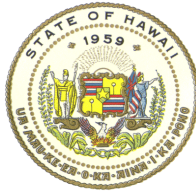


DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

Due to Cancellation of 05.27.2022 Meeting

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

DATE: May 31, 2022  
TIME: 9:00 A.M.  
LOCATION: In person at 1151 Punchbowl St. Room 132 (Kalanimoku Building),  
online via ZOOM, livestream via YouTube

*Board members, staff, applicants, and testifiers can choose to participate either in-person, via ZOOM or by telephone. **NOTE: The Board members will be participating via ZOOM for this meeting. Members of the public are asked to wear a mask if attending in-person.***

*Meeting materials are available for public review in advance of the meeting at:*  
<http://www.dlnr.hawaii.gov/meetings>

*The meeting will be livestreamed at:*  
<http://youtube.com/c/boardoflandandnaturalresourcesdlnr>

*To provide in person testimony (Please wear a mask):*  
*Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii*

*To provide video testimony:*  
*Send your request to [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)*  
*Include your name 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. Requests may be made during the meeting.*

**To provide oral testimony by telephone:**

Dial: +1 (669) 900-6833

At the prompts, enter:

**Meeting ID:** 863 1576 5548#

**Passcode:** 98930#

Note: To unmute, press \*6.

**Written Testimony:**

*Interested persons can submit written testimony in advance of each meeting that will be distributed to Board Members prior to the meeting. Submit written testimony to [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov) or via postal mail to the Board of Land and Natural Resources at P.O. Box 621, Honolulu, Hawaii 96809. We*

*request written testimony be submitted no later than 24 hours prior to the meeting to ensure time for Board Member review. Late written testimony will be retained as part of the record and distributed to Board Members as soon as practicable, but we cannot ensure that Board Members will receive it with sufficient time for review prior to decision-making.*

*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.

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

1. Request for Approval to Enter into a Memorandum of Understanding between the Division of Forestry and Wildlife and Land Division for increased collaboration and assistance in our efforts to put certain agricultural and pastoral lands to use to promote public recreation, education and conservation; and approval by the Department of the Attorney General.
2. Authorization of funding for the Nature Conservancy for \$2,636,067 during FY 23-28 for continued enrollment in the Natural Area Partnership Program and Acceptance and Approval of the Waikamoi Preserve Long Range Management Plan, Tax Map Key: 2-3-005:004, Maui.
3. Request Approval for selection of the Competitive Sealed Proposal process and Authorize the Chairperson to Award, Execute, and Extend Contracts for "Enhancing Hawaii's Forests for Climate Resilience" projects.

### **D. LAND DIVISION**

1. (1) Amend Prior Board Action of July 26, 2019, Item D-3, *Approval of 15-Year Term Extension of General Lease No. S-4257, aFein Holdings, LLC, Lessee; Kapaa Town, Kauai, Tax Map Key: (4) 4-5-009:008.*

The purpose of the amendment is to change the type of sewer system Lessee will install at the lease premises from a cesspool/septic conversion to an Aerobic Individual Waste System or other Wastewater System, provide an estimated cost thereof, change the deadline for closing the cesspools from July 25, 2022 to June 30, 2022 to be consistent with a Consent Agreement and Final Order entered into with the Environmental Protection Agency and delete some building improvements listed in the prior Board action.

(2) Request for Approval of Special Installment Agreement for Lessee to Pay a Fine Levied by the Environmental Protection Agency for Large Capacity Cesspools on the Lease Premises.

2. Approve Cancellation of Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Rescind Board's Prior Action of December 13, 2019, Item D-3; Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-1-005: 033, 034, 035 and 045.
3. Approve Cancellation of Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Rescind Board's Prior Action of December 13, 2019, Item D-2; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.
4. Intentionally Left Blank
5. Amend Prior Board Action of May 28, 2021, Item D-2; *Grant of Two (2) Perpetual, Non-Exclusive Easements to the City and County of Honolulu for Drainage, Flowage, and Sewage Purposes, and City and County of Honolulu, by its Board of Water Supply, for Water Meter Purposes, Honolulu, Oahu, Tax Map Key: (1) 1-5-007: portions of 001 and 002.*

This amendment seeks authorization to issue three (3) separate Grants of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for drainage, flowage, and sewage purposes.

6. Issuance of a Right-of-Entry Permit to Waikiki Roughwater Swim Committee, Inc. for a Roughwater Swim Race Event to be held on September 5, 2022, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: Portion of 021
7. Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Inc. over portion of Duke Kahanamoku Beach for Beach Activities Purposes on June 3 and 4, 2022, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: Portion of 021.

8. Sale of Remnant to James M. Seden, Waimanalo, Koolau, Oahu, Tax Map Key: (1) 4-1-023:008.
9. Deny Lessee's Request for Consent to Mortgage with Estoppel Certificate and Pledge and Security Agreement, General Lease No. S-5844, WHR LLC, Lessee; Waiakea, South Hilo, Hawaii, Tax Map Keys: 3rd/ 2-1-01:12 and 2-1-05:13, 16, 17, 27, 32, and 46,

## **E. STATE PARKS**

1. Request Approval to change the name of Russian Fort Elizabeth State Historical Park to Pā'ula'ula State Historic Site, Makaweli, Waimea, Kaua'i. Tax Map Key: (4) 1-5-005:003.

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

1. Request Approval for a Federally Funded Project Agreement between the Department of Land and Natural Resources (DLNR) and the Research Corporation of the University of Hawaii (RCUH) for the Division of Aquatic Resources (DAR) Research Project Entitled "Hawaii Freshwater Public Fishing Area (PFA) Resource Monitoring."
2. Request for Authorization and Approval to Issue Two Papahānaumokuākea Marine National Monument Research Permits to Ms. Allison Fundis, Ocean Exploration Trust, for Access to State Waters to Conduct Seafloor Mapping and to Operate the Exploration Vessel (E/V) Nautilus as a Platform for Various Principal Investigators within the Waters of the Northwestern Hawaiian Islands.
3. Request for approval to authorize the Department of Land and Natural Resources (DLNR) Chairperson to enter into a contract between DLNR and Inventech Marine Solutions, LLC. for the purchase of a research vessel (\$298,976.50) with Monsanto Trust Funds for the Division of Aquatic Resources Maui Coral Reef Management and Monitoring Program.

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

1. Hazard Assessment for Impacts of Sea Level Rise and Tsunamis at Division of Boating and Ocean Recreation Facilities, Statewide:

Delegation of Authority to the Chairperson to: Approve, Procure and Award Professional

## Services Contracts.

2. Approval of Nawiliwili Small Boat Harbor Wastewater System Improvements Project; Nawiliwili, Kauai, Hawaii. Declare Construction Project Exempt from the Preparation of an Environmental Assessment; and Delegate Authority to Chairperson to Approve, Procure and Award Consultant and Construction Contracts and Enter Into Any Supplemental Agreements or Other Agreements Necessary to Implement the Project.
  
3. Administrative Enforcement Action and recommended penalties for Alleged Violation of Hawaii Administrative Rule (HAR) § 13-231-26 (Use of a vessel as a place of principal habitation), Ala Wai Small Boat Harbor, against William G. Friel III, for using a vessel as a place of principal habitation without a valid Principal Habitation Permit or alternatively, for Alleged Violation of HAR § 13-231-28 (Staying aboard vessels moored at Ala Wai or Keehi Small Boat Harbor), Ala Wai Small Boat Harbor, for staying aboard a vessel without prior Notice and without a Stay Aboard Permit; and Delegation of Authority to the Chairperson to Approve or Deny a Contested Case hearing for this matter, if requested.

*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.*

4. Administrative Enforcement Action and recommended penalties for Alleged Violation of Hawaii Administrative Rule (HAR) § 13-231-26 (Use of a vessel as a place of principal habitation), Ala Wai Small Boat Harbor, against Eric R. Alpert, for using a vessel as a place of principal habitation without a valid Principal Habitation Permit or alternatively, for Alleged Violation of HAR § 13-231-28 (Staying aboard vessels moored at Ala Wai or Keehi Small Boat Harbor), Ala Wai Small Boat Harbor, for staying aboard a vessel without prior Notice and without a Stay Aboard Permit; and Delegation of Authority to the Chairperson to Approve or Deny a Contested Case hearing for this matter, if requested.

*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.*

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

1. Approval of Petition for a Contested Case Hearing by Mr. Todd Dunphy, Individually and as Agent for Tropical Exotics III LLP and Tropical Exotics IV LLP for Conservation District Enforcement Case OA 22-22 as well as the Delegation to the Chair for the Appointment and Selection of a Hearing Officer to Conduct All Hearings for Contested Case OA 22-03 Regarding the Request for Administrative Fines and Other Penalties Against Mr. Todd Dunphy, Individually and as Agent for Tropical Exotics III LLP and Tropical Exotics IV LLP

for Conservation District Enforcement Case OA 22-22 Regarding the Alleged Unauthorized Grading and Construction of Shoreline Erosion Control Devices Located Makai of 59-181 E Ke Nui Rd., Tax Map Key: (1) 5-9-002:035, and Makai of 59-181 F Ke Nui Rd., Tax Map Key: (1) 5-9-002:036

*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.*

2. Request for a 120-day Time Extension to Comply with Condition No. 7 Regarding the Board of Land and Natural Resources' Decision Regarding Conservation District Enforcement Case OA 20-38 for the Unauthorized Modification to an Emergency Erosion Control Structure, Noncompliance with an Emergency Permit, and Encroachment Upon State Land Within the Conservation District Located Makai of 53-223 Kamehameha Highway, Punalu'u, Ko'olauloa, O'ahu Tax Map Key (TMK): (1) 5-3-002:035.

*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.*

## **M. OTHERS**

1. Amendment No. 6 to Concession Agreement No. DOT-A-18-0004 for Additional Parking Space, ABM Aviation, Inc., Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-076: Portion
2. Amendment No. 4 to Concession Agreement No. DOT-A-09-0002 for Additional Spaces for Retail and Office Use, DFS Group, L.P., Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-003: Portions of 051 and 073.
3. Issuance of a Revocable Permit for Administrative Offices and Pilot Training Facilities, Kamaka Air LLC, Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-072: Portion of 018.
4. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of an Aircraft in Support of a Commercial Air Cargo Business, Kamaka Air LLC, Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-076: Portion of 022.

5. Issuance of a Revocable Permit for a T-Hangar for the Storage and Maintenance of an Aircraft in Support of a Commercial Helicopter Tour Operation Business, Novictor Aviation LLC dba Rainbow Helicopters, Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-076: Portion of 021.
6. Issuance of a Revocable Permit for Two T-Hangars for the Storage and Maintenance of an Aircraft in Support of a Commercial Aeronautical Skydiving Business, Sky-Med, Inc. dba Pacific International Skydiving Center, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-014: Portion of 001
7. Issuance of a Revocable Permit for Administrative Offices to Provide the Anti-Terrorism Security Services Program, Universal Protection Service, LP dba Allied Universal Security Services, Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-003:Portion of 055 and 053.
8. Issuance of a Revocable Permit for a T-Hangar for the Storage and Maintenance of an Aircraft, Ai Vu, Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key: (1) 1-1-076: Portion of 022.
9. Issuance of a Revocable Permit for Vehicle Parking, Federal Express Corporation, Ellison Onizuka Kona International Airport at Keahole, Kona, Hawaii, Tax Map Key: (3) 7-3-043: Portion of 003.
10. Issuance of a Revocable Permit for Cargo Storage and Holding Areas, Kamaka Air LLC, Lanai Airport, Lanai, Hawaii, Tax Map Key: (2) 4-9-002: Portions of 056.
11. Issuance of a Revocable Permit for Office Space, Federal Express Corporation, Molokai Airport, Molokai, Hawaii, Tax Map Key: (2) 5-2-004: Portion of 106.
12. Issuance of 15 Revocable Permits to Young Brothers, LLC, for Inter-Island Barge Operation Support Facilities situated at Piers 39 and 40, Honolulu Harbor, Island of Oahu, Tax Map Key Nos.: (1) 1-5-032: Portion of 002, (1) 1-2-025: Portion of 011, and (1) 1-5-032: Portion of 042, Governor's Executive Order Nos. 3947, 1351, 2122 And 3457.
13. Issuance of a Month-To-Month Revocable Permit to Healy Tibbitts Builders, Inc., for Storage of Marine Construction, Dredging, and Marine Transportation Equipment situated at Pier 12, Honolulu Harbor, Island of Oahu, Tax Map Key Nos.: (1) 2-1-001: Portion of 055 and (1) 2-1-001: Portion of 056, Governor's Executive Order No. 3542.

14. Issuance of six (6) Month-to-Month Revocable Permits to Alaska Marine Lines, Inc., for a Non-Exclusive Surface Easement, Office Trailers, Storage Spaces, and Parking Area Situated at Pier 5, Kalaeloa Barbers Point Harbor, Island Of Oahu, Tax Map Key Nos. (1) 9-1-074: Portions of 037 and (1) 9-1-014: Portions of 024, Under Governor's Executive Order Nos. 3383 And 3644.
  
15. Issuance of a Month-to-Month Revocable Permit to American Guard Services, Inc., for Office Space situated at Pier 1, Kahului Harbor, Island of Maui, Tax Map Key No. (2) 3-7-010: Portions of 006, Governor's Executive Order No. 2986