

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

**DRAFT MINUTES  
FOR THE MEETING OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, AUGUST 23, 2019  
TIME: **9:15 A.M.**  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**A. MINUTES**

1. Request Approval of the May 24, 2019 Meeting Minutes. **APPROVED**
2. Request Approval of the June 28, 2019 Meeting Minutes. **APPROVED**
3. Request Approval of the July 12, 2019 Meeting Minutes. **APPROVED**

**C. FORESTRY AND WILDLIFE**

1. Request for approval of the Supplemental Environmental Impact Statement for the Auwahi Wind Energy project on the Island of Maui, Hawaii, Tax Map Key: (2) 1-9-001:006.

The Proposed Supplemental Environmental Impact Statement for the Auwahi Wind Energy Project can be reviewed at:

[http://oegc2.doh.hawaii.gov/EA\\_EIS\\_Library/2019-08-08-MA-FSEIS-Auwahi-Wind-HCP-Amendment.pdf](http://oegc2.doh.hawaii.gov/EA_EIS_Library/2019-08-08-MA-FSEIS-Auwahi-Wind-HCP-Amendment.pdf). **APPROVED**

2. Request for approval of amendments to the Incidental Take License and Habitat Conservation Plan for the Auwahi Wind Energy project on the Island of Maui, Hawaii, Tax Map Key: (2) 1-9-001:006. **APPROVED AS AMENDED**

## D. LAND DIVISION

1. Amend Prior Board Action of May 11, 2018, Item D-1, *Amend Prior Board Action of July 28, 2017, Item D-10, Consent to Assignment of Fifty Percent (50%) Interest in Ficker & Hunt, a Hawaii Partnership, also known as Ficker & Hunt Partnership, Lessee under General Lease No. S-4649, from Albert Ficker, Assignor, to Chester Hunt, Assignee; Acknowledgment that Lessee under General Lease No. S-4649 Will Thereby Become Chester Hunt, as Tenant in Severalty; Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-3-008:003;*

*The purpose of the amendment is to: (i) delete the portion of the Board approval stating that Chester Hunt will become the lessee under the lease, and instead confirm that the lessee will remain Ficker and Hunt, a Hawaii Partnership; and (ii) address the effect of a March 20, 1995 Extension of General Lease No. S-4649 (1995 Extension), and to specify that even though the extension incorporated a lease assignment premium provision into the lease, that provision and others in the 1995 Extension are unenforceable because they constitute an improper amendment of a public auction lease. Staff recommends an Amendment of the 1995 Extension to Eliminate all Terms and Conditions Therein That Are Inconsistent with General Lease No. S-4649 as Sold at Public Auction (except for the increase in the duration of the lease);*

*After-the-fact Consent to Sublease under General Lease No. S-4649, Ficker & Hunt, a Hawaii Partnership, Sublessor, to United States Postal Service, Sublessee; Approve 20-Year Extension of Lease Term, General Lease No. S-4649, Ficker & Hunt, a Hawaii Partnership, Lessee; Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-3-008:003.*

The purpose of this amendment is to replace the Board-approved Recommendation in item 4b with “b. Ficker & Hunt, a Hawaii Partnership, shall complete the improvements as proposed and submit to Land Division staff receipts verifying payment for the improvements by December 31, 2019, or the lease extension shall be subject to cancellation;”. This amendment will extend the deadline for the completion of the proposed improvements to give the Lessee more time. **APPROVED**

2. Authorization of Sale of Lease at Public Auction for Business and/or Commercial Purposes, Hanapepe Town Lots, Waimea, Kauai, Tax Map Key: (4) 1-9-005:007. **APPROVED AS AMENDED**
3. Cancellation of Revocable Permit No. S-7865 (RP S-7865) to Kapaa Ki-Aikido Club, Inc. and Waiver of Phase I Environmental Site Assessment Required under RP S-7865; Issuance of Direct Lease to Hawaii Ki Federation for

Clubhouse Purposes; Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-009:018. **APPROVED**

4. Amend Prior Board Actions of February 22, 2019, Agenda Item D-1, *Amend Prior Board Action of May 22, 2015, Agenda Item D-3, Grant of Perpetual, Non-Exclusive Easement to A. Laurel Bennett, Trustee of the A. Laurel Bennett Trust for Access and Utility Purposes, Waioli, Hanalei, Kauai, Tax Map Keys: (4) 5-5-008:002 and (4) 5-6-002:001*; and of May 22, 2015, Agenda Item D-3, *Grant of Perpetual, Non-Exclusive Easement to A. Laurel Bennett, Trustee of the A. Laurel Bennett Trust for Access and Utilities Purposes, Waioli, Hanalei, Kauai, Tax Map Keys: (4) 5-5-008:002 and (4) 5-6-002:001*. The purpose of the amendment is to change the easement area referenced in the prior Board action from 19,028 square feet, more or less, to 25,376 square feet, more or less, as determined by survey.

The purpose of this amendment is to delete all references relating to utility purposes as the easement shall be used for access purposes only.  
**APPROVED**

5. Annual Renewal of Revocable Permits on the Island of Oahu. See Exhibit 2 for list of Revocable Permits. **APPROVED AS AMENDED**

#### **I. STATE HISTORICAL PERSERVATION DIVISION**

1. Denial of Contested Case Petition from Dwight J. Vicente regarding the Enforcement Action against Edwin C. Olson Trust No. 2, Amaulu Camp Cemetery. Pu'u eo Ahupua'a, South Hilo, Island of Hawaii, Tax Map Key: (3) 2-6-008:028. **APPROVED**

#### **J. DIVISION OF BOATING AND OCEAN RECREATION**

1. Request approval to initiate Rule-Making Proceedings, including Public Hearing, to Amend Title 13, Hawai'i Administrative Rules (HAR), Section 13-234-26, Passenger Fees to Revise Fee and Charge Requirements and Increase Passenger Cruise-Related Fees.

The Proposed Rules can be reviewed in Person at a Division of Boating and Ocean Recreation (DOBOR) District Office From 8:00 AM To 3:30 PM, Monday through Friday, except State Holidays as follows: Hawai'i District: Honokōhau Small Boat Harbor, 74-380 Kealakehe Parkway, Kailua-Kona, Hawaii 96740; Kaua'i District: Nawiliwili Small Boat Harbor, 2494 Niumalu Road, Līhu'e, Hawaii 96766; Maui District: Ma'alaea Small Boat Harbor, 101 Ma'alaea Boat Harbor Road, Wailuku, Hawaii 96793; O'ahu District: Ke'ehi Small Boat Harbor, 4 Sand Island Access Road Honolulu, Hawaii 96819.

The Proposed Rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules>. The Proposed Rules can also be viewed online at: <http://dlnr.hawaii.gov/dobor/draft-rules>.

Location and Contact Information for DOBOR Offices is available online at: <http://dlnr.hawaii.gov/dobor/contact>. **APPROVED**

2. Consent to Sublease under Harbor Lease No. H-82-4, GKM, Inc., Sublessor, to Goose's Edge, Inc., Sublessee, for the purposes of General Repair and Maintenance Services for vessels, not to include any retail sales of any kind and repair services for Fisher Panda Generators. Honokohau Small Boat Harbor, Kailua-Kona, Hawaii, Tax Map Key: (3) 7-4-008:042 (Portion). **APPROVED**
3. Amend prior Board action of February 9, 2018, Item J-12, Board approval to authorize Public Auction of a Lease for Purposes of Landscaping, Maintenance, Storage of Small Boats and Trailers and other Maritime related activities at Mala Wharf and Surrounding areas, Alamihi, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-5-005:019 (Portion).

The purpose of this amendment is to specify the Term, the Upset Base Rent and Gross Percentage Rent, and Rent Reopening's; and to clarify there will be no required improvements to the property and allow the Caretaker to reside on the premises. **APPROVED**

4. Issuance of a Right-Of-Entry Permit to EAS Enterprises, LLP, DBA AVP (Association of Volleyball Professionals), for Beach Activities purposes from September 12, 2019, to September 25, 2019, on Portions of Fort Derussy Beach and Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Keys: (1) 2-3-037:021 (Portion) and 2-6-005: seaward of 001 and 006.

and

Declare Projects Exempt from requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules. **APPROVED AS AMENDED**

5. Continuation of Revocable Permit No. 52 to John's World Famous Hawaii Hot Dogs, LLC., for a Mobile Food Concession, located at the Ala Wai Small Boat Harbor, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:012 (Portion).

and

Declare the Project Exempt from requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules. **APPROVED**

6. Continuation of Revocable Permits to Anela Kai Catamarans, Inc., Island Beach Activities, Inc., Kepoikai, Ltd., King Parsons Enterprises, Ltd., Welakahao Catamaran, Inc., and Woodbridge Inc., for the purpose of placing Permanent Anchors in the Beach to secure the vessels for embarking and disembarking Passengers on Waikiki Beach. (See **Exhibit A** attached).

and

Declare Projects Exempt from requirements of Chapter 343, HRS and Title 11, Chapter 200, Hawaii Administrative Rules. **APPROVED**

#### 7. INTENTIONALLY LEFT BLANK

8. Approval of an Offshore Mooring, After-The-Fact, for Kailua Bay, Kailua-Kona, Island of Hawaii, Hawaii, for Bill Busters Charters, Inc.

and

Declare an Existing Offshore Mooring Exempt from Requirements of Chapter 343, Hawaii Revised Statutes, And Title 11, Chapter 200, Hawaii Administrative Rules. **APPROVED**

### **K. OFFICE OF CONSERVATION AND COASTAL LANDS**

1. Conservation District Use Application (CDUA) OA-3841 and Proposed Issuance of a Non-Exclusive Easement for the Sand Island Wastewater Treatment Plant Outfall Shoreline Revetment Project by the City and County of Honolulu Department of Environmental Services, Honolulu Hawaii, Tax Map Key: (1) 1-5-041: Portions of 003 and 006. **APPROVED**

### **L. ENGINEERING**

1. Appointment of Shawn Aguiar to Serve as a Director of the Hamakua Soil and Water Conservation District. **APPROVED**
2. Appointment of Darren Strand to Serve as Director of the Central Maui Soil Conservation District. **APPROVED**

### **M. OTHERS**

1. Issuance of a Revocable Permit for Space to Store a Rubbish Bin, Ralph S. Inouye Co., Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion). **APPROVED**

2. Issuance of a Revocable Permit for Preferred Hold rooms, Located at Gate G7 and G8 of Terminal 2, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion). **APPROVED**
3. Issuance of a Revocable Permit for Aircraft Parking, Charles W. Petrie III, Hilo International Airport, Tax Map Key: (3) 2-1-12: 090 (Portion). **APPROVED**