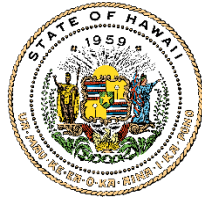


JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

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: November 9, 2023  
TIME: 9:15 AM  
LOCATION: In person at the DLNR Boardroom, Kalanimoku  
Building, 1151 Punchbowl St., Room 132,  
& 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, testifiers, and the public can choose to participate in person, online via Zoom, or by telephone.*

[Meeting materials are available for public review in advance of the meeting at:  
http://www.dlnr.hawaii.gov/meetings](http://www.dlnr.hawaii.gov/meetings)

[The meeting will be livestreamed at:  
http://youtube.com/c/boardoflandandnaturalresourcesdlnr](http://youtube.com/c/boardoflandandnaturalresourcesdlnr)

***To Provide 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.*

***To provide in-person testimony (Masks are encouraged):***

*Attend live at 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii.  
(Note: Testimony may be limited to 3 minutes.)*

***To provide video testimony via Zoom:***

*Send your request in a timely manner 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 should be sent 24 hours in advance of the meeting (Note: Testimony may be limited to 3 minutes.)*

**To provide oral testimony by telephone:** : +1 669 444-9171

Meeting ID: 893 0710 9294

Note: To unmute, press \*6.

Note: All phone in and day of requests depends on whether they can be accommodated in sufficient time before the item has been addressed by the Board; kindly note that due to meeting constraints only timely testimony can be addressed.

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.

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Darlene, BLNR Secretary, at 808.587.0404 or [blnr.testimony@hawaii.gov](mailto:blnr.testimony@hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this agenda and other materials are available in alternate/accessible formats.

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. MINUTES**

1. Approval of the June 9, 2023, Board of Land and Natural Resources Summary Meeting Minutes.

**C. DIVISION OF FORESTRY AND WILDLIFFE**

1. Requests for (1) Approval for the use of a Request for Interest for Federal Grants Administered by the National Marine Fisheries Service, National Oceanic, and Atmospheric Administration, and Department of Commerce titled the "Species Recovery Grants to States (Section 6 Program)"; (2) a Delegation of Authority to the Chairperson to Award, Execute, and Extend Agreements with Successful Providers and to Issue Annual Requests for Interest and Awards under this Grant Program.
2. Request Approval of 1) Set-Aside of Unencumbered Lands to the Division of Forestry and Wildlife as the Waimea Base Yard Annex, 2) Issuance of Immediate Management

Right-of-Entry to Division of Forestry and Wildlife in Lalamilo, South Kohala, Hawai'i,  
Tax Map Key: (3) 6-6-001:073

**D. LAND DIVISION**

1. Amend Prior Board Action of August 25, 2023, Item D-1, *Amend Prior Board Action of July 28, 2023, Item D-4, Issuance of Direct Lease to The Gas Company, LLC for Storage Site and Tank Farm, Operating Yard, Related Activities and Appurtenant Pipelines to Said Tanks, Nawiliwili, Lihue, Kauai Tax Map Key: (4) 3-2-003:030*

*The purpose of the prior amendment was to issue a one (1) year holdover of General Lease S-4250.*

The purpose of the current amendment is to include a decommissioning bond for the removal of all trade fixtures and other equipment on the property.

2. Issuance of Right-of-Entry Permit to Hawaii Amateur Surfing Association, for an Amateur Two (2) Day Surf Event at Lipoa Point, Honolulu, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Portion of 010.
3. Cancellation, by Request, of Revocable Permit (RP) No. S-7529 issued to Solomon Kaauamo, Jr. (now deceased) and Hannah K. Kaauamo; Waive Phase 1 Environmental Site Assessment Requirement in RP S-7529; Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key No. (2) 1-1-004: 013 and 030; 2.99 acres (more or less); and

Issuance of Immediate Right-of Entry Permit and Revocable Permit to Vance Kainoa Kaauamo and Ashley Kalikolehuanani Kaauamo, Husband and Wife, for Agricultural purposes, Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key No. (2) 1-1-004:030; 1.72 acres (more or less).

4. Amend Prior Board Action of May 26, 2023, Item D-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. 001 & 010*

*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.*

The purposes of this amendment are to:

- A. Revise the title to clarify that the proposed action is a consent to assignment of the referenced leases by way of a transfer of 100% membership interest (as opposed to 100% stock ownership) in parent company of InSite Towers Development, LLC, Lessee (the parent company being InSite Wireless Group, LLC), to American Towers, LLC, Assignee, and specify Tax Map Key Parcel Numbers for General Lease Nos. S-4130, S-4223, and S-4588; and
- B. Authorize a holdover of expired General Lease No. S-4130 (GL 4130) to InSite Towers Development, LLC through December 31, 2023, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002: 012; and
- C. Authorize the issuance of a revocable permit to InSite Towers Development, LLC for the premises covered by GL 4130 for a one-year period beginning, January 1, 2024, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002:012; and
- D. Authorize the issuance of a management right-of-entry permit (ROE) to Cellco Partnership, d/b/a Verizon Wireless for maintenance of telecommunication fixture maintenance and continuation of service purposes for the premises covered by GL 4130, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-002: 012.

## **E. DIVISION OF STATE PARKS**

- 1. Consent to the Assignment of General Lease No. SP0181, Erik Paul Coopersmith, Ruth Belmonte, and Adrien Malina, as Assignors, to Roxanne Kahili Belmonte and Preston Ornellas, as Assignees, Lot 29, Waimea (Kona), Kaua'i, Tax Map Key: (4) 1-4-004:021.
- 2. Issuance of Revocable Permit to Pro Park, Inc. for Visitor Parking and Entry Management at Diamond Head State Monument, Kapahulu, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 3-1-042:006 portion; and

Request for Delegation of Authority to the Chairperson of the Board of Land and Natural Resources to: 1) Solicit an Invitation for Bids for a Service Contract through Chapter 103D, HRS; 2) Award Bid; 3) Enter into a Service Contract, 4) Issue a Notice to Proceed to Manage Visitors at Diamond Head State Monument; and

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

## F. DIVISION OF AQUATIC RESOURCES

1. Request for Final Approval to Adopt a New Chapter Under Hawaii Administrative Rules as Title 3, Chapter 13-78, "Ocean Stewardship User Fee".

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, Hawaii 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](mailto: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/>.

2. Request for Final Approval to Adopt Proposed Amendments to and Compilation of Hawaii Administrative Rules Chapters 13-31, "Molokini Shoal Marine Life Conservation District, Maui," 13-230, "General Provisions," and 13-257, "Day-Use Mooring Rules".

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, Hawaii 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](mailto: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. Kalanihale's, KUPA Friends of Ho'okena Beach Park's, Moana 'Ohana's, Ko'olaupoko Hawaiian Civic Club's, and For the Fishes' Petition for Rulemaking to Prohibit the Take of Marine Life for Commercial Aquarium Purposes (With Exemptions).

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

1. Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to Big Island Activities LLC, Hawaii Domestic Limited Liability Company, Sublessee, Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii Island, Hawaii, Tax Map Key: (3) 7-4-008:040.
2. Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to "C" Activities, Inc., a Hawaii Domestic Profit Company, Sublessee, Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii Island, Hawaii, Tax Map Key: (3) 7-4-008:040.
3. Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to Cyndy Meyer, an Individual, Sublessee, Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii Island, Hawaii, Tax Map Key: (3) 7-4-008:040.
4. Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to Jack's Diving Locker, a Hawaii General Domestic Partnership, Sublessee, Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii Island, Hawaii, Tax Map Key: (3) 7-4-008:040.
5. Intentionally Left Blank
6. Issuance of a Revocable Permit to Hone Heke Corporation for Office Space for Maui-Lanai Passenger Ferry Operation Purposes, Situated at Ma'alaea Small Boat Harbor, Ma'alaea, Wailuku, Maui, Hawaii, Tax Map Key: (2) 3-6-001:002 (por.); and

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

7. Direct Issuance of a Parking Concession to Secure Parking Hawaii LLC, in the Designated Areas Located Within the Ala Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and

Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, for Management of Vehicular Parking in the Designated Areas Located Within the Ala

Wai Small Boat Harbor, Honolulu, Oahu, Hawaii, Identified by Tax Map Keys: (1) 2-6-010:003 (Portion), (1) 2-3-037:012 (Portion), :024, :027, :033, :035 and :037; and

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

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

1. Request for Administrative Fines and Other Penalties Against 59-181 Ke-Nui LLC, including members Eric and Moniza Freeman, for Conservation District Enforcement Case OA 22-18 Regarding the Alleged Permit Noncompliance, Construction of Shoreline Erosion Control Device, and Encroachment Upon State Land Located Makai of 59-181 D Ke Nui Rd., Tax Map Key: (1) 5-9-002:034

*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. Conservation District Use Application (CDUA) HA-3921 for a Single-Family Residence, Landscaping, and Related Improvements by Carl J. and Anick L. Reese located at Government Beach Road, Wa'awa'a, Puna, Island of Hawai'i, Tax Map Key: (3) 1-4-028:005
3. Third Time Extension Request for Conservation District Use Permit (CDUP) KA-3625 Regarding the County of Kaua'i's Kekaha Landfill Phase II Expansion Located at Kekaha, Waimea District, Island of Kaua'i, Tax Map Key (4) 1-2-002:009

## **M. OTHERS**

1. Issuance of a Revocable Permit for a Cargo Facility and Ramp Equipment Parking, Delta Air Lines, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: Portion of 001 and (1) 1-1-003: 035.
2. Issuance of a Revocable permit for Parking and Storage of Rental Car Vehicles, The Hertz Corporation, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 003.
3. Request to Withdraw Land from Governor's Executive Order No. 3947 and Reset Aside to the State of Hawaii Department of Agriculture (HDOA) and Withdraw Lands

from Governor's Executive Order No. 4075 and Reset Aside to the State of Hawaii Department of Transportation, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-2-025: Portion of 011.

4. Request for Authorization to Issue a Month-to-Month Revocable Permits (RP) to Na Pali Sea Tours, Inc., for storage of dry goods, tools, parts, supplies and equipment for Repairs and Maintenance for Tour Boat Operations, situated at Pier 1, Port Allen, Island of Kauai, Tax Map Keys: (4) 2-1-003: Portion of 006, and (4) 2-1-003: Portion of 020. Governor's Executive No.1047.
5. Authorize the Issuance of a Month-to-Month Revocable Permit (RP) and a New 55-year Lease by Direct Negotiation to The Gas Company, LLC, for a Non-Exclusive Subsurface Pipeline Easement, Four Cathodic Beds, and a Valve Box for Storage and Distribution of Liquefied Petroleum Gas (LPG), situated at Pier 3, Nawiliwili Harbor, Island of Kauai, Tax Map Keys: (4) 3-2-003: Portion of 041, (4) 3-2-003: Portion of 001, (4) 3-2-003: Portion of 007, and (4) 3-2-003: Portion of 051. Governor's Executive Order Nos. 3134, 1332, and 3411.
6. Request for Authorization to Issue Two (2) Month-to-Month Revocable Permits to Holo Holo Charters, Inc., for Storage and Staging Areas to Support a Sightseeing Charter Business, situated at Port Allen Harbor, Island of Kauai, Tax Map Keys: (4) 2-1-003: Portion of 019 and (4) 2-1-003: Portion of 020. Governor's Executive Order No. 1047.
7. Request for Authorization to Issue (17) Month-to-Month Revocable Permits (RP) to Hawaii Stevedores, Inc., for Stevedoring Service Operations, situated at Piers 1 and 2, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 2-1-015 Portion of 009. Governor's Executive Order No. 4238.