

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

DATE: FRIDAY, JANUARY 10, 2014  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**A. MINUTES**

1. Approval of October 25, 2013 Minutes
2. Approval of November 08, 2013 Minutes

**B. DIVISION OF CONSERVATION AND ENFORCEMENT**

1. Request Approval to Seek The Governor's Approval To Indemnify The Kauai Police Department And The County Of Kauai For The Use Of The Kauai Police Department Range.
2. Request Approval To Seek The Governor's Approval To Indemnify The City And County Of Honolulu Department Of Parks And Recreation For The Use Of The Koko Head Shooting Complex For Firearms Training.

**C. DIVISION OF FORESTRY AND WILDLIFE**

1. Request Approval To Issue An Invitation For Bids And To Award, Execute, Amend, And Extend A Contract To Conduct An Archaeological Inventory Pursuant To Chapter 6e, Hawaii Revised Statutes, For Proposed Subject Land Exchange, And Of A Portion Of The Alleged Historic Trail Crossing Land Owned By Halekala Ranch Company, District Of Makawao, Ahupua'A Of Kalialinui, Maui, Tmk: (2) 2-3-005:004, And;

Request Approval To Issue An Invitation For Bids And To Award, Execute, Amend, And Extend A Contract To Conduct Environmental Review Of Proposed Subject Exchange, And For The Waiopai Kahikinui Forest Reserve Access Road, Crossing Land Owned By Halekala Ranch Company, District Of Kaupo, Ahupua'A Of Na Kula, Maui, Tmk: (2) 1-8-001:004, And;

Request Disapproval Of The Request By Public Access And Trails Hawaii (Path) To Issue A Land Lease To Path Of A Portion Of The Alleged Historic Trail Crossing Land Owned By Halekala Ranch Company, District Of Makawao, Ahupua‘A Of Kalialinui, Maui, Tmk: (2) 2-3-005:004, And;

Request Approval For The Chairperson To Negotiate And Enter Into An Agreement With Halekala Ranch Company To Agree, In Principle, To Terms For A Proposed Exchange Of A Portion Of The Alleged Historic Trail Crossing Land Owned By Halekala Ranch Company, District Of Makawao, Ahupua‘A Of Kalialinui, Maui, Tmk: (2) 2-3-005:004, And For The Waiopai Kahikinui Forest Reserve Access Road, Crossing Land Owned By Halekala Ranch Company, District Of Kaupo, Ahupua‘A Of Na Kula, Maui, Tmk: (2) 1-8-001:004, Between The State And Haleakala Ranch Company, For Future Consideration By The Board Pursuant To §171-50, Hawaii Revised Statutes And All Other Applicable Laws.

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

1. Issuance of Right-of-Entry to the United States Department of Agriculture Forest Service, Institute of Pacific Islands Forestry, for the Purpose of Conducting Research on Hawaiian Forest Recovery After Cataclysmic, Man-Made Disturbance and to Exterminate All Invasive Albizia Trees Within the Research Area, Kapaahu, Puna, Hawaii, Tax Map Key: (3) 1-2-008:001 portion.
2. Authorization to Contract Qualified Professionals to Provide Technical and Advisory Services Relating to Design and Construction of Renovations of and Improvements to the Naniloa Hilo Hotel (fka Naniloa Volcanoes Resort) under General Lease No. S-5844, Waiakea, South Hilo, Hawaii, Tax Map Keys: 3rd/ 2-1-1:12, 2-1-5:13, 16, 17, 27, 32 & 46.
3. Forfeiture of General Lease No. 3269, Country Club-Hawaii, Inc., Trustee under that Certain Trust Agreement dated September 19, 1987, Lessee, and Issuance of a Month-to-month Revocable Permit to the Association of Apartment Owners of Country Club Hawaii, Inc., Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-05:20.
4. Deny Request for Extension of Lease Term Made Pursuant to Act 207, Session Laws of Hawaii 2011, General Lease No. S-3716 Hawaiian Fresh Products, Inc., Lessee, Waiakea, South Hilo, Hawaii, Tax Map Key: 3<sup>rd</sup>/2-2-050:015.
5. After-the-Fact Approval of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Set up and Firing of Aerial Fireworks Display on New Year’s Eve, 2013, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-2-02: seaward of 04.
6. Issuance of Right-of-Entry Permit to Mauna Kea Resort LLC, doing business as Hapuna Beach Prince Hotel, for Emergency Transportation and Beach Cleaning

Purposes on Government Lands Seaward of the Hapuna Beach Prince Hotel Property, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-6-002:seaward of parcel 037.

7. Issuance of a Right-of-Entry Permit to the County of Hawaii, Department of Public Works for Staging Area and Roadway Improvement Purposes on Portions of Unencumbered State Lands located at Kalaoa, North Kona, Hawaii, Tax Map Key: (3)7-3-010:006, 042 & 045.
8. Issuance of Right-of-Entry Permit to the Napili Bay and Beach Foundation, Inc. for Stream Clean Up and Restoration at Napili, Lahaina, Maui, Tax Map Key: (2) 4-3-002:023.
9. Issuance of Right-of-Entry Permit to MC&A Inc. to Conduct a Beach Activity Event on January 28, 2014, at Lahaina, Maui, Hawaii: Tax Map Key:(2) 4-6-002: seaward of 007.

10. Rescind the Following Prior Board Actions of:

June 28, 2013, Item D-9, Approved as Amended, “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.”;

August 9, 2013, Item D-11, Approved as Amended, “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”; and

Withdrawal of Item D-7, approved on August 23, 2013, Request that the Board Grant Petition for Contested Case Hearing by KRS Investments LLC, dba South Pacific Kayaks & Outfitters, and Tiki Team Adventures, for a Contested Case Hearing as to Enforcement Action Against KRS Investments LLC, dba South Pacific Kayaks & Outfitters, and Tiki Team Adventures 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.

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.

11. Withdraw from Governor’s Executive Order No. 2704; Approval-In-Principle for Direct Issuance of Lease to University of Hawaii for Educational Purposes; Issuance

of Immediate Management Right-of-Entry; Sand Island, Honolulu, Oahu, Tax Map Key: (1) 1-5-041:portions of 006 and 334.

12. Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. for Beach Activities Purposes on January 15, 2014, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portion of 021.
13. Issuance of Right-of-Entry Permit to Hilton Hawaiian Village LLC for Beach Activities Purposes on January 23, 2014, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portion of 021.
14. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on January 23, 2014, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).
15. Consent to Sublease General Lease No. S-5805, Waikiki Community Center, Lessee, to Uhane Pohaku Na Moku O Hawaii, Inc., Sublessee, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-6-025:008.
16. Consent to Lease of Land under Governor's Executive Order No. 996 to Hawaiian Humane Society, Kamoilili, Honolulu, Oahu, TMK: (1) 2-8-024:037.
17. Amend Prior Action dated December 14, 2012, Item D-12; Authorize Posting of Performance Bond for Removal of Remaining Structure of Pier; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-5-005:seaward of 059. And  
  
The Amendment is to Seek Board's Authorization to Revise the Applicant's Name to WB Hui LLC and Issue a Revocable Permit Covering the Obligations of the Applicant.
18. Approval in Principle for Issuance of Direct Lease to Hakipu'u Learning Center for Charter School Purposes; Issuance of Right-of-Entry for Site Investigation Purposes, Kaneohe, Koolaupopko, Oahu, Tax Map Key: (1) 4-5-023:001.
19. Amend Prior Board Action of August 9, 2013, Item D-16 to Seek Board's Authorization to Execute the Estoppel Certificate Relating to the Consent to Modification of Mortgage and Extension of Lease Term, General Lease No. S-4644, Vallejo Venture 99 LLC, Lessee, Kalauao, Ewa, Oahu, Tax Map Key: (1) 9-8-013:014.
20. Annual Renewal of Revocable Permits on the Islands of Hawaii, Maui, Molokai, Kauai and Oahu.
21. Report on the Status of General Lease No. S-5844 (site of the former Naniloa Volcanoes Resort), Waiakea, South Hilo, Hawaii, Tax Map Keys: 3rd/ 2-1-1:12, 2-1-5:13, 16, 17, 27, 32 & 46.

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***

**E. DIVISION OF STATE PARKS**

1. Request The Issuance Of Administrative And Civil Penalties Of \$2,500 Pursuant To Chapter 184, Hawaii Revised Statutes To Alex Aquino For Violation Of Chapter 13-146 Hawaii Administrative Rules At Kealakekua Bay State Historical Park, South Kona, Hawaii.

**I. STATE HISTORIC PRESERVATION DIVISION**

1. Re-submittal of Enforcement Action against Richard Stewart for Alteration of Historic Properties during the Course of Land Alteration Activities Without a Permit. Kalaoa Ahupa'a, North Kona Moku, Island of Hawaii. TMK: (3) 7-3-005:015.

**J. DIVISON OF BOATING AND OCEAN RECREATION**

1. Request Approval to Initiate Rule-Making Proceedings to Amend Hawaii Administrative Rule, Chapter 13, Section 13-233-26, Charges for Parking.
2. Request that the Board of Land and Natural Resources Approve the Amendments and Compilation of Hawaii Administrative Rules (HAR), Chapter 13-253, Registration and Permit Fees, and Amendments to Hawaii Administrative Rules, Section 13-256-3 Commercial Operator Permit Requirements and Section 13-256-4 Commercial Vessel and Water Sports Equipment Registration Requirements; Authorize the Division of Boating and Ocean Recreation to Conduct a Second Round of Public Hearings Regarding Amendments that were made to Chapter 13-231, Operation of Boats, Small Boat Harbors, and Permits and Chapter 13-251, Waikiki and Kaanapali Ocean Waters, Based on Public Testimony that was Received During the Rule Making Process. Attached to this Agenda and Incorporated Herein are Chapter 13-231 (Exhibit 1), Chapter 13-251 (Exhibit 2), Chapter 13-253 (Exhibit 3), and Sections 13-256-3 and 13-256-4 (Exhibit 4).

**K. OFFICE OF CONSERVATION AND COSTAL LANDS**

1. Conservation District Use Application (CDUA) HA-3683 by the State Department of Transportation for the Saddle Road Baseyard at the Mauna Kea State Recreation Area, Kaohe Mauka, Hamakua, Hawaii, TMK (3) 4-4-016:003.

**M. OTHERS**

1. Amendment No. 1 To State Lease No. Dot-A-13-0009; Application For Additional Space; Hawaiian Sealife, Inc.; Honolulu International Airport; Tax Map Key: (1) 1-1-14:21 (Portion).
2. Issuance of A Direct Hangar & Facilities Lease; Guardian Flight, Inc. Kona International Airport At Keahole; TMK:(3) 7-3-43:Portion Of 003.

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.