

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

June 24, 2016

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

Lana'i

Issuance of a Revocable Permit (RP) to Lana'i Resorts, LLC, dba Pulama Lana'i at the Manele Small Boat Harbor, Lana'i City, Island of Lana'i, Tax Map Key (2) 4-9-17:06.

APPLICANT:

Lana'i Resorts, LLC, dba Pulama Lana'i.

LEGAL REFERENCE:

Sections 171-13 and 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of government lands of the Manele Small Boat Harbor situated at Lanai city, Island of Lana'i, identified by Tax Map Key: (2) 4-9-17 :06 as shown on the attached map labeled Exhibit A.

AREA:

Portion of Government owned lands situated at Manele Small Boat Harbor ("Harbor"), Island of Lanai, identified by Tax Map Key (2) 4-9-17:06, consisting of 28,625 sq. ft., more or less of submerged lands and 21,527 sq. ft., more or less, of fast lands.

ZONING:

State Land Use District: Conservation, Urban
County of Hawaii CZO: (Draft): Lana'i Project District I (Manele)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act. YES X NO ___
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ___ NO X

CURRENT USE STATUS:

Encumbered to the Division of Boating and Ocean Recreation (DOBOR).

CHARACTER OF USE:

Occupancy and use of the Premises for the following specified purposes: Maritime related activities to support the maintenance and use of a floating dock in the Manele Harbor, Island of Lanai. The Permittee may also occupy and use the Premises for any other uses permitted under applicable county zoning, subject to the prior approval of the Chairperson of the Board and the Permittee's compliance with Chapter 343, Hawaii Revised Statutes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Annual base rent of \$10,000

This amount was determined by consultation between DOBOR and Pulama Lanai. The parties based this amount upon review of the Castle and Cooke submerged land lease from 2009 for the subject area where the annual base rent was set at \$4,140 or 15% of mooring fees whichever is greater, and taking into account that base rent for a Revocable Permit (RP) would be set at a higher amount since an RP is only for the duration of one year. This amount is satisfactory to DOBOR for issuance of a revocable permit, pending an official appraisal to determine base rent before issuance of a direct lease pursuant to Section 171-17, Hawaii Revised Statutes, as amended, and approved by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Department of Land and Natural Resources Environmental Impact Statement Exemption List", concurred by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, No. 12, "12. Operation, repair and maintenance of existing loading docks, piers, piles, boat launch ramps, offshore mooring facilities, and other similar support structures, as permitted by the U.S. Army Corps of Engineers, Honolulu District, under a Nationwide Permit 3 (Maintenance)." We consulted with three agencies regarding HRS Chapter 343. Kimberly Mills, Office of Conservation and Coastal Lands (OCCL), Everette Ohta, Office of Hawaiian Affairs (OHA), and Phil Fernandez, Marine and Coastal Zone Advocacy Council (MACZAC). They concurred that this RP met our Chapter 343 exemption.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

On November 8, 2013, due to nonperformance, the Board of Land and Natural Resources ("Board") authorized the termination of a prior lease for construction and maintenance of 24 boat slips in Manele Boat Harbor to Castle and Cooke Resorts, LLC and authorized the issuance of a new lease and easement by way of direct negotiation to Lana'i Resorts, dba Pulama Lana'i.

Since 2013, DOBOR has been constructing improvements in Manele Harbor including tsunami damage repairs and phase I and phase II of the ferry system improvements. Improvements were completed in Manele Boat Harbor and the new docks were open in April 2016. Pulama Lana'i has requested use of the newly constructed floating dock located in their proposed lease area (approved by the Board on November 8, 2013) and has reimbursed DOBOR for the full cost of construction for the dock (\$537,790.00). Until such time as DOBOR can complete the required survey, appraisal and other documentation necessary for issuance of a direct lease as approved by the Board, DOBOR is requesting authorization to issue Pulama Lanai a revocable permit for use of

the floating dock.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343 HRS and Chapter 171, HRS, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Lana'i Resorts, LLC, dba Pulama Lana'i covering the subject area for the use, maintenance and operation of a floating dock under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a) The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b) Review and approval by the Department of the Attorney General; and
 - c) Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



Ed Underwood, Administrator, DOBOR

APPROVED FOR SUBMITTAL:


Susanne D. Case, Chairperson

EXHIBIT A
1 of 3
Manele Small Boat Harbor

Public Land Trust Information System

Map Data Help About the PLTIS

ID Search

Enter an Alternate ID, tax map key (TMK), portion of TMK or range of 9 digit TMKS
Ex. (1) 2-1-033:025 or 121033025
(2) 4-9-17

Or enter an Encumbrance ID
Encumbrance ID

Polygon Search
Basic Query
Advanced Query
Layers and Rendering
Print and Bookmark
Map Legend

Search for an address or location

Manele Harbor

Hulopoe Beach Park
Hulopoe Beach
Hulopoe Bay

Parcel Quick View

TMK: (2) 4-9-017:006
Address of Point Clicked: HI-440, Lanai City, HI 96763
Coordinates of Point Clicked: 156 887797, 20.742034
Owner(s) per COM Tax Office: STATE OF HAWAII

Reported By: DLNR-LD
Fee Owner: DLNR
Trust Land Status: Multiple
Acreage: 12.525
Encumbrances: 3 totaling \$147,289.38 over 2 parcel(s)

[Click for parcel detail...](#)

Reported By: DLNR-LD
Fee Owner: DLNR
DLNR-LD Identifier: (2) 4-9-017:006-A (Seaward of parcel)
Trust Land Status: 5(b)
Acreage: 0
Encumbrances: 0

[Click for parcel detail...](#)

EXHIBIT A
2 of 3
Manele Small Boat Harbor
(Yellow outline area shows Pulama Lana'i area)



EXHIBIT A
3 of 3
Manele Small Boat Harbor

