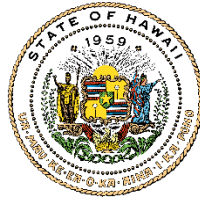


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

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

RYAN K.P. KANAKA'OLE  
FIRST DEPUTY

DEAN D. UYENO  
ACTING 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 22, 2024

TIME: 9:00 a.m.

PLACE: DLNR Boardroom, Kalanimoku Bldg.  
1151 Punchbowl Street, 1<sup>st</sup> Floor / & Online via Zoom

Meeting ID: 813 0084 6399

ZOOM LINK: <https://us06web.zoom.us/j/81300846399>

LIVE STREAM: <https://www.youtube.com/watch?v=yY5lvcx7L8s>

This meeting will be held using interactive conference technology under section 92-3.7, Haw. Rev. Stat. (HRS). Board members, staff, applicants, testifiers, and the public can choose to participate in person, online via Zoom, or by telephone. The public may also view the live meeting via its live stream at: <https://www.youtube.com/watch?v=yY5lvcx7L8s>

### **To Provide Written Testimony**

We encourage interested persons to submit written testimony in advance of the meeting, which will be distributed to Board members prior to the meeting and allow a timely review. Please submit written testimony via email to: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov). Written testimonies can also be mailed to: P.O. Box 621, Honolulu, Hawaii 96809. Written testimonies may be posted upon the Board of Land and Natural Resources meeting website; as a precaution, please be mindful with any personal information prior to submitting unless you intend it to be shared. Late written testimony will be retained as part of the record and distributed to Board members as soon as practicable, but we cannot ensure the Board will receive it in sufficient time to review, prior to decision-making.

### **To Provide In-Person Oral Testimony (masks are highly encouraged)**

Attend in-person at: 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii.

### **To Provide Testimony by Telephone**

On the day of the meeting at the start of the agenda item you wish to testify on, dial 1-669-444-9171 (Zoom); input the meeting ID: **813 0084 6399** and follow the prompts.

### **To Provide Video/Zoom Testimony**

Please send your request in a timely manner to: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov) with your information, email address, and the agenda item you wish to testify on. Once your request has been received, you will receive a confirmation email with pertinent information. You may testify without signing up in advance.

We kindly ask that all oral/video testimony be limited to not more than three (3) minutes. We ask that you identify yourself and any affiliation before speaking, but you can choose not to do so.

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

If you need an auxiliary aid/service or other accommodation due to a disability, please contact, BLNR Secretary, at 808.587.0404 or [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this agenda and other materials are available in alternate/accessible formats.

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 but before the close of the board meeting. It is up to you. Any request must also be made in writing within ten calendar 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.

**NOTE: Agenda Items may be taken out of order.**

## **B. DIVISION OF CONSERVATION AND RESOURCE ENFORCEMENT**

1. Request to amend prior Board action of May 13, 2022 to delegate authority to the Chairperson to negotiate and sign Facility Use Agreements and Memorandum of Agreements with DOCARE Training Academy Program Partners, for the use of the Aloha Stadium facilities, the University of Hawai'i for educational support and use of the Marine Education and Training Center and Lodging facilities that is necessary to conduct the DOCARE Academy Program for entry level Conservation and Resources Enforcement Officer I positions, from July 11, 2022 to March 31, 2023, and for future Training Academy Programs. The purpose of this amendment is to clarify that the Board also delegates authority to the Chairperson to procure and contract for goods and services necessary for DOCARE Training Academies, including for lodging, equipment, and training materials.

## D. LAND DIVISION

1. Set Aside to Department of Agriculture for Agriculture Purposes Pursuant to Act 90, Sessions Laws of Hawaii 2003, General Lease No. S-4519, Rodolfo V. Dieguez, Lessee, West Kaupakulua, Makawao (Hamakualoa), Maui, TMK: (2) 2-7-015:026; General Lease No. S-5485, Greg Lind, Lessee, Kalena, Halemano, and Kikoo, Kipahulu, Hana, Maui, TMKs: (2) 1-6-005:002 & 1-6-008:008; Revocable Permit No. S 7621, Barron Thomas Souza, Permittee, Honopou-Hoolawa, Hamakualoa, Makawao, Maui, TMKs: (2) 2-9-001:008 & 011; Revocable Permit No. S-7762, Charles J. Boerner, Permittee, Kipahulu, Hana, Maui, TMKs: (2) 1-6-005:008; 1-6-005:021, 022 & 023; Revocable Permit No. S-7804, Moses Kahiamoe, Jr., Permittee, Puolua-Hanehoi, Hamakualoa, Makawao, Maui, TMKs: (2) 2-9-008:018 & 024
2. Grant of Term, Non-Exclusive Easement, Immediate Right-of-Entry and Revocable Permit to Robert Howard Merriman and Cynthia Louise Merriman for Seawall and Filled Land Located at Kaneohe, Koolaupoko, Oahu, Identified as TMK: (1) 4-4-021: seaward of 034 & 035. Supplemental Submittal Prepared Pursuant to Request of the Board.
3. Set Aside Portions of State Lands to the State of Hawaii, Department of Corrections and Rehabilitation for Correctional Purposes, Lot 5-A-1-A-2-B-3, Parcels 233B and 234, Interstate Highway, Federal Aid Project No. I-H1-1(41), Halawa Interchange at Halawa, Ewa, Oahu, Hawaii.

## F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit Renewal 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.

### **(Non-Action Item)**

2. Informational briefing on the draft documents for the proposal to designate the marine areas of the Papahānaumokuākea Marine National Monument (Monument) as a national marine sanctuary pursuant to the National Marine Sanctuaries Act (NMSA). The marine areas encompass approximately 582,570 square miles (439,910 square nautical miles). The National Oceanic and Atmospheric Administration (NOAA) is proposing this action to add conservation benefits of the national marine sanctuary system to the areas. The State of Hawai'i (State) Department of Land and Natural Resources (DLNR) Division of Aquatic Resources (DAR) is proposing to include State waters including the Northwestern Hawaiian Islands (NWHI) Marine Refuge in this action.

## **J. DIVISION OF BOATING AND OCEAN RECREATION**

1. Issuance of Right-of-Entry Permit (“ROE”) to Pyro Spectaculars North, Inc., for proximity fireworks and stage-effects display on Waikiki Beach, on June 4, 2024, between 8:00 p.m. to 9:15 p.m., Waikiki, Honolulu, O’ahu, Seaward of Tax Map Key: (1) 2-6-002:005 (por.); and

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

2. Authorize a Thirty-Year Extension of Lease No. B-99-1 to Waikiki Yacht Club, Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map: (1) 2-3-037:006 and :012 (Portion); and

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

3. Authorize a Ten-Year Extension of Boating Lease No. H-70-14 to Keehi Marine, Inc., Kalihi-Kai, Honolulu, Oahu; Tax Map Key: (1) 1-2-023:030; and

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

## **K. OFFICE OF CONSERVATION AND COASTAL LANDS**

1. Grant Petition for Contested Case Hearing filed on February 5, 2024 by Zhungo LLC and Rodney Youman regarding Item K-1 on the January 12, 2024 Board Agenda, titled. *Request for administrative fines and other penalties against Zhungo LLC (Rodney Youman, Managing Member) and Rodney Youman “Individually” for the Conservation District Enforcement Cases OA 19-08 and OA 21-07 regarding unauthorized structures located along the shoreline within the Conservation District and encroachment upon State Land makai of 59-149 Ke Nui Road, Hale’iwa, Island of O’ahu, Hawai’i, Tax Map Key: (1) 5-9-002:004, and rescind Board’s Prior Action of January 12, 2024, Item K-1, for alleged noncompliance, construction of shoreline erosion control device, and encroachment upon State land located makai of 59-149 Ke Nui Road, Hale’iwa, Island of O’ahu, Hawai’i, and authorize appointment of a Hearing Officer to conduct all hearings for Contested Case OA 24-03 regarding Conservation District Enforcement Files OA-22-08 and OA-21-07, and delegate authority for the selection of the Hearing Officer to the Chairperson.*
2. Grant Petition for Contested Case Hearing filed on February 5, 2024 by Sunset Oasis LLC regarding Item K-2 on the January 12, 2024 Board Agenda, titled *Request for Administrative Fines and Other Penalties against Sunset Oasis LLC, including members William and Melinda Kernot, for the Conservation District*

*Enforcement Case OA 21-18 regarding the alleged permit noncompliance, construction of shoreline erosion control device, and encroachment upon State Land located makai of 59-151 A Ke Nui Road, Hale'iwa, Island of O'ahu, Hawai'i, Tax Map Key: (1) 5-9-002:005, and rescind Board's Prior Action of January 12, 2024, Item K-2, for alleged noncompliance, construction of shoreline erosion control device, and encroachment upon State land located makai of 59-151 Ke Nui Road, Hale'iwa, Hawai'i, O'ahu, and authorize appointment of a Hearing Officer to conduct all hearings for Contested Case OA-24-04 regarding Conservation District Enforcement File OA-22-18, and delegate authority for the selection of the Hearing Officer to the Chairperson.*

3. Conservation District Use Application (CDUA) OA-3943 by the State Department of Transportation for the Kamehameha Highway at Ka'a'awa Erosion Mitigation Project at Ka'a'awa Beach Park, makai of Kamehameha Highway; Ko'olauloa, O'ahu, seaward of Tax Map Key (TMK) parcel (1) 5-1-002:025
4. Amendments to Conservation District Enforcement Case OA 21-54 Regarding Noncompliance with the Board of Land and Natural Resources Findings in Conservation District Enforcement OA 05-50 for Dominis G Anderson Trustee of the Dominis G Anderson 2009 Trust Located at 3552 Pakui St., Palolo Hillside Lots, O'ahu, Tax Map Key: (1) 3-3-034:001

## **M. OTHERS**

1. Issuance of a Revocable Permit for Storing and Charging of Electric Vehicles, Beep, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 065 (Portion).
2. Issuance of a Revocable Permit for Aircraft Parking, Hawaii Pacific Aviation Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 23.
3. Issuance of a Revocable Permit for Vehicle Parking, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).
4. Issuance of a Revocable Permit for Storage and Parking of Shipping Containers and Vehicles, Hawaii Isle Transportation Services, Inc., dba Kona Trans, Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.
5. Issuance of a Revocable Permit for Shared Use of the Baggage Belt System, Alaska Airlines, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 135.
6. Issuance of a Revocable Permit for Three Vehicle Parking Spaces to Support Its Fixed-Base Operation, Signature Flight Support LLC, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.

7. Issuance of a Revocable Permit for Equipment Parking to Support Its Fixed-Base Operation, Signature Flight Support LLC, Lanai Airport, Tax Map Key: (2) 4-9-002: Portion of 041.
8. Issuance of a Revocable Permit for a Crew Rest Area and Equipment and Vehicle Parking for Fixed-Base Operation, Signature Flight Support LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 019.
9. Issuance of a Revocable Permit for Improved, Unpaved Land for a Fuel Facility and Improved, Paved Land for Ground Service Equipment and Refueler Truck Parking in Support of Fixed-Base Operations, Signature Flight Support LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 077 and Portion of 019.
10. Issuance of Revocable Permit for Offices, Maintenance Bay, Lounge, and Refueler Parking for Fixed-Base Operation, Signature Flight Support LLC, Kahului Airport, Tax Map Key: (2) 3-8-001:168 and (2) 3-8-001: Portion of 019.

#### **M-HAR (DOT HARBORS)**

1. Request for Authorization to issue an interim month-to-month Revocable Permit (RP) and the issuance of a new 35-year Lease by direct negotiation to Matson Terminals, Inc., for operations of electrical power equipment for refrigerated cargo containers, Pier 1, Kahului Harbor, island of Maui, Tax Map Key Nos (2) 3-7-010:006 (P) and (2) 3-7-010:027 (P), Governor's Executive Order Nos. 2057 and 2986.
2. Request for Authorization to issue an interim month-to-month Revocable Permit (RP) and the issuance of a new 35-year Lease by direct negotiation to Matson Terminals, Inc., for operation of electrical power equipment for refrigerated cargo containers, Pier 1, Nawiliwili Harbor, island of Kauai, Tax Map Key Nos. (4) 3-2-004:015 (P) and (4) 3-2-004:035 (P), Governor's Executive Order Nos. 1481 and 2205.

#### **M-HWY-RM (DOT HIGHWAYS)**

1. Authorize the State of Hawaii, Department of Transportation (HDOT) to convey to the Department of Land and Natural Resources (DLNR), through its Board of Land and Natural Resources (BLNR), Lot 5-A-1-A-2-B-3, Parcels 233B, and 234, Interstate Highway, Federal Aid Project No. I-H1-1(41), Halawa Interchange at Halawa, Ewa, Oahu, Hawai'i.
2. Authorization to convey subject properties, designated as Remnants E-6 Rev. 1 (Portion) and 22-A, East Molokai Road, Federal Aid Secondary Project No. 2-A(1), Kaunakakai-Kamalo, Molokai, Tax Map Key (TMK) No. (2) 5-4-02:Road (Portion), to Gerald Alderson by quitclaim deed, pending clarification.