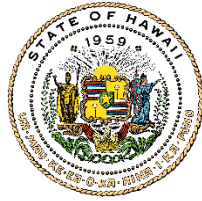


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LAURA H.E. KAAKUA
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

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

DATE: May 26, 2023
TIME: 9:15 AM
LOCATION: In person at 1151 Punchbowl St, Room 132
(Kalanimoku Building) online via ZOOM, livestream
via YouTube

This public meeting will be held using interactive conference technology in accordance with section 92-3.7, Haw. Rev. Stat. (HRS). Board members, staff, applicants, and testifiers can choose to participate either in-person, via ZOOM or by telephone. Members of the public are encouraged 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:
*Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii.
(Note: Testimony may be limited to 3minutes)*

To provide video testimony via Zoom:
*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 should be sent 24 hours in advance of the meeting. Requests may be made during the meeting prior to the agenda item is before the Board. (Note: Testimony may be limited to 3minutes)*

To provide oral testimony by telephone: : +1 669 444-9171
Meeting ID: 874 5641 0875
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 received after 9:15 am Thursday, 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), HRS, 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.

NOTE: Agenda Submittal Items may be taken out of order.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request the Approval of an Acquisition of a Perpetual Conservation Easement by the Division of Forestry and Wildlife, Kealahou, South Kona, Island of Hawaii Tax Map Keys (3) 7-9-001:013, 014; and 015 (por).

D. LAND DIVISION

1. Sale of Five Individual Leases at Public Auction for Industrial Purposes, Waiakea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-049:014, (3) 2-2-050:077, 078, 079 and 080.
2. Amend Prior Board Action of June 24, 2022, Item D-3, *Grant of a Term, Non-Exclusive Easement for each of Two Crossings Over the Honokohau Trail with Issuance of an Immediate Construction Right-of-Entry to West Hawaii Business Park LLC for Access*

and Utility Purposes, Honokohau 1st & 2nd, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:portions of 078 and 079.

The purposes of the amendment are: (a) to add two (2) adjacent parcels owned by the applicant, TMKs: (3) 7-4-008:077 and 090, as benefitted parcels to Easement B; and (b) delete a provision regarding the termination of the road crossing easements upon dedication of the respective roadways to the County of Hawaii.

3. Consent to Transfer of 100% Stock Ownership of Parent Company of InSite Towers Development, LLC, Lessee, to American Towers, LLC, Transferee, Amended General Lease Nos.:

S-4130, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002: pors.;

S-4223, Mount Kaala, Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-7-003: pors.;

S-4588, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-019: pors.;

and

S-4614, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-8-001: por. 1 & 10

Issuance of Management Right-of-Entry Permit Retroactive to January 1, 2023, and Revocable Permit to InSite Towers Development, LLC for Telecommunication Station and Telecommunication Tower Facilities Purposes, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002: pors.

4. Amend Prior Board Action of June 22, 2018, (Item D-3), *Grant of Perpetual, Non-Exclusive Easement, Issuance of a Construction and Management Right-of-Entry to the City and County of Honolulu for Sewer Line Purposes, Kalihi Kai, Moanalua, Honolulu, Oahu, Tax Map Key: (1) 1-1-003:003, 004, 138, 204, 205, 206, 207, 212, and 239; (1) 1-2-021:035, 036 and 037.*

This amendment is to update the references to the tax map keys for the requested location and the encumbrances.

5. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Tuesday, June 6, 2023, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.
6. Authorize the Department of Land and Natural Resources, Land Division to Negotiate a Development Agreement for a 40-Year Extension of Lease Term, General Lease No. S-4095 Olomana Golf Links, Inc., Lessee; Waimanalo, Koolaupoko, Oahu, Hawaii, Tax Map Key: (1) 4-1-013:010.

7. Issuance of Right-of-Entry Permit for Sixty (60) Days to Jewell Tuitele for Removal of Rock Wall Encroachment from State Submerged Land at Kaneohe, Koolaupoko, Oahu; Tax Map Key: (1) 4-5-007: seaward of 032.

8. Amend Prior Board Action of (A) March 24, 2023, Item D-7, *Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation (HART) for Elevated Guideway Purposes; After-the-Fact Approval of Annual Renewal of Right-of-Entry to HART for Each Year Since the Board Approval of the Initial Issuance of the Right-of-Entry at Board's Meeting of February 10, 2012, Item D-6, Waipahu, Ewa, Oahu, Tax Map Key: (1) 9-4-008: portion of 025; and*

(B) September 13, 2013, Item D-8, *Issuance of (1) a right-of-entry permit for construction of an overhead guideway; (2) a grant of a perpetual non-exclusive easement for an overhead guideway; and (3) a direct lease for a park-and-ride facility, all on State lands in East Kapolei, Honouliuli, Ewa, Oahu Tax Map Key: (1) 9-1-17:97 por., to City and County of Honolulu for its planned rail transit project.*

This amendment is to add the word “operate” in the Character of Use for the requested easements and right-of-entry permits at both locations.

9. Issuance of Right-of-Entry Permit to Insider Experience LLC, for One-Day Beach Games Event Purposes, Kihei Beach Lots, Maui; Tax Map Key: (2) 3-8-013: Seaward of 011.

10. Request to Approve Settlement Regarding Enforcement Action for Unauthorized Encroachment and Commercial Activities on State Lands, Hawaii Administrative Rules Chapter 13-221, and Hawaii Revised Statutes, Section 171-6, against Chris Sanger and Duke's Lagoon LLC at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

F. DIVISION OF AQUATIC RESOURCES

1. Request to Hold Public Hearings on Proposed Amendments to and Compilation of Chapter 13-74, Hawaii Administrative Rules, “License and Permit Provisions and Fees for Fishing, Fish, and Fish Products,” to Add New Definitions for “Baitfish,” “Baitfishing Report,” “Catch Report,” “Commercial Marine Vessel License,” “Fishing Activities,” “License Period,” “Main Hawaiian Islands,” “Nonresident,” “Permittee,” and “Qualified Aquaculturist,” Remove the Definitions for “Board” and “Northwestern Hawaiian Islands,” Amend the Definition for “Resident,” Clarify that Licenses and Permits are Non-Refundable, Clarify the Administrative Penalty Schedule for Violations of the Chapter, Add Asset Forfeiture as an Administrative Enforcement Tool Within the

Chapter, Establish and Add Provisions for a New Nonresident Recreational Marine Fishing License (NRMFL) Pursuant to Section 188-72, Hawaii Revised Statutes (HRS), Establish and Add Provisions for a New Commercial Marine Vessel License (CMVL) Pursuant to HRS §189-2, Add an Exception for CMVL Holders to the Commercial Marine License Requirements, Remove the Northwestern Hawaiian Islands Fishing Permit, Increase the Fee for the Bait License, the Mullet Pond Operator and Closed Season Sales License, the Kona Crab and Lobster Closed Season Sales License, the Special Marine Animal or Product Possession and Sale License, and the Aquaculture License from \$50.00 to \$100.00, Establish a Fee for Duplicate Aquaculture Licenses and Licenses to Sell Reared Species, Add a Catch Reporting Requirement for All Bait License Holders, Give the Department Discretion to Require Additional Reports From Aquaculture License holders, Establish a Fee of \$200 for a License to Sell Reared Species, Establish and Add Provisions for a New Commercial Marine Dealer License Pursuant to HRS §189-10, and Other Non-Substantive Housekeeping Amendments for Clarity and Consistency With Other Chapters.

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, Hawai'i 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.

The proposed rules, including a statement on the topic of the proposed rules, can be reviewed online at: <https://ltgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>.

2. The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notices/>. Non-Action Item: Informational Briefing on Proposal to Adopt a New Chapter Under Hawaii Administrative Rules (HAR) as Title 13, Chapter 13-78, "Ocean Stewardship User Fee"
3. **Non-Action Item:** Briefing on Proposed Adoption of a New Chapter, Chapter 13-60.11, Hawaii Administrative Rules, "Kīpahulu Community-Based Subsistence Fishing Area, Maui".
4. **Non-Action Item:** Joint Division of Aquatic Resources (DAR) & Division of Boating and Ocean Recreation (DOBOR) Informational Briefing on the Proposed Amendment and Compilation of Hawaii Administrative Rules (HAR) Chapters 13-31, "Molokini Shoal Marine Life Conservation District, Maui," and 13-257, "Day-Use Mooring Rules".

G. BUREAU OF CONVEYANCES

1. Request for Authorization to Enter into a Contract for Support Services for Torrens (Land Court) Documents and Certificates.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Issuance of a Revocable Permit to Hawaii Fire Department, County of Hawaii, for Office Space for West Hawaii Ocean Safety Operations Purposes, Situated at Kailua-Kona Pier, North Kona, Island of Hawaii, Hawaii, Tax Map Key: (3) 7-5-006:039 (por.);

and

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

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Non-Action Item: Informational Briefing for Conservation District Application (CDUA) OA-3913. Diamond Head Breakwater Safety Project

M. OTHERS

1. Issuance of a Revocable Permit for a Passenger Check-In Counter, United Airlines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 053.
2. Issuance of a Revocable Permit for Vehicle Parking for Used Car Sales Operation, Pono's Used Cars. Inc., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.
3. Issuance of a Revocable Permit for Aircraft Parking, The Realty Investment Company, Limited, Hilo International Airport, Tax Map Key: (3) 2-1-023: Portion of 009.
4. Issuance of a Revocable Permit for Main Terminal Floor Space for Ticket Counters, Air Canada, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.

5. Issuance of a Revocable Permit for a Sprung Structure and Storage Containers for General Aviation Aircraft Maintenance Operation, Seawings LLC, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
6. Issuance of a Revocable Permit for an Office and Break Room, United Airlines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
7. Request for Authorization to Issue (2) two Month-to-Month Revocable Permits (RP) to Fishco Wholesale LLC, for operation of cold storage facility, selling fishing supply, gear and equipment to support Maritime entities and commercial fishing vessels, situated at Pier 32, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-035: Portion of 012, Governor's Executive Order No. 4167.
8. Request for Authorization to Issue a Construction Right-of-Entry (CROE) and a Month-to-Month Revocable Permit (RP) to Young Brothers, LLC, for a Shore Tension Dynamic System, situated at Kaunalapau Harbor, Island of Lanai, Tax Map Key: (2) 4-9-002: Portion of 001, Governor's Executive Order No. 3960.
9. Request for Authorization to Issue (2) two Month-to-Month Revocable (RP) to Hawaii Stevedores, Inc., for two Office trailers with Customer Service Area and Area for Storage Container, situated at Kahului Harbor, Island of Maui, Tax Map Key: (2) 3-7-010: Portion of 006 and (2) 3-7-008: Portion of 002, Governors Executive Order No. 2986.