

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

Board of Land and  
Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i

AMENDMENT NO. 5 TO CONCESSION AGREEMENT NO. DOT-A-11-0005  
REQUEST FOR ADDITIONAL SPACE FOR RETAIL USE  
DFS GROUP L.P. RETAIL CONCESSION  
KAHULUI AIRPORT  
TAX MAP KEY: (2) 3-8-01-19

MAUI

The Department of Transportation (DOT) seeks the Board's approval to amend the existing Concession Agreement No. DOT-A-11-0005 to add space for retail use at Kahului Airport.

APPLICANT:

DFS GROUP, L.P. whose postal address is P.O. Box 29500, Honolulu, Hawai'i 96820.

LEGAL REFERENCE:

Chapters 102 and Section 261-7, Hawai'i Revised Statutes, as amended.

LOCATION AND TAX MAP KEY:

Portion of Kahului Airport, Terminal Complex, Island of Maui, Hawai'i  
Tax Map Key: 2nd Division, 3-8-01-19

ZONING:

State: Urban  
County: Airport

LAND TITLE STATUS:

Section 5(a) and 5(b) lands of the Hawai'i Admission Act: Non-Ceded  
DHHL 30% entitlement lands: No

ITEM M-4

BLNR – AMENDMENT NO. 5 TO CONCESSION AGREEMENT NO. DOT-A-11-0005  
FOR THE PURPOSE OF ADDITIONAL SPACE FOR RETAIL USE  
DFS GROUP L.P., RETAIL CONCESSION, KAHULUI AIRPORT  
Page 2

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO _____
Registered business name confirmed:	YES <u>X</u>	NO _____
Good standing confirmed:	YES <u>X</u>	NO _____

CONCESSION AGREEMENT TERM:

To run for the balance of the existing concession agreement term that expires on August 31, 2026.

ADDITIONAL SPACE:

Area/Space No. 342-212, containing an area of approximately 597 square feet, as delineated on the attached Exhibit H dated July 2017.

IMPROVEMENTS:

Applicant at its own cost and expense shall be responsible for any construction, renovation, upgrade, remodeling and improvements to the additional space.

CONCESSION FEE:

Gross receipts generated from the additional space will be included with the gross receipts of the concession. Concession fee shall be the greater of a MAG (85% of the actual annual fee paid and payable for the preceding year) or a Percentage Fee (the product of the percentage rate, based on the Concessionaire's annual gross receipts for the preceding agreement year in accordance with Table 1 of Article VI.A.1. (Annual Concession Fee) and the Concessionaire's gross receipts for the current agreement year).

CHAPTER 343, HRS – ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 11-200-8 (a), Environmental Impact Statement Rules of the Department of Health, State of Hawaii, this disposition is exempt from requirements regarding preparation of an environmental assessment, negative declaration, or environmental impact statement as required by Chapter 343, Hawaii Revised Statutes, as amended, relating to Environmental Impact Statements because the proposed action falls within Exemption Class #1, Comprehensive Exemption List for the State of Hawaii, Department of Transportation Amended November 15, 2000, as approved by the Environmental Quality Council. Exemption Class #1 covers operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features involving negligible or no expansion or change of use beyond that previously existing.

The DOTA consulted with the U.S. Federal Aviation Administration as to the appropriateness of the citation of the Environmental Exemption Class from the Comprehensive list for the Department of Transportation dated November 15, 2000. The FAA concurred on the appropriateness.

REMARKS:

The DOTA reviewed and determined that the additional space is integral to the Applicant's concession operation to better serve the travelling public at Kahului Airport.


RECOMMENDATION:

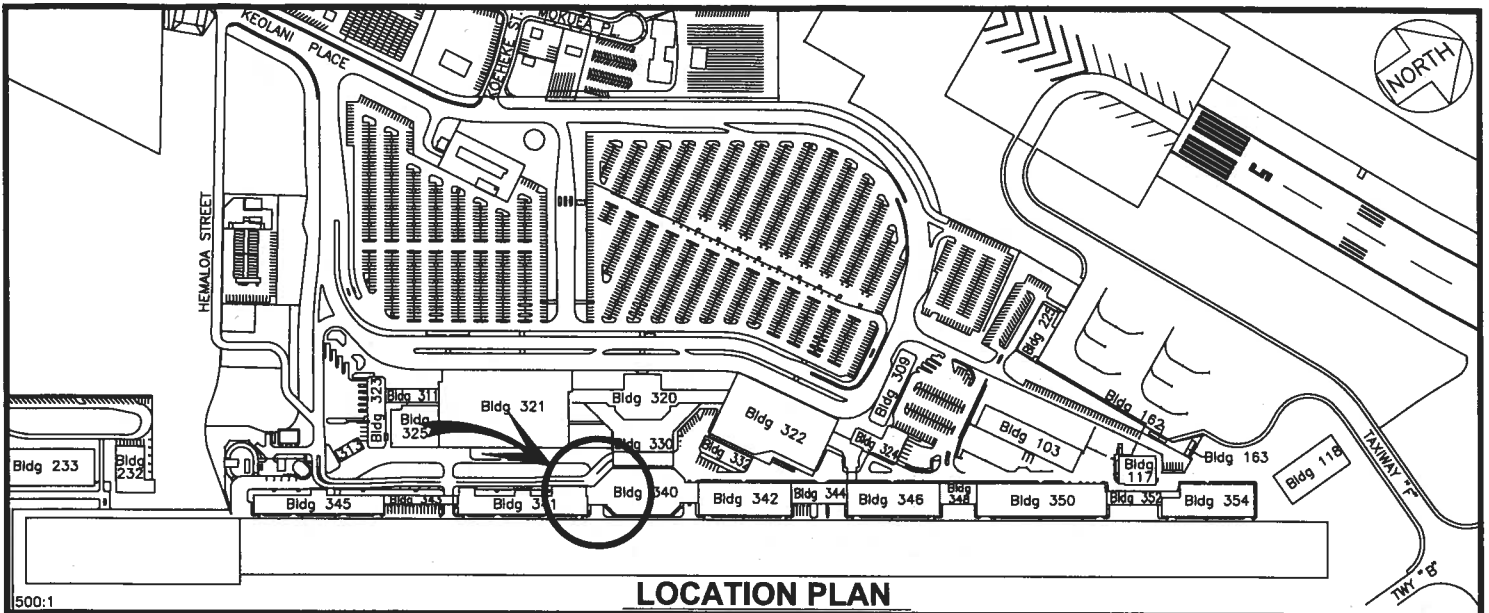
That the Board approve and authorize the additional space as hereinabove outlined, subject to: (1) terms and conditions hereinabove outlines, which are by reference incorporated herein; (2) such terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State; and (3) review and approval of the Department of the Attorney General as to the Consent to Sublease form and content.

Respectfully submitted,

  
FORD N. FUCHIGAMI  
Director of Transportation

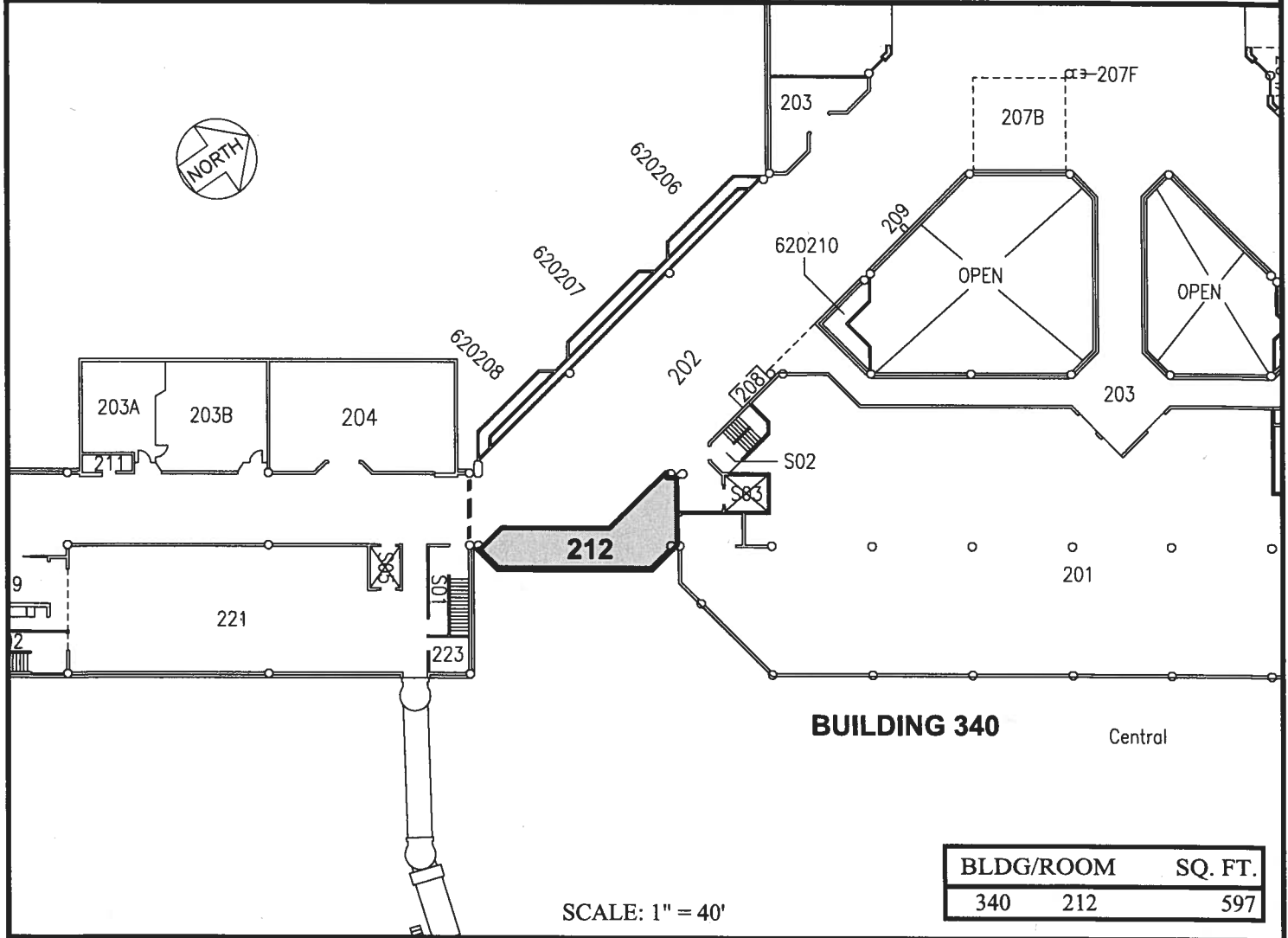
APPROVAL FOR SUBMITTAL:

  
\_\_\_\_\_  
SUZANNE D. CASE  
Chairperson and Member



**LOCATION PLAN**

500:1



**BUILDING 340** Central

BLDG/ROOM	SQ. FT.
340 212	597

SCALE: 1" = 40'

DOTA-11-0005, Amendment #5      DATE JULY 2017      EXHIBIT: **H**



DFS GROUP. L.P.

BUILDING 340  
CENTRAL  
SECOND LEVEL

340212  
PLAT A2

**KAHULUI AIRPORT**

N:\AIRPORTS\OGG\_Kahului\CAD\PM\ogg\_340212-01.dwg