

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

DATE: FRIDAY, JANUARY 24, 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 November 08, 2013 Minutes
2. Approval of December 13, 2013 Minutes

D. LAND DIVISION

1. Request for Issuance of Revocable Permit to Kaiola Canoe Club for Canoe & Equipment Storage Purposes, Kekaha Beach Homes, Kekaha, Waimea (Kona), Kauai, Tax Map Key: (4) 1-3-008:005.
2. Issuance of Right-of-Entry Permit to Keauhou Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-02:seaward of 2.
3. Sale of Remnant to Viola B. Atou, Trustee for the Viola B. Atou Self-Trusted Trust dated June 28, 2002, Por. Kapaa Town Lots, Kawaihau, Kauai, Tax Map Key: (4) 4-5-012: por. 3.
4. Cancellation of Revocable Permit No. S-7811, State of Hawaii, Department of Defense, Permittee; Issuance of Revocable Permit to the Department of Public Safety (PSD) for the Kulani Correctional Facility; Issuance of Immediate Construction Right-of-Entry to PSD, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-08:09 por.
5. Amend Prior Board Action of December 14, 2012, Agenda Item D-8, as Amended on April 12, 2013, Agenda Item D-8, and on August 9, 2013, Agenda Item D-8: Cancel Revocable Permit No. S-7368 and Reissuance of a Revocable Permit to Alexander & Baldwin, Inc., Pulehunui, Wailuku, Maui, TMK: (2) 3-8-08: 1, 8, 20, 35 and 38. And

Amendment Request: Change the TMK Reference of Parcel 1 to Portion of Parcel 1 in agenda Item D-8 of the Board's December 14, 2012 meeting.

6. Issuance of Right-of-Entry Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach on February 13, 2014, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:021 (Portion).
7. Amend Prior Board Action of October 11, 2013, Item D-3; Consent to Merger of Oceanic Institute into Hawaii Pacific University; Mutual Termination of General Lease No. 3709; Oceanic Institute, Lessee; Issuance of Direct Lease to Hawaii Pacific University for Scientific Research and Public Exhibiting Facilities of Marine Life; Waimanalo, Koolaupoko, Oahu; TMK (1) 4-1-014:004. And

The Amendment is to seek Board's Authorization for Incorporating Pipeline and Encroachment Easements, Revising the Rent Payable, and Adding Tax Map Key (1) 4-1-014:011 to the Direct Lease.

8. 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.

Report on the Status of the Appeal of the Chapter 11 Bankruptcy Case No. 12-02279, Hawaii Outdoor Tours, Inc., Debtor, Filed in the United States Bankruptcy Court, District _____ of _____ Hawaii.

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

F. AQUATIC RESOURCES

1. Request for Approval of Special Activity Permit 2013-48 for Dr. Robert Kinzie III, SWCA Environmental Consultants, to Use an Electrofishing Device to Remove Alien Predator Species From Within the Uko'a Wetland in Haleiwa, Oahu.

J. BOATING AND OCEAN RECREATION

1. Approve Petition for Declaratory Ruling and Authorize the Chairperson to Issue an Order Setting a Deadline for Further Briefing and a Date for Oral Arguments from the Petitioner Regarding the Petition for a Declaratory Ruling from Margaret E. Brown for the Issuance of a Regular Mooring Permit and Commercial Use Permit.
2. Approve Petition for Declaratory Ruling and Authorize the Chairperson to Issue an Order Setting a Deadline for Further Briefing and a Date for Oral Argument Regarding the Petition for a Declaratory Ruling from Virgil H. Koehne, Duly Authorized Representative of the Estate of Carol Ann Moore for the Issuance of a Regular Mooring Permit and Commercial Use Permit.

3. Approve Petition For Declaratory Ruling And Authorize The Chairperson To Issue An Order Setting A Deadline For Further Briefing And A Date For Oral Argument Regarding The Petition For A Declaratory Ruling From Sarah M. MacInnes For The Transfer Of An Offshore Mooring Permit For Kailua Bay, Hawaii And Vessel Moored Elsewhere Commercial Use Permit For Keauhou Bay, Hawaii.
4. Administrative Enforcement Action Against Volcom Inc. for Violation of Hawaii Administrative Rule, Section 13-231-51, Business or Commercial Activity at Waianae Small Boat Harbor, Without Prior Approval of the Department or the Proper Execution of an Agreement with the Department.
5. Request Approval to Initiate Rule-Making Proceedings to Amend Hawaii Administrative Rule, Chapter 13, Section 13-233-26, Charges for Parking.
6. 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 Enforcement HA-08-26 in Regards to an Alleged Unauthorized use of a Coffee Mill Structure as a Single Family Residence by Lawrence and Ida Smith at Pohoiki, Puna, Island of Hawaii, TMK: (3) 1-3-008:034.
2. Decision on Standing for a Contested Case Petition HA-14-01 by Abel Simeona Lui Regarding Conservation District Use Permit (CDUP) HA-3674, by Kuahiwa Ranch for the Old Plantation Spring Pipeline at Kaiholena, Kau, Island Hawaii, TMKs (3) 9-7-001:001, 004, and 016.

L. ENGINEERING

1. Request Acceptance of the Final Environmental Assessment and Approval for the Issuance of a Finding of No Significant Impact (FONSI) for Kawaihae Small Boat Harbor (South) Roadway and Waterline Improvements, Kohala, Island of Hawaii.
2. Approval to Execute a Use and Access Agreement with the U.S. Fish and Wildlife Service for the Hanalei Stream Bank Restoration Project, Kauai, Hawaii.

3. Request Authorization to Select Consultants and Authorize the Chairperson to Negotiate, Enter and Execute Agreements with Consultants, Contractors and/or Government Agencies to Implement and Administer HRS Chapter 179D, Entitled the Dam and Reservoir Safety Act of 2007.
4. Appointment of Neil Nakamura to Serve as a Director of the Olinda-Kula Soil and Water Conservation District.
5. Certification of Election of Mae Nakahata to Serve as a Director of the Central Maui Soil and Water Conservation District.
6. Appointment of Kimo Falconer to Serve as a Director of the West Maui Soil and Water Conservation District.

M. OTHERS

1. Issuance of Construction Right-Of-Entry Permit to Oceanic Companies, Inc., Piers 34 and 52, Honolulu Harbor and Sand Island, Oahu, Tax Map Key No. (1) 5-041-111 and (1) 5-034-004 (PORTIONS THEREOF).
2. Consent to Assignment of State Lease No. DOT-A-13-0023 From Helicopter Consultants of Maui, Inc. to Blue Hawaiian Holdings, LLC, Lihue Airport; TMK: (4) 3-5-01: PORTION OF 8.
3. Amendment No. 1 to Concession Agreement No. DOT-A-13-0011 Automobile Parking Facilities, Additional Premises ABM Parking Services, Inc., Kahului Airport; TMK: (2) 3-8-01:19 (PORTION).

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.