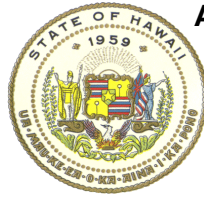
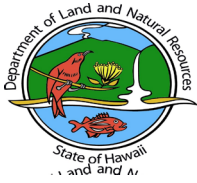


DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED BY THE BOARD
AT ITS MEETING HELD ON
MARCH 24, 2022

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

dar

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

SUMMARY MINUTES
FOR THE SPECIAL MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: February 4, 2022
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

MEMBERS

Suzanne Case
Chris Yuen
Kaiwi Yoon
Aimee Barnes

Tommy Oi
Vernon Char
Doreen Canto

STAFF

Russell Tsuji-Land
Alan Carpenter/Parks
Richard Howard-DOBOR
Trevor Fitzpatrick-OCCL

Curt Cottrell-Parks
Ed Underwood-DOBOR
Michael Cain-OCCL

OTHERS

Melissa Golden/AG
Travis Tomono/DOT HWYS
Mark Patterson/M7
Lila King/M7
Kanoa O'Conner/E2
Anuheia Patoc/E2
JoAnn Tsark/E2
Colin Lau/J1
Denver Coon/J1
Don King/K1

Abby Lareau/DOT AIR
Jennifer Tomita/DOT HAR
Leanne Gillespie/M7
Jon Gelman/D1
Joseph Miller/E2
Puni Jackson/E2
David Derauf/E2
Jim Coon/J1
Leimana DeMate/J1
Peter Young/K1

ITEM A-2

02.04.2022/00:00:01

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. This special meeting is being held due to the cancellation of the January 28, 2022, meeting.

02.04.2022/00:00:10

Member Canto read the standard contested case statement.

02.04.2022/00:02:40

Chair Case proceeded to conduct roll call of the Members.

02.04.2022/00:03:40

ITEM M- 1 Issuance of a Revocable Permit for an Office Space for a Control Room for Radio Equipment in Support of ACARS (Air Communications, Addressing and Reporting System), SITA Information Networking Computing USA, 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 Aircraft Parking, Dr. Jeffrey M. Ellis, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

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

ITEM M-4 Amendment No. 1 to Revocable Permit No. 9064, Request to include Additional Area to Revocable Permit, Airborne Aviation Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.

Abby Lareau, DOT Airports available to answer questions for Items M-1, M-2m M-3 and M-4.

Board Discussion-None

Public Testimony-None

02.04.2022/00:04:06

Approved as submitted (Char, Yoon) unanimously.

02.04.2022/00:04:52

ITEM M-5 Issuance of Month-to-Month Revocable Permit to Rasier, LLC, for Vehicle Egress and Ingress for Cruise Passenger pick-up at Pier 2 Passenger Terminal, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 2-1-015: Portion of. 009, Governor's Executive Order No. 4238.

ITEM M-6 Issuance of Two (2) Month-to-Month Revocable Permits to McCabe, Hamilton & Renny Company, Limited, for Warehouse Space, situated at Pier 23, Honolulu Harbor, Oahu,

Tax Map Keys: (1) 1-5-039: Portion of 025, (1) 1-5-039: Portion of 024 and (1) 1-5-039: Portion of 010, Governor's Executive Order No. 2903.

Jennifer Tomita DOT-Harbors .available for questions for Item M-5 and Item M-6.

Board Discussion-None

Public Testimony-None

02.04.2022/00:06:34

MOTION

Approved as submitted Item M-5 and M-6 (Oi/Char) unanimously.

02.04.2022/00:10:00 (Item M-7 & M-8 were presented together)

ITEM M-7 Consent to Lease of Lands under Governor's Executive Order No. 172 to Partners in Development Foundation for the purpose of Aina Based learning environment for at-risk youth population utilizing horticulture approach. Kailua, Koolaupoko, Oahu, Tax Map Key: (1)1-4-2-006: Portion of 002.

Lila King, DHS presented the submittals. Mark Patterson and Leanne Gilles (DHS) provided additional information regarding the programs.

Board Discussion

It was asked what the demographic race of the children between 13 and 24. Patterson conveyed that 75% are native Hawaiian. The ability to sell the products on the open market was addressed.

Public Testimony-None

Amendment:

Authorize Commercial sales of products that are mission related.

02.04.2022/00:28:02

MOTION

Approved as amended (Yoon, Barnes) unanimous.

02.04.2022/00:18:25

ITEM M-8 Approval to Issue Three (3) Direct Leases to Non-Profit Entities between the Department of Human Service, Office of Youth Services and (1) Residential Youth Service and Empowerment , Inc., (2) Kinai 'Eha, and (3) Hale Kipa, for use of portions of the Kawailoa Youth and Family Wellness Center. Kailua, Koolaupoko, Oahu, Tax Map Key: (1) 4-2-006: Portion 002. Governor's Executive Order No. 172.

The purpose would provide stability for the non-profits to actively pursue programmatic and capital improvement resources to assure sustainably of on-campus programing.

Mark Patterson, DHS gave a summary of the submittal and provided information on the programs that are in place.

Board Discussion

The standard lease form, non-profits accountability, and the ability to evaluate the non-profits performance and options were discussed as well as the impact of the program for the youth.

Public Testimony-None

02.04.2022/00:28:02

MOTION

Approved as submitted (Canto, Yoon) unanimously.

02.04.2022/00:31:14

ITEM D-1 Issuance of Right-of-Entry Permit to Hawaii Marine Mammal Alliance Inc., dba Hawaii Marine Animal Response, for Activities Relating to the Preservation and Recovery of Hawaii's Endangered and Threatened Marine Animal Species on Unencumbered State-Owned Lands Located Seaward of the Shorelines of the Islands of Oahu and Molokai, Including Their Unencumbered Offshore Islets.

Russell Tsuji, Land Division presented the submittal. Jon Gelman available to answer questions.

Board Discussion

Why is this limited to Oahu and Molokai? Gelman replied, our current grants from NOAA specify only these areas, Kauai is NOAA, Big Island and Maui are the is the Marine Mammal Center.

Public Testimony-None

02.04.2022/00:32:57

MOTION

Approved as submitted (Canto, Barnes) unanimously.

02.04.2022/00:34:41

ITEM E-1 Request the Approval to Retroactively Consent to the 2016 Assignment of General Lease No. SP0131, William Olson, Assignor, to Assignees, William Olson and Jan N. Olson, for Waimea Canyon State Park, Lot 72, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:068.

Curt Cottrell, State Parks presented the submittal.

Board Discussion

How many vacant cabins are available? Cottrell replied he thinks 6 to 7, he would need to consult with his Property Manager.

Public Testimony-None

02.04.2022/00:35:54

MOTION

Approved as submitted (Oi/Yoon) unanimously.

02.04.2022/00:36:51

ITEM E-2 Request to Amend General Lease SP0042 to Kokua Kalihi Valley (Comprehensive Family Services), a Hawai'i nonprofit corporation, and Request a Thirty-five (35) Year Lease Extension to continue operating and maintaining cultural, educational, and recreational programs and activities for the public at Kalihi Valley State Park Reserve, Kalihi Valley, Honolulu, O'ahu, Hawai'i, Tax Map Keys: (1) 1-4-014:001, 1-4-014:026 and 1-4-016:003.

Curt Cottrell, State Parks presented the submittal. Alan Carpenter (Parks) and Heather McMillian available for additional questions.

Board Discussion

The existing structures and future projects on the property were addressed by Carpenter. Maximum term on a non-profit lease is 65-years.

Public Testimony

Kanoa O'Conner, Joseph Miller, Anuheia Patoc and son, Puni Jackson, JoAnn Tsark, David Derauf, testified in support of the submittal.

02.04.2022/01:04:04

MOTION

Approved as submitted (Char, Yoon) unanimously.

02.04.2022/01:05:47 Break

02.04.2022/01:16:04

ITEM J-1 Approval of Issuance of Direct Lease for Certain Lands in Manele Small Boat Harbor, Lanai, Hawaii, Tax Map Key: (2) 4-9-017:006 (por) and seaward of (2) 4-9-017:006 (por), to Coon Brothers, Inc. pursuant to *Petition of Coon Brothers Inc. to Negotiate a Lease of Certain Submerged and Fast Lands and Dock at Manele Small Boat Harbor, Lanai, Hawaii* (Item J-1 on March 22, 2013).

Ed Underwood. Division of Boating and Ocean Recreation presented the submittal. Deputy AG Colin Lau is present to answer questions.

Board Discussion

Lease and percentage rent, sea-level rise was discussed. Preferential non-exclusive use was clarified.

Public Testimony

Jim Coon stands in support of the submittal. Denver Coon and Leimana DeMate stand by their written testimony in support the submittal,

02.04.2022/01:31:29

MOTION

Approved as submitted (Canto, Yuen) unanimously.

02.04.2022/01:32:05

ITEM J-2

Issuance of Revocable Permit to Kanoa, Inc. dba Body Glove Cruises for Maritime Related Activities Including Concierge Service, Providing General Island Information, Maps, Restaurant Guides, Charter and Tour Information, Cruise Ship Itineraries, Trolley and Bus Schedules, Beach Rental Gear, Sunscreen, Cold Refreshments and Snacks and Guest Check In for Tour Purposes, Kailua-Kona Wharf, Kailua Village, North Kona, Hawaii, Tax Map Key: (3) 7-5-006:039 (Por);

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, chapter 200.1, Hawaii Administrative Rules.

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

Board Discussion

Are there any other interested parties? Underwood replied not at this time.

Public Testimony-None

02.04.2022/01:34:37

MOTION

Approved as submitted (Yuen, Canto) unanimously.

02.04.2022/01:35:46

ITEM K-1

Request for Administrative Fines and other Penalties against Mr. Donald King trustee of the KING, DONALD R TRUST and Mrs. Julianne King trustee of the KING, JULIANNE Y TRUST for the Conservation District Enforcement Case OA 22-13 Regarding the alleged Unauthorized Construction of a Road and Placement of Landscaping located within the Conservation District at the end of Po'opo'o Place, Lanikai Beach Tract, Kailua, O'ahu, Tax Map Key: (1) 4-3-002:001.

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

Chair Case noted that this is a violation and if the Mr. King wants to request a contested case he may do so before we make a decision or by the end of this meeting and follow up in writing within 10-days. Mr. King did not want to request a contested case at this time.

Michael Cain, Office of Conservation and Coastal Lands continued with presenting the submittal.

Board Discussion

The merits of the violation, fines and the use/purpose of the conservation land

Public Testimony

Donald King explained the circumstances of what led up to the violation.

James Manaku testified in support of keeping the conservation land as it should be.

02.04.2022/02:11:32

MOTION

Approved as submitted (Oi, Yoon)

Further discussion by the Board regarding the amount of the fine before the final vote. Member Yuen favored reducing the fine.

02.04.2022/02:21:35

MOTION

Approved as submitted (Oi, Yoon) 4-Ayes, 3-Oppose (Canto, Char, Yuen)

Chair Case reminded Mr. King that he could request a contested case now and follow up in writing within 10-days.

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 S. 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