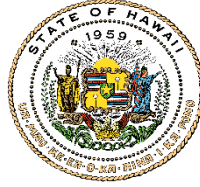


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
OFFICE OF THE CHAIRPERSON
DEPARTMENT OF LAND AND NATURAL RESOURCES

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL
RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

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

SUMMARY MINUTES
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: OCTOBER 28, 2022
TIME: 9:15 AM
LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream via
YouTube.

MEMBERS

Suzanne Case
Vernon Char
Kaiwi Yoon
Riley Smith

Doreen Canto
Aimee Barnes
Karen Ono

STAFF

Russell Tsuji-Land
Luke Sarvis-Land
Carty Chang-ENG
David Smith-DOFAW
Jason Omick-DOFAW
Scott Fretz-DOFAW
Kanalū Sproat-DOFAW
Andy Cullison-DOFAW
Trevor Fitzpatrick-OCCL

Kevin Moore-Land
Barry Cheung-Land
Grayson Ching-ENG
Emma Yuen-DOFAW
Ayrton Stauch-CWRM
David Penn-DOFAW
Steve Bergfeld-DOFAW
Edwin Matsuda-ENG
Michael Cain-OCCL

OTHERS

Melissa Goldman/AG
Abby Lareau/DOT AIR
Eric Leong/DOT HAR
Richard Pezzulo/C1
Roslyn Cummings/D1

Olivia Pham/DOT HAR
Jennifer Tomita/DOT HAR
Mark Chun/L1
Chad Middleton/C1
Laura Chong/D3

ITEM A-2

Aldo Venier/D4
Randall Tanaka/D7
Mitch Tamayori/D7
Ryan Char/D7
Tammy Yeh/D7
Jason Springer/D7
Doug Codiga/D10
Onaona Thoene/D11
Philip Thompson/
Matthew Widlansky/J4
Dan Byron/L2
Keoni Fursse/L2
Roslyn Cummings/D1
James Kaneolalii Williams /D1
Anders Lyons/D4
Mark Lane/L1
Jason Klem/J4

Anders Lyons/D4
Roy Ikeda/D7
Kahealani Winchester/D7
Al Jerome Leano/D7
Piyalerg Kongsil/D7
Theodore Peck/D10
Kimo Frankel/D11
Joe Ibara/D11
Ben Sadoski/M5
Jason Klem/J4
Mark Lane/L2
Mark Modaresi/D9
Gary Hooser/D1
Aldo Venier/D4
Dan Byron/D4
Keoni Fursse/L2
Jay Hatayama/C1

10.28.2022/00:00:22

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.

10.28.2022/00:02:35

Member Canto read the standard Contested Case statement.

10.28.2022/00:03:22

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

10.28.2022/00:05:09

ITEM M-5 Issuance of a Restaurant and Lounge Concession Agreement by Request for Proposals to Volume Services, Inc. dba Sodexo Live! at Hilo International Airport and Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (Hilo): (3) 3-2-1-012: Portion of 009, and (Kona), (3) 7-3-043: Portion of 003.

Abby Lareau, DOT Airports presented the submittal.

Board Discussion

Page 3, percentage fee was clarified.

Public Testimony

Ben Sadoski stands on their written testimony and available to answer questions.

10.2022/00:07:59

MOTION

Approved as submitted (Yoon, Canto) unanimously.

10.28.2022/00:08:30

Chair Case if there any questions for Items M-1 through M-4, Items M-6 through M-19

- ITEM M-1** Amendment to Prior Board Action of December 10, 2021, Item M-1, Request an Amendment to the Area, Monthly Rental Amount and Security Deposit Amount, FSM Group, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion). The purpose of the amendment is to provide additional space for current operations.
- ITEM M-2** Issuance of a Revocable Permit for Staging and Storage of Construction Material and Equipment for the U.S. Transportation Security Administration Security Checkpoints Project, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 068.
- ITEM M-3** Issuance of a Revocable Permit for Aircraft Parking, Aerosleek, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-4** Issuance of a Revocable Permit for Aircraft Parking, Ellison Onizuka Kona International Airport at Keahole, Robert Gavel, Jr., Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-6** Issuance of a Revocable Permit for Aircraft Parking, William Wilton, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-7** Issuance of a Revocable Permit for Ramp Space for Two Mobile Office/Storage Trailers and to Park Ground Service Equipment, Hawaiian Airlines, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-8** Issuance of a Revocable Permit for Ground Service Equipment Storage, Southwest Airlines Co., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM D-9** Issuance of a Revocable Permit for GSE Maintenance Space as Part of Its Signatory Airline Operations, American Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 216.
- ITEM D-10** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of an Aircraft, Alexander Ress, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: 021.
- ITEM M-12** Issuance of a Revocable Permit for a Construction Field Office, Oceanit Laboratories, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion 001.
- ITEM M-13** Issuance of a Revocable Permit for the Overnight Storage of International Trash and Cleaning of Trash Receptacles, Freeman Holdings of Hawaii, LLC dba Million Air Honolulu, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

Board Discussion

Overnight storage of international trash was clarified.

- ITEM M-14** Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of a Private Aircraft, Pacific Pump & Power, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

- ITEM M-15** Issuance of a Revocable Permit for Aircraft Parking, Aris, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-16** Issuance of a Revocable Permit for Booth Space, Molokai Arts Center, Inc., Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 106.
- ITEM M-17** Issuance of a Revocable Permit for Main Terminal Office and Equipment, Parts and Supply Storage, Pegasus Aviation Services, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 236.
- ITEM M-18** Issuance of a Revocable Permit for Terminal Space for Customer Check-In and Check-Out Desk, Maui Skydiving LLC, Hana Airport, Tax Map Key: (2) 1-3-003: Portion of 032.
- ITEM M-19** Issuance of a Directly Negotiated Hangar Facilities Lease, County of Kauai, Fire Department, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 009.

Abby Lareau, DOT Airports available to answer questions Items M-1 through M-4, Items M-6 through M-19.

Public Testimony-None

10.28.2022/00:10:20

MOTION

Approved as submitted, Items M-1, M-2, M-3, M-4, M6, M-7, M-8, M-9, M-10, M-12, M-13, M-14, M-15, M-16, M-17, M-18, M-19 (Canto, Ono) unanimously.

10.28.2022/00:10:41

ITEM M-20 Issuance of Four (4) Month-to Month Revocable Permits to PAR HAWAII REFINING LLC, FOR SEVERAL Non-Exclusive Subsurface Pipeline Easements for the distribution of Petroleum Products and Two (2) Non-Exclusive Subsurface Pipeline Easements for Electrical Conduits that are situated at Piers 31-34 and 52, Honolulu Harbor, Oahu, Tax Map Keys: (1) 1-5-036: Portion 001; (1) 1-5-035: Portion 009; (1) 1-5-041; Portion of 111; (1) 1-5-041: Portion of 115; and (1) 1-5-041: Portion of 324, Governor's Executive Order Nos. 2844, 2931, 2903, and 4006.

Jennifer Tomita, DOT Harbors present to answer any questions. Amended page 3 of the submittal under Chapter 343 Environmental Assessment to clarify that the applicable exemption from the DOT exemption list has been reviewed and concurred with Environmental Council on February 1, 2022, is as follows; Exemption Type 1, Part 1, A6 & A10.

Board Discussion

Chapter 343 Exemption was clarified, infrastructure needs and permit terms, rates, petroleum going through pipeline, remediation requirement, best practices were discussed.

Public Testimony -None

10.28.2022/00:15:33

MOTION

Approved as amended (Yoon, Ono) 6-Ayes, 1-Oppose (Barnes)

10.28.2022/00:17:12

ITEM M-21 Issuance of a Month-to-Month Revocable Permit to ISS Marine Services Inc. dba INCHCAPE SHIPPING SERVICES, for storage of Shipping Containers, situated at Pier 1, Honolulu, Oahu, Tax Map Key: (1) 2-1-015:Portion of 009, Governor's Executive Order No. 4238.

Eric Leong, DOT Harbors present to answer any questions.

Board Discussion

Chapter 343 Exemption Type 1 Part 1 Item B1 was added as an amendment.

Public Testimony-None

10.28.2022/00:17:20

MOTION

Approved as amended (Smith, Ono) unanimously.

10.28.2022/00:18:21

ITEM L-1 Request Authorization for the Chairperson to Issue a Right of Entry Permit to the Honolulu Board of Water Supply to Allow Access to an Existing Well for Assessment, Test Pumping, and Water Quality Analysis Tax Map Key: (1) 4-5-023-002, Kaneohe, Oahu, Hawaii.

Carty Chang, Engineering presented the submittal. Gayson Ching (Engineering), and Mark Chun (BWS) present to answer questions.

Board Discussion-None

Public Testimony-None

10.28.2022/00:21:09

MOTION

Approved as submitted (Yoon, Canto) unanimously.

10.28.2022/00:23:01

ITEM D-7 Grant of 65-Year Term, Non-Exclusive Easement to the County of Maui, Department of Water Supply for Waterlines and Related Water Distribution Equipment Purposes at Makawao, Kula, Kihei, Maui; Tax Map Key: (2) 2-2-002:081 (portion).

Issuance of Construction Right-of-Entry Permit to the County of Maui, Department of Water Supply for Construction of Water System Infrastructure at Makawao, Kula, Kihei, Maui; Tax Map Key: (2) 2-2-002:081 (portion).

Issuance of Construction and Management Right-of-Entry to the Department of Education for Completion of Kihei High School at Makawao, Kula, Kihei, Maui; Tax Map Key: (2) 2-2-002:081 (portion).

Luke Sarvis, Land Division presented the submittal. Daniel Ornellas (Land), Roy Ikeda, Kahealani Winchester present to questions

Board Discussion-None

Public Testimony-None

10.28.2022/00:25:21

MOTION

Approved as submitted(Canto, Smith) unanimously.

10.2022/00:26:58

ITEM C-1 Approve a disposition of State interests in land that Hi'ipaka LLC acquired with a grant from the Land Conservation Fund at Ko'olauloa District, Island of O'ahu, Tax Map Key Number (1) 6-1-002:005; and

Authorize the Chairperson to grant approvals on behalf of the Board, make determinations for the Board, and proceed with all due diligence and negotiations that may be necessary to carry out the disposition approved by the Board.

David Penn, Division of Forestry and Wildlife presented the submittal. Richard Pezzulo is available to answer questions.

Board Discussion

State's level of protection, if sold, Hiipaka would share revenue with the State, conflicting requirements with different grant funding, and conservation easement were discussed

Public Testimony-None

10.28.2022/00:39:08

MOTION

Approved as submitted (Yoon, Ono) unanimously.

10.28.2022/00:39:33

ITEM C-2 Request for delegation of authority to the Chairperson to negotiate and enter into a Memorandum of Understanding with the Department of Hawaiian Homelands for the control of feral ungulates at Waiohuli, Maui, Tax Map Key no. (2) 2-2-002:014, using public hunting methods; and

Request approval of Declaration of Exemption of the project from Chapter 343, Hawaii Revised Statutes.

Scott Fretz, Division of Forestry and Wildlife presented the submittal and made an amendment to the Administrative Rules Chapter 343 pages 6 and 7, make a change to refer to Chapter 11 200.1 on both pages.

Board Discussion

Fencing, population control, hunters are allowed to keep the meat, aerial hunting, public hunting, contact with Maui Nui Venison, participation with the Maui Task Force, impact on subsistence hunting, working groups can assist on private lands.

Public Testimony-None

10.28.2022/00:54:48

MOTION

Approved as submitted (Canto, Smith) unanimously.

ITEM C-3 Request Approval of a Fuel Break Expansion Project on Mauna Kea for the purposes of Forest and Wildlife protection; and

Request Approval of Declaration of Exemption to Chapter 343, Hawaii Revised Statutes Environmental Compliance requirements for the project.

Jason Omick, Division of Forestry and Wildlife presented the submittal. There are amendments to the submittal, on pages 2 and 3, under Chapter 343 Hawaii Revised Statutes Environmental Assessment amend the text to update all references to include the recent version of the DLNR Exemption list as amended to read the Division's activities to expand existing fire breaks will likely have minimal or no significant negative impact on the environment and will be improving the overall environmental health of the area by reducing the wildland fire risks and are thus exempt from the requirement of an Environmental Assessment in accordance with Chapter 343 HRS Chapter 11-200.1, Exemption Class, reviewed and concurred upon by the Environmental Council on November 10, 2020, General Exemption Type 1, Part 1, Item 23, General Exemption Type 1, Part 1, Item 27, General Exemption Type 4, Part 2, Item 2, HRS Chapter 11-200.1, not 11-200 and the Staff amends the Declaration of Exemption that HRS Chapter 343 and HAR Chapter 11-200.1. Jay Hatayama available to answer questions.

Board Discussion

Appendix A; table 3 Palila population limited, reforestation projects, goats, Aha Moku consultation.

Public Testimony-None

10.28.2022/01:12:58

MOTION

Approved as submitted (Smith, Canto) unanimously.

Break: 10.28.2022/01:24:33

10.28.2022/01:24:33 (Member Smith left the meeting)

ITEM D-3 Rescind Prior Board Action of October 8, 2021, Item D-7, *Grant of Term, Non-Exclusive Quitclaim Easement to Lenore Lincoln LLC, Elizabeth L. Reis as Trustee for the Lei Clotilda Mathews Living Trust dated October 23, 2008, Frances J. Segundo as Trustee for The Francis and Frances Segundo Trust dated November 1, 2017, Patricia L. Rickard and Jon K. Lincoln, for Access and Utility Purposes, Lanihau 2nd, North Kona Hawaii, Tax Map Key: (3) 7-5-006:034 (por.).*

The reason for the rescission of the prior Board action is applicants have established access from their private property directly to a county road and no longer require an easement from the State.

Russell Tsuji, Land Division presented the submittal. Gordon Heit and Candace Martin (Land) available to answer questions.

Board Discussion

Easement, Road ownership, previous documentation, title reports, County's responsibility

Public Testimony

Laura Chong provided testimony.

10.28.2022/01:46:47

Chair Case made a Motion to go into Executive Session, Member Yoon seconded the Motion. Unanimously.

10.28.2022/02:09:21

Back from Executive Session, Member Barnes left the meeting.

10.28.2022/02:12:19

MOTION

Deferred (Case, Yoon) 5-Ayes (Case, Char, Ono, Yoon, Canto) unanimously.

10.28.2022/02:09:39

ITEM D-9 Request for Discretionary Authorization to Reduce the Performance Bond Requirement under General Lease No. 6011; 4 Wheels Auto LLC, Lessee; Kapalama, Honolulu, Oahu; Tax Map Key: (1) 1-5-033:022.

The reason for the reduction of the performance bond is more fully described in the staff submittal. The Lessee requested the reduction and is in compliance with the lease.

Russell Tsuji, Land Division presented the submittal. Barry Cheung (Land) and applicant are available to answer questions.

Board Discussion

Clarification on reducing the time line to 6-months.

Public Testimony

Mark Modaresi, applicant provided testimony.

10.28.2022/02:20:27

MOTION

Approved as submitted (Canto, Yoon) unanimously.

10.28.2022/02:20:27

ITEM D-1 Annual Renewal of Revocable Permits for the County of Kauai. See **Kauai Exhibit 2** for list of Revocable Permits.

Alison Neustein, Land Division presented the submittal. Russell Tsuji and Mick Ferreira (Land) present to answer any questions.

Board Discussion

Compliance with County property taxes, Permits 7821, 7251, 7818, 7833. Coco Palms RP's, percentage increases, other departments taking over certain parcels, consultation with Aha Moku and other agencies, cancellation and renewals, legal name entities, transfers.

Public Testimony

Roslyn Cummings, Gary Hooser, Terrill James Kaneolalii Williams provided testimony

10.28.2022/02:57:16

MOTION

Approved as submitted except for the (3) Coco Palms RP's (Barnes, Ono) 3-Ayes (Barnes, Ono, Char) 4-Oppose (Case, Yoon, Canto, Smith) MOTION DOES NOT PASS.

Further discussion by the Board.

10.28.2022/03:10:06

MOTION (See Note below)

Approved as submitted (Smith, Case) 2-Ayes (Case, Smith) 3-Oppose (Ono, Char, Barnes), 2-Abstain (Yoon, Canto) MOTION DOES NOT PASS.

Further discussion by the Board.

10.28.2022/03:13:08

MOTION (See Note below)

Approve as submitted, Excluding (3) Coco Palms Revocable Permit's (Char, Yoon) unanimously.

Further discussion by the Board.

Amendment:

As to Revocable Permit numbers, 7407, 7444 and 7613, the Board approved the renewal of those permits for a year but directed staff to report back to the Board on the first meeting in March 2023 with a status report and recommendation on whether to continue or discontinue the permit, or other recommendation.

10.28.2022/03:14:42

MOTION (See Note below)

Approve as amended Coco Palms RP's 7407, 7444 and 7613 (Char, Yoon) 6-ayes 1-Oppose (Barnes)

Note:

*The Board approved (2) separate MOTIONS for Item D-1:
(1) Approving all Revocable Permits Except for Revocable Permits relating to Coco Palms.
(2) Approving as amended the (3) Coco Palms Revocable Permit with conditions.*

Lunch Break: 10.28.2022/03:24:08

10.28.2022/04:05:46 (Member Yoon has left the meeting)

ITEM D-4 Rescind Prior Board Action of June 27, 2014, Item D-10, as Amended, *Grant of 55-Year Term, Non-Exclusive Easement to Matthew H. and Shawneen M. Schweitzer for Seawall and Stairway Encroachment Purposes; After-the-Fact Authorization to Issue Immediate Right-of-Entry Permit for Emergency Seawall Work; Authorize Issuance of Right-of-Entry Permit to Repair Seawall, Alaeloia, Lahaina, Maui, Tax Map Key: (2) 4-3-015: Seaward of 001.*

Issuance of Right-of-Entry to Todd Boyd to Remove a Seawall and Steps and Repair the Return Walls Protecting the Two Neighboring Properties, Lahaina, Maui, Tax Map Key: (2) 4-3-015: Seaward of 001.

The reason for the rescission of the prior Board action is the repair of the seawall and steps seaward of Tax Map Key: (2) 4-3-015:001 (Parcel 1) is no longer feasible due to erosion and the seawall and steps will be removed instead. In addition to Parcel 1, the project may involve work on private parcels designated as Tax Map Keys: (2) 4-3-003:015 (Parcel 15) and (2) 4-3-015:052 (Parcel 52) with the authorization of the owners of those parcels, and/or seaward of Parcels 15 and 52.

Russell Tsuji, Land Division presented the submittal. Daniel Ornellas (Land), Aldo Venier and Anders Lyons representing the applicant available to answer questions.

Board Discussion-None

Public Testimony-None

10.28.2022/04:07:06

MOTION

Approved as submitted (Canto, Char) 6-Ayes, 1-Abstain (Yoon)

10.28.2022/04:08:45

ITEM D-5 Amend Grant of Non-Exclusive Easement under Land Office Deed No. S-27764 to Stephen F. and Charlene T. Williams for Fencing Purposes, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-005:089 portion.

The purpose of amending the document is to 1) allow the easement to “Run with the Land,” and be assignable without the written consent of the Board of Land and Natural Resources’ and 2) update the minimum liability insurance to \$1,000,000 for each occurrence and \$2,000,000 aggregate.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Who records the grant of easement was discussed.

Public Testimony-

Amendment:

The Board amended the Chapter 343 Section on page 2 by adding “Item #40, Leases of State Land involving negligible or no expansion or change of use beyond the previously existing.”

10.28.2022/04:11:04

MOTION

Approved as amended (Barnes, Ono) 6-Ayes (Noting Member Yoon’s absence)

10.28.2022/04:12:03

ITEM D-6 Cancellation of Revocable Permit No. S-7700, Frank De Luz III, Permittee; Request for Waiver of Requirement for Conducting Phase 1 Environmental Site Assessment upon Cancellation, Kapualei Government Reserve and Paauilo Homesteads, Hamakua, Hawaii, Tax Map Keys: (3) 4-3-006:005 and 4-3-014:001.

Russell Tsuji, Land Division presented the submittal. Daniel Ornellas (Land) available to answer questions.

Board Discussion-None

Public Testimony-None

10.28.2022/04:12:20

MOTION

Approved as submitted (Canto, Smith) unanimous.

10.28.2022/04:12:33

ITEM D-8 Amend Grant of Easement S-4373, Haleakala Waldorf School, formerly known as Haleakala School, Inc., Grantee; Kealahou 3 and 4, Kula, Maui, Tax Map Key: (2) 2-3-037:011 por.

The purpose of amending the document is to 1) allow the easement to "Run with the Land," and be assignable without the written consent of the Board of Land and Natural Resources, and 2) update the minimum liability insurance required under the easement to \$1,000,000.00 for each occurrence and \$2,000,000.00 aggregate.

Russell Tsuji, Land Division presented the submittal. Daniel Ornellas (Land) available to answer questions.

Board Discussion-None

Public Testimony-None

10.28.2022/04:13:02

MOTION

Approved as submitted (Canto, Smith) unanimous.

10.28.2022/04:13:16

ITEM D-10 Amend General Lease No. S-6088, Condition 14, Relating to Subletting, Consent to Solar Power Purchase Agreement between Ho'ola Na Pua and Holu Hou Energy LLC or its affiliated designee, Waialea, Koolauloa, Oahu, Tax Map Key: (1) 5-8-001:051.

Russell Tsuji, Land Division presented the submittal. Mick Ferreira (Land) available to answer questions. Doug Codiga representing the applicant stands by the Staff submissions.

Board Discussion-None

Public Testimony-None

10.28.2022/04:14:51

MOTION

Approved as submitted (Barnes, Ono) unanimously.

10.28.2022/04:15:56

ITEM L-2 Request Authorization for the Chairperson to Issue Fines to West Maui Investors, LLC (owners of Ukumehame Reservoirs) for failing to start construction before the Board's deadline, to Extend the Notice of Deficiency Deadlines, and make a Finding of Violations Sufficient to Support Specified Fines on the Owners if Extended Deadlines are missed for Ukumehame Reservoirs (MA-0140) Removal, Waikapu, Maui Tax Map Keys: (2) 4-8-002:066, (2) 4-8-002:015, (2) 4-8-002:017, (2) 4-8-002:027, (2) 4-8-002:064, (2) 4-8-002:118.

Carty Chang, Engineering presented the submittal. Edwin Matsuda, Tony Koyamatsu (Engineering), Mark Lane, Jesse Colandrea and Jesse Miller available for questions.

Board Discussion

Issue of timing of requesting grading permit, County delay, NPDES, safety items in submittal, how long have they been out of compliance, in-person to the County counter, consultant assisting, reasons for rejection of the permit, violations, fines, length of non-compliance, existing permit expiration, health and safety issues, and monthly monitoring.

Public Testimony

Mark Lane provided testimony on the status of the permit for decommissioning. Jesse Miller added testimony regarding the County grading permit and their efforts.:

10.28.2022/05:04:30

MOTION

Approve as submitted (Barnes, Ono) 5-Ayes, 1-Oppose (Canto)

Break: 10.28.2022/05:09:16

10.28.2022/05:13:21

ITEM D-11 Annual Renewal of Revocable Permits on the Island of Oahu. See **Oahu Exhibit 2** for List of Revocable Permits.

Barry Cheung, Land Division presented the submittal. Michael Ferreira (Land) available to answer questions.

Board Discussion

RP 7915 (Kahala Resort), land disposition easement of two discharge pipes and two storm drains be part of the RP were discussed, removal of improvements on canceled RP's, Pier RP's, efforts to convert Pier RP's to long-term dispositions, Hawaiian Electric RP's convert to long-term easements, RP 7756 (Hilton Pier).

Public Testimony

Onaona Thoene and Joe Ibara testified on RP 7915. David Frankel provided testimony.

10.28.2022/05:34:03

MOTION

Approved as submitted (Char, Ono) unanimously.

10.28.2022/05:34:03

ITEM J-1 Issuance of a Revocable Permit to James Sumner, for a Retail Operation of an Automated Ice Machine, located at Wailoa Small Boat Harbor, Hilo, Hawaii, Tax Map Key: (3) 2-2-031:001 (por); and

Declare Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and pages Title 11, Chapter 200.1, Hawaii Administrative Rules.

ITEM J-2 Issuance of a Revocable Permit to Riddle Works LLC for an ice machine, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por); and

Declare Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

Richard Howard, Division of Boating and Ocean Recreation presented the submittal and amended on 2 & 3 Chapter 343 Environmental Assessment, reference General Exemption Type 1, Part 1, Item 44.

Board Discussion

Impact on existing convenience store.

Public Testimony-None

10.28.2022/05:36:47 The Board approved Item J-1 and Item J-2 together.

MOTION

Approve as amended Item J-1 and J-2 (Barnes, Ono) unanimously.

10.28.2022/05:37:49

ITEM J-3 Grant of a Non-Exclusive Term Easement to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service for the Installation of an Automated Meteorological Observing Station at the Waianae Small Boat Harbor, Waianae-Kai, Waianae, Island of Oahu, Hawaii Tax Map Key: (1) 8-5-002:044 (Portion); and

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

Richard Howard, Division of Boating and Ocean Recreation presented the submittal and amended on 2 & 3 Chapter 343 Environmental Assessment, reference General Exemption Type 1, Part 1, Item 44.

Board Discussion-None

Public Testimony-None

10.28.2022/05:38:40

MOTION

Approve as amended (Char, Smith) unanimously.

10.28.2022/05:39:18

ITEM J-4 Issuance of a Right-Of-Entry Permit to University of Hawaii SeaLevel Center, for Sea Level Monitoring Purposes at Ala Wai, Keehi, Waianae-Kea Small Boat Harbors, Oahu, Hawaii, Tax Map Keys: (1) 2-3-037:012 (Por.), (1) 1-2-025:113(Por.), (1) 8-5-002:044 (Por.) (1) 6-2-003:011 (Por.) and (1) 4-6-006:069.

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

Richard Howard, Division of Boating and Ocean Recreation presented the submittal and amended on 2 & 3 Chapter 343 Environmental Assessment, reference General Exemption Type 1, Part 1, Item 44.

Board Discussion-None

Expected time frame to install, length of time, time extension, will the data be available to the public, and web dashboard.

Public Testimony

Matthew Widlansky & Jason Klem testified on the matter and to answer any technical questions.

10.28.2022/05:39:40

MOTION

Approve as amended (Barnes, Ono) 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:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources