

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

DATE: FRIDAY, OCTOBER 28, 2011
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

A. MINUTES

1. August 26, 2011 Minutes
2. September 9, 2011 Minutes
3. September 15, 2011 Minutes (Emergency Meeting)
4. September 23, 2011 Minutes – To be distributed.

C. FORESTRY AND WILDLIFE

1. Request Approval to Issue an Invitation for Bid and Authorize the Chairperson to Award, Execute, and Extend Contract(s) for Helicopter Transportation Services for the Division of Forestry and Wildlife, Maui District
And
Request Approval of Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Requested Invitation for Bid
2. Request Approval to Enter into Agreements to Collect Fees and Costs for Technical Services Provided to Applicants Seeking Incidental Take Licenses, and Delegation of Authority to the Chairperson to Approve, Modify, and Amend Agreements for Those Services
3. Request Approval to Enter into a Cooperative Management Agreement With the Agribusiness Development Corporation (ADC), for Agricultural and Renewable Energy Purposes and for the Hunting of Game Birds and Game Mammals in the Kekaha Area of the Waimea District, Island of Kauai; and to Authorize the Chairperson to Finalize Terms and Sign the Agreement
And
Request Approval for Declaration of Exemption to Chapter 343, HRS Environmental Compliance Requirements for the Cooperative Management Agreement

4. Request for Approval to Initiate Rule Making Proceedings to Amend Hawai'i Administrative Rules Title 13 Chapter 124 to Reorganize into Subchapters; to Amend Title of Chapter; to Amend Sections 13-124-2 Definitions, 13-124-3 Prohibited Activities, and 13-124-8 Penalties; to Add Section 13-124-13 Penalties; and to Update the Exhibits of Injurious Species, Introduced Wild Birds, and Threatened and Endangered Species
5. Request for After the Fact Approval of Amendment to Extend Incidental Take License and Habitat Conservation Plan for Lanai Meteorological Towers and Amendment to Extend Associated Memorandum of Agreement

D. LAND DIVISION

1. Denial of Request for Contested Case Hearing by Kanaka Hui, Manini
2. Rescind Prior Board Action of July 8, 2010, Item D-1, Resubmittal, After the-Fact, Assignment of Sublease Under General Lease No. S-3852, Nextel WIP Lease Corp dba Nextel Partners (Nextel), Assignor, to TowerCo LLC (TowerCo), Assignee; Consent to Five Year Extension of Sublease to TowerCo, Waimea, Kekaha, Kauai, Tax Map Key: (4) 1-2-02: portion of 6.
3. Amend Prior Board Action of March 12, 2004, Item D-11, Consent to Sublease of General Lease No. S-3852, United States of America, Department of the Navy, Lessee/Sublessor, to Nextel WIP Lease Corp. dba: Nextel Partners, Sublessee, Waimea, Kekaha, Kauai, Tax Map Key: (4) 1-2-002: portion of 26.
4. After-the-fact, Consent to Assign Sublease (Navy License No. N6274204RP00032) of General Lease No. S-3852, Nextel WIP Lease Corp. dba: Nextel Partners, Assignor, to NPCR, Inc., Assignee, Waimea, Kekaha, Kauai, Tax Map Key: (4) 1-2-002: portion of 26.

After-the-fact, Consent to Assign Sublease (Navy License No. N6274204RP00032) of General Lease No. S-3852, NPCR, Inc., Assignor, to TowerCo Assets LLC, Assignee, Waimea, Kekaha, Kauai, Tax Map Key: (4) 1-2-002: portion of 26.

5. Amend Prior Board Action of November 14, 2008, Agenda Item D-1, Consent to Sublease General Lease No. S-3852, United States of America, Department of the Navy, Sublessor, to New Cingular Wireless PCS, LLC dba AT&T, Sublessee, Waimea, Kekaha, Kauai, Tax Map Key (4) 1-2-002:026 Por.
6. Amend Prior Board Action of August 22, 2003, Agenda Item D-16, Consent to Sublease General Lease No. S-3852, United States of America, Department of the Navy, Sublessor, to Cellco Partnership, Delaware General Partnership dba Verizon Wireless, Sublessee, Waimea, Kekaha, Kauai, Tax Map Key (4) 1-2-001:006 Por.

7. Authorize the Cancellation of Revocable Permit No. S-6842 for Sugar Cultivation and Pasture Purposes to Gay and Robinson, Inc., Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-8-006:002, (4) 1-8-007:003, (4) 1-8-007:010 and (4) 1-8-008:020 and Authorize Issuance of Revocable Permit for Diversified Agriculture and Pasture Purposes to Gay & Robinson, Inc., Hanapepe, Waimea, Kauai, Tax Map Key:(4) 1-8-006:002, (4) 1-8-007: 010 and (4) 1-8-008:020.
8. Grant of Term, Non-Exclusive Easement to Harlan Cabot Amstutz and Patricia Price Amstutz, Co-Trustees of the Amstutz Family Trust for Seawall and Stairway Purposes, Koloa, Kauai, Tax Map Key: (4) 2-6-003:018 & 060.
9. Amend Prior Board Action of July 8, 2011 (Item D-3) Set Aside to Department of Agriculture for Agricultural purposes, Kapaa, Waipouli, Kawaihau, Tax Map Key: (4) 4-3-004: 001, 009, 014 & 017, (4) 4-4-004: 004, 005, 043, 044, & 051, (4) 4-6-005: 011.
10. After-The-Fact Issuance of Right-of-Entry Permit For Dam Maintenance and Remediation Improvements To:

Jenning Pacific, LLC on Lands Encumbered by General Lease S-5660 to William J. Sanchez Sr. For Upper Kapahi Reservoir, DAGS Job No. 14-23-7391, Waipouli, Kawaihau, Kauai; TMK: (4) 4-4-004: 004 and 051,

Earthworks Pacific, Inc. on Lands Encumbered by Revocable Permit S-7448 to William J. Sanchez Sr., For Hanamaulu Field 21Reservoir, DAGS Job No. 14-23-7395, Wailua, Lihue, Kawaihau, Kauai; TMK: (4) 3-9-002: Portion Parcel 20 and Lands Encumbered by Revocable Permit S-7453 to Kapaa Banana Company Inc., Aahoaka Reservoir, DAGS Job No. 14-23-7393, Wailua, Lihue, Kawaihau, Kauai; TMK: (4) 3-9-002: Portion Parcel 01
11. Grant of Perpetual, Non-Exclusive Easement to Hawaiian Telcom, Inc.; Issuance of Construction Right-of-Entry for Access, Utility and Overhead Telecommunication Lines Purposes, portion of Rice & Kula Lots, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-005:012.
12. Grant of Term, Non-Exclusive Easement to John R. Miller LLC, for Access and Utility Purposes, Keahialaka, Puna, Hawaii, Tax Map Key: 3rd/ 1-3-08:20.
13. Consent to Assign General Lease No. S-4307, Geo'Co., Inc., Assignor, to Automotive Warehouse, Inc., Assignee, Waiakea, South Hilo, Hawaii, Tax Map Key:3rd/2-2-58:03.
14. Denial of Request for Contested Case by 1) Community Alliance on Prisons, 2) DMZ-Hawaii / Aloha Aina, and 3) Michael Kumukauoha Lee re Board Action of September 9, 2010, Item D-3, Canceling Governor's Executive Order Nos. 1225 & 1588 and Resetting Aside Lands to the State of Hawaii Department of Defense for Youth ChalleNGe Academy Purposes; Waiakea,

South Hilo, Hawaii, Tax Map Key (3) 2-4-08:09 por.

15. Cancellation of Governor's Executive Order No. 4341 and Issuance of Revocable Permit for Approximately 279.76 Acres to State of Hawaii, Department of Defense (DOD), for Youth ChalleNGe Academy Purposes, with Access, Utility and Conservation Easements Reserved to the Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW); Issuance of Immediate Management Right-of-Entry to DOD; Issuance of Right-of-Entry to DOFAW over Access, Utility and Conservation Easement Area, and over Approximately 342.24 Acres for Data Collection, Surveys and Conservation Activities, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-08:09 pors.
16. Amend Prior Board Action of February 22, 2008, Agenda Item D-5, Grant of Term, Non-Exclusive Easement to Chantee Shiroma, Glenn Shiroma & Samuel Alameda, Charles C. Selhorst and Vivian B. Eusebio for Access and Utility Purposes, Kulaimano Homesteads, South Hilo, Hawaii, Tax Map Key: 3rd/2-8-06:06.
17. Grant of Perpetual, Non-Exclusive Easement to James A. Scanlon and Sarah N. Scanlon for Access Purposes, Kaiiaakea, North Hilo, Hawaii, Tax Map Key: 3rd/ 3-4-03:11.
18. Amendment and Restatement of Grant of Easement No. S-27,613 to Napuu Water, Inc. for Water Transmission and Storage Purposes, Puuwaawaa, North Kona, Hawaii, Tax Map Key: (3) 7-1-001: portion of 006.
19. Corrective Action Regarding Trespass on Unencumbered Lands Adjacent to Malama Solomon's Property and Damage to Archaeological Features; Kohanaiki, North Kona, Hawaii, Tax Map Key: 3rd/ 7-3-06:02 and 7-3-06: Kaukahoku Road.
20. Resubmittal: Request for Plan Approval for Installation of Fence, General Lease No. S-5188, Brad Radcliffe Anderson, Cord Dominis Anderson, and D.G. Anderson, Lessee; Request for 30-day Extension of Cure Period under Notice of Default dated September 16, 2011; Auhaukeae, North Kona, Hawaii, Tax Map Key: (3) 7-5-09:43.
21. Issuance of Revocable Permit to Terrance P. Kaialii Akuna, Wailua Homesteads, Koolau, Hana, Maui, Tax Map Key: (2) 1-1-004:018.
22. Issuance of Revocable Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on January 25, 2012, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).

23. Withdrawal from Governor's Executive Order No. 4314, and Reset Aside to the Department of Accounting and General Services, for Microwave Tower Site Purposes, Makiki Heights, Honolulu, Oahu, Tax Map Key: (1) 2-5-019: por. 003.
24. Consent to Quitclaim Assignment and Assumption of Grant of Easement No. S-4304; Patrick T. Perkins, Personal Representative of the Estate of Mary Karen Caldwell Perkins aka Karen Caldwell Perkins aka Karen C. Perkins, the Assignor; to Kainehe III LLC and Jean C. Marchant, Successor Trustee under that certain unrecorded Robert B. Marchant Revocable Living Trust Agreement dated April 12, 1983, the Assignee; First Amendment to Grant of Easement No. S-4304; Kalawahine, Honolulu, Oahu, Tax Map Key: (1) 2-5-019: portion of 005.
25. Grant of Term, Exclusive Easement to Benjamin B. Cassiday, Jr. Revocable Trust for Seawall, Steps, and Filled Land Purposes, Niu, Honolulu, Oahu, Tax Map Key: (1) 3-7-002:007 seaward.
26. Amend Prior Board Action of April 28, 2006, Item D-16, Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Access and Utility Purposes and Issuance of Construction of Right-of-Entry, Waimanalo, Koolaupoko, Oahu, TMK (1) 4-1-08:05 & 80 por.
27. Re-Submittal - Amend Prior Chairperson's Action dated February 22, 2011; Consent to Assignment and Assumption of Contract (Mt. Kaala: Hawaiian Telcom License Agreement); General Lease No. S-4223, Kahuku Wind Power, LLC, Assignor; Hawaiian Electric Company, Inc., Assignee; Mokuleia, Waialua, Oahu, Tax Map Key: (1) 6-7-003:portion of 024.
28. Amend Prior Board Action dated September 28, 2001, Item D-16; Grant of Perpetual, Non-Exclusive Easement to Luakaha Mauka Community Association for Sewer Line Purposes; Nuuanu, Honolulu, Oahu; Tax Map Key (1) 1-9-007:002 portion.
29. Re-Submittal - Request to Reconsider Forfeiture/Termination of General Lease No. S-4007; God's Love Mission, Inc., Lessee, Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-027:023 and 024.
30. Second Amendment to Prior Board Action of December 1, 2010, Item D-3, Designation of Certain Select Properties for Income Generation to Support the Management of Lands under the Jurisdiction of the Board and Department of Land and Natural Resources; relating to various TMKs on the Islands of Oahu, Maui, Hawaii and Kauai as articulated in Exhibit B attached hereto and incorporated herein.
31. Permission to Contract a Professional Services Consultant to Establish the Public Land Trust Inventory.

32. Amend Prior Board Action of January 27, 2011, under Agenda Item D-7, with 2nd amendment of General Lease No. S-6003 and Cotermius Grant of Non-exclusive Easement No. S-6004, Olowalu-Ukumehame, Lahaina, Maui, TMK: (2) 3-6-01: Portion 14 and (2) 4-8-01: Portion 1.

E. STATE PARKS

1. Request for Approval to Designate Interim Campsite Areas Pursuant to Chapter 13-146-51, HAR, at a Shoreline Portion of the Kiholo State Park Reserve and to Authorize the Chairperson of the Department to Designate Future Camping Areas for the State Park System
2. Requesting Approval to Renew the Month-to-Month Revocable Permit #SP0070 Issued to the Sand Island Off Highway Vehicle Association (SIOHVA) for the Continued Management and Use of a 30 Acre Portion of Sand Island State Recreation Area, Oahu, for Off Highway Vehicle (OHV) Recreation, Honolulu, Oahu, TMK: 1-5-41:6 (portion of)

H. ADMINISTRATION

1. Non-Action Item Open Discussion by Board Members about Issues, Policies, etc. affecting the Department of Land and Natural Resources (DLNR) or Board of Land and Natural Resources (BLNR)

J. BOATING AND OCEAN RECREATION

1. Petition of Seabird Charters, Inc. (SCI) for Waiver of Minimum Gross Receipts Requirement for Reissuance of Commercial Use Permit for Lahaina Small Boat Harbor, Maui. Delegate Authority to the Chairperson or Administrator of the Division of Boating and Ocean Recreation (DOBOR) to Determine When Reissuance of a Permittee's Commercial Permit Would Be Fair and Warranted According to HAR §13-231-61
2. Administrative Enforcement Action Under Citation No. 1 AI-OA-KJS021 Issued to Ivan Honda on September 5, 2011 for the Emergency Rule Prohibition Under HAR Section 13-256-73.13, "Ahu O Laka Safety Zone"
3. Administrative Enforcement Action Under Citation No. 1 AI-OA-VKL171 Issued to Steve Kaneko on September 5, 2011 for the Emergency Rule Prohibition Under HAR Section 13-256-73.13, "Ahu O Laka Safety Zone"
4. Administrative Enforcement Action Under Citation No. 1 AI-OA-ETV043 Issued to Dennis Randle Jr. on September 3, 2011 for the Emergency Rule Prohibition Under HAR Section 13-256-73.13, "Ahu O Laka Safety Zone"

5. Administrative Enforcement Action Under Citation No. 1 AI-OA-JBY191 Issued to Charles Stone on September 4, 2011 for the Emergency Rule Prohibition Under HAR Section 13-256-73.13, "Ahu O Laka Safety Zone"
6. Administrative Enforcement Action Under Citation No. 1 AI-OA-PJR032 Issued to Bradley Teeman on September 5, 2011 for the Emergency Rule Prohibition Under HAR Section 13-256-73.13, "Ahu O Laka Safety Zone"
7. Request by the Division of Boating and Ocean Recreation (DOBOR) for Board Approval for Cancellation of Eight Revocable Permits and Reissuance of Seven Revocable Permits for Use at State Small Boat Harbors (SBH) on Islands of Oahu, Hawaii and Maui

K. CONSERVATION AND COASTAL LANDS

1. Conservation District Use Application (CDUA) HA-3598 for the Establishment of the Kalakaua Marine Education Center by University of Hawaii-Hilo at Puako Beach Drive, Lalamilo, South Kohala, Island of Hawaii, TMK: (3) 6-6-002:045
2. Conservation District Use Application (CDUA) HA-3599 for a Single Family Residence (SFR) & Related Improvements by Douglas and Dawn Goehring at Kolekole Gulch, Wailea, South Hilo, Island of Hawaii, TMK: (3) 2-9-003:003

L. ENGINEERING

1. Appointment of Mauna Kea Soil and Water Conservation District Directors
2. Contested Case Regarding: Application for a DLNR Safety Construction/Alteration Permit, Permit No. 46 - Hanamaulu Field 21 Reservoir (KA-0135) Dam Alteration and Removal, Kapaia, Kauai, Hawaii
3. Appointment of Hamakua Soil and Water Conservation District Directors
4. Certification of Election of West Maui Soil and Water Conservation District Director

M. OTHER

1. Issuance of a Fixed-Base Facility Lease Bradley Pacific Aviation, Inc., Lihue Airport, Island of Kauai, TMK: (4) 3-5-01:Portion of 8
2. Five Years Extension of Cooperative Agreement No. H-89-8 Issued to the United States Department of the Interior at Kawaihae, Kohala, Hawaii, TMK: 3rd/6-1-03:25 (Portion)
3. Consent to Sublease Kahului Retail Concession DFS Group L.P. to Island Shoppers, Inc., Kahului Airport, Island of Maui, Hawaii, TMK: (2) 3-8-001-019

4. Modification #4 to Master Lease No. DOT-A-07-0013, FAA Agreement No. DTFAWP-07-L-0004, Federal Aviation Administration (FAA) Honolulu International Airport, Honolulu, Oahu, TMK: (1) 1-1-03:portions of 001
5. Authorization to Issue Direct, Negotiated Taxi Management Concession Agreement at Honolulu International Airport, Honolulu, Oahu, TMK: (1) 1-1-03: portion of 1

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.

IF YOU WANT TO BE PLACED ON THE MOVE UP AGENDA, PLEASE SIGN IN BY 8:50 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://hawaii.gov/dlnr/chair/meeting/index.html>

INDIVIDUALS REQUIRING SPECIAL ASSISTANCE OR ACCOMMODATIONS (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.