

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

DATE: FRIDAY, September 14, 2018  
TIME: **9:15 A.M.**  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

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 orally by the end of the meeting and followed up 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. Request Approval for the June 8, 2018 Meeting Minutes.
2. Request for Approval for the June 22, 2018 Meeting Minutes.

**C. DIVISION OF FORESTRY AND WILDLIFE**

1. Request Approval of: 1) Acquisition of Private Lands; 2) Issuance of Management Right of-Entry to Division of Forestry and Wildlife; 3) Issuance of Set Aside to Division of Forestry and Wildlife for Forestry and Wildlife Purposes; and 4) Authorize Division of Forestry and Wildlife to Conduct Public Hearing on the Island of O'ahu for Proposed Addition to 'Ewa Forest Reserve, Pa'ala'a-Uka, Waialua, and Wahiawā, O'ahu, Tax Map Keys: (1) 6-3-001:003, 6-4-004:011, 7-1-002:011 And 7-2-001:003; and

Request Delegation of Authority to the O'ahu Branch Manager to Issue Access Permits for these parcels under Chapter 171, HRS, until such time as the parcels are added to the Forest Reserve System.

## D. LAND DIVISION

1. Request to Amend License Agreement dated July 1, 2016 between the Bank of Hawaii as Trustee of the Kukuiolono Park Trust Estate, as Licensor, and State of Hawaii, by its Department of Accounting and General Services, on Behalf of the Office of Enterprise Technology Services, as Licensee, for a Transmission Tower and Radio and Microwave Communication Facility for Public Safety and Public Services, at Kalaheo Homesteads, 2<sup>nd</sup> Series, Koloa, Kaua'i, Tax Map Key: (4) 2-3-005: por. 002.

The purpose of the amendment is to change the License Agreement location from Tax Map Key: (4) 2-3-005: por. 002 to (4) 2-3-005:011.

2. Amend Prior Board Action of July 24, 2015, Item D-2, *Sale of Portion of Ditch Easement G, to Clement T. Esaki and Amy I. Esaki, Trustees of the Clement T. Esaki, and Amy I. Esaki Trust, at Kapahi Farm Lots, Kapa'a, Kawaihau, Kaua'i, Tax Map Key: (4) 4-6-011:028.*

The purpose of the amendment is to change the referenced easement area from 1,500 square feet to 3,257 square feet.

3. Approve Mediated Settlement of Rent Reopening Dispute in General Lease No. S-4786, Hilo Trading Company, Ltd.; Waiākea, South Hilo, Island of Hawai'i, Hawai'i; Tax Map Key: (3) 2-1-003-008.
4. Consent to the Lease of Lands under Governor's Executive Order No. 4539 from the County of Hawaii to HKI Kawili LLC for Veterans Center and Affordable Senior Housing with Preference to Veterans and Spouses Purposes, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-4-057:030.
5. Issuance of Land Patent in Confirmation of All of Land Commission Award No. 4096 to S. Kaaloa, situate at Kukuihaele, District of Hāmākua, Island of Hawai'i, Tax Map Key: (3) 4-8-008:018.
6. Issuance of Land Patent in Confirmation of a Portion of Land Commission Award No. 11216, Apana 39 to M. Kekauonohi, situate at Keōpū, District of North Kona, Island of Hawai'i, Tax Map Key: (3) 7-5-001:029.

7. Consent to Assignment of General Lease No. S-5188, Kona ABC LLC, Assignor, to Valencia Gateway Retail IV, LLC, Assignee, for Commercial Purposes, 'Auhaukea'e 2nd, North Kona, Hawai'i, Tax Map Key: (3) 7-5-009: 043.
8. Issuance of Land Patent in Confirmation of a Portion of Land Commission Award No. 7716, Apana 4 to R. Keelikolani, situate at La'aloa, District of N Kona, Island of Hawai'i, Tax Map Key: (3) 7-7-007:091.
9. Issuance of Right-of-Entry Permit to Hawaii Surfing Association Maui for Surf Contest Event Operations at Haneo'o (Koki Beach), Hāmoa , Hāna, Maui, Tax Map Key: (2) 1-4-007:009 por.
10. Rescind Prior Board Action of March 28, 2003, Item D-9, *Consent to Assign Perpetual, Non-exclusive Access, and Utility Easement [L.O.D. No. S-27947], from Ronald R. & Miriam M. Jacintho, as Assignor, to First City Corp., Assignee; Tax Map Key No: (2) 2-1-006: Por. 077;*

After-the-Fact Consent to Assignment of Grant of Non-Exclusive Easement under Land Office Deed No. S-27,947, from Ronald R. Jacintho and Miriam M. Jacintho, Assignor, to 7505 Makena Road, LLC ("7505 Makena"), Assignee; Amend Land Office Deed No. S-27,947 to allow the Easement to Run with the Land and Inure to the Benefit of the Private Property Designated as Tax Map Key: (2) 2-1-006:085;

Grant of a Term, Non-Exclusive Easement to 7505 Makena for Concrete and Rock Planter Purposes; Issuance of Immediate Right-of-Entry Permit to 7505 Makena for Concrete and Rock Planter Purposes; Assess \$700.00 in Administrative Costs Against 7505 Makena for Staff Time in Resolving Encroachment; 'Onau, Makawao, Mākena, Maui; Tax Map Key No: (2) 2-1-006: 077 (por.)

**11. INTENTIONALLY LEFT BLANK**

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13. Issuance of Right-of-Entry Permits for Beach Activities to be held on October 16 and 17, 2018; and Issuance of Revocable Permit for Recreational and Maintenance Purposes; Resorttrust Hawaii, LLC, Applicant; Wai'alae, Honolulu, O'ahu, Tax Map Key: (1) 3-5-023:041.
14. Acquisition of Accreted Lands to State of Hawai'i for Beach Purposes, Kailua, Ko'olaupoko, O'ahu, Tax Map Key: (1) 4-3-007: seaward of 036.

15. Acquisition of Private Lands and Set Aside and Management Right-of-Entry to Division of State Parks for Preservation, open space, cultural, recreational, and public parks purposes, Pūpūkea, Ko'olauloa, O'ahu, Tax Map Keys: (1) 5-9-024:001, (1) 5-9-023:001, (1) 6-1-002-022.
16. Authorization of Sale of Lease and Conveyance of Leasehold Commercial Improvements by Bill of Sale at Public Auction for Business, Commercial or Industrial Purposes, Waipahu, 'Ewa, O'ahu, Tax Map Key: (1) 9-4-049:062.
17. Annual Renewal of Revocable Permits on the Island of O'ahu. See Exhibit 2 for list of Revocable Permits.

**E. STATE PARKS**

1. Requesting Approval for the Sale of Food and T-Shirts as a Fundraiser for Mālama Mākua on September 22, 2018 at Ka'ena Point State Park, Mākua Section, Wai'anae, O'ahu. Tax Map Key: (1) 8-2-001:001.

**F. DIVISION OF AQUATIC RESOURCES**

1. Request for Final Approval to Adopt Amendments to Hawaii Administrative Rules Chapter 13-95, Rules Regulating the Taking and Selling of Certain Marine Resources. These Amendments are Intended to Give the Department Authority to Authorize Take of Stony Coral and Live Rock in Limited Circumstances by 1) Adding Definitions of "Renewable Energy Projects" and "Mitigation" to Section 13-95-1, and 2) Adding New Subsections in 13-95-70 and 71 that Allow the Department to Authorize Damage of Stony Corals and Live Rocks for the Development or Operation of Renewable Energy Projects and Require Mitigation to Offset Stony Coral and Live Rock Damage from Any Authorized Take under those subsections.

The proposed amendments to Hawaii Administrative Rules Chapter 13-95 can be reviewed online at:

<http://ltgov.hawaii.gov/the-office/administrative-rules/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on O'ahu at 1151 Punchbowl St. Room 330 Honolulu, Hawai'i, 96813 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

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

1. Issuance of a Revocable Permit to Lanikai Canoe Club, for Storage for Canoes on Lanikai Beach, Kailua, Island of O'ahu, Hawai'i, seaward of Tax Map Keys: (1) 4-3-007:041, 042, 044, 044, 045, 051, 053, and 066
2. Declare Project Exempt from Requirements of Chapter 343, Hawaii Revised Statutes, and Title 11, Chapter 200, Hawaii Administrative Rules and Approve Issuance of Perpetual, Non-Exclusive Easement to Kauai Island Utility Cooperative for Electrical Service for Job No. B94DK71A Port Allen Small Boat Harbor Floating Dock Improvements, 'Ele'ele, Island of Kaua'i, Hawai'i, Tax Map Key: (4) 2-1-003:010 (Portion).
3. Continuation of Revocable Permit No. 37 to Lana'i Resorts, LLC, dba Pūlama Lana'i, Mānele Small Boat Harbor, Lana'i City, Island of Lana'i, Hawai'i, Tax Map Key: (2) 4-9-017:006 (Portion).

**M. OTHERS**

1. Issuance of a Revocable Permit for Office Space, Blind Vendors Ohana, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 57.
2. Amendment No. 1 to Fueling Facilities Lease No. DOTA-15-0014 to Add Land and a Subsurface Pipeline Easement for the Operation of an Aviation Fueling Facility, Hawaii Fueling Facilities Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 038, Portion of 005, and Portion of 010.
3. Issuance of a Revocable Permit for Aircraft Parking, Ground Imaging, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
4. Issuance of a Revocable Permit for Airport Land to Store Chiller Containers for an In-Flight Catering Service for Airlines, Flying Food Group, LLC, Līhu'e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.

5. Issuance of a Gratis Construction Right-of-Entry to Grain Craft/Pendleton Flour Mills, LLC, for Demolition and Remediation work at the Flour Mill Processing building, Pier 23, Honolulu Harbor, O'ahu, Tax Map Key: (1) 0-5-039: Portion of 022.
6. Issuance of Revocable Permit to Lyft, Inc., for Vehicle Egress and Ingress, and for Cruise Passenger Pick-up at the Cruise Terminal at Pier 2. Honolulu Harbor, O'ahu, Tax Map Key No.: (1)2-1-015: Portion of 009.
7. Issuance of a Revocable Permit to Rasier, LLC, for Vehicle Egress and Ingress and for Cruise Passenger Pick-up at the Cruise Terminal at Pier 2. Honolulu Harbor, O'ahu, Tax Map Key: (1) 2-1-015: Portion of 009.
8. Issuance of a Revocable Permit for the Installation and Operation of Two Automated Teller Machines to Lava Lava ATMs LLC, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-043: Portion of 040.
9. Issuance of a Revocable Permit for Office Space for Construction Management Team, Bowers + Kubota Consulting, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 050 (Portion).
10. Issuance of a Revocable Permit for Aircraft Parking, Takahiro K. Endo, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 23.
11. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Pacific Air Charters, Incorporated, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-76: Portion of 22.
12. Issuance of a Revocable Permit for Office Space for Air Charter Operations, Pacific Air Charters, Incorporated, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-72: 69 (Portion).
13. Issuance of a Revocable Permit for Construction Material Storage and Equipment Staging, Ralph S. Inouye Co., Ltd., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 001 (Portion).

14. Issuance of a Revocable Permit for Parking and Storage of Rental Car Vehicles, EAN Holdings, LLC, Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 32.
  
15. Issuance of a Revocable Permit for Two Main Terminal Floor Spaces and Two Ramp Spaces for Airline Operations, Southwest Airlines Co., Ellison Onizuka Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.
  
16. Request for Approval of Issuance of a Lease by Negotiation to Matson Terminals, Inc. for cargo operations on Sand Island, Piers 51-53, Honolulu Harbor, O'ahu. Tax Map Keys: (1) 1-5-41:049, 111, 115, 126, 167, 170, 181, 185, 187, 200, 286, 307, 313, 320, 323, 324 & (1) 1-5-41:321 (portion).
  
17. Request for approval of Issuance of a Lease by Negotiation to Hawaii Stevedores, Inc (HIS) for cargo operations at the new Kapalama Container Terminal, Pier 24 & 43, Honolulu Harbor. Tax Map Keys: (1) 1-2-25:002, 009, 011, 012, 016, 017, 030, 040, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055,056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 070, 71, 073, 074, 075, 076, 077, 078, 080, 082, 084, 085, 086, 088, 089, 091, 092, 094, 096, 098, 100, 103, 104, 105, 110, 111, 112,115, 117, 118, 119,120, 121, & (1) 1-2-32:002 (portion).
  
18. Issuance of Construction Right -of-Entry to the U.S. Army Corps of Engineering (USACE) for uses related to dredging, temporary dewatering and staging areas, Nāwiliwili Harbor, Kauai. Tax Map Keys: (4) 3-2-003:001, 002, 003, 023, 040, & (4) 3-2-051, 052, 054, 05, 059, 061, 64, 065, 067, 072 and 074.

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.

**TO BE PLACED ON THE MOVE UP AGENDA, PLEASE SIGN IN BY 9:00 A.M. THE DAY OF THE MEETING.**

**Public Testimony:**

e-mail: [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov)

The Sunshine Law gives the public the opportunity to submit testimony but it is your responsibility to submit written testimony in a timely manner, to give Board members sufficient time to consider written testimony, please submit the testimony no later than 24 hours prior to the Board Meeting.

Any late written testimony will be retained as a part of the record, but we cannot assure that Board members will receive it with sufficient time for review prior to decision-making.

**Meeting materials are available for public review in advance of the meeting on our Website:** <http://www.dlnr.hawaii.gov/meetings> **or in person** at 1151 Punchbowl Street, Rm 131, Honolulu, Hawaii 96813.

**INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (e.g., sign language interpreter, wheel chair accessibility, or parking designated for the disabled) AT THE BLNR MEETING, PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT (808) 587-0404 SO THAT ARRANGEMENTS CAN BE MADE.**