

DAVID Y. IGE  
GOVERNOR OF HAWAII



**APPROVED BY THE BOARD AT  
ITS MEETING  
HELD ON  
MAY 13, 2022** *dar*

**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

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

DATE: April 8, 2022  
TIME: 9:00 A.M.  
LOCATION: In person at 1151 Punchbowl St. Room 132 (Kalanimoku Building), 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  
Alison Neustein-Land  
Luke Sarvis-Land  
Michael Fujimoto-DAR  
Daniel Ornellas-Land

Kevin Moore-Land  
Seiko Machida-Land  
Barbara Lee-Land  
Catherine Gewecke-DAR

**OTHERS**

Julie China/AG  
Jennifer Tomita /DOT HAR  
Mike Foley/D2  
Wayne Hikiji/D3  
Stephanie Pascua/D3  
Dan Ramsauer/D3  
Scott Enright/D4  
David Tomlinson/D4  
Nick Henriksen/D4  
Linda Murai/D4  
Michelle Barbieri Lino/F5

Abby Lareau/DOT AIR  
Yvette Nakaahiki/D1  
Eric Moto/D2  
James Souza/D3  
Gary Brown/D3  
Bobby Farias/D4  
Nonie Toledo/D4  
Rob Curulla/D4  
Morris Atta/D4  
Richard Tanaka/D5

**ITEM A-2**

**04.08.2022/00:00:20**

Chair Case called the meeting to order and noted that this is a hybrid meeting with (5) Board members in the Boardroom and (1) Member 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.

Chair Case proceeded to conduct roll call of the Members present. Member Barnes is absent from today's meeting.

**04.08.2022/00:02:45**

Member Canto read the standard contested case statement.

**04.08.2022/00:04:05**

**ITEM A-1** Approval of the February 11, 2022, Board Meeting Summary Minutes.

Board Discussion-None

Public Testimony-None

**04.08.2022/00:04:10**

**MOTION**

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

**04.08.2022/00:04:35**

**ITEM A-2** Approval of the February 25, 2022, Board Meeting Summary Minutes.

Board Discussion-None

Public Testimony-None

**04.08.2022/00:04:44**

**MOTION**

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

**04.08.2022/00:05:31**

**ITEM M-1** Issuance of a Revocable Permit for Parking and Storage of Rental Vehicles, Avis Budget Car Rental, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-070:004 and 005.

**ITEM M-2** Issuance of a Revocable Permit for the Purpose of a General Aviation Hangar Facility for Aircraft Maintenance Operations, HKA Pacific LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072:023.

- ITEM M-3** Issuance of a Revocable Permit for a Concession to Conduct Mobile Wireless Router and Sim Card Rentals, JCL International Consultants, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:Portion of 195.
- ITEM M-4** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-5** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar and an End Room for an Office and Storage, Safari Aviation, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-6** Issuance of a Revocable Permit for Aircraft Parking, Benjamin P. Sand, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-7** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Port Allen Airport, Tax Map Key: (4) 1-8-008: Portion of 004.
- ITEM M-8** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 032.
- ITEM M-9** Issuance of a Revocable Permit for Ramp Space to Install a Potable Water Cabinet, Southwest Airlines Co., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-10** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.
- ITEM M-11** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Hana Airport, Tax Map Key: (2) 1-3-003: Portion of 022.
- ITEM M-12** Issuance of a Directly Negotiated Charter Terminal Lease, Lānaʻi Resorts, LLC dba Pulama Lānaʻi, Lānaʻi Airport, Tax Map Key: (2) 4-9-002: Portion of 041 and (2) 4-9-002: 059.
- ITEM M-13** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic

Control Tower, L3Harris Technologies, Inc., Moloka'i Airport, Tax Map Key: (2) 5-2-004: Portion of 109.

**ITEM M-14** Issuance of a Revocable Permit for Construction Vehicle Parking and Construction Staging Area, Kiewit Infrastructure West Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-002: Portion of 014.

**ITEM M-15** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072: Portion of 005.

**ITEM M-16** Issuance of a Revocable Permit for Installation of ADS-B Radio Equipment and an Antenna to Support the Operation of the U.S. Federal Aviation Administration Air Traffic Control Tower, L3Harris Technologies, Inc., Kawaihapai Airfield, Tax Map Key: (1) 6-08-014: Portion of 023.

**ITEM M-17** Issuance of a Revocable Permit for Aircraft Parking, Guardian Flight LLC, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 008.

Abby Lareau, DOT Airports, present to answer questions for Items M-1 through M-17.

#### Board Discussion

Item M-5, confirming that there is for support services. Lareau replied yes. It was clarified that site visits were done periodically and if there is a compliance issue. Lareau provided information on what the ADS-B Radio Equipment was.

#### Public Testimony-None

**04.08.2022/00:12:27**

#### **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, M-16, and M-17 (Oi, Yuen) unanimously.**

**04.08.2022/00:12:57**

**ITEM M-18** Issuance of a Month-to-Month Revocable Permit to The Hawaii Emergency Management Agency, for Warehouse Space to Store Emergency Supplies and Goods, situated at Pier 23, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 022 , Governor's Executive Order No. 2903.

**ITEM M-19** Issuance of Two (2) Month-to-Month Revocable Permits to American Guard Services, Inc., for a Passenger Screening and Storage Space situated at Pier 1, Kahului Harbor, Island of Maui, Tax Map Key: (2) 3-7-0010: Portion of 006. Governor's Executive Order No. 2986.

Jennifer Tomita, DOT Harbors present to answer questions for Items M-18 and M-19.

Board Discussion-None

Public Testimony-None

**04.08.2022/00:13:07**

**MOTION**

**Approved as submitted Item M-18 and M-19 (Oi, Yoon) unanimously.**

**04.08.2022/00:15:19**

**ITEM D-1** Issuance of Direct Lease to Kaivin Farm Educational Programs for Pasture Purposes, Kalaheo Homesteads, 1st Series, Kalaheo, Koloa, Kauai, Tax Map Keys: (4) 2-4-003:017 and 018.

Russell Tsuji, Land Division presented the submittal. Alison Neustein (Kauai/Land) and applicant Yvette Nakaahiki present to answer questions

Board Discussion

Use of land, long lease potential and other uses were discussed

Public Testimony-

Yvette Nakaahiki, testified in support of the submittal.

**04.08.2022/00:23:01**

**MOTION**

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

**04.08.2022/00:23:17**

**ITEM D-2** Issuance of Immediate Construction Right-of-Entry and Revocable Permits to Mantokuji Mission of Paia, Maui to Install Temporary Erosion Control Structure Fronting the Mantokuji Mission of Paia, Maui, Lower Paia, Makawao, Maui, Tax Map Key: (2) 2-6-008: Seaward of 013.

Russell Tsuji, Land Division presented the submittal. Seiko Machida (Land/Maui), Mike Foley and Eric Moto present to answer questions.

Board Discussion

Gravesites, structures, headstones, whether coffins or urns are there, managed retreat plans were discussed.

Public Testimony

Mike Foley and Eric Moto support the submittal.

**04.08.2022/00:37:54**

**MOTION**

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

**04.08.2022/00:38:42**

**ITEM D-3** Issuance of Right-of-Entry Permit to Pyro Spectaculars North, Inc. for Aerial Fireworks Display on April 11, 2022, at Fleming Beach, Honolua, Lahaina, Maui, Tax Map Key: (2) 4-2-004: seaward of 016.

Kevin Moore, Land Division presented the submittal. Wayne Hikiji, James Souza, Stephanie Pascual, Gary Brown, and Dan Ramsauer representing the applicant available to answer questions.

Board Discussion

Site location, set-up, clean-up of debris, environmental impacts to the ocean and surrounding area, community awareness of event were discussed in length. Wayne Hikiji, James Souza, Stephanie Pascual, Gary Brown, and Dan Ramsauer, responded to questions by the Board.

Public Testimony

James Souza addressed the cleanup issue. Dan Ramsauer addressed the transport of the equipment to the site. Wayne Hikiji addressed the community notification.

*Amendment:*

*Amend the Staff Recommendation to Increase the Rent to \$2,266.23 (\$1,766.23 for 75' Radius Safety Zone plus \$500 for Showtime Exclusive Use Fallout Zone with 280' radius).*

*Amend Recommendation #2 of the Submittal to include a new subparagraph B to read:*

*B. One (1) small utility vehicle is allowed for the duration of the right-of-entry. Applicant shall take care not to disturb resting turtles or monk seals if they are present; and*

*Existing subparagraph B of the submittal is redesignated as subparagraph C.*

**MOTION**

**Approved as amended (Canto, Yuen), 4-Ayes with Reservations, 2-Oppose (Oi, Yoon).**

**04.08.2022/01:11:01: Break**

**04.08.2022/01:20:40**

**ITEM D-4** Issuance of Right-of-Entry Permit to Euris Energy America LLC to Conduct Topographic, Easement, Geotechnical, Biological, and Cultural Surveys on Land Set Aside to the Department of Agriculture under Executive Order No. 4584 at Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-031: 001.

Russell Tsuji, , Land Division presented the submittal. Luke Sarvis (Land) provided updated information on the site. Nick Henriksen, David Tomlinson representing the applicant provided background information on the project.

Board Discussion

Current operations and long-term plans by lessee discussed in length. Member Char made a disclosure that he had minimal involvement in setting up the lease with the slaughter house and livestock operation.

Public Testimony

Morris Atta, DOA stands by their written testimony. Bobby Farias, current lessee explained the nature of their operation, his concerns and opposes the right of entry. Linda Murai testified that they have a plan and utilization plan. Scott Enright stands by his written testimony.

**04.08.2022/02:33:40**

**MOTION**

**Approved as submitted (Char, Yuen) unanimously (Canto with Reservations).**

**04.08.2022/02:37:44: Break**

**04.08.2022/02:47:20**

**ITEM D-5** Second Amendment of Prior Board Action of October 27, 2017, Agenda Item D-11, *Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu, Maui, and Hawaii. See Exhibit A for List of Subject Properties.*

The purpose of the Second Amendment is to add ten tax map key parcels to the current list of State lands approved for right-of-entry by the prior Board action, as amended by its First Amendment, and as requested by the United States Army Corps of Engineers, and to allow the right-of-entry permit to be continued on a month-to month basis for additional one-year periods at the discretion of the Chairperson. These public lands are located in South Kohala on the island of Hawaii. See Exhibit 1 for a list of the subject properties to be added in this Second Amendment.

Russell Tsuji, Land Division presented the submittal. Barbara Lee (Land) and Richard Lee(Corps of Engineers) available to answer questions

Board Discussion

Term of proposal, report and if munitions are present were discussed, Barbara Lee and Richard Lee replied to the questions.

Public Testimony-None

*Amendment:*

*Amend the language in Recommendation # 2.b to read as follows:*

- b. Delegating to the Chairperson the Authority to continue the Right-of-Entry Permit on a Month-to-Month basis for additional one-year periods for good cause shown;*

**04.08.2022/02:55:02**

**MOTION**

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

**04.08.2022/02:55:29**

**ITEM F-1** Request Approval to Add Funding and Extend Through September 30, 2023, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Investigation of Estuarine Habitats."

Mike Fujimoto, Division of Aquatic Resources presented the submittal.

Board Discussion-None

Public Testimony-None

**04.08.2022/02:56:31**

**MOTION**

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

**04.08.2022/02:56:46**

**ITEM F-2** Request Approval to Add Funding and Extend Through September 30, 2023, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Statewide Marine Resources Assessment."

Michael Fujimoto, Division of Aquatic Resources presented the submittal.

Board Discussion-None



Public Testimony-None

**04.08.2022/02:57:09**

**MOTION**

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

**04.08.2022/02:57:20**

**ITEM F-3** Request Approval to Add Funding and Extend Through September 30, 2023, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Hawaii Marine Recreational Fishing Survey."

Michael Fujimoto, Division of Aquatic Resources presented the submittal

Board Discussion-None

Public Testimony-None

**04.08.2022/02:57:39**

**MOTION**

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

**04.08.2022/02:58:12**

**ITEM F-4** Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit Amendment to Pelika Andrade, Nā Maka Onaona (Formerly Nā Maka o Papahānaumokuākea) and the University of Hawai'i at Mānoa, for Access to State Waters to use Traditional Ecological Knowledge to Conduct Intertidal Surveys and Monitoring to Advise and Direct Management Strategies for Intertidal Fisheries Activities.

Cathy Gewecke, Division of Aquatic Resources presented the submittal.

Board Discussion-None

Public Testimony-None

**04.08.2022/03:00:11**

**MOTION**

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

**04.08.2022/03:00:09**

**ITEM F-5** Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Michelle Barbieri Lino, NOAA

Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Management and Recovery Activities, Inclusive of the Removal of Individual Sharks at French Frigate Shoals Displaying Predatory Behavior Towards Monk Seal Pups.

Cathy Gewecke, Division of Aquatic Resources presented the submittal. Dr. Michelle Barbieiri Lino, (Researcher) available to answer questions.

Board Discussion

Galapagos sharks were noted as the main predator for the monk seals. Dr. Michelle Barbieiri Lino, researcher, provided an update on the work being done.

Public Testimony-None

**04.08.2022/03:06:29**

**MOTION**

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

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*

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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