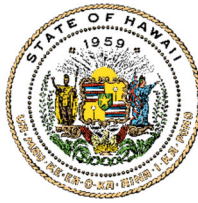


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE



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

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 HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
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-240524.mp3>

Date: May 24, 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

00:00:57 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

00:06:33
ITEM A-1 Approval of July 14, 2023, Summary Meeting Minutes

00:06:46 **Approve Summary Minutes as Submitted**
MOTION (Canto, Yoon)

00:09:50 **PASSED**
VOTE 7-Unanimous (Chang, Canto, Char, Smith, Yoon, Ono, Barnes)

00:10:05
ITEM A-2 Approval of July 28, 2023, Summary Meeting Minutes

00:10:15 **Approve Summary Minutes as Submitted**
MOTION (Canto, Yoon)

00:10:29 **PASSED**
VOTE 7-Unanimous

00:10:45
ITEM A-3 Approval of August 11, 2023, Summary Meeting Minutes

ITEM A-12

00:10:55 **Approve Summary Minutes as Submitted**
MOTION (Yoon, Ono)

00:11:15 **PASSED**
VOTE 7-Unanimous

00:11:30

ITEM A-4 Approval of March 22, 2024, Summary Meeting Minutes

00:11:40 **Approve Summary Minutes as Submitted**
MOTION (Yoon, Canto)

00:12:00 **PASSED**
VOTE 7-Unanimous

00:12:23

ITEM M-3 Withdrawn

ITEM M-1 Resubmittal from April 26, 2024 Board Meeting, Item M-2 - Issuance of a Revocable Permit for a Marketing and Visitor Information Counter, Hilton Grand Vacations Company, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 051 (Portion).

00:43:55 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

00:44:06 **PASSED**
VOTE 6-Ayes (Chang, Char, Canto, Yoon, Ono, Smith); 1-Abstain (Barnes)

00:45:00

ITEM M-2 Issuance of a Revocable Permit for Offices, Training Rooms, Storage of Equipment and Supplies, and Hangar Space in Support of a Commercial Air Charter Business, Pacific Air Charters, Incorporated, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072: Portion of 069.

00:45:46 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

00:45:50 **PASSED**
VOTE 6-Ayes (Chang, Char, Canto, Yoon, Ono, Smith); 1-Abstain (Barnes)

00:46:19

ITEM M-HAR-1

Authorize the issuance of three month-to-month Revocable Permits (RP), to American Guard Services, Inc., for use of office space, passenger screening

area, and storage space, situated at Pier 1, Kahului Harbor, island of Maui, Tax Map Key (TMK) No. (2) 3-7-010:006 (portions), Governor's Executive Order No. 2986.

00:46:54 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

00:47:13 **PASSED**
VOTE 6-Ayes (Chang, Char, Canto, Yoon, Ono, Smith); 1-Abstain
 (Barnes)

00:48:05
ITEM D-2

Set Aside to the Department of Transportation for Temporary Housing for Maui Wildfire Survivors Purposes; Issuance of Immediate Construction and Management Right-of-Entry Permit, at Lahaina, Maui, TMK: (2) 4-6-018:017.

00:57:03 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

00:57:12 **PASSED**
VOTE 7-Unanimous

00:57:32
ITEM D-5

Grant of Term, Non-Exclusive Easement and Issuance of Immediate Right-of-Entry Permit to Department of Transportation for Erosion Mitigation Purposes, Kaaawa, Koolauloa, Oahu, Tax Map Key: (1) 5-1-002: seaward of 025.

01:09:40 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

01:09:45 **PASSED**
VOTE 7-Unanimous

01:09:55
ITEM D-12

Grant of Two Term, Non-Exclusive Easements and Immediate Construction and Management Right of Entry to State of Hawaii, Department of Transportation for Drainage Basin Purposes, Honouliuli, Ewa, Oahu Tax Map Key: (1) 9-1-017:097;

and

Authorize the Chairperson to Enter Into a Memorandum of Agreement between the Department of Land and Natural Resources and the Department of Transportation Regarding the Future Modification and Relocation of the Drainage Basins and Approval of Access Points Serving Tax Map Key: (1) 9-1-017:097.

01:20:42 **Approve Staff Recommendation with Conditions**
MOTION (Yoon, Smith)

01:21:02 **PASSED**
VOTE 7-Unanimous

01:21:57 BREAK

**01:37:34
ITEM D-1**

Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Na Opio Summer Tournament for Kauai Beach Volleyball at Kalapaki Beach, adjacent fee owner Kalapaki Beach Club, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

01:38:32 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Char)

01:38:39 **PASSED**
VOTE 7-Unanimous

**01:38:47
ITEM D-3**

Amend Prior Board Action of September 22, 2023, agenda 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, as amended on January 12, 2024, under agenda item D-5.*

This second amendment is to correct the legal capacity of assignor described in the prior board action after the appointment of Masahiro Kitami as the Ancillary Personal Representative of the Estate of Shoji Kitami.

01:39:22 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

01:39:32 **PASSED**
VOTE 7-Unanimous

**01:39:42
ITEM D-4**

(1) Amend Grant of Non-exclusive Easement under Land Office Deed No. S-29145 for Waterlines and Water Meters Purposes issued to the City and County of Honolulu, Board of Water Supply by adding easement located at Tax Map Key No. (1) 1-5-041:002 for waterline purpose; and (2) Issuance of a construction right-of-entry permit to the City and County, Board of Water Supply; Sand Island, Honolulu, Oahu Tax Map Key No.s: (1) 1-5-041:002, 059, 077, 083, 095, 100, 141, 172, 178, 199, 251, 291, 298, 319, and 342.

01:40:22 **Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

01:40:55 **PASSED**
VOTE 7-Unanimous

01:41:00
ITEM D-6

Amend Prior Board Action of April 26, 2024, Item D-12, *Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From May 31, 2024 to April 25, 2025, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037: portion of 021.*

The purpose of the amendment is to change the effective dates of the Board-approved permit for regular, public Friday night aerial fireworks displays at Duke Kahanamoku Beach to include displays on May 2, 9, 16, 23, and 30, 2025.

01:42:05 **Approve Staff Recommendation as Submitted**
MOTION (Char, Yoon)

01:42:10 **PASSED**
VOTE 7-Unanimous

01:42:19
ITEM D-7

Grant of Term, Non-Exclusive Easement, Immediate Right-of-Entry and Revocable Permit to Poni LLC for Seawall, Ewa Beach, Ewa, Oahu, Tax Map Key: (1) 9-1-024: seaward of 027.

01:53:15 **Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

01:53:19 **PASSED**
VOTE 6-Ayes (Chang, Char, Canto, Yoon, Ono, Smith); 1-Opposed (Barnes)

01:53:33
ITEM D-8

Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Fireworks Ground Display at Duke Kahanamoku Lagoon on Friday, June 7, 2024, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

02:00:44 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

02:00:51 **PASSED**
VOTE 6-Ayes (Chang, Char, Canto, Yoon, Ono, Smith); 1-Opposed (Barnes)

02:01:02

ITEM D-9

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.

02:04:17 **Deny Staff Recommendation as Submitted**
MOTION (Yoon, Ono)

02:04:44 **PASSED**
VOTE 7-Unanimous

02:06:22

ITEM D-10

Amend Prior Board Action of October 13, 2023, under agenda Item D-7, *Issuance of 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.*

The current amendment is at the request of the United States Army Corps of Engineers (USACE) who requires that USACE's right-of-entry (ROE) form be used for projects on Formerly Used Defense Sites (FUDS) instead of the State's ROE form that USACE agreed to in the past for environmental remediation projects on State lands. Accordingly, the purpose of the amendment is to change the Board's prior action approving the use of the State ROE form and instead approve the use of the USACE ROE form.

02:56:54 **Executive Session (& Lunch Break)**
MOTION (Canto, Yoon)

02:57:17 **PASSED**
VOTE 7-Unanimous

03:52:30 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

03:52:40 **PASSED**
VOTE 4-Ayes (Chang, Char, Canto, Smith); 3-Opposed (Barnes, Yoon, Ono)

03:54:10

ITEM D-11

Amend Prior Board Action of April 26, 2024, Item D-11, *After-the-Fact Authorization for Issuance of Right-of-Entry Permit to Norton Lilly International, Inc. for Temporary Berthing of a Wave Energy Device for the periods from August 25, 2023 to September 10, 2023 and April 15, 2024 to May 14, 2024 at an Unencumbered Pier, Sand Island, Honolulu, Oahu; TMK: (1) 1-5-041: seaward of 333.*

The purpose of the amendment is to (1) extend the effective period of the subject right-of-entry permit up to June 14, 2024; and (2) delegate authority to the Chairperson for issuance any further extension for good cause shown.

03:55:28 **Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

03:55:37 **PASSED**
VOTE 7-Unanimous

NOTE: Chair Chang Stepped Out

03:55:54
ITEM C-1

Approve up to \$750,000 in a Grant Award from Available Funds in the Land Conservation Fund (HRS § 173A-5), as Requested in a Fiscal Year 2024 Application to the Legacy Land Conservation Program Under HRS Chapter 173A and as Recommended by the Legacy Land Conservation Commission, for the Acquisition of Interests and Rights for the Preservation of a Specific Parcel of Land Having Value as a Resource to the State, to:

Malama Loko Ea Foundation for the Acquisition of Approximately 1.1 Acres at District of Waialua, Island of O‘ahu (Loko Ea Queen's Residence near Loko Ea Pond), Tax Map Key Number (1) 6-2-003:008 (approximately 0.56 acres), held by Queen Liliuokalani Trust, Plus Approximately 0.54 acres off Loko Ea (Lokoea) Place (Tax Map Key Number Not Assigned), with a Conservation Easement Held by the City & County of Honolulu.

Exempt the Proposed Award from the Requirement to Prepare an Environmental Assessment, Under Chapter 343, Hawai‘i Revised Statutes and Chapter 11-200.1, Hawai‘i Administrative Rules.

Authorize the Department to Proceed with All Due Diligence and Negotiations Necessary to Carry Out the Fiscal Year 2024 Legacy Land Conservation Program Grant and Acquisition Identified above as Approved by the Board and the Governor.

03:58:21 **Approve Staff Recommendation as Submitted**
MOTION (Barnes, Char)

03:58:35 **PASSED**
VOTE 6-Unanimous; 1-Absent (Chang)

03:58:56
ITEM C-2

Authorization of funding for The Nature Conservancy for \$1,251,925 during FY 25-30 for continued enrollment in the Natural Area Partnership Program and

acceptance and approval of the Kamakou Preserve Long Range Management Plan, landowner Molokai Properties Limited, Tax Map Key (2) 5-4-003:026, Moloka'i

04:03:48 **Approve Staff Recommendation as Amended**
MOTION (Canto, Char)

04:04:08 **PASSED**
VOTE 6-Unanimous; 1-Absent (Chang)

04:04:27
ITEM C-3

Authorization of funding for The Nature Conservancy for \$309,079 during FY 25-30 for continued enrollment in the Natural Area Partnership Program and acceptance and approval of the Mo'omomi Preserve Long Range Management Plan, landowner The Nature Conservancy, Tax Map Key (2) 5-1-002:037, Moloka'i.

04:05:12 **Approve Staff Recommendation as Amended**
MOTION (Canto, Char)

04:05:19 **PASSED**
VOTE 6-Unanimous; 1-Absent (Chang)

04:05:26
ITEM C-4

Issuance of revocable permit to Zoological Society of San Diego, for construction of conservation breeding aviaries to prevent the extinction of endangered Hawaiian honeycreepers, on unencumbered state lands Makawao, Maui, Tax Map Key: (2) 2-4-016: 001 (portion).

04:10:33 **Approve Staff Recommendation as Submitted**
MOTION (Char, Ono)

04:10:40 **PASSED**
VOTE 6-Unanimous; 1-Absent (Chang)

04:11:00
ITEM C-5

Approval of an Interagency Memorandum of Understanding for the prevention, rapid response, and control or eradication of high priority pests among the Hawai'i Department of Agriculture, the Department of Land and Natural Resources, and the University of Hawai'i. The purpose of this MOU is to document the cooperation, including the roles and responsibilities as set out in the MOU and attachments, in working together toward the shared goals of prevention, rapid response, and control or eradication of High priority pests defined as coqui frog (*Eleutherodactylus coqui*), little fire ant (*Wasmannia auropunctata*), and coconut rhinoceros beetle (*Oryctes rhinoceros*) in the State of Hawai'i.

and

Request a delegation of authority to the Chairperson to negotiate, approve, and execute the Interagency Memorandum of Understanding for the prevention, rapid response, and control or eradication of high priority pests among the Hawai'i Department of Agriculture, the Department of Land and Natural Resources, and the University of Hawai'i.

04:14:26 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Ono)

04:14:30 **PASSED**
VOTE 6-Unanimous; 1-Absent (Chang)

NOTE: Chair Chang Returns

04:15:00
ITEM F-1

Recommendation that the Board of Land and Natural Resources Deny the Written Contested Case Hearing Request by Kevin S. Albert and Kimberly L. Albert, Trustees of the Albert Revocable Trust UAD 06/03/1997 and Restated 01/07/2020, Regarding the Enforcement Action Against Jim Jones, Noelani Yacht Charters, LLC, Kevin S. Albert, Kimberly L. Albert, and the Albert Revocable Trust for Unlawful Damage to Stony Coral and Live Rock Resulting from the February 20, 2023 *Nakoa* Anchoring Incident outside of the Honolua-Mokulē`ia Bay Marine Life Conservation District, Island of Maui.

04:39:27 **Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

04:40:55 **PASSED**
VOTE 6-Ayes (Chang, Canto, Barnes, Yoon, Ono, Smith); 1-Abstain
(Char)

NOTE: Member Yoon Stepped Out

04:41:31
ITEM J-1

Auction Sale of Concession by Sealed Bid for a Ten-Year Concession Contract for Maritime-related Activities Including but not Limited to Concierge Service, Providing General Information and Assistance Including, Maps, Restaurant Guides, Charter and Tour Information, Cruise Ship Itineraries, Trolley and Bus Schedules, Beach Rental Gear, Sunscreen, Cold Refreshments and Snacks, and Tour Check-in Purposes, at Kailua-Kona Pier, Kailua, North Kona, Hawaii, Tax Map Key (3) 7-5-006:039 (por.), and

Declare Project Exempt from Preparation of an Environmental Assessment under Chapter 343, HRS, and Title 11, Chapter 200.1, Hawaii Administrative Rules.

04:43:39 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

04:43:50 **PASSED**
VOTE 6-Unanimous; 1-Absent (Yoon)

NOTE: Member Yoon Returns

04:44:06
ITEM J-2

Amend Prior Board Action From the Meeting Commencing on December 07, 2023, under Item J-6, Issuance of Revocable Permit to Hone Heke Corporation for Office Space for Maui-Lanai Passenger Ferry Operation Purposes, Situated at Ma'alaea Small Boat Harbor, Ma'alaea, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (por.).

The Purpose of this Amendment is to Waive the Permittee's Requirement to Perform a Phase I Environmental Site Assessment as Required Under the Revocable Permit. Hone Heke Corporation's Activities are Limited to Ferry Sales and Do Not Involve the Use of Any Hazardous Materials.

04:51:36 **Approve Staff Recommendation as Submitted**
MOTION (Canto, No Second)

04:52:18 **Deny Staff Recommendation as Submitted**
(Yoon, Barnes)

04:52:42 **PASSED**
VOTE 7-Unanimous

04:53:42 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