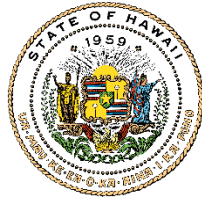


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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

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: July 12, 2024

TIME: 9:00 a.m.

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

Meeting ID: 853 0342 7661

ZOOM LINK: <https://us06web.zoom.us/j/85303427661>

LIVE STREAM: <https://www.youtube.com/live/7-FtTM3nbXc>

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: <https://www.youtube.com/live/7-FtTM3nbXc>

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: **853 0342 7661** 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 two (2) minutes. We ask that you identify yourself and any affiliation before speaking, but you can choose not to do so.

If you need an auxiliary aid/service or other accommodation due to a disability, please contact, 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.

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.

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.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request for approval to temporarily close Moku Nui, an island in the Mokulua Islet wildlife sanctuary, for up to three months under Section 13-126-6, Hawaii Administrative Rules, for purposes of protecting biological resources of the area;

and

Request for delegation of authority to the Chairperson to temporarily close or restrict the public use of any wildlife sanctuary under Section 13-126-6, Hawaii Administrative Rules, for purposes of protecting biological, geological, cultural resources of the area or the safety and welfare of persons or property, until such time as the Board of Land and Natural Resources approves or disapproves the closure or restriction.

2. Approve the use of a Competitive Sealed Proposal for a solicitation for the continued management of the Nā Manu 'elele Land Steward Program;

and

Approve a committee to evaluate and select the Competitive Sealed Proposals;

and

Delegate authority to the Chairperson to:

- 1) Award and Execute a contract for goods and services, subject to the availability of funds and review and approval by the Department of the Attorney General contingent on budget and finance authorization; and
- 2) Appoint evaluation committee alternates should the need arise.

D. LAND DIVISION

1. Quitclaim of State's Interests, if Any, in Portions of Anemoku Street to the City and County of Honolulu, Laie, Koolauloa, Oahu, Tax Map Key: (1) 5-5-011: Road.
2. Authorize Variance of Restrictive Covenant Regarding Setback Requirements in Deed dated May 2, 1972, Lot 22, Diamond Head View Lots, Unit Two, Increment One, Roy Yamaguchi Revocable Trust dated November 30, 1990, amended and restated October 19, 2006, Applicant; Kapahulu, Honolulu, Oahu, Tax Map Key: (1) 3-1-048:027.
3. Quitclaim of State's Interests, if any, in 30-foot Road in Lualualei as Remnant to the City and County of Honolulu; Lualualei, Waianae, Oahu; TMK: (1) 8-7-008:road.
4. Issuance of Right-of-Entry Permit to SKYMAGIC USA, Inc. for Exclusion Zone for an Aerial Display Drone Show, Including Rehearsals, August 13, 2024, through August 18, 2024, at Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Approval to Hold Public Hearings to Adopt a New Chapter as Hawaii Administrative Rules, Title 13, Chapter 48.5, "Maunalua Bay Fisheries Management Area, O'ahu" (Maunalua Bay FMA) to: Outline the Purpose of the Maunalua Bay FMA; Provide Definitions for Key Terms Throughout the Chapter; Establish the Duration of the Maunalua Bay FMA Rules; Establish and Delineate the Boundaries for the Maunalua Bay FMA; Prescribe the Permitted and Prohibited Activities Within the Maunalua Bay FMA, Including Restrictions on Take and/or Possession of Alakuma (7-11 Crab), Horned Helmet, Triton's Trumpet, Ula (Spiny Lobsters) and Ula Pāpapa (Slipper Lobsters), and a Prohibition on the Take of Marine Life With a Spear Between 6:00PM and 6:00AM; Carve Out an Exception for Vessels With Restricted Species or Gear in Active Transit

Through the Maunalua Bay FMA; Establish the Administrative and Criminal Penalties for Violations of This Chapter; and Recognize the State's Asset Forfeiture Authority.

The proposed rules 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/>

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Request for contested case hearing by Ohana Kayak Rentals and Ms. Janell Jensen, both individually and as owner of Ohana Kayak Rentals, regarding the Board's April 26, 2024 decision to impose fines and prohibit Ohana Kayak Rentals and Ms. Jensen from obtaining any Division of Boating and Ocean Recreation use permits for 24 months, for alleged violations described in the staff submittal for Item J-1 on the Board's April 26, 2024 meeting agenda.

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. Continuation of Revocable Permit No. 143 to Hone Heke Corporation for Office Space for Maui-Lanai Passenger Ferry Operation Purposes, Situated at Ma'alaea Small Boat Harbor, Waikapū, Wailuku, Maui, 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.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Request to Deviate from the Hawai'i Administrative Rules, Chapter 13-5, Single Family Residential Standards to Place a Water-Catchment Tank Within the Setback Area of a Parcel, by George M. Hudes, Trustee of the George M. Hudes Trust, Located at 3763 Round Top Drive, Tantalus, Honolulu, O'ahu, Tax Map Key (TMK): (1) 2-5-018:035.

2. (C-3) Approval of Settlement Agreement between the State of Hawai'i, Department of Land and Natural Resources and Yue-Sai Kan Trust and Yue-Sai Kan to Resolve and Dismiss Violations Asserted Against the Yue-Sai Kan Trust and Yue-Sai Kan, individually and as Trustee of the Yue-Sai Kan Trust, in Agenda Items C-5, C-6, and K-1 of the April 26, 2024, Board Meeting Located at Kahuku, Ko'olauloa, O'ahu, Tax Map Key (TMK): (1) 5-6-003:053
3. (C-4) Grant of Petitions for a Contested Case Hearing and Request for Delegation of Authority to Chairperson for the Appointment and Selection of a Hearing Officer to Conduct All Hearings for Contested Case Hearing Requested, for Agenda Items C-5, C-6, and K-1 of the April 26, 2024, Board Meeting Located at Kahuku, Ko'olauloa, O'ahu, Tax Map Key (TMK): (1) 5-6-003:053
4. Conservation District Use Application (CDUA) KA-3926 by the County of Kaua'i, Department of Public Works for the Nāwiliwili-Ahukini Shared-Use Path Project located at Hanamā'ulu & Nāwiliwili, Līhu'e, Kaua'i, Tax Map Key(s) (TMK): (4) 3-5-001:005, 008, 102, 128, & 160

L. ENGINEERING

1. Request Approval of Oahu Reservoir 155 (OA-0137) Dam Safety Permit Application and Authorization for the Chairperson and Department to Issue the Dam Safety Permit No. 68 to the State of Hawaii Agribusiness Development Corporation for Improvements with Stipulated Terms and Conditions Pursuant to Hawaii Revised Statutes Chapter 179D and Applicable Chapter 13-190.1, Hawaii Administrative Rules, Kunia, Hawaii, TMK (1) 9-2-001:020 por.