

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

DATE: WEDNESDAY, JULY 22, 2009
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

A. MINUTES

1. June 12, 2009 Minutes

C. FORESTRY AND WILDLIFE

1. Request to Extend the Closure of Kahaualea Natural Area Reserve, Island of Hawaii, to the Public Pursuant to HAR § 13-209-4.5 for Public Safety Purposes
2. Request for Approval of Right of Entry Agreement for Access and Construction of Nene Release Pen at Haleakala Ranch, Island of Maui, Hawaii
3. Request for Approval of the BLNR Chairperson to Enter Into and Negotiate a Contract for the Recovery Youth Conservation Corps Program Coordinator
4. Request to Designate the Ohai Loop Trail and Overlook as a Na Ala Hele "Program Trail" and Feature within the Maui Na Ala Hele Trail and Access Program Inventory.
5. Request to Designate the Kahakapao Loop Trail as a Na Ala Hele "Program Trail" within the Maui Na Ala Hele Trail and Access Program Inventory

D. LAND DIVISION

1. Rescind Prior Board Action of December 12, 2008, Item D-1, Forfeiture of Revocable Permit No. S-7282, Lara Butler dba Keapana Horsemanship, Permittee, Wailua, Kawaihau, Kauai, TMK: (4) 3-9-02:portion 20.
2. Amend Prior Board Action of August 22, 2008 (D-1) Cancellation of Governor's Proclamation dated April 11, 1917 for Panaewa Forest Reserve, Puna and South Hilo, Hawaii, TMK: (3) 1-6-3; 2-2-46; 2-2-48; 2-2-52; 2-2-56; 2-2-61; 2-4-4; 2-4-49.
3. Grant of Perpetual, Non-Exclusive Utility Easement to Hawaii Electric Light Company, Inc.; Issuance of Construction Right-of-Entry for Installation of 5-Way Vacuum Switch at Waiakea, South Hilo, Hawaii, TMK: (3) 2-2-014: portion of 72.

4. After the Fact Consent to 100% Stock Transfer in Pubtime, Inc., Lessee under General Lease No. S-5001, from Louis Santiago, Transferor, to Elaine Nakatani, Transferee, Waiakea, South Hilo, Hawaii, TMK: (3) 2-2-32:10.
5. Consent to Extension of Lease Term, General Lease No. S-4445 Green Point Nursery, Inc., Lessee, Waiakea, South Hilo, Hawaii, TMK: (3) 2-4-49:26, 27, 28.
6. Reconsideration of Rent under General Lease No. S-3817 to Maui Family Y.M.C.A., Lessee, for Recreational Camp Site Purposes, Keanae, Maui, TMK: (2) 1-1-2:9.
7. Amend Prior Board Action of September 26, 2008 (D-7), Grant of Term, Non-Exclusive Easement to Napili Kai, Ltd. For Walkway Stairs, Shower Station, Concrete Pier block Remnants and Landscaping Purposes, Kaanapali, Maui, TMK: (2) 4-2-2: seaward of 4, 5, 7 and 4-3-2: seaward of 26, 27, 28.
8. Request for Extension of Notice of Default, General Lease No. S-5261, Sand Island Business Association, Lessee, Sand Island, Honolulu, Oahu, TMK: (1) 1-5-41:various.
9. Forfeiture of General Lease No. S-4890, Millicent U. Crawford (Deceased), Lessee, Maunalaha, Honolulu, Oahu, TMK: (1) 2-5-024:007.
10. Grant of Term, Non-Exclusive Easement to Kevin Fialko for Seawall and Steps Purposes, Black Point, Kahala, Honolulu, Oahu; TMK: (1) 3-5-01:004 seaward.
11. Grant of Term, Non-Exclusive Easement to Marilyn CupChoy Trust for Boat Dock Purposes, Kaneohe, Koolaupoko, Oahu, TMK: (1) 4-6-003:seaward of 077.
12. Second Amendment of Grant of Term, Non-Exclusive Easement S-5827 to Basil Gomez and Donna C. Marron for Seawall and Landscape Purposes, Kaalaea, Koolaupoko, Oahu, TMK: (1) 4-7-016:seaward of 060.
13. Authorize Sale of Remnant by Sealed Bid; Kaaawa, Koolauloa, Oahu; TMK: (1) 5-1-11:055.
14. Grant of Term, Non-Exclusive Easement to George W. Playdon Jr. for Seawall Purposes; Mutual Cancellation of Grant of Non-Exclusive Easement S-5195, Kaluanui, Koolauloa, Oahu, TMK: (1) 5-3-008:seaward of 008.
15. Sale of Remnant to Hawaii Conference Foundation, Hauula, Koolauloa, Oahu, TMK: (1) 5-4-005:013.
16. Grant of Perpetual, Non-Exclusive Easement to Hawaiian Electric Company, Inc. and Hawaiian Telcom, Inc. for Utility Purposes; Wilikina Drive, Wahiawa, Oahu; TMK: (1) 7-3-012:011 and 015; (1) 7-3-013: 008 and 009.

17. Amend Prior Board Action of September 28, 2007, Item D-3; Approval in Principal of Direct Lease to Honolulu Community Action Program for Preschool and Related Programs Purposes, Kunia, Oahu, TMK: (1) 9-2-005:012.
18. Grant of Perpetual Non-Exclusive Easement to Hawaiian Electric Company, Inc. for Utility Purposes; Issuance of Construction and Management Right-of-Entry; Waipio, Ewa, Oahu; TMK: (1) 9-5-048:052 portion.

E. STATE PARKS

1. Request to Amend Previous Board Approval of Assignment of Lease S-5308 to the May L. Au Living trust, Ahupua'a 'O Kahana State Park
2. Approval to Extend Three (3) Revocable Permits at Ahupua'a 'O Kahana State Park for Residential, Agricultural and Pasture Purposes
3. Consent to Assign General Lease No. SP-104, Kathryn Cassel, Assignor, to Kathryn Cassel and James Cassel, Assignee
4. Consent to Assign General Lease No. SP-118, Kocher Trust, Assignor, to John and Crystal Kocher, Assignee
5. Consent to Assign General Lease No. SP-122, Curtis and Bonnie Lofstedt and Georgia Poppin Trust, Assignor, to Kelley Carswell-Haneberg and David Carswell, Assignee
6. Consent to Assign General Lease No. SP-126, William and Jean Moragne, Assignor, to Wakefield M. Mist and Robert M. Mist, Assignee
7. Consent to Assign General Lease No. SP-135, David Pratt, Dudley Pratt, Jean Wolff, Joan Pratt and Norman Wolff, Assignor, to Samuel W. Pratt, William D. Pratt, Melinda L.P. Walker, Charles D. Pratt III, Timothy G. Pratt, Sarah P. Quinn, Assignee
8. Consent to Assign General Lease No. SP-137, R. Electric, Assignor, to Kevin Huff, Assignee
9. Consent to Assign General Lease No. SP-184, Smith-Waterhouse Family of Koloa, Assignor, to Bert S. Agor, Sr. and Vickie E. Agor, Assignee
10. Consent to Assign General Lease No. SP-144, Mary Summers, Assignor, to Bradley Soria and Margaret Soria, Assignee
11. Consent to Assign General Lease No. SP-152, Anna Thuente, Assignor, to Anna Thuente, Miles Kawamoto, Mike Zins, and Gary Miller, Assignee

12. Consent to Assign General Lease No. SP-154, A.J. Toulon and Elizabeth Toulon, Cecelia Williams and Peter Baldwin, Assignor, to Hale Poha LLC, Cecelia Williams and Peter Baldwin, Assignee
13. Consent to Assign General Lease No. SP-161, Waiyee Carmen Wong and Samuel R. Blair, Assignor, to Daniel Hempey and Patricia Hempey, Assignee

F. AQUATIC RESOURCES

1. Resubmittal and Settlement Offer for Consideration - Enforcement Action against Makena Boat Partners for Breaking and Damaging Stony Coral in Makena Bay, Maui
2. Request for Authorization to Use Administrative Penalty Guidelines when Evaluating Stony Coral Violations under Hawai'i Administrative Rules Section 13-95-70
3. Request for Approval of a Special Activity Permit 2009-104 for Mr. Matthew Iacchei of The University of Hawaii, Zoology Department, and Designated Assistants
4. Request for Approval of a Special Activity Permit 2009-109 for Courtney Couch of Cornell University, Department of Ecology & Evolutionary Biology, and Designated Assistants
5. Request for Amendment to Papahānaumokuākea Marine National Monument Research Permit PMNM-2009-044, Previously Approved for Dr. Brian Bowen of the University of Hawaii, Hawaii Institute of Marine Biology, to Add Additional Reef Fish Species and Locations
6. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Elizabeth Keenan, NOAA, Papahānaumokuākea Marine National Monument, for Access to State Waters to Conduct NWHI Reef Assessment and Monitoring Programs
7. Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Research Permit to Anthony Montgomery, State of Hawaii, DLNR, DAR, for Access to State Waters to Document Deep Reef Coral Species
8. Request for Authorization for Review Policy for Take of Protected Coral and Live Rock Through Division of Aquatic Resources Special Activity Permits

H. ADMINISTRATION

1. Request to Authorize Chairperson to Renew and Approve the Annual Disaster Recovery Contract with DRFORTRESS.
2. Request for Delegation to the Chairperson and First Deputy the Authority to Appoint Administrative Hearings Officers for the Conduct of Contested Cases Approved by the Board of Land and Natural Resources

3. Request for Approval to Appoint Thomas P. Rack and Bin C. Li as Administrative Hearings Officers for the Civil Resource Violations System of the Department for a Term of Two Years

J. BOATING AND OCEAN RECREATION

1. Approval for the Award of Contract - IFB 09-004-06, for the Purchase of Buoy Components and Related Buoy Mooring Components
2. Request for Approval to Initiate Rule-Making Proceedings to Amend Hawaii Administrative Rules, Section 13-231-26, Relating to Principal Habitation Permits, to Allow a Personal Partner to Reside on Vessels at the Ala Wai and Keehi Small Boat Harbors (See Exhibit A); Possible Executive Session Pursuant to HRS § 92-5(a)(4).
3. Request for a Petition to Adopt and Amend Hawaii Administrative Rules by the Hulopo'e Beach Park Council, Manele, Lanai.

K. CONSERVATION AND COASTAL LANDS

1. Conservation District Enforcement File KA 09-12 Regarding Unauthorized Clearing by Paradise Ranch, LLC at Lepeuli, Hanalei, Kauai, TMK: (4) 5-1-003:003
2. First Time Extension Request Conservation District Use Permit (CDUP) KA-3399 for David M. and Linda B. Morrow Single Family Residence (SFR) at Haena, Island of Kauai, TMK: (4) 5-9-003:010 and 045
3. Second Time Extension Request for After the Fact Conservation District Use Permit (CDUP) MA-3439 for the Wailuku Country Estates Water Storage Tank with Associated Improvements and Subdivision of Land by Wahi Ho'omalua Limited Partnership at Wailuku, Island of Maui, portion of (2) 3-3-002:001
4. Conservation District Use Application (CDUA) MA-3498 for a Single Family Residence (SFR) and Related Improvements by Warren and Susan Dean and James and Jeanne Riley at Olowalu, Lahaina, Island of Maui, TMK: (2)4-8-003045
5. After-the-Fact (ATF) Conservation District Use Application (CDUA) OA-3507 for CRM Erosion Control Wall and Slope Stabilization for Charles Wichman at 123 Kalaiopua Place, Tantalus, Island of Oahu, TMK: (1) 2-5-014:012
6. Conservation District Use Application (CDUA) HA-3499 for the Honotua Fiber Optic Cable System by Office des postes et telecommunications de Polynesie francaise (OPT) on State submerged land offshore of County of Hawaii's Spencer Beach Park, Kawaihae, South Kohala, Island of Hawaii, TMK: (3) 6-2-002:008

L. ENGINEERING

1. Approval for Award of Construction Contract for: Job No. B76DO70C, Haleiwa Small Boat Harbor, Replacement of Front Row Finger Piers, Haleiwa, Oahu, Hawaii
2. Approval of Supplemental Agreement for Contract No. 55148 Job No. H46C614A, Diamond Head State Monument, Rockfall Mitigation, Oahu, Hawaii
3. Certification of Election and Appointment of Soil and Water Conservation District Directors
4. Permission to Hire Consultants for State Parks TAT & HTA - Funded Project
5. Permission to Contract with Consultants and Contractors for DLNR CIP Projects
6. Request Authorization to Select Consultant(s) and Authorize the Chairperson to Negotiate and Execute Agreements with Consultant(s) and/or Government Agencies as necessary to Implement Chapter 179D HRS, Entitled the Dam and Reservoir Safety Act of 2007 Funded by the Dam and Reservoir Safety Special Fund
7. Approval to Execute Supplemental Contract No. 3 to Contract No. 51532 for Job No. B46CM71A, Lahaina Small Boat Harbor Ferry Pier Planning Lahaina, Maui, Hawaii
8. Request for Authorization for the Chairperson to Negotiate and Execute a Joint Agreement with the US Army Corps of Engineers, for the General Flood Control Plan for Hawaii, Statewide

M. OTHER

1. Consent to Assignment of Lease No. DOT-A-95-0023 Robinson Charitable Remainder Unitrust Agreement to the John Robinson Foundation, Honolulu International Airport
2. Consent to Sublease - Lease No. DOT-A-99-0005 United Airlines, Inc. to Gate Gourmet, Inc. Honolulu International Airport
3. Issuance of Direct Lease to Liquid Robotics, Inc.; Situated at Pier 1 North Shed and Adjacent Open, Paved Area, Kawaihae Harbor, Kawaihae 1st, South Kohala, Island of Hawaii; Tax Map Key: 3rd Division, 6-1-03: Portion of 23
4. Withdrawal and Termination of Harbor Lease No. H-99-1, dated April 1, 1999, Issued to Honolulu Agency, Inc. and Oceanic Global Trading at Pier 32, Honolulu Harbor, Kaholaloa and Iwilei, Honolulu, Oahu

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 ASSISTANCE OR ACCOMMODATIONS ARE ASKED TO CONTACT THE CHAIRPERSON'S OFFICE AT (808) 587-0400 AT LEAST THREE DAYS IN ADVANCE OF THE MEETING.