

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

DATE: FRIDAY, APRIL 25, 2014
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

A. MINUTES

1. Approval of February 28, 2014 Minutes
2. Approval of March 14, 2014 Minutes

C. FORESTRY AND WILDLIFE

1. Approval in Concept the Withdrawal of Tax Map Key (3) 4-6-011:040, Comprising Approximately 238 Acres, From the Hāmākua Forest Reserve, Hāmākua, Hawai‘i

Approval in Concept for the Redesignation of Tax Map Keys (3) 3-9-001:Portion of 013 and 018, Comprising Approximately 40.09 Acres, from Demonstration Forest Purposes, to the Humu‘ula Section of the Hilo Forest Reserve, North Hilo, Hawai‘i

Approval in Concept for the Redesignation of Tax Map Keys (3) 4-9-001:Portion of 007, (3) 4-9-013:Portion of 001 and (3) 4-9-014:001, 003-005, 008-011, 013-014, 017, and 020-022, Comprising Approximately 3431.48 Acres, from Waimanu National Estuarine Research Reserve, to the Waimanu Section of the Kohala Forest Reserve, Hāmākua, Hawai‘i.

2. Request to Restrict the Use of or Presence of Dogs Within the Pu‘u Ali‘i Natural Area Reserve (NAR) and Portions of the Hanawī NAR and Kahakuloa Section of the West Maui NAR Pursuant to Hawai‘i Administrative Rules § 13-209-4.5 – Closure of Area, for a Period of Two Years for Safety Purposes, TMKS (2) 6-1-001-002, Por., (2) 1-2-004-005, Por., (2) 1-2-004-007, Por., (2) 3-1-006-001, Por., Moloka‘i and Maui.
3. Waikamoi Preserve East Maui Irrigation (EMI) Addition: Request for Enrollment in the Natural Area Partnership Program, Approval of the Long-Range Management Plan for Fiscal Years 2015-2020, Authorization of Funding for Fiscal Years 2015-2020, TMK (2) 2-4:016:004, Por., Makawao, Maui
And

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for the Project.

4. Request for Authorization for the Chairperson to Negotiate, Sign, Execute, and Amend a Contract with the University of Hawai'i Pacific Cooperatives Studies Unit to Perform Mitigative Measures as part of the Abutilon Menziesii Habitat Conservation Plan.
5. Request for Delegation of Authority to the Chairperson to Negotiate, Approve, Execute, Amend, and Extend Memoranda of Understanding (MOU) with Kawaioloa Wind LLC (Kawaioloa Wind) and Kahuku Wind Power, LLC (Kahuku Wind) for the Division of Forestry and Wildlife to Implement Conservation Actions, Including But Not Limited to Seabird Monitoring, Predator Control, and Auditory Surveys on the Island of Kaua'i

And

Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental Compliance Requirements for the Activities Funded by the Subject MOU Agreements.

D. LAND DIVISION

1. Extension of Lease Term for General Lease No. S-4259, (Contract No. DACA84-5-70-16) to the United States of America, Department of the Air Force, Waimea, Kaua'i, Hawai'i, TMK: (4) 1-2-001: 009.
2. Request for Approval in Concept of an Extension of Lease Term, General Lease No. S-3832, and General Lease No. S-5578, Pixar Development, LLC, Lessee, por. of Kapa'a Town Lots, Kapa'a, Kawaihau, Kaua'i, Tax Map Keys: (4) 4-5-011:046 and (4) 4-5-012:005.
3. Direct Lease to the Natural Energy Laboratory of Hawai'i Authority for Air Quality Monitoring Site and Storage Purposes, Kapoho, Puna, Hawai'i, Tax Map Key: (3) 1-4-001:082.
4. Approve a 10-year Extension of Lease Term Pursuant to Act 207, Session Laws of Hawai'i 2011, General Lease No. S-3619, Mattos Electric, LLC, Lessee, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-049:013.
5. Set Aside to the County of Hawai'i for Kapi'olani Street Extension Purposes, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-4-001: 181 & 182 and (3) 2-4-056:029; and

Grant of Perpetual Easements to the County of Hawai'i, for Kapi'olani Street Extension, Affecting Tax Map Keys: (3) 2-4-001: portion of 019, 024, 167 & 183; (3) 2-4-056:014, 022 & 028; and

- Construction Rights-of-Entry to County of Hawaii for Kapi‘olani Street Extension, onto State Parcels, Waiākea, South Hilo, Hawai‘i, identified as Tax Map Keys: (3) 2-4-001:019, 024, 167, 181, 182 & 183; (3) 2-4-056:014, 022, 028 & 029.
6. Acquisition of Private Lands and Set Aside to Department of Education for Elementary School Campus, Kehalani Mauka, Wailuku, Maui; TMK: (2) 3-5-001:103.
 7. Issuance of Right-of-Entry Permit to Jack Starr of TS Aloha, Inc. for the Kimo’s Māla Longboard Surf Contest at Lāhainā, Maui, Tax Map Key: (2) 4-5-004: Seaward of 012.
 8. Consent to License Agreement between City and County of Honolulu and the Department of Defense for Installation, Operation and Maintenance of Civil Defense Disaster Warning and Communication Devices Purposes over Lands Setting Aside to City and County of Honolulu, Oahu at the following TMKs:

(1) 1-1-063:014, (1) 1-3-027:001; (1) 1-8-020:013, (1) 2-7-036:005,
(1) 3-1-031:004, (1) 3-1-042:005, (1) 3-5-022:023, (1) 4-1-009:264,
(1) 5-3-002:031, (1) 5-9-001:038, (1) 8-3-001:001, (1) 8-7-005:001,
and (1) 9-9-006:020.
 9. Authorize the Chairperson to Enter into Maintenance Agreement Regarding the Lessee’s Improvements over the Board of Water Supply’s Water Pipeline; 4 Wheels Auto, LLC, Lessee; Kapālama, Honolulu, O‘ahu, Tax Map Key (1) 1-5-033:portion of 018.
 10. Request to Extend the Cure Period on the Notice of Default for General Lease No. S-4887, Winona B. Maka and Simeon Kanila Maka, Lessee, Maunalaha Homesites, Makīkī, Honolulu, O‘ahu, Tax Map Key (1) 2-5-024:007.
 11. Consent to Sub-Sublease under General Lease No. S-4513, O‘ahu Special Schools Association, Lessee, Special Education Center of Hawai‘i, Sublessee/Sub-Sublessor to JK Aquatics, LLC dba Diamond Head Aquatics, Sub-Sublessee, Honolulu, O‘ahu, Tax Map Key: (1) 3-1-042:034.
 12. Consent to Plan and Agreement of Merger between Waimānalo Teen Project and Hui Mālama O Ke Kai Foundation regarding General Lease No. S-5468, Waimānalo Teen Project, Lessee, Waimānalo, Ko‘olaupoko, O‘ahu, Tax Map Key: (1) 4-1-009:265.
 13. Issuance of Direct Lease to Waimānalo Health Center for Community Service Purposes; Cancellation of General Lease No. 5400, Waimānalo, Ko‘olaupoko, O‘ahu, Tax Map Keys: (1) 4-1-009:279 and 282.

14. Report on the Status of Lease Rent Re-Opening Arbitrations in General Leases Nos. S-3583, S-3592, S-3599, S-3609, S-3611, S-3620, S-3621, S-4331 and S-4332, Waiākea, South Hilo, Hawai‘i, which are the subject of In the Matter of the Arbitration Between, CENTRAL SUPPLY, INC., et al. v. STATE OF HAWAI‘I, DEPARTMENT OF LAND AND NATURAL RESOURCES, S.P. No. 12-1-0029, and In the Matter of the Arbitration Between, STATE OF HAWAI‘I, DEPARTMENT OF LAND AND NATURAL RESOURCES v. YAMADA CONSOLIDATED, INC., et al., S.P. No. 13-1-0035. 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.

NO STAFF SUBMITTAL

15. Denial of Request for Contested Case Hearing by Walter and Ann Liew, Lessees of General Lease No. 4298, Waimānalo, Ko‘olaupoko, O‘ahu, TMK (1) 4-1-010:003, Regarding Issuance of Notice to Vacate.

F. AQUATIC RESOURCES

1. Request for Authorization and Approval to Amend the Existing Cooperative Agreement between DLNR and NOAA’s National Marine Fisheries Service to Include the Main Hawaiian Island Insular False Killer Whale and the Sperm Whale Pursuant to Section 6 of the Endangered Species Act for the Conservation of Threatened and Endangered Species.

J. BOATING AND OCEAN RECREATION

1. Issuance of a Revocable Permit to Fusion Food Truck, LLC, Manele Small Boat Harbor, Mānele, Lana‘i, Hawaii, Tax Map Key:4-9-17:06 por.

2. Issuance of a Revocable Permit to Pacific Biodiesel Logistics, LLC for Fuel Delivery, Mā‘alaea Small Boat Harbor, Mā‘alaea, Wailuku, Maui, Tax Map Key: 3-6-01:02 por.

3. Request to Enter Into a Contract for the Replacement of Nine Existing Offshore Moorings in Keauhou Bay Small Boat Harbor and the Installation of Another Seven Offshore Moorings Based on the Findings of a Study Conducted by Sea Engineering, Inc.; Find that the Project is Exempt from Chapter 343 in Accordance with the Division of Boating and Ocean Recreation’s Comprehensive Exemption List, Approved by the Environmental Council.

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.

4. Request by Sterling Kim for Reimbursement of Repairs Made to Slip # 74/76 Located at the Mā'alaea Small Boat Harbor, Maui.
5. Request that the Board of Land and Natural Resources Approve the Amendments and Compilation of Hawai'i Administrative Rules (HAR), Chapter 13-231, Operation of Boats, Small Boat Harbors, and Permits; Chapter 13-251, Waikīkī and Kā'anapali Ocean Waters; Chapter 13-253, Registration and Permit Fees; and Amendments to Hawaii Administrative Rules, Section 13-256-3 Commercial Operator Permit Requirements and Section 13-256-4 Commercial Vessel and Water Sports Equipment Registration Requirements. Attached to this Agenda and Incorporated Herein are Chapter 13-231 (Exhibit 1), Chapter 13-251 (Exhibit 2), Chapter 13-253 (Exhibit 3), and Sections 13-256-3 and 13-256-4 (Exhibit 4).

K. CONSERVATION AND COASTAL LANDS

1. Conservation District Enforcement Case (ENF) OA-14-62 regarding the Alleged Unauthorized Re-Construction of a Shoreline Erosion Control Structure, located in the Waiālua District, Island of O`ahu, Seaward of Tax Map Keys: (1) 6-8-001:011; (1) 6-8-010:012 & (1) 6-8-010:013.
2. Conservation District Use Application (CDUA) MA-3688 for the Wailuku-Kahului Wastewater Reclamation Facility's Shoreline Protection Extension by the County of Maui -Department of Environmental Management Located at 281 Amala Place, Kahului, Maui, Portion of Tax Map Key: (2) 3-8-001:188 and Adjacent Submerged Land.
3. Conservation District Use Application (CDUA) MA-3663 for a Shoreline Protection Structure by the Hololani Resort Condominiums Association of Apartment Owners, Located at 4401 Lower Hono-a-Pi'ilani Road, Kahana, Maui, Seaward of Tax Map Key: (2) 4-3-010:009.

L. ENGINEERING

1. Amend Prior Board Action of January 24, 2014, Item L-2, Approval to Execute a Use and Access Agreement with the U.S. Fish and Wildlife Service for the Hanalei Stream Bank Restoration Project, Kaua'i, Hawai'i to Proceed with Construction of the Project Without a Signed Use and Access Agreement.

M. OTHERS

1. Rescind Prior Board Action of April 8, 2011, Item M-2, and Issuance of Amendment of Grant of a Non-Exclusive Easement and Bill of Sale for Waterline Purposes to the Water Board of the County of Hawai'i, Kona International Airport at Keāhole, Tax Map Key:(3) 7-3-43:03 (Portion).

2. Issuance of an Access Agreement to Perform Corrective Action Work on the Premises to Equilon Enterprises LLC dba Shell Oil Products US, 2805 Ualena Street, Honolulu International Airport, Tax Map Key: (1) 1-1-04-01 (Portion).
3. Issuance of a Revocable Permit to Mokulele Flight Service, Inc. (Commuter Terminal), for Ticket Counter, Office and Baggage Make-Up Spaces, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
4. Issuance of a Revocable Permit to Mokulele Flight Service, Inc., for Ticket Counter and Office Spaces, Kapalua Airport, Tax Map Key: (2) 4-3-01: Portion of 68.
5. Issuance of a Revocable Permit for Parking for Aircraft Tie-Down Purposes to Resource Mapping Hawai'i, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 09.
6. Issuance of a Revocable Permit for Office Space to Alaska Airlines, Inc. Līhu'e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.
7. Issuance of a Revocable Permit for Construction Management Office for State Project No. AM1022-16R Purposes to SSFM International, Inc, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
8. Consent to Sublease for School Bus Parking, So Ono Food Products, LLC to Ground Transport, Inc., Honolulu International Airport, Tax Map Key: (1) 1-1-14-103 (Portion):114.
9. Issuance of Revocable Permit to Horizon Lines, LLC, Sand Island, Honolulu, Island of O'ahu, Tax Map Key: 1st/1-5-041:111 (Portion).

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.

TO BE PLACED ON THE MOVE UP AGENDA, PLEASE SIGN IN BY 9:15 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://dlnr.hawaii.gov/meetings/>

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.