

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

November 9, 2018

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

Land Board Members:

SUBJECT: CONTINUATION OF REVOCABLE PERMIT NO. 39 TO HBM, LLC, LOCATED AT THE ALA WAI SMALL BOAT HARBOR, KALIA, HONOLULU, ISLAND OF OAHU, HAWAII. TAX MAP KEY: (1) 2-3-037:020. DECLARE THAT THE CONTINUATION OF THE REVOCABLE PERMIT WILL PROBABLY HAVE MINIMAL OR NO SIGNIFICANT EFFECT ON THE ENVIRONMENT AND ACCEPT THE FINDING OF NO SIGNIFICANT IMPACT.

APPLICANT:

HBM, LLC, a Hawai'i limited liability company, whose mailing address is 1039 9th Avenue, Honolulu, Hawai'i 96816.

LEGAL REFERENCE:

Sections 171-13 and 171-55, Hawai'i Revised Statutes ("HRS"), as amended.¹

LOCATION:

Portion of Government lands situated at the Ala Wai Small Boat Harbor ("ASBH"), Kalia, Honolulu, Island of Oahu, Hawai'i. Tax Map Key: (1) 2-3-037:020, as shown on the attached map labeled EXHIBIT A, hereinafter referred to as the "Premises."

¹ HRS § 171-55 provides: "Notwithstanding any other law to the contrary, the board of land and natural resources 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 conditions 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."

LAND AREA:

.349 acres, more or less.

ZONING:

State Land Use District: Urban
County of Honolulu CZO: Public Precinct (Waikiki Special District)

TRUST LAND STATUS:

Section 5(b) lands of the Hawai'i Admission Act: NO

DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: NO

CURRENT USE STATUS:

Currently encumbered by Revocable Permit No. 39, to HBM, LLC, expiring December 14, 2017.

Set Aside for Public Use of Land, under Governor's Executive Order No. 1795, for Ala Wai Boat Harbor.

CHARACTER OF USE:

The Permittee shall occupy and use the Premises for the specified purposes only: Equipment storage and the moorage of vessels. Live aboard on vessels shall not be permitted.

The Permittee may also occupy and use the Premises for any other use permitted under applicable county zoning, subject to the prior approval of the Chairperson of the Board and the Permittee's compliance with Chapter 343, Hawai'i Revised Statutes.

COMMENCEMENT DATE:

December 15, 2018, or date determined by the Chairperson.

MONTHLY RENTAL:

Six thousand and no/100 dollars (\$6,000.00) per month, payable in advance by the first of each and every month.

COLLATERAL SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

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

REMARKS:

On April 13, 2018, the Board of Land and Natural Resources ("BLNR") item J-4 to authorize the Division of Boating and Ocean Recreation ("DOBOR") to issue a Request for Proposals ("RFP") for Development of Public Lands at the Ala Wai Small Boat Harbor ("AWSBH"). DOBOR is currently working with the Attorney General's (AG) office to finalize the RFP packet to be offered at public auction.

The RFP will assist DOBOR in determining the best proposal for harbor redevelopment at AWSBH. Until such time that an RFP can be issued, the Division is requesting approval for the continuation of the RP to HBM, LLC, for equipment storage and vessel moorage, in order to ensure there is a continuous uninterrupted presence on the site that will help to deter any unwanted activity that usually occurs on vacant lands.

DOBOR has not received any other serious written applicants for the site. HBM, LLC has not had a lease, easement, or other disposition of state lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION:

That the Board of Land and Natural Resources:

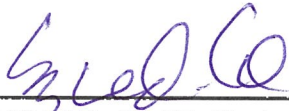
- 1) Declare that the continuation of the revocable permit issued to HMB, LLC will probably have minimal or no significant effect on the environment and accept the finding of no significant impact.
- 2) Authorize the continuation of a revocable permit to HBM, LLC, covering the subject area for all purposes 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; and
 - b. Review and approval by the Department of the Attorney General.
 - 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
Division of Boating & Ocean Recreation

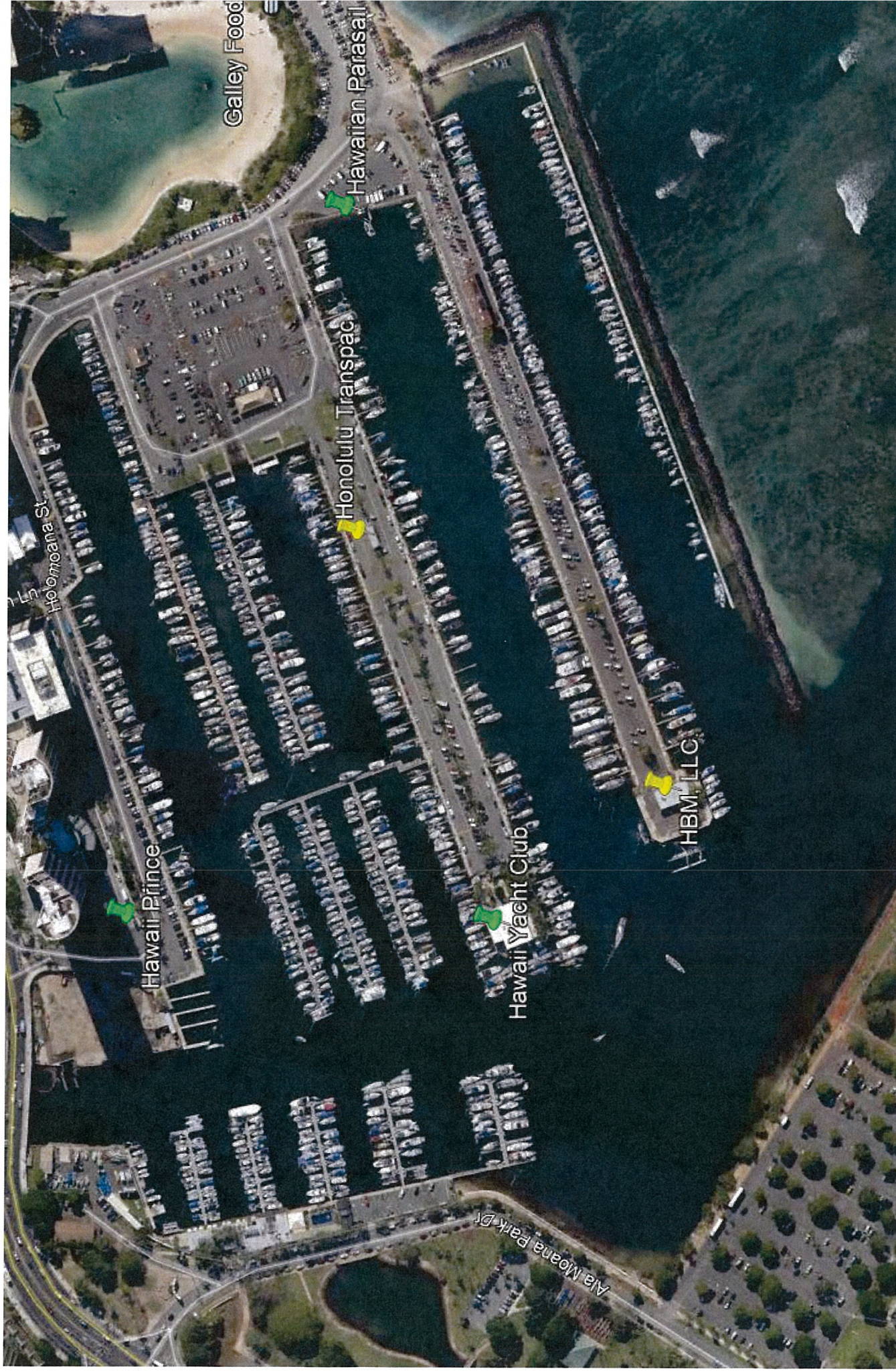
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachment:

Exhibit A – Aerial Map of HBM, LLC at Ala Wai Small Boat Harbor



EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	HBM, LLC
Project / Reference No.:	To be Determined
Project Location:	Ala Wai Small Boat Harbor, Honolulu, Hawaii
Project Description:	Encumbered by Revocable Permit No. 39 to HBM, LLC for equipment storage and the moorage of vessels.
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	<p>Exemption Class No. 1 that states in pertinent part, "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." This project is exempt from the preparation of an Environmental Assessment pursuant to the following exemption:</p> <p>Item No. 51. Permits, Licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.</p>
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No anticipated cumulative impacts expected for equipment storage and the moorage of vessels on the Ala Wai Small Boat Harbor, Honolulu, Hawaii.
Action May have Significant Impact on Particularly Sensitive Environment?	No anticipated significant impact expected. The site is located on the end of Row 600 and 700 of Ala Wai Small Boat Harbor, Honolulu, Hawaii and
Analysis:	The project entails the use of State Land situated at Ala Wai Small Boat Harbor, Honolulu, Hawaii for equipment storage and the moorage of vessels.
Consulted Parties:	In consultation with Land Division and OCCL regarding Chapter 343, they concurred that the proposed project is exempt from the preparation of an environmental assessment according to the Department's comprehensive exemption list.
Declaration	It is declared that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.