

STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawai'i 96813

September 27, 2019

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. 37 TO LANA'I RESORTS, LLC., DBA PULAMA LANA'I, MANELE SMALL BOAT HARBOR, LANA'I CITY, ISLAND OF LANA'I, HAWAI'I, TAX MAP KEY (2) 4-9-017:006 (por.)

AND

DECLARE PROJECT EXEMPT FROM REQUIREMENTS OF CHAPTER 343, HRS AND TITLE 11, CHAPTER 200.1, HAWAII ADMINISTRATIVE RULES.

APPLICANT:

Lana'i Resorts, LLC., dba Pulama Lana'i ("Permittee"), whose mailing address is 733 Bishop Street, Suite 2000, Honolulu, Hawai'i 96813,

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Manele Small Boat Harbor ("MSBH"), Lana'i City, Island of Lana'i, Hawai'i, Tax Map Key (2) 4-9-17:06, as shown on attached map labeled (**Exhibit A**), hereinafter referred to as the "Premises".

LAND AREA:

Area consisting of 28,625 square feet, more or less, of submerged lands.

ZONING:

State Land Use District: Conservation, Urban  
County of Maui CZO: Open, Lana'i Project District One

TRUST LAND STATUS:

Section 5(b) lands of the Hawai'i Admission Act:  
DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: NO X YES \_\_\_\_\_

CURRENT USE STATUS:

Set Aside for Public Use of Land, under Governor's Executive Order No. 4348, for construction, operation and maintenance of a Small Boat Marina and appurtenant facilities.

CHARACTER OF USE:

Occupancy and use of the Premises for the following specified purposes: Maritime related activities to support the maintenance and use of a floating dock in the Manele small boat harbor, Island of Lana'i, Hawai'i.

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, Hawai'i Revised Statutes.

COMMENCEMENT DATE:

October 1, 2019.

MONTHLY RENTAL:

Annual base rent of \$20,000.00, or \$1,666.66 monthly plus ten percent (10%) of gross receipts. The annual base rent and any percentage rents shall be paid quarterly.

This amount was determined by private independent appraisal report, prepared by CBRE, Inc, dated May 2, 2017.

SECURITY DEPOSIT:

Twice the monthly base 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:

Please see the attached Exemption Notification attached hereto as Exhibit B.

REMARKS:

The Division of Boating and Ocean Recreation has been actively working with the office of the Attorney General on the issuance of a long-term lease and easement for the subject property. During this process, extra time was needed to deregister the Manele Small Boat Harbor from Land Court and record in the Regular System. Additional time was also necessary to have DAGS Survey Division update the CSF Maps from Land Court to Regular System. As such, the property has now been registered in the Regular System and DAGS Survey Division has updated the CSF maps. While the parties are close to finalizing the lease and easement documents, the Deputy Attorney General has advised the Division to request the Board to continue the Revocable Permit to allow any additional time necessary to finalize the documents, and keep the current revocable permit in an active status. The current revocable permit expires September 30, 2019.

RECOMMENDATION:

That the Board of Land and Natural Resources:


1. Determine, through its judgment and experience, that the action will individually and cumulatively probably have minimal or no significant effects, and that the action is declared exempt from the preparation of an environmental assessment.
2. Authorize the continuance of a revocable permit to Lana'i Resorts, LLC., dba Pulama Lana'i, covering the subject area for the use, maintenance and operation of a floating dock 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:

- A. Map of Lana'i Resorts, LLC., dba Pulama Lana'i

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Title 11, Chapter 200.1, HAR



Project Title:	Continuation of Revocable Permit No 37 to Lana'i Resorts, LLC DBA Pulama Lana'i, Manele Small Boat Harbor, Lana'i City, Island of Lana'i, Hawaii, Tax Map Key (2) 4-9-017:006 (Por.)
Project / Reference No.:	Revocable Permit No. 37
Project Location:	Manele Small Boat Harbor, Lana'i City, Island of Lana'i Hawaii, Tax Map Key (2) 4-9-017:006 (Por.)
Project Description:	Continuation of Revocable Permit No. 37 to Lana'i Resorts, LLC DBA Pulama Lana'i, for maritime related activities to support the maintenance and use of a floating dock in the Manele Small Boat Harbor, Island of Lana'i, Hawaii
Chap. 343 Trigger(s):	Use of State Lands
Exemption Class No(s):	<p>In accordance with Hawai'i Administrative Rule Chapter 11-200.1 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred in by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to:</p> <p>HAR § 11-200.1-15(c)(1): "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing."</p> <p>Exemption List, Exemption Class 1, Exemption 7: "Operations, repair, and maintenance, of existing Department structures and facilities, including base yards, offices, cabins, sheds, and fencing."</p> <p>Exemption List, Exemption Class 1, Exemption 12: "Operations, repair, and maintenance of existing loading docks, piers, piles, boat launch ramps, offshore mooring facilities, and other similar support structures."</p> <p>Exemption List, Exemption Class 1, Exemption 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, Over Time, Significant?	No. There is an existing floating dock on the site, which the permit allows the permittee to operate. Activities on the site have resulted in no known significant effects to the natural and environmental resources in the area, or otherwise.

Action May have Significant Impact on Particularly Sensitive Environment?	No. The location of the permit site is in a small boat harbor. Staff is not aware of any particularly sensitive environmental concerns and believe use of the area would not impact a particularly sensitive environment.
Analysis:	The loading dock on site has been operated for years with no known significant effects. The permit allows the permittee to operate an already existing loading dock and appurtenant facilities. There is no change in use beyond that previously existing. The continuation of this permit involves negligible (or no) impacts beyond that previously existing.
Consulted Parties:	Maui, District Land Division - was consulted and concurred with respect to the Chapter 343 exemption.
Declaration	The Board determines, through its judgment and experience, that the action will individually and cumulatively probably have minimal or no significant effects, and that the action is declared exempt from the preparation of an environmental assessment.

# Manele Small Boat Harbor

Write a description for your map.

## Legend

-  Manele Small Boat Harbor
-  Manele Small Boat Harbor

PULAMA LANAI

Manele Small Boat Harbor

Manele Small Boat Harbor

EXHIBIT A

