



APPROVED AS SUBMITTED

AT ITS BOARD MEETING

HELD ON

MAY 13, 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

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

**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DATE: March 24, 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
Richard Howard-DOBOR
Barry Cheung-Land

Megan Statts-DOBOR
Carl Young-DOBOR

OTHERS

Daniel Morris/AG
Kevin Simon/DOT HWY
Randall Haraguchi/DOT HWYS
Christina Lizzi/J1
Tiare Lawrence/J1
Kai Nishiki/K1
Ricardo Galindez/D4

Abby Lareau/DOT AIR
Peter Apo/J2
Lisa Bail/J1
Kanoelani Steward/J1
Kekai Keahi/J1
Archie Kalepa/J1

03.24.2022/00:00:05

Chair Case called the meeting to order and noted that this is a hybrid meeting with (5) Board members in the Boardroom and (2) Members and the public joining the meeting via Zoom and live streaming on YouTube. Those who requested to provide oral and written testimony have done so in advance of the meeting.

03.24.2022/00:01:26

Chair Case proceeded to conduct roll call of the Members present.

ITEM A-1

03.24.2022/00:02:45

Chair Case conveyed that Item D-2 has been withdrawn from the agenda and proceeded to give the order of the agenda items to be heard.

03.24.2022/00:03:34

Member Canto read the standard Contested Case Statement.

Chair Case provided information regarding Board meetings going forward when the Emergency Proclamation for Covid expires. The Kalanimoku will be the public site for anyone who would like to testify in-person and we will continue to use ZOOM as well for those who prefer it.

03.24.2022/00:05:00

ITEM A-1 Approval of the December 10, 2021, Board Meeting Summary Minutes.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Canto, Oi) 6-Ayes, 1-Abstain (Barnes)

03.24.2022/00:06:04

ITEM A-2 Approval of the February 4, 2022, Board Meeting Summary Minutes.

Board Discussion-None

Public Testimony-None

03.24.2022/00:06:13

MOTION

Approved as submitted (Canto, Yoon) unanimously.

03.24.2022/00:07:10

ITEM M-1 Issuance of a Revocable Permit for an Employee Uniform Distribution Center, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 059 (Portion).

ITEM M-2 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, K & S Helicopters Inc., Tax Map Key: (3) 2-1-012: Portion of 009.

ITEM M-3 Issuance of a Revocable Permit for Ticket Counters, Offices, and Equipment Parking, Southwest Airlines Co., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

ITEM M-4 Issuance of a Revocable Permit for Vehicle Parking, Southern Airways Express, LLC, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 008.

ITEM M-5 Issuance of a Revocable Permit for a Screening Area as Part of Covid-19 Testing-Coronavirus Response, Maui Pharmacy Solutions LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 220.

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

Board Discussion-None

Public Testimony-None

03.24.2022/00:07:42

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4 and M-5 (Oi, Yoon) unanimously.

03.24.2022/00:08:08

ITEM M-6 Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, relating to Kuhio Highway, Emergency Flood Repairs and Cleanup, Project No. ER-19 (002), Wainiha, Hanalei, Island of Kauai, State of Hawaii, Tax Map Key Nos.(4) 5-6-003:002, (4) 5-7-03:003, (4) 5-8-002:002, and (4) 5-8-006:030

Kevin Simon, DOT Highways presented the submittal and wanted to amend it to add Tax Map Key: (4) 5-8-006:03. Chair Case noted that it could not be added at this time as it was not included in the agenda title, Deputy AG Young concurred. That Tax Map Key would have to come back to the Board. Randall Haraguchi, DOT Highways available for questions.

Board Discussion

Have you taken into consideration climate change, sea-level rise, GHT emissions? Haraguchi replied the work that has been completed and resilience was taken into consideration at that time.

Public Testimony-None

03.24.2022/00:12:13

MOTION

Approved as submitted (Oi, Yoon) unanimously.

03.24.2022/00:15:52

ITEM J-2 Issuance of a Revocable Permit to Blue Water Shrimp International, LLC, for Food Service and Performance and Playing of Conversation-Friendly Music (low volume), Located at the Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-6-010:003 (Por.) and :016 (Por.) and:

Declare the Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules

Carl Young, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Is the SMA permit minor? Young replied, yes. Is there restricted use? Young noted that they are waiting for UH to prepare a master plan and the applicant is aware that the permit can be revoked. The area of the use and zoning was discussed.

Public Testimony

Peter Apo testified in support.

03.24.2022/00:31:46

MOTION

Approved as submitted (Char, Yoon) unanimously.

03.24.2022/00:32:22 Break

03.24.2022/00:32:22

ITEM J-1 Denial of Petition for Contested Case Hearing filed on January 22, 2022, by Ka Malu O Kahālāwai, Nā Papa'i Wawae 'Ula'Ula, Kekai Keahi, and Kai Nishiki, regarding the Renewal of Commercial Use Permits for Ocean Riders, Inc., Adventure Rafting, Inc., Lahaina Para-Sail, Inc., Lahaina Water Ski, Inc., Parasail Kaanapali, Inc., and West Maui Parasail, Inc., for Mala Launch Ramp, Maui; and requesting a delegation of authority to the Chairperson to grant or deny any future contested case hearing petitions regarding DOBOR's commercial use permit renewals for the fifteen authorized commercial permittees at Mala boat launch ramp.

Megan Statts, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

There was a robust discussion regarding the operations, activities, hours of operations and conditions if any of the commercial vendors and the impact on the community.

Public Testimony

Lisa Bail Esq., representing the commercial permittees provided information in support of the permittees. Christina Lizzi, representing by Ka Malu O Kahālāwai, Nā Papa'i Wawae 'Ula'Ula, Kekai Keahi, and Kai Nishiki conveyed the reasons for a contested case.

Tiare Lawrence, Kanoelani Steward, Kekai Keahi, and Archie Kalepa and Tammy Harp testified in opposition of the denial of a contested case.

03.24.2022/02:02:41

Chair Case made the Motion to go into Executive Session. Member Char seconded the motion. The vote was unanimous.

03.24.2022/03:40:25

Chair Case noted the correct call-in number and procedure to call into the meeting. There was further discussion on creating solutions that would help the situation.

03.24.2022/03:50:15

Member Yuen made a motion to adopt the Staff submittal with an amendment. Member Char second the Motion

DOBOR to bring a list of conditions for the management of the permits and the harbor for the Division to implement and report back to the Board in (3) months.

03.24.2022/03:55:15

Tammy Harp via phone provided testimony.

The Motion was further discussed among the Board and Chair Case offered to modify and clarify the amendment.

Amendment:

Modify Recommendation #1 to state: Based on the facts stated above in the submittal the Board denied the contested case hearing petition made by petitioner pursuant to HRS 13-1-29.1.

Delete Recommendation #2.

Amend Recommendation #3 to add: Staff to evaluate for implementation for management actions on the Wharf that the Staff can take in consultation with whoever wants to participate via the Working Group to come up with Staff changes in Management of the Wharf to tryout and report back to the Board in 3-months.

03.24.2022/04:08:36

MOTION

Approved as amended (Yuen, Char) 6-Ayes, 1-Oppose (Canto)

03.24.2022/04:11:26

ITEM D-1 Amend Prior Board Action of November 12, 2021, 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.*

The purpose of the amendment is to correct the Tax Map Key in the prior Board action from Tax Map Key: (4) 1-2-001: por. of 006 to Tax Map Key: (4) 1-2-002: por. of 006.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

03.24.2022/04:11:45

MOTION

Approved as submitted (Char, Oi) 6-Ayes (Member Canto left the meeting).

03.24.2022/04:12:41

ITEM D-3 Issuance of Revocable Permit to Gregory Fonseca, Waipahu Industrial Park, Hoaeae, Ewa, Oahu, Tax Map Key: (1) 9-4-049:062 por., Unit 202.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

There was a procedural question regarding leasing out a portion of the building. Tsuji conveyed that there is no option to lease just a portion of the building.

Public Testimony-None

03.24.2022/04:14:58

MOTION

Approved as submitted (Char, Yoon) unanimously with 6-members.

03.24.2022/04:15:03

ITEM D-4 Issuance of Right-of-Entry Permit to Island Productions, LLC for Filming at the Lawn fronting Kahala Hotel; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) available for questions.

Board Discussion

There were questions regarding the involvement of the Kahala Hotel as well as boundary markings indicating what State property and hotel property and the use of State property for commercial use is. Tsuji explained the reasons for the right of entry.

Public Testimony

Ricardo Galindez, for Island Productions LLC, answered questions and supports the submittal.

03.24.2022/04:15:03

MOTION

Approved as submitted (Yoon, Char) unanimously with 6-members.

Chair Case conveyed that we would have an official hybrid meeting under the new Sunshine Law, where members of the public may come into the Boardroom to testify in person and continue with on-line ZOOM so that others who cannot make it in-person will be able to participate in the meeting.

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