AGENDA
FOR THE MEETING OF THE
BOARD OF LAND AND NATURAL RESOURCES

DATE: THURSDAY, NOVEMBER 10, 2011
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

A. MINUTES

1. October 28, 2011 Minutes

C. FORESTRY AND WILDLIFE

1. Chairperson to Issue a Request for Proposals and Award and Execute a Multi-Year
   Contract to Design, Construct, and Implement an Accounting and Inventory
   Management System (AIMS) for the Department of Land and Natural Resources,
   Division of Forestry and Wildlife

2. Request for Approval to Conduct Public Hearings for Rule Making Proceedings to
   Amend Hawai‘i Administrative Rules Title 13 Subtitle 5 Part 2 Chapter 124
   “Indigenous Wildlife, Endangered and Threatened Wildlife, and Introduced Wild
   Birds” as Follows:
   a. Amend Title of Chapter to Replace “Wild Birds” with “Introduced Wildlife,”
   b. Re-Organize Chapter into Subchapters to Clarify Statutory Authority;
   c. Amend Section 13-124-2 “Definitions” to Provide Definitions for the Terms
      “Established,” “Introduce,” and “Release,” and Amend the Definitions of
      “Injurious” and “Wildlife”
   d. Amend Section 13-124-3 “Prohibited Activities” to Prohibit the Transport or
      Release of Introduced Wildlife.
   e. Amend Section 13-124-8 “Penalty” to Include a Fine System Pursuant to HRS
      183D and Seizure and Forfeiture Language;
   f. Add Section 13-124-13 “Penalty” Pursuant to HRS 195D and Seizure and
      Forfeiture Language; and
   g. Update Exhibits of Injurious Species, Introduced Wild Birds, and Threatened
      and Endangered Species to Add New Listings

3. Request for Approval of Incidental Take License and Habitat Conservation Plan for
   Kaheawa Wind Power II, on the Island of Maui, Hawai‘i
4. Request for Approval of Incidental Take License and Habitat Conservation Plan for Kawailoa Wind Power, at Kawailoa in the Northern Portion of the Island of O'ahu, Hawai‘i

5. Annual Progress Briefing to the Board of Land and Natural Resources Regarding Implementation of the Management Plan for the Ahupua‘a of Pu‘u Wa‘awa‘a and the Makai Lands of Pu‘u Anahulu

6. Request for Approval to Hold Public Hearings on Proposed Hawaii Administrative Rules, Chapter 13-140 (Legacy Land Conservation Program Rules), for the Administration of the Legacy Land Conservation Program and Procedures and Criteria for the Legacy Land Conservation Commission, Including the Following Subchapters:

Subchapter 1. General Provisions – To Set Forth the Purpose of the Program, Contains a Standard Provision Relating to Severability, Defines Terms Regularly Used in the Proposed Chapter, and Delegates Authority From the Department to the Division for the Administration of the Legacy Land Conservation Program (LLCP).

Subchapter 2. Program Administration – To Establish the LLCP, Sets Forth the Administration of Grants and Planning Activities for the Program, and Clarifies the Availability of the LLCP Records for the Public

Subchapter 3. Legacy Land Conservation Commission Practice and Procedure – To Clarify the Procedures of the Commission, Including Meeting Administration, Quorum, Communications, and Requirements Related to the Sunshine Law

Subchapter 4. Land Acquisition Grants – To Set Forth the Procedures, Eligibility Requirements, and Post-Award requirements for Land Acquisition Grants Through the LLCP. The Subchapter Includes Provisions Relating to Deed Restrictions, Reporting Requirements, Grant Disbursement, and Other Policies Formed to Protect the State’s Interests in Administering Public Funds Under Chapter 173, HRS.

Subchapter 5. Criteria for Land Acquisition Grants – To Set Forth the Procedures, Eligibility Requirements, and Post-Award Requirements for Land Acquisition Grants Through the LLCP. The Subchapter Includes Provisions Relating to Deed Restrictions, Reporting Requirements, Grant Disbursement, and Other Policies Formed to Protect the State’s Interests in Administering Public Funds Under Chapter 173, HRS.

Subchapter 6. Operations, Maintenance, and Management Grants – To Set Forth the Procedures, Eligibility Requirements, and Post-Award Requirements for Operations, Maintenance, and Management Grants Through the LLCP.

Grant Disbursement, Monitoring, and Other Policies Formed to Protect the State’s Interests in Administering Public Funds Under Chapter 173, HRS.

Subchapter 8. Enforcement – To Describe How the Board May Act Upon Breach by an Awardee of Contractual Agreements or Deed Restrictions, and Clarifies That Statutory Provisions and Contractual Agreements or Deed Restrictions Will be Enforced by the Board.

7. Request to Authorize the Chairperson to Approve a Memorandum of Understanding Between Moanalua Garden Foundation and the State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife

8. Consent to the Merger of Hawai‘i Island Land Trust, O‘ahu Land Trust, and Maui Coastal Land Trust to form Hawaiian Islands Land Trust, as this Merger Relates to Approval and Contracts for Three Open Fiscal Year 2010 Legacy Land Conservation Program Grant Awards and One North American Wetland Conservation Act (NAWCA) Award And

Consent to the Merger of Hawai‘i Island Land Trust, Kaua‘i Public Land Trust, O‘ahu Land Trust, and Maui Coastal Land Trust to form Hawaiian Islands Land Trust, as this Merger Relates to all Prior-Year Closed Grant Awards Through the State Legacy Land Conservation Program and all Prior-Year Closed Subgrant Awards from the Federal Recovery Lands Acquisition and National Coastal Wetland Conservation Programs

D. LAND DIVISION

1. Amend Prior Board Action of July 22, 2011, Agenda Item D-1, Set Aside to Department of Agriculture for Agricultural Purposes, Puna, South Hilo, North Hilo, Hamakua, North Kohala, South Kohala and Kau, Hawaii, Tax Map Keys: (3) 1-2-6:5 and 77; 1-4-34:27; 1-8-6:103; 1-9-1:18; 2-4-49:29; 3-1-4:1 and 2; 3-9-1:1 and 2; 3-9-2:7 and 8; 4-1-1:6; 4-1-5:1; 4-4-11:33; 4-6-4:1, 2, 3, 5 and 6; 4-9-11:2; 5-5-3:12, 18, 4, 5 and 6; 5-5-4:51; 5-5-6:2, 3, 4 and 15; 5-5-7:11; 8-8-4:10; 9-5-15:3; 9-6-2:55; 5-5-5:1.


3. Sale of Remnant to Herbert P. Ornellas and Lorraine B. Ornellas, Waiakea Homesteads, 1st Series, South Hilo, Hawaii, Tax Map Key: 3rd/2-4-46:08.

4. Consent to Assign General Lease No. S-5586, Island Dairy, Inc., Assignor, to Big Island Dairy, LLC, Assignee, and Consent to Mortgage, General Lease No. S-5586, Big Island Dairy, LLC, Manawaialee and Ookala, North Hilo and Hamakua, Humula, Parcel B situate at Humula, North Hilo, Hawaii, Tax Map Key: 3rd/3-9-01:01 & 02, 3-9-02:07 & 08, 4-1-01:06 and 4-1-05:01.


10. Approval in Concept for Set Aside to the County of Hawaii for its Proposed Naalehu Wastewater Treatment Plant; Grant of Perpetual, Non-Exclusive Easement for a Buffer Around the Perimeter of the Lands Set Aside; Issuance of Management Right-of-Entry at Poupouwela, Kau, Hawaii, Tax Map Key: (3) 9-5-012: portion of 002.

11. Cancellation of Revocable Permit Number S-7059 to Julia Kaiwi, Deja Kaiwi, and Randall Manaba, and Issuance of a New Revocable Permit to Julia Kaiwi and Deja Kaiwi, at Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-004: 046, 056, 059, and 061.

12. Issuance of Revocable Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on December 10, 2011, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).

13. Resubmittal – Request to Cancel Grant of Term, Non-Exclusive Easement to TLM Partners Ltd. for Seawall, Lanai and Landscaping Purposes, and Request for Refund of Consideration Paid, situated at Niu, Honolulu, Oahu, Tax Map Key: (1) 3-7-002:seaward of 009.

14. Amend Prior Board Action dated April 13, 1995, Item F-4; Department of Transportation Request Set Aside for Road Drainage Purposes, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-023: portion of 009.
15. Grant of Term, Non-Exclusive Easement to Robert E. Cambra and Agnes K. Freitas Trust for Seawall and Filled Land Purposes, Kalaela, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-014: seaward of 010.

E. STATE PARKS

1. Consent to Assign General Lease No. SP-0182 Kumuwela, Inc., Assignor, to Derek L. Souza, Assignee, Lot 30, Koke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-004:020

2. Consent to Assign General Lease No. SP-0163 Alma Zalopany, Assignor, to Nichols Beck, Assignee, Lot 9, Koke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-003:006

3. Consent to Assign General Lease No. SP-0107 Ardel Deppe, Assignor, to Denise Carswell, Assignee, Lot 40, Koke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-004:005

F. AQUATIC RESOURCES


2. Enforcement Action against Maka Kai Charters, Inc. for Injuring Coral within the Molokini Shoal Marine Life Conservation District

H. ADMINISTRATION

1. Non-Action Item Open Discussion by Board Members about Issues, Policies, etc. affecting the Department of Land and Natural Resources (DLNR) or Board of Land and Natural Resources (BLNR)

J. BOATING AND OCEAN RECREATION


2. Petition of Pacific Ocean Sports, LLC DBA Hawaii Ocean Thrills for Issuance of a Commercial Use Permit to Operate Within Waikiki Ocean Waters
3. Request Approval for Continuation of Twelve Revocable Permits for Use at State Small Boat Harbors to the following: Cates International, Inc., Honolulu Transpac, Ltd., Waianae Ice House, DLNR, DAR (Honokohau), Keahole Point Fish, Hawaii Island Paddlesport, Kona Sailing Club, UH Institute of Marine Biology, Island Ice Co., Lahaina Yacht Club, Maalaea Boat & Fishing Club, and Trilogy, Inc.

K. CONSERVATION AND COASTAL LANDS

1. Alleged Unauthorized Sand Nourishment on Conservation District Lands Adjacent to Sugar Cove Condominium Complex, Spreckelsville Beach Lots, Wailuku, Maui, Seaward of TMK: 3-8-002:003

M. OTHER

1. Issuance of a Sublease to Showcase Hawaii Productions LLC., a Hawaii Limited Liability Company for a Museum Gift Shop, Production of Media Advertisements, and Related Retail and Office Uses at the No. 1 Capitol District (formerly the Hemmeter Building), Honolulu, Oahu, Tax Map Key: (1) 2-1-17-001.

2. Acquisition of Private Lands and Set Aside to Department of Education for New High School Campus, Portion of Kula, Makawao, Maui, Tax Map Key: (2) 2-2-02: por. 15 and (2) 2-2-02: por.54.

3. Conveyance of Road Remnant, Exclusion 1 of Land Court Application 1069, Farrington Highway, S-0900(4), Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-15: Road Remnant

4. Approval in Principle of the Acquisition of Private Lands and Set Aside to Department of Education for Educational Purposes, Wailuku, Island of Maui, County of Maui, Tax Map Key: (2) 3-5-001: 078 and por. 077.

5. Issuance of a Direct Lease to Corporate Air, Honolulu International Airport, Island of Oahu, Hawaii, TMK: (1) 1-1-72:22

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.

IF YOU WANT TO BE PLACED ON THE MOVE UP AGENDA, PLEASE SIGN IN BY 8:50 A.M. THE DAY OF THE MEETING.

ALL MATERIALS LISTED ON THIS AGENDA ARE AVAILABLE FOR REVIEW IN THE DLNR CHAIRPERSON’S OFFICE OR ON THE DEPARTMENT WEBSITE THE WEEK OF THE MEETING AT: http://hawaii.gov/dlnr/chair/meeting/index.html

INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR ACCOMMODATIONS (at the BLNR meeting) ARE ASKED TO CONTACT THE CHAIRPERSON’S OFFICE AT (808) 587-0400 AT LEAST THREE DAYS IN ADVANCE OF THE MEETING.