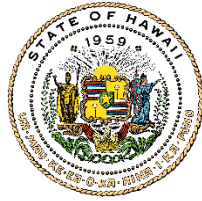


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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: June 23, 2023
TIME: 9:15 AM
LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream
via YouTube

This public meeting will be held using interactive conference technology in accordance with section 92-3.7, Haw. Rev. Stat. (HRS). 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:
Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii.
(Note: Testimony may be limited to 3minutes)

To provide video testimony via Zoom:
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 should be sent 24 hours in advance of the meeting. Requests may be made during the meeting prior to the agenda item is before the Board. (Note: Testimony may be limited to 3minutes)

To provide oral testimony by telephone: : +1 669 444-9171
Meeting ID: 819 2042 1992
Note: To unmute, press *6.

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.*

The Board may go into Executive Session pursuant to section 92-5(a)(4), HRS, 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.

NOTE: Agenda Items may be taken out of order.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Annual Review of Grants from the Land Conservation Fund for Each Project that Has Been Pending for Over Five Years:
 - (A) LLCP 2013-02, DLNR Division of State Parks, Ulupō Heiau Buffer, District of Ko'olaupoko, Island of O'ahu, Tax Map Key Number: (1) 4-2-103:038.
 - (B) LLCP 2017-03, Hawaiian Islands Land Trust, Kepler Ke'anae Lo'i Conservation Easement, District of Ko'olaupoko, Island of Maui, Tax Map Key: (2) 1-1-003:041.
 - (C) **(Information Only)** LLCP 2015-01, The Waipa Foundation, Kaluanono at Waipā, District of Halele'a, Island of Kaua'i, Tax Map Key: (4) 5-6-004:010.

D. LAND DIVISION

1. Deny Lessee's Request for Consent to Mortgage and Security Agreement, General Lease No. S-5844, WHR LLC, Lessee; Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-1-001:012 and 2-1-005:013, 016, 017, 027, 032, and 046.

2. Deny Consent to Transfer Management Control of General Lease No. S-5844 from WHR LLC, Lessee, to Benjamin Rafter, Transferee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-001:012 and 2-1-005:013, 016, 017, 027, 032, 046.
3. Amend Prior Board Action dated January 14, 2022, Item D-2, *Quitclaim of State's Interests, if Any, in a 56 foot Wide Government Homestead Road and a 30-foot Wide Right-of-Way to Forest Reserve to the County of Hawaii, Honomu, South Hilo, Hawaii, Tax Map Key Nos.: (3) 2-8-010: Government Homestead Road and (3) 2-8-010: 011.*

The purpose of the amendment is to include citations to Sections 171-52 and -95(a)(5), Hawaii Revised Statutes (HRS), as authority for the Board to quitclaim the referenced 56 foot Wide Government Homestead Road and a 30-foot Wide Right-of-Way to Forest Reserve to the County as remnants, delete the citation to Section 171-64.7, HRS, which relating to Legislative Approval for fee simple conveyance of public land, and request the Board to find that the 56 foot Wide Government Homestead Road and a 30-foot Wide Right-of-Way to Forest Reserve are remnants.

4. Pursuant to Act 90, Session Laws of Hawaii 2003 (Act 90), as mutually agreed upon between Department of Land and Natural Resources (DLNR) and Department of Agriculture (DOA), Approve the Set Aside to the DOA for Pasture Purposes (with Alternate Agriculture Use Allowed on 10% of the Land), General Lease No. S-4475, K. K. Ranch, Inc., Lessee, Covering Parcels 7-A and 7-B, Government Land of Kalopa and Ka'ohē 3, Hamakua, Hawaii, Tax Map Keys: (3) 4-4-014:002 & 011.
5. Pursuant to Act 90, Session Laws of Hawaii 2003 (Act 90), as mutually agreed upon between Department of Land and Natural Resources (DLNR) and Department of Agriculture (DOA),
 1. Approve the Withdrawal of 7,000 Acres, more or less, from General Lease No. S-5374, Kapapala Ranch, Lessee; Grant of Term, Non-Exclusive Easement to Department of Agriculture for Water Pipeline Purposes over Area so Withdrawn; Authorize Department of Land and Natural Resources, Division of Forestry and Wildlife, to Conduct a Public Hearing to Set Aside the Withdrawn Area as an Extension of the Kapapala Forest Reserve, Kapapala, Kau, Hawaii, Tax Map Key: (3) 9-8-001:010 (pors.);
 2. Set Aside of Remainder of Lands under General Lease No. S-5374, Kapapala Ranch, Lessee (Approximately 15,684.168 Acres, more or less), to Department of Agriculture for Agricultural Purposes Including Pasture, existing Single Family Residential and Employee Residential Use, and Eco-tourism Purposes, Kapapala, Kau, Hawaii, Tax Map Keys: (3) 9-8-001:009 and 010 (pors.);

3. Set Aside Lands under Revocable Permit Nos. S-7637 and S-7758, Kapapala Ranch, Permittee, to Department of Agriculture for Pasture Purposes; Ahulili and Kapapala, Kau, Hawaii, Tax Map Keys: (3) 9-6-011:002, 9-8-001:003, 006, 011, 012, and 013.

6. Amend Agenda Item D-5, Approved as Amended November 10, 2022: *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.*

The purpose of this amendment is to request the Board approve an amount that the Permittee will be required to contribute to watershed management activities in addition to rent.

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.

E. DIVISION OF STATE PARKS

1. Request Approval to Continue Revocable Permit SP0002 Issued to Hui Maka'āinana o Makana, for Management of a Reservation System for the Collection of Parking and Entry Fees, Shuttle Services and Resource Enhancement at Hā'ena State Park, Kaua'i, Hawai'i, Tax Map Keys: (4) 5-9-001:022 portion and (4) 5-9-008:001 portion.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Mr. James Morioka, Papahānaumokuākea Marine Debris Project (PMDP) for Access to State Waters to Survey and Remove Marine Debris and Disentangle Marine Life as Needed within the Waters of the Northwestern Hawaiian Islands.

2. Request for Approval to Hold Public Hearings to Adopt a New Chapter as Hawaii Administrative Rules, Title 13, Chapter 60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui," (Kīpahulu CBSFA) to: Outline the Purpose of the Kīpahulu CBSFA and Its Subzones; Provide Definitions for Key Terms Throughout the Chapter; Establish and Delineate the Boundaries for the Kīpahulu CBSFA and the Kukui Bay Sanctuary and 'Opihi Rest Area Subzones; Prescribe the Permitted and Prohibited Activities Within the Kīpahulu CBSFA, Including Restrictions on Take and/or Possession of Akule, 'Ōmilu, Kala, Kole, Moi, 'Opihi, Ula (Spiny Lobsters) and Ula Pāpapa (Slipper Lobsters), 'Alakuma (7-11 Crab), and Native Limu Species,

Restrictions on the Use of Gill Nets for Surround Net Fishing, Bag Nets, Throw Nets, and Fishing Poles, Lines, and Hooks, Prohibitions on Taking Marine Life With SCUBA gear, Night Diving, Taking 'Opihi Within the 'Opihi Rest Area Subzone, and Taking of Any Marine Life Within the Kukui Bay Sanctuary; Recognize that native Hawaiian Traditional and Customary Rights Recognized by the Hawai'i State Constitution Shall Not Be Abridged; Carve Out an Exception for Vessels With Restricted Species or Gear in Active Transit Through the Kīpahulu CBSFA; Establish the Administrative and Criminal Penalties for Violations of This Chapter; and Recognize the State's Asset Forfeiture Authority

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, Hawai'i 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 Authorize the Board of Land and Natural Resources (BLNR) Chairperson to Enter Into a Contract Between BLNR and Mālama Pūpūkea-Waimea for a Pūpūkea Marine Life Conservation District Carrying Capacity Study (\$269,990) with Fiscal Year 23 General Funds.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Approve Installation of an Existing Offshore Mooring Outside of an Established Offshore Mooring Area After-The-Fact, Kailua Bay, Kailua-Kona, Island of Hawaii, Hawaii, for Margaret E. Brown DBA Maggie B LLC
2. Rescind Prior Board Action of May 24, 2013, under Agenda Item J-2, Approval in Principle the Issuance of Direct Lease to Maui Dry Dock & Boat Storage, LLC for a Vessel Haul Out, Boat Storage, and Purposes of General Commercial Marine Services, Kahului Harbor, Wailuku, Maui, Tax Map Key: (2) 3-7-001:023 and 021 (por.); and

Authorize the Sale of Lease at Public Auction for, Boat Storage, and General Marine Services Purposes, Kahului Harbor, Wailuku, Maui, Tax Map Key: (2) 3-7-001:023 and 021 (por.).

3. Renewal of Revocable Permits on the Islands of Oahu, Maui, Hawaii and Kauai, See **Exhibit E** for List of Revocable Permits; and

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

K. OFFICE OF CONSERVATION AND COASTAL LANDS

(Non-Action Item)

1. Informational briefing on the State of Coastal Lands in Waikīkī consisting of 1) A point-in-time “virtual site visit” of Waikīkī conducted by the Office of Conservation and Coastal Lands; 2) A presentation by the Waikīkī Beach Special Improvement District (WBSIDA) on the history of public-private partnerships in Waikīkī; and 3) A presentation by Sea Engineering, Inc. on the Programmatic Environmental Impact Statement for the Waikīkī Beach Improvement and Maintenance Program. Background materials are available online at dlnr.hawaii.gov/occl/waikiki
2. Conservation District Use Application (CDUA) OA-3913 by the Department of Land and Natural Resources, Land Division, for the Diamond Head Breakwater Safety Project seaward of Tax Map Key: (1) 3-1-041:005, Kaalawai, Honolulu, Oahu.

M. OTHERS

1. Amendment to Prior Board Action of May 12, 2023, Item M-1, Issuance of a Revocable Permit for a Field Office and Parking for Passenger Loading Bridge Maintenance Project, Bowers + Kubota Consulting, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.
2. Issuance of a Revocable Permit for Storage of Materials and Aircraft Supplies, Chopper Doctor, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072: Portion of 008.
3. Issuance of a Revocable Permit for Aircraft Parking, West Hawaii Wings, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (1) 7-3-043: Portion of 003.