

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DATE: April 22, 2022
TIME: 9:00 A.M.
LOCATION: In person at 1151 Punchbowl St. Room 132 (Kalanimoku Building), online via ZOOM, livestream via YouTube

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

Board members, staff, applicants, and testifiers can choose to participate either in-person, via ZOOM or by telephone.

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:

Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii

To provide video testimony:

Send your request to 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: 885 2494 0432 # Passcode: 474728#

*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 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.

A. MINUTES

1. Approval of the March 11, 2022, Board Meeting Summary Minutes.
2. Approval of the March 22, 2022, Board Meeting Summary Minutes.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request Approval to Authorize the Chairperson to Negotiate, Enter into, Amend, Extend, and Terminate an Agreement to Subgrant a United States Fish and Wildlife Service Recovery Land Acquisition Grant between the State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, and Hawaiian Islands Land Trust dba Hawaii Land Trust, to Acquire Lands in Mahukona (including at Mahukona Harbor & Vicinity, Puukole-Kapaanui, and Kamano), North Kohala District, Hawai'i Island, Tax Map Key Nos.: (3) 5-7-003:002, (3) 5-7-003:003, (3) 5-7-003:010, (3) 5-7-002:011, (3) 5-7-003:001, (3) 5-7-003:018, (3) 5-7-003:007, (3) 5-7-003:008, (3) 5-7-002:027, (3) 5-7-002:036, and (3) 5-7-002:037.
2. Approve the use of a Request for Interest for Federal Grants with the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program and The National Wildlife Refuge System, Division of Habitat and Resource Conservation through the Coastal Wetlands Planning, Protection, and Restoration Act National Coastal Wetland Conservation Grant program; Delegate to the Chairperson the Authority to Award, Execute, and Extend Agreements with successful providers; and to Issue Annual Requests for Interest and Awards under these Grant Programs.

D. LAND DIVISION

1. Amend Prior Board Action of January 8, 2021, Item D-1, as Amended by Prior Board Action of September 24, 2021, Item D-2, *Terminate Use, Occupancy and Possession of Premises under Expired General Lease No. S-3795 by InSite Towers Development, LLC; Authorize the Issuance of a Direct Lease to New Cingular Wireless PCS, LLC (New Cingular) for Microwave Station and Microwave Tower Facilities Purposes and Grant of Term, Non-Exclusive Easements to New Cingular for Access and Utility Purposes, Hanapepe, Waimea, Kauai, Tax Map Keys: (4) 1-4-001:016, 017 and (4) 1-4-001:002 pors.*

The purposes of this amendment are to authorize the issuance of Easement B over lands set aside to the Department of Land and Natural Resources, Division of State Parks, via Executive Order 2209 and to approve the appraisal determining the rental value of the term, non-exclusive easements.

2. Amend Prior Board Action of April 13, 2017, Item D-2, *Consent to Assign General Lease No. S-4201, David S. De Luz, Sr., Assignor, to Stephen Harold Frank, Trustee of The Stephen Harold Frank Living Trust dated March 27, 2014, also known as Stephen Harold Frank Revocable Trust, Assignee, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-058:033.*

The purpose of the amendment is to change the assignor from David S. De Luz, Sr. to Jan K. De Luz, as Personal Representative of the Estate of David Stanley De Luz, Sr., also known as David S. De Luz, Sr., and David S. De Luz, Deceased. In this capacity, Jan K. De Luz is also known as Jan K. De Luz, Personal Representative for David S. De Luz, Sr.

3. Issuance of Right-of-Entry Permit to Pyro Spectaculars North, Inc. for Aerial Fireworks Display on May 2, 2022, at Fleming Beach, Honolulu, Lahaina, Maui, Tax Map Key No.: (2) 4-2-004: seaward of 016.
4. Cancellation of Governor's Executive Order No. 4474 and Reset Aside to Department of Agriculture, State of Hawaii, for Aquaculture, Diversified Agriculture, and Ancillary Uses Purposes; Consent to the Issuance of Right-of-Entry Permit to the Division of Forestry and Wildlife; at Mokuleia, Waialua, Oahu, Tax Map Key Nos.: (1) 6-9-001:002, 003, and 036.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Approval of Declaration of Exemption for the Project Agreement "Honouliuli Stream Invasive Mangrove Removal Project – Phase 2" Under Chapter 343, Hawaii Revised Statutes, and Chapter 11-200.1, Hawaii Administrative Rules.

2. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Richard L. Pyle, Bernice Pauahi Bishop Museum, for Access to State Waters to Conduct Research Activities Associated with Capturing Data on Environmental Parameters Related to Climatic Changes on Undersea Environments, and Biological Sampling for Undescribed Species, within the Waters of the Northwestern Hawaiian Islands.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Request for Administrative Fines and other Penalties Against Todd D Dunphy, Agent for Tropical Exotic 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 No.: (1) 5-9-002:035, and Makai of 59-181 F Ke Nui Rd., Tax Map Key No.: (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.

M. OTHERS

1. Issuance of a Revocable Permit for a Concession to Sell Small Personal Electronics Through Vending Machines, Swyft, Inc., Daniel K. Inouye International Airport, Honolulu, Hawaii, Tax Map Key Nos.: (1) 1-1-003: Various.
2. Issuance of a Revocable Permit for Two Aircraft Parking, Pfister's Flying Wahine LLC, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key No.: (1) 6-8-014: Portion of 001.
3. Issuance of a Revocable Permit for Aircraft Parking, Donald Toews, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key No.: (1) 6-8-014: Portion of 001.
4. Issuance of a Revocable Permit for Vehicle Parking, Aeko Kula, LLC dba Aloha Air Cargo, Ellison Onizuka Kona International Airport at Keahole, Hawaii Island, Tax Map Key No.: (3) 7-3-043: Portion of 003.

5. Issuance of a Revocable Permit for Office Space for Porter Operations, H.P.S. Hanahou Pro Service, LLC, Ellison Onizuka Kona International Airport at Keahole, Hawaii Island, Tax Map Key No.: (3) 7-3-043: Portion of 033.
6. Issuance of a Revocable Permit for Aircraft Parking, Straightin LLC, Waimea-Kohala Airport, Hawaii Island, Tax Map Key No.: (3) 6-7-001: Portion of 008.
7. Issuance of a Revocable Permit for the Management and Operation of Automobile Parking Facilities, ABM Aviation, Inc., Lihue Airport, Kauai, Tax Map Key No.: (4) 3-5-001: Portion of 008.
8. Issuance of a Revocable Permit for Cargo Space for Air Cargo Handling Operations, Swissport USA, Inc., Kahului Airport, Island of Maui, Tax Map Key No.: (2) 3-8-001: Portion of 264.
9. Consent to Sublease under Harbor Lease No. H-05-24, Fresh Island Fish, LLC, Lessee, to General Services Administration for The National Oceanic & Atmospheric Administration, Pier 38, Honolulu Harbor, Island of Oahu, Tax Map Key No.: (1) 1-5-042: Portion of 007, under Governor's Executive Order Nos. 1346 and 4092.
10. Issuance of a Month-to-Month Revocable Permit to Healy Tibbitts Builders, Inc., for a Storage Yard situated at Pier 9, Kalaeloa Barbers Point Harbor, Island of Oahu, Tax Map Key Nos. (1) 9-1-014:037 and Portion of 024, under Governor's Executive Order No. 3383.
11. Request for the Conveyance of Remnant R4 Kalaniana'ole Highway, Federal Aid Project No. F-072-1(39) East Halemaumau Street to Keahole Street at Kuliouou 2nd & Maunalua, for private use. Honolulu, Island of Oahu, Hawaii, Tax Map Key No.: (1) 3-8-003:049.
12. Request for Acquisition of Lands and Restrictions of Access to the Department of Transportation, Highways Division, for Highway Purposes, Relating to Keaau-Pahoa Road, Federal Aid Secondary Project (FASP) No. RS-0130(15), Paradise Park Section at Puna, Island of Hawaii, Hawaii, Tax Map Key Nos.: (3) 1-6-005: Portions of 165; (3) 1-5-015: Portions of 188; (3) 1-6-010: Portion of 133 and 137; (3) 1-5-033: Portions of 251 and 250; (3) 1-6-009: Portions of 245, 246, and 388.

13. Request Authorization to Acquire Land for the Department of Transportation, Highways Division, for Highway Purposes, Relating to Kuhio Highway, Emergency Flood Repairs and Cleanup, Project No. ER-19 (002), Wainiha, Hanalei, Island of Kauai, State of Hawaii, Tax Map Key No. (4) 5-8-006:031.