

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

March 22, 2019

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

Land Board Members:

REQUEST TO AMEND PRIOR BOARD ACTION OF FEBRUARY 8, 2019, (ITEM J-3). REQUEST TO AMEND THE BOARD'S PRIOR APPROVAL FOR CONTINUATION OF A REVOCABLE PERMIT ("RP") TO A&K VENTURES, LLC, FOR PURPOSES OF LANDSCAPING, MAINTENANCE, STORAGE OF SMALL BOATS AND TRAILERS AND OTHER ACTIVITIES AT MALA WHARF AND SURROUNDING AREAS, ALAMIHI, LAHAINA, MAUI, HAWAII, IDENTIFIED BY TAX MAP KEY: (2) 4-5-005:019. THE PURPOSE OF THIS AMENDMENT IS TO REVISE THE TERM BEGINNING MARCH 1, 2019, AND ENDING APRIL 30, 2020, TO BEGINNING MARCH 1, 2019, AND ENDING FEBRUARY 29, 2020

AND

DECLARE PROJECT EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HRS AND CHAPTER 11-200, HAWAII ADMINISTRATIVE RULES.

BACKGROUND:

On February 8, 2019, under agenda item J-3, the Board approved the continuation of a revocable permit ("RP") to A&K Ventures, LLC at Mala Wharf, Lahaina Maui and found the project to be exempt from the requirement of Chapter 343, Hawaii Revised Statutes and Chapter 11-200 Hawaii Administrative Rules. A copy of the approved Board submittal is attached as "**Exhibit A**".

Under "MONTHLY RENTAL" the end of the sentence states, "period beginning March 1, 2019, and ending April 30, 2020." The stated period is equal to fourteen (14) months and greater than one (1) year. The sentence should have stated, "period beginning March 1, 2019, and ending February 29, 2020", which is equal to one (1) year.

RECOMMENDATION:

That the Board of Land and Natural Resources:


1. Amend its prior Board action of February 8, 2019, agenda item J-3, by deleting “April 30, 2020” under “MONTHLY RENTAL” and approving a revised date “February 29, 2020”.
2. Except as amended hereby, all terms and conditions listed in its February 8, 2019, Board approval to remain the same.

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:

- A. Prior Board action dated February 8, 2019, Item J-3

# EXHIBIT A



Approved by the  
Board of Land and Natural Resources  
February 8, 2019



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

February 8, 2019

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

Land Board Members:

SUBJECT: CONTINUATION OF A REVOCABLE PERMIT (“RP”) TO A&K VENTURES, LLC, FOR PURPOSES OF LANDSCAPING, MAINTENANCE, STORAGE OF SMALL BOATS AND TRAILERS AND OTHER ACTIVITIES AT MALA WHARF AND SURROUNDING AREAS, ALAMIHI, LAHAINA, MAUI, HAWAII, IDENTIFIED BY TAX MAP KEY: (2) 4-5-005:019.

AND

DECLARE PROJECT EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HRS AND TITLE 11, CHAPTER 200, HAWAII ADMINISTRATIVE RULES.

APPLICANT:

A&K Ventures, LLC, whose business and mailing address is 1731 Aa Place, Lahaina, Hawaii 96761.

LEGAL REFERENCE:

Sections 171-33 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Mala Wharf and Surrounding Areas, Alamihi, Lahaina, Maui, Hawaii, hereinafter referred to as the “Premises” as shown on the map labeled EXHIBIT A and attached hereto.

AREA:

Approximate area of Eighteen Thousand Six Hundred Forty-Four (18,644) square feet.

**EXHIBIT A**

**Item J-3**

ZONING:

State Land Use District: Urban  
County of Maui: CZO: R-2 Residential

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by RP No. 47, to A&K Ventures, LLC (“Permittee”).

CHARACTER OF USE:

Occupy and use the Premises for the following specified purposes only: for purposes of landscaping, maintenance and storage of small boats and trailers. 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:

March 1, 2019

MONTHLY RENTAL:

Base rent of Three Thousand Seven Hundred Twenty-Two and 00/100 (\$3,722.00) per month, or percentage rent of Ten Percent (10%) of monthly gross sales, whichever is greater, payable in advance by the first of each and every month for the period beginning March 1, 2019 and ending April 30, 2020.

The proposed rent was determined by applying a Three Percent (3%) escalation as recommended in the appraisal done by CBRE, dated October 31, 2016, on behalf of DLNR DOBOR. The 2018 rent was Three Thousand Six Hundred-Fourteen and 00/100 dollars, (\$3,614.00) per 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

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the "Exemption List for the Department of Land and Natural Resources", approved 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 No. 1, Item No. 51 that states: "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." Once the Revocable Permit is issued, should the tenant desire to change the use materially, the tenant will be responsible for compliance with Chapter 343, HRS, with respect to any increased development or change in use of the property from the previously existing use. See attached Exemption Notification.

REMARKS:

At its meeting on February 9, 2018, under agenda items J-12, the Board approved the sale of a lease at public auction for landscaping, maintenance, storage of small boats and trailers and other maritime activities. Staff has had the premises surveyed and received a C.S.F. Map from the Department of Accounting and General Services' Land Survey Division. The renewal of the RP will give staff sufficient time to procure an appraisal and finalize the lease document in preparation for the sale of the lease at public auction.

RECOMMENDATION:

That the Board of Land and Natural Resources:

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 preparation of an environmental assessment.

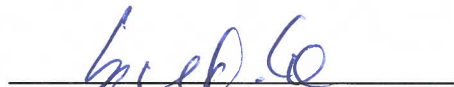
2. Authorize the continuation of the Revocable Permit to A&K Ventures, LLC, at Mala Wharf under the terms and conditions cited above, which are by this reference, incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current Revocable Permit form, 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:

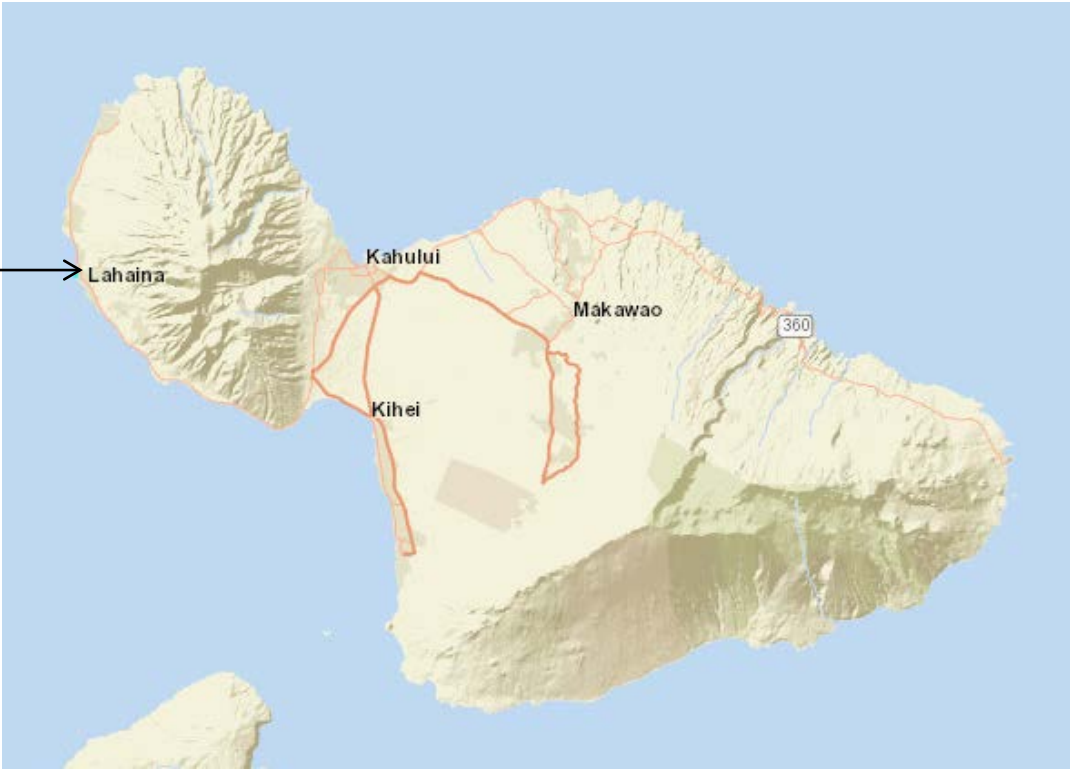
- A. Aerial Map of A&K Ventures, LLC, situated at Mala Wharf, Lahaina, Maui

### EXEMPTION NOTIFICATION

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

Project Title:	Continuation of a Revocable Permit (“RP”) to A&K Ventures, LLC
Project / Reference No.:	
Project Location:	Portion of Government lands situated at Mala Wharf and Surrounding Areas, Alamihi, Lahaina, Maui, Hawaii, Identified by Tax Map Key: (2) 4-5-005:019 (POR.)
Project Description:	Occupy and use the Premises for the following specified purposes only: for purposes of landscaping, maintenance and storage of small boats and trailers.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s).:	Exemption Class No. 1, Item No. 51 that states: "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the requested location has been in the same use since 2016. Therefore, staff believes the use of the land for the continuation of this revocable permit has no significant effect on the environment.
Action May have Significant Impact on Particularly Sensitive Environment?	No, staff does not believe the continuation of the Revocable Permit will have significant impact on the environment.
Analysis:	The current permittee has used the location for the same purpose over the years. Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing. DOBOR would also like 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.
Consulted Parties:	Land Division-MDLO was consulted and concurred with respect to the Chapter 343 exemption.
Declaration	The Board finds 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.

A&K Ventures, LLC  
Mala Wharf



**EXHIBIT A**