

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED AS  
AMENDED** <sup>202</sup>  
BY THE BOARD AT IT'S  
MEETING HELD ON  
SEPTEMBER 25, 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

**AMENDED**

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

DATE: July 24, 2020  
TIME: 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Tommy Oi (Excused)  
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-Parks  
Brian Neilson-DAR  
Edward Kekoa-DAR

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

**OTHERS**

Cindy Young/AG  
Gavin Lai/DOT-AIR  
Chris Harrington/D3  
Tracy Hayward/D3  
Bill Wynhoff/E1, E2, E3  
Rebecca Most/F1  
Eric Cronklin/F1  
Mark Maxson/K1

Dan Oshiro/DOT-AIR  
Olivia Pham/DOT-HAR  
Cynthia Day/D3  
John O'Hara/D3  
Ku'ulei Keakealani/F1  
Natalie Kurashima/F1  
Walter Hong/K1

**ITEM A-1**

**07.24.2020/00:02:00**

Chair Case opened the meeting with general information regarding the procedures we will be following for the ZOOM on-line meeting, and live-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

**07.24.2020/00:16:22**

**ITEM A-1** Request Approval for the meeting minutes for May 22, 2020.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Gon) 5-Ayes (Char not connected)**

**07.24.2020/00:17:00**

**ITEM D-1** Sale of Remnant (abandoned ditch) to Gregory L. Tacbian and Cosie M. Tacbian, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-6-026: portion of 001.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Yoon) 5-Ayes (Char not connected)**

**07.24.2020/00:17:59**

**ITEM D-2** Consent to Assign Sublease of General Lease No. S-5844, Neighborhood GP, LLC, Sublease Assignor, to Hilo Hotel PV, LLC, Sublease Assignee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-01:12 and 2-1-05:13, 16, 17, 27, 32, 46.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Yuen, Gon) 5-Ayes (Char not connected)**

**07.24.2020/00:22:42** (Char connected to meeting)

**ITEM D-4** Amend Governor's Executive Order 3452 Waianae-Kai, Waianae, Oahu, Tax Map Key: (1) 8-5-017:005. The amendment is to revise the makai boundary of Parcel B to the seaward edge of the breakwater.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.24.2020/00:24:46**

**ITEM D-5** Grant of Perpetual, Non-Exclusive Easement to City and County of Honolulu, Board of Water Supply for Water Meter Purposes, Halawa, Ewa, Oahu, Tax Map Key: (1) 9-9-003: portion of 071.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**07.24.2020/00:27:02**

**ITEM E- 1** Continuance of Revocable Permit SP-0555 to Republic Parking for the Collection of Parking Fees at Kōke'e and Waimea Canyon State Parks, Kaua'i, Tax Map Key: (4) 1-4-001:013, 003 And 002 (Portion).

**ITEM E-2** Continuance of Revocable Permit SP-0554 to Republic Parking for the Collection of Parking and Entrance Fees at Hā'ena State Park, Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-001:007 (Portion) updated to Tax Map Key: (4) 5-9-008:001 (Portion).

Curt Cottrell, State Parks, presented Items E-1 and E-2. Alan Carpenter and Sang Kim, present to answer questions.

Board Discussion

Regarding Hā'ena, how is it working out? Carpenter responded, there were challenges at the beginning and adjusted as needed and has added value to the community. Written testimony was received from another vendor. Carpenter said he had an opportunity to speak with him and explained the process. Discussion continued regarding the concession process.

Public Testimony-None

**MOTION**

**Approved as submitted Item E-1 and Item E-2 (Gon, Gomes) unanimous.**

**Curt Cottrell Withdrew Item E-3**

**07.24.2020/00:45:18**

**ITEM F-1** Informational Briefing: Why We Wait: *E `ai i kekāhi, e kāpī kekāhi*. A 4-year review of the Ka'ūpūlehu Marine Reserve **(Non-Decision-Making Item)**

**07.24.2020/01:25:58**

**ITEM K-1** Third Time Extension Request for Conservation District Use Permit KA-3744 to Complete the Maxson/Shaw Single-Family Residence Located at Ha'ena, Hanalei, Kaua'i, Tax Map Key: (4) 5-9-002:067.

Trevor Fitzpatrick, Office of Conservation and Coastal Lands, presented the submittal. Applicant is present to answer questions.

Board Discussion

The various circumstances were discussed regarding the delays.

Public Testimony

Walter Hong provided background information regarding the shut downs and supply issues

**MOTION**

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

**07.24.2020/01:38:41**

**ITEM M-10** Amend Prior Board Action of January 24, 2020, ITEM-3, Request for Cancellation of Perpetual Non-Exclusive Easement 6B and to Issue Exclusive Use Easement 6C to Servco Pacific Inc., for a Term of Thirty-Five (35) years, Tax Map Key No.: (1) 1-2-025:011 (Portion), Governor's Executive Order No. 3947.

The Amendment is to seek Board's Authorization for the Execution of an Amended and Restated Perpetual, Non-Exclusive Easement Covering 6A and 6C, and the Correction of Tax Map Key from (1) 1-2-025:001 (Portion) to (1) 1-2-025:011 (Portion).

Oliva Pham, DOT-Harbors, presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gon, Char) 5-Ayes (Yuen Off-Line)**

**07.24.2020/01:50:23**

**ITEM M-7** Issuance of a Month-to-Month Permit to Oceanic Kaimamala Corp., for Office Space and an Area for their Commercial Fishing Facility, situated at Pier 18, Honolulu Harbor, Oahu, Tax Map Key Nos.: (1) 1-5-039:65 (P) and (1) 1-5-039:007 (P), Governor's Executive Order No. 2903.

**ITEM M-8** Issuance of Five (5) Month-to-Month Revocable Permits to Alaska Marine Lines, Inc., for Office Space, Parking, and Container Storage, situated at Pier 5, Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key No.: (1) 9-1-014:024 (P), Governor's Executive Order No. 3383.

**ITEM M-9** Issuance of Month-to-Month Revocable Permit to Marine Spill Response Corporation, Situated at Hilo Hawaii, Hawaii, Tax Map Key No.: (3) 2-1-009:007 (P), Governor's Executive Order No. 3962.

Oliva Pham, DOT-Harbors, present to answer any questions on Items M-7, M-8 and M-9.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Items M-7, M-8 and M-9 (Gomes, Gon) 5-Ayes (Yuen Off-Line)**

**07.24.2020/01:41:23**

**ITEM M-1** Issuance of Revocable Permits for Rent-A-Car Base yards, Avis Budget Car Rental, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43, Hilo International Airport, Tax Map Key: (3) 2-1-12, Lihue Airport, Tax Map Key: (4) 3-5-01.

**ITEM M-2** Issuance of Revocable Permits for Rent-A-Car Base yards, EAN Holdings, LLC dba Enterprise Rent A Car, Kahului Airport, Tax Map Key: (2) 3-8-01, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43, Hilo International Airport, Tax Map Key: (3) 2-1-12, Lihue Airport, Tax Map Key: (4) 3-5-01, Molokai Airport, Tax Map Key: (2) 5-2-04.

**ITEM M-3** Issuance of Revocable Permits for Rent-A-Car Base yards, The Hertz Corporation, Kahului Airport, Tax Map Key: (2) 3-8-01, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43, Hilo International Airport, Tax Map Key: (3) 2-1-12, Lihue Airport, Tax Map Key: (4) 3-5-01.

**ITEM M-4** Issuance of Revocable Permit for Land to Store Rubbish Bins, Maui Disposal Co., Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

Board Discussion

Member Char recused himself from Item M-4.

**ITEM M-5** Issuance of a Revocable Permit for Office Space and Podium for Air Taxi Operation in Air Taxi/Commuter Terminal, L & L Management, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

**ITEM M-6** Issuance of a Revocable Permit for Space to Install a Potable Water Cabinet, Southwest Airlines Co., Lihue Airport, Tax Map Key: (4) 3-5-01: 008 (Portion).

Gavin Lai, DOT-Airports, present to answer any questions on Items M-1, M-2, M-3, M-4 M-5 and M-6.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Items M-1, M-2, M-3, M-5 and M-6. (Gon, Gomes) 5-Ayes. (Yuen Off-Line)**  
**Approved as submitted Item M-4 (Gomes, Gon) 4-Ayes (Char recused). (Yuen Off-Line)**

**07.24.2020/01:42:33**

**ITEM M-11** Request for: (1) Temporary Construction Right-of-Entry to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Farrington Highway, Replacement of Maipalaoa Bridge, Project No. BR-093-1(21), at Lualualei, Waianae, Island of Oahu, State of Hawaii, Tax Map Key Nos.: (1) 8-7-005: Portion 005; (1) 8-7-023:: Portion 058; and (1) 8-7-023: Portion of 059.

No Representative from DOT-Highways ROE

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Gon) 5-Ayes (Yuen Off-Line)**

**07.24.2020/01:43:50**

**ITEM E-3** Forfeiture of General Lease No. SP-0144, Bradley and Margret Soria, Lessee, Recreation Residence Lot 71 of Waimea (Kona), Island of Kaua'i, Hawai'i, Tax Map Key: (4) 1-4- 004:062.

Curt Cottrell, State Parks, asked to present this submittal and rescinded his earlier withdrawal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Gon) 5-Ayes (Yuen Off-Line)**

**07.24.2020/01:45:35**

**TEM D-3** Issuance of Revocable Permit to Tracy Hayward for Invasive Species Control Purposes, Waiohonu-Kakio, Hana, Maui, Tax Map Key: (2) 1-4-012:003.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion

There was a long discussion regarding access to the ocean by others as well as trails in the area that people use.

### Public Testimony

Tracy Haywood, Applicant, asked Chris Harrington to address the issues with the community. Haywood has not intention of blocking access through this property. Haywood would like to be a steward for the property. Cynthia Day, Haywood's property manager, noted there is a trail that leads down to the ponds that you could access through Haywood's drive way. There are many ways to go down to the ocean besides crossing Haywood's property.

### **AMENDMENT:**

*Additional Condition Number 3: The Permittee shall allow reasonable public access toward the shoreline for traditional and customary practices, recreation, fishing and gathering purposes.*

### **MOTION**

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

**07.24.2020/02:29:07**

**ITEM J-1** Issuance of Right-of-Entry to Healy Tibbitts Builders, Inc., for Fast Lands to be Used for Parking Vehicles and Submerged Lands for the Mooring of a Tug Boat and up to Two (2) Skiffs, Situated at Ala Wai Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, Identified by Tax Map Key: (1) 1-2-3-037:012 (por.) and (1) 2-6-010:003 (por.)

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-None

Public Testimony-None

### **MOTION**

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

**07.24.2020/02:30:18**

**ITEM J-2** Consideration of Settlement of Disputed Claims Regarding 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.)

**(The Board may go into Executive Session pursuant to Section 92-5(a) (4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities).**

Richard Howard, Division of Boating and Ocean Recreation presented the submittal. Deputy AG Bill Wynhoff is present to answer any questions.

Member Yuen motioned to go into Executive Session, Member Char second the motion, the Board Approved the Motion unanimously.

**07.24.2020/01:45:20** Back in session.

Board Discussion

The Board's discussion took place in Executive Session.

Public Testimony-None

*Amendment:*

*Attorney General's office to do due diligence investigating whether other parties can be held responsible for the costs incurred by the State in this matter and decide whether to pursue litigation or otherwise*

**MOTION**

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

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, Chair  
State of Hawaii  
Board of Land and Natural Resources  
Department of Land and Natural Resources