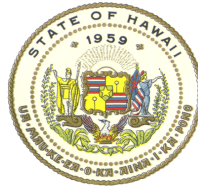


DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED AS SUBMITTED
AT ITS BOARD MEETING ON
FEBRUARY 12, 2021**

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

Revised 02.08.2021

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: December 11, 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
Gordon Heit-Land
Daniel Ornellas-Land
Ernest Collins-Land
Darren Ogura-DOCARE
David Smith-DOFAW
Jackson Bauer-DOFAW
Mike Millay-DOFAW
Kylee Wideman-DOFAW
Megan Statts-DOBOR
Sam Lemmo-OCCL

Kevin Moore-Land
Barry Cheung-Land
Roy Hardy-Land
Ed Paa-Land
Catherine Gewecke-DAR
Alan Carpenter-Parks
Kathryn Stanaway-DOFAW
Steve Bergfeld-DOFAW
Irene Sprecher-DOFAW
David Penn-DOFAW
Richard Howard DOBOR
Anukirti Hittle-OCCL

OTHERS

Colin Lau/AG
Olivia Pham/DOT-HAR
Eric Leong/DOT-HAR
Bill Shontell/C2
Steve Lim/C2
Butch Haase/C3
Reyna Remolete/C3
Paul Huber/D5
Laurel Loo/D5
Liko Martin/D5

Abby Lareau/DOT-AIR
Jennifer Tomita/DOT-AIR
Derrick Carnes/DOT-HAR
Katherine Luga/C2
Richard Cooke/C3
Davianna McGregor/C3
Noa Aluli/C3
Louisa Wooten/D5
Jeffrey Lindner/D5
Bridget Hammerquist/D5

Jerri Di Pietro/D5
Tim Irons/D5
Dave Nagata/D5
David Bissell/D5
Jordon Inafuku/D5
Ron Kim/D7
Mahealani Wendt/D8
Walter Liew/D10
Ronald Lum/D11
Sandra Larson/D11
Emma Yuen/K4
Francis Oda/K5
Bernadette Middendorf/K5
Ryan Ashlock/K5

Leinaala Ley/D5
Roy Hardy/D5
Ken Mohsen/D5
Brad Rockwell/D5
Dan Morris/D7
Jerome Kekiwi, Jr/D8
Joseph Ryan, Jr./D10
Linda Chow/D9
Dean Yamamoto/D11
Teri Leicher/J1-J7
Barrie Morgan/K5
J. George Hetherington/K5
Kathryn Raethel/K5

12.11.2020/00:00:21

Chair Case called the meeting to order and noted that due to Covid-19 pandemic, the meeting is held via Zoom. Those who requested to provide oral and written testimony have done so in advance of the meeting.

12.11.2020/00:02:08

Member Gon read the standard contested case statement.

12.11.2020/00:03:10

ITEM A-1 Approval of Meeting Minutes for October 23, 2020. (*Amend to add Last Name for Hosanna Falcan*)

Board Discussion-None

Public Testimony-None

MOTION

Approved as amended (Char, Gon) unanimous (Oi, is connecting.)

12.11.2020/00:06:04

ITEM C-1 Request for Approval to authorize the Chairperson to approve and sign a Memorandum of Agreement between the State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife and the Kauai Humane Society (K.H.S) for wildlife care and rehabilitation on the Island of Kauai;

and

Request approval of Declaration of Exemption from Chapter 343, Hawai'i Revised Statutes, environmental compliance requirements for the subject memorandum of agreement.

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

Board Discussion

Are there any reports of how many birds have been rescued? Smith replied he would get back to the Board and provide the information.

Public Testimony-None

MOTION

Approved as submittal (Gomes, Yuen) unanimous.

12.11.2020/00:13:00

ITEM B-1 Request Review and Approval of On-Line Course updates to the Hunter Education Program Curriculum.

Darren Ogura, Division of Conservation and Enforcement, presented the submittal.

Board Discussion

Ogura answered questions if the program has been tested and can you receive full certification by taking the on-line courses. Ogura responded, yes.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

12.11.2020/00:15:05

ITEM C-2 Request for Approval to apply as a co-applicant to the County of Hawai'i Planning Department for parcel consolidation and re-subdivision involving Tax Map Keys: (3) 5-1-001:005 owned by the State of Hawai'i, Tax Map Key: (3) 5-1-002:017 owned by Surety Kohala Corporation, and Tax Map Key: (3) 5-2-005:012 and Tax Map Key: 5-2-002:001 owned by KP Holdings LLC, Pololū, North Kohala District, Hawai'i County

and

Request for Approval to enter into a Letter of Intent with Surety Kohala Corporation and KP Holdings LLC, for the donation to the State of Hawai'i of Tax Map Key: (3) 5-1-002:017, for purposes of management as part of the Kohala Forest Reserve, and Tax Map Key: (3) 5-2-005: portion of 012, for purposes of constructing an off-site comfort station and parking area near the Pololū trail, North Kohala District, Hawai'i County.

David Smith, Division of Forestry and Wildlife, asked Irene Sprecher to present submittal. Kathryn Stanaway, Ian Hirokawa, Jackson Bauer, Steve Bergfeld, Mike Millay, Bill Shontell, Katherine Luga, and Steve Lim present to answer any questions.

Board Discussion

As a clarification, once parcels are consolidated, it was confirmed that the State is not dictating how the parcels will be subdivided. Bergfeld conveyed that the community has been involved. Shontell, representing Surety Kohala Corporation, confirmed the donation and that the community has been

involved.

Public Testimony-None

MOTION

Approved as submitted (Yuen, Yoon) unanimous.

12.11.2020/00:32:40

ITEM C-3 Request for Approval of Federal Funds subgrant to Moloka'i Land Trust for the fee acquisition of 1,819 acres of land, more or less, at Kona, Moloka'i, Hawai'i, Tax Map Key numbers: (2) 5-7-005:002 and :027.

David Smith, Division of Forestry and Wildlife presented the submittal. Irene Sprecher present to add additional information.

Board Discussion

Are all the archaeological sites available? Dr. Aluli replied, that the area needed remapping and they are accessible. They are negotiating with the landowner, Ilima Molokai. The Board expressed their support.

Public Testimony

Richard Cooke noted there is a cultural site there. Davianna McGregor conveyed that they are planning to set-up a community stewardship. Dr. Noa Aluli, provided background information. Reyna Remolete, provided information on funding.

MOTION

Approve as submitted (Gomes, Gon) unanimous.

The Board took a 5-minute break.

12.11.2020/00:59:21 (Back from Break)

ITEM D-1 Issuance of Land Patent in Confirmation of Land Commission Award No. 8044, Apana 2 to Alauka, situate at Kalaheo, Koloa, Island and County of Kauai, Hawaii, Tax Map Key: (4) 2-4-001:015.

Russell Tsuji, Land Division, presented the submittal, Ernest Collins, was present to answer any questions. Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

12.11.2020/01:00:29

ITEM D-2 Amend Prior Board Action of April 1, 2005, Item D-7, *Amend Prior Action of November 5, 2003, Item D-10, Grant of Perpetual, Non-Exclusive Easement to Department of Water*

for Water Tank Overflow and Drainage Purposes, Waipouli, Kauai, Tax Map Key: (4) 4-4-003: Ditch 7 within 089.

The purpose of the current amendment is to: 1) clarify that the prior Board actions were for two separate easements: a) issuance of a perpetual, non-exclusive easement (W-1) to the County of Kauai, Department of Water Supply for water tank overflow and drainage purposes, and b) issuance of a 55-year term, nonexclusive easement (AU-1) for the "Back Lot," intended to be issued to Kapaa 382 LLC, as the landowner, 2) to change the Grantee name for Easement AU-1 from Kapaa 382 LLC to the Association of Apartment Owners of Kulana Condominium, due to a change in landownership, and 3) to include a provision to allow Easement AU-1 to "Run with the Land" identified as Lot 8B.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

12.11.2020/01:01:10

ITEM D-3 Amend Prior Board Actions of December 14, 2018, Item D-2, *Grant of Term, Non-Exclusive Easement to Konohiki Kihapai LLC for Access and Utility Purposes; Issuance of Immediate Management Right-of-Entry Permit, Portions of Waipouli & North Olohena, Kapaa Homesteads, 2nd Series, Kapaa, Kauai, Tax Map Keys: (4) 4-4-006: portions of 012 and 013.*

The purpose of this amendment is to correct/change the Tax Map Key numbers and the easement areas.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

12.11.2020/01:01:45

ITEM D-4 After-the-Fact Consent to Assign Grant of Term Non-Exclusive Easement No. S-4618, Dora Leilani Cobb-Adams, Assignor, to Dora Leilani Cobb-Adams, Trustee of the Dora Leilani Cobb-Adams Revocable Living Trust, dated May 24, 1991, as amended on June 27, 2013, Assignee;

Amend Grant of Term Non-Exclusive Easement No. S-4618 for Access and Utility Purposes; Anahola, Kawaihau (Koolau), Kauai, Tax Map Keys: (4) 4-8-006:025, 055 and 056.

The purpose of the amendment is to change Grant of Term Non-Exclusive Easement No. S-4618 to “run with the land” so that future assignments of the easement will not require Board consent.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous

12.11.2020/01:06:24

ITEM D-5 Holdover/Continuation of Revocable Permits for Water Use on the Islands of Hawaii and Kauai. See **Exhibit A** for list of Revocable Permits.

Ian Hirokawa, Land Division presented the submittal and started with the Hawaii Island Revocable Permits, followed by Kauai Revocable Permits. Dave Nagata and Ken Mohsen (HELCO) present to answer any questions (Hawaii Island RP's).

Board Discussion

Hawaii Island-Kau permits, when can they go out for long-term leases? Hirokawa conveyed that they are working with their appraiser and need to do a site inspection. Due to certain travel restrictions, it has slowed down the process. Further discussion on the appraisal process. Clarification was noted regarding the combined submittal was given by the Deputy AG Colin Lau.

Public Testimony (Hawaii Island)-None

12.11.2020/01:14:24

MOTION (HAWAII ISLAND)

Approved as submitted (Yuen, Gomes) unanimous.

12.11.2020/01:20:24 Kauai RP's

Hironaka noted that there are (2) permits for Kauai and addressed RP 7088 to Lindner first, followed by RP 7340 to KIUC.

Chair Case addressed the conditional request for Contested Case by Tim Irons on behalf of Lindner. It was clarified the basis of the contested case regards a condition that Linder does not agree with, the property interest he has is in the pipeline that is the subject of the negotiation. There was further discussion regarding the condition.

12.11.2020/01:28:04

Chair Case made the **Motion** to go into Executive session as 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. Member Yuen seconded the Motion. The vote was unanimous.

12.11.2020/01:36:47 Back in Session

Member Yuen made a motion to deny the request for a contested case hearing. Member Gomes seconded the Motion. Unanimous.

RP 7088 (Kauai)

Hirokawa noted that the parties are to try to work out the dispute within 3-months. Roy Hardy, CWRM provided information on (3) complaints that they will be addressing. He explained the relationship between CWRM and Land Division regarding the water.

Board Discussion (RP 7088)

The Board listened and asked questions regarding the condition of relocating the water meter that Staff had recommended that was in need of resolution.

Public Testimony

Laurel Loo, representing Moloa Irrigation Cooperation, provided testimony regarding RP 7088 regarding their concerns. Tim Irons clarified that the permit is for irrigation water and not portable water and explained their stand on relocating the water meter.

Amendment to RP 7088:

- 1. Remove Staff Recommendation 4*
- 2. Require Permittee to submit a status report to the Board in 6-months.*

12.11.2020/02:12:40

MOTION for RP 7088

Approved as amended (Oi, Gomes) unanimous.

12.11.2020/02:14:47

RP 7340 (Kauai)

Chair Case addressed (2) conditional requests for contested case if the RP is approved. Liko Martin stated his basis for a contested case. Bridget Hammerquist stated her basis for a contested case.

12.11.2020/02:25:01

Chair Case made the **Motion** to into Executive session as 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. Member Gon seconded the Motion and vote was unanimous.

12.11.2020/02:27:30 Back in Session

Member Yuen made a **Motion** to deny requests for a contested case by Liko and Hammerquist. Member Oi seconded the Motion. Unanimous. The petitioners were advised that a request can be

made in writing after the meeting within 10-days.

Hirokawa, Land Division, continued with RP 7340.

Applicant KIUC, David Bissell stated they stand on their submittal.

Board Discussion

Progress regarding the progress of the clean-up and diversions were discussed at length.

Public Testimony

Leinaala Ley noted she sent in written testimony and opposes the renewal unless certain conditions are met. Bridget Hammerquist's testimony opposed the renewal of the RP.

Rockwell, KIUC responded to the public testimony. Ley conveyed that the lack of information/communication has created the divide between community and KIUC. There was further discussion with KIUC.

Amendment:

Kauai Island Utility Cooperative as the permittee, is required to provide records to Earthjustice of the amount of power generated in 2017-2019.

12.11.2020/03:05:12

MOTION

Approved as amended (Oi, Yuen) Gon-Abstained; Gomes & Yoon-Nay

Break for lunch

12.11.2020/03:13:55

ITEM D-6 Annual Renewal of Revocable Permits on the Island of Hawaii. See **Exhibit 2** for list of Revocable Permits.

Gordon Heit, Hawaii Island Land Division, presented the submittal. Noted that RP 7536 on the list has been cancelled.

Board Discussion

The Board noted in the comment section, if there can be a time frame for long-term dispositions. Heit responded they are working on several and will forward a list. There was concern expressed regarding Uncle Billy's and Country Club. There was a question regarding Parker Ranch's various RP that Chair Case addressed regarding Act 90.

Public Testimony-None

Amendment:

Remove Revocable Permit No. S-7536 to Wallace Ah Fook Aki from the list of permits to be renewed based on a request the permittee submitted to the Hawaii District Land Office.

MOTION

Approved as amended (Yuen, Gon) unanimous.

12.11.2020/03:30:06

ITEM D-7 Consent to Second Amendment to Sublease of General Lease No. S-3742, JH Moku Ola, LLC, Lessee/Sublessor, to Maui Varieties Investments, Inc., Sublessee, Waiakea Industrial Lots, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-058:014.

Gordon Heit, Land Division presented the submittal. Ron Kim representing JH Moku Ola, present to answer any questions

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted. Yuen, Oi unanimous

12.11.2020/03:33:41

ITEM D-8 Issuance of Immediate Right-of Entry and Revocable Permit to Na Moku Aupuni O Ko'olau Hui, Keanae, Hana, Maui, Tax Map Keys: (2) 1-1-002: 008 & 009.

Daniel Ornellas, Maui Land Agent, presented the submittal. Jerome Kekiwi, Jr. and Mahealani Wendt present to answer questions.

Board Discussion

Type of activities, community engagement and insurance requirements were discussed in length. Wendt noted that they will not conduct any activities until they have their insurance in place.

Public Testimony-None

Amendment:

Include a condition in its approval that the Applicant not occupy the buildings on the permit premises until all requirements of the permit are fulfilled, such as providing proof of the required liability and fire insurance.

MOTION

Approved as amended (Gomes, Gon) unanimous.

12.11.2020/03:59:41

ITEM D-9 Issuance of Right-of-Entry Permit to Hawaii Amateur Surfing Association, for an Amateur Surfing Competition at Lipoa Point, Honolulu, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Portion of 010.

Edward Paa, Maui Land Division, presented the submittal.

Board Discussion

Questions regarding security and COVID-19 enforcement were discussed. Paa replied, the Association

will be following State and County rules.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

12.11.2020/04:06:17

ITEM D-10 Rescind Prior Action of December 12, 2014, D-32; *Consent to Reinstatement and Extension of Lease Term, and Setting of Rent for Extension of Lease Term, General Lease No. S-4298, Walter and Ann Liew, Lessee; Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-010:003 and Settlement of Lawsuit, Liew v. State of Hawaii, Civ. No. 07-1-0644-04 (JHC).*

The purpose of the request is to rescind the lease extension previously approved by the Board due to lessees' non-compliance with the terms imposed by the Board at its meeting of December 12, 2014 and authorize the issuance of a Notice to Vacate.

Russell Tsuji, Land Division, presented the submittal. Linda Chow, Deputy AG, Joseph Ryan, Jr. & Walter Liew, present. Ryan submitted written testimony and proceeded to provide background history of the Lease and how Liew acquired the Lease in 1999 and the condition it was in regarding the lack of building permits.

Board Discussion

There was a Board discussion in 2014, that provided conditions to the lease which were not met, and the lease has expired. Further discussion regarding the non-compliance of the lease were discussed at length. Barry Cheung, Land Division, provided further history on the structures on the property. Chow also provided information regarding the non-compliance.

Public Testimony-None

MOTION

Approved as submitted (Char, Yoon) 6-Ayes; Gomes abstained.

12.11.2020/04:49:32

ITEM D-11 Consent to Mortgage with Estoppel Certificate, General Lease No. S-6105, Na Pua Makani Power Partners, LLC, Lessee, Kahuku, Koolauloa, Oahu, Tax Map Key: (1) 5-6-008:006.

Russell Tsuji presented the submittal. Barry Cheung, Land Division, Ronald H.W. Lum, Jr, Sandra Larsen and Dean Yamamoto, representing Lessee, are present to answer questions.

Board Discussion

It was clarified that the State's interest is not a part of the mortgage, it is the Lessee's interest in the leasehold. Larsen provided information on the project. Yamamoto added that Staff report was acceptable.

Public Testimony-None

MOTION

Approved as submitted (Gon, Char) unanimous.

12.11.2020/05:00:21 Break

12.11.2020/05:03:01 Back in Session

ITEM E-1 Issuance of a Revocable Permit to Malaekahana Beach Campground LLC for Campground purposes at Mālaekahana State Recreation Area (Kahuku Section), Lāie (Ko'ila'ula), O'ahu, Tax Map Key: (1) 5-6-001: Parcels 24, 45-47, 49, 51, 53-65. (No written testimony)

Alan Carpenter, State Parks, presented the submittal.

Board Discussion

Regarding Capital Improvements, Carpenter replied they hope to get funding in the next 12-months.

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

12.11.2020/05:05:53

ITEM F-1 Request for Authorization and Approval to Issue Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustees: the U.S. Department of Interior, U.S. Fish and Wildlife Service, U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and the Office of Hawaiian Affairs for Access to State Waters to Conduct Conservation and Management Activities and;

Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife.

Catherine Gewecke, Division of Aquatic Resources, presented the submittal.

Board Discussion-None

It was confirmed that this is the renewal of the annual permit. Permits are applied for annually.

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

12.11.2020/05:08:09

ITEM-J-1 Declare Use of An Existing Offshore Mooring Exempt from Requirements of Preparation of an Environmental Assessment under Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules; and

Approve Installation, After-The-Fact, of the Offshore Mooring Outside of an Established

Offshore Mooring Area, Keauhou Bay, Kailua-Kona, Island of Hawaii, for Geerling Goosen.

Megan Statts, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gon) unanimous.

12.11.2020/05:09:30

ITEM J-2 After-the-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, as Sublessor, to Kamanu Charters, Inc., Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:040.

ITEM J-3 After-the-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee as Sublessor, to Kiholo, Inc., Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:040.

ITEM J-4 After-the-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, as Sublessor to Precision Marine Power Inc. dba Precision Power Systems, Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:040

ITEM J-5 After-the-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, as Sublessor to Reel Action LLC, Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:040.

ITEM J-6 After-The-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, as Sublessor to Splashers Ocean Adventures Inc., Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:040.

ITEM J-7 After-the-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, as Sublessor to TDC Enterprises, Inc. dba Sea Wife Charters, Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key (3) 7-4-008:040.

ITEM J-8 After-The-Fact Consent to Sublease under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, as Sublessor to Wahine Charters LLC, Sublessee, Kealakehe, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:040.

Megan Statts, Division of Boating and Ocean Recreation presented Items J-2, J-3, J-4, J-5, J-6, J-7 and J-8 together. Richard Howard, DOBOR, Dan Morris, Deputy AG, present to answer any questions. Craig Stevenson sent in written testimony.

Board Discussion

Regarding sublease rent participation, Howard provided information on the terms of the sub-tenant's

lease. Statts responded to the 30-minute time limit to load and unload customers. Morris noted that they came to an agreement regarding the appraisal value of the land lease with the Lessee. There was a lengthy discussion regarding the terms of the lease and fair market value.

Public Testimony

Teri Leicher, Jack's Fish Locker, concerns were regarding the 30-minute time frame at the fueling dock and other issues.

MOTION

Approved as submitted Items J-2, J-3, J-4, J-5, J-6, J-7 and J-8 (Yuen, Gomes) unanimous.

12.11.2020/05:34:49

ITEM J-9 Private Financing of a Security Fence at the Honokohau Small Boat Harbor, Kealahou, Kailua-Kona, Hawaii, Tax Map Key (3) 7-4-008:003 Por.; and

Declare Project Exempt from Requirements of Preparation of an Environmental Assessment under Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Megan Statts, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

12.11.2020/05:34:49

ITEM K-1 Proposed MEMORANDUM OF AGREEMENT between THE STATE OF HAWAII, Department of Land and Natural Resource-Office of Conservation and Coastal Lands by its Board of Land and Natural Resources and THE STATE OF HAWAII, Department of Transportation to implement a project on multi-modal mobility hub planning for O'ahu, through a cost share agreement.

ITEM K-2 Proposed MEMORANDUM OF AGREEMENT between THE STATE OF HAWAII, Department of Land and Natural Resource-Office of Conservation and Coastal Lands by its Board of Land and Natural Resources and THE STATE OF HAWAII, Department of Transportation to implement a project to Plan for Improved Resilience to Coastal Hazards through Nature-Based Solutions at Punalu'u, O'ahu, Hawai'i.

ITEM K-3 Proposed MEMORANDUM OF AGREEMENT between THE STATE OF HAWAII, Department of Land and Natural Resource-Office of Conservation and Coastal Lands by its Board of Land and Natural Resources and THE STATE OF HAWAII, Department of Health-Clean Air Branch to implement a statewide project on sustainable transportation, funded by a subaward from the US EPA.

Anukriti Hittle, (Climate Change) Office of Conservation and Coastal Lands, presented Items K-1, K-2 and K-3.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

12.11.2020/05:40:49

ITEM K-4 Conservation District Use Application (CDUA) HA-3869 for an Access Road within the Kipahoehoe Natural Area Reserve by the Division of Forestry and Wildlife Located at Kipahoehoe, South Kona, Hawai'i, Tax Map Key: (3) 8-8-001:005.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Emma Yuen, DOFAW present to answer any questions.

Board Discussion

Member Yuen disclosed that Emma Yuen, from DOFAW is his daughter.

Public Testimony-None

MOTION

Approved as submitted (Gon, Char) 6-eyes Note: Member Yuen lost connection and did not vote on this Item.

12.11.2020/05:51.39 (Note: Yuen back on-line)

ITEM K-5 Final Approval of Proposed Rule Amendment OA 19-01- Request to Amend the Hawai'i Administrative Rules (HAR) Title 13, Chapter 5 to Re-designate Conservation District Land that Lies Within the Hawai'i Loa College Special Subzone to the General Subzone – as Amendments to Sections 13-5-10, 13-5-15, and Chapter 13-5 Exhibits 1 and 2 Located at Ka'eleuli, Kāne'ōhe, Ko'olau Poko, O'ahu, Tax Map Key: (1) 4-5-035:010.

The proposed rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules>.

The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/occl/current-applications/> or can be reviewed or obtained in person, by appointment only, at the Office of Conservation and Coastal Lands on O'ahu at 1151 Punchbowl St. Room 131, Honolulu, Hawaii 96813 from 8:00 am to 4:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review or obtain the proposed rules in person, email kimberly.mills@hawaii.gov.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Barrie Morgan, Francis Oda, J. George Hetherington, Bernadette Middendorf, Kathryn Raethel, Ryan Ashlock, representing the Applicant are present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submittal (Gon, Yoon) unanimous.

12.11.2020/0:05:58:00

- ITEM M-1** Amendment No. 3 to Concession Agreement No. DOT-A-18-0004 for the Management of Additional Space as Part of the Automobile Parking Facilities, ABM Aviation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-14: 21 (Portion).
- ITEM M-2** Issuance of a Revocable Permit for Aircraft Parking, G&P Cheetah LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
- ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Mytai Flyers LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
- ITEM M-4** Issuance of a Revocable Permit for Three Aircraft Parking, Eric Popko, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
- ITEM M-5** Issuance of a Revocable Permit for Aircraft Parking, CAVU Aviation, L.L.C., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 019.
- ITEM M-6** Issuance of a Revocable Permit for a General Aviation Hangar for Helicopter Emergency Medical Services Air Ambulance Operations, Reach Air Medical Services, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 215.
- ITEM M-7** Issuance of Revocable Permit to Operate the On-Demand Airport-Based Shuttle Bus Concession, Robert's Tours and Transportation, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: 19 (Portion).
- ITEM M-8** Issuance of a Revocable Permit for Office Space, Avairpros Services, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 33.
- ITEM M-9** Issuance of a Revocable Permit for Aircraft Parking, James R. Mann, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 003 (Portion).
- ITEM M-10** Issuance of a Revocable Permit for Aircraft Parking, K & S Helicopters, Inc. dba Paradise Helicopters, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08.
- ITEM M-11** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft for Commercial Purposes, Sunshine Helicopters, Inc., Lihue Airport, Tax Map Key (4) 3-5-001: Portion of 08.

Abby Lareau DOT- Airports, present to answer any questions for Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9, M-10, and M-11.

Board Discussion

Item M-11, Does Sunshine Helicopters have other areas at Lihue Airport? Lareau replied yes they have other contracts and would get back to the Board of their locations.

Public Testimony-None

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9, M-10, and M-11 (Oi, Gomes) unanimous.

12.11.2020/0:06:00:50

ITEM M-12 Issuance of Two (2) Month-to-Month Revocable Permits to Kahului Trucking & Storage, Inc., for Warehouse Space and Uncovered Paved Area for Vehicle Maintenance Shop, Kawaihae Harbor, Hawaii, Tax Map Key Nos. (3) 6-1-003:059 (P) and (3) 6-1-003:033 (P), Governor's Executive Order No. 1988.

Jennifer Tomita DOT-Harbors, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi)

12.11.2020/0:06:01:15

ITEM M-13 Issuance of three (3) Month-to Month Permits to James Heumann for Boat Repair and Fabrication Workshop, Boat Parking, and Storage Area, situated at Pier 31, Honolulu Harbor, Oahu, Tax Map Key Nos: (1) 1-5-035:024 (P), (1) 1-5-035:025 (P), and (1) 1-5-035:029 (P), Governor's Executive Order No. 4167.

Olivia Pham, DOT Harbors, present to answer any questions

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi)

12.11.2020/06:01:47

ITEM M-14 Issuance of a Construction Right-of Entry Agreement for Kiewit Infrastructure West Co. to support construction of Kapalama Container Terminal-Phase II, at 1845 Auiki Street, former Kapalama Military Reservation, Kalihi-Kai, Honolulu, Oahu, Tax Map Key No: (1) 1-2-025:011 (P),084 (P), 100, Governor's Executive Order 3947.

Eric Leong, DOT Harbors, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi) unanimous.

12.11.2020/06:02:17

ITEM M-15 Issuance of a Month-to-Month Revocable Permit to Oceantronics, Inc., for Office Space and Parking for Marine Electronics Shop, Honolulu Harbor, Oahu, Tax Map Key No: (1) 1-5-038:001 (P), Governor's Executive Order No. 2903.

Derrick Carnes, DOT Harbors, present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) 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

Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources