



**APPROVED BY THE BOARD**

**AT ITS MEETING HELD ON**

**APRIL 8, 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  
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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 MEETING OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

DATE: February 25, 2022  
TIME: 9:00 A.M.  
LOCATION: Online via ZOOM, Livestream via YouTube

**MEMBERS**

Suzanne Case  
Chris Yuen  
Kaiwi Yoon  
Aimee Barnes (absent)

Tommy Oi  
Vernon Char  
Doreen Canto

**STAFF**

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

Curt Cottrell-Parks  
Ed Underwood-DOBOR  
Michael Cain-OCCL  
David Smith-DOFAW

**OTHERS**

Linda Chow/AG  
Derek Carne/DOT HAR  
Maria Lutz/M18

Abby Lareau/DOT AIR  
Scott Kawamoto/M18  
Jeff Spencer/M18

**02.25.2022(1)00:00:28**

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.

**02.25.2022(1)00:01:39**

Chair Case proceeded to conduct roll call of the Members.

**02.25.2022(1)00:02:53**

Member Yoon read the standard contested case statement.

**02.25.2022(1)00:04:50**

**ITEM M-1** Issuance of a Revocable Permit for a T-Hangar for the Storage and Maintenance of Aircraft in Support of a Commercial Aeronautical Maintenance Business, Mid Pacific Aero Services LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 021.

**ITEM M-2** Issuance of a Hangar Facilities Lease for Cargo Operations by Notice of Public Auction, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-72: 022.

**ITEM M-3** Issuance of a Facilities Lease for Administrative Purposes, U.S. General Services Administration on Behalf of the U.S. Department of Agriculture, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-03: Portion of 040.

**ITEM M-4** Issuance of a Revocable Permit for Aircraft Parking, AIRMD, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 009.

**ITEM M-5** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Helicopter Consultants of Maui, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 009.

**ITEM M-6** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Manuiwa Airways Incorporated, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 009.

**ITEM M-7** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft and an End Room for a Maintenance Office and Storage, Safari Aviation, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 009.

**ITEM M-8** Issuance of a Revocable Permit for Aircraft Parking, AIRMD, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.

**ITEM M-9** Issuance of a Revocable Permit for Aircraft Parking, Aloha Helicopter Tours LLC dba Alii Air Tours and Charters, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion 008.

**ITEM M-10** Issuance of a Revocable Permit for Space in the Commuter Terminal to Place a Desk and Two Vehicle Parking Stalls for Fixed-Wing Air Tour Operations, Aloha Helicopter Tours LLC dba Alii Air Tours and Charters, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 147.

**ITEM M-12** Issuance of a Revocable Permit for Office Spaces in the Commuter Terminal, Wings Over Kauai LLC, Lihue Airport, Tax Map Key: (4) 3-5-01: Portion of 147.

**ITEM M-13** Issuance of a Revocable Permit for Aircraft Parking, AIRMD, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 196.

**ITEM M-14** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Helicopter Consultants of Maui, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 195.

**ITEM M-15** Amendment No. 2 to Hangar Lease No. DOT-A-13-0003 to amend the "Lease Term" from 20 years to 35 years, J.F. Air, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 265.

**ITEM M-16** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft and End Rooms for Parts and Equipment Storage, Mana Kai Flying LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 195.

Abby Lareau, DOT Airports available to answer 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, M-13, M-14, M-15, and M-16.

Board Discussion

Yes, on Items M-2 and M-11

Public Testimony-None

**02.25.10.2022(1)/00:10:33**

**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, M-13, M-14, M-15, and M-16 (Oi, Char) unanimously.**

**02.25.2022(1)00:11:06**

**ITEM M-17** Issuance of a Month-to-Month Revocable Permit to Toell U.S.A. Corporation, for Material and Dry Goods Storage, Shipping and Receivables, to support its current facility operations under Harbor Lease No. H-18-62, Pier 23, Honolulu Harbor, Island of Oahu, Tax Map Key Nos. (1) 1-5-039: Portion of 022 and (1) 1-5-039: Portion of 050, Governor's Executive Order No. 2903.

Derek Carne, DOT-Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

**02.25.2022(1)00:011:46**

**MOTION**

**Approved as submitted (Char, Yoon) unanimously.**

**02.25.2022(1)00:012:29**

**ITEM M- 18** Request Consent to Issue a Revocable Permit under Governor’s Executive Order No. 3688 to be under the control and management of the Division of State Parks, Department of Land and Natural Resources, State of Hawaii, concurrently and jointly with the “Diamond Head Reservation” s managed under the jurisdiction of the Department of Defense, State of Hawaii to the American Red Cross Hawaii State Chapter and the City and County of Honolulu, Department of Emergency Management to assist the community when Natural or man-cause disasters threaten or occur anywhere in the State of Hawaii.

Scott Kawamoto, DOD available for questions.

Board Discussion-None

Public Testimony

Maria Lutz and Jeff Spencer in support of the submittal.

**02.25.2022(1)00:015:59**

**MOTION**

**Approved as submitted (Char, Yoon) unanimously.**

**02.25.2022(1)00:16:56**

**ITEM C-1** Request for Approval to Enter into a Five-year Cooperative Game Development and Management Agreement with Lāna’i Resorts, LLC dba Pulama Lāna’i and the Department of Land and Natural Resources for the purpose of maintaining public hunting areas and Approval to Extend by Mutual Agreement of the parties.

David Smith, Division of Forestry and Wildlife, presented the submittal. Jason Omick (DOFAW) available to answer questions.

Board Discussion

Yes, Water shed management followed by comments

Public Testimony-None

**02.25.2022(1)00:23:14**

**MOTION**

**Approved as submitted (Canto, Oi) unanimously.**

**02.25.2022(1)00:23:41**

**ITEM D-1** Lessee's Request for a Six-Month Rent Payment Adjustment under General Lease No. S-5844, WHR LLC, Lessee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-001:012 and 2-1-005:013, 016, 017, 027, 032, 046

Kevin Moore, Land Division presented the submittal.

Board Discussion

Yes, follow-up on the Lessee's intentions for the golf course.

Public Testimony-None

**02.25.2022(1)00:27:53**

**MOTION**

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

**02.25.2022(1)00:28:25**

**ITEM D-2** Issuance of Right-of-Entry Permit for Access Purposes to County of Hawaii, Department of Public Works on Lands Encumbered by GL S-5335, Hilo Baptist Church, Lessee, Waiākea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-056:027.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony

Dalilah Schlueter, Robyn Matsumoto, Keone Thompson (County of Hawaii) they have concurrence from the property owner.

**02.25.2022(1)00:29:42**

**MOTION**

**Approved as submitted ( Yuen, Yoon) unanimously.**

**02.25.2022(1)00:29:59**

**ITEM D-3** Consent to Stock Purchase Agreement Regarding General Lease No. S-5564 between The John M. Leary Revocable Trust dated April 15, 1995, Seller, and Allen Evans and Ryan Evans, Buyer; Island Demo, Inc., Lessee, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:007.

Russell Tsuji, Land Division presented the submittal. Allen Evans available to answer questions.

Board Discussion-None

Public Testimony-None

**02.25.2022(1)00:31:21**

**MOTION**

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

**02.25.2022(1)00:32:10**

**ITEM J-1** | Issuance of a Revocable Permit to Pacific Biodiesel Logistics, LLC, Honokohau Small Boat Harbor, Keahuolu, North Kona, Hawaii Tax Map Key: (3) 7-4-008:003 (Por); and

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

Richard Howard, Division of Boating and Ocean Recreation presented the submittal with an amendment to reflect Pacific Biodiesel Technology LLC on the RP in lieu of Pacific Biodiesel Logistics, LLC.

Board Discussion

Yes, the storage tanks, location, cost were discussed.

Public Testimony

Joy Galatro provided information in support of the submittal.

**02.25.2022(1)00:37:22**

**MOTION**

**Approved as amended (Yuen, Canto) unanimously.**

**02.25.2022(1)00:37:53**

**ITEM J-2** Issuance of a Revocable Permit to Secure Parking LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Maalaea Small Boat Harbor, Wailuku, Maui, Hawaii, Identified by Tax Map Keys: (2) 3-6-001:002 (pors) and (2) 3-8-014:028; and

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

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

Board Discussion-None

Public Testimony-None

**02.25.2022(1)00:38:34**

**MOTION**

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

**02.25.2022(1)00:39:04 Break**

**02.25.2022(1)00:46:20**

**ITEM F-1** Request to Open the Eight Remaining Closed Main Hawaiian Island Bottomfish Restricted Fishing Areas; and Request to Delegate to the Chairperson the Authority to Implement the Decision.

Brian Neilson, Division of Aquatics presented the submittal along with Bryan Ishida (DAR) who presented an update on BRFAs; Felipe Carvalho & John Syslo (NOAA) available to answer questions.

Board Discussion

Yes, spatial management, catch reporting, assessment reporting, trip reporting, risk factors.

Public Testimony

Ron Tubbs in support of the submittal.

*Amendment:*

*DAR to provide an informational report back after the next stock assessment in 3-years. Opening the eight remaining BFA's is effective immediately.*

**02.25.2022(1)01:4:43**

**MOTION**

**Approved as amended (Yoon, Oi) unanimously.**

**02.25.2022(1)01:48:20 Break**

**02.25.2022(1)01:54:31**

**ITEM F-2** Request for Approval to Hold Public Hearings to Adopt a New Chapter Under Hawaii Administrative Rules ("HAR") as Title 13 Chapter 60.XX, Miloli'i Community-Based Subsistence Fishing Area, Hawai'i, to Manage and Protect Fish Stocks and to Reaffirm Traditional and Customary Native Hawaiian Subsistence Fishing Practices Along the Southwest Coast of Hawai'i Island

The proposed rules 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](mailto:dlnr.aquatics@hawaii.gov).

The proposed rules, including a statement on the topic of the proposed rules, can be reviewed online at: <https://ltgov.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-notice/>

Brian Neilson, Division of Aquatics presented the submittal. Chris Teague (DAR) and The Miloli'i CBSFA Hui will share a presentation (U'ilani Naipo, Ka'imi Kaupiko, Laila Kaupu).

#### Board Discussion

Yes, types of spears allowable, types of fishes affected, limits per day, interested communities in CFSA's,

#### Public Testimony

Leivallyn Kaupu, Wesley Basinga III, Cyrus Kaupu, Timoteo Casuga-Llanes, Kumu Casuga, Alaka'i Kama, Taha'a Kahele, Azalius Lopez, Theodore Waite-Crawford, William Mae-Huihui, Willy Kaupiko, Kevin Chang, Kelson Poepoe, Melissa-Ann Waite-Crawford, , Lisa Hua, Kim Koch, Ron Tubbs, Melveen Kaupiko, Charles Kaupiko, James Lovell, Scott Crawford, Julia Sanchez, Leah Labo, Caleb Labo, Elijah Labo, Ka'uiki Lind, Ke'eaumoku Kapu, Maki Morinoue.

#### **02.25.2022(1)03:54:54**

Member Yuen made the **Motion** to approve with amendments:

Pole spear and Uhu regulations, that were to clarify the what the intent of the original proposal was to close the loop hole and to not include the Paku'iku'i and explained why.

Member Yoon seconded the Motion for discussion.

#### **02.25.2022(1)04:04:38**

After discussion Member Yuen withdrew his prior Motion. and made the Motion not to include the proposed DAR amendment, (1) bag limit and expansion of the Rest Area limit. Member Yoon second the Motion for discussion.

#### **02.25.2022(1)04:13:34**

The Board voted 1-Aye; 6-Oppose, Motion does not pass.

The BLNR amended the proposed rules clarifying the definitions regarding use of spears and to extend the Paku'iku'i Rest Area to include the entire Pu'u honua Honomalino.

#### **02.25.2022(1)04:14:19**

##### **MOTION**

Approve the submittal with amendments (Yuen, Yoon) unanimously.

#### **02.25.2022(1)04:17:33 Break**

#### **02.25.2022(2)00:00:13**

**ITEM J-3 NON-ACTION ITEM:** Briefing of the Board of Land and Natural Resources regarding commercial use of the Mala Wharf launch ramp area, Maui.



Ed Underwood, Division of Boating and Ocean Recreation gave the briefing and Todd Takashima assisted with the PowerPoint presentation.

Board Discussion included Staff and the public.

The following provided public comments:

Toni Marie Davis, Erick Stein, Scott Mercier, Jessica Pickering, Kekai Keahi, Steve Lawless, Tiare Lawrence, Leonard Nakoa, Kai Nishiki, Christina Lizzi.

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