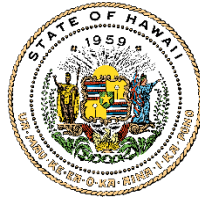


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING 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: February 9, 2024

TIME: 9:00 a.m.

PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor / & Online via Zoom

Meeting ID: : 861 7681 2861

ZOOM LINK: <https://us06web.zoom.us/j/86176812861>

LIVE STREAM: <https://youtube.com/live/M28HKS03-d8?feature=share>

This meeting will be held using interactive conference technology under 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. The public may also view the live meeting via its live stream at:

To Provide Written Testimony

We encourage interested persons to submit written testimony in advance of the meeting, which will be distributed to Board members prior to the meeting and allow a timely review. Please submit written testimony via email to: blnr.testimony@hawaii.gov. Written testimonies can also be mailed to: P.O. Box 621, Honolulu, Hawaii 96809. Written testimonies may be posted upon the Board of Land and Natural Resources meeting website; as a precaution, please be mindful with any personal information prior to submitting unless you intend it to be shared. Late written testimony will be retained as part of the record and distributed to Board members as soon as practicable, but we cannot ensure the Board will receive it in sufficient time to review, prior to decision-making.

To Provide In-Person Oral Testimony (masks are highly encouraged)

Attend in-person at: 1151 Punchbowl St. Room 132 (Kalanimoku Building), Honolulu, Hawaii.

To Provide Testimony by Telephone

On the day of the meeting at the start of the agenda item you wish to testify on, dial +1 669 444-9171 (Zoom); input the meeting ID: 861 7681 2861 and follow the prompts.

To Provide Video/Zoom Testimony

Please send your request in a timely manner to: blnr.testimony@hawaii.gov with your information, email address, and the agenda item you wish to testify on. Once your request has been received, you will receive a confirmation email with pertinent information. You may testify without signing up in advance.

We kindly ask that all oral/video testimony be limited to not more than three (3) minutes. We ask that you identify yourself and any affiliation before speaking, but you can choose not to do so.

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 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 but before the close of the board meeting. It is up to you. Any request must also be made in writing within ten calendar 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.

D. LAND DIVISION

1. Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Hawaii Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
2. Issuance of Revocable Permit to Raymond Keahi for Maintenance and Landscaping Purposes, Kapaa, Kawaihau, Kauai, Tax Map Keys: (4) 4-5-009:010.
3. Issuance of Revocable Permit and Immediate Right-of Entry Permit to Sean Newbold for Landscaping and Maintenance Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-015: portion of 037.
4. Cancellation of Revocable Permit No. S-7509, Bank of Hawaii, Lot 88-A and 88-B-1, Hanapepe Town Lots, 1st Series, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-005:049.

5. 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 requirement in the new lease for the removal of all trade fixtures and other equipment on the property at lease expiration or earlier termination.

6. Amend General Lease No. S-5976, Hospice of Hilo, Lessee, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-001: 179.

The Purposes of the Amendment are to:

1. Expand the Current Use of “Hospice and Allied Purposes” to Include Adult Residential Care-home Services.
 2. Modify the rent reopening provision of the lease to set rent based on the Board’s then prevailing policy on leasing to eleemosynary organizations (instead of fair market rental determined by appraisal) for the remainder of the lease term, from February 22, 2024, until the expiration of the lease on February 21, 2073.
7. Issuance of Direct Non-profit Lease to Na Moku Aupuni O Koolau Hui; Retroactive Renewal of Right-of-Entry Permit from December 11, 2021, to December 10, 2024, for Recreational Campsite, Agriculture and Community-based Economic Development purposes, Keanae-Wailua, Hana, Maui, Tax Map Keys: (2) 1-1-002: 008 & 009 and (2) 1-1-004: 005.
 8. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Private Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on Thursday, March 28, 2024, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.
 9. (1) Consent to Assign Grant of Non-Exclusive Easement No. S-5739 Kenneth D. Simon, Assignor to Damian Warzecha and Jessica Warzecha, Assignees; (2) Amend the Easement Conditions regarding Consent to Assignment and Insurance Provision; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-001:006 seaward.

10. Grant of Term, Non-Exclusive Easements to: (i) Hawaiian Electric Company, Inc. for Electrical Transmission Purposes; and (ii) Spectrum Oceanic, LLC for Telecommunications Transmission Purposes; Issuance of Construction Right-of-Entry to the City and County of Honolulu, Honolulu Authority for Rapid Transit, for Utility Purposes; Honolulu, Oahu; Tax Map Key: (1) 2-1-026: portions of 001.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Kama'aina Boaters regarding Item J-1 on the August 11, 2023 Board Agenda, titled: *Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC for Management of Vehicular Parking at 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.*

The Board may go into executive session pursuant to § 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. Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Margaret Hallahan regarding Item J-1 on the August 11, 2023 Board Agenda, titled: *Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, dba Concierge Car Wash and Traffic Monitoring Services, 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.*

The Board may go into executive session pursuant to § 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.

3. Denial of Petition for Contested Case Hearing filed on August 21, 2023 by Karen Boyer regarding Item J-1 on the August 11, 2023 Board Agenda, titled: *Continuation of Revocable Permit Issued to Secure Parking Hawaii LLC, dba Concierge Car Wash and Traffic Monitoring Services, 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.*

The Board may go into executive session pursuant to § 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.

4. Denial of Petition for Contested Case Hearing filed on December 18, 2023 by Kama'aina Boaters regarding Item J-7 on the December 7, 2023 Board Agenda, titled: *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.*

The Board may go into executive session pursuant to § 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.

5. Denial of Petition for Contested Case Hearing filed on December 18, 2023 by Margaret Hallahan regarding Item J-7 on the December 7, 2023 Board Agenda, titled: *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.*

The Board may go into executive session pursuant to § 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.

6. Denial of Petition for Contested Case Hearing filed on December 18, 2023 by Karen Boyer regarding Item J-7 on the December 7, 2023 Board Agenda, titled: *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.

The Board may go into executive session pursuant to § 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.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

NON-ACTION ITEM

1. Discussion with the Department of the Attorney General regarding the status of State of Hawai'i v. Palmer, Civ. No. 1CCV-24-0000108. The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes, in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. **(No staff submittal)**

M. OTHERS

1. Issuance of a Revocable Permit for an Office, Training Room and Storage Space, Hallmark Aviation Services L.P., Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 033.
2. Issuance of a Revocable Permit for Use of the Baggage System, American Airlines, Inc., Lihue Airport, Tax Map Key: (4) 4-3-001: Portion of 135.
3. Issuance of a Revocable Permit for Use of the Baggage System, Hawaiian Airlines, Inc., Lihue Airport, Tax Map Key: (4) 4-3-001: Portion of 135.
4. Request for Authorization to Issue a Month-to Month Revocable Permit (RP) to VAK Fisheries LLC and Mr. Kim Lu, in his Individual Capacity for Fishing Vessel, Agent Office and Storage of Fishing Vessel-Related Supplies, situated at Pier 19 Shed, Honolulu Harbor, Island of Oahu, Tax Map Key: (1) 1-5-039: Portion of 063, Governor's Executive Order No. 2903.