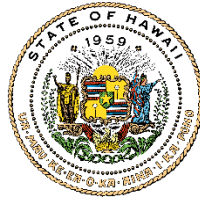


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

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
CIARA W.K. KAHAHANE
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: December 13, 2024
TIME: 9:00 a.m.
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor / & Online via Zoom
MEETING ID: 828 4472 6058
ZOOM LINK: <https://us06web.zoom.us/j/82844726058>
LIVE STREAM: <https://youtube.com/live/uwqZPMXVcBA>

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://youtube.com/live/uwqZPMXVcBA>

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: 828 4472 6058 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 November 8, 2024, Summary Meeting Minutes

C. DIVISION OF FORESTRY AND WILDLIFE

1. Request for Delegation of Authority to the Chairperson to Negotiate, Approve, Execute, Amend, Extend, and Terminate Memorandums of Understanding, Memorandums of Agreement, Right-of-Entries, and Release of Liability Agreements between the Department of Land and Natural Resources and other entities to conduct Management and Monitoring of Natural Resources in cooperation with the Division of Forestry and Wildlife, consistent with the Department's Chapter 343 Exemption List.
2. Request to Conduct a Public Hearing, pursuant to section 195D-22(a), on the island of Lāna'i, regarding the Draft Conservation Benefit Agreement (also referred to as a

Safe Harbor Agreement) between Lānaʻi Resorts, LLC dba Pūlama Lānaʻi, the U.S. Fish and Wildlife Service, and the Department of Land and Natural Resources for the Introduction of the Endangered Orangeblack Hawaiian Damselfly (*Megalagrion xanthomelas*) to a conservation area on the Island of Lānaʻi, on a portion of Tax Map Key (2) 4-9-002:061.

3. Approval of Memorandum of Agreement between the State of Hawaiʻi's Department of Education and Department of Land and Natural Resources for the Joint Management of "Shade Trees for Schools," a project of Kaulunani Urban and Community Forestry;

Request Approval of Declaration of Exemption from Chapter 343, Hawaii Revised Statutes, for the "Shade Trees for Schools" Project;

D. LAND DIVISION

1. Amend Prior Board Approval of December 14, 2007, Item D-4, *Grant of Perpetual, Non- Exclusive Easement to Francis U. Merriman for Access and Utilities Purposes, Waioli, Hanalei, Kauaʻi, Tax Map Key: (4) 5-5-08: 02 and 5-6-02: 01*, to remove the utility portion of the easement, resulting in the easement being for access purposes only.
2. Consent to Assign Land Office Deed No. S-28120, Gary W. Rodrigues and John S. Rodrigues, Assignors, to Wendell B. Bandman, Assignee, Kapaa Homesteads, 3rd Series, Kawaihau, Kauaʻi Tax Map Key: (4) 4-6-032: por.022; and

Amend Land Office Deed No. S-28120, to allow the easement to "Run with the Land" and to be assignable without the prior written consent from the Board of Land and Natural Resources.

3. Cancellation of Governor's Executive Order No. 4623 to the Department of Health for Health-Related Services and Conveyance by Land Patent Grant to Hawaiʻi Health Systems Corporation (HHSC) as an Addition to the Samuel Mahelona Memorial Hospital; and

Issuance of Immediate Management Right-of-Entry to HHSC for Hospital Purposes, Kapaʻa Kawaihau, Kauaʻi, Tax Map Key: (4) 4-6-014:112.

4. Issuance of Month-to-Month Revocable Permit to Aloha Petroleum LLC Retroactive to May 19, 2024, for Bulk Storage and Distribution of Petroleum Products Purposes, Waiākea, Hilo, Hawaiʻi, Tax Map Key: (3) 2-1-009:042.

Non-Action Item: First Public Hearing on Potential Issuance of New Direct Lease to Aloha Petroleum LLC, for Bulk Storage and Distribution of Petroleum Products Purposes, Waiākea, Hilo, Hawaiʻi, Tax Map Key: (3) 2-1-009:042.

5. After-the-Fact Consent to Subleases under General Lease No. S-4330, Michael T. and Janis Y. Nakashima, Lessee, to: Lalalux, LLC, Lynnanne Chu dba Kai's, Styles N' Smiles LLC, Kelly Higaki dba Aloha Signs Plus, SNR Services, Gayne Kobayashi dba Kobayashi Doors & Maintenance, Tomas Sales dba TLS Motorsports, Paula Gealon, Dennis Delfin Jr. dba Different Level Tattoos, Art & Apparel, Island Hair Design, Inc., Kaycie Parks dba Waisted by Kay C; Lift All Things Body LLC, Sublessees, Wai ākea, South Hilo, Hawai'i, Tax Map Keys: (3) 2-2-037:122.
6. A. Continuation of Revocable Permits for Water Use on the Island of Hawai'i.
See **Exhibit A** for list of Revocable Permits.

B. Amend Revocable Permit S-7432 to Edmund C. Olsen, Trustee of the Edmund C. Olsen Trust No. 2, to acknowledge Paul Alston as Successor Trustee of the Edmund C. Olsen Trust No. 2; and clarify that the Keaiwa Reservoir (and access thereto) is included in the revocable permit; and

C. Issuance of a Revocable Permit for Water Use to Moa`ula Farms Owners Association, Inc. for Irrigation and Ancillary Agricultural Purposes from the Moa`ula Gulch Tunnel, Ka`u Forest Reserve, Island of Hawai'i, Tax Map Key (3) 9-6-006:por.010.
7. Decision Making Regarding the Denial or Approval of a One-Year Holdover of General Lease No. S-5731, Kaheawa Wind Power, LLC, Lessee, Ukumehame, Lāhainā, Wailuku, Maui, identified as Tax Map Key: (2) 4-8-001: portion of 001.

Pursuant to Section 92-5(a) (4), Hawai'i 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.
8. Amend Prior Board Approval of Item D-8, January 12, 2018: "Grant of Term, Non-Exclusive Easement to the Association of Apartment Owners of Hololani for Steel Sheet Pile Seawall and Rock Retention Purposes; Issuance of Management Right of Entry; Kahana, Lāhainā, Maui, Tax Map Key: (2) 4-3-010: Seaward of 009," to approve a construction and management right of entry and revocable permit to the Association of Apartment Owners of Hololani for steel sheet seawall and retention purposes.
9. Issuance of Revocable Permit to Alexander & Baldwin, Inc. and East Maui Irrigation Company, LLC for the Development, Diversion, and Use of Surface Water for Diversified Agriculture, Currently Existing Historical Industrial and Non-Agricultural Uses, Reservoir, Fire Protection, Hydroelectric, and County of Maui Department of Water Supply and Kula Agricultural Park Purposes on the Island of Maui; Tax Map Keys: (2) 1-1-001:044 and 050, 1-1-002:002 (por.), 1-2-004:005 & 007, 2-9-014:001, 005, 011, 012 & 017.

Pursuant to Section 92-5(a) (4), Hawai'i 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.

10. Denial of Petition for Contested Case Hearing filed by the Sierra Club on December 18, 2023, Regarding Agenda Item D-8, Approved as Amended on December 8, 2023: *Issuance of Revocable Permit to Alexander & Baldwin, Inc. and East Maui Irrigation Company, LLC for the Development, Diversion, and Use of Surface Water for Diversified Agriculture, Currently Existing Historical Industrial and Non-Agricultural Uses, Reservoir, Fire Protection, Hydroelectric, and County of Maui Department of Water Supply and Kula Agricultural Park Purposes on the Island of Maui; Tax Map Keys: (2) 1-1-001:044 and 050, 1-1-002:002 (por.), 1-2-004:005 & 007, 2-9-014:001, 005, 011, 012 & 017.*

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.

11. Issuance of Right-of-Entry Permit to Department of Land and Natural Resources, Division of Forestry and Wildlife, for Access for Coqui Frog Control and Reforestation Purposes; Waimanalo, Koolaupoko, Oahu, Tax Map Keys (1) 4-1-010:001 and 4-1-027:013.
12. After-the-Fact Consent to Two (2) License Agreements under General Lease No. S-4588, Insite Towers Development, LLC, Licensor, to (a) Blow Up, LLC and (b) Polynesian Broadcasting, Inc., as Licensees, Kalawahine and Opu, Honolulu, O'ahu, Tax Map Key: (1) 2-5-019: por.s of 013.
13. **A.** After-the Fact Consent to Assignment of Grant of Non-Exclusive Easement No. S-5342 for Revetment Purposes, Pūpūkea, Ko'olaupoko, O'ahu, TMK: (1) 5-9-001:por.038, as follows:
 1. From MARTIN A YESTER, aka Martin A. Yester, Assignor, to MARTIN A YESTER, TRUSTEE of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, Assignee;
 2. From MARTIN A YESTER, TRUSTEE of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, Assignor, to CRAIG YESTER and DAVID YESTER, Assignees, as to an undivided 0.62% interest, as tenants in common;
 3. From CRAIG YESTER, Successor Trustee of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, CRAIG YESTER, and DAVID YESTER, Assignors, to CRAIG YESTER, Successor Trustee of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, Assignee, as to Unit 401 as shown on Condominium Map No. 5555;
 4. From CRAIG YESTER, Successor Trustee of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23,

1992, as amended and restated, CRAIG YESTER, and DAVID YESTER, Assignors, to CRAIG YESTER, Successor Trustee of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, Assignee, as to Unit 401A as shown on Condominium Map No. 5555; and

5. From CRAIG YESTER, Successor Trustee of the Martin A Yester Revocable Living Trust under that certain unrecorded Trust Agreement dated April 23, 1992, as amended and restated, Assignors to CRAIG YESTER, Assignee.

B. Amend Grant of Non-Exclusive Easement No. S-5342 to Craig Yester, Assignee, by:

- (1) Updating the Insurance Provision to the Current Standard Provision used by the Department of the Attorney General; and

- (2) Allowing the easement to “Run with the Land,” Specifically with the Abutting Property Identified as Tax Map Key: (1) 5-9-020:064.

14. Issuance of Right-of-Entry Permit to Wrecking Leo Productions LLC at the Duke Kahanamoku Beach for Filming Purposes, Two (2) days during the Week of January 13-17, 2025; Waikīkī, Honolulu, O’ahu, Tax Map Key: (1) 2-3-037: por.s of 021.

E. DIVISION OF STATE PARKS (SP)

1. Request for delegation of authority to the Chairperson to negotiate and issue a Revocable Permit for the Management of the Banquet Hall and Ancillary Facilities, with an Option to Manage, Maintain and Operate the Grounds, to a Qualified Applicant at He’eia State Park, Kāne’ohe, O’ahu, Hawai’i, Tax Map Key No.: (1) 4-6-005:por.009; and

Request for Declaration of Exemption from Chapter 343, Hawaii Revised Statutes, for the issuance of a Revocable Permit for the Management of the Banquet Hall and Ancillary Facilities, with an Option to Manage, Maintain and Operate the Grounds of He’eia State Park.

2. Approval to Issue a Request for Qualifications (RFQ)/Request for Proposals (RFP) for the Development and Operation of a Commercial Campground and Public Day Use Beach Park at Mālaekahana State Recreation Area, Kahuku Section, Lā’ie, Ko’olaupua, O’ahu, Hawai’i, Tax Map Keys: (1) 5-6-001:024-025, 045-047, 049, 051 and 053-65;

Delegate Authority to the Chairperson to Appoint Members to an Evaluation Committee and to Award and Execute a Long-Term Lease to the Selected Offeror;

and

Request the Issuance of the RFQ and RFP to be Declared Exempt from the Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawai'i Administrative Rules.

F. DIVISION OF AQUATIC RESOURCES (DAR)

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Management Board Agencies: the U.S. Fish and Wildlife Service Ecological Services and Refuges; National Oceanic and Atmospheric Administration National Marine Fisheries Service and Office of National Marine Sanctuaries Administration (inclusive of the Hawaiian Monk Seal Research Program's (HMSRP) Management and Recovery Activities) and the Office of Hawaiian Affairs, for Access to State Waters to Conduct Conservation and Management Activities and to Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife.
2. Request for Final Approval to Amend Hawaii Administrative Rules Title 13, Chapter 60.4, "West Hawai'i Regional Fishery Management Area, Hawai'i".

The proposed amendments would:

- 1) Extend the current moratorium on the take of any pāku'iku'i ("Achilles tang") put into place on December 19, 2022, through the Department of Land and Natural Resources' (Department's) adaptive management rulemaking authority, which is set to sunset after December 18, 2024, for an additional two years (through December 18, 2026);
- 2) Add the definition of "Pāku'iku'i" to the list of definitions in HAR §13-60.4-3, "Definitions" section;
- 3) Make other non-substantive amendments to the chapter, such as the addition of Miloli'i Community-Based Subsistence Fishing Area, Hawai'i (HAR chapter 13- 60.10) to the list of designated areas in subsection (c) of HAR §13-60.4-2, "Geographical Jurisdiction of Chapter Provisions"; and

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 .

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: <https://dlnr.hawaii.gov/dar/rules-and-public-notice/> “

3. Request For Approval of a Standard “Memorandum of Agreement Regarding Use of Division of Aquatic Resources’ Vessel for Research Purposes Only and In Exchange for Data and Research Gained from the Use of Vessel” Template For Use With Governmental Agencies, Non-Governmental Organizations, and Academic Institutions;

and

Request for Delegation of Authority to the Administrator of the Division of Aquatic Resources to Enter Into, Finalize, and Execute Memoranda Of Agreement With Future Partner Organizations, such as Governmental Agencies, Non-Governmental Organizations, and Academic Institutions Utilizing the Board-Approved Standard Template “Memorandum of Agreement Regarding Use of Division of Aquatic Resources’ Vessel for Research Purposes Only and In Exchange for Data and Research Gained from the Use of the Vessel.”