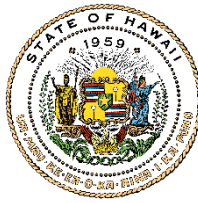


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE



**APPROVED AT ITS
BOARD MEETING
HELD ON
SEPTEMBER 27, 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 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: <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240809.m4a>

Date: August 9, 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 (Absent)

Doreen Canto

Riley Smith

Karen Ono

00:00:08 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

00:04:40
ITEM A-1 Approval of June 14, 2024, Summary Meeting Minutes

00:04:58 **To Approve Summary Minutes as Submitted**
MOTION (Yoon, Canto)

00:05:25 **PASSED**
VOTE 6- Unanimous

00:05:39
ITEM M-1 Consent to Issuance of Right-of-Entry Permit of Lands under Governor's Executive Order No. 4131 to the Hawaii Community Development Authority, Iwilei, Honolulu, Oahu, Tax Map Key: (1) 1-5-007:001.

00:09:47 **To Approve Staff Submittal as Submitted**
MOTION (Yoon, Char)

00:03:53 **PASSED**
VOTE 6- Unanimous

00:10:18

ITEM M-2

Consent to Extension of Thirty (30) Years on Lease No. NP03-01 of Lands under Governor's Executive Order No. 2566 to Lanakila Pacific, Lessee, Waianae-Uka, Wahiawa, Oahu, Tax Map Key: (1) 7-6-001:007.

00:12:20 **To Approve Staff Submittal as Submitted**
MOTION (Char, Yoon)

00:12:30 **PASSED**
VOTE 6- Unanimous

00:12:40

ITEM M-3

Consent to Issuance of Right-of-Entry Permit of Lands Under Governor's Executive Order Nos. 4394, 2343, and 3433 to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transit, Honolulu, Oahu, Tax Map Keys: (1) 2-1-026:001, (1) 2-1-031:010, (1) 2-1-030:003.

00:19:04 **To Approve Staff Submittal as Submitted**
MOTION (Yoon, Ono)

00:19:10 **PASSED**
VOTE 6- Unanimous

00:19:30

ITEM D-3

Amend Prior Board Action of June 9, 2023, Item D-2, Issuance of Right-of-Entry Permit for Ten (10) Days to Oahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Molokai Hoe Long Distance Canoe Race Event to Take Place Over Two Days Each Year in October 2023, October 2024, October 2025, October 2026, and October 2027, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

The purposes of this amendment are to (1) update the name of the permitted event, (2) add an additional portion of State land to the approved Right of Entry permits, and (3) adjust the rental amount accordingly.

Amendment: The Board deleted the requirement of the additional rent of \$120.00 per annual event.

00:24:40 **To Approve Staff Submittal as Amended**
MOTION (Ono, Smith)

00:25:04 **PASSED**
VOTE 6- Unanimous

00:25:13

ITEM D-5

Issuance of Right-of-Entry Permit for One (1) Day to Oahu Hawaiian Canoe Racing Association Hawaii for the Duke Kahanamoku Men's Long Distance Canoe Race Event to Take Place on August 18, 2024, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

00:26:51 **To Approve Staff Submittal as Submitted**
MOTION (Ono, Smith)

00:26:56 **PASSED**
VOTE 6- Unanimous

00:27:05

ITEM D-7

Amend Prior Board Action of August 11, 2023, Item D-3, Issuance of Right-of-Entry Permit for Ten (10) Days to Na Wahine O Ke Kai for the Finish Area of the Na Wahine O Ke Kai Women's Molokai to Oahu Outrigger Canoe Race to Take Place Over Two Days Each Year in September 2023, September 2024, September 2025, September 2026, and September 2027, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

The purposes of this amendment are to (1) update the name of the permit holder, (2) add an additional portion of State land to the approved Right of Entry permits, (3) adjust the rental amount accordingly, and (4) amend the date of the 2024 race event.

Amendment: The Board deleted the requirement of the additional rent of \$120.00 per annual event.

00:29:47 **To Approve Staff Submittal as Amended**
MOTION (Yoon, Smith)

00:29:58 **PASSED**
VOTE 6- Unanimous

00:31:13

ITEM C-1

Approve application(s) for Special Use Permit(s) to engage in traditional and customary practice, including take of marine life, within the 'Āhihi-Kīna'u Natural Area Reserve, Island of Maui, District of Honu'aula, Tax Map Key Numbers (2) 2-1-004:073, (2) 2-1-006:095, and (2) 2-1-006:098, and adjacent submerged lands and marine waters, for:

- 1) Francille Vedder
- 2) Mogul Lu'uwai;

And approve the inclusion of special use permit terms, conditions, and guidance, as appropriate, including take limits, to accompany the permit.

01:19:56 **To Approve Staff Submittal as Submitted**
MOTION (Canto, Ono)

01:20:14 **PASSED**
VOTE 6- Unanimous

01:31:32
ITEM C-2

Request for approval to authorize the Chairperson to negotiate, enter into, amend, extend, and terminate an Agreement to Subgrant a United States Fish and Wildlife Service National Coastal Wetlands Conservation grant between the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, and Moloka'i Land Trust to acquire lands in Kahanui, Island of Moloka'i at Tax Map Key (2) 5-2-011:011 ("kahanui wetland")

And

Request approval to authorize the Chairperson to sign a Notice of Federal participation form for Kahanui Wetland

And

Request for approval for the acquisition of a Perpetual Conservation easement over private lands over Kahanui Wetland.

01:46:00 **To Approve Staff Submittal as Submitted**
MOTION (Canto, Char)

01:46:14 **PASSED**
VOTE 6- Unanimous

01:46:45
ITEM D-2

Waiver of Land Use Restrictions Pursuant to Land Patent Grant 15,991, Napili 4 and 5, Lahaina, Maui Tax Map Keys: (2) 4-3-001: 005.

Amendment: On page 3 of the submittal, first full paragraph the Board corrected the reference from Part I to Part II for the land in which the prior 2005 waiver applied.

01:56:00 **To Approve Staff Submittal as Amended**
MOTION (Canto, Ono)

01:56:28 **PASSED**
VOTE 6- Unanimous

01:56:42

ITEM D-6

Consent to Assign General Lease No. S-6089, BRE Turtle Bay Resort, LLC, a Delaware limited liability company, Assignor, to North Shore Bay Owner LLC, a Delaware limited liability company, Assignee, Kahuku, Koolaupoko, Oahu, Tax Map Keys: (1) 5-7-006:026, 027 & 032;

Consent to Sublease General Lease No. S-6089, from North Shore Bay Owner LLC, a Delaware limited liability company, Sublessor, to North Shore Bay TRS LLC, a Delaware limited liability company, Sublessee, Kahuku, Koolaupoko, Oahu, Tax Map Keys: (1) 5-7-006:026, 027 & 032; and

Authorize the Chairperson to Execute an Estoppel for General Lease S-6089, Kahuku, Koolaupoko, Oahu, Tax Map Keys: (1) 5-7-006:026, 027 & 032.

02:04:11 **To Approve Staff Submittal as Submitted**
MOTION (Char, Ono)

02:04:22 **PASSED**
VOTE 6- Unanimous

02:04:40

ITEM D-1

Annual Renewal of Revocable Permits for Kauai. See Exhibit 2 for list of Revocable Permits.

02:17:45 **To Approve Staff Submittal as Submitted**
MOTION (Ono, Smith)

02:17:56 **PASSED**
VOTE 6- Unanimous

02:18:07

ITEM D-8

Deny Request for Contested Cases by Waila Leolani Sarcedo for the Following Items Approved by the Board of Land and Natural Resources at its meeting on July 12, 2024:

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.

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.

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.

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.

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

02:24:45 **To Approve Staff Submittal as Submitted**
MOTION (Char, Yoon)

02:25:01 **PASSED**
VOTE 6- Unanimous

02:25:16
ITEM D-4

Set-Aside to the Department of Transportation for Highways Related Purposes; Issuance of a Construction Right-of-Entry; Unencumbered Portions of Waiahole Stream, Waiahole, Koolaupoko, Oahu, TMK: (1) 4-8-008: seaward of 018.

02:28:31 **To Approve Staff Submittal as Submitted**
MOTION (Yoon, Char)

02:28:42 **PASSED**
VOTE 6- Unanimous

02:29:01
ITEM J-1

Consent to Sublease Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Hang Loose Boat Tours LLC, Sublessee for Space 14, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawai'i, Tax Map Key: (3) 7-4-008:042.

02:35:36 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Yoon)

02:35:43 **PASSED**
VOTE 6- Unanimous

02:23:48

ITEM J-2

Consent to Sublease Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Kona Coast Marine, Inc., Sublessee for Spaces 7 & 8B, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:042.

02:36:16 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

02:36:25 **PASSED**
VOTE 6- Unanimous

02:36:32

ITEM J-3

Consent to Subleases Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Painting Akazawa L.L.C., Sublessee for Space 18, located at Honokohau Small Boat Harbor, Kealakehe, Kailua-Kona, Hawai'i, Tax Map Key: (3) 7-4-008:042.

02:37:17 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

02:37:27 **PASSED**
VOTE 6- Unanimous

02:37:30

ITEM J-4

Consent to Subleases Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to The Kona Boat Club, Inc., Sublessee for Space 13, located at Honokohau Small Boat Harbor, Kealakehe, Kailua-Kona, Hawai'i, Tax Map Key: (3) 7-4-008:042.

02:37:55 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

02:38:02 **PASSED**
VOTE 6- Unanimous

02:38:07

ITEM J-5

Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to Kona Captain Jason L.L.C., Sublessee for Space F, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawai'i Island, Hawai'i, Tax Map Key: (3) 7-4-008:040.

02:39:15 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

02:39:20 **PASSED**

VOTE 6- Unanimous

02:39:24
ITEM J-6

Rescind Prior Board Action of October 28, 2022, under Agenda Item J-1, Issuance of a Revocable Permit to James Sumner, for a Retail Operation of an Automated Ice Machine, located at Wailoa Small Boat Harbor, Waiākea, Hilo, Hawai'i, Tax Map Key: (3) 2-2-31:001 (por.) and

Authorize the Issuance of a Revocable Permit to Riddle Works LLC for Installation of an Automated Ice Machine Purposes, located at Wailoa Small Boat Harbor, Waiākea, Hilo, Hawai'i Island, Hawai'i. Tax Map Key: (3) 2-2-031:001 (por.); and

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

02:43:23 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

02:43:29 **PASSED**
VOTE 6- Unanimous

02:43:36
ITEM J-7

Consent to Sublease Under Harbor Lease No. H-70-14, Keehi Marine, Inc. ("Keehi Marine"), Lessee, Kaimana Ventures Limited, a Hawaii Corporation, Sublessee, Ke'ehi Small Boat Harbor, Kalihi, Honolulu, Hawaii, Tax Map Key: (1) 1-2-023:030.

02:44:13 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

02:44:18 **PASSED**
VOTE 6- Unanimous

02:49:10
ITEM F-1

Request for Approval of Special Activity Permit (2025-29) to John O'Sullivan of the Monterey Bay Aquarium, Manager of Collections, to Collect, Possess or Transport Regulated and Non-Regulated Organisms, Including Various Species of Gelatinous Zooplankton, Zooplankton, Jellyfish and Seahorses, in a Regulated Area (West Hawaii Regional Fishery Management Area - "WHRFMA") and Non-Regulated Areas in Offshore Waters of West Hawaii, Using Regulated and Non-Regulated Gear, for the Purposes of Educational Live Display in a Deep-Water Exhibit ("Aquarium Purposes") and Associated Research (e.g. Husbandry Captive Research and/or Culturing) At Monterey Bay Aquarium, Monterey, CA

03:31:49 **Approve Staff Recommendation as Submitted**
MOTION (Smith, Char)

03:43:50 **Defer Staff Recommendation as Submitted** (Smith amended
his previous motion to approve, now to defer)
MOTION (Smith, Char)

03:44:30 **PASSED**
VOTE 6– Unanimous

03:46:47 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