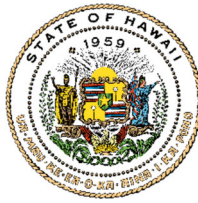


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE



**APPROVED AT ITS
BOARD MEETING
HELD ON
JUNE 14, 2024**

RW

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 HAWAII | KA MOKU'ĀINA 'O HAWAII
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-230922.m4a>

Date: September 22, 2023

Time: 9:00 AM

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

MEMBERS

Dawn Chang
Vernon Char
Kaiwi Yoon (Excused 6:57:33-End)
Aimee Barnes (Excused 6:20:31-End)
Doreen Canto
Riley Smith
Karen Ono

00:02:18 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

NOTE: ITEM J-3 was withdrawn

00:07:30
ITEM A-1 Approval of the Summary Minutes of the May 12, 2023, meeting.

00:07:41 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

00:08:01 **PASSED**
VOTE 6-Ayes (Smith, Barnes, Char, Chang, Yoon, Canto); 1-Abstain (Ono)

00:08:45
ITEM M-1 Issuance of a Facilities Lease by Direct Negotiation for Administrative Offices, United States General Services Administration on Behalf of the United States Department of Agriculture, Mauka Extension, Terminal 1, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-2 Issuance of a Revocable Permit for Vehicle Parking and Construction Laydown Areas in the Mauka Concourse as Part of Its Signatory Airline Operations,

ITEM A-2

Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 073.

- ITEM M-3** Issuance of a Land Lease for Aeronautical or Airport-Related Purposes by Notice of Public Auction, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 002.
- ITEM M-4** Issuance of a Revocable Permit for Airline Offices, Training Rooms, Storage and Employee Break Rooms, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 065.
- ITEM M-5** Issuance of a Revocable Permit for Operational Offices to Perform Security/Safety and Law Enforcement Services, Universal Protection Service, LP dba Allied Universal Security Services, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 055, (1) 1-1-003: Portion of 053 and (1) 1-1-003: Portion 073.
- ITEM M-6** Issuance of a Revocable Permit for a Helicopter Operational Area and Parking for Helicopter Tour Operation, K & S Helicopters, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-7** Issuance of a Lease for the Maintenance and Operation of an Air Traffic Control Tower, United States of America, Acting By and Through the Federal Aviation Administration, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 008.
- ITEM M-14** Intentionally Left Blank
- ITEM M-15** Issuance of a Revocable Permit for use of a T-Hangar for Storage and Maintenance of a Private Aircraft, FMY, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.
- ITEM M-16** Issuance of a Revocable Permit for an Office, Storage Space and Vehicle Parking, JBT Aerotech Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 050.
- ITEM M-17** Issuance of a Revocable Permit for Warehouse, Parts Storage and Vehicle Parking, JBT Aerotech Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001.
- ITEM M-18** Issuance of a Revocable Permit for Staging of Equipment and Trucks, United Parcel Service, Inc., Daniel K. Inouye International Airport, Tax Map Keys: (1) 1-1-004: 015 and (1) 1-1-004: 017.
- ITEM M-19** Issuance of a Lease for the Maintenance and Operation of an Air Traffic Control Tower, United States of America, Acting by and Through the Federal Aviation Administration, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 116 and 117.

- ITEM M-20** Issuance of a Revocable Permit for Ramp Spaces for Ground Service Equipment Parking, American Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.
- ITEM M-21** Issuance of a Revocable Permit for Aircraft Parking, Jonathan D. Real, Waimea Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 008.
- ITEM M-22** Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage of Aircraft and a Maintenance Hangar for Commercial Helicopter Tour Operations, Hawaii Helicopters, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 195.
- ITEM M-23** Issuance of a Revocable Permit for Customer Service Counters and Storage for Air Cargo and On-Demand Air Charter Operations, Kamaka Air LLC, Kapalua Airport, Tax Map Key: (2) 4-3-001: Portion of 073.

00:11:17 **Accept Staff Recommendation as Submitted for**
MOTION Items M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-15, M-16, M-17, M-18, M-19, M-20, M-21, M-22, M-23 (Canto/Smith)

00:11:30 **PASSED**
VOTE 7-Unanimous

00:11:40

ITEM M-8 Authorization to Issue Four Month-to-Month Revocable Permits to Young Brothers, LLC, for an Office Trailer, Break Room, Spill Response Container, and Container Station, situated at Kaunakakai Harbor, Island of Molokai, Tax Map Key Nos.: (2) 5-3-001: Portion of 011 and (2) 5-3-001: Portion of 108, Governor's Executive Order No. 1673.

ITEM M-10 Request for Authorization to Issue Two Month-to-Month Revocable Permits to Honolulu Fishing and Supply LLC, for Warehouse Space, Equipment Storage and a Workshop, adjacent to Pier 31, Honolulu Harbor, Island of Oahu, Tax Map Key Nos.: (1) 1-5-035: Portion 016, (1) 1-5-035: Portion of 024 and (1) 1-5-035: Portion of 033, Governor's Executive Order No. 4137.

ITEM M-11 Request for Authorization to Issue a Month-to-Month Revocable Permit (RP) to National Response Corporation (NRC), for the Storage of Oil Spill Response Gear, Storage of Support Gear and Parking, for its NRC SENTRY Moored nearby in Kalaeloa Barbers Point Harbor, situated at Pier 4, Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Key No.: (1) 9 1-014: Portion of 024, Governor's Executive Order No. 3383.

ITEM M-12 Request for Authorization to Issue a Month-to-Month Revocable Permit (RP) to Pacific Environmental Corporation, for Container Storage of Spill Response Gear for Emergency Pollution Response and Environmental Remediation,

situated at Pier 4, Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Key: (1) 9-1-014:Portion of 024, Governor's Executive Order No. 3383.

ITEM M-13 Issuance of 15 Month-to-Month Revocable Permits (RP) to Young Brothers, LLC, for a Container Check-in Facility, Break Room, Clerk Trailer, Guard Shack, Electrical Conduits and Transformers, Office Trailer, Various Storage Areas, Area for Fueling, First Aid Station, and Coning Station, situated at Pier 2, Kawaihae Harbor, Island of Hawaii, Tax Map Keys: (3) 6-1-003: Portion of 023 and (3) 6-003: Portion of 036, Governor's Executive Order Nos. 1988 and 1862.

00:46:25 **Accept Staff Recommendation as Submitted for**
MOTION **Items M-8, M-10 M-11, M-12, M-13** (Canto/Smith)

00:46:48 **PASSED**
VOTE Unanimous

ITEM M-9 Authorize a One-Year Holdover of Harbor Lease No. H-94-1 and Issuance of a new 55-Year Lease by Direct Negotiation to The Gas Company, LLC, for a Non-Exclusive Subsurface Pipeline Easement, Four Cathodic Beds, and a Valve Box for the Storage and Distribution of Liquefied Petroleum Gas and Propane, situated at Pier 3, Nawiliwili Harbor, Island of Kauai, Tax Map Key Nos. (4) 3-2-003: Portion of 041,(4) 3-2-003:Portion of 001, (4) 3 2-003: Portion of 007, and (4) 3-2-003: Potion of 051,Governor's Executive Order Nos. 3134, 1332, and 3411.

00:47:47 **Accept Staff Recommendation as Amended for**
MOTION **Item M-9** (Barnes, Ono)

00:48:32 **PASSED**
VOTE Unanimous

00:49:25
ITEM J-1

Consent to the Assignment of a 50% Interest in Boating Lease No. LH-19-002 Held by One (International and Pacific Enterprises, LLC) of the Two Members of Lessee Pacific Marine Partners LLC, to Its Other 50% Member (Jonas Ikaika Solliday), Situated at Honokohau Small Boat Harbor, North Kona, Island of Hawaii, Hawaii, Tax Map Key: (3) 7-4-008:003 (Por).

02:36:20 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Canto)

02:36:44 **PASSED**
VOTE 5-Ayes (Chang, Canto, Char, Smith, Yoon); 2-Abstain (Barnes, Yoon)

NOTE: Contested Case requested by Applicant.

02:40:30

ITEM D-1

Cancellation of General Lease 4023 to the Kauai Food Bank, Inc., dba Kauai Independent Food Bank, and Issuance of Direct Lease to The Kauai Food Bank, Inc. dba Kauai Independent Food Bank, for Business Purposes; Request to Consent to Sublease to (i) Sutada Hesse, dba Hesse Flooring, and (ii) Eyes Wide Open Productions LLC, Lihue, Kauai, Tax Map Key: (4) 3-2-004:001.

03:00:55 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

03:01:02 **PASSED**
VOTE 6-Ayes (Chang, Canto, Yoon, Barnes, Ono, Smith); 1-Nay (Char)

03:01:16

ITEM D-2

Issuance of Direct Lease to Hawaii Foodbank, Inc. for Administrative Office and Warehouse for Receiving and Distributing of Food Products Purposes; Waikele, Ewa, Oahu, TMK (1) 9-4-166:001, 002, 003, 024, 025, and 026.

03:11:20 **Approve Staff Recommendation as Submitted**
MOTION (Char, Yoon)

03:11:33 **PASSED**
VOTE 7-Unanimous

03:11:39

ITEM D-3

Grant of Term, Non-Exclusive Easement, Immediate Right of Entry, and Revocable Permit to Marisa and Graham Chelius for Shoreline Protection Structure on State Lands at Kikiaola, Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2 013: seaward of 031, or Alternatively, Requirement of Immediate Removal of Shoreline Protection Structure and Grant of Immediate Right-of-Entry for Removal Purposes

03:57:15 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

03:59:40 **PASSED**
VOTE 5-Ayes (Chang, Char, Ono, Smith, Canto); 2-Opposed (Barnes, Yoon)

04:40:28

ITEM D-14

Amend Prior Chairperson approval dated November 22, 2022 Regarding Issuance of Right-of-Entry to Joshua H. VanEmmerik for Removal of Shoreline Erosion Control Structure, Pupukea, Koolauloa, Oahu, Tax Map Key: (1) 5-9-002: seaward of 002 and 003.

06:12:00 **Approve Staff Recommendation as Amended**
MOTION (Char, Yoon)

06:14:48 **PASSED**
VOTE 7-Unanimous

NOTE: Member Barnes Departs the Meeting

06:20:31
ITEM D-4

Approval of a Development Agreement for a 25-Year Extension of Lease Term, General Lease No. S-4201, Jennifer Frank, Successor Trustee of the Stephen Harold Frank Living Trust dated March 27, 2014, also known as Stephen Harold Frank Revocable Trust (Frank Trust), Lessee; Authorize the Chairperson to Approve and Execute a Lease Extension for General Lease No. S-4201, Frank Trust, Lessee, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-058:033.

06:24:02 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

06:24:20 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:24:26
ITEM D-5

Authorize Chairperson to Negotiate, Approve and Execute a Memorandum of Agreement Between the Department of Land and Natural Resources and the Department of Agriculture Regarding the Management of Statewide Ocean Leases Issued under Chapters 171 and 190D, Hawaii Revised Statutes, and Transfer of Revenues, Less Management Expenses, to the Aquaculture Development Program Managed by the Department of Agriculture.

06:25:33 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

06:26:02 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:15:29
ITEM D-6

Cancellation of Revocable Permit No. S-7919, Kimi Hotels, Inc., Permittee, with Issuance of New Revocable Permit to SCP Hilo, LLC for Parking Lot Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-006:078 & 085.

06:19:12 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Char)

02:40:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:26:21

ITEM D-7

(1) Cancellation of Revocable Permit No. 7643 to Savio KC Operating Company LLC; (2) Issuance of Revocable Permit for Parking Purposes and Right-of-Entry Permit to Lance Keawe Wilhelm, Elliot K. Mills, Robert K.W. H. Nobriga, Crystal Kauilani Rose, and Jennifer Noelani Goodyear-Ka'ōpua, as Trustees of the Estate of Bernice Pauahi Bishop (KSBE); (3) Sale of Remnant to KSBE; Honolulu, Oahu, Tax Map Key: (1) 23-018:045.

06:30:04 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Ono)

06:30:14 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:30:17

ITEM D-8

Issuance of Revocable Permit to Bill DeCosta for Intensive Agriculture Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-9-012:005 and 037

06:31:51 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Char)

06:32:02 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:32:10

ITEM D-9

Amend Prior Board Action of August 11, 2023, Item D-1, Annual Renewal of Revocable Permits for Kauai, and Termination of Revocable Permit No. S-7833, Lorrin J. Aiwohi, Permittee, Kapaa Homesteads, First Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-006:028 & 029

06:33:10 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Char)

06:33:20 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:33:28

ITEM D-10

Issuance of Land Patent in Confirmation of Land Commission Award No. 5785 to Keakualaaumoku, situate at Keahou 2, District of North Kona, Island and County of Hawaii, Tax Map Key: (3) 7-8-019-025.

06:34:12 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Char)

06:34:23 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:34:24

ITEM D-11 Annual Renewal of Revocable Permits for Hawaii. See Exhibit 2 for list of Revocable Permits.

06:42:09 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

06:42:15 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:43:04

ITEM D-12 Amend Prior Board Action of November 12, 2021, agenda item D-11; Withdrawal from Governor's Executive Order No. 4215; Issuance of Perpetual Non-Exclusive Access and Utility Easements and Right-of-Entry Permit to City and County of Honolulu, Board of Water Supply; Waimanalo, Koolaupoko, Oahu, Tax Map Key:(1) 4-1-008: portions of 103.

06:43:56 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Canto)

06:44:02 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:44:14

ITEM D-13 (1) Consent to Assign General Lease of Easement No. S-5175, (a) Shoji Kitami, Assignor to Masahiro Kitami, Assignee; (b) Masahiro Kitami, Assignor, to Lukasz John Maj and Mary Liu Lan, Assignees; (2) Amend the Easement Conditions regarding Consent to Assignment and Insurance Provision; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-001: 011seaward.

06:46:49 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Ono)

06:46:59 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:48:34

ITEM D-9 **Reopened**
Amend Prior Board Action of August 11, 2023, Item D-1, Annual Renewal of Revocable Permits for Kauai, and Termination of Revocable Permit No. S-7833, Lorrin J. Aiwohi, Permittee, Kapaa Homesteads, First Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-006:028 & 029

06:55:00 **Reconsider**
MOTION (Ono, Smith)

06:55:12 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

06:56:05 **Reinstate RP S-7388 to Lorrin Aiwohi based upon new information.**

MOTION (Ono, Smith)

06:56:25 **PASSED**

VOTE 6-Unanimous; 1-Absent (Barnes)

NOTE: Member Yoon Departs from Meeting

06:57:22

ITEM C-1

Request to approve location and course of the public trail to Ho'olawa Landing, Maui, identified on registered Map 862, Mamakualoa District, Maui, to ensure continued public access; and

Request approval of Declaration of Exemption from Chapter 343, HRS environmental compliance requirements for the project.

7:42:36 **Approved Staff Recommendation as Submitted**

MOTION (Canto, Smith)

07:51:00 **PASSED**

VOTE 5-Unanimous; 2-Absent (Barnes, Yoon)

07:51:20

ITEM J-2

Non-action Item

Informational Briefing on DOBOR's Non-Profit Rent Policy for 501(c)(1) and 501(c)(3) Organizations.

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