

DRAFT MINUTES
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: FRIDAY, October 26, 2018
TIME: **9:15 A.M.**
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chair Case called the meeting to order at 10:40 am.

A. MINUTES

1. Request Approval of the August 10, 2018 Meeting Minutes. **Approved**
2. Request Approval of the August 30, 2018 Meeting Minutes. **Approved**

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request for approval for selection of a competitive sealed process for a carbon certification project in Kahikinui Forest Reserve and Na Kula Natural Area Reserve, Hana, Maui County, Tax Map Keys: (2) 1-8-001:006 portion. **Deferred till 11.09.2018**

D. LAND DIVISION

1. Annual Renewal of Revocable Permits on the Island of Kaua'i. See Exhibit 2 for list of Revocable Permits. **Deferred till 11.09.2018**
2. Denial of Petition for Contested Case Hearing filed June 4, 2018 by Petitioners Liko-o-Kalani Martin and Na Mo'o Kupuna o Wailua, Regarding Board Action of May 25, 2018, Agenda Item D-1:

Consent to Assign General Lease No. S-4878, Grant of Easement Nos. S-4244 & S-4645, and Land Office Deed Nos. S-12,850 & S-27,442, Coco Palms Ventures LLC, as First Assignor, to PR II Coco Palms LLC, as First Assignee/ Second Assignor, and from PR II Coco Palms LLC, First Assignee/ Second Assignor, to Coco Palms Hui LLC, as Second Assignee, Wailua, Kawaihau (Puna), Kaua'i, Tax Map Keys: (4) 4-1-003:005, por. 017, por. 039, and por. 044.

Amendment of Grant of Easement Nos. S-4244 and S-4645, and Land Office Deed Nos. S-12,850 and S-27,442, Coco Palms Hui LLC, Grantee, Wailua, Kawaihau (Puna), Kaua'i, Tax Map Keys: (4) 4-1-003:005, por. 017, por. 039 & por. 044, and 4-1-005:017.

Grant of Easement Nos. S-4244 and S-4645, and Land Office Deed Nos. S-12,850 and S-27,442 already exist. The purpose of amending the documents is to insert a provision allowing the easements to "Run with the Land," thereby becoming assignable without the written consent of the Board of Land and Natural Resources. The easements will

*be appurtenant to and inure to the benefit of Coco Palms Hui LLC's private property identified as Tax Map Key: (4) 4-1-003:007. **Approved as submitted***

3. Set Aside and Issuance of Immediate Management Right-of-Entry to Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Kawaihae Small Boat Harbor-South at Kawaihae 1st and 2nd, South Kohala, Hawai'i, Tax Map Keys: (3) 6-1-003:025 (portion), (3) 6-1-003:026 (portion) and seaward of same. **Deferred till 11.09.2018**
4. Consent to Assign Sublease K-26 under General Lease No. S-5619, CELLANA LLC, Assignor, to CYANOTECH CORPORATION, Assignee, Kalaoa 1st, North Kona, Hawai'i, Tax Map Key: (3) 7-3-043:102. **Approved as submitted**
5. Grant of Perpetual, Non-Exclusive Easement to City and County of Honolulu for Drainage Purposes; Issuance of Management Right-of-Entry; Kapalama, Honolulu, O'ahu, Tax Map Keys: (1) 1-2-025: portions of 011 and 089, (1) 1-5-032 portions of 002 and 043. **Deferred till 11.09.2018**
6. Grant of Two (2) Perpetual, Non-Exclusive Easements to Hawaiian Electric Company, Inc. for Utility Purposes; Issuance of a Right-of-Entry Permit, Nuuanu, Honolulu, O'ahu, Tax Map Keys: (1) 1-9-001:001 (Por.), 005 (Por.), 018 and (1) 2-2-054:001 (Por.). **Deferred till 11.09.2018**
7. Grant of Perpetual, Non-Exclusive Easement to Haseko (Ewa), Inc. for Drainage Purposes and Issuance of Construction Right-of-Entry Permit, Ewa, O'ahu, Tax Map Keys: (1) 9-1-011: seaward of 007 and (1) 9-1-134: seaward of 006. **Deferred till 12.14.2018**

F. DIVISION OF AQUATIC RESOURCES

1. Request for approval to enter into a Memorandum of Agreement Between the State of Hawaii, Board of Land and Natural Resources (or "BLNR") and the State of Hawaii, Department of Transportation (or "DOT"), which oversees its Harbors Division (or "HAR"), regarding the New Kapalama Container Terminal Wharf and Dredging, Honolulu Harbor, O'ahu, Hawaii (Job H.C. 10498) and the Proposed Minimization and Offset Measures Designed to Minimize or Offset the Total Losses to Natural Hard Substrate (Live Rock), Fouling Community (Marine Invertebrates) on Natural Hard Substrate and Stony Coral, that will Occur as a Result of the Development. The Proposed Minimization and Offset Measures will Include the Funding of Coral Transplantation Efforts and Restoration Projects, Consisting of Urchin Production and Out-planting to Generate Natural Hard Substrate and Native Fouling Community with Associated Monitoring to Document Results, and Coral Colony Production and Out-planting at Nexus Sites to Generate the Replacement for the Loss of Corals, with Associated Monitoring to Document Results." **Deferred till 11.09.2018**

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Continuation of Revocable Permit No. 39 to HBM, LLC, located at the Ala Wai Small Boat Harbor, Kalia, Honolulu, Island of O‘ahu, Hawai‘i, Tax Map Key: (1) 2-3-037:020.
Deferred
2. Approve Installation of Two New Offshore Moorings Outside of a Designated Offshore Mooring Area, Kaunolu Bay and Huawai Bay, Island of Lanai, For Lanai Resorts, LLC (Dba Pulama Lanai). Concur that the Issuance of a Revocable Permit for this Project will probably have Minimal or No Significant Effect on the Environment and Accept the Finding of No Significant Impact. **Approved as submitted**
3. Request Approval to Initiate Rule-Making Proceedings, Including Public Hearing, to Amend and Compile Title 13, Hawai‘i Administrative Rules (HAR), Chapters 13-234, Fees and Charges, and 13-253, Catamaran Registration Certificate, Other Registration, and Commercial Use Permit Fees for the Purpose of Revising Fee and Charge Requirements and Increasing Boating and Ocean Recreation Fees and Charges, Including, but Not Limited To, Mooring Fees, State Boating Facility-Related Fees, Commercial Use Permit Fees, Ramp Decal Fees, and Passenger Cruise-Related Fees.
Deferred
4. Consideration of Settlement Proposal in Civil No. 17-1-0483(3), Na Papa‘iwawae ‘Ula ‘Ula, Et. Al. V. DLNR”. The Board may go into Executive Session Pursuant to Section 92-5 (a)(4), Hawaii Revised Statutes, In Order to Consult with Its Attorneys on Questions and Issues Pertaining to The Board’s Powers, Duties, Privileges, Immunities, And Liabilities.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) OA-3821 Regarding the **Grossman** Scour Apron Erosion Control Project by Elizabeth Rice Grossman, Located in the Ko‘olaupoko District, Island of O‘ahu, on Submerged Lands of the State, seaward of Tax Map Key: (1) 4-3-005:094. **Approved as submitted**
2. Conservation District Use Application (CDUA) OA-3807 Regarding the South **Kahana** Stream Bridge Replacement Project by the State of Hawaii, Department of Transportation, Located in the Ko‘olaupoko District, Island of O‘ahu on Tax Map Key(s): (1) 5-2-005:001, (1) 5-2-005:022, (1) 5-2-005:023, and (1) 5-2-002:001. **Approved with conditions**
3. Conservation District Use Application (CDUA) OA-3818 Regarding the **MDHE**, LLC Single Family Residence Project by MDHE, LLC, Located in the Ko‘olaupoko District, Island of O‘ahu on Tax Map Key: (1) 4-2-004:001. **Approved with conditions**
4. Third Time Extension Request for Conservation District Use Permit (CDUP) OA-3579 for the Honolulu Seawater Air Conditioning Project by Honolulu Seawater Air Conditioning, LLC. located upon submerged land, makai of Kaka‘ako Waterfront Park, offshore of Plat (1) 2-1-060 and Channel D of Ke‘ehi Lagoon, Island of O‘ahu.
Approved as submitted

M. OTHERS - ALL SUBMITTALS DEFERRED TO 11.09.2018

1. Issuance of a Revocable Permit for Storage of Aircraft Parts and Vehicle Parking, Delta Air Lines, Inc., Daniel K. Inouye International Airport, Tax Map Keys: (1) 1-1-003: 001 (Portion) and (1) 1-1-003: 050 (Portion).
2. Issuance of a Revocable Permit for Retail Concession Storage Container, Tiare Enterprises, Inc., Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.
3. Issuance of a Revocable Permit for Aircraft Parking, Little Blue LLC, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.
4. Issuance of a Revocable Permit for Aircraft Parking, James Donovan, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.
5. Issuance of a Revocable Permit for Aircraft Parking, Keven Rinkenbach, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08.