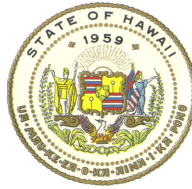


DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED AS  
SUBMITTED AT ITS  
BOARD MEETING  
HELD ON  
APRIL 23, 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

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: March 25, 2021  
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 (absent)  
Vernon Char

**STAFF**

Russell Tsuji-Land Division  
David Smith-DOFAW  
Laine Berry-DOFAW  
Edwin Matsuda-ENG  
Sam Lemmo-OCCL

Kevin Moore-Land Division  
James Cullison-DOFAW  
Carty Chang-ENG  
Troy Koyamatsu-ENG  
Trevor Fitzpatrick-OCCL

**OTHERS**

Bill Wynhoff/AG  
Davis Yogi/DOT HAR  
Ron Williams/M12  
Michelle Bogardus/C3  
Mike Foley/D3

Abby Lareau/DOT- AIR  
Jennifer Tomita-DOT HAR  
Craig Nakamura/M12

**03.25.2021/00:00:39**

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 members of the public may watch the meeting live on YouTube. Noted that Member Oi was unable to join the meeting today.

**ITEM A-1**

**03.25.2021/00:01:35**

Member Gon read the standard contested case statement.

**03.25.2021/00:02:33**

**ITEM A-1** Approval of the January 22, 2021 Land Board Meeting Minutes.

**ITEM A-2** Approval of the February 12, 2021 Land Board Meeting Minutes.

Board Discussion

The minutes were amended prior to the meeting and posted on-line.

Public Testimony-None

**MOTION**

**Approved as submitted Item A-1 and Item A-2 (Gon, Yuen) unanimous.**

**03.25.2021/00:02:33**

**ITEM M-2** Issuance of a Revocable Permit for Aircraft Parking, Jeffrey S. Lefebvre, 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, Kamaka Air, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.

**ITEM M-4** Issuance of a Revocable Permit for the purpose of Airline Carrier Operations, Southern Airways Express, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

Abby Lareau, DOT-Airports, present to answer questions for Items M-2, M-3, M-4.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted Items M-2, M3 and M-4 (Gon, Gomes) unanimous.**

**03.25.2021/00:06:15**

**ITEM M-5** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft and an Office to support Commercial Helicopter Tour Operations, Hawaii Pacific Aviation Inc., Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.

**ITEM M-6** Issuance of a Revocable Permit for Ramp Space for Equipment Parking, Koolau Aviation Services Inc., Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.

**ITEM M-7** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft, Skycraft Air Maintenance, Ltd., Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 03.

Abby Lareau, DOT-Airports, present to answer questions for Items M-5, M-6, M-7,

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted Items M-5, M-6 and M-47 (Gomes, Yoon) unanimous.**

**03.25.2021/00:06:49**

**ITEM M-8** Issuance of a Revocable Permit for Two Helipad Spaces for Fixed-Base Operations, Airborne Aviation Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 8.

**ITEM M-9** Issuance of a Revocable Permit for Temporary Space to perform Fixed-Base Operations, Airborne Aviation Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 8.

**ITEM M-10** Issuance of a Revocable Permit for Space for Two Storage Containers, Mauna Loa Helicopter Tours LLC, Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 008.

Abby Lareau, DOT-Airports, present to answer questions for Items M-8, M-9, M-10.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted Items M-5, M-6 and M-47 (Yoon, Gomes) unanimous.**

**03.25.2021/00:08:33**

**ITEM M-11** Issuance of a Month-to-Month Revocable Permit to PAR Hawaii Refining, LLC, for a Non-Exclusive Subsurface Easement for the Distribution of Petroleum Fuel, situated at Pier 1, Kahului Harbor, Maui, Tax Map Key: (2) 3-7-010: Portion of 28, Governor's Executive

Jennifer Tomita, DOT Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approve as submitted (Gomes, Char) unanimous.**

**03.25.2021/00:09:18**

**ITEM M-12** Issuance of a Month-To-Month Permit and Lease for Submerged Lands Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-038: Portion of 78; and Lease to Atlantis Submarines Hawaii, LLC. of Fast Lands and Submerged Lands at Pier 27, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-038: Portion of 78.

Davis Yogi, DOT Harbors, presented the submittal with an amendment. Ron Williams and Craig Nakamura representing Atlantis Submarines Hawaii present to answer any questions.

Board Discussion-None

What led to the relocation? Yogi, provided the background information regarding

Public Testimony-None

Amendment:

*Add to recommendations, add the authorization for the Board issue the Month-to-Month Permit, as well as the lease.*

**MOTION**

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

**03.25.2021/00:20:03**

**ITEM C-1** Authorize the Division of Forestry and Wildlife to conduct a Public Hearing regarding the proposed addition of Tax Map Keys (3) 2-4-008:004 & 017 comprising approximately 216.837 acres, to Upper Waiakea Forest Reserve, Waiakea, South Hilo, Hawai'i.

David Smith, Division of Forestry and Wildlife presented the submittal. James Cullison (DOFAW) present to answer any questions.

Board Discussion-None

Public Testimony-None

**MOTION**

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

**03.25.2021/00:21:59**

**ITEM C-2** Request Approval for selection of the Competitive Sealed Proposal process and Authorize the Chairperson to award, execute, and extend contracts for the implementation of watershed management plans and projects that support native ecosystem protection and management for fiscal years 2022-2023.

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

Board Discussion

Member Gon disclosed he is employed by the Nature Conservancy. Member Yuen recused himself.

Public Testimony-None

**MOTION**

**Approved as submitted (Gomes, Char) 5-Ayes (Yuen recused)**

**03.25.2021/00:24:46**

**ITEM C-3** Informational briefing on proposal to establish captive population of Kiwikiu (Maui Parrotbill, *Pseudonestor xanthophrys*). **(Non-Action Item)**

David Smith, Division of Forestry and Wildlife provided the nature of the briefing and Laine Berry (DOFAW) presented a PowerPoint presentation. Michelle Bogardus (US Fish and Wildlife) present to answer questions.

**03.25.2021/01:11:20**

**ITEM D-1** Issuance of Right-of-Entry Permit to Kauai Memorial Gardens, Inc. Onto State Lands for Disinterment Purposes, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-008:018.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

There was a question regarding a list of names of who was buried there. Tsuji conveyed that the County may have one.

Public Testimony-None

**MOTION**

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

**03.25.2021/01:14:52**

**ITEM D-2** Set Aside to the City and County of Honolulu for Road Purposes, Kapalama, Honolulu, Oahu, Tax Map Key: (1) 1-6-009: portions of 001.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Is this a short-term fix? Tsuji replied no.

Public Testimony-None

**MOTION**

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

**03.25.2021/01:17:04**

**ITEM D-3** Rescind Prior Board Action of February 14, 2020, Item D-3, *After-the-Fact Issuance of Right-of-Entry Permit to the Association of Unit Owners of Kauai Kailani for Emergency Temporary Shoreline Protection Structure and Beach Nourishment Activities; Grant of Term, Non-Exclusive Easement to the Association of Unit Owners of Kauai Kailani for a*

*Sand Groin on Unencumbered State Land, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009:seaward of 041.*

Issuance of Revocable Permit to the Association of Unit Owners of Kauai Kailani for Emergency Temporary Shoreline Protection Structure, Beach Nourishment Activities and Installation of Sandbag Groin on State Submerged Land; Ratify and Approve Continuation of Right-of-Entry Permit dated February 24, 2020 for Emergency Temporary Shoreline Protection Structure and Beach Nourishment Activities until Replacement Revocable Permit is Issued; Grant of Term, Non-Exclusive Easement to the Association of Unit Owners of Kauai Kailani for Sandbag Groin on State Submerged Land, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009:seaward of 041.

Russell Tsuji, Land Division presented the submittal. Mike Foley (Oceanit) present to answer any questions.

Board Discussion-None

Public Testimony-None

*Amendment:*

*Under Recommendation 3 (b): The easement "term shall be amended to 25 years as shall run with the land.*

**MOTION**

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

**03.25.2021/01:21:27**

**ITEM K-1** Appointment and Selection of a Hearing Officer to Conduct Contested Case Hearing OA21-04 and Withdrawal of January 22, 2021 Land Board Decision Regarding Conservation District Enforcement Case OA 20-37 for the Construction of an Alleged Unauthorized Rock Revetment by Zdenek "Don" Prchal Located at 53-227 Kamehameha Highway, Punalu'u, Ko'olauloa, O'ahu; Tax Map Key: (1) 5-3-002:034 (seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal.

Board Discussion

Member Yuen requested an amendment.

Public Testimony-None

*Amendment:*

*Recommendations: The Board withdrawal its January 22, 2021 decision.*

**MOTION**

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

**03.25.2021/01:26:26**

**ITEM K-2** Appointment and Selection of a Hearing Officer to Conduct Contested Case Hearing MO 21-5 and Withdrawal of January 22, 2021 Land Board Decision Regarding Conservation District Enforcement Case MO 20-32 for the Construction of an Alleged Unauthorized Seawall by George & Susan Peabody Located at 10254 Kamehameha V Highway, Waialua, Kaunakakai, Moloka'i; Tax Map Key: (2) 5-7-001:001 (seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal.

Board Discussion

Under the circumstances as mentioned by Lemmo, allow the contested case to proceed

Public Testimony-None

*Amendment:*

*Recommendations: The Board withdrawal its January 22, 2021 decision.*

**MOTION**

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

**03.25.2021/01:29:38**

**ITEM K-3** Appointment and Selection of a Hearing Officer to Conduct Contested Case Hearing OA21-3 and Withdrawal of January 22, 2021 Land Board Decision Regarding Conservation District Enforcement Case OA 21-03 for the Construction of an Alleged Unauthorized Seawall by Seamaids, LLC and Liam & Brandee McNamara Located at 59-175C Ke Nui Road, Paumalū , O'ahu; Tax Map Key: (1) 5-9-002:026 (seaward).

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal.

Board Discussion

Public Testimony

Forest Jenkins supports the submittal. Peter Young, present to answer any questions.

*Amendment:*

*Recommendations: The Board withdrawal its January 22, 2021 decision.*

**MOTION**

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

**03.25.2021/01:31:54 Break**

**03.25.2021/01:40:07 Back in Session**

**03.25.2021/01:40:22**

**ITEM L-1** Dam Safety Enforcement Update **(No Action Item)**

Carty Chang, Engineering conveyed the nature of the presentation. Edwin Matsuda (Engineering) provided a PowerPoint presentation and Tony Koyamatsu (Engineering) present to answer any questions.

**03.25.2021/02:18:14**

**ITEM L-2** Request Authorization For The Chairperson To Enter Into A Right Of Entry Agreement With The City And County Of Honolulu, Department Of Environmental Services For Job No. F70C616E, Sand Island State Recreation Area, Phase 2 Sewer Improvements Project, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 1-5-041:022.

Carty Chang, Engineering, presented the submittal.

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*

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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