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

DATE: FRIDAY, DECEMBER 9, 2016
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAI‘I 96813

In some of the matters before the board, a person may wish to request a contested case hearing. If such a request is made before the board’s decision, then the board will consider the request first – before considering the merits of the item before it. A person who wants a contested case may also wait until the board decides the issue, then request the contested case after the decision. It is up to you. Any request must be made orally by the end of the meeting and followed up in writing within ten days. If no request for contested case is made, the Board will make a decision. The Department will treat the decision as final and proceed accordingly.

A. MINUTES

1. Approval of September 9, 2016 Minutes

2. Approval of September 23, 2016 Minutes

3. Approval of October 14, 2016 Minutes

4. Approval of October 28, 2016 Minutes

C. FORESTRY AND WILDLIFE

1. Petition for Contested Case Hearing from Keep the North Shore Country Regarding Board Action of November 10, 2016, Agenda Item C-1, Request for Approval of Incidental Take License and Habitat Conservation Plan for Na Pua Makani Wind Energy Project on the Island of Oahu, Hawai‘i.

Pursuant to Section 92-5(a) (4), Hawai‘i Revised Statutes, the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities.

2. Request for Approval of Incidental Take License and Final Habitat Conservation Plan for Na Pua Makani Wind Energy Project by Applicants Na Pua Makani Power Partners, LLC and the former Champlin Hawaii Wind Holdings, LLC; Tax Map Key Nos. (1) 5-6-06:018 and (1) 5-6-08:006, Koolauloa District, Island of O‘ahu, Hawai‘i.
D. LAND DIVISION

1. Cancellation of Governor’s Executive Order No. 1715 and Re-Set Aside to the County of Kaua‘i for Public Purposes; Issuance of Management Right of Entry to County of Kaua‘i, Kapa‘a, Kawaihau (Puna), Kaua‘i, Tax Map Key: (4) 4-5-015: 005.

2. Authorize Chairperson to Execute “Landlord Waiver and Consent” Regarding Lessee’s Security Agreement with Access Point Financial, Inc. to Facilitate Financing of Furniture, Fixtures and Equipment at Grand Naniloa Hotel Hilo; General Lease No. S-5844, WHR LLC, Lessee; Wai‘akea, South Hilo, Hawai‘i, Tax Map Keys: 3rd/ 2-1-01:12 and 2-1-05:13, 16, 17, 27, 32, 46.

3. Consent to Sublease Under General Lease No. S-5844, WHR, LLC, Lessee, to Hawai‘i Performance Partners LLC, and Neighborhood GP LLC, Sub-lessees, Wai‘akea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-01:12 and 2-1-05:13, 16, 17, 27, 32, 46.

4. Report to the Board of Land and Natural Resources Regarding the Status of Revocable Permit No. S-7879 to Savio HBH Development Company, LLC. The Board Requested Staff to Report Back if There Was Any Interest in Leasing the Property and Assess Whether a Lease of the Property Should be Sold at Public Auction.

5. Approve a 3-Year Term Extension of General Lease No. S-3698, Bank of Hawai‘i, Lessee, Pursuant to Act 207, Session Laws of Hawai‘i 2011; Lot 7, Wai‘akea House Lots Extension, Wai‘akea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-2-049:022.

6. Consent to Lease of Lands and Declaration of Easements under Governor’s Executive Order No. 4224 to County of Hawai‘i, Wai‘akea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-4-001:177, 184, 185 & 186.

7. Cancellation of General Lease No. S-5569, Mark Allen and Jonaliza Allen, Lessee, Wai‘akea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-4-049:001.


9. Set-Aside to the County of Hawai‘i, Department of Public Works for a portion of Manawale‘a Street, identified as Lot 37 of the Villages of La‘i’opua, Phase 1 (File Plan 2128), and Construction Rights-of-Entry onto Tax Map Keys: (3) 7-4-021: Portion of 020.

10. Issuance of License Agreements by the Board of Land and Natural Resources to the Department of Defense for Installation, Operation and Maintenance of Civil Defense Warning Sirens on Land under the Direct Management of the Department of Land and Natural Resources, Statewide, at the following Tax Map Key Nos:
(1) 1-5-041:006, (1) 8-2-001:001, (1) 4-6-005:009, (1) 5-6-001:024, (1) 5-3-011:009, (1) 4-1-015:016, (1) 2-3-037:012, (2) 2-1-006:030, (2) 1-3-005:009, (2) 1-4-007:009, (3) 6-6-002:005, (3) 1-3-007:026, and (3) 8-9-004:008

11. Holdover of Revocable Permits S-7263 (Tax Map Key (2) 1-1-001:044), S-7264 (Tax Map Keys (2) 1-1-001:050, 2-9-014:001, 005, 011, 012 & 017) and S-7265 (Tax Map Key (2) 1-1-002:por. 002) to Alexander and Baldwin, Inc., and S-7266 (Tax Map Keys (2) 1-2-004:005 & 007) to East Maui Irrigation Company, Limited, for Water Use on the Island of Maui.

Pursuant to Section 92-5(a) (4), Hawai‘i Revised Statutes, the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities.


Consent to the Real Property Interest Assignment and Assumption Agreement (Recordable Rights of Way) and (Unrecordable Rights of Way) regarding Grant of Non-Exclusive Easement S-5931, Grant of Easement No. S-4692, Grant of Non-Exclusive Easement S-5638, and Grant of Easement recorded in Liber 9925, page 408; Chevron U.S.A. Inc., Assignor, to IES Downstream, LLC, Assignee; Honolulu, Kalaeloa, and Aiea, O‘ahu, Tax Map Key: (1) 1-2-025:011; 9-1-031:seaward of 002, (1) 1-1-003:239, and 9-9-003:061. (1) 1-1-003:239


14. After-the-Fact Issuance of Right-of-Entry Permit to Waikīkī Beach Activities, Ltd. for Beach Activities Purposes on December 5, 2016, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:Portion of 021.

15. After-the-Fact Issuance of Right-of-Entry Permit to Hawai‘i Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on December 5, 2016, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Portion).

16. Consent to Assign Applicant’s 1/3 undivided interest in Certificate of Occupation No. 90-A, Carinthia Judd, Assignor, to William H.K. Judd and Raymond M. Judd, Assignees, Wai‘ōma‘o, Pūkele, Pālolo, O‘ahu, Tax Map Key: (1) 3-4-003:009.


The purpose of this amendment is to correct the rents for the following two permits: Revocable Permit No. S-7056 to Kapolei People’s, Inc. identified by Tax Map Key: (1)
9-1-016:120 and Revocable Permit No. S-7560 to Mount Wilson FM Broadcasters, Inc. identified as Tax Map Key: (1) 3-6-004:026.


The Amendment is to Add State Parcels (1) 4-1-008:054 and 059 for the Proposed Set Aside.

19. Request to Close Portions of the Kawainui Canal and Unencumbered State Lands from December 14, 2016 to January 3, 2017 (inclusive); Issuance of Right-of-Entry Permit to United States Secret Services to Support Any Appropriate Activity Related to the Security of the Protectee(s) in United States Secret Services Charge; Kailua, Ko‘olaupoko, O‘ahu; Tax Map Key (1) 4-3-022:Seaward and Portions of 002, (1) 4-3-083:Seaward of 003, 004, 008 to 010.

20. Grant of Term, Non-Exclusive Easement to Martha K. Bush for Pier Purposes; Termination of Revocable Permit No. S-6546; Kaneohe, Ko‘olaupoko, O‘ahu, Tax Map Key: (1) 4-5-058:121


The Board may go into Executive Session pursuant to Section 92-5(a)(4), Hawai‘i Revised Statutes, in order to consult with its attorneys on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities.

E. STATE PARKS

1. Consent to Assign General Lease No. SP-0134, Bank of Hawai‘i, a Hawai‘i corporation, as Successor Trustee under that certain unrecorded John H.R. Plews Trust dated March 2, 2015, hereafter called Assignor, to Wendy Jeanne Wichman, unmarried, hereafter called Assignee, situate Lots 35 and 36, Koke‘e Campsite Lots, Waimea (Kona), Kaua‘i, Hawai‘i, Tax Map Key: (4) 1-4-004:016.

2. Amendment of General Lease No. SP0157, Charles R. Wichman and Jeanne R. Wichman, Co-Trustees of the Wichman Trust, Lessee, Waimea Canyon State Park, Lot 34, Koke‘e Camp Site Lots, Waimea (Kona) Kaua‘i, Hawai‘i, Tax Map Key: (4) 1-4-004:017. The Purpose of the Amendment is to Correct the Termination Date to Read December 31, 2028;
Consent to Assign General Lease No. SP-0157, Charles R. Wichman and Jeanne R. Wichman, Co-Trustees of the Wichman Trust, Assignors, to Charles Rice Wichman, Jr. and Jonathan Goodale Wichman, Assignees, Waimea Canyon State Park, Lot 34, Koke‘e Camp Site Lots, Waimea (Kona), Kaua`i, Hawai`i, Tax Map Key: (4) 1-4-004:017.

3. Issuance of a General Lease to Ke‘ehi Memorial Organization for the Operation, Maintenance and Administration Purposes of Ke‘ehi Lagoon Memorial (aka Pacific War Memorial), situated at Ke‘ehi Lagoon, Honolulu, O‘ahu, Tax Map Key : (1) 1-1-03:004.

4. Delegation of Authority to the Chairperson of the Board of Land and Natural Resources to Approve Documents and Enter into an Agreement Pertaining to the Grant-In-Aid of $200,00 to the 501(c)(3) Nonprofit Organization, Pacific Historic Parks, on the Island of O‘ahu.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Mr. Xie, for Access to State Waters to Conduct Conservation and Management Search Activities.


3. BLNR Briefing: Papahānaumokuākea Marine National Monument Memorandum of Agreement.

G. BUREAU OF CONVEYANCES

1. Request for adoption of amendments to Hawaii Administrative Rules Chapter 13-16. (Rules Relating To Conveyances)

J. BOATING AND OCEAN RECREATION

1. Authorize the Revocation of Revocable Permit (“RP”) No. 33 (formerly Referred to as RP No. S-5867), Executed July 21, 2016, to Wilson Keahi for Boat Storage, Public Boat Trailer Parking and Other Activities at Mala Wharf and Surrounding Areas, ‘Alamihi, Lähainā, Maui, Hawai‘i, Identified by Tax Map Key: (2) 4-5-005: portion of 001.


The rules can be reviewed online at: [http://ltgov.hawaii.gov/the-office/administrative-rules/](http://ltgov.hawaii.gov/the-office/administrative-rules/) or [http://dlnr.hawaii.gov/dobor/draft-rules/](http://dlnr.hawaii.gov/dobor/draft-rules/) or can be reviewed in person at any small boat harbor from 8:00 am to 3:30 pm, Monday through Friday, except holidays. Location and contact information for DOBOR offices is available online at: [http://dlnr.hawaii.gov/dobor/contact/](http://dlnr.hawaii.gov/dobor/contact/)

3. Issuance of a Revocable Permit (“RP”) to Alvin T. Pelayo, A&K Ventures LLC, for Purposes of Landscaping, Maintenance, Storage of Small Boats and Trailers and Other Activities at Mala Wharf and Surrounding Areas, ‘Alamihi, Lāhainā, Maui, Hawai‘i, Identified by Tax Map Key: (2) 4-5-005: Parcel 19.
4. Request Approval of the Division of Boating and Ocean Recreation Sublease Rent Participation Policy.

M. OTHERS

1. Request Approval to Execute a Right of Entry Agreement with Verizon Wireless for the Placement of a Cellular Base Station to be Constructed at Adjacent to the Birkhimer Tunnel State Emergency Operations Center Located at the Diamond Head State Monument Tax Map Key (1) 3-1-042-006.

2. Consent to Lease of Lands under Governor’s Executive Order No. 3504 to Hina Mauka, Kaneohe, O‘ahu, Tax Map Key: (1) 4-5-023:02 (Portion).

3. Issuance of a Revocable Permit to the U.S. Department of Agriculture, Animal and Plant Health Inspection Services, PPQ, for an Employee Breakroom, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 053 (Portion).

4. Issuance of a Revocable Permit to U.S. Army Hawai‘i Replacement for a Reception and Service Desk, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 057 (Portion).

5. Issuance of a Revocable Permit to Index Builders, Inc., for a Field Office and Staging Area for Construction Materials and Equipment, Honolulu International Airport, Tax Map Keys: (1) 1-1-003: 65 (Portion) and (1) 1-1-003: 001 (Portion).

6. Issuance of a Revocable Permit for Drive-Thru Passenger Check-In, Hawai‘ian Airlines, Inc., Inter-Island Terminal, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 073 (Portion).


8. Issuance of a Revocable Permit for a Tour Service Desk and Office Space, Galaxy Tour Incorporated, Honolulu International Airport, Tax Map Key: (1) 1-1-003: 195 (Portion).

9. Issuance of a Direct Lease to Aviation Academy Hawai‘i LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-76: 3.


11. Issuance of a Direct Fixed-Base Facility Lease to Trinity Investments LLC, Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

12. Issuance of a Revocable Permit for a Fixed-Base Operation (Area/Space Nos. 004-107, 004-109 and Bldg. Rooms Nos. 242-100, 243-100), Bradley Pacific Aviation, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.
13. Issuance of a Revocable Permit for a Fixed-Base Operation (Area/Space No. 820-120B), Bradley Pacific Aviation, Inc., Kahului Airport, Tax Map Key: (2) 3-8-01: Portion of 19.

14. Issuance of a Heliport Lease by Notice of Public Auction (Space No. 820-101B), Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.

15. Issuance of a Heliport Lease by Notice of Public Auction (Space No. 820-101C), Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.

16. Issuance of a Revocable Permit for Storage of Trailers, Kuwaye Trucking, Inc., Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.

17. Issuance of a Direct Fixed-Base Facility Lease to Keahole Enterprises LLC, Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 003.


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.

Public Testimony:

The Sunshine Law gives the public the opportunity to submit testimony but it is your responsibility to submit written testimony in a timely manner. To give Board members sufficient time to consider written testimony, please submit the testimony no later than 24 hours prior to the board meeting.

Any late written testimony will be retained as a part of the record, but we cannot assure that Board members will receive it with sufficient time for review prior to decision-making.