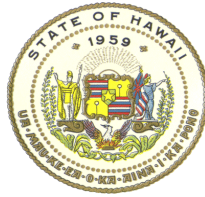


DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AMENDED 03.22.2021

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

DATE: February 12, 2021
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case
Sam Gon
Chris Yuen
Kaiwi Yoon

Jimmy Gomes (11:00 am)
Tommy Oi
Vernon Char

STAFF

Russell Tsuji-Land
Gordon Heit-Land
Carty Chang-ENG
Ed Underwood-DOBOR
Emma Yuen-DOFAW
Sal Salvatore-OCCL

Kevin Moore-Land
Seiko Machako-Land
Mike Fujimoto-ENG
David Smith-DOFAW
Sam Lemmo-OCCL
Dani Yoo-DOFAW

OTHERS

Bill Wynhoff/AG
Derrick Carne/DOT-AIR
Kalani Flores/K2, K3
Thorne Abbott/D4
Sarah Marshall/D4
Kai Nishiki/D4
Naomi Kuwaye/D7
Kent Kaneko/D1
Rory Frampton/K1
Chris Takushi/K5
David Smith/K4
Bruce Lum/K4
Audrey Lee/K4

Abby Laure/DOT
Dawn Chang/K2
Greg Chun/K3
Damien Enright/D4t
Donald Kimball/D4
Ernie Dankas/D4
Rosemary Fazio/D7
Constance Piek/D1
Elaine Morisato/K4
Marc Ericksen/K4
Bianca Isaki/K4
Shar Chun-Lum/K4
Dayan Vithanage/K5

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

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

ITEM A-2

002.12.2021/00:00:01

Chair Case called the meeting to order and noted that due to Covid-19 pandemic, the meeting is being held via Zoom and live-streamed on YouTube. Those who requested to provide oral and written testimony have done so in advance of the meeting and that Items D-6 and J-2 have been withdrawn from the agenda. ITEM D-7 will not be presented before 11:00 AM. Noted that Items will be taken out of order.

02.12.2021/00:01:00

Member Gon read the standard contested case statement.

002.12.2021/00:01:50

ITEM A- 1 Approval of the Meeting Minutes for December 11, 2020.

Board Discussion

Noted that Dr. Aluli's name was misspelled.

Public Testimony-None

MOTION

Approved as submitted noting the spelling correction (Gon, Yuen) 6-Ayes, Gomes Absent.

002.12.2021/00:02:58

ITEM M-1 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Ai Vu, Daniel K. Inouye International Airport, Tax Max Key: (1) 1-1-76: 021 Portion.

ITEM M-2 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Brett Gordon, Kalaeloa Airport, Tax Max Key: (1) 9-1-13: 032 Portion.

ITEM M-3 Issuance of a Revocable Permit for a Construction Field Office, Oceanit Laboratories, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-0033: 066 Portion.

ITEM M-4 Issuance of Revocable Permit to operate the On-Demand Airport-Based Shuttle Bus Concession, SpeediShuttle, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: 241 (Portion).

ITEM M-5 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft and Office Space, Civil Air Patrol, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 066 (Portion).

ITEM M-6 Issuance of a Revocable Permit for Helicopter Parking, Office Trailer, and Vehicle Parking, Hawaii Life Flight LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 003 (Portion).

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

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted Items M-1, M-2, M-3, M-4, M-5 and M-6 (Oi, Yoon) 6-Ayes, Gomes Absent.

02.12.2021/00:04:03

ITEM M-7 Issuance of Right-of-Entry to Fukunaga & Associates, Inc., at Pier 1, Honolulu, Harbor, Oahu, Tax Map Key Nos.: (1) 2-1-015:009 (Portion), Governor's Executive Order No4238.

Olivia Pham, DOT Harbors, present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gon, Oi) 6-Ayes, Gomes Absent.

002.12.2021/00:04:39

ITEM M-8 Issuance of Month-to-Month Revocable Permit to Pier 21 Lunchroom LLC, for Restaurant Concession Space, Honolulu Harbor, Oahu, Tax Map Key No.: (1) 1-5-039:035 (Portion). Governor's Executive Order No, 2903.

Derrick Carne, DOT Harbors, present to answer any questions

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gon, Oi) 6-Ayes, Gomes Absent.

02.12.2021/00:05:04

ITEM M-9 Request for Acquisition of Lands to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kuhio Highway, Emergency Repairs, Vicinity of MP 21.7, Wailapa Stream, Federal Aid Project No. ER-14(1), at Kahili, Hanalei, Island of Kauai, State of Hawaii, Tax Map Key Nos.: (4) 5-2-021: Portion of 010, and (4) 5-1-005: Portion of 014,

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Oi, Gon) 6-Ayes, Gomes Absent.

02.12.2021/00:05:42

ITEM L-1 Request Authorization for the Chairperson to Enter into a Use and Occupancy Agreement with the Department of Transportation, Highways Division for Job No. C01CO91A, Anuenue Fisheries Research Center Sewerline, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 1-5-041: 003 (Portion).

Carty Chang, Engineering presented the submittal. Mike Fujimoto and Dani Yoo present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gon. Yoon) 6-Ayes, Gomes Absent.

02.12.2021/00:08:57

ITEM J-1 Request for Authorization to Enter into a Memorandum of Agreement (MOA) between the United States Coast Guard Sector Honolulu (USCG) and the State Hawai'i, Department of Land and Natural Resources (DLNR) outlining each Agency's role in enforcing Rules and Regulations of Vessel Operation, Marine Search and Rescue and other areas of joint

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

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Char, Oi) 6-Ayes, Gomes Absent.

02.12.2021/00:10:15

ITEM J-3 Approve Publication of Draft Environmental Assessment and Anticipated Finding of No Significant Impact for U.S. Army Corps of Engineers Project: Haleiwa Small Boat Harbor Maintenance Dredging and Beach Nourishment, Haleiwa, Oahu, Hawaii;

and

Delegate Authority to Chairperson to Approve the Final Environmental Assessment with Finding of No Significant Impact, if appropriate.

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

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Char, Gon) 6-Ayes, Gomes Absent.

02.12.2021/00:11:17

ITEM J-4 Request for Approval and Adoption of Amendments to Hawaii Administrative Rule Section 13-241, Numbering of Vessels, for implementing vessel titling regulations in accordance with the Uniform Certificate of Title for Vessels Act.

The proposed rules can be reviewed in person at a Division of Boating and Ocean Recreation (DOBOR) District Office from 8:00 am to 3:30 pm, Monday through Friday, except State Holidays as follows:

Hawai'i District: Honokōhau Small Boat Harbor 74-380 Kealakehe Parkway Kailua-Kona, HI 96740;

Kaua'i District: Nawiliwili Small Boat Harbor 2494 Niumalu Road Līhu'e, HI 96766;

Maui District: Ma'alaea Small Boat Harbor 101 Ma'alaea Boat Harbor Road Wailuku, HI 96793;

O'ahu District: Ke'ehi Small Boat Harbor 4 Sand Island Access Road Honolulu, HI 96819.

The proposed rules can be reviewed online at:

<http://itgov.hawaii.gov/the-office/administrative-rules>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dobor/draft-rules>.

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

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gon, Oi) 6-Ayes, Gomes Absent.

02.12.2021/00:13:16 (Non-Action Item)

ITEM K-2 Board presentation by Dawn Chang of Ku'iwalu Consulting on the Independent Evaluation of the University of Hawai'i's Implementation of the Maunakea Comprehensive Management Plan (CMP), Mauna Kea Science Reserve, Ka'ohē Mauka, Hāmākua District, Hawai'i; Tax Map Key parcels (3) 4-4-015:019 and (3) 4-4-015:012.

Board Discussion

This report was an independent evaluation report on the Management of Mauna Kea by the University of Hawaii. Chang addressed the questions regarding the Hawaiian community involvement.

Public Testimony

E. Kalani Flores provided a 36-page report that is in Chang's report (Appendix 6) and written testimony on both item K-2 and K-3.

02.12.2021/00:55:03 (Non-Action Item)

ITEM K-3 Board presentation by Greg Chun of the University of Hawai'i Center for Maunakea Stewardship on the 2020 Annual Report on the status of the implementation of the Mauna Kea Comprehensive Management Plan (CMP) Mauna Kea Science Reserve, Ka'ohē Mauka, Hāmākua District, Hawai'i; Tax Map Key parcels (3) 4-4-015:019 and (3) 4-4-015:012.

Greg Chun presented a PowerPoint presentation.

Board Discussion

The discussion included astronomy, Hawaiian cultural practices, managing the resources and finding a balance within the communities and a deeper engagement and understanding of the management of Mauna Kea.

Public Testimony

Kalani Flores, provided his testimony with Item K-2.

02.12.2021/02:12:45 Break

02.12.2021/02:25:24

ITEM C-1 Request to conduct a Public Hearing regarding an expansion of .75 acres to the Ka'ena Natural Area Reserve, Waialua, O'ahu, Tax Map Key: (1) 6-9-002:012.

David Smith, Division of Forestry and Wildlife, presented the submittal. Emma Yuen (NARS) present to answer any questions

Board Discussion

Member Yuen disclosed that Emma Yuen is his daughter.

Public Testimony-None

MOTION

Approve as submitted (Gon, Yoon) 6-Ayes. Gomes Absent.

02.12.2021/02:27:50

ITEM C-2 Request to conduct a Public Hearing regarding a set aside of 300 acres as the Pia Natural Area Reserve, Oahu, Tax Map Key: (1) 3-7-03:003.

David Smith, Division of Forestry and Wildlife, presented the submittal. Emma Yuen (NARS) present to answer any questions

Board Discussion

Member Yuen disclosed that Emma Yuen is his daughter. Yuen noted that they are doing control measures to help the 'Elepaio

Public Testimony-None

MOTION

Approve as submitted (Gon, Char) 6-Ayes. Gomes Absent.

02.12.2021/02.35.29 (Member Gomes present in the meeting)

ITEM D-2 Cancellation of Revocable Permit No. S-7708 to Manuel C. Rapozo, III and Issuance of Month-to-Month Revocable Permit to Peter N. Abarcar, Jr. and Lisa A.R. Abarcar for Pasture Purposes; Kalopa Homesteads, Hamakua, Hawaii, Tax Map Keys: (3) 4-4-003:003 portion and 047.

Russell Tsuji, Land Division, presented the submittal. Gordon Heit available for questions.

Board Discussion

Is the RP being taken over from Rapoza? Heit replied yes, and is unavailable for leasing now, due to legal access. Access to the property was discussed. Yuen stated he wanted to review the possibility for public access to the ocean over this RP when the RP's come for their annual renewal.

Public Testimony-None

MOTION

Approve as submitted (Yuen, Gomes) unanimous (all 7 Board members are present)

02.12.2021/02:45:10

ITEM D-3 Cancellation of Two Easements for Waterline Purposes to State of Hawaii Department of Agriculture; and Grant of Two Term, Non-Exclusive Easements to the State of Hawaii Department of Agriculture for Waterline Purposes, Kamehamenui and Kealahou 3 & 4, Kula, Makawao, Maui, Tax Map Key: (2) 2-3-005:002.

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gomes, Char) unanimous.

02.12.2021/02:56:22

ITEM D-1 Forfeiture of Revocable Permit No. S-6931, Kent S. Kaneko, Sr. dba Kent's Auto Repair, Permittee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2- 050:080.

Member Gon read the Standard Contested Case statement and Chair Case asked if Mr. Kaneko was planning to request a contested case. Mr. Kaneko.

02.12.2021/03:00:32 5-Minute Break

02.12.2021/03:05:57

ITEM D-4 Issuance of Revocable Permit to the Association of Apartment Owners of Kulakane to Repair a Seawall, Mahinahina, Lahaina, Maui, Tax Map Key: (2) 4-3-006: Seaward of 011.

Russell Tsuji, Land Division, presented the submittal. Seiko Machida, present to answer questions, Thorne Abbott, representative for Applicant, provided information regarding how the wall would be repaired.

Board Discussion

The work has been authorized by other agencies.

Public Testimony-None

Kai Nishiki testified in opposition.

MOTION

Approve as submitted (Yuen, Char) 4-Ayes, 3-Abstains (Gomes, Gon, Yoon).

02.12.2021/03:20:19

ITEM D-5 Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes and Issuance of Construction Right-of-Entry Permit at Nuuanu, Honolulu, Oahu; Tax Map Key: (1) 1-8-005:008 (Portion), 012 (Portion).

Russell Tsuji, Land Division, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gon, Gomes) unanimous.

02.12.2021/03:22:00

ITEM D-7 Denial of Petition for Contested Case Hearing filed January 14, 2021 by Petitioner InSite Towers Development, LLC, Regarding Board Action of January 8, 2021 Agenda Item D-1, *Terminate Use, Occupancy and Possession of Premises under Expired General Lease No. S-3795 by InSite Towers Development, LLC; Authorize the Issuance of a Direct Lease to New Cingular Wireless PCS, LLC (New Cingular) for Microwave Station and Microwave Tower Facilities Purposes and Grant of Term, Non-Exclusive Easements to New Cingular for Access and Utility Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-4-001:016, 017 and (4) 1-4-001:002 (Portion).*

Russell Tsuji, Land Division, presented the submittal. Naomi Kuwaye and Rosemary Fazio, representing InSite Towers Development, LLC.

Board Discussion

After Kuwaye presented Insite's position, the Board went into Executive Session.

Public Testimony

Naomi Kuwaye presented information why InSite Towers Development, LLC, was entitled to a contested case hearing.

02.12.2021/03:35:00

Member Gomes made the Motion to 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. Member Gon second the motion. The vote was unanimous.

02.12.2021/04:10:00 Back from Executive Session (Member Yuen is joining by phone)

MOTION

Approve as submitted (Oi, Char) unanimous.

02.12.2021/04:11:09 Break for Lunch

02.12.2021/04:44:51

ITEM D-1 Forfeiture of Revocable Permit No. S-6931, Kent S. Kaneko, Sr. dba Kent's Auto Repair, Permittee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2- 050:080.

Chair Case asked Kaneko if he would like to request a contested case before hearing the submittal.

Russell Tsuji, Land Division, presented the submittal. Gordon Heit and Kent Kaneko are present to answer questions

Board Discussion

Options regarding payment during this pandemic and getting financial aid to help the business were discussed

Public Testimony

Kaneko provided information on his circumstances. Constance Petick, secretary for Kaneko, explained that they are in the process of getting insurance and applying for Covid Relief help.

MOTION

Deferred for 4-months (Yuen, Gon) 6-Ayes (Yoon is off-line)

02.12.2021/05:10 (Yoon is Back on-line)

ITEM K-1 Conservation District Use Application (CDUA) MA-3870 for After-the-Fact Public Purpose Recreational Land Use by the Kīhei Canoe Club located at Kalepolepo, Kīhei, Waikapu, Maui; Portion of Tax Map Key No.: (2) 3-8-005:003.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Rory Frampton representing the Kīhei Canoe Club present to answer any questions

Board Discussion

Do they have a good relationship with Kealia Refuge? Frampton replied yes.

Public Testimony

Rory Frampton noted that the canoe club has done much to maintain the area.

MOTION

Approve as submitted (Gomes, Gon) unanimous

02.12.2021/05:15:55

ITEM K-4 Conservation District Use Application (CDUA) OA-3858 for the Ala Moana Park Beach Restoration Project by the City & County of Honolulu, Department of Design and Construction located at Honolulu, O’ahu; Tax Map Key Nos.: (1) 2-3-037:001 and (1) 2-3-037:025, and seaward

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Sal Salvatore (OCCL) present to answer any questions. David Smith, Sea Engineering representing the City and County of Honolulu, provided a PowerPoint presentation on the project.

Board Discussion

There was a detailed discussion on the City’s CDUA application and the difference between the Staff submittal.

Public Testimony

Marc Ericksen, David Smith (**Sea Engineering-Presentation after Staff Report**), Elaine Morisato (C&C Audio Only) spoke in favor of the project, but asked that they be allowed to use their requested sand source (Ala Moana) and to use the full amount of sand they had applied for, 65,000 cubic yards. Bianca Isaki, Bruce Lum, Shar Chun-Lum, and Audrey Lee opposed the submittal.

Member Char made a motion to approve the staff recommendation. Member Yuen asked that it be amended to allow the use of the Ala Moana sand deposit, and allow placement of the requested 65,000 cubic yards of sand. Member Char accepted the amendment in the interest of achieving consensus.

Amendment:

The source of the sand shall be from the City and County of Honolulu’s Conservation District Use Application using 65,000 cubic yards of sand from the proposed Ala Moana location in lieu of Staff’s recommendation of the Hilton sand deposit. All other conditions per Staff recommendation shall apply.

02.12.2021/06:56:39

MOTION

Approve as amended (Char, Yuen) 4-Ayes, 2-Nays (Oi, Gomes).

02.12.2021/06:58:57

ITEM K-5 Conservation District Use Application (CDUA) OA-3867 by the City & County of Honolulu, Department of Design and Construction for the Waikīkī Seawall Mitigative Improvements Project located at Honolulu, O’ahu; Tax Map Key Nos.:(1) 3-1-030: 001, 003, and 004, and (1) 3-1-

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal. Sal Salvatore, (OCCL) present to answer any questions. Chris Takushi and Dayan Vithanage (City & County of Honolulu)

Board Discussion

This is a short-term to mid-term approach to dealing with climate change and sea level rise, eventually will need a managed retreat plan.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) 6-Ayes, Yoon Abstain

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

Submitted for Approval,

Suzanne D. Case

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