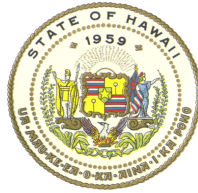


DAVID Y. IGE  
GOVERNOR OF HAWAII



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: December 10, 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, 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. MINUTES

1. Approval of the Board meeting minutes held September 24, 2021.

## D. LAND DIVISION

1. Denial of Petitions for Contested Case Hearing filed by Kia`i Wai`o Wai`ale`ale and Friends of Maha`ulepu on December 19, 2020, Regarding December 11, 2020, Agenda Item D-5, Continuation of Revocable Permit S-7340 to Kauai Island Utility Cooperative for Water Use.

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.

2. Holdover/Continuation of Revocable Permits for Water Use on the Islands of Hawai`i and Kaua`i. See **Exhibit A** for list of Revocable Permits.
3. Issuance of Construction and Management Right-of-Entry Permit to the Department of Transportation, Highways Division to Mitigate Sand Erosion at Wailua Beach, Wailua House Lots, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-004: Seaward of 001 and (4) 4-1-005: Seaward of 004.
4. Consent to Assign General Lease No. S-4956, Annie K. Tai See, also known as Annie Kaluhi Tai See and Annie Kaluhui Tai See, Assignor (Deceased), to Ronald David Tai See (son), Assignee, Milolii-Hoopuloa, South Kona, Hawaii, Tax Map Key: (3) 8-9-014: 001.
5. Amendment of General Lease No. S-6038 to Paa Pono Milolii, Lessee, for Community Enrichment & Historical Purposes, Milolii-Hoopuloa, South Kona, Island of Hawaii, Tax Map Key Nos.: (3) 8-9-014:038-041.

The purpose of the amendment is to add an additional seven lots to lease for expansion of Community Enrichment & Historical Center Purposes. Additional seven lots to include Tax Map Key Nos.: (3) 8-9-014:036, 042, 043, 044, 045, 046 and 047.

6. Consent to Assign General Lease No. S-5235, Orasa Kaiulani Fernandez, Assignor, to Wayne N. Dacalio, Don F. Dacalio, Morgan K. Dacalio Sr., and Morgan K. Dacalio Jr., Assignees, Milolii-Hoopuloa, South Kona, Hawaii, Tax Map Key: (3) 8-9-014:053.
  
7. INTENTIONALLY LEFT BLANK
  
8. Refund Rent from February 2020 through September 2021 for Revocable Permit Nos. 5834 and 5835 to Association of Apartment Owners of Hale Pau Hana, Kamaole, Kula, Maui, Tax Map Key: (2) 3-9-005: Portion of 001 and Seaward of 001.
  
9. Issuance of Revocable Permit to Sandalwood Mountain Properties, Inc. for Parking Purposes; Termination of Revocable Permit No. 7900; Nuuanu, Honolulu, Oahu, Tax Map Key: (1) 2-2-010: Portion of 021.
  
10. Grant of Term, Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes and Issuance of Construction Right-of-Entry Permit; Kewalo, Honolulu, Oahu, Tax Map Key: (1) 2-3-012:019.
  
11. Amend Prior Board Action of October 8, 2004, Item D-5, *Grant of Term, Non-Exclusive Easement for Seawall and Reclaimed (fill) land to Harold and Julie Sharrer; Kahaluu, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-19:24 seaward*

The amendment is to Allow Payment of the Consideration in Installments.

## **E. STATE PARKS**

1. Annual Renewal of Revocable Permits Statewide. See **Exhibit A** for list of Revocable Permits.
  
2. Authorize the Department of Land and Natural Resources, Division of State Parks to Directly Negotiate a Fifteen (15) year Lease with the Hawai'i Conference Foundation, an Eleemosynary Organization, for Commercial Public Camping and Lodging Purposes at Lot 56 situated at Kōke'e, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-004:027 A, B.

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

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustees:

the U.S. Department of the Interior, U.S. Fish and Wildlife Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and the Office of Hawaiian Affairs, for Access to State Waters to Conduct Conservation and Management Activities and Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife.

2. Request for Approval to Hold a Statewide Public Meeting and Hearing to Amend and Compile Hawaii Administrative Rules (HAR) Chapters 13-75, "Rules Regulating the Possession and Use of Certain Fishing Gear", and 13-60.4, "West Hawai'i Regional Fishery Management Area, Hawai'i"; to Amend: §13-75-1 (Definitions) to Amend the Definition of "Lay Net" to Clarify That a Lobster Net is a Type of Lay Net and to Add New Definitions for "Freshwater Stream", "Lobster Net", "Multi-Panel Lay Net", and "Throw Net"; §13-60.4-3 (Definitions) to Add a New Definition for "Multi-Panel Lay Net"; §13-75-8 (Firearms) to Prohibit the Take of Sharks With Firearms; §13-75-12.2 (Akule Nets) to Clarify that Akule May be Taken With Legal Throw Nets; §13-75-12.4 (Lay Nets) to Establish a Lay Net Permit Requirement and Fee for the Use and Possession of Lay Nets, to Remove the Existing Lay Net Registration Requirement, and to Prohibit Leaving a Lay Net Unattended for Any Amount of Time; §§13-75-12.5 (State Waters Around Molokai, Special Rules), 13-60.4-5 (Activities Prohibited Within Selected Areas), and 13-60.4-6 (Lay Net Permit and Use Requirements) to Make Conforming Amendments to Special Lay Net Rules That Apply to Molokai and West Hawai'i; §§13-75-2 (Penalty) and 13-60.4-8 (Penalty) to Clarify the Authorized Penalties for Violations of These Chapters; to Adopt §§13-75-2.5 (Asset Forfeiture) and 13-60.4-8.5 (Asset Forfeiture) to Provide Notice of the State's Authority to Utilize Civil Asset Forfeiture as an Enforcement Tool for Violations of These Chapters; and to Make Other Non-Substantive Amendments for Formatting and Style

The proposed rule amendments can be reviewed 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 the proposed rules in person, email [dlnr.aquatics@hawaii.gov](mailto:dlnr.aquatics@hawaii.gov).

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: <http://dlnr.hawaii.gov/dar/rules-and-public-notice/>.

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

1. Sale of Concession by Sealed Bid for a Three-Year Mobile Food Concession Situated at Ala Wai Small Boat Harbor Honolulu, Island of Oahu, Hawaii, Identified by Tax Map Key: (1) 2-3-037:012 (Portion) and:

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

2. INTENTIONALLY LEFT BLANK

3. Authorize a Ten-Year Extension of Boating Lease No. LK-19-001 to Kaua'i Sailing Association, Nawiliwili Small Boat Harbor, Nawiliwili, Island of Kaua'i, Hawaii; Tax Map Key: (4) 3-2-003:043 (Portion)

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

1. Time Extension Request for Conservation District Use Permit (CDUP) HA-3868 for the Kamahele Farms LLC (represented by Robert Garrett) single-family residence by the Department of Land and Natural Resources, Located at 15-2145 Government Beach Road, Maku'u, Puna, Hawai'i, Tax Map Key: (3) 1-5-010:009.
2. Denial of Petition for a Proposed Rule Amendment to Rezone Land from Limited to General Subzone in the State Land Use Conservation District by Randall N. Longfield and Madolyn Ann Longfield Located at Lanikai Beach Tract, Kailua, Koolaupoko, Oahu, Tax Map Key: (1) 4-3-005:077.
3. **Non-Action Item:** Sam Lemmo, Administrator for the Office of Conservation and Coastal Lands to address the Board.

**L. ENGINEERING**

1. Authorize the Approval and Issuance of Dam Safety Permit for Miscellaneous Improvements at Waimanalo Reservoir (OA-0129) to the State of Hawaii, Department of Agriculture, Oahu, Hawaii, Tax Map Key: 4-1-010:002.

**M. OTHERS**

1. Issuance of a Revocable Permit to Stage Fueling Vehicles for Aircraft Fueling Operations, FSM Group, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.

2. Issuance of a Revocable Permit for a Commercial T-Hangar for the storage and maintenance of Aircraft used for Flight Instruction, Keith G. Johnston dba Johnston Aviation, Kawaihapai Airfield, Tax Map Key: (1) 6-8-014: Portion of 017.
3. Issuance of a Revocable Permit for paved, improved land for Bus parking and staging as part of the consolidated rental car facilities operations, Robert's Tours and Transportation, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1)-1-1-070-042.
4. Issuance of a Revocable Permit for maintenance storage to support airline carrier operations, Southern Airways Express, LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001.
5. Issuance of a Revocable Permit for a Ticket Counter and storage space in the terminal to perform Airline Carrier Operations, Southern Airways Express, LLC, Molokai Airport, Tax Map Key: (2) 5-2-004: Portion of 106.
6. Issuance of a Direct Lease for Land for a self-service fueling Facility, Air Service Hawaii, Inc, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
7. Issuance of a Month-to-Month Permit to Honolulu Fishing and Supply LLC for Equipment Storage and Workshop, situated at Pier 31, Honolulu Harbor, Oahu, Tax Map Key No: (1) 1-5-035:Portion of 024 and (1) 1-5-035:Portion of 033, Governor's Executive Order No. 4167.
8. Authorization to Approve the Assignment of Lease HWY-96-1 from Honolulu Warehouse Company Limited (HW) to Home Depot and waive the 50% Premium Payment. Puuloa Interchange, U-078-1 (1), Tax Map Key: (1) 1-1-007:045, approximately 46,435 square feet.  
  
The area is currently under a 47-year lease (1997 to 2044) to HW and is being used as a paved parking lot for the abutting Moanalua 99 Market. Home Depot, if approved as the assignee, shall continue to use the area for parking purposes for a forthcoming Home Depot store which will replace Moanalua 99 Market.
9. Consent to Issuance of Right-of-Entry to City and County of Honolulu, Department of Design and Construction for walkway and stairs purposes as part of proposed improvements under the Salt Lake Boulevard widening Phase 3 project. Tax Map Key: (1) 1-1-001: Portion of 041. Governor's Executive Order No. 3439.

10. 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: (1) 2-1-051: Portion of 041.
  
11. Request Consent to Issue a Revocable Permit to the County of Hawaii, for Civil Defense and Hilo Emergency Operation Center purposes under Governor's Executive Order No. 1562, to the Hawaii National Guard at 1046 Leilani Street, Hilo, Hawaii, Tax Map Key: (3) 2-1-012:003.
  
12. Consent to Lease of Lands to The Boys & Girls Club of Hawaii, for the purpose of Educational Supportive Services. Hawaii State Department of Education, Kauai District (Kapaa), Tax Map Key: (4) 4-6-014:031. Governor's Executive Order No, 3374.