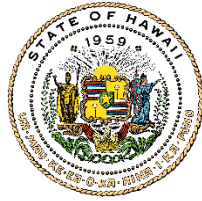


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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: January 12, 2024

TIME: 9:00 a.m.

PLACE: DLNR Boardroom, Kalanimoku Bldg.

1151 Punchbowl Street, 1st Floor / & Online via Zoom

Meeting ID: : 841 9510 9086

ZOOM LINK: <https://us06web.zoom.us/j/84195109086>

LIVE STREAM:

<https://youtu.be/q6QcpvO6kwI?list=TLPQMDMwMTIwMjSMAeUpwIY9gw>

This meeting will be held using interactive conference technology under section 92-3.7, Haw. Rev. Stat. (HRS). Board members, staff, applicants, testifiers, and the public can choose to participate in person, online via Zoom, or by telephone. The public may also view the live meeting via its live stream at:

To Provide Written Testimony

We encourage interested persons to submit written testimony in advance of the meeting, which will be distributed to Board members prior to the meeting and allow a timely review. Please submit written testimony via email to: blnr.testimony@hawaii.gov. Written testimonies can also be mailed to P.O. Box 621, Honolulu, Hawaii 96809. Written testimonies may be posted upon the Board of Land and Natural Resources meeting website; as a precaution, please be mindful with any personal information prior to submitting unless you intend it to be shared. Late written testimony will be retained as part of the record and distributed to Board members as soon as practicable, but we cannot ensure the Board will receive it in sufficient time to review, prior to decision-making.

To Provide In-Person Oral Testimony (masks are highly encouraged)

Attend in-person at: 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii.

To Provide Testimony by Telephone

On the day of the meeting at the start of the agenda item you wish to testify on, dial +1 669 444-9171 (Zoom); input the meeting ID: 841 9510 9086 and follow the prompts.

To Provide Video/Zoom Testimony

Please send your request in a timely manner to: blnr.testimony@hawaii.gov with your information, email address, and the agenda item you wish to testify on. Once your request has been received, you will receive a confirmation email with pertinent information. You may testify without signing up in advance.

We kindly ask that all oral/video testimony be limited to not more than three (3) minutes. We ask that you identify yourself and any affiliation before speaking, but you can choose not to do so.

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.

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Darlene, BLNR Secretary, at 808.587.0404 or blnr.testimony@hawaii.gov as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this agenda and other materials are available in alternate/accessible formats.

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 but before the close of the board meeting. It is up to you. Any request must also be made in writing within ten calendar 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. Request Approval of Draft Final Environmental Assessment titled "Pilot Release of 'Alalā (*Corvus hawaiiensis*) on East Maui, Hawai'i" dated December 19, 2023, and Authorization for the Chairperson to Issue a Finding of No Significant Impact (FONSI) for this joint Department of Land and Natural Resources (DLNR) and U.S. Fish and Wildlife Service (USFWS) effort for trialing methods to release captive bred 'Alalā on East Maui. The draft Final EA is provided for the Board's Assessment and Approval.

Portion of State of Hawaii and private lands on Maui, identified by the following Tax Map Keys:

(2) 1-1-001:044, (2) 1-1-002:002, (2) 1-6-001:001, (2) 1-6-001:003, (2) 1-6-001:005,
(2) 1-6-010:001, (2) 1-7-001:024, (2) 1-7-001:031, (2) 1-7-001:032, (2) 1-7-001:033,

(2) 1-7-001:034, (2) 1-7-001:037, (2) 1-7-001:044, (2) 1-7-001:045, (2) 1-7-001:999,
(2) 1-7-002:001, (2) 1-7-002:010, (2) 1-7-002:011, (2) 1-7-002:014, (2) 1-7-002:028,
(2) 1-7-002:030, (2) 1-7-002:031, (2) 1-7-002:032, (2) 1-7-002:033, (2) 1-7-002:034,
(2) 1-7-002:035, (2) 1-7-002:050, (2) 1-7-002:051, (2) 1-7-002:055, (2) 1-7-002:056,
(2) 1-7-002:057, (2) 1-7-002:064, (2) 1-7-002:071, (2) 1-7-002:073, (2) 1-7-002:074,
(2) 1-7-004:004, (2) 1-7-004:006, (2) 1-7-004:009, (2) 1-7-004:010, (2) 1-7-004:016,
(2) 1-8-001:007, (2) 1-8-001:011, (2) 2-3-005:004, (2) 2-4-016:004.

D. LAND DIVISION

1. Amend Prior Board Action of December 15, 2023, Item D-6 of December 7-8 Agenda, Approved, in Part, as Amended:

Issuance of Term, Non-Exclusive Easements to RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044 and (4) 4-1-005: por. 017;

Issuance of Revocable Permit to RP21 Coco Palms LLC and Sale of Lease at Public Auction for Parking and Landscaping Purposes, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003:017; and

Immediate Right-of-Entry for Management Purposes to RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-003:044, (4) 4-1-003:017 and (4) 4-1-005:por. 017.

The purpose of the amendment is to allow Land Division 56 additional days, from January 26, 2024, to March 22, 2024, to return to the Board with a revised recommendation for the disposition of the subject lands.

2. Approval of 25-Year Term Extension of General Lease No. S-4946, Sunrise Capital, Inc., Lessee For Lessee-Financed Substantial Improvements to Lease for Business Purposes, Hanapepe, Waimea (Kona), Kauai, Tax Map Key: (4) 1-9-010:037.
3. Consent to Assign Grant of Perpetual, Non-Exclusive Easement to Construct, Use, Maintain and Repair an Access Utility Easement under Land Office Deed No. S-28213, from Garret W.C. Hew and Mary Michael Hew, Assignors, to Diana Bray and Leigh Bray, Assignees; Kalihi, Makawao, Maui, Hawaii, Tax Map Key: (2) 2- 1-004: por. 114,

and

Amend Land Office Deed No. S-28213 to:1) delete the portion of the easement corridor located on lands conveyed to Department of Hawaiian Home Lands; 2) allow the easement to "Run with the Land," and be assignable without the written consent of the Board of Land and Natural Resources, and 3) update the minimum liability insurance required under the easement to \$1,000,000.00 for each occurrence and \$2,000,000.00 aggregate.

4. Amend Prior Board Action of July 28, 2023, Item D-8, Mutual Cancellation of General Lease No. S-4218 and Issuance of Direct Lease to Waipahu Soto Zen Temple Taiyoji for Landscaping, Parking and Memorial Purposes, Waikele, Ewa, Oahu, Tax Map Key: (1) 9-4-027:124.

The purposes of the amendment are to (1) authorize the eleemosynary lessee to enter into a Declaration with the City and County of Honolulu regarding use of the land for off-site parking, provided that a separate document be prepared for the Board's consent to the Declaration as an encumbrance on the land that includes an indemnification by lessee of the State for granting such consent; and (2) set the cancellation date of the existing General Lease No. S-4218 and the effective date of the new lease to be issued.

5. Amend Prior Board Action of September 22, 2023, agenda item D-13, (1) *Consent to Assign General Lease of Easement No. S-5175, (a) Shoji Kitami, Assignor to Masahiro Kitami, Assignee; (b) Masahiro Kitami, Assignor, to Lukasz John Maj and Mary Liu Lan, Assignees; (2) Amend the Easement Conditions regarding Consent to Assignment and Insurance Provision; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-001:011seaward.*

The purpose of the amendment is to authorize the issuance of an immediate management right-of-entry permit to Lukasz John Maj and Mary Liu Lan pending the finalization of the probate of the estate of the former lessee.

6. Issuance of Right-of-Entry Permit to Bumper Productions LLC for Film Production Purposes, Kawaihoa, Waialua, Oahu: Tax Map Key: (1) 6-2-001: seaward of 001.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Final Approval to Adopt Proposed Amendments to and Compilation of Hawaii Administrative Rules Chapter 13-74, "License and Permit Provisions and Fees for Fishing, Fish, and Fish Products."

The proposed amendments would:

- 1) Establish and add provisions for a new Nonresident Recreational Marine Fishing License (NRMFL) pursuant to [§188-72, Hawaii Revised Statutes \(HRS\)](#);
- 2) Establish and add provisions for a new Commercial Marine Vessel License (CMVL) pursuant to [HRS §189-2](#), including an exemption from Commercial Marine License requirements for CMVL holders;
- 3) Establish and add provisions for a new Commercial Marine Dealer License (CMDL) pursuant to [HRS §189-10](#);
- 4) Increase the fee for the Bait License, the Mullet Pond Operator and Closed Season Sales License, the Kona Crab and Lobster Closed Season Sales License, the Special Marine Animal or Product Possession and Sale License, and the Aquaculture License from \$50.00 to \$100.00;
- 5) Remove the Northwestern Hawaiian Islands Fishing Permit;
- 6) Add a catch reporting requirement for all Bait License holders;
- 7) Establish a fee for duplicate Aquaculture Licenses and licenses to sell reared species;
- 8) Give the Department discretion to require additional reports from Aquaculture License holders;
- 9) Establish a fee of \$200 for a license to sell reared species; and
- 10) Make other non-substantive housekeeping amendments for clarity and consistency with other chapters, including adding new definitions and amending current definitions for clarity; removing definitions that are no longer applicable; clarifying that licenses and permits are non-refundable; clarifying the administrative penalty schedule for violations of the chapter; and adding asset forfeiture as an administrative enforcement tool within the chapter.

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://itgov.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-notice/>.

2. Request for Final Approval to Adopt a New Chapter Under Title 13 of the Hawaii Administrative Rules as Chapter 60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui."

The proposed rules would:

- 1) Outline the purpose of the Kīpahulu Community-Based Subsistence Fishing Area (CBSFA) and its subzones;
- 2) Provide definitions for key terms;
- 3) Establish and delineate the boundaries for the Kīpahulu CBSFA, and subzones for the Kukui Bay Sanctuary and the ‘Opihi Rest Area;
- 4) Describe permitted and prohibited activities within the Kīpahulu CBSFA, including:
 - a. Restrictions on the take and/or possession of akule, ‘ōmilu, kala, kole, moi, ‘opihi, ula (spiny lobster), ula pāpapa (slipper lobster), ‘alakuma (7-11 crab), and native limu species;
 - b. Restrictions on the use of gill nets for surround net fishing, bag nets, throw nets, and fishing poles, lines, and hooks;
 - c. Prohibitions on the take of marine life with SCUBA gear or while night diving;
 - d. Prohibitions on the take of ‘opihi within the ‘Opihi Rest Area Subzone; and
 - e. Prohibitions on the take of marine life within the Kukui Bay Sanctuary;
- 5) Protect Native Hawaiian traditional and customary rights recognized by the Hawai‘i State Constitution;
- 6) Carve out an exception for vessels with restricted species or gear in active transit through the Kīpahulu CBSFA;
- 7) Establish the administrative and criminal penalties for violations of this chapter; and
- 8) Recognize the State’s asset forfeiture authority as an enforcement tool for violations of this chapter.

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-notice/>.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Cancellation of Revocable Permit No. 22, Nā Kālai Wa‘a, Permittee; Request for Waiver of Requirement for Conducting Phase I Environmental Site Assessment upon Cancellation of Revocable Permit No. 22; Reissuance of Revocable Permit to Nā Kālai Wa‘a for Vessel and General Storage, Maintenance of Improvements, Youth

Programs, Education Programs, and Affiliated Community Programs Purposes, Situated at South Kawaihae Small Boat Harbor, Kawaihae, Island of Hawaii, Hawaii, Tax Map Key: (3) 6-1-003:026 (por.). and

Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

2. Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to NPK, Inc. Sublessee, Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii Island, Hawaii, Tax Map Key: (3) 7-4-008:040.
3. Issuance of Revocable Permit to Belly Rolls, LLC, for Mobile Food Concession purposes, Wailoa Small Boat Harbor, Hilo, Hawaii Island, Hawaii Tax Map Key: (3) 2-2-031:001 (por.): and

Declare Project Exempt from Environmental Assessment Requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules

4. Issuance of a Revocable Permit to J-23 CORP. for Shade Structure purposes at Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por.): and

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

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Request for administrative fines and other penalties against Zhungo LLC (Rodney Youman, Managing Member) and Rodney Youman “Individually” for the Conservation District Enforcement Cases OA 19-08 and OA 21-07 regarding unauthorized structures located along the shoreline within the Conservation District and encroachment upon State Land makai of 59-149 Ke Nui Road, Hale‘iwa, Island of O‘ahu, Hawai‘i, Tax Map Key: (1) 5-9-002:004.

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.

2. Request for Administrative Fines and Other Penalties against Sunset Oasis LLC, including members William and Melinda Kernot, for the Conservation District Enforcement Case OA 21-18 regarding the alleged permit noncompliance, construction of shoreline erosion control device, and encroachment upon State Land located makai of 59-151 A Ke Nui Road, Hale'iwa, Island of O'ahu, Hawai'i, Tax Map Key: (1) 5-9-002:005.

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.

3. Second Time Extension for Conservation District Use Permit (CDUP) HA-3847 to complete a Single-Family Residence, Subsistence Agriculture, Landscaping, and Associated Improvements, and AgroForestry Management Plan by Michael S. Moore Custodian of the Michael Scott Moore IRA and Equity Trust Company located at 15-2259 Government Beach Road, Pōpōkī, Puna, Island of Hawai'i, Tax Map Key: (3) 1-5-010:031.
4. Appointment and Selection of a Hearing Officer to Conduct All Hearings for Contested Case OA 24-1 Regarding Conservation District Enforcement File OA 22-18 and Rescind Board's Prior Action of December 7, 2023, Item K-1 For Alleged Permit Noncompliance, Construction of Shoreline Erosion Control Device, and Encroachment Upon State Land Located Makai of 59-181D Ke Nui Road, Haleiwa, Island of Oahu, HI, Tax Map Key: (1) 5-9-002:034.
5. Appointment and Selection of a Hearing Officer to Conduct All Hearings for Contested Case OA 24-2 Regarding Conservation District Enforcement File OA 23-13 and Rescind Board's Prior Action of December 7, 2023, Item K-5 for Construction of a Shoreline Erosion Control Device Located Makai of 59-147A Ke Nui Road, Haleiwa, Island of Oahu, HI, Tax Map Key: (1) 5-9-002:002, and Makai of 59-147 Ke Nui Road, Haleiwa, Island of Oahu, HI, Tax Map Key: (1) 5-9-002:003.

L. ENGINEERING

1. Authorize the Approval and Issuance of Dam Safety Permit P84 submitted by the Department of Hawaiian Homelands to Remove the Upper Anahola Reservoir (KA-0065), Anahola, Kauai, Tax Map Key: (4) 4-7-004:002.

2. Authorize the Approval and Issuance of Dam Safety Permit P93 submitted by the Department of Hawaiian Homelands to Remove the Field 1 Kealia Reservoir (KA-0067), Anahola, Kauai, Tax Map Key: (4) 4-7-002:004.

M. OTHERS

1. Issuance of a Revocable Permit for a Construction Staging Area for Materials and Equipment for State Project No. A01021-28, Kiewit Infrastructure West Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.
2. Issuance of a Revocable Permit for Operational Offices and Vehicle Parking to Perform Security/Safety and Law Enforcement Services, Universal Protection Service, LP dba Allied Universal Security Services, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 061.
3. Approval for Acquisition of an Avigation Easement Over Private Lands of Gentry Kalaeloa, LLC and HCHP1 LLC and Set Aside to the State of Hawaii, Department of Transportation, Situate at Honouliuli, Ewa, Oahu, State of Hawaii, Tax Map Key: (1) 9-1-013:197, 198 and 199.
4. Issuance of a Revocable Permit for a Construction Staging Area for Materials and Equipment for State Project No. AM2021-20, Maui Kupono Builders, LLC, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 008.
5. Issuance of a Revocable Permit for a General Aviation Hangar and Land to Support Its Helicopter Tour Operations, Alexair, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 215.
6. Issuance of a Revocable Permit for Delivery Vehicle Parking to Support Air Cargo Operations, Federal Express Corporation, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
7. Request for Authorization to Issue a Month-to-Month Revocable Permit (RP) to Pacific Environmental Corporation, for an International Organization for Standardization (ISO) Tank and Vacuum Truck Storage, situated at Pier 33, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-035: Portion of 009, Governor's Executive Order No. 2903.

8. Authorize the Issuance of (3) three Month-to-Month Revocable Permits (RP) to Marine Spill Response Corporation, for Vessel Storage and Storage Space for Emergency Spill Response Equipment, situated at Kaunakakai Harbor, Island of Molokai, Tax Map Key: (2) 5-3-001: Portion of 011, Governor's Executive Order No. 1673.

9. Authorize a One-Year Hold-over of Harbor Lease No. H-89-14 to AES Kalaeloa Venture, L.L.C., Successor to Hawaii Pacific Industries, Inc., for Removal of Improvements , situated at Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Keys: (1) 9-1-014: Portion of 028 and (1) 9-1-014: Portion of 024, Governor's Executive Order No. 3383.

10. Authorize the Issuance of a Month-to-Month Revocable Permit (RP) to Marine Spill Response Corporation, for the use of the Boat House for Storage of an Emergency Vessel and Emergency Vessel and Emergency Oil Spill Response Equipment, situated at Kahului Harbor, Island of Maui, Tax Map Key: (2) 3-7-001: Portion of 022, Governor's Executive Order No. 3005.

11. Authorize the Issuance of a Month-to Month Revocable Permit (RP) to Marine Spill Response Corporation, for Storage Area for Boom Trailer, Container with Emergency Oil Spill Response Equipment, and Emergency Vessel, situated at Kaunalapau Harbor, Island of Lanai, Tax Map Key: (2) 4-9-003: Portion of 026.