

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, JANUARY 10, 2020  
TIME: **9:00 A.M. (CHANGE IN TIME)**  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 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 November 8, 2019.

**B. DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT**

1. Request the Board of Land and Natural Resources to Delegate Authority to the Chairperson to sign a Use and Occupancy Agreement with the University of Hawaii, Honolulu Community College for use of the Marine Education Training Center to Conduct the DOCARE Academy for CREO I from January 21, 2020 through August 18, 2020.

## 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 -For Discussion and Possible Action:
  - (a) LLCP 13-02, DLNR Division of State Parks, Ulupō Heiau Buffer, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-2-103:032 (portion).
  - (b) LLCP 14-02, Ho'āla 'Āina Kūpono, Hakipu'u Lo'i Kalo, Ko'olaupoko, O'ahu, Tax Map Keys: (1) 4-9-003:003 and (1) 4-9-003:004.
  - (c) LLCP 14-03, Kōkua Kalihi Valley, Ho'oulu Ola, Kona, O'ahu, Tax Map Key: (1) 1-4-020:044
2. Request for delegation of authority to the Chairperson to: 1) Approve, procure, award, sign, execute, amend, and extend contracts valued less than \$1,000,000 procured through Chapter 103d, Hawaii Revised Statutes; 2) Declare these contracts exempt from the preparation of an environmental assessment (EA) or approve an environmental assessment and issue a finding of no significant impact, if appropriate.
3. Request approval of settlement between Department of Land and Natural Resources and Dole Food Company Inc, regarding real property acquired for addition to the 'Ewa Forest Reserve, Pa'ala'a-Uka and Wahiawa, O'ahu, Tax Map Key (1) 7-1-002:011.
4. Request for approval to adopt amendments to and compile Hawai'i Administrative Rules, Title 13, Subtitle 5, Part 1, Chapter 104, "Rules Regulating activities within Forest Reserves" by:
  - A. Adding Subchapter 4, "fees and charges", that establishes fees and charges relating to Forest Reserves;
  - B. Making other substantive amendments, including adding, amending, and removing various definitions; amending penalty, abandoned and unattended property, fire use restrictions, closing of areas, vehicles and transportation, and general, camping, collecting, commercial, and access permit provisions; and conforming certain sections of Chapter 13-104, HAR, to other Administrative Rules promulgated by the Division of Forestry and Wildlife; and

- C. Making non-substantive amendments to numerous sections for the purposes of clarity, consistency, and style.

Request for delegation of authority for permits and other actions under Hawai'i Administrative Rules, Title 13, Subtitle 5, Part 1, Chapter 104, "Rules Regulating activities within Forest Reserves", to the Chairperson, the Administrator, and District Managers of the Division of Forestry and Wildlife.

The Proposed Rules can be reviewed in person at the Division of Forestry and Wildlife office at 1151 Punchbowl St., Room 325. Honolulu, Hawaii, 96813 for 8:00 am to 3:30 pm Monday through Friday, except Holidays.

The current version of HAR Chapter 13-104 can be reviewed online at: <http://ltfgov.hawaii/the-office/administrative-rules>

## D. LAND DIVISION

1. Linda J. Harding Warriner's Request for Reconsideration of the Board's Prior Board Action of October 25, 2019, Item D-1, *After-the-Fact Consent to Assignment of 100% Membership Interest in Lessee Pixar Development, LLC from John Kenneth Purdy to Hotel Coral Reef, LLC; After-the-Fact Consent to Quitclaim Assignment of Membership Interest in Lessee Pixar Development, LLC from Michael F. Harrah to Hotel Coral Reef, LLC; Assess Lease Assignment Premium Against John Kenneth Purdy and Linda J. Harding Warriner (the prior lessee), Jointly and Severally; After-the-fact Consent to Real Property Mortgage and Financing Statement, Pixar Development, LLC, Mortgagor, and First Hawaiian Bank, Mortgagee (2010 Mortgage); General Lease Nos. S-3832 and S-5578, Pixar Development, LLC, Lessee, Kapaa Town Lots, Kapaa, Kawaihau, Kauai, Tax Map Keys: (4) 4-5-011:046 and 4-5-012:005.*

Linda J. Harding Warriner requests reconsideration of that portion of the Board's action of October 25, 2019, Item D-1, that assessed a premium of \$56,470.50 plus interest against her based on an assignment of General Lease No. S-5578 that occurred on March 31, 2005.

2. Consent to Assign General Lease No. S-5434, Sandra H. Apele-Kipapa, Assignor, to Haunani Ponilani Kipapa, Assignee, Kikala-Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2-043:034.

3. Lessee's Request for Early Termination of General Lease No. S-5942, Roseannamary L.K. Robinson, Lessee, Kikala and Keokea, Puna, Hawaii, Tax Map Key: (3) 1-2- 43:044.
  
4. Intentionally Left Blank
  
5. Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for Sand Sculpting Competition Purposes, Wailea, Honuaula, Maui; Tax Map Key: (2) 2-1-023: Seaward of 003.
  
6. Consent to Issuance of a Construction and Management Right-of-Entry by Hawaii Housing Finance and Development Corporation ("HHFDC") to County of Maui for Site Investigation, Planning, Design, Construction, Operation and Management of the New Maui Bus Hub on a Portion of Land Set Aside by Governor's Executive Order 4590 to HHFDC; Kahului, Island of Maui, Tax Map Key: (2) 3-7-004:003 (por.).
  
7. Issuance of Right-of-Entry Permit to Hawaii Amateur Surfing Association, for Event Operations Purposes Related to the 2020 Hawaii Amateur Surfing Association Honolua Legends of the Bay Amateur Surfing Contest, a Two-Day Event on January 11 and 12, 2020, with a Holding Period of January 11 through March 31, 2020, at Honolua, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Portion of 010.
  
8. Second Amendment of Prior Board Action dated October 10, 1986, Item F-9, as amended by October 25, 2019, Item D-9; *Request of the City and County of Honolulu, Board of Water Supply, for Executive Order Setting aside 6MG Reservoir Site Together with Electrical Transmission Line, Waterline and Roadway Easement at Kahana Valley, Kahana, Koolauloa, Oahu, Tax Map Key: Portions of (1) 5-2-001 & 5-2-002*

The purpose of this amendment is to seek Board's Authorization for Issuance of an Executive Order to Withdraw 1.644 acres for the 6MG Reservoir Site from Governor's Executive Order No. 3518.

9. Issuance of Right-of-Entry Permit to Seymour Resources Hawaii, Inc. on Lands Formerly Encumbered by Revocable Permit No. S-7310 to the East Kauai Water Users' Cooperative, for Irrigation System Located on a Portion of Government Lands within the Drainage Basins of the North Fork Wailua River and Kapaa Stream, Kawaihau, Kauai, Tax Map Key: Various; and

Request Waiver of Requirement for Conducting a Level One Hazardous Waste Evaluation Prior to Termination of Revocable Permit No. S-7310 to the East Kauai Water Users' Cooperative, Former Permittees.

## **E. STATE PARKS**

1. Selection of Projects for Federal Grant Awards through the Land and Water Conservation Fund Program with Fiscal Years 2017 and 2018 Funds: Statewide Comprehensive Outdoor Recreation Plan Update; Paving of Park Road and Parking Lots at Mālaekahana State Recreation Area - Kalanai Section, O'ahu; Construction of New Restrooms at Mākena State Park, Maui; and Construction of Replacement Playgrounds at Five (5) City and County of Honolulu Parks.
2. Request for a Right-of-Entry to Install a Statue of Kaua'i King Kaumuali'i at Pā'ula'ula, Russian Fort Elizabeth State Historical Park, Waimea, Kaua'i, Tax Map Key: (4) 1-7-005:003.
3. Request Approval to Initiate Rule-Making proceedings, including Public Hearing, to Amend Title 13, Hawai'i Administrative Rules (HAR), Chapter 13-146-6, Fees.

## **F. DIVISION OF AQUATIC RESOURCES**

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Tony Perry III, National Oceanic and Atmospheric Administration (NOAA) Ship OSCAR ELTON SETTE, for Access to State Waters to Conduct Shipboard Support Activities
2. Request for Approval to Enter into a Federally Funded Contract for Year One (1), of a 3-Year Grant. Year One Will Not Exceed \$181,226, Between the Board of Land and Natural Resources and Cascadia Research Collective, to Provide Services to Support State Efforts to Manage Endangered Species; to Understand the Health, Threats, and Status of the Insular False Killer Whale Population and Other Endangered Species in Hawaii. Declaration of Exemption for Contract Actions Under HRS Chapter 343 and HAR Chapter 11-200.

3. Papahānaumokuākea Marine National Monument permittees briefing regarding activities conducted in 2019. **(NON-ACTION ITEM)**

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

1. Issuance of a Revocable Permit to Diamond Parking Services, LLC, for Management of Parking Concession Purposes, at Ala Wai Small Boat Harbor, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Keys: (1) 2-6-010:003 (POR); (1) 2-3-037:012 (POR), 37 (POR), 024, 030 and 0031;

and

Approve Amendment of Existing Parking Plan for the Ala Wai Small Boat Harbor, Honolulu, Island of Oahu, Hawaii identified by Tax Map Keys: (1) 2-6-010:003 (POR); (1) 2-3-037:012 (POR); 37 (POR); 024; 030 and 0031

and

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

2. Request Approval to Repeal Hawaii Administrative Rule, (HAR) Chapter 13-251, Subchapter 1, Catamaran Captain, Canoe Captain, Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator Permits, Subchapter 2, Suspension or Revocation of Operator Permits, Subchapter 3, Violation of Operator Permit Provisions, and Subchapter 7, Special Operating Restrictions, to remove all Certification Requirements, regarding Catamaran Captain, Canoe Captain, Canoe Second Captain, Surfboard Instructor, Sailboard Instructor and Commercial Motorboat Operator Permits.

The Proposed Rules can be reviewed in person at The Division of Boating and Ocean Recreation (DOBOR), O'ahu District Office, 4 Sand Island Access Road Honolulu, HI 96819, from 8:00 am to 3:30 pm, Monday through Friday, except State Holidays.

The current version of HAR Chapter 13-251 can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules>.

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

1. Appointment of a Hearing Officer to Conduct All Hearings for One (1) Contested Case Hearing (OA 20-01) Regarding the Alleged Unauthorized Structures Within the Conservation District by Gary and Cynthia Stanley Located at Sunset Beach, Ko'olauloa, Oahu, Submerged Lands Seaward of Tax Map Key: (1) 5-9-002:034.

## **L. ENGINEERING**

1. Hawaii Dam Safety Program Briefing. **(NON-ACTION ITEM)**

## **M. OTHERS**

1. Amendment No. 2 to Hangar Lease No. DOT-A-13-0016 to Amend The "Character of Use" from Private to Commercial Business Use, Hyak Aviation LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072:081 and (1) 1-1-072:082 (Portion).
2. Issuance of a Directly Negotiated Fueling Facilities Lease for Storage and Delivery of Aviation Fuel, Par Hawaii Refining, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-2-025:019, (1) 1-1-003 (Portion), (1) 1-1-070 (Portion), (1) 1-2-023 (Portion), (1) 1-2-025 (Portion), and (1) 1-5-041 (Portion).
3. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, South Pacific Flying Club, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 22.
4. Issuance of a Revocable Permit for Office, Warehouse and Parking for the Storage of Catering Supplies for Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003:015 (Portion).
5. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Juan E. Ariza, IV, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-8-014:017 (Portion).

6. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Angus J. MacFeeley, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014:017 (Portion).
  
7. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Bert N. Gilling, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 211.
  
8. Issuance of a Revocable Permit for the Installation and Operation of an Automated Teller Machine to Central Pacific Bank, Kahului Airport, Tax Map Key: (2) 3-8-011: Portion of 73.
  
9. Issuance of a Revocable Permit for Office Space, Schuman Aviation Company, Ltd., Molokai Airport, Tax Map Key: (2) (2) 5-2-04: Portion of 8.
  
10. Issuance of a Revocable Permit for Office Space, K & S Helicopters, Inc. dba Paradise Helicopters, Hana Airport, Tax Map Key: (2) 1-3-003-022 (Portion).
  
11. Issuance of a Revocable Permit for Cargo Space for Storage and Maintenance of Ground Service Equipment, Hawaiian Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043:003 (Portion).
  
12. Issuance of a Revocable Permit for a Ramp Office, Flex Unit, Equipment Parking, and Kiosk Spaces, Hawaiian Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043:003 (Portion).
  
13. Issuance of a Revocable Permit for a Field Office and Vehicle Parking, SSFM International, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043:003 (Portion).
  
14. Issuance of a Revocable Permit for Vehicle Parking, AIRMD, LLC dba Lifesave, Waimea-Kohala Airport, Tax Map Key: (3) 6-7-001: Portion of 08.



15. Amendment No. 2 to Heliport Lease No. DOT-A-15-0007, Request Two Additional Helipad Spaces for Commercial Helicopter Operations, Mauna Loa Helicopter Tours, LLC, Lihue Airport, Tax Map Key: (4) 3-5-001:136 (Portion).
16. Issuance of Parking Concession Agreement for the Management and Operation of the Automobile Parking Facility to ABM Aviation, Inc. at Kahului Airport, Tax Map Key: (2) 3-8-001; Hilo International Airport, Tax Map Key: (3) 2-1-012; Lihue Airport, Tax Map Key: (4) 3-5-001.
17. Issuance of Month-to-Month Permit to Hawaii Planing Mill, LTD., dba HPM Building Supply, situated at Kawaihae Harbor, Hawaii, Tax Map Key: (3) 6-1-003:034 (Portion), Governor's Executive Order No. 1759.
18. Issuance of Month-to-Month Permit to P&R Water Taxi LLC, situated at Pier 2, Kahului Harbor, Maui, Tax Map Key: (2) 3-7-010:003 (Portion), Governor's Executive Order No. 2635.
19. Issuance of Month-to-Month Permit to Marine Spill Response Corporation, situated at Pier 1, Kahului Harbor, Maui, Tax Map Key: (2) 3-7-001:002 (Portion), Governor's Executive Order No. 3005.
20. Consent to Issue Revocable Permits for Lands under Governor's Executive Order No. 4533 to Fisher Hawaii Inc., One Love Ministries, and Hawaiian Dredging Construction Company, Inc., in Kakaako, Honolulu, Oahu, Tax Map Key: (1) 2-1-051:041 (Portion)

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.**