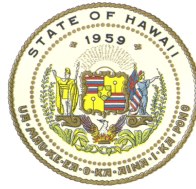
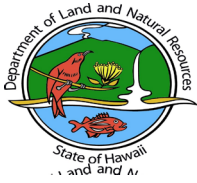


DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED BY THE BOARD
AT ITS MEETING HELD ON
DECEMBER 8, 2022

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

dar

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: JULY 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
Vernon Char
Kaiwi Yoon (absent)

Doreen Canto
Aimee Barnes
Karen Ono

STAFF

Russell Tsuji-Land
Kevin Moore-Land
Gordon Heit-Land
Gordon Heit-Land
David Smith-DOFAW
Emma Yuen-DOFAW
Ed Underwood-DOBOR
Trevor Fitzgerald-OCCL
Grayson Ching-ENG

Calen Miyahara-Land
Alison Neustein-Land
Barry Cheung-Land
Seiko Machida-Land
Lainie Barry-DOFAW
Alan Carpenter-Parks
Michael Cain-OCCL
Carty Chang-ENG

OTHERS

Miranda Steed/AG
Olivia Pham-DOT-HAR
Michael Conner/C2
Kristi Ono/D2
Chad Kodama/D2
Jordan Molina/D2
Natalie Hiu/D4
Sue Lee Loy/D5
Scott Whiting/K1
Onanoa Thoene/K1,K2
Bianca Isaki/K2

Abby Lareau/DOT-AIR
Jennifer Tomita- DOT HAR
Anthony Ching/C2
Ty Takeno/D2
Richard Sato/D2
Linda Monden/D2
Mark Richie/D4
Joseph Bork/D5
Daniel Rubenstein/K1
E. Kalani Flores/K2
Shelly Muneoka/K2

ITEM A-1

Kainoa Azama/K2
Lilinoe Perkins/K2
Steven Thomas/K2
Konohi Kupuna/K2
James Manaku/K2

M. Kalani Souza/K2
Laulani Teale/K2
Lena Pahia/K2
Kanaka Maoli Kaumualii/K2
Fred Camero, Jr./L1

07.22.2022/00:30:58

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.

07.22.2022/00:32:30

Chair Case proceeded to conduct roll call of the Members present and explained the process of the how the meeting will be conducted. Noted that Member Yoon was absent from the meeting.

07.22.2022/00:33:24

Member Canto read the standard Contested Case statement.

07.22.2022/00:34:37

ITEM A-1 Approval of the May 31, 2022, Summary Minutes.

Board Discussion-None

Public Testimony-None

07.22.2022/00:34:37

MOTION

Approved as submitted (Canto, Char) 5-Ayes 1-Abstain (Smith)

07.22.2022/00:34:37

ITEM M-1 Issuance of a Revocable Permit for a Preferential Hold Room Located at Gate E2, Central Concourse of Terminal 2, Alaska Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 050.

ITEM M-2 Issuance of a Revocable Permit for Aircraft Parking, Belle Pacific Air, L.L.C., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-3 Issuance of a Revocable Permit for Thirteen (13) Preferential Hold Rooms Located at Gates A13, A14, A15, A16, A17, A18, A19, A20, B1, B2, B3, B4, and B5 of Terminal 1, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-4 Issuance of a Revocable Permit for Five (5) Preferential Hold Rooms Located at Gates E1, E3, E5, E7 and E9, Central Concourse of Terminal 2, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 050.

- ITEM M-5** Issuance of a Revocable Permit for Three (3) Preferential Hold Rooms Located at Gates G3, G4 and G5, Diamond Head Concourse of Terminal 2, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 065.
- ITEM M-6** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft in Support of an Aeronautical Flight School Business, Barbers Point Flight School, LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-013:116.
- ITEM M-7** Issuance of a Revocable Permit for Equipment Parking, Southwest Airlines Co., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.
- ITEM M-8** Issuance of a Revocable Permit for Aircraft Parking, Hawaii Pacific Aviation, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-9** Issuance of a Revocable Permit for Two (2) Preferential Hold Rooms Located at Gates 9 and 10 in the Main Terminal, Hawaiian Airlines, Inc., 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 a Preferential Hold Room at Gate 5 in the Main Terminal, Southwest Airlines Co., 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 Temporary Space at the Heliport to Perform Helicopter Tour Operations, Aloha Helicopter Tours LLC, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 148.
- ITEM M-12** Issuance of a Revocable Permit for Two (2) Preferential Hold Rooms Located at Gates 3 and 4 in the Main Terminal, Hawaiian Airlines, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135
- ITEM M-13** Issuance of a Revocable Permit for Terminal Space for an Airline Operations Office and Break Room, Southwest Airlines Co., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135.
- ITEM M-14** Issuance of a Revocable Permit for a Preferential Hold Room at Gate 8 in the Main Terminal, Southwest Airlines Co., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135.
- ITEM M-15** Issuance of a Revocable Permit for Terminal Space for a Multipurpose Office and Breakroom, United Airlines, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135.
- ITEM M-16** Issuance of a Revocable Permit for Six (6) Preferential Hold Rooms Located at Gates 17, 19, 21, 23, 27 and 29 in the Main Terminal, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portions of 236, 240 and 243.
- ITEM M-17** Issuance of a Revocable Permit for Three (3) Preferential Hold Rooms Located at Gates 5, 7, and 9 in the Main Terminal, Southwest Airlines Co., Kahului Airport, Tax Map Key (2) 3-8-1: Portion of 224, and (2) 3-8-001: Portion of 228.

ITEM M-18 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft in Support of an Aeronautical Maintenance Business, Mid Pacific Aero Services LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.

ITEM M-19 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of a Private Aircraft, Straightin LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003

Abby Lareau, DOT Airports present to answer questions for Items M-1 through M-19.

Board Discussion

Preferential Hold Rooms was clarified by Lareau. T-Hanger accessibility was addressed regarding access.

Public Discussion-None

07.22.2022/00:45:25

MOTION

Approved as submitted Item 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, M-17, M-18 and M-19 (Char, Canto) unanimously.

07.22.2022/00:45:41

ITEM M-20 Request Cancellation of "Water Pipeline Easement A" created by Deed Dated May 1, 1972, Alexander & Baldwin, Inc., Grantor, and the State of Hawaii, Grantee; Withdrawal of "Water Pipeline Easement A" from Governor's Executive Order No. 2635, Kahului Harbor, Island of Maui, Tax Map Key Nos. (2) 3-7-010: Portion of 003 and (2) 3-7-010: Portion of 009.

Jennifer Tomita, DOT Harbors present to answer any questions

Board Discussion-None

Public Testimony-None

07.22.2022/00:46:00

MOTION

Approved as submitted (Char, Canto) unanimously.

07.22.2022/00:47:13

ITEM L-1 Request Authorization for the Chairperson to Issue a Right of Entry Permit to allow access to two Existing Wells for Monitoring and Data gathering, Tax Map Keys: (2) 4:3:001:020 and 089, Alaeloa, Maui, Hawaii

Carty Chang, Engineering Division presented the submittal. Grayson Ching (ENG) and Fred Camero available to answer questions

Board Discussion

Clarified the recommendations.

Public Testimony

Fred Camero clarified that they will be monitoring only one well, unable to locate the second well.

07.22.2022/00:47:13

MOTION

Approved as submitted (Canto, Char) unanimously.

07.22.2022/00:56:10

ITEM J-1 Approval of Petition for a Contested Case hearing (CCH) by Eric R. Alpert regarding June 24, 2022, Enforcement Action for alleged illegal principal habitation of a vessel, in Violation of Hawaii Administrative Rule (HAR) § 13-231-26, or alternatively for alleged violation of HAR § 13-231-28, regarding staying aboard a vessel moored in Ala Wai Small Boat Harbor.

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.

Todd Tashima, Division of Boating and Ocean Recreation presented the submittal. Ed Underwood (DOBOR) available to answer questions.

Board Discussion

Live aboard permits were addressed.

Public Testimony-None

07.22.2022/01:04:13

MOTION

Approved as submitted (Canto, Char) unanimously.

07.22.2022/01:08:10

ITEM D-2 Grant of Term, Non-Exclusive Easement to the County of Maui, for Concrete Wave Deflector, Concrete Stairs, Revetment (Stacked Rocks), and Storm Drainage Purposes; Issuance of Right-of-Entry for Construction Purposes; and Issuance of Revocable Permit; Lahaina, Maui; Tax Map Keys: (2) 4-5-002: seaward, and (2) 4-6-009: seaward.

Russell Tsuji, Land Division presented the submittal. Seiko Machida (Land), Kristi Ono and Linda Mundon (County of Maui) available to answer questions.

Board Discussion

Formalizing the easement process, coastal erosion, timing of repairing the seawall, long-term plans for climate change were addressed.

Public Testimony

Kristi Ono and Linda Mundon (County of Maui) explained the conditions of area.

07.22.2022/01:17:56

MOTION

Approved as submitted (Canto, Char) unanimously.

07.22.2022/01:19:02

ITEM D-1 Cancellation of Revocable Permit No. S-7897, Katherine Enoka, Permittee and Request for Waiver of Phase I Environmental Site Assessment Requirement, Lot 11-B Hanapepe Town Lots, 1st Series, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-005:053.

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

Board Discussion-None

Public Testimony-None

07.22.2022/01:20:11

MOTION

Approved as submitted (Ono, Canto) unanimously.

07.22.2022/01:20:28

ITEM D-4 Consent to Mortgage and Seek Board's Authorization to Execute Estoppel Certificate, Consent to Subleases, General Lease No. S-4644, Vallejo Venture 99 LLC, Lessee, Kalauao, Ewa, Oahu, Tax Map Key: (1) 9-8-013:014

Russell Tsuji, Land Division presented the submittal, Natalie Hu and Mark Ritchie available to answer questions.

Board Discussion

Prepayment penalty, use of the funds was discussed

Public Testimony

Natalie Hu represented the applicant explained the reason for the request. Mark Ritchie conveyed the terms of the mortgage and explained how the loan was to be used. Mark Ritchie

07.22.2022/01:27:50

MOTION

Approved as submitted (Char, Smith) unanimously.

07.22.2022/01:29:24

ITEM D-5 Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.

Kevin Moore, Land Division presented the submittal. Gordon Heit (Land) available for questions

Board Discussion

It was clarified that a term lease is the end goal. Interested parties? Disruption of current tenants was also addressed.

Public Testimony-None

07.22.2022/01:35:40

MOTION

Approved as submitted (Smith, Canto) unanimously.

Break 07.22.2022/01:35:57

07.22.2022/001:48:13

ITEM C-1 Request for Approval to Enter into a Multi-Year Contract with the Zoological Society of San Diego to provide services to operate the Endangered Bird Captive Propagation Facility on Maui, The Maui Bird Conservation Center, and to provide expert avicultural services to conduct related forest bird propagation projects at the Keauhou Bird Conservation Center on the Island of Hawaii and throughout the State; and

Request Approval of Declaration of Exemption to Chapter 343, HRS environmental compliance requirements for the Project.

Lainie Barry, Division of Forestry and Wildlife presented the submittal. David Smith and Emma Yuen (DOFAW) available for questions.

Board Discussion

Status of the 'Akikiki that were brought into captivity was provided.

Public Testimony-None

07.22.2022/001:51:53

MOTION

Approved as submitted (Canto, Smith) unanimously.

07.22.2022/01:52:31

ITEM C-2 Request Approval of (1) The Acquisition of Private Lands; (2) Issuance of Management Right-of-Entry to Division of Forestry and Wildlife; (3) Authorize Division of Forestry and Wildlife to Conduct Public Hearing on the Island of Moloka'i for Proposed Addition to the

Moloka'i Forest Reserve, Makolelau, Kona District, Moloka'i, Tax Map Keys: (2) 5-5-001:013, (2) 5-5-001:022, (2) 5-5-001:036 and (2) 5-5-001:038; and

Request Authorization for the Chairperson to Enter, Amend, Extend, and Terminate a Memorandum of Understanding between the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife and The Nature Conservancy to convey the remaining parcel, Tax Map Key: (2) 5-5-001:015 to the State.

Emma Yuen, Division of Forestry and Wildlife presented the submittal. David Smith (DOFAW) and Michael Conner (TNC) available to answer questions.

Board Discussion

Chair Case disclosed that the Nature Conservancy was her former employer and does not have a conflict.

Public Testimony-None

07.22.2022/01:54:55

MOTION

Approved as submitted (Canto, Ono) unanimously.

07.22.2022/01:56:50

ITEM E-1 Amend Prior Board Action of December 10, 2021, Item E-2, Approval of 15-Year General Lease to Hawaii Conference Foundation, an Eleemosynary Organization, for Commercial Public Camping and Lodging Purposes at Lot 56 situated at Kōke'e, Waimea, (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:027.

Curt Cottrell, State Parks presented the submittal.

Board Discussion-None

Public Testimony-None

07.22.2022/01:59:53

MOTION

Approved as submitted (Ono, Smith) unanimously.

07.22.2022/02:00:11

ITEM E-2 Amend Prior Board Action of June 10, 2021, Item E-1, Approval of a 20-Year Extension of General Lease SP0402, to Camp Hale Koa Association, Lessee, for Recreational Campground purposes at Lots 55, 56, 57, and 58 situated at Pu'u ka Pele, Waimea, (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:055.

Curt Cottrell, State Parks presented the submittal.

Board Discussion-None

Public Testimony-None

07.22.2022/02:00:27

MOTION

Approved as submitted (Ono, Canto) unanimously.

07.22.2022/02:01:34 Break

07.22.2022/02:02:34

ITEM K-1 Denial of Individual Petitions for Contested Case Hearing filed on January 24 and 25, 2022, by George Nardin, Amir Ginsberg, Ana Moreno, Daniel Rubenstein, Scott Whiting, and Christina Townson regarding their requests for a Contested Case Hearing OA 22-75 for the Verizon Wireless Lanikai Telecom Project, Tax Map Key Nos. (1) 4-3005:068 and 070.

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.

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

Board Discussion

Member Canto disclosed she was formally employed by Verizon and has no financial interest. The process of permitting was clarified by Cain.

Public Testimony

Onanoa Thoene and Donna Barrett representing Verizon stand by their written testimony. Scott Whiting & Daniel Rubenstein testified in opposition.

07.22.2022/02:26:14

Member Canto made a Motion to go into Executive Session. Member Smith seconded the Motion. The Motion was unanimous.

07.22.2022/03:13:28

MOTION

Approved as submitted (Barnes, Char) unanimously.

07.22.2022/03:16:15

ITEM K-2 Approval of the Center for Maunakea Stewardship's 2022 Mauna Kea Comprehensive Management Plan 2022 Supplement: Management Actions Update for the Mauna Kea Science Reserve at Kaoha Mauka, Hamakua District, Hawaii, Tax Map Key Nos. (3) 4-4-015:009, 012, and 001.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Dr. Gregory Chun provided an overview of the supplement management plan.

Board Discussion

Silver sword, Nene, Mauna Kea Management Board, Cultural review Board, Environmental Committee, EIS,

Public Testimony

E. Kalani Flores, Bianca Ishizaki, provided testimony.

07.22.2022/04:15:15 Lunch Break

07.22.2022/05:06:15 Back in Session

Michael Cain provided additional information to the submittal.

07.22.2022/05:08:56

Public Testimony continued

Shelly Muneoka, Kalani Souza, Lilinoe , Aulani Peele, Steven Thomas, Leinala Pahia, Bronson Azama, Alison Afano, Michael Mook, Garrett Respicio, Sara, Candance Fujigami, Regina Peterson, Lilinoe Perkins, Laulani Teale, Steven Thomas, Lena Pahia, Konohi Kupuna, Kanaka Maoli Kaumualii, provided testimony.

07.22.2022/05:27:13

Laulani Teale requested a contested case after her testimony

07.22.2022/05:27:27

Chair Case made the Motion to go into Executive session to discuss the request for contested case. Member Canto seconded the motion. Unanimously.

07.22.2022/05:29:25

Return from Executive Session. Chair Case clarified with Teale if she was making a request for contested case now or in the future, which would have to be made before the end of the meeting. Teale replied that she wanted to make one before the end of the meeting. Chair Case conveyed that they will not consider it as a request for contested case at this time and will proceed with public testimony. Further discussion by the Board.

07.22.2022/06:20:17

MOTION

Approved as submitted (Smith, Char) 4-Ayes, 1-Oppose (Canto)

07.22.2022/06:24:12

Laulani Teale requested a Contested Case.

07.22.2022/06:24:21

Chair Case made the Motion to go into Executive session to discuss the request for contested case. Member Char seconded the motion. Unanimously with (5) members.

07.22.2022/06:41:21

Return from Executive Session

The Chair noted that there would be no action on the request for a contested case and that Teale can follow-up with a written request within 10-days.

07.22.2022/06:42:33

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