

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

DATE: FRIDAY, AUGUST 09, 2013  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**A. MINUTES**

1. Approval of May 10, 2013 Minutes
2. Approval of May 24, 2013 Minutes
3. Approval of June 13, 2013 Briefing
4. Approval of June 14, 2013 Minutes
5. Approval of June 28, 2013 Minutes

**D. LAND DIVISION**

1. After-the-Fact Consent to: (a) Sublease under General Lease No. S-4130, Hawaiian Telcom, Inc., Sublessor, to Cellco Partnership d/b/a Verizon Wireless, Sublessee, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-02: pors.; (b) Sublease and Assignments of Sublease under General Lease No. S-4588, Hawaiian Telcom, Inc., Sublessor, to Clear Wireless LLC, Sublessee, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-19: pors.; (c) Sublease under General Lease No. S-4588, Hawaiian Telcom, Inc., Sublessor, Hochman Hawaii-Three, Inc., Sublessee, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-19: pors.; and (d) Sublease under General Lease No. S-4614, Hawaiian Telcom, Inc., Sublessor, to T-Mobile West LLC (fka Western PCS II Corporation), Sublessee, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-8-01: pors. 1 & 10.
2. Consent to Sublease General Lease No. S-3961, Hilo-Hawaiian Associates, Inc., Lessee, to Banyan Gift Shop, LLC, Sublessee, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-1-003:005.
3. Consent to Sublease General Lease No. S-4308, KAR Property, LLC, Lessee, to Jodi Narvaez dba Kammy's Flower Garden, Sublessee, Waiakea, South Hilo, Hawaii; Tax Map Key: (3) 2-2-058:002.

4. Issuance of Right-of-Entry Permit to Department of Health Hazard Evaluation and Emergency Response Office for Surface Soil, Sediment, and Biota Sampling on Lands Encumbered by Various Executive Orders and General Leases, Piopio and Waiakea, South Hilo, County of Hawaii, Island of Hawaii, Tax Map Keys: (3) 2-1-003:001, 2-1-003:008, 2-1-003:013, 2-1-003:017, 2-1-016:001, 2-2-001:001, 2-2-002:001, 2-2-003:003, 2-2-004:001, 2-2-012:001, 2-2-013:003, 2-2-014:002, 2-2-029:001, 2-2-029:026, 2-2-029:027, 2-2-031:001, 2-2-031:015, 2-2-053:023, 2-4-035:002, 2-4-035:004, and 2-4-041:045.
5. Consent to Mortgage of Sublease K-30 with Estoppel Certificate, General Lease No. S-5619, Natural Energy Laboratory of Hawaii Authority (NELHA), Lessee, The Exploration Foundation and West Hawaii Explorations Academy (WHEA), Co-Sublessees/Mortgagor, United States Department of Agriculture, Rural Housing Service, Mortgagee, Kalaoa 1<sup>st</sup>-4<sup>th</sup>, North Kona, Hawaii, Tax Map Key: (3) 7-3-043:083.
6. Set Aside to the County of Maui, Department of Public Works, Highways Division, for Stockpiling of Roadway Repair Material Purposes and Issuance of Immediate Management Right-of-Entry, Wakiu, Hana, Maui, Tax Map Key: (2) 1-3-006: Portion of 015.
7. Cancellation of Revocable Permit No. S-7510 to Mary Jane Mau, and Request for Waiver of Level One (I) Hazardous Waste Evaluation Requirement, Keokea, Kula, Makawao, Maui, Tax Map Key:(2) 2-2-003:001.
8. Amend Prior Board Action of December 14, 2012, Agenda Item D-8, as Amended on April 12, 2013, Agenda Item D-8: Cancel Revocable Permit No. S-7368 and Reissuance of a Revocable Permit to Alexander & Baldwin, Inc., Pulehunui, Wailuku, Maui, TMK: (2) 3-8-08: 1, 8, 20, 35 and 38.

Amendment Request: Include TMK: (2) 3-8-08: 20 in the Exemption Notification Form in agenda Item D-8 of the Board's December 14, 2012, meeting.

9. Amendment of Perpetual, Non-Exclusive Land Office Deed No. S-27836 to Trustees of the Papakea Seawall Easement Trust, on Behalf of the Papakea Association of Apartment Owners, Maintenance and Repair of Existing Seawall and Landscaping of the Easement Area Purposes, Honokowai, Kaanapali, Lahaina, Maui, Tax Map Key: (2) 4-1-001: Seaward of 055. The Amendment is to Include an Additional 943 Square Foot Seawall Encroachment Area, and to Allow the Easement to "Run with the Land".
10. Grant of Term, Non-Exclusive Easement to Paul D. Gossman, as Trustee of the Paul D. Gossman Residence Trust Dated December 18, 2008, for Seawall Encroachment Purposes, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-5-003: Seaward of 026.
11. Request that the Board Grant Petition for Contested Case Hearing by Island Adventure Tours, LLC, dba Kelii's Kayak Tours for a Contested Case Hearing as to Enforcement Action Against Island Adventure Tours, LLC, dba Kelii's Kayak Tours

Involving Unauthorized Commercial Activities Conducted on State Unencumbered Lands at Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:001 and for Authorization to Select and Appoint a Hearing Officer.

12. Authorize the Chairperson to Execute Condominium Property Regime Documents; Senior Residence at Iwilei Affordable Rental Housing Project on the State Land Set Aside by Governor's Executive Order No. 4130 to Hawaii Housing Finance and Development Corporation; Iwilei, Honolulu, Oahu; TMK (1) 1-5-007:002.
13. Issuance of Right-of-Entry Permit to Hawaii Pacific University for Research Purposes on Lands Encumbered by Executive Orders Setting Aside for Park Purposes on the Island of Oahu, Tax Map Key: (1) 3-5-22:23, 3-8-3:32, 4-3-11:74 & 75, 4-3-9:1, 4-3-10:83 & 84, 4-6-5:9, 5-2-2:1, 5-3-2:31, 5-4-11:9; 5-4-2:22, 5-4-1:32, 5-8-12:15 & 41 5-9-1:38, 5-9-3:32, 8-1-1:7, 8-1-1:8, 8-2-1:22, 8-3-1:1, 8-5-18:1, 8-7-7:1, and 8-9-1:2.
14. Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom, Inc. for Utility Easement Purposes; Issuance of Management and Construction Right-of-Entry; Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 3-9-040:011.
15. Authorization to Execute the Administrative Order on Consent for Remedial Investigation/Feasibility Study between the United States Department of the Navy, Environmental Protection Agency, State Department of Health, Department of Land and Natural Resources, and the City and County of Honolulu in the matter of Waipahu Ash Landfill, Waipahu, Ewa, Oahu (1) 9-3-002:027.
16. Consent to Modification of Mortgage and Extension of Lease Term, General Lease No. S-4644, Vallejo Venture 99 LLC, Lessee, Kalauao, Ewa, Oahu, Tax Map Key: (1) 9-8-013:014.
17. Consent to Assign General Lease Nos.:
  - S-3795, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-4-01: pors.;
  - S-4028, Papaanui, Makawao, Maui, Tax Map Key: (2) 2-2-07: pors.;
  - S-4130, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-9-02: pors.;
  - S-4320, Punahoa 2<sup>nd</sup>, South Hilo, Hawaii, Tax Map Key: (3) 2-3-22: pors.;
  - S-4402, Nanakuli, Waianae, Oahu, Tax Map Key: (1) 8-9-08: pors.; and
  - S-4614, Humuula, North Hilo, Hawaii, Tax Map Key: (3) 3-8-01: 1 & 10 pors.Hawaiian Telcom, Inc., Assignor, to Global Tower Assets, LLC, Assignee;  
Authorize Chairperson to Execute Estoppel Certificates in Favor of Global Tower Assets, LLC;

Consent to Assign General Lease Nos.:

- S-4223, Mount Kaala, Mokuleia, Waiialua, Oahu, Tax Map Key: (1) 6-7-03: pors.; and
- S-4588, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-19: pors.

Hawaiian Telcom, Inc., Assignor, to GTP Structures I, LLC, Assignee; Authorize Chairperson to Execute Estoppel Certificates in Favor of GTP Structures I, LLC;

Amendment of General Lease Nos. S-3795, S-4028, S-4130, S-4223, S-4320, S-4402, S-4588, and S-4614 to Update the Provisions Relating to Assignment and Subletting, and to Provide that the State shall Receive a Percentage of New Sublease Rents;

Amendment of General Lease No. S-4130 To Set forth the Correct Termination Date of the 31<sup>st</sup> day of December, 2022; Amendment of General Lease No. S-4320 To Set forth the Correct Termination Date of the 31<sup>st</sup> day of December, 2034; and

Consent to Sublease General Lease Nos. S-3795, S-4028, S-4130, S-4320, S-4402, S-4614, Global Tower Assets, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee; Consent to Sublease General Lease Nos. S-4223 and S-4588, GTP Structures I, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee.

**J. BOATING AND OCEAN RECREATION**

1. Petition for a Declaratory Ruling from Unbelievable Sportfishing, Inc. Regarding the Expiration of their Regular Mooring Permit and Commercial Use Permit for the Honokohau Small Boat Harbor.

**L. ENGINEERING**

1. Certification of Election of Christopher J. Robb as Director of the Mauna Kea Soil and Water Conservation District.
2. Appointment of Dwayne Cypriano as Director of the Hamakua Soil and Water Conservation District.
3. Certification of Election of Alan Nago and Appointment of Garret Hew to Serve as Directors of the Olinda-Kula Soil and Water Conservation District.
4. Certification of Election of John R. Brooks II and Appointment of J. Scott Meidell to Serve as Directors of the Central Maui Soil and Water Conservation District.

**M. OTHERS**

1. Request for Issuance of Governor's Executive Order Setting Aside Lands Acquired from the United States of America on the Island of Oahu, Kapalama Military Reservation, to the Department of Transportation, Airports Division Tax Map Keys: (1) 1-2-025: 002, 074, 075, 108, 109 and 110.
2. Issuance of a Direct Lease to So Ono Food Products, LLC. 3129 Ualena Street, Honolulu International Airport TMK: (1) 1-1-14-103 (portion): 113:114.

3. Rescission to Prior Board Action of February 8, 2013, Item M-7 and Issuance of a Direct Lease to Royal Hawaiian Movers, Inc., 2999 & 3017 Ualena Street, Honolulu International Airport TMK: (1) 1-1-14:01 & 04.
4. Consent to Sublease Restaurant and Lounge Concession Lease No. DOT-A-07-0012 Volume Services, Inc. DBA Centerplate to Broke Da Mouth Grindz & Catering L.L.C. Kona International Airport at Keahole Tax Map Key: (3) 7-03-43: 1 (Portion).

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.

**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 ACCOMMODATIONS (ie. large print materials, sign language interpreters) 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.**