006 and 022 (Portion):

and

Request Approval of Declaration of Exemption from Chapter 343, Hawai'i Revised Statutes, Environmental Compliance Requirements for the subject project.

Curt Cottrell, State Parks, presented the submittal. Jon Okada, applicant is present to answer questions.

Board Discussion-None

Public Testimony

Jon Okada, thanked State Parks for the opportunity to utilize the softball community and serve the youth and others.

**MOTION**

**Approved as submitted (Gon, Yoon) 6-Ayes (Oi, off-line)**

**Break (Technical difficulties for Member Oi)**

**06.26.2020 00:29:33**

**ITEM F-1** Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Mr. Kevin Bachar, Pangolin Pictures, PBS, for Access to State Waters to Conduct Filming Activities.

Maria Carnevale, Division of Aquatics, presented the submittal. Gabriela Figueredo present to answer any questions.

Board Discussion

Who are they filming for? Carnevale replied, PBS.

Public Testimony

Gabriela Figueredo, noted that this would air on PBS Nature.

**MOTION**

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

**06.26.2020 00:33:49**

**ITEM F-2** Request for Authorization and Approval to Issue Papahānaumokuākea Marine National Monument Conservation and Management Permit to Ms. Michelle Lino, 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 Carnevale, Division of Aquatics, presented the submittal. Michelle Barberi, present to answer any questions.

Board Discussion

Is this similar to having to do with the removal of Galago Sharks due to interfering with the monk seals? Carnevale replied, yes, it is very selective.

Public Testimony-None

**MOTION**

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

**06.26.2020 00:39:49**

**ITEM F-3.** Informational Briefing: Five-year Update on the Hā'ena Community-Based Subsistence Fishing Area **(Non-Decision-Making Item)**

Brian Nielson, Division of Aquatics, introduced the presenters, Heather Vlital-Wards, Emily Cadiz, Presley Won, and Kuulei Rodgers.

**Break**

**06.26.2020 01:28:42**

**ITEM J-1** Continuation of Revocable Permit No. S-5407 to Kaneohe Yacht Club, for Recreational Boat Pier Purposes, Located in Kaneohe Bay, Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-022:032-A (seaward of Parcel);

and

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

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion

There was a robust discussion. DOBOR to have a solution by December.

Public Testimony-None

**MOTION**

**Approved as submitted (Char, Yuen) 5-Ayes; 2-Abstain (Gon, Gomes)**

**06.26.2020 01:42:12**

**ITEM J-2** Issuance of a Right-of-Entry Permit to Maui Nui Marine Resource Council, Inc., for Oyster Water Quality Bioremediation Pilot Program Purposes at Maalaea Small Boat Harbor, Maalaea, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (Portion);

and

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

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion

Has the Right-of-Entry been working for them. Howard replied, yes, there is a report on Exhibit C.

Public Testimony-None

**MOTION**

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

**06.26.2020 01:44:12**

**ITEM J-3** Sale of Lease at Public Auction for Commercial Purposes, Ke'ehi Small Boat Harbor, Kaliawa and Mokauea, Kalihi, Honolulu, Oahu, Hawaii Tax Map Keys: (1) 1-2-025:043, :023, :022 (Portion); (1) 1-2-023:038 and :032 (Portion);

and

Declare that, after considering the Potential Effects of the Proposed Project as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this Project will probably have minimal or No Significant Effect on the Environment and is therefore Exempt from the Preparation of an Environmental Assessment.

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**06.26.2020 01:45:12**

**ITEM J-4** Sale of Lease at Public Auction for Commercial Purposes, Waianae Small Boat Harbor, Waianae-Kai, Waianae, Oahu, Hawaii Tax Map Key: (1) 8-5-002:044 (Portion);

and

Declare that, after considering the potential effects of the Proposed Project as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this Project will probably have minimal or No Significant Effect on the Environment and is therefore Exempt from the Preparation of an Environmental Assessment.

Richard Howard, Division of Boating and Ocean Recreation, presented the submittal.

Board Discussion

Regarding the structures, they can be removed if they do not win the bid? Howard, yes.

Public Testimony-None

**MOTION**

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

**06.26.2020 01:50:30**

**ITEM J-5** Approve Installation of an Offshore Mooring Outside of an Established Offshore Mooring Area, Keauhou Bay, Kailua-Kona, Island of Hawaii, Hawaii, for William Murtagh.

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

Board Discussion-None

Public Testimony-None

**MOTION**

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

**06.26.2020 01:52:17**

**ITEM J-6** Reconsideration of Prior Action and Denial of Petitions for Contested-Case Hearing Filed on behalf of Jonas Ikaika Solliday and Pacific Marine Partners LLC with Respect to Item J-1, May 22, 2020:

Termination of Boating Lease No. LH-19-002, Pacific Marine Partners LLC, Lessee, Honokohau Small Boat Harbor, North Kona, Hawai'i, Tax Map Key: (3) 7-4-008:003 (Portion).

Ed Underwood, Division of Boating and Ocean Recreation, presented the submittal. Bill Wynhoff, Deputy Attorney General provided clarification regarding the default.

Board Discussion

There was a lengthy discussion regarding the situation.

Public Testimony-None

Member Yuen made a motion to go into Executive session to consult with our attorneys over legal matters. Member Char second the motion. Unanimous.

**06.26.2020 02:29:17 Return from Executive Session**

**Member Yuen made the Motion to deny the request for a contested case hearing. Member Char second the motion. Chair Case noted that is the second recommendation in the submittal. Unanimous.**

**Member Yuen made the motion that the Board decline to reconsider its prior action and encourages the Attorney General to continue the discussions with the tenant. Member Char second the motion. Unanimous.**

**Member Yuen made a motion to accept Recommendation #3 of the submittal, Member Char, second the motion. Unanimous.**

**06.26.2020 02:33:13**

**ITEM K-1** Conservation District Use Application (CDUA) OA-3859 by the City and County of Honolulu, Department of Design and Construction for the Kawaihoa Road Drainage Improvements Project at Kailua Beach Park, Kailua, Oahu, Tax Map Key parcels: (1) 4-3-010:088, 010:084, 009:001, and seaward.

Sam Lemmo, and Sal Salugad, Office of Conservation and Coastal Lands, presented the submittal. Chris Tokushi, (Oceanit), Brent Uechi (City), Russell Arakaki (Paren), available to answer questions.

Board Discussion

Do you anticipate any issues with the SMA approval from the City? Arakaki, replied no.

Public Testimony

Russell Arakaki, Consultant noted that they expect to have SMA from the County by next week.

**MOTION**

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

**06.26.2020 02:41:45**

**ITEM M-1** Issuance of a Revocable Permit for Temporary Storage Space, Boingo Wireless, Inc., Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-003: 001 (Portion).  
**(WITHDRAWN)**

**ITEM M-2** Issuance of a Revocable Permit for Vehicle and Equipment Storage, Meadow Gold Dairies Hawaii, LLC, Kapalama Military Reservation, Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-2-025: 108 & 109 (Portions).

Board Discussion

RP to Meadow Gold Dairies Hawaii, has filed for bankruptcy. Lareu, noted that there has been a name change for storage and equipment parking. We are substituting one entity for another until we know what they are going to do.

**ITEM M-3** Issuance of a Revocable Permit for Construction Material Storage and Equipment Staging, Watts Constructors, LLC, Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-070: 007, 043, 045 (Portions).

**ITEM M-4** Issuance of a Revocable Permit for Terminal Office Space, Avairpros Services, Inc., Kahului Airport, Tax Map Key No: (2) 3-8-001: Portion of 226.



### Board Discussion

Who is this new Corporation and what service do they provide? Auerbach replied, Aviation consulting and this is for office space.

**ITEM M-5** Issuance of Revocable Permit for Aircraft Parking, Hawaiian Airlift Company LLP, Kahului Airport, Tax Map Key No: (2) 3-8-001: Portion of 019.

**ITEM M-6** Issuance of a Revocable Permit for a General Aviation Hangar for Commercial Helicopter Tour Operations, Helicopter Consultants of Maui, LLC, Kahului Airport, Tax Map Key No: (2) 3-8-001: Portion of 215.

**ITEM M-7** Issuance of a Revocable Permit for Check-In Counter and Office Space for Commercial Helicopter Tour Operations, Helicopter Consultants of Maui, LLC, Hilo International Airport, Tax Map Key No: (3) 2-1-012: Portion of 009.

Mike Auerbach and Abby Lareau, DOT-Airports, they requested to withdraw Item M-1 and presented Item M-2, Item M-3, Item M-4, Item M-5, Item M-6, and Item M-7.

Public Testimony-None

### **MOTION**

**Approved as submitted, Item M-2, Item M-3, Item M-4, Item M-5, Item M-6 and Item M-7, as submitted (Gomes, Gon) unanimous.**

**06.26.2020 02:46:37**

**ITEM M-8** Issuance of a Construction Right-of-Entry and Lease to Sea Engineering, Inc., for Fast Lands and a Month-to-Month Revocable Permit for certain adjacent Submerged Lands at and adjacent to Pier 27, Honolulu, Harbor, Oahu, Tax Map Key No. (1) 1-5-038: Portions of 001 Lot 25 (Land Court Consolidation Section Map 12) of Fast and Submerged Lands.

Oliva Pham, DOT-Harbors, made an amendment to page 8, the lease says 50-years, and it should be 40-year lease.

Board Discussion-None

Public Testimony-None

### **MOTION**

**Approved as submitted (GOMES, OI) unanimous.**

**ITEM M-9** Authorizing the Department of Transportation (DOT) to Approve Revocable Permit HY-20-152 at Interstate Highway, Project No. 1-HI-1(23), Airspace Parcel Cat Pele Street to Keeaumoku Street, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 2-4-011:114.

Travis Tomono, DOT-Right-of-Way, presented the submittal. Amended the agenda title for the Parcel, should be "C" not Cat.

### Board Discussion

How long are they going to allow the storage?

Public Testimony-None

**MOTION**

**Approved as submitted (GOMES, GON) unanimous.**

There being no further business, the meeting was adjourned. 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 Ferreira*

Darlene S. Ferreira  
Land Board Secretary

Approved for submittal:

*Suzanne D. Case*

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Suzanne D. Case  
Chairperson  
Department of Land & Natural Resources