

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

DATE: THURSDAY, APRIL 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

No Minutes to Approve

C. FORESTRY AND WILDLIFE

1. Request for approval to initiate rule making proceedings, including conducting public hearings to amend Hawaii Administrative Rules (HAR), Title 13, Subtitle 5, Part 1, Chapter 104, "Rules Regulating Activities within Forest Reserves" by:
 - A. Adding Subchapter 4, "Fees and Charges", that establishes fees and charges relating to forest reserves;
 - B. Making other substantive amendments, including adding, amending, and removing various definitions; amending penalty, abandoned and unattended property, fire use restrictions, closing of areas, vehicles and transportation, and general, camping, collecting, commercial, and access permit provisions; and conforming certain sections of Chapter 13-104, HAR, to other administrative rules under the Division of Forestry and Wildlife; and
 - C. Making non-substantive amendments to numerous sections for the purposes of clarity, consistency, and style.

The rule amendments can be reviewed online at: <http://ltgov.hawaii.gov/the-office/administrative-rules/> or <https://dlnr.hawaii.gov/wp-content/uploads/2012/12/DraftHARCh13-104.pdf> or can be reviewed in person at the Division of Forestry and Wildlife (DOFAW) administration office or any DOFAW District office from 8:00 am to 3:30 pm, Monday through Friday, except State holidays.

2. Request for authorization to procure three motor vehicles for the Division of Forestry and Wildlife Maui Branch's Fire Management Program, including authorizing the Chairperson to solicit bids, execute, amend, and extend contracts for the purchase of the motor vehicles.
3. Request for approval to authorize the Chairperson to approve and sign a memorandum of agreement between the State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife and the Kauai Humane Society (KHS) for wildlife care and rehabilitation on the island of Kauai.

and

Request approval of declaration of exemption under Chapter 343, Hawai'i Revised Statutes, for the subject memorandum of agreement.

4. Request for delegation of authority to the Chairperson to: 1) approve, procure, award, sign, execute, amend, and extend contracts in the amount of less than \$500,000 procured through Chapter 103D Hawaii Revised Statutes, excluding contracts procured through Chapter 103D-303 Hawaii Revised Statutes: competitive sealed proposals; 2) declare these contracts exempt from the preparation of an Environmental Assessment or approve an environmental assessment and issue a finding of no significant impact, if appropriate.
5. Request for delegation of authority to the Chairperson to: 1) approve, procure, award, sign, execute, amend, and extend contracts awarded under Chapter 42F, Hawaii Revised Statutes (HRS); 2) declare these contracts exempt from the preparation of an Environmental Assessment (EA) or approve an environmental assessment and issue a finding of no significant impact, if appropriate.
6. Request for delegation of authority to issue licenses under Hawaii Administrative Rules Chapter 13-107, rules regulating threatened and endangered plants, to the administrator of the Division of Forestry and Wildlife, Department of Land and Natural Resources

and

Delegation of Authority to the administrator of the Division of Forestry Wildlife, Department of Land and Natural Resources to approve declarations of exemptions under Chapter 343, Hawaii Revised Statutes, as applicable, for licenses issued under Hawaii Administrative Rules Chapter 13-107, rules regulating threatened and endangered plants.

7. Request for approval to enter into two (2) memorandums of agreement between the Department of Land and Natural Resources and the Department of Agriculture, for providing funding assistance for Rapid Ohia Death monitoring programs subject to review and approval by the Deputy Attorney General.

and

Approval of Declaration of Exemption under Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200, Hawai'i Administrative Rules.

D. LAND DIVISION

1. Sale of Remnant (abandoned ditch/pipeline) to Leonard F. Rosa, Sr. and Ethelyn K. Rosa, Castro Tract, Kapaa Homesteads, 4th Series, Kawaihau, Kaua'i, Tax Map Key: (4) 4-6-010: portion of 004 & 005.
2. Consent to Assign General Lease No. S-4201, David S. De Luz, Sr., Assignor, to Stephen Harold Frank, Trustee of The Stephen Harold Frank Living Trust dated March 27, 2014, also known as Stephen Harold Frank Revocable Trust, Assignee, Waiākea, South Hilo, Hawai'i, Tax Map Key: (3) 2-2-058:033.
3. Cancellation of Executive Orders No. 4014 and No. 4108 to the County of Hawai'i, for Combined Veterans Center, Veterans Housing and Other Related Purposes; and Reset Aside to the County of Hawai'i, for a Combined Veterans Center, and Affordable Senior Housing with Preference to Veterans and Spouses; Waiākea, South Hilo, Hawai'i; Tax Map Key: (3) 2-4-057:029 and 030
4. Amend Prior Board Action of January 25, 2013, Item D-3, *Grant of Perpetual, Non-Exclusive Easement to Time Warner Cable Inc. for Underground Fiber Optic Utility Cable Purposes and Issuance of an Immediate Right-of-Entry for Construction Purposes, 'O'oma 1st & Kalaoa 1st – 4th, North Kona, Hawai'i, Tax Map Key: (3) 7-3-043: portions of 042 & 091.*

The purpose of the amendment is to change the grantee to Oceanic Time Warner Cable LLC.

5. Approval of Boundary Adjustment to State Land Set-Aside to the Division of State Parks Under Governor's Executive Order No. 2876 and Unencumbered State Lands situated at Kealakehe, Keahuolū and Lanihau-Nui, North Kona, Hawai'i; Tax Map Key: (3) 7-5-005:007 and (3) 7-4-008:071

and

Amend Governor's Executive Order No. 2876 to Reflect the Adjusted Boundary to State Land situated at Keahuolū and Lanihau-Nui, North Kona, Hawai'i; Tax Map Key: (3) 7-5-005:007.

6. Sale of Lease at Public Auction for Pasture Purposes, Kiolaka'a-Kea'ā Homesteads, Kau and Nukakaia, Kā'ū, Hawai'i, Tax Map Key: (3) 9-4-005:016.
7. Amend Prior Board Action of March 27, 1992, Item F-13, as amended by Board actions of May 22, 1992, Item F-15, and November 20, 1992, Item F-6; *Direct Award to City and County of Honolulu of Perpetual, Non-Exclusive Easements for Sewer Force Main Addition Kamehameha Highway, Moanalua, Kalihi-kai, O'ahu, Tax Map Key: (1)1-1-003:003, 004, 007, 138 and (1) 1-2-021:035, and 037.*

The purpose of the amendment is to update the current Tax Map Key numbers for this project as follows: (1) 1-1-003:003, 004, 138, 211, 239 and (1) 1-2-021:035, 036, and 037, and the encumbrances affecting such parcels.

8. Issuance of Right-of-Entry Permit to CH2M HILL, Inc. for Due Diligence Purposes, Kalihi Kai, Moanalua, Honolulu, O'ahu, Tax Map Key: (1) 1-1-003:003, 004, 138, 204, 205, 206, 207, 211, 212, and 239; (1) 1-2-021:035 and 036.
9. Issuance of Right-of-Entry Permit to Hilton Hawaiian Village LLC for Beach Activities Purposes on June 14 to 17, 2017, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037 021 (Portion).
10. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on April 29, 2017, Waikīkī, Honolulu, O'ahu, Tax Map Key: (1) 2-3-037:021 (Portion).
11. Amend Prior Board Action of March 10, 2017, Item D-7; *Issuance of Right-of-Entry Permit to Department of Transportation on Both Encumbered and Unencumbered Lands for Due Diligence Purposes, Ka 'a'awa to Hau 'ula, Ko 'olauloa, O 'ahu, Tax Map Key: (1) 5-1, 5-2, 5-3, 5-4. See map attached as Exhibit A for location of the requested areas.*

The purpose of the amendment is to add portions of State lands located makai of the highway located in Kualoa, Koolaupoko, Oahu and shown on Tax Map Key: (1) 4-9-007, 4-9-008, and 4-9-009 into the right-of-entry permit area.

E. STATE PARKS

1. Amendment of General Lease No. SP0152, Anna Thuente, widow, Lessee, Waimea Canyon State Park, Lot 84, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:086. The Purpose of the Amendment is to Correct the Rent Reopening Date to Read the end of December 2018.

Consent to Assign General Lease No. SP-0152, Anna Thuente, widow, Assignor, to Anna Thuente, widow, and Donald Thuente, husband of Mary Thuente, Assignees, Waimea Canyon State Park, Lot 84, Pu'u KaPele, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-002:086.

2. Request for Authorization for the Chairperson of the Board of Land and Natural Resources to Sign, Execute, and Amend Contract(s) for the Capital Improvement Project to the 501(c)(3) Nonprofit Organization, Aha Hui E Kala dba Lawai International Center for Infrastructure Improvements to the Lawai International Center on the Island of Kaua'i, Tax Map Key: (4) 2-5-004:007.

I. STATE HISTORIC PRESERVATION DIVISION

1. Request Approval for Selection of Competitive Sealed Proposal and Authorize the Chairperson to Award and Execute a Contract to Organize, Coordinate and Facilitate the Development of a New State Historic Preservation Plan (Site Plan) for 2018-2022 with Approval of the National Park Service (NPS).

J. DIVISION OF BOATING AND OCEAN RECREATIONS

1. Installation of Offshore Mooring and Declare Project Exempt from Requirements of Chapter 343, HRS, and Title 11, Chapter 200, Hawaii Administrative Rules for Simon Engler, Māla Wharf Offshore Mooring Zone Lāhainā, Maui, Hawai‘i

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) HA-3782 for the Kekaha Kai State Facility Improvement Project, by the Department of Land and Natural Resources, Division of State Parks, at North Kona, Island of Hawai‘i, Tax Map Key: (3) 7-2-005:002, 003 and 007; 7-3-043-:001; 7-2-004:003, 009; 017 and 019.

M. OTHERS

1. Issuance of a Revocable Permit for Aircraft Parking, Eduardo S. Acuna, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 023.
2. Issuance of a Revocable Permit for Office Space to Air China Limited, Honolulu International Airport, Tax Map Key: (1) 1-1-003: Portion of 053
3. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Mid Pacific Aero Services LLC, Honolulu International Airport, Tax Map Key: (1) 1-1-76: Portion of 021.
4. Issuance of a Revocable Permit for Aircraft Parking, Edward K. Stanwood, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 032.
5. Issuance of a Hangar Facilities Lease by Notice of Public Auction, Honolulu International Airport, Tax Map Key: (1) 1-1-72: 023.
6. Issuance of a Directly Negotiated Lease for the United States Department of Agriculture, Honolulu Plant Inspection Station, Honolulu International Airport, Tax Map Key: (1) 1-1-03: Portion of 218.

7. Revisions to Condominium Documents of the Association of Apartment owners of the King Kalakaua Building (former U.S. Post Office Building, or Old Federal Building, aka the Downtown Post Office Building, or Old Federal Building), 335 Merchant Street, Honolulu, O'ahu, Tax Map Key: (1) 2-1-025-004, CPR Nos. 0001,0002, 0003, 0004, to Clarify Common and Apartment Elements and the Responsibility of Apartment Owners.

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.