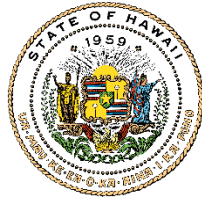


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

P.O. BOX 621
HONOLULU, HAWAII 96809

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: June 9, 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: 881 2718 2642
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), 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 Items may be taken out of order.

A. SUMMARY MEETING MINUTES

1. Approval of the February 24, 2023, Summary Minutes.
2. Approval of the March 10, 2023, Summary Minutes.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Acceptance of Hearing Master's Report and Approval and Recommendation to the Governor for Issuance of an Executive Order to Set aside Existing Unencumbered State Lands at 'Īlio Point, Moloka'i, Tax Map Key: (2) 5-1-002:006 to the Department of Land and Natural Resources, Division of Forestry and Wildlife; and

Issuance of an immediate Management Right-of-Entry to the Division of Forestry and Wildlife, Tax Map Key: (2) 5-1-002:006; and

Request to Close 'Īlio Point, located at Tax Map Key: (2) 5-1-002:006, to the Public pursuant to Hawai'i Administrative Rules § 13-209-4.5 for Public Safety Purposes, Effective upon Designation of the Public Lands as a Natural Area Reserve by the Governor for a Term of Two-years.

2. Request Approval of the Acquisition of Private Lands and the Issuance of a Management Right-of-Entry to the Division of Forestry and Wildlife at Mākolēlau, Kona District, Moloka'i, Tax Map Key: (2) 5-5-001:015.
3. Request Approval to Authorize the Chairperson to sign a Notice of Federal Participation form required by U.S Fish and Wildlife Service to be recorded with the Purchase of Property in Mahukona, North Kohala District, Hawai'i Island, Tax Map Keys: (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, under Subgrant Agreement between the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, and Hawai'i Land Trust.

D. LAND DIVISION

1. Issuance of Right-of-Entry Permit to MC&A, Inc., for One-Day Team Building Event Purposes, Wailea, Honua'ula, Maui; Tax Map Key: (2) 2-1-023: Seaward of 007.
2. Issuance of Right-of-Entry Permit for Ten (10) total Days to O'ahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Moloka'i Hoe Long Distance Canoe Race Event to Take Place Over Two Days Each Year in October 2023, October 2024, October 2025, October 2026, and October 2027, at Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037: portion of 021.
3. Issuance of Right-of-Entry Permit for One (1) Day to O'ahu Hawaiian Canoe Racing Association Hawaii for the Duke Kahanamoku Men's Long Distance Canoe Race Event to Take Place on August 20, 2023, at Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037: portion of 021.
4. Issuance of Right-of-Entry Permit for One (1) Day to Waikiki Roughwater Swim Committee, Inc. for the 52nd Annual Waikiki Roughwater Swim Finish Line Area on September 4, 2023, at Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037: portion of 021.
5. Amend Prior Board Action of March 23, 2018, (Item D-5), *Grant of Perpetual, Non-Exclusive Easement and Issuance of Construction Right-of-Entry Permit to Hawaiian Electric Company, Inc. for Utility Purposes; Mutual Cancellation of Perpetual Easement recorded as Liber 4170, page 220; Consent to the Disposition between the City and County of Honolulu and Hawaiian Electric Company, Inc. over the Lands under Governor's Executive Order No. 569 for Staging Areas; Waikīkī, Honolulu, O'ahu, Tax Map Keys: (1) 2-7-036:001, 007, and portions of Ala Wai Canal.*

This amendment is to note Governor's Executive Order No. 2036 to the City and County of Honolulu as an additional encumbrance on the land over which the easement is requested.

6. Issuance of Right-of-Entry Permit for One (1) Day to Oahu Pentathlon LLC for the Oahu Pentathlon Swim, Run, Paddle, Bike, Ruck, and Bike Race Event to Take Place On August 26, 2023, at Castles Beach, Kailua, O'ahu, Tax Map Key: (1) 4-3-083: seaward of 016 and Laniloa/ Clissold's Beach, Lā'ie, O'ahu, Tax Map Key: (1) 5-5-002: seaward of 061.
7. Termination of Right-of-Entry Permit No. 4519 issued to the City and County of Honolulu for Homeless Outreach and Navigation for Unsheltered Person Program Purposes; Cancellation of Governor's Executive Order No. 3461 and Reset Aside to the Hawaii Public Housing Authority or other governmental agency specified by the Office of the State Homelessness Coordinator for Temporary Transitional Housing Site Purposes, Kahauiki, Honolulu, Oahu, Tax Map Key: (1) 1-1-006:003.

E. DIVISION OF STATE PARKS

1. Amend Prior Board Action of June 9, 2022, Item E-1, Twenty (20) Year Extension of General Lease SP0006 Hawai'i Nature Center, Inc. at Makiki Valley State Recreation Area, Honolulu, O'ahu, Hawai'i, Tax Map Key: (1) 2-5-019:008 Portion to fix typographic errors; and

Amendment of General Lease No. S-97-01 Hawai'i Nature Center, Inc. for the reduction of the leased area and the proposed removal of the condition requiring the living accommodation and open and closing of the Park's gate.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Approval of a Special Activity Permit (SAP 2024-27) for Chris Kiser, Ecoharvest Hawaii LLC, Project Coordinator, to Collect and Possess Regulated Organisms (Yellow Tang and Potter's Angelfish), Using Regulated Gear (Small Meshed Nets; < 2 Inches Stretched Mesh), in the Regulated Area within the West Hawai'i Regional Fishery Management Area (WHRFMA) on Hawai'i Island, for the Purpose of Researching Propagation/Aquaculture Techniques (for Aquarium Purposes*).
2. Request for Approval to Hold Public Hearings on Proposed Adoption of a New Chapter under Hawaii Administrative Rules as Title 13, Chapter 13-78, "Ocean Stewardship User Fee" to Establish Provisions for the Ocean Stewardship User Fee Pursuant to Section 187A-52, Hawaii Revised Statutes, Including a Due Date for the Fees to be Submitted to the Department, Reporting Requirements for Commercial Operators, Record Keeping Requirements for Commercial Operators, and Applicable Penalties for Violations of the Chapter.

The proposed rule amendments can be reviewed in person, by appointment only, at the Division of Aquatic Resources (DAR) office 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. 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/>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notice/>.

3. Request for Approval to Hold Public Hearings to Adopt a New Chapter as Hawaii Administrative Rules, Title 13, Chapter 60.11, "Kīpahulu Community-Based Subsistence Fishing Area, Maui," (Kīpahulu CBSFA) to: Outline the Purpose of the Kīpahulu CBSFA and Its Subzones, to Provide Definitions for Key Terms Throughout the Chapter; Establish and Delineate the Boundaries for the Kīpahulu CBSFA and the Kukui Bay Sanctuary and 'Opihi Rest Area Subzones; Prescribe the Permitted and Prohibited Activities Within the Kīpahulu CBSFA, Including Restrictions on Take and/or Possession of Akule, 'Ōmilu, Kala, Kole, Moi, 'Opihi, Ula (Spiny Lobsters) and Ula Pāpapa (Slipper Lobsters), 'Alakuma (7-11 Crab), and Native Limu Species, Restrictions on the Use of Gill Nets for Surround Net Fishing, Bag Nets, Throw Nets, and Fishing Poles, Lines, and Hooks, Prohibitions on Taking Marine Life With SCUBA gear, Night Diving, Taking 'Opihi Within the 'Opihi Rest Area Subzone, and Taking of Any Marine Life Within the Kukui Bay Sanctuary; Recognize that native Hawaiian Traditional and Customary Rights Recognized by the Hawai'i State Constitution Shall Not Be Abridged; Carve Out an Exception for Vessels With Restricted Species or Gear in Active Transit Through the Kīpahulu CBSFA, to Establish the Administrative and Criminal Penalties for Violations of This Chapter, and to Recognize the States Asset Forfeiture Authority.

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/>.

The proposed rules can also be viewed online at: <http://dlnr.hawaii.gov/dar/rules-and-public-notice/>.

4. Request for Approval to Enter Into a Memorandum of Agreement Between the State of Hawai'i Department of Land and Natural Resources, Division of Aquatic Resources, and the Arizona Board of Regents, on Behalf of Arizona State University and its Center for Global Discovery and Conservation Science, Regarding the Management of the

Ridge to Reef Restoration Center, Located at the Hawai'i Ocean Science and Technology Park, Hawai'i Island.

And

To Authorize the Chairperson to Amend, Finalize, and Execute this Memorandum of Agreement Subject to Approval as to Form by the Department of the Attorney General.

And

To Delegate Authority to the Chairperson to Enter Into, Amend, Finalize, and Execute Future Non-Binding Memorandums of Agreement and Memorandums of Understanding Between the Hawai'i Department of Land and Natural Resources' Division of Aquatic Resources and other Federal, State, and Municipal Agencies, for the Purposes of Environmental Restoration, Propagation, or Natural Resource Protection, Without Formal Board Approval.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Issuance of Right-of-Entry Permit to Hawaiian International Billfish Association for the Inaugural 4 Flags 30 Pound Billfish Tournament and the 61st Annual Hawaiian International Billfish Tournament, Situated at Kailua-Kona Pier, Lanihau, North Kona, Island of Hawaii, Hawaii, Tax Map Key: (3) 7-5-006:039 (por): and

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

2. Authorize Retroactive Rent Adjustment for Revocable Permit 133 (RP 133) to Pacific Biodiesel Technologies, LLC, from July to October 2022, Maalaea Small Boat Harbor Maalaea, Waikapu, Wailuku, Maui Tax Map Key: (2) 3-6-001:002 (por).
3. **NON-ACTION ITEM:** Informational Briefing on DOBOR's Strategy for Conversion of Revocable Permits to Long-Term Dispositions Statewide.

M. OTHERS

1. Issuance of a Revocable Permit for Aircraft Parking, N4232J LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-076: Portion of 023.
2. Issuance of a Revocable Permit for Land for Ground Service Vehicle Parking and Storage of Materials to Support Its Helicopter Tour Operations, Novictor Aviation LLC, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-072: Portion of 018.
3. Issuance of a Revocable Permit for Ramp Space for Ground Service Equipment Parking, Air Service Hawaii, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 009.

4. Issuance of a Revocable Permit for Aircraft Parking, Manu Aviation LLC, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
5. Issuance of a Revocable Permit for Aircraft Parking, William Moody, Kalaeloa Airport, Tax Map Key: (1) 9-1-013: Portion of 032.
6. Issuance of a Revocable Permit for an Office and Break Room, Delta Air Lines, Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
7. Issuance of a Revocable Permit for a T-Hangar End Room for an Office to Support Flight School Operations, Hawaii Pacific Aviation Inc., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-043: Portion of 003.
8. Issuance of a Hangar Facilities Lease for Private Fixed-Wing General Aviation Operations By Notice of Public Auction, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 158.
9. Issuance of a Revocable Permit for Office Spaces and a Ticket Counter to Support Its Fixed-Base Operations, Signature Flight Support LLC, Lihue Airport, Tax Map Key: (4) 3-5-001: Portion of 147.
10. Issuance of a Revocable Permit for a Concession to Sell Small Personal Electronics Through Vending Machines, Prepango LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 019.
11. Issuance of a Revocable Permit for Improved, Paved Land for Storage of a Safety Cabinet, Big Island Gravity LLC, Upolu Airport, Tax Map Key: (3) 5-5-006: Portion of 007.
12. Request for Authorization to Issue three Month-to-Month Revocable Permits to Young Brothers, LLC, for a Building, Vehicle Parking, and Equipment Storage, Pier 19, Honolulu Harbor, Island of Oahu, Tax Map Key No: (1) 1-5-039: Portion of 007, (1) 1-5-039: Portion of 017, (1) 1-5-039:041, and (1) 1-5-039: Portion 063, Governor's Executive Order No. 2903.