

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

DATE: FRIDAY, JUNE 28, 2013
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

A. MINUTES

1. Approval of May 10, 2013 Minutes
2. Approval of May 24, 2013 Minutes

B. CONSERVATION AND ENFORCEMENT

1. Request Board Approval to Enter Into Contracts for Furnishing and Delivery of Full Size Crew Cab Pick Up Trucks for the State of Hawaii, Department of Land and Natural Resources, Division of Conservation and Resources Enforcement.

C. FORESTRY AND WILDLIFE

1. Request for Delegation of Authority to the Chairperson to Negotiate, Approve, Execute, Amend, and Extend a Memorandum of Agreement with the City and County of Honolulu Board of Water Supply (BWS) Regarding Disbursement of Funding for Watershed Protection Activities on BWS Priority Watershed Areas on Oahu.

D. LAND DIVISION

1. After-the-Fact Consent to Assign Grant of Non-Exclusive Easement, Kenneth M. Rowell, Assignor, to Shirley A. Jensen, Trustee of the Kenneth M. Rowell and Ellen A. Rowell Trust, Assignee, Wailua, Kawaihau, Kauai, Tax Map Keys: (4) 4-1-002:007 and (4) 4-1-009:002.
2. Request to Amend Prior Board Action of April 14, 2000, Agenda Item D-4, Set Aside to the DLNR - Division of Aquatic Resources, Freshwater and Marine Fisheries Development Program, and Issuance of Immediate Right-of-Entry; Request for a Revocable Permit to Darrell Horner for Aquaculture Purpose, Hanapepe, Waimea, Kauai, Tax Map Key: (4) 1-9-007:046.

3. Cancellation of Revocable Permit No. S-7784, I. Kitagawa & Company, Ltd. and Issuance of a New Revocable Permit to I. Kitagawa & Company, Ltd., Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-07: 50, 55 and 56.
4. Approve Lease Form for Issuance of Direct Lease to the University of Hawaii for Marine Research and Educational Purposes, Lalamilo, South Kohala, Hawaii, Tax Map Key: (3) 6-6-02:45 (formerly known as 6-9-01: por. of 01). The Proposed Lease Includes Non-Standard Provisions Relating to Compliance with Laws, Improvements, Liens, Indemnity, Lessee Limitations, Lessor Limitations, Breach, Condemnation, Right to Enter, Surrender or Termination, and Hazardous Materials.
5. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display Purposes at Honuaula, Makena, Maui, Tax Map Key:(2) 2-1-006: seaward of 036.
6. Rescind Prior Board Action of January 25, 2013, Agenda Item D-5, Grant of Term, Non-Exclusive Easement to 3900 WA Associates, LLC, a Delaware limited liability company for Encroachments related to the Presetting of Chairs on the Beach Purposes, Honuaula, Maui, TMK (2) 2-1-023: seaward of 007.
7. Issuance of Right-of-Entry Permit to Hawaiian Dredging Construction Company on Lands Encumbered by Executive Order No. 3694, Kahului, Maui, Tax Map Key: (2) 3-8-001:019 por.
8. Grant of Term, Non-Exclusive Easement to Association of Apartment Owners (AOAO) of Kihei Surfside for Rockwall and Stairway Encroachment Purposes, Keawakapu, Kamaole, Kula, Maui, Hawaii, Tax Map Key: (2) 3-9-004: Por. of 001.
9. Impose a \$1,000.00 Fine and \$420.00 in Administrative Costs Against Island Adventure Tours, LLC, dba Kelii's Kayak Tours, for Unauthorized Commercial Activities Conducted on State Unencumbered Lands at Olowalu, Lahaina, Maui, at TMK: (2) 4-8-003:001.
10. Impose a \$1,000.00 Fine and \$420.00 in Administrative Cost Against KRS Investments LLC, dba South Pacific Kayaks & Outfitters, and Tiki Team Adventures, for Unauthorized Commercial Activities Conducted on State Unencumbered Lands at Olowalu, Lahaina, Maui, at TMK: (2) 4-8-003:001.
11. Issuance of Right-of-Entry Permit to Fireworks By Grucci, Inc., for Set up and Firing of Aerial Fireworks Display on July 24 & 25, 2013, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).
12. Issuance of a Right-of-Entry Permit to Oahu Hawaiian Canoe Racing Association and the Lanikai Canoe Club for the Duke Kahanamoku Long Distance Canoe Race Event to be held on August 18, 2013, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

13. Withdrawal from Governor's Executive Order No. 1997; Grant of Perpetual, Non-Exclusive Easement to the City and County of Honolulu for Traffic Signal Equipment and Sidewalk Easement; Set Aside to the Department of Land and Natural Resources, Division of State Parks for Baseyard Purposes; Issuance of Management and Construction Right-of-Entry Permits; Diamond Head, Honolulu, Oahu, Tax Map Key: (1) 3-1-042:portions of 006 and 020.
14. (1) Rescind Prior Board Action of June 4, 2004, Item D-12, Fee Simple Sale of Reclaimed (Filled) Land to Michael Gallagher and Ada Murakami, Niu, Honolulu, Oahu, TMK (1) 3-7-002:seaward of 008; and
 - (2)(a) Authorize Grant of 55-Year Term, Non-Exclusive Easement to Michael Gallagher and Ada Murakami for Seawall and Filled Lands Purposes, Niu, Honolulu, Oahu; TMK (1) 3-7-002:seaward of 008; or alternatively,
 - (b) Enforcement Action Against Michael Gallagher and Ada Murakami as Owners of TMK (1) 3-7-002:008 for Unauthorized Encroachment, Niu, Honolulu, Oahu, TMK (1) 3-7-002:seaward of 008.
15. Amend Prior Board Action of March 8, 2013 (Item D-7) by Removing Reference to Governor's Executive Order No. 1423 in the Submittal; Sale of Remnants to Grant T. Hamachi, as Trustee of the Grant T. Hamachi Revocable Living Trust, dated November 19, 1999 and Toyoko Hamachi, as Trustee of the Toyoko Hamachi Revocable Living Trust, dated November 19, 1999; Withdrawal from Governor's Executive Order Nos. 1598 and 1423, Waimanalo, Koolaupoko, Oahu; Tax Map Key: (1) 4-1-025:036 portion and 052.
16. Amend Prior Board Action of July 27, 2012, (Item D-6) by Adding Legal Reference to the Submittal; Grant of Term, Non-Exclusive Easement to Frank H. Barton Trust and Elsie M. Barton Trust for Pier, Seawall, and Landscaping Area Purposes in Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-4-037:seaward of 033.
17. Discussion on the Status of Chapter 11 Bankruptcy Case No. 12-02279, Hawaii Outdoor Tours, Inc., Debtor, Filed in the United States Bankruptcy Court, District of Hawaii, General Lease Nos. S-5844 and S-5372.

The Board may hold a discussion in 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. ***NO STAFF SUBMITTAL***

18. Approval to Enter into a Memorandum of Understanding with the Kosong Foundation to Cooperate in the Identification and Provision of Suitable Land for the Establishment of the Michuhol Museum and International Center.
SUBMITTAL TO BE DISTRIBUTED

E. STATE PARKS

1. Request for Approval of the Placement of Act 82, SLH 03, Warning and Management Signs on the Island of Kaua`i at selected locations within Kaua`i's Wailua River State Park including Wailua Falls, Uluwehi Falls, Kaumuali`i, Old Smith's Landing, and Fern Grotto as well as the Canyon and Cliff Trails within Kōke`e State Park and along Kūhiō Highway within Hā`ena State Park.

Request for Approval of the Design and placement of a New Warning Sign at Waiakanaloa Wet Cave in Hā'ena State Park and at Kalalau Beach in Nāpali Coast State Wilderness Park, Kaua`i, Pursuant to Act 82, SLH 2003

2. Update on the Status of Efforts to Acquire Private Lands for Park Purposes, Waikapū, Wailuku, Maui, Tax Map Key: (2)3-8-007:101 por.
3. Request for Permission for the Diamond Head State Monument Foundation to Construct an Exercise Park along the Fort Ruger Pathway, Diamond Head State Monument, O`ahu

F. AQUATIC RESOURCES

1. Request for Approval to Hold Public Meetings and Hearings to Adopt a New Chapter Under Hawaii Administrative Rules ("HAR") as Title 13 Chapter 95.1, Island-Based Fisheries Rules, to Establish New Bag and Size Limits for Maui and Lana'i Island Fisheries.
2. Request for Final Approval to Amend Hawaii Administrative Rules ("HAR") Title 13, Chapters 54, "Puako Bay and Puako Reef, Hawaii", and 57, "Keauhou Bay, Hawaii"; to Repeal HAR Title 13, Chapter 60.3, "West Hawaii Regional Fisheries Management Area, Hawaii"; to Adopt a New Chapter 60.4, "West Hawai'i Regional Fishery Management Area, Hawai'i"; and to Amend Title 13, Chapter 75, "Rules Regulating the Possession and Use of Certain Fishing Gear"
3. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Mr. Kevin Bachar, Pangolin Pictures, National Geographic Channel, for Access to State Waters to Conduct Filming Activities.

J. BOATING AND OCEAN RECREATION

1. Approval Of Request For Contested Case Hearings by Maurice Rosete, Patrick Kirkland, Robert Jeralds, Donald Krispin, and Jonathan Alexander; Denial of Request for Contested Case Hearing by Sierra Masters and Delegate to the Chairperson the Authority to Select a Hearing Officer to Conduct the Contested Case Hearings Regarding the Enforcement Actions Brought Against the Individuals Listed Above.

L. ENGINEERING

1. Certification of Election of Arryl Kaneshiro and Appointment of Edward Kawamura, Jr. to Serve as Directors of the East Kauai Soil and Water Conservation District.
2. Authorization to Issue Procurement Solicitations and Award of Contracts Under Hawaii Revised Statutes Chapter 103D for Various Capital Improvements Program Projects Listed in Exhibit 1. Attached to this Agenda and Incorporated Herein are the Various Capital Improvements Program Projects (Exhibit 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.

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 ACCOMMODATIONS (ie. 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.