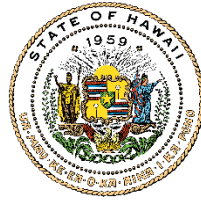


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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: April 26, 2024
TIME: 9:00 a.m.
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor / & Online via Zoom
Meeting ID: 817 0609 2300
ZOOM LINK: <https://us06web.zoom.us/j/81706092300>
LIVE STREAM: <https://www.youtube.com/live/PpnJ8CNIRbg>

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: <https://www.youtube.com/live/PpnJ8CNIRbg>

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 1-253-205-0468 (Zoom); input the meeting ID: **817 0609 2300** 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, 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.

A. MINUTES

1. Approval of the June 23, 2023, Summary Meeting Minutes

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request for approval of a Management Plan and Associated Environmental Assessment for the Kapāpala Koa Canoe Management area, and Issuance of a Finding of No Significant Impact (FONSI), Tax Map Key (3) 9-8-001:014, Kapāpala, Ka'ū, Hawai'i.
2. Request for approval of an allocation process for Koa Canoe Log Harvest permits from the Kapāpala Koa Canoe Management Area, Tax Map Key (3) 9-8-001:014, Kapāpala, Ka'ū, Hawai'i.
3. Approval of a Memorandum of Understanding between the Division of Forestry and Wildlife and Resources Legacy Fund to advance a partnership on Koa Reforestation. This purpose of this MOU is to support reforestation across the state by combining a

suite of partners, tools, and funding sources in order to create conditions that will make reforestation attractive in the context of existing economic and market conditions.

4. This item is intentionally blank.
5. Request for Administrative fine of \$1,502,500 and other penalties against LKG HI Properties, LLC (Sushil Garg as managing agent), Yue-Sai Kan Trust (Yue-Sai Kan as Trustee), Sushil Garg, individually, Yue-Kan, individually, and Benjamin Lassary, individually, for violation of Section 195D-4(e)(2), Hawaii Revised Statutes, and Section 13-124-11(a) and (b), Hawai'i Administrative Rules, for the "take" (killing) of two species of endangered Nalo Meli Maoli (aka Hawaiian yellow-faced bees) in October 2023, across multiple units of the Marconi Point condominium property regime, Kahuku, Oahu, Hawaii, Tax Map Key (1) 5-6-003:053.

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

6. Request for Administrative fine of \$15,000 and other penalties against the Yue-Sai Kan Trust, Yue-Sai Kan as trustee, and Yue-Sai Kan, individually, for violation of Section 13-124-3, Hawai'i administrative rules, for the intentional injury and subsequent death of Ho'okipa, an indigenous Moli (aka Laysan Albatross), on December 2, 2023, at unit 1 of the Marconi Point condominium property regime, Kahuku, Oahu, Hawai'i, Tax Map Key (1) 5-6-003:053.

The Board may enter Executive Session pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

D. LAND DIVISION

1. Approve One or More Dispositions to Applicants RP21 Coco Palms LLC and/or I Ola Wailuanui, Inc. and/or Sale of Lease at Public Auction, or No Action for Parcel B, Wailua, Kawaihau, Kauai, TMK: (4) 4-1-003:017 as Follows:

Option B1: Issuance of Term, Non-Exclusive Easement to RP21 Coco Palms LLC for Access Purposes, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003: portion of 017 (Parcel B);

Option B2: Issuance of Term, Non-Exclusive Easement to RP21 Coco Palms LLC for Access and Landscaping Purposes, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003: 017 (Parcel B);

Option B3: Issuance of Direct Lease to I Ola Wailuanui, Inc. for Parking, Landscaping and Beautification Purposes, Subject to Access Easement(s) in Favor of RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1- 003:017 (Parcel B);

Option B4: Sale of Lease at Public Auction for Access, Parking and Landscaping Purposes, Subject to Access Easement(s) in Favor of RP21 Coco Palms LLC, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003:017 (Parcel B);

Option B5: No Action, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-003:017 (Parcel B).

Approve One or More Dispositions to Applicants RP21 Coco Palms LLC and/or I Ola Wailuanui, Inc. or No Action for Parcel C, Wailua, Kawaihau, Kauai, TMK: (4) 4-1-005:017, as Follows:

Option C1: Issuance of Term, Non-Exclusive Easement to RP21 Coco Palms LLC for Encroachment and Related Purposes Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005: portions of 017 (Parcel C);

Option C2: Issuance of Term, Non-Exclusive Easement to RP21 Coco Palms LLC for Encroachment, Landscaping and Related Purposes Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005:017 (Parcel C);

Option C3: Issuance of Direct Lease to I Ola Wailuanui, Inc. for Public Access and Shoreline Preservation Initiatives, Subject to Term, Non-Exclusive Easement to RP21 Coco Palms LLC for Encroachment and Related Purposes, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005:017 (Parcel C); and/or

Option C4: Issuance of Direct Lease to I Ola Wailuanui, Inc. for Public Access and Shoreline Preservation Initiatives (Not Subject to Any Easement in Favor of RP21 Coco Palms LLC), Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005:017 (Parcel C);

Option C5: No Action, Wailua, Kawaihau, Kauai, Tax Map Key: (4) 4-1-005:017 (Parcel C).

2. Issuance of Right-of-Entry Permit to the Kaikeha, Inc. for 6th Annual Garden Island Boogie Board Classic, Prince Kuhio Beach and Centers Surf Breaks Poipu, Koloa, Kauai, Tax Map Keys: (4) 2-6-005: seaward of 026 and (4) 2-6-005: seaward of 010.
3. Issuance of Right-of-Entry Permit to the Young Men's Christian Association of Kauai on behalf of the Kauai Bodyboarding Association for Bodyboarding Contest Purposes; Shipwrecks Beach (Keoniloa Beach), Poipu, Koloa, Kauai, Tax Map Key: (4) 2-9-001:seaward of 001.
4. Cancellation of Revocable Permit No. S-7895, by Request of the Parties, Kyle Sakaitani, Permittee, with Issuance of New Revocable Permit to Leonard Kent Bollinger and Susan Marie Ravenscroft for Residential Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-007:028.

5. Amend Prior Board Action of January 12, 2024, Item D-6, *Issuance of Right-of-Entry Permit to Bumper Productions LLC for Film Production Purposes, Kawaihoa, Waialua, Oahu, TMK: (1) 6-2-001: seaward of 001.*

The purpose of the amendment is to extend the effective period of the subject right-of-entry permit for three (3) additional months, up to August 31, 2024

6. Amend Prior Board Action of March 24, 2023, Item D-4, *Issuance of Direct Lease to Maunaloa Fishpond Heritage Center for Conservation, Biological and Cultural Revitalization, Education and Scientific Research Purposes, Honolulu, Oahu, Tax Map Key: (1) 3-7-002:018 and 077.*

The purpose of the amendment is to reserve access rights to the State to inspect the freshwater restoration project improvements on the subject premises.

7. Consent to the Removal of Trees on the Leased Premises; General Lease No. 5999; Honolulu Community Action Program, Inc., Lessee, Honouliuli, Ewa, Oahu; TMK: (1) 9-2-005:012.
8. Consent to Assign the Undivided Interest of Homestead Lease No. 51 as to TMK No. (1) 5-4-007:001 from the heirs of Margaret D. Perez - William Borges Perry, Jr. by Personal Representative Betty J. Perry, Gordon Perry, Patrick Perry, Iolanda Perry, Zachary Perry, Joseph Perry, and George Perry, as Assignors, to Jeremy Perry, as Assignee; and Consent to Assign a One-Seventh (1/7th) Interest of Homestead Lease No. 51 as to TMK No. 5-4-007:017 from William Borges Perry, Jr. by Personal Representative Betty J. Perry, as Assignor, to Jeremy Perry, as Assignee; Hauula, Koolauloa, Oahu, Tax Map Keys: (1) 5-4-007:001 & 017.
9. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Thursday, May 23, 2024, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.
10. Authorize the Deregistration from Land Court, Certificate of Title No. 490,888; Tax Map Keys: (1) 9-1-016:008 (por.), (1) 9-1-017:097, (1) 9-1-018:008 & 014:

- a. Lot 2543, Map 245, Land Court Application No. 1069
- b. Lot 10067-A-1, Map 1372, Land Court Application No. 1069
- c. Lot 18060, Map 1409, Land Court Application No. 1069
- d. Lot 11994-A, Map 1632, Land Court Application No. 1069

and Certificate of Title No. 908,339: Tax Map Keys: (1) 9-1-017: 108 & 160:

- e. Lot 18064, Map 1410, Land Court Application No. 1069
- f. Lot 19894, Map 1667, Land Court Application No. 1069

11. After-the-Fact Authorization for Issuance of Right-of-Entry Permit to Norton Lilly International, Inc., for Temporary Berthing of a Wave Energy Device for the periods

from August 25, 2023 to September 10, 2023 and April 15, 2024 to May 14, 2024 at an Unencumbered Pier, Sand Island, Honolulu, Oahu; TMK: (1) 1-5-041: seaward of 333.

12. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From May 31, 2024 to April 25, 2025, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037: portion of 021.

F. DIVISION OF AQUATIC RESOURCES

1. Request Approval to Add Funding and Extend Through September 30, 2025 an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Investigation of Estuarine Habitats."
2. Request Approval to Add Funding and Extend Through September 30, 2025 an Existing Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Statewide Marine Resources Assessment."
3. Request Approval to Add Funding and Extend Through September 30, 2025 an Existing Federally-Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Hawaii Marine Recreational Fishing Survey."
4. Approval of Petition for Contested Case Hearing by Anthony Hodgson and 2G Vessel Owner Limited Regarding Enforcement Action Against Anthony Hodgson and 2G Vessel Owner Limited for Unlawful Damage to Stony Coral and Live Rock Resulting from the September 29-30, 2021 *Endless Summer* Anchoring Incident within the Kailua Bay Fisheries Management Area, Island of Hawai'i.
5. Enforcement Action against Jim Jones, Noelani Yacht Charters, LLC, Kevin S. Albert, Kimberly L. Albert, and the Albert Revocable Trust for Stony Coral and Live Rock Damage Resulting from the Nakoa Grounding Incident on February 20, 2023 outside of the Honolua-Mokulē'ia Bay Marine Life Conservation District, Island of Maui.

J. DEPARTMENT OF BOATING AND OCEAN RECREATION

1. Request for administrative enforcement and penalties for alleged violations of Hawaii Revised Statutes Section 200-39 (Kaneohe Bay commercial ocean use activities; permits; restrictions) and Hawaii Administrative Rule Sections 13-256-3 (Commercial use permit or catamaran registration certificate requirements) and/or 13-253-73 against Ohana Kayak Rentals and Ms. Janell Jensen, individually and as owner of Ohana Kayak Rentals, both jointly and severally, for allegedly offering commercial ocean recreational equipment

for commercial ocean use activity within Kaneohe Bay ocean waters, and/or delivering for hire or pre-positioning for hire within one thousand feet of any shoreline of Kaneohe Bay, on the Island of O‘ahu, such commercial ocean recreational equipment for these purposes, and advertising these illegal activities, all without a commercial use permit issued by the department, on at least five separate dates, and for allegedly conducting these prohibited commercial activities on Sundays and/or federal holidays on at least two of those dates, for a total of at least seven (7) separate violations.

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.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Request for Administrative Fines and Other Penalties for Conservation District Enforcement OA 24-14 Regarding the Alleged Unauthorized Clearing of Land, Unauthorized Removal of 106 Trees, Unauthorized Spreading of Mulch, Unauthorized Fence Lines and Encroachment and Removal of Resources Upon State Land Located at Kahuku, O‘ahu, at and Makai of Tax Map Key: (1) 5-6-003:053,

AGAINST: Sushil Garg, manager of LKG HI Properties, LLC, and manager of Greystone HI Investments, LLC, and Benjamin Lassary, Vice President of RCA Trade Center Inc. for the Alleged Unauthorized Clearing of Land, Unauthorized Removal of 106 Trees, Unauthorized Spreading of Mulch, and Encroachment and Removal of Resources Upon State Land

AGAINST: Yue-Sai Kan Trust (Yue-Sai Kan, Trustee), Yue-Sai Kan, individually for the Alleged Unauthorized Fence Lines on Unit 1

AGAINST: Association of Unit Owners of Marconi Point Condominium and/or Makai Ranch, LLC for the Alleged Unauthorized Boundary Fence

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.

L. ENGINEERING

1. Approval of Dole Food Company Inc.’s Schedule for the Removal of Wahiawa Dam (OA-0017), Wahiawa, Oahu, Tax Map Keys, (1) 7-1-012:014, (1) 7-3-013:003, (1) 7-3-012:002, and (1) 7-3-007:001.

M. OTHERS

1. Issuance of a Revocable Permit for Use of a T-Hangar for Storage and Maintenance of Personal Aircraft, James Arley Cottrell III, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 022.
2. Issuance of a Revocable Permit for a Marketing and Visitor Information Counter, Hilton Grand Vacations Company, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 051 (Portion).
3. Issuance of a Revocable Permit for Improved, Paved Land for Container Storage as Part of Its Moving and Transportation Operations, Royal Hawaiian Movers, Inc., Daniel K. Inouye International Airport, Tax Map Keys: (1) 1-1-014: 103 (Portion) and (1) 1-1-014: 114.
4. Issuance of a Revocable Permit for Aircraft Parking, Windward Aviation Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
5. Issuance of a Revocable Permit for Commercial Use of a Sprung Structure and a Storage Container for a General Aviation Aircraft Maintenance Operation, VNE Aviation LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

M-HAR (DOT HARBORS)

1. Request for Authorization to issue seven month-to-month Revocable Permits (RP) to Young Brothers, LLC, for an office trailer, reefer plugs and easement, guard station, oil storage, fuel storage, container station, and stevedore break station, situated at Pier 3, Nawiliwili Harbor, island of Kauai, Tax Map Key (TMK) No. (4) 3-2-003:007 (P), Governor's Executive Order No. 3411.