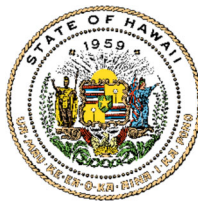


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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(1): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-231013-1.m4a>

Audio Link(2): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-231013-2.m4a>

Audio Link(3): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-231013-3.m4a>

Date: October 13, 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 (2)03:45:43-End)

Aimee Barnes

Doreen Canto

Riley Smith

Karen Ono

(1)00:01:20 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1)00:05:25

ITEM A-1 Approval of the Summary Minutes of the May 26, 2023, meeting.

(1)00:05:36 Approve Summary Minutes as Submitted

MOTION (Yoon, Canto)

(1)00:05:50 PASSED

VOTE 7-Unanimous (Smith, Barnes, Ono, Chang, Canto, Char, Yoon)

(1)00:06:24

ITEM M-1

Issuance of a Revocable Permit for use of a T-Hangar for Storage and Maintenance of a Private Aircraft, George K. Hanzawa, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 020.

ITEM M-2

Issuance of a Revocable Permit for Office Space to Support Airline Contract Service Operations, U.S. Aviation Services Corp., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 033.

ITEM A-3

- ITEM M-3** Issuance of a Revocable Permit for Cargo Spaces for Equipment Storage and Freight Processing, United Parcel Service, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-4** Issuance of a Revocable Permit for Land for Staging Ground Service Equipment, United Parcel Service, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-5** Issuance of a Revocable Permit for Ramp Space to Install Modular Office Units for Signatory Airline Operations, Southwest Airlines Co., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
- ITEM M-6** Issuance of a Revocable Permit for Commercial Use of Two T-Hangars for Storage of Aircraft and a Maintenance Hangar to support an Air Charter and Tour Operation, Pacific Air Charters, Incorporated, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 020 and (1) 1-1-076: Portion of 022.

(1)00:07:20 **Accept Staff Recommendation as Submitted for**
MOTION Items M-1, M-2, M-3, M-4, M-5, M-6 (Ono, Smith)

(1)00:07:30 **PASSED**
VOTE 7-Unanimous

- ITEM M-7** Request for Authorization to Issue a Month-to-Month Revocable Permit (RP) to Healy Tibbits Builders, Inc., for Storage of Marine Construction, Dredging and Marine Transportation Equipment, situated at Pier 12, Honolulu Harbor, Island of Oahu, Tax Map Keys: (1) 2-1-001: Portion of 055, and (1) 2-1-001: Portion of 056, Governor's Executive Order No. 3542.

(1)00:08:28 **Accept Staff Recommendation as Submitted for**
MOTION Item M-7 (Ono, Smith)

(1)00:08:37 **PASSED**
VOTE 7-Unanimous

- ITEM M-8** Issue a Use Permit to the United States Postal Service (USPS) Waialae-Kahala Branch for the use of a portion (15-parking stalls) of the State of Hawaii Department of Defense paved parking lot, located at the at the intersection of Diamond Head

(1)00:09:28 **Accept Staff Recommendation as Submitted for**
MOTION Item M-8 (Canto, Ono)

(1)00:09:38 **PASSED**
VOTE 7-Unanimous

(1)00:09:48

ITEM F-1 Request for Authorization and Approval to Issue a Special Activity Permit (SAP 2024-60) for David McInroy of the British Geological Survey, Principal Marine Geoscientist, for the Collection of Fossilized Reef Cores from Submerged Lands in State Waters off of Hawaii Island, for the Purposes of Climate Research.

(1)00:56:25 **Deny Staff Recommendation as Submitted**
MOTION (Smith, Yoon)

(1)00:59:23 **PASSED**
VOTE 6-Ayes (Smith, Chang, Canto, Ono, Yoon, Barnes), 1-Abstain (Char)

(1)01:02:36

ITEM L-1 Authorize the Approval and Issuance of Dam Safety Permit P90 to Remove the Hawi No. 5 Reservoir (HA-0051), North Kohala, Hawaii, TMK (3) 5-5-007:005 & 5-5-007:010

(1)01:15:20 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(1)01:15:36 **PASSED**
VOTE 7-Unanimous

(1)01:15:39

ITEM L-2 Deny Dole Food Company's Request for Suspension of Remediation Timelines and Fines for the Wahiawa Dam (OA-0017), Helemano 6 Dam (OA-0023) and Kemoo 5 Dam (OA-0021) and Authorize a Variance to Allow a Partial Payment of the Dam Safety Permit Application Fee, Wahiawa, Oahu. Tax Map Keys 7-1-012:014, 7-3-013:003, 7-3-012:002, 7-3-007:001

(1)02:47:48 **Approve Staff Recommendation as Submitted**
MOTION (Char, Yoon)

(1)02:47:59 **PASSED**
VOTE 7-Unanimous

(1)02:48:25

ITEM D-2 Consent to Sublease General Lease No. S-3599, Central Supply, Inc. Lessee, to Top Notch Automotive, Inc., Sublessee; Lot 22 Kanoelehua Industrial Lots, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-050:090.

(1)03:10:35 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(1)03:10:43 **PASSED**
VOTE 7-Unanimous

(1)03:10:49

ITEM D-3

Consent to Sublease General Lease No. S-4443, I. Kitagawa & Co., Ltd Lessee, to Ohana Housing & Development, Inc. and Research Corporation of the University of Hawaii, Sublessees, Waiakea House Lot Extension, Hilo, Hawaii, Tax Map Key: (3) 2- 2-058:001.

(1)03:20:25 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(1)03:20:41 **PASSED**
VOTE 7-Unanimous

(1)03:20:48

ITEM D-4

Set Aside to the County of Hawaii for Affordable Housing and Issuance of an Immediate Management Right-of-Entry Permit to the County of Hawaii for Unencumbered State Lands Located at Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-4-20:005,006,054, (3) 2-4-033:018; at Piihonua, South Hilo, Hawaii, (3) 2-5- 010:001 Portion; at Ponahawai, South Hilo, Hawaii, (3) 2-5-027:015 and at Ooma 1st, North Kona, Hawaii, Tax Map Keys: (3) 7-3-010:056 and (3) 7-3-010:061 portions.

(1)03:26:32 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Yoon)

(1)03:34:59 **PASSED**
VOTE 5-Ayes (Chang, Smith, Char, Ono, Canto) 2-Nays (Yoon, Barnes)

(1)03:35:16

ITEM D-5

Renewal of Revocable Permits in Maui County. See Exhibit 2 for list of Revocable Permits.

(2)00:00:25 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

(2)00:00:31 **PASSED**
VOTE 7-Unanimous

(2)00:00:57

ITEM D-7

Issuance of a Right-of-Entry Permit to the United States through its Army Corps of Engineers, Honolulu District, Department of the Army, to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of Oahu and Hawaii. See Exhibit 2 for List of Subject Properties.

(2) 00:01:05 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(2) 00:01:11 **PASSED**
VOTE 7-Unanimous

(2)00:16:34
ITEM D-8

Amend prior Board Action of September 11, 2020, Item D-7, Grant of Term, Non-Exclusive Easements to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Lands and under the Direct Management of the Department of Land and Natural

Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following locations:

Keehi Small Boat Harbor, Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-2-025:113 por.; and Ala Wai Small Boat Harbor, Kalia, Waikiki, Honolulu, Oahu, Tax Map Key: (1)2-3-037:012 pors.

Authorize Negotiation and Issuance of Master License Agreement and Site License Agreement to New Cingular Wireless PCS, LLC for the Installation, Operation and Maintenance of Small Cell Wireless Facilities on Land and Improvements under the Direct Management of the Department of Land and Natural Resources; Grant of Term, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Electrical Transmission and Telecommunications Transmission Purposes, Respectively, at the following location: Diamond Head State Monument, Kapahulu, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 3-1-042:006 por.

The purposes of the amendment are to: (1) Delete the Approval of an Easement for the Small Cell Wireless Facility (SCWF) at Keehi Small Boat Harbor; (2) Delete the Approval of an Easement for one of the two Locations at Ala Wai Small Boat Harbor; (3) Authorize a Change in the Specifications of what was Originally proposed as a Small Cell Site for the Diamond Head State Monument (DHSM) Location to a Facility larger than 6 cubic feet on a utility pole; (4) Correct information presented in the prior Board action as to the Ownership of the DHSM Utility Pole and Require Applicant to Secure Written Consent of Hawaiian Electric Company, Inc. (HECO) to Install its Equipment on the pole; and (5) Change the Approved Land Disposition Type from a Master License Agreement and Site License to Non-Exclusive Utility Easement for the Installation of the Facility on HECO's pole in DHSM.

(2)00:22:32 **Approve Staff Recommendation as Amended**
MOTION (Char, Ono)

(2)00:22:39 **PASSED**
VOTE 7-Unanimous

(2)00:35:50
ITEM D-9

Extinguishment of Portions of Drainage Easement Encumbering Lands Owned by: 1) Eddie Kenji Teruya and Kathleen Michiko Teruya, Trustees of the Teruya Family Trust, dated September 17, 2021 and 2) Phu-Thien Nguyen Tran and Thao Thuy Nguyen, over Private Properties located in Makiki, Honolulu, Oahu, Tax Map Key: (1) 2-4-023:Portions of 051 and 085

(2)00:42:45 **Approve Staff Recommendation as Submitted**
MOTION (Char, Yoon)

(2)00:43:08 **PASSED**
VOTE 7-Unanimous

(2)00:43:46
ITEM D-10

Issuance of Right-of-Entry Permit to Hilton Hawaiian Village, LLC for Sand Placement Project, Waikiki, Honolulu, Oahu, Identified as Tax Map Key: (1) 2-3-037: portion of 021.

(2)01:37:09 **Deny Staff Recommendation as Submitted**
Motion (Yoon, Ono)

(2)01:37:20 **PASSED**
VOTE 5-Ayes (Chang, Ono, Yoon, Canto, Barnes); 1-Oppose (Smith);
1-Abstain (Char)

(2)01:38:36
Item D-11

Quitclaim of State's Interests, if Any, in Portions of Forest Ridge Way as Remnants to the City and County of Honolulu; Makiki, Honolulu, Oahu; TMK: (1) 2-5-015:023 and portions of Forest Ridge Way

(2)01:48:56 **Approve Staff Recommendation as Amended**
MOTION (Char, Canto)

(2)01:49:27 **PASSED**
VOTE 7-Unanimous

(2)01:50:25
Item D-12

Request for Set Aside to the City and County of Honolulu, Board of Water Supply for Water Tank Purposes; Grant of Perpetual, Non-Exclusive Easement for Access and Utility Purposes; Issuance of Immediate Construction and Management Right of-Entry Permit; Honouliuli, Ewa, Oahu, Tax Map Key (1) 9-1-018: portions of 008.

(2)01:56:57 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Ono)

(2)01:57:10 **PASSED**
VOTE 7-Unanimous

ITEM D-13 Deferred

(2)01:57:18

ITEM D-14 Grant of Term, Non-Exclusive Easement to HTH DH Ventures, LLC for Steps at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 3-1-039: seaward of 065.

(2)02:07:28 **Approve Staff Recommendation as Submitted**
Motion (Char, Ono)

(2)02:08:06 **PASSED**
VOTE 5-Ayes (Ono, Yoon, Canto, Char, Smith); 1-Oppose (Barnes)
1-Abstain (Chang)

(2)02:14:52 Non-action Item

ITEM D-1 Report Relating to Rental Reopening of the Kikala-Keokea Subdivision, Kikala and Keokea, Puna, Hawaii; TMKs: (3) 1-2-07: Various

(2)03:04:21 Non-action Item

ITEM D-6 Update Regarding the Disposition of Water License for Water Use from East Maui on the Island of Maui.

NOTE: Member Yoon Departs from Meeting

(2)03:45:43

ITEM K-1 Request for Administrative Fines and Other Penalties Against 59-181 Ke-Nui LLC, including members Eric and Moniza Freeman, for Conservation District Enforcement Case OA 22-18 Regarding the Alleged Permit Noncompliance, Construction of Shoreline Erosion Control Device, and Encroachment Upon State Land Located Makai of 59-181 D Ke Nui Rd., Tax Map Key: (1) 5-9-002:034

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.

(3)00:02:32 **Defer**
MOTION (Char, Canto)

(3)00:07:12 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(3)00:07:33

ITEM C-1

Request approval of Final Environmental Assessment and Authorization for the Chairperson to issue a Finding of No Significant Impact for the “use of Wolbachia-Based Incompatible Insect technique for the suppression of non-native southern house mosquito populations on Kauai”.

(3)00:53:40 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Char)

(3)00:54.50 **PASSED**
VOTE 6-Unanimous (Canto w/ Reservation); 1-Absent (Yoon)

NOTE: Contest Case Requested by Tina Lia

(3)00:56:14 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