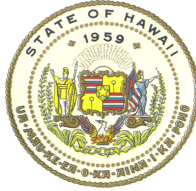


DAVID Y. IGE
GOVERNOR OF HAWAII



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

STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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 RESOURCES

DATE: NOVEMBER 10, 2022
TIME: 9:15 AM.
LOCATION: In person at 1151 Punchbowl St. Room 132 (Kalanimoku Building), online via ZOOM, livestream via YouTube

Board members, staff, applicants, and testifiers can choose to participate either in-person, via **ZOOM** or by telephone. **Members of the public are encouraged to wear a mask if attending in-person.**

Meeting materials are available for public review in advance of the meeting at:

<http://www.dlnr.hawaii.gov/meetings>

The meeting will be livestreamed at:

<http://youtube.com/c/boardoflandandnaturalresourcesdlnr>

To provide in person testimony (Please wear a mask):

Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii

To provide video testimony:

Send your request to blnr.testimony@hawaii.gov

Include your name and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link. Requests may be made during the meeting.

To provide oral testimony by telephone please text (808) 296-1197 and identify the Item you wish to provide testimony on prior to calling in (this will allow identification when you are placed in the ZOOM waiting room :

Dial: +1 (669) 900-6833

At the prompts, enter:

Meeting ID: 898 4434 0007

Passcode: 470050

Note: To unmute, press *6.

We ask that members of the public testifying on agenda items limit your testimony to three minutes so that we can get to everyone.

Written Testimony: Interested persons can submit written testimony in advance of each meeting that will

be distributed to Board Members prior to the meeting. Submit written testimony to blnr.testimony@hawaii.gov or via postal mail to the Board of Land and Natural Resources at P.O. Box 621, Honolulu, Hawaii 96809. We request written testimony be submitted no later than 24 hours prior to the meeting to ensure time for Board Member review. Late written testimony will be retained as part of the record and distributed to Board Members as soon as practicable, but we cannot ensure that Board Members will receive it with sufficient time for review prior to decision-making.

If you need auxiliary aids or services or other accommodation due to a disability, contact staff at least 72 hours prior to the meeting at 808.587.0404 or email darlene.s.ferreira@hawaii.gov so that arrangements can be made. If a response is received after the 72-hour time, we will try to obtain the auxiliary aid/service or accommodation but cannot guarantee that the request will be fulfilled.- Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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.

Individuals requiring special assistance or auxiliary aids or services (e.g., sign language interpreter), please contact staff at least 72 hours prior to the meeting at 808.587.0404 so that arrangements can be made.

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 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 for Approval to Extend License Agreement No. 510 for One-Year Between The Department of Land and Natural Resources and the Department of Hawaiian Home Lands for the purpose of Maintaining Public Hunting Areas and Approval to Extend by Mutual Agreement of the parties.
2. Request for Approval to Hold Statewide Public Hearings to Amend and Compile Title 13, CHAPTER 209, Hawaii Administrative Rules: Rules Regulating Activities within Natural Area Reserves (NARS).

The rule amendment can be reviewed online at:

<http://ltgov.hawaii.gov/the-office/administrative-rules/>

or can be reviewed in person at any Division of Forestry and Wildlife district office from 8:00 am to 3:30 pm, Monday through Friday, except State holidays.

3. Authorize the Division of Forestry and Wildlife to conduct Public Hearings on the Islands of Kauai, Oahu, Molokai, Maui, and Hawaii to Set-Aside Lands as Forest Reserves, Natural Area Reserves, and Wildlife Sanctuaries Statewide:

FOREST RESERVES ON TAX MAP KEY NOS:

KAUAI: 444001002, 454002026, 456002001

OAHU: 148013013, 169001004, 191017158, 199010052, 199011002

MOLOKAI: 257005026, 257005031, 258003023, 258015007, 258015009

MAUI: 211001001, 211001021, 211001031, 211001052, 211002005, 211002006, 211002007, 211008001, 211008005, 212001039, 213003017, 213006007, 214011003, 214011004, 214012019, 215002004, 215008004, 215010008, 215011007, 215011012, 215011014, 215011015, 215011029, 216002009, 217002011, 217002044, 217003013, 224016001, 229001020, 229001033, 229002012, 229010008, 229010009, 229010012, 229010022, 229011008, 229011013, 229013004, 229013012, 229013014, 229013016, 229013017, 229013018, 229013020, 231001001, 231001021, 231001029, 231006003, 236001014 (por), 244004002, 244004006, 244004009, 244004011, 244004019, 244007006, 245021004, 245021023, 248001001 (por), 248002002, 248003008 (por), 248003040, 248003040, 248002039

HAWAII: 324008035, 351001006, 387014015, 396007002

NATURAL AREA RESERVES ON:

MOLOKAI: 261001002 (por)

MAUI: 218001005, 221003050 (por), 221004075, 221004110, 221006010, 221006077, 221006078

WILDLIFE SANCTUARIES ON:

MAUI: 231002011, 231001014

4. Delegation of Authority to the Chairperson to Procure, Award, and Enter into a Professional Service Consultant and Construction Contracts for a Warehouse in the Kamuela State Tree Nursery, Tax Map Keys: (3) 6-6:005:001 and (3) 6-6:005:002, Waimea, Hawaii.

D. LAND DIVISION

1. Consent to Sublease General Lease No. S-3952, to United States of America, Department of the Navy, Sublessor, to the Federal Aviation Administration, Sublessee, Makaha Ridge, Waimea, Kauai, Tax Map Key: (4) 1-2-01: por. 06.
2. Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for a Private Sand Sculpting Team Building Event at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

3. Cancellation of Revocable Permit No. S-7751 and Issuance of a Direct Lease to Jas. W. Glover, Ltd. for Base Yard Purposes, Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-1-012:portion of 004.

Issuance of a Revocable Permit to Jas. W. Glover, Ltd. for Open Storage Purposes Waiakea, South Hilo, Hawaii Tax Map Key: (3) 2-1-012:portion of 004.

4. Mutual Cancellation of General Lease No. S-4662 (GL4662) and Reissuance of Direct Lease to Meadow Gold Dairies Hawaii, LLC, for Dairy Processing Purposes with Clarification that Mutual Cancellation of GL4662 shall not Vest of Ownership of Existing Improvements on Premises of GL4662 in State, Waiakea, South Hilo, Hawaii Tax Map Keys: (3) 2-1-012:004, 005, and 025.

Cancellation of Executive Order Nos. 2283 and 3825 and Reset Aside to the County of Hawaii, Department of Parks and Recreation for Base Yard Purposes, Waiakea, South Hilo, Hawaii Tax Map Keys: (3) 2-1-012:004 and 005.

5. Continuation of Revocable Permits S-7263 (Tax Map Key (2) 1-1-001:044), S-7264 (Tax Map Keys (2) 1-1-001:050, 2-9-014:001, 005, 011, 012 & 017) and S-7265 (Tax Map Key (2) 1-1-002:por. 002) to Alexander and Baldwin, Inc., and S-7266 (Tax Map Keys (2) 1-2-004:005 & 007) to East Maui Irrigation Company, Limited, for Water Use on the Island of Maui.

Pursuant to Section 92-5(a) (4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

6. Approve: Assignment of License of Private Property No. 216 (LPP No. 216), As Is, Where Is With All Faults to the County of Maui, But If Not Accepted Within 180 Days, then the Department is Authorized to Immediately Enter into a Mutual Termination of LPP No. 216 with the Owner, Lanai Resorts, LLC dba Pulama Lanai; Lanai, Hawaii, Tax Map Key: (2) 4-9-002:001 portion.

7. Request to Rescind Previous Board Action of July 14, 2000, Agenda Item D-32, Rescinding Previous Board Action of October 11, 1985, Agenda Item F-4, and Authorizing a Public Auction; and Amend Previous Board Actions of October 11, 1985, Agenda Item F-4 and September 13, 1985, Agenda Item F-10, Involving the Direct Sale of a Non-Exclusive Easement to Charles M. Foreman, Trustee and Cathedral City Investments, Inc., Kaohai, Lanai, Tax Map Key: (2) 4-9-003:Seaward 010.

The purpose of this rescission and amendment is to cancel the public auction approved by Board Action of July 14, 2000, Agenda Item D-32 and approve the direct sale of a non-exclusive easement, which was previously approved by the Board on September 13, 1985, Agenda Item F-10, as amended on October 11, 1985, agenda item F-4, subject to the same terms and conditions, to current owner, Lanai Resorts, LLC dba Pulama Lanai, and amend the name of the applicant to the current owner of the abutting property, and replacing rent reopening dates instead with known stepped-up rents appraised at fair market value, and other housekeeping amendments.

8. Continue Right-of-Entry Permit Approved under Prior Board Action of June 24, 2022, Item D-5; *Issuance of Right-of-Entry Permit to the City and County of Honolulu for Homeless Outreach and Navigation for Unsheltered Persons Program Purposes (“HONU”) on Land Set Aside the Department of Land and Natural Resources, Land Division, under Governor’s Executive Order No. 3461; Kahauiki, Honolulu, Oahu, Tax Map Key: (1) 1-1-006:003, for an Additional One-Year Period.*
9. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on December 1, 2022, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

F. DIVISION OF AQUATIC RESOURCES

1. Settlement Agreement with Healy Tibbitts Builders, Inc. for Stony Coral and Live Rock Damage resulting from the anchoring incident that occurred on or about May 4, 2021, outside the Honolulu Harbor entrance channel, island of Oahu.
2. Request for Final Approval to Amend and Compile Hawaii Administrative Rules Chapters 13-75, “Rules Regulating the Possession and Use of Certain Fishing Gear”, and 13-60.4, “West Hawai’i Regional Fishery Management Area, Hawai’i”; to Amend: §13-75-1 (Definitions) to Add New Definitions for “Freshwater Stream”, “Multi-Panel Lay Net”, “Resident”, and “Throw Net” and to Clarify and Update the Definitions of “Akule”, “Iao”, “Ōpelu”, and “Pua”; §13-60.4-3 (Definitions) to Add a New Definition for “Multi-Panel Lay Net”; §13-75-8 (Firearms) to Prohibit the Take of Sharks With Firearms; §13-75-12 (Gill Nets) to Clarify That It is Unlawful to Leave a Gill Net Unattended for Any Amount of Time; §13-75-12.2 (Akule Nets) to Clarify that Akule May be Taken With Legal Throw Nets; §13-75-12.4 (Lay Nets) to Establish a Lay Net Permit Requirement and Fees for the Use and Possession of Lay Nets, to Remove the Existing Lay Net Registration Requirement, and to Prohibit Leaving a Lay Net Unattended for Any Amount of Time; §§13-75-12.5 (State Waters Around Molokai, Special Rules), 13-60.4-5 (Activities Prohibited Within Selected Areas), and 13-60.4-6 (Lay Net Permit and Use Requirements) to Make Conforming Amendments to Special Lay Net Rules That Apply to Molokai and West Hawai’i; §§13-75-2 (Penalty) and 13-60.4-8 (Penalty) to Clarify the Authorized Penalties for Violations of These Chapters; to Adopt §§13-75-2.5 (Asset Forfeiture) and 13-60.4-8.5 (Asset Forfeiture) to Provide Notice of the State’s Authority to Utilize Civil Asset Forfeiture as an Enforcement Tool for Violations of These Chapters; and to Make Other Non-Substantive Amendments for Formatting and Style

The proposed rule amendments can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in person, email dlnr.aquatics@hawaii.gov.

The proposed rules, including a statement on the topic of the proposed rules, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notices/>.

3. Request for Approval to Adopt a New Chapter Under Hawaii Administrative Rules as Title 13 Chapter 76.1, "Stony Coral Tissue Loss Disease Protective Measures", Through Emergency Rulemaking Procedures to Protect Against the Introduction and Spread of Stony Coral Tissue Loss Disease in State Waters

The proposed rules can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review the proposed rules in person, email dlnr.aquatics@hawaii.gov.

The proposed rules, including a statement on the topic of the proposed rules, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notices/>.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Request approval and adoption of amendments to Hawaii Administrative Rules (HAR) Section 13-256-152, Kahaluu Bay ocean waters, regarding commercial surfing instruction, including a map exhibit and technical amendments.

The proposed rule amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) District Offices, including the Hawai'i District Office from 8:00 am to 3:30 pm, Monday through Friday, except state holidays: Honokōhau Small Boat Harbor, 74-380 Kealakehe Parkway, Kailua-Kona, HI 96740.

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

The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dobor/draft-rules>. Location and contact information for DOBOR offices is available online at: <https://dlnr.hawaii.gov/dobor/contact>

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. (1) Approval of a Settlement Agreement, Restrictive Covenant, and Seawall Removal Plan and Stipulated Judgment to resolve *State of Hawai'i v. James O'Shea and Denise O'Shea, as Trustees of the James and Denise O'Shea Trust, James O'Shea, individually and Denise O'Shea, individually*, Civil No. 17-1-1543-09 JPC, and Contested Case OA-18-01 regarding 59-171 D Ke Nui Road, Hale'iwa, O'ahu, Tax Map Key No. (1) 5-9-002:025 (seaward), and delegation of authority to the Chairperson to execute the same;

(2) Approval of a Declaration of Exemption for the Demolition and Removal of a Seawall from Chapter 343, Hawaii Revised Statutes Located at 59-171 D Ke Nui Road, Hale'iwa, O'ahu, Tax Map Key No. (1) 5-9-002:025 (seaward)

The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

L. ENGINEERING

1. Request Approval of Variance of Hawaii Administrative Rules Title 13, Subtitle 7, Chapter 190.1, Section 13-190.1-4(a)(3); Spillway constructed in natural ground, for Kehalani Offsite Retention Basin (MA-0141), Maui, Dam Owners: RCFC Kehalani, LLC, Legal Landowner: Heona Investments, LLC, Location: Waikapu, Maui, Tax Map Key Number: (2) 3-5-0028:001

M. OTHERS

1. Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, Gyrocopters Hawaii LLC, Kawaihapai Airfield, Waiialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 001.
2. Issuance of a Revocable Permit for Aircraft Parking, Peter Kelley, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
3. Issuance of a Revocable Permit for Aircraft Parking, Kenneth Mumford, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
4. Issuance of a Revocable Permit for Commercial Use of a T-Hangar for Storage and Maintenance of Aircraft in Support of an Aeronautical Maintenance Business, PMX Aviation Services LLC., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 021.

5. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of an Aircraft, Phillip Wilson Jr., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 020.
6. Issuance of a Revocable Permit for Ramp Space to Park Ground Service Equipment and Mobile Refuelers, Air Service Hawaii, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
7. Issuance of a Revocable Permit for an Office and Breakroom, Alaska Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003,
8. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Kupau, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
9. Issuance of a Revocable Permit for an Office and Breakroom, Southwest Airlines Co., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
10. Issuance of a Revocable Permit for Storage Space for Aircraft Cabin Supplies and a Truck Loading Dock, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 263.
11. Issuance of a Revocable Permit for Aircraft Parking, Shortcut LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.
12. Issuance of a Revocable Permit for an Office for Airline Carrier Operations, Southern Airways Express, LLC, Lanai Airport, Tax Map Key: (2) 4-9-002: Portion of 055.
13. Issuance of a Revocable Permit for a Baggage Service Office, Southwest Airlines Co., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 241.
14. Issuance of Five (5) Month-to-Month Revocable Permits to Sause Bros., Inc., for Office, Storage, and Warehouse Space, situated at Pier 21, Honolulu Harbor, Oahu, Tax Map Key Nos.: (1) 1-5-039: Portion of 035 and (1) 1-5-039: Portion of 007, Governor's Executive Order No. 2903.
15. Authorize the Deregistration from Land Court of East Kapolei, Certificate of Title No. 908,339, Lots 19890, 19891, 19892, 19893, and 19895, Map 1667, Land Court Application No. 1069. identified by Tax Map Keys: (1) 9-1-017:156, (1) 9-1-017:157, (1) 9-1-017:158 (1) 9-1-017:159 and (1) 9-1-017:161, Kapolei, Island of Oahu, Hawaii.