

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

May 26, 2017

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

Statewide

Continuation of 29 Revocable Permits on the Islands of Hawaii, Kauai, Lanai, Maui and Oahu; Various Locations and Tax Map Keys Statewide (see EXHIBIT A ATTACHED)

REQUEST:

The Division of Boating and Ocean Recreation (“DOBOR”) is seeking Board approval for the continuation of 29 revocable permits (“RPs”) listed in Exhibit “A” from July 1, 2017 to June 30, 2018.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended. ¹

LOCATION:

The Revocable Permits are for various locations across the State. See attached Exhibit A.

AREA:

The 29 RPs encumber approximately 19 acres of State Lands. See attached Exhibit A.

ZONING:

The RPs are issued over lands with various types of County and SLU zoning. See attached Exhibit A.

¹ HRS 171-55 provides that, “Notwithstanding any other law to the contrary, the Board of Land and Natural Resources (“BOARD”) may issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under condition and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the Board. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided the Board may allow the permit to continue on a month-to-month basis for additional one year periods.”

TRUST LAND STATUS:

See attached Exhibit A.

CURRENT USE STATUS:

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

CHARACTER OF USE:

See attached Exhibit A.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

See attached Exhibit A for the corresponding monthly rental rate associated with each RP. These rental rates are based on an independent appraisal completed by CBRE in October 2016.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

DCCA VERIFICATION:

See attached Exhibit A.

JUSTIFICATION FOR REVOCABLE PERMITS:

DOBOR staff research shows that most lands encumbered by DOBOR's RPs are not legally subdivided lots. Staff is in the process of analyzing and preparing lots for long term disposition. Such dispositions may include a requirement for subdivision processing.

Staff recommends that until such time the properties are ready for long term disposition, the issuance of revocable permits is the appropriate disposition. DOBOR is not aware of (or in the process of resolving) outstanding compliance issues, or pending litigation with any of the 29 RPs.

In keeping with the DLNR's Revocable Permit Task Force's recommendation to promote the concepts of openness, fairness and competition, DOBOR has since put pertinent associated information for all its RPs online for public review. Contact information and an online application form are also available to the public.

RECOMMENDATION:

That the Board:

1. Approve the renewal of each RP listed in "Exhibit A" on a month-to-month basis for a one-year period, from July 1, 2017 to June 30, 2018, subject to the permittee being in full compliance with all the RP terms and conditions, 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,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case
Chairperson

Attachments: Exhibit A – Inventory Spreadsheet for 29 RPs