

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED** BY THE BOARD *dar*  
AT ITS MEETING HELD ON  
SEPTEMBER 11, 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: July 10, 2020  
TIME: 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Tommy Oi  
Chris Yuen  
Kaiwi Yoon

Jimmy Gomes  
Sam Gon  
Vernon Char

**STAFF**

Russell Tsuji-Land  
Ian Hirokawa-Land  
Tanya Rubenstein-DOFAW  
Ed Underwood-DOBOR  
Curt Cottrell/E1

Kevin Moore-Land  
David Smith-DOFAW  
Richard Howard-DOBOR  
Sam Lemmo-OCCL  
Trevor Fitzpatrick/OCCL

**OTHERS**

Bill Wynhoff/AG  
Lurlyn Scott/D3  
Lezley Jacinto/D2  
Janice Fujimoto/D2  
Kirk Saiki/D2  
Adam Miller/D5  
Allen Alana/E1  
Heather Tonneson/K1  
Frederick Gregg, Jr./K2

Mike Auerbach/DOT-Air  
Jennifer Tomita/DOT-Air  
Puna Kaneakua/D2  
Kanani Kealalio/D2  
Dawn Chang/D2  
Peter Horovitz/D8  
Alex Schwartz/K1  
David Sacamano/K1  
Randy Vitousek/K2

**ITEM A-1**

**07.10.2020 00:00:30**

Chair Case opened the meeting with general information regarding the procedures we will be following for the ZOOM on-line meeting, living streaming on YouTube. Chair Case acknowledged that written testimony has been received as well as requests to offer oral testimony in advance of the meeting.

Member Gon read the standard contested case statement.

**07.10.2020 00:02:24**

**ITEM A-1** Request Approval for the meeting minutes for May 24, 2020. **DEFERRED**

**07.10.2020 00:02:55**

**ITEM C-1** Request Approval of a Revised Waimea Valley Forest Stewardship Management Plan and Forest Stewardship Agreement with Hi'ipaka LLC, Tax Map Key: (I) 6-1-002:002, Waialua District, Island of O'ahu.

David Smith, Tanya Rubenstein, Division of Forestry and Wildlife, presented the submittal. Tanya Rubenstein (DOFAW) available to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.10.2020 00:07:15**

**ITEM C-2** Request Approval of a Revised Kaupakuea Orchards Forest Stewardship Management Plan and Forest Stewardship Agreement with Kaupakuea Orchards, LLC, Tax Map Key: (3) 2-8-003:009 and (3) 2-8-003:010, Hamakua District, Island of Hawai'i.

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

Board Discussion

Have there been any reports? Rubenstein replied, that they are required to report (2) times a year. There was further discussion regarding the how much of the plan they have implemented and the financial part of the plan.

Public Testimony-None

**MOTION**

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

**07.10.2020 00:14:04**

**ITEM C-3** Approve the use of a Request for Interest for Federal Grants with the U.S. Department of Agriculture Forest Service Wildland Urban Interface and Landscape Scale Restoration Grant Programs; Delegate to the Chairperson the Authority to Award, Execute, and Extend Agreements with Successful Providers; and to Issue Annual Requests for Interest

and Awards under these grant programs.

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

Board Discussion

What good things happened in the first year? Rubenstein conveyed, they have received grants and have worked on several projects.

Public Testimony-None

**MOTION**

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

**07.10.2020 00:18:48**

**ITEM C-4** Request for Delegation of Authority to the Chairperson to Approve, Sign, Execute, Amend, and Extend Memoranda of Agreements with the Various Circuit Courts for Community Service and Remediation, subject to Approval as to form by the Department of the Attorney General.

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

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.10.2020 00:20:57**

**ITEM D-1** Consent to Assign General Lease No. S-4276 from Tony Alik Tay, Assignor, to Tony A. Tay, Trustee of the Tony A. Tay Revocable Living Trust, dated July 19, 2001, Assignee; Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:040.

Kevin Moore, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.10.2020 00:24:30**

**ITEM D-2** Issuance of Construction Right-of-Entry to the State of Hawaii Department of Agriculture for Emergency Auwai Stabilization Purposes; Cancellation of Revocable Permit S-7846 to Lurlyn Scott and Sanford Kekahuna; and Issuance of Revocable Permit to Lurlyn Scott and Sanford Kekahuna for Intensive Agriculture and Auwai Maintenance Purposes; Honopou, Hamakualoa, Makawao, Maui, Tax Map Key: (2) 2-9-001:018.

Ian Hirokawa, Land Division, presented the submittal. Russell Tsuji, Land Division, Applicants Lurlyn Scott, Lezley Jacinto, (Kalo Farmers), Puna Kaneakua (AECOM), Dawn Chang, Janice Fujimoto, Kanani Kealalio, and Kirk Saiki, Department of Agriculture.

Board Discussion

Why would this not be a long-term disposition? Hirokawa said, in this case, the applicant has had an RP under a different use. Division of Agriculture will make the improvements and the community will maintain the 'auwai. There was further discussion regarding the contractors and the location of the stream.

Public Testimony

DOA provided an informational presentation. Lurlyn Scott, Kalo farmer, conveyed that the community and the families want to pass this along to the traditions. Janice Fujimoto supports the submittal.

**MOTION**

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

**07.10.2020 00:57:34**

**ITEM D-3** Grant of Perpetual, Non-Exclusive Easement to County of Maui, Department of Public Works for Drainage Purposes and Issuance of Immediate Construction and Management Right-of-Entry Permit; Napili, Maui, Tax Map Key: (2) 4-3-002: Portion of 023.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.10.2020 00:58:20**

**ITEM D-4** Issuance of Construction and Management Right-of-Entry Permit to City and County of Honolulu on Lands Encumbered by Governor's Executive Order No. 2704, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041: Portions of 003 & 006.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.10.2020 00:59:20**

**ITEM D-5** Grant of Term, Non-Exclusive Easement to Daisho Company, Ltd. dba Daishohouse for Seawall Purposes; Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-016: Seaward of 036.

Russell Tsuji, Land Division, presented the submittal. Adam Miller, Counsel representing the applicant is present to answer any questions.

### Board Discussion

Noted that there was a Legislative House Bill No. 2060, being voted upon today, regarding seawalls & revetments. If it passes, Tsuji conveyed that they would still have to get legislative and Governor's approval and may or may not go forward.

### Public Testimony

Miller noted that they supported the submittal and all conditions. Noted that the seawall is pre-existing and there would be not changes, there is some footing that has been exposed due to rising sea-levels, no construction to be done.

### **MOTION**

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

**07.10.2020 01:02:65**

**ITEM D-6** Third Amendment of Prior Board Action dated October 10, 1986, Item F-9, as amended by October 25, 2019, Item D-9, and January 10, 2020, Item D-8, Request of the City and County of Honolulu, Board of Water Supply, for Executive Order Setting aside 6 MG Reservoir Site Together with Electrical Transmission line, Waterline and Roadway Easement at Kahana Valley, Kahana, Koolauloa Oahu, Tax Map Key: Portions of (1) 5-2-001 & 5-2-002.

The purpose of this amendment is to seek Board's authorization to issue the City and County of Honolulu, Board of Water Supply 1) a separate perpetual nonexclusive easement for access and utility purposes in addition to the proposed set-aside; and 2) a right-of-entry permit.

**ITEM D-7** Second Amendment of Prior Board Action dated February 28, 1986, Item F-8, as amended by October 25, 2019, Item D-10, City and County of Honolulu, Board of Water Supply Requests Set Aside of lands at Sacred Falls Park, Kaluanui, Koolauloa, Oahu, for Well Site Purposes, Kaluanui, Koolauloa, Oahu, Tax Map Key: Portions of (1) 5-3-011:009 (Portion), 010, and 011.

The purpose of this amendment is to seek Board's Authorization to issue the City and County of Honolulu, Board of Water Supply a separate perpetual non-exclusive easement for access and utility purposes in addition to the proposed set-aside.

Russell Tsuji, Land Division, presented Items D-6 and D-7 together.

Board Discussion-None

Public Testimony-None

### **MOTION**

**Approved as submitted Item D-6 and Item D-7 (Oi, Gon) unanimous.**

**07.10.2020 01:04:56**

**ITEM D-8** Issuance of Right-of-Entry Permit to Maui Camelot, LLC for Seawall Demolition, Removal, Site Surveys and Construction of Replacement Revetment / Seawall Pursuant to Conservation District Use Permit (CDUP) MA-3745 Approved by the Board of Land and Natural Resources (BLNR) on October 23, 2015; Grant of Term, Non-Exclusive Easement to Maui Camelot, LLC for Revetment/Seawall Purposes; Kuau, Paia, Maui, Tax Map Key: (2) 2-6-009: seaward of 005.

Kevin Moore, Land Division, presented the submittal. Peter Horovitz, Counsel representing the applicant is present to answer any questions.

Board Discussion

Is there a deadline for Legislative approval? Moore, noted that there is not a drop date in the submittal.

Public Testimony

Horovitz, provided the history on the project.

**MOTION**

**Approved as submitted (Char, Yoon) 6-Ayes 1-Abstained (Gomes)**

**07.10.2020 01:21:35**

**ITEM E-1** Issuance of a Month-to-Month Revocable Permit to Pro Park, Inc., for Property/Passenger Motor Carrier for Compensation Management at Diamond Head State Monument, Kapahulu, Waikīkī, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 3-1-042:006 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 in the submittal. Alan Alana, representing ProPark is available for questions.

Board Discussion

Is this like what the Airport is doing? Cottrell conveyed, yes, they are using it a model.

Public Testimony

Alana noted that they are happy to help in any way they can.

**MOTION**

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

**07.10.2020 01:30:25**

**ITEM J-1** Issuance of a Revocable Permit to The Friends of Hokulea and Hawaiiiloa, Inc., for Perpetuating and Teaching Hawaiian Traditions of Building, Restoring and Caring for Canoes Purposes, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-023:054;

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

What are the long-term plans for this area? Underwood said there is no infrastructure at this time and they are aware that they will have to bring in their own water and electricity

Public Testimony-Written Testimony Received

**MOTION**

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

**07.10.2020 01:35:01**

**ITEM J- 2** Issuance of a Revocable Permit to H2O Sports Hawaii, LLC, for Purposes of Assembly, Repair and Storage of Boat and Water Sports Equipment, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-023:053;

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

Who's going to pay of the clean-up of the Homeless, over-grown vegetation. Underwood said that the applicant would. Howard, said due to the lack of infrastructure, we are discounting his rent. There was a robust discussion regarding this parcel.

Public Testimony-None

**MOTION**

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

**07.10.2020 01:46:38**

**ITEM J-3** Mutual Cancellation of Revocable Permit No 52, to John's World Famous Hawaii Hot Dogs, LLC., located at the Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:012 (Por.);

and

Issuance of a New Revocable Permit to John's World Famous Hawaii Hot Dogs, LLC., for a Mobile Food Concession, Located at the Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:012 (Por.);

and

Declare the 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

There was discussion regarding the size and location of the applicant's cart. Underwood, explained that due to the Covid-19 pandemic, the applicant was looking for more foot traffic.

Public Testimony-None

**MOTION**

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

**07.10.2020 01:51:32**

**ITEM J-4** Consent to Sublease under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to: Hawaii Data Center, LLC, Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:042.

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

Board Discussion

Noted that Mr. Rivera's concerns would be reviewed, although his concerns are not related to the submittal. DOBOR to report back to the Board. There was further discussion regarding sub-lease participation.

Public Testimony

Sylva Rivera provided testimony.

*Amendment:*

*DOBOR to provide a report on any lease violations of underground tanks if any.*

**MOTION**

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

**07.10.2020 02:10:45**

**ITEM K-1** Conservation District Use Application (CDUA) KA-3862 by the Hawaii Department of Transportation and the US Fish and Wildlife Service for the Subdivision of property and the Development of the Hanalei Valley Viewpoint at Halelea, Hanalei, Kauai, Tax Map Key parcel: (4) 5-3-001:006.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal. Alex Schwartz (US Fish & Wildlife), Heather Tonneson (Hanalei National Wildlife Refuge), David Sacamano (Consultant) are available to answer questions for the Applicant.

Board Discussion

There was a discussion regarding view planes from the valley floor. Sacamano responded.



Public Testimony-None

**MOTION**

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

**07.10.2020 02:24:01**

**ITEM K-2** Conservation District Use Application HA-3863 for Mr. Frederick W. Gregg, Jr.'s Single-Family Residence, Landscaping, and Associated Improvements located at Ho'okena Beach Road, Ho'okena, South Kona, Hawai'i Tax Map Key: (3) 8-6-013:009.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal. Applicant is present to answer any questions.

Board Discussion

Is the rest of Ho'okena in a limited sub-zone? Fitzpatrick, indicated "no". Noted there were several kuleana lots.

Public Testimony

Randy Vitousek provided background on the process they went through to make the change to the sub-zone. Wright noted it took a long time.

**MOTION**

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

**07.10.2020 02:34:36**

**ITEM K-3** Conservation District Use Application HA-3863 for Mr. J. Spencer Wright and Ms. M. Ellen Bentley's Single-Family Residence, removal of Invasive Species, and Related Improvements located at Kaiwiki Road, Kaiwiki, South Hilo, Hawai'i Tax Map Key: (3) 2-6-011:033.

Sam Lemmo, Office of Conservation and Coastal Lands, presented the submittal. Applicant is available for questions.

Board Discussion

Previous land use and area were discussed.

Public Testimony

Wright noted

**MOTION**

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

**07.10.2020 02:47:28**

**ITEM K-4** **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.*

**07.10.2020 04:44:03**

**ITEM L-1** Delegation of Authority to the Chairperson to: (1) Procure, Award and Enter into Professional Service Consultant Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds; (2) Declare a Construction Project Exempt from the Preparation of an Environmental Assessment or Approve an Environmental Assessment and Issue a Finding of No Significant Impact, if Appropriate; and (3) Approve, Procure and Enter Construction Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in **Exhibit 1** or Program Operating Funds

Carty Chang, Engineering Division, presented the submittal.

Board Discussion

Noted it was standard procedure.

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Gon) 6-Ayes Note: Yuen Absent.**

**07.10.2020 04:48:03**

**ITEM M-1** Issuance of a Revocable Permit for Office Space for the Purpose of Providing 24-Hour Medical Response Services, International Life Support, Inc. dba American Medical Response, At Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-72: 69 (Portion).

**ITEM M-2** Issuance of a Revocable Permit for Aircraft Parking, Snowbird Air, LLC, Kalaeloa Airport, Tax Map Key No: (1) 9-1-13: Portion of 32.

Board Discussion

Noted that more people using the airport (general aviation), what is being done regarding Covid-19 with pilots flying in on their own? Auerbach was not sure, believes that they have procedures in place to monitor.

**ITEM M-3** Issuance of a Revocable Permit for Ramp Space for Cargo Sorting Operations, Aeko Kula, LLC dba Aloha Air Cargo, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key No: (3) 7-3-43: Portion of 003.

**ITEM M-4** Issuance of a Revocable Permit for Temporary Space for Aircraft Maintenance and Storage, L & L Management, Inc. dba Big Island Air, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key No: (3) 7-3-43: Portion of 003.

Mike Auerbach-DOT-Airports, presented the Items M-1, M-2, M-3 and M-4.

Public Testimony-None

**MOTION**

**Approved as submitted Items M-1, Item M-2, and Item M-4 (Gomes, Gon) 6-Ayes. Item M-3 approved as submitted (Gomes, Gon) 5-Ayes, 1-Abstained (Char). Note: Yuen absent**

**07.10.2020 04:52:52**

**ITEM M-5** Request Approval to Issue Eight (8) Month-to-Month Revocable Permits and Issuance of a Lease by Direct Negotiation to Sause Bros., Inc., for Maintenance Operations Warehouse, Employee Parking, Storage Containers, and Storage Space, situated at Pier 27, Honolulu Harbor, Oahu, Tax Map Key Nos. (1) 1-5-038-001 (P), (1) 1-5-038:073 (P) and (1) 1-5-038:074 (P), Governor's Executive Order No 2903.

Jennifer Tomita, DOT-Harbors, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Char, Yoon) 6-Ayes Note: Yuen absent.**

There being no further business, Chair Case, adjourned the meeting. Recording(s) of the meeting and written testimonies received by the requested deadline can be found on-line with the submittal 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  
Board of Land and Natural Resources  
Department of Land and Natural Resources