

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

DATE: FRIDAY, OCTOBER 24, 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 August 22, 2014 Minutes
2. Approval of September 12, 2014 Minutes

C. FORESTRY AND WILDLIFE

1. Approval in Concept the Addition of Tax Map Keys (2) 1-4-001: Portion of 001 and (2) 1-5-001: Portion of 001 Comprising Approximately 190.10 Acres, to Hāna Forest Reserve, Hāna, Maui.

Approval in Concept the Withdrawal of Tax Map Keys (2) 1-4-001: Portions of 003 and 004, Comprising Approximately 399.91 Acres, from Hāna Forest Reserve, Hāna, Maui.

Approval in Concept the Withdrawal of Tax Map Key (2) 4-8-001: Portion of 002, Comprising Approximately 1.28 Acres, from West Maui Forest Reserve, Lāhainā, Maui.

Approval in Concept the Withdrawal of Kaumahina State Wayside and Pua‘a Ka‘a State Wayside, Tax Map Keys (2) 1-1-001: Portion of 044, (2) 1-2-001: Portion of 003 and (2) 1-2-004: Portion of 005, Comprising Approximately 7.80 and 1.712 Acres, Respectively from Ko‘olau Forest Reserve, Hāna, Maui.

Approval in Concept the Withdrawal of Polipoli Spring State Recreation Area Tax Map Keys (2) 2-2-007: Portions of 001 and 003, Comprising Approximately 7.00 Acres, from Kula Forest Reserve, Makawao, Maui.

Approval for Set Aside of Tax Map Key (2) 1-1-001: Portion of 044 Comprising Approximately 7.80 Acres, Hāna, Maui to the Division of State Parks as Kaumahina State Wayside.

Approval for Set Aside of Tax Map Keys (2) 1-2-001: Portion of 003 and (2) 1-2-004: Portion of 005, Comprising Approximately 1.712 Acres, Hāna, Maui to the Division of State Parks as Pua‘a Ka‘a State Wayside.

Approval for Set Aside of Tax Map Keys (2) 2-2-007: Portions of 001 and 003, Comprising Approximately 7.00 Acres, Makawao, Maui to the Division of State Parks as Polipoli Spring State Recreation Area.

2. Request for Approval to Adopt Proposed Amendments to Hawaii Administrative Rules (HAR) Chapter 13-122, "Rules Regulating Game Bird Hunting, Field Trails and Commercial Shooting Preserves"; Clarifies Definitions, Allows the Board to Issue Permits, Clarifies Rules Related to Hunting on Private Land, Updates Public Hunting Areas, Bag Limits, Open Hunting Periods, Safety Zones, Exhibits, and Conditions and Restrictions, Allows for Temporary Closure, and Sets Fee Schedule for Licenses, Stamps, and Tags; and Chapter 13-123, "Rules Regulating Game Mammal Hunting"; Clarifies Definitions, Allows the Board to Issue Permits, Updates Public Hunting Areas, Bag Limits, Open Hunting Periods, Safety Zones, Exhibits, and Conditions and Restrictions, Allows for Temporary Closure, and Sets Fee Schedule for Licenses, Stamps, and Tags.

The Rules can be reviewed online at [HTTP://DLNR.HAWAII.GOV/DOFAW/RULES/DRAFT-RULES/](http://DLNR.HAWAII.GOV/DOFAW/RULES/DRAFT-RULES/) or in person at any DOFAW office during normal office hours.

D. LAND DIVISION

1. Quitclaim Conveyance of Board of Land and Natural Resources' Interest, if Any, in Lehia Lane to Department of Hawaiian Home Lands, Issuance of Immediate Right-of-Entry Permit to Department of Hawaiian Home Lands, Wailua, Līhu'e, Kaua'i, Tax Map Key: (4) 3-9-006:025.
2. Amend Prior Board Action of May 9, 2014, Item D-1 by Request for Right-of-Entry Permit and Grant of Term, Non-Exclusive Easement to Stephanie L. Skow, Katherine L. Skow, and Matthew O. Nelson for Seawall Repair Purposes, Waipouli, Kawaihau, Kaua'i, Tax Map Key: (4) 4-3-009:seaward of 001.

The Purpose of the Amendment is to add to the Recommendation Section the Standard Terms and Conditions of the Most Current Right-of-Entry Form.

3. Mutual Cancellation of General Lease No. S-3941, Smith's Motor Boat Service, Inc., Lessee; Issuance of a New Direct Lease to the Office of Hawaiian Affairs; and Consent In Concept to Sublease Between the Office of Hawaiian Affairs, as Sublessor, and Ho'omana, as Sublessee, Wailua, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-1-004:021.
4. Request for Consent to Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3592 Hawaii Planing Mill, Ltd. dba HPM Building Supply, Lessee; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease Provisions for General Lease No. S-3592; Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-032:067,078.
5. Request for Consent to Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3609 Hawaii Planing Mill, Ltd., Lessee; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and

Sublease Provisions for General Lease No. S-3609; Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-032:068,070.

6. Request for Consent to Extension of Lease Term Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3611 William MacKenzie, Trustee of Nelle Wood Carlsmith Trust, Donn W. Carlsmith, Trustee of the Hiroaki Kono Trust Lessee and HPM Building Supply, Ltd.; Amendment of Terms and Conditions Regarding Allowed Use, Assignment and Sublease Provisions for General Lease No. S-3611; Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-032:021.
7. Authorize and Consent to the State of Hawaii, Department of Defense Entering Into Agreements for Civil Defense Warning Sirens on State Lands Managed by Other Departments or Agencies of the State, the City and County, or County, at Various Locations, Statewide.
8. Rescind Prior Board Action of August 9, 2013, Item D-17:

Consent to Assign General Lease Nos.:

S-3795, Hanapēpē, Waimea, Kaua‘i, Tax Map Key: (4) 1-4-01: pors.;
S-4028, Pāpa‘anui, Makawao, Maui, Tax Map Key: (2) 2-2-07: pors.;
S-4130, Humu‘ula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-9-02: pors.;
S-4320, Punahoa 2nd, South Hilo, Hawai‘i, Tax Map Key: (3) 2-3-22: pors.;
S-4402, Nānākuli, Waianae, O‘ahu, Tax Map Key: (1) 8-9-08: pors.; and
S-4614, Humu‘ula, North Hilo, Hawai‘i, 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 Ka‘ala, Mokuleia, Waiālua, O‘ahu, Tax Map Key: (1) 6-7-03: pors.;

And

S-4588, Kalāwahine and O‘pu, Honolulu, O‘ahu, 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 31st day of December, 2022; Amendment of General Lease No.

S-4320 To Set forth the Correct Termination Date of the 31st 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

And,

Rescind Prior Board Action of October 25, 2013, Item D-9:

Amend Prior Board Action of August 9, 2013, Item D-17.

The Purpose of the Amendment is to Change to Approved Assignee/Sublessor for General Lease Nos. S-3795, S-4130, and S-2614 from Global Tower Assets, LLC to GTP Structures I, LLC; and to Change the Approved Assignee/Sublessor for General Lease No. S-4588 from GTP Structures I, LLC to Global Tower Assets, LLC.

9. Consent to Assign General Lease Nos.:

S-3795, Hanapēpē, Waimea, Kaua‘i, Tax Map Key: (4) 1-4-01: pors.;

S-4130, Humūula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-9-02: pors.;

S-4223, Mount Kāala, Mokulēia, Waiālua, Ōahu, Tax Map Key: (1) 6-7-03:pors.;

S-4588, Kalāwahine and ‘Opu, Honolulu, O‘ahu, Tax Map Key: (1) 2-5-19: pors.;

and

S-4614, Humūula, North Hilo, Hawai‘i, Tax Map Key: (3) 3-8-01: 1 & 10 pors.

Hawaiian Telcom, Inc., Assignor, to InSite Towers Development, LLC, Assignee;

Consent to Assign General Lease Nos.:

S-4028, Pāpa‘anui, Makawao, Maui, Tax Map Key: (2) 2-2-07: pors.;

S-4320, Punahoa 2nd, South Hilo, Hawai‘i, Tax Map Key: (3) 2-3-22: pors.; and

S-4402, Nānākuli, Waiānae, O‘ahu, Tax Map Key: (1) 8-9-08: pors.

Hawaiian Telcom, Inc., Assignor, to Mauna Tower of Hawaii, LLC, Assignee;

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

Consent to Sublease General Lease Nos. S-3795, S-4130, S-4223, S-4588, and S-4614, InSite Towers Development, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee; Consent to Sublease General Lease Nos. S-4028 and S-4320, Mauna Towers of Hawaii, LLC, Sublessor, to Hawaiian Telcom, Inc., Sublessee.

10. Amend prior Board action of September 13, 2013, Item D-8; Issuance of (1) a right-of-entry permit for construction of an overhead guideway; (2) a grant of a perpetual

non-exclusive easement for an overhead guideway; and (3) a direct lease for a park-and-ride facility, all on State lands in East Kapolei, Honouliuli, Ewa, Oahu, TMK (1) 9-1-17:97 por., to City and County of Honolulu for its planned rail transit project.

And

The purpose of the amendment is to extend the right-of-entry permit for construction of an overhead guideway for one (1) year.

E. STATE PARKS

1. Request for Approval of the Design of a New Warning Sign and, and the Placement of Act 82, SLH 03, Warning and Management Signs at Identified Locations of Ka'ena Point State Park Reserve, Mokolēia Section, and Adjacent Land, O'ahu.
2. Request Approval of the Final Master Plan and Final Environmental Impact Statement (FEIS) for Kōke'e and Waimea Canyon State Parks; Tax Map Keys: (4) 1-2-01: 03, 04, 08, 09, 11; 1-4-01: 02, 13, 15-19; 1-4-02: 04, 05, 07, 08, 10, 12-16, 18, 20-32, 34-37, 39-48, 51-69, 71, 73, 75, 76, 78, 79, 81, 85, 86, 93; 1-4-03: 1-14, 16, 17; 1-4-04: 01-14, 16-21, 24, 27-31, 33, 35-70, 72-75; 5-9-01: 16, 17, Waimea, Kaua'i.
3. Approval to enter into a grant-in-aid agreement with Hui o Laka, dba Kōke'e Natural History Museum, to renovate the Administrative Office, Mess Hall, Barracks "C" and other facilities at the historic Civilian Conservation Corps Camp at Kōke'e State Park, Kaua'i.

F. AQUATICS

1. Request for Final Approval to Adopt A New Chapter Under Hawai'i Administrative Rules as Title 13 Chapter 60.8, Hā'ena Community-Based Subsistence Fishing Area, Kaua'i, to Manage and Protect Fish Stocks and to Reaffirm Traditional and Customary Native Hawaiian Subsistence Fishing Practices Within the Ahupua'a of Hā'ena.

The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

2. Request for Final Approval to Adopt New Hawai'i Administrative Rules, Chapter 13-77, O'ahu Aquarium Life Management, to Establish new Regulations on Gear, Bag, and Size Limits for Aquarium Collecting on Oahu.

The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu,

Hawaii 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

3. Intentionally Left Blank.
4. Request for Approval to Enter Into a Memorandum of Agreement with the University of Hawaii, School of Ocean and Earth Science and Technology, Hawai‘i Institute of Marine Biology to Access Confidential Fisheries Data.
5. Request for Approval to Hold Public Meetings and Hearings Pursuant to HRS Chapter 91, to Amend Hawaii Administrative Rules (HAR) Title 13, Chapter 60.4, “West Hawai‘i Regional Fishery Management Area, Hawai‘i,” to Establish the Ka‘ūpūlehu Marine Reserve to Allow for the Recovery of Nearshore Fishery Stocks.

The Rules can be reviewed online at <http://dlnr.hawaii.gov/dar/rules-and-public-notice/> or can be reviewed or obtained in person at the Division of Aquatic Resources (DAR) offices on Oahu at 1151 Punchbowl St. Room 330 Honolulu, Hawaii 96809 from 8:00 am to 3:30 pm, Monday through Friday, except Holidays.

6. Denial of Request for Contested Case Hearing by Paul Christensen Regarding Haena Community Based Subsistence Fishing Area, Kauai.

J. BOATING AND OCEAN RECREATION

1. Approve in Concept a 35-Year Boating Lease and Pier Construction, to the National Oceanic and Atmospheric Administration at Mā‘alaea Small Boat Harbor Situated at Waikapū, Wailuku, Maui Identified as Tax Map Key: (2)3-6-01:2 Portion.
2. Request Approval to Issue Revocable Permits, to the Seven Commercial Catamaran Operators Permitted to Embark and Disembark Passengers on Waikīkī Beach, for the Purpose of Placing Permanent Anchors in the Beach in Order to Secure the Vessel.
3. Request Approval to Initiate Rule-Making Proceedings to Amend Hawai‘i Administrative Rules, Title 13, Section 13-256-73.13, Ahu O Laka Safety Zone Prohibiting the Possession of Alcohol, Disorderly Conduct and Prohibiting Persons Under The Influence of Alcohol, Narcotics or Drugs from Remaining in, or Entering, the Safety Zone on Three-day Weekends Involving a State Holiday.

The rules can be reviewed online at <http://dlnr.hawaii.gov/dobor/draft-rules/> or can be reviewed or obtained in person at any small boat harbor from 8:00 am to 3:30 pm, Monday through Friday, except Holidays. (Exhibit A)

4. Issuance of Right-of-Entry Permit to Ultraman World Championships LLC, For an Athletic Swim Event Located on the Kailua-Kona Pier Facility, Lanihau, North Kona, Hawai‘i, Tax Map Key: (3)7-5-006:039.

5. Issuance of Construction Right-of-Entry Permit to the U.S. Army Corps of Engineers on State Land at the Nāwiliwili Small Boat Harbor, Līhu‘e, Kaua‘i, Tax Map Key: (4) 3-2-003:007.

K. CONSERVATION AND COASTAL LANDS

1. Conservation District Use Permit (CDUP) OA-30 Requesting Modifications to Paradise Park by Paradise Park Incorporated, Located at Mānoa Valley, O‘ahu, Tax Map Key (1) 2-9-054:018.
2. Conservation District Use Application (CDUA) HA-3720 to Expand the Capacity of an Existing Open Ocean Aquaculture Facility by Blue Ocean Mariculture, Located Offshore of Unualoha Point, North Kona, Hawai‘i, Tax Map Key (3) 7-4-043:000 (Submerged Lands).

L. ENGINEERING

1. Appointment of Jacob Tavares to Serve as Director of the Olinda-Kula Soil and Water Conservation District.

M. OTHERS

1. Request for Consent from the Department of Land and Natural Resources for Issuance of Right-of-Entry by the Department of Education for U.S. Department of the Navy Access to Makalapa Elementary School, Tax Map Key: (1) 9-9-075:028.
2. Issuance of a Revocable Permit for Aircraft Parking, Lefebvre, Jeffery S., Honolulu International Airport, Tax Map Key: (1) 1-1-076:023.
3. Issuance of a Revocable Permit for Aircraft Parking, Arial Banners, Inc., Kalaeloa Airport, Tax Map Key: (1) 9-1-013:032.
4. Issuance of a Revocable Permit for Aircraft Parking, Steven E. and Julie M. Prindle, Kalaeloa Airport, Tax Map Key: (1) 9-1-013:032.
5. Issuance of a Revocable Permit for Commercial Helicopter Operations, Hawaii Helicopters, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001:019.
6. Issuance of a Revocable Permit for Sugar Cane Cultivation, Alexander & Baldwin, LLC, Kahului Airport, Tax Map Key: (2) 3-8-001:019.
7. Issuance of a Revocable Permit for Aircraft Parking, Michael Sweeney, Kona International Airport at Keāhole, Tax Map Key: (3) 2-1-012:090.
8. Issuance of a Revocable Permit for a Podium, MC&A, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-001:008.

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.hawaii.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.