

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 <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 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,



Ed Underwood, Administrator, DOBOR

APPROVED FOR SUBMITTAL:



for Susanne D. Case, Chairperson

EXHIBIT A

Manele Small Boat Harbor

The screenshot displays the Public Land Trust Information System (PLTIS) interface. On the left, there is a navigation menu with options: ID Search, Polygon Search, Basic Query, Advanced Query, Layers and Rendering, Print and Bookmark, and Map Legend. The 'ID Search' section includes a search bar and fields for 'Enter an Alternate ID, tax map key (TMK), portion of TMK or range of 9 digit TMKs' and 'Or enter an Encumbrance ID'. A search bar at the top of the map area contains the text 'Search for an address or location'. The map shows the Manele Small Boat Harbor area, with a red-shaded parcel highlighted. A 'Parcel Quick View' window is open on the right, displaying the following information:

Parcel Quick View

TMK: (2) 4-9-017:006
Address of Point Clicked: HI-440, Lanai Cty, HI 96763
Coordinates of Point Clicked: -156.087797, 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: S(b)
Acreage: 0
Encumbrances: 0

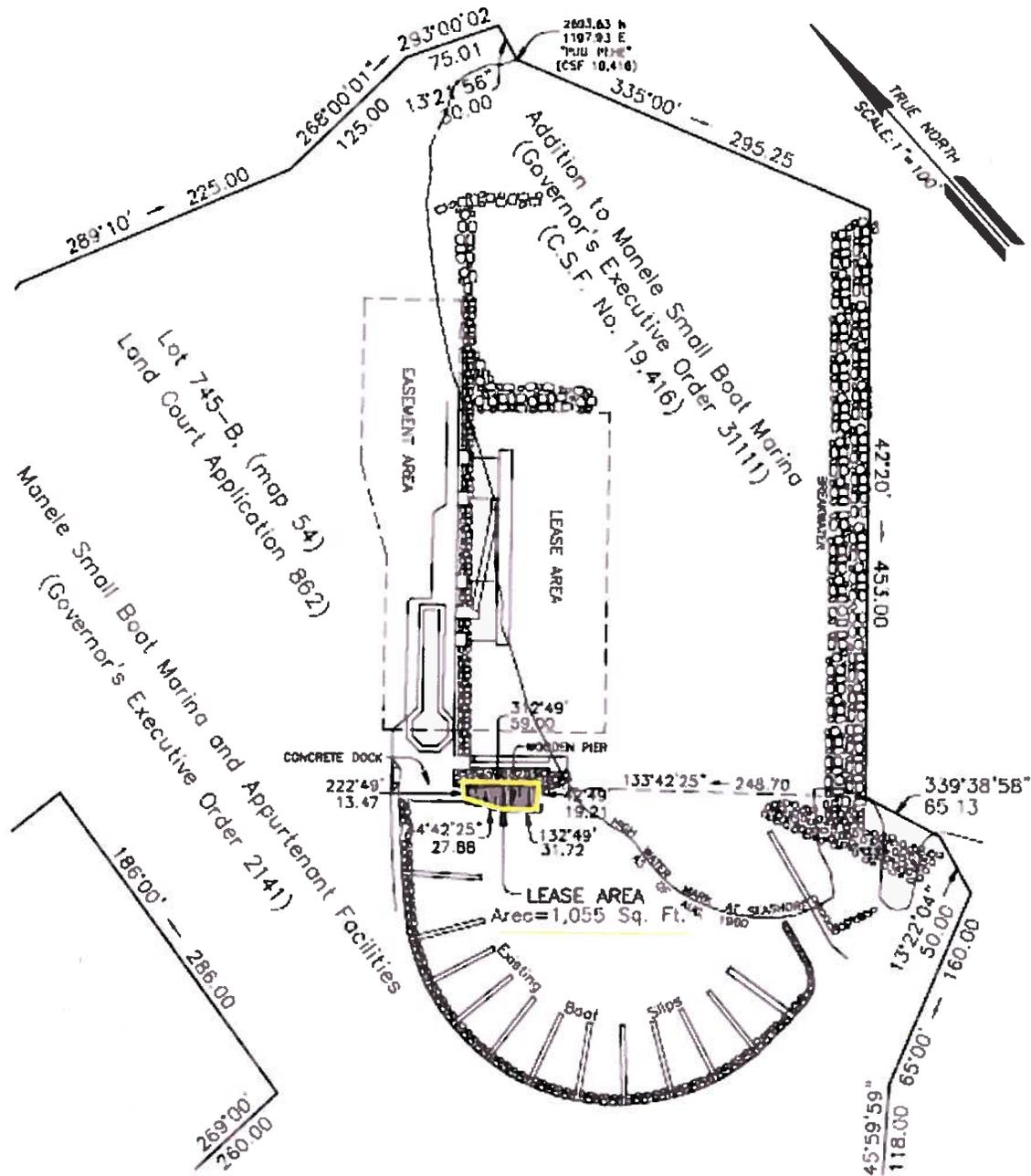
[Click for parcel detail...](#)

(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)

