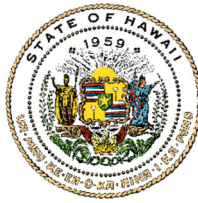


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE



**APPROVED AT ITS
BOARD MEETING
HELD ON
MAY 24, 2024**

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

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
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**

Audio Link: <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240322-A.mp3>

Date: March 22, 2024

Time: 9:00 AM

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

MEMBERS

Dawn Chang	Doreen Canto
Vernon Char	Riley Smith
Kaiwi Yoon	Karen Ono
Aimee Barnes (Excused)	

- 00:00:32** Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.
- 00:05:52**
ITEM M-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).
- ITEM M-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.
- ITEM M-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).
- ITEM M-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.
- ITEM M-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.

- ITEM M-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.
- ITEM M-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.
- ITEM M-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.
- ITEM M-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.
- ITEM M-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.

00:06:44 **Approve Staff Recommendation as Submitted for**
MOTION Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9, M-10
(Yoon, Canto)

00:07:24 **PASSED**
VOTE 6-Unanimous (Chang, Char, Canto, Yoon, Ono, Smith); 1-Absent
(Barnes)

00:07:37

ITEM M-HAR-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.

ITEM M-HAR-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.

00:08:02 **Approve Staff Recommendation as Submitted for**
MOTION Items M-HAR-1, M-HAR-2 (Yoon, Canto)

00:08:26 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

00:09:17

ITEM M-HWY-RM-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.

00:32:39 **Approve Staff Recommendation as Submitted**
MOTION (Char, Canto)

00:32:51 **PASSED**
VOTE 5-Ayes (Smith, Ono, Char, Chang, Canto); 1-Opposed (Yoon);
1-Absent (Barnes)

00:33:15

ITEM M-HWY-RM-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.

00:36:55 **Approve Staff Recommendation as Amended**
MOTION (Canto, Ono)

00:37:02 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

NOTE: Member Yoon Steps Out

00:37:15

ITEM D-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.

00:38:14 **Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

00:38:25 **PASSED**
VOTE 5-Unanimous; 2-Absent (Barnes, Yoon)

00:38:39

ITEM D-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

00:40:18 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

00:40:29 **PASSED**
VOTE 5-Unanimous; 2-Absent (Barnes, Yoon)

NOTE: Member Yoon Returns

00:40:40

ITEM D-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.

01:00:03 **Approve Staff Recommendation a Submitted**
MOTION (Char, Yoon)

01:00:07 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

01:00:24

ITEM B-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.

01:12:00 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

01:12:05 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

01:12:30
ITEM K-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

01:49:49 **Approve Staff Recommendation as Submitted**
MOTION (Char, Yoon)

01:50:01 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

01:50:16 **BREAK**

01:59:55
ITEM J-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.

02:38:04 **Approve Staff Recommendation as Amended**
MOTION (Ono, Canto)

02:38:20 **PASSED**
VOTE 5-Ayes (Chang, Char, Canto, Ono, Smith); 1-Abstain (Char);
1-Absent (Barnes)

02:38:55
ITEM J-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.

03:06:30 **Defer**
MOTION (Char, Yoon)

03:06:55 **PASSED**
VOTE 4-Ayes (Chang, Char, Canto, Yoon); 2-Opposed (Ono, Smith);
 1-Absent (Barnes)

03:10:14
ITEM J-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.

03:15:44 **Approve as Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

03:15:55 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

03:16:10 BREAK

04:01:18
ITEM K-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.*

04:03:18 **Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

04:03:25 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

04:03:35
ITEM K-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 Max 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.

04:05:00 **Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

04:05:17 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

04:05:30
ITEM K-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

NOTE: Chair Chang Recuses Herself and Steps Out.

05:20:44 **Defer**
MOTION (Yoon, Smith)

05:25:48 **PASSED**
VOTE 4-Ayes (Yoon, Char, Ono, Smith); 1-Opposed (Canto);
 2-Absent (Barnes, Chang)

05:26:10 **BREAK**

NOTE: Chair Chang Returns

05:30:24
ITEM F-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.

05:34:49 **Approve Staff Recommendation as Submitted**
MOTION (Canto Ono)

05:34:55 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

05:35:12
ITEM F-2

Non-Action Item

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.

06:13:07 There being no further business, Chair Chang adjourned the meeting.

Respectfully Submitted:


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