



Office of the Ombudsman
465 South King Street, 4th Floor
Honolulu, HI 96813
(808) 587-0770
complaints@ombudsman.hawaii.gov

RE: Complaint – State of Hawaii Board of Land and Natural Resources

March 13, 2023

I'm writing to request an investigation into the State of Hawaii Board of Land and Natural Resources (BLNR) for interference with the public's ability to testify at the BLNR meeting on March 10, 2023 at 9:15am.

Following my request to provide video testimony at the meeting, the BLNR Secretary emailed information to me that included an incorrect link to the live stream and a disconnected phone number to provide testimony by telephone. That information is as follows:

Incorrect live stream link: <http://youtube.com/c/boardoflandandnaturalresourcedlnr>

Disconnected phone number: (808) 296-1197

Per my request, the agenda item I was testifying on was C2, the third item on a list of 22 items. Once the meeting started, the board began rearranging the agenda items with no explanation to the public. There was no order whatsoever to the agenda as the items were randomly chosen for discussion. Those of us waiting to testify on item C2 were made to sit through the entire eight-hour meeting. Twice during the meeting, the board was heard joking, and at one point laughing, about the postponement of item C2.

The 3/10/23 BLNR meeting can be viewed in its entirety at:

<https://www.youtube.com/watch?v=u8oyjKaDTGg>

A copy of the email and the BLNR agenda are attached for reference.


Because agenda item C2 was moved to the end of the meeting, our time to testify was diminished from three minutes to two minutes. The public also missed out on the opportunity to hear from a tropical disease and vector expert on the science of the serious risks of the project up for discussion. Because the meeting dragged on for eight hours with no explanation of when to expect our agenda item, this expert was no longer in the meeting when called to testify.



It would appear that the manipulation of the agenda, and possibly the erroneous information regarding meeting access, were intentional attempts to interfere with the public's ability to testify. This is unacceptable. Even if an investigation were to show the errors and confusion to be the result of incompetence, the public deserves better. Those of us who took the time to research and prepare our testimony, rearrange our schedules, and wait all day for our turn to speak were disrespected, and even mocked, by the board members.

I ask that you investigate this complaint thoroughly and that you require the BLNR to assure that this type of conduct does not happen again at future meetings.

Mahalo,
Tina Lia
Founder and President
Hawaii Unites
(808) 298-6335
tinalia@live.com

From: DLNR.BLNR.Testimony blnr.testimony@hawaii.gov 
Subject: RE: [EXTERNAL] BLNR Meeting 3/10/23 Video Testimony
Date: March 6, 2023 at 8:32 AM
To: Tina Lia tinalia@live.com

D

Aloha,

As requested, below is the link to the March 10, 2023, Board of Land and Natural Resources Meeting.

When signing into ZOOM, please identify yourself by name, followed by the Item number on which you wish to provide oral testimony (example C2). You will be placed in the "Waiting Room" until the Item is before the Board.

Join Zoom Meeting : <https://us02web.zoom.us/j/86109153779?pwd=YmlhNhdBb3doTTRKTjduaFRYaDIQU09>
Meeting ID: 861 0915 3779
Passcode: d00X3j

While waiting, you may monitor the meeting via the YouTube live stream at this link:
<http://youtube.com/c/boardoflandandnaturalresourcesdlnr>

Once admitted to the meeting, please TURN OFF (not turn down) your YouTube live stream to avoid feedback.

NOTE: To provide oral testimony by telephone please text (808) 296-1197 with your phone number and the agenda item you wish to provide testimony before calling in. This will enable us to recognize you in the "Waiting Room" and let you join the meeting when your agenda item is before the Board.

Dial by your phone +1 669 900 6833
Meeting ID: 861 0915 3779
Passcode: 408560

Darlene Ferreira
Secretary
Board of Land and Natural Resources
Department of Land and Natural Resources
Office: 808.587.0404
Cell: 808.291.1197
Email: Darlene.S.Ferreira@ Hawaii.gov
BLNR.Testimony@hawaii.gov

-----Original Message-----

From: Tina Lia <tinalia@live.com>
Sent: Saturday, March 4, 2023 1:55 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: [EXTERNAL] BLNR Meeting 3/10/23 Video Testimony

Aloha,

I would like to provide video testimony for the BLNR meeting on Friday 3/10/23 at 9:15am. I will be testifying on the following agenda item:

C. DIVISION OF FORESTRY AND WILDLIFE
NON-ACTION ITEM

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

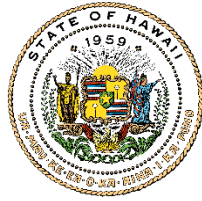
Please email a Zoom link for the meeting to:

Tina Lia
tinalia@live.com

Mahalo,
Tina Lia
(808) 298-6335
tinalia@live.com

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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

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

**AGENDA
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

Board members, staff, applicants, and testifiers can choose to participate either in-person, via ZOOM or by telephone. Members of the public are encouraged to wear a mask if attending in-person.

Meeting materials are available for public review in advance of the meeting at:
<http://www.dlnr.hawaii.gov/meetings>

The meeting will be livestreamed at:
<http://youtube.com/c/boardoflandandnaturalresourcesdlnr>

To provide in person testimony:
Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii

To provide video testimony:
*Send your request to blnr.testimony@hawaii.gov
Include your name and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link. Requests may be made during the meeting.*

To provide oral testimony by telephone: : +1 669 900 6833

Meeting ID: 861 0915 3779

Passcode: 408560

Note: To unmute, press *6.

Written Testimony:
Interested persons can submit written testimony in advance of each meeting that will be distributed to Board Members prior to the meeting. Submit written testimony to blnr.testimony@hawaii.gov or via postal mail to the Board of Land and Natural Resources at P.O. Box 621, Honolulu, Hawaii

96809. *We request written testimony be submitted no later than 24 hours prior to the meeting to ensure time for Board Member review. Late written testimony will be retained as part of the record and distributed to Board Members as soon as practicable, but we cannot ensure that Board Members will receive it with sufficient time for review prior to decision-making.*

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.

Individuals requiring special assistance or auxiliary aids or services (e.g., sign language interpreter), please contact staff at least 72 hours prior to the meeting at 808.587.0404 so that arrangements can be made.

In some of the matters before the Board, a person may wish to request a contested case hearing. If such a request is made before the Board's decision, then the Board will consider the request first - before considering the merits of the item before it. A person who wants a contested case may also wait until the Board decides the issue, then request the contested case after the decision. It is up to you. Any request must be made in writing within ten days. If no request for contested case is made, the Board will make a decision. The Department will treat the decision as final and proceed accordingly.

A. SUMMARY MINUTES

1. Approval of the November 10, 2022, Summary Board Meeting Minutes.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request Approval to Authorize the Chairperson to Negotiate and Enter into a Memorandum of Agreement with Hope Builders, Inc. and West Maui Construction LLC. for Public Access through Tax Map Key: (2) 3-6-001: portion 018 to the Lahaina Pali Trail, Maui.

NON-ACTION ITEM

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

D. LAND DIVISION

1. Denial of Petition for Contested Case Hearing filed by 69 Railroad, LLC on September 30, 2022, Regarding the Board Action of September 23, 2022 Agenda Item D-2, Approved as Amended: *Amend Prior Board Action of February 11, 2022, Item D-2, Approved as Amended, Consent to Sublease General Lease No. S-3624, 69 Railroad,*

LLC, Lessee, to Self Storage Hilo LLC, Covan World-Wide Moving, Incorporated, C.A.R.S.S. LLC, Provision Solar, Inc., Tracey Gapol, Charles Wagner & Erin Wagner, Hawaii Behavioral Health, LLC, Whitney & Arnessa Iranon, Mr. & Mrs. Charles and Erin Wagner, McCully Works, Inc., and Lamar Pacheco, Sublessees, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-012:026.

Authorize the Chairperson to Approve and Execute a Development Agreement for a 30-Year Extension of Lease Term and to Execute the Lease Extension Document, General Lease No. S-3624, 69 Railroad, LLC, Lessee; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2 -1-012: 026.

Approve Mediated Settlement of Rent Reopening Dispute Pursuant to Mediation Agreement for the Periods of 2026-2046, General Lease No. S-3624, 69 Railroad, LLC, Lessee; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2 -1-012: 026.

The purposes of the amendments are to: (a) provide for the updating of certain lease extension terms and the development agreement for the 30-year extended lease term, and (b) extend the time for completion of improvements required under development agreement and lease extension from approximately 10 ½ months after the Board approval of February 11, 2022, to 18 months after the execution of the development agreement.

Pursuant to Section 92-5(a) (4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

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

F. DIVISION OF AQUATIC RESOURCES

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.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

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'o, 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.
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.

M. OTHERS

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.
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.
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.
 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.
 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.
 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.
 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.
 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.
 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.
 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.
 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.