

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: February 14, 2020
TIME: **9:00 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.

A. MINUTES

1. Request Approval of meeting minutes for January 10, 2020.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request approval to enter into a Memorandum of Understanding between the State of Hawaii Department of Land and Natural Resources and the United States Department of the Agriculture Forest Service for Shared Stewardship of Hawaii's Forests,

and

Authorize the Chairperson to amend, finalize, and execute the Memorandum of Understanding subject to approval as to form by the Department of the Attorney General.

D. LAND DIVISION

1. Intentionally Left Blank
2. Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
3. After-the-Fact Issuance of Right-of-Entry Permit to the Association of Unit Owners of Kauai Kailani for Emergency Temporary Shoreline Protection Structure and Beach Nourishment Activities; Grant of Term, Non-Exclusive Easement to the Association of Unit Owners of Kauai Kailani for a Sand Groin on Unencumbered State Land; Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009: seaward of 041.
4. Amend Prior Board Action of January 25, 2019, Item D-2, *Amend General Lease No. S-5360, Hale Opio Kauai, Inc., Lessee, Lot 50, Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-005:002.*

The purpose of the amendment is to change the annual rental rate under the lease for the current reopening period from fair market value to minimum rent at \$480 per annum, which is available to non-profit entities in accordance with the Board policy of May 13, 2005, agenda Item D-19, and to change the lease language for future rental reopening so that such reopening will be based on the Board's then prevailing minimum rent policy.

The purpose of the current amendment is to correct the time period for payment of minimum rent under the lease.

5. Rescind Prior Board Action of July 12, 2019, Item D-2, *Consent to Assign General Lease No. S-5579, John Contrades, III, Assignor, to Adam Asquith, Assignee; Authorize the Mutual Cancellation of General Lease No. S-5579 to John Contrades, III, Lessee, and Waiver of Its Level One (1) Hazardous Waste Evaluation Requirement; Kapaa, Kawaihau, Kauai, Hawaii; Tax Map Keys: (4) 4-6-005: 007 & 008.*
6. Issuance of Right-of-Entry Permit to Maui Interscholastic League (MIL), for Event Operations Purposes Related to the 2020 Maui Interscholastic League Surf Meet, at Koki Beach, Haneoo, Hana, Maui, Tax Map Key: (2) 1-4-007: Portion of 009.

7. Issuance of Right-of-Entry Permit to Weil & Associates, Inc., for Beach Volleyball Clinic Purposes at Wailea Beach, Wailea, Honuaula, Maui; TMK (2) 2-1-008: seaward of 089.
8. Rescind Prior Board Action of November 19, 2004, Item D-5, *Sale of Reclaimed Lands to Gordon Imata, Trustee, Kahaluu, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-019:22 seaward*

Grant of Term, Non-Exclusive Easement to Gordon Y. Imata and Natalie K. Imata, Co-Trustees of (1) The Gordon Y. Imata Trust dated August 16, 2011, and (2) The Natalie K. Imata Trust dated August 16, 2011, for Seawall, Steps and Reclaimed Land Purposes; Kahaluu, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-019: Seaward of 022

E. STATE PARKS

1. Amend Prior Board Approval of Nov. 16, 2007, Item E-2: Withdrawal from Governor's Executive Order No. 2876; Set Aside to the County of Hawaii for Park and Recreational Purposes; Authorize Cancellation of Various Encumbrances; Memorandum of Understanding with the County of Hawaii; Construction and Management Right-of-Entry to the County of Hawaii, Portions of the Land of Keahuolu and Lanihau-Nui, North Kona, Hawaii, Tax Map Keys: (3) 7-5-05:007, 072, 073, 074, 079, 082, 083.

The purpose of the amendment is to change recommendation no. 1 to cancel Executive Order No. 2876 to the Division of State Parks and to change recommendation no. 3 to allow for the re-set aside of the entire area previously under Executive Order No. 2876 to the County of Hawaii.

The purpose of the amendment is to cancel Executive Order No. 2876 and to re-set aside the area to the County of Hawaii for park and recreational purposes.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Final Approval to Repeal Hawaii Administrative Rule (HAR) Title 13, Chapters 84 and 89 and to Amend and Compile HAR Title 13, Chapter 95, to Update and Consolidate Rules regulating the Take, Possession, and Sale of Samoan Crab, Kona Crab, and Lobster.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Enforcement HA 20-20 Regarding an Alleged Transient Rental by Mr. James Miles Hugh Wilson, Ke'ei Beach LLC, Mr. Hubert F. Est Richards, and Ms. Elizabeth A. Richards, Located at 83-677 Ke'ei Beach Road, Ke'ei 1st – Ke'ei 2nd, South Kona, Hawai'i Tax Map Key: (3) 8-3-006:009.

2. Conservation District Enforcement HA 20-21 Regarding an Alleged Unauthorized Residence and Use of a Single-Family Residence as a Transient Rental by Ms. Sheri Parish-Hamilton, Located at 84-5607 Ke Ala O Keawe Road, Honaunau Beach Lots, South Kona, Hawai'i Tax Map Key: (3) 8-4-013:016.
3. Conservation District Enforcement HA 20-17 Alleged Transient Rental by Mr. Christopher Gorham Arai and Ms. Tess Marie Lusher, Located at 87-3173 Mapuna Road, Kona Paradise Kaohe 4th, South Kona, Hawai'i Tax Map Key: (3) 8-7-019:031.

L. ENGINEERING

1. Request that the Board Delegate Authority to the Chairperson, and the Chairperson's Designee, Certain Powers and Duties under Hawaii Administrative Rules Chapter 13-190.1, Dams and Reservoirs

M. OTHERS

1. Issuance of a Revocable Permit for the purpose of Erecting a Temporary Hangar to Store Experimental Solar Power Drones, Aerovironment, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-13: 032 (Portion).
2. Issuance of a Revocable Permit for Aircraft Parking, Christopher K. Taleghani, Kahului Airport, Tax Map Key: (2) 3-8-01:178 (Portion).
3. Issuance of a Revocable Permit for Equipment Storage and Tandem Vehicle Parking, Workforce Services, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 003 (Portion).
4. Issuance of a Revocable Permit for Ramp Space for Ground Service Equipment Parking, Southwest Airlines, Co., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: 003 (Portion).
5. Issuance of Direct Lease to Develop, Construct, Operate and Maintain Airline Offices in the Main Terminal, Southwest Airlines, Co., Hilo International Airport, Tax Map Key: (3) 2-1-012: 009 (Portion).
6. Issuance of a Grant of Non-Exclusive Easement and Management and Construction Right-of-Entry for the Ahukini to Lydgate Park Bike and Pedestrian Shared-Use Path Project, County of Kauai, Department of Public Works, Lihue Airport, Tax Map Keys: (4) 3-5-001 008 (Portion), (4) 3-5-001: 159 (Portion).

7. Issuance of a Fixed-Base Operator Lease, Airborne Aviation, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: 008 (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 8:30 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.