

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

DATE: FRIDAY, JUNE 27, 2014
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI‘I 96813

A. MINUTES

1. Approval of April 11, 2014 Minutes
2. Approval of April 25, 2014 Minutes
3. Approval of May 9, 2014 Minutes
4. Approval of May 23, 2014 Minutes

D. LAND DIVISION

1. Reinstate General Lease No. S-5563, Stephen Sico, Lessee, Portion of Lot 173, Kapa‘a Homesteads, 3rd Series, Kapa‘a, Kawaihau, Kaua‘i, Tax Map Key: (4) 4-6-008:001.
2. Rescind Prior Board Action of March 27, 2009, Item D-4, Consent to Assignment of General Lease No. S-5435, Lei Mamo Kaapana Aken, Assignor, to Jake Kaawaloa, Assignee, Kikala-Keokea, Puna, Hawai‘i, Tax Map Key: (3) 1-2-043:035. And

Consent to Assign General Lease No. S-5435, Lei Mamo Kaapana Aken, Assignor, to Beverly Keonaona Amaral, Assignee, Lot 35, Kalapana Section, Kikala-Keokea, Puna, Hawai‘i, Tax Map Key: (3) 1-2-043:035.
3. Authorize a One-Year Holdover of General Lease No. 3165, Roderick Q. Hickman and Gloria L. Colden-Hickman, Lessee, to be Immediately Followed by the Issuance of a Month-to-Month Revocable Permit and Issuance of a Bill of Sale Transferring All Improvements on the Property to the Lessee, Ocean View Lease Lots, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-007:031.
4. Lessee’s Request for Early Termination of General Lease No. S-3836, NoJer Enterprises, Inc., Lessee, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-048:001.

5. Denial of Requests for Contested Case by (1) Kalani Flores, (2) Paul Neves, and (3) Hanalei Fergerstrom re: (a) Board Action of November 8, 2013, Item D-5, No Action on Mutual Cancellation of General Lease No. S-4191 to the University of Hawai'i (UH) for the Mauna Kea Science Reserve and Issuance of New Direct Lease to UH for Mauna Kea Science Reserve Purposes; Mutual Cancellation of General Lease No. S-5529 to UH for the Hale Pohaku Mid-Level Facilities and Issuance of New Direct Lease to UH for Hale Pohaku Mid-Level Facilities Purposes; Extension, Amendment and Restatement of Grant of Term Easement S-4697 to UH to Extend the Easement Term by Approximately 45 Years and Update the Easement Instrument with Current Provisions Approved by the Department of the Attorney General; and (b) Board Action of December 13, 2013, Item D-15, Deferring Action on Resubmittal: Mutual Cancellation of General Lease No. S-4191 to the University of Hawai'i (UH) for the Mauna Kea Science Reserve and Issuance of New Direct Lease to UH for Mauna Kea Science Reserve Purposes; Mutual Cancellation of General Lease No. S-5529 to UH for the Hale Pohaku Mid-Level Facilities and Issuance of New Direct Lease to UH for Hale Pohaku Mid-Level Facilities Purposes; Extension, Amendment and Restatement of Grant of Term Easement S-4697 to UH to Extend the Easement Term by Approximately 45 Years and Update the Easement Instrument with Current Provisions Approved by the Department of the Attorney General, Ka'ohē, Hāmākua, Island of Hawai'i, Tax Map Keys: 3rd/ 4-4-015:01 por., 09 & 12.
6. Cancellation of Revocable Permit S-7711 Richard E. Souza and Donna Lee Souza with Issuance of New Month-to-Month Revocable Permit to Richard E. and Donna Lee Souza, for Pasture Purposes, Waiohinu, Ka'ū, Hawai'i, Tax Map Key: (3) 9-5-005: portion 003.
7. Issuance of a Right-of-Entry Permit to the United States Department of Agriculture (USDA) Forest Service in conjunction with the Research Corporation of the University of Hawai'i (RCUH), for the Forest Inventory and Analysis Program at Honomā'ele and Ka'elekū, Hāna, Maui, Tax Map Key: (2) 1-3-003: Por. of 017.
8. Issuance of Right-of-Entry Permit to Beach Games Spectacular, Inc., for a Team Building Event at Wailea Beach, Honua'ula, Wailea, Maui, Tax Map Key: (2) 2-1-008: Seaward of 109.
9. Consent to Lease of Lands under Governor's Executive Order No. 2358 to Lae 'Ula O Kai, a Hawai'i Nonprofit Corporation, Kanahā Beach Park, Kahului, Wailuku, Maui, Hawai'i, Tax Map Key:(2) 3-8-001: Por. of 119.
10. Grant of 55-Year Term, Non-Exclusive Easement to Matthew H. and Shawneen M. Schweitzer for Seawall and Stairway Encroachment Purposes; After-the-Fact Authorization to Issue Immediate Right-of-Entry Permit for Emergency Seawall Work; Authorize Issuance of Right-of-Entry Permit to Repair Seawall, 'Alaeloa, Lāhainā, Maui, Tax Map Key: (2) 4-3-015: Seaward of 001.
11. Amend Prior Board Action of August 12, 2011, Item D-2, Grant of Term, Non-

Exclusive Easement to Association Of Unit Owners (AOUO) of Hale Kai Condominium for Seawall / Revetment Purposes; Amendment is for the Inclusion of an Additional 1,287 Square Foot Encroachment Area, Honokōwai, Lāhainā, Maui, Tax Map Key: (2) 4-4-001: Seaward of 042.

12. Status of the Lawsuit filed by Plaintiffs Malama Kahakai and Dana Naone Hall v. 3900 WA Associates, LLC, dba The Four Seasons Resort Maui at Wailea, The Board of Land and Natural Resources, State of Hawai‘i, et al., Civil No. 13-1-0219(2) filed in the Circuit Court of the Second Circuit, State of Hawai‘i (Maui County).

The Board may hold a discussion in 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.

13. Grant of Term, Non-Exclusive Easement to Makai Ranch, LLC for Encroachment Structure Purposes; Assess Administrative Cost of \$500, Kahuku, Ko‘olauloa, O‘ahu, Tax Map Key: (1) 5-6-003: Seaward of 010.
14. Amend Prior Board Action of April 12, 2013, Item D-12 by Authorizing the issuance of Immediate Right-of-Entry Permit for Access Purposes; Grant of Two (2) Perpetual, Non-Exclusive Easements to Clara Matthews, Sonny P. Lucas, and Debbie May Silva-Lucas for Access Purposes, Kunawai, Honolulu, O‘ahu, Tax Map Key: (1) 1-7-036:adjacent to 014 and 015.
15. Grant of Perpetual, Non-Exclusive Easement for Utility Purposes to Hawaiian Electric Company, Inc.; Issuance of Immediate Construction and Management Right of Entry, Honolulu, O‘ahu, Tax Map Key (1) 2-1-015: portions of 009 & 030.
16. Consent to Assign General Lease No. S-4891, Alfred K. Fountain, Assignor, to Heine Fountain, Assignee, Maunalaha, Honolulu, O‘ahu, TMK: (1) 2-5-024:030.
17. Consent to Warranty Deed Regarding the Transfer of Non-Exclusive Easement S-5202; Marlene E. Ress, the Assignor; to Lisa Gouw Iwata, Trustee of the Lisa Gouw Revocable Living Trust Agreement dated May 8, 1997, as amended and completely restated on May 23, 2006, and John Allen Wong, Trustee of the John Allen Wong Revocable Trust dated November 24, 1990 as amended and completely restated on March 14, 1998; the Assignees; Ka‘alaea, Ko‘olaupoko O‘ahu, Tax Map Key: (1) 4-7-016:seaward of 061.
18. Request to Amend Prior Board action of April 11, 2014, Item D-11, Amending Prior Board Action of November 8, 2013, Item D-13, Amending Prior Board Action of March 8, 2013, Item D-8, Approval of the Modification and Assignment of the Development for the Former ‘Ewa Feedlot site at Campbell Industrial Park, Honouliuli, ‘Ewa, O‘ahu, Hawai‘i, Tax Map Key: (1) 9-1-031:001. The purpose of the amendment is to extend the benchmark deadline for compliance with Hawai‘i

Revised Statutes Chapter 343, Environmental Assessments that is set forth in the Amended and Restated Development Agreement.

19. Resubmittal: Consent to Sublease under General Lease No. S-4191 to the University of Hawai'i, Lessee, to TMT International Observatory LLC, Sublessee, Ka'ohe, Hāmākua, Island of Hawai'i, Tax Map Key: (3) 4-4-015: 009 por.; and

Decision-Making on Requests for Contested Case Hearing by Kalani Flores and Dan Purcell on Board Action of June 13, 2014, Item D-8 in Opposition to the Request for Consent to Sublease under General Lease No. S-4191 to the University of Hawai'i, Lessee, to TMT International Observatory LLC, Sublessee, Ka'ohe, Hāmākua, Island of Hawaii, Tax Map Key: (3) 4-4-015: 009 por.

F. AQUATICS

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Kelly Gleason, National Oceanic and Atmospheric Administration, Papahānaumokuākea Marine National Monument, for Access to State Waters to Conduct Maritime Heritage Activities. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.
2. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Megan Donahue, Hawai'i Institute of Marine Biology, University of Hawai'i, for Access to State Waters to Conduct Bioerosion Study Activities. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.
3. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Dr. Megan Donahue, Hawai'i Institute of Marine Biology, University of Hawai'i, for Access to State Waters to Conduct *Pocillopora meandrina* (POME) Community Characterization Activities. Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Project.

I. HISTORIC PRESERVATION

1. Request Approval to Authorize the Chairperson to Execute and Sign the Curatorship Agreement Between the Board of Land and Natural Resources and Ho'opakele Heiau Regarding the State Inventory of Historic Places Heiau Site #50-10-35-18695, Waiākea Ahupua'a, District of South Hilo, Island of Hawai'i.

K. CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) HA-3700 Regarding the State Department of Transportation (DOT) Māmalahoa Highway Repair Project, Located in the Ka'ū District, Island of Hawai'i, on Tax Map Keys: (3) 9-5-016:006, 022, 025 and 026.
2. Appointment and Selection of a Hearing Officer to Conduct All Hearings for a Contested Case (KA 14-02) Regarding Unauthorized Construction and Transient Vacation Rentals in the Conservation District, Located at Hanalei, Kaua'i, Tax Map Key (4) 5-4-002: 032.
3. Conservation District Use Application (CDUA) ST-3703 for a Statewide Programmatic General Permit and Programmatic Agreement for the repair, restoration, maintenance, and operation of traditional fishpond systems in Hawai'i by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands.

L. ENGINEERING

1. Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules for Job No. J00CB01B, Rainbow Falls ADA Barrier Removal Project, Hilo, Hawai'i.
2. Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawai'i Administrative Rules for Job No. J00CB01B, Wailoa Small Boat Harbor ADA Barrier Removal Project, Hilo, Hawai'i.
3. Appointment of John McHugh and Certification of Elections of Alan Gottlieb and Peter Gibson to Serve as Directors of the West O'ahu Soil and Water Conservation District.
4. Appointment of Jill Suga to Serve as a Director of the East Kauai Soil and Water Conservation District.

M. OTHERS

1. Amendment No. 3 to Concession Agreement No. DOT-A-09-0002, to Extend Lease Term Under Provisions of Act 46, DFS Group, L.P., Retail Concession, Honolulu International Airport Tax Map Key (1) 1-1-003: Portion of 1.

2. Issuance of a Revocable Permit, Hawai'i Island Air, Inc. DBA Island Air, For the Purposes of Passenger Check-In Counters and Office Space for Airline Operations, Honolulu International Airport, Tax Map Key: (1) 1-1-003: Portion of 208.
3. Issuance of a Revocable Permit for Aircraft Parking, Cardinal Partners, LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-076: Portion of 23.
4. Issuance of a Revocable Permit for Commercial Helicopter Operations, Alexair, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 19.
5. Issuance of a Revocable Permit for Commercial Helicopter Operations, Aris, Inc., Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 19.
6. Issuance of a Revocable Permit for Office Space, DAL Global Services, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001: Portion of 19.
7. Issuance of a Revocable Permit for Aircraft Parking, Guardian Flight, Inc., Moloka'i Airport, Tax Map Key: (2) 5-2-004: Portion of 8.
8. Issuance of a Revocable Permit for Storage Space, U.S. General Services Administration for Transportation Security Administration, Hilo International Airport, Tax Map Key: (3) 2-1-012: Portion of 90.
9. Issuance of a Revocable Permit for Office Space, US General Services Administration/TSA, Līhu'e Airport, Tax Map Key: (4) 3-5-001: Portion of 135.

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 8:45 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.Hawai'i.gov/meetings/>

INDIVIDUALS REQUIRING SPECIAL ACCOMMODATIONS (i.e. 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.