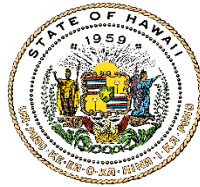


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'AINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'AINA



**APPROVED AT ITS  
BOARD MEETING  
HELD ON  
JUNE 9, 2023**

*dave*

**STATE OF HAWAII | KA MOKU'AINA '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 MIMUTES  
FOR THE MEETING OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FEBRUARY 24, 2023  
TIME: 9:15 AM  
LOCATION: In person at 1151 Punchbowl St, Room 132 (Kalanimoku Building) online via ZOOM, livestream via YouTube

**MEMBERS**

Dawn Chang  
Vernon Char  
Kaiwi Yoon  
Riley Smith

Doreen Canto  
Aimee Barnes  
Karen Ono

**STAFF**

Russell Tsuji-Land  
Kevin Moore-Land  
Alison Neustein-Land  
Richard Howard/DOBOR  
Landon-DAR  
Edwin Matsuda-ENG  
Michael Cain-OCCL

Seiko Machida-Land  
Candace Martin-Land  
Gordon Heit-Land  
David Smith-DAR  
Carty Chang-ENG  
Gina Belleau-ENG  
Peter Landon-DOFAW

**OTHERS**

Mellissa Goldman/AG  
Olivia Pham/DOT HAR  
Scott Matsumoto/DOT HWYS  
Chris Sugidono/D5  
Pamela Bunn/D4  
John Andoh/D2  
Wade Ishii/M11  
Nick Ernst /L1  
Dr. Gregory Chun/K1

Abby Lareau/DOT AIR  
Derrick Carne/DOT HAR  
Mike Dega/D5  
Keith Kato/D3  
Mike Murray/  
S.Kamai Salibi/J3-1-1  
Stuart Tomasa/M11  
Richard Haviland/J2  
Suzanna Tiapula/D2

**02.24.2023(1)/00:00:30**

Chair Chang called the meeting to order. The Board members and public join in person and via Zoom. Those who requested to provide oral and written testimony have done so in advance of the meeting. The contested case standard statement was read, and Row Call of the Members conducted.

**02.24.2023(1)/00:04:50**

**ITEM A-1** Approval of Summary Minutes for the Board and Natural Resources meeting held on October 27, 2022.

Board Discussion-None

Public Testimony-None

**02.24.2023(1)/00:05:10**

**MOTION**

**Approved as submitted (Ono, Canto) (6) Ayes, (1) Abstain (Chair Chang).**

**02.24.2023(1)/00:05:40**

**ITEM A-2** Approval of Summary Minutes for the Board and Natural Resources meeting held on October 28, 2022.

Board Discussion-None

Public Testimony-None

**02.24.2023(1)/00:06:58**

**MOTION**

**Approved as submitted (Ono, Canto) (6) Ayes, (1) Abstain (Chair Chang).**

**02.24.2023(1)/00:06:58**

**ITEM L-1** Dam Safety Enforcement Action on Puu O Hewa Dam (KA-0107) for Failure to Comply with Notice of Deficiency Issued November 2, 2022, and to make a finding of violations pursuant to HRS §179D-6 sufficient to support a specified fine on the owner, Eric A. Knudsen Trust. Koloa, Kauai, Tax Map Keys (4) 2-7-002:001.

Carty Chang, Engineering presented the submittal. Edwin Matsuda and Gina Belleau (Eng) also present to answer questions.

Board Discussion

Clarified that the Owner and not the Lessee is responsible for the violation. Evacuation maps are dated and noted, concern regarding intake is not functioning is the hazard issue, fines, safety issue regarding the upper reservoir, which is currently in contested case status, potential loss of life, climate change impacts, reducing hazard, condition of the reservoir in question, cost to comply. explanation of classifications, liabilities, resources available, purpose of the reservoir, current use, fines, jurisdiction were discussed. HRS statues pertaining to this violation.

Public Testimony

Nick Ernest representing the Knudsen Trust provided testimony regarding the dam condition and the Trust's position. May request a contested case depending on the Board's outcome.

**02.24.2023(1)/00:58:53**

Member Yoon made a Motion to go into Executive Session. Member Canto second the Motion.

**02.24.2023(1)/01:23:07-Continuation of Board Discussion**

Clarification if Mr. Ernest can speak for the Trust and not just one Trustee. Criteria of definition of a dam. Clarification that this is considered a dam. The owner has not disputed that this is a dam. Does the Trust acknowledge the severity of what is contained in the staff's report?

**02.24.2023(1)/01:40:06**

Mr. Ernest requested a Contested Case Hearing.

**02.24.2023(1)/01:42:01**

**MOTION**

**No Action due to request for a Contested Case Hearing.**

**02.24.2023(1)/01:43:15**

**ITEM J-2** Reissuance of Revocable Permit No. 25 to Outfitters Kauai, Ltd. For the Purpose of Clarifying Ownership of Permittees Improvements Upon Termination, Nawiliwili Small Boat Harbor, Lihue, Island of Kauai Tax Map Keys: (4) 3-2-003:043 (Portion); and

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

Board Discussion

Clarification regarding improvements to the property once the RP has been terminated, compliance of existing tenant. Re-issue of the RP is in anticipation of Item J-3. Moving from RP to long term disposition process. Notification to RP owners when the area is going to be transitioned to a long-term disposition. Live Auction procedure, appraisal determines upset price, commercial permit, non-commercial use permit, percentage rents, existing improvements.

Public Testimony

Richard Haviland, Kauai Outfitters answered questions from the Board. Provided information on the nature of the business. Mauna Kea Trask concerned if there would be a change of use and community impacts.

**ITEM J-3** Sale of Lease at Public Auction for Commercial Use, Tours, Equipment Rental, Parking, Staing, Storage of Water Sports Equipment or Vessels, Ancillary Office Use, Access to the Hule'ia Stream, and Approved Activities on Adjacent Waters; and Other Marine, Maritime, Harbor Related Light Industrial, Commercial Storage and Uses Allowed by Kauai County at Nawiliwili Small Boat Harbor, Lihue, Island of Kauai Tax Map Keys: (4) 3-2-003:043 (Portion); and

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

**ITEM J-4** Sale of Lease at Public Auction for Commercial Use, Tours, Equipment Rental, Parking, Staging, Storage of Water Sports Equipment, Approved Vessels, Access to Hule'ia Stream, Approved Ancillary Structure and Approved Activities on Adjacent Waters; and Other Marine, Maritime, Harbor Related Light Industrial, Commercial Storage and Uses Allowed by Kauai County, Nawiliwili Small Boat Harbor, Lihue, Island of Kauai Tax Map Keys: (4) 3-2-003:043 (Portion); and

Declare Project Exempt from requirements of Chapter 343, an HRS Title 11, Chapter 200.1, Hawaii Administrative Rule.

Richard Howard, Division of Boating and Ocean Recreation presented the submittal Item J-2, J-3 and J-4 together . Carl Young (DOBOR) present to answer questions.

**02.24.2023(1)/02:51:45**

**MOTION**

**The Board Deferred Items J-2, J-3 and J-4(Barnes, Smith) unanimously.**

**02.24.2023(1)/02:54:22 Break**

**02.24.2023(1)/03:24:38**

**ITEM K-1** Presentation by the Center for Maunakea Stewardship on the 2022 Annual Progress Report on the Mauna Kea Comprehensive Management Plan for the Mauna Kea Science Reserve, Ka'ohē Mauka, Hāmākua District, Hawai'i, Tax Map Keys: (3) 4-4-015:009 and 012.

Background materials available at: <https://dlnr.hawaii.gov/occl/maunakea-management/>

Michael Cain, Office of Conservation and Coastal Lands introduced Dr. Gregory Chun who would be presenting the report.

**Board Discussion**

Chair Chang disclosed that although this is a Non-Action Item, she participated in the Development of the Mauna Kea Comprehensive Management Plan and asked if there were any objections to participating in hearing the report. The Board members had no objections. Dr. Chun proceeded with his report.

**02.24.2023(2)/00:00:01-Continuation of Item K-1**

**02.24.2023(2)/00:07:33**

**ITEM C-1** Request to Restrict Access to portions of the 'Ahihi-Kina'u Natural Area Reserve, Maui, for a period of up to two years (January 28, 2023 - January 27, 2025), for protection of natural and cultural resources and human safety, pursuant to Hawaii Administrative Rules § 13-209-4.5, Tax Map Keys: 2-1-4:073 (portion) and 2-1-004:113.

Peter Landon, Division of Forestry and Wildlife presented the submittal.

Board Discussion

Clarification of the King's Trail and areas of closure were identified. PASH Permits for lineal descendants access, Public Trust Doctrine and proposed activities, permit process, historical sites, volunteer opportunities, damage control of native species, and rulemaking were discussed.

Public Testimony

James Manaku, Sr., provided testimony.

Amendment:

*The Board asked that this be Consistent with the Public Trust Doctrine, for a period (2) year.*

**02.24.2023(2)/00:40:10**

**MOTION**

**Approved as amended (Ono, Char) unanimously.**

**02.24.2023(2)/00:43:04 Break**

**02.24.2023(2)/00:51:08**

**ITEM D-1** Amend General Lease No. S-5522 to The Storybook Theatre of Hawaii for Youth Cultural and Educational Purposes, Waimea, Kauai, Tax Map Key: (4) 1-9-005:041.

The purpose of the amendment is to change the rent reopening provision of the lease to provide for determination of rent based on the Board's then prevailing policy on leasing to eleemosynary organizations.

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

Board Discussion

Compliance with Non-Profits status and process of following up on status every few years.

Public Testimony-None

Amendment:

The Board amended the submittal, Recommendation 2.B., by clarifying that the Rental Reopening provision would be amended to reflect the Board's then prevailing minimum rent policy.

**02.24.2023(2)/00:53:30**

**MOTION**

**Approved as amended (Ono, Smith) unanimously.**

**02.24.2023(2)/00:53:36**

**ITEM D-2** Consent to Term Easement on Lands under Governor's Executive Order No. 4497 to County of Hawaii, for Mass Transit Agency Base Yard and Maintenance Facilities Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-013:171.

Russell Tsuji, Land Division presented the submittal. Gordon Heit and Candace Martin

Board Discussion - None

Public Testimony

John Andoh, County of Hawaii and Suzanna Tiapula in support of the submittal., Corporation Counsel

**02.24.2023(2)/00:53:36**

**MOTION**

**Approved as submitted (Smith, Canto) unanimously.**

**02.24.2023(2)/00:55:29**

**ITEM D-3** Mutual Cancellation of Revocable Permit No. S-7931 to Bank of Hawaii for Business Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-049:022.

**02.24.2023(2)/01:06:02**

**MOTION**

**Approved as submitted (Smith, Ono) unanimously.**

**ITEM D-4** Sale of Lease at Public Auction for Business and/or Commercial Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-049:022.

Russell Tsuji, Land Division presented submittals D-3 and D-4 together. Gordon Heit & Candace Martin (Land) available to answer questions.

Board Discussion

Bank of Hawaii has left the improvements to the State. Demolition or infrastructure will be left up to the next Lessees. There are provisions for improvements as the cesspool needs to be closed. The auction will be open and will include the use of the building and ground lease. The winning Bidder will have the standard provisions and renewable energy will be taken into consideration.

Public Testimony-None

**02.24.2023(2)/01:06:13**

**MOTION**

**Approved as submitted (Smith, Ono) unanimously.**

**02.24.2023(2)/01:06:30**

**ITEM D-5** Request for Concurrence with Temporary Occupation Exception, Ala Wai Bridge Project, Federal-Aid Project No. TAP-0300 (159), Honolulu, Oahu; Tax Map Key: (1) 2-3-037.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Member Barnes disclosed that her consulting firm has been providing support for the City & County on securing Federal Funds as part of a philanthropic funded project without any compensation and does not feel that there is a conflict. There was no objection. The design is currently at 60%.

Public Testimony

Meredith Soniat, City & County of Honolulu, provided additional information on the status of the project and the Environmental Assessment.

**02.24.2023(2)/01:14:10**

**Approved as submitted (Yoon, Char) unanimously.**

**02.24.2023(2)/01:14:44**

**ITEM M-1** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Hawaii Rotor Adventures LLC, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-8-014: Portion of 016.

**ITEM M-2** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of an Aircraft in Support of a Commercial Aeronautical Glider Towing Business, Pfister's Flying Wahine LLC, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-8-014: Portion of 017.

**ITEM M-3** Issuance of a Revocable Permit for an Airline Ticket Office, Air Canada, 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, David Blancett-Maddock, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-5** Issuance of a Revocable Permit for Helicopter Operational Area for Flight School and Helicopter Tour Operations, Hawaii Pacific Aviation Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-6** Issuance of a Revocable Permit for Ramp Space to Store Baggage/Cargo Containers, Japan Airlines Co., Ltd., 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 Parking of Delivery Trucks and Employee Vehicles, Naniq Global Logistics, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

**ITEM M-8** Issuance of a Revocable Permit for Counter and Storage Space for Greeting Service Operations, PrimoVIP, Incorporated, Kahului Airport, Tax Map Key:(2) 3-8-001: Portion of 220.

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

**02.24.2023(2)/01:16:05**

**MOTION**

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

**02.24.2023(2)/01:16:30**

**ITEM M-9** Request for Authorization to issue Five Month-to-Month Revocable Permits to Sea Engineering, Inc., for Warehouse, a Car Port, Office and Equipment Storage, adjacent to Pier 31, Honolulu Harbor, Island of Oahu, Tax Map Keys: (1) 1-5-035: Portion of 033, (1) 1-5-035-035, (1) 1-5-035-036, and 1-5-035:037, Governor's Executive Order No. 4167.

**ITEM M-10** Request for Authorization to Issue a Month-to-Month Revocable Permit to P & R Water Taxi, LLC for container storage, Situated at Pier 14, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 2-1-001:047, Governor's Executive Order No. 3542.

Olivia Pham, DOT Harbors present to answer any questions on Item M-9 and M-10.

Board Discussion

The contents of the containers were clarified that there is no hazardous material stored.

Public Testimony-None

**02.24.2023(2)/01:17:21**

**MOTION**

**Approved as submitted Item M-9 and Item M-10 (Barnes, Ono) unanimously.**

**02.24.2023(2)/01:17:21**

**ITEM M-11** Consent to Issuance of a Revocable Permit to Hawaii National Guard for Civil Defense and Hilo Emergency Operation Purposes. Located at 1016 Leilani Street, Hilo, Island of Hawaii, Tax Map Key: (3) 2-1-012:003, Governor's Executive Order No. 1562.

Stuart Tomasa, Department of Defense presented the submittal. Wade Ishii, available to answer questions.

Board Discussion-None

Public Testimony-None

**02.24.2023(2)/01:19:40**

**MOTION**

**Approved as submitted (Smith, Ono) unanimously.**



**02.24.2023(2)/01:20:34**

**ITEM J-1** Continuation of Revocable Permit Parking Concession to Secure Parking Hawaii LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Maalaea Small Boat Harbor, Wailuku, Maui, Hawaii, Identified by Tax Map Keys:(2) 3-6-001:002 (por.) and (2) 3-8-014:028; 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. Amended the submittal to reflect the correct name of Secure Parking Hawaii LLC.

Board Discussion

The Concession lease term was clarified, additional parking, permitted parking, paid parking, trailer parking, free public parking policy, future parking plans, were discussed.

Public Testimony

**02.24.2023(2)/01:32:21**

**MOTION**

**Approved as submitted (Canto, Ono) unanimously.**

**02.24.2023(2)/01:32:33**

**ITEM J-5** Mutual Cancellation of a Revocable Permit No. BM-12051 (RP BM-12051) to Maalaea Charters, Inc. and Waiver of Requirement to Conduct a Phase I Environmental Site Assessment, Maalaea Small Boat Harbor, Maalaea, Waikapu, Wailuku, Maui Tax Map Key: (2) 3-6-001:002 (por).

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

Board Discussion

The current RP holder will remove the structure. No dispute of cancellation. Staff to inspect site.

Public Testimony-None

**02.24.2023(2)/01:32:21**

**MOTION**

**Approved as submitted (Canto, Ono) unanimously.**

**02.24.2023(2)/01:39:46**

There being no further business, Chair Chang 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*

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Darlene S. Ferreira  
Land Board Secretary

Approved for Submittal:



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