



**STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097**

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DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
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IN REPLY REFER TO:

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

**KAUAI**

ISSUANCE OF MONTH-TO-MONTH PERMIT TO CAPTAIN ANDY'S SAILING, INC. (FORMER WHALE WATCH KAUAI INCORPORATED), SITUATED IN THE FORMER FUMIGATION SHED AT PORT ALLEN HARBOR, KAUAI, TAX MAP KEY NO. (4) 2-1-003:006 (P), GOVERNOR'S EXECUTIVE ORDER NO. 1047

**LEGAL REFERENCE:**

Sections 171-6, 171-13, 171-17, 171-55, and 171-59, Hawaii Revised Statutes (HRS), as amended.

**APPLICANT:**

Captain Andy's Sailing, Inc. (Applicant) is a domestic profit corporation whose business registration and mailing address is P.O. Box 876, Eleele, Hawaii 96705.

**CHARACTER OF USE:**

Storage of equipment for day charter catamaran. No repairs or maintenance allowed on the premises.

**LOCATION:**

Portion of governmental lands, inside the former Fumigation Shed, Port Allen Harbor, Kauai, Tax Map Key No. (4) 2-1-003:006 (P), Governor's Executive Order No. 1047, as shown on the attached map labeled Exhibit A.

**ITEM M-17**

**AREA: See attached Exhibits A and B**

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Storage of equipment for day charter catamaran.	Former Fumigation Shed	450	\$ 1.00	\$ 450.00	\$ 900.00
2	Storage of equipment for day charter catamaran.	Former Fumigation Shed	288	\$ 1.00	\$ 288.00	\$ 576.00
					\$ 738.00	\$ 1,476.00
					<b>Total Monthly Rental</b>	<b>Total Security Deposit</b>

**CONSIDERATION:**

Determined by appraisal as of March 20, 2019, for Revocable Permits in Port Allen Harbor, Kauai.

**ZONING:**

State Land Use Commission: Urban  
 County of Kauai: General Industrial

**COMMENCEMENT DATE:**

To be determined by the Director of Transportation.

**TRUST LAND STATUS:**

Subsection 5(a) of the Hawaii Admission Act (Non-ceded Lands).

**CURRENT USE STATUS:**

The Applicant currently has an existing month-to-month permit that occupies a portion of the former Fumigation Shed, Port Allen Harbor, Kauai, for storage of equipment for day charter catamaran. The Department of Transportation, Harbors Division (DOT Harbors) has been reviewing all month-to-month permits to ensure compliance with and applicability to Sections 171-17 and 171-55, HRS. The DOT Harbors is updating the Applicant's permit with current appraised rates and updated permit terms (as applicable).

**LAND TITLE STATUS:**

Governor's Executive Order No. 1047 for Port Allen Harbor, to be under the control and management of the Department of Transportation, Harbors Division (DOT Harbors).

**CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:**

This use is exempt from the Office of Environmental Quality Control (OEQC) requirements pursuant to Chapter 11-200.1, Hawaii Administrative Rules, "Exemption Class 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."

Declaration of Exemption was published with the OEQC in *The Environmental Notice* on September 23, 2019.

**REMARKS:**

Currently, the Applicant has an existing month-to-month permit for storage of equipment for day charter catamaran, in the former Fumigation Shed, Port Allen Harbor, Kauai. The DOT Harbors has been reviewing all month-to-month permits to ensure compliance with and applicability to Sections 171-17 and 171-55, HRS.

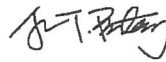
The existing month-to-month permit was issued on January 15, 2010, and rent is currently \$225.00 per month. This Submittal will update and renew the month-to-month permit which is compliant with Chapter 171, HRS.

The applicant is Captain Andy's Sailing, Inc. The existing month-to-month permit is under the name of Captain Andy's subsidiary Whale Watch Kauai Incorporated. Applicant requests that the new permit be issued in the name of Captain Andy's Sailing, Inc. The DOT Harbors has no objections to this request.

**RECOMMENDATION:**

That the Board authorize the DOT Harbors to issue the Applicant a month-to-month revocable permit for the above-stated purpose, subject to the terms and conditions outlined above and incorporated herein by reference, and such terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State.

Respectfully submitted,



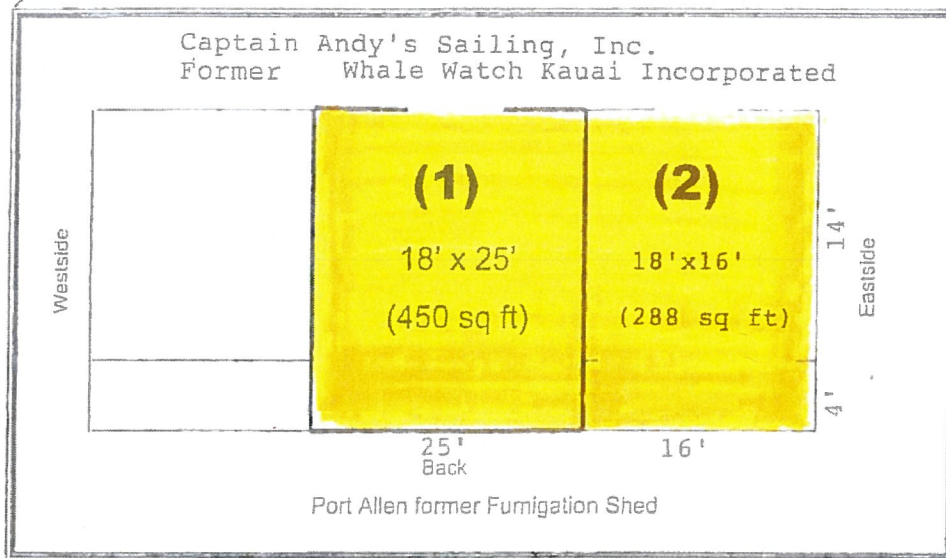
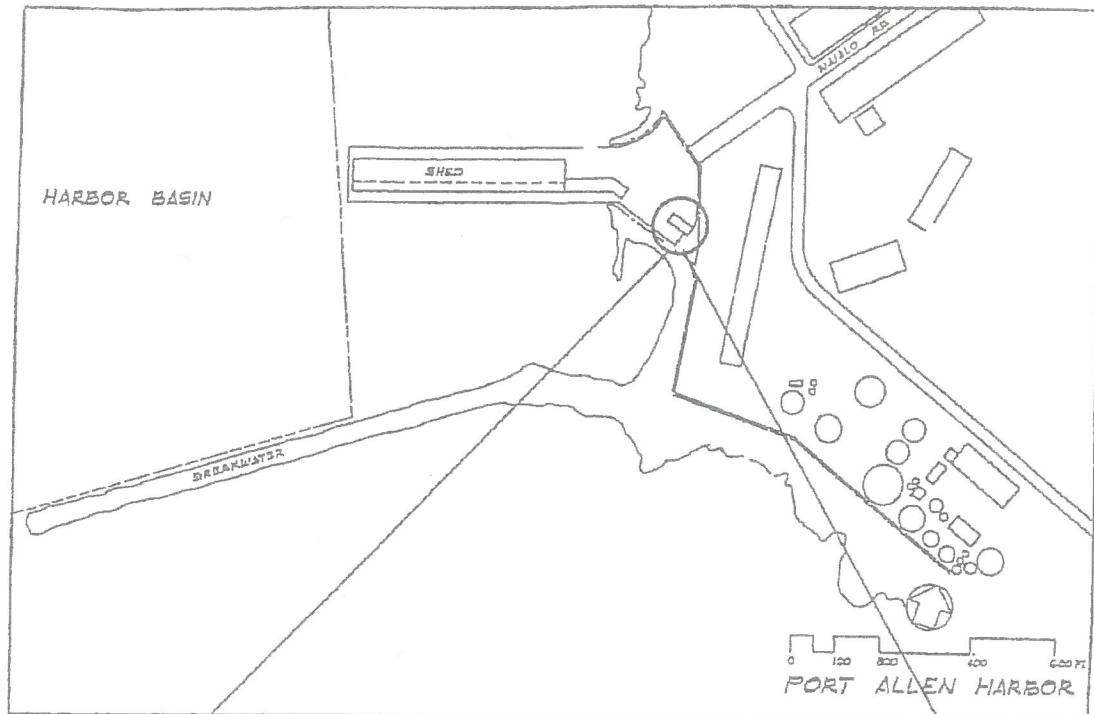
JADE T. BUTAY  
Director of Transportation

APPROVED FOR SUBMITTAL:



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

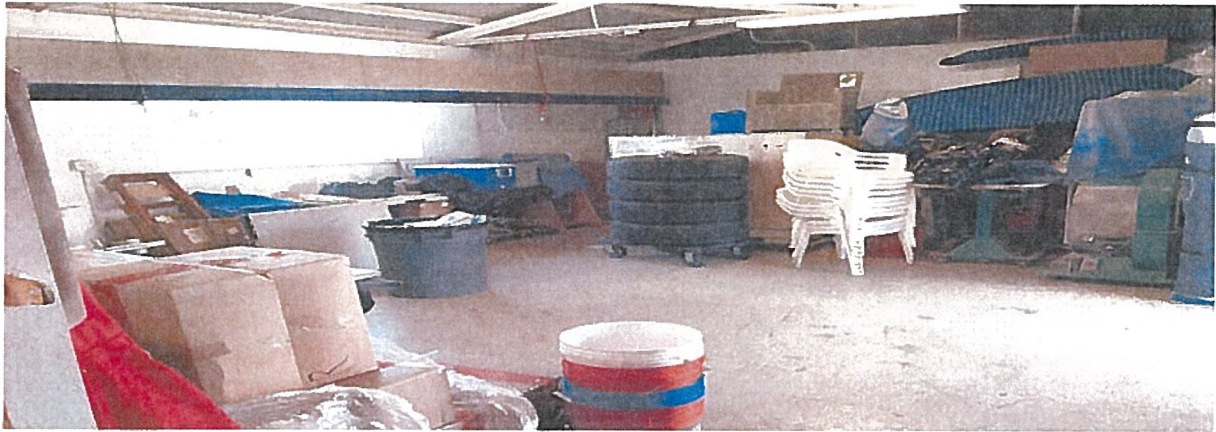
Attachments: Exhibits A and B



Drawing Not to Scale

**Exhibit A**

AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
1	Storage of equipment for day charter catamaran. No repairs or maintenance allowed on the premises.	Former Fumigation Shed	18'	25'	450



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
2	Storage of equipment for day charter catamaran. No repairs or maintenance allowed on the premises.	Former Fumigation Shed	18'	16'	288

