

DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
AUGUST 13, 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: June 10, 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
Kevin Moore-Land Division
David Sakoda-DAR
Cathy Gewecke-DAR
Kathryn Stanaway-DOFAW
Marigold Zoll-DOFAW
Jason Redulla-DOCARE
Curt Cottrell, PARKS

Brian Neilson-DAR
David Smith-DOFAW
Sam Lemmo-OCCL
Emma Yuen-DOFAW
Carty Chang-ENG
Ryan Okano-DAR
Bin Li-ADMIN

OTHERS

Melissa Goldman/AG
Deena Drey/D3
Rick Bundschuh/E1
Denise Antolini/F3
Eric Kingma/F4

Linda Chow/AG
Colin Miura/D3
Michelle Lino/F2
Jennifer Yagodich/F3

06.10.2021/00:01:44

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. Chair Case read the standard case statement and noted that Member Gon will be joining us shortly.

ITEM A-2

*NOTE: Member Gon will be joining the meeting approximately at 10:00 am
ITEM D-2 Has been WITHDRAWN.*

06.10.2021/00:03:46

ITEM A-1 Request Approval of the April 9, 2021, BLNR Meeting Minutes.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gomes, Char) 6-Ayes, Member Gon-absent

06.10.2021/00:06:16

ITEM C-1 Acceptance of a hearing master's report, and Approval to set aside of Natural Area Reserve purposes to the Division of Forestry and Wildlife, approximately 300-acres as the Pia Natural Area Reserve, Tax Map Key: (1) 3-7-003: 003, O'ahu; and 0.75 acres as an extension to the Ka'ena Point Natural Area Reserve, Tax Map Key: (1) 6-9-002: 012, O'ahu;

and

Declaration of exemption from preparation of environmental assessment under HRS Chapter 343 and HAR Chapter 11.200.1 for proposed natural area reserve management of these parcels.

David Smith, Division of Forestry & Wildlife, presented the submittal. Emma Yuen and Marigold Zoll (DOFAW) provided additional information.

Board Discussion

Will fishing be allowed in the Kaena Pt. extention? Yuen noted yes. There is just some vehicular access that maybe restricted to a certain point to protect habitat. Enforcement issues were discussed.

Public Testimony-None

MOTION

Approved as submitted (Char, Gomes) 6-Ayes Member (Gon absent)

06.10.2021/00:14:05

ITEM C-2 Request for approval and adoption of the Division of Forestry and Wildlife's administrative sanctions schedule for the processing of Forestry and Wildlife resource violations.

David Smith, Division of Forestry & Wildlife, presented the submittal. Marigold Zoll and Kathryn Stanaway (DOFAW) presented a PowerPoint presentation. *(Pause while setting up, will take D-1 until ready)*

06.10.2021/00:21:18

ITEM D-1 Issuance of Right-of-Entry Permits to the United States Department of Agriculture (USDA) Forest Service for the Forest Inventory and Analysis Project (FIA) on State Lands at six plot (sample site) locations at Kukailau, Hamakua, Hawaii, Tax Map Key: (3) 4-2-007:002, Kalopa, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:002, Kaohe, Hamakua, Hawaii, Tax Map Key: (3) 4-3-010:002, Makuu, Puna, Hawaii, Tax Map Key: (3) 1-5-010:002, Keonepoko, Puna, Hawaii, Tax Map Key: (3) 1-5-008:001 and Puako, South Kohala, Hawaii, Tax Map Key: (3) 6-6-001:002.

Russell Tsuji, Land Division presented the submittal. Made an amendment to page 3, Exemption Exhibit 343, the heading should be General Exemption 5 Part 1 Item 13, no substantive change.

Board Discussion-None

Public Testimony-None

MOTION

Approved as amended (Yuen, Gomes) 6-Ayes, Member Gon absent

06.10.2021/00:23:53

ITEM D-3 Consent to Mortgage and Request to Issue Estoppel Certificate, General Lease No. S-5954, Diamond Head Theatre, Lessee, Kaimuki, Honolulu, Oahu, Tax Map Key: (1) 3-2-030: 001.

Russell Tsuji, Land Division presented the submittal. Applicants Deena Dray and Colin Miwa present to answer questions.

Board Discussion

How many years would the term for the loan be? Miwa replied 25-years.

Public Testimony

Drey explained what the funds would be used for.

MOTION

Approved as submitted (Char, Oi) 6-Ayes, Member Gon absent

06.10.2021/00:28:06 (Back to ITEM C-2) Member Gon has joined the meeting

Kathryn Stanaway (DOFAW) presented a PowerPoint presentation. Jason Reduella, Division of Conservation and Enforcement provide information on how violations will be handled. Bin Li, also provided information regarding enforcement proceedings,

Board Discussion

The different categories, fines and enforcement were discussed in length.,

Public Testimony-None

Board Amendment:

Add for Category 6: \$5,000 per specimen fine (195-D-9-E)

Approve as amended (Yuen, Gon) unanimously.

06.10.2021/01:26:06 Break

06.10.2021/01:37:58

ITEM E-1 Request Amendment to Extend and Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Ten (10) Year Lease Extension with Camp Hale Koa Association, an Eleemosynary Organization, for Recreational Campground purposes at Lots 55, 56, 57, and 58 situated at Pu'u ka Pele, Waimea, (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002: 055.

The purpose of the amendment is to: extend the current lease set to expire on November 30, 2025, for an additional ten (10) years with an updated rental rate to be determined by an independent appraiser.

Curt Cottrell, State Parks presented the submittal with an Amendment to page 3, last paragraph to read, despite the Indemnity language in paragraph 15 of the lease, DSP determined the public would be best served by waiving the obligation "**to pay the EPA fine**"- for the commitment of CHKA to install the (3) IWS.

Board Discussion

What was the fine? Cottrell replied, roughly \$79,604.00. The duration of the lease rent was discussed at length.

Public Testimony

Rick Bundschuh provided information on the rehabilitation on the camp and provided information on funding.

Board Amendment:

Extend the Lease to (20) years, rental reopening every (5) years.

Remains in its current use and available to the public to rent for camping purposes.

MOTION

Approved as amended (Oi, Gomes) unanimous.

06.10.2021/02:06:49

ITEM F-1 Request for Approval to Enter into a Federally Funded Memorandum of Agreement (MOA) (\$104,000.00) For Goods and Services Between the Department of Health (DOH) and the Department of Land and Natural Resources (DLNR) to Support the Mission of the State's Polluted Runoff Control Program.

Brian Neilson, Division of Aquatic Recourses presented the submittal, Ryan Okano available to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

06.10.2021/02:08:07

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Ms. Michelle Lino, NOAA Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Management and Recovery Activities, Inclusive of the Removal of Individual Sharks at French Frigate Shoals Displaying Predatory Behavior Towards Monk Seal Pups.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Michelle Lino, present to answer questions.

Board Discussion

Ask what the take was on sharks. Lino provided the information. Aggressive Galapagos Sharks are the type of sharks that are targeted. Legislature recently passed a “shark law”, special permits are allowed.

Public Testimony

Lino provided information on research to be conducted.

MOTION

Approved as submitted (Gon, Oi) unanimous.

06.10.2021/02:15:25

ITEM F-3 Request for Final Approval to Amend and Compile Chapter 13-34, Hawaii Administrative Rules, Pūpūkea Marine Life Conservation District; to Amend: § 13-34-1 (Boundaries) to Provide More Accurate GPS Coordinates and Boundary Descriptions; § 13-34-1.1 (Definitions) to Clarify and Update Definitions Including “Limu Lipe’epe’e”; § 13-34-2 (Prohibited Activities) to Prohibit the Feeding of Marine Life; § 13-34-3 (Permitted Activities) to § 13-34-4 (Exceptions; Permits) for Grammatical and Technical Amendments; § 13-34-5 (Penalty) to Clarify the Types of Penalties Authorized by Statute for Violations of this Chapter; to Adopt § 13-34-6 (Asset Forfeiture) to Provide Notice of the State’s Authority to Utilize Civil Asset Forfeiture as an Enforcement Tool for Violations of This Chapter; Located at Pūpūkea, Ko’olauloa, O’ahu, Hawai’i.

The proposed rule amendments can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in person, email dlnr.aquatics@hawaii.gov, or call (808) 587-0100.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notices/>.

David Sakoda, Division of Aquatic Resources presented the submittal. Ryan Okano (DAR), Denise Antolini and Jenny Jovovich supporters of the rule change were present to answer questions.

Board Discussion

Going forward what are your management plans? Antolini conveyed they are working with Makai Watch and DAR's 30x30 initiative.

Public Testimony

Antolini and Jovovich provided information of the support that has been received.

MOTION

Approved as submitted (Gon, Oi) unanimous.

06.10.2021/02:24:50

ITEM K-1 Conservation District Use Application (CDUA) KA-3876 Public Purpose After the Fact Public Purpose Subdivision of Land for a Microwave and Radio Communication Site by State of Hawai'i-Department of Accounting and General Services on behalf of the Office of Enterprise Technology Services (ETS) located at Waimea Canyon State Park, Kaua'i, Tax Map Key: (4) 1-2-001: 009.

Sam Lemmo, Office of Conservation and Coastal Lands presented the submittal with **an amendment to Chapter 343 (HRS) indicating that the correct Exemption should be to update to 2020 exemption list, identifying general exemption Type 1, Part 1 Item No. 41.** Ryan Okano (DAGS) present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as amended (Oi, Gomes) unanimous.

06.10.2021/02:30:09

ITEM M-1 Issuance of a Revocable Permit for a Commercial T-Hangar for Storage and Maintenance of Aircraft, Eastwest Avionics Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 020.

ITEM M-2 Issuance of a Revocable Permit for Storage and Warehouse for Fruit Export Operations, Hawaiian Sealife Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004: 021 (Portion).

- ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Keith G. Johnston, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
- ITEM M-4** Issuance of a Revocable Permit for Aircraft Parking, Kevin Grosshandler, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.
- ITEM M-5** Issuance of a Revocable Permit for Two Aircraft Parking, Lani Lea Sky Tours LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.
- ITEM M-6** Issuance of a Revocable Permit for Construction Field Office, Rider Levett Bucknall Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 066 (Portion).
- ITEM M-7** Issuance of a Revocable Permit for Ticketing Kiosks, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 226.
- ITEM M-8** Issuance of a Revocable Permit for Baggage Make-up Area, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.
- ITEM M-9** Issuance of a Revocable Permit for Construction Laydown Space, Air Service Hawaii, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-10** Issuance of a Revocable Permit for Aircraft Parking, Colin Burkardt, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-11** Issuance of a Revocable Permit for Vehicle Parking, Reginald Ignacio, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-12** Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, William Wilton, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airports present to answer questions for Items M-1 thru M-12.

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 and M-12 (Gomes, Gon) unanimous.

06.10.2021/02:31:07

ITEM M-13 Amendment of Harbor Lease No. H-17-61, issued to Pacific Shipyards International, LLC, to reduce the submerged land area and include a Non-Exclusive Access Easement, Pier

24 and Pier 25, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-038: Portion of 001.

Derrick Carne, DOT Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

06.10.2021/02:31:41

ITEM M-14 Request Approval to issue four (4) Month-to-Month permits and Issuance of a Lease by Direct Negotiation to HPBS INC., for an Office, Pilots Area, Subsurface Sewer Easement, and Storage Space, situated at Pier 19, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 007; and (1) 1-5-039: Portion of 064, Governors Executive Order No. 2903.

Jennifer Tomita, DOT Harbors present to answer questions.

Board Discussion

Can you clarify why there is a Month-to-Month permit? Is the lease ready? Tomita conveyed they are working on the 35-year lease.

Public Testimony-None

Amendment:

Approve the issue of (4) Month to Month permits and DOT Harbors to bring the Lease before the Board for approval.

MOTION

Approved as amended (Char, Gomes) unanimous.

06.10.2021/02:34:57

ITEM M-15 Issuance of a Gratis Right-of-Entry and Revocable Permit to Partners In Care for Temporary Storage of furniture and furnishing in support of a Rapid Re-Housing Program for Individuals and Families experiencing homelessness due to Covid-19 at the unimproved gravel lot, Piers 19 and 20, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 015, Governor's Executive order No. 2903.

Olivia Pham, DOT Harbors present to answer questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

06.10.2021/02:36:20

ITEM F-4 Request for Final Approval to Amend and Compile Hawaii Administrative Rules (HAR) Title 13 Chapter 74 to Increase the Commercial Marine License (CML) Fee for Non-Residents of Hawaii from \$100 to \$250 Per Year, to Provide Clarification on Baitfish Species Authorized for Take Under a Baitfish License, and to Remove Unnecessary Rule Language.

The proposed rule amendments can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in person, email dlnr.aquatics@hawaii.gov, or call (808) 587-0100.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://itgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>

The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dar/rules-and-public-notice/>.

David Sakoda, Division of Aquatic Resources presented the submittal. Brian Neilson present to answer questions.

Board Discussion

Is this comparable to other States. Sakoda replied that they are.

06.10.2021/02:46:30

Member Yuen made a Motion to go into Executive Session, Member Gon seconded the Motion. Unanimous. Before the Board went into Executive Session, they heard Public Testimony from Eric Kingma.

Public Testimony

Kingma, opposes the fee in principle.

After Public Testimony, the Board went into Executive Session

06.10.2021/02:55:47 Executive Session

06.10.2021/03:01:59 Back in Session

MOTION

Approved as submitted (Gomes, Oi) 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