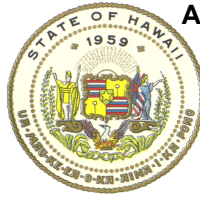


DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED BY THE BOARD
AT ITS MEETING HELD ON
SEPTEMBER 10, 2021**

dar

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 25, 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 (*absent*)

STAFF

Russell Tsuji-Land
Kevin Moore-Land
Ian Hirokawa-Land
David Sakoda-DAR
Brian Neilson-DAR
Cathy Gewecke-DAR
Carty Chang-ENG
Tony Koyamatsu-ENG
Sang Kim-PARKS
Richard Howard-DOBOR

Brian Neilson-DAR
David Smith-DOFAW
Nikki Smith-DAR
Sam Lemmo-OCCL
Chris Teague-DAR
Emma Yuen-DOFAW
Edwin Matsuda-ENG
Curt Cottrell-PARKS
Ed Underwood-DOBOR

OTHERS

Julie China/AG
Colin Lau/AG
Abby Lareau/DOT AIR
Jennifer Tomita/DOT HAR
Rick Bundschuh/E1
Denise Antolini/F2
Eric Kagima/F4
Terry VanDeWalle/F3
Robert Wintner/F3
Tina Owens/F3
Mike Nakachi/F3

Linda Chow/AG
Melissa Goldman/AG
Chris Kinimaka/DAGS
Heather Spalding/F2
Michelle Lino/F2
Jennifer Yagodich/F2
Kim Koch/F3
Richard Pile/F3
Cory Harden/F3
Maki Morinoue/F3
Inga Gibson/F3

ITEM A-1

Kaimi Kaupiko/F3
Makana Kaupiko/F3
Siena Schaar/F3
Cathy Goeggel/F3
Jim Lovell/F3
Diane Ware/F3
Lisa Bishop/F3
Mahesh Cleveland/F3
Gail Grabowsky/F3
Ron Tubbs/F3
Rene Umberger/F3

Wilford Kaupiko/F3
Jerry Isham/F3
Bill Coney/F3
Greg Asner/F3
Kiyoko Nanni/F3
Alohi Nakachi/F3
Bruce Carlson/F3
Kealoha Pisciotta/F3
Ted Bolden/F3
Makana Kaupiko/F3
Kaiakea Nakachi/F3

06.25.2021(1)/00:01:16

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 recognized Member Gomes and Member Gon for their years of service on the Land Board. Member Char is unable to attend today's meeting

06.25.2021(1)/00:05:25

Member Gon read the standard contested case statement

Chair Case noted that we will start with the M-ITEMS, followed by Item L, C, F, D, J and E.

06.25.2021(1)/00:08:41

ITEM M-1 Issuance of a Revocable Permit for Terminal Office Space, Federal Bureau of Investigation., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 055 (Portion).

ITEM M-2 Issuance of a Revocable Permit for Aircraft Parking, Jeremy Mendoza, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.

ITEM M-3 Issuance of a Revocable Permit for In-flight Catering Kitchen to support Signatory Airline Operations, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-0072: 057.

ITEM M-4 Issuance of a Revocable Permit for Offices and Counter Space in the Commuter Terminal for Cargo Operations, Kamaka Air, Inc., Kahului Airport, Tax Map Key: (2) 3-8-1: Portion of 217

ITEM M-5 Issuance of a Revocable Permit for Ticket Counter Space in the Commuter Terminal to perform Airline Carrier Operations, Southern Airways Express, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 217.

ITEM M-6 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for storage and maintenance of Aircraft, Michael J. Lauro, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

ITEM M-7 Issuance of a Revocable Permit for Aircraft Parking, William Wilton, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

Abby Lareau, DOT Airports present to answer questions for Items M-1 through M-7.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, and M-7 (Gomes, Gon) unanimous.

ITEM M-8 Amendment No. 2 to Heliport Lease No. DOT-A-14-0009 to Request One Additional Helipad Space for Commercial Helicopter Operations, Island Helicopters Kauai, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 148.

Abby Lareau, DOT Airports presented the submittal.

Board Discussion

Can DOT-Airports provide exhibits that would show a list of improvements? Lareau replied yes and explained the plan going forwarded. More detailed information was requested.

Public Testimony-None

MOTION

DEFERRED

06.25.2021(1)/00:13:32

ITEM M-9 Issuance of a Right-of-Entry from the Department of Accounting and General Services to St. Andrew's Schools for Washington Place Tennis Courts for School Purposes, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 2-1-018: Portion of 001. Governor's Executive Order No 535.

Chris Kinimaka, Department of Accounting and General Services presented the submittal. Corrected the Governor's Executive Order number to 4249.

Board Discussion- None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

06.25.2021(1)/00:19:00

ITEM M-10 Issuance of Two (2) Month-to-Month Permits to Kirby Offshore Marine Hawaii, LLC, for Storage Area, situated at Pier 21, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 007. Governor's Executive Order No. 2903.

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

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous

06.25.2021(1)/00:20:00

ITEM L-1 Request Authorization for the Chairperson to Enter into a Memorandum of Understanding with various Dam Owners for a Cost Sharing Agreement to Install and Maintain Water Level Gage monitoring stations at Dam Facilities statewide.

Carty Chang, Engineering presented the submittal. Tony Koyamatsu (ENG) available to answer any questions'

Board Discussion

Annual maintenance cost (operating) and life of the gauge was discussed.

Public Testimony

MOTION

Approved as submitted (Gon, Oi) unanimous.

06.25.2021(1)/00:26:22

ITEM C-1 Acceptance of Hearing Officer's report on a Public Hearing for four proposed additions and one proposed withdrawal to the forest reserve system on the Islands of Kaua'i, O'ahu, Moloka'i, Maui, and Hawai'i.

Approval and recommendation to the Governor the issuance of an Executive Order to withdraw Tax Map Key: (4) 2-4-009: portion of 003, comprising 2.752 acres more or less, from Lihue-Kōloa forest reserve, Kalaheo, Wahiawa, Kōloa, Kaua'i.

Approval and recommendation to the Governor the issuance of an Executive Order for addition of Tax Map Key: (1) 6-3-001:002, comprising 3,716.00 acres more or less, to Pūpūkea-Paumalū forest reserve (Waimea section), Waimea, Ko'olauloa, O'ahu.

Approval and recommendation to the Governor the issuance of an Executive Order for addition of Tax Map Keys: (2) 5-6-005:001, (2) 5-6-006:002, (2) 5-6-007:068 & 070, comprising 733.932 acres more or less, to Moloka'i forest reserve, Pua'ahala, Moloka'i.

Approval and recommendation to the Governor the issuance of an Executive Order to set aside Tax Map Keys: (2) 2-3-005:002 & 014, comprising 3,433.7495 acres more or less, as Kamehamenui forest reserve, Kamehamenui, Kula, Makawao, Maui.

Approval and recommendation to the Governor the issuance of an Executive Order for addition of Tax Map Keys: (3) 2-4-008:004 & 017, comprising 216.837 acres more or less, to upper Waiākea forest reserve, Waiākea, South Hilo, Hawai'i.

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

Board Discussion

Comments were made regarding the acquisitions.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Gon) unanimous.

06.25.2021(1)/00:31:15

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Andrea Kimiko Kealoha, University of Hawaii Maui College, Water Quality Lab, for Access to State Waters to Conduct Research Activities on the Biogeochemical and Oceanographic Processes Associated with the Cryptogenic Alga *Chondria tumulosa* in the Northwestern Hawaiian Islands.

Cathy Gewecke, Division of Aquatic Resources presented the submittal.

Board Discussion

Is Alga present in the main Hawaiian Islands? Gewecke replied that not that she knows of and the next applicant has a little more knowledge.

Public Testimony-None

MOTION

Approved as submitted (Gon, Gomes) unanimous.

06.25.2021(1)/00:31:15

ITEM F-2 Request for Authorization and Ap approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Heather Spalding, College of Charleston, Department of Biology, for Access to State Waters to Conduct Research Activities on the Ecology, Physiology, and Diversity of Benthic Organisms Impacted by the Cryptogenic Alga *Chondria tumulosa* in the Northwestern Hawaiian Islands.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Heather Spalding, applicant available to answer questions.

Board Discussion

Do we know where this Alga came from? Spalding conveyed they do not, and the research includes impacts to the coral reefs, ecology, physiology, and diversity of the organisms.

Public Testimony

Spalding conveyed that the Alga is not present in the main Hawaiian Islands and are monitoring to see if there may have spread to Midway or Kure Atolls.

MOTION

Approved as submitted (Gon, Gomes) unanimous.

06.25.2021(1)/00:44:35 Break

06.25.2021(1)/00:01:03 Back in Session

ITEM F-3 Determination of Whether the Revised Final Environmental Impact Statement (RFEIS) Complies with Applicable Law and Adequately Discloses the Environmental Impacts of Proposed Issuance of Commercial Aquarium Permits, Commercial Marine Licenses, and West Hawai'i Aquarium Permits for the West Hawai'i Regional Fishery Management Area, for the Purpose of Accepting the RFEIS.

The RFEIS is available to the public online at:

http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2021-06-08-HA-Revised-FEIS-Hawaii-Island-Commercial-Aquarium-Permits.pdf

Brian Neilson, Division of Aquatic Resources presented the submittal. David Sakoda, Chris Teague and Nikki Smith (DAR) present to answer questions. Kim Koch, Jim Lynch, and Terry VanDeWalle (Pet Industry Joint Advisory Council) applicant provided a PowerPoint presentation.

Board Discussion

The Board asked questions if the FEIS addressed the following: enforcements, permit applicants, DAR's position on the fishery, commercial marine licenses, managing a sustainable fishery and poaching. During public testimony testifiers were asked if they had submitted their comments during the public comment process.

Public Testimony

Robert Wintner, Cory Harden, Tina Owens, Maki Morinoue, Mike Nakachi, Inga Gibson, Kaimi Kaupiko, Wilfred Kaupiko, Makana Kaupiko, Jerry Isham, Siena Schaar, Bill Coney, Rene Umberger, Cathy Goeggel, Greg Asner, Jim Lovell, Kiyoko Nanni, Diane Ware, Alohi Nakachi, Lisa Bishop, Bruce Lisa Bishop, Bruce Carlson, Christine Owens, Mahesh Cleveland, Kealoha Pisciotto, Gail Grabowsky, Ted Bolden, Kaiakea Nakachi, and Ron Tubbs presented testimony.

Kim Koch, after public testimony, responded to issues brought up by those who had questions of the FEIS.

06.25.2021(1)/04:10:23 Executive session

Chair Case made a motion to into Executive Session, Member Gon seconded the motion. Unanimous.

06.25.2021(1)/05:53:41 Back in Session

Continuation of Board discussion, addressing Staff regarding if the comments have been addressed in the FEIS. Staff responded that there was adequate standard review. Further discussion on how comments were addressed and the adequacies of the FEIS.

MOTION

Approve as submitted 3-Ayes (Case, Gon, Yuen) and 3-Nays (Gomes, Oi, Yoon).

Note: Member Yuen explained that under Chapter 343 the approving agency must either accept or reject the FEIS within 30-days of receipt or it is deemed accepted. The applicant can request an extension of time for another 15 days. In this case, Chap. 171 requires a majority of the full membership of the Board to take action. The 3 to 3 vote is not enough for an approval or denial because it is not a majority of the full membership of the Board. The Board does not meet again before the 30-day deadline.

06.25.2021(1)/06:28:34

ITEM D-1 Issuance of Revocable Permit to Frank and Abigail Santos for Agriculture Purposes and Set Aside to Department of Agriculture for Agriculture Purposes, Portion of Hanapepe, Waimea, Kauai, Hawaii, Tax Map Key: (4) 1-9-007: 046.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

06.25.2021(1)/06:29:37

ITEM D-2 Issuance of Land Patent in Confirmation of Land Commission Award No. 238-X, Apana 2 to Onionio, situate at Moloaa, Koolau, Island and County of Kauai, Tax Map Key: (4) 4-9-013:13.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Gon) unanimous.

06.25.2021(1)/06:30:13

ITEM D-3 Briefing the Board of Land and Natural Resources on the Development of a Strategic Plan for the Long-Term Management of Public Lands and Asset Management Plan.
Non-Action Item.

Ian Hirokawa, Land Division presented the briefing and answered questions from the Board
(Audio Continued on 06.25.2021(2)/00:00:01)

06.25.2021(2)/00:05:30

ITEM J-1 Sale of Lease at Public Auction for marine business, and other maritime and harbor related light industrial and commercial storage use purposes, Maalaea Small Boat Harbor, Maalaea, Waikapu, Wailuku, Maui Tax Map Keys: (2) 3-6-001:034, Portion of 002;

and

Declare that after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an Environmental Assessment.

Richard Howard, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Is the building up to par? Howard conveyed it is not and it will need to be demolished. There is a fishing club and another group who would like to open a restaurant.

Public Testimony-None

MOTION

Approved as submitted (Gomes, Oi) 5-Ayes 1-Abstain (Yoon)

06.25.2021(2)/00:11:43

ITEM J-2 Renewal of Revocable Permits on the Islands of Oahu, Maui, Hawaii, and Kauai, See "Exhibit E" for List of Revocable Permits;

and

Declare Project Exempt from Requirements of Chapter 343, HRS and title 11, chapter 200.1, Preparation of Environmental Assessment

Richard Howard, Division of Boating and Ocean Recreation presented the submittal. Ed Underwood (DOBOR) and William Richards available to answer questions.

Board Discussion

Can you add in the comments how long it will take to convert to leases? Howard replied yes and provided information on the ones they are currently working on. The RP's for Honokohau Harbor were addressed as well. In response to a question, staff confirmed that the only action the Board was taking on the canoe storage and sailing club RP's was to continue the current RP's.

Public Testimony-None

MOTION

Approved as submitted (Gon, Oi) unanimous.

06.25.2021(2)/00:19:30

ITEM E-1 Requesting Approval for the Issuance of a Revocable Permit to be Negotiated and Executed by the Chairperson for Management of a Reservation System for the Collection of Parking and Entry Fees, Shuttle Services and Resource Enhancement at Hā'ena State Park, Kaua'i, Hawai'i, Tax Map Keys: (4) 5-9-001: Portion of 022 and (4) 5-9-008:001.

Curt Cottrell, State Parks presented the submittal.

Board Discussion-None

Public Testimony

Chipper Wichman provided testimony in support

MOTION

Approved as submitted (Oi, Gon) 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