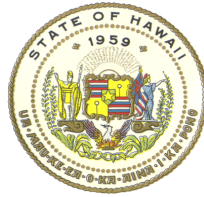
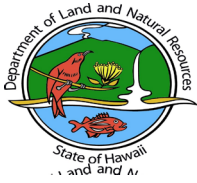


DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED BY THE BOARD  
AT ITS MEETING  
HELD ON  
FEBRUARY 11, 2022**

**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

*dan*

**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: November 12, 2021  
TIME: 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Sam Gon  
Chris Yuen  
Kaiwi Yoon

Tommy Oi  
Vernon Char  
Doreen Canto

**STAFF**

Russell Tsuji-Land  
Ian Hirokawa-Land  
Alison Neustein-Land  
David Smith-DOFAW  
Laine Barry-DOFAW  
Ed Underwood-DOBOR

Barry Cheung-Land  
Luke Sarvis-Land  
Korinne Gowin-Parks  
Marigold Zoll-DOFAW  
Megan Statts-DOBOR  
Alan Carpenter-Parks

**OTHERS**

Dan Morris/AG  
Olivia Pham/DOT HAR  
Lisa Crampton/C1  
Jess Cole/C2  
Brian Keaulana/C2  
Rob Cowen/C2  
Roberta Yanagawa/D2  
Jennifer Lim/D10  
Kimo Frankel/D10  
Michael Matsuo/D11  
Wayne Tanaka/D13

Abby Lareau/DOT AIR  
Eric Leong/DOT HAR  
Donne Dawson/C2  
Joe Stargensky/C2  
Renee Confair/C2  
Michael Walbrecht/C2  
Isaac Hall/D6  
Joe Ibarra/D10  
Tyler Ralston/D10  
Antone Carrillo/D12

**ITEM A-2**

**11.12.2021/00:00:03**

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.

**11.12.2021/00:01:14**

Member Canto read the Standard Contested Case Statement.

**11.12.2021/00:02:16**

**ITEM A-1** Approval of the Board meeting minutes held September 10, 2021.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Canto, Gon) unanimous.**

**11.12.2021/00:02:16**

**ITEM J-1** Approval of petition for a contested case hearing (CCH) by Thomas P. Bellit regarding October 8, 2021, Enforcement Action for alleged illegal Commercial Activity, in violation of Hawaii Administrative Rules (HAR) §§ 13-256-3 & 13-256-73.1.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Gon, Oi) unanimous.**

**11.12.2021/00:04:46**

**ITEM M-1** Issuance of a Revocable Permit for Aircraft Parking, Barbers Point Aviation Services, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

**ITEM M-2** Issuance of a Revocable Permit for Two Aircraft Parking, Barbers Point Flight School, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

**ITEM M-3** Issuance of a Revocable Permit for Three Commercial T-Hangars for the storage of parts, tools and equipment to support a Commercial General Aviation Maintenance Business,

Corporate Air, Daniel K. Inouye International Airport, Tax Map Key: 1-1-076: Portion of 020.

**ITEM M-4** Issuance of a Revocable Permit for Two Commercial T-Hangars for the storage and maintenance of Aircraft and Aircraft parts for Commercial General Aviation Maintenance, HKA Pacific LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.

**ITEM M-5** Issuance of a Revocable Permit for Aircraft Parking, Ian Hofreiter and Annie Domko, Kalaeloa Airport. Tax Map Key: (1) 9-1-013: Portion of 032.

**ITEM M-6** Issuance of a Revocable Permit for a T-Hangar for storage and maintenance of Aircraft, Michael Charlston, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 001.

**ITEM M-7** Issuance of a Revocable Permit for a T-Hangar for storage and maintenance of Aircraft, Wailea Aircraft L.L.C., Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 017.

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

**ITEM M-9** Issuance of a Revocable Permit for storage space, U.S. Department of Homeland Security, Transportation Security Administration, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.

**ITEM M-10** Issuance of a Revocable Permit for Ticket Counters and Kiosks, Southwest Airlines Co., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-11** Issuance of Amendment No. 2 to Concession Agreement No. DOT-A-16-0001 for additional automobile parking facilities, SP Plus Corporation, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-12** Issuance of a Second Amendment to Grant of Non-exclusive Easement and Bill of Sale for Waterline purposes, Water Board of the County of Hawaii, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-13** Issuance of a Revocable Permit for Shared Use of Baggage System, Alaska Airlines, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135.

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, M-8, M-9, M-10, M-11, M-12 and M-13.

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 and M-13.**

**11.12.2021/00:05:54**

**ITEM M-14** Issuance of Month-to-Month Revocable Permits to IES Downstream, LLC, for Ancillary and Non-Exclusive Pipeline Easements for four (4) subsurface petroleum pipelines for Fuel barges at Hilo Harbor, Island of Hawaii, Tax Map Key: (3) 2-1-009: Portion 007, Governor's Executive Order No. 3962.

Eric Leong, DOT Harbors presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Oi, Yuen) unanimous.**

**11.12.2021/00:06:45**

**ITEM M-15** Issuance of four (4) Month-to-Month Permits to Sause Bros., Inc., for a Modular Office and Parking Areas, situated at Pier 27, Honolulu Harbor, Oahu, Tax Map Keys: (1) 1-5-038: Portion of 001 and (1) 1-5-038:Portion of 074, Governor's Executive Order No. 2903.

**ITEM M-16** Amendment of Harbor Lease No. H-06-28 issued to The Gas Company, LLC, to include Non-Exclusive Subsurface Electrical Easement situated at Pier 38, Honolulu Harbor, Oahu, Tax Map Key No.: (1) 1-5-042 :Portion of 001, Governor's Executive Order No. 1346.

**ITEM M-17** Issuance of a Right-of-Entry to Royal Contracting Co., Ltd., at Kalaeloa Barbers Point Harbor, Island Of Oahu, Tax Map Key: (I) 9-1-014:Portion of 024, Governor's Executive Order No. 3383.

Olivia Pham, DOT Harbors present to answer questions for Items M-15, M-16, and M-17.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted Items M-15, M-16 and M-17 (Char, Oi) unanimous.**

**11.12.2021/00:08:06**

**ITEM C-1** Request and justification for collecting up to five adult and sub-adults 'Akikiki from the wild on the Alaka'i Plateau, Kaua'i for captivity

Laine Berry, Division of Forestry and Wildlife present the submittal with a PowerPoint presentation. Lisa Crampton, Kauai Forest Recovery Project is present to answer any questions,

Board Discussion

Transportation and care of the birds and captive breeding results were discussed.

Public Testimony-None

**MOTION**

**Approved as submitted (Oi, Gon) unanimous.**

**11.12.2021/00:46:06**

**ITEM C-2** Issuance of Right-of-Entry Permit to Redemption Pictures Inc for Exclusive Use of Public Lands for Filming at Mānoa Falls Trail, Honolulu, Oahu

DLNR asserts that it owns the unpaved portion of Mānoa Road per the Highways Act 1892 related to Old Government Roads, including the unnumbered parcel between Tax Map Key (1) 2-9-055:008 and (1) 2-9-055:009, both of which are under jurisdiction of Board of Water Supply.

Marigold Zoll, Division of Forestry and Wildlife presented the submittal.

Board Discussion

The concern regarding public access and safety was discussed as well as the condition of the trail.

Public Testimony

Donne Dawson, Jess Cole, Joe Stargensky, Brian Keaulana, Renee Confair, Rob Cowen, Michael Walbrecht, present to provide support of the submittal. Jason Mamoia provided a video message in support of the submittal.

**MOTION**

**Approved as submitted (Char, Gon) 6-Ayes 1-Oppose (Case)**

**11.12.2021/01:11:54 Break**

**11.12.2021/01:21:16**

**ITEM D-1** Grant of Term, Non-Exclusive Easement to Kauai Island Utility Cooperative for Utility Purposes, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-001: por. of 006.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Oi, Yuen) unanimous.**

**11.12.2021/01:22:05**

**ITEM D-2** Amend General Lease No. S-6014 to Honpa Hongwanji Mission of Hawaii for Church Parking and Allied Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-006:008.

The purpose of the amendment is to change the rent reopening provision of the lease to provide for determination of rent based on the Board's then prevailing policy on leasing to eleemosynary organizations.

Russell Tsuji, Land Division presented the submittal. Alison Neustein (Land) present to answer questions.

Board Discussion

Does Honpa Hongwanji agree with the increase in rent? Tsuji conveyed they would have preferred the rent that they were at. It was looked at what is public benefit and what was membership. It was suggested that Land Division also look at similar use RP parking.

Public Testimony-None

**MOTION**

**Approved as submitted (Oi, Char) unanimous.**

**11.12.2021/01:27:56**

**ITEM D-3** Consent to Assign General Lease No. S-5435, Shirley Kaiwalani Nash, Assignor, to Jesse Kaawaloa, Jr., Assignee, Lot 35, Kalapana Section, Kikala-Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2-043:035.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Yoon, Oi) unanimous.**

**11.12.2021/01:28:50**

**ITEM D-4** Amendment of Extended, Amended, and Restated General Lease No. S-3961, Hilo Hawaiian Associates, Inc., Lessee; Government Lands Situate at Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-003:005.

The purpose of the amendment is to insert a standard provision that was inadvertently omitted from the lease detailing the kinds of receipts to which percentage rent applies and the maintenance of records therefor.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Revenues, sublease and percentage rents were discussed in detail.

Public Testimony

*Staff asked for the following amendment:*

*a. Replacing recommendation A.1 with the following:*

*1. The standard terms and conditions of the most current amendment of lease document form, as may be amended from time to time;*

*b. Amending recommendation A.3 by adding at the end "including, without limitation, the inclusion of language in the lease amendment to resolve any conflict between new Section 2.C and existing Section 2 on page 2 of the current lease" to read in its entirety as follows:*

*3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State[.], including, without limitation, the inclusion of language in the lease amendment to resolve any conflict between new Section 2.C and existing Section 2 on page 2 of the current lease.*

**MOTION**

**Approved as amended (Yuen, Char) unanimous.**

**11.12.2021/01:45:16**

**ITEM D-5** Amend Prior Board Action of July 23, 2021, Item D-2, *Issuance of Right-of-Entry-Permit to the Division of Forestry and Wildlife (DOFAW) on Unencumbered State Lands for*

*Lowland Dry Forest Management Purposes; Authorize Memorandum of Understanding (MOU) between the University of Hawaii and DOFAW to Collaboratively Steward and Manage Lands; Request Delegation of Authority to the Chairperson to Negotiate, Finalize and Execute the MOU Subject to Approval as to Form by The Department of the Attorney General at Palamanui, North Kona, Hawaii, Tax Map Key Numbers: (3) 7-3-010:032, (3) 7-3-010: Portion of 046, and (3) 7-3-010: Portion of 062.*

The purpose of the amendment is to change the initial term of the Right-of-Entry Permit to one year and authorize the Chairperson to continue the Right-of-Entry Permit annually for good cause shown.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Yuen, Gon) unanimous.**

**11.12.2021/01:46:30**

**ITEM D-6** Issuance of Immediate Right-of-Entry and Grant of Perpetual, Non-Exclusive Easement to Michael and Laurie Baker for Access Purposes, Honokala - Hoolawa, Hamakualoa, Maui, Tax Map Key: (2) 2-9-002:022 por.

Russell Tsuji, Land Division presented the submittal. Isaac Hall, representative for the applicant.

Board Discussion

Public Testimony

Hall supports the submittal.

**MOTION**

**Approved as submitted (Canto, Gon) unanimous.**

**11.12.2021/01:51:50**

**ITEM D-7** Amend Prior Board Action of October 8, 2021, Item D-9, *Issuance of Revocable Permit to Diamond Resorts International Club, Inc., to Repair Existing Erosion Protection Skirt and Sand Mattress Revetment Fronting the Kaanapali Beach Club, Honokowai, Lahaina, Maui, Tax Map Key: (2) 4-4-001: Seaward of 098.*

The purpose of this amendment is to change the applicant from Diamond Resorts International Club, Inc. to West Maui Resort Partners, L.P.

Russell Tsuji, Land Division presented the submittal.



Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Canto, Yuen) unanimous.**

**11.12.2021/01:53:48**

**ITEM D-8** Issuance of a Right-of-Entry Permit to Xterra Global LLC for the 2021 Xterra World Championships, December 4 and 5, 2021, Kapalua, Lahaina, Maui, Tax Map Key (2) 4-2-004: Seaward of 014, 015 and 016.

Russell Tsuji, Land Division presented the submittal

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Canto, Yoon) unanimous.**

**11.12.2021/01:54:28**

**ITEM D-9** Amend Prior Board Action of January 8, 2021, Item D-8, *Quitclaim of State's Interests, if Any, in a Portion of Government Land to the Department of Hawaiian Home Lands, Palaau and Hoolehua, Kona, Molokai, Tax Map Key: (2) 5-2-004:046.*

The purpose of this amendment is to correct the acreage of subject parcel from 42.313 acres to 41.984 acres.

Russell Tsuji, Land Division presented the submittal. Luke Sarvis (Land) present to answer any questions

Board Discussion-None

Public Testimony-None

**MOTION**

**Approved as submitted (Canto, Gon)**

**11.12.2021/01:55:12**

**ITEM D-10** Annual Renewal of Revocable Permit 7915; Resorttrust Hawaii, LLC, Permittee; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:041.

Barry Cheung, Land Division presented the submittal. Jennifer Lim and Joe Ibarra representing Resorttrust Hawaii, LLC present to answer questions.

Board Discussion

Questions were asked to clarify where the boundary signage was in relation to the revocable permit. Cheung conveyed that they placed one on the Ewa side of the revocable permit and conveyed that the public is allowed to use the grassy area.

Public Testimony

Jennifer Lim deferred to Joe Ibarra and he added to his written testimony in support of the renewal. Kimo Frankel conveyed his reasons for not approving the submittal. Tyler Ralston summarized his testimony and does not support the staff submittal and requested a contested case hearing.

**11.12.2021/02:17:10**

Member Yuen made a Motion to go into Executive Session. Member Char seconded the Motion. Unanimous.

**11.12.2021/02:32:15**

Motion made by Member Yuen to deny the request for a contested case. Member Canto seconded the Motion. The vote was unanimous.

**MOTION**

**Approved as submitted (Yoon, Canto) unanimous.**

*After the Motion, Tyler Ralston requested a contested case and was advised to submit his request in writing within 10-days.*

**11.12.2021/02:35:33**

**ITEM D-11** Withdrawal from Governor's Executive Order No. 4215; Issuance of Perpetual Non-Exclusive Access and Utility Easements and Right-of-Entry Permit to City and County of Honolulu, Board of Water Supply; Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) and Michael Matsuo representing the Board of Water Supply answer questions.

Board Discussion-None

Public Testimony

Michael Matsuo conveyed the purpose for the easement.

**MOTION**

**Approved as submitted (Gon, Char) unanimous.**

**11.12.2021/02:38:50**

**ITEM D- 12** Annual Renewal of Revocable Permits on the Island of Oahu. See **Exhibit 2** for list of Revocable Permits.

Barry Cheung, Land Division presented the submittal and noted that no increase in rent for RP 7782 (Carrillo).

Board Discussion

The Board asked for background history on RP7782 which was previously on a lease. Carrillo provided the family history over 72 years.

Public Testimony

Antone Carrillo (RP7782) requested the Board consider a decrease in rent.

**MOTION**

**Approved as submitted (Yoon, Yuen) 6-Ayes Recused on the Wilson RP (Char)**

**11.12.2021/02:53:22**

**ITEM D-13** Denial of Sierra Club of Hawaii's Petition to Adopt Rules for Appraising Water Leases. 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. Wayne Tanaka, Sierra Club present.

Board Discussion

Discussion at length regarding factors to consider rulemaking regarding appraisals for water and fair market value as well as the basis for a contested case. Tsuji noted that flexible guidance is what Land Division is seeking.

Public Testimony

Wayne Tanaka highlighted points of his written submittal.

**11.12.2021/03:28:57**

Member Yuen made a motion to go into Executive Session. Member Yoon seconded the motion. The vote was unanimous.

**11.12.2021/03:55:57 Back in Session**

Comments were given for the reasons for the Board's decision.

**MOTION**

**Approved as submitted (Gon, Oi) unanimous.**

**11.12.2021/03:58:13**

**ITEM E-1** Delegation of Authority to the Chairperson to Procure, Award and Enter into Service Contracts to Collect Entrance and Parking Fees, and Conduct Visitor Management Services Statewide at 'Akaka Falls State Park and Hāpuna Beach State Recreation Area, Island of Hawai'i; Kōke'e State Park and Waimea Canyon State Park (Contiguous), Island of Kaua'i; 'Iao Valley State Monument, Mākena State Park and Wai'ānapanapa State Park, Island of Maui; and Nu'uaniu Pali State Wayside, Island of O'ahu.

Curt Cottrell, State Parks presented the submittal.

Board Discussion

Legal concession bidding and delegation to the Chair discussed and confirmed by Cottrell.

Public Testimony-None

**MOTION**

**Approved as submitted (Gon, 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*

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Darlene S. Ferreira  
Land Board Secretary

Approved for Submittal:

*Suzanne D. Case*

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Suzanne D. Case, Chairperson  
Board of Land and Natural Resources  
Department of Land and Natural Resources