

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, November 8, 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 Approval of the Kapoaula Koa Forest Management Plan and Forest Stewardship Agreement with Paniolo Tonewoods LLC, Tax Map Key: (3) 4-7-007:011, Kamuela, Island of Hawai'i;

and

Request Approval and Acceptance of the Final Environmental Assessment for the Kapoaula Koa Forest Management Plan and Finding of No Significant Impact.

2. Request for Approval of Supplemental Environmental Impact Statement for the Kaheawa Wind Power II, Wind Energy Project, on the Island of Maui, Hawai'i, Tax Map Key: (2) 4-8-001 (Portion), Access Road: (2)-3-6-001:014.

3. Request for Approval of Amendments to the Incidental Take License and Habitat Conservation Plan for the Kaheawa Wind Power II, Wind Energy Project on the Island of Maui, Hawai'i. Tax Map Key: (2) 4-8-001 (Portion), Access Road: (2)-3-6-001:014.
4. Progress briefing for Research and Educational Activities of the Hawai'i Experimental Tropical Forest.
5. Acquisition of Private Lands; Issuance of Management Right-of-Entry to Division of Forestry and Wildlife; Set Aside to the Division of Forestry and Wildlife for Wildlife Sanctuary Purposes; and Authorization to Division of Forestry and Wildlife to Conduct Public Hearings on the Island of Moloka'i for Proposed Addition to Molokai Forest Reserve, Pua'ahala, Moloka'i Tax Map Keys (2) 5-6-005:001, 012, 036; 5-6-0087-001, 002, 004, 068, 069, 070.

Request for Mutual Termination of General Lease No. S-4269; K&H Horizons Hawaii. Lessee; Pua'ahala, Moloka'i; Tax Map Key: (2) 5-6-005:035.

D. LAND DIVISION

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2. Amend Prior Board Action of January 8, 2010, Item D-24,

RE-SUBMITTAL:

- (1) *Grant of Perpetual, Non-Exclusive Easement to the Kaua'i Island Utility Cooperative and Hawaiian Telcom, Inc. for Utility Purposes Covering Tax Map Keys: (4) 4-1-003: portion 44 and 17;*
- (2) *Issuance of a Right-of-Entry to the Department of Transportation, Highways Division for Construction, Staging and Work Area Purposes Covering Tax Map Keys: (4) 4-1-003:044, 17 and 4-1-004: portion 21, 22, 24;*
- (3) *Cancellation of Revocable Permit No. S-7444 Covering Tax Map Key: (4) 4-1-003:017; and*
- (4) *Issuance of Revocable Permit to the Department of Transportation, Highways Division for Field Office, Staging and Work Area Purposes Covering Tax Map Key: (4) 4-1-003:017, Located at Kawaihau, Kaua'i.*

The purpose of the amendment is to make changes to the descriptions of the area, location, grantees, and character of use of easements previously approved for relocation by the Board and to authorize the relocation of additional easements. Additional grantees of the relocated easements will include Spectrum Oceanic LLC and the Board of Water Supply of the County of Kaua'i.

3. Annual Renewal of Revocable Permits on the Island of Hawai'i. See Exhibit 2 for list of Revocable Permits.
4. Cancellation of Revocable Permit No. S-3755 issued to Hukilau Resorts, with Issuance of New Revocable Permit to Kimi Hotels, Inc. for Parking Lot Purposes; and

Authorize the Sale of a Lease at Public Auction for Parking Lot Purposes, Waiākea, South Hilo, Hawai'i, Tax Map Keys: (3) 2-1-006:078 & 085.
5. Cancellation of Revocable Permit No. S-7901, Madeleine Krusche and Benjamin Jack Krusche, Permittees, Ocean View Lease Lots, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-007:033; and

Cancellation of Revocable Permit No. S-7902, Benjamin Krusche, Permittee, Ocean View Lease Lots, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-1-007:032.
6. Authorize a One-Year Holdover of General Lease No. S-3698, Bank of Hawaii, Lessee, Waiākea House Lots Extension, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-049:022.
7. Amend Prior Board Action of January 22, 2016, Item D-15, *Cancellation of Governor's Executive Order No. 3398, the Bond Memorial Public Library, to the Department of Education for Library Site purposes, Kapa'au, North Kohala, Hawai'i*; Tax Map Key: (3) 5-4-005:030.

The purpose of the amendment is to authorize the Chairperson to sign a Confirmation of Reversion document.
8. Amend General Lease No. S-5971, Makua Lani Christian Academy, Lessee, to Provide that the Annual Rental shall be Reopened and Re-determined based on the Board's then Prevailing Minimum Rent Policy for Eleemosynary Organizations, Ili of Papa'akoko, Honokōhau 2nd, North Kona, Hawai'i, Tax Map Key: (3) 7-4-006:001.

Consent to Assign General Lease No. S-5971, from Makua Lani Christian Academy, as Assignor, to Kona Vocational and Life Education Center, as Assignee, Ili of Papa'akoko, Honokōhau 2nd, North Kona, Hawai'i, Tax Map Key: (3) 7-4-006:001.

9. Consent to Mortgage with Estoppel Certificate, General Lease Nos. S-6003 and S-6004, Kaheawa Wind Power II, LLC, Lessee, Kealahou, Ukumehame, Wailuku, Maui, Tax Map Keys: (2) 3-6-001: portion of 014 and (2) 4-8-001: portion of 001.
10. Issuance of Revocable Permit to Pacific Crane Service Hawaii LLC, Moanalua, Honolulu, O'ahu, Tax Map Key: (1) 1-1-064:006.
11. Grant of a Perpetual, Non-Exclusive Easement and Issuance of an Immediate Management Right-of-Entry Permit to Department of Transportation, Airports Division for Access Purposes, Kalihi, Honolulu, O'ahu, Tax Map Key: (1) 1-2-025: portion of 002.
12. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Lagoon on December 31, 2019, Waikiki, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037: portion of 021.
13. Issuance of Two (2) Perpetual, Non-Exclusive Easements to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Utility Purposes and Cancellation of Revocable Permits Nos. S-7602, S-7604, and S-7607; Waimānalo, Ko'olaupoko, O'ahu; Tax Map Keys: (1) 4-1-010: various, (1) 4-1-025: various, (1) 4-1-035: various; and Pūpūkea, Ko'olaupoko, O'ahu; Tax Map Keys: (1) 5-9-006: portions of 006 and 026.
14. Grant of Term, Non-Exclusive Easement to 20 Baldwin Partners LLC, a Hawaii Limited Liability Company, and Phillip K. Binney also known as Philip K. Binney, Trustee of the Phillip K. Binney, 2018 Irrevocable Gift Trust Agreement, dated September 18, 2018, for Pier, House, Rockwall, and Landscape Purposes; and, Issuance of Management Right-of-Entry Permit; Kaneohe, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-4-016: seaward of 016.

F. DIVISION OF AQUATICS RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustees: the U.S. Department of the Interior, U.S. Fish and Wildlife Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and the Office of Hawaiian Affairs for Access to State Waters to Conduct Conservation and Management Activities and; Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Continuation of Revocable Permit No. 39 To HBM, LLC., for Equipment Storage and Moorage of Vessels, Located at the Alawai Small Boat Harbor, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037:020;

and

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

2. Continuation of a Revocable Permit to Atlantis Submarines Hawaii, LLC. to Operate Submarine Tours and Other Maritime Related Activities at the Honokōhau Small Boat Harbor, Island of Hawai'i, Hawai'i, Tax Map Key: (3) 7-4-008:003 (Portion);

and

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

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4. Request Approval to Initiate Rulemaking Proceedings, Including Public Hearings, to Amend Hawaii Administrative Rules (HAR) Section 13-256-73, Kaneohe Bay Ocean Waters, to Clarify Commercial Activity Provisions.

The proposed Rule Amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) O'ahu District Office from 8:00 am to 3:30 pm, Monday through Friday, except State Holidays: Ke'ehi Small Boat Harbor, 4 Sand Island Access Road, Honolulu, HI 96819.

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

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) HA-3853 Public Purpose Subdivision of Land by the County of Hawai'i-Department of Water Supply Located at 73-4051 Hina Lani St., Kaloko, N. Kona, County of Hawai'i, Tax Map Key: (3) 7-3-009:027.

2. Conservation District Use Application (CDUA) HA-3847 for a Single-Family Residence; Subsistence Agriculture; Landscaping and Associated Improvements; and an AgroForestry Management Plan by Mike Moore Located at Pōpōkī, Puna, County of Hawai'i, Tax Map Key: (3) 1-5-010:031.
3. Conservation District Enforcement OA 20-16 for Alleged Unauthorized Structures Within the Conservation District by Gary and Cynthia Stanley Located at Sunset Beach, Ko'olauloa, County of Honolulu, Submerged Land Seaward of Tax Map Key: (1) 5-9-002:034.

L. ENGINEERING

1. Appointment of Brad Seymour to Serve as a Director of the East Kauai Soil and Water Conservation District.

M. OTHERS

1. Issuance of a Revocable Permit for Storage of Ground Service Equipment for Airline Operations, American Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:001 (Portion).
2. Issuance of a Revocable Permit for Field Office, Rider Levett Bucknall Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1)1-1-003:066 (Portion).
3. Issuance of a Revocable Permit for Passenger, Check-In Podiums and Baggage Service Office, Sun Country, Inc., Daniel K. Inouye International Airport, Tax Map Keys: (1) 1-1-003:053 (Portion), and (1) 1-1-003:042 (Portion).
4. Issuance of a Revocable Permit for an Employee Breakroom, U.S. Department of Agriculture, Animal and Plant Health Inspection Services, PPQ, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:053 (Portion).
5. Issuance of a Revocable Permit for Aircraft Parking, Ground Imaging, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013:032 (Portion).
6. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Ground Imaging, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013: 032 (Portion).

7. Issuance of a Revocable Permit for a T-Hangar, for the use by Utility Helicopter Company Providing Services to Hawaiian Electric Company and Maui Electric Company, Pacific Helicopter Tours, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-13:032 (Portion).
8. Amendment No. 10 to Concession Agreement No. DOT-A-92-0014, for Additional Food and Beverage Premises, Host International, Restaurant and Lounge Concession, Kahului Airport, Tax Map Key: (2) 3-8-001:263 and (2) 3-8-001:019 (Portion).
9. Issuance of a Revocable Permit for Aircraft Parking, Maui Skyhawks, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001:019 (Portion).
10. Issuance of a Revocable Permit for a Ticket Counter and Office Space, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-001:019 (Portion).
11. Issuance of a Revocable Permit for Office Space to Support its Fixed-Based Operation, Bradley Pacific Aviation, Inc., DBA Signature Flight Support, Hilo International Airport, Tax Map Key: (3) 2-1-012:090 (Portion).
12. Issuance of a Revocable Permit for Airline Operations, Southwest Airlines Co., Līhu'e Airport, Tax Map Key: (4) 3-5-001:008 (Portion).
13. Issuance of a Construction Right-of-Entry, Grant of Easement to Hawaiian Electric Company, Inc. for the relocation of existing 46KV lines along Road 2, Kapālama Container Facility, Honolulu Harbor, O'ahu, Tax Map Key: (1) 1-2-025:011 (Portion).
14. Issuance of Month to Month Permit to Mihara Transfer, Inc., situated at Kawaihae Harbor, Hawai'i, Tax Map Key: (3) 6-1-003:026 (Portion). Governor's Executive Order No. 1759.
15. Issuance of Month to Month Permit to Mihara HPBS INC., situated at Kawaihae Harbor, Hawai'i, Tax Map Key:(3) 6-1-003:023 (Portion). Governor's Executive Order No. 1759.
16. Amendment of Harbor Lease No. H-79-5 to Matson Terminals, Inc., to add and remove Easements related to the Tenant Improvements and Capital Improvements Projects within the Sand Island Container Facility. Piers 51,

52, and 53, Honolulu Harbor, O'ahu Tax Map Keys: (1) 1-5-041: Portions of 049; 111; 115; 170; 185; 200; 313; 320; 321 and 324.

17. Issuance of a Revocable Permit for Contractor Laydown Space, Road and Highway Builders, LLC, Lāna'i Airport, Tax Map Key: (2) 4-9-002:055 (Portion)

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 8:45 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.