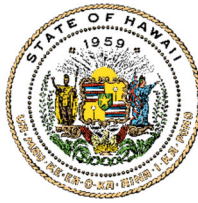


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**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-231027-1.m4a>

Audio Link (2): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-231027-2.m4a>

Audio Link (3): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-231027-3.m4a>

Date: October 27, 2023

Time: 9:00 AM

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

MEMBERS

Dawn Chang

Riley Smith

Karen Ono

Aimee Barnes

Doreen Canto

Vernon Char (Excused (3)00:27:00 to End)

Kaiwi Yoon (Excused)

(1)00:07:04 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1)00:11:15

ITEM M-1

Issuance of a Revocable Permit for use of a Non-Exclusive Enclosed Walkway to Access Crew Member Facilities, Hawaiian Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 228 (Portion)

(1)00:11:52 **Accept Staff Recommendation as Submitted for**
MOTION Item M-1 (Barnes, Smith)

(1)00:12:05 **PASSED**
VOTE 6-Unanimous (Barnes, Canto, Chang, Char, Ono, Smith);
1-Absent (Yoon)

(1)00:12:25

ITEM M-2

Request for Authorization to Issue Three (3) Month-to-Month Revocable Permits (RP) to Petrospect Inc., for container Storage of Petroleum Product Inspection Equipment, Storage of equipment and Office Space, situated at Pier 21, Honolulu, Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 007 and (1) 1-5-039: Portion of 035, Governor's Executive Order No. 2903.

ITEM A-4

ITEM M-3 Request for Authorization to Issue a Month-to-Month Revocable Permit to Matson Terminals, Inc., for Storage of Stationary Crane, situated at Pier 6, Kalaeloa Barbers Point Harbor (KBPH), Island of Oahu, Tax Map Key: (1) 9-1-014: Portion of 024, Governor's Executive Order No. 3383.

ITEM M-4 Request for Authorization to Issue a Month-to-Month Revocable (RP) to Healy Tibbitts Builders, Inc., for a Storage Yard for Marine Construction Equipment, Materials, Supplies, Trade Fixtures and Other Items Accessory to Marine Construction Business, situated at Pier 9. Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Keys: (1) 9-1-014: Portion of 024 and (1) 9-1-014: Portion of 037, Governor's Executive Order No. 3383.

(1)00:13:45 **Accept Staff Recommendation as Submitted for**
MOTION Items M-2, M-3, M-4 (Canto, Barnes)

(1)00:14:00 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(1)00:14:30

ITEM M-5 Request for Authorization to Issue an Interim Month-to-Month Revocable Permit (RP) and Issue 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, Hilo Harbor, Island of Hawaii, Tax Map Key: (3) 2-1-009: Portion of 007, Governor's Executive Order No. 3962.

(1)00:14:45 **Accept Staff Recommendation as Submitted for**
MOTION Item M-5 (Smith, Canto)

(1)00:14:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(1)00:15:05

ITEM M-6 Moved to Later in the Meeting

(1)00:20:55

ITEM L-1 Request Authorization for the Chairperson to Set New Schedules and Make a Finding of Violation Sufficient to Support Specified Fines and Issue Fines on the Owner if Deadlines are Missed for the Removal or Rehabilitation of the Ukumehame Reservoirs (MA-0140), Waikapu, Maui. Tax Map Keys (2) 4-8-002:015, (2) 4-8-002:017, (2) 4-8-002:027, (2) 4-8-002:064, (2) 4-8-002:118

(1)01:26:45 **Executive Session**
MOTION (Canto, Ono)

(1)01:27:20 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(1)01:51:20 **Approve Staff Recommendation as Amended**
MOTION (Canto, Char)

(1)01:53:02 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(1)01:53:33

ITEM D-9

Issuance of Immediate Management Right-of-Entry and Authorization to Set Aside Lands to County of Maui for the Lahaina Wildfire Final Disposition Project; Olowalu, Maui, Tax Map Key No. (2) 4-8-003:007.

(1)3:30:35 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

(1)03:31:15 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(1)03:31:32

ITEM D-10

Issuance of Immediate Management Right-of-Entry and Revocable Permit to County of Maui for the Lahaina Wildfire Final Disposition Project; Olowalu, Maui, Tax Map Key No. (2) 4-8-003:008 por. Daniel L. Ornellas, Maui District Land Agent, presented for Land Division. Russell Tsuji, Land Division Administrator, and Russell Sparks, Division of Aquatic Resources, were available for question.

(1)03:33:58 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

(1)03:34:07 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(1)03:34:28

ITEM E-1

Request the Board of Land and Natural Resources Approve the Final Master Plan for Kealakekua Bay State Historical Park, Kealakekua, South Kona, Island of Hawai'i. Tax Map Keys: (3) 8-1-007:050; 8-1-010:001; 8-1-011:001, 003, 004-010, 012-014, and 016; 8-2-004:001-002, 008-010, and 015

(2)00:10:10 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Canto)

(2)00:10:19 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)00:10:58

ITEM E-2

Annual Continuance of Revocable Permits Statewide (See **Exhibit A** for list of Revocable Permits and Declare Projects Exempt from Requirements of Chapter

343, Hawai'i Revised Statutes and Title 11, Chapter 200.1, Hawai'i
Administrative Rules

(2)00:13:46 **Approve Staff Recommendation as Amended**
MOTION (Smith, Ono)

(2)00:13:59 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)00:14:46

ITEM M-6

Request Authorization to Acquire Land for Temporary Use by the Department of Transportation, for Highway Purposes, Relating to Route 450 Kamehameha V Highway Shoreline Protection at Niaupala Fishpond Project No. HWY-L-CE19-01, PAO 7 at Kaluaaaha, Molokai, Maui, Hawaii Tax Map Key: (2) 5-7-011:002.

(2)00:21:42 **Accept Staff Recommendation as Amended for**
MOTION Item M-6 (Barnes, Canto)

(2)00:22:17 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)00:22:20 BREAK

(2)00:48:35 Non-Action Item

ITEM D-11

Informational Briefing on Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai'i and for the Kahuku, Kawailoa-Poamoho, and Mākua Training Lands on the Island of O'ahu .

(2)02:49:16 BREAK

(2)02:58:40

ITEM C- 3

A) Approve acquisition of private land at Makolelau, District of Kona, Island of Molokai, Tax Map Key number (2) 5-5-001:015 (Makolelau 5th parcel);

B) Upon closing, approve the issuance of a Management Right-of- Entry permit to the Division of Forestry and Wildlife at Makolelau, District of Kona, Island of Molokai, Tax Map Key number (2) 5-5 001:015 (Makolelau 5th parcel);

and

C) Authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Molokai for a proposed addition to the Molokai Forest Reserve at Makolelau, District of Kona, Island of Molokai, Tax Map Key number (2) 5-5-001:015 (Makolelau 5th parcel).

(2)03:09:12 **Approve Staff Recommendation as Amended**
MOTION (Canto, Char)

(2)03:09:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)03:10:10
ITEM C-2 Acceptance of hearing master's report and approval and recommendation to the Governor for issuance of an Executive Order to set aside existing unencumbered state lands at 'Ilio Point, Moloka'i, Tax Map Key (2) 5-1-002:006 to the Department of Land and Natural Resources, Division of Forestry and Wildlife

and
Issuance of an immediate management Right of Entry to the Division of Forestry and Wildlife.

(2)03:30:17 **Defer**
MOTION (Canto, Barnes)

(2)03:30:22 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)03:30:39
ITEM C1 Request delegation of authority to the Chairperson to accept transfer of funds from the Department of the Interior, natural resource damage assessment and restoration fund to the Division of Forestry and Wildlife, for the Pouhala Marsh restoration and enhancement project, Waipahu, Oahu, Tax Map Keys: (1) 9-3-001:002, (1) 9-3-001:004, (1) 9-3-001:006, (1) 9-3-001:012 (portions)

and

Request delegation of authority to the Chairperson to procure, award, and enter into Professional Service consultant and construction contracts for the implementation of the Pouhala Marsh restoration and enhancement project, Phase I and II.

(2)03:31:07 **Approve Staff Recommendation as Submitted**
MOTION (Char, Ono)

(2)03:31:10 **PASSED**
MOTION 6-Unanimous; 1-Absent (Yoon)

(2)03:31:18
ITEM C-6 Authorize the division to issue day pass access permits for public game bird hunting, on Wednesdays only, in the Kuaokala Game Management area (Unit 1) Tax Map Keys (1) 6-9-003:002, (1) 6-8-002:007 and Makua Kea'au public hunting area (Unit 2) TMK (1)8-3-001:012; 018; 009 on the island of Oahu through January 2024.

and

Exempt issuance of the day pass permits from the requirement to prepare an environmental assessment, pursuant to Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1, Hawaii Administrative rules.

(2)03:35:47 **Approved Staff Recommendation as Submitted**
MOTION (Barnes, Smith)

(2)03:35:47 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)03:37:03

ITEM D-3

Issuance of Right-of-Entry Permit to League One Volleyball Clubs, LLC, For National Juniors Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002

ITEM D-4

Issuance of Right-of-Entry Permit to University of Hawaii for the benefit of the University of Hawaii at Manoa, Department of Intercollegiate Athletics Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002

(2)03:37:24 **Approve Staff Recommendation as Submitted**
MOTION (Barnes, Ono)

(2)03:37:30 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(2)3:38:43

ITEM K-2

Request for Approval of Emergency Conservation District Use Application (Emerg. CDUA) OA 24-01 Related to the Settlement Agreement for Contested Case CC: OA 21-03 for Office of Conservation and Coastal Lands Enforcement Case ENF: OA 2103 and the Removal of Concrete Shoreline Protection Structure (Unauthorized Seawall) and Installation of Temporary Shoreline Structure by Seamajds LLC and Members Brandee and Liam McNamara Located Makai of 59-175 C Ke Nui Road, Tax Map Key: (1) 5-9-002:026.

(3)00:03:26 **Approve Staff Recommendation with Conditions**
MOTION (Char, Barnes)

(3)00:03:52 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

(3)00:03:56

ITEM K-1

Request to Deny Contested Case Hearing Petition from Fred Fong and the Friends of the Doris Duke Swim Basin, represented by Blake McElheny, regarding Conservation District Use Permit (CDUP) OA-3913 for the Diamond

Head Breakwater Safety Project at Kaalawai, Honolulu, Oahu, seaward of Tax Map Key: (1) 3-1-041:005.

(3)00:24:42 **Approve Staff Recommendation as Submitted**
MOTION (Char, Barnes)

(3)00:24:56 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

NOTE: Member Char Departs from the Meeting

(3)00:27:01
ITEM D-12

Cancellation of Governor's Executive Order No. 4262 to Department of Accounting and General Services, and Re-Set Aside to Department of Commerce and Consumer Affairs for State Offices Purpose; Honolulu, Oahu, Tax Map Key: (1) 2-1-025:portion of 004, CPR Nos. 0001 & 0004.

(3)00:27:53 **Approve Staff Recommendation as Submitted**
MOTION (Barnes, Smith)

(3)00:28:00 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:28:03
ITEM D-13

Set Aside Portions of State Lands Along Aliomanu Road to the County of Kauai for Erosion Protection and Beach Restoration Purposes and Issuance of Immediate Management Right-of-Entry Permit; Aliomanu Road, Anahola, Kauai, Tax Map Keys: (4) 4-8-018:028 and 029, and seaward of 028 and 029.

(3)00:28:28 **Approve Staff Recommendation as Submitted**
Motion (Ono, Canto)

(3)00:28:30 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:28:54
ITEM C-5

Request approval of the resource land acquisition plan to guide the board in acquiring land having value as a resource to the State in the exercise of its powers under Chapter 173A, Hawai'i Revised Statutes.

(3)00:30:30 **Approve Staff Recommendation as Submitted**
MOTION (Barnes, Smith)

(3)00:30:43 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:30:55

ITEM C-4 Authorize the Division of Forestry and Wildlife to conduct a public hearing regarding the proposed set aside of lands as an extension of the Manowaiiale'e Forest Reserve, (3) 4-1-006:002, Hamakua, Hawaii.

(3)00:31:35 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Barnes)

(3)00:31:40 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:32:06

ITEM D-7 Partial Withdrawal from Governor's Executive Order No. 1509 and Reset Aside to the Division of Forestry and Wildlife for Conservation and Operations Purposes; Issuance of Immediate Management Right-of-Entry Permit, Waimea, Kauai, Tax Map Key: (4) 5-9-001: por. of 016.

(3)00:32:45 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Canto)

(3)00:32:50 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:33:02

ITEM D-1 Consent to Assign General Lease No. S-4649, Ficker & Hunt, a Hawaii Partnership, Assignor, to Chester Wayne Hunt, Trustee of the Hunt Family Revocable Living Trust, Assignee, Kekaha, Waimea, Kauai, Hawaii; Tax Map Key: (4) 1-3-008:003.

(3)00:33:20 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

(3)00:33:25 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:33:35

ITEM D-2 Cancellation of Revocable Permit No. S-7701, Stanley Vasques, Permittee and Waiver of Phase I Environmental Site Assessment Requirement; Issue New Revocable Permit to Cherie Vasques-Sarme, for Pasture Purposes, Kapaa, Kawaihau, Puna, Kauai, Tax Map Key: (4) 4-6-005: 005.

(3)00:33:42 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Canto)

(3)00:33:45 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:34:03

ITEM D-6 Issuance of Revocable Permit to Elmo J. Tafoya III and Natalie M. Kekuewa for Maintenance and Recreational Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-9-002:003 and por. of 004.

(3)00:34:22 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Canto)

(3)00:34:26 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

(3)00:34:41

ITEM D-8 Lessees' Request for Early Termination of General Lease No. S-5537 to Gilbert H. & Mariko Uyeda; Kaniahiku Village Site, Puna, Hawaii, TMKs: (3) 1-4-034:027 (3) 1-4-001:004 por.

(3)00:34:50 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Barnes)

(3)00:34:53 **PASSED**
VOTE 5-Unanimous; 2-Absent (Yoon, Char)

NOTE: All J Items Deferred

(3)00:36:46 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