

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 9, 2013

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

PSF No.: 13MD-051
MAUI

Request that the Board Grant Petition for Contested Case Hearing by Island Adventure Tours, LLC, dba Kelii's Kayak Tours for a Contested Case Hearing as to Enforcement Action Against Island Adventure Tours, LLC, dba Kelii's Kayak Tours Involving Unauthorized Commercial Activities Conducted on State Unencumbered Lands at Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:001 and for Authorization to Select and Appoint a Hearing Officer.

At the Board of Land and Natural Resource's meeting of June 28, 2013, the Board approved staff's recommendation as follows:

- 1) Find that Island Adventure Tours, LLC, dba Kelii's Kayak Tours, violated the provisions of Chapter 171-6, Hawaii Revised Statutes, and Hawaii Administrative Rules 13-221-35, Commercial Activities, by conducting unauthorized commercial activities on unencumbered State land.

Although the Board found that the violation occurred, it rejected the staff's recommendation to assess a \$1000 fine and \$420 administrative costs as the violation occurred in 2008. The Board also added a recommendation directing the Maui offices of Land Division and DOCARE continue their diligent inspections or investigations of unencumbered lands for unauthorized commercial activities. A copy of the submittal is attached as Exhibit A.

Petitioner orally requested a contested case hearing before the close of the meeting on June 28, 2013.

On July 8, 2013, the Department received a petition for contested case from attorney Thomas Cole, on behalf of Island Adventure Tours, LLC, pursuant to Hawaii Administrative Rules 13-1-29 and 13-1-31.1. A copy of the petition is attached as Exhibit B.

After consultation with the Department of Attorney General, the Department is recommending that the petitions be granted.

RECOMMENDATION: That the Board:

- 1) Grant the petitions and authorize a contested case as to the finding against Island Adventure Tours, LLC, dba Kelii's Kayak Tours.
- 2) Authorize appointment of a Hearing Officer to conduct hearings relevant to the petition as provided by law.
- 3) Delegate the authority for selection of the hearing officer to the Chairperson.

Respectfully submitted,



Ian Hirokawa
Project Development Specialist

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson

AMENDED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 28, 2013

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

PSF#13MD-051
Maui

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.

PURPOSE:

Imposition of fine and administrative costs for the unauthorized commercial use of unencumbered lands by Island Adventure Tours, LLC, dba Kelii's Kayak Tours.

LEGAL REFERENCE:

Sections 13-221-35, Commercial Activities, of the Hawaii Administrative Rules, and 171-6, Hawaii Revised Statutes, as amended.

LOCATION:

Shoreline area at Olowalu, Lahaina, Maui at Tax Map Key: (2) 4-8-003:001

CURRENT USE STATUS:

State Beach Reserve, currently vacant and unencumbered.

RESPONSIBLE:

Registrant Name: Island Adventure Tours, LLC, a Delaware limited liability company
Trade Name: Kelii's Kayak Tours
Owner: Brian Yesland
Address: Kihei, HI 96753

abamended
APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
June 28, 2013 *g.o.*

EXHIBIT "A"

VIOLATION:

On September 15, 2008 at 7:40 a.m., Conservation and Resources Enforcement Officer Brooks Tamaye observed Mr. Jeremiah Redins of Island Adventure Tours, LLC, dba Kelii's Kayak Tours, conducting commercial business operations on the shoreline at Olowalu beach. Mr. Redins was observed providing lessons and a safety briefing to six clients. At the time, a total of four kayaks were lined up along the shoreline. After monitoring Redins as he completed his safety briefing and assisting his clients with placing the kayaks into the water, Officer Tamaye approached him and identified himself. After informing Redins that it was illegal to be conducting his commercial activities on the beach at that location, Mr. Redins advised Officer Tamaye that he worked for Kelii's Kayak Tours and was just doing what he was told to do. He further stated that each client was charged \$64.00 dollars for the tour and his employer Brian Yesland assigned him to conduct the tour from this location. Redins was reminded of the unauthorized commercial business operations prior leaving to catch up to his group.

On September 15, 2008 at 1430 hours, Mr. Brian Yesland (Owner) contacted Officer Tamaye via phone. Upon being informed of his company's violation that was observed, Yesland explained that he does not solicit any business from the subject location. He added that their activity on the beach is very limited and they do not impede public access and only utilize the beach area to transit into the water. When asked about his employee providing instruction, he added that they are required to give instruction for safety reasons and that the state would be liable if it prevented them from providing safety briefings to their clients. Mr. Yesland further indicated that he would welcome a citation so this issue could be settled in court.

Proper signage exists on site notifying beachgoers that commercial activities are prohibited. Refer to the attached photo report (Exhibit #4).

Previously documented warning and complaint against Kelii's Kayaks Tours:

Maui DOCARE report number MA-09-389

Officer Brooks Tamaye

Date: 9/15/2008

Contact made and warning issued to owner Brian Yesland and employee Jeremiah Redins on 9/15/2008.

Report attached as Exhibit #1

Land Division Report dated 10/15/2008.

By: Land Agent Larry Pacheco

Report attached as Exhibit #2

AGENCY COMMENTS:

A request for comment was solicited from the following agencies:

Agency	Comments
County of Maui – Dept. of Parks & Rec.	No objections
County of Maui – Planning (Zoning)	No objections No comments
DLNR – Maui DOCARE	No response
DLNR – Maui DOBOR	No objections No comments

REMARKS:

Staff believes the assessment of a fine is warranted given Island Adventure Tours, LLC, dba Kelii's Kayak Tours' history of violations. The fine will serve as a deterrent to any future unauthorized activity.

Staff has been working with the County of Maui Parks and Recreation Department in providing information to vendors who are required to attend training classes prior to obtaining a Commercial Ocean Recreational Activity (C.O.R.A) Permit from the County of Maui's Department of Parks and Recreation. The C.O.R.A permit allows vendors to operate their commercial business from designated park facilities under the jurisdiction of the County of Maui, Department of Parks and Recreation. The Maui District Land Office has been dealing with the problem of these operators who, after obtaining the C.O.R.A permits, are moving their business operations out of designated county parks and onto adjacent State unencumbered lands. This is in an effort to provide better utilization of the area, due to changes in weather conditions which negatively affect their tour operations, or because of carrying capacity problems at the assigned and permitted park locations.

Mr. Yesland did indicate that he possessed a C.O.R.A permit from the County of Maui to operate his kayak operations from Ukumehame Beach Park (County Park facility). When advised that he needed to remain within the designated permit area, he related that he disagreed with this rule and did not intend to stop operating his kayak tours from Olowalu and other public land areas.

The Maui District Land Office (MDLO) has received numerous complaints from the public regarding the overcrowding of shoreline areas due to vendors laying out kayaks or surfboards along the beach while awaiting the arrival of clients or during lessons and safety briefings

being conducted prior to moving out into the water for tour or surf lessons. The public has for generations utilized specific areas for family outings and recreational activities and are now being forced out of these locations because of the impacts brought about by the presence of unauthorized commercial operators.

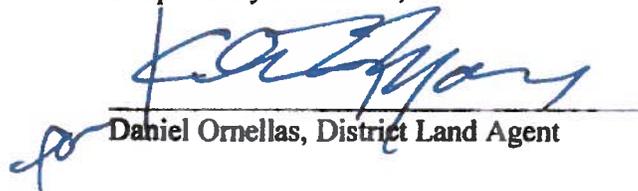
EXHIBITS:

- Exhibit #1 - Maui DOCARE report # MA-09-389, submitted by Officer Brooks Tamaye. (Warning Issued to Owner / Manager Brian Yesland)
- Exhibit #2 - Land Division Complaint dated 10/15/2008, submitted by Land Agent Larry Pacheco.
- Exhibit #3 - Business advertisements which were retrieved from the internet for Keli's Kayak Tours. Advertisements indicate that Island Adventure Tours, LLC, dba Keli's Kayak Tours continue to operate their commercial business operations from multiple locations (public lands) without authorization.
- Exhibit #4 - Photo of the posted Olowalu Beach Reserve sign and prohibited activities sign where the commercial activities are being conducted.

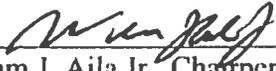
RECOMMENDATION: That the Board:

1. Find that Island Adventure Tours, LLC, dba Keli's Kayak Tours, violated the provisions of Chapter 171-6, Hawaii Revised Statutes, and Hawaii Administrative Rules 13-221-35, Commercial Activities, by conducting unauthorized commercial activities on unencumbered State land and order it to pay a fine of \$1,000 and \$420.00 in administrative costs within thirty (30) days of the date of the Board's action of today's date. The fine and administrative costs shall be paid to the Department of Land and Natural Resources.
2. Order that in the event Island Adventure Tours, LLC, dba Keli's Kayak Tours shall conduct unauthorized commercial activities on unencumbered State lands after the date of today's Board action, Island Adventure Tours, LLC, dba Keli's Kayak Tours shall be fined \$1,000 for each day or part thereof that such activities occur.

Respectfully Submitted,


Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson

N

Land Board Meeting: June 28, 2013: D-9: Approved as Amended:

Approved as amended.¹ The Board found a violation occurred but because the incident occurred 8 years ago and some other factor, the Board decided to amend recommendation no. 1 by deleting the \$1000 fine and the \$420 administrative costs; and the Board added a recommendation no. 3 directing the Maui offices of the Land Division and DOCARE to continue their diligent inspections or investigations of unencumbered lands for unauthorized commercial activities.

¹ The Board was bothered by the extended delay in bringing this matter to the Board, as the incident occurred in 2008. The Respondent also claimed Larry Pacheco told him in 2008 that it would be okay to operate such as load and unload, teach safety lessons inside the brush area of the unencumbered lands. The respondent also claimed the signs attached to the submittal was not present in 2008, and placed afterward, and today the signs do not exist. Tsuji explained tried to have Larry Pacheco present for the Hearing but Mr. Pacheco had already planned a vacation day to spend on activity with his child. Tsuji further explained his decision not to defer the item until July as the June 28th meeting was the last for Board members Edlao and Morgan. The Board also asked the Chairperson to direct the Maui Land Division to have discussions with the commercial kaya operators about the possibility of applying for a permit or other authorization to allow commercial activities on suitable Maui unencumbered lands.

COPY

DOCARE 6

Dept. Div.

DLNB
DOCARE

M. I. DISTRICT
LAND DIVISION

STATE OF HAWAII

INVESTIGATION REPORT

2009 SEP 23 AM 9:41

(2) 4-8-0031001

CLASSIFICATION I.D. PROHIBITED COMMERCIAL ACTIVITIES		3 ISLAND MAUI	1 REPORT NUMBER MA 09-389
5 COMPLAINANT (Firm Name, if Business) B. TAMAYE		6 SEX M	7 DOB
9 ADDRESS		10 SCHOOL EMPLOYED/SCHOOL ATTENDING	8 OCCUPATION CREO III
11 LOCATION OF OFFENSE AND CLOSEST INTERSECTING STREET 0.4 MI. WEST OF MP 14 / Across Teen Challenge		12. DATE/TIME/DAY OCCURRED 09-15-08/0730HRS./MON	13. DATE/TIME REPORTED same
14 DESCRIBE LOCATION OF OFFENSE OR TYPE OF PREMISES UNENCUMBERED LANDS OLOWALU SHORELINE		15. HOW REPORTED ON BEAT	

16 VEHICLE INVOLVED	Year	Make ISUZU	Model Rodeo	Color(s) Grey	License No. MMT-123	I.D. Characteristics Trailer plates 688 MUL	
17 BOAT INVOLVED	Length	Make	Model	Color(s)	Name	HA No.	I.D. Characteristics
18 REGISTERED OWNER				Address		Res. Phone	

CODE	W = Witness	S = Suspect (Fill in Composite Description)	R = Reporting Person	O = Other			
19 NAME	Age	Sex	Code	Address	Res. Phone	Bus. Phone	
REDINS, Jeremiah	37	M	S			874-7652	
YESLAND, Brian		M	O			874-7652	
20 SEX Composite Description Race	Age	WL	Build	Hair	Eyes	Complex	Clinical/D Characteristics
AC/M	37	164	med	BLN	BLU	fair	

21 INVESTIGATION. 1. Insert a synopsis of the crime or incident. 2. Summarize details of the crime or incident. 3. Denote persons from whom statements taken and who took them. 4. Identify additional suspects and witnesses. 5. Identify additional investigators. 6. Use opposite side for continuation of report, if necessary

Synopsis

On 09-15-08, REDINS observed conducting commercial kayak tour. REDINS stated he worked for Keli's Kayaks Tours owned by Brian YESLAND. Warnings issued for violation.

ASSIGNMENT/ARRIVAL:

On 09-15-08, at approximately 0730 hrs. I observed a trailer with kayaks parked along the Olowalu shoreline.

OFFICER OBSERVATIONS:

Upon closer inspection, I observed 7 persons and 4 kayaks on the beach. Person later identified as Jeremiah REDINS was observed to be giving instructions to 6 persons. I further observed a clipboard on the hood of the above vehicle on which there appeared clipped to it liability waiver forms. On the clipboard was also a small booklet appearing to contain photos.

CONTACT WITH SUSPECT:

At approximately 0740 hrs., REDINS assisted the 6 persons into kayaks and launched them from the beach. I then contacted him and identified myself as a Conservation Enforcement Officer. I informed REDINS that it was illegal to be conducting commercial activities on the beach as it was State unencumbered lands.

SUSPECT STATEMENTS:

REDINS stated that he works for Keli's Kayak Tours and was just doing what he was told. When asked, REDINS stated that they charge about \$64.00 per person. He further informed me that the owner of the company was Brian YESLAND.

KELI'S KAYAK TOURS CONTACTED:

On 09-15-08 at approximately 1230 hrs., message left at Keli's Kayak Tours for YESLAND to return my call.

DISPOSITION:

Pending

22. REPORT WRITTEN BY Brooks Tamaye	Badge No 221	Date/Time 091508/1345 hrs.	23 SUPERVISOR APPROVING	Badge No 20
24. DISPOSITION				
<input type="checkbox"/> Unfounded <input type="checkbox"/> Citation/No Prosecution <input type="checkbox"/> Arrested/No Prosecution <input type="checkbox"/> Adult <input type="checkbox"/> Arrested/Prosecuted <input type="checkbox"/> Juvenile <input type="checkbox"/> Other/No Arrest				
25. Date/Time Reproduced	26. Distribution		27. Connecting Report No	

EXHIBIT " 1 "

DLNR / DOCARE Maui
FOLLOW -UP REPORT

Report # MA 09-389
Classification: LD: Prohibited Commercial Activity
Location: Olowalu
Date: 09-15-08
Officer: B. TAMAYE *Brian Tamay #221*

SYNOPSIS:

On 09-15-08, owner of Keli's Kayak Tours warned for conducting commercial activities at Olowalu. Records. Request copy be forwarded to Land Division.

ASSIGNMENT:

Follow-up with owner of Keli's Kayak Tours.

YESLAND STATEMENTS:

On 09-15-08, at approximately 1430 hours, Brian YESLAND owner of Keli's Kayak Tours returned my phone call. I identified myself to YESLAND and informed him of the violation

YESLAND stated that he does not do any sales or solicitation. Their activity on the beach is very limited and they do not impede public access. That they are only accessing or transiting the beach.

When questioned about his employee giving instructions, he stated that they are required to provide instructions for safety reasons and that the state would be liable if it prevented such instruction. (He further stated that the state does not have a permitting system and he would love to have a process like the weddings. He also stated that their association has been asking for such a permit and the contact person of the association is Roger SIMINOT of South Pacific Kayaks.

YESLAND also questioned me if this enforcement was occurring around the state, and I replied to him "yes".

YESLAND expressed that he would welcome a citation so that the issue can be decided in court.

OFFICER ACTIONS:

I warned YESLAND for the violation and cautioned him that further non-compliance may result in other enforcement actions.

DISPOSITION:

Warning issued. Request Copy of Report be forwarded to Land Division.

LAND DIVISION

COMPLAINT FORM

1. Obtain the following information (minimum) from initial call:

Date/Time Of Call: On View, 10/15/08, 7:55 a.m.
Received By: Larry Pacheco

Name of Caller: On View, Land Agent Larry Pacheco Telephone: 984-8103
Address/Location: Olowalu, Lahaina, Maui
Tax Map Key: (2) 4 8-003:001

Additional Information (fully describe the complaint or problem):

On 10/15/08 at 7:50 a.m., while conducting checks of State lands in the Olowalu area, I observed what appeared to be commercial business operations occurring along the shoreline off of Honoapiilani Highway. Upon conducting a check of the subject location, I observed approximately 15 kayaks spread out along the sand shoreline. I also observed two tour guides who were later identified as Aaron Longshore and Jeremiah Redins of Keli's Kayak Tours providing instruction and a safety briefing to an estimated eight clients. I then observed Mr. Chris Stankis of Maui Eco Tours to have two blue kayaks unattended on the shoreline. After monitoring the area for about five minutes Mr. Stankis then escorted a male and female down to the unattended kayaks and after having them sit in the kayaks, he also provided a safety briefing and operating instructions on the sand beach. Upon completion of the safety briefings, each guide pulled the kayaks into the ocean water and the clients climbed on board. Prior to the guides conducting their tours, I made contact with them and identified myself. I then advised them that they were not allowed to set up the kayaks along the shoreline for business operations and that the area could be used for transit purposes from their vehicles/trailers to the water only. Upon discussing possible alternatives with all three guides, I offered the option of possibly only placing one kayak on the beach while they conducted their instruction and safety briefing and once the briefing was completed then they would carry the kayaks directly from their trailers to the water. All three guides agreed that this was an acceptable solution to the problem of the kayak operations taking up the entire beach area and blocking public use and access.

On 10/15/08 at 2:34 p.m., after advising Administrator Morris Atta of my observations and actions, he reminded that per the Chairperson, no aspect of commercial activities for kayak tours and or surf schools could be conducted on unencumbered lands, other than for transiting over the unencumbered lands to get to the water.

On 10/16/08 at 8:20 a.m., I contacted Mr. Brian Yesland (owner of Keli's Kayaks) and informed him that I was wrong by providing him the direction to utilize one kayak for instruction purposes on the shoreline (unencumbered land). I then advised him that absolutely no commercial business use of public lands were allowed except for transit purposes, unless authorized by the issuance of a permit

or proper disposition. Mr. Yesland acknowledged that he understood my directions to him, but reminded me that he disagreed with this rule and that he did not intend to stop his kayak operation. He also informed me that he does possess a permit from Maui County to conduct his kayak operation from Ukumehame Beach Park, which is several miles south of the subject location. I informed him that he would be receiving a Cease & Desist notice advising him to stop utilizing public lands for his commercial business operation.

Attempts were also made to contact Maui Eco Tours Five Star Kayaking via the phone number that was provided by guide Chris Stankis, but all attempts were met with negative results. A Cease & Desist notice will also be sent to Maui Eco Tours via certified mail.

Will the caller agree to allow us to release his/her name and telephone number, so the parties concerned can follow-up with the complaint?

2. Conduct Internal Review.

- a. Locate area on map(s). Attach tax map.
- b. Determine ownership. Findings and source used to verify (attach documents):
The subject area has been identified as State Unencumbered Lands situate within a Conservation District.

3. If area identified is:

Private property

- 1) Notify caller that complaint or problem involves lands privately owned, provide name of owner(s).

Date called: _____ LD Staff name: _____
Spoke to: _____

State lands under DLNR:

- 1) Provide report of what action taken. If site visit conducted, include photographs. Cease and Desist notices will be sent to both kayak tour companies via certified mail, advising them of their prohibited uses of State Unencumbered Lands and of potential fines which could be assessed for these violations.

Note: Mr. Yesland related that he never received the first Cease & Desist notice dated September 26, 2008. The Maui District Land Office also has not received the confirmation returned receipt for this letter.

- 2) If lands are under jurisdiction of non-Land Division (e.g., DOFAW, State Parks, etc.), notify applicable DLNR agency, give location information and caller information.

Date called: _____ LD Staff name: _____
Spoke to: _____

State lands under EO or owned by another government agency:

- 1) Notify applicable State agency; give location information and caller information

Date called: _____ LD Staff name: _____
Spoke to: _____

5. Obtain approval from Administrator or Assistant Administrator (or District Land Agent) to close file. [The Administrator's approval will be required if the complaint may lead to a lawsuit, loss of life, etc..]

Recommendation: It is my recommendation that both Maui DOCARE and MDLO continue to monitor the shoreline areas for prohibited uses of Unencumbered State Lands by commercial business operators and to take appropriate actions to regulate these activities. The Maui District Land Office will also work with the County of Maui's Parks and Recreation Department in regulating these activities. Furthermore, if these companies continue to operate enforcement actions should be taken along with the possibility of seizing the equipment under Hawaii Revised Statue 199-7.

Submitted by: Larry Pacheco  Date: 10/16/08

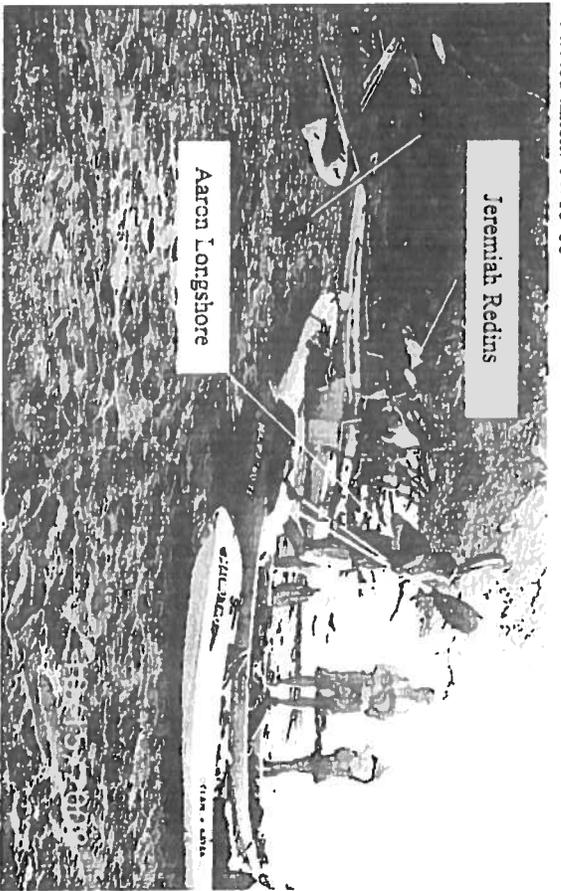
Approved by: _____ Date: _____

6. Maintain this form and all related documents in District files.

Refer to the attached photo report.

CC: Laura Thielen, Chairperson
Morris Atta, Land Div. Administrator
OCCL
County of Maui, Parks & Recreation, Attn: Lisa Almeida
District File

Photos taken: 10/15/08

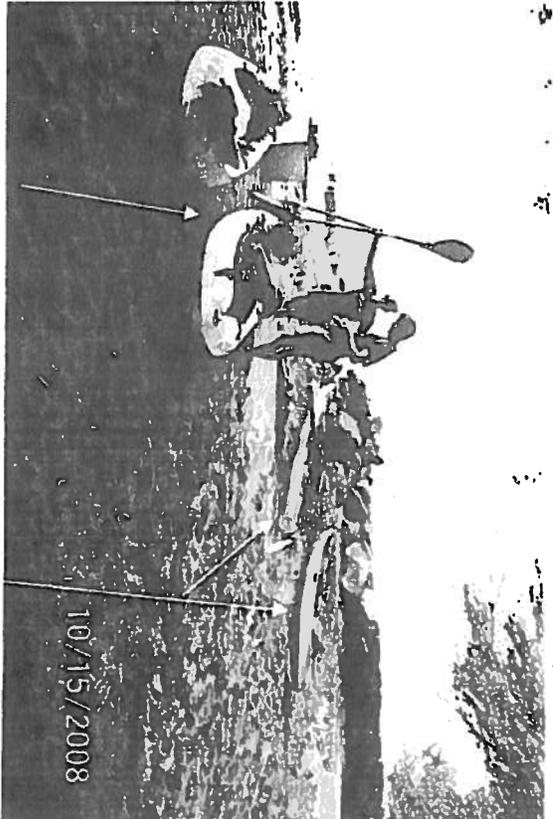


Jeremiah Redins

Aaron Longshore

Kcaili's Kayak Tours se. up along Olowalu Beach. Two guides conducting briefings.

Prohibited Business Operations, TMK: (2) 4-8 003.001



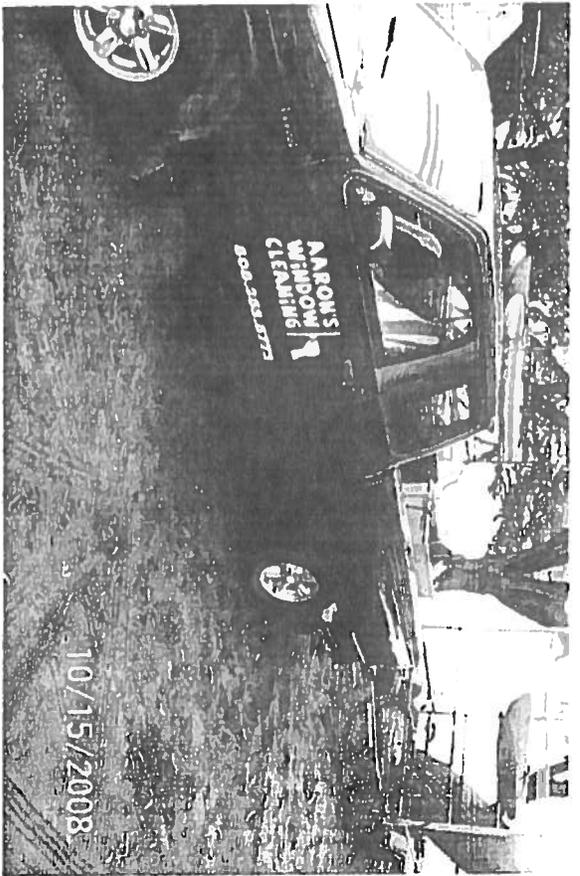
Kcaili's clients with kayaks.

Maui Eco Tours Five Star Kayaking kayaks unattended on the shoreline

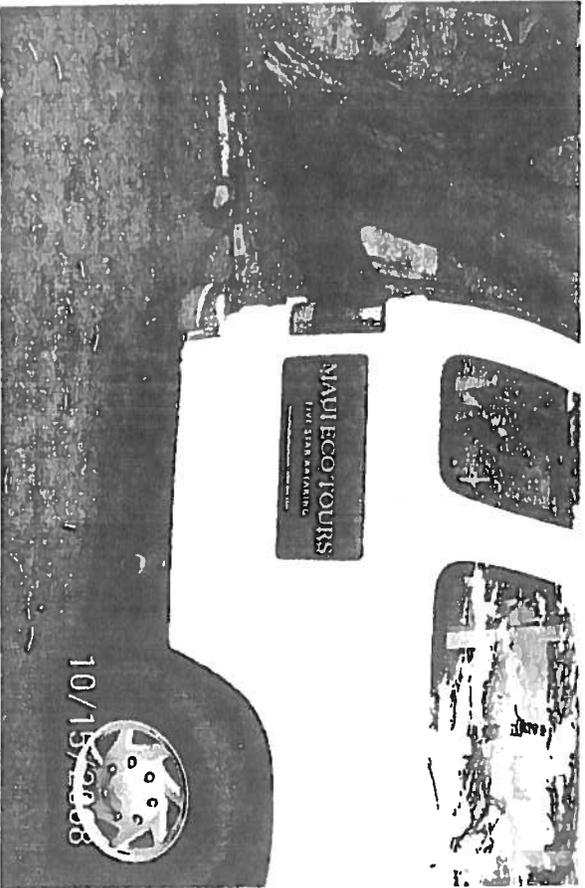
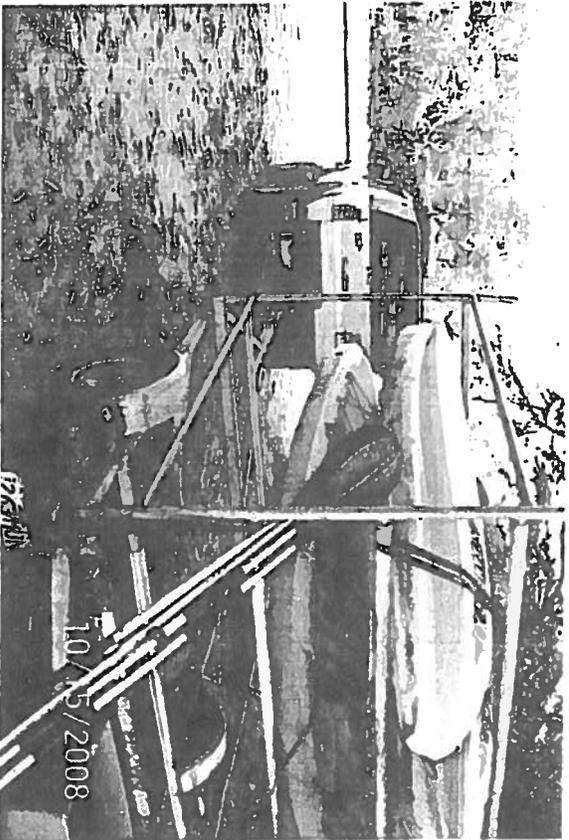


Maui Eco Tours Five Star Kayaking instructor Chris Stankis providing instruction to clients on the shoreline

Photos taken: 10.15.08

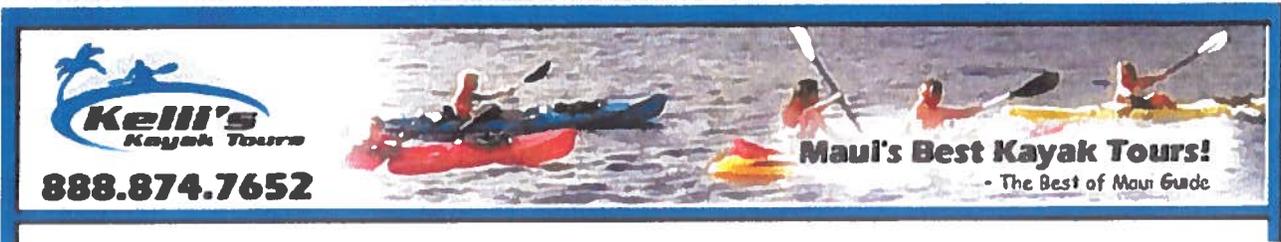


Prohibited Business Operations, TMK (2) 4-8-003.001



Photos of vehicles being utilized to transport equipment to the subject area.

[Home](#) [Specials](#) [Trips](#) [Groups](#) [Contact Us](#) [About Us](#)



Contact Us

Aloha Aina in Hawaiian means a love for nature, earth and of course the Islands. Keli's Kayak Tours is one of Maui's most experienced and trusted names. We guide our tours as Hawaiians, with that same love and respect for the ocean. For more than 10 years Keli's Kayak Tours has been providing travelers from around the world the very best kayak and snorkeling tours on Maui.

To insure you obtain your first choice of tour time and day, complete the [reservation form](#) or call us toll free to plan and reserve your tour early.

If you would like to obtain additional information on tours, pricing, options, etc. Please call toll free 888-874-7652 or send us an [email](#). We look forward to having you on the water with us!

Keli's Kayak Tours
 PMB 420, PO Box 959
 Kihel, HI 96753



[email us](#)

Toll Free: 888-874-7652
 Local: 808-874-7652
 Fax: 808-879-3957

Download Brochure



Download a copy of our brochure in Adobe Acrobat Reader Format.

[Download](#) (358 KB)

Privacy: All personal information will be kept confidential. We will not share any of your data with other companies. See our [privacy statement](#).

KAYAK & SNORKEL TOURS Turtles Guaranteed! Dolphin & Whale Sightings Tropical Fish, Beautiful Scenery TONS of FUN!	<ul style="list-style-type: none"> • Small groups • Top quality equipment • No experience Necessary 	<ul style="list-style-type: none"> • Experienced personable guides • Environmentally Friendly 	
info@keliiskayak.com	? FAQ	Download Brochure	Tour Photos

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EXHIBIT " 3 "

[Home](#) [Specials](#) [Trips](#) [Groups](#) [Contact Us](#) [About Us](#)



Trips

Why a guided tour?

Sure you can rent a kayak on your own but why? Your time on the water is limited. Our tours take the hassle out of your day. We limit our groups to 8 paddlers per guide. Our guides deliver all equipment to the beach, unload and load, all snorkel gear and refreshments are provided. For individuals without paddling experience our guides will provide you beachside paddling instruction, assist you with your launch and accompany you for the duration providing assistance where needed. We know the weather, water conditions and where the best snorkeling spots are for marine life viewing. Why not get the most from your paddling adventure?



Our tours include:

- Experienced, personable guides with CPR and first aid training all with many years ocean experience, the island's best.
- Beach side safety and paddling instruction from our guides.
- Quality late model sit-on top ocean kayaks.
- Dry bags for small personal items.
- Top quality snorkel equipment and personal flotation device.
- Snacks and beverages on (lunch included on some tours).

South Shore Turtle Adventure - West Shore Intro - North Shore Explorer

Waterfall Hike & Coral Garden Paddle - Maui Sunset - Paddle Snorkel & Learn to Surf



South Shore Turtle Adventure

Our Signature Tour - Turtle Sightings Guaranteed - Nobody Does It Better!

One of our most popular tours remains one of our best. Your guide will lead you on a leisurely paddle through Makena Bay along it's beautiful coastline with views of Molokini and Haleakala Volcano. You will have ample opportunities for snorkeling over colorful reefs and in Turtle Town with Hawaii's endangered green sea turtles and a variety of colorful marine life. Don't be surprised if you spot dolphins or during the season, possibly encounter humpback whales. This is a great paddling



adventure for ages 5 & up and all abilities, exciting marine life and tons of fun!

 **2 ½ Hour Tour - \$69**

Departure: 7:30 and 11:00 am daily from Makena Landing (check in 15 minutes prior)

Tour Length: 2.5 Hours

Paddling Distance: 2.5 Miles (approximate)

Snorkel Time: approximately 45 minutes

Includes: snack and beverages

Skill Level: All

 **4 ½ Hour Tour - \$99**

Departure: 7:30 am daily from Makena Landing (check-in 15 minutes prior)

Tour Length: 4.5 Hours

Paddling Distance: 3.5 Miles (approximate)

Snorkel Time: approximately 80 minutes (2 reefs)

Includes: Beach Lunch, snack & beverages while on water

Skill Level: All

Maui West Shore



The magnificent west shore is known for shallow calm clear water, a delight for paddlers. Enjoy the astounding west shore scenery including the majestic West Maui Mountains and Ukumehame Valley. While in the water you will have chance to snorkel at several prime spots such as Coral Gardens or Olowalu Marine Sanctuary, and experience a variety of marine life over colorful coral reefs including giant sea turtles. This is a convenient tour for those staying in west side hotels and great for all levels of paddlers.

 **2 ½ Hour Tour - \$69**

Departure: 7:30 am and 11:00 am daily from Olowalu (check-in 15 minutes prior)

Tour Length: 2.5 Hours

Paddling Distance: 2.5 Miles (approximate)

Snorkel Time: approximately 45 minutes

Includes: snack and beverages

Skill Level: All

 **4 ½ Hour Tour - \$99**

Departure: 7:30 am daily from Olowalu (check-in 15 minutes prior)

Tour Length: 4.5 Hours

Paddling Distance: 3.5 Miles (approximate)

Snorkel Time: approximately 80 minutes (2 reefs)

Includes: Beach Lunch, snack & beverages while on water

Skill Level: All

Maui North Shore Explorer (Tour operates only May 1 - October 15)

Leave from beautiful D.T. Flemming beach park and paddle along Maui's northwestern rugged shorelines few people have the opportunity to experience. A spectacular coastal viewing and snorkelling tour. Honolulu Bay, a marine reserve area, offers breathtaking topside and underwater scenery, tons of fish, turtles, coral and great visibility. As an added bonus this tour offers a good chance for dolphin sightings. Because of prevailing winds and wave conditions. This tour operates only May 1 - Sept 30 and is limited to ages 10 and up.





3 Hour Tour - \$79

Departure: 7:30 am daily from D.T. Flemming Beach Park
Tour Length: 3 Hours
Paddling Distance: 3 Miles (approximate)
Snorkel Time: approximately 45 minutes
Includes: Snack & beverages while on water
Skill Level: All

Maui Sunset Tour



What better way to experience Maui's stunning world-class sunsets, than from the ocean. Before the sun dips in the horizon you will paddle along Maui's western seashore offering magnificent vista's of the West Maui mountain range and valley's. The beauty and serenity of being on the water as the sun dips in the Hawaiian sky is a moment you won't want to miss.



1.5 Hour Tour - \$64

Departure: Between 4:00 and 5:30 PM depending on season. Call for exact departure time and location.
Tour Length: 2 Hours
Paddling Distance: 1.5 Miles (approximate)
Includes: snack and beverages
Skill Level: All

Paddle, Snorkel & Learn to Surf
Do it all in a day!

Your morning starts with a surf lesson designed for time surfers. Your instructor will teach you surfing etiquette and wave riding fundamentals. Classes last 2 hours with a maximum group size of 6 to ensure students receive the personal attention they need to develop their surfing skills. We guarantee you will be surfing in one easy lesson your next lesson is free. After surfing, come off the water for a break and a delicious lunch then head out with your kayak guide on a leisurely paddle through Makena Bay along it's beautiful coastline with views of Molokini and Haleakala Volcano. You will have ample opportunities for snorkeling over colorful reefs and in Turtle Town with Hawaii's endangered green sea turtles and a variety of colorful marine life. Don't be surprised if you spot dolphins or during the season, possibly encounter humpback whales. Minimum Age 8 years and up.



6 ½ Hours - \$139

Departure: Check in 7:15 AM, Makena Landing
Tour Length: 6.5 Hours
Distance: 2 miles (approximate)
Snorkel Time: approximately 45 minutes
Includes: refreshments and snacks on the water and full lunch before surfing. Surf lesson includes surfboard, water booties and rash-guard.
Skill Level: ALL (8 years and up)

Waterfall Hike & Coral Garden Paddle
Do it all in a day!



HIKE MAUI and KELII'S KAYAK have teamed up to offer a day tour that gives you an incredible land and sea experience. Your adventure starts with a morning kayak tour along Maui's majestic West Shore known for it's calm, clear waters and magnificent reefs. We stop to snorkel at some of our favorite spots in the Olowalu Marine Sanctuary where you will view a variety of marine life including Hawaiian Green Sea turtles. After enjoying Maui's ocean beauty, your hike guide will transport you to Maui's lush east side for an easy hike to two waterfalls and pools where there is plenty of time to swim, jump from safe rock ledges. Learn about flora and fauna from your knowledgeable guide. Fun, easy and safe. Great for families. This is a true magical Maui experience. (Includes lunch)

Want more info on the Hike? Check out the [slide show](#)



7 Hours - \$160 This tour requires a minimum of 4 to confirm departure.

Departure: 7:30 am (Daily) from Olowalu (check-in 15 minutes prior)

Tour Length: 7 Hours

Distance: 2 mile paddle plus 1 mile hike (approximate)

Snorkel Time: approximately 45 minutes

Includes: refreshments and snacks on the water and full lunch during hike

Skill Level: All

Terms and Conditions

All prices are per person and do not include 4.4% sales tax. Tours take place weather permitting. Departure sites may be substituted depending on water and weather conditions at the discretion of your guide. There are no refunds for cancellations within 24 hours of tour departure.

KAYAK & SNORKEL TOURS Turtles Guaranteed! Dolphin & Whale Sightings Tropical Fish, Beautiful Scenery TONS of FUN!	<ul style="list-style-type: none"> ● Small groups ● Top quality equipment ● No experience Necessary 	<ul style="list-style-type: none"> ● Experienced personable guides ● Environmentally Friendly
info@keliiskayak.com	? FAQ	Download Brochure
		Tour Photos

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Olowalu Beach Reserve signs listing prohibited activities which include
No Commercial Activities.



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

RECEIVED

2013 JUL -8 AM 11:29

PETITION FOR A CONTESTED CASE HEARING

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board action date to:

Department of Land and Natural Resources
Administrative Proceedings Office
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Phone: (808) 587-1496, Fax: (808) 587-0390

- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.

A. PETITIONER			
(If there are multiple petitioners, use one form for each.)			
1. Name	Island Adventure Tours, LLC	2. Contact Person Brian Yesland	
3. Address	Mailing: 1215 S. Kihei Rd.#420	4. City Kihei	5. State and ZIP HI 96753
6. Email	brian@iatours.com	7. Phone 808-357-1470	8. Fax 808-879-3957

B. ATTORNEY (if represented)		
9. Attorney Thomas R Cole	10. Firm Name Thomas R Cole Attorney at law	
11. Address PO Box 284	12. City Wailuku, Maui	13. State and ZIP HI 96793
14. Email tcolelaw@maui.net	15. Phone 808-242-6854	16. Fax 808-244-5460

C. SUBJECT MATTER

17. Board Action Being Contested The Board concluded that Petitioner conducted commercial activity on State lands on September 15, 2008 at Olowalu Maui. The Board assessed and suspended fines. Petitioner is contesting the finding that Petitioner was conducting commercial activities and that the Board has jurisdiction over a nearly 5 years old citation.

18. Board Action Date
June 28, 2013

19. Item No.
PSF#13MD-051

20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action The Petitioner is the entity that the complaint was filed against and which was assessed the fines. The Petitioner has standing as the accused in this action.

21. Any Disagreement Petitioner May Have with an Application before the Board

The Petitioner does not disagree with the finding that that commercial activity occurred on State unencumbered lands nor has Petitioner violated any other rules and regulations.

22. Any Relief Petitioner Seeks or Deems Itself Entitled to

The Petitioner is seeking a dismissal of the citation and dismissal of the Board's finding of violation and fines.

23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

The Petitioner is the party being charged with the violation of a rule that is vague and ambiguous.

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

The Petitioner as the aggrieved party charged with the violation. The Petitioner is a proper party under 13-1-31.

Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

Thomas R. Cole  7-5 2013
Petitioner or Representative (Print Name) Signature Date