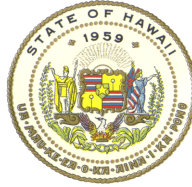


DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED AT ITS
BOARD MEETING
HELD ON
OCTOBER 22, 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: AUGUST 27, 2021
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case (absent)
Sam Gon (absent)
Chris Yuen
Kaiwi Yoon

Tommy Oi
Vernon Char
Doreen Canto

STAFF

Russell Tsuji-Land
Val Suzuki-ENG
David Smith-DOFAW
Brian Neilson-DAR

Carty Chang-ENG
David Sakoda-DAR
Jan Pali-DOFAW
David Sakoda-DAR

OTHERS

Cindy Young/AG
Jennifer Tomita/DOT HAR
Daylin-Rose Heather/D4
Michael Imanaka/D5

Abby Lareau/DOT AIR
Ryan Andrew/D5
Chris Kinimaka/D5
Michelle Matson/M2,3,4

08.27.2021/00:00:20

Member Yuen, acting Chairperson 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. Conveyed that Chair Case and Member Gon were not present at today's meeting.

08.27.2021/00:01:36

Member Canto read the standard contested case statement.

ITEM A-1

08.27.2021/00:02:59

ITEM A-1 Approval of the June 25, 2021, Minutes (*Deferred from 08.13.2021*)
Deferred (there was not a quorum as Member Canto was not present at the meeting)

08.27.2021/00:06:08

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

Abby Lareau, DOT Airports presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Char, Oi) unanimous.

08.27.2021/00:08:30

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

ITEM M-3 Issuance of a Revocable Permit for a Commercial T-Hangar for storage and maintenance of Aircraft, Schuman Aviation Company, Ltd. dba Magnum Helicopters, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 20.

ITEM M-4 Issuance of a Revocable Permit for Aircraft Parking, K & S Helicopters, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 019.

Abby Lareau, DOT Airports presented Items M-2, M-3 and M-4. Noted that Item M-2 is fixed-winged and not for Helicopter Tour operations

Board Discussion

Lareau clarified that Item M-2, do not have a helicopter tour permit, they do aircraft leasing. Who is responsible for violations of the FAA air regulations in the State of Hawaii, who is responsible for enforcement? Lareau conveyed she would find out.

Public Testimony

Michelle Matson provided a summary of her written testimony.

MOTION

Approved as submitted Items M-2, M-3 and M-4 (Char, Oi) unanimous,

08.27.2021/00:23:09

ITEM M-5 Issuance of a Revocable Permit for space for Transportation Company operations, maintenance, parking and storage of tour vehicles, Polynesian Adventure Tours, LLC, Kahului Airport, Tax Map Key: (2) 3-8-1: Portion of 155.

Abby Lareau, DOT Airports presented the submittal.
Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Canto, Oi) unanimous.

08.27.2021/00:24:06

ITEM M-6 Issuance of a Revocable Permit for Commuter Terminal storage space, Southern Airways Express, LLC, Kahului Airport, Tax Map Key: (2) 3-8-1: Portion of 217.

Abby Lareau, DOT Airports presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Canto, Char) unanimous

08.27.2021/00:25:05

ITEM M-7 Issuance of a Revocable Permit for Construction laydown areas, Nan, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

Abby Lareau, DOT Airports presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Oi, Canto) unanimous.

08.27.2021/00:25:55

ITEM M-8 Issuance of a Month-to-Month Revocable Permit to Alaska Marine Lines, Inc., for a Non-Exclusive Surface Easement to allow movement of cargo from a barge to the pier during low tide, situated at Pier 5 Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Key: (1) 9-1-014: Portion of 024, Governor's Executive Order No. 3383.

Jennifer Tomita, DOT Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Char, Yoon) unanimous.

08.27.2021/00:27:12

ITEM C-1 Request Approval of a Management Plan for the Kahikinui State Forest Reserve, Tax Map Keys: (2) 1-8-001:006, Kaupo, Hana, Maui.
The Management Plan can be reviewed at:
<https://kahikinui-forest-reserve-histategis.hub.arcgis.com/>

Jan Pali, Division of Forestry and Wildlife presented the submittal. David Smith and Tanya Rubenstein (DOFAW) available to answer any questions

Board Discussion

There was a concern regarding removing the goats in the area and the ability for hunters to get in. Pali conveyed that access is a challenge and there are plans to fence some areas of the reserve and awaiting funding.

Public Testimony-None

MOTION

Approved as submitted (Canto, Yoon) unanimous.

08.27.2021/00:32:23

ITEM D-1 Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

Russell Tsuji, Land Division presented the submittal with an amendment.

Board Discussion

Was there a maintenance RP? Tsuji replied he was not sure. It is open to the public. There may be one for maintaining the grounds and the beach.

Public Testimony-None

Amendment:

At the applicant's request, the Board amended (page 2 under the Term of Right-of-Entry) the dates of the event to April 21, 2022, through April 24, 2022, and approved the remaining portions of the submittal for the Right-of-Entry.

MOTION

Approved as amended (Oi, Canto) unanimous.

08.27.2021/00:35:54

ITEM D-2 Issuance of Revocable Permit to Goodfellow Bros. LLC for Temporary Construction Equipment and Material Staging Purposes, Wailua, Hana, Maui, Tax Map Key: (2) 1-1-004:005 por.

Russell Tsuji, Land Division presented the submittal

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Canto, Oi) unanimous.

08.27.2021/00:36:50

ITEM D-3 Issuance of Right-of-Entry Permit to Hawaii Amateur Surfing Association, for Amateur Surf Event Koki Beach, Hana, Maui, Tax Map Key: (2) 1-4-007: Portion of 009.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Canto, Yoon) unanimous.

08.27.2021/00:37:35

ITEM D-4 Consent to Assign Applicant's 1/6 undivided interest in Certificate of Occupation No. 90-A, Raymond M. Judd, III, also known as Raymond M. Judd, Assignor, to Raymond M. Judd, Trustee of the Raymond M. Judd, III Family Land Trust, Assignee, Waiomao, Pukele, Palolo, Oahu, Tax Map Key: (1) 3-4-003:009.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Certificate of Occupancy was explained by Tsuji. Occupancy by those holding an interest in the property and conveying for sale were issues discussed.

Public Testimony

Daylin-Rose Heather, representing the applicant asks the Board to approve the assignment.

MOTION

Approved as submitted (Canto, Oi) unanimous.

08.27.2021/00:47:56

ITEM D-5 Cancellation of Governor's Executive Order No. 3427; Issuance of Quitclaim Deed to the Stadium Authority; Aiea, Ewa, Oahu, Tax Map Key: (1) 9-9-003:055, 061, 070, & 071.

Russell Tsuji, Land Division presented the submittal. Chris Kinimaka, Michael Imanaka, , and Ryan Andrew present to answer questions,

Board Discussion

There is a reversionary clause that if the property is no longer needed for Stadium development district it will revert back to the State. Kinimaka clarified that legislation granted the Stadium Authority to take on management and development of the whole district to support both the stadium and surrounding areas. The Board's involvement would only be if the property were to revert back to the State.

Public Testimony

Ryan Andrew and Michael Imanaka support the submittal.

MOTION

Approved as submitted (Oi, Yoon) unanimous.

08.27.2021/00:57:23

ITEM F-2 Request for Final Approval to Amend and Compile Hawaii Administrative Rules (HAR) Title 13 Chapters 51 and 95.1 to Update Rules Relating to the Kahului Harbor Fisheries Management Area, Maui, and Rules Relating to the Take and Possession of 'Oama on the Island of Maui.

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.

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: <http://dlnr.hawaii.gov/dar/rules-and-public-notices/>.

David Sakoda, Division of Aquatic Resources presented the submittal. Brian Neilson, Russell Sparks ,Adam Wong, Nicolas Sagum Ron Tubs, Melissa Golden present.

Board Discussion

Sakoda confirmed that these rules are for Maui only, the other islands have their own rules.

Public Testimony

Ron Tubbs testified in support of the submittal.

MOTION

Approved as submitted (Canto, Yoon) unanimous.

08.27.2021/01:06:34

ITEM L-1 Delegation of Authority to the Chairperson to: (1) Procure, Award and Enter Into Professional Service Consultant Contract for Design and Engineering Services for the Division of Aquatic Resources Kauai Work station (“the Project”); (2) Declare the Construction of the Project Exempt from the Preparation of an Environmental Assessment or Approve an Environmental Assessment and Issue a Finding of No Significant Impact, if Appropriate; and (3) Approve, Procure and Enter into a Construction Contract for the Project. Waiākea Boat Ramp, Kapaa, Kauai, Tax Map Key (4) 4-6-006:001.

Carty Chang, Engineering presented the submittal. Val Suzuki, Cameron Shayler, Aaron Swink, Brian Neilson.

Board Discussion

Public Testimony

MOTION

Approved as submitted (Oi, Yoon) unanimous.

There being no further business, Member Yuen, acting Chairperson, 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.

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