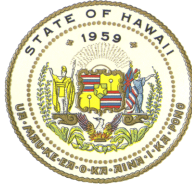


DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED AT ITS
MEETING HELD ON
JUNE 9, 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 22, 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

Tommy Oi
Vernon Char
Doreen Canto

STAFF

Russell Tsuji-Land
Alison Neustein-Land
Luke Sarvis-Land
Gordon Heit-Land
Daniel Ornellas-Land
Michael Fujimoto-DAR
David Smith-DOFAW
Kathryn Stanaway-DOFAW
Anthony Olegario-RCUH/DAR

Kevin Moore-Land
Seiko Machida-Land
Barbara Lee-Land
Barry Cheung-Land
Ryan Okano-DAR
Catherine Gewecke-DAR
Afsheen Siddiq-DOFAW

OTHERS

Melissa Golden/AG
Jennifer Tomita /DOT HAR
Harry Takiue/DOT HWY
Morris Atta/DOA
Shae Kamakaala/C1
Dan Ramsauer/D3
Gary Brown/D3
Ron Weidenbach/D4

Abby Lareau/DOT AIR
Fern Yamada/DOT HWY
David De Luz, Jr/D2
Linda Murai/DOA
Wayne Hikiji/D3
James Souza/D3
Stephanie Pascual/D3

ITEM A-1

04.22.2022/00:01:05

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 Canto read the standard contested case statement. The Chair noted that Item K-1 is being withdrawn from today's agenda. Announced that this would be Member Tommy Oi's last meeting after serving for 8-years and thanked him for his service in representing the Island of Kauai.

04.22.2022/00:07:15

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

Board Discussion-None

Public Testimony-None

04.22.2022/00:07:36

MOTION

Approved as submitted (Oi, Yoon) unanimously.

04.22.2022/00:08:15

ITEM A-2 Approval of the March 22, 2022, Board Meeting Summary Minutes.

Board Discussion

The minutes were deferred as the meeting was held on March 24, 2022.

Deferred (Agenda title reflects the wrong date)

04.22.2022/00:08:36

ITEM M-1 Issuance of a Revocable Permit for a Concession to Sell Small Personal Electronics Through Vending Machines, Swyft, Inc., Daniel K. Inouye International Airport, Honolulu, Hawaii, TaxMap Key Nos.: (1) 1-1-003: Various.

ITEM M-2 Issuance of a Revocable Permit for Two Aircraft Parking, Pfister's Flying Wahine LLC, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key No.: (1) 6-8-014: Portion of 001.

ITEM M-3 Issuance of a Revocable Permit for Aircraft Parking, Donald Toews, Kawaihapai

Airfield, Waialua, Hawaii, Tax Map Key No.: (1) 6-8-014: Portion of 001.

ITEM M-4 Issuance of a Revocable Permit for Vehicle Parking, Aeko Kula, LLC dba Aloha Air Cargo, Ellison Onizuka Kona International Airport at Keahole, Hawaii Island, Tax Map Key No.: (3) 7-3-043: Portion of 003.

ITEM M-5 Issuance of a Revocable Permit for Office Space for Porter Operations, H.P.S. Hanahou ProService, LLC, Ellison Onizuka Kona International Airport at Keahole, Hawaii Island, Tax Map Key No.: (3) 7-3-043: Portion of 033.

ITEM M-6 Issuance of a Revocable Permit for Aircraft Parking, Straightin LLC, Waimea-Kohala Airport, Hawaii Island, Tax Map Key No.: (3) 6-7-001: Portion of 008.

ITEM M-7 Issuance of a Revocable Permit for the Management and Operation of Automobile Parking Facilities, ABM Aviation, Inc., Lihue Airport, Kauai, Tax Map Key No.: (4) 3-5-001: Portion of 008.

ITEM M-8 Issuance of a Revocable Permit for Cargo Space for Air Cargo Handling Operations, Swissport USA, Inc., Kahului Airport, Island of Maui, Tax Map Key No.: (2) 3-8-001: Portion of 264.

Abby Lareau, DOT Airports present to answer questions for Items M-1, M-2, M-3, M-4, M-5, M-6, M-7 and M-8.

Board Discussion-None

Public Testimony-None

04.22.2022/00:09:00

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7 and M-8 (Yoon, Oi) unanimously.

04.22.2022/00:10:19

ITEM M-9 Consent to Sublease under Harbor Lease No. H-05-24, Fresh Island Fish, LLC, Lessee, to General Services Administration for The National Oceanic & Atmospheric Administration, Pier 38, Honolulu Harbor, Island of Oahu, Tax Map Key No.: (1) 1-5-042: Portion of 007, under Governor's Executive Order Nos. 1346 and 4092.

ITEM M-10 Issuance of a Month-to-Month Revocable Permit to Healy Tibbitts Builders, Inc., for a Storage Yard situated at Pier 9, Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Key Nos. 9-1-014:037 and Portion of 024, under Governor's Executive Order No. 3383.

Derrick Carne, DOT Harbors available to answer any questions for Items M-9 and M-10.

Board Discussion-None

Public Testimony-None

04.22.2022/00:10:42

MOTION

Approved as submitted Items M-9 and M-10 (Yoon, Canto) unanimously.

04.22.2022/00:09:00

ITEM M-11 Request for the Conveyance of Remnant R4 Kalaniana'ole Highway, Federal Aid Project No. F- 072-1(39) East Halemaumau Street to Keahole Street at Kuliouou 2nd & Maunalua, for private use. Honolulu, Island of Oahu, Hawaii Tax Map Key No.: (1) 3-8-003:049.

No Representative from DOT

ITEM M-12 Request for Acquisition of Lands and Restrictions of Access to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Keaau-Pahoa Road, Federal Aid Secondary Project (FASP) No. RS-0130(15), Paradise Park Section at Puna, Island of Hawaii, Hawaii, Tax Map Key Nos.: (3) 1-6-005: Portions of 165; (3) 1-5-015: Portions of 188; (3) 1-6-010: Portion of 133 and 137; (3) 1-5-033: Portions of 251 and 250; (3) 1-6-009: Portions of 245, 246, and

Fawn Yamada, DOT Highways present to answer any questions. Harry Takiue (DOT HWY) available for questions.

ITEM M-13 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 No. (4) 5-8-006:031.

Board Discussion

Item M-12, regarding the Green House Gas implications have they been taken into consideration, and have they been evaluated? Takiue, relayed it should not increase traffic and the roundabout is for safety measures

Public Testimony-None

04.22.2022/00:16:01

MOTION

Approved as submitted Items M-11, M-12 and M-13 (Oi, Yuen) unanimously.

04.22.2022/00:16:41

ITEM C-1 Request Approval to Authorize the Chairperson to Negotiate, Enter into, Amend, Extend, and Terminate an Agreement to Subgrant a United States Fish and Wildlife Service Recovery Land Acquisition Grant between the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, and Hawaiian Islands Land Trust dba Hawaii Land Trust, to Acquire Lands in Mahukona (including at Mahukona Harbor & Vicinity, Puukole-Kapaanui, and Kamano), North Kohala District, Hawai'i Island, Tax Map Key Nos.: (3) 5-7-003:002, (3) 5-7-003:003, (3) 5-7-003:010, (3) 5-7-002:011, (3) 5-7-003:001, (3) 5-7-003:018, (3) 5-7-003:007, (3) 5-7-003:008, (3) 5-7-002:027, (3) 5-7-002:036, and (3) 5-7-002:037.

David Smith, Division of Forestry and Wildlife presented the submittal. Kathryn Stanaway (DOFAW) and Shae Kamakaala (HILT) available to answer questions.

Board Discussion-None

What is the US Fish and Wildlife Service Recovery subgrants used for? Kamakaala replied land conservation to protect habitat for threatened or endangered species. It limits development and it will be managed by local stewardship non-profits.

Public Testimony

Shae Kamakaala provided information on the partnership with community groups, native habitat and supports the submittal.

04.22.2022/00:41:41

MOTION

Approved as submitted (Yuen, Yoon) unanimously. Noting Member Barnes absence.

04.22.2022/00:42:02

ITEM C-2 Approve the use of a Request for Interest for Federal Grants with the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program and The National Wildlife Refuge System, Division of Habitat and Resource Conservation through the Coastal Wetlands Planning, Protection, and Restoration Act National Coastal Wetland Conservation Grant program; Delegate to the Chairperson the Authority to Award, Execute, and Extend Agreements with successful providers; and to Issue Annual Requests for Interest and Awards under these Grant Programs.

David Smith, Division of Forestry & Wildlife presented the submittal. Afsheen Siddiqi (DOFAW) available to answer questions

Board Discussion

Smith clarified the delegation to Chair for this RFI.

Public Testimony-None

04.22.2022/00:44:49

MOTION

Approved as submitted (Barnes, Yuen) unanimously.

Break: 04.22.2022/00:45:12

04.22.2022/00:58:16

ITEM D-1 Amend Prior Board Action of January 8, 2021, Item D-1, as Amended by Prior Board Action of September 24, 2021, Item D-2, *Terminate Use, Occupancy and Possession of Premises under Expired General Lease No. S-3795 by InSite Towers Development, LLC; Authorize the Issuance of a Direct Lease to New Cingular Wireless PCS, LLC (New Cingular) for Microwave Station and Microwave Tower Facilities Purposes and Grant of Term, Non-Exclusive Easements to New Cingular for Access and Utility Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-4-001:016, 017 and (4) 1-4-001:002 pors.*

The purposes of this amendment are to authorize the issuance of Easement B over lands set aside to the Department of Land and Natural Resources, Division of State Parks, via Executive Order 2209 and to approve the appraisal determining the rental value of the term, non-exclusive easements.

Russell Tsuji, Land Division presented the submittal. Luke Sarvis noted that he has been in conversation with the Lessee, and they are willing to sub-lease.

Board Discussion

The terms of the lease, availability of others to use the antenna, sub-lease was discussed.

Public Testimony-None

04.22.2022/01:12:22

MOTION

Approved as submitted (Oi, Yuen) unanimously.

04.22.2022/01:12:40

ITEM D-2 Amend Prior Board Action of April 13, 2017, Item D-2, *Consent to Assign General Lease No. S-4201, David S. De Luz, Sr., Assignor, to Stephen Harold Frank, Trustee of The Stephen Harold Frank Living Trust dated March 27, 2014, also known as Stephen Harold Frank Revocable Trust, Assignee, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-058:033.*

The purpose of the amendment is to change the assignor from David S. De Luz, Sr. to Jan K. De Luz, as Personal Representative of the Estate of David Stanley De Luz, Sr.,

also known as David S. De Luz, Sr., and David S. De Luz, Deceased. In this capacity, Jan K. De Luz is also known as Jan K. De Luz, Personal Representative for David S. De Luz, Sr.

Russell Tsuji, Land Division presented the submittal. Gordon Heit (Land) available for questions.

Board Discussion-None

Public Testimony

David S. De Luz, supports the submittal

04.22.2022/01:14:08

MOTION

Approved as submitted (Yuen, Oi) unanimously

04.22.2022/01:14:22

ITEM D-3 Issuance of Right-of-Entry Permit to Pyro Spectaculars North, Inc. for Aerial Fireworks Display on May 2, 2022, at Fleming Beach, Honolua, Lahaina, Maui, Tax Map Key No.: (2) 4-2-004: seaward of 016.

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

Board Discussion

Questions regarding DAR's comments regarding driving on the beach, an environmental review, sound, light, debris in the ocean impacts were addressed. Brown (applicant) responded to the issues.

04.22.2022/01:42:22 Chair Case left the meeting and Member Oi is now presiding as Chairperson.

Public Testimony

Wayne Hikiji, Gary Brown Stephine Pascual provided testimony regarding the fireworks

04.22.2022/01:56:14

MOTION

**Approve as submitted (Char, Canto) 3-Ayes (Char, Canto, Yuen) 3-Nays (Oi, Yoon, Barnes)
Noting Chair Case has left the meeting. MOTION DOES NOT PASS-NO DECISION**

04.22.2022/02:07:07 Break

04.22.2022/02:13:48

ITEM D-4 Cancellation of Governor's Executive Order No. 4474 and Reset Aside to Department of Agriculture, State of Hawaii, for Aquaculture, Diversified Agriculture, and Ancillary Uses Purposes; Consent to the Issuance of Right-of-Entry Permit to the Division of Forestry

and Wildlife; at Mokuleia, Waialua, Oahu, Tax Map Key Nos.: (1) 6-9-001:002, 003, and 036.

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

Board Discussion

Current use was identified as aquaculture with DOFAW using a portion.

Public Testimony

Morris Atta, DOA provided background information on the aquaculture operation. Linda Murai, & Ron Ronald Weidenbach (tenant) available to answer questions

04.22.2022/02:13:48

MOTION

Approved as submitted (Char, Yoon) unanimous. Noting Chair Case's absence.

04.22.2022/02:23:48

ITEM F-1 Request for Approval of Declaration of Exemption for the Project Agreement "Honouliuli Stream Invasive Mangrove Removal Project - Phase 2" Under Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1, Hawaii Administrative Rules.

Ryan Okano, Division of Aquatic Resources presented the submittal. Anthony Olegario-RCUH/DAR, Available to answer questions.

Board Discussion

How much mangrove has been removed, native species to help with erosion, working with partnerships that participate? Olegario gave an overview of the work that is being done with the different partnerships.

Public Testimony-None

04.22.2022/02:27:00

MOTION

Approved as submitted (Yoon, Char) unanimous. (Noting Chair Case absence)

04.22.2022/02:27:52

ITEM F-2 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Richard L. Pyle, Bernice Pauahi Bishop Museum, for Access to State Waters to Conduct Research Activities Associated with Capturing Data on Environmental Parameters Related to Climatic

Changes on Undersea Environments, and Biological Sampling for Undescribed Species, within the Waters of the Northwestern Hawaiian Islands

Cathy Gewerke, Division of Aquatic Resources presented the submittal.

Board Discussion-None

Public Testimony-None

04.22.2022/02:27:52

MOTION

Approved as submitted (Char, Canto) 5-Ayes 1-Recused (Yoon), (Noting Chair Case absence)

There being no further business, in the acting Chair Oi, 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