

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

**STATE OF HAWAII  
BOARD OF LAND AND NATURAL RESOURCES**

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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: January 22, 2021  
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 an online meeting venue.*

*The meeting will be livestreamed at:*

<http://youtube.com/c/boardoflandandnaturalresourcesdlnr>

**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](mailto:blnr.testimony@hawaii.gov).*

*To provide live oral/video testimony during the online meeting, email your request to [blnr.testimony@hawaii.gov](mailto: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.*

*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.*

*Individuals requiring special assistance or auxiliary aids or services (e.g., 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. MEETING MINUTES**

1. Approval of the Meeting Minutes for November 13, 2020.

## **C. DIVISION OF FORESTRY AND WILDLIFE**

1. Approve grant awards from available funds in the Land Conservation Fund, as requested in applications to the Fiscal Year 2021 Legacy Land Conservation Program and as recommended by the Legacy Land Conservation Commission, for the acquisition of interests and rights in specific parcels of land having value as a resource to the State, for:
  - A. Ke Ao Hāli'i (Save the Hāna Coast), \$1,581,700, for the acquisition of approximately 30.3 acres at Hāna, Maui (Maka'ala'e Lands), Tax Map Key Numbers (2) 1-4-012:002 and (2) 1-4-010:030, :032, and :034
  - B. Ala Kahakai Trail Association, \$1,475,000, for the acquisition of approximately 1,841.3 acres at Ka'ū, Hawai'i (Kiolaka'a), Tax Map Key Numbers (3) 9-4-001:008, :009, :016, and :017 (and :023, pending final county enrollment of new parcel)
  - C. Ala Kahakai Trail Association, \$875,000, for the acquisition of approximately 348 acres at Ka'ū, Hawai'i (Manāka'a Fishing Village), Tax Map Key Number (3) 9-5-010:026
  - D. Ke Ao Hāli'i (Save the Hāna Coast), \$1,863,300, for the acquisition of approximately 32.7 acres at Hāna, Maui (Mokae Lands), Tax Map Key Numbers (2) 1-4-010:008, :009, :010, and :012
  - E. Molokai Land Trust, \$1,100,000, for the acquisition of approximately 1,816 acres at Kona, Molokai (Mapulehu: Valley to Summit), Tax Map Key Numbers (2) 5-7-005:002 and :027
  - F. Division of Forestry and Wildlife, \$2,000,000, for the acquisition of approximately 11,020 acres at Wailuku, Maui (Nā Wai 'Ehā), Tax Map Key Numbers (2) 3-2-014:001, (2) 3-3-003:003, and (2) 3-5-003:001

- G. Division of Forestry and Wildlife, \$500,000, for the acquisition of a conservation easement over approximately 2,780 acres at Kona, Hawai'i (Hāloa 'Āina – Royal Hawaiian Sandalwood), Tax Map Key Numbers (3) 7-9-001:013, :014, and :015
- H. Waipā Foundation, \$600,000, for the acquisition of approximately 0.25 acres at Halele'a, Kaua'i (Halulu Fishpond Access), Tax Map Key Number (4) 5-6-004:017
- I. Hawaiian Islands Land Trust, \$700,000, for the acquisition of a conservation easement over approximately 17.1 acres at Ko'olaupoko, O'ahu (Waikalua Loko I'a), Tax Map Key Number (1) 4-5-030:052 (por)
- J. Division of Forestry and Wildlife, \$1,191,500, for the acquisition of approximately 0.46 acres at Honua'ula, Maui (Keone'ō'io Bay Coastal Protection), Tax Map Key Number (2) 2-1-004:068

and

Exempt eight proposed awards of grant funds—for the acquisition of interests and rights in specific parcels of land, identified as Items A, B, C, D, E, F, G, and J above (Maka'alaie Lands; Kiolaka'a; Manāka'a Fishing Village; Mapulehu: Valley to Summit; Nā Wai 'Ehā; Hāloa 'Āina – Royal Hawaiian Sandalwood; and Keone'ō'io Bay Coastal Protection)—from the requirements to prepare an environmental assessment, pursuant to Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200.1, Hawai'i Administrative

- 2. Request for delegation of authority to the Chairperson to Enter into a Memorandum of Understanding with Hui O Ko'olaupoko to assist with invasive mangrove removal and other resource management at the Kawainui Marsh State Wildlife Sanctuary, Kailua, Ko'olaupoko, O'ahu; Tax Map Key Nos.: (1) 4-2-016: 002 & 015,

and

Request for Declaration of Exemption from preparation of Environmental Assessment under HRS Chapter 343 and HAR Chapter 11-200.1.

## **D. LAND DIVISION**

- 1. Amend Prior Board Action of April 9, 2020, Item D-2, *Amend Prior Board Action of June 8, 2018, Item D-1, Issuance of Direct Lease to the Roman Catholic Church in the State of Hawaii, Saint Theresa School, for Parking Purposes, Kekaha House Lots, Kekaha, Waimea, Kauai, Tax Map Keys: (4) 1-3-004: 054, and (4) 1-3-011: 001.*

The purpose of the prior amendment was to *expand the character of use to include temporary storage and school events.*

The purpose of the current amendment is to include an immediate Management and Construction Right-of-Entry Permit to allow the Roman Catholic Church in the State of

Hawaii, Saint Theresa School, to conduct maintenance activities and erect a security fence to restrict the unauthorized dumping of abandoned vehicles and trash upon the premises.

2. Amend Prior Board Action of November 13, 2020, Item D-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. TGR-0700(073)], Kalapaki, Lihue, Kauai, Tax Map Keys: (4) 3-6-002: 021 & 022; and 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 the prior amendment was 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.*

The purpose of the current amendment is to increase the area being utilized under Easement 1 from 6,500 square feet to 9,115 square feet, and increase the area being utilized under Easement 2 from 400 square feet to 790 square feet.

3. Mutual Cancellation of Revocable Permit No. S-7536 to Wallace Ah Fook Aki for Residential Purposes and Waiver of Phase 1 Environmental Site Assessment, Waiakea, South Hilo, Hawai'i, Tax Map Key No.: (3) 2-1-007: 020.
4. Consent to Assign General Lease No. S-3596, Loke M. Hill-Higgins, Personal Representative of the Estate of Lesley Hill, Deceased, Assignor, to Paradise Plants Home and Garden Center LLC, Assignee, Waiakea, South Hilo, Hawai'i, Tax Map Key No.: (3) 2-2-049: 011.
5. Grant of Term, Non-Exclusive Easement to Association of Apartment Owners of Wailea Elua for Beach Access Stairway Purposes; Issuance of Immediate Management Right-of-Entry Permit, Wailea, Maui, Tax Map Key No.: (2) 2-1-008: 069 (seaward).
6. Intentionally Left Blank.
7. Intentionally Left Blank.
8. Authorize a One-Year Holdover of General Lease No. S-5219, SubCom, LLC, Lessee, Sand Island, Honolulu, Oahu, Tax Map Key No.: (1) 1-5-041: 333.

9. Set Aside to DLNR Division of Aquatic Resources, for Addition to Fisheries Research Center and Related Purposes, Sand Island, Honolulu, Oahu, Tax Map Key No.: (1) 1-5-041: 333.

## **E. DIVISION OF STATE PARKS**

1. Amendment of General Lease No. SP0156, Frederick Bruce Wichman, also known as Frederick B. Wichman, Lessee, Waimea Canyon State Park, Lot 33, Koke'e Camp Site Lots, Waimea (Kona), Kaua'i, Tax Map Key No.: (4) 1-4-004: 018. The Purpose of the Amendment is to correct the Termination Date to read, December 31, 2028, and to correct the identification of the Lot, which is identified in Exhibits A and B of the Original General Lease;

and

Consent to assign General Lease No. SP0156, Frederick Bruce Wichman, also known as Frederick B. Wichman, Assignor, to, Assignees, Stephen Atwood Wichman and Anthony Isaac Wichman.

2. Intentionally Left Blank.
3. Request Land Board Approve Submitting and Recommending to the Governor Acceptance of the Final Environmental Impact Statement for the Kealakekua Bay State Historical Park Master Plan Project, Kealakekua, South Kona, Hawai'i; Tax Map Key Nos.: (3) 8-1-007: 050; (3) 8-1-010: 001; (3) 8-1-011: 001, 003, 004, 005, 006, 007, 008, 009, 010, 012, 013, 014 & 016; and (3) 8-2-004: 001, 002, 008, 009, 010 & 015.

An electronic version of the Final EIS is available online, at:

[https://dlnr.hawaii.gov/dsp/files/2021/01/Kealakekua-Bay-SHP-FEIS\\_Oct.2020\\_26MB.pdf](https://dlnr.hawaii.gov/dsp/files/2021/01/Kealakekua-Bay-SHP-FEIS_Oct.2020_26MB.pdf).

4. Selection of Projects for Federal Grant Awards through the Land and Water Conservation Fund Program with Fiscal Years 2019 and 2020 Funds: Park Improvements at Mālaekahana State Recreation Area - Kahuku Section, O'ahu, Tax Map Key Nos.: (1) 5-6-001: 024, 045, 046, 047, 049, 051, 053, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064 & 065; Acquisition of Land Buffer at Ulupō Heiau State Historical Park, O'ahu, Tax Map Key No.: (1) 4-2-103:032; and Renovation of Ballcourts at Three (3) County of Kaua'i Parks (Puhi Park, Bryan J. Baptiste Sports Complex, and Wailua Houselots Park), Tax Map Key Nos.: (4) 3-3-005: 008, (4) 4-5-015: 032, and (4) 4-1-016: 042.

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

1. Request for Approval to Enter into a Grant-in-Aid Contract Agreement (\$500,000 State Capitol Improvement Project Funds) between DLNR Division of Aquatic Resources and Pacific American Foundation, Inc. (PAF Hawaii) for a project titled “Kaneohe Aquaculture and Community Development Complex.”

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

1. Request for Approval and Adoption of amendments to Hawaii Administrative Rules Section 13-256-73, Kaneohe Bay ocean waters, to clarify its Commercial Activity provisions.

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

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://itgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dobor/draft-rules>.

Location and contact information for DOBOR offices is available online at: <https://dlnr.hawaii.gov/dobor/contact>.

2. Adoption of the DLNR Division of Boating and Ocean Recreation Sublease Rent Participation Policy.

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

1. Conservation District Enforcement Case, OCCL Violation OA 20-41 Regarding an Alleged Unauthorized Structure Located Along the Shoreline Within the Conservation District by the Wells Trust (Robert S. Wells, Trustee) at 245 Portlock Road in Portlock, Honolulu, O’ahu; Tax Map Key Nos.: (1) 3-9-002: 003 & 029 (seaward).
2. Conservation District Enforcement Case, OCCL Violation MO 20-32 Regarding an Alleged Unauthorized Structure Located Along the Shoreline Within the Conservation District by

George & Susan Peabody at 10254 Kamehameha V Highway, Waialua, Kaunakakai, Moloka'i; Tax Map Key No.: (2) 5-7-001: 001 (seaward).

3. Conservation District Enforcement Case, OCCL Violation OA 21-3 Regarding an Alleged Unauthorized Structure Located Along the Shoreline Within the Conservation District by Seamajds LLC and Liam & Brandee McNamara at 59-175C Ke Nui Road, Paumalū (Sunset Beach), O'ahu; Tax Map Key No.: (1) 5-9-002: 026 (seaward).

4. Conservation District Enforcement Case, OCCL Violation OA 21-07 Regarding an Unauthorized Structure by Zhungo, LLC and Mr. Rodney Youman Located Along the

Shoreline Within the Conservation District at 59-149 Ke Nui Road Paumalū (Sunset Beach), O'ahu; Tax Map Key No.: (1) 5-9-002: 004 (seaward).

5. Conservation District Enforcement Case, OCCL Violation OA 20-37 Regarding an Unauthorized Structure by Mr. Zdenek "Don" Prchal Located Along the Shoreline Within the Conservation District at 53-227 Kamehameha Highway Punalu'u, O'ahu; Tax Map Key No.: (1) 5-3-002: 034 (seaward).

## **L. ENGINEERING**

1. Request Authorization for the Chairperson to Negotiate and Enter into a Memorandum of Agreement with the City and County of Honolulu, Board of Water Supply, to transfer Capital Improvement Project Funding for the Kunia Wells IV Exploratory Well Project, Ewa, Oahu, Tax Map Key No.: (1) 9-4-003: 010.
2. Request authorization for the Chairperson to enter a Memorandum of Understanding with the U.S. Department of Interior, U.S. Geological Survey for the Collection and Exchange of Mineral Resources Data in Hawaii.

## **M. OTHERS**

1. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, CM&D Holdings, Inc., Kalaeloa Airport, Kapolei, Oahu, Tax Max Key No.: (1) 9-1-013: 032 (Portion).

2. Issuance of a Revocable Permit for Space for an Office Trailer, Atlas Air, Inc., Ellison Onizuka Kona International Airport at Keāhole, Kalaoa, Hawai'i, Tax Map Key No.: (3) 7-3-043: 003 (Portion).
  
3. Issuance of a Revocable Permit for Aircraft Parking, Hawaii Life Flight LLC, Waimea-Kohala Airport, Kamuela, Hawai'i, Tax Map Key: (3) 6-7-001: 008 (Portion).
  
4. Issuance of a Revocable Permit to Operate the Taxi Management Concession Speedishuttle Tours & Transportation, LLC Kahului Airport, Kahului, Maui, Tax Map Key Nos.: (2) 3-8-001: 019 (Portion), 220 (Portion) & 241 (Portion).
  
5. Request Consent to Issue of a Revocable Permit under Governor's Executive Order No. 1562 to The Hawaii National Guard Association, 1046 Leilani Street, Hilo, Hawai'i, Tax Map Key No.: (3) 2-1-012: 003.
  
6. 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 No.: (1) 2-1-051: 041 (Portion).