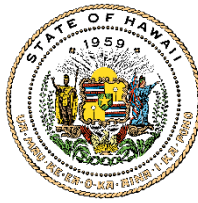


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE



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

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

**SUMMARY MINUTES
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

Audio Link: <https://files.hawaii.gov/dlnr/meeting/audio/Audio-LNR-240927.m4a>

Date: September 27, 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 (Zoom)

Doreen Canto

Riley Smith

Karen Ono

00:14:55 Chair Chang called the meeting to order. The contested case standard statement was read, and Roll Call of the Members conducted.

**00:21:00
ITEM A-1**

Approval of August 9, 2024, Summary Meeting Minutes

00:21:15 **To Approve Summary Minutes as Submitted**
MOTION (Ono, Smith)

00:21:35 **PASSED**
VOTE 6- Ayes (Chang, Char, Canto, Ono, Smith, Yoon),
1- Absent (Barnes)

**00:22:15
ITEM A-2**

Approval of August 23, 2024, Summary Meeting Minutes

00:22:40 **To Approve Summary Minutes as Submitted**
MOTION (Ono, Smith)

00:23:00 **PASSED**
VOTE 6- Ayes (Chang, Char, Canto, Ono, Smith, Yoon),
1- Absent (Barnes)

00:23:00 Member Barnes joined the meeting.

**00:23:16
ITEM D-7**

Grant of Perpetual, Non-Exclusive Easement to Resort trust Hawaii, LLC for Drainage Purposes; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041 and seaward.

00:25:39 **To Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

00:26:09 **PASSED**
VOTE 7- Unanimous

**00:26:25
ITEM D-8**

Termination of Revocable Permit No. S-7915 to Resort trust Hawaii, LLC; Issuance of Revocable Permit to Resort trust Hawaii, LLC for Maintenance and Landscaping Purposes; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041 and seaward.

Amendment: The Board amended the rent from gratis to \$750.00 per month, and recommendation no. 4 to restate the allowed uses to be for "landscaping and maintenance including, but not limited to irrigation, sand raking and lighting".

00:52:32 **To Approve Staff Recommendation as Amended**
MOTION (Char, Ono)

01:15:50 **PASSED**
VOTE 7- Unanimous

**01:16:30
ITEM D-3**

Grant of Perpetual, Non-Exclusive Access, and Utility Easement Including a Construction Right-of-Entry Permit to the County of Maui, Keokea, Kula, Island of Maui, Hawaii, TMK: (2) 2-2-004:066 por.

01:17:30 **To Approve Staff Recommendation as Submitted**
MOTION (Canto, Smith)

01:17:40 **PASSED**
VOTE 6- Ayes (Chang, Char, Canto, Ono, Smith, Yoon),
1- Nay (Barnes)

01:17:56

ITEM D-4

Grant of Term, Non-Exclusive Easement and Immediate Right-of-Entry to Hawaiian Telcom, Inc. for Utility Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041: Portion 022.

01:18:40 **To Approve Staff Recommendation as Submitted**
MOTION (Yoon, Char)

01:18:46 **PASSED**
VOTE 7- Unanimous

01:18:53

ITEM D-5

Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation for Elevated Guideway Purposes; Issuance of Immediate Construction Right-of-Entry Permit; Honolulu, Oahu, Tax Map Key: (1) 2-1-026: portion of 027.

01:24:04 **To Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

01:24:11 **PASSED**
VOTE 7- Unanimous

01:24:43

ITEM D-6

Termination of Revocable Permit No. S-7470 to JSR Equipment, Inc. Kalihi Kai, Honolulu, Oahu, Tax Map Key (1) 1-2-021:036; Issuance of Revocable Permit to JSR Equipment, Inc. for Base yard, Office, and Storage Purposes; Kalihi Kai, Honolulu, Oahu, Tax Map Key: (1) 1-2-021: portion of 035, portion of 036, and portion of unencumbered lands.

01:25:51 **To Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

01:25:59 **PASSED**
VOTE 7- Unanimous

01:26:12

ITEM D-9

Amend Prior Board Action of July 28, 2023, Item D-4 (as Subsequently Amended by the Board Actions of August 25, 2023, Item D-1, October 27, 2023, Item D-1, and February 9, 2024, Item D-5), Issuance of Direct Lease to The Gas Company, LLC for Storage Site and Tank Farm, Operating Yard, Related Activities and Appurtenant Pipelines to Said Tanks, Nawiliwili, Lihue, Kauai Tax Map Key: (4) 3-2-003:030.

The purpose of the prior amendments was to issue a one (1) year holdover of General Lease S-425 and to include a decommissioning bond for the removal of all trade fixtures and other equipment on the property.

The purpose of the current amendment is to change the lease commencement date from the first day of the month to be determined by the Chairperson to a fixed commencement date of September 9, 2024.

01:27:45 **To Approve Staff Recommendation as Submitted**
MOTION (Ono, Yoon)

01:27:50 **PASSED**
VOTE 7- Unanimous

01:28:00

ITEM D-10 Consent to Extension and Amendment of Sub-sublease, After-the-Fact, under General Lease No. S-5474, Waikoloa Beach Association, Lessee, Global Resort Partners, Sublessee, and Hawaii Nautical Inc., Sub-sublessee, Anaehoomalu Bay, South Kohala, Hawaii, Tax Map Key (3) 6-9-007: seaward of 011.

01:40:12 **To Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

01:40:28 **PASSED**
VOTE 7- Unanimous

01:40:49 The Board took a break.

01:46:58 The Board returned from a break.

01:47:06

ITEM D-11 Annual Renewal of Revocable Permits in Maui County. See **Exhibit 2** for list of Revocable Permits.

Amendment:

- a. *RP S-7537 to Haleakala Ranch, remove from Exhibit 2. Do not renew in 2025.*
- b. *RP S-7746 to Stephen Dorris, increase year 2025 annual rent to \$6,500 per year.*
- c. *RP S-7618 to Stable Road Beach Restoration Foundation, increase year 2025 annual rent to \$23,000 per year.*

02:48:50 **To Approve Staff Recommendation as Amended**
MOTION (Canto, Ono)

02:49:38 **PASSED**

VOTE 7- Unanimous

02:50:15
ITEM C-1

Issuance of a Right of Entry permit for design and construction to the National Oceanic and Atmospheric Administration for repair of the Mauna Loa observatory access road Tax Map Key (3) 3-8-001: Portion of 001, Hilo, North Hilo, Hawaii.

and

Request approval of a declaration of Exemption from Requirements preparation of environmental assessment under Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawai'i Administrative Rules.

02:51:38 **To Approve Staff Recommendation as Submitted**
MOTION (Smith, Ono)

02:51:54 **PASSED**
VOTE 6- Ayes (Chang, Char, Canto, Ono, Smith, Yoon),
1- Nay (Barnes)

02:52:12
ITEM F-1

Request for Approval to Hold Public Hearings on Amendments to and Compilation of Hawaii Administrative Rules Title 13, Chapter 60.4, "West Hawai'i Regional Fishery Management Area, Hawai'i," to: Establish a Moratorium on the Taking of Pāku'iku'i Through 2026; Establish a Pāku'iku'i Fisher Registration Requirement with Registration Terms and Conditions for Any Take of Pāku'iku'i, Including Mandatory Pāku'iku'i Catch Reporting, Through 2036; Establish a Bag Limit of Four Pāku'iku'i per Person per Day Through 2036; and Make Other Non-Substantive Amendments for Clarity and Consistency with Other Chapters"

The proposed rule amendments can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawai'i 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in person, email dlnr.aquatics@hawaii.gov.

The proposed rules, including a statement on the topic of the proposed rules, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposedchanges/>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notice/>.

Amendment: The Board amended the recommendation for the rules to reflect a limit of 0 take of Pāku'iku'i to begin the public hearing process.

03:55:16 **To Approve Staff Recommendation as Amended**
MOTION (Smith, Yoon)

03:58:00 **PASSED**
VOTE 7- Unanimous

03:58:10 The Board took a lunch break.

04:37:36 The Board returned from a lunch break.

04:37:42
ITEM J-1

Request findings of imminent peril to public health and safety for approval to adopt a new chapter under Hawaii Administrative Rules as Chapter 13-232.1, "SMALL BOAT HARBOR AND BOATING FACILITY HOURS OF OPERATION", through emergency rulemaking procedures, pursuant to section 91-3(b), Hawaii Revised Statutes, to address increased gun violence throughout the State, including at small boat harbors and boating facilities.

The proposed rule amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) District Offices from 8:00 am to 3:30 pm, Monday through Friday, except state holidays.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>. The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dobor/draft-rules>.

Location and contact information for DOBOR District Offices is available online at: <https://dlnr.hawaii.gov/dobor/contact>.

05:09:12 **To Approve Staff Recommendation as Submitted**
MOTION (Ono, Smith)

05:09:50 **PASSED**
VOTE 7- Unanimous

05:10:30
ITEM J-3

Mutual Cancellation of Revocable Permit No. 149, Issued to Pau Hana Yacht Charters LLC, Permittee, effective August 31, 2024, situated at Ala Wai Small Boat Harbor, Kalia, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 2-3-037:020 (seaward of parcel)

05:13:00 **Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

05:13:09 **PASSED**
VOTE 7- Unanimous

05:13:16
ITEM J-5

Consent to Sublease Under Harbor Lease No. H-70-14, Keehi Marine, Inc. (“Keehi Marine”), Lessee, Shaka Engineering, Inc., a Hawaii Corporation, Sublessee, Ke’ehi Small Boat Harbor, Kalihi, Honolulu, Hawaii, Tax Map Key: (1) 1-2-023:030.

05:14:09 **To Approve Staff Recommendation as Submitted**
MOTION (Yoon, Smith)

05:14:17 **PASSED**
VOTE 7- Unanimous

05:14:27
ITEM K-1

Request for administrative fines and other penalties against Val Sanjara for Conservation District Enforcement Case KA 22-17 regarding the alleged unauthorized placement of a shed, accessory structures, and landscaping within the Conservation District Located on Wainiha Powerhouse Road, Hanalei, Kaua’i, Tax Map Key (TMK) parcel: (4) 5-8-005:026

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawai’i Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities

05:16:48 Val Sanjara submitted a written request for a contested case before the start of the meeting and a verbal request at the start of the item K-1.

05:19:23
ITEM K-2

Request for Conservation District Use Application (CDUA) OA-3952 by the Lā’ie Water Company, Inc. (LWC) for the Production Well Project at Lā’ie, Ko’olauloa, O’ahu, Tax Map Key (TMK) parcel: (1) 5-5-007:001

05:28:35 **To Approve Staff Recommendation as Submitted**
MOTION (Yoon, Char)

05:28:46 **PASSED**
VOTE 7- Unanimous

05:29:00 There being no further business, Chair Chang adjourned the meeting.

Respectfully Submitted:

Henny Saraswati

Henny Saraswati
Land Board Secretary

Approved for Submittal:



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