

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**AMENDED 04.17.2021
(ITEM F-4)**

**AGENDA
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES**

DATE: April 23, 2021 9:00 A.M.
LOCATION: Online via ZOOM, Livestream via YouTube

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

<https://dlnr.hawaii.gov/meetings/blnr-meetings-2021/>

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.

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.

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.

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

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. Approval of the March 23, 2021 Land Board Meeting Minutes.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Amend prior Board action of January 22, 2021, Agenda Item C-1, Approval for 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.
2. 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 Parcels of Land having value as a resource to the State, for:
 - A. KE AO HALI'I (SAVE THE HĀNA COAST) APPROVED JANUARY 22, 2021 UNDER AGENDA ITEM C-1
 - B. ALA KAHAKAI TRAIL ASSOCIATION, \$1,475,000, FOR THE ACQUISITION OF APPROXIMATELY 1,841.3 ACRES AT KA'Ū, HAWAII (KIOLAKA'A), TAX MAP KEY NUMBERS: (3) 9-4-01:008:009, :016, :017, AND :023
 - C. ~~ALA KAHAKAI TRAIL ASSOCIATION, \$875,000, FOR THE ACQUISITION OF APPROXIMATELY 348 ACRES AT KA'Ū, HAWAII (MANĀKA'A FISHING VILLAGE), TAX MAP KEY NUMBER (3) 9-5-010:026, (APPLICATION WITHDRAWN)~~
 - D. KE AO HALI'I (SAVE THE HĀNA COAST), \$1,863,300, FOR THE ACQUISITION OF APPROXIMATELY 32.7 ACRES AT HĀNA, MAUI (MOKAE II LANDS), TAX MAP KEY NUMBERS: (2) 1-4-010:008, :009:010, AND :012.
 - E. ~~MOLOKA'I 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~~ (APPLICATION WITHDRAWN)

- 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. THE WAIPA 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 HONU'A'ULA, MAUI (KEONE'Ō'IO BAY COASTAL PROTECTION), TAX MAP KEY NUMBER: (2) 2-1-004:068.

and

Exempt Proposed Awards for Acquisition of Interests and Rights in Parcels of Land identified as Sub-Items F and J Protection) from the Requirement to provide an Easement to the Department, Pursuant to Section 173A-4, Hawai'i Revised Statutes

and

Exempt Proposed Awards for the Acquisition of Interests and Rights in Parcels of Land, identified as Sub-Items B, D, F, G, and J above from the Requirement to prepare an Environmental Assessment, Pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 11-200.1, Hawai'i Administrative Rules.

D. LAND DIVISION

- 1. Intentionally Left Blank.
- 2. Intentionally Left Blank
- 3. Enforcement Action for Unauthorized Encroachment and Work on Unencumbered State Lands, Hawaii Administrative Rules Chapter 13-221, and Hawaii Revised Statutes, Section 171-6, against Corine Hayashi, HTH DH Ventures LLC, and Sea Engineering, Inc. at Honolulu, Oahu, Tax Map Key: (1) 3-1-039: portions of 065.
- 4. Issuance of Revocable Permit to Seymour Resources Hawaii for Agriculture Purposes Kapaa, Kawaihau (Puna), Kauai, Hawaii, Tax Map Key: (4) 4-6-004:013.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Pelika Andrade, Nā Maka Onaona (Formerly Nā Maka o Papahānaumokuākea) and the University of Hawai'i at Mānoa, for Access to State Waters to use Traditional Ecological Knowledge to Conduct Intertidal Surveys and Monitoring to Advise and Direct Management Strategies for Intertidal Fisheries Activities.
2. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Haunani H. Kane, Postdoctoral Research Fellow, Department of Marine Science, University of Hawai'i at Hilo, for Access to State Waters for the Research and Surveying of Sediment to Determine the Impacts of Extreme Storms on Critical Habitat and Near Shore Marine Environments Activities.
3. Intentionally Left Blank.
4. Request for Approval to Hold a Public Hearing to amend and compile Hawaii Administrative Rules (HAR) Title 13 Chapters 51 and 95.1 to update Rules relating to the Kahului Harbor Fisheries Management Area, Maui, and Rules relating to the Take and Possession of 'Oama on the Island of Maui.

The 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.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Adoption of the Division of Boating and Ocean Recreation Sublease Rent Participation Policy.
2. Approval of Modification of Navigational Aids Construction Project at Lahaina Small Boat Harbor; Lahaina, Maui, Hawaii.

Declare Construction Project Exempt from the Preparation of an Environmental Assessment,
and

Delegate Authority to Chairperson to Approve, Procure and Award Construction Contract and Enter into Any Supplemental Agreements or Other Agreements Necessary to Implement the Construction Project

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Enforcement OA 19-42 Alleged Unauthorized Land Use [Pier] by David Pham, Jennifer Pham, and Deandrea Pham Located Upon Submerged Land of Kāne'ohe

Bay, Makai of 45-030 Springer Place, Kāneʻohe, Koʻolau Poko, Oʻahu, Tax Map Key: (1) 4-5-047:118.

M. OTHERS

1. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Civil Air Patrol, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 22.
2. Issuance of a Revocable Permit for Aircraft Parking, Civil Air Patrol, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
3. Issuance of a Revocable Permit for Aircraft Parking, Civil Air Patrol, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
4. Issuance of a Revocable Permit for Spaces to install Two (2) CCTV Cameras in Lobby 8 and One (1) CCTV Camera in Baggage Claim 30 for Airline Operations, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 042 (Portion).
5. Issuance of a Revocable Permit for Check-in Counters and Offices, Kamaka Air, Inc., Kahului Airport, Tax Map Key: (2) 3-8-1: Portion of 217.
6. Issuance of a Direct Lease for Land for a Self-service Fueling Facility, Douglas Aircraft, Inc., Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.
7. Issuance of a Revocable Permit for Aircraft Parking, Dr. Timothy E. Kale, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.
8. Issuance of a Revocable Permit for Aircraft Parking, James M. Donovan, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.
9. Issuance of a Revocable Permit for T-Hangar for Storage and Maintenance of Aircraft, Joseph Moran, Ellison Onizuka Kona International Airport, Tax Map Key: (3) 7-3-43: Portion of 003.
10. Issuance of a Revocable Permit for Office Space and Check-in Counters, K & S Helicopters, Inc., Hilo International Airport, Tax Map Key: (3) 2 1-12: Portion of 09.
11. Report to the Board on the status of DOT Airports qualified fixed-base operator leases at Lihue Airport (**Non-Action Item**). (This item was deferred to 4/23/21 Agenda Meeting from the last 4/9/21 Agenda Meeting).
12. Issuance of a Construction Right-of-Entry, Grant of Easement (Perpetual, Non-Exclusive), and Issuance of Lease by Direct Negotiation to Hawaiian Electric Company, Inc. for the Installation and Operation of New Utility Lines and Related Facilities needed to Service the Kapalama Container Terminal, Honolulu Harbor, Oahu, Tax Map Key: (1) 1-3-025:002, Portion of 011.