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 Coon Brothers Inc., a Hawai‘i Corporation, dba Trilogy Corporation for a loading dock, Manele Small Boat Harbor (MSBH), Manele, County of Maui, Island of Lana‘i, Tax Map Key (2) 4-9-17:06.

APPLICANT:

Coon Brothers Inc., a Hawai‘i Corporation, dba Trilogy Corporation.

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 Manele Small Boat Harbor (MSBH), Island of Lana‘i, County of Maui, Hawai‘i; identified by Tax Map Key: (2) 4-9-17 :06, por., as shown on the attached map labeled Exhibit “A.”

AREA:

A loading dock approximately 1,055 sq. ft., see attached Exhibit “B” and an adjoining water column, approximately 4,225 sq. ft., along with submerged land and necessary adjoining fast land as shown on the attached Exhibit “C”; hereinafter referred to as the “Premises.”

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 the Premises for the following specified purposes: Maritime related activities to support the use of the loading dock space and adjoining water column. 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 Trilogy Corporation. 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 X NO __
Registered business name confirmed: YES X NO __
Applicant in good standing confirmed: YES X NO __

REMARKS:

On March 22, 2013 the Board of Land and Natural Resources (“Board”) authorized issuance of a new lease by way of direct negotiation to Coon Brothers Inc., dba Trilogy Corporation for the subject premises.

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 the Manele Boat Harbor and the new docks were open in April 2016. Trilogy has requested use of the newly constructed loading dock and adjacent submerged lands located in their proposed lease area. 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 from the Board to issue Trilogy Corporation a revocable permit for use of the floating dock and adjacent submerged lands.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, 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 Trilogy Corporation, covering the subject area for the use, maintenance and operation of a loading dock and adjacent submerged lands 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,

[Signature]
Ed Underwood, Administrator, DOBOR

APPROVED FOR SUBMITTAL:

[Signature]
Susanne D. Case, Chairperson
EXHIBIT A

Manele Small Boat Harbor

(Yellow boxes shows Trilogy areas)
EXHIBIT B

Survey showing loading dock

LEASE AREA 2
Manele Small Boat Marina
and Appurtenant Facilities
(Governor's Executive Order 2141)

TMK: (2) 4-9-17.006
Scale: 1 inch = 100 feet
EXHIBIT C

Survey showing adjacent area of loading dock