

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

DATE: THURSDAY, NOVEMBER 10, 2011  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**A. MINUTES**

1. October 28, 2011 Minutes

**C. FORESTRY AND WILDLIFE**

1. Chairperson to Issue a Request for Proposals and Award and Execute a Multi-Year Contract to Design, Construct, and Implement an Accounting and Inventory Management System (AIMS) for the Department of Land and Natural Resources, Division of Forestry and Wildlife
2. Request for Approval to Conduct Public Hearings for Rule Making Proceedings to Amend Hawai'i Administrative Rules Title 13 Subtitle 5 Part 2 Chapter 124 "Indigenous Wildlife, Endangered and Threatened Wildlife, and Introduced Wild Birds" as Follows:
  - a. Amend Title of Chapter to Replace "Wild Birds" with "Introduced Wildlife,"
  - b. Re-Organize Chapter into Subchapters to Clarify Statutory Authority;
  - c. Amend Section 13-124-2 "Definitions" to Provide Definitions for the Terms "Established," "Introduce," and "Release," and Amend the Definitions of "Injurious" and "Wildlife"
  - d. Amend Section 13-124-3 "Prohibited Activities" to Prohibit the Transport or Release of Introduced Wildlife.
  - e. Amend Section 13-124-8 "Penalty" to Include a Fine System Pursuant to HRS 183D and Seizure and Forfeiture Language;
  - f. Add Section 13-124-13 "Penalty" Pursuant to HRS 195D and Seizure and Forfeiture Language; and
  - g. Update Exhibits of Injurious Species, Introduced Wild Birds, and Threatened and Endangered Species to Add New Listings
3. Request for Approval of Incidental Take License and Habitat Conservation Plan for Kaheawa Wind Power II, on the Island of Maui, Hawai'i

4. Request for Approval of Incidental Take License and Habitat Conservation Plan for Kawaihoa Wind Power, at Kawaihoa in the Northern Portion of the Island of O‘ahu, Hawai‘i
5. Annual Progress Briefing to the Board of Land and Natural Resources Regarding Implementation of the Management Plan for the Ahupua‘a of Pu‘u Wa‘awa‘a and the Makai Lands of Pu‘u Anahulu
6. Request for Approval to Hold Public Hearings on Proposed Hawaii Administrative Rules, Chapter 13-140 (Legacy Land Conservation Program Rules), for the Administration of the Legacy Land Conservation Program and Procedures and Criteria for the Legacy Land Conservation Commission, Including the Following Subchapters:

Subchapter 1. General Provisions – To Set Forth the Purpose of the Program, Contains a Standard Provision Relating to Severability, Defines Terms Regularly Used in the Proposed Chapter, and Delegates Authority From the Department to the Division for the Administration of the Legacy Land Conservation Program (LLCP).

Subchapter 2. Program Administration – To Establish the LLCP, Sets Forth the Administration of Grants and Planning Activities for the Program, and Clarifies the Availability of the LLCP Records for the Public

Subchapter 3. Legacy Land Conservation Commission Practice and Procedure – To Clarify the Procedures of the Commission, Including Meeting Administration, Quorum, Communications, and Requirements Related to the Sunshine Law

Subchapter 4. Land Acquisition Grants – To Set Forth the Procedures, Eligibility Requirements, and Post-Award requirements for Land Acquisition Grants Through the LLCP. The Subchapter Includes Provisions Relating to Deed Restrictions, Reporting Requirements, Grant Disbursement, and Other Policies Formed to Protect the State’s Interests in Administering Public Funds Under Chapter 173, HRS.

Subchapter 5. Criteria for Land Acquisition Grants – To Set Forth the Procedures, Eligibility Requirements, and Post-Award Requirements for Land Acquisition Grants Through the LLCP. The Subchapter Includes Provisions Relating to Deed Restrictions, Reporting Requirements, Grant Disbursement, and Other Policies Formed to Protect the State’s Interests in Administering Public Funds Under Chapter 173, HRS.

Subchapter 6. Operations, Maintenance, and Management Grants – To Set Forth the Procedures, Eligibility Requirements, and Post-Award Requirements for Operations, Maintenance, and Management Grants Through the LLCP.

Subchapter 7. Criteria for Operations, Maintenance, and Management Grants – To Set Forth the Statutory Priorities and the Criteria That the Commission Applies in Advising the Department and the Board and Making Recommendations to the Board Regarding Land Acquisition Grants. The Subchapter Includes Provisions Relating to

Grant Disbursement, Monitoring, and Other Policies Formed to Protect the State's Interests in Administering Public Funds Under Chapter 173, HRS.

Subchapter 8. Enforcement – To Describe How the Board May Act Upon Breach by an Awardee of Contractual Agreements or Deed Restrictions, and Clarifies That Statutory Provisions and Contractual Agreements or Deed Restrictions Will be Enforced by the Board.

7. Request to Authorize the Chairperson to Approve a Memorandum of Understanding Between Moanalua Garden Foundation and the State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife
8. Consent to the Merger of Hawai'i Island Land Trust, O'ahu Land Trust, and Maui Coastal Land Trust to form Hawaiian Islands Land Trust, as this Merger Relates to Approval and Contracts for Three Open Fiscal Year 2010 Legacy Land Conservation Program Grant Awards and One North American Wetland Conservation Act (NAWCA) Award And

Consent to the Merger of Hawai'i Island Land Trust, Kaua'i Public Land Trust, O'ahu Land Trust, and Maui Coastal Land Trust to form Hawaiian Islands Land Trust, as this Merger Relates to all Prior-Year Closed Grant Awards Through the State Legacy Land Conservation Program and all Prior-Year Closed Subgrant Awards from the Federal Recovery Lands Acquisition and National Coastal Wetland Conservation Programs

#### **D. LAND DIVISION**

1. Amend Prior Board Action of July 22, 2011, Agenda Item D-1, Set Aside to Department of Agriculture for Agricultural Purposes, Puna, South Hilo, North Hilo, Hamakua, North Kohala, South Kohala and Kau, Hawaii, Tax Map Keys: (3) 1-2-6:5 and 77; 1-4-34:27; 1-8-6:103; 1-9-1:18; 2-4-49:29; 3-1-4:1 and 2; 3-9-1:1 and 2; 3-9-2:7 and 8; 4-1-1:6; 4-1-5:1; 4-4-11:33; 4-6-4:1, 2, 3, 5 and 6; 4-9-11:2; 5-5-3:12, 18, 4, 5 and 6; **5-5-4:51**; 5-5-6:2, 3, 4 and 15; 5-5-7:11; 8-8-4:10; 9-5-15:3; 9-6-2:55; 5-5-5:1.
2. Sale of Remnant (Railroad Right-of-Way) to Ronald Takahashi Tsunozumi & Carol Akemi Wada Tsunozumi and Joseph C. Bratton & Vivian U. Bratton, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 2-2-023: portion of abandoned railroad right-of-way.
3. Sale of Remnant to Herbert P. Ornellas and Lorraine B. Ornellas, Waiakea Homesteads, 1<sup>st</sup> Series, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-4-46:08.
4. Consent to Assign General Lease No. S-5586, Island Dairy, Inc., Assignor, to Big Island Dairy, LLC, Assignee, and Consent to Mortgage, General Lease No. S-5586, Big Island Dairy, LLC, Manowaialee and Ookala, North Hilo and Hamakua, Humuula, Parcel B situate at Humuula, North Hilo, Hawaii, Tax Map Key:3<sup>rd</sup>/3-9-01:01 & 02, 3-9-02:07 & 08, 4-1-01:06 and 4-1-05:01.

5. Consent to Sublease of General Lease No. S-5511, New Cingular Wireless PCS, LLC, Lessee/Sublessor, to SprintCom, Inc., Sublessee, Humuula, North Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 3-9-002:15.
6. Consent to Assign Land Office Deed No. S-28,304, Wachi, Inc., Assignor, to Kenneth Francis Miranda and Morag Rice Miranda, Assignee, Kalopa, Hamakua, Hawai'i, Tax Map Key:3<sup>rd</sup>/4-4-03: portion of 03.
7. Authorize the Issuance of a Bill of Sale to the Water Board of the County of Hawaii for Honokaa Well Development (Well No. 6428-01) Improvements, Namoku, Hamakua, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 4-5-19:20.
8. Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc., Ouli, Waimea, South Kohala, Hawaii Tax Map Key: (3) 6-2-2: portion seaward of 4.
9. Status Report on Prior Board Action of January 8, 2010, Item D-12; Confirm Prior Board Action to Cancel Revocable Permit No. S-4350 and Issue Direct Lease to Hawaii Conference Foundation for Church and Landscaping Purposes; Authorize Chairperson to Sign Permit Applications Required for Project, Puako, Lalamilo, South Kohala, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 6-9-02: 7, 8, 9 por. & 10 por.
10. Approval in Concept for Set Aside to the County of Hawaii for its Proposed Naalehu Wastewater Treatment Plant; Grant of Perpetual, Non-Exclusive Easement for a Buffer Around the Perimeter of the Lands Set Aside; Issuance of Management Right-of-Entry at Poupouwela, Kau, Hawaii, Tax Map Key: (3) 9-5-012: portion of 002.
11. Cancellation of Revocable Permit Number S-7059 to Julia Kaiwi, Deja Kaiwi, and Randall Manaba, and Issuance of a New Revocable Permit to Julia Kaiwi and Deja Kaiwi, at Kahakuloa, Wailuku, Maui, Tax Map Key: (2) 3-1-004: 046, 056, 059, and 061.
12. Issuance of Revocable Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on December 10, 2011, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).
13. Resubmittal – Request to Cancel Grant of Term, Non-Exclusive Easement to TLM Partners Ltd. for Seawall, Lanai and Landscaping Purposes, and Request for Refund of Consideration Paid, situated at Niu, Honolulu, Oahu, Tax Map Key: (1) 3-7-002:seaward of 009.
14. Amend Prior Board Action dated April 13, 1995, Item F-4; Department of Transportation Request Set Aside for Road Drainage Purposes, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-023: portion of 009.

15. Grant of Term, Non-Exclusive Easement to Robert E. Cambra and Agnes K. Freitas Trust for Seawall and Filled Land Purposes, Kaalaea, Koolaupoko, Oahu, Tax Map Key: (1) 4-7-014:seaward of 010.

**E. STATE PARKS**

1. Consent to Assign General Lease No. SP-0182 Kumuwela, Inc., Assignor, to Derek L. Souza, Assignee, Lot 30, Koke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-004:020
2. Consent to Assign General Lease No. SP-0163 Alma Zalopany, Assignor, to Nichols Beck, Assignee, Lot 9, Koke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-003:006
3. Consent to Assign General Lease No. SP-0107 Ardel Deppe, Assignor, to Denise Carswell, Assignee, Lot 40, Koke'e Campsites Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4) 1-4-004:005

**F. AQUATIC RESOURCES**

1. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to the Monument Co-Trustee Representatives of the U.S. Department of the Interior, U.S. Fish and Wildlife Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and State of Hawai'i Department of Land and Natural Resources, for Access to State Waters to Conduct Conservation and Management Activities
2. Enforcement Action against Maka Kai Charters, Inc. for Injuring Coral within the Molokini Shoal Marine Life Conservation District

**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. Recommend the Board Approve the Issuance of Commercial Use Permits According to the Provisions Of §13-231-50 To §13-231-70 for Commercial Catamaran Activities Taking Place On Waikiki Beach and Near Shore Waters to the Following Operators: Waikiki Cruises, Welakahao Catamaran, Inc., King Parsons Enterprises, Woodbridge, Inc., Kepoikai, Ltd., Island Beach Activities, Inc., and Anela Kai Catamaran, Inc.
2. Petition of Pacific Ocean Sports, LLC DBA Hawaii Ocean Thrills for Issuance of a Commercial Use Permit to Operate Within Waikiki Ocean Waters

3. Request Approval for Continuation of Twelve Revocable Permits for Use at State Small Boat Harbors to the following: Cates International, Inc., Honolulu Transpac, Ltd., Waianae Ice House, DLNR, DAR (Honokohau), Keahole Point Fish, Hawaii Island Paddlesport, Kona Sailing Club, UH Institute of Marine Biology, Island Ice Co., Lahaina Yacht Club, Maalaea Boat & Fishing Club, and Trilogy, Inc.

**K. CONSERVATION AND COASTAL LANDS**

1. Alleged Unauthorized Sand Nourishment on Conservation District Lands Adjacent to Sugar Cove Condominium Complex, Spreckelsville Beach Lots, Wailuku, Maui, Seaward of TMK: 3-8-002:003

**M. OTHER**

1. Issuance of a Sublease to Showcase Hawaii Productions LLC., a Hawaii Limited Liability Company for a Museum Gift Shop, Production of Media Advertisements, and Related Retail and Office Uses at the No. 1 Capitol District (formerly the Hemmeter Building), Honolulu, Oahu, Tax Map Key: (1) 2-1-17-001.
2. Acquisition of Private Lands and Set Aside to Department of Education for New High School Campus, Portion of Kula, Makawao, Maui, Tax Map Key: (2) 2-2-02: por. 15 and (2) 2-2-02: por.54.
3. Conveyance of Road Remnant, Exclusion 1 of Land Court Application 1069, Farrington Highway, S-0900(4), Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-15: Road Remnant
4. Approval in Principle of the Acquisition of Private Lands and Set Aside to Department of Education for Educational Purposes, Wailuku, Island of Maui, County of Maui, Tax Map Key: (2) 3-5-001: 078 and por. 077.
5. Issuance of a Direct Lease to Corporate Air, Honolulu International Airport, Island of Oahu, Hawaii, TMK: (1) 1-1-72:22
6. Issuance of Revocable Permit, The Hertz Corporation for Inconsistent Use, Honolulu International Airport, Oahu, Hawaii, TMK: (1) 1-1-70:20.

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.