

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

May 10, 2019

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

Land Board Members:

SUBJECT: ISSUANCE OF A REVOCABLE PERMIT TO ORCA SOCIETÀ
RESPONSIBILITÀ LIMITATA, FOR PURPOSES OF STORING THE
VESSEL “MASERATI”, SITUATED AT ALA WAI SMALL BOAT
HARBOR, HONOLULU, ISLAND OF OAHU, HAWAII, IDENTIFIED
BY TAX MAP KEY: (1) 2-6-010:003, 005 AND 016 (PORTION)

AND

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

APPLICANT:

Orca Società Responsibilità Limitata (“SRL”), an Italian limited liability company, whose mailing address is, Via Cardinale Sforza Ascanio 37/A, Milano, Milano, 20136, Italy, and, locally in the care of, Carl Geringer, Agent, whose address is, 1600 Kapiolani Boulevard, Suite 1331, Honolulu, Hawaii 96814; hereinafter referred to as the “Applicant”.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government fast lands at Ala Wai Small Boat Harbor (“AWSBH”), situated at 1651 Ala Moana Boulevard, Honolulu, Island of Oahu, Hawaii, identified by Tax Map Key: (1) 2-6-010:003, 005 and 016 (portion), as shown on the attached map labeled Exhibit A.

AREA:

Approximate area of 14,300 square feet, which area is hereinafter referred to as the “Premises”. The area is located on a portion of the former boat yard repair site as depicted in Exhibit “A”.

ZONING:

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

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _ NO X

CURRENT USE STATUS:

Set aside by Executive 1795 for the AWSBH. The premises are presently unencumbered.

CHARACTER OF USE:

Temporary storage of the ocean racing vessel known as “Maserati”, in preparation for voyage from Honolulu, Hawaii to Hong Kong, China.

Use shall be limited to such storage, haul out and supply, with use of fencing, crane, refuse bins and storage containers to be placed periodically within the Premises.

COMMENCEMENT DATE:

The revocable permit will commence on July 15, 2019, and end on September 30, 2019.

MONTHLY RENTAL:

\$17,325.00 per month from July 15, 2019 to September 30, 2019.

The monthly rental is based on an in-house valuation using CBRE’s appraisal report of DOBOR’s revocable permits dated October 31, 2016, with a 3% annual step for the intervening years.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

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.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Registered business name confirmed:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Applicant in good standing confirmed:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

DCCA verification not applicable, Applicant shall not operate a business on the Premises and, as such, is not required to register with DCCA.

JUSTIFICATION FOR REVOCABLE PERMIT:

The former boat repair area is currently vacant and not generating income. The short time frame of just 78 days would not interfere with future plans for the area and would generate income for harbor operations. DOBOR believes that a revocable permit is justified for Orca SLR in the proposed area.

REMARKS:

Orca SLR was a participant in the 2017 Transpac Race and the Board approved a revocable permit for this same location. The permit was approved at the Boards June 23, 2017 meeting, Item J-1. Orca SLR is requesting the same agreement for the 2019 Transpac Race. They will be using the area to store and prepare the vessel for travel to the South Pacific.

Month-to-month tenancy is more appropriate than long-term disposition in this case due to the true temporary nature of the proposed use. The proposed use is allowable in the county zoning and compatible with surrounding existing use.

Applicant has not had a lease, permit, 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, 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 the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Orca SRL covering the subject area for vessel storage 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;
 - b. Review and approval by the Department of the Attorney General; and
 - 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:



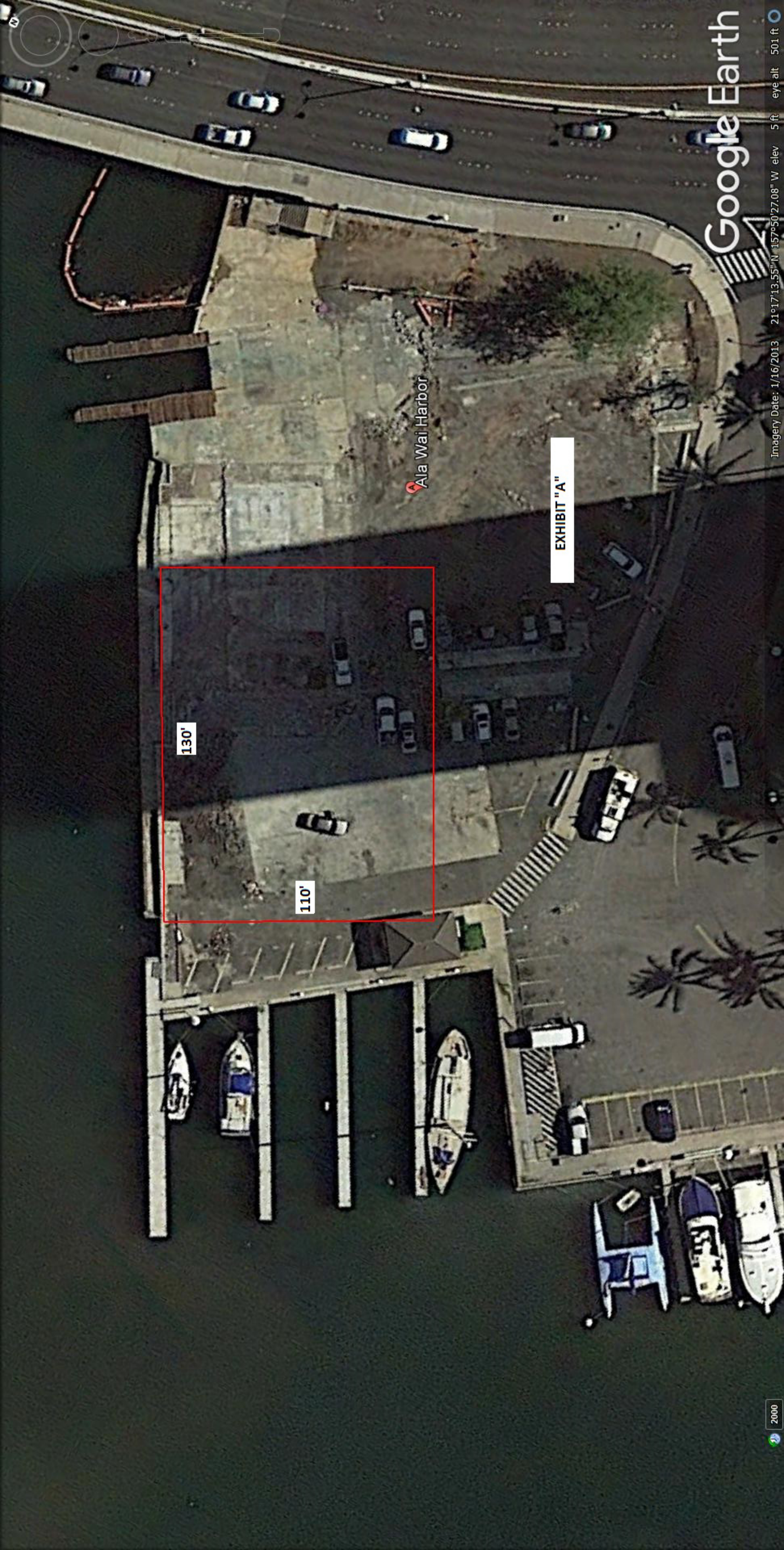
SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachments: Exhibit A – Map of 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:	Issuance of revocable permits to Orca SRL located at Ala Wai Small Boat Harbor
Project / Reference No.:	Revocable Permit 49
Project Location:	Honolulu, Hawaii, Tax Map Key: (1) 2-6-010:003, 005 and 016 (portion)
Project Description:	Unpaved area measuring approximately 110'x130' totaling 14,300 Sq. Ft.
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 is currently unoccupied. The applicant used this same space in 2017 for during the Honolulu Transpac race event with no known significant impact to the environment. Therefore, staff believes the issuance of a revocable permit to Orca SRL 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 a revocable permit to Orca SRL will have significant impact on particularly sensitive environment. The Ala Wai SBH is a recreational boat harbor containing comfort stations, as well as numerous structures. The issuance of a revocable permit for unimproved fast land, which has no water or sewer, will have no significant impact on the environment.
Analysis:	The request pertains to issuing a revocable permit for the subject location to Orca SRL. The area was used for the same purpose in 2017, during the Honolulu Transpac race event 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 - Oahu 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.



Ala Wai Harbor

EXHIBIT "A"

130'

110'