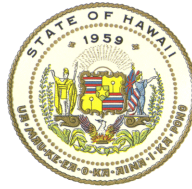
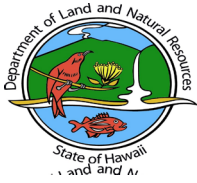


DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED AS SUBMITTED
AT ITS BOARD MEETING
HELD ON
SEPTEMBER 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

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 24, 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
Gordon Heit-Land
Michael Cain-OCCL
Trevor Fitzpatrick-OCCL
David Penn-DOFAW
Cathy Gewecke-DAR
Finn McCall-DOBOR
Richard Howard-DOBOR
Robert Masuda-First Deputy

Calen Miyahara-Land
Alison Neustein-Land
Barry Cheung-Land
David Smith-DOFAW
Leah Laramie-DOFAW
Brian Neilson-DAR
Ed Underwood-DOBOR
Megan Statts/DOBOR
Bin Li- Chair's Office

OTHERS

Julie China/AG
Olivia Pham-DOT-HAR
Jesse Lopez/K1
Kazuo Todd/D2
Bill Moore/D3
Pōmaika'i Kaniaupio-Crozier/D4
Paul Subrata /D4
Los Banos/D5
Ed Bushor/D9
Chris Delaunay/D9
Travis Tomono DOT-HYWS

Abby Lareau/DOT-AIR
Jennifer Tomita/DOT-HAR
Kimi Yuen/K1
Riley Smith/D3
Wade Kodama/D4
Jeffrey Ueoka/D4
Darrell Young/D5, Aedward
David Britti/D9
Mark Bratton/D9
Ned Kinny/D9
Jessie Hayashi DOT-HWYS

06.24.2022/00:00:11

ITEM A-1

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.

06.24.2022/00:01:29

Member Canto read the standard Contested Case statement.

06.24.2022/00:02:20

Chair Case proceeded to conduct roll call of the Members present and explained the process of the how the meeting will be conducted. Acknowledged Member Yuen for his service on the Board as his term comes to an end.

06.24.2022/00:02:45

Noted that some items will be taken out of order to accommodate those who are present in person. ITEMS E-1, J-2 and M-7 HAVE BEEN WITHDRAWN

06.24.2022/00:05:03

ITEM M-1 Issuance of a Directly Negotiated Hangar Facilities Lease for Cargo Operations, Aeko Kula, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072: 057.

Abby Lareau, DOT Airports present to answer questions.

Board Discussion

Promoting competition, reasons for the direct lease, lease provisions, renovation improvements, permitting process, and partnership were addressed by Lareau.

Public Testimony-None

06.24.2022/00:15:36

MOTION

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

06.24.2022/00:05:03

ITEM M-2 Issuance of a Revocable Permit for a Sail Plane Hangar for the Storage and Maintenance of an Aircraft Used in the Support of a Flight Test Program for Iolani School, Iolani School, Kawaihāpai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014:Portion of 001.

ITEM M-3 Issuance of a Revocable Permit for a Cargo Warehouse, Offices and Parking for the Provisioning Functions of its Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 085.

ITEM M-4 Issuance of a Revocable Permit for a Sprung Structure and Ramp Space for Mobile Office Containers and Vehicle Parking, Hawaiian Airlines, Inc., Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airports withdrew Item M-5 and available to answer questions for M-1, M-2, M-3, and M-4.

Board Discussion-None (Items M-2, M-3 & M-4)

Public Testimony- None

06.24.2022/00:16:16

Approved as submitted Items M-2, M-3 & M-4 (Yoon, Char) unanimously.

06.24.2022/00:16:57 (The Board reviewed Item M-6 with M-8 together)

ITEM M-6 Issuance of two (2) Month-to-Month Revocable Permits to The Gas Company, LLC, for a Non-Exclusive Subsurface Easement for the distribution of Petroleum Products and a Non-Exclusive Subsurface Electrical Easement for Electricity Transmission, situated at Hilo Harbor, Island of Hawaii, Tax Map Key Nos: (3) 2-1-009: Portion of 007, (3) 2-1-009:Portion of 048 , and (3) 2-1-009: Portion of 060, Governor's Executive Order No. 3962.

Jennifer Tomita, DOT Harbors present to answer questions.

Board Discussion

Impacts to the environment were addressed.

Public Testimony-None

ITEM M-8 Issuance of a Month-to-Month Revocable Permit to the United States of America, Department of the Navy, for Office Space, Warehouse Space, Wharf Apron Space, and Submerged Land at Port Allen Harbor, Kauai, Tax Map Keys: (4) 2-1-003: Portion of 006, (4) 2-1-003: Portion of 018, and (4) 2-1-003: Portion of 019. Governor's Executive Order No. 1047.

Olivia Pham, DOT Harbors present to answer questions.

Board Discussion-None

Public Testimony-None

06.24.2022/00:19:50

MOTION

Approved as submitted Items M-6 and M-8 (Yuen, Char) unanimously.

06.24.2022/00:21:10

ITEM K-1 Conservation District Use Application (CDUA) KA-3886 for the Camp Alan Faye Improvements Project by the Boy Scouts of America Aloha Council Located at Kauhao Ridge Road, Nāpali-Kona & Pu'ukapele Forest Reserve, Waimea, Kaua'i, Tax Map Key: (4) 1-4-001:015.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Trevor Fitzpatrick (OCCL) available to answer questions.

Board Discussion

Infrastructure on the property, fire safety, square footage, native plants, use of facilities by others, and energy use were addressed by Kimi Yuen.

Public Testimony

Kimi Yuen and Jesse Lopez support the submittal

06.24.2022/00:34:18

MOTION

Approved as submitted (Ono, Canto) unanimously.

06.24.2022/00:35:43

ITEM D-1 Mutual Cancellation of General Lease No. S-6065, Natural Energy Laboratory of Hawaii Authority, Lessee, for Air Monitoring and Storage Purposes, Kapoho, Puna, Hawaii, Tax Map Key: (3) 1-4-001:082.

Russell Tsuji, Land Division present the submittal. Gordon Heit (Land), and Marian Gushiken, present to answer questions.

Board Discussion

Air quality should be monitored.

Public Testimony-None

06.24.2022/00:37:28

MOTION

Approved as submitted (Yuen, Char) unanimously.

06.24.2022/00:37:40

ITEM D-2 Withdrawal of Approximately 4 Acres from Revocable Permit No. S-7673 (RP7673), Hawaii County Economic Opportunity Council (HCEOC), Permittee, through Amendment of RP7673 or Cancellation of RP7673 and Reissuance of a New Revocable Permit to HCEOC, or through such other Documentation as the Department of the Attorney General Deems Appropriate; Set-Aside to the County of Hawaii for the Relocation of the Central Fire Station; Issuance of Immediate Right-of-Entry to the County of Hawaii for Preliminary Study and Management Purposes, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-5-006:159 (portion).

Russell Tsuji, Land Division present the submittal . Kazuo Todd (Fire Chief), present to answer any questions.

Board Discussion

The original site, and public input were addressed by Todd.

Public Testimony-None

06.24.2022/00:41:10

MOTION

Approved as submitted (Yuen, Yoon) unanimously.

06.24.2022/00:41:23

ITEM D-3 Grant of a Term, Non-Exclusive Easement for each of Two Crossings Over the Honokohau Trail with Issuance of an Immediate Construction Right-of-Entry to West Hawaii Business Park LLC for Access and Utility Purposes, Honokohau 1st & 2nd, North Kona, Hawaii, Tax Map Keys: (3) 7-4-008: portions of 078 and 079.

Russell Tsuji, Land Division presented the submittal. Candace Martin (Land), Riley Smith and Bill Moore (Applicants) available to answer questions.

Board Discussion-None

Public Testimony-None

06.24.2022/00:43:17

MOTION

Approved as submitted (Yuen, Char) unanimously,

06.24.2022/00:41:23

ITEM D-4 After-the-Fact Amendment of Revocable Permit (RP) S-7382 to Maui Pineapple Company, Ltd. ; and Issuance of Revocable Permit to Maui Land and Pineapple Company, Inc. Effective January 1, 2017, with After-the-Fact Renewals for the years 2018 through 2022, Mahinahina, Lahaina, Maui, Tax Map Key: (2) 4-4-004: portions of 009, 011 & 019.

The amendments to RP S-7382 are to change the character of use provision from agricultural purposes to access purposes, decrease the area of use from 153.39 acres to 0.8 acre, and reduce the rent from \$1,096/month to \$40/month for the period January 01, 2009, to December 31, 2016.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Amendment clause, easements, rents and the rest of the parcel was clarified by Tsuji.

Public Testimony

Pōmaika'i Kaniaupio-Crozier, Jeffrey Ueoka, Paul Subrata , and Wade Kodama support the submittal.

06.24.2022/00:52:29

MOTION

Approved as submitted (Canto, Yuen) unanimously.

06.24.2022/00:52:45

ITEM D-5 Issuance of Right-of-Entry Permit to the City and County of Honolulu for Homeless Outreach and Navigation for Unsheltered Persons Program Purposes (“HONU”) on Land Set Aside the Department of Land and Natural Resources, Land Division, under Governor’s Executive Order No. 3461; Kahauiki, Honolulu, Oahu, Tax Map Key: (1) 1-1-006:003.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land), Darrell Young and Aedward Los Banos (C&CH), available to answer questions.

Board Discussion-None

Public Testimony-None

06.24.2022/00:54:32

MOTION

Approved as submitted (Char, Yoon) unanimously.

06.24.2022/00:54:47

ITEM D-6 Second Amendment of General Lease No. S-6077 for Temporary Mobile Access to Services and Housing for Housing First Transition Purposes to Extend for Four (4) Years; City and County of Honolulu, Lessee; Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041: Portions of 130 and 334.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) and Aedward Los Bano (C&CH) available for questions.

Board Discussion

Public Testimony-None

06.24.2022/00:55:52

MOTION

Approved as submitted (Char, Yoon) unanimously.

06.24.2022/00:56:06 Break

06.24.2022/01:09:40

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. Ted N. Pettit and Ed Bushor representing the applicant present to answer questions

Discussion

Member Yuen disclosed that he has a cousin who worked on the renovation and have no financial interest. Mortgage documents, assignments of mortgage and premiums, lease payments, OHA's position, were Federal programs used during the pandemic used, ability to pay back the loan, questions regarding the lender, selling the mortgage to another lender were discussed at length.

Public Testimony

Ted N. Pettit representing WHR,LLC provided information in support of the Consent to Mortgage. Ed Bushor answered questions regarding the terms of the loan and how the money will be used in support of the consent to mortgage. Mark Bratton, Chris Delaunay, Ned Kinny/D9 Chris Delaunay

Chris Delaunay, Ned Kinny provided testimony in support of the Staff submittal.

06.24.2022/03:09:40

Motion to go into Executive Session and break for lunch was made by Member Yuen and seconded by Member Char. The motion passed unanimously.

06.24.2022/04:51:03 Back in Session

06.24.2022/04:53:47 (Item D-9 continued)

Member Yuen made a motion to reconsider the prior action from May 31, 2022 .Seconded by Member Yoon. 6-Ayes 1-Oppose (Barnes)

Conditions: Representation of 4 Million to be paid in for loan reserve, 2 Million for other reserves, and subject to further review and approval by the Attorney General to form and consent.

06.24.2022/04:59:09

MOTION

Approval to Grant the Consent to Mortgage with conditions (Yuen, Yoon) 2- Ayes, (Yuen, Case), 5-Oppose (Char, Ono, Canto, Yoon, Barnes). Did not pass.

06.24.2022/04:59:09

MOTION

Approve Staff submittal (Char, Canto) 5-Ayes (Char, Ono, Canto, Yoon, Barnes) 2-Oppose Case Yuen

Contested Case requested by Bushor orally requested a Contested Case Hearing.

06.24.2022/05:01:01

Motion to go into Executive Session made by Yuen, seconded by Canto, unanimously.

06.24.2022/05:21:01

MOTION

Deny request for Contested Case (Yuen, Char) unanimously.

The Lessee was advised that he could request a Contested Case by following up in writing within 10-days.

06.24.2022/05:24:10

ITEM J-1 Renewal of Revocable Permits on the Islands of Oahu, Maui, Hawaii and Kauai, See **Exhibit E** for List of Revocable Permits; and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Preparation of Environmental Assessment.

Richard Howard, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Kaneohe Yacht Club and Mala Wharf accessibility were addressed by Howard.

Public Testimony-None

06.24.2022/05:29:29

MOTION

Approved as submitted (Yuen, Char) unanimously.

06.24.2022/05:30:10

ITEM J-3 Administrative Enforcement Action and Recommended Penalties for alleged Violation of Hawaii Administrative Rule (HAR) § 13-231-26 (Use of a vessel as a place of principal habitation), Ala Wai Small Boat Harbor, against Eric R. Alpert for using a vessel as a place of principal habitation without a Valid Principal Habitation Permit or Alternatively, for alleged Violation of HAR § 13-231-28 (Staying aboard vessels moored at Ala Wai or Keehi small boat harbor), Ala Wai Small Boat Harbor, for staying aboard a vessel without Prior Notice and without a Stay Aboard Permit; and Delegation of Authority to the Chairperson to Approve or Deny a Contested Case Hearing for this matter, if requested.

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Would this make him houseless? Underwood responded he was not sure. It appears he has a home in Hawaii Kai.

Public Testimony-None

06.24.2022/05:35:45

MOTION

Member Barnes made a motion to amend the submittal to withdraw the fine, that was not seconded.
Approve as submitted (Canto, Ono) unanimously.

06.24.2022/05:24:10

ITEM C-1 Annual review of grants from the Land Conservation Fund for each project that has been pending for over five years - For information, discussion, and possible action:

- a) LLCP 13-02, DLNR Division of State Parks, Ulupō Heiau Buffer, Ko'olaupoko District, Island of O'ahu, Tax Map Key Number: (1) 4-2-103:032 (portion).
- b) LLCP 15-01, Waipā Foundation, Kaluanono at Waipā, Halele'a District, Island of Kaua'i, Tax Map Key Number: (4) 5-6-004:010 (Information Only).
- c) LLCP 17-03 Hawaiian Islands Land Trust, Kepler Ke'anae Lo'i Conservation Easement, Ko'olaupoko District, Island of Maui, Tax Map Key Number: (2) 1-1-003:041 (Information Only).

David Penn, Division of Forestry and Wildlife (Legacy Land) presented the submittal. Martha Yent (Parks) available to answer questions.

Board Discussion

Reasons for delay were addressed by Penn.

Public Testimony-None

06.24.2022/05:45:01

MOTION

Approve as submitted (Barnes, Yoon) unanimously

06.24.2022/05:45:25

ITEM C-2 Approve—as a contingency in the event that Hawaiian Islands Land Trust or the Division of Forestry and Wildlife declines its Fiscal Year 2022 Legacy Land grant award, or is unable to accept or expend all or part of its awarded funds—awards of remaining, available funds from the Fiscal Year 2022 Land Conservation Fund, up to \$675,000, to Ke Ao Hali'i as an alternate, for the acquisition of approximately 8.58 acres at Hāna District, Island of Maui (Haneo'o Lands), Tax Map Key Number: (2) 1-4-010:015; and

Authorize the Chairperson, if needed, to redirect up to \$675,000 of remaining, available funds from a Fiscal Year 2022 Legacy Land grant award—that were declined, not accepted, or not expended by Hawaiian Islands Land Trust or the Division of Forestry and Wildlife—to the Fiscal Year 2022 Legacy Land grant award to Ke Ao Hali'i, for the acquisition of approximately 8.58 acres at Hāna District, Island of Maui (Haneo'o Lands), Tax Map Key Number: (2) 1-4-010:015.

David Penn, Division of Forestry and Wildlife (Legacy Land) presented the submittal.

Board Discussion-None

Public Testimony- None

06.24.2022/06:12:46

MOTION

Approved as submitted (Canto, Yoon) unanimously

Return to Item J-3 (It was discovered that Mr. Alpert was in the waiting room when Item J-3 was before the Board.

06.24.2022/05:49:14

Motion to Approve Item J-3 rescinded to hear from Mr. Alpert (Yuen, Yoon) unanimously.

Chair Case read the contested case statement for the benefit of Mr. Alpert.

Mr. Alpert requested a Contested Case hearing.

06.24.2022/05:55:23

ITEM M-10 Authorization to convey subject Property, designated as Remnant E-6 (Portion) and 22-A East Molokai Road, Federal Aid Secondary Project No. 2-A(1), Kaunakakai-Kamalo, Molokai, Tax Map Key No. (2) 5-4-02: Road (Portion) to Gerald Alderson by Quitclaim Deed.

Jesse Hayashi and Travis Tomono, Department of Transportation Highways Division present to answer questions.

Board Discussion

Clarification of Maps and if it was ceded lands was addressed by Hayashi.

Public Testimony-None

Pause on discussion for M-10.

06.24.2022/06:10:55

ITEM C-3 Request Approval to P r o c u r e , Negotiate and Sign a Contract(s) for the Management of the Department of Land and Natural Resources Youth Conservation Corps Program.

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

Board Discussion

Member Yuen recused himself.

Public Testimony-None

06.24.2022/06:10:55

MOTION (Member Yoon left the meeting)

Approved as submitted (Char, Barnes) 5-Ayes, 1-Recused (Yuen) 1- absent (Yoon)

06.24.2022/06:12:46

ITEM M-9 Information Briefing on the Status of DLNR's Administrative Enforcement Cases That Were Processed in Fiscal Year 2021. **NON-ACTION ITEM**

Bob Masuda, First Deputy presented the briefing. Bin Li, Administrative Coordinator. present to answer questions.

06.24.2022/06:36:46 (Member Canto left the meeting)
Return to discussion on ITEM-10.

Tomono clarified that the land is ceded, and OHA has no objections to the disposition and will be compensated.

06.24.2022/06:41:01

MOTION

Approved as submitted (Char, Yuen) 4-Ayes, 1-Oppose, 2-Absent (Yoon, Canto).

There being no further business, Chairperson 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