

**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; Waiākea, 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, Waiākea, 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, Waiākea House Lots Extension, Waiākea, 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, Waiākea, 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, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-4-049:001.
8. Approve Mediated Settlement of Rent for Reopening in February 2011 for General Lease No. S-4474, Parker Ranch, Inc., Lessee, Encumbering Parcels 14-A and 14-B, Portions of Pu'u Kawaiwai, Panolu'ukia and Kapia, Ilis of the Government (Crown) Land of Waimea, South Kohala, Island of Hawai'i, Tax Map Key: (3) 6-2-001:003, 015.
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.

12. After-the-Fact Consent to the Transfer of Grant of Easement recorded in Liber 9925, page 408 from Standard Oil Company of California, Assignor, to Chevron U.S.A. Inc., Assignee; Aiea, O‘ahu, Tax Map Key: (1) 9-9-003:061.

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

13. Consent to Assignment of Duke Kahanamoku Beach Concession Contract, Hilton Hawaiian Village LLC, Assignor, to Hilton Hawaiian Village Lessee LLC, Assignee, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021.

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.

17. Amend prior Board Action of August 26, 2016, agenda item D-11 for the Annual Renewal of Revocable Permits on the Island of O‘ahu.

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.

18. Amend Prior Board Action of November 10, 2016, Item D-13; Set Aside of Various Properties on Island of O‘ahu to the Department of Agriculture for Agriculture Purposes Pursuant to Act 90, SLH 2003. (See Exhibit A for List of Properties).

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 State Secret Services Charge; Kailua, Koolaupoko, 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
21. Issuance of Right-of-Entry Permit to Hawai‘i Explosives & Pyrotechnics, Inc. from December 30, 2016 to January 1, 2017 for Aerial Fireworks Display on Encumbered State lands off Ko ‘Ölina Beach on New Year’s Eve 2017, Honouliuli, ‘Ewa, O‘ahu, Tax Map Key: (1) 9-1-057:seaward.
22. Discussion Regarding Proposed Settlement Agreement for Blake v. County of Kauai Planning Commission, et al., Civ. No. 09-1-0069 (5th Cir. Ct.); Blake v. Bd of Land and Natural Resources, et al., Civ. No. 12-1-2491-10 (1st Cir. Ct.); and Blake v. Bd of Land and Natural Resources, Civ. No. 12-1-2492-10 (1st Cir. Ct.).

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.
2. Request for Authorization and Approval to Issue a Temporary (3-month) Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustee Representatives of the U.S. Department of the Interior, U.S. Fish and Wildlife Service; and the U.S. Department of Commerce, National Oceanic and Atmospheric Administration; for Access to State Waters to Conduct Conservation and Management Activities on the same terms as the 2016 Permit (PMNM-2016-001).
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, 'Alamihī, Lāhainā, Maui, Hawai'i, Identified by Tax Map Key: (2) 4-5-005: portion of 001.
2. Request Approval to Initiate Rule-Making Proceeding, Including Public Hearing, to Amend Title 13, Hawai'i Administrative Rules (HAR) Sections 13-230-4 Penalties and prosecution, 13-230-8 Definitions, 13-230-25 Particular categories, 13-231-3 Use permits; issuance, 13-231-6 Revocation of use permit, 13-231-13 Joint and several liability; non-transferability of use permits, 13-231-15 Boat owner required to report change of ownership, address, and other changes, 13-231-26 Use of a vessel as a place of

principal habitation, 13-231-28 Staying aboard vessels moored at Ala Wai or Keehi small boat harbor, 13-231-29 Vessel used as a vacation site, 13-231-45 Marine inspections, 13-231-56 Definitions, gross receipts, 13-231-70 Water taxi operations, 13-232-8 Marine toilets - restrictions, 13-232-10 Backflow prevention device required on connections to water line - use of water operated de-watering device prohibited, 13-232-30 Fire signal for vessels in small boat harbors, 13-232-57 Dogs, cats or other domestic pets, 13-232-58 Sleeping or camping prohibited, 13-232-60 Serving, sale, and consumption of liquor in state boat harbors and boat launching facilities, 13-233-13 Operation, parking, or storage of bicycles or play vehicles, 13-233-29 Eligibility for parking permits; fee per vehicle, 13-235-5 Owners required to report change in ownership, address and other changes, 13-235-9 Restrictions on anchoring or mooring outside of a designated offshore mooring area, 13-242-1 Duty to render aid and give information, 13-242-3 Immediate notice of accident; when required, 13-242-4 Written boating accident report; when required, 13-243-4 Mufflers, 13-244-15.5 Operation of power driven vessels, 13-244-19 Authorization required to hold regatta, marine parade, boat race or exhibition, 13-244-29 Makapu‘u ocean waters, 13-244-37 Zone A, Zone B, Ingress/Egress Zones, and Ingress/Egress Corridors, 13-245-9 Diver’s flag, 13-251-57 Waikīkī ocean waters, 13-253-1.3 Gross receipts, 13-255-1 Purpose and scope, 13-255-6 Waikīkī beach uses and activities; restrictions, 13-256-3 Commercial use permit or catamaran registration certificate requirements, 13-256-5 Commercial use permits; public auction, 13-256-7 Business transfer fee, 13-256-8 Owner required to report change in ownership, address and other changes, 13-256-12 Gross receipts, 13-256-16 Thrill craft operations; general provisions, 13-256-17 Recreational thrill craft operations, 13-256-21 Ultralight float equipped aircraft, 13-256-22 Tow-in surfing, 13-256-56 Wailua River restricted area, 13-256-63 Sharks Cove, Three Tables and Waimea Bay ocean waters, 13-256-73.5 Large snorkel tour permit restrictions, 13-256-74 Kailua Ocean Waters Restricted Zones, 13-256-88 Maunalua Bay waters, 13-256-91 Waikīkī Ocean Waters Restricted Zones, 13-256-112 Maui Humpback whale protected waters, 13-256-128 Baldwin Park-Paia Bay Restricted Area, 13-256-162 Makaiwa Bay Swimming Zones; and to amend Title 13, HAR to add new Sections 13-232-57.1 Feeding of wildlife or feral animals prohibited, 13-232-57.2 Animal abandonment and creating or contributing to colonies prohibited; and to repeal HAR Sections 13-230-21 Definitions, 13-240-5 Definitions, 13-243-5 Recognition of marine examination decals, 13-245-2 Definitions, 13-250-5 Definitions, 13-254-1 Definitions, 13-255-5 Definitions, 13-256-35 Owner required to report change in ownership, address and other changes.

The rules can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules/> or <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/>

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).
7. Issuance of a Revocable Permit for a T-Hangar for Aircraft Storage, John G. Manganaro II, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 20.
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.
10. Issuance of a Revocable Permit for Aircraft Parking, Eduardo S. Acuna, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
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.
18. Issuance of a Revocable Permit for Cargo and Maintenance Operations, Hawaiian Airlines, Inc., Līhu‘e Airport, Tax Map Key: (4) 3-5-01: Portion of 8.

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.