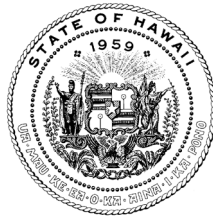


DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 24, 2022

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

ROBERT K. MASUDA
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

TO THE COMMISSION TO IMPROVE STANDARDS OF CONDUCT:
Consideration of CISC Draft Bills Deferred from Prior Meetings

MEMBERS:

Judge Daniel Foley (Ret.), Chair

Robert D. Harris

Kristin E. Izumi-Nitao

Janet Mason

Barbara C. Marumoto

Nikos Leverenz

Florence T. Nakakumi

FROM: Suzanne D. Case, Chairperson
Department of Land and Natural Resources

The Commission to improve Standards of Conduct has taken on the broad responsibility of addressing serious breaches of duty by legislators and public servants. This includes looking at several bills vetoed by the governor that are meant to ensure transparency in government operations. **The Department Land and Natural Resources (Department) offers comments and notes that it had opposed the bills in the last session.**

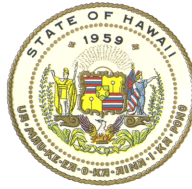
First, the Department would like to note that it is not against transparency. The Department notes that despite all good intentions, a requirement of detailed written minutes will decrease transparency, unless additional staffing is provided. The reality of minutes within the Department of Land and Natural Resources is that the department was at least half a year behind in writing minutes in 2017. The department was able to catch up briefly by assigning additional people to assist with the minutes, but this took staff away from their own job duties, and could not be maintained in perpetuity. The department has frequent, complex, and lengthy meetings which take a very long time to render as detailed minutes. A recording or videotape is a much better record. The department's position on recording meetings is:

- 1) Support annotated summaries to accompany recorded or videotaped meetings. We have attached a sample of the Department's annotated summaries, which contain a brief summary of the topic and any discussion of note, a record of the vote, and the time stamp for recording, which is posted on the Department's website.

At the last meeting, the Commission took up the public records bill. However, we would like to submit late testimony. The department is on record as opposing the total fee waiver for requests in the public interest, due to concerns about potential increases in the volume of documents

requested. The Commission report noted the Department's comments and we hope they were taken into consideration. We are available for questions.

DAVID Y. IGE
GOVERNOR OF HAWAII



APPROVED AS SUBMITTED
AT ITS BOARD MEETING
HELD ON
SEPTEMBER 23, 2022

dar

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

ROBERT K. MASUDA
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STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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

DATE: JULY 8, 2022
TIME: 9:00 A.M.
LOCATION: In person at 1151 Punchbowl St. Room 132 (Kalanimoku Building),
online via ZOOM, livestream via YouTube

MEMBERS

Suzanne Case
Vernon Char
Kaiwi Yoon
Doreen Canto

Aimee Barnes
Karen Ono
Riley Smith

STAFF

Russell Tsuji-Land
Barry Cheung-Land
Ed Underwood-DOBOR
Carty Chang-Engineering

Gordon Heit-Land
Alan Carpenter-Parks
Michael Cain-OCCL

OTHERS

Julie China/AG
Olivia Pham/DOT HAR
Derrick Carne/DOT HAR
Amy Marvin/D4
Chipper Wichman/E1
Sesame Shin/J1, J2
Christina Lizzi/J1, J2
Tiare Lawrence/J1, J2
Loretta Ritte/J1, J2
Michal Ritte/J1, J2
Kahekili Pa-Kala/J1, J2
Lana Corpuz/J1, J2
Kalama'ehu Takahashi/J1, J2
Kai Nishiki/J1, J2

Dawn Tsue/DOT AIR
Jennifer Tomita/DOT HAR
Harry Yada/D1
Darin Shigeta/D4
Angus McKelvey/J1, J2
Lisa Bail/J1, J2
Tony Marie Davis/J1, J2
Walter Ritte/J1, J2
Leihwahiwa Ritte/J1, J2
Kamaki Managan/J1, J2
Momi Afa'in/J1, J2
Leland Corpuz/J1, J2
Christina Lizzi/J1, J2
Kamalu Belindin/J1, J2

ITEM A-1

Francis Phillips/J1, J2
Nameaaea Hoshino/J1, J2

Tammy Harp/J1, J2

07.08.2022/00:00:24

Chair Case convened the meeting with welcoming new Board Member Riley Smith representing the Island of Hawaii and proceeded to convey the process of the hybrid meeting.

07.08.2022/00:02:09

Member Yoon read the standard Contested Case Statement.

07.08.2022/00:03:02

Roll call of the Board Members. Member Canto has connectivity issues and will join as soon as she can. The order of the agenda was announced.

07.08.2022/00:04:39

ITEM A-1 Approval of the May 13, 2022, Summary Minutes.

Board Discussion-None

Public Testimony-None

MOTION

Approved as submitted (Char, Yoon) 4-Ayes 2-Abstain (Ono, Smith)

07.08.2022/00:06:11

ITEM M-1 Issuance of a Revocable Permit for Paved, Improved Land for the Storage and Parking of a Container Truck and Fuel Truck, Construction Helicopters, Inc. dba Chi Aviation, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.

ITEM M-2 Issuance of a Revocable Permit for the Purpose of the Terminal 1, Lobby 3 Checkpoint Relocation Project, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 073.

ITEM M-3 Issuance of a Revocable Permit for a Construction Staging Area for Equipment, Materials and Supplies, Nan, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-4 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of a Private Aircraft, Richard Fant and Chaitan Ward., Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-5 Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of a Private Aircraft, Richard V. Parran, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-6 Issuance of a Revocable Permit for Ramp Space to Place a Mobile Office Trailer and to Park Ground Service Equipment, Swissport USA, Inc., Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043: Portion of 003.

ITEM M-7 Issuance of a Revocable Permit for Vehicle Parking, Kamuela Trucking Incorporated, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 008.

ITEM M-8 Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar, Southern Airways Express, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 211.

Dawn Tsue, DOT Airports present to answer questions for Items M-1 through M-8.

Board Discussion

Item M-5 and Item M-6, regarding Hangers, personal vehicle access for maintenance and terms of Revocable Permit terms was discussed. Tsue will convey the concerns to the District Manager.

Public Testimony-None

07.08.2022/00:05:37

MOTION

Approved as submitted (Char, Smith) 6-Ayes (Canto absent)

07.08.2022/00:12:25

ITEM M-9 Request to Amend Harbor Lease No. H-94-1 Issued to the Gas Company, LLC, to Revise the Area under this Lease to include a total of 3,314.17 square feet of Subsurface Pipelines, Cathodic Bed, and a Valve Box at Nawiliwili Harbor, Island of Kauai, Tax Map Keys: (4) 3-2-003: Portion of 007; (4) 3-2-003: Portion of 041; (4) 3-2-003: Portion of 001; and (4) 3-2-003: Portion of 051, under Governor's Executive Order Nos. 1332, 3134 and 3411.

Jennifer Tomita, Department of Transportation, Harbors Division present to answer any questions.

Board Discussion-None

Public Testimony-None

07.08.2022/00:13:09

MOTION

Approved as submitted (Char, Smith) 1-Oppose (Barnes)

ITEM M-10 Authorize One (1) Year Holdover of Harbor Lease No. H-87-27 to PAR Hawaii Refining, LLC, Success to Pacific Resources Terminals, Inc., for Non-Exclusive Subsurface Pipeline Easements for distribution of Petroleum products, situated at Piers 31-34, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-036: Portion of 001, Governor's Executive Order No. 2903.

Olivia Pham, Department of Transportation, Harbors Division present to answer any questions.

Board Discussion-None

Public Testimony-None

07.08.2022/00:13:09

MOTION

Approved as submitted (Char, Smith) 1-Oppose (Barnes)

ITEM M-11 Issuance of a Construction Right-of-Entry, Grant of Easements (Perpetual, Non-Exclusive), to Hawaiian electric Company, Inc., for Piers 24-28 Utility Improvements, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-038: Portions of 001, 073, 074, 077, and 078.

Derrick Carne, Department of Transportation, Harbors Division present to answer any questions

Board Discussion-None

Public Testimony-None

07.08.2022/00:13:44

MOTION

Approved as submitted (Char, Smith) unanimously.

07.08.2022/00:15:09 (Member Canto has joined the meeting)

ITEM D-1 Set Aside to the County of Hawaii for Affordable Housing and Issuance of an Immediate Management Right-of-Entry Permit to the County of Hawaii, Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-4-005:001, 012, (3) 2-4-051:094, 107, 108, 111.

Russell Tsuji, Land Division presented the submittal. Gordon Heit (Land) and Harry Yada (County of Hawaii) available to answer questions.

Board Discussion

Tsuji clarified that the land is not under the Department of Agriculture, response from other agencies in the submittal, plans for development for affordable housing, and if a change of use was addressed.

Public Testimony

Harry Yada, County of Hawaii, spoke in support of the submittal and answered questions regarding planning of the development.

07.08.2022/00:23:27

MOTION

Approved as submitted (Smith, Char) unanimously with all (7) Members present

07.08.2022/00:23:48

ITEM D-3 Grant of a Term, Non-Exclusive Easement to Hawaii Electric Light Company, Inc. for Overhead Transmission Line Purposes, Kapapala, Kau, Hawaii, Tax Map Key: (3) 9-8-001:010 portion.

Russell Tsuji, Land Division presented the submittal. Gordon Heit (Land) available for questions.

Board Discussion-None

Public Testimony-None

07.08.2022/00:24:17

MOTION

Approved as submitted (Smith, Char) unanimously.

07.08.2022/00:24:31

ITEM D-4 Amend General Lease No. 5258, Hawaii Foodbank, Inc., Lessee, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:028.

The purposes of the amendment are to (1) replace all references to rental reopening provisions with a new paragraph fixing the rent at \$12,000 per annum effective on November 1, 2022, with an annual adjustment for inflation tied to Consumer Price Index for the remainder of the term (2) insert a new provision in the lease allowing the Lessee to surrender the lease, subject to meeting certain requirements and approval by the Board.

Russell Tsuji, Land Division presented the submittal. Amy Marvin and Darin Shigeta representing the Food Bank are present to answer questions

Board Discussion

Minimum rent for non-profit, relocation, size of warehouse, access during King Tides, and reducing the rent. Impact revenue on the Land fund.

Public Testimony

Amy Marvin would like to see the rent lowered. Darin Shigeta provided testimony on the mission and changes that the Food Bank has been experiencing.

Amendment:

Recommendation B was amended to read:

Replace all references to rent reopening provisions in the lease with the Board's then prevailing Minimum Rent Policy for eleemosynary organizations which is currently set at \$480.00 per annum, effective on the next reopening date of November 1, 2022.

07.08.2022/00:41:13

MOTION

Approved as amended (Barnes, Yoon) unanimously.

07.08.2022/00:44:43

ITEM D-5 Amend Prior Board Action of November 13, 2020, Item D-10; *Request for Mutual Cancellation of General Lease Nos. S-3896 and S-3904, as amended; and Issuance of Two (2) Perpetual, Non-Exclusive Easements to Hawaiian Electric Company, Inc. for Overhead and Underground Utility Easement Purposes, Kapalama and Kalihi, Honolulu, Oahu, Tax Map Key (1) 1-5-034: portions of 004 Tax Map Key: (1) 1-3-008: portions of 004 and 005.*

The purpose of the amendment is to correct the area of General Lease No. 3904 and future Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. that will replace the lease.

Russell Tsuji, Land Division presented the submittal

Board Discussion-None

Public Testimony-None

07.08.2022/00:45:21

MOTION

Approved as submitted (Char, Smith) unanimously.

07.08.2022/00:46:29

ITEM E-1 Request Approval to Continue Revocable Permit SP0002 Issued to Hui Maka'āinana o Makana, for Management of a Reservation System for the Collection of Parking and Entry Fees, Shuttle Services and Resource Enhancement at Hā'ena State Park, Kaua'i, Hawaii, Tax Map Keys: (4) 5-9-001:022 portion and (4) 5-9-008:001 portion.

Alan Carpenter, State Parks presented the submittal.

Board Discussion

Comments were in support of the Hui's stewardship. Wichman provided a brief summary of the process the Hui has gone through dealing with managing residents and tourism.

Public Testimony

Chipper Wichman stands on his written testimony in support.

07.08.2022/01:01:15

MOTION

Approved as submitted (Ono, Canto) unanimously,

07.08.2022/01:01:46 Break

07.08.2022/01:18:00

Due to time constraints public testimony by Representative Angus McKelvey for Item J-2 was taken out of order. He would like to see this item deferred.

07.08.2022/01:21:58

ITEM J-2 Briefing of the Board of Land and Natural Resources regarding the Commercial Use of the Mala Wharf launch Ramp Area, Island of Maui. **NON-ACTION ITEM**

Ed Underwood, Division of Boating and Ocean Recreation gave the briefing with a PowerPoint presentation.

Board Discussion

Size of the parcel, ingress/egress, need for a County SMA, limit on passenger per vessel, do commercial permit holders parking, shoreline permit holders

07.08.2022/01:37:55

ITEM J-1 Withdrawal of Portions of State Lands from Governor's Executive Order No. 1314 and Re-Set Aside and Issuance of Immediate Management Right-of-Entry to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Mala Wharf and Ramp, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-5-004:011: and

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

Ed Underwood, Division of Boating and Ocean Recreation presented the submittal.

Board Discussion

Issues regarding parking, commercial use, safety, snorkeler's, community participation/involvement, unpermitted use, safety zones, working group challenges, a parking plan, wash down area, monitoring the area, community driven management, collaborative approach, restricting numbers of commercial activities, clarified that this is just a land transfer, not decision making on what the area will be used for. Encourage community involvement.

Public Testimony

Sesame Shim, Tiare Lawrence, Walter Ritte, Loretta Ritte, Leihwahiwa Ritte, Michal Ritte, Kamaki Manangan, Kahekili Pa-Kala, Momi Afa'in, Lana Corpuz, Leland Corpuz, Lisa Bail, Tomi Marie Davis, Kalama'ehu Takahashi, Tamara Paltin, Christina Lizzi, Kai Nishiki, Kamalu Belindin, Francis Phillips, Tammy Harp, and Namea'aea Hoshino, provided testimony on Items J-1 and J-2.

07.08.2022/03:32:56

Chair Case made the Motion to go into Executive Session and lunch, seconded by Member Char, unanimously.

07.08.2022/04:38:08

MOTION

**Defer Item J-1 (Canto, Yoon) 2-Ayes, 5-Oppose (Case, Char, Barnes, Ono & Smith).
(Motion to Defer does not pass)**

07.08.2022/04:3:47

MOTION

Approve as submitted (Char, Smith) 5-Ayes, 2-Oppose (Canto, Yoon).

07.08.2022/04:53:33

ITEM L-1 Delegation of Authority to the Chairperson to:

- (1) Procure, Award and Enter Into Professional Service Consultant Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds;
- (2) Declare a Construction Project Exempt from the Preparation of an Environmental Assessment or Approve an Environmental Assessment and Issue a Finding of No Significant Impact, if Appropriate; and
- (3) Approve, Procure and Enter Construction Contracts for Capital Improvement Program Projects Appropriated by the Legislature as Listed in Exhibit 1 or Program Operating Funds

Carty Chang, Engineering presented the submittal. Alyson Yim (Engineering) present to answer questions.

Board Discussion

Release of funds and how priorities of projects are decided were discussed.

Public Testimony-None

07.08.2022/05:06:53

MOTION

Approved as submitted (Canto, Char) unanimous.

07.08.2022/05:07:30

Chair Case introduced Michael Cain as the new Administrator for the Office of Conservation and Coastal Lands.

07.08.2022/05:07:50

ITEM K-1 Brief overview of Shoreline Management in Hawaii. **NON-ACTION ITEM**

Michael Cain, Office of Conservation and Coastal Land provided the briefing.

There being no further business, Chair Case, adjourned the meeting. Recording(s) of the meeting and written testimonies received by the requested deadline can be found on-line with the submittal and available for review. Certain Items on the agenda were taken out of sequence to accommodate applicants or interest parties present.

Respectfully Submitted:

Darlene S. Ferreira

Darlene S. Ferreira
Land Board Secretary

Approved for Submittal:

Suzanne D. Case

Suzanne D. Case, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources