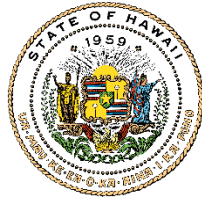


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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: September 27, 2024
TIME: 9:00 a.m.
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor / & Online via Zoom
Meeting ID: 869 0853 7767
ZOOM LINK: <https://us06web.zoom.us/j/86908537767>
LIVE STREAM: https://www.youtube.com/live/Y_A-f6lCQe8

This agenda and the listed submittals will be provided in the Board Packet. 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/Y_A-f6lCQe8

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 1-719-359-4580 (Zoom); input the meeting ID: **869 0853 7767** 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 August 9, 2024, Summary Meeting Minutes
2. Approval of August 23, 2024, Summary Meeting Minutes

C. DIVISION OF FORESTRY AND WILDLIFE

1. Issuance of a Right of Entry permit for design and construction to the National Oceanic and Atmospheric Administration for repair of the Mauna Loa observatory access road Tax Map Key (3) 3-8-001: Portion of 001, Hilo, North Hilo, Hawaii;

and

Request approval of a declaration of Exemption from Requirements preparation of environmental assessment under Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawai'i Administrative Rules.

D. LAND DIVISION

1. *Intentionally Left Blank.*
2. *Intentionally Left Blank.*
3. Grant of Perpetual, Non-Exclusive Access and Utility Easement Including a Construction Right-of-Entry Permit to the County of Maui, Keokea, Kula, Island of Maui, Hawaii, TMK: (2) 2-2-004:066 por.
4. Grant of Term, Non-Exclusive Easement and Immediate Right-of-Entry to Hawaiian Telcom, Inc. for Utility Purposes, Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:Portion 022.
5. Grant of Perpetual Non-Exclusive Easement to the City and County of Honolulu on behalf of the Honolulu Authority for Rapid Transportation for Elevated Guideway Purposes; Issuance of Immediate Construction Right-of-Entry Permit; Honolulu, Oahu, Tax Map Key: (1) 2-1-026: portion of 027.
6. Termination of Revocable Permit No. S-7470 to JSR Equipment, Inc. Kalihi Kai, Honolulu, Oahu, Tax Map Key (1) 1-2-021:036; Issuance of Revocable Permit to JSR Equipment, Inc. for Baseyard, Office, and Storage Purposes; Kalihi Kai, Honolulu, Oahu, Tax Map Key: (1) 1-2-021:portion of 035, portion of 036, and portion of unencumbered lands.
7. Grant of Perpetual, Non-Exclusive Easement to Resorttrust Hawaii, LLC for Drainage Purposes; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041 and seaward.
8. Termination of Revocable Permit No. S-7915 to Resorttrust Hawaii, LLC; Issuance of Revocable Permit to Resorttrust Hawaii, LLC for Maintenance and Landscaping Purposes; Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023: portions of 041 and seaward.
9. Amend Prior Board Action of July 28, 2023, Item D-4 (as Subsequently Amended by the Board Actions of August 25, 2023, Item D-1, October 27, 2023, Item D-1, and February 9, 2024, Item D-5), 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 amendments was to issue a one (1) year holdover of General Lease S-425 and to include a decommissioning bond for the removal of all trade fixtures and other equipment on the property.

The purpose of the current amendment is to change the lease commencement date from the first day of the month to be determined by the Chairperson to a fixed commencement date of September 9, 2024.

10. Consent to Extension and Amendment of Sub-sublease, After-the-Fact, under General Lease No. S-5474, Waikoloa Beach Association, Lessee, Global Resort Partners, Sublessee, and Hawaii Nautical Inc., Sub-sublessee, Anaehoomalu Bay, South Kohala, Hawaii, Tax Map Key (3) 6-9-007: seaward of 011.
11. Annual Renewal of Revocable Permits in Maui County. See **Exhibit 2** for list of Revocable Permits.
12. Decision Making Regarding:
 - (1) Approval of the issuance of a water license covering the diversion of public surface water not to exceed an amount of 85.23 million gallons per day from Koolau Forest Reserve, Island of Maui, Hawai'i ("proposed License" or "License"), attached as **Exhibit A**;
 - (2) Staff's recommendation to hold a contested case hearing over the issuance of water license covering the diversion of public surface water not to exceed an amount of 85.23 million gallons per day from Koolau Forest Reserve, Island of Maui, Hawai'i; and
 - (3) Staff's recommendation to include in the contested case hearing relevant issues not previously adjudicated from the Revocable Permits S-7263 (for Honomanu), S-7264 (for Huelo) and S-7265 (for Keanae), and S-7266 (for Nahiku), Tax Map Keys (2) 1-1-001:044 and 050, 1-1-002:por. 002, 1-2-004:005 & 007, 2-9-014:001, 005, 011, 012 & 017, to Alexander & Baldwin, Inc. and East Maui Irrigation Company, Limited, (collectively the "Permittee") for water use on the Island of Maui.

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 to Hold Public Hearings on Amendments to and Compilation of Hawaii Administrative Rules Title 13, Chapter 60.4, "West Hawai'i Regional Fishery Management Area, Hawai'i," to: Establish a Moratorium on the Taking of Pāku'iku'i Through 2026; Establish a Pāku'iku'i Fisher Registration Requirement with Registration Terms and Conditions for Any Take of Pāku'iku'i, Including Mandatory Pāku'iku'i Catch Reporting, Through 2036; Establish a Bag Limit of Four Pāku'iku'i per Person per Day Through 2036; and Make Other Non-Substantive Amendments for Clarity and Consistency with Other Chapters"

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://itgov.hawaii.gov/the-office/administrative-rules/proposedchanges/>.

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 findings of imminent peril to public health and safety for approval to adopt a new chapter under Hawaii Administrative Rules as Chapter 13-232.1, "SMALL BOAT HARBOR AND BOATING FACILITY HOURS OF OPERATION", through emergency rulemaking procedures, pursuant to section 91-3(b), Hawaii Revised Statutes, to address increased gun violence throughout the State, including at small boat harbors and boating facilities.

The proposed rule amendment can be reviewed in person at the Division of Boating and Ocean Recreation (DOBOR) District Offices from 8:00 am to 3:30 pm, Monday through Friday, except state holidays.

The proposed rules, including a statement on the topic of the proposed rule amendment, can be reviewed online at: <https://itgov.hawaii.gov/the-office/administrative-rules/proposed-changes/>. The proposed rules can also be viewed online at: <https://dlnr.hawaii.gov/dobor/draft-rules>.

Location and contact information for DOBOR District Offices is available online at: <https://dlnr.hawaii.gov/dobor/contact>.

2. *Intentionally Left Blank*
3. Mutual Cancellation of Revocable Permit No. 149, Issued to Pau Hana Yacht Charters LLC, Permittee, effective August 31, 2024, situated at Ala Wai Small Boat Harbor, Kalia, Honolulu, Oahu, Hawaii, Tax Map Key: (1) 2-3-037:020 (seaward of parcel)
4. Issuance of a Revocable Permit to Waimanalo Canoe Club Inc. for Storage of Hawaiian Outrigger Canoes on unencumbered state shoreline on Kaneohe Beach Park, Kaneohe, Island of Oahu, Hawaii, Seaward of Tax Map Key: (1) 4-5-006:001; And

Declare Project Exempt from Requirements of Preparation of Environmental Assessment under Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules

5. Consent to Sublease Under Harbor Lease No. H-70-14, Keehi Marine, Inc. (“Keehi Marine”), Lessee, Shaka Engineering, Inc., a Hawaii Corporation, Sublessee, Ke’ehi Small Boat Harbor, Kalihi, Honolulu, Hawaii, Tax Map Key: (1) 1-2-023:030.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Request for administrative fines and other penalties against Val Sanjara for Conservation District Enforcement Case KA 22-17 regarding the alleged unauthorized placement of a shed, accessory structures, and landscaping within the Conservation District Located on Wainiha Powerhouse Road, Hanalei, Kaua’i, Tax Map Key (TMK) parcel: (4) 5-8-005:026

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.

2. Request for Conservation District Use Application (CDUA) OA-3952 by the Lā’ie Water Company, Inc. (LWC) for the Production Well Project at Lā’ie, Ko’olauloa, O’ahu, Tax Map Key (TMK) parcel: (1) 5-5-007:001