

DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED BY THE BOARD
AT IT MEETING HELD ON
APRIL 8, 2022**

das

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 11, 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
Emma Yuen-DOFAW
Shari Mann-DOFAW
Alan Carpenter-State Parks
Carty Chang-ENG

Andrew Tellio-Land
David Smith-DOFAW
Rachel Beasley-OCCL
Gina Belleau-ENG
Edwin Matsuda-ENG

OTHERS

Daniel Morris/AG
Derrick Carne/DOT HAR
Cheryl Vasconcellos/D2
David Lonborg/K1
Darrell Holloway/L1

Abby Lareau/DOT AIR
Pam Bunn/D2
Jeff Kuhn/K1
Dr. Charlie Fein/K1
Theresa Drake/L1

03.11.2022/00:00:40

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.

03.11.2022/00:02:00

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

03.11.2022/00:03:38

Member Canto read the standard contested case statement.

Chair Case conveyed that Item D-1 has been withdrawn from today's agenda.

03.11.2022/00:14:01

ITEM A-1 Request Approval of the January 14, 2022, Board Meeting minutes.

Board Discussion-None

Public Testimony-None

03.11.2022/00:14:22

MOTION

Approved as submitted (Barnes, Canto) unanimously.

03.11.2022/00:15:02

ITEM M-1 Issuance of a Revocable Permit for Office and Storage for the Management Program of Automated External Defibrillators, AED Institute of America, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004: 021 (Portion).

ITEM M-2 Issuance of a Revocable Permit for Aircraft Parking, Honolulu Helicopter Tours, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-3 Amendment No. 1 to Revocable Permit No. 9171, Request to Include Additional Areas to the Revocable Permit, Robert's Tours and Transportation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-070:042.

ITEM M-4 Issuance of a Revocable Permit for Aircraft Parking, Construction Helicopters, Inc. dba Chi Aviation, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

ITEM M-5 Issuance of a Revocable Permit for Aircraft Parking, Emmanuel Asejo, 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, Pacific Pump & Power, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

ITEM M-7 Issuance of a Revocable Permit for an Airline Flight Kitchen, Flying Food Group, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-8 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Mauna Loa Helicopter Tours LLC, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.

ITEM M-9 Issuance of a Grant of Non-Exclusive Easement and Management and Construction Right-of-Entry for the Nawiliwili - Ahukini Shared-Use Path Project, County of Kauai,

Department of Public Works, Lihue Airport, Tax Map Key: (4) 3-5-001: Portions of 005, 008, 009, 109, 128, 158, 160, 092 and (4) 3-7-002: Portion of 999.

ITEM M-10 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Island Helicopters Kauai, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 08.

ITEM M-11 Issuance of a Revocable Permit for Equipment and Material Staging, Goodfellow Grace Pacific A J.V., Lanai Airport, Tax Map Key: (2) 4-9-002: Portion of 041.

ITEM M-12 Issuance of a Revocable Permit for Aircraft Parking, Civil Air Patrol, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 178.

ITEM M-13 Issuance of a Revocable Permit for Aircraft Parking, Guardian Flight LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 196.

ITEM M-14 Issuance of a Revocable Permit for Parking to Conduct Rental Car Operations, Southern Airways Express, LLC, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 008.

ITEM M-15 Issuance of a Revocable Permit for Parking to Conduct Rental Car Operations, Southern Airways Express, LLC, Lanai Airport, Tax Map Key: (2) 4-9-002: Portion of 041.

Abby Lareau, DOT Airports present to answer any questions

Board Discussion

Yes, Item M-10, clarification that there is no commercial activity from the T-Hangers.

Public Testimony- None

03.11.2022/00:15:49

MOTION

Approved as submitted Items (Canto, Yoon) unanimously.

03.11.2022/00:16:29

ITEM M-16 Issuance of a Month-to-Month Revocable Permit to Hoku Kai Biofuels, LLC, for Non-Exclusive Pipeline Easement for the Transmission of Biofuels to and from Vessels at Pier 2, Hilo Harbor, Island of Hawaii, Tax Map Key No: (3) 2-1-009: Portion of 007, Governor's Executive Order No. 3962.

Derrick Carne, DOT Harbors present to answer any questions.

Board Discussion-None

Public Testimony-None

03.11.2022/00:16:44

MOTION

Approved as submitted (Yuen, Canto) unanimously.

03.11.2022/00:17:19

ITEM C-1 Request Approval to Authorize the Chairperson to Negotiate, Enter, Amend, Extend, and Terminate an Agreement to Subgrant between the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, and the Nature Conservancy, to acquire lands in Makolelau, Kona District, Molokai, Tax Map Key: (2) 5-5-001:013; (2) 5-5-001:015; (2) 5-5-001:036; (2) 5-5-001:038; (2) 5-5-001:022.

Emma Yuen, Division of Forestry and Wildlife presented the submittal.

Board Discussion

Yes, funding of the parcel. Clarification that sub-grant is being used to purchase parcel. Member Yuen disclosed that Emma Yuen was his daughter and does not need to recuse himself from this item.

Public Testimony-None

03.11.2022/00:20:19

MOTION

Approved as submitted (Char, Yoon) unanimously.

03.11.2022/00:24:15

ITEM C-2 Request for Approval to Install an Offshore Mooring Outside of a Designated Offshore Mooring Area. Lehua Island Mooring, Niihau, Hawaii, Island of Kauai.

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

Board Discussion

Yes, discussion on existing moorings and designating one for exclusive use by the State.

Public Testimony-None

MOTION

Approved as submitted (Oi, Yuen) unanimously.

03.11.2022/00:41:16

ITEM D-2 Amendment of Lease and Consent to Mortgage, General Lease No. S-5548, Hana Health, a Hawai'i nonprofit corporation, formerly known as Hana Community Health Center, Inc., Lessee, Kawaipapa, Hana, Maui, Tax Map Keys: (2) 1-4-003:022 and 024.

Andrew Tellio, Land Division presented the submittal. Pam Bunn and Cheryl Vasconcellos representing Hana Health available to answer questions.

Board Discussion

Yes, terms of the mortgage were discussed. Bunn and Vasconcellos responded to questions regarding the consent to mortgage. Member Canto disclosures that she worked for a third party related to permitting and does not have any financial interests and will not need to recuse.

Public Testimony-None

03.11.2022/00:45:12

MOTION

Approved as submitted (Canto, Yoon) unanimously.

03.11.2022/00:45:56 Break

03.11.2022/00:55:36

ITEM K-1 Time Extension Request for Conservation District Use Permit (CDUP) MA-3779 for the PLANETS Telescope Facility at Haleakala Observatories by the University of Hawaii, Institute of Astronomy, Located at Haleakala High Altitude Observatories Site at Puu Kolekole, Papaanui, Tax Map Key: (2) 2-2-007:008

Rachel Beasley, Office of Conservation and Coastal Land presented the submittal. Jeff Kuhn, David Lonborg and Dr. Charlie Fein representing the applicant present to answer questions.

Board Discussion

Yes, regarding the time line and removal of the asbestos. Kuhn responded on the asbestos, Lonborg on the time line extension.

Public Testimony-None

03.11.2022/001:07:12

MOTION

Approved as submitted (Canto, Yuen) unanimously.

03.11.2022/001:07:12

ITEM E-1 Amendment to prior Board Action of February 4, 2022, Item E-1, for Approval of the July 22, 2016, Assignment of General Lease No. SP0131 William Olson, Assignor, to, Assignees, William A. Olson, and Jan N. Olson, Trustees under that certain William A. Olson and Jan N. Olson Trust dated July 22, 2016, 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.

Alan Carpenter, Division of State Parks presented the submittal.

Board Discussion-None

Public Testimony-None

03.11.2022/001:09:03

MOTION

Approved as submitted (Oi, Yoon) unanimously.

03.11.2022/001:11:24

ITEM L-1 Authorization for the Chairperson to extend the Notice of Deficiency deadlines for Waiakalua Dam (KA-0010) and to make a finding of violations sufficient to support a specified fine on the owners and to order further restriction of reservoir level if extended deadlines are missed. Kilauea, Kauai, Tax Map Keys (4) 5-1-005: 25 CPR 001, 002, 003, 004, 005 and (4) 5-1-005: 26 and (4) 5-1-005: 27 and (4) 5-1-005: 28 CPR 001,002, 003, 004, 005 and (4) 5-1-005: 29 CPR 001, 002, 003, 004

Carty Chang, Engineering presented the submittal. Edwin Matsuda and Gina Belleau (Engineering) present to answer questions.

Chair Case noted that this is a violation and asked if a contested case is going to be requested? There was no response.

Board Discussion

The Board had extensive discussion with staff regarding the ownership of, and responsibility for, the dam structure, including the condominium status of some of the ownership.

Public Testimony

Darrell Holloway and Theresa Drake expressed their concerns regarding responsibility of maintaining the dam and violation fines.

03.11.2022/01:43:59

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

03.11.2022/02:10:40

Further discussion from the Board and Staff regarding notification on downstream flooding, flood zones, dam regulations, evacuation maps are on-line and available to the public.

Amendment:

The owners will be jointly, and severalty responsible for the fines.

03.11.2022/02:21:59

MOTION

Approved as amended (Oi, Yoon) 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

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