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

Land Board Members:

SUBJECT: CONTINUATION OF REVOCABLE PERMIT NO. 39 TO HBM, LLC., FOR EQUIPMENT STORAGE AND MOORAGE OF VESSELS, LOCATED AT THE ALA WAI SMALL BOAT HARBOR, HONOLULU, OAHU, TAX MAP KEY: (1) 2-3-037:020

AND

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

REQUEST:

Continuation of Revocable Permit 39 from December 15, 2019, through June 30, 2020.

LEGAL REFERENCE:

HRS §171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Ala Wai Small Boat Harbor, Island of Oahu, Tax Map Key: (1) 2-3-037:020, hereinafter referred to as the “Premises” as shown on the maps labeled Exhibit A-1 and A-2 and attached hereto.

AREA:

Approximately .349 Acres or 15,202 square feet more or less.
BLNR – Continuation of RP 39  
To HBM, LLC  
Ala Wai Small Boat Harbor  

ZONING:

State Land Use District: Urban

County of Honolulu CZO: Public Precinct (Waikiki Special District)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 39, to HBM, LLC.

CHARACTER OF USE:

Occupy and use the Premises for the following specified purposes only: Equipment storage and the moorage of vessels. Live aboards on vessels shall not be permitted.

COMMENCEMENT DATE:

RP 39 would continue from December 15, 2019, and end on June 30, 2020.

MONTHLY RENTAL:

Six thousand five hundred forty and no/100 dollars ($6,540.00) per month, payable in advance by the first of each and every month.

The proposed rent was increased by applying a nine percent (9%) escalation, as recommended in the appraisal, done by CBRE, dated October 31, 2016, on behalf of DLNR DOBOR, to the $6,000.00 per month rent that has been in effect since 2016.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This Exemption Notice for the above action is based on general exemption types enumerated in HAR § 11-200.1, under Exemption Class: 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.
In accordance with the “Exemption List for the, Department of Land and Natural Resources, reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, 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 Oahu Land Division, regarding HRS Chapter 343, they concurred that this RP met the requirements of Chapter 343, HRS, and chapter 11-200.1, HAR and 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 X NO
Registered business name confirmed: YES X NO
Applicant in good standing confirmed: YES X NO

JUSTIFICATION FOR REVOCABLE PERMIT:

DOBOR is in the process of evaluating proposals for the redevelopment of AWSBH and a long-term disposition may encumber the use of this area. A month-to-month RP is an appropriate disposition at this time. The permittee is currently in good standing with the Division of Boating and Ocean Recreation since December 15, 2016.

REMARKS:

At its September 23, 2016 meeting, under agenda Item J-2, the Board authorized DOBOR to issue an RP to HBM, LLC. The RP was subsequently continued at the Board’s November 9, 2018, meeting under agenda item J-1.

On April 13, 2018, the Board of Land and Natural Resources (“BLNR”) item J-4 to authorize the Division of Boating and Ocean Recreation (“DOBOR”) to issue a Request for Proposals (“RFP”) for Development of Public Lands at the Ala Wai Small Boat Harbor (“AWSBH”). A proposal is currently under consideration.

HBM, LLC has not had a lease, 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 11-200.1, 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 continuation of the Revocable Permit 39 with HBM, LLC, at Ala Wai Small Boat Harbor, under the terms and conditions cited above, which are by this reference, incorporated herein.

3. Reserve and delegate to the Chairperson the right and authority at any time to review and adjust the rental charges for HBM, LLC.

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-1 AWSBH Island Map
A-2 Aerial Map of HBM, LLC location at AWSBH
**EXEMPTION NOTICE**

TO: DLNR Public Files for HRS Chapter 343 Exemptions  
FROM: BLNR via Chairperson for the Division of Boating and Ocean Recreation  
RE: Exempted applicant action as defined by HRS § 343-5(b) and HAR § 11-200.1-15

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Continuation of Revocable Permit (RP) No. 39 with HBM, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location (incl. address, island &amp; district; TMK or other geolocation):</td>
<td>Ala Wai Small Boat Harbor (AWSBH), Honolulu, Island of Oahu, TMK: (1) 2-3-037:020</td>
</tr>
<tr>
<td>Project Start/End:</td>
<td>December 15, 2019, through June 30, 2020</td>
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<tr>
<td>Project Approval(s):</td>
<td>RP from BLNR, HRS §171-55</td>
</tr>
<tr>
<td>Project Description:</td>
<td>Approximately .349 Acres or 15,202 square feet more or less.</td>
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<td>HRS § 343-5 Trigger(s):</td>
<td>Use of state lands</td>
</tr>
<tr>
<td>Exemption Class No(s).:</td>
<td>This Exemption Notice for the above action is based on general exemption types enumerated in HAR § 11-200.1, under Exemption Type(s):</td>
</tr>
<tr>
<td>(see general Exemption Types in HAR § 11-200.1-15; or if from an approved DLNR Exemption List, cite the class and item)</td>
<td>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.</td>
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<td>Analysis re: Application of Exemption(s) to the Proposed Action:</td>
<td>HBM, LLC has been in operation at AWSBH since December 2016 with no known significant impact to the environment. Staff believes that the continuation of RP No. 39 to HBM, LLC would involve negligible impacts beyond that previously existing.</td>
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</table>

Also, under DLNR Exemption List reviewed and concurred to by the Environmental Council on June 5, 2015:  
Exemption List Class 1:  
Item 12, “Operations, repair, and maintenance of existing loading docks, piers, piles, boat launch ramps, offshore mooring facilities, and other similar support structures”.  
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”.  

(see HAR §11-200.1-17)
| Previous Determinations and Exemption Notices? (see HAR §11-200.1-11 and -12) | On 04/23/10 Honey Bee published a DEA that included the fuel pier where HBM, LLC is currently located. On 10/8/10 Honey Bee received a FONSI for the installation that included fuel operations, a store, storage and mooring. The fueling operation ceased with the departure of Honey Bee. At its September 23, 2016 meeting, under agenda item J-2, the Board approved the issuance of an RP to HBM, LLC for equipment storage and vessel moorage at the former fuel dock location. HBM, LLC activities do not include fuel distribution. The operation was not an increase from that previously existing and was determined to be exempt from the Chapter 343 requirement to do an Environmental Assessment. The most recent board actions, November 9, 2018, under agenda item J-2 to continue the RP also determined that the project exempt from 343. |
| Adverse Cumulative Impacts to Receiving Environment? (Particularly sensitive environment?) | None likely. The HBM, LLC has been in operation since December 2016. The currently existing dock facilitates, minimizing any damage from mooring, erosion, coral impacts that might otherwise be caused if the structure was not used. Any risk from cumulative impacts appears negligible. The HBM, LLC area is not a particularly sensitive environment, and no known threatened, endangered, or endemic species are impacted by issuance of this short-term permit. |
| Other Considerations? | In DOBOR’s experience issuance of an RP for use of a small boat harbor facility is unlikely to raise environmental concerns and is likely to enhance public safety for the boating public. |
| Analysis: | Based on its expertise and experience, DLNR/DOBOR believes the proposed action is a routine activity and ordinary function that merits exemption from the preparation of an environmental assessment. |
| Consulted Parties re: Propriety of Exemption: | Oahu Land Division was consulted and concurred with respect to the HRS Chapter 343 exemption. |
| Declaration | The Board determines, through its judgment and experience, that the requested action will individually and cumulatively probably have minimal or no significant effects on the environment, and that the proposed action is consistent with exemption and therefore declared exempt from the preparation of an environmental assessment. |
Ala Wai Small Boat Harbor

HBM, LLC
RP 39 - 349 Acres or 15,202 sq. ft.