

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

November 8, 2019

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.

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	<u>X</u>	NO
Registered business name confirmed:	YES	<u>X</u>	NO
Applicant in good standing confirmed:	YES	<u>X</u>	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

DAVID Y. IGE



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Boating and Ocean Recreation
4 Sand Island Access Road
Honolulu, Hawaii 96819

November 8, 2019

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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 with 2 columns: Field Name and Description. Fields include Project Name, Location, Project Start/End, Project Approval(s), Project Description, HRS § 343-5 Trigger(s), Exemption Class No(s), and Analysis re: Application of Exemption(s) to the Proposed Action.

<p>Previous Determinations and Exemption Notices? (see HAR §11-200.1-11 and -12)</p>	<p>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.</p>
<p>Adverse Cumulative Impacts to Receiving Environment? (Particularly sensitive environment?)</p>	<p>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.</p> <p>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.</p>
<p>Other Considerations?</p>	<p>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.</p>
<p>Analysis:</p>	<p>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.</p>
<p>Consulted Parties re: Propriety of Exemption:</p>	<p>Oahu Land Division was consulted and concurred with respect to the HRS Chapter 343 exemption.</p>
<p>Declaration</p>	<p>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.</p>

Exhibit A-1

HBM, LLC RP 39 at Ala Wai Small Boat Harbor



Exhibit A-1

Exhibit A-2

Ala Wai Small Boat Harbor



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

Exhibit A-2