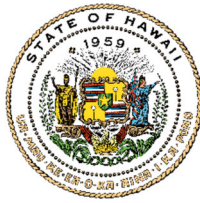


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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-240510-1.mp3>

Audio Link(2): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240510-2.m4a>

Date: May 10, 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 (Excused)

Doreen Canto

Riley Smith

Karen Ono

(1)00:00:30 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1)00:06:17

ITEM A-1 Approval of the January 12, 2024, Summary Meeting Minutes.

(1)00:06:31 **Approve Summary Minutes as Submitted**
MOTION (Canto, Yoon)

(1)00:06:51 **PASSED**
VOTE 6-Unanimous (Char, Chang, Canto, Yoon, Ono, Smith); 1-Absent (Barnes)

(1)00:07:10

ITEM A-2 Approval of the February 23, 2024, Summary Meeting Minutes.

(1)00:07:32 **Approve Summary Minutes as Submitted**
MOTION (Ono, Canto)

(1)00:07:46 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

ITEM A-11

(1)00:07:58

ITEM M-1 Issuance of a Revocable Permit for Aircraft Parking, Air Data Solutions LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 23.

ITEM M-2 Issuance of a Revocable Permit for Paved, Improved Land for Employee and Contractor Vehicle Parking, Lanai Resorts, LLC dba Pulama Lanai, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072: 036.

(1)00:08:32 **Approve Staff Recommendation as Submitted for**
MOTION Items M-1, M-2 (Yoon, Canto)

(1)00:08:40 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)00:08:55

ITEM M-HAR-1

Request for Authorization to issue a month-to-month Revocable Permit (RP) to Marine Spill Response Corporation, for container storage of spill response gear, situated at Pier 2, Hilo Harbor, island of Hawaii, Tax Map Key (TMK) No. (3) 2-1-009:007 (P), Governor's Executive Order No. 3962

ITEM M-HAR-2

Issuance of a Month-to-Month Revocable Permit (RP) to the State of Hawaii, Department of Agriculture (HDOA), for warehouse space for container storage situated at Pier 23, Honolulu Harbor, island of Oahu, Tax Map Key (TMK) No. (1) 1-5-039:022 (P), Governor's Executive Order No. 2903.

(1)00:09:20 **Approve Staff Recommendation as Submitted for**
MOTION Items M-HAR-1, M-HAR-2 (Yoon, Canto)

(1)00:09:27 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)00:09:43

ITEM J-2

Request approval for temporary anchoring of wa'a in Kualoa waters; waiver of mooring and anchoring fees for wa'a; and approval of thrill craft use for safety purposes outside of designated thrill craft riding areas for the 2024 Festival of Pacific Arts & Culture.

(1)00:15:59 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

(1)00:16:05 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)00:16:24

ITEM D-3 Consent to Sublease General Lease No. S-4323, Kalaniana'ole Real Estate Investments, LLC and FMM, LLC, as Sublessor, and Manheim Remarketing, Inc., Hawaii Petroleum, Inc., Keolakalani Kalili dba BB Towing Asset Recovery, LLC, Marine Spill Response Corporation, Polynesian Adventure Tours, LLC, and Nutrien Ag Solutions, Inc., sublessees, Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-1-010:033.

ITEM D-4 Consent to Sublease; General Lease No. S-4331 and S-4332, James William McCully, Trustee of the James William McCully Revocable Living Trust dated September 24, 1992 and Francine Marie Morales McCully, Trustee of the Francine Marie Morales McCully Revocable Living Trust dated September 24, 1992, Sublessor, to Kū Aloha Ola Mau, and Island Movers Inc., Sublessees, Waieka South Hilo, Hawaii, Tax Map Key: (3) 2-2-037:144.

(1)00:46:19 Inappropriate Audiovisual Content

(1)00:53:35 Inappropriate Audiovisual Content

(1)00:59:39 Approve Staff Recommendation as Submitted for
MOTION Items D-3, D-4 (Smith, Canto)

(1)01:01:39 PASSED
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)01:02:02

ITEM D-7 Approval of a Development Agreement for a 30-Year Extension of Lease Term, General Lease No. S-4323, Kalaniana'ole Real Estate Investments, LLC and FMM, LLC, Lessees; Authorize the Chairperson to Approve and Execute a Lease Extension for General Lease No. S-4323, Kalaniana'ole Real Estate Investments, LLC and FMM, LLC, Lessees; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-010:033.

ITEM D-8 Approval of a Development Agreement for a 30-Year Extension of Lease Term, General Leases Nos. S-4331 and S-4332, James William McCully, Trustee of the James William McCully Revocable Living Trust dated September 24, 1992 and Francine Marie Morales McCully, Trustee of the Francine Marie Morales McCully Revocable Living Trust dated September 24, 1992, Lessees; Authorize the Chairperson to Approve and Execute a Lease Extension for General Leases No. S- 4331 and S-4332, James William McCully, Trustee of the James William McCully Revocable Living Trust dated September 24, 1992 and Francine Marie Morales McCully, Trustee of the Francine Marie Morales McCully Revocable Living Trust dated September 24, 1992, Lessees; Waiakea, South Hilo, Hawaii, Tax Map Keys (3) 2-2-37:144.

(1)01:30:35 Approve Staff Recommendation as Submitted for
MOTION Items D-7, D-8 (Smith, Yoon)

(1)01:30:59 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)01:32:02
ITEM K-1

Conservation District Use Application (CDUA) HA-3945 Pohoiki Boat Ramp Excavation, Dredging and Placement of Volcanic Debris by the Department of Land and Natural Resources Division of Boating and Ocean Recreation located at Pohoiki, Puna, Hawai'i Tax Map Keys: Makai of (3) 1-3-008:014 & 097 [Dredging] and (3) 1-3-008:097 & 1-4-093:048 [Placement of Dredged Material]

NOTE: Member Yoon recuses himself

(1)01:43:25 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Canto)

(1)01:43:42 **PASSED**
VOTE 5-Unanimous; 2-Absent (Barnes, Yoon)

NOTE: Member Yoon Returns

(1)01:45:19
ITEM C-8

(1) Approve up to \$4,855,238 in Grant Awards from Available Funds in the Land Conservation Fund, as Requested in Applications to the Fiscal Year 2024 Legacy Land Conservation Program and as Recommended by the Legacy Land Conservation Commission, for the Acquisition of Interests and Rights in Specific Parcels of Land Having Value as a Resource to the State (Total Area Approximately 51.35 Acres):

A. Nā 'Ōiwi O Pu'uanahulu, up to \$3,000,000 for the Acquisition of Approximately 27.38 Acres at District of Kona, Island of Hawai'i ('Anaeho'omalu Kapalaoa), Tax Map Key Number (3) 7-1-003:010, with a Conservation Easement Held by the County of Hawai'i.

B. Malama Loko Ea Foundation, up to \$750,000 for the Acquisition of Approximately 1.1 Acres at District of Wai'alu, Island of O'ahu (Loko Ea Queen's Residence), Tax Map Key Number (1) 6-9-003:008 (approximately 0.56 acres), Plus Approximately 0.54 acres in Loko Ea Place (Tax Map Key Number Not Assigned), with a Conservation Easement Held by the City & County of Honolulu.

C. Moku O Keawe Land Conservancy, up to \$499,000 for the Acquisition of a Conservation Easement over Approximately 20.1 Acres at District of Kohala, Island of Hawai'i (Nani Kai Hoku Farm), Tax Map Key Number (3) 5-5-008:069.

D. Pu'uwai Ko Ola, up to \$606,238 for the Acquisition of Approximately 2.77 Acres at District of Wai'anae, Island of O'ahu (Ke Ola Project

Conservation & Culture), Tax Map Key Number (1) 8-5-005:0050002, with Conservation Easement Holder(s) to be Determined (Subject to Approval by the Chairperson, See Agenda Item (3) below), and Subject to a Special Condition that Requires Pu'uwai Ko Ola to Demonstrate, Prior to Executing a Legacy Land Conservation Program Grant Agreement with the Board, that its Business Structure Conforms with the Definition of a "nonprofit land conservation organization" as Established in Hawai'i Administrative Rules Section 13-140-2.

(2) Exempt the Four Proposed Awards Above from the Requirement to Prepare an Environmental Assessment, According to Chapter 343, Hawai'i Revised Statutes and Chapter 11-200.1, Hawai'i Administrative Rules.

(3) Authorize the Chairperson to Approve Appropriate Entities to Hold a Conservation Easement over the Property to be Acquired by Pu'uwai Ko Ola (Item (1)D, above).

(4) Authorize the Department to Proceed with All Due Diligence and Negotiations Necessary to Carry Out the Fiscal Year 2024 Legacy Land Conservation Program Grants and Acquisitions Approved by the Board and the Governor.

(1)02:18:36 **Approve Staff Recommendation as Submitted for**
MOTION Item C-8: 1 - A, C, D; 2; 3; 4 (Smith, Ono)

Defer
Item C-8: 1 - B (Smith, Ono)

(1)02:20:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)02:21:28
ITEM C-1

(1) Delegate Authority to the Chairperson to Approve, Procure, Award, Sign, Execute, Amend, and Extend Contracts for Annual Grants of less than \$500,000 from the Land Conservation Fund for the Operation, Maintenance, and Management of County and Private Lands Acquired by Way of the Land Conservation Fund

(2) Delegate Authority to the Chairperson to Approve the Award to State Agencies of Annual Grants of less than \$500,000 from the Land Conservation Fund for the Operation, Maintenance, and Management of State Lands Acquired by Way of the Land Conservation Fund

(1)02:33:26 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Yoon)

(1)02:33:49 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)02:33:56
ITEM C-2

(1) Approve the acquisition of approximately 256.903 acres of private land at Pohakea, District of Wailuku, Island of Maui, Tax Map Key number (2) 3-6-001:018;

(2) Approve post-closing Issuance of a Management Right-of-Entry to the Division of Forestry and Wildlife, including authorization for the Maui Branch Manager, Division of Forestry and Wildlife, to issue permits governing the use of public facilities or areas within the property, under Section 13-221-5, Hawaii Administrative Rules, through coordination with the Maui district land agent;

and

(3) Authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Maui for a proposed addition of approximately 257.7 acres of land at Pohakea, District of Wailuku, Island of Maui, Tax Map Key: (2) 3-6-001:018 to the West Maui Forest Reserve.

(1)02:39:20 **Approve Staff Recommendation as Amended**
MOTION (Yoon, Canto)

(1)02:40:39 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)02:40:46
ITEM C-3

(1) Request the approval of an acquisition of private lands at Hamakualoa District, Island of Maui, Tax Map Key Numbers (2) 2-9-011:012 and (2) 2-9-013:009;

(2) Upon closing, approve Issuance of a Management Right-of-Entry to the Division of Forestry and Wildlife;

(3) Delegate authority to the Division of Forestry and Wildlife's Maui Branch Manager, in coordination with the Maui land agent, to issue permits pursuant to Section 13-221-5, Hawaii Administrative Rules;

and

(4) Authorize the Division of Forestry and Wildlife to conduct a public hearing on the Island of Maui for a proposed addition to the Forest Reserve System for Tax Map Keys: (2) 2-9-011:012 and (2) 2-9-013:009.

(1)02:48:51 **Approve Staff Recommendation as Amended**
MOTION (Canto, Ono)

(1)02:49:20 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)02:49:38

ITEM C-4

Request for final approval to adopt proposed amendments to and compilation of Hawaii Administrative Rules Chapter 13-109 (Rules for establishing Forest Stewardship).

The proposed amendments can be reviewed online via the Lieutenant Governor's Office website at, <https://dlnr.hawaii.gov/wp-content/uploads/2024/01/Chapter-13-109-HAR-Draft-2024.pdf>, or in person at any Division of Forestry and Wildlife (DOFAW) district office between 8:00 a.m. and 3:30 p.m., Monday through Friday, except for State holidays.

(1)02:51:07 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Canto)

(1)02:51:16 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)02:51:22

ITEM C-5

Approval of a Memorandum of Understanding between the Division of Forestry and Wildlife and Pacific Rim Conservation for Rare Species Protection Management in the Puu o Umi Natural Area Reserve, Hawaii, Tax Map Keys: (3) 4-9:013:001, (3) 6-1:001:001, (3) 6-2:001:001, (3) 6-2:001:002, (3) 6-3:001:002, (3) 6-3:001:004, (3) 6-3:001:005, (3) 6-3:001:007

and

Request approval of Declaration of Exemption from Chapter 343, Hawaii Revised Statutes Environmental Compliance requirements for the project

and

Request a delegation of authority to the Chairperson to negotiate, approve, and execute a Memorandum of Understanding, Right-of-Entry, and Release of Liability Agreements for Pacific Rim Conservation for Rare Species Protection Management in the subject parcels.

(1)02:52:40 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(1)02:52:52 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)02:53:06

ITEM C-6 Request for approval to increase the contract amount to \$12 million and extend the contract period from one-year to two-years for the previously approved request for proposals for mosquitoes to facilitate Incompatible Insect Technique (IIT) deployment on Kaua'i.

(1)03:15:10 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

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

(1)03:15:40

ITEM C-7 Request for approval to hold statewide public hearings to amend and compile Title 13, Chapter 209, Hawaii Administrative Rules: Rules regulating activities within Natural Area Reserves (NARS)

The rule amendment can be reviewed online at Exhibit-1-NARS-Rules-Rev-2024.pdf (hawaii.gov) or in person at any Division of Forestry and Wildlife district office from 8:00 a.m. to 3:30 p.m., Monday through Friday, except State holidays.

(1)03:16:40 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Char)

(1)03:16:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)03:18:40 BREAK

(1)03:55:48

ITEM D-1 Partial Withdrawal of 0.50 Acres from Governor's Executive Order No. 2914 and Reset Aside to the Division of Aquatic Resources for Storage and Office Purposes; Issuance of Immediate Management Right-of-Entry Permit, Kapaa Town Lots, 2nd Series, Kawaihau, Kauai, Tax Map Key: (4) 4-5-006:001.

(1)03:57:10 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Char)

(1)03:57:25 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)03:57:35

ITEM D-2 Pursuant to Act 90, Session Laws of Hawaii 2003, as mutually agreed between Department of Land and Natural Resources and Department of Agriculture, Set Aside Revocable Permit No. S-7608, William F. Jacintho and William G. Jacintho, Permittees, to the Department of Agriculture for Agriculture Purposes at Haneo'o, Hana, Maui, TMKs: (2) 1-4-007: 009 (portion) and 017

(1)04:00:22 **Approve Staff Recommendation as Amended**
MOTION (Canto, Smith)

(1)04:00:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(1)04:00:58

ITEM D-5

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Thursday, June 6, 2024, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

(2)00:03:54 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

(2)00:04:00 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)00:04:09

ITEM D-6

Approve and Recommend to the Governor the Issuance of an Executive Order Amending Governor's Executive Order No. 4502 to Department of Education for Public School Purposes, Honouliuli, Ewa, Oahu, Tax Map Keys: (1) 9-1-017: 154 (portion) and 160.

The purpose of the amendment is to replace the superseded map and description attached to Executive Order No. 4502 (for former Lot 18062, Map 1410, Land Court Application No. 1069) with the map and description for the actual area of set-aside (current Lot 19894, Map 1667, Land Court Application No. 1069).

(2)00:04:53 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

(2)00:05:10 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)00:05:45

ITEM F-6

Non-action Item

Briefing on Proposed Adoption of a New Chapter, Chapter 13-48.5, Hawaii Administrative Rules, "Maunaloa Bay Fisheries Management Area, O'ahu"

(2)00:29:14

ITEM F-1

Request Approval for a FY24 State-Funded Project Agreement Between the Department of Land and Natural Resources and Williams Scotsman, Inc. for Procurement and Installation of a Portable Modular Office in Support of the Division of Aquatic Resources' Operations in West Hawai'i

ITEM F-2 Request Approval for a FY24 State-Funded Project Agreement Between the Department of Land and Natural Resources and the Williams Scotsman, Inc. for Procurement and Installation of a Portable Modular Office in Support of the Division of Aquatic Resources' Operations on Kaua'i

ITEM F-3 Request Approval for a FY24 State-Funded Project Agreement Between the Department of Land and Natural Resources and William Scotsman, Inc. for Procurement and Installation of a Portable Modular Office in Support of the Division of Aquatic Resources' Operations at the Ānuenuue Fisheries Research Center in Honolulu

(2)00:36:25 **Approve Staff Recommendation as Submitted for**
MOTION Items F-1, F-2, F-3 (Char, Smith)

(2)00:36:35 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)00:36:43

ITEM F-4 Request Approval for a FY24 State-Funded Project Agreement Between the Department of Land and Natural Resources and a Selected and Approved Vendor for Procurement of a New Research and Response Vessel in Support of the Division of Aquatic Resources' Operations in West Hawai'i

ITEM F-5 Request Approval for a FY24 State-Funded Project Agreement Between the Department of Land and Natural Resources and Hull Research for Procurement of a New Research and Response Vessel in Support of the Division of Aquatic Resources' Operations on O'ahu

(2)00:40:09 **Approve Staff Recommendation as Submitted for**
MOTION Items F-4, F-5 (Smith, Ono)

(2)00:40:16 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)00:41:37

ITEM J-1 Issuance of a Direct Lease to Hawaii Island Paddle Sports for Operation and to 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 at Honokohau Small Boat Harbor, Keahuolu, North Kona, Island of Hawaii, identified by tax map key: (3) 7-4-008:003 (por.). And

Declare that, After Considering the Potential Effects of the Proposed Project as Provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, This Project Will Probably Have Minimal or No Significant Effect on the Environment and is Therefore Exempt from the Preparation of an Environmental Assessment.

(2)00:45:44 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(2)00:45:53 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)00:46:00

ITEM J-3

Issuance of a Revocable Permit to Bennett Enterprises LLC for installation of an automated ice machine purposes, located at South Kawaihae Small Boat Harbor, North Kona, Hawaii, Tax Map Key: (3) 6-1-003:026 (por.). And

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

(2)00:49:30 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

(2)00:49:38 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)00:49:47

ITEM J-4

Authorize Staff to Execute a Memorandum of Understanding Between the Division of Boating and Ocean Recreation and the Division of Conservation and Resources Enforcement for the proposed use of the fuel dock at Ala Wai Small Boat Harbor, Situated at Ala Wai Small Boat Harbor, Kalia, Honolulu, Island of Oahu, Tax Map Key: (1) 2-3-037:020 (por.)

(2)01:01:41 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

(2)01:01:48 **PASSED**
VOTE 6-Unanimous; 1-Absent (Barnes)

(2)01:02:20 There being no further business, Chair Chang adjourned the meeting.

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