

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

**AGENDA  
FOR THE MEETING OF THE  
BOARD OF LAND AND NATURAL RESOURCES**

DATE: FRIDAY, December 13, 2019  
TIME: **9:00 A.M. (CHANGE IN TIME)**  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAI'I 96813

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 orally by the end of the meeting and followed up 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.

**A. MINUTES**

1. Request Approval of meeting minutes for October 25, 2019.

**C. DIVISION OF FORESTRY AND WILDLIFE**

1. Request Approval for selection of the Competitive Sealed Proposal process and Authorize the Chairperson to Award, Execute, and Extend Contracts for reducing Barn Owl, and other predator presence in and around Endangered Seabird colonies across the Islands of Kauai and Lehua

and

Request Approval of Declaration of Exemption from Chapter 343, Hawai'i

Revised Statutes, Environmental Compliance Requirements for the subject project.

#### **D. LAND DIVISION**

1. Grant of Term, Non-Exclusive Easement to the County of Kauai (COK) for the Ahukini to Lydgate Bike and Pedestrian Shared-Use Path Project; Issuance of Management and Construction Right-of-Entry to COK for the Ahukini to Lydgate Bike and Pedestrian Shared-Use Path Project, Portion of Kalapaki, Hanamaulu, Lihue, Kauai, Tax Map Key: (4) 3-5-001:159 por.
2. Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Waiakea, South Hilo, Hawai'i , Tax Map Key: (3) 2-1-005:020.
3. Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Waiakea, South Hilo, Hawai'i , Tax Map Keys: (3) 2-1-005: 033, 034, 035 and 045.
4. Approve Increase in Lease Rent under General Lease No. S-3742, JH Moku Ola, LLC, Lessee, Based on Rental Rate Charged to Sublessee, Maui Varieties Investments, Inc., Waiakea Industrial Lots, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-058:014.
5. Cancellation of Revocable Permit No. S-7789, IWF KKH, LLC, Permittee; Issuance of New Revocable Permit to BREIT KONA TRS LLC, Lanihau 1st, North Kona, Hawai'i , Tax Map Key: (3) 7-5-006:022.
6. Intentionally Left Blank
7. Request for Determination that Additional Environmental Review is not Required for Construction of Rehabilitation Center on Premises of General Lease No. S-5548, Hana Health, Lessee, Pursuant to Hawaii Administrative Rules Section 11-200.1-11; Approval of Elevation and Floor Plans for Rehabilitation Center; Delegate Authority to Chairperson to Approve Plans and Specifications for Rehabilitation Center, Kawaipapa, Hana, Maui; Tax Map Keys: (2) 1-4-003:022 and 024.
8. Consent to Assign General Lease No. S-5276, Brendan L. Balthazar, Assignor, to Diamond B Ranch, LLC, Assignee, Nakula, Kaupo, Hana, Maui, Tax Map Key: (2) 1-8-001:003.
9. Set Aside of Public Lands for Production Well and Storage Tank, Issuance of Perpetual Non-Exclusive Easement for Access and Utility Purposes, and Request for Immediate Right-of-Entry to the County of Maui, Department of

Water Supply, Honokowai, Lahaina, Maui, Tax Map Keys: (2) 4-4-002: portion of 014, and (2) 4-4-004: portions of 009, 011, and 019.

10. Mutual Termination of General Lease No. S-3906 and Grant of Non-Exclusive Easement under Land Office Deed No. S-28,859 issued to Hawaiian Electric Company, Inc. for Utility Purposes, Kalihi, Honolulu, O'ahu, Tax Map Key: (1) 1-2-025: portion of 017, (1) 1-5-041: portion of 111, and portions of Kapalama Basin.
11. Request to Amend Prior Board Action of December 14, 2018, (Item D-6):

*Withdrawal of a Portion of State Lands from Governor's Executive Order No. 3708, issued to the Department of Transportation, Harbors Division and a Reset-Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR), for Public Purposes. Issuance of an Immediate Management Right-of-Entry to DOBOR, Kalihi-Kai, Honolulu, O'ahu, Tax Map Key Numbers: (1) 1-2-023: 053, 057, 054, 037 and 059. Grant of Perpetual Non-Exclusive Easement to DOBOR for Roadway Access Purposes, Kalihi-Kai, Honolulu, O'ahu, Tax Map Key Number: (1) 1-2-023:033 (portion).*

The purpose of this request is to: (a) amend the size of Tax Map Key: (1) 1-2-023:059, from its previously reported size of 4,999 square feet, to its correct size of: **10,000 square feet, more or less**, and (b) amend the Board's approval for the size of the withdrawal and reset aside areas, from: 1.205 acres, to a revised total area of: **1.319 acres, more or less**, instead.

12. Amend Prior Board Actions of (a) July 8, 2010, Item D-15, Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Drainage Purposes, Heeia, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-003: seaward of 077; (b) August 25, 2017, Item D-5, Grant of Term, Non-Exclusive Easement to University of Hawaii for Pier Purposes, Kaneohe, Koolaupoko, O'ahu, Tax Map Key: (1) 4-6-001: seaward of 015.

The purpose of the amendment is to add Section 171-53(c), Hawaii Revised Statutes to the Legal Reference section of Both Board Actions.

13. Third Amendment of General Lease No. 5981; Consent to Sublease, Waianae District Comprehensive Health and Hospital Board, Incorporated, dba Waianae Coast Comprehensive Health Center, Lessee/Sublessor, International Life Support, Inc., dba American Medical Response (AMR), Sublessee; Lualualei, Waianae, O'ahu, Tax Map Key: (1) 8-6-001:003.

The purpose of the amendment is to revise the subletting provision of the lease to allow subletting subject to Board's approval.

14. Amend General Lease No. S-5995 for Air Quality Monitoring Station Purposes; Hawaiian Electric Company, Inc., Lessee; Nanakuli, Waianae, O'ahu; Tax Map Key: (1) 8-7-006:029 and portions of 002 and 008.

The purpose of the amendment is to extend the term of General Lease No, S-5995 for an additional ten (10) years.

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

1. Request for Approval and Adoption of Amendments to 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, HI 96740; Kaua'i District: Nawiliwili Small Boat Harbor, 2494 Niumalu Road, Līhu'e, HI 96766; Maui District: Ma'alaea Small Boat Harbor, 101 Ma'alaea Boat Harbor Road, Wailuku, HI 96793; O'ahu District: Ke'ehi Small Boat Harbor, 4 Sand Island Access Road Honolulu, HI 96819.

The Proposed Rules can be reviewed online at:

<http://ltgov.Hawaii.gov/the-office/Administrative-Rules>; and

<http://DLNR.Hawaii.gov/DOBOR/Draft-Rules>

Locations and Contact Information for DOBOR Offices is available online at: <http://DLNR.Hawaii.gov/DOBOR/Contact>.

2. Mutual Cancellation of Revocable Permit No. 63, Infinity, Inc., Permittee; Issuance of Revocable Permit to Sportfishing Kona, Inc. for Storage and Recreation Purposes, Honokohau Small Boat Harbor, Kealakehe, North Kona, Island of Hawai'i, Hawai'i, identified by Tax Map Key: (3) 7-4-008:003 (Portion);

and

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

3. Mutual Cancellation of Revocable Permit No. 81, Unbelievable Sportfishing, Inc., Permittee; Issuance of Revocable Permit to Infinity, Inc., for Storage and Recreation Purposes, Honokohau Small Boat Harbor, Kealakehe, North

Kona, Island of Hawai'i, Hawai'i, identified by Tax Map Key: (3) 7-4-008:003 (Portion);

and

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

4. Renewal of (34) Revocable Permits on the Islands of Hawai'i, Maui and O'ahu, See Exhibit D for list of Revocable Permits;

and

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

5. Issuance of a Revocable Permit to Paul N. Fukunaga DBA P.F. Marine, for Fiberglass Boat Repair Purposes, situated at Ke'ehi Small Boat Harbor, Honolulu, Island of O'ahu, Hawai'i, identified by Tax Map Key: (1) 1-2-023:059;

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**

1. Conservation District Use Application (CDUA) HA-3851 by Aharon Grossbard and Francoise Bourzat for a Single-Family Residence and Associated Improvements located in Keonepoko Iki, Puna, Hawai'i, Tax Map Key: (3) 1-5-009:053.
2. Intentionally Left Blank
3. 2018 Annual Report by the University of Hawaii on the Status of the Implementation of the Mauna Kea Comprehensive Management Plan (CMP) for the University-managed lands on Mauna Kea, Kaohe, Hamakua, Hawai'i, Tax Map Key parcels (3) 4-4-015:009 and (3) 4-4- 015:012. (**Non-Action Item**)

## **M. OTHERS**

1. Issuance of a Revocable Permit for Non-Exclusive Subsurface Pipeline Easements, IES Downstream, LLC, Daniel K. Inouye International Airport, Tax Map Keys: (1) 1-1-003: 001 (Portion), (1) 1-1-014:001 (Portion), (1) 1-1-014:002 (Portion) and (1) 1-1-070: (Portion).

2. Issuance of a Revocable Permit for Aircraft Parking, Charles A. Hebert, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
3. Issuance of a Direct Lease for the Purpose of a Fuel Farm Providing Aircraft Fueling to The Military, Corporate and General Aviation Community, Freeman Holdings of Hawaii, LLC dba Million Air Honolulu, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
4. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Paul C. Rambaut, Kalaeloa Airport, O'ahu, Tax Map Key: (1) 9-1-13: Portion of 32.
5. Issuance of a Revocable Permit for Aircraft Parking, Michael Charlston, Kawaihāpai Airfield, Waialua, Hawai'i, O'ahu, Tax Map Key: (1) 6-08-14:001 (Portion).
6. Issuance of a Revocable Permit for Office Spaces, Hawaiian Airlines, Inc., Kahului Airport, Tax Map Keys: (2) 3-8-01:240 (Portion) and (2) 3-8-01:260 (Portion).
7. Issuance of a Revocable Permit for Aircraft Parking, Manu Aircraft LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
8. Issuance of a Revocable Permit for Check-In Counters and Offices, Schuman Aviation Company, Ltd, Kahului Airport, Tax Map Key: (2) 3-8-01:217 (Portion).
9. Issuance of Revocable Permit for Enclosed Ramp Storage, Hawaiian Airlines, Inc., Līhu'e Airport, Tax Map Key: (4) 3-5-001:135 (Portion).
10. Issuance of Revocable Permit for Storage of Ground Service Equipment, Hawaiian Airlines, Inc., Līhu'e Airport, Tax Map Key: (4) 3-5-001:008 (Portion).
11. Issuance of Construction Right-of-Entry to Hawaii Fueling Facilities Corporation, to perform work on Harbors Lands to Install Pipeline within a Portion of the Highway Division's property at Sand Island Access Road, Honolulu Harbor, O'ahu, Tax Map Keys: (1) 1-2-025: Portions of 17, 74, 75, 119 and 121. Governor's Executive Order Nos. 4206, 4574 and 4596.
12. Request for Approval to further Amend the Declaration of Condominium Property Regime of the Fishing Village, adjacent to Piers 36, 37, and 38, at Honolulu Harbor.

13. Issuance of Month-to-Month Revocable Permit to Phoenix V LLC, dba BEI Hawaii, situated at Piers 31-32, Honolulu Harbor, Oahu, Tax Key: (1) 1-5-036:037 (Portion). Governor's Executive Order No. 2903.

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.

**TO BE PLACED ON THE MOVE UP AGENDA, PLEASE SIGN IN BY 8:30 A.M. THE DAY OF THE MEETING.**

**Public Testimony:** e-mail: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)

The Sunshine Law gives the public the opportunity to submit testimony, but it is your responsibility to submit written testimony in a timely manner, to give Board members sufficient time to consider written testimony, please submit the testimony no later than 24 hours prior to the Board Meeting.

Any late written testimony will be retained as a part of the record, but we cannot assure that Board members will receive it with sufficient time for review prior to decision-making.

**Meeting materials are available for public review in advance of the meeting on our Website:**  
<http://www.dlnr.Hawaii.gov/meetings> or **in person** at 1151 Punchbowl Street, Rm 131, Honolulu, Hawaii 96813.

**INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (e.g., sign language interpreter, wheel chair accessibility, or parking designated for the disabled) AT THE BLNR MEETING, PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT (808) 587-0404 SO THAT ARRANGEMENTS CAN BE MADE.**