

DAVID Y. IGE
GOVERNOR OF HAWAII



**APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
AUGUST 26, 2022**

dear

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: JUNE 9, 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
Vernon Char
Kaiwi Yoon

Doreen Canto
Aimee Barnes
Karen Ono

STAFF

Russell Tsuji-Land
Kevin Moore-Land
Daniel Ornellas-Land
Leslie Kobata-BOC
Michael Cain-OCCL
Chris Teague-DAR
Curt Cottrell-PARKS
Marigold Zoll-DOFAW
Edwin Matsuda-ENG

Calen Miyahara-Land
Alison Neustein-Land
Larry Pacheco-Land
Brian Neilson-DAR
David Sakoda-DAR
Luna Kekoa-DAR
Tony Koyamatsu-ENG
Carty Chang-ENG

OTHERS

Dan Morris/AG
Mahesh Cleveland/F1
Charles Young/F1
Kelson Poepoe/F1
Inga Gibson/F1
Alex Connelly/F1
Leimana DaMate/F1
Charles Young/F1
Kelson Poepoe/F1

Abby Lareau/DOT AIR
Kevin Chang/F1
Letani Peltier/F1
Mike Nakachi/F1
Uilani Naipo/F1
Mahesh Cleveland/F1
Kevin Chang/F1
Letani Peltier/F1
Inga Gibson/F1

Alicia Fung/K1
James Leonard/K1,K2
Todd Cullison/E1
David Millwood/E3
Austen Drake/L1

Jason Knable/K1
Ron Terry/K1
Malia Nobrega-Olivera/E2
Jeff Clark/L1,
Robin Barnes/L1

06.09.2022/00:00:11

Chair Case called the meeting to order and that the Board members and public are joining in person and via Zoom. The Kalanimoku Boardroom is open to the public who want to testify in person. Those who requested to provide oral and written testimony have done so in advance of the meeting.

06.09.2022/00:02:16

Member Canto read the standard Contested Case statement.

06.09.2022/00:03:29

Chair Case proceeded to conduct roll call of the Members present and explained the process of the how the meeting will be conducted.

06.09.2022/00:02:45

Noted that some items will be taken out of order.

ITEM A-1 Approval of the April 22, 2022, Summary Board minutes.

Board Discussion-None

Public Testimony-None

06.09.2022/00:05:45

MOTION

Approve as submitted (Canto, Barnes) 6-Ayes, 1- Abstain (Ono)

06.09.2022/00:07:46

ITEM M-1 Issuance of a Revocable Permit for a Tour Service Counter, DH Hawaii Tour Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 195.

ITEM M-2 Issuance of a Revocable Permit for Two T-Hangars for the Storage and Maintenance of Aircraft in Support of a Commercial Aeronautical Flight School Business, George's Aviation Services, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 20.

ITEM M-3 Issuance of a Revocable Permit for Two Aircraft Parking, Kamaka Air LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-4 Issuance of a Revocable Permit for Storage of Tools and Equipment for Airline Carrier Operations, Southern Airways Express, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

- ITEM M-5** Issuance of a Revocable Permit for Administrative Purposes for their Flight Standards District Office, United States of America, Federal Aviation Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:049.
- ITEM M- 6** Issuance of a Revocable Permit for one-half of the “Fightertown” Hangar for the Storage and Maintenance of Personal Aircraft, Scott Blackley, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 023.
- ITEM M-7** Issuance of a Revocable Permit for a Sail Plane Hangar, for Storage and Maintenance of Aircraft, William Star, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 001.
- ITEM M-8** Issuance of a Revocable Permit for Storage Space for Cargo Operations, Kamaka Air LLC, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 008.
- ITEM M-9** Issuance of a Revocable Permit for Aircraft Parking, Grant L. Wilson, 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 Ramp Space to Install a Potable Water Cabinet, Hawaiian Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M- 11** Issuance of a Revocable Permit for Ramp Space for Ground Service Equipment Parking, Hawaiian Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-12** Issuance of a Revocable Permit for a Baggage Service Office, Southwest Airlines Co., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Abby Lareau-DOT Airports present to answer any questions for (M-1 to M-12)

Board Discussion-None

Public Testimony-None

06.09.2022/00:08:13

MOTION

Approve as submitted (Char, Yoon) unanimous.

06.09.2022/00:08:30

ITEM M-13 Request for Approval for Issuance of a Lease by Direct Negotiation to HPBS, INC., for an Office, Pilot Quarters, Subsurface Sewer Easement, Parking, and Storage Space. Situated at Pier 19, Honolulu Harbor, Oahu, Tax Map Keys: (1) 1-5-039: Portion of 007 and (1) 1-5-039: Portion of 064, under Governor’s Executive Order No. 2903.

Jennifer Tomita, DOT Harbors present to answer questions.

Board Discussion-None

Public Testimony-None

06.09.2022/00:08:40

MOTION

Approve as submitted (Yoon, Ono) unanimous.

06.09.2022/00:09:33

ITEM G-1 Request for Authorization to Enter into a Contract for Support Services for Torrens (Land Court) Documents and Certificates.

Les Kobata, Bureau of Conveyances presented the submittal.

Board Discussion

Backlog of Title of Certificates, challenges processing, systems of recording, Union's position on a third-party use, staffing issues, and procurement.

Public Testimony-None

06.09.2022/00:28:10

MOTION

Approved as submitted (Yoon, Barnes) unanimous.

06.09.2022/00:36:10

ITEM F-1 Request for Final Approval to Adopt a New Chapter Under Hawaii Administrative Rules ("HAR") as Title 13 Chapter 60.10, 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.

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

Chris Teague, Division of Aquatic Resources presented the submittal with a PowerPoint presentation. Brian Neilson, David Sakoda, Luna Kekoa (DAR) present to answer questions.

Board Discussion

Pakuikui take limits, Traditional and Cultural gathering rights, State-wide initiatives for rule making, cost of developing this type of initiative, educating the public, signage, enforcement. Non-profit support from communities.

Public Testimony

Uilani Naipo, Alex Connelly (KUA), Mahesh Cleveland (Earthjustice), Leimana DaMate (Aha Moku), Kevin Chang (KUA) stands on their testimony, Charles Young, Letani Peltier, Kelson Poepoe, Inga Gibson, Scott Crawford, Davianna McGregor.

Amendment:

Encourage DAR to update Regional and State wide rules in line with this CFEAS.

06.09.2022/02:13:20

MOTION

Approve as amended (Yuen, Yoon) unanimously.

06.09.2022/02:20:53 Break

06.09.2022/02:36:54

ITEM K-1 Conservation District Use Application (CDUA) HA-3878 for a Single-Family Residence and Related Improvements by the Holcomb Family Trust/ Kelly Holcomb, Trustee Located at 28-3426 Hawai'i Belt Road, Malamalama Iki, South Hilo, Hawai'i, Tax Map Key: (3) 2-8-012:028

Michael Cain, Office of Conservation and Coastal Lands presented the submittal.

Board Discussion

Clarification of property size and coastline access for fishers, hazards to get to fishing areas, conservation districts origins, it's a resource sub-zone, signage, legal access. James Leonard answered questions regarding the property shoreline. Clarification regarding barbed wire at the bottom of the fence was incorporated into the motion.

Public Testimony

James Leonard, Alicia Fung, Jason Knable, Ron Terry testified in support.

AMENDMENT:

Permittee shall work in good faith to negotiate and implement managed fishing access with Makahanaloa Fishing Association or similar association in accordance with the representations made in the application, with recognition of the hazards of this particular fishing site;

Twilight pre-construction surveys by a qualified biologist will be conducted prior to clearing vegetation. If Pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified.

06.09.2022/03:36:54

MOTION

Approved as amended (Yuen, Char) 5-Ayes 2-Oppose (Barnes, Yoon).

06.09.2022/03:40:54

ITEM K-2 Conservation District Use Application (CDUA) HA-3885 for a Single-Family Residence, Landscaping, and Related Improvements by Christopher and Wendi Roehrig Located at 14-3543 Government Beach Road, Wa'awa'a, Puna, Island of Hawai'i Tax Map Key: (3) 1-4-028:008

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Recommend that a qualified Biologist regarding Pueo nesting be consulted.

Board Discussion

Consistency of use of conservation land was questioned. Conservation easement, coastal erosion, use of conservation within the law. Coastal erosion

Public Testimony

James Leonard provided information on the intention of the homeowner's vision to restore the area to its natural condition.

Amendment:

Twilight pre-construction surveys by a qualified biologist will be conducted prior to clearing vegetation. If Pueo nests are present, a buffer zone should be established in which no clearing occurs until nesting ceases, and DOFAW staff should be notified.

06.09.2022/04:04:58

MOTION

Approved as amended (Yuen, Canto) 5-Ayes, 2-Oppose (Barnes, Yoon)

06.09.2022/04:06:31 Break

06.09.2022/04:22:20

ITEM E-1 Request for a Twenty (20) Year Extension of General Lease SP0006 Hawai'i Nature Center, Inc. at Makiki Valley State Recreation Area, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 2-5-019:008 portion.

Alan Carpenter, Division of State Parks presented the submittal. Curt Cottrell (Parks), Todd Cullison, (Applicant) available for questions.

Board Discussion

Homes along the entrance are not a part of this parcel.

Public Testimony

Todd Cullison stands by his written testimony.

06.09.2022/04:27:20

MOTION

Approved as submitted (Barnes, Char) unanimous.

06.09.2022/04:27:57

ITEM E-2 Request Approval to Change the Name of Russian Fort Elizabeth State Historical Park to Pā'ūla'ūla State Historic Site, Makaweli, Waimea, Kaua'i. Tax Map Key: (4) 1-5-005:003.

Alan Carpenter, Division of State Parks presented the submittal. Curt Cottrell (Parks),

Board Discussion-None

Public Testimony

Malia Nobrega-Olivera, Leimana DaMate supports the name change.

06.09.2022/04:39:47

MOTION

Approved as submitted (Ono, Char) unanimous.

06.09.2022/04:40:55

ITEM E-3 Issuance of Revocable Permit to Go Holoholo, Inc. for Use of the Nutridge House and Grounds for Operating a Venue for Commercial and Community Events, Office Space Use, and Provide Onsite Management at Pu'u 'Ualaka'a State Wayside, Opu, Makiki, O'ahu, Tax Map Key: (1) 2-5-019:004 (portion);

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

Delegation to the Chairperson to Issue a Request for Proposals, Procure, Approve and Award Contract for a Long-term Lease and Give the Notice to Proceed at Pu'u 'Ualaka'a State Wayside, Opu, Makiki, O'ahu, Tax Map Key: 1) 2-5-019:004 portion.

Alan Carpenter, Division of State Parks presented the submittal. Curt Cottrell (Parks) and David Lopaka Millwood applicant available to answer questions.

Board Discussion

Current use, waste disposal, and lease options were discussed.

Public Testimony-None

06.09.2022/04:46:25

MOTION

Approve as submitted (Char, Ono) unanimous.

06.09.2022/04:48:09

ITEM D-4 Set Aside 74 Acres (more or less) to Division of State Parks for Park and Ancillary Purposes and Issuance of Immediate Right-of-Entry Permit, Wakiu, Hana, Maui, Tax Map Key: (2) 1-3-006:007 por.

Russell Tsuji, Land Division presented the submittal. Daniel Ornellas, Larry Pacheco, (Land), Curt Cottrell, (Parks) available to answer questions .

Board Discussion-None

Public Testimony-None

06.09.2022/04:49:32

MOTION

Approved as submitted (Canto, Ono) unanimous.

06.09.2022/04:49:55

ITEM D-5 Cancellation of Revocable Permit No. S-7935, Association of Apartment Owners of Kulakane, Permittee, Request for Waiver of Phase I Environmental Site Assessment Requirement and Release of Removal Bond, Mahinahina, Lahaina, Maui, Tax Map Key: (2) 4-3-006: Seaward of 011.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

06.09.2022/04:50:25

MOTION

Approved as submitted (Canto, Ono) unanimous.

06.09.2022/04:50:34

ITEM D-6 Issuance of Right-of-Entry Permit to TS Aloha, Inc. for Event Operations Purposes Related to the 2022 Kimo's Longboard Contest, a One-Day Event, with a Holding Period of June 10 through July 24, 2022, at Lahaina, Maui, Tax Map Key: (2) 4-5-004: Seaward of 012.

Russell Tsuji, Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

06.09.2022/04:50:57

MOTION

Approved as submitted (Canto, Ono) unanimous.

06.09.2022/04:51:30

ITEM D-1 Issuance of Land Patent in Confirmation of Land Commission Award No. 5467 to Poopali, Heir of Manoha, situate at Nania, District of Waimea, Island of Kauai, Tax Map Key: (4)1-5-002: 023.

Russell Tsuji Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

06.09.2022/04:51:40

MOTION

Approved as submitted (Ono, Char) unanimous.

06.09.2022/04:51:30

ITEM D-2 Amend Prior Board Action of March 25, 2021, Item D-3, *Rescind Prior Board Action of February 14, 2020, Item D-3, After-the-Fact Issuance of Right-of-Entry to the Association of Unit Owners of Kauai Kailani for Emergency Temporary Shoreline Protection Structure and Beach Nourishment Activities; Grant of Term, Non-Exclusive Easement to the Association of Unit Owners of Kauai Kailani for a Sand Groin on Unencumbered State Land, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009:seaward of 041.*

The purposes of this amendment are to add: (i) "Sections 171-13 and -53 Hawaii Revised Statutes (HRS), as amended" Under "LEGAL REFERENCE:"; and (ii) "EASEMENT CONSIDERATION: One-time payment to be determined by independent or staff appraisal establishing fair market rent, subject to review and approval by the Chairperson."

Russell Tsuji Land Division presented the submittal. Alison Neustein (Land) available to answer questions.

Board Discussion-None

Public Testimony-None

06.09.2022/04:52:48

MOTION

Approved as submitted (Ono, Char) unanimous.

06.09.2022/04:53:23

ITEM D-3 Rescind Prior Board Action of May 12, 2006, Item D-3, *Grant of Perpetual, Non-Exclusive Avigation and Noise Easement to State of Hawaii, Department of Transportation, Airports Division, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-37:41 .*

Russell Tsuji Land Division presented the submittal.

Board Discussion-None

Public Testimony-None

06.09.2022/04:54:30

MOTION

Approved as submitted (Yuen, Canto) unanimous.

06.09.2022/04:55:21

ITEM L-1

Request Approval of Variance for Keaīwa Reservoir (HA-0049) of Hawaii Administrative Rules Section 13-190.1-21(b)(2) and allow more than 5 feet of Water depth to remain in the Breached Dam, Dam Owner: Edmund C. Olson Trust No. II, Location: Middle & Lower Moaula Camp, Pahala, Hawai'i County, Tax Map Key: (3) 9-6-007:001, (3) 9-6-007:002.

Carty Chang, Engineering presented the submittal. Edwin Matsuda, Tony Koyamatsu (Engineering), Austen Drake, present to answer questions. Chang made a correction to the submittal.

Board Discussion

Clarification, the Dam does not fill up from a Stream channel and can hold up to 23-feet of water.

Public Testimony-None

Amendment:

Page 3, of the submittal is amended to reflect a dam breach would generate a peak water flow depth of 0-1 feet, instead of 1-2 feet.

06.09.2022/05:07:39

MOTION

Approved as submitted (Yuen, Char) unanimous

06.09.2022/05:08:21- Break/Lunch

06.09.2022/07:00:40 *(Note: Ono and Canto have left the meeting)*

ITEM D-9

Deny Lessee's Request for Consent to Mortgage with Estoppel Certificate and Pledge and Security Agreement, General Lease No. S-5844, WHR LLC, Lessee; Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-1-01:012 and 2-1-05:013, 016, 017, 027, 032, and 046

Russell Tsuji Land Division presented the submittal.

Board Discussion

Financing was discussed at length.

Public Testimony-None

06.09.2022/07:24:39

MOTION

Approved as submitted (Yuen, Char) 5-Ayes (Case, Yuen, Char, Yoon, Barnes)

06.09.2022/07:25:01

The Board reviewed Items D-7 and D-8 together.

ITEM D-7

Approve Cancellation of Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Rescind Board's Prior Action of December 13, 2019, Item D-3;

Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-1-005: 033, 034, 035 and 045.

ITEM D-8 Approve Cancellation of Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Rescind Board's Prior Action of December 13, 2019, Item D-2; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.

Board Discussion-None

Public Testimony-None

06.09.2022/07:28:53

MOTION

Approved as submitted Item D-6 and D-7 (Char, Yoon) unanimous.

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