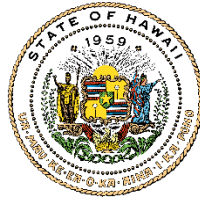


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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: August 9, 2024

TIME: 9:00 a.m.

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

Meeting ID: 826 5105 1608

ZOOM LINK: <https://us06web.zoom.us/j/82651051608>

LIVE STREAM: <https://www.youtube.com/live/uY6BNEaWAr0>

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/uY6BNEaWAr0>

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 1-253-205-0468 (Zoom); input the meeting ID: **826 5105 1608** 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.

A. MINUTES

1. Approval of June 14, 2024, Summary Meeting Minutes

C. DIVISION OF FORESTRY AND WILDLIFE

1. Approve application(s) for Special Use Permit(s) to engage in traditional and customary practice, including take of marine life, within the 'Āhihi-Kīna'u Natural Area Reserve, Island of Maui, District of Honu'aula, Tax Map Key Numbers (2) 2-1-004:073, (2) 2-1-006:095, and (2) 2-1-006:098, and adjacent submerged lands and marine waters, for:

- 1) Francille Vedder
- 2) Mogul Lu'uwai;

And

Approve the inclusion of special use permit terms, conditions, and guidance, as appropriate, including take limits, to accompany the permit.

2. Request for approval to authorize the Chairperson to negotiate, enter into, amend, extend, and terminate an Agreement to Subgrant a United States Fish and Wildlife Service National Coastal Wetlands Conservation grant between the State of Hawai'i, Department of Land and Natural Resources, Division of Forestry and Wildlife, and Moloka'i Land Trust to acquire lands in Kahanui, Island of Moloka'i at Tax Map Key (2) 5-2-011:011 ("kahanui wetland")

And

Request approval to authorize the Chairperson to sign a Notice of Federal participation form for Kahanui Wetland

And

Request for approval for the acquisition of a Perpetual Conservation easement over private lands over Kahanui Wetland.

D. LAND DIVISION

1. Annual Renewal of Revocable Permits for Kauai. See Exhibit 2 for list of Revocable Permits.
2. Waiver of Land Use Restrictions Pursuant to Land Patent Grant 15,991, Napili 4 and 5, Lahaina, Maui Tax Map Keys: (2) 4-3-001: 005.
3. Amend Prior Board Action of June 9, 2023, Item D-2, Issuance of Right-of-Entry Permit for Ten (10) Days to Oahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Molokai 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 Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

The purposes of this amendment are to (1) update the name of the permitted event, (2) add an additional portion of State land to the approved Right of Entry permits, and (3) adjust the rental amount accordingly.

4. Set-Aside to the Department of Transportation for Highways Related Purposes; Issuance of a Construction Right-of-Entry; Unencumbered Portions of Waiahole Stream, Waiahole, Koolaupoko, Oahu, TMK: (1) 4-8-008: seaward of 018.
5. Issuance of Right-of-Entry Permit for One (1) Day to Oahu Hawaiian Canoe Racing Association Hawaii for the Duke Kahanamoku Men's Long Distance Canoe Race Event to Take Place on August 18, 2024, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.
6. Consent to Assign General Lease No. S-6089, BRE Turtle Bay Resort, LLC, a Delaware limited liability company, Assignor, to North Shore Bay Owner LLC, a Delaware limited

*Board of Land and Natural Resources Meeting
August 9, 2024*

liability company, Assignee, Kahuku, Koolaupoko, Oahu, Tax Map Keys: (1) 5-7-006:026, 027 & 032;

Consent to Sublease General Lease No. S-6089, from North Shore Bay Owner LLC, a Delaware limited liability company, Sublessor, to North Shore Bay TRS LLC, a Delaware limited liability company, Sublessee, Kahuku, Koolaupoko, Oahu, Tax Map Keys: (1) 5-7-006:026, 027 & 032; and

Authorize the Chairperson to Execute an Estoppel for General Lease S-6089, Kahuku, Koolaupoko, Oahu, Tax Map Keys: (1) 5-7-006:026, 027 & 032.

7. Amend Prior Board Action of August 11, 2023, *Item D-3, Issuance of Right-of-Entry Permit for Ten (10) Days to Na Wahine O Ke Kai for the Finish Area of the Na Wahine O Ke Kai Women's Molokai to Oahu Outrigger Canoe Race to Take Place Over Two Days Each Year in September 2023, September 2024, September 2025, September 2026, and September 2027, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.*

The purposes of this amendment are to (1) update the name of the permit holder, (2) add an additional portion of State land to the approved Right of Entry permits, (3) adjust the rental amount accordingly, and (4) amend the date of the 2024 race event.

8. Deny Request for Contested Cases by Waila Leolani Sarcedo for the Following Items Approved by the Board of Land and Natural Resources at its meeting on July 12, 2024:

D-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.

D-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.

D-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.

D-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.

Pursuant to Section 92-5(a) (4), Hawaii Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties privileges, immunities and liabilities

F. DIVISION OF AQUATIC RESOURCES

1. Request for Approval of Special Activity Permit (2025-29) to John O'Sullivan of the Monterey Bay Aquarium, Manager of Collections, to Collect, Possess or Transport Regulated and Non-Regulated Organisms, Including Various Species of Gelatinous Zooplankton, Zooplankton, Jellyfish and Seahorses, in a Regulated Area (West Hawaii Regional Fishery Management Area – "WHRFMA") and Non-Regulated Areas in Offshore Waters of West Hawaii, Using Regulated and Non-Regulated Gear, for the Purposes of Educational Live Display in a Deep-Water Exhibit ("Aquarium Purposes") and Associated Research (e.g. Husbandry Captive Research and/or Culturing) At Monterey Bay Aquarium, Monterey, CA

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Consent to Sublease Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Hang Loose Boat Tours LLC, Sublessee for Space 14, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawai'i, Tax Map Key: (3) 7-4-008:042.
2. Consent to Sublease Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Kona Coast Marine, Inc., Sublessee for Spaces 7 & 8B, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:042.
3. Consent to Subleases Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to Painting Akazawa L.L.C., Sublessee for Space 18, located at Honokohau Small Boat Harbor, Kealakehe, Kailua-Kona, Hawai'i, Tax Map Key: (3) 7-4-008:042.
4. Consent to Subleases Under Harbor Lease No. H-82-4, GKM, Inc., Lessee, to The Kona Boat Club, Inc., Sublessee for Space 13, located at Honokohau Small Boat Harbor, Kealakehe, Kailua-Kona, Hawai'i, Tax Map Key: (3) 7-4-008:042.
5. Consent to Sublease Under Harbor Lease No. H-83-2, Kona Marine Holdings, LLC, Lessee, to Kona Captain Jason L.L.C., Sublessee for Space F, located at Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawai'i Island, Hawai'i, Tax Map Key: (3) 7-4-008:040.
6. Rescind Prior Board Action of October 28, 2022, under Agenda Item J-1, Issuance of a Revocable Permit to James Sumner, for a Retail Operation of an Automated Ice Machine, located at Wailoa Small Boat Harbor, Waiākea, Hilo, Hawai'i, Tax Map Key: (3) 2-2-31:001 (por.). And

Authorize the Issuance of a Revocable Permit to Riddle Works LLC for Installation of an Automated Ice Machine Purposes, located at Wailoa Small Boat Harbor, Waiākea, Hilo, Hawai'i Island, Hawai'i. Tax Map Key: (3) 2-2-031:001 (por.).And

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

7. Consent to Sublease Under Harbor Lease No. H-70-14, Keehi Marine, Inc. ("Keehi Marine"), Lessee, Kaimana Ventures Limited, a Hawaii Corporation, Sublessee, Ke'ehi Small Boat Harbor, Kalihi, Honolulu, Hawaii, Tax Map Key: (1) 1-2-023:030.

M. OTHERS (DAGS)

1. Consent to Issuance of Right-of-Entry Permit of Lands under Governor's Executive Order No. 4131 to the Hawaii Community Development Authority, Iwilei, Honolulu, Oahu, Tax Map Key: (1) 1-5-007:001.
2. Consent to Extension of Thirty (30) Years on Lease No. NP03-01 of Lands under Governor's Executive Order No. 2566 to Lanakila Pacific, Lessee, Waianae-Uka, Wahiawa, Oahu, Tax Map Key: (1) 7-6-001:007.
3. Consent to Issuance of Right-of-Entry Permit of Lands Under Governor's Executive Order Nos. 4394, 2343, and 3433 to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transit, Honolulu, Oahu, Tax Map Keys: (1) 2-1-026:001, (1) 2-1-031:010, (1) 2-1-030:003.