

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

DATE: FRIDAY, JUNE 9, 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 March 10, 2017 Minutes.

B. CONSERVATION AND RESOURCE ENFORCEMENT

1. Administrative Enforcement Action for Violation of Hawaii Administrative Rules, Sections: 13-221-35; 13-221-46; 13-256-3; 13-256-4, Against Mr. Samuel Perez Hults for Engaging in Illegal Commercial Activity on State Lands and in State Waters Adjacent to Kailua Beach Park, Requested Cumulative Fines in the Amount of \$11,000 pursuant to HAR § 13-221-3 and HRS § 200-14.5

D. LAND DIVISION

1. Partial Withdrawal of 3.20 Acres from Governor's Proclamation dated June 5, 1909; Reset Aside 3.20 Acres to the County of Kauai, Department of Water for Proposed Clearwell Reservoir, Access Road, Water Pipelines, and Related Purposes; Issuance of Management and Construction Right-of-Entry at Kalāheo, Wahiawā, Koloa, Kaua'i, Tax Map Key: (4) 2-4-009: portion of 003.
2. Approval of 25-Year Term Extension of General Lease No. S-4575, Fran Shizuno Miyake, Norman David Thompson, and Karen Edith Thompson, Lessee, Nāwiliwili Harbor Lots, Līhu'e, Kaua'i, Tax Map Key: (4) 3-2-004:014.

3. Issuance of Right-of-Entry Permit onto Unencumbered State Beach Land to Essex House Condominium Corporation dba Kauai Marriott Resort & Beach Club for Beach Cleaning and Maintenance, Stream Mouth Maintenance, Storm Maintenance, and Leveling of Recreational Areas; Kalāpaki Beach, Kalapakī, Līhue, Kaua‘i, Tax Map Key: (4) 3-5-002: seaward of 002.
4. Quitclaim Sale of Remnant (abandoned road right-of-way) to Dennis D. Raymond and Colleen L. Raymond; Issuance of Right-of-Entry for Access Purposes, Ka‘apuna & Moloa‘a Hui, Kawaihau, Kaua‘i, Tax Map Key: (4) 4-9-003: Road, also designated as Tax Map Key: (4) 4-9-008:999.
5. After-the-Fact Renewal of Revocable Permit No. (RP) S-7879 to Savio HBH Development Company LLC, Permittee, Waiākea, South Hilo, Hawai‘i, Tax Map Keys: (3) 2-1-005:033, 034, 035, & 045.

Report on 2016 Appraised Rents for: (a) RP S-7867 to Association of Apartment Owners of Country Club Hawaii, Inc., Permittee, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-005:020; (b) RP S- 7879 to Savio HBH Development Company LLC, Permittee, Waiākea, South Hilo, Hawai‘i, Tax Map Keys: (3) 2-1-005:033, 034, 035, & 045; and (c) RP S-7892 to Reeds Bay Resort Hotel, Ltd., Permittee, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-005:022; Implement New Ground Rent for RP S- 7879 to Savio HBH Development Company LLC, Permittee, Waiākea, South Hilo, Hawai‘i, Tax Map Keys: (3) 2-1-005:033, 034, 035, & 045

6. Sale of General Lease at Public Auction for Hotel-Resort Purposes; Authorization for Staff to Prepare and Publish a Request for Interest in a Long-Term Disposition of State-Owned Lands, Waiākea, South Hilo, Hawai‘i, Tax Map Key: (3) 2-1-005: 033, 034, 035, & 045.
7. Amend Prior Board Action of December 9, 2016, Item D-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 TMK 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

The Purpose of the Amendment is to correct the Tax Map Key reference for the Department of Defense (DOD) siren site at Hapuna Beach Park, Siren ID No. HA404 from TMK: (3) 6-6-002:005 to TMK: (3) 6-6-002:035.

8. Issuance of a Right-of-Entry Permit to Neal B. Schneider for Landscape and Maintenance on Portion of Government Beach Reserve for Clean-up, Sand Dune Restoration and Native Plant Propagation Purposes, Waiohuli, Kīhei, Maui, Tax Map Key: (2) 3-9-009: 011 and 034 por.
9. Rescind Board Action of April 8, 1983, Item F-3, *Direct Sale of Perpetual, Non-Exclusive Easement for Revetment Purposes Covering Portion of Government Beach Reserve*, and Grant of 55-Year Term, Non-Exclusive Easement to New Owners: Robin M. Kean and Jennifer Downs Kean, Trustees of the Robin M. Kean Revocable Living Trust dated October 1, 2015, and Jennifer Downs Kean and Robin M. Kean, Trustees of the Jennifer Downs Kean Revocable Living Trust dated October 1, 2015; for Resolution of Seawall and Rock Revetment Encroachment Purposes; Issuance of Immediate Management Right-of-Entry Pending Issuance of Easement, Waiohuli-Keōkea Homesteads, Kīhei, Maui, Tax Map Key: (2) 3-9-012: seaward of 003.
10. Report on and Withdrawal of Item Requesting Grant of Term, Non-Exclusive Easement to Hilton Hawaiian Village LLC for Pier Purposes; Termination of Revocable Permit No. S-7566; Waikīkī, Honolulu, O‘ahu, Tax Map Key: (1)2-6-008:029
11. Amend Prior Board Action dated January 11, 2013, item D-14, *Grant of Term, Non-Exclusive Easement to West Coast Roofing, Inc. for Seawall Purposes; Assess Administrative Costs of \$200, Makahā, Wai‘ānae, Oahu, Tax Map Key: (1) 8-4-005: seaward of 002.*

This Amendment Pertains to Additional Easement Area and Consideration.
12. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display on Encumbered State lands off Ko Olina Beach on July 4, 2017, Hono‘uli‘uli, ‘Ewa, O‘ahu, Tax Map Key: (1) 9-1-057: seaward of 006.
13. After-the-Fact Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display on Encumbered State lands off Ko ‘Olina Beach on May 31, 2017, Hono‘uli‘uli, ‘Ewa, O‘ahu, Tax Map Key: (1) 9-1-057: seaward of 006.
14. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach Every Friday From June 9, 2017 to June 8, 2018, Waikīkī, Honolulu, O‘ahu, TMK: (1) 2-3-037:021 (Por).

J. BOATING AND OCEAN RECREATION

1. Administrative Enforcement Action for:
 - A. Violation of Hawaii Administrative Rules, Section 13-231-51: Business Activities Against Mr. Shane Turpin dba Kohala Tours, Mr. Sky K. Mullins, and Mr. William L. Gifford for Engaging in Illegal Commercial Operations from the Pohoiki Boat Ramp, Hawaii Island, and Lands Adjacent Thereto Without a Commercial Use Permit; and
 - B. Request for authorization to hold a contested case hearing and for the Chairperson to select a Hearing Officer.
2. Authorize Public Auction of a Lease for Maritime Related Purposes, situated on Naāwiliwili Small Boat Harbor, Island of Kaua‘i, Hawai‘i, Tax Map Key: (4) 3-2-03:043 (Portion).
3. Issuance of a Revocable Permit to Honolulu Transpac, Ltd., for Support Areas and Mooring Sites, for the 2017 Transpacific Yacht Race from Los Angeles, California to Honolulu, Hawai‘i, situated at the Ala Wai Small Boat Harbor, Tax Map Key: (1) 2-3-037:012 (portion).

K. CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) OA-3784 for the Royal Hawaiian Groin Improvement Project, by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands, at Waikīkī, Island of O‘ahu, Seaward of Tax Map Keys: (1) 2-6-002:005 and (1) 2-6-002:006.

M. OTHERS

1. Approve the recommendations of the Water Security Advisory Group to fund projects that will increase water security in the State of Hawaii:
 1. Kaho‘olawe Island Reserve Commission, \$100,000 to improve an existing irrigation system in order to plant 10,000 native plants in a 100-acre Tier II area in the upper Hakioawa Watershed of Kaho‘olawe;
 2. Lāna‘i Water Company, \$30,000 to convert 210 outdated meters into “smart” meters for single family homes owned by individual homeowners;
 3. Ka‘ala Farm Inc., \$74,293 to pilot test a new method to estimate recharge rate from wetland taro patches; redesign auwai system to be more efficient; and Develop curriculum for visiting school groups;

4. Department of Land and Natural Resources, Division of Forestry and Wildlife (DoFAW), \$55,743 for ungulate removal, out planting, weed management, and biocontrol in the Kipahulu Forest Reserve;
5. Kupu, \$61,952 to develop and pilot a storm water curriculum geared toward 5th grade level, including installing up to 2 rain gardens;
6. Center for Tomorrow's Leaders, \$7,500 to install a rainwater catchment at First Assembly of God and Christian Church;
7. Moloa'a Irrigation Cooperative, \$26,936 to upgrade agricultural meters to Advanced Metering Analytics, which includes a smartphone/table application that provides real-time information for system operators and customers;
8. Department of Land and Natural Resources, DoFAW, \$70,000 to expand and maintain vegetative "green" firebreaks that use native plants to reduce fire threat in Wai'ānae Kai Forest Reserve, by doing clearing, weed control, out planting, and maintenance;
9. Ko'olau Mountains Watershed Partnership, \$19,470 to restore 5.1 acres of degraded forest through removal of invasive species and replanting; provide for educational opportunities with nearby Pearl City schools; and establish a 2.0 acre Hawaiian cultural garden;
10. Hoku Nui Maui, LLC, \$100,000 to construct 1,300 feet of an unpaved farm road as a catchment surface for management of storm water runoff and installation of 1.5 million-gallon detention basin and floating wetlands; and
11. The Nature Conservancy, \$68,006 to restore and manage 19 acres of estuarine and wetland habitat in Heeia and conduct community outreach and education.

And:

Declare that projects recommended by the Water Security Advisory Group are exempt from the requirement to prepare an environmental assessment, pursuant to Sections 343-5 and 343-6, Hawaii Revised Statutes and Section 11-200-8 Hawaii Administrative Rules.

2. Consent to Assignment of a Sublease from Tiare Enterprises, Inc. to BKKM Enterprise Corp., Retail Concession Agreement No. DOT-A-09-0002, DFS Group, L.P., Honolulu International Airport, Tax Map Key: (1) 1-1-03: Portion of 1.
3. Issuance of a Revocable Permit for a Preferred Holdroom in the Main Terminal, Hawaiian Airlines, Inc., Kona International Airport at Keāhole, Tax Map Key: (3) 7-3-43: Portion of 40.

4. Issuance of a Revocable Permit for Office Space in the Main Terminal for Airline 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.