



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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: NOVEMBER 13, 2020
TIME: 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

A. MINUTES

1. Request approval of the September 11, 2020, Board of Land and Natural Resources meeting minutes. **APPROVED**
2. Request approval of the September 25, 2020, Board of Land and Natural Resources meeting minutes. **APPROVED AS AMENDED**
3. Request approval of the October 9, 2020, Board of Land and Natural Resources meeting minutes.

C. FORESTRY AND WILDLIFE

1. Request for delegation of authority to the Division of Forestry and Wildlife Administrator to enter into a Memorandum of Agreement with the Bishop Museum to develop plants of Hawai'i database and website. **APPROVED**
2. Authorize the United States Department of Agriculture to conduct infrastructure improvement activities in Hawai'i experimental tropical forest, situated at Pu'u Wa'awa'a Forest Reserve;

Authorize issuance of a lease agreement to the United States Department of Agriculture for non-exclusive use of facilities situated at Pu'u Wa'awa'a Forest Reserve;

Request delegation of authority to the Chairperson to approve, execute, amend, and extend a lease agreement with the United States Department of Agriculture for non-exclusive use of facilities situated at Pu'u Wa'awa'a Forest Reserve; and

Request delegation of authority to the Division of Forestry and Wildlife Administrator to negotiate, approve, and execute a facilities operating plan in partnership with the United States Department of Agriculture for facilities situated at Pu'u Wa'awa'a Forest Reserve, North Kona, Hawai'i, portion of Tax Map Key: (3) 7-1-001:006. **APPROVED**

3. Amendment to the Lanai Cooperative Game Development and Management Agreement with Lanai Resorts, LLC to extend the agreement to February 28, 2022. **APPROVED**

D. LAND DIVISION

1. RESUBMITTAL: Enforcement of Sanitation Violation under Unencumbered Public Lands Rules, Hawaii Administrative Rules Chapter 13-221, and Section 171-6, Hawaii Revised Statutes, by The Trash Man, LLC, on State Lands at Mapunapuna, Honolulu, Oahu, Tax Map Key: (1) 1-1-064:006 **Approved as amended.**

The Board amended the recommendation section by assessing a total fine, reimbursement costs and administrative costs against The Trash Man LLC and John T. Guinan, Jr., in the amount of \$62,536.54, broken down as follows:

1. *Pursuant to HAR 13-221-30 and 13-221-3, a total fine of \$57,500.00 12-17-19 to 02-10-20 (56 days) \$500 per day equaling \$28,000. 1/3rd 02-11-20 to 08-05-20 (177 days) \$500 per day equaling \$29,500.*
 2. *Reimbursement costs associated with the removal and disposal of the trash and damaged bin in the amount of \$3,278.00, HRS 171-6(15).*
 3. *Administrative costs in the amount of \$1,758.54 (District Land Agent and maintenance crew), HRS 171-6(15).*
2. Annual Renewal of Revocable Permits on the Island of Kauai. See Exhibit 2 for list of Revocable Permits. **APPROVED**
 3. Approval to Procure and Award Contract and Delegate Authority to the Chairperson to Procure and Award Additional Contracts for the Operation and Maintenance of the East Kauai Irrigation System to Comply with Dam Safety Regulations and Address Public Health and Safety. **APPROVED**
 4. Amend Prior Board Action of April 22, 2016, Item D-1, *Sale of Lease at Public Auction for Business Purposes, Lot 11-B Hanapepe Town Lots, 1st Series, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-005:053.*

The purpose of the amendment is to: change the lease term from 10 to 30 years; provide for the upset rent appraisal to set rent for the first 10 years of the term with a known step-up for the second 10 years; and provide that the lease rent shall be reopened at the end of the 20th year of the lease term. **APPROVED**

5. Amend Prior Board Action of February 23, 2018, Item D-2, *Grant of Term, Non-Exclusive Easement to the County of Kauai, Department of Public Works (COK DPW), for its Lihue Town Core Mobility and Revitalization Project [FAP No. TGR0700(073)], Kalapaki, Lihue, Kauai, Tax Map Keys: (4) 3-6-002:021 & 022.*

Issuance of an Immediate Management and Construction Right-of-Entry to COK DPW for Proposed Lihue Town Core Mobility and Revitalization Project, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-6-002:021 & 022.

The purpose of this amendment is to: 1) change the duration of the easement from term to perpetual, and 2) to correct the description of the easement Character of Use to read, "Right,

privilege and authority to construct, use, maintain and repair an easement over, under and across State-owned land for shared-use path purposes.” **APPROVED**

6. Set Aside Unencumbered State Land (0.524 acre) to the Department of Transportation, Highways Division, for Addition to Proposed Vehicular Contra-Flow Lane Purposes, Wailua House Lots, Second Series, Wailua River Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-1-004:020 por. **APPROVED**
7. Issuance of a Revocable Permit to Marine Toys for Tots Foundation, for Warehousing Purposes, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-2-058:004. **APPROVED**
8. Holdover/Continuation of Revocable Permits S-7263 (Tax Map Key (2) 1-1-001:044), S-7264 (Tax Map Keys (2) 1-1-001:050, 2-9-014:001, 005, 011, 012 & 017) and S-7265 (Tax Map Key (2) 1-1-002:por. 002) to Alexander and Baldwin, Inc., and S-7266 (Tax Map Keys (2) 1-2-004:005 & 007) to East Maui Irrigation Company, Limited, for Water Use on the Island of Maui.

Pursuant to Section 92-5(a) (4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities. **APPROVED AS AMENDED**

The Board ruled as follows:

1. *Prior conditions remain in effect to the extent they are consistent with newer conditions.*
 2. *Add a member of the Huelo Community Association to the discussion group.*
 3. *Permittee shall look into supplying the Maui Invasive Species Committee with water, which would be considered a reasonable and beneficial use under the RP.*
 4. *Regarding staff recommendation #5, system upgrades, Permittee is to work with the Maui Fire Department to determine what their needs are.*
 5. *Statement of intent- the Board will address the issues of the non-IIFS streams and efficiency upgrades to the system no later than the approval of public auction for the water lease*
9. Issuance of Right-of-Entry Permit to ASP North America LLC, dba World Surf League, for a Women’s Professional Surfing Competition at Lipoa Point, Honolulu, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Portion of 010. **APPROVED AS AMENDED**

The Board amended the Applicant Requirements section by adding a requirement that the applicant comply with the State COVID-19 requirements for gatherings on the beach and sporting events in the ocean

10. Request for Mutual Cancellation of General Lease Nos. S-3896 and S-3904, as amended; and Issuance of Two (2) Perpetual, Non-Exclusive Easements to Hawaiian Electric Company, Inc. for Overhead and Underground Utility Easement Purposes, Kapalama and Kalihi, Honolulu, Oahu, Tax Map Key (1) 1-5-034: portions of 004 Tax Map Key: (1) 1- 3-008: portions of 004 and 005. **APPROVED AS SUBMITTED**
11. Fifth Amendment of General Lease No. S-5468 to Hui Malama O Ke Kai Foundation, Lessee, for Multi-Purpose Community Facility Purposes, Waimanalo, Oahu, Tax Map Key: (1) 4-1-009:265

The purpose of the amendment is to amend the rent reopening provision of the lease to provide that upon reopenings rent shall be based on the Board's then prevailing policy on leasing to eleemosynary organization. **APPROVED**

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14. Termination of Revocable Permit No. S-5762 and Issuance of Revocable Permit to Catherine C. Lima and Ginger K. Lima-Naki, as Joint Tenants, Lehanonui, Waianae, Oahu, Tax Map Keys: (1) 8-5-004: 034, 043, and 044. **APPROVED**

E. STATE PARKS

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2. Approval to continue twenty-one (21) Revocable Permits for use of State Parks lands on the Islands of Kaua'i, O'āhu, Maui, and Hawai'i for the following: Kaua'i: Na Pali Kayak Inc., Kayak Kaua'i, a Hawai'i limited partnership, Rick Haviland dba Outfitters Kauai (Nāpali Coast State Wilderness Park for Commercial Kayak Landings), Clancy Greff dba Nā Pali Eco Adventures, Inc., Nā Pali Sea Tours, Inc., Lady Ann Cruises, Inc., (Nāpali Coast State Wilderness Park for Inflatable Boat Landings), Ka Imi Naauao o Hawai'i Nei Institute, Kaua'i Christian Fellowship, (Waimea Canyon State Park non-profit Recreation/Residences/Camps) United Church of Christ (Kōke'e State Park non-profit camp), O'āhu: Diamond Parking Services, LLC (Nu'uuanu-Pali State Wayside, Parking Concession), Bottling Group, LLC (Diamond Head State Monument beverage vending), Erlinda Moline Villanueva (Ahupua'a O Kahana State Park, Agricultural use), Young Men's Christian Association of Honolulu, Hawai'i Climbing Coalition, (Ka'ena Point State Park, Outdoor Recreational Activities), Maui: Republic Parking Northwest, Inc., ('Iao Valley SM, Parking Concession), Diamond Parking Services, LLC, (Mākena State Park), Hawai'i: Republic Parking Northwest, Inc. (Hāpuna Beach SRA, Parking Concession), Diamond Parking Services, LLC ('Akaka Falls State Park, Parking Concession), Adventures in Paradise, Inc., Kona Boys, Inc., Iwa Kalua (Kealakekua Bay State Historical Park, Commercial Kayak Tours). See attached **Exhibit A** for a list of Revocable Permits. **APPROVED**

F. DIVISION OF AQUATIC RESOURCES

1. Request for Approval to hold Public Hearing to Amend Hawaii Administrative Rules Chapter 13-74, License and Permit Provisions and Fees for Fishing, Fish, and Fish Products. These Amendments are intended to raise the Commercial Marine License Fees from \$100 to \$250 per year for Non-residents of Hawaii, to make Non-Substantive Amendments to provide clarification on baitfish species, and to remove unnecessary rule language.

The proposed rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person, by appointment only, at the Division of Aquatic Resources (DAR) office on Oahu at 1151 Punchbowl St. Room 330, Honolulu, Hawaii 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. To schedule an appointment to review or obtain the proposed rules in person, email dlnr.aquatics@hawaii.gov. **APPROVED**

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Approval of a Memorandum of Agreement Between the Department of Land and Natural Resources, Division of Boating and Ocean Recreation, and the University of Hawaii seeking proof of concept planning and design services for the development of the Ala Wai Small Boat Harbor.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Extension Request HA-21-06 by Ms. Shon Magsalin for a time extension on the construction deadline for Conservation District Use Permit HA-3682 for a single-family residence at Waawaa, Puna, Hawaii, Tax Map Key: (3) 1-4-028:007. **APPROVED**

L. ENGINEERING

1. Request Authorization for the Chairperson to amend the Intergovernmental Agreement Between the Board of Land and Natural Resources, State of Hawaii, and the County of Maui regarding the Purchase of Water Allocation Credits from the Camp Maluhia Site No. 1 Well Development for State Projects, Maui, Hawaii **APPROVED**

M. OTHERS

1. Issuance of a Revocable Permit for Office Space for the Sales and Management Programs of Automated External Defibrillators, AED Institute of America, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-004: 21 (Portion). **APPROVED**
2. Issuance of a Revocable Permit for Space to Position a 40-Foot Mobile Lab and Generator for Covid-19 Testing for Arriving Passengers, City and County of Honolulu, Daniel K. Inouye International Airport, Tax Max Key: (1) 1-1-003: 001 (Portion). **APPROVED**

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4. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Ai Vu, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 21. **APPROVED**
5. Issuance of a Revocable Permit for Aircraft Parking, Hawaii Pacific Aviation Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 03. **APPROVED**
6. Issuance of a Revocable Permit for Temporary Storage and Maintenance of Aircraft, Seawings LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 03 **APPROVED**
7. Issuance of a Revocable Permit for Parking of Ground Service Equipment, Vehicles, and a Mobile Office Trailer, U.S. Aviation Services Corp., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 03. **APPROVED**

8. Issuance of a Revocable Permit for Passenger Screening, County of Hawaii, Civil Defense Agency, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 03. **APPROVED**
9. Amendment No. 1 to State Lease No. DOT-A-14-0016, Safari Aviation, Inc., Lihue Airport, Tax Map Key: (4) 3-5-01: 136 (Portion). **WITHDRAWN**
10. Amendment No. 1 to State Lease No. DOT-A-14-0006, Sunshine Helicopters, Inc., Lihue Airport, Tax Map Key: (4) 3-5-001: 136 (Portion). **WITHDRAWN**
11. Issuance of a Revocable Permit for Aircraft Parking, Buddy R. Wilson, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 8. **APPROVED**
12. Issuance of Month-to-Month Permit to Hawaii Stevedores, Inc. for an Office Trailer situated at Pier 1, Honolulu Harbor, Oahu, Tax Map Key No: (1) 2-1-015:009 (Portion), Governor's Executive Order No. 4238. **APPROVED**
13. Issuance of Eight (8) Month-to-Month Permits to Kirby Offshore Marine Hawaii, LLC, for Office Space, Storage Space, Warehouse Space, and Parking, situated at Pier 21, Honolulu Harbor, Oahu, Tax Map Key Nos: (1) 1-5-039-035 (Portion), (1) 1-5-039:035 (Portion), (1) 1-5-039:051, and (1) 5-039:007 (Portion), Governor's Executive Order No. 2903. **APPROVED**
14. Request Approval for Public Auction- Five (5) Year Lease for Office Space, 4th floor, Aloha Tower, Situated at Pier 9, Honolulu Harbor, Oahu, Tax Map Key No: (1) 2-2-001:003 (Portion), Governor's Executive Order No. 3542 **APPROVED**
15. Authorizing the Department of Transportation (DOT) to sign as Grantee to a Grant of Non-Exclusive Easement for Traffic signal purposes onto land owned by Willow Plaza, L.L.C. (Willow Plaza) at Puna, Island of Hawaii, Hawaii, Tax Map Key: (3) 1-5-007:069. **APPROVED**
16. Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, Relating to Honoapiilani Highway Realignment, Phase 1A, Project No. NH-030-1(35), at Lahaina, Maui, State of Hawaii, Tax Map Key No: (2) 4-5-015:008 and (2) 4-5-015:010. **APPROVED**
17. Request for: (1) Acquisition of Lands and Restrictions of Access to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kaunualii Highway Widening, Lihue to Maluhia Road, Phase 1. **APPROVED**

Lihue to West of Kipu Road, Federal Aid Project No. STP-050-1(26), at Lihue, Island of Kauai, State of Hawaii, Tax Map Key Nos. (4) 3-4-007: 008, (4) 3-4-007: 009, (4) 3-4-007: Portion of 003, (4) 3-3-004: Portion of 020, (4) 3-3-004: Portion of Nani Street, (4) 3-3-011: Portion of 005, (4) 3-3-011: Portion of 006, (4) 3-3-011: Portion of 007, (4) 3-3-011: Portion of 008, (4) 3-3-004: Portion of 019, and (4) 3-3-006: Portion of 019; and

(2) Grant of Perpetual, Non-Exclusive Easements to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kaunualii Highway Widening, Lihue to Maluhia Road, Phase 1 Lihue to West of Kipu Road, Federal Aid Project No. STP-050-1(26), at Lihue, Island of Kauai, State of Hawaii, Tax Map Key Nos. (4) 3-4-7: Portions of

003, (4) 3-3-004: Portion of 020,(4) 3-3-003: Portion of 043, (4) 3-3-006: Portions of 019,
(4) 3-4-007: Portion of 002, (4) 3-3-006: Portion of 015, and (4) 3-3-003: Portion of Nuhou
Street. **APPROVED**

18. Issuance of a Month-to-Month Revocable Permit to HPBS, INC. for Storage for Pilot Boat, Trailer, and One (1) Container situated at Pier 1, Hilo Harbor, Island of Hawaii, Tax Map Key No. (3) 2-1-009:007 (Portion), Governor's Executive Order No. 3962. **APPROVED**
19. Issuance of two (2) Month-to-Month Permits to Petrospect, Inc., for an Office and Storage for Petroleum Inspection Equipment situated at Pier 21, Honolulu, Harbor, Oahu, Tax Map Key No: (1) 1-5-039:35 (Portion), Governor's Executive Order No. 2903. **APPROVED**

DRAFT