

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: February 28, 2020
TIME: **9:00 A.M.**
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.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request approval to Authorize the Chairperson to Negotiate, enter into, Amend, Extend, and Terminate a Trail Partnership Agreement between Na Ala Hele, Hawaii's Statewide Trails and Access Program, and Japan's Kagoshima Prefectural Government's Amami Island Trails Program.
2. Amend prior Board action of February 9, 2018 Item C-1 request Delegation of Authority to the Chairperson to Approve Memoranda of Understanding / Agreements, Contracts for Goods and Services, and Cooperative Agreements, that Award Grant Funds to the Division of Forestry and Wildlife, subject to the review and approval by a Deputy Attorney General.

The purpose of the amendment is to apply this delegation to the Department.

3. Acceptance of Hearing Officer's report on a Public Hearing for two proposed withdrawals from the Forest Reserve System on the Island of Hawai'i.

Approval and recommendation to the Governor issuance of Executive Orders for the withdrawal of Tax Map Key: (3) 4-4-016: portion of 003, comprising approximately 2.9 acres, from Mauna Kea Forest Reserve, Kaohe IV, Hāmākua, Hawai'i and subsequent set-aside to the State of Hawai'i Department of Transportation for highway maintenance base yard purposes.

Approval and recommendation to the Governor issuance of Executive Orders for the withdrawal of the Gilbert Kahele Recreation Area, Tax Map Key: (3) 4-4-016: portion of 003, comprising approximately 32.572 acres, from Mauna Kea Forest Reserve, Kaohe IV, Hāmākua, Hawai'i and subsequent set-aside to the County of Hawai'i for park purposes.

Grant of perpetual, non-exclusive access and utility easement to the Department of Transportation over Tax Map Key nos.: (3) 4-4-016: portion of 003 and (3) 4-4-016: portion of 012;

and

Grant of perpetual, non-exclusive access and utility easement to the County of Hawai'i over Tax Map Key: (3) 4-4-016: portion of 012.

D. LAND DIVISION

1. Grant of Perpetual Non-Exclusive Easement to Kauai Island Utility Cooperative for Utility Purposes; Immediate Construction and Management Right-of-Entry Permit to Kauai Island Utility Cooperative, Mana, Waimea, Kauai, Tax Map Key: (4) 1-2-002: portion of 001.
2. Issuance of Right-of-Entry Permit to Roman Catholic Church in the State of Hawaii, Saint Theresa School, onto Unencumbered State Lands for Parking Purposes, Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-3-004:054 and (4) 1-3-011:001.
3. Amend Prior Board Action of February 23, 2018, Item D-3, *Request to Extinguish a Twenty (20) Foot Wide Ditch Right-of-Way Easement Reserved to the State of Hawaii Under Land Patent Grant No. 12,829, Traversing Private Property Owned By Michael Clark and Denise Adesso at Wailua Houselots, Wailua, Kauai, Tax Map Key: (4) 4-1-013: Portions of 046.*

The purpose of the amendment is to change the applicant from Michael Clark and Denise Adesso to W. Noel Rodman, due to the recent sale of the private property containing the ditch right-of-way.

4. Grant of Term, Non-Exclusive Easement to Matine A. Borges, Jeffrey D. Borges, Michelle M. Borges, Monique M. Borges, Jennifer A. Lindell, and Troy M. Lindell, as Joint Tenants, for Shoreline Revetment Encroachment Purposes; Issuance of Immediate Management Right-of-Entry Permit for Shoreline Revetment Purposes, Waipouli, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009: Seaward of 049.
5. Consent to Lease State Lands Under Governor's Executive Order No. 4566 to the Kapaa Foursquare Church, dba: New Hope Kauai, Kapaa, Kawaihau, Kauai, Tax Map Keys: (4) 4-5-008:008 & 009.
6. Cancellation of Governor's Executive Order No. 1108 and Reset Aside to the County of Kauai for Park and Road Right-of-Way Purposes; Issuance of Immediate Construction and Management Right-of-Entry Permit to the County of Kauai, Kapaa House Lots, Kawaihau, Kapaa, Kauai, Tax Map Keys: (4) 4-6-015:021, 022 and 023.
7. Mutual Cancellation of Revocable Permit No. S-7739 (RP S-7739), Lance Laney, Permittee and Waiver of Phase I Environmental Site Assessment Required under RP S-7739; Issue New Revocable Permit to Lance Laney, Hanalei for Pasture Purposes, (Halelea), Kauai, Tax Map Key: (4) 5-4-002:033.
8. Rescind Prior Board Action of June 14, 2013, Agenda Item D-7, *Consent to Approval of Self-financed Improvements and Extension of Lease Term, General Lease No. S-5373 Harold F. Rice, Jr. dba FR Cattle Co., Lessee*; and Cancel the Extension of General Lease No. S-5373 dated February 15, 2015, Lalamilo, Lihue, Koaliula and Waiaka 1, South Kohala, Hawaii Tax Map Key: 3rd/6-6-01:02 and 77.
9. Grant of Perpetual, Non-Exclusive Easement to Hawaii Electric Light Company, Inc. for Pad Mounted Electrical Equipment Purposes, Ooma 1st, North Kona, Hawaii, portions of Tax Map Keys: (3) 7-3-043:113 portion.
10. Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for Beach Olympic Games Competition Purposes, Wailea, Honuaula, Maui; TMK (2) 2-1-023: Seaward of 007.
11. Second Amendment of Grant of Perpetual, Non-Exclusive Easement, Land Office Deed No. S-28,331, for Gas Lines Purposes and Issuance of Construction Right-of-Entry Permit at Honolulu, Oahu; Tax Map Key: (1) 1-2-021: portion of 035.

The purpose of the amendment is to expand the easement area.

12. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on April 7, 2020, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.
13. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From June 19, 2020 to June 11, 2021, Waikiki, Honolulu, Oahu, TMK: (1) 2-3-037: portion of 021.
14. Grant of Perpetual, Non-Exclusive Easement for Underground Wireline and Related Facilities Purposes and Issuance of Construction and Management Right-of-Entry; Kaneohe, Koolaupoko, Oahu; Tax Map Key: (1) 4-5-047: seaward of 127.
15. Amend Prior Approval as Amended of Item D-1, May 24, 2019, *Grant of Term, Non-Exclusive Easement to Wai'oli Valley Taro Hui, Inc. for Surface Water Diversion and Irrigation Purposes, Wai'oli, Hanalei, Kauai, Tax Map Key: (4) 5-6-002:001 (portion).*

The Purpose of the Amendments is to:

- 1) Change the Term of the Approved Easement from 55 years to Perpetual;
- 2) Increase the Area of the Approved Easement from Approximately 1.15 Acres, More or Less to Approximately 6.627 Acres, More or Less; and
- 3) Add Tax Map Key: (4) 5-5-008:018 to the Approved Easement.

Issuance of Revocable Permit to Wai'oli Valley Taro Hui, Inc. for Use of State Water from Wai'oli Stream for Taro Irrigation Purposes, Wai'oli, Hanalei, Kauai, Tax Map Key: (4) 5-6-002:001.

E. STATE PARKS

1. Forfeiture of General Lease No. SP-0112, James Hackett, Lessee, Recreation Residence Lot 91 of Waimea (Kona), Island of Kaua'i, Hawai'i, Tax Map Key No: (4)1-4-004:048
2. Request Approval to initiate Rule-Making Proceedings, including Public Hearings, to adopt Amendments to Section 13-146-6 (Fees) and Compile Hawai'i Administrative Rules (HAR) Chapter 13-146; for Fee Increases to State

Park Camping, Lodging, and Pavilion Rental Fees; Parking and Entrance Fees for Designated State Park properties.

The Proposed Rules can be reviewed in person at the Division of State Parks, 1151 Punchbowl Street, Room 310, Honolulu, HI, 96813 from 8:00 am to 3:30 pm, Monday through Friday, except State Holidays.

The current and proposed versions of HAR Section 13-146-6 can be reviewed online at:

<https://dlnr.hawaii.gov/dsp/administrative-rules/>

via the Lieutenant Governor's website at:

<http://ltgov.hawaii.gov/the-office/administrative-rules/>

and

<https://dlnr.hawaii.gov/dsp/files/2020/01/Parking-and-Entrance-Fees-Draft-5-Ramseyer-Format-vrs-SBRRB-January-2020-Exhibit-A.pdf>

F. DIVISION OF AQUATIC RESOURCES

1. Request Approval to add Funding and Extend through September 30, 2021 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, 2021 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, 2021 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".

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Approve Installation of Five (5) Day Use Mooring Buoys Outside of an Established Offshore Mooring Area, Hilo, Island of Hawaii, Hawaii, for DLNR – Division of Boating and Ocean Recreation;

and

Declare Five (5) Day Use Moorings Buoys Exempt from Requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200.1, Hawaii Administrative Rules.

LOCATION:

Hilo Harbor: 19° 74.1533' N, 155° 06.0257' W
Hilo, Island of Hawaii, Hawaii

2. Approve Installation of an Offshore Mooring Outside of an Established Offshore Mooring Area by After-the-Fact Permit under HAR § 13-235-9, Keauhou Bay, Kailua-Kona, Island of Hawaii, Hawaii, for Lawrence Peebles.

LOCATION:

Kailua Kona, Keauhou Bay: 19° 33.4230' N, 155° 57.4645' W

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Time Extension Request for Conservation District Use Permit (CDUP) MA-3814 for the Lahaina Small Boat Harbor Ferry Pier Improvements by Department of Land and Natural Resources, Division of Boating and Ocean Recreation, Located at Lahaina, Maui, Hawaii Tax Map Key: (2) 4-6-001:002 and 014.

M. OTHERS

1. Issuance of a Land Lease for Seaplane Operations by Notice of Public Auction, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-3: 001 (Portion) and (1) 1-1-3: 005 (Portion).
2. Issuance of a Revocable Permit for Vehicle Parking, Ford Audio-Video Systems, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 66 (Portion).
3. Issuance of a Revocable Permit for a Construction Staging Area for Materials, Hako Plumbing, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 15 (Portion)

4. Issuance of a Revocable Permit for Aircraft Parking, Kamaka Air, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: 23 Portion.
5. Issuance of a Revocable Permit for Warehouse Storage, Larry D. Biggs, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-4: 21 (Portion).
6. Issuance of a Revocable Permit for Staging Construction Equipment for the Rail Transit Project, Shimmick/Traylor/Granite, JV, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004:001.
7. Issuance of a Revocable Permit for Wheelchair Passenger Seating Area, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 042 (Portion).
8. Issuance of a Revocable Permit for the Installation and Operation of an Automated Teller Machine, Video Vend, Inc. dba ATM Pacific, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 65 (Portion)
9. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Angus J. MacFeeley, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: 21 (Portion).
10. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Juan E. Ariza, IV, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: 32 (Portion).
11. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Snowbird Air LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: 32 (Portion).
12. Issuance of a Revocable Permit for Aircraft Parking, Fly Maui LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: 019 (Portion).
13. Issuance of Month-to-Month Permit to HC&D, LLC, for accessory to concrete making, storage of aggregates, truck parking, and maintenance of settlement tanks used for recycling waste water, situated at Keehi Industrial Lots, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-2-023:050, Governor's Executive Order No. 3708.
14. Issuance of Month-to-Month Permit to HC&D, LLC, for loading and unloading, stockpiling, storage, transfer and distribution of rock aggregates and sand, situated at Keehi Industrial Lots, Oahu, Tax Map Key: (1) 1-2-023: Portion of 100, Governor's Executive Order 3708.

15. Issuance of Month-to Month Permit to Healy Tibbitts Builders, Inc. for storage yard of marine construction equipment, materials, supplies, trade fixtures and other items accessory to marine construction business, situated at Pier 9, Kalaeloa Barbers Point Harbor, Oahu, Tax Map Key: (1) 9-1-014-:037, 024 (Portion), Governor's Executive Order No. 3383.
16. Issuance of Month-to Month Permit to Petrospect, Inc. for container storage of petroleum product inspection equipment, situated at Pier 21, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-5-039:007 (Portion), Governor's Executive Order No. 2903.
17. Issuance of Four (4) Month-to-Month Permits to Hawaii Stevedores, Inc., for Office trailer, bike rack, G-van storage, and portable restroom for Applicant's customer service representatives, situated at Pier 2, Kahului Harbor, Maui, Tax Map Key: (2) 3-7-008:002 (Portion)
18. Request Approval to Proceed with Acquiring Lands for Honolulu Harbor, Island of Oahu, Department of Transportation, Harbors Division for Public purpose and Delegate to the Chairperson of the Board of Land and Natural Resources the Authority to Initiate work to acquire the lands for Final Board approval. Tax Map Key: (1) 1-2-025:036.

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

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.