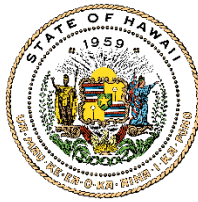


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**APPROVED AT ITS
BOARD MEETING
HELD ON
AUGUST 23, 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: (1) <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240712-1.m4a>
(2) <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240712-2.m4a>

Date: July 12, 2024

Time: 9:00 AM

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

MEMBERS

Dawn Chang	Doreen Canto
Vernon Char	Riley Smith
Kaiwi Yoon (Absent)	Karen Ono (Absent)
Aimee Barnes (Absent)	

(1) 00:00:51 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1) 00:07:05

ITEM K-1 Request to Deviate from the Hawai'i Administrative Rules, Chapter 13-5, Single Family Residential Standards to Place a Water-Catchment Tank Within the Setback Area of a Parcel, by George M. Hudes, Trustee of the George M. Hudes Trust, Located at 3763 Round Top Drive, Tantalus, Honolulu, O'ahu, Tax Map Key (TMK): (1) 2-5-018:035.

(1) 00:12:03 To Approve Staff Recommendation as Submitted
MOTION (Char, Canto)

(1) 00:12:19 PASSED
VOTE 4- Unanimous

(1) 00:12:44

ITEM D-4 Issuance of Right-of-Entry Permit to SKYMAGIC USA, Inc. for Exclusion Zone for an Aerial Display Drone Show, Including Rehearsals, August 13, 2024, through August 18, 2024, at Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

(1) 00:43:41 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1) 00:42:50 **PASSED**
VOTE 4- Unanimous

(1) 00:44:00

ITEM D-1 Quitclaim of State's Interests, if Any, in Portions of Anemoku Street to the City and County of Honolulu, Laie, Koolauloa, Oahu, Tax Map Key: (1) 5-5-011: Road.

(1) 00:51:03 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1) 00:51:15 **PASSED**
VOTE 4- Unanimous

(1) 00:51:25

ITEM D-2 Authorize Variance of Restrictive Covenant Regarding Setback Requirements in Deed dated May 2, 1972, Lot 22, Diamond Head View Lots, Unit Two, Increment One, Roy Yamaguchi Revocable Trust dated November 30, 1990, amended and restated October 19, 2006, Applicant; Kapahulu, Honolulu, Oahu, Tax Map Key: (1) 3-1-048:027.

(1) 00:58:47 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1) 00:58:56 **PASSED**
VOTE 4- Unanimous

(1) 00:59:05

ITEM D-3 Quitclaim of State's Interests, if any, in 30-foot Road in Lualualei as Remnant to the City and County of Honolulu; Lualualei, Waianae, Oahu; TMK: (1) 8-7-008:road.

(1) 01:09:05 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1) 01:09:25 **PASSED**
VOTE 4- Unanimous

(1) 01:09:30 The Board recessed for a break.

(1) 01:17:00 The Board returned from their break.

(1) 01:17:10

ITEM K-2 (C-3) Approval of Settlement Agreement between the State of Hawai'i, Department of Land and Natural Resources and Yue-Sai Kan Trust and Yue-Sai Kan to Resolve and Dismiss Violations Asserted Against the Yue-Sai Kan Trust and Yue-Sai Kan, individually and as Trustee of the Yue-Sai Kan Trust, in Agenda Items C-5, C-6, and K-1 of the April 26, 2024, Board Meeting Located at Kahuku, Ko'olauloa, O'ahu, Tax Map Key (TMK): (1) 5-6-003:053

(1) 01:44:15 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1) 01:44:28 **PASSED**
VOTE 4- Unanimous

(1) 01:45:15

ITEM K-3 (C-4) Grant of Petitions for a Contested Case Hearing and Request for Delegation of Authority to Chairperson for the Appointment and Selection of a Hearing Officer to Conduct All Hearings for Contested Case Hearing Requested, for Agenda Items C-5, C-6, and K-1 of the April 26, 2024, Board Meeting Located at Kahuku, Ko'olauloa, O'ahu, Tax Map Key (TMK): (1) 5-6-003:053

(1) 02:15:58 **Executive Session**
MOTION (Char, Smith)

(1) 02:16:19 **PASSED**
VOTE 4- Unanimous

Amendment: The Board amended a typo on page 3 and page 5 of the submittal by correcting a name from Lara Hu to Tara Hu.

(1) 02:31:15 **To Approve Staff Recommendation as Amended**
MOTION (Char, Smith)

(1) 02:31:33 **PASSED**
VOTE 4- Unanimous

(1) 02:32:19

ITEM K-4 Conservation District Use Application (CDUA) KA-3926 by the County of Kaua'i, Department of Public Works for the Nāwiliwili-Ahukini Shared-Use Path Project located at Hanamā'ulu & Nāwiliwili, Līhu'e, Kaua'i, Tax Map Key(s) (TMK): (4) 3-5-001:005, 008, 102, 128, & 160

(1) 03:16:10 **To Approve Staff Recommendation as Submitted**
MOTION (Smith, Canto)

(1) 03:17:35 **PASSED**

VOTE 4- Unanimous

(1) 03:54:50

ITEM

F-1

Request for Approval to Hold Public Hearings to Adopt a New Chapter as Hawaii Administrative Rules, Title 13, Chapter 48.5, "Maunalua Bay Fisheries Management Area, O'ahu" (Maunalua Bay FMA) to: Outline the Purpose of the Maunalua Bay FMA; Provide Definitions for Key Terms Throughout the Chapter; Establish the Duration of the Maunalua Bay FMA Rules; Establish and Delineate the Boundaries for the Maunalua Bay FMA; Prescribe the Permitted and Prohibited Activities Within the Maunalua Bay FMA, Including Restrictions on Take and/or Possession of Alakuma (7-11 Crab), Horned Helmet, Triton's Trumpet, Ula (Spiny Lobsters) and Ula Pāpapa (Slipper Lobsters), and a Prohibition on the Take of Marine Life With a Spear Between 6:00PM and 6:00AM; Carve Out an Exception for Vessels With Restricted Species or Gear in Active Transit Through the Maunalua Bay FMA; Establish the Administrative and Criminal Penalties for Violations of This Chapter; and Recognize the State's Asset Forfeiture Authority

(1) 04:17:53 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Canto)

(1) 04:18:03 **PASSED**
VOTE 4- Unanimous (Char, Canto, Chang, Smith)

(1) 04:18:25

ITEM L-1

Request Approval of Oahu Reservoir 155 (OA-0137) Dam Safety Permit Application and Authorization for the Chairperson and Department to Issue the Dam Safety Permit No. 68 to the State of Hawaii Agribusiness Development Corporation for Improvements with Stipulated Terms and Conditions Pursuant to Hawaii Revised Statutes Chapter 179D and Applicable Chapter 13-190.1, Hawaii Administrative Rules, Kunia, Hawaii, TMK (1) 9-2-001:020 por.

(1) 04:21:49 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(1) 04:21:58 **PASSED**
VOTE 4- Unanimous

(1) 04:22:08

ITEM J-1

Request for contested case hearing by Ohana Kayak Rentals and Ms. Janell Jensen, both individually and as owner of Ohana Kayak Rentals, regarding the Board's April 26, 2024 decision to impose fines and prohibit Ohana Kayak Rentals and Ms. Jensen from obtaining any Division of Boating and Ocean Recreation use permits for 24 months, for alleged violations described in the staff submittal for Item J-1 on the Board's April 26, 2024 meeting agenda.

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.

(1) 04:28:07 **Executive Session**
MOTION (Smith, Canto)

(1) 04:28:33 **PASSED**
VOTE 4- Unanimous

(1) 04:42:54 **To Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

(1) 04:43:05 **PASSED**
VOTE 4- Unanimous

(1) 04:44:33
ITEM J-2

Continuation of Revocable Permit No. 143 to Hone Heke Corporation for Office Space for Maui-Lanai Passenger Ferry Operation Purposes, Situated at Ma'alaea Small Boat Harbor, Waikapū, Wailuku, Maui, Tax Map Key: (2) 3-6-001:002 (por.). And Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

(2) 00:01:10 **To Approve Staff Recommendation as Submitted**
MOTION (name, name)

(2) 00:21:28 **PASSED**
VOTE 4- Unanimous

(2) 00:01:45
ITEM C-1

Request for approval to temporarily close Moku Nui, an island in the Mokolua Islet wildlife sanctuary, for up to three months under Section 13-126-6, Hawaii Administrative Rules, for purposes of protecting biological resources of the area; and

Request for delegation of authority to the Chairperson to temporarily close or restrict the public use of any wildlife sanctuary under Section 13-126-6, Hawaii Administrative Rules, for purposes of protecting biological, geological, cultural resources of the area or the safety and welfare of persons or property, until such time as the Board of Land and Natural Resources approves or disapproves the closure or restriction.

(2) 00:12:50 **To Approve Staff Recommendation as Submitted**
MOTION (Char, Smith)

(2) 00:13:00 **PASSED**

VOTE 4- Unanimous

(2) 00:13:05

ITEM C-2

Approve the use of a Competitive Sealed Proposal for a solicitation for the continued management of the Nā Manu ‘elele Land Steward Program; and

Approve a committee to evaluate and select the Competitive Sealed Proposals; and

Delegate authority to the Chairperson to:

1) Award and Execute a contract for goods and services, subject to the availability of funds and review and approval by the Department of the Attorney General contingent on budget and finance authorization; and

2) Appoint evaluation committee alternates should the need arise.

(2) 00:21:40 To Approve Staff Recommendation as Submitted

MOTION (Smith, Char)

(2) 00:21:50 PASSED

VOTE 4- Unanimous

(2) 00:22:00

There being no further business, Chair Chang adjourned the meeting.

Respectfully Submitted:

Reeana Wright

Acting Land Board Secretary

Approved for Submittal:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources