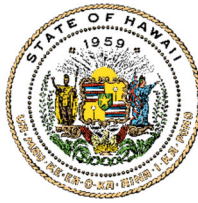


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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-240126-1.mp4>

Audio Link (2): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240126-2.mp4>

Date: January 26, 2024

Time: 9:00 AM

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

MEMBERS

Dawn Chang
Vernon Char
Kaiwi Yoon
Aimee Barnes

Doreen Canto
Riley Smith
Karen Ono

(1)00:00:48 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1)00:07:20

ITEM M-1 Issuance of a Revocable Permit for Aircraft Parking, Aerotwin Maui LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.

ITEM M-2 Issuance of a Revocable Permit for a Passenger Check-In Counter, Air Premia Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 057.

ITEM M-3 Issuance of a Revocable Permit for a Control Room to Monitor the Department of Transportation's Baggage Handling System, Airlines Committee of Hawaii, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 042.

ITEM M-4 Issuance of a Revocable Permit for Helicopter Parking to Support a Commercial Helicopter Tour Operation, Honolulu Helicopter Tours Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

ITEM M-5 Issuance of a Revocable Permit for Office Space to Support its Sustainability Contract for State Airports, Sustainability Partners, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 058.

ITEM A-6

ITEM M-6 Issuance of a Revocable Permit for a Commuter Terminal Office and Check-In Podium, and Land for an Office Trailer to Support Signatory Airline Operations, Southern Airways Express, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

(1)00:15:12 **Approve Staff Recommendation as Submitted**
MOTION for Items M1, M2, M3, M4, M5, M6 (Smith, Barnes)

(1)00:15:28 **PASSED**
VOTE 7-Unanimous (Chang, Char, Canto, Barnes, Yoon, Ono, Smith)

(1)00:16:10
ITEM M-HAR-7

Request for Authorization to Issue Two Month-to-Month Revocable Permits (RP) to Hawaii Stevedores, Inc., for Equipment Storage Area and a Container Office, situated at Pier 7, Kalaeloa Barbers Point Harbor (KBPH), Island of Oahu, Tax Map Key: (1) 9-1-014:Portion of 002, Governor's Executive Order No. 3383.

(1)00:16:30 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Canto)

(1)00:16:54 **PASSED**
VOTE 7-Unanimous

(1)00:17:05
ITEM M-HAR-8

Authorize a One-Year Holdover for Harbor Lease No. H-89-2 to IES Downstream, LLC, successor to Chevron U.S.A. Inc., for Non-Exclusive Easements for Subsurface Fuel Pipelines, Surface Fuel Pipeline, and Anode Beds, situated at Kahului Harbor, Island of Maui, Tax Map Keys: (2) 3-7-010: Portion of 003 and (2) 3-7-010: Portion of 006. Governor's Executive Order Nos. 2635 and 2986.

(1)00:41:15 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Char)

(1)00:41:26 **PASSED**
VOTE 6-Ayes (Chang, Char, Canto, Yoon, Ono, Smith); 1-Opposed (Barnes)

(1)00:42:00
ITEM M-HAR-9

Request for Authorization to Issue Two Month-to-Month Revocable Permits (RP) to Captain Andy's Sailing, Inc., for Storage of Commercial Passenger Vessel Supplies, Tools, etc., for Boat Operations and Repairs, and a Former Fumigation Shed Storage for Day Charter Catamaran Equipment, situated at Pier 1, Port Allen Harbor, Island of Kauai, Tax Map Keys: (4) 2-1-003:Portion of

006, (4) 2-1-003: Portion of 019, and (4) 2-1-003:Portion of 028, Governor's Executive Order No. 1047.

(1)00:42:28 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

(1)00:42:40 **PASSED**
VOTE 7-Unanimous

(1)00:42:51
ITEM M-HAR-10

Request for Approval to Proceed with Acquiring Lands by the State of Hawaii, Department of Land and Resources, for the Department of Transportation (HDOT) at Honolulu Harbor, for the movement of Commercial Cargo, Piers and Request for Approval to Proceed with Acquiring Lands by the State of Hawaii, Department of Land and Resources, for the Department of Transportation (HDOT) at Honolulu Harbor, for the movement of Commercial Cargo, Piers and

(1)00:48:15 **Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1)00:48:28 **PASSED**
VOTE 7-Unanimous

(1)00:48:56
ITEM M-HWY-11

Request Authorization to acquire Land for the Use by the Department of Transportation, for Highway Purposes, relating to Haleakala Highway Slope and Shoulder Repair Vicinity of Ainakula Road to Kulalani Drive, Project No 377A-01-22M, District of Makawao, Island of Maui, Hawaii, Tax Map Key: (2) 2-3-022:067.

(1)00:51:22 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

(1)00:51:38 **PASSED**
VOTE 7-Unanimous

(1)0052:05
ITEM M-12

Consent to Lease of Lands under Governor's Executive Order Nos. 4636 and 4647 to Qualifying Kauai County Homebuyer Program Participants or other Income qualified Kauai Residents.

Tax Map Keys:

(4) 1-6-004:003; (4) 1-9-009:006; (4) 1-9-009:007; (4) 1-9-009:008; (4) 1-9-009:009; (4) 1-9-009:054; (4) 4-1-011:016; (4) 1-9-011:020; (4) 1-8-012:032; (4) 4-1-009:054; (4) 4-1-009:016; (4) 4-1-009:020; (4) 1-6-004:003; (4) 1-8-

012:032; (4) 1-9-009:008; (4) 1-9-009:009; (4) 4-1-009:054; (4) 4-1-011:016; (4) 1-9-009:020; (4) 1-8-012:032.

(1)01:29:58 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

(1)01:30:06 **PASSED**
VOTE 7-Unanimous

(1)01:30:25 Break

(1)01:43:48

ITEM J-2

Reconsideration of Rent under Revocable Permit No. 6 to Hawaii Big Game Fishing Club, Inc., as Permittee, for Fishing and Boating Activities, Public Meetings, Tournaments, Harbor Meetings and Continued Support of Youth Groups Purposes, Keahuolu, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por).

(1)02:44:28 **Approve Staff Recommendation as Amended**
MOTION (Smith, Barnes)

(1)02:47:40 **PASSED**
VOTE 6-Ayes (Chang, Canto, Barnes, Yoon, Ono, Smith); 1-Opposed (Char)

(1)02:48:25

ITEM J-3

Reconsideration of Rent under Revocable Permit No. 15 to Kona Sailing Club, as Permittee, for Trailered Boat Storage, Sailing Related Equipment, Storage, and Boating and Ocean Safety Education/Training Purposes, Keahuolu, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por).

(1)03:07:00 **Approve Staff Recommendation as Amended**
MOTION (Smith, Canto)

(1)03:09:20 **FAILED**
VOTE 3-Ayes (Canto, Ono, Smith); 4-Opposed (Chang, Char, Barnes, Yoon)

(1)03:09:58 **Approve Staff Recommendation as Submitted**
MOTION (Char, Barnes)

(1)03:10:40 **PASSED**
VOTE 4-Ayes (Chang, Char, Barnes, Yoon); 3-Opposed (Canto, Ono, Smith)

(1)03:11:47

ITEM J-4 Reconsideration of Rent under Revocable Permit No. 7 to Hawaii Island Paddlesports Association, as Permittee, for Operation and Maintain a Hawaiian Style Halau for Permittee's Meetings, Storage of Solo or Duo Canoes, Kayaks, General Equipment and Staging Area for Race Events Purposes, Keahuolu, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por).

(1)03:39:13 **Approve Staff Recommendation as Amended**
MOTION (Smith, Barnes)

(1)03:40:17 **PASSED**
VOTE 7-Unanimous

(1)03:40:37

ITEM J-1 Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Maalaea Small Boat Harbor, Wailuku, Maui, Hawaii, Identified by Tax Map Keys: (2) 3-6-001:002 (por.) and (2) 3-8-014:028; and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules

(2)00:13:50 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

(2)00:14:21 **PASSED**
VOTE 7-Unanimous

(2)00:14:33 BREAK

NOTE: Member Barnes departs from meeting

(2)00:46:44

ITEM C-2 Denial of Petition for Contested Case Hearing filed by Richard Perry/Oho'olawa Gardens, LLC through attorney David Brittin on September 28, 2023, Regarding the Board Action of September 22, 2023 to Approve Agenda Item C-1: *Request to Approve Location and Course of the Public Trail to Ho'olawa Landing, Maui, Identified on Registered Map 861, Hamakualoa District, Maui, to Ensure Continued Public Access, and Request Approval of Declaration of Exemption from Chapter 343, HRS Environmental Compliance for the Project.*

Pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session to consult with its attorney on questions and issues pertaining to the Board's powers duties, privileges, immunities, and liabilities.

(2)1:00:00 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

(2)1:00:28 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)01:01:24

ITEM D-1

Cancellation of Governor's Executive Order No. 1293 to State of Hawaii, Department of Defense, Hawaii National Guard for North Kohala Armory Site; Approve Waiver of Restrictive Conditions Contained in Land Office Deed No. 8260 and Land Office Deed No. 8730, Honopueo, North Kohala, Hawaii, Tax Map Key: (3) 5-4-005:051.

(2)01:06:02 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Char)

(2)01:06:18 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)01:06:27

ITEM D-2

Grant of Term, Non-Exclusive Easement, Immediate Right-of-Entry and Revocable Permit to Sandra Fadi Antonios, Trustee of that certain unrecorded Mana Trust, dated December 17, 2020, for Concrete Stairs and Walkway, Kihei, Maui, Tax Map Keys: (2) 3-6-001:023 and (2) 3-6-001:seaward of 023.

(2)01:18:15 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

(2)01:18:28 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)01:18:44

ITEM D-4

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 Tax Map Key: (1) 4-4-021: seaward of 034 & 035.

(2)01:50:15 **Defer**
MOTION (Char, Smith)

(2)01:53:03 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)01:54:30

ITEM E-1

Request for Approval and Adoption of Proposed Amendments to The Civil Resource Violation System Administrative Sanctions Schedule to Include Division of State Parks' Resource Violations by Replacing Part 4 to the Administrative Sanctions Schedule Adopted by the Board of Land and Natural Resources on March 13, 2009. <https://dlnr.hawaii.gov/apo/apo-rules/>

(2)02:28:00 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Char)

(2)02:28:18 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

Note: Member Yoon departs from meeting

(2)02:28:58

ITEM F-1

Enforcement Action against Jim Jones, Noelani Yacht Charters, LLC, Kevin S. Albert, Kimberly L. Albert, and the Albert Revocable Trust for Stony Coral and Live Rock Damage resulting from the *Nakoa* grounding incident on February 20, 2023, outside of the Honolua-Mokulē'ia Bay Marine Life Conservation District, island of Maui.

Pursuant to Section 92-5(a)(4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session to consult with its attorney on questions and issues pertaining to the Board's powers duties, privileges, immunities, and liabilities.

(2)03:21:10 **Defer**
MOTION (Canto, Ono)

(2)03:25:39 **PASSED**
VOTE 5-Unanimous; 2-Absent (Barnes, Yoon)

(2)03:28:52 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