

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

DATE: FRIDAY, APRIL 26, 2019
TIME: **9:15 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 Meeting Minutes for December 14, 2018.

C. DIVISION OF FORESTRY AND WILDLIFE

1. Approve a Grant from available funds in the Land Conservation Fund, as requested in an Application to the 2018-2019 Legacy Land Conservation Program, for the Payment of \$1,500,000 in Debt Service on the Turtle Bay Reimbursable General Obligation Bonds;

and

Delegate Authority to the Chairperson to approve future Annual Grants from available funds in the Land Conservation Fund, as requested each year, in an Application filed by a Nonprofit Land Conservation Organization, for the payment of \$1,500,000 in Debt Service on the Turtle Bay Reimbursable General Obligation Bonds.

2. Approve Grants from available funds in the Land Conservation Fund, as requested in Applications to the 2018-2019 Legacy Land Conservation Program, for the Acquisition of Interests and Rights in specific parcels of land for:

- A. Division of Forestry and Wildlife, \$66,500, for the acquisition of approximately 300 acres at Kona, O'ahu (Pia Valley), Tax Map Key Number: (1) 3-7-003:003;
- B. County of Hawai'i, \$1,452,000, for the acquisition of approximately 83.1 acres at North Kohala, Hawai'i (Kapanaia), Tax Map Key Numbers: (3) 5-2-007:004 and (3) 5-2-007:027;
- C. Ke Ao Hali'i (Save the Hana Coast), \$2,225,625, for the acquisition of approximately 26.98 acres at Hana, Maui (Mokae-Maka'ala'e Lands), Tax Map Key Number: (2) 1-4-010:004;
- D. Division of Forestry and Wildlife, \$700,000, for the acquisition of approximately 948.2 acres at Ko'olaupoko, O'ahu (Kāne'ohē Pali to Lo'i), Tax Map Key Numbers: (1) 4-5-025:008, (1) 4-5-041:001, (1) 4-5-041:004, and (1) 4-5-042:018;
- E. The Nature Conservancy, \$400,000 for the acquisition of a conservation easement over approximately 229 acres at Kona, Hawai'i (Ho'omau Forest and Ranch), Tax Map Key Number: (3) 8-9-001:023 (por.);
- F. Division of Forestry and Wildlife, \$100,000 for the acquisition of a conservation easement over approximately 764 acres at Kona, Hawai'i (Ho'omau Forest and Ranch), Tax Map Key Numbers: (3) 8-8-001:022, (3) 8-8-001:032, and (3) 8-8-001:033;
- G. Waipā Foundation, \$650,000, for the acquisition of approximately 0.25 acres at Halele'a, Kaua'i (Halulu Fishpond Access), Tax Map Key Number: (4) 5-6-004:017;
- H. Division of Forestry and Wildlife, \$1,000,000 for the acquisition of a Conservation Easement over approximately 2,780 acres at Kona, Hawai'i (Hāloa 'Āina – Royal Hawaiian Sandalwood), Tax Map Key Numbers: (3) 7-9-001:013, (3) 7-9-001:014, and (3) 7-9-001:015; and
- I. Hawaiian Islands Land Trust, \$900,000 for the acquisition of a Conservation Easement over approximately 17.1 acres at Ko'olaupoko, O'ahu (Waikalua Loko I'a), Tax Map Key Number: (1) 4-5-030:001 (por.);

and

Declare that Approved Awards of Grant Funds for the Acquisition of Interests and Rights in Specific Parcels of Land identified as Items B, C, and D above (Kapanaia, Mokae to Maka'ala'e Lands, and Kāne'ohē Pali to Lo'i) are Exempt from the Requirement to Prepare an Environmental Assessment, Pursuant to

Sections 343-5 and 343-6, Hawai'i Revised Statutes and Section 11-200-8, Hawai'i Administrative Rules.

3. Request Approval of the Masters Unlimited LLC, Forest Stewardship Management Plan and Forest Stewardship Agreement with Masters Unlimited LLC, Puna, Hawai'i County, Hawai'i Tax Map Key: (3) 1-8-091:016,

and

Request approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes for the project.

4. Request Approval to Negotiate and Sign a contract(s) for the Management of the Department of Land and Natural Resources Youth Conservation Corps Program.

5. Amend prior Board action of July 13, 2018 Item C-2

Request for Authorization for the Chairperson to Solicit Bids, Execute, Amend, and Extend a Contract(s) to furnish Helicopter Transportation Services for Department of Land and Natural Resources, Division of Forestry and Wildlife;

and

Request Approval of Declaration of Exemption to Chapter 343, Hawai'i Revised Statutes, Environmental Compliance requirements for this procurement.

D. LAND DIVISION

1. Issuance of Right-of-Entry Permit to the County of Kauai, Department of Public Works, onto Unencumbered State Lands, Portions of the Kapahi Stream, Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-004: 015 por. and (4) 4-6-005:006 por.
2. Sale of Remnant (Abandoned Ditch Right-of-Way) to Christopher Duane Thomas, Castro Tract, Kapaa Homesteads, 4th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-010: portion of 004.
3. Sale of Remnants (Abandoned Ditch and Pipeline Right-of-Way) to Laverne K. Packard, Castro Tract, Kapaa Homesteads, 4th Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-010: portions of 004 & 005.

4. Issuance of Right-of-Entry Permit to the Department of Land and Natural Resources, Division of Forestry and Wildlife, for Fence Construction and Maintenance Purposes on Lands Encumbered by Revocable Permit No. S-7662 to Parker Ranch, Inc., Upper Paauhau, Hamakua, Hawaii, Tax Map Key: (3) 4-4-014:004.
5. Authorize Division of Forestry and Wildlife to Conduct a Public Hearing on the Island of Hawaii for Proposed Withdrawal of Lands from the Mauna Kea Forest Reserve and Issuance of an Immediate Construction and Management Special Use Permit to the Department of Transportation for Survey and Construction Activities, Kaohe IV, Hamakua, Hawaii; Portions of Tax Map Keys: (3) 4-4-016:003 and 4-4-016:012.
6. Amend Prior Board Action of June 9, 2017, Item D-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-Keokea Homesteads, Kihei, Maui, Tax Map Key: (2) 3-9-012: seaward of 003.*

The purpose of the amendment is to change the easement area from 650 square feet, more or less, to 668 square feet, more or less, and expand the easement character of use to include concrete steps.

7. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Special Event Aerial Fireworks Display at Duke Kahanamoku Lagoon on May 16, 2019, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021
8. Amend Prior Board Action of March 22, 2019, Item D-5, *After-the-fact Consent to Two (2) Subleases under General Lease No. S-4588, InSite Towers Development, LLC, Sublessor, to Blow Up, LLC and United States Secret Service as Sublessees, Kalawahine and Opu, Honolulu, Oahu, Tax Map Key: (1) 2-5-019: portion of 013.*

The purpose of the amendment is to request an additional after-the-fact consent to a sublease under General Lease No. S-4588 to Salem Media of Hawaii, Inc. as Sublessee.

9. *Informational briefing on the status of the facilitated discussions between the Kauai Island Utility Cooperative (KIUC), Earthjustice, Kia'i Wai O Wai'ale'ale, Sierra Club, Grove Farm, and the Department of Hawaiian Home Lands, regarding their respective positions on KIUC's request to use State water for its hydroelectricity plants pursuant to Revocable Permit No. S-7340, Lihue-Koloa Forest Reserve (Wailua Section), Kauai, Tax Map Key (4) 3-9-001:001. **No decision making on this item.***

E. DIVISION OF STATE PARKS

1. Requesting Approval for the Issuance of a Revocable Permit that will be Negotiated and Executed by Chairperson for the Collection of Parking and Entry Fees at the Hā'ena State Park, Kaua'i, Hawai'i, Tax Map Key: (4) 1-4-001:007 Portion.

Declare Project Exempt from Requirements of Chapter 343, HRS And Title 11, Chapter 200, Hawaii Administrative Rules.

2. Requesting Approval for the Issuance of a Revocable Permit that will be Negotiated and Executed by the Chairperson for the Collection of Parking Fees at Kokee and Waimea Canyon State Parks, Kaua'i, Tax Map Key: (4) 1-4-001:013, 004, 003, and 002 (Portion).

Declare Project Exempt from Requirements of Chapter 343, HRS And Title 11, Chapter 200, Hawaii Administrative Rules.

F. DIVISION OF AQUATIC RESOURCES

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr. Charles Littnan, NOAA Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Management and recovery actions, inclusive of the removal of individual sharks at FFS displaying predatory behavior towards pups.

2. INTENTIONALLY LEFT BLANK

3. Request for Approval to Enter into a General Funded Contract for Goods and Services based upon Competitive Sealed Bids, not to Exceed \$260,000.00, between the Department of Land and Natural Resources (DLNR) and Hui O Ho'ohonua, to provide Services to Remove and Dispose of Mangrove and other

Non-Native vegetation in the Honouliuli Stream in order to Minimize and Mitigate Flooding Impacts, Improve Water Quality by increasing flow and protect and enhance fish and wildlife; Declaration of Exemption for Contract Actions under HRS Chapter 343, and HAR Chapter 11-200.

J. DIVISION OF BOATING AND OCEAN RECREATION

1. Request to amend Prior Board Action of February 22, 2019, (Item J-3) for Issuance of a Revocable Permit ("RP") to Makani Charters, Inc., for a Covered Area Used for Storage and Recreation at Honokohau Small Boat Harbor, Kailua-Kona, Hawaii, identified by Tax Map Key: (3) 7-4-008:003 (Portion).

The Purpose of this Amendment is to Revise the Slip Owner from Makani Charters, Inc. to Makani Kai Charters, Inc., the area from 200 sq. ft. to 449 sq. ft. and the Rent from \$100.00 to \$224.50.

2. Authorize a Twenty-Year Extension of Lease No. H-78-5 to La Mariana Sailing Club, Inc., Kalihi-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-2-023:052.

and

Declare Project Exempt from Requirements of Chapter 343, HRS And Title 11, Chapter 200, Hawaii Administrative Rules.

K. OFFICE OF CONSERVATION AND COASTAL LANDS

1. Denial of Request to Waive the Timeliness of an Oral Request for a Contested Case Hearing Regarding an Unauthorized Seawall at Kaneohe, Island of Oahu, Seaward of Tax Map Key: 4-6-001:007, Charles T.Y. Wong Trust - Docket No. ENF - OA 19-01.
2. Request for Approval of Proposed AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING between THE STATE OF HAWAII, Department of Land and Natural Resources, by its Board of Land and Natural Resources and the WAIKIKI BEACH SPECIAL IMPROVEMENT DISTRICT ASSOCIATION to Help Fund the Construction of the Royal Hawaiian Groin Improvement Project and MEMORANDUM OF UNDERSTANDING for the

Kuhio Beach Stub Groin and Sand Back Passing Project, at Waikiki, Oahu, Hawaii.

L. ENGINEERING

1. Appointment of Ed Kawamura Jr. to serve as a Director of the East Kauai Soil and Water Conservation District.
2. Appointment of Jon Ching to serve as a Director of the West Kauai Soil and Water Conservation District.

M. OTHERS

1. Issuance of a Revocable Permit for a Guest Service Counter, Hawaii HIS Corporation, Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 195 (Portion).
2. Amendment No. 9 to Concession Agreement No. DOT-A-08-0011 to Add Storage Space, Smarte Carte, Inc., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-03: 01 (Portion).
3. Issuance of a Revocable Permit for Space to Install a Satellite Dish for Airline Operations, Southwest Airlines Co., Daniel K. Inouye International Airport, Tax Map Key: (1) 1-1-003: 065 (Portion).
4. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Juan E. Ariza, IV, Kawaihapai Airfield, Waialua, Hawaii, Tax Map Key: (1) 6-08-14:017: Portion.
5. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, William A. Buck, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
6. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Colby C. Jones, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
7. Issuance of a Revocable Permit for T-Hangars for Storage and Maintenance of Aircraft, K & S Helicopters, Inc., Kalaeloa Airport, Tax Map Keys: (1) 9-1-13: 127 and (1) 9-1-13: Portion of 32.
8. Issuance of a Revocable Permit for a T-Hangar for Storage and Maintenance of Aircraft, Osamu Manabe and Kyler Manabe, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.

9. Issuance of a Revocable Permit for a T-hangar for Storage and Maintenance of Aircraft, Mokulele Research Corporation, Kalaeloa Airport, Tax Map Key: (1) 9-1-13: Portion of 32.
10. Issuance of a Revocable Permit for Main Terminal Floor Spaces for Two Shared Ticket Counters, Westjet, Ellison Onizuka Kona International Airport at Keahole, Tax Map Key: (3) 7-3-43: Portion of 40.
11. Issuance of a Temporary Electrical Power Easement to Marisco, Ltd., at Piers 7, 8, and 9, Kalaeloa, Barbers Point Harbor, Oahu, Hawaii, Tax Map Key: (1) 9-14:24 (Portion).
12. Request Approval to Issue a Month-to-Month Permit and Issuance of a Lease by Direct Negotiation with McCabe, Hamilton & Denny Co., LTD. for a Passenger Ship Gangway, Pier 2, Honolulu Harbor, Oahu, Hawaii, Tax Map Key: (1) 2-1-15 (Portion).

The Board may go into Executive Session pursuant to Section 92-5(a) (4), Hawaii 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 9:00 A.M. THE DAY OF THE MEETING.

Public Testimony: e-mail: blnr.testimony@hawaii.gov

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.

Meeting materials are available for public review in advance of the meeting on our Website:

<http://www.dlnr.Hawaii.gov/meetings> or **in person** at 1151 Punchbowl Street, Rm 131, Honolulu, Hawaii 96813.

INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR AUXILIARY AIDS OR SERVICES (e.g., sign language interpreter, wheel chair accessibility, or parking designated for the disabled) AT THE BLNR MEETING, PLEASE CONTACT STAFF AT LEAST 72-HOURS PRIOR TO THE MEETING AT (808) 587-0404 SO THAT ARRANGEMENTS CAN BE MADE.