

DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
AUGUST 13, 2021**

dap
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: May 28, 2021, 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 Division
David Smith-DOFAW
Cathy Gewecke-DAR
Carty Chang-Engineering

Kevin Moore-Land Division
Curt Cottrell-Parks
Ed Underwood-DOBOR

OTHERS

Linda Chow/AG
Olivia Pham/DOT HAR
Dawn Tsue/DOT AIR
Kemano Ho/DOT HWY
Bonnie Kahapea-Tanner/F2
Kathleen Egger/M18

Abby Lareau/DOT AIR
Eric Leong/DOT HAR
Kelby Alexander/M18
Cory Harden/M28
Tony Nowlan/F3
Donne Dawson/M23

05.28.2021/00:01:12

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 streaming on YouTube.

ITEMS J-2 AND J-3 ARE BEING WITHDRAWN FROM THE AGENDA

05.28.2021/00:02:28

Member Gon read the Standard Contested Case Statement Request.

05.28.2021/00:04:38

ITEM M-1 Issuance of a Revocable Permit for Commercial use of a T-Hangar for Storage and Maintenance of Aircraft used for a Commercial Photography Business, Chopper Doctor, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.

ITEM A-1

- ITEM M-2** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, G&P Cheetah, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.
- ITEM-3** Issuance of a Revocable Permit for the Purpose of Creating a Vestibule for Pilot Access to Non-SIDA Terminal Space, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.
- ITEM M-4** Issuance of a Revocable Permit for the Purpose of GSE Parking and Equipment Storage, at the Inter-Island Mauka Terminal, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001,
- ITEM M-5** Issuance of a Revocable Permit for Unpaved, Improved Land for Shipping Container Storage and Truck Parking, Honolulu Freight Service, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-2-025:122 and (1) 1-2-025:109.
- ITEM M-6** Issuance of a Revocable Permit for Helicopter Parking for Commercial Helicopter Tour Operations, Honolulu Helicopter Tours, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.
- ITEM M-7** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, N300TH LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.
- ITEM M-8** Issuance of a Revocable Permit for Ground Service Equipment Parking, Pacific Air Cargo, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076:008.
- ITEM M-9** Issuance of a Revocable Permit for Aircraft Parking, Dann Carlson, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
- ITEM M-10** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Richard H. Cox, III, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
- ITEM M-11** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft, K & S Helicopters, Inc. dba Paradise Helicopters, Kalaeloa Airport, Tax Map Key: (1) 9-1-013:121.
- ITEM M-12** Issuance of a Revocable Permit for a Screening Area as part of Safe Travels Hawaii and Covid-19 Testing-Coronavirus Response, County of Maui, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 220.
- ITEM M-13** Issuance of a Revocable Permit for an Office Space, Hana Air & Ground Tours LLC, Hāna Airport, Tax Map Key: (2) 1-3-003: Portion of 022.
- ITEM M-14** Issuance of a Revocable Permit for Ticket Counters for Airline Carrier Operations, Southern Airways Express, LLC, Hāna Airport, Tax Map Key:(2) 1-3-003: Portion of 022.
- ITEM M-15** Issuance of a Revocable Permit for Offices and Ticket Counters in the Terminal for Airline Carrier Operations, Southern Airways Express, LLC, Kapalua Airport, Tax Map Key: (2) 4-3-001: Portion of 073.
- ITEM M-16** Issuance of a Revocable Permit for Spaces in the Terminal to Perform Airline Carrier Operations, Southern Airways Express, LLC, Moloka'i Airport, Tax Map Key: (2) 5-2-004: Portion of 008, (2) 5-2-004: Portion of 106.

ITEM M-17 Issuance of a Revocable Permit for Aircraft Parking, Chaitan Ward and Richard Fant, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-18 Issuance of a Revocable Permit for Offices and Ticket Counter Space in the Commuter Terminal for Airline Carrier Operations, Southern Airways Express, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

Abby Lareau, DOT Airports present to answer question for Items M-1 through M-18.

Board Discussion-None

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, M-11, M-12, M-13, M-14, M-5, M-16, M-17 and M-18 (Gomes, Gon) unanimous.

05.28.2021/00:04:38

ITEM M-19 Issuance of a Revocable Permit for Space at the Heliport to Perform Helicopter Tour Operations, ARIS, Inc., Līhuʻe Airport, Tax Map Key: (4) 3-5-001: Portion of 148.

ITEM M-20 Issuance of a Revocable Permit for a Trailer and Land for Vehicle Parking as Part of their Helicopter Tour Operations, ARIS, Inc., Līhuʻe Airport, Tax Map Key: (4) 3-5-001: Portion of 8.

Abby Lareau, DOT Airports presented Item M-19 and M-20. Dawn Tsue (DOT Airports) and Kelby Alexander and Kathleen Egger of Aris Inc. present to answer questions.

Board Discussion

Regarding the Helicopter pads, we thought there was no existing space already. Lareau responded that the pad came available during Covid. The applicant is on the waitlist. Clarification regarding cancellation of RP's was discussed as well how leases are issued.

Public Testimony

Cory Harden asked for an update on the letter regarding the State's responsibility regarding the Helicopter noise. Chair Case conveyed that the letter to the FAA has been sent.

MOTION

Approved as submitted Items M-19 and M-20 (Oi, Gomes) unanimous.

05.28.2021/00:19:20

ITEM M-21 Issuance of a Right-of-Entry Permit for Access Purposes Over Lānaʻi Airport, Lanai Resorts, LLC, Tax Map Key: (2) 4-9-002:041 (Portion).

ITEM M-22 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, N288HP, LLC, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airport present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Items M-21 and M-22 (Gomes, Oi) unanimous.

05.28.2021/00:20:16

ITEM L-1 Delegation of Authority to Chairperson to Procure, Award and Enter into a Services Contract to Perform In-House Legal Research, Technical Support, Inter-Agency Coordination Services and Planning Assistance Pertaining to Mineral Resources.

Carty Chang, Engineering presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

05.28.2021/00:21:38

ITEM M-23 Consent to an Amendment to Revocable Permit No. 033, between the Department of Business, Economic Development and Tourism and Eye Productions Inc., related to the production of the television series "Magnum PI" and "NCIS Hawaii", over Portions of Lands under Governor's Executive Order No. 4097, Honolulu, O'ahu, Tax Map Key: (1) 3-1-042: Portion of 009, which was approved on October 9, 2020.

Donne Dawson, Department of Business, Economic Development and Tourism presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Yoon) unanimous.

05.28.2021/00:22:50

ITEM M-24 Issuance of a Month-to-Month Permit to Marisco, Ltd., for a Blast and Paint Facility, overflow laydown area and vehicle parking, situated at Pier 1, Kalaeloa Barbers Point Harbor, O'ahu, Tax Map Key No: (1) 9-1-014-: Portion of 024, Governor's Executive Order No. 3383.

ITEM M-25 Issuance of Month-to-Month Permit to Honolulu Fishing and Supply LLC, for the purpose of selling Fishing Supplies, Gear, and Equipment, situated at Pier 31, Honolulu Harbor, Island of O'ahu, Tax Map Key No: (1) 1-5-035: Portion of 016 and (1) 1-5-031: Portion of 033, Governor's Executive Order No. 4167.

Olivia Pham-DOT Harbors, present to answer questions Items M-24 and M-25.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Items M-24 and M-25 (Gomes, Yoon) unanimous.

05.28.2021/00:23:35

ITEM M-26 Authorize Issuance of Lease to the United State of America, Department of the Navy, for the Pacific Missile Range Facility, at Port Allen Harbor, Island of Kaua'i, Tax Map Key No: (4) 2-1-003: Portion of 006, (4) 2-1-003: Portion of 018 and (4) 2-1-003: Portion of 019, Governor's Executive Order No. 1047.

Olivia Pham, DOT Harbors presented the submittal and addressed written testimony questions.

Board Discussion

Regarding the 24,000 square feet of submerged land what are they using it for? Pham replied it is for vessel berthing for exclusive use due to National Security. It was clarified that the use of the area is to support the Pacific Missile Range Facility.

Public Testimony

Cory Harden, asked for a delay, felt there was not enough information for the public to comment on. She had concerns regarding the Radar at the Pacific Missile Range.

MOTION

Approved as submitted (Oi, Gomes) unanimous.

05.28.2021/00:32:20

ITEM M-27 Issuance of a Month-to-Month Revocable Permits to Matson Terminals, Inc. for Offices, Auto Lot Customer Area, Storage Sheds, Clerk Station, Guard Shack, and Break Area, situated at Pier 1. Hilo Harbor, Island of Hawai'i, Tax Map Key No: (3) 2-1-009: Portion of 007, and (3) 2-1-009: Portion of 026, Governor's Executive Order No. 3962.

Eric Leong, DOT Harbors, present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Yuen, Gon)

05.28.2021/00:32:59

ITEM M-28 Issuance of Month-to Month Revocable Permit to VAK Fisheries, LLC, for Fishing Vessels Agent Office and Storage of Fishing Vessel related supplies. Portion of Pier 19 Shed, Honolulu Harbor, O'ahu, Tax Map Key No: (1) 1-5-039: Portion of 063, Governor's Executive Order No. 2903.

Eric Leong DOT Harbors, present to answer questions.

Board Discussion

Are you working on a lease? Leong replied yes.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.28.2021/00:34:59

ITEM M-29 Authorizing the Department of Transportation (DOT) to convey owned lands to the Department of Education (DOE) located at the Ikena Avenue Relocation Project, STP-030-1(22)/30AB-01-92, Lāhaina, Maui, Hawai'i, Tax Map Key No: (2) 4-5-034: 048, 049, 050, 051, 052, 053, 054 and 067.

Kemano Ho, DOT Highways, presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

05.28.2021/00:40:23

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Amy Hanaiali'i Gilliom, Hui o Wa'a Kaulua, for Access to State Waters to Conduct Sails for Navigators Using Non- Instrumental Navigation Activities.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Amy Hanaiali'i Gilliom, representing the applicant is present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Gomes, Gon) unanimous.

05.28.2021/00:42:52

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit and a Special Ocean Use Permit to Bonnie Kahape'a-Tanner, Kānehūnāmoku Voyaging Academy, for Access to State Waters to Conduct Maritime Education Program Activities.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Bonnie Kahapea-Tanner is present to answer any questions.

Board Discussion

Is there a mix of students from other islands? Tanner conveyed that the first trip will include outer island students and the second trip will be students from Oahu.

Public Testimony

Tanner noted that this is their 4th voyage with the students.

MOTION

Approve as submitted (Gon, Gomes) unanimous.

05.28.2021/00:45:42

ITEM F-3 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Tobias Nowlan, Silverback Films, Netflix Production, for Access to State Waters to Film a Natural History Series on Wildlife Movements, Migration, and Lifecycle Activities.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Tony Nowlan is present to answer questions.

Board Discussion

Comments were made in support of the project.

Public Testimony

Nowlan described the nature of the documentary filming.

MOTION

Approve as submitted (Gon, Gomes) unanimous.

05.28.2021/0:50:52 Break

05.28.2021/01:02:16 Back in Session

ITEM C-1 Delegate Authority to the Chairperson to Approve, Procure and Award Construction Contracts for upgrades and maintenance for the Kaua'i Division of Forestry and Wildlife's Pua Loke Base yard and Arboretum, Tax Map Key no. (4) 3-8-005:002, Līhu'e, Kaua'i

and

Declaration of exemption from preparation of environmental assessment under HRS Chapter 343 and HAR Chapter 11-200.1

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

Board Discussion

The area given to the County, they will be utilizing for housing, and asked if they put in a sewer line. Smith deferred to the County.

Public Testimony-None

MOTION

Approved as submitted (Oi, Gomes) unanimous

05.28.2021/01:06:40

ITEM D-1 Authorize One-Year Holdover of General Lease No. S-4739, Lappert's, Inc., Lessee, Lot 15, Brodie Lots, Hanapēpē, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-8-008:062.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Can they apply for the extension while on holdover? Under the current circumstances it is unclear at the moment and the AG's office is reviewing.

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

05.28.2021/01:10:00

ITEM D-2 Grant of Two (2) Perpetual, Non-Exclusive Easements to the City and County of Honolulu for Drainage, Flowage, and Sewage Purposes, and City and County of Honolulu, by its Board of Water Supply, for Water Meter Purposes, Honolulu, O'ahu, Tax Map Key: (1) 1-5-007: portions of 001 and 002.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

05.28.2021/01:10:58

ITEM D-4 Approve Settlement of Rent and Performance Bond Defaults to Include Withdrawal of Golf Course Parcel Identified as Tax Map Key: (3) 2-1-001:012 from General Lease No. S-5844, WHR LLC, Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Keys: (3) 2-1-001:012 and 2-1-005:013, 016, 017, 027, 032, and 046; Issuance of Revocable Permit to WHR LLC for Golf Course Purposes, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-001:012; In the Alternative, Authorize Forfeiture of General Lease No. S-5844, WHR LLC, Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Keys: (3) 2-1-001:012 and 2-1-005:013, 016, 017, 027, 032, and 046.

Kevin Moore, Land Division presented the submittal. Russell Tsuji (Land) and Ed Bushor, representing the Lessee are present to answer questions.

Board Discussion

There was a lengthy discussion regarding the defaults.

Public Testimony

Ed Bushor conveyed their company's plan to become compliant. There was an extensive discussion over the withdrawal of the golf course and whether the Naniloa could satisfy its parking requirements if the golf course was withdrawn.

05.28.2021/02:24:06

Chair Case made a Motion to go into Executive Session, the Motion was seconded by Member Gon. Unanimous.

05.28.2021/02:52:56 Back in Session

Motion by Member Yuen to approve the submittal with staff recommendations with amendments. Member Gomes seconded the Motion. Member Yuen conveyed the amendments.

Board Amendments:

Adjustment of Interest and Late Fees: Adjust interest and late fees due by deferring the rent (the semi-annual rent of \$290,135.22) by two (2) months as if semi-annual payment did not become due until October 1, 2020. The effect of which is a waiver of two months of interest and late fees. Total due on June 4, 2021, will be **\$617,023.42**.

Rent: Pay all delinquent rent, and the adjusted interest and late fees on or before June 4, 2021.

Bond: Post the full bond on or before June 30, 2021.

Withdrawal of the Golf Course. Deferred the decision on the withdrawal of the golf course at this time.

Forfeiture. Authorized the forfeiture and termination of the Lease if the Lessee fails to pay the rent, interest, and late fees by June 4, or fails to post the full bond by June 30, 2021.

MOTION

Approved as amended (Yuen, Gomes) unanimous.

05.28.2021/02:57:35

ITEM E-1 Consent to Assign General Lease No. SP0152, Anna Thuente, Widow, also known as Anna Knapp-Thuente, and Donald Thuente, Husband of Mary Thuente, Assignors, to, Anna Thuente, Widow, also known as Anna Knapp-Thuente, and Donald Thuente, Husband of Mary Thuente, Assignors, Anna Fern White, unmarried, Assignees, Lot 84, Pu'u Ka Pele Park Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-002:086.

Alan Carpenter, State Parks presented the submittal. Amended the submittal due to an omission in the "Remarks Section".

Board Discussion-None

Public Testimony-None

Board Amendment:

After the 2016 assignment to Anna Thuente, Widow, the Lease was assigned once more, February 24, 2017, Anna Thuente, Widow, Assignor to Anna Thuente, Widow and Donald Thuente, Husband of Mary Thuente, as Assignees. The Board consented to the assignment at its meeting on April 13, 2017.

MOTION

Approved as amended (Oi, Gomes) unanimous.

05.28.2021/03:00:25

ITEM J-1 Issuance of a Revocable Permit to Honolulu Transpac, Ltd., for Temporary Support Areas and Mooring Sites, for the 2021 Transpacific Yacht Race from Los Angeles, California to Honolulu, Hawai'i, situated at the Ala Wai Small Boat Harbor, Tax Map Key: (1)2-3-037:012 (por.)

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

Row 500 and Row 800 are their leases? Underwood noted that those who are occupying will be relocated during the race period which is part of their lease.

Public Testimony-None

MOTION

Approved as submitted (Char, Gomes) unanimous.

05.28.2021/03:03:03

ITEM J-4 Request Approval to Install a total of twenty-three new Day-Use Mooring Buoys at the Makako Bay and Kaukalahae Point Manta Ray viewing sites in West Hawai'i; approval of an Anticipated Finding of No Significant Impact for the Draft Environmental Assessment applicable to the installation of the twenty-three mooring buoys; and delegation of authority to the Chairperson to make a final determination on the Draft Environmental Assessment.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal. Noted that the reference should be HAR 11-200-1.

Board Discussion

Will there be any harmful effects to the coral? Underwood conveyed that this would prevent the boats having to anchor on the coral.

Public Testimony-None

MOTION

Approved as submitted (Yuen, 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