REQUEST TO AMEND PRIOR BOARD ACTION OF FEBRUARY 22, 2019, (ITEM J-3) FOR ISSUANCE OF A REVOCABLE PERMIT (“RP”) TO MAKANI CHARTERS, INC., FOR A COVERED AREA USED FOR STORAGE AND RECREATION AT HONOKOHAU SMALL BOAT HARBOR, KAILUA-KONA, HAWAII, IDENTIFIED BY TAX MAP KEY: (3) 7-4-008:003 (PORTION). THE PURPOSE OF THIS AMENDMENT IS TO REVISE THE SLIP OWNER FROM MAKANI CHARTERS, INC. TO MAKANI KAI CHARTERS, INC., THE AREA FROM 200 SQ. FT. TO 449 SQ. FT. AND THE RENT FROM $100.00 TO $224.50.

BACKGROUND:

On February 22, 2019, under agenda item J-3, the Board approved revocable permits (“RP”) for 34 covered areas used for storage and recreation at Honokohau Small Boat Harbor 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 B”. A proposed RP is incorrectly identified as Makani Charters, Inc., on an area of 200 sq. ft. and rent of $100.00. The proposed RP should have been identified as Makani Kai Charters, Inc., on an area of 449 sq. ft. and rent of $224.50.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Amend its prior Board action of February 22, 2019, agenda item J-3, by deleting “Makani Charters, Inc.” under “Slip Owner”, “200.00” under “Area Used” and “$100.00” under “Monthly Cost @ $.50/sq. ft.” and replacing it with “Makani Kai Charters, Inc.” under “Slip Owner”, “449.00” under “Area Used” and “$224.50” under “Monthly Cost @ $.50/sq. ft.”

2. Except as amended hereby, all terms and conditions listed in its February 22, 2019 Item J-3, 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. Makani Kai Charter Area Map
B. Prior Board action dated February 22, 2019, Item J-3
Exhibit A
Honokohau Small Boat Harbor

Makani Kai Charters, Inc.
Pavilion: 42
11.5’x39’=449 sf
Exhibit A
Honokohau Small Boat Harbor

Makani Kai Charters, Inc.
Pavilion: 42
11.5’x39’=449 sf
Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: ISSUANCE OF REVOCABLE PERMITS TO VARIOUS APPLICANTS LOCATED AT HONOKOHAU SMALL BOAT HARBOR, KEALAKEHE, NORTH KONA, HAWAII, TAX MAP KEY: (3) 7-4-008:003. SEE EXHIBIT B FOR LIST OF APPLICANTS.

AND

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

APPLICANT:

Various. See Exhibit B

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honokohau Small Boat Harbor (Honokohau SBH), Kealakehe, North Kona, Hawaii, identified as Tax Map Key: (3) 7-4-008:003, hereinafter referred to as the “Premises” as shown on the map labeled EXHIBIT A, A1-A3 and attached hereto.

AREA:

See EXHIBIT B.

EXHIBIT B
ZONING:
State Land Use District: Urban & Conservation (portion of parcel along the coastline is in the Resource Conservation Subzone)
County of Hawaii: CZO: Open

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:
Unencumbered.

CHARACTER OF USE:
Covered areas used for storage and recreation.

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

MONTHLY RENTAL:
See Exhibit B, payable in advance by the first of each and every month, based on an in-house valuation of $.50 per square foot per month, or $6.00 per square foot annually.

COLLATERAL SECURITY DEPOSIT:
Twice the Monthly Rental.

DCCA VERIFICATION:
Place of business registration confirmed: YES X  NO
Registered business name confirmed: YES X  NO
Applicant in good standing confirmed: YES X  NO
CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the “Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii”, dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to 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 EA pursuant to the following exemption:

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.

In consultation with the Land Division (LD), regarding HRS Chapter 343, they concurred that this RP met our 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.

REMARKS:

Over the years, numerous mooring permit holders at the Honokohau SBH have built permanent structures on State lands adjacent to their slips. These structures, which range in size from 16 to 832 square feet, consist of enclosed wood-clad storage sheds and wood-framed open-sided pavilions.

For the most part, construction was done without the consent of the Division of Boating and Ocean Recreation (DOBOR), and the lands continue to be used without the proper dispositions or payment of rents.

Staff requests the Board approve the issuance of revocable permits to the applicants listed in Exhibit B for the use of state lands. Since the commercial-use permits associated with these structures have a term not to exceed one year, and must be renewed annually, staff believes that revocable permits are the appropriate disposition in this instance. Staff further believes that there is no need for the mooring permits and revocable permits to be coterminous, as each may be terminated within 30 days.

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, Hawaii Administrative Rules, 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 issuance of revocable permits at Honokohau SBH to applicants listed in Exhibit B, 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. Location Map
A1. Location Map
A2. Location Map
A3. Location Map
B. List of Permit Applicants
Jaime,

The subject agenda item from the BLNR’s meeting on 2/22/19 was approved as amended:

J&M Fishing Inc., slip # A-6.5 was deleted from Exhibit B.

Mahalo, Richard
EXEMPTION NOTIFICATION

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

<table>
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<tr>
<th>Project Title:</th>
<th>Issuance of revocable permits to various applicants located at Honokohau Small Boat Harbor</th>
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<tr>
<td>Project / Reference No.:</td>
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<td>Project Location:</td>
<td>Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003</td>
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<td>Project Description:</td>
<td>Covered areas used for storage and recreation</td>
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<td>Chap. 343 Trigger(s):</td>
<td>Use of State Land</td>
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<td>Exemption Class No(s.):</td>
<td>No. 1, “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,” Item 51, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing”</td>
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<td>Cumulative Impact of Planned Successive Actions in Same Place Significant?</td>
<td>No, the requested location has been in the same use for many years with no known significant impact to the environment. Therefore, staff believes the issuance of revocable permits will have no significant effect on the environment.</td>
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<td>Action May have Significant Impact on Particularly Sensitive Environment?</td>
<td>No, staff does not believe the issuance of revocable permits will have significant impact on particularly sensitive environment. The Honokohau SBH is a recreational boat harbor containing a fueling facility, vessel washdown, comfort stations, as well as numerous structures. The issuance of revocable permits for the existing pavilions, which have no water or sewer, will have no significant impact on the environment.</td>
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<td>Analysis:</td>
<td>The request pertains to issuing revocable permits for the subject location. The area has been used for the same purpose over the years with no known significant impact to the environment. Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.</td>
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<td>Consulted Parties:</td>
<td>Land Division - Hawaii District Land Office</td>
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<td>Declaration</td>
<td>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.</td>
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Exhibit A-1
Honokohau Small Boat Harbor

- J&M Fishing, Inc.
  Pavilion: A-6.5
  12'x16.33' = 196 sf

- Z&G Enterprises, Inc.
  Pavilion: A-8
  15.83'x13.25' = 210 sf

- Hawaii Sailing Company, Inc.
  Pavilion: A-11
  12.17'x8.33' = 101 sf

- Alibi Sport Fishing, Inc.
  Pavilion: A-13
  11'x5.25' = 58 sf

- Legend Sportfishing, Inc.
  Pavilion: A-14
  15.58'x6.00' = 94 sf

- Intrepid, Inc.
  Pavilion: A-17
  22.92'x12.5' = 286 sf

- Twin Charters Sport Fishing II, Inc.
  Pavilion: A-19
  16.75'x12.5' = 209 sf
Exhibit A-2
Honokohau Small Boat Harbor

Kailua Bay Charter Company, Inc.
Pavilion: 27.5
7.08’x5.75’=41 sf

Honu Iki, Inc.
Pavilion: 27
13.67’x10.08’=139 sf

Kamanu Charters, Inc.
Pavilion: 26
9.58’x8.17’=78 sf

Hawaiian Bluewater Adventures, Inc.
Pavilion: 25
7’x5.33’=37 sf

Marshall Luke
Pavilion: 24
4’x4.08’=16 sf

Cherry’s Big Island Charters, Inc.
Pavilion: 23
14’x12’=168 sf

Reel Action, LLC
Pavilion: 21
10.17’x10.17’=103 sf

Lightspeed Hawaii, Inc.
Pavilion: 9
18.92’x11.42’=216 sf

Pacific Bluewater Venture, Inc.
Pavilion: 11
18.17’x15.58’=283 sf

Bahati, Inc.
Pavilion: 12
20.5’x14.67’=300 sf

Infinity, Inc.
Pavilion: 13
23’x14.67’=337 sf

Holiday Long Range Charters, Inc.
Pavilion: 14
17.92’x14.67’=263 sf

Illusions, Inc.
Pavilion: 16
21.83’x14.67’=320 sf

The Cutty Sark II Charter Fishing Corp.
Pavilion: 15.5
22.67’x14.67’=332 sf

Topsall Charters, Ltd.
Pavilion: 15
29’x14.67’=425 sf
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