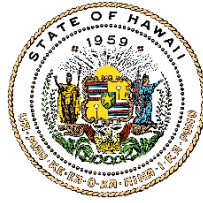


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

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

LAURA H.E. KAAKUA
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 | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

dar

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

DATE: MARCH 10, 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 (ZOOM)
Karen Ono

STAFF

Russell Tsuji-Land
Kevin Moore-Land
Brian Nielson-DAR
Cathy Gewecke-DOFAW
Lainie Berry-DOFAW
Le'a Ka'aha'aina-DOFAW

Barry Cheung-Land
Gordon Heit-Land
Michael Cain-OCCL
Trevor Fitzpatrick-OCCL
Cynthia King-DOFAW
Paul Radley-DOFAW

OTHERS

Cindy Young/AG
Bruce Albrecht/D3
Kaleiheana-a-Pōhaku Stormcrow/C1
Michelle Mendez/C1
Theresa Harden/C1
Nicole Ferguson/C1
Ron Kim/D1
Keith Lee/D4
Nick Hughey/D4
Keone Downing/K1
Tiare Lawrence/K1

Abby Lareau/DOT AIR
Genevie Sullivan/D1
Thomas Milcarek/C1
Janelle Peotter/C1
Chris Farmer/C1
Chipper Wichman/C1
John Griego, Sr./D4
Nicholas Hughey/D4
Matthew Tang/K2
Kai Nishiki/K1
Katie Austin/K1

ITEM A-2

Kekai Keahi/K1
Leonard Nekoia/K1
Pā‘ele Kiakona /K1
Tiare Lawrence/K1
Nahiku Paltin-Vierra/K1
Kaliko Teruya/K1
Haweia Lindsey/K1
Justin Kekiwi/K1
Kaleiheana Stormcrow/C2
Michelle Melendez/C2
Nicole Ferguson/C2
Tina Lia/C2

Bianca Isaki/K1
Archie Kalepa /K1
Ke‘eaumoku Kapu/K1
Kanoelani Steward/K1
Kona Kanekoa/K1
Ma‘a Tevaga/K1
Mark Deakos/K1
Chris Farmer/C2
Therese Harden/C2
Thomas Milcarek/C2
Janelle Peotter/C2

03.10.2023(1)/00:00:55

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.

ITEM D-1 Has been withdrawn.

03.10.2023(1)/00:06:20

ITEM A-1 Approval of the November 10, 2022, Summary Board Meeting Minutes

Board Discussion-None

Public Testimony-None

03.10.2023(1)/00:06:30

MOTION

Approved as submitted (Canto, Ono) (6)-Ayes, (1) Recuse (Chair Chang)

03.10.2023(1)/00:08:28

ITEM M-1 Issuance of a Terminal Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-2 Issuance of a Terminal Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 189.

ITEM M-3 Issuance of a Terminal Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 050 and (1) 1-1-003: Portion of 066.

- ITEM M-4** Issuance of a Terminal Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001 and (1) 1-1-003: Portion of 073.
- ITEM M-5** Issuance of a Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.
- ITEM M-6** Issuance of a Revocable Permit for Parking of Delivery Vehicles for Flight Catering Operations, Flying Food Group, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-7** Issuance of a Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-8** Issuance of a Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-9** Issuance of a Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135.
- ITEM M-10** Issuance of a Lease for Administrative Purposes, U.S. General Services Administration on Behalf of The U.S. Department of Homeland Security, Transportation Security Administration, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 173.
- ITEM M-11** Amendment to Prior Board Action of July 23, 2021, Item M-11, Request an Amendment to the Area, the Annual rental and Rental Reopening Issuance of a Directly Negotiated Hangar Facilities Lease, Windward Aviation, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.

Abby Lareau, DOT Airports available to answer questions for Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9, M-10 and M-11.

Board Discussion-None

Public Testimony-None

03.10.2023(1)/00:09:30

MOTION

Approved as submitted Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9, M-10 and M-11 (Yoon, Ono) unanimously.

03.10.2023(1)/00:10:30

ITEM D-2 Issuance of Right-of-Entry Permit to the State Department of Transportation-Highways Division to Complete Land Survey Work Upon State Lands Located Along Honoapi'ilani Highway from Ukumehame to Launiupoko, Maui, Hawaii, Tax Map Keys: (2) 4-8-001: 001, 002; 4-8-002: 002, 007, 008, 023, 024, 035, 036, 038, 039, 042; 4-8-003: 008, 034, 035, 036, 038, 039, 040.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

The timing, survey, planning approvals, construction, Environmental Impact Statement, land acquisitions, shoreline studies, climate studies were discussed.

Public Testimony

Genevie Sullivan, DOT Highways, provided additional information for the Board.

03.10.2023(1)/00:22:11

MOTION

Approved as submitted (Canto, Smith) unanimously.

03.10.2023(1)/00:22:50

ITEM D-3 Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Kahanamoku Beach on March 28, 2023, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

Russell Tsuji, Land Division available to answer any questions. Barry Cheung (Land)

Board Discussion

The private event moved to another location rather than being in the lagoon and is closer to the beach. Responsibility for clean-up, area is usually used for Friday night fireworks, concerns regarding the debris field, EA Exemption, composition and casing of the fireworks, percentage of "duds," safety concerns, beach closure for the event, complaints if any,

Public Testimony

Bruce Albrecht, HPEI provided testimony regarding the request. Keone Downing provided testimony.

03.10.2023(1)/01:14:20

MOTION

Denied (Yoon, Ono) 2- Ayes, 5-Oppose

03.10.2023(1)/01:14:56 Break

03.10.2023(1)/01:26:34

ITEM D-4 Consent to Federal Interest Affecting Property Located on the Land Covered by General Lease No. S-5981 regarding the Construction of a New Security Entrance System; Waianae District Comprehensive Health and Hospital Board, Incorporated, Lessee; Lualualei, Waianae, Oahu; Tax Map Key: (1) 8-6-001:003.

Russell Tsuji, Land Division presented the submittal. Barry Cheung present to answer questions.

Board Discussion

Questions regarding the nature of the consent, the non-profit has a term lease, Federal Government grant be used for a particular purpose. The condition of the grant is for the life of improvement. The security gate must be used only for the purpose of the Health Center. The Federal Government's interest will run as long as conditions are met for the Health Center purposes. Inconsistency regarding how long the Federal interest term is.

Public Testimony

John Griego and Keith Lee representing Waianae Coast Comprehensive Health Center provided information regarding the Federal Government Standard Form.

03.10.2023(1)/01:53:37

Member Yoon made a Motion to go into Executive Session, the Motion was seconded by Member Canto. The vote was unanimously approved.

03.10.2023(1)/02:12:07 Return from Executive Session

Further discussion on Item D-4.

03.10.2023(1)/02:17:35

MOTION

Approved as submitted (Yoon, Char) unanimously.

03.10.2023(1)/02:19:36

ITEM D-5 Consent to Sublease General Lease No. S-5981, Waianae District Comprehensive Health and Hospital Board, Incorporated, dba Waianae Coast Comprehensive Health Center, Lessee, to Diagnostic Laboratory Services. Inc., Sublessee; Lualualei, Waianae, Oahu, Tax Map Key: (1) 8-6-001:003.

Russell Tsuji, Land Division presented the submittal.

Board Discussion

Demographics of patients served, revenue, funding, staffing, sublease would add value to the 24-hour emergency room going forward.

Public Testimony

John Griego and Keith Lee representing Waianae Coast Comprehensive Health Center support the submittal. Keone Downing wanted to clarify that the general public has access to the lab.

03.10.2023(1)/02:28:36

MOTION

Approved as submitted (Yoon, Ono) unanimously.

03.10.2023(1)/02:38:12

ITEM F-1 Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Pelika Andrade, Nā Maka Onaona (Formerly Nā Maka o Papahānaumokuākea) and the University of Hawai'i at Mānoa, for Access to State Waters to use Traditional Ecological Knowledge to Conduct Intertidal Surveys and Monitoring to Advise and Direct Management Strategies for Intertidal Fisheries Activities.

Cathy Gewecke, Division of Aquatic Resources presented the submittal.

Board Discussion

Size of the Opihi, species variety, subsistence and substance fishing within the monument, clarified that they are not collecting to bring outside of the monument, public access to participate,

Public Testimony-None

03.10.2023(1)/02:50:12

MOTION

Approved as submitted (Ono, Smith) unanimously.

03.10.2023(1)/02:50:46 Break

03.10.2023(1)/03:28:00

ITEM K-2 Request for Administrative Fines and Other Penalties Against Mr. Matthew J Tang trustee of the MATTHEW J TANG TRUST for Conservation District Enforcement Case OA 23-14 Regarding Alleged Permit Noncompliance, Construction of a Shoreline Erosion Control Device, and Encroachment Upon State Land Located Makai of 53-239 Kamehameha Highway, Tax Map Key: (1) 5-3-002:041.

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawai'i 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. Mr. Tang is present to answer questions.

Board Discussion

Extensive discussion on the nature of the violations and options to move/remove house.

Public Testimony

Matthew Tang provided information on the current status of the erosion and violations. He had plans to move his house back.

03.10.2023(1)/04:24:58

Motion

Approved as submitted (Canto, Ono)

Further Discussion. No vote.

03.10.2023(2)/00:12:31

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

03.10.2023(2)/00:30:12

Further discussion, (2) options were presented:

Amendment:

Option A: Pay the fine as recommended by Staff or:

Option B: Within 30 days you file a permit with DPP for an application to physically remove the house and utilities from lot. Within 6 months the house & the utilities (at the highway) are physically removed from the lot. If more time is needed, come back to the Board to request an extension; a Waiver of the fine will be applied.

Within 30 days Mr. Tang will inform OCCL of which option he chooses.

03.10.2023(2)/00:42:12

Motion

Approved as amended (Char, Smith) 6-Ayes, 1-Oppose (Yoon)

03.10.2023(2)/00:48:34

ITEM K-1 Authorize the Chairperson to Negotiate and Execute a Memorandum of Understanding with the Kaanapali Operations Association, Inc. for the Funding of the Kā'anapali Beach Restoration and Berm Enhancement Project Located at Hanakao'ō, Lāhainā, Maui. Makai of Tax Map Keys: (2) 4-4-008:001, 002, 003, 005, 019 & 022; (2) 4-4-013:001, 002, 006, 007, 008 & 013.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Hedani present from Kaanapali Operations Association.

Board Discussion

Legislative appropriation, consistency in policy for beach nourishment, erosion, climate change effects, shoreline hardening, .

Public Testimony

Beth McKenzie, Keone Downing, Kai Nishiki, Tiare Lawrence, Katie Austin, Kekai Keahi, Bianca Isaki, Leonard Nekoā, Archie Kalepa, Pā'ele Kiakona, Ke'eaumoku Kapu, Tiare Lawrence, Kanoelani Steward, Nahiku Paltin-Vierra, Kona Kanekoa, Kaliko Teruya, Ma'a Tevaga, Hawea Lindsey, Mark Deakos, Justin Kekiwi

03.10.2023(2)/02:02:51 Break

03.10.2023(2)/02:08:52

Continuation of public testimony.

03.10.2023(2)/02:20:20

MOTION

Deny Staff Recommendation (Yoon, Canto) unanimously.

03.10.2023(2)/02:20:04

ITEM C-1 Request Approval to Negotiate and Sign a Contract(s) for the Management of the Department of Land and Natural Resources Hawai'i Island Trail Stewards Program.

David Smith, Division of Forestry and Wildlife presented the submittal. Scott Fretz (DOFAW) available to answer questions.

Board Discussion

There is no fee for the Trail Stewards. Terms of the MOA were clarified.

Public Testimony-None

03.10.2023(2)/02:22:44

MOTION

Approved as submitted (Ono, Canto)

03.10.2023(2)/02:22:44 NON-ACTION ITEM

ITEM C-2 Informational Briefing Informational Briefing on the Hawai'i Forest Bird Extinction Crisis and DLNR's Proposed Strategy to prevent their Extinction on Maui and Kauai.

David Smith, Division of Forestry and Wildlife provide a summary of the submittal.

Le'a Ka'aha'aina, Mosquito Control Project Planner, gave an Oli before the presentation.

Laine Berry, Cynthia King, State Entomologist, Lindsey Nietmann, Forest Bird Recovery Coordinator, and Paul Radley, Mosquito Control Project Coordinator participated in the presentation.

Board Discussion

Funding, private funding, mating of mosquitos, how often, can it be used for other species,

Public Testimony

Chris Farmer, Kaleiheana Stormcrow, Therese Harden, Michelle Melendez, Thomas Milcarek, Nicole Ferguson, Janelle Peotter, Tina Lia provided testimony.

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

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