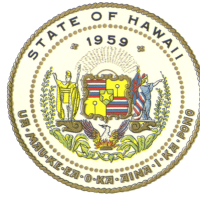


DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
DECEMBER 10, 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: SEPTEMBER 24, 2021
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case
Sam Gon
Chris Yuen
Kaiwi Yoon

Tommy Oi (absent)
Vernon Char
Doreen Canto

STAFF

Russell Tsuji-Land
Seiko Machida-Land
David Smith-DOFAW
Richard Howard-DOBOR

Sheri Mann-DOFAW
Jason Vercelli-DOFAW
Marigold Zoll-DOFAW
Tiger Mills-OCCL

OTHERS

Lauren Chun-AG
Cindy Young/AG
Daylin-Rose Heather/D4
Michael Imanaka/D5
Dave Elliott/C1
Nick Drance/D7
Mark Vaught/D7
Onaona Thoene/D7
Keola Cheng/D7
James Parham/D7
Jaap Eijzenga/D7
Hal Hammatt/D7
Tessa Ng/D7

Abby Lareau/DOT AIR
Jennifer Tomita/DOT HAR
Ryan Andrew/D5
Chris Kinimaka/D5
Michelle Matson/M2,3,4
Meredith Ching/D7
Grant Nakama/D7
Jennifer Lim/D7
Dalton Beauprez/D7
Ken Kawahara/D7
Trevor Yucha/D7
Berna Senelly/D7
Yukino Uchiyama/D7

ITEM A-1

Bruce Plasch/D7
Morris Atta/D7
Mahealani Wendt/D7
Princeslehuani Kumaeakainakaleomomona/D7
William Greenleaf/D7
Randy Cabral/D7
Shay Hodges/D7
Lucienne de Naie/D7
Warren Watanabe/D7
Ian Chan Hodges/D7
Bruce Uu/D7
Alan Arakawa/D7
Shane Sinenci/D7

Steve Dollar/D7
Scott Werdeny/D7
Myoung Oh/D7
Stephanie Whalen/D7
Harold Keyser/D7
Cory Harden/D7
David Frankel/D7
Barbara Stafford-Jones/D7
Albert Perez/D7
Dick Mayer/D7
Richard McDonald/D7
Sara Tekula/D7

09.24.2021/00:00:41

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 are in the waiting room. Members of the public may watch the meeting live streaming on YouTube.

Item D-4 and D-5 have been withdrawn from the agenda today. Member Oi is absent from today's meeting.

09.24.2021/00:02:44

Member Gon read the standard contested case statement. Chair Case noted that they plan to go in order of the agenda.

09.24.2021/00:03:49

ITEM M-1 Issuance of Amendment to Concession Agreement No. DOT-A-16-0012 for the addition of space allocated for storage WI-FI Services Concession, Boingo Wireless, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-2 Issuance of a Revocable Permit for a T-Hangar for the storage and maintenance of an Aircraft for the operation of a commercial Flight School, Pacific Flight Academy LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.

ITEM M-3 Issuance of a Revocable Permit for Aircraft Parking, Pacific Flight Academy LLC, Daniel K. Inouye Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-4 Issuance of a Revocable Permit for Aircraft Parking, Go Fly Maui LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.

ITEM M-5 Issuance of a Revocable Permit for Terminal storage space, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 263.

ITEM M-6 Issuance of a Revocable Permit for an Administrative Office, United States of America, General Services Administration, Department of Homeland Security, Transportation Security Administration, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 173.

ITEM M-7 Issuance of a Revocable Permit for spaces in the Terminal Building for an office and passenger check-in kiosks and ramp space for GSE storage, Alaska Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-8 Issuance of a Revocable Permit for an office and breakroom space for Administration purposes, United States of America, Department of Homeland Security, Transportation Security Administration, Ellison Onizuka Kona International Airport at Keahole, Map Tax Key: (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airports Abby Lareau, DOT Airports present to answer any questions for Items M-1, M-2, M-3, M-4, M-5, M-6, M-7 and M-8.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7 and M-8 (Gon, Yoon) unanimous.

09.24.2021/00:07:55

ITEM M-9 Request Approval to Issue a Month-to-Month Permit and Issuance of a Lease by Direct Negotiation to Aloha Petroleum LLC, for a Surface Pipeline Easement used to Transport Petroleum Products at Pier 31, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-036: Portion of 001 Governor S Executive Order No. 2903.

Olivia Pham, DOT Harbors present to answer any questions.

Board Discussion

As a State, we are trying to become carbon negative by 2045, would it be better to limit the term of the lease to that rather than a longer term? Pham replied, she would speak to Aloha Petroleum regarding reducing the term to be in-line with the State's goal. Pham replied she will discuss with the applicant and bring the submittal back to the Board.

Public Testimony-None

MOTION

Defer (Yuen, Gon) unanimous.

09.24.2021/00:10:45

ITEM M-10 Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kamehameha Highway, Kokoloio Stream

Bridge Replacement, Federal Aid Project No. 83C-05-01, Laiemaloo, Koolauloa, Island of Oahu, State of Hawaii, Tax Map Key No. (1) 5-5-001:007.

Board Discussion-None

Public Testimony-None

MOTION

Approve as submitted (Yoon, Yuen) unanimous.

09.24.2021/00:14:28

ITEM C-1 Request for Approval to Enter into a Memorandum of Understanding with Oahu Resource Conservation and Development Council to build Partnerships between the Agricultural sector and the Hunting community regarding the Windward Oahu Feral Swine Control pilot project.

David Smith, Division of Forestry and Wildlife presented the submittal. Jason Masaki(DOFAW) provided information on the partnership. Dave Elliott, Oahu Resource Conservation and Development Council noted this is an innovative partnership with the agricultural community and hunters.

Board Discussion-None

Has ORCD done an ungulate pest control management? Elliott replied no, they continue to do outreach and education on pest control. They will be working with DOFAW's public Hunter's program for this collaboration.

Public Testimony-None

MOTION

Approve as submitted (Gon, Yoon) unanimous.

09.24.2021/00:21:37

ITEM F-1 Recommendation for Approval of Applicant's Request for Extension of 30-Day Time Period for Consideration of Final Environmental Impact Statement for Issuance of Commercial Aquarium Permits and Commercial Marine Licenses for the Honolulu, 'Ewa, Wai'anae, Waiālua, Ko'olauloa, and Ko'olaupoko Districts on the Island of O'ahu.

Brian Neilson, Division of Aquatic Resources and David Sakoda presented the submittal.

Board Discussion

Is there going to be a similar sentiment as the Hawaii FEIS? Neilson noted that it is much different. It is a fraction of the fishery on Oahu.

Public Testimony-None

MOTION

Approve as submitted (Gon, Char) unanimous.

09.24.2021/00:26:37

ITEM D-8 Consent to Sublease under General Lease No. S-5468, Hui Malama O Ke Kai Foundation, Lessee, to Malama Honua Public Charter School Foundation, Sublessee, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-009:265.

Russell Tsuji, Land Division presented the submittal. Mailelalui Vickery, representing the applicant present to answer any questions

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

09.24.2021/00:30:57

ITEM K-1 Request (1) Authorization for the Chairperson to Sign an Amendment to the Memorandum of Agreement Between State of Hawaii Department of Health, Clean Air Branch and the State of Hawaii Department of Land and Natural Resources, Office of Conservation and Coastal Lands for the Expansion of Sustainable Transportation Multi-Modal Work, Statewide, dated February 17, 2021, to Extend the Project Completion Deadline; and (2) Delegation of Authority to the Chairperson to Negotiate and Execute Amendments to the Memorandum of Agreement.

Anu Hittle, Office of Conservation and Coastal Lands, Climate Change Mitigation & Adaptation Coordinator presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Char, Yoon) unanimous.

09.24.2021/00:33:02 Break

09.24.2021/00:38:08

ITEM D-7 Acceptance of the Final Environmental Impact Statement (FEIS) for Proposed Issuance of a Long-Term Water Lease Via Public Auction for the Nahiku, Keanae, Honomau, and Huelo License Areas included in Revocable Permits S-7263 (Tax Map Key: (2) 1-1-001:044), S-7264, (Tax Map Keys: (2) 1-1-001:050, 2-9-014:001, 005, 011, 012 & 017) and S-7265 (Tax Map Key: (2) 1-1-002:por. 002) to Alexander and Baldwin, Inc., and S-7266 (Tax Map Keys: (2) 1-2-004:005 & 007) to East Maui Irrigation Company, Limited for Water Use on the Island of Maui. The Final Environmental Impact Statement is available for review through the following link:

<https://dlnr.hawaii.gov/ld/ab-emi-feis-for-the-proposed-lease-for-the-nahiku-keanae-honomanu-and-huelo-license-area/>

Pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Ian Hirokawa, Land Division presented the submittal. Lauren Yasaka (Land), present to answer any questions.

Meredith Ching, Mark Vaught, Grant Nakama, Onaona Thoene, Jennifer Lim, Keola Cheng, Dalton Beauprez, James Parham, Ken Kawahara, Jaap Eijzenga, Trevor Yucha, Hal Hammatt, Berna Senelly, Tessa Ng, Yukino Uchiyama, Bruce Plasch, Steve Dollar, representatives of A & B and East Maui Irrigation provided information on the FEIS and available for questions.

Board Discussion

Chair Case provided a summary of how difficult it is to put a price on water. Member Gon addressed the reason he is not recusing himself in regard to the FEIS. There was extension discussion during the meeting.

Public Testimony

Morris Atta (DOA), Myoung Oh, Princeslehuanani Kumaeakainakaleomomona, Mahealani Wendt, Jerome Kekiwi, Stephanie Whalen, William Greenleaf, Harold Keyser, Randy Cabral, Cory Harden, Shay Hodges, David Frankel, Lucienne de Naie, Barbara Berry.

09.24.2021/01:54:24 Break

09.24.2021/02:06:01 ITEM D-7 (continuation of public testimony)

Warren Watanabe, Scott Werden, Albert Perez, Ian Chan Hodges, Dick Mayer. Bruce U'u, Richard McDonald, Alan Arakawa, Sara Tekula, Shane Sinenci, Caleb Rowe, Shyloh Stafford-Jones, Nick Drance, Kamakana Ferreira, Dean Frampton.

09.24.2021/03:12:07 Break

09.24.2021/03:25:43

Member Yuen asked a procedural question, he wanted to clarify if an amendment to the EIS is possible if they were to accept the FEIS or not. Deputy AG Chun noted that if you don't pick either option, if there is no action then there will be an automatic 30-days acceptance after the draft EIS was submitted, that deadline is tomorrow.

Member Yoon asked Meredith Ching what was different from 2001 to today. Ching noted they were still looking at other farming practices. Now Mahi Pono is looking at growing different types of crops, that can stay in State. There was further discussion regarding unresolved issues, seepage, and the irrigation system and the hydrology.

09.24.2021/00:3:50:56

Chair Case motioned to go into Executive Session, Member Gon second the motion. Unanimous.

09.24.2021/00:04:31:56

Chair Case asked Deputy AG Chun to read the guidelines for acceptance for standard review of an EIS. Chun noted it can be found on page 3 of the submittal. Further discussion by the Board regarding the process. Comments regarding the EIS by the Board members followed.

MOTION

Approve the submittal (Canto, Char) unanimous.

09.24.2021/00:04:45:14

ITEM D-2 Amend Prior Board Action of January 8, 2021, Item D-3, *Terminate Use, Occupancy and Possession of Premises under Expired General Lease No. S-3795 by InSite Towers Development, LLC; Authorize the Issuance of a Direct Lease to New Cingular Wireless PCS, LLC (New Cingular) for Microwave Station and Microwave Tower Facilities Purposes and Grant of Term, Non-Exclusive Easements to New Cingular for Access and Utility Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-4-001:016, 017 and (4) 1-4-001:002 pors.*

The purpose of this amendment is to remove Easements A and B. Upon further inspection, Easements A and B were determined to be for tree trimming to maintain line-of-sight from the subject parcel to other Microwave Tower Facilities which is no longer necessary.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Gon, Yoon) unanimous.

09.24.2021/00:04:46:46

ITEM D-3 Rescind Prior Board Action of September 11, 2020, Item D-3, *Issuance of Direct Lease to Regenerations International Botanical Garden for Intensive Agricultural Use Purposes and Issuance of Immediate Management Right-of Entry Permit, Kapaa, Kawaihau, Kauai; Tax map Keys: (4) 4-6-005: 007 & 008;*

Issuance of Revocable Permit to Kapahi Strain Kalo Co. LLC for Intensive Agricultural Use Purposes; Kapaa, Kawaihau, Kauai, Hawaii; Tax Map Keys: (4) 4-6-005: 007 & 008.

Russell Tsuji, Land Division presented the submittal. Allison Nuestein

Board Discussion

Nuestein noted that the applicant is a fourth-generation taro farmer.

Public Testimony-None

MOTION

Approved as submitted (Yoon, Gon) unanimous.

09.24.2021/00:04:49:01

ITEM D-1 Annual Renewal of Revocable Permits on the Island of Kauai for 2022. **See Exhibit 2** for list of Revocable Permits.

Member Oi is not present and Chair asked if the Board would like to proceed? The Board decided to defer the submittal to the next meeting.

Board Discussion

The Board elected to wait for Member Oi to be present.

Public Testimony-None

MOTION

WITHDRAWN (Char, Yuen) unanimous.

09.24.2021/00:04:53:57

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.

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