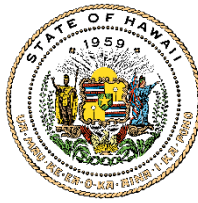


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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 (1): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240823-1.m4a>

Audio Link (2): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240823-2.m4a>

Audio Link (3): <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240823-3.m4a>

Date: August 23, 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 (Absent)

Aimee Barnes (Absent)

Doreen Canto

Riley Smith

Karen Ono

(1) 00:00:23 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

(1) 00:05:25

ITEM A-1 Approval of July 12, 2024, Summary Meeting Minutes

(1) 00:05:44 **To Approve Summary Minutes as Submitted**
MOTION (Canto, Smith)

(1) 00:06:23 **PASSED**
VOTE 4- Ayes (Chang, Char, Canto, Smith), 1- Abstain (Ono)

(1) 00:06:39

ITEM A-2 Approval of July 26, 2024, Summary Meeting Minutes

(1) 00:06:47 **To Approve Summary Minutes as Submitted**
MOTION (Canto, Smith)

(1) 00:07:03 **PASSED**
VOTE 5- Unanimous

(1) 00:07:12

ITEM D-1 Cancellation of Revocable Permit No. S-7088, Jeffrey S. Lindner, Permittee, for the Operation and Maintenance of the Moloaa Well and Transmission Facilities, Papaa, Moloaa, Kawaihau, Kauai, Tax Map Key: (4) 4-9-001:001 (por.).

(1) 00:28:55

An oral request for contested case on Item D-1 was made by Mr. Ray Maki as Vice President of Moloaa [Irrigation Cooperative].

(1) 01:10:10

ITEM D-2 Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Duke's Kauai Invitational Beach Volleyball, Kauai College Invitational and Kauai Beach Volleyball Juniors Duel at Kalapaki Beach, Lihue, Kauai, Tax Map Key:(4) 3-5-002:seaward of 002.

(1) 01:10:51 **To Approve Staff Submittal as Submitted**
MOTION (Ono, Char)

(1) 01:10:58 **PASSED**
VOTE 5- Unanimous

(1) 01:11:02

ITEM D-3 Issuance of Immediate Management Right-of-Entry and Set-Aside of Lands to the County of Maui for Existing Sewer Pump Station; Lower Honokowai, Lahaina, Maui, Tax Map Key No. (2) 4-4-001:094.

Amendment: The Board amended the recommendation section by "deleting recommendation 3 of the staff submittal and approving the management right-of-entry to the County to complete any required work. Staff will consult the County to determine whether it requires the entire area approved for set-aside in 1981 or the smaller area of Parcel 94, and return to the Board at a later date with any needed follow-up action on the set-aside."

(1) 01:13:43 **To Approve Staff Submittal as Amended**
MOTION (Canto, Ono)

(1) 01:14:05 **PASSED**
VOTE 5- Unanimous

(1) 01:14:19

ITEM D-4 Grant of Term, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes; Issuance of Immediate Right-of-Entry Permit; Kailua, Koolaupoko, Oahu, Tax Map Key: (1) 4-2-017: portion of 020.

(1) 01:15:21 **To Approve Staff Submittal as Submitted**
MOTION (Char, Ono)

(1) 01:15:28 **PASSED**
VOTE 5- Unanimous

(1) 01:15:30
ITEM D-5

(1) Consent to Assignment of Grant of Non-Exclusive Easement No. S-5629 from Carl Phillip Mudrick, Personal Representative of The Estate of Miles F. Shiratori, Deceased, Assignor, to FC2, Inc., Assignee; (2) Amend the Easement Conditions regarding Consent to Assignment and Insurance Provision; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-022: seaward of 006.

(1) 01:17:41 **To Approve Staff Submittal as Submitted**
MOTION (Char, Smith)

(1) 01:17:49 **PASSED**
VOTE 5- Unanimous

(1) 01:17:54
ITEM D-6

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

Amendment: The Board amended recommendations 3 and 4 as follows:

“3. Approve the continuation of the revocable permits listed in Exhibit 2 and at the rents set forth in such exhibit on a month-to-month basis effective January 1, 2025 for another one-year period through December 31, 2025, except for permits that are in arrears of rental payment for ~~[more than]~~ 60 days or more, or delinquent in the payment of real property taxes as evidenced by a written notice from the City and County of Honolulu, Department of Budget and Fiscal Services, Real Property Tax Assessment Division, and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental for 60 days or more, or the payment of real property taxes, and/or approved by the Board for forfeiture shall not be renewed.

4. Reserve and delegate to the Chairperson the ~~[right and]~~ authority ~~[at any time to review and adjust the rental charges for any of the revocable permits listed in Exhibit 2 any time from and after January 1, 2025, where such adjustments will best serve the interests of the State]~~ to correct typographical or mathematical errors in the monthly rent of no more than \$75.00 where such error is timely brought to the attention of the Chairperson by staff, and such error is clearly erroneous and inconsistent with the staff recommendation in the submittal.”

(1) 01:17:49 **To Approve Staff Submittal as Amended**
MOTION (Ono, Smith)

(1) 01:25:15 **PASSED**
VOTE 5- Unanimous

(1) 01:25:51

ITEM D-7 Issuance of Right-of Entry Permit to the United States Army Garrison Hawaii to Conduct Follow-up Inspections and Defense Environmental Restoration Program Activities on State Lands Possibly Including Submerged Lands on the Island of Oahu. See Exhibit 3 for List of Subject Properties.

(1) 01:36:09 **To Approve Staff Submittal as Submitted**
MOTION (Char, Smith)

(1) 01:36:20 **PASSED**
VOTE 5- Unanimous

(1) 01:36:30

ITEM J-1 Amend Prior Board Action on Item J-1 on the Board's agenda for its June 28, 2024, meeting: Renewal of Revocable Permits on the Islands of Oahu, Maui, Hawaii, and Kauai. See Exhibit E for list of Revocable Permits; and Waiver of Requirement for Conducting Phase I Environmental Site Assessment upon the termination of Revocable Permit Nos. 11 and 90; and Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

The purpose of the amendment is to accept the annual rents for those revocable permits whose rents for fiscal year 2025 were determined via appraisal after the June 28, 2024, Board's approval of renewals and deferral on the question of rental amounts. The list of Revocable Permits Whose Rents are to be Amended is attached hereto as Exhibit "A".

Amendment: The FY25 rental increase for the RPs whose rents were determined by appraisal will be 5%, with the exception of Blue Water Shrimp International, whose rent will remain unchanged for the period beginning July 1, 2024, through Sept. 30, 2024.

(1) 02:47:00 **To Approve Staff Submittal as Amended**
MOTION (Ono, Canto)

(1) 02:48:46 **PASSED**
VOTE 5- Unanimous

(1) 03:30:04

ITEM K-1 Request for Delegation of authority to the Board's Chairperson to award, execute, and amend and/or extend, as appropriate, the contract to Develop the Calculation of the Measures in the Climate Action Plan, following completion of the bidding process set forth in the "Request for Proposals (RFP) for the Calculation of Measures in the State's Climate Action Plan" for Job No. CAP25, which contract would be conditioned upon terms to serve the best interests of the State, subject to the availability of funds, and approval as to form by the Department of the Attorney General.

*Amendment: The Board amended the staff recommendation to read as follows:
That the Board [~~delegate authority to the chairperson to procure, award and enter into goods, services and construction contracts~~]:*

1) Delegate authority to the Chairperson to aware, [~~execute, and extend~~] sign and execute as appropriate, the contract to Develop the Calculation of the Measures in the Climate Action Plan, conditioned upon terms to serve the best interests of the State, subject to the availability of funds, and approval as to form by the Department of Attorney General.

2) Project is exempt from Chapter 343, HRS.

(1) 03:39:56 **To Approve Staff Submittal as Amended**
MOTION (Canto, Smith)

(1) 03:41:09 **PASSED**
VOTE 5- Unanimous

(1) 03:41:24
ITEM L-1

Request Approval of Kapalaalaea Reservoir (MA-0094) Dam Safety Permit Application and Authorization of the Chairperson and Department to Issue the Dam Safety permit No. 88 for Removal with Stipulated Terms and Conditions Pursuant to Hawaii Revised Statutes Chapter 179D and Applicable Chapter 13-190.1, Hawaii Administrative Rules, Haiku, Maui, Hawaii, TMK (2) 2-8-007:001.

(1) 03:46:59 **To Approve Staff Submittal as Submitted**
MOTION (Canto, Smith)

(1) 03:47:10 **PASSED**
VOTE 5- Unanimous

(1) 03:48:25
ITEM F-1

Request for Approval of the Application Form and Terms and Conditions for the State of Hawai'i Aquarium Fish Permit Pursuant to Hawaii Revised Statutes Section 188-31; Request for Approval of Terms and Conditions for the West Hawai'i Aquarium Permit Pursuant to Hawaii Administrative Rules Section 13-60.4-7; Request to Delegate Authority to the Chair to Approve, Sign, and Issue West Hawai'i Aquarium Permits and State of Hawai'i Aquarium Fish Permits authorizing limited commercial aquarium collection in the West Hawai'i Regional Fishery Management Area (WHRFMA) to Up to Seven Applicants That Meet Certain Criteria and Requirements.

(3) 00:20:23 **Executive Session**
MOTION (Smith, Ono)

(3) 00:20:44 **PASSED**
VOTE 5- Unanimous

(3) 01:03:53 An oral request for a contested case on Item F-1 was made by Mr. Charles Young

(3) 01:18:58 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