

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

DATE: THURSDAY, SEPTEMBER 9, 2010  
TIME: 9:00 A.M.  
PLACE: KALANIMOKU BUILDING  
LAND BOARD CONFERENCE ROOM 132  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

**A. MINUTES**

1. August 12, 2010 Minutes

**B. CONSERVATION ENFORCEMENT**

1. Request Board Approval to Delegate Authority to the Chairperson to Review and Approve Standard Grant Agreements for the Division of Conservation and Resources Enforcement (DOCARE)

**C. FORESTRY AND WILDLIFE**

1. Acceptance of a Hearing Master Report on a Public Hearing for a Proposed Addition to the Natural Area Reserves System, and Withdrawal of Portions of Governor's Executive Orders 1225 and 1588 and Re-Set Aside as an Extension of Puu Makaala Natural Area Reserve, and Immediate Management Right-of-Entry, for TMK (3) 2-4-08:09 (POR), South Hilo, Hawaii *(Related to Item D-3)*
2. Conservation District Use Permit Approval for the Wainiha Conservation Project by Kaua'i Watershed Alliance for McBryde Sugar Co., Ltd. at Hanalei District, Island of Kaua'i, TMK: (4)5-8-001:001.
3. Conservation District Use Permit Approval for the Laupahoehoe Nui Watershed Conservation Project by Kohala Watershed Partnership for Laupahoehoe Nui LLC at Hamakua District, Island of Hawai'i, TMK: (3)-4-9-015:001.
4. Subject: Request Approval to Issue a Request for Proposals and Authorize the Chairperson to Award and Execute Contracts for the Management of FY2011 Statewide Youth Conservation Corps Program (RFP YCC11)

5. Request for Approval to Solicit a Request for Proposals for Revocable Permit or Lease of a Portion of Kuaokala Game Management Area, Oahu, for Cattle Grazing for the Purposes of Game Bird Habitat Improvement; Renew the Revocable Permit Issued to Diamond K, LLC on Month-to-Month Basis for One Additional Year; Kuaokala, Waialua, Oahu; TMK (1) 6-9-003: Portion 002

**D. LAND DIVISION**

1. Approval in Concept of the Set Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife, Approximately 11.66 Acres for Addition to the Puu Ka Pele Forest Reserve at Waimea Valley, Waimea, Kauai, Tax Map Key (4) 1-5-003: 001.

Request to Conduct a Public Hearing Regarding the Additions of Approximately 11.66 Acres to the Puu Ka Pele Forest Reserve at Waimea Valley, Waimea, Kauai, Tax Map Key (4) 1-5-003: 001; and, Approximately 52 Acres to the Lihue-Koloa Forest Reserve at Wailua, Lihue, Kauai, Tax Map Key (4) 3-9-001: portion of 002.

2. Sale of Lease at Public Auction and Issuance of Revocable Permit to Jeannett V. Martins for Agriculture and Pasture Purposes, portion of Kapaa Homesteads, First Series, Kapaa, Kawaihau (Puna), Kauai, Tax Map Key: (4) 4-6-03:22, 23. (KDLO) Marvin
3. Cancellation of Governor's Executive Order Nos. 1225 and 1588 and Reset Aside Portion to State of Hawaii, Department of Defense, for Youth ChalleNGe Academy and Hawaii Army National Guard Training Purposes, with an Access and Utility Easement Reserved to the Department of Land and Natural Resources, Division of Forestry and Wildlife, Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-4-08:09 por.;

Cancellation of Governor's Executive Order No. 3678 and Grant of Perpetual Non-Exclusive Easement to Department of Defense for Access and Utility Purposes, Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-4-08: por. & 1-8-12: por. (*Related to Item C-1*)

4. Approval in Concept for the Issuance of Direct Lease to Boteilho Hawaii Enterprises, Inc. for Dairy Purposes, Opihipau-Hukiaa, Kokoiki, North Kohala, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 5-5-003: 4, 5 & 6, 5-5-005: 1, and 5-5-006: 2, 3, 4 & 15.
5. Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc., Mauna Kea Beach Hotel, Ouli, Waimea, South Kohala, Hawaii Tax Map Key: (3) 6-2-02: portion seaward of 04.
6. Amend Prior Land Board Actions of February 11, 2010, Item D-5, Cancellation of Revocable Permit No. S-7315; Issuance of New Revocable Permit to Gary L. Davis for Pasture Purposes at Lalamilo, South Kohala, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 6-6-01: 5, 9 & 11.

7. Rescind Prior Board Action of May 11, 2007, (Item D-7), Quitclaim of State's Interests, if Any, in Former Road Right-of-way to the County of Hawaii, Kailua-Kona, North Kona, Hawaii, TMK: 3<sup>rd</sup>/7-5-22:175.
8. Amend Prior Board Action of October 8, 2004, Item D-14, Grant of Perpetual, Non-Exclusive Easement to Honomalino-Okoe Community Association for Access and Utility Purposes at Honomalino & Okoe, South Kona, Hawaii, Tax Map Key: 3<sup>rd</sup>/ 8-9-03: portions of 1 and 83, and 8-9-05: portion of 2.
9. Set Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Milolii Landing Purposes, Milolii, South Kona, Hawaii, TMK: (3) 8-9-04: 19.
10. Grant of Term, Non-Exclusive Easement to Koolau Properties, LLC for Seawall Purposes, Spreckelsville Beach Lots, Wailuku, Maui, Seaward of Tax Map Key: (2) 3-8-002:051.
11. Set Aside 0.612 acres, more or less and Issuance of Immediate Right-of-Entry to State Department of Transportation, Highways Division for Highway Purposes, Honoapiilani Highway Realignment, Phase 1B-1, Federal Aid Project No. NH-030-1(38), Kauaula, Lahaina, Maui, Tax Map Key: (2) 4-6-014:001 por.
12. Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display at Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Key:(1) 2-3-037:portion of 021.
13. Cancellation of Revocable Permit No. S-5545; Issuance of Revocable Permit to Joseph J. Hines and Elaine Nickie Hines, Waimanalo, Koolaupoko, Oahu, Tax Map Key:(1) 4-1-018:050.
14. Issuance of Revocable Permit to Fireworks by Grucci, Inc. for Aerial Fireworks Display at Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-057:seaward of 017.
15. Issuance of Direct Lease to Honolulu Community Action Program for Preschool and Related Programs and Administrative Services Purposes, Kunia, Oahu, Tax Map Key: (1) 9-2-5:12.
16. After –The –Fact Extension of Lease Term for General Lease S-4259, (Contract No. DACA84-5-70-16) to the United State of America, Department of the Air Force, Waimea, Kauai, Hawaii, TMK: (4) 1-2-001: 009
17. Approve the Withdrawal of Approximately 2,176.822 Acres from General Lease No. S-4475, K.K. Ranch, Inc., Lessee, Parcels 7-A por. and 7-B, Government Land of Kalopa and Ka'ohē 3, Hamakua, Hawaii, Tax Map Keys: 3<sup>rd</sup>/4-4-14:02 por. & 03;

Approval In Concept of the Set-Aside to the Department of Land and Natural Resources, Division of Forestry and Wildlife, of such 2,176.822 Acres for Addition to the Mauna Kea Forest Reserve, and Issuance of Immediate

Management Right-of-Entry, Parcels 7-A por. and 7-B, Government Land of Kalopa and Ka'ohē 3, Hamakua, Hawaii, Tax Map Keys: 3<sup>rd</sup>/4-4-14:02 por. & 03; and

Consent to Extension of Lease Term, General Lease No. S-4475, K.K. Ranch, Inc., Lessee, for Approximately 5,105.178 Acres of Remaining Lands of Parcel 7-A por., Government Land of Kalopa and Ka'ohē 3, Hamakua, Hawaii, Tax Map Keys: 3<sup>rd</sup>/4-4-14:02 por. & 11.

18. Cancellation of Governor's Executive Order No. 2850;

Set Aside to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Hana Boat Launching Ramp Site and Related Purposes;

Set Aside to the Department of Transportation, Harbors Division for Hana Wharf and Related Purposes; and

Authorize the Issuance of a Management and Construction Right-of-Entry to the Department of Land and Natural Resources, Division of Boating and Ocean Recreation and the Department of Transportation, Harbors Division, Hana, Maui, Tax Map Keys: (2) 1-4-4:36 and seaward of the County Road and Parcel 1.

19. Issuance of Revocable Permit to Maui's Original Hawaiian Corporate Games, Inc. for the UNIVERA Sand Sculpting Event, Wailea, Maui, Tax Map Key: (2) 2-1-008:seaward of 059, 089 and 109

20. Issuance of Revocable Permit to Valley Isle Masters Swimmers for the 25th Annual Maui Roughwater Swim, Polo Beach, Wailea, Maui, Tax Map Key: (2) 2-1-011:seaward of 001

21. Issuance of Revocable Permit to MC&A, Inc. for a Beach Activity Event at Fleming Beach, Kapalua, Maui, at Tax Map Key:(2) 4-2-004: seaward of 015.

**E. STATE PARKS**

1. Requesting Approval to Issue Month-To-Month Revocable Permits (RP) Pursuant to HRS Section 171-55, to Two Commercial Companies: Aloha Kayak Company and Kona Boys, Inc. for Landing and Launching Kayaks to Kaawaloa, Kealakekua Bay State Historical Park, to Include Parking at Napoopoo Landing as Part of a Guided Kayak Tour, on Terms and Conditions to be Negotiated by the Chairperson.

2. Request Approval to Enter into a Memorandum of Agreement between Department of Land and Natural Resources and Hawai'i Maoli to Undertake Driveway Improvements at the Royal Mausoleum at Mauna'ala, Nu'uuanu, O'ahu (TMK: 2-2-021:012).

3. Consent to Assign General Lease No. SP-0174, Thomas J. and Annette C. Cassidy, Assignor, to Kapua O Ka Maile Janai, Assignee

4. Establishment of a Volunteer Curatorship Agreement for a Section of Lapakahi State Historical Park, North Kohala, Island of Hawai'i
5. Requesting Approval for the Issuance of Revocable Permits that will be Negotiated and Executed by the Chairperson for the Collection of Parking and Entrance Fees at State Parks Until Such Time that Contracts Awarded through a Public Procurement Process are Executed for the Same Purpose.

**J. BOATING AND OCEAN RECREATION**

1. Approval for the Award of Contract IFB 10-010-05 Refuse Collection Service for the Oahu Small Boat Harbors
2. REQUEST FOR APPROVAL TO INITIATE RULE-MAKING PROCEEDINGS REGARDING COMPREHENSIVE AMENDMENTS, REPEAL, OR NEW SECTIONS TO TITLE 13, SUBTITLE 11, OCEAN RECREATION AND COASTAL AREAS, PARTS I, II, and III, HAWAII ADMINISTRATIVE RULES; IN THE AREAS OF PART I - SMALL BOAT HARBORS: CHAPTER 230 – GENERAL PROVISIONS (definitions, residency); CHAPTER 231- OPERATIONS OF BOATS, SMALL BOAT HARBORS, AND PERMITS (use permits, mooring permits for vessels owned by business entities, length of stay aboards on transient vessels, exchange of berths, vessels as principal places of habitation, personal partners of permittees, vessel inspections, issuance & reissuance of commercial use permits); CHAPTER 233 - MOTOR VEHICLE AND PARKING RULES (administration of parking rules by authorized representatives, parking permits & decals); CHAPTER 234 - FEES AND CHARGES (reduction of late fees and interest, gear locker fees, permit processing fees, passenger vessel fees, service charges on dishonored negotiable instruments, vessel inspection fees, commercial vessel fees for boating facilities other than small boat harbors); PART II – BOATING: CHAPTER 243 - VESSEL EQUIPMENT REQUIREMENTS (repeal of recognition of marine examination decals); CHAPTER 244 - RULES OF THE ROAD; LOCAL AND SPECIAL RULES (operation of power driven vessels; authorization for regatta, marine parade, boat race or exhibition); PART III – OCEAN WATERS, NAVIGABLE STREAMS AND BEACHES: CHAPTER 256 - OCEAN RECREATION MANAGEMENT RULES AND AREAS (commercial use permits including high speed boating & water sledding, fees, thrill craft operations, recreational thrill craft operations, tow-in surfing, Kauai tow-in surfing and thrill craft operating areas, North Shore Kauai Ocean Recreation Management Area Rules (commercial vessel operation requirements, commercial use permits, reporting requirements for permit holder changes, fees, Anini Ocean Waters, Hanalei Bay Ocean Waters, Kee Beach/Lagoon Ocean Waters), South Shore Kauai Ocean Recreation Management Areas (Nawiliwili Bay Restricted Zones, Koloa Landing Restricted Area, Wailua River Restricted Area, Kihouna Bay), Windward Oahu Ocean Recreation Management Area (definitions, Kualoa Water Restricted Zones, Kaneohe Bay Ocean Waters and commercial use permits, restrictions on large & small full service permits, large snorkel tour, & small sail/snorkel tour, & glass bottom boat tour permits; replacement vessels, shuttling restrictions, permit issuance

& revocation, temporary mooring of commercial vessels at Heeia Kea Small Boat Harbor), Kaneohe recreational thrill craft zone.

3. Grant of Term Non-Exclusive Easement to the Benevolent and Protective Order of Elks Honolulu Lodge No. 616 for a Seawall Encroachment and Swim-Step Ladder Purposes, Waikiki, Honolulu, Oahu, TMK: 3-1-32(06)

## **K. CONSERVATION AND COASTAL LANDS**

1. Contested Case Request as to Petition for Deviation from Permit Conditions and Rules Prohibiting Vacation Rentals of Properties in Haena, Kauai, Hawaii. TMK Nos. (4) 5-9-002:018, 021, 022, 035, 039,041, 043, 044, 050, 051, 052, 061; (4) 5-9-003:046; (4) 5-9-005:21 by Roy A Vitousek III of Cades Schutte on behalf of Mark Moran, Edwin Cryer, Murcia-Toro, Inc., Michael Tiernan, Barbara Baker, Gary Stice Caroline Simpson, Earl G. Bart Trust, Pieter Myers, Smith Family Trust, Diane G. Faye Trust, Helferich Family Trust, James Greenan and Ive Revocable Trust at Haena, Island of Kauai
2. Amendment to Conservation District Use Permit (CDUP) OA-2670 to Construct a Marina Entrance Channel at Honouliuli, Ewa, Hawaii by Haseko (EWA), Inc. on State of Hawaii Submerged Land at Honouliuli, Ewa, Oahu; TMK: Makai of plat (1) 9-1-012

## **L. ENGINEERING**

1. Certification of Election and Appointment of Soil and Water Conservation District Directors
2. Application for a DLNR Dam Safety Construction/Alteration Permit, Permit No. 45 - Helemano 11 Reservoir (UOA-2010) Wahiawa, Oahu
3. Approval to Execute Supplemental Contract No. 1 to the Agreement for Professional Services, Contract No. 58307, for Job No. D00AO67A, Kawai Nui Marsh Levee Project, Oahu, Hawaii
4. Authorization to Enter Into a Inter-Governmental Agreement Between the State of Hawaii and the County of Hawaii, Department of Water Supply, Regarding the State of Hawaii's Participation in the Development of the Waimea Well, Waimea, Hawaii

**M. OTHER**

1. Authorizing the Department of Transportation to Dispose of Portion of Parcel B (AMB-1) and Dewey Lane Remnant (PR-1), Honolulu-Pearl Harbor Road, Federal Aid Project No. U-44(9), Kalia Section, at Kalia, Waikiki, Honolulu, Oahu, Hawaii, Abutting Tax Map Keys (1) 2-6-09:002 & (1) 2-6-09:003.
2. Authorizing the Department of Transportation to Dispose of Remnant H, Federal Aid Project No. 8-G, Tax Map Key No. (3) 8-2-10:ROAD.
3. Amendment to Prior Land Board Action of August 28, 2009 Under Agenda Item M-1, As Amended, Regarding Issuance of a Lease by Direct Negotiation to Seafood Hawaii, Inc., Unit FV3, Domestic Commercial Fishing Village, Pier 38, Honolulu, Harbor, Oahu
4. Special Acquisition of Private Lands and Set Aside to Department of Education for Educational Purposes, Honouliuli, Ewa, Island of Oahu, City and County of Honolulu, Tax Map Key: (1) 9-1-069:027.
5. Accept Conveyance of 45.068 Acres from Hawaii Housing Finance and Development Corporation to the Board of Land and Natural Resources and Set Aside to the Department of Education for Kapolei High School at Honouliuli, District of Ewa, Oahu, Tax Map Key No.: (1) 9-1-016:074.

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.

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.