

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

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

DATE: FRIDAY, October 11, 2019
TIME: **9:15 A.M.**
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI'I 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.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request to Restrict Access in portions of the West Maui Natural Area Reserve, Lihau section, for up to a period of two years, Tax Map Key: (2) 4-8:001:002 (Portion).
2. Pacific Rim Conservation, Inc., and the Department of Land and Natural Resources, Division of Forestry and Wildlife to engage as Partners in a Cooperative effort to Support Habitat Restoration, Natural Resource Protection, and Predator exclusion fence construction, Na Pali, Kauai, Tax Map Key: (4) 5-9-001:001;

and

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for this project.

3. Request Approval to Authorize the Chairperson to Negotiate, Enter into, Amend, Extend, and Terminate a Memorandum of Agreement between the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, Haleakala Ranch Company, Public Access Trails Hawaii, and the Sierra Club, Maui Group for public use and access to a portion of Haleakala Trail, District of Makawao, Ahupua'a of Kalialinui, Maui, Tax Map Key: (2) 2-3-005:004;

and

Request to Authorize the Chairperson, pursuant to Chapter 13-221, HAR, upon a Determination of Need, to Establish a Reasonable Schedule of visiting hours for all or portions of the trail, or to Close or Restrict the Public Use of all or any Portion thereof, when necessary for the Protection of the area or for the Safety and Welfare of persons or property, by the Posting of appropriate Signs indicating the extent and scope of closure.

D. LAND DIVISION

1. Continuation of Revocable Permits for Water Use for the Islands of Maui, Hawai'i and Kaua'i. See **Exhibit 1** for list of Revocable Permits.

Issuance of Revocable Permit for Water Use to Ka'u Mahi, LLC from Moa'ula Gulch Tunnel, Ka'u Forest Reserve, Ka'u, Island of Hawai'i, Tax Map Key: (3) 9-6-006:010.

2. Update on Development and Implementation of Watershed Management Plans for Leases of Water Rights Pursuant to section 171-58(e), Hawaii Revised Statutes (HRS).
3. Issuance of Right-of-Entry Permit to the Young Men's Christian Association of Kauai for the Kalapaki Bay Foil Challenge Event over unencumbered State Lands at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
4. Issuance of Right-of-Entry Permit to Sigrid Marmann for Maintenance Purposes onto State Lands, Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-012:008.

5. Consent to Assign General Lease Nos. S-4472 & S-4473, Ernest De Luz, Assignor, to Ernest De Luz Ranch, LLC, Assignee, Kaohe 6th, Hoesa-Kaa, Hamakua, Hawaii, Tax Map Keys: (3) 4-1-006:007 and 4-2-008:002.
6. Amend Prior Board Action of July 26, 2019, Item D-3, *Approval of 15-Year Term Extension of General Lease No. S-4257, aFein Holdings, LLC, Lessee; Kapaa Town, Kauai, Tax Map Key: (4) 4-5-009:008.*

Consent to Sublease under General Lease No. S-4257, aFein Holdings, LLC, Lessee, to (i) Dorland and Associates, Inc., CPAs, and (ii) Island Rental Cars, LLC, Sublessees; Kapaa Town, Kawaihau, Kauai, Tax Map Key: (4) 4-5-009: portions of 008.

After-the-fact Consent to Sublease under General Lease No. S-4257, aFein Holdings, LLC, Lessee, (iii) Julian M. Martinez dba Kukui Street Tattoo, (iv) Eat Chef George, LLC, (v) Hannah Finazzo-Krueger, LLC, (vi) Christopher Mario Ragsdale Jr, (vii) Adam Lang and (viii) Max Lemaire, Sublessees; Kapaa Town, Kawaihau, Kauai, Tax Map Key: (4) 4-5-009: portions of 008.

The purpose of this amendment is to change the statement under the submittal heading "RENTAL REOPENINGS:" from "Reopening's for the extended term shall be on August 12, 2019 and August 12, 2029" to "Reopening for the extended term shall be on August 12, 2019 (an independent appraiser will conduct one (1) appraisal for the current fair market rental of the extension and a step-up in rental for the 10th year of the extension, to take effect on August 12, 2029)."

7. Annual Renewal of Revocable Permits for the County of Maui, See **Exhibit 2** for list of Revocable Permits (RP).
8. Rescind Prior Board Action of June 25, 1993, Item F-4, *Lease – Public Auction Covering State Land at Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029 and 066;*

Rescind Prior Board Action of June 24, 1997, Item D-18, Request to Amend the Board's June 25, 1993 Agenda Item F-4 Authorizing the Issuance of a Revocable Permit to the Present Occupant for Pasture Purposes and Sale of Lease at Public Auction for Property Identified as Tax Map Keys: (2) 2-2-004: 001, 002, 029 and 066, Situate at Waiohuli-Keokea, Kula, Makawao, Maui;

Rescind Prior Board Action of April 13, 2012, Item D-5, Amend prior Board Action of June 24, 1997, Item D-18, to Authorize the Inclusion of Three (3) Additional Parcels in the Sale of Leases at Public Auction for Pasture

Purposes, Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029, 031, 066, and (2) 2-2-005:047 & 053;

Rescind Prior Board Action of November 30, 2012, Item D-4, Clarification of On-Site and Off-Site Conditions Related to the Sale of Lease at Public Auction for Pasture Purposes Amended and Approved by the Board Action of April 13, 2012, Item D-5, Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029, 031, 066, and (2) 2-2-005:047 & 053;

Set Aside to the Department of Agriculture for Agriculture Purposes and the Issuance of an Immediate Management Right-of-Entry for Unencumbered Parcels at Waiohuli-Keokea, Kula, Makawao, Maui, Tax Map Keys: (2) 2-2-004:001, 002, 029, 031, 066, and (2) 2-2-005:047 & 053.

9. Issuance of a Right-of-Entry Permit to Kanaka Ikaika Racing Association for the KIRA Race #6 Event to be held on March 1, 2020, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

E. DIVISION OF STATE PARKS

1. Issuance of a Month-To-Month Revocable Permit to Diamond Parking Services, LLC, for Parking Fee Collection Services at Mākena State Park, portions of Maluaka, Mooiki, Mooloa, Moouku, Nau, Honuaula, Makawao, Maui, Tax Map Key: (2) 2-1-006:003 (Portion).
2. Request for a Special Use Permit to Crossfit Allstar LLC, to be able to Utilize a Portion of the Hapuna Beach State Recreation Area, for an Exercise and Swim activity. Kamuela, Hawaii Tax Map Key: (3) 6-6-022:035.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Approval to Hold Public Meetings and Hearings to Repeal Hawaii Administrative Rules (HAR) Title 13 Chapters 84 and 89 and to Amend and Compile HAR Title 13 Chapter 95, to Update and Consolidate Rules and Statutory Provisions Regulating the Take, Possession, and Sale of Samoan Crab, Kona Crab, and Lobster.

The Rules can be reviewed 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 Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Find and Declare that La Mariana Sailing Club, Inc. (LMSC) has Encroached onto to State Land at or adjacent to Ke'ehi Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 1-2-023:081 (Por.) and assess back Rent for the Encroachment.

2. Issuance of a four-month Right-of-Entry and subsequent Revocable Permit to Cates Marine Services, LLC., for purposes of Marine Salvage and Marine Services, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 1-2-023:057;

and

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

3. INTENTIONALLY LEFT BLANK

4. Declare an existing Offshore Mooring Exempt from requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules, Lahaina, Island of Maui, Hawaii, for Hawaii Four-O, LLC.

5. Declare an Existing Offshore Mooring Exempt from requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules, Lahaina, Island of Maui, Hawaii, for Sumner H. Bates, Inc.

6. Approve Installation of two Moorings outside of an established Offshore Mooring area after-the-fact, Reed's Bay, Hilo, Island of Hawaii, Hawaii, for Thomas Wolff;

and

Declare the two Existing Offshore Moorings Exempt from Requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Final Environmental Impact Statement (FEIS) Acceptance Determination for the Adventist Health Castle Master Plan- Hawai'i Loa Campus Located at 45-045 Kamehameha Hwy., Kaeleuli, Kāne'ohe/Kailua, Island of O'ahu, Tax Map Key: (1) 4-5-035:010.

M. OTHERS

1. Amendment No. 3 to Concession Agreement No. DOT-A-18-0004 for Additional Parking Space, ABM Aviation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-14:021 (Portion).
2. Issuance of a Revocable Permit for Space for an Employee Training Room/Support Facility, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:001 (Portion).
3. Issuance of a Revocable Permit for Aircraft Parking, Reach Air Medical Services, LLC, Kahului Airport, Tax Map Key: (2) 3-8-01:019 (Portion).
4. Issuance of a Revocable Permit for Cargo Area Ramp Space for Equipment Storage, Aeko Kula, LLC dba Aloha Air Cargo, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
5. Issuance of a Revocable Permit for Cargo Area Ramp Space for Equipment Storage, Aloha Contract Services, LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
6. Issuance of a Revocable Permit for Vehicle Parking Stalls for Package Delivery Operations, Reginald Ignacio, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
7. Issuance of a Revocable Permit for Equipment Parking and a Mechanics Tent for Airline Operations, United Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).

8. Issuance of a Revocable Permit for Tech Operations Office Space for Airline Operations, United Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 040 (Portion).
9. Issuance of a Revocable Permit for Space for an Office Trailer, Oxford Electronics, Inc. dba Oxford Airport Technical Services, Hilo International Airport, Tax Map Key: (3) 2-1-12: 090 (Portion).
10. Issuance of Month to Month Permit to Winters Ranch, Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.
11. Issuance of Month to Month Permit to A & A Trucking Services, LLC., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.
12. Issuance of Month to Month Permit to ACR Water Hauling Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.
13. Issuance of Month to Month Permit to Bertelmann, Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.
14. Issuance of Month to Month Permit to Cantor Brothers Transport Services, Inc., for storage of Chassis and Cargo Containers discharged or loaded onto Maritime Vessels and staging of drayage. Situated at Kawaihae Harbor, Island of Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion). Governor's Executive Order No. 1759.

The 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 9:00 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.Hawaii.gov/meetings> or **in person** at 1151 Punchbowl Street, Rm 131, Honolulu, Hawaii 96813.

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 PRIOR TO THE MEETING AT (808) 587-0404 SO THAT ARRANGEMENTS CAN BE MADE.