

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

April 26, 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 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:

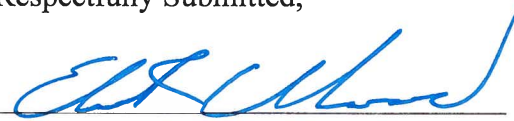
On February 22, 2019, under agenda item J-3, the Board approved revocable permits (“RP”) for 34 covered areas used for storage and recreation at Honokohau Small Boat Harbor and found the project to be exempt from the requirement of Chapter 343, Hawaii Revised Statutes and Chapter 11-200 Hawaii Administrative 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:

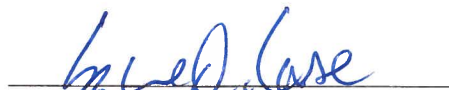
1. Amend its prior Board action of February 22, 2019, agenda item J-3, by deleting “Makani Charters, Inc.” under “Slip Owner”, “200.00” under “Area Used” and “\$100.00” under “Monthly Cost @ \$.50/sq. ft.” and replacing it with “Makani Kai Charters, Inc.” under “Slip Owner”, “449.00” under “Area Used”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

**Honokohau
Small Boat Harbor**



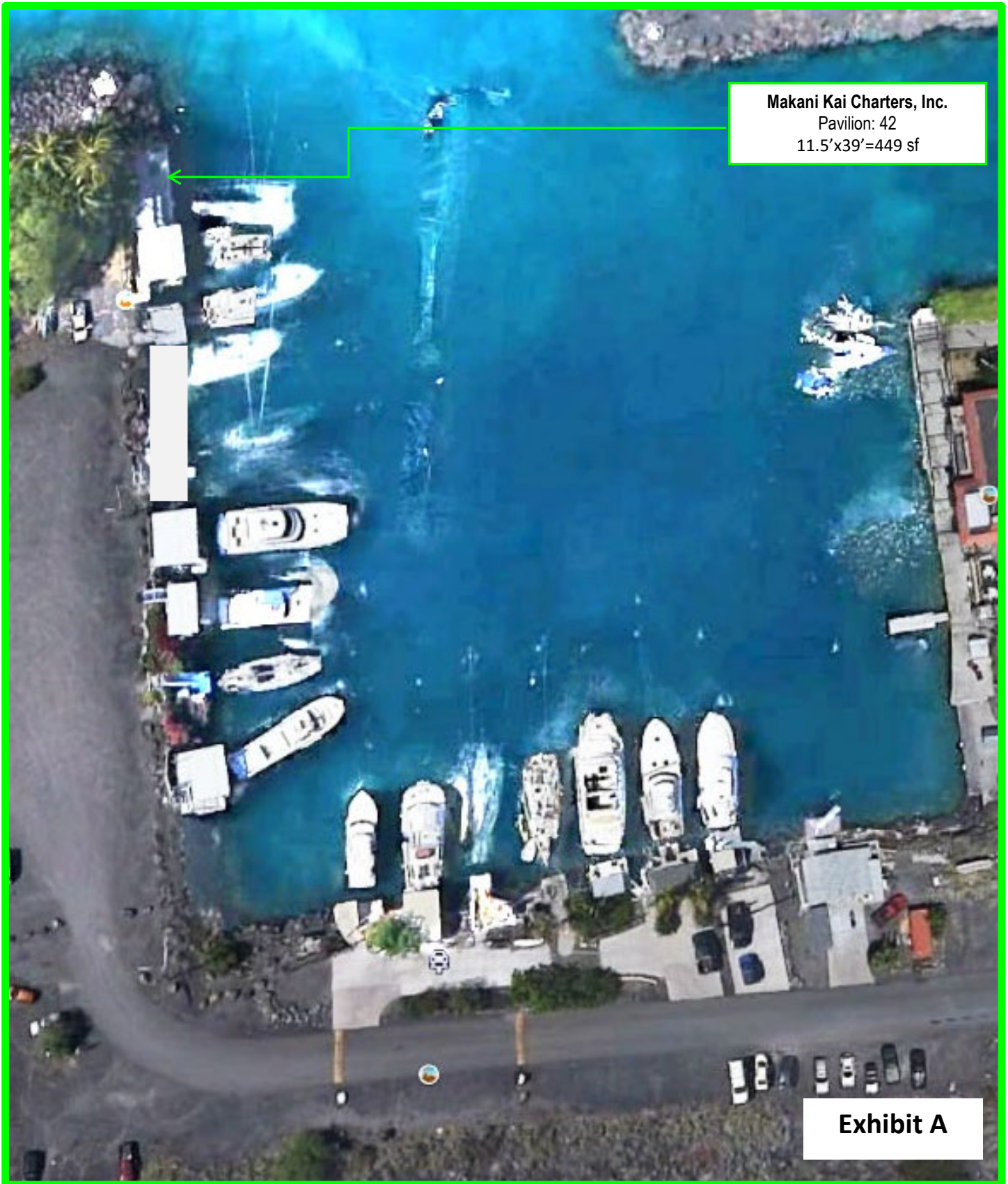
Exhibit A
Honokohau Small Boat Harbor



Makani Kai Charters, Inc.
Pavilion: 42
11.5'x39'=449 sf

Exhibit A

Exhibit A
Honokohau Small Boat Harbor



Makani Kai Charters, Inc.
Pavilion: 42
11.5'x39'=449 sf

Exhibit A



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

February 22, 2019

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 <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 “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.

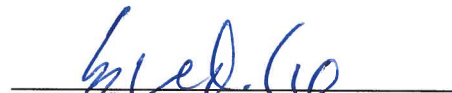
2. Authorize issuance of revocable permits at Honokohau SBH to applicants listed in Exhibit B, under the terms and conditions cited above, which are by this reference, incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current Revocable Permit 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

AMENDMENT J-3

February 22, 2019

Cassidy, Jaimelynn M

From: Howard, Richard T
Sent: Wednesday, March 06, 2019 3:29 PM
To: Cassidy, Jaimelynn M
Subject: BLNR Meeting of 2-22, Item J-3

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

| | |
|--|--|
| Project Title: | Issuance of revocable permits to various applicants located at Honokohau Small Boat Harbor |
| Project / Reference No.: | |
| Project Location: | Kealakehe, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 |
| Project Description: | Covered areas used for storage and recreation |
| Chap. 343 Trigger(s): | Use of State Land |
| Exemption Class No(s).: | 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" |
| Cumulative Impact of Planned Successive Actions in Same Place Significant? | 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. |
| Action May have Significant Impact on Particularly Sensitive Environment? | 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. |
| Analysis: | 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. |
| Consulted Parties: | Land Division - Hawaii District Land Office |
| 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. |

Exhibit A Honokohau Small Boat Harbor

Honokohau
Small Boat Harbor



Exhibit A
Honokohau Small Boat Harbor

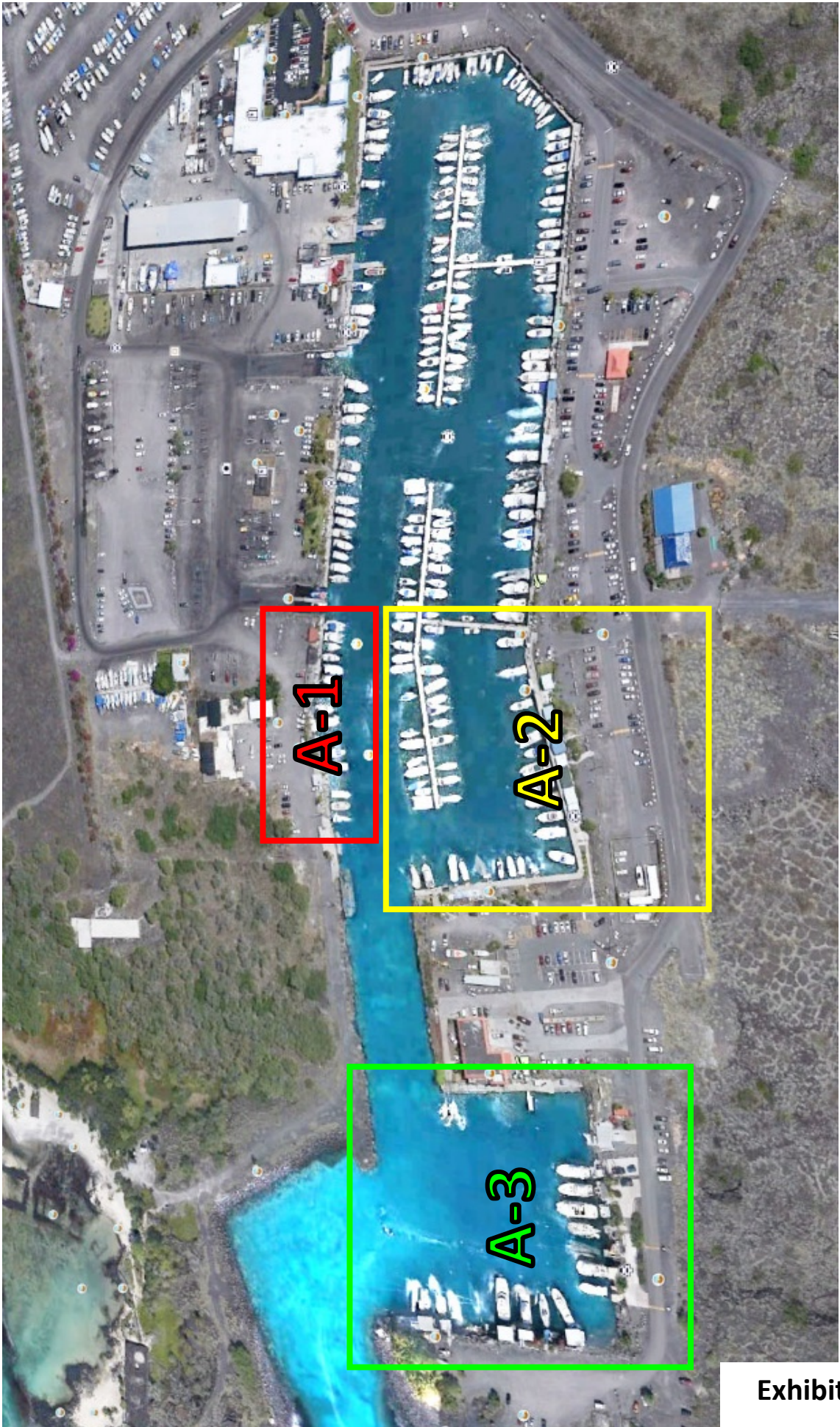


Exhibit A

Exhibit A-1
Honokohau Small Boat Harbor

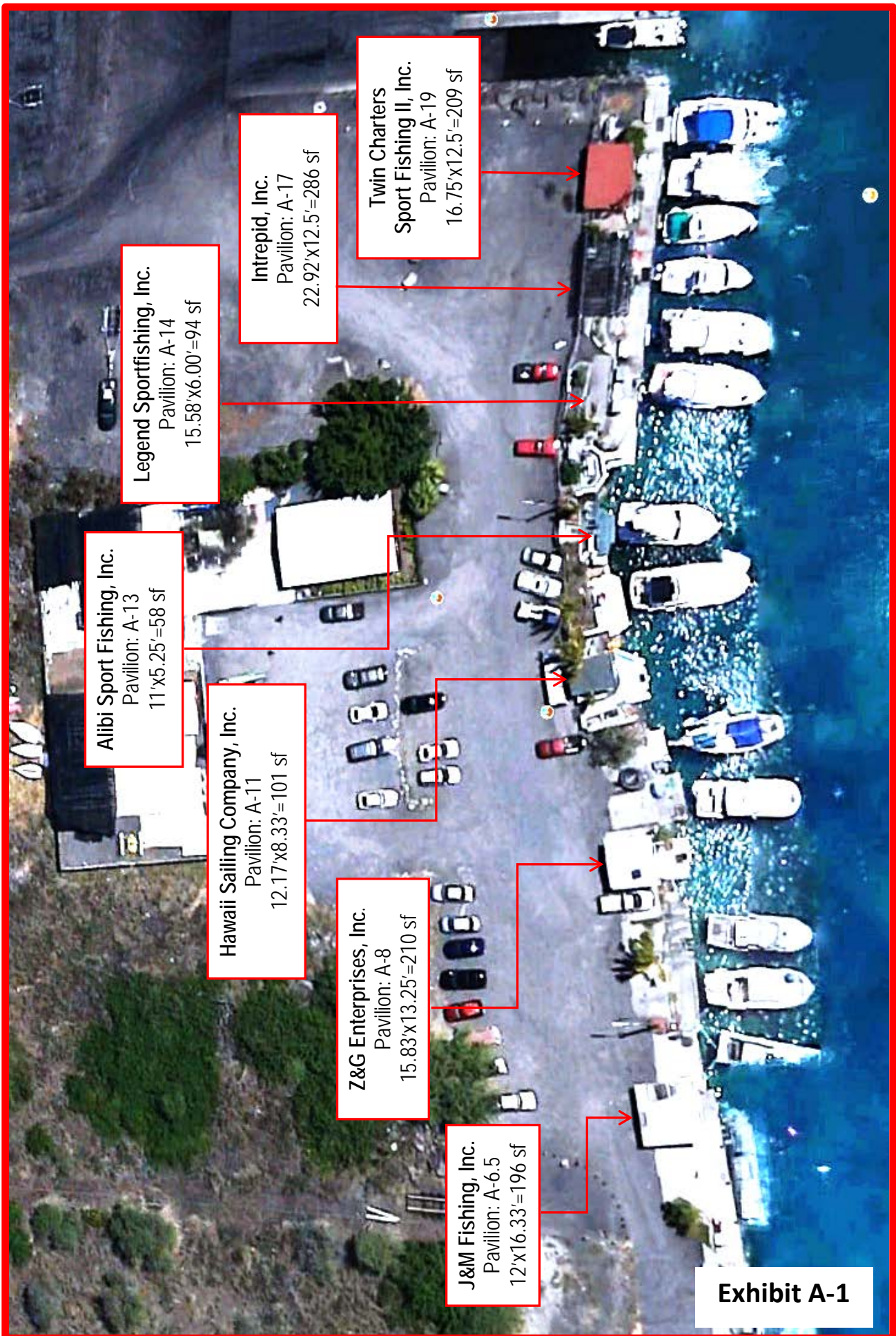


Exhibit A-1

Exhibit A-2 Honokohau Small Boat Harbor

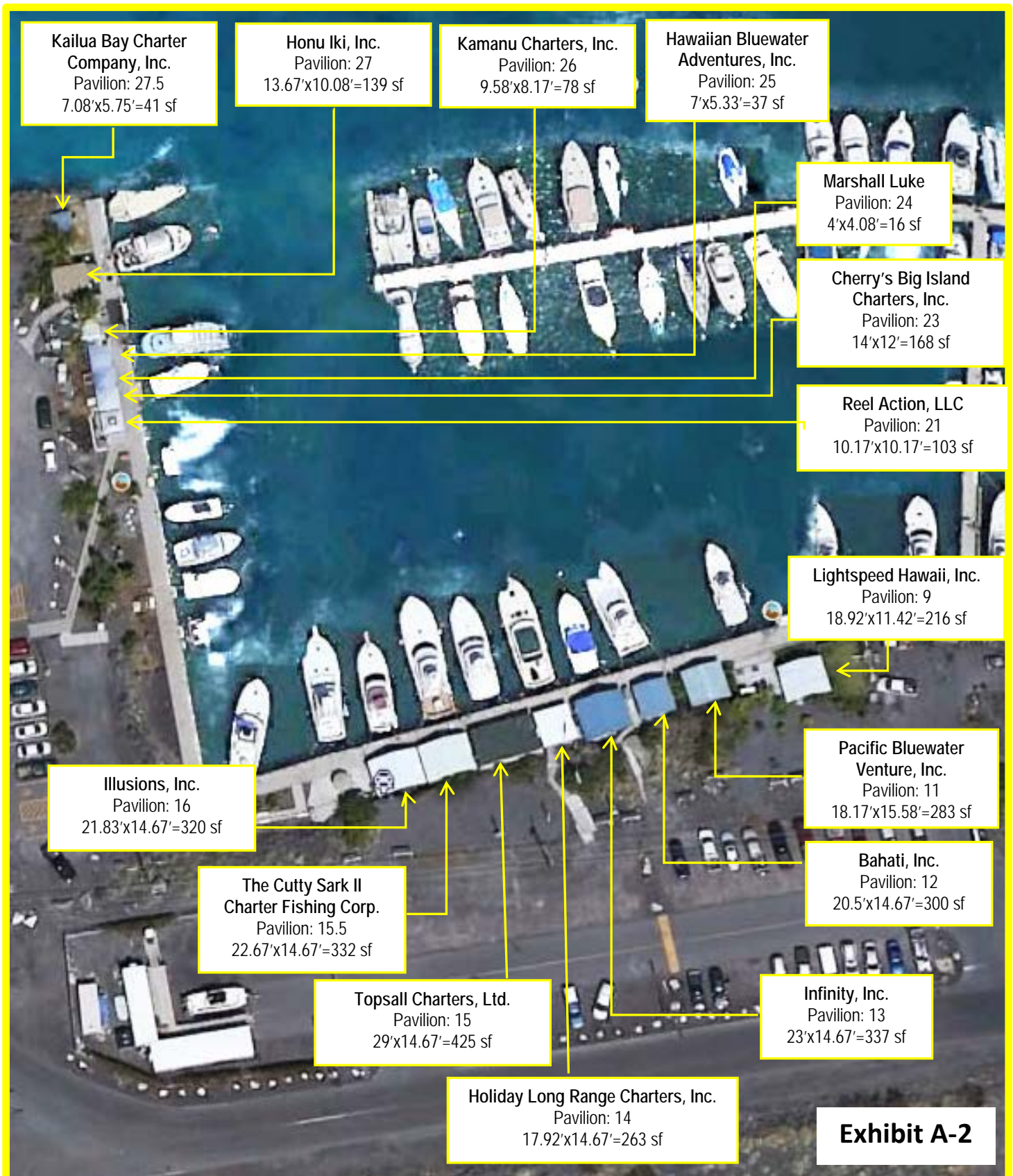
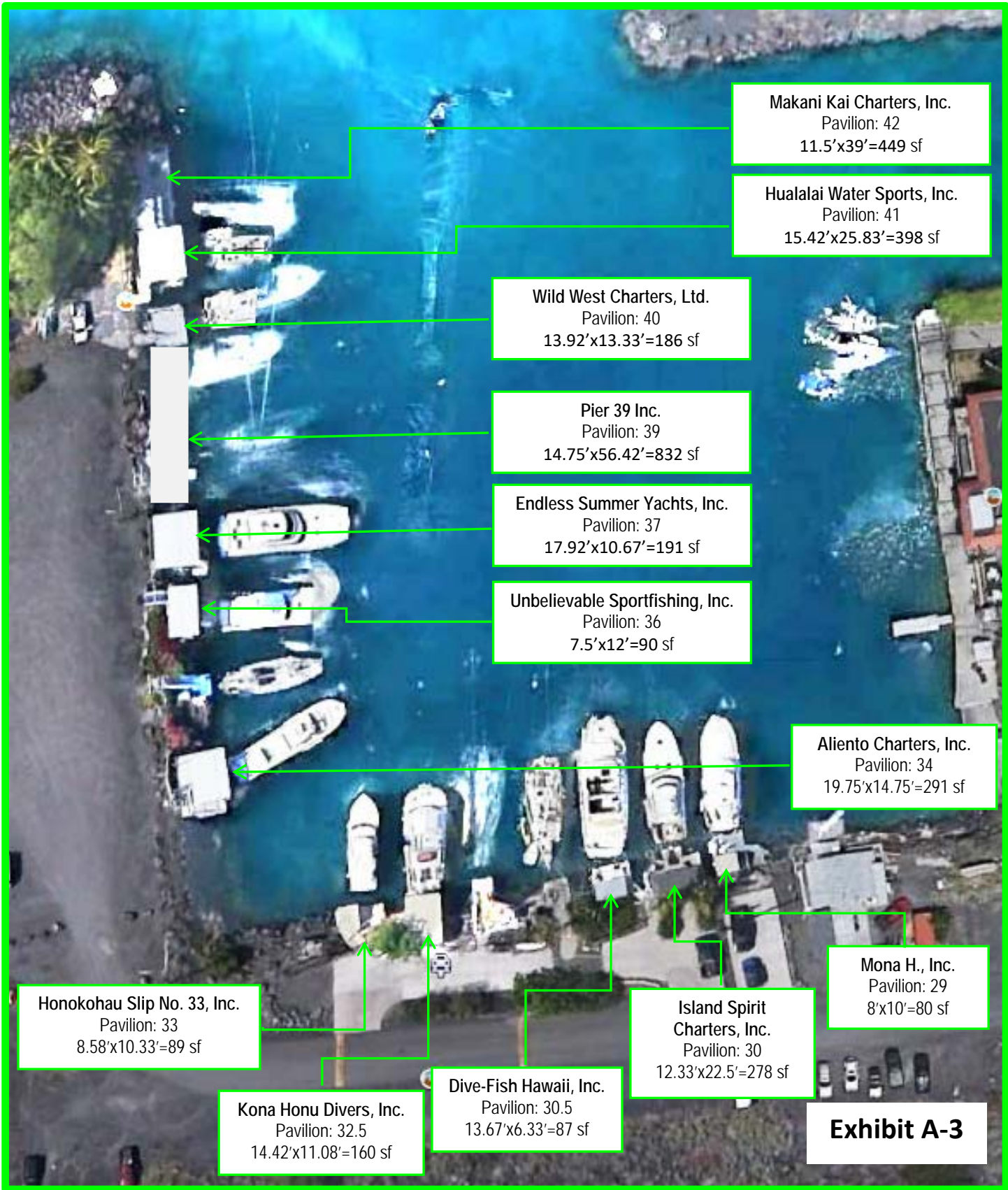


Exhibit A-3
Honokohau Small Boat Harbor



| Slip # | Slip Owner | Area Used | Description & Nature of Use | Monthly Cost @ \$.50/sq.ft |
|--------|---|-----------|--|----------------------------|
| A-6.5 | J & M Fishing, Inc. | 196.0 | Covered area used for storage and recreation | \$ 98.00 |
| A-8 | Z & G Enterprises, Inc. | 210.0 | Covered area used for storage and recreation | \$ 105.00 |
| A-11 | Hawaii Sailing Company | 101.0 | Covered area used for storage and recreation | \$ 50.50 |
| A-13 | Alibi Sport Fishing, Inc | 58.0 | Covered area used for storage and recreation | \$ 29.00 |
| A-14 | Legend Sportfishing, Inc. | 94.0 | Covered area used for storage and recreation | \$ 47.00 |
| A-17 | Intrepid, Inc. | 286.0 | Covered area used for storage | \$ 143.00 |
| A-19 | Twin Charters Sport Fishing II, Inc. | 209.0 | Covered area used for storage and recreation | \$ 104.50 |
| 9 | Lightspeed Hawaii, Inc. | 216.0 | Covered area used for storage and recreation | \$ 108.00 |
| 11 | Pacific Bluewater Venture, Inc. | 283.0 | Covered area used for storage and recreation | \$ 141.50 |
| 12 | Bahati, Inc. | 300.0 | Covered area used for storage and recreation | \$ 150.00 |
| 13 | Infinity, Inc. | 337.0 | Covered area used for storage and recreation | \$ 168.50 |
| 14 | Holiday Long Range Charters, Inc. | 263.0 | Covered area used for storage and recreation | \$ 131.50 |
| 15 | Topsall Charters, Inc. | 425.0 | Covered area used for storage and recreation | \$ 212.50 |
| 15.5 | The Cutty Sark II Charter Fishing Corp. | 332.0 | Covered area used for storage and recreation | \$ 166.00 |
| 16 | Illusions, Inc. | 320.0 | Covered area used for storage and recreation | \$ 160.00 |
| 21 | Reel Action LLC | 103.0 | Covered area used for storage and recreation | \$ 51.50 |
| 23 | Cherry's Big Island Charters, Inc | 168.0 | Covered area used for storage | \$ 84.00 |
| 24 | Marshall Luke | 16.0 | Covered area used for storage | \$ 8.00 |
| 25 | Hawaii Bluewater Adventures, Inc. | 37.0 | Covered area used for storage | \$ 18.50 |
| 26 | Kamanu Charters, Inc. | 78.0 | Covered area used for storage | \$ 39.00 |
| 27 | Hono Iki, Inc | 139.0 | Covered area used for storage | \$ 69.50 |
| 27.5 | Kailua Bay Charter Company, Inc. | 41.0 | Covered area used for storage | \$ 20.50 |
| 29 | Mona H., Inc | 80.0 | Covered area used for storage and recreation | \$ 40.00 |
| 30 | Island Spirit Charters, Inc. | 278.0 | Covered area used for storage and recreation | \$ 139.00 |
| 30.5 | Dive-Fish Hawaii | 87.0 | Covered area used for storage and recreation | \$ 43.50 |
| 32.5 | Kona Honu Divers, Inc. | 160.0 | Covered area used for storage and recreation | \$ 80.00 |
| 33 | Honokohau Slip 33, Inc | 89.0 | Covered area used for storage and recreation | \$ 44.50 |
| 34 | Aliento Charters, Inc. | 291.0 | Covered area used for storage and recreation | \$ 145.50 |
| 36 | Unbelievable Sportfishing, Inc. | 90.0 | Covered area used for storage and recreation | \$ 45.00 |
| 37 | Endless Summer Yachts | 191.0 | Covered area used for storage and recreation | \$ 95.50 |
| 39 | Pier 39 Inc. | 832.0 | Covered area used for storage and recreation | \$ 416.00 |
| 40 | Wild West Charters | 186.0 | Covered area used for storage and recreation | \$ 93.00 |
| 41 | Hualalai Watersports | 398.0 | Covered area used for storage and recreation | \$ 199.00 |
| 42 | Makani Charters, Inc. | 200.0 | Covered area used for storage and recreation | \$ 100.00 |

EXHIBIT B