

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

DATE: FRIDAY, JANUARY 13, 2017
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 23, 2016 Minutes
2. Approval of October 28, 2016 Minutes
3. Approval of November 10, 2016 Minutes
4. Approval of December 09, 2016 Minutes

C. FORESTRY AND WILDLIFE

1. Acceptance of Hearing Officer's Report on a Public Hearing for one Proposed Addition to the Forest Reserve System on the Island of O'ahu.
and
Approval and Recommendation to the Governor Regarding Issuance of an Executive Order for Addition of Tax Map Key (1) 9-8-001:001, Comprising Approximately 635 Acres, to the 'Ewa Forest Reserve, Kalauao Section, Kalauao, 'Ewa, O'ahu.
2. Request Approval for Selection of Competitive Sealed Proposal Process and Authorize the Chairperson to Award and Execute a Contract for the Inventory of Hawaiian Sandalwood on Select Department Lands in Hawai'i County
and
Request Approval of Declaration of Exemption from Chapter 343, HRS Environmental Compliance Requirements for the Project.
3. Approval of a Memorandum of Understanding, Land License or Other Disposition Between the Division of Forestry and Wildlife and the Department of Hawaiian

Homelands for Management of a Rare Plant Exclosure on Tax Map Key (1)8-9-008:
Portion 001, Wai‘anae, O‘ahu

And

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

And

Request for Delegation of Authority to the Chairperson to Negotiate, Approve, Execute,
Amend and Extend the Memorandum of Understanding, Land License or Other
Disposition, as needed, for Division of Forestry and Wildlife Management of the
Proposed Rare Plant Exclosure at Wai‘anae, O‘ahu.

4. Request Approval of a Revised Forest Stewardship Management Plan and Increased Cost
Share Support for the Forest Stewardship Agreement with Alan R. Everson, Tax Map
Key 3-4-6-009:102, Hāmākua, Hawai‘i.
5. Request for Approval to Authorize the Chairperson to Negotiate and Enter into a
Memorandum of Understanding with the University of Hawai‘i, Research Cooperative
Studies Unit Projects, to Fly on Division of Forestry and Wildlife Contracted Helicopter
Flights.
6. Request for Delegation of Authority to the Chairperson to Enter into a Memorandum of
Understanding with the Hawai‘i Nature Center to Facilitate Cooperative Management of
Adjacent Facilities, Provide Environmental Education Program Support, and Coordinate
Access to DOFAW Management Areas.
7. Request for Delegation of Authority to the Chairperson to Enter into a Memorandum of
Agreement with the 50th Space Wing, Detachment 3, 21st Space Operations Squadron,
Ka‘ena Point Satellite Tracking Station and U.S. Department of the Interior to Identify
Each Parties’ Role in Managing and Conserving Natural Resources at the Ka‘ena Point
Satellite Tracking Station Facility, and to Facilitate Management Activities Amongst the
Parties.
8. Request Approval of a Management Plan for Pahole Natural Area Reserve, Tax Map Key
1-6-8-001-002, Waialua, O‘ahu.
And
Request Approval of Declaration of Exemption to Chapter 343, HRS, Environmental
Compliance Requirements for this Project.
9. Request to Consolidate the Petitions From Elizabeth Rago, Kahuku Community
Association, Makani Pono ‘o Kahuku, and Kent Fonoimoana with the Contested Case
Hearing 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.*

D. LAND DIVISION

1. Issuance of Right-of-Entry Permit to Kaua‘i Police Department for Triathlon at Kekaha
Beach; Kekaha Beach, Waimea, Kaua‘i, Tax Map Key: (4) 1-2-002: seaward of 007.

2. Approve Mediated Settlement with Robinson Family Partners on Market Value of Old Government Road Remnant in Makaweli, Waimea, Kaua‘i, adjoining Tax Map Key Nos. (4) 1-7-005:006 and (4) 1-7-005:001 Owned by Robinson Family Partners.
3. Issuance of Revocable Permit to Mary Katherine Foti, Trustee of the Mary Katherine Foti Revocable Living Trust dated December 14, 1990, Haukalua II, South Kona, Hawai‘i, Tax Map Key: (3) 8-7-05:05.
4. Amend Prior Board action of November 10, 2016, Item D-3, *Holdover of Revocable Permits for Water Use on the Islands of Hawaii and Kauai*. The purpose of the amendment is to correct the 2016 rent shown for Revocable Permit No. S-7267 to Wood Valley Water and Farm Cooperative, and propose a rent increase for the permit effective retroactively to January 1, 2017, Kā‘ū, Hawai‘i, Tax Map Key: (3) 9-7-001:001 por.
5. Addition of 0.534 Acre, More or Less, of Submerged Land to the Area Encumbered by Governor’s Executive Order 3006 to the County of Maui for Sewage Treatment Plant Purposes, situate at Kahului, Wailuku, Maui, Tax Map Key No. (2) 3-8-001:seaward of 188.
6. Amend, After-the-Fact, Right-of-Entry Permit No. 4261, to the Association of Surfing Professionals (ASP) North America LLC , dba The World Surf League, for an Additional Day to Conclude a Professional Women’s Tour Surf Event at Līpoa Point, Honolua, Maui, Tax Map Key: (2) 4-1-001: Portion of 010.
7. Issuance of a Right-of-Entry Permit to Chrysalis, Inc., dba Chrysalis Events Hawaii, to Host a Corporate Team Building Event, Hanakaō‘ō Beach, Honokōwai, Ka‘anapali, Maui, Tax Map Key: (2) 4-4-013: seaward of 007.
8. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on January 22, 2017, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Portion).
9. Issuance of Right-of-Entry Permit to Waikīkī Beach Activities, Ltd. for Beach Activities Purposes on January 22 and 28, 2017 and February 14, 15, 16, and 25, 2017, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:Portions of 021.
10. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on January 28, and February 15, 25 and 26, 2017, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 (Portion).
11. Consent to Assignment of General Lease of Easement No. S-5174, Hilton Hawaiian Village LLC, Assignor, to Hilton Hawaiian Village Lessee LLC, Assignee, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-3-037:021 and (1) 2-6-008:029.
12. Issuance of Right-of-Entry Permit to Fireworks by Grucci, Inc. for Aerial Fireworks Display at Unencumbered State lands on Fort DeRussy Beach on January 16, 2017, Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-6-005:seaward of 001.

13. Grant of Term, Non-Exclusive Easement to Hilton Hawaiian Village Lessee LLC for Pier Purposes; Termination of Revocable Permit No. S-7566; Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1) 2-6-008:029
14. Grant of Term, Non-Exclusive Easement to C. Michael Muller, Trustee of the C. Michael Muller Trust dated November 21, 1989 for Pier Purposes; Termination of Revocable Permit No. S-5408; Waimānalo, Ko‘olaupoko, O‘ahu, Tax Map Key: (1) 4-1-001:seaward of 011.
15. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display on Encumbered State lands off Ko ‘Olina Beach on January 31, and February 4, 2017, Hono‘ulil‘uli, ‘Ewa, O‘ahu, Tax Map Key: (1) 9-1-057:seaward of 006.
16. Pursuant to Section 171-6(8), Hawaii Revised Statutes, Delegate to the Chairperson Authority to Approve Settlements Mediated under Section 171-17, Hawaii Revised Statutes, in Disputes Relating to the Sale Price or Lease Rental of Lands to be Disposed of by Drawing or Negotiation, Repurchase of Land, or Reopening of Rent.
17. Rescind Prior Board Action of July 8, 2016, Agenda Item D-3, *Amend Land Patent Grant No. S-13,720 by Revising the Easement Language in the Grant; ‘Auwaiolimu, Honolulu, O‘ahu, Tax Map Key (1) 2-2-014:020 and 031.*

Grant a Perpetual Non-Exclusive Easement to Abha Dubey Revocable Trust for Access and Utility Purposes on Easement Area Adjoining ‘Auwaiolimu, Honolulu, O‘ahu, Tax Map Key (1) 2-2-014:020.

F. DIVISION OF AQUATIC RESOURCES

1. Reconsideration of Prior Board Action of May 27, 2016 to Approve Holding Public Hearings to Amend Hawaii Administrative Rules Chapter 13-74, License and Permit Provisions and Fees for Fishing, Fish, and Fish Products. These Amendments are Intended to Require Dealer Reporting and Raise The Commercial Marine License Fees From \$50 to \$150 Per Year.
2. Request for Approval to Enter into a Federally Funded Sole Source Contract (Not to Exceed \$386,255.00), Between The Board of Land and Natural Resources And Cascadia Research Collective, to Provide Services to Support State Efforts to Minimize and Mitigate Incidental Take of False Killer Whales And Other Endangered Cetaceans in Hawai‘i; Declaration of Exemption For Contract Actions Under HRS Chapter 343 and HAR Chapter 11-200.

G. BUREAU OF CONVEYANCES

1. Request Adoption of Amendments to Hawaii Administrative Rules Chapter 13-16 (Rules Relating to Conveyances) to Specifically Authorize Electronic Recording, Update the Fee Schedule and Make Other Technical Changes

The Rules Can Be Reviewed On-Line At:

<http://ltgov.hawaii.gov/the-office/administrative-rules/>

or

<http://dlnr.hawaii.gov/boc/announcements/draft-rules-amendments-to-chapter-13-16-rules-relating-to-conveyances/> or Viewed in Person At:

The Bureau of Conveyances Offices on O‘ahu At

1151 Punchbowl Street, Room 120, Honolulu, Hawaii, 96813

From 8:00 AM to 3:30 PM, Monday through Friday Except Holidays.

J. BOATING AND OCEAN RECREATION

1. Approval of a Petition for a Contested Case Hearing and Appointment and Selection of a Hearing Officer to Conduct All Hearings for a Contested Case for the Non-Renewal of a Mooring Permit Issued to Sarah MacInnes for the Keauhou Bay Small Boat Harbor, Hawai‘i.
2. Request Approval to Initiate Rule-Making Proceeding, Including Public Hearing, to Amend various sections of Title 13, Hawaii Administrative Rules (HAR) in order to:
 - 1) Consolidate and amend definitions;
 - 2) Amend thrill craft rules;
 - 3) Amend rules regarding conduct in small boat harbors such as consumption of alcohol, sleeping and camping, and leash laws;
 - 4) Adopt new rules regarding feeding of domesticated, wild and feral animals in small boat harbors;
 - 5) Amend rules pertaining to ocean recreation requirements such as dive flags, accident reporting and temporary mooring;
 - 6) Amend administrative processes for accident reporting and formation of advisory committees; and
 - 7) Repeal redundant, inconsistent or duplicative sections of the HAR.

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. Declare Project Exempt From Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules
Installation of Offshore Mooring for Pyro Spectaculars North, Inc. Kīhei, Maui, Hawai‘i.
4. Request Approval of the Division of Boating and Ocean Recreation Sublease Rent Participation Policy.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) HA-3774 Regarding the County of Hawai‘i - Department of Environmental Management Kealakehe Metal Salvage Facility

Remediation Project, Located in the North Kona District, Island of Hawai‘i, on Tax Map Key: (3) 7-4-020:016.

L. ENGINEERING

1. Application for a DLNR Dam Safety Permit No. 75 – Lower Anahola Reservoir (KA-0066) Dam Removal, Anahola, Kaua‘i, Hawai‘i.
2. Application for a DLNR Dam Safety Permit No. 73 – Field 2 Keālia Reservoir (KA-0064) Dam Removal, Anahola, Kaua‘i, Hawai‘i.

M. OTHERS

1. Request for BLNR Consideration: Consent to Lease of Lands under Governor’s Executive Order No. 2443 to the Hawai‘i State Public Library System.
2. Amendment No. 27 to Concession Lease No. DOT-A-92-0018 for the Purpose of Adding a New Food and Beverage Space Restaurant and Lounge Concession Host International, Inc. Honolulu International Airport, Tax Map Key: (1) 1-1-02:1 (Portion).
3. Issuance of a Revocable Permit for Storage Space, Helicopter Consultants of Maui, LLC, Hilo International Airport, Tax Map Key: (3) 2-1-12: Portion of 90.

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.