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

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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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: January 24, 2025
TIME: 9:00 a.m.
PLACE: DLNR Boardroom, Kalanimoku Bldg.
1151 Punchbowl Street, 1st Floor / & Online via Zoom
MEETING ID: 885 2510 9614
ZOOM LINK: https://us06web.zoom.us/j/88525109614
LIVE STREAM: https://www.youtube.com/watch?v=UmrpmCC2t20

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/watch?v=UmrpmCC2t20

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: 885 2510 9614 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 delegation of authority to the Chairperson to approve, procure, award, sign, execute, amend, and extend indefinite-quantity contracts for predator traps procured through Chapter 103D Hawaii Revised Statutes.

D. LAND DIVISION

1. After-the-Fact Consent to Assignment of Grant of Non-Exclusive Easement No S-5342 for Revetment Purposes, Pupukea, Koolauloa, Oahu, TMK: (1) 5-9-001:038 portion, 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.

4) 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.

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, CRAIG YESTER, and DAVID YESTER, Assignors, to CRAIG YESTER.

6) 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

7) 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-Grant of Non-Exclusive Easement No. S-5342 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.

2. Amend Prior Board Action of October 13, 2023, Item D-12, Request for Set Aside to the City and County of Honolulu, Board of Water Supply for Water Tank Purposes; Grant of Perpetual, Non-Exclusive Easement for Access, and Utility Purposes; Issuance of Immediate Construction and Management Right-of-Entry Permit; Honouliuli, Ewa, Oahu, Tax Map Key (1) 9-1-018: portions of 008.

   The purpose of the amendment is to seek an extension of the construction and management right-of-entry permit ("ROE") and authorize the Chairperson to further extend the ROE, if necessary.

3. Issuance of Right-of-Entry Permit to City and County of Honolulu, Department of Design and Construction for Landscape Improvements; Paalaa, Waialua, Oahu, Tax Map Key: (1) 6-6-009:portion of 023.

4. Deny Request for Contested Case by Kanela Kamahalohanuilai on the Item Approved by the Board of Land and Natural Resources (Board) at its Meeting on October 11, 2024, Agenda Item D-6; Set Aside to the Statewide Office on Homelessness and Housing Solutions for Kauhale Housing Project Purposes; Issuance of Immediate Management Right-of-Entry Permit: Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-008:008.

   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.

5. Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Kauai Beach Volleyball Juniors and Hawaii Dinosaur Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

6. 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 and Utilities Purposes; Issuance of Immediate Construction, including Boring Tests, and Management Right-of-Entry Permit; Iwilei, Honolulu, Oahu, TMK: (1) 1-5-007: portion of 001.

7. A. Surrender of Revocable Permit No. S-7955, Banyan Drive Management LLC (BDM), Permittee; Waiver of Phase I Environmental Site Assessment; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.

   B. Discussion of whether the Board should consider the issuance of a development agreement and long-term lease for improved lands in Waiakea, South, Hilo, Hawaii, identified as Tax Map Key: (3) 2-1-005:020 to BDM, at a future meeting.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to David Hyrenbach to Continue Research Activities for a Black-Footed Albatross Tracking Project.

2. Request for Final Approval to Adopt a New Chapter Under Title 13 of the Hawaii Administrative Rules as Chapter 48.5, "Maunalua Bay Fisheries Management Area, Oʻahu"

   The proposed rules would:

   1) Outline the purpose of the Maunalua Bay FMA.
   2) Provide definitions for key terms throughout the chapter.
   3) Prescribe the duration of the Maunalua Bay FMA (until June 30, 2036).
   4) Delineate the boundaries of the Maunalua Bay FMA.
   5) Prescribe the permitted and prohibited activities within the Maunalua Bay FMA, including:
      a. Restrictions on the take and/or possession of: ʻalakuma (7-11 crab), horned helmet, Triton's trumpet, ula (spiny lobster) and ula pāpapa (slipper lobster); and
      b. Between one half hour after sunset and one-half hour before sunrise:
         i. Restrictions on the use or possession of any spear while diving.

ii. Restrictions on the possession of both diving equipment and a spear at the same time; and
iii. Restrictions on the possession of both diving equipment and any specimen of speared aquatic life at the same time.

6) Carve out an exception allowing vessels in possession of restricted gear or species to traverse through the Maunalua Bay FMA as long as they remain in active transit.
7) Establish the administrative and criminal penalties that may be imposed for violations of this chapter.
8) Recognize the State's asset forfeiture authority as an enforcement tool for violations of this chapter; and
9) Include a severability clause.

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, 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-notices/

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Intentionally left blank.

2. Conservation District Use Application (CDUA) HA-3953 for the Division of Boating and Ocean Recreation North Kawaihae Small Boat Harbor Breakwater Repair Project located at Kawaihae-Māhukona Road, Kawaihae, Hawai'i, At and Makai of TMK (3) 6-1-003:023.