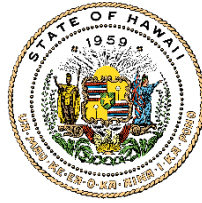


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**APPROVED BY THE
BOARD AT ITS
MEETING HELD ON
AUGUST 25, 2023**

Dar

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

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

DATE: April 28, 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
Gordon Heit-land
Carty Chang-ENG
Gina Belleau-ENG
Mike Fujimoto- DAR
Kelly Kobayashi-DAR
Richard Howard-DOBOR
Michael Cain-OCCL
Keiki Kipapa-Parks
Kekai Keahi-Parks

Kevin Moore-Land
Alison Neustein-Land
Van Morishige-Land
David Penn-DOFAW
Brian Nielson-DAR
Ed Underwood-DOBAR
Finn McCall-DOBOR
Curt Cottrell-Parks
Martha Yent-Parks
Renee Kamastugi-Parks

OTHERS

Dan Oshiro/DOT AIR
Olivia Pham/DOT HAR
Andy Lynch/L1
Anthony Semedo/L1
Dean Wilhelm/C1
Mehana Vaughan/C1

Gavin Lai/DOT AIR
Mehana Vaughan/L1
Elizabeth Letcher/L1
Cheryl Wilhelm/C1
Reyna Ramolete/C1
Lei Wann/C1

ITEM A-2

Sara Barger/C1
Russell Kallstrom/C1
Butch Haase/C1
Trevor Taylor/C1
Sue Lee Loy/D3
Chris Delaney/D3
Jim Anthony/K1, E1
Tara Hirohata/K2
Lisa Bishop/K2
Grace Anthony/E1
Selu Napulou/E1
Lena Solivan/E1
Lauren Lamocasin/E1

John Stinton/C1
Myra Keawe Saffery/C1
Barbara Pope/C1
Ryan Lee/D3
Joe Farias/D3
Kuulei Rodgers/K1
Phil Thompson/J4
Joanne Beil/K2
Yoshi Morioka/J1
Danicole Ramos/E1
Orepa An-Tanouye/E1
Olivia Wallace/E1

04.28.2023/00:01:58

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. Note the order of the Agenda Items to be heard.

04.28.2023/00:06:40

ITEM A-1 Approval of February 10, 2023, Summary Meeting Minutes.

Board Discussion-None

Public Testimony-None

04.28.2023/00:06:45

MOTION

Approved as submitted (Yoon, Ono) 6-Ayes (Member Canto not present)

04.28.2023/00:09:07

ITEM M-1 Issuance of a Revocable Permit for a Passenger Assistance Desk and Office Space for Airline Passenger Assistance Operation, G2 Secure Staff, L.L.C., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion-None

Public Testimony-None

04.28.2023/00:10:27

MOTION

Approved as submitted (Yoon, Smith) unanimously.

04.28.2023/00:10:42

ITEM M-2 Issuance of a Revocable Permit for Aircraft Parking, The Realty Investment Company, Limited, Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion

Wash down area, time frame when it will be completed.

Public Testimony-None

04.28.2023/00:16:04

MOTION

Approved as submitted (Yoon, Ono,) 3-Aye 3- Oppose (Barnes, Chang, Smith).

Motion does NOT Pass. Deferred.

04.28.2023/00:17:39

ITEM M-3 Issuance of a Revocable Permit for a T-Hangar for the Storage and Maintenance of an Aircraft, Ellen C.M. Leonard, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion

It was noted that the wash down area's at the Kona airport are in compliance.

Public Testimony-None

04.28.2023/00:18:10

MOTION

Approved as submitted (Smith, Ono) unanimously.

04.28.2023/00:18:30

ITEM M-4 Issuance of a Revocable Permit for Ramp Space for Parking of Mobile Refuelers, FSM Group, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion-None

Public Testimony-None

04.28.2023/00:19:05

MOTION

Approved as submitted (Smith, Ono) unanimously.

04.28.2023/00:19:12

ITEM M-5 Issuance of a Revocable Permit for Sprung Structure Containers for Storage, Hawaii Pacific Aviation, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion

It was noted that this company is renting out a portion of this DOT facility and is in compliance with flammable material protection requirements.

Public Testimony-None

04.28.2023/00:20:07

MOTION

Approved as submitted (Smith, Ono) unanimously.

04.28.2023/00:20:06

ITEM M-6 Issuance of a Revocable Permit for Ramp Space for Field Offices, Nan, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion

It was noted that the documentation replacing the amended language (Chapter 343) was not in the Board packet, it was recommended on legal advice to cite it on page 2 of the submittal.

Public Testimony-None

Amendment:

Environmental Assessment (page 2) replace with “the subject land area pertaining to this action was evaluated for environmental impact for the Keahole Airport Masterplan final environmental impact statement published in the Environmental Notice published on November 8, 1988 and accepted by the Governor on December 19, 1988. This action is consistent with the 1988 EIS and the same conditions apply”.

04.28.2023/00:23:11

MOTION

Approved as amended (Smith, Ono) unanimously.

04.28.2023/00:23:27

ITEM M-7 Issuance of a Revocable Permit for Ramp Space for a Modular Office, Aeko Kula, LLC, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.

Dan Oshiro, DOT Airports presented the submittal.

Board Discussion-None

Public Testimony-None

04.28.2023/00:23:46

MOTION

Approved as submitted (Ono, Smith) unanimously.

04.28.2023/00:23:51

ITEM M-8 Issuance of Directly Negotiated Concession Agreement for the Management and Operation of the Automobile Parking Facilities, SP Plus Corporation, Hilo International Airport, Tax Map Keys: (3) 2-1-012:127 and (3) 2-1-012: Portion of 009.

Gavin Lai, DOT Airports presented the submittal.

Board Discussion

EV requirements are part of the rules and regulations, the State will work with the parking Concessionaire with installation. It was noted that Hilo airport currently has only 3 EV stalls and it was encouraged that DOT consider the amount being added. The question was asked if DLNR share in the Concession fee.

Public Testimony-None

04.28.2023/00:27:17

MOTION

Approved as submitted (Smith, Ono) unanimously.

04.28.2023/00:27:39

ITEM M-9 Request for Authorization to Issue five (5) Month-to-Month Revocable Permits to Marisco, LTD., for Mooring of Vessels, Parking and Storage of Equipment, Dry Dock Mooring, a Power Easement, a Blast and Paint Facility and Overflow Laydown, Piers 3 and 9, Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map : (1) 9-1-014: Portion of 008, (1) 9-1-014: Portion of 024 and (1) 9-1-014:030, Governor's Executive Order No. 3383

Olivia Pham, DOT Harbors present to answer any questions and offer an amendment to the submittal.

Board Discussion-None

Public Testimony-None

Amendment:

Blast and Paint facility: Exemption Type 1, Part 1 ("Operations, repairs or maintenance"); #A(1) ("Repair or maintain buildings . . . necessary for the continued

function and use, and to meet current local, state and federal standards and regulations.”); subsection (a) (“General: repaint”).

Power Easement: Exemption Type 1, Part 1 (“Operations, repairs or maintenance”); #A(1) (“Repair or maintain buildings . . . necessary for the continued function and use, and to meet current local, state and federal standards and regulations.”); subsection (b) (“Utility systems: electrical, interior lighting, plumbing, wastewater, information technology (IT)/ communication and security systems, heading/ ventilation/ air conditioning (HVAC) units and other similar systems.”).

Equipment Storage and Overflow Laydown Area: Exemption Type 1, Part 1 (“Operations, repairs or maintenance”); #B(2) (“Temporary storage and staging of equipment and materials on State lands as necessary to support exempted and planned repair or maintenance activities.”).

Vessel Mooring, Parking; and Vehicle Parking & Dry Dock Mooring: Exemption Type 8 (“Continuing administrative activities”), Part 1 (“DOT administrative activities and operations that would not result in direct, indirect, or cumulative adverse impacts on the environment. These types of actions include but are not limited to #8 Real estate and land tenure actions: ” subsection (g) Creation or extension of revocable permits involving negligible or minor expansion or change of use beyond that previously existing.”

04.28.2023/00:29:17

MOTION

Approved as amended (Yoon, Smith) unanimously.

04.28.2023/00:30:40 (Member Canto joined the meeting)

ITEM L-1 Authorization for the Chairperson to Extend the Notice of Deficiency Deadlines and Make a Finding of Violations Sufficient to Support Specified Fines on Kalihiwai Ridge Community Association, CG Utilities LLC, and Porter Irrigation if Extended Deadlines are Missed for Kalihiwai Dam Removal Project (KA-0024), Kilauea, Kauai, Tax Map Key: (4) 5-1-005:025.

Carty Chang, Engineering presented the submittal with amendments. Gina Belleau (ENG) is available to answer questions.

Board Discussion

Uses, impacts, fines, scope of project, analysis, public trust resource, community input were discussed extensively. Ability to make deadlines. Risk of loss of life, SHIPD’s evaluation, evacuation process, review time is an issue, reconnaissance survey, Notices of Deficiency were explained, request to review permit application, kapakai analysis.

Public Testimony

Tony Semedo, Elizabeth Letcher, Andy Lynch and Mehana Vaughan provided testimony.

Amendment:

Correction to the submittal: To be consistent with the agenda title with how they are registered with DCCA, wherever you see Common Ground Utilities replace with CG Utility LLC, where you see Porter Irrigation Company, it should be just Porter Irrigation, throughout the submittal. In the second Paragraph CG Utility LLC, Porter Irrigation and Kalihiwai Ridge Community Association will be considered the Owners throughout this document. Add condition that the Owner's communicate with the community.

04.28.2023/01:26:40

MOTION

Approved as amended (Ono, Char) unanimously.

04.28.2023/01:27:15

ITEM L-2 Approval of a Petition for a Contested Case Hearing and the Delegation to the Chair for Appointment and Selection of a Hearing Officer to Conduct All Hearings for the Case Contested by Eric A. Knudsen Trust, and John Horwitz, Executive Trust Manager and Trustee Eric A. Knudsen Trust, regarding February 24, 2023 Agenda 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 sufficient to support a specified fine on the owner, Eric A. Knudsen Trust and John Horwitz, Executive Trust Manager and Trustee Eric A. Knudsen Trust. Koloa, Kauai, Tax Map Key: (4) 2-7-002:001.

Carty Chang, Engineering presented the submittal. Gina Belleau (ENG) is available to answer questions.

Board Discussion

Clarification on basis for a contested case.

Public Testimony-None

04.28.2023/01:29:13

MOTION

Approved as submitted (Ono, Canto) unanimously.

04.28.2023/01:29:35 Break

04.28.2023/01:37:11

ITEM C-1 (1) Approve Grant Awards from Available Funds in the Land Conservation Fund, as Requested in Applications to the Fiscal Year 2023 Legacy Land Conservation Program and as Recommended by the Legacy Land Conservation Commission, for the Acquisition of Interests and Rights in Specific Parcels of Land Having Value as a Resource to the State:

- A. Hookuaaina, up to \$2,900,000, for the Acquisition of Approximately 116.49 Acres at District of Ko'olaupoko, Island of O'ahu (Pālāwai), Tax Map Key

- Numbers (1) 4-2-006:008 (por), (1) 4-2-007:001, and (1) 4-2-008:001, with a Conservation Easement Held by the City & County of Honolulu and Hawaiian Islands Land Trust
- B. Kīpuka Kuleana, up to \$1,845,000, for the Acquisition of a Conservation Easement over Approximately 3.45 Acres at District of Halele‘a, Island of Kaua‘i (Kamealoha Kuleana), Tax Map Key Number (4) 5-9-003:009
- C. Kauluakalana, up to \$1,560,000 for the Acquisition of Approximately 59.27 Acres at District of Ko‘olaupoko, Island of O‘ahu (Makali‘i), Tax Map Key Numbers (1) 4-2-006:001 and (1) 4-2-006:008 (por), with a Conservation Easement Held by the City & County of Honolulu and Hawaiian Islands Land Trust
- D. Division of Forestry and Wildlife, up to \$650,000, for the Acquisition of Approximately 515.75 Acres at District of Kona, Islands of Molokai (Makolelau 5th Parcel), Tax Map Key Number (2) 5-5-001:015, with an Exemption from any Additional Conservation Easements that may be Required under Section 173A-4, Hawai‘i Revised Statutes, and with Special Conditions that (1) the Department Engage in a Community Outreach and Dialogue Process to Develop a Management Plan for the Makolelau 5th Parcel, and (2) the Community Outreach Management Plan be Completed within 24 Months of Closing on the Land Acquisition Deal.
- (2) Exempt Four Proposed Awards of Fiscal Year 2023 Legacy Land Grant Funds for the Acquisition of Interests and Rights in Specific Parcels of Land—Identified as Items (1)A, (1)B, (1)C, and (1)D above (Pālāwai, Kamealoha Kuleana, Makali‘i, and Makolelau 5th Parcel)—from the Requirement to Prepare an Environmental Assessment, Pursuant to Chapter 343, Hawai‘i Revised Statutes and Chapter 11-200.1, Hawai‘i Administrative Rules.
- (3) Approve—as a Contingency in the Event that Hookuaaina (Item (1)A above), Kīpuka Kuleana (Item (1)B above), Kauluakalana (Item (1)C above), or Division of Forestry and Wildlife (Item (1)D above) Declines its Fiscal Year 2023 Legacy Land Grant Award, or is Unable to Accept or Expend All or Part of its Awarded Funds—Awards of Remaining, Available Funds in the Fiscal Year 2023 Land Conservation Fund, up to the Amounts Originally Requested in the Fiscal Year 2023 Grant Applications, to Each Other Approved Fiscal Year 2023 Grant Awardee, in Equal Percentage, as First Alternates, up to the Full Amounts Requested, and Second, to the Legacy Land Fiscal Year 2023 Management Grant Program, in an Amount not to Exceed \$255,000, as Second Alternate.
- (4) Authorize the Chairperson, if Needed, to Redirect up to the Full Amount of Remaining, Available Funds from a Fiscal Year 2023 Legacy Grant Award—

that were Declined, not Accepted, or not Expended by Hookuaaina (Item (1)A above), Kīpuka Kuleana (Item (1)B above), Kauluakalana (Item (1)C above), or the Division of Forestry and Wildlife (Item (1)D above)—First, in Equal Percentage to the Remaining, Active, Fiscal Year 2023 Legacy Land Grantees so as to Accomplish Full Funding for Each Approved Grant Award, as Funds are Available, and Second, to the Legacy Land Fiscal Year 2023 Management Grant Program, up to \$255,000.

- (5) Authorize the Department to Proceed with All Due Diligence and Negotiations that may be Necessary to Carry Out the Fiscal Year 2023 Legacy Land Conservation Program Grants and Acquisitions Approved by the Board and the Governor.

David Penn, Division of Forestry and Wildlife (Legacy Lands) presented the submittal. Van Matsushige, William Haase, John Stinton available to answer questions.

Board Discussion

Corrections to the award amounts had typos and Penn provided corrected numbers. How the funds are distributed and how the legislature approves the grants. Hawaii Island did not apply this year. Trigger to request additional funding, Grantee's are aware of the reduction of grants.

Public Testimony

Dean & Cheryl Wilhelm, Reyna Ramolete, Mehana Vaughan, Lei Wan, Sara Barger, Russell Kallstrom, John Stinton, Myra Keawe Saffery, Barbara Pope and Trevor Taylor provided testimony in support.

Amendments:

Corrections/Amendments to ITEM C-1 Submittal, April 28, 2023

, Barbara

Page 1

ITEM (1)A. Hookuaaina

Hookuaaina throughout (replacing "*Ho'okua'āina*", to conform with DCCA Business Registration (see list of 14 occurrences, below)

ITEM (1)B. Kīpuka Kuleana

Kīpuka Kuleana throughout (replacing "*Kipuka*"), to conform with DCCA Business Registration (see list of 13 occurrences, below)

ITEM (1)D. Division of Forestry and Wildlife

515.75 acres throughout (replacing "*257.8*") (see list of 4 occurrences, below)

Tax Map Key Number (2) 5-5-001:015 throughout (replacing "*(2) 5-7-002:011*") (see list of 1 occurrence, below)

Pages 8-9

A. Pālāwai:

After "Section C.15 of the Pālāwai application explains that:", delete existing five paragraphs of indented text and insert new text:

The property is just off Kalaniana'ole Highway along Maunawili Road, in the 'ili of Waipa'akikī, Kapalai, Palawai, Kalaekoa, and Kihuluhulu, ahupua'a of Kailua, moku of Ko'olaupoko, mokupuni of O'ahu. The property is adjacent to Maunawili Valley Neighborhood Park, Royal Hawaiian Golf Club, Maunawili Park Subdivision, and Maunawili Estates Subdivision.

The Maunawili stream system converges then runs through the property and out into Kawainui wetland. The mauka parcel is primarily elevated dryland and overgrown in invasive forest with Maunawili Road and the subdivision bordering its western boundary and the golf course bordering its eastern boundary. The makai parcel is primarily wetland overgrown in invasive vegetation, with a hill called Kuelepu'u on the southern end, an 'auwai that runs along its western boundary, and Maunawili stream that runs along its eastern boundary bordered by the golf course access road.

HRT acquired the property in 2000, and it has not been in active use since the last leasehold farmers were evicted from their residences along the Kalaekoa/Kihuluhulu farm road. Later, squatters moved into the abandoned structures and no standing structures remain today.

List of Occurrences for correcting/amending Item C-1 Submittal, April 28, 2023
Replace "Ho'okua'āina" with "Hookuaaina" (n=14)

Page 1 top, (1)A.

Page 2 (3) and (4)

Page 7 top, (1)A; bottom, (1) and (2)

Page 8 **A. Pālāwai:**

Page 9 bottom, "leaders from Ho'okua'āina"

Page 15 top, Item (1)A.

Page 18 top, 1.2)a.; middle paragraph

Page 19 2), Item (1)A; 3) and 4)

Replace "Kipuka" Kuleana with "Kīpuka" Kuleana (n=13)

Page 1 middle, (1)B.

Page 2 (3) and (4)

Page 7 top, (1)B.; bottom, (1) and (2)

Page 10 top, B. **Kamealoha Kuleana**: middle, "leaders of Kipuka"

Page 18 top, 1.2)b.; middle paragraph

Page 19 2), Item (1)B.; 3) and 4)

Replace "257.8" acres with "515.75" acres (n=4)

Page 1 top, (1)D

Page 7 top, (1)D.

Page 12 D. **Makolelau 5th Parcel**:

Page 17 1.1)

Replace Tax Map Key Number "(2) 5-7-002:011" with "(2) 5-5-001:015" (n=1)

Page 7 top, (1)D.

04.28.2023/02:30:11

MOTION

Approved as amended (Barnes, Ono) unanimously.

04.28.2023/02:36:30

ITEM D-1 Sale of Remnant (abandoned ditch) and Immediate Right of Entry Permit for Survey Purposes to Charles K. Bright & Eileen I. Bright, Kapaa Homesteads, 4th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-027: portion of 025.

Kevin Moore, Land Division presented the submittal. Alison Neustein (Land) available to answer questions.

Board Discussion-None

Public Testimony-None

04.28.2023/02:37:37

MOTION

Approved as submitted (Ono, Smith) unanimously.

04.28.2023/02:37:58

ITEM D-3 Rescind Prior Board Action of March 24, 2023, Item D-1, *Approve Evaluation Committee's Recommendation for Selection of Proposal Submitted by Savio SB Growth Venture LLC in Response to Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Issuance of Right-of-Entry Permit to Savio SB Growth Venture LLC for Purposes of Assessing the Physical Condition of the Property and Preparing Construction Documents; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.*

Approve Evaluation Committee's Recommendation for Selection of Proposal Submitted by Banyan Drive Management LLC (BDM) in Response to Request for Qualifications / Request for Proposals (RFQ/RFP) for Lease of Improved Public Lands; Amend Right-of-Entry Permit No. 4537 and Revocable Permit No. S-7955 to BDM to Reduce the Rent from \$4,635.74 Per Month to \$100.00 Per Month Retroactive to their Respective Effective Dates through December 31, 2023; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.

The reason for the rescission of the Board's prior action is that Savio SB Growth Venture LLC withdrew from the RFQ/RFP process by letter dated April 6, 2023. Staff are therefore recommending the Board approve BDM's proposal for the property, which was ranked second by the evaluation committee.

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

Board Discussion

Does the Applicant clearly understand the conditions of the project. Operating cost, funding, working with the community, development plan, transition plan for Section 8 residents, parking, security and performance bonds were discussed. Recommendations were clarified.

Public Testimony

Ryan Lee, Chris Delaney, Sue Lee Loy, Joe Farias

04.28.2023/03:31:30

MOTION

Approved as submitted (Smith, Ono) 6-Ayes 1-Oppose (Yoon)

After the Board the Board passed the submittal, Mr. Joe Farias asked for a Contested Case. Chair Chang informed Mr. Farias he had 10 days to submit his written petition.

04.28.2023/03:35:20

Member Yoon made the **Motion to go into Executive Session regarding Item M-10**. Member Smith seconded the Motion.

ITEM M-10 NON-ACTION ITEM. Informational, lunchtime briefing by Department of the Attorney General regarding pending litigation, to which the Board is a party. Discussion to include: *Ka Malu O Kahālāwai, et al. v. Bd. of Land & Nat.*

Res., et al., Civil Nos. 2CCV-21-0000292 and 2CCV-22-0000002 (consolidated); Ka Malu O Kahālāwai, et al. v. Adm’r of Div. of Boating & Ocean Recreation, et al., Civil Nos. 2CCV-22-0000003, 2CCV-22-0000026, and 2CCV-22-0000107 (consolidated); Ka Malu O Kahālāwai, et al. v. Bd. of Land & Nat. Res., et al., Civil No. 2CCV-22-0000108; and Ka Malu O Kahālāwai, et al. v. Bd. of Land & Nat. Res., et al., Civil No. CAAP-22-0000337 (pending before the Intermediate Court of Appeals; appeal from judgment in Civil No. 2CCV-21-0000336).

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.

04.28.2023/04:22:20

ITEM D-4 Cancellation of Revocable Permit No. S-7377 to Ernest Pung and Waiver of Requirement to Conduct a Phase I Environmental Site Assessment; Issuance of Month-to-Month Revocable Permit to Spencer Nagata for Pasture Purposes; Piihonua, South Hilo, Hawaii, Tax Map Keys: (3) 2-3-032:001, (3) 2-3-030:001 with access over (3) 2-3-031:001por.

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

Board Discussion

Risk to the State of Waiver to conduct a Phase I Environmental Site Assessment was discussed.

Public Testimony-None

04.28.2023/04:26:45

MOTION

Approve as submitted (Smith, Canto) unanimously.

04.28.2023/04:27:02

ITEM D-5 Conveyance By Land Patent Grant of Unencumbered State Land to Hawaii Health Systems Corporation as an Addition to Hilo Medical Center, Piihonua, South Hilo, Hawaii, Tax Map Key: (3) 2-3-032:009.

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

Board Discussion

Gratis consideration for inter-agency transfer.

Public Testimony-None

04.28.2023/04:27:02

MOTION

Approved as submitted (Smith, Ono) unanimously.

04.28.2023/04:29:34

ITEM D-6 Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for Beach Games Competition Purposes, Wailea, Honuaula, Maui; Tax Map Key: (2) 2-1-023: Seaward of 007.

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

Board Discussion-None

Public Testimony-None

04.28.2023/04:30:10

MOTION

Approved as submitted (Canto, Smith) unanimously.

04.28.2023/04:30:40

ITEM F-1 Request Approval to Add Funding and Extend Through September 30, 2024, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Investigation of Estuarine Habitats."

Brian Neilson, Division of Aquatic Resources presented the submittal. Mike Fujimoto and

Board Discussion

Status of what has been accomplished. The studies are used to help with management plans. Annual Summaries will be available on-line. Funding comes from the U.S. Fish and Wildlife Service.

Public Testimony-None

04.28.2023/04:35:01

MOTION

Approved as submitted (Canto, Char) unanimously.

04.28.2023/04:35:09

ITEM F-2 Request Approval to Add Funding and Extend Through September 30, 2024, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Statewide Marine Resources Assessment."

Brian Neilson, Division of Aquatic Resources presented the submittal.

Board Discussion-None

Public Testimony-None

04.28.2023/04:35:30

MOTION

Approved as submitted (Ono, Char) unanimously.

ITEM F-3 Request Approval to Add Funding and Extend Through September 30, 2024, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled “Hawaii Marine Recreational Fishing Survey.”

Brian Neilson, Division of Aquatic Resources presented the submittal. Mike Fujimoto and

Board Discussion-None

Public Testimony-None

04.28.2023/04:35:41

MOTION

Approved as submitted (Canto, Yoon) unanimously.

ITEM F-4 Request Approval to Add Funding and Extend Through September 30, 2024, an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled “Hawaii Freshwater Public Fishing Area (PFA) Resource Monitoring.”

Brian Neilson, Division of Aquatic Resources presented the submittal. Mike Fujimoto and

Board Discussion-None

Public Testimony-None

04.28.2023/04:35:43

MOTION

Approved as submitted (Yoon, Ono) unanimously.

04.28.2023/04:36:37

ITEM J-1 Consent to Sublease under Harbor Lease No. H-70-14, Keehi Marine, Inc., Lessee, Various Subtenants as Listed in **Exhibit B** (Sublease Documents can be found at: <https://dlnr.hawaii.gov/dobor/2023-keehi-marine-subleases>)

Sublessees, Keehi Small Boat Harbor, Kalihi-Kai, Honolulu, Hawaii. Tax Map Key:
(1) 1-2-023:030.

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

Board Discussion

The subject of sub-lease rent participation was discussed and clarified as part of a mediated settlement. The subject of consistency relating to subleases among divisions was also discussed. It was noted that conditions that were in place in the 60's have changed, and new leases will have new conditions.

Public Testimony

Yoshi Morioka, the applicant answered questions relating to insurance.

04.28.2023/04:48:47

MOTION

Approved as submitted (Char, Ono) unanimously.

04.28.2023/04:49:05

ITEM J-2 Authorize the Chairperson to Negotiate and Sign a Settlement Agreement between the Department of Land and Natural Resources and Department of Health, Wastewater Branch for NOVO No. 21-WW-EO-01, Relating to the Wastewater Treatment System at Heeia Kea Small Boat Harbor, Kaneohe, Oahu, Hawaii; Tax Map Key: (1) 4-6-006:069 and:

Authorize the Chairperson to Execute Any Other Agreement or Contract that May Be Necessary for DLNR to Comply with the Settlement Agreement.

Finn McCall, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Capital improvement funds received to upgrade the Wastewater Treatment system , Exemption from HRS 343, as it falls within an existing exemption.

Public Testimony-None

04.28.2023/04:54:11

MOTION

Approve as submitted (Yoon, Smith) unanimously.

04.28.2023/04:54:20

ITEM J-3 Issuance of a Revocable Permit to Honolulu Transpac, Ltd., for Temporary Support Areas and Mooring Sites, for the 2023 Transpacific Yacht Race from Los Angeles, California to Honolulu, Hawaii, Situated at The Ala Wai Small Boat Harbor, Tax Map Key: (1) 2-3-037:012 (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.

Board Discussion

Existing boat owners may or may not have to relocate, if necessary, it is in their mooring agreement.

Public Testimony-None

Amendment:

Based on this submittal, testimony and facts submitted Staff recommends that the Board finds that approving the issuance of a revocable Permit to the Applicant, including the conditions and rents as described in this Staff submittal will serve the best interest of the State.

04.28.2023/04:56:26

MOTION

Approved as amended (Barnes, Ono) unanimously.

04.28.2023/04:57:19

ITEM J-4 Issuance of a Right-Of-Entry Permit to University of Hawaii Sea Level Center, for Sea Level Monitoring Purposes at Lahaina Small Boat Harbor, Maui, Tax Map Key: (2) 4-6-001:017 (por.), Manele Small Boat Harbor, Lanai, Tax Map Key: (2) 4-9-017:006 (por.), Kaunakakai Small Boat Harbor, Molokai, Tax Map Key: (2) 5-3-001:011 (por.), Hanalei Wharf, Kauai, Tax Map Key: (4) 5-5-001:008 (por.), Port Allen, Kauai, Tax Map Key: (4) 2-1-003:010 (por.), Miloli'i Landing, Hawaii Island, Tax Map Key: (3) 8-9-004:019 (por.), and Honokohau Small Boat Harbor, Hawaii island, Tax Map Key: (3) 7-4-008:003 (por.); 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.

Board Discussion

Data will be available to the public.

Public Testimony

Phil Thompson provided information and is in support of the submittal.

04.28.2023/04:59:40

MOTION

Approved as submitted (Canto, Yoon) unanimously.

04.28.2023/05:00:55

ITEM K-1 NON-ACTION ITEM Informational Briefing by the City and County of Honolulu Department of Parks and Recreation Regarding the Carrying Capacity Studies for the Hanauma Bay Nature Preserve located at the Hanauma Bay Nature Preserve, O'ahu Tax Map Keys: (1) 3-9-012:002, (1) 3-9-012:010, (1) 3-9-012:012, (1) 3-9-012:014, (1) 3-9-012:016, and adjacent submerged lands.

Michael Cain, Office of Conservation and Coastal Lands noted that Items K-1 and K-2 are related. Kuulei Rodgers provided a PowerPoint report.

Board Discussion

King tides, fish equilibrium, the system changes during the closure, balance between recreation and conservation, carrying capacity, were discussed.

Public Testimony

Dr. Jim Anthony provides testimony regarding his research on issues regarding the ocean environment.

04.28.2023/05:31:04

ITEM K-2 Request to Amend Condition #12 of Conservation District Use Permit (CDUP) OA-2957 regarding Reporting Requirements for the Carrying Capacity Studies by the City and County of Honolulu Department of Parks and Recreation at the Hanauma Bay Nature Preserve located at Hanauma Bay Nature Preserve, O'ahu Tax Map Keys: (1) 3-9-012:002, (1) 3-9-012:010, (1) 3-9-012:012, (1) 3-9-012:014, (1) 3-9-012:016, and adjacent submerged lands.

Michael Cain, Office of Conservation and Coastal Lands presented the submittal. Kuulei Rodgers available to answer question.

Board Discussion

Carrying capacity report to be posted on a publicly accessible website. Presentation to the Board annually is not a requirement, but a written report is. Clarification,

Public Testimony

Tara Hirohata, Joanne Beil, Lisa Bishop provided testimony.

Amendment:

Staff recommendation be amended to clarify that an oral and written report shall be presented to the Board at a regularly scheduled meeting.

04.28.2023/05:45:00

MOTION

Approved as amended (Char, Barnes) unanimously.

04.28.2023/05:48:08 Break

04.28.2023/05:53:08

ITEM D-7 NON-ACTION ITEM: Update on Compliance with Act 90, Session Laws of Hawaii 2003, Transfer of Non-Agricultural Park Lands to State of Hawaii Department of Agriculture.

Kevin Moore, Land Division and Emma Yuen, Division of Forestry and Wildlife presented the briefing.

Board Discussion

There was a robust discussion regarding the types of land appropriate for transfer and opportunities for caring for the land and working with the ranchers.

04.28.2023/06:29:47

ITEM E-1 NON-ACTION ITEM: Informational Briefing of the History, Current Status and Path Forward, Ahupua'a 'O Kahana State Park: Kahana, Koolauloa, Oahu, Hawaii Tax Map Keys: (1) 5-2-002:006, 020, 021, 022, 023, 024, 026, 027, 028, 029, 030, 031, 034, 035, 036, 037, 038, 039, 040, 041, 043, 044, 044, 045, 046, 047, 048 Portion; (1) 5-2-024: Portion; (1) 5-2-005:022, 023 Portion, and (1) 5-002-001: Portion.

Curt Cottrell, State parks presented a PowerPoint presentation assisted by Keiki Kipapa, Martha Yent, Kekai Keahi and Renee Kamatsugi.

Public Testimony

Jim Anthony, Grace Anthony, Selu Napulo, Orepa An-Tanouye, Lena Solivan, Olivia Wallace, Lauren Lamocasin, Danicole Ramos 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