

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: JUNE 12, 2020
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

Meeting materials are available for public review in advance of the meeting at:

<http://www.dlnr.hawaii.gov/meetings>

Considering the evolving COVID-19 situation, protecting the health and welfare of the community is of utmost concern. As such, the meeting will be held remotely, with board members, staff and applicants participating via online meeting venue.

The meeting will be livestreamed at:

<https://www.youtube.com/channel/UCvFwARB6RhS5CLnaALNif3w>.

TESTIMONY:

Interested persons can submit written testimony in advance of each meeting that will be distributed to Board Members prior to the meeting. Written testimony must be submitted no later than 24 hours prior to the meeting to ensure time for Board Members to review it. Late written testimony will be retained as part of the record, but we cannot assure Board Members will receive it with sufficient time for review prior to decision-making. Submit written testimony to blnr.testimony@hawaii.gov.

To provide live oral/video testimony during the online meeting, email your request to blnr.testimony@hawaii.gov at least 24 hours in advance, with your name, phone number, email address, computer identification name (check your device settings), and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link via which to testify. You will need a computer with internet access, video camera and microphone to participate. If you require access by phone only, please indicate that in your email request. Testimony will be limited to a maximum of three (3) minutes per person per agenda item.

Individuals requiring special assistance or auxiliary aids or services (i.e. sign language interpreter), please contact staff at least 72 hours prior to the meeting at 808.587.0404 so that arrangements can be made.

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 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 for the meeting minutes for May 8, 2020.

C. FORESTRY AND WILDLIFE

1. Request for approval to enter into a 2-year contract with the Zoological Society of San Diego to provide services to operate the Endangered Bird Captive Propagation Facility on Maui, the Maui Bird Conservation Center, and to provide expert Avicultural Services to conduct related Forest Bird Propagation Projects at the Keauhou Bird Conservation Center on the Island of Hawaii and throughout the State;

and

Request approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the project.

2. Request for approval of the Final Environmental Assessment for the Kauai Seabird Habitat Conservation Plan;

and

Request authorization for the Chairperson to issue a Finding of no Significant Impact (FONSI).

3. Request for approval of Kaua'i Seabird Habitat Conservation Plan; Issuance of Incidental Take Licenses to Alexander & Baldwin, Inc., County of Kaua'i, Hawai'i Department of Transportation, Kaua'i Marriott Resort (Essex House Condominium Corporation), Kaua'i Coffee Company, LLC, Norwegian Cruise Lines (Bahamas) LTD., The Princeville Resort Kaua'i, and Sheraton Kauai Resort (Starwood Resorts).

D. LAND DIVISION

1. Amend Prior Board Action of March 24, 2017, Item D-5, *Amend Prior Board Action of March 28, 2014, Item D-4, Set Aside to the County of Kauai for Affordable Housing of Various Lots in Wailua Houselots, Kapaa Makai, Hanapepe, and Waimea, Kauai, as subsequently amended by Board Action of April 24, 2015, Item D-2; Tax Map Keys: (4) 1-6-004:003, (4) 1-9-009:006, 007, 008 & 009, (4) 1-9-010:003 & 033, (4) 4-1-009:054, (4) 4-1-011:016 & 020, (4) 4-5-008:009 & 012, and (4) 4-5-011:007.*

The purpose of the amendment is to delete the three Kapaa Makai parcels from the list of parcels approved for set-aside to the County of Kauai for potential affordable housing sites, identified as Tax Map Keys: (4) 4-5-008:009 & 012 and (4) 4-5-011:007.

The purpose of the current amendment is to delete Tax Map Keys: (4) 1-9-010:003 & 033 from the set-aside because the State Historic Preservation Division has determined that the two parcels might contain burial sites.

2. Sale of Land License at Public Auction for Removal of Rock Aggregate Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-013:002 portion.
3. Authorize the Chairperson to Approve and Execute a Development Agreement for 30-Year Extensions of Lease Terms and to Execute Lease Extension Documents Pertaining to:

General Lease No S-3592; Hawaii Planing Mill, Ltd. dba HPM Building Supply, Lessee; Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-2-032:067 and 078;

General Lease No. S-3609; Hawaii Planing Mill, Ltd., Lessee; Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-2-032:068 and 070; and

General Lease No. S-3611; Hawaii Planing Mill, Ltd., as to an undivided 80% interest, and William MacKenzie, Trustee under that certain Indenture of Trust created March 26, 1955, by Nelle Wood Carlsmith for the benefit of Carl Wendell Carlsmith, Edith Mattson Carlsmith and Donn Wendell Carlsmith, as to an undivided 20% interest, Lessees; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-032:021.

4. Sale of Lease at Public Auction for Industrial Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-058:004.
5. Amend Prior Board Action of August 13, 2004, Item D-6, Cancellation of Governor's Executive Order No. 1965; Issuance of Term, Non-Exclusive Easement for Temporary Underground Sewer Line; Grant of Perpetual, Non-Exclusive Easement to Waimea

Wastewater Company, Inc. for Sewer Line Purposes, Lalamilo, South Kohala, Hawaii; Tax Map Key: (3) 6-7-003:020.

The Purpose of the Amendment is to Change the Term, Non-Exclusive Easement for Temporary Underground Sewer Line to a Perpetual, Non-Exclusive Easement for Sewer Line Purposes.

6. Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Maintenance of Erosion Control Improvement Purposes; Manoa, Honolulu, Oahu, Tax Map Key: (1) 2-9-026: portions of 014 and 043.

7. Amend Grant of Perpetual, Non-Exclusive Easement to Hawaii Kai Marina Community Association for Maintenance of the Hawaii Kai Marina Entrance Channel and Sandbag Groin

Purposes, Maunalua, Oahu; Tax Map Key: (1) 3-9-002: seaward of Kalaniana'ole Highway near the bridge.

The amendment is to increase the easement area by an additional 7,852 square feet for the purpose of replacing the existing deteriorating sandbag groin with a new larger permanent rock rubble groin.

8. Issuance a Right-of-Entry and Delegation of Authority to the Chairperson to Issue Future Rights-of-Entry to the United States Geological Survey for the Installation, Operation, Repair, Maintenance and Removal of Stream Monitoring Stations on Lands under the Management of the Department of Land and Natural Resources. A List of Properties is Attached as **Exhibit A**.

E DIVISION OF STATE PARKS

1. Continuance of Revocable Permit No. SP0550 to Go Holoholo, Inc., a Hawai'i Corporation for the use of the Nutridge House and Grounds on State Parks land at Pu'u 'Ualaka'a State Wayside, Opu, Makiki on the Island of O'ahu, Tax Map Key: (1) 2-5-019:004 portion.

F. DIVISION OF AQUATIC RESOURCES

1. Approval of Petitions for Contested Case Hearing by Tyron Terazono, Kacie Terazono, and Wayne Newman Regarding Enforcement Action Against Tyron Terazono, Kacie Terazono, and Wayne Newman for Unlawful Collection of Aquatic Life for Aquarium Purposes within the West Hawai'i Regional Fishery Management Area, Island of Hawai'i.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Renewal of Revocable Permits on the Islands of Oahu, Maui, Hawaii and Kauai, See **Exhibit E** for List of Revocable Permits;

and

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

Approve Mediated Settlement of Rent Reopening Dispute in Harbor Lease No. H-82-4, GKM, Inc., Lessee, Kealakehe, Kailua- Kona, Hawaii, Tax Map Key: (3) 7-4-008:042.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application HA-3860 for Mr. Perry and Mr. Gonzalez's Single-Family Residence, Farm, and Associated Improvements Located at 32-2471 Stone Road, Piha, North Hilo, Hawai'i Tax Map Key (3) 3-2-004:040

M. OTHERS

1. Issuance of Revocable Permit for Rental Car Overflow Parking, Avis Budget Car Rental, LLC, Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-72: 27.
2. Issuance of a Revocable Permit for an Enclosed Passenger Seating Area, Barbers Point Aviation Services, LLC, Kalaeloa Airport, Tax Map Key No: (1) 9-1-13: Portion of 32.
3. Amendment No. 3 to Revocable Permit No. 5180 Requesting Additional Newsstand Space, Blind Vendors Ohana, Inc., Daniel K. Inouye International Airport, Tax Map Key No: (1) 1-1-003: 001 (Portion).
4. Authorize One-Year Holdover of Harbor Lease No. H-14-58 to VAK Fisheries, LLC and Kim Lu, for Fishing Vessels Agent Office and Storage of Fishing Vessel Related Supplies, portion of Pier 19 Shed, Honolulu, Harbor, Oahu, Tax Map Key No.: (1) 1-5-039:063 (Portion), Governor's Executive Order No. 2903.

5. Acquisition of Temporary Construction Rights-of-Entry to the Department of Transportation, Highways Division, for Highway Purposes, relating to Kamehameha Highway, Laie, Koolauloa Stream Bridge Replacement, Federal Aid Project No. BR-083-1(58) at Laie, Koolauloa, Oahu, Hawaii, Re: Tax Map Key Nos.: (a) (1) 5-5-003: Portion of 201; Portions of 075, 076, 077,078,079,080 and Puuahi Street, and € (1) 5-5-014: Portion of 001.
6. Acquisition of: (1) Fee simple parcel to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kalaniana'ole Highway Improvements in Waimanalo, at Olomana Golf Course to Poalima Street, Federal Aid Project No. NH-072-1(53) Waimanalo, Koollaupoko, Oahu, State of Hawaii, Tax Map Key No.: (1) 4-1-22: Portion of 001, together with designation of restriction of vehicular access rights affecting Lot 171-A.
7. Request Approval to Issue a Construction Right-of-Entry, Month-to-Month Revocable Permit and Issuance of a Lease for Fast Lands and Submerged Lands (Subject to Legislative Approval) by Direct Negotiation, to PAR Hawaii Refining, LLC, for Storage of SPM-1 Buoy, Situated at Pier 14, Honolulu Harbor, Oahu, Tax Map Key No.: (1) 2-1-001: (P), Governor's Executive Order No.3542.
8. Issuance of Two (2) Month-to-Month Revocable Permits to the Gas Company, LLC, for a Non-Exclusive Subsurface Easement for the distribution Transmission of Electricity to Barges, Situated adjacent to Piers 1-3, Hilo, Hawaii, Tax Map Key No.: (3) 2-1-009:007 (P), Governor's Executive Order No. 3962.
9. Consent for Revocable Permit for use of the Hawai'i Youth Correctional Facility, Kailua, Koolauloa, O'ahu Tax Map Key: (1) 4-2-006: portion of 002, with Residential Youth Services and Empowerment, Inc for the purpose of temporary medical isolation center for youth as a response to COVID-19 pandemic.