

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii

November 10, 2022

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST FOR APPROVAL TO EXTEND LICENSE AGREEMENT NO. 510 FOR ONE YEAR BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR THE PURPOSE OF MAINTAINING PUBLIC HUNTING AREAS AND APPROVAL TO EXTEND BY MUTUAL AGREEMENT OF THE PARTIES

APPLICANT AND REQUEST

Department of Hawaiian Home Lands (DHHL), and the Department of Land and Natural Resources (DLNR) request approval to execute the Eighth Amendment of License Agreement No. 510 for one (1) year commencing on January 01, 2022 and expiring on December 31, 2022.

The original License Agreement No. 510 was issued on June 6, 2003, for a period of (fifteen) 15 years from September 01, 2001, to August 31, 2016, to the State of Hawaii, Department of Land and Natural Resources (DLNR) for the purpose of management, maintenance, enforcement, and operation of a public hunting area.

The first amendment of License Agreement No. 510 was to extend for a term of (one) 1 year from September 01, 2016, to August 31, 2017. Six subsequent one (1) year extension amendments were executed over time. The most recent seventh amendment of License Agreement No. 510 was to extend for a term of (one) 1 year from December 31, 2020, to December 31, 2021. This request is for approval to execute the Eighth Amendment of License Agreement No. 510 commencing on January 01, 2022 and expiring on December 31, 2022.

LOCATION

Kekaha Cooperative Game Management Area, island of Kaua'i, Hawaii

AREA:

Approximately 18,547 acres

RENTAL:
\$0 Annually

TERMS:
January 1, 2022, to December 31, 2022

REMARKS

THE Department of Hawaiian Home Lands and the Department of Land and Natural Resources are parties to the Cooperative License Agreement which has been ongoing for over 20 years. This submittal seeks approval of an 8th amendment.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

DOFAW activities to be conducted under the terms of the cooperative Agreement include a continuation of operations to include repair and maintenance of existing infrastructure, data collection, research, experimental management, and resource evaluation activities. These are minor actions that will probably have minimal or no significant effects on the environment and are exempt from the requirement to prepare an environmental assessment in accordance with Chapter 343, HRS, and Chapter 11-200-8, Hawai'i Administrative Rules, under the Department's following exemption classes (Exemption List for the Department of Land and Natural Resources, Reviewed and Concurred Upon by the Environmental Council on November 10, 2020):

General Exemption Type 1 *Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.*

General Exemption Type 2 *Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.*

General Exemption Type 4 *Minor alterations in the conditions of land, water, or vegetation.*

General Exemption Type 5 *Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.*

RECOMMENDATION:

That the Board:

1. Delegate authority to the Chair to negotiate and execute the Eighth Amendment to License Agreement No. 510 with the DHHL, subject to the approval as to form of the Department of the Attorney General.
2. Authorize the Chairperson to determine and approve Chapter 343, Hawaii Revised Statutes (HRS) environmental compliance requirements, including approval of declarations of exemptions, as applicable.
3. Delegate authority to the Chair to negotiate and execute future extension requests for this License Agreement which will occur in one year.

Respectfully submitted,

for *Robert Hauff*

David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:

Suzanne Q. Case

Suzanne Case, Chairperson
Board of Land and Natural Resources

Attachments:

- 1) Proposed Eighth Amendment to License Agreement No. 510

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

EIGHTH AMENDMENT TO LICENSE AGREEMENT NO. 510

(State Agency – Non-Exclusive Right)

THIS EIGHTH AMENDMENT to License Agreement No. 510 made and entered into this _____ day of _____, 20____, by and between the State of Hawaii, **DEPARTMENT OF HAWAIIAN HOME LANDS**, whose principal place of business is 91-5420 Kapolei Parkway, Honolulu, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter referred to as “LICENSOR,” and the State of Hawaii **DEPARTMENT OF LAND AND NATURAL RESOURCES, DIVISION OF FORESTRY AND WILDLIFE**, whose principal place of business, and mailing address is 1151 Punchbowl Street, Honolulu, Hawaii 96813, hereinafter referred to as “LICENSEE.”

WITNESSETH:

WHEREAS Licensor and Licensee are respectively the “Licensor” and “Licensee” under that License Agreement No. 510, dated June 6, 2003, as amended (the “**License**”), for a term beginning on September 1, 2001 and expiring on December 31, 2021, and issued for, among other things, the purposes of management, maintenance, enforcement, and operation of an approximately 14,558.68-acre hunting area on Hawaiian home lands in Pu’u Opae, Kekaha, Island of Kaua’i, more particularly described and depicted in the Exhibit “A” attached to this License and defined as the “**Premises**” and referred to as the Kekaha Game Management Area; and

WHEREAS Licensor and Licensee desire to further extend the term of the License for 12 months so that licensee can, among other things, continue its enforcement of appropriate “NO HUNTING” safety zones in the Premises by its Division of Conservation Resources Management (DOCARE).

NOW THEREFORE, in consideration of the foregoing, LICENSOR and LICENSEE agree to the following:

1. The effective date of this Eighth Amendment to License Agreement No. 510 shall be January 1, 2022.
2. The term of this Eighth Amendment to License Agreement No. 510 shall be for 12 months from January 1, 2022 to December 31, 2022.
3. This instrument may be executed by facsimile, PDF, or other electronic format and in counterparts. Each counterpart shall be deemed an original and all counterparts of this instrument, when taken together, shall constitute one and the same agreement and instrument executed by the parties.
4. Unless expressly amended by this instrument, all of the terms, conditions, covenants, and provisions of License Agreement No. 510 shall continue and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Approved by the Chairman,
Hawaiian Homes Commission on
April 20, 2022

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM

/s/ Katie L. Lambert

Deputy Attorney General
State of Hawaii

By _____
William J., Aila, Jr., Chairman
Hawaiian Homes Commission

LICENSOR

State of Hawaii
DEPARTMENT OF LAND AND NATURAL
RESOURCES

APPROVED AS TO FORM

Deputy Attorney General
State of Hawaii

By _____
Suzanne D. Case, Chairperson
Board of Land and Natural Resources

LICENSEE

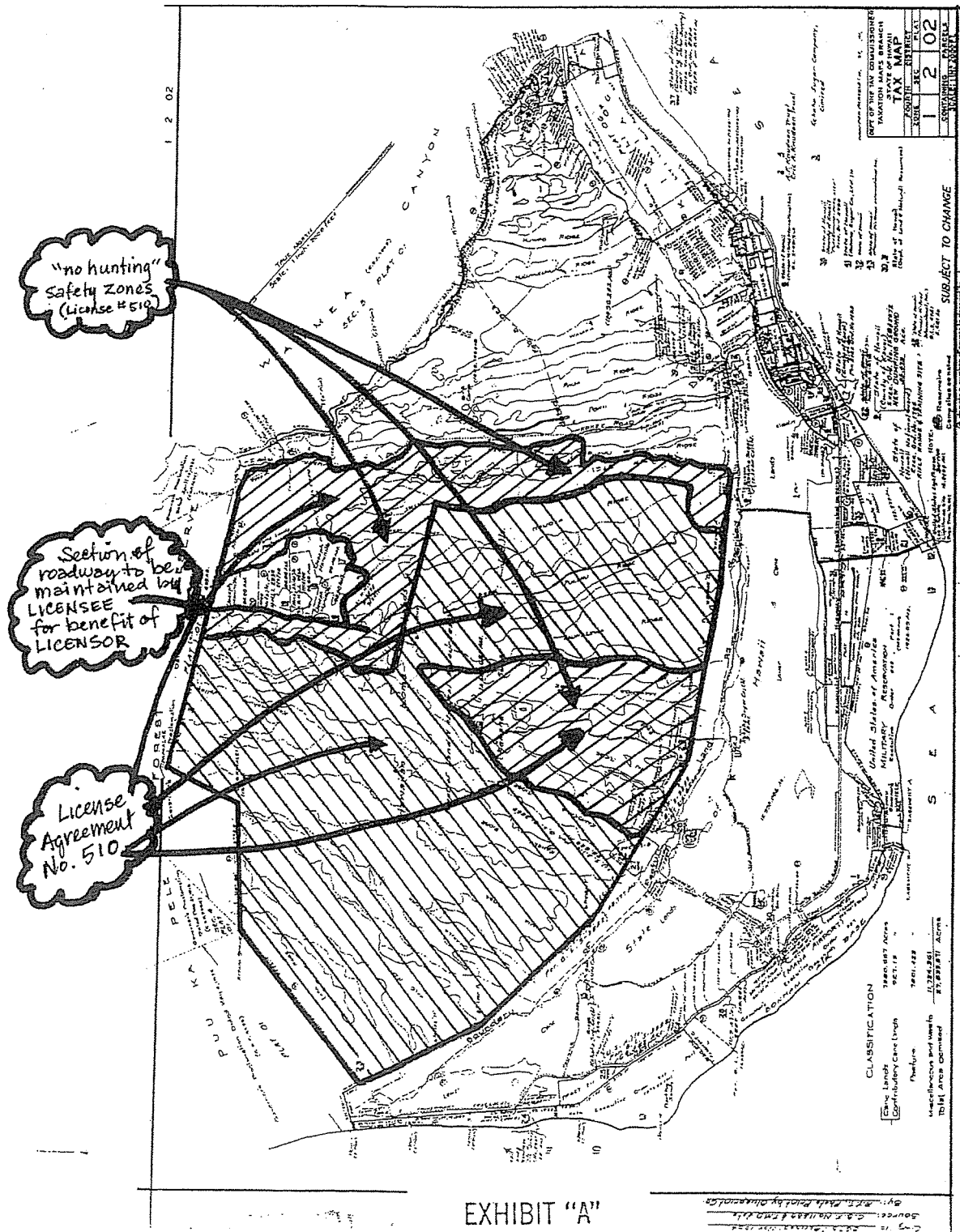


EXHIBIT "A"

DEPT OF THE COMMISSIONER TAXATION & REVENUE TAX MAP	
1	2 02
SUBJECT TO CHANGE	

CLASSIFICATION

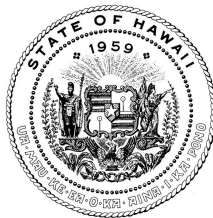
State Land	1860.487 Acres
Contributory Care Land	967.18
Public	7801.422
Unimproved and waste	11,249.161
Total area owned	21,098.250 Acres

Source: U.S. National Map
By: U.S. National Map
Copyright: 1960

1 2 02



DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

October 24, 2022

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT


ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

TO: Division Administrators, Heads of Offices, DOFAW Staff

FROM: David G. Smith, DOFAW Administrator 

SUBJECT: Acting Administrator, Division of Forestry and Wildlife

I will be on vacation on October 24-25 and October 28-November 1, 2022. In my absence Protection Forester, Robert Hauff will be Acting Administrator.

Your usual courtesy and cooperation to Mr. Hauff will be greatly appreciated.

Cc: Chairperson