

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
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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

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

Date: February 23, 2024

Time: 9:00 AM

Place: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st floor/ & Online via Zoom

Audio Link: <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240223.m4a>

MEMBERS

Dawn Chang
Vernon Char
Kaiwi Yoon
Karen Ono

Doreen Canto
Riley Smith
Aimee Barnes (Excused 00:00:00-03:48:26)

00:00:22 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

00:05:35
ITEM M-1 Issuance of a Revocable Permit for an Employee Breakroom, United States of America, Department of Homeland Security, Transportation Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 073: (Portion).

ITEM M-2 Amendment No. 1 to State Lease No. DOT-A-23-0010, U.S. General Services Administration on Behalf of The Department of Homeland Security Transportation Security Administration, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1- 003: Portion of 051.

ITEM M-3 Issuance of a Revocable Permit for The Shared Use of the Baggage System, United Airlines, Inc., Lihue Airport, Tax Map Key: (4) 4-3-001: Portion of 135.

ITEM M-4 Amend Prior Board Action of October 23, 2020, Agenda Item M-7, Approval for: 1) Acquisition of Private Lands; 2) Issuance of a Temporary Right-of-Entry Permit to the Department of Transportation for Management Purposes; and 3) Set Aside to The Department of Transportation for Addition to Lihue Airport at Hanamaulu, Lihue, Kauai, Tax Map Key: (4) 3-7-002:001 (Portion); and

Issuance of a Grant of a Perpetual, Non-Exclusive Easement and Temporary Right-of-Entry Permit to Visionary LLC, a Virginia Limited Liability Company, for Access Purposes at Hanamaulu, Lihue, Kauai, Tax Map Key: (4) 3-5-001: 158 (Portion).

The Purpose of this Amendment is to: 1) Delete the Request for Acquisition of Private Lands; 2) Revise the Lots Benefitted by the Easement from Lot 1 (Remainder Lot), Lot 4 and Lot 47, to Lots 1,2,3, and 5; 3) Add Utility Purposes to the Character of Use for the Easement; and 4) Amend the Area of the Easement to 3,367 Square Feet.

00:06:13 **Approve Staff Recommendations for**
MOTION Items M-1, M-2, M-3, M-4 (Yoon, Canto)

00:06:30 **PASSED**
VOTE 6-Unanimous (Chang, Char, Canto, Smith, Ono, Yoon);
1-Absent (Barnes)

00:07:07
ITEM M-HAR-1

Authorize the Issuance of a Month-to-Month Revocable Permit (RP) to the State of Hawaii, Department of Human Services (DHS) for Office Space, situated at Kahului Harbor, Island of Maui, Tax Map Key: (2) 3-7-010: Portion 036.-

00:08:55 **Approve Staff Recommendations (M-HAR-1)**
MOTION (Canto, Ono)

00:09:12 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

00:09:42
ITEM C-1

Request for Approval for the Use of a Request for Proposals for Mosquitoes for Incompatible Insect Technique (IIT) deployment on Kaua'i; and Request for Approval for a Delegation of Authority to the Chairperson to Award, Execute, and Extend Agreements with Successful Providers.

00:16:45 **Approve Staff Recommendations as submitted**
MOTION (Ono, Smith)

00:16:55 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

00:17:40
ITEM D-1

Issuance of Direct Lease to InSite Hawaii, LLC for Telecommunication Station and Telecommunication Tower Purposes, Humuula, North Hilo, Hawaii, Tax Map Key:(3) 3-9-002: 012.

00:57:58 **Defer Item**
MOTION (Smith, Yoon)

01:05:19 **PASSED**
VOTE 5–Ayes (Smith, Ono, Chang, Char, Canto), 1–Opposed
(Yoon); 1–Absent (Barnes)

01:05:50
ITEM D-2

A. After-the-Fact Consent to Assignment of General Lease No. S-3727, as follows:

- 1) From Amancio R. Nacapoy and Serafina N. Nacapoy, Assignors, to Amancio Ramiscal Nacapoy and Serafina Malacase Nacapoy, Trustees of the Amancio R. Nacapoy and Serafina M. Nacapoy Revocable Living Trust dated March 19, 1998, Assignees;
- 2) From Amancio R. Nacapoy and Serafina M. Nacapoy, Trustees of the Amancio R. Nacapoy and Serafina M. Nacapoy Revocable Living Trust dated March 19, 1998, Assignors, to Amancio R. Nacapoy and Serafina M. Nacapoy, husband and wife, and Gregory M. Nacapoy, Assignees;
- 3) From Amancio R. Nacapoy and Serafina M. Nacapoy, husband and wife, and Gregory M. Nacapoy, Assignors, to Gregory M. Nacapoy, Assignee;
- 4) From Gregory M. Nacapoy, Assignor, to Amancio R. Nacapoy, Assignee;
- 5) From Amancio Ramiscal Nacapoy, Assignor, to Amancio R. Nacapoy, as Trustee of the Amancio R. Nacapoy Trust dated June 4, 2012, Assignee; and
- 6) From Susan N. Osborn and Gregory M. Nacapoy, as Co-Trustees of the Amancio R. Nacapoy Trust Dated June 4, 2012, as Assignors, to Wenqiu Xie and Mingxia Lin, as Assignees;

B. Affirm the intent of the Board at its meeting of April 6, 1962, item F-19 that the subject easement inures to the benefit of the private property identified as Tax Map Key :(1) 1-3-021:006.

Kaluaopalena, Kalihi, Honolulu, Oahu, Tax Map Key: (1) 1-3-022:003 (Portion).

01:17:36 **Approve Staff Recommendations as submitted**
MOTION (Char, Yoon)

01:17:45 **PASSED**
VOTE 6–Unanimous; 1–Absent (Barnes)

01:18:02 BREAK

01:32:36
ITEM F-1

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Mr. James

Morioka, Papahānaumokuākea Marine Debris Project (PMDP) for Access to State Waters to Survey and Remove Marine Debris and Disentangle Marine Life as Needed within the Waters of the Northwestern Hawaiian Islands

01:57:50 **Approve Staff Recommendations as submitted**
MOTION (Yoon, Ono)

01:58: **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

01:58:17
ITEM J-1

Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Kama'aina Boaters regarding Item J-1 on the August 11, 2023 Board Agenda, titled: Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC for Management of Vehicular Parking at Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and
The Board may go into executive session pursuant to § 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.

ITEM J-2

Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Margaret Hallahan regarding Item J-1 on the August 11, 2023 Board Agenda, titled: Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, dba Concierge Car Wash and Traffic Monitoring Services, for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2- 3-037:012 (Portion), :024, :027, :033, :035 and :037; and
The Board may go into executive session pursuant to § 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.

ITEM J-3

Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Karen Boyer regarding Item J-1 on the August 11, 2023 Board Agenda, titled: Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, dba Concierge Car Wash and Traffic Monitoring Services, for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, , Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and
The Board may go into executive session pursuant to § 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.

02:40:45 **Executive Session**
MOTION (Yoon, Ono)

02:41:06 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:02:36 **Approve Staff Recommendations (J-1)**
MOTION (Yoon, Char)

03:03:00 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:03:10 **Approve Staff Recommendations (J-2)**
MOTION (Yoon, Char)

03:03:38 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:03:50 **Approve Staff Recommendations (J-3)**
MOTION (Yoon, Char)

03:04:33 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:05:43
ITEM J-4

Denial of Petition for Contested Case Hearing filed on December 18, 2023 by Kama’aina Boaters regarding Item J-7 on the December 7, 2023 Board Agenda, titled: Direct Issuance of a Parking Concession to Secure Parking Hawaii LLC, in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and The Board may go into executive session pursuant to § 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.

ITEM J-5

Denial of Petition for Contested Case Hearing filed on December 18, 2023 by Margaret Hallahan regarding Item J-7 on the December 7, 2023 Board Agenda, titled: Direct Issuance of a Parking Concession to Secure Parking Hawaii LLC, in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and The Board may go into executive session pursuant to § 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.

ITEM J-6 Denial of Petition for Contested Case Hearing filed on December 18, 2023 by Karen Boyer regarding Item J-7 on the December 7, 2023 Board Agenda, titled: Direct Issuance of a Parking Concession to Secure Parking Hawaii LLC, in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and The Board may go into executive session pursuant to § 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.

03:39:35 **Approve Staff Recommendations (J-4)**
MOTION (Yoon, Char)

03:40:00 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:40:10 **Approve Staff Recommendations (J-5)**
MOTION (Yoon, Char)

03:40:34 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:40:40 **Approve Staff Recommendations (J-6)**
MOTION (Yoon, Char)

03:46:39 **PASSED**
VOTE 6-Unanimous; 1–Absent (Barnes)

03:46:52
ITEM J-7

Issuance of Revocable Permit to Da So Fresh Express LLC for a Mobile Food Concession, Located at Honokohau Small Boat Harbor, Honokohau, Kailua-Kona, Island of Hawaii, Tax Map Key: (3) 7-4-008:003 (por.); and Declare the Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

03:48:26 *NOTE: Board Member Barnes Joins via Zoom*

03:49:35 **Approve Staff Recommendations (J-7)**
MOTION (Smith, Canto)

03:49:50 **PASSED**
VOTE 7-Unanimous

03:50:00
ITEM J-8

Cancellation of Revocable Permit No. 137 to Riddle Works LLC. Issuance of a New Revocable Permit to Riddle Works LLC for an ice machine, located at the Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por.); and
Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

03:52:10 **Approve Staff Recommendations (J-8)**
MOTION (Smith, Ono)

03:52:25 **PASSED**
VOTE 7-Unanimous

03:53:36
ITEM J-9

Cancellation of Revocable Permit No. 39 to HBM, LLC, Permittee; Request for Waiver of Requirement for Conducting Phase I Environmental Site Assessment upon Cancellation of Revocable Permit No. 39; Reissuance of Revocable Permit to HBM for Equipment Storage and the Mooring of a Vessel Purposes, Situated at Ala Wai Small Boat Harbor, Kalia, Honolulu, Island of Oahu, Tax Map Key: (1) 2-3-037:020 (por.); and
Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

03:55:35 **Approve Staff Recommendations (J-9)**
MOTION (Char, Ono)

03:54:49 **PASSED**
VOTE 7-Unanimous

03:54:59
ITEM J-10

Consent to Sublease Under Harbor Lease No. H-70-14, Keehi Marine, Inc. ("Keehi Marine"), Lessee, To: Steven Shoda, an Individual, Sublessee, Ke'ehi Small Boat Harbor, Kalihi-Kai, Honolulu, Hawaii, Tax Map Key: (1) 1-2-023:030.

03:58:47 **Approve Staff Recommendations (J-10)**
MOTION (Char, Ono)

03:59:00 **PASSED**
VOTE 7-Unanimous

03:59:17 There being no further business, Chair Chang adjourned the meeting.

Respectfully Submitted:

Athena K. Iokepa
Athena K Iokepa
Acting Land Board Secretary

Approved for Submittal:

Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources

DRAFT