

**AGENDA
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, APRIL 13, 2018
TIME: 9:30 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

In some of the matters before the Board, a person may wish to request a contested case hearing. If such a request is made before the Board's decision, then the Board will consider the request first – before considering the merits of the item before it. A person who wants a contested case may also wait until the Board decides the issue, then request the contested case after the decision. It is up to you. Any request must be made orally by the end of the meeting and followed up in writing within ten days. If no request for contested case is made, the Board will make a decision. The Department will treat the decision as final and proceed accordingly.

A. MINUTES

1. Approve Meeting Minutes for February 9, 2018.
2. Approve Meeting Minutes for February 23, 2018.

D. LAND DIVISION

1. Issuance of Right-of-Entry Permit Onto Unencumbered State Lands to St. Theresa School for Parking Purposes at Kekaha House Lots, Kekaha, Waimea, Kaua'i, Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001.
2. Amend Prior Board action of September 25, 2015, Agenda Item D-3 as amended by Board action of October 14, 2016, Agenda Item D-3, *Approval for Acquisition of Perpetual Easements and Authorization of the Chairperson to Negotiate and Execute Rights-of-Entry on Private Lands for the Menehune Road Rockfall Mitigation Project, Waimea Valley, Waimea, Kaua'i, Tax Map Keys:(4) 1-6-010:001, 002 & 003 (portions).*

- The purpose of the amendment is to expand the area and the character of use of the perpetual easement on TMK (4) 1-6-010:003 (portion), to include a 4-foot high chain-link fence with gate for safety purposes.
3. Approve a 10-year Lease Term Extension Pursuant to Act 207, Session Laws of Hawai'i 2011, General Lease No. S-3750, Jieyu Shepard, Lessee; Amendment of Terms and Conditions Regarding Character of use, Assignment and Sublease Provisions, Kanoelehua Industrial Lots, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-050:076.
 4. **Intentionally Left Blank**
 5. Set Aside to the Department of Education for School Purposes, Issuance of Immediate Right-of-Entry; Kalihi-Kai, Honolulu, O'ahu, Tax Map Key: (1) 1-5-028:075.
 6. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc., for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on May 15 and 19, 2018, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037:021 (Portion).
 7. Grant of Term, Non-Exclusive Easement to Ashley Wu-Fang Chen for Seawall Purposes; Ka'alāwai, Honolulu, O'ahu, Tax Map Key: (1) 3-1-041: Seaward of 025.
 8. Issuance of Right-of-Entry Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display on May 11, 2018 at the beach fronting Kahala Hotel, Wai'alaie, Honolulu, O'ahu, Tax Map Key: (1) 3-5-023:041.
 9. Mutual Termination of Grant of Non-Exclusive Easement No. S-5366; Issuance of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes, Waimānalo, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-1-009:282.
 10. Grant of Term, Non-Exclusive Easement to United States of America, by its Federal Aviation Administration for Roadway and Slope Maintenance Purposes; Issuance of Immediate Construction Right-of-Entry Permit; Mokulē'ia, Waialua, O'ahu, Tax Map Key: (1) 6-8-001: portions of 001

11. Amend Prior Board Action of February 09, 2018, Item D-15, *Issuance of a Right-of-Entry Permit to the United States to Conduct Defense Environmental Restoration Program Activities on State Lands Including Submerged Lands on the Islands of O‘ahu, Maui, and Moloka‘i. See Exhibit A for List of Subject Properties.*

The purpose of the amendment is to 1) correct Exhibit A with addition of seven parcels totaling 11.565 acres, 2) update a location map as Exhibit D by adding the seven parcel numbers, and 3) correct the requested total land area on page 1 to 9,319.6211 acres.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Charles Littnan, NOAA Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Management and recovery actions, inclusive of the removal of individual sharks at FFS displaying predatory behavior towards pups.
2. Request for Approval to Hold Public Hearings to Adopt a New Chapter Under Hawaii Administrative Rules (“HAR”) as Title 13 Chapter 60.9, Mo‘omomi Community-Based Subsistence Fishing Area, Moloka‘i, to Manage and Protect Fish Stocks and to Reaffirm Traditional and Customary Native Hawaiian Subsistence Fishing Practices Along the Northwest Coast of Moloka‘i. The proposed rule would establish new bag limits, size limits, seasonal closures, and/or gear restrictions for uhu, kūmū, kole, moi, spiny lobster, ‘opihi, and limu; prohibit night diving and SCUBA spearfishing; prohibit commercial fishing, with exceptions for bottomfishing for deep 7 bottomfish and trolling for all species; and establish special regulations restricting in-water activity in Kawa‘aloa Bay.

The Rules can be reviewed online at <http://ltgov.hawaii.gov/the-office/administrative-rules> or at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices 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.

3. Request for Approval to Hold a Public Hearing for Amendments to Hawai‘i Administrative Rules Chapter 13-95, Rules Regulating the Taking and Selling of Certain Marine Resources. These Amendments are Intended to Give the Department Authority to Authorize Take of Stony Coral and Live Rock in Limited Circumstances by 1) Adding Definitions of “Renewable Energy Projects” and “Mitigation” to Section 13-

95-1, and 2) Adding New Subsections in 13-95-70 and 71 that Allow the Department to Authorize Damage of Stony Corals and Live Rocks for the Development or Operation of Renewable Energy Projects and Require Mitigation to Offset Stony Coral and Live Rock Damage from Any Authorized Take under this Subsection.

The Rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules>. The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on O'ahu at 1151 Punchbowl St. Room 330 Honolulu, Hawai'i 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

J. DIVISION OF BOATING & OCEAN RECREATION

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2. Administrative Enforcement Action for Violation of Hawaii Administrative Rule Section 13-256-39: Hanalei Bay Ocean Waters, General Restrictions, against Stephen Koehne for conducting Commercial Activity without a Commercial Use Permit or Prior Approval from the Department.
3. Authorize Public Auction of a Lease for Purposes of Landscaping, Maintenance, Storage of Small Boats and Trailers and other Maritime Related Activities at Mala Wharf and Surrounding Areas, Alamihi, Lāhainā, Maui, Hawai'i, identified by Tax Map Key: (2) 4-5-005:019 (Por)

and

Declare Project Exempt from Requirements of Chapter 343, HRS, And Title 11, Chapter 200, Hawaii Administrative Rules.

4. Authorize the Division of Boating and Ocean Recreation to Issue a Request for Proposals for Development of Public Lands at the Ala Wai Small Boat Harbor, Kālia, Honolulu, O'ahu, Hawai'i regarding certain parcels of Tax Map Key Nos. : (1) 2-3-037 and (1) 2-6-010.

M. OTHERS

1. Issuance of a Revocable Permit for Vehicle Parking, Kone, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: (Portion).
2. Issuance of a Revocable Permit for Car Dealership Overflow Parking to Lithia of Honolulu-BGMCC, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-72: Portion of 27.
3. Issuance of a Revocable Permit for Storage of Emergency Airfield Equipment, Department of the Navy – NAVFAC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 022.
4. Issuance of a Revocable Permit for Aircraft Parking, Hawaii Glider and Sailplane Academy, LLC, Kawaihāpai Airfield, Waialua, Hawai'i, Tax Map Key: (1) 6-8-14:001 (Portion).
5. Issuance of a Revocable Permit for Space in the Main Terminal for Locker Rooms, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
6. Issuance of a Revocable Permit to Southwest Airlines Co. for Purpose of Airline Operations, Līhu'e Airport, Tax Map Key: (4) 3-5-001: Portion of 8.
7. Issuance of a Revocable Permit to the Department of Customer Services, City & County of Honolulu, for it's Permitted Agents (assignees, contractors, sub-contractors, and agents) the right to enter upon and take possession of the premises for the purposes of storing towed and abandoned vehicles and equipment found on streets and roads under the jurisdiction of the City & County of Honolulu. Keehi Industrial Park, Kapālama, Honolulu, Hawai'i, Tax Map Keys: (1) 1-02-023:040 & 072.
8. Issuance of a Right of Entry to Toell U.S.A. Corporation, access for the preliminary Construction Planning for permit applications and site mobility for Construction of a new facility & reconstruction & repair of existing facilities at Piers 23 & 24, Honolulu Harbor, Hawai'i, Tax Map Keys: (1) 1-05- & 038: 004 (Por.), 005, & 058.

9. Issuance of a Lease by Negotiation to Toell U.S.A. Corporation, for construction of a new facility, reconstruct and repair, use and maintenance of existing facilities for the purpose of receiving and loading cargo containers; forming plastic bottles; purifying water; filling of bottles; & packing, storing & loading final products for shipping. Piers 23 & 24, Honolulu Harbor, Hawai'i, Tax Map Keys: (1) 1-05- & 038: 004 (Por.), 005, & 058.

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.

TO BE PLACED ON THE MOVE UP AGENDA, PLEASE SIGN IN BY 9:15 A.M. THE DAY OF THE MEETING.

Public Testimony:

e-mail: blnr.testimony@hawaii.gov

The Sunshine Law gives the public the opportunity to submit testimony but it is your responsibility to submit written testimony in a timely manner. To give Board members sufficient time to consider written testimony, please submit the testimony no later than 24 hours prior to the Board Meeting.

Any late written testimony will be retained as a part of the record, but we cannot assure that Board members will receive it with sufficient time for review prior to decision-making.

Meeting materials are available for public review in advance of the meeting on our Website:

<http://www.dlnr.Hawai'i.gov/meetings>

INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (e.g., sign language interpreter, wheel chair accessibility, or parking designated for the disabled) AT THE BLNR MEETING, PLEASE CONTACT STAFF AT LEAST 72-HOURS (*April 9, 2018*) PRIOR TO THE MEETING AT (808) 587-0404 SO THAT ARRANGEMENTS CAN BE MADE.