STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

Division of Boating and Ocean Recreation Honolulu, Hawaii 96819

December 13, 2019

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

Land Board Members:

SUBJECT: RENEWAL OF 34 REVOCABLE PERMITS ON THE ISLANDS OF

HAWAII, MAUI AND OAHU, SEE EXHIBIT D FOR LIST OF

REVOCABLE PERMITS.

AND

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

ADMINISTRATIVE RULES.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject action is exempt from the preparation of an environmental assessment pursuant to 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." 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".

Staff has consulted with and received concurrence from the Oahu District Land Office regarding HRS Chapter 343 exemption.

BACKGROUND:

Staff is requesting the renewal of 34 permittees listed in **Exhibit D**. The permittees for renewal are located at Honokohau Small Boat Harbor, Mala Wharf, Lanikai Beach and Kaneohe Bay.

At its meeting held on February 22, 2019, under agenda item J-3, the Board approved 33 RP's for pavilions at Honokohau Small Boat Harbor (HSBH). The listed HSBH RPs will expire as of March 31, 2019. There has been no change in the use or area of these RPs. See **Exhibits A**, **A-1**, **A-2**, **A-3** and **A-4**.

At its meeting held on December 9, 2016, under agenda item J-3, the Board approved an RP for A&K Ventures, LLC for purposes of landscaping maintenance, storage of small boats and trailers and other activities (See **Exhibit B-1**). The Board renewed the RP at its meetings held on January 12, 2018, under agenda item J-8 and February 8, 2019, under agenda item J-3.

The Board action dated November 9, 2018, item J-12, approved the sale of lease at public auction for the area currently encumbered by RP No. 47 issued to A&K Ventures, LLC. In the course of preparing the lease, the Office of the Attorney General requested that staff return to the Board to amend the prior Board action to include the lease term, upset base rent, percentage rent amount, rent reopening date and a statement that it would not require tenant improvements, which the Board approved at its meeting held on August 23, 2019, under agenda J-3.

This RP expires February 29, 2020. This current RP extension for A&K Ventures, LLC is to provide additional time for the Attorney General's Office to finalize the necessary documents for the sale of a lease at public auction.

At its meeting held on September 14, 2018, under agenda item J-1, the Board approved an RP for Lanikai Canoe Club. Lanikai Canoe Club is a 501(c)(3) and qualifies under HRS §200-20 for storage of canoes on State shoreline areas. This RP expired October 31, 2019. This is an After-the-Fact request.

At its meeting held on January 11, 2019, under agenda item D-7 the Board recommended that LD transfer managerial responsibility of Kaneohe Yacht Club to DOBOR. At that same meeting the Board also approved monthly rental increase to \$1,000/mo. or 10% of gross revenues, whichever is greater. The submerged land was Set-Aside and the RP was transferred to DOBOR by the Board at its July 26, 2019, meeting, under item D-6. LD last renewal was until December 31, 2019. Therefore, the current request is to renew this RP for one-year effective January 1, 2020.

Staff is exploring the possibility of negotiating a direct lease with the Kaneohe Yacht Club. Staff is recommending that this RP be continued to allow them to do so.

REMARKS:

The list of the 34 revocable permits, staff recommends be renewed for one year, is attached as **Exhibit D**. Included in this exhibit is the revocable permit number, permittee names, tax map keys, land trust status, original commencement date, character of use, land area, annual rent and the rationale behind the issuance of each permit. Location maps of the revocable permits are attached as **Exhibits A, A-1, A-2, A-3, A-4, B, B-1, C, C-1, C-2 and C-3.**

It is staff's intent to renew all DOBOR RPs at one time, with a term running from July 1st to June 30th of each year. Staff is not seeking any increase in rent at the present time for the listed RPs. However, staff will seek the appropriate increase for DOBOR's RPs for the period beginning July 1, 2020.

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, Hawaii Administrative Rules, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment; and
- 2. Approve the continuation of the revocable permits listed in **Exhibit D** on a month-to-month basis for another one-year period, from the current end date, to June 30, 2020, except for permits that are in arrears of rental payment for more than 60 days and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental for 60 days or more and/or approved by the Board for forfeiture shall not be renewed; and

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. Hawaii

A-1 Honokohau

A-2 Honokohau

A-3 Honokohau

A-4 Honokohau

B. Maui

B-1 A&K Ventures, LLC

C. Oahu

C-1 Lanikai Canoe Club

C-2 Kaneohe Yacht Club in Kaneohe Bay

C-3 Kaneohe Yacht Club

D. List of Revocable Permits

DAVID Y. IGE GOVERNOR OF HAWAII

and and No



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

December 13, 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 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 & Ocean Recreation (DOBOR) RE: Exempted applicant action as defined by HRS § 343-5(b) and HAR § 11-200.1-15

Project Name:	Renewal of 34 Revocable Permit (RP) on the islands of Hawaii,				
Location (incl. address, island & district; TMK or other geolocation):	Maui and Oahu. See Exhibit D for list of RPs. <u>Hawaii Locations</u> : Honokohau Pavilions See Exhibits A, A-1, A-2, A-3 & A-4 , located at Honokohau Small Boat Harbor (HSBH), North Kona, Island of Hawaii, Tax Map Key (TMK): (3) 7-4-008:003 (POR.).				
	Maui Location: A&K Ventures, LLC, See Exhibit B-1 , located at Mala Wharf, TMK: (2) 4-5-005:019.				
	Oahu Locations: Lanikai Canoe Club, See Exhibit C-1, Seaward of TMK (1) 4-3-007:041, 042, 044, 045, 051, 052, 053 & 066. Kaneohe Yacht Club, See Exhibit C-2 & C-3, Seaward of TMK (1) 4-4-022:032.				
Project Start/End:	Honokohau SBH pavilions April 1, 2020, to June 30, 2020; A&K Ventures, LLC March 1, 2020, to June 30, 2020; Lanikai Canoe Club November 1, 2019, to June 30, 2020; Kaneohe Yacht Club January 1, 2020, to June 30, 2020.				
Project Approval(s):	Continuation of RPs to permittees listed in Exhibit D from BLNR, HRS §171-55				
Project Description:	See Exhibit D for the list of RPs descriptions. See Exhibits A, A-1, A-2, A-3, A-4, B, B-1, C, C-1 & C-2 for maps.				
HRS § 343-5 Trigger(s):	Use of state lands				
Exemption Class No(s).:	This Exemption Notice for the above actions are based on general exemption types enumerated in HAR § 11-200.1, under				
(see general Exemption	Exemption Type(s):				
Types in HAR § 11-200.1-15; or	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.				
if from an approved DLNR Exemption List, cite the class and item)	Also, under DLNR Exemption List reviewed and concurred to by the Environmental Council on June 5, 2015: Exemption List Class 1:				
cite the class and item)	Enterprior Electrone 1.				

Analysis re: Application of Exemption(s) to the Proposed Action: (see HAR §11-200.1-17)	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". The applicants have been responsible permittees of DLNR-DOBOR. The request to renew these RPs would involve no expansion or change in use of the subject locations beyond that previously existing.
Previous Determinations and Exemption Notices? (see HAR §11-200.1-11 and -12)	 At the meeting held on February 22, 2019, under agenda item J-3, the Board approved the use of the fast lands at Honokohau Small Boat Harbor for pavilions to support boating operations and these uses were declared exempt. At the meeting held on December 9, 2016, under agenda item J-3, the Board approved an RP for A&K Ventures, LLC for landscaping, maintenance, storage of small boats and trailers and these uses were declared exempt. At the meeting held on September 14, 2018, under agenda item J-1, the Board approved an RP for Lanikai Canoe Club for the storage of canoes on the beach and this use was declared exempt. At the meeting held on July 26, 2019, under agenda item D-6, the Board approved the set-aside of submerged land (permitted to Kaneohe Yacht Club) to DOBOR and this use was declared exempt.
Adverse Cumulative Impacts to Receiving Environment?	None likely. The pavilion permittees at Honokau Small Boat Harbor have been utilizing the permitted areas for storage and recreation under DLNR-DOBOR RP's since April 1, 2019, without adverse impact.
(Particularly sensitive environment?)	The A&K Venture, LLC has been utilizing the permitted area since March 1, 2017, without adverse impact. The Lanikai Canoe Club has been utilizing the permitted area since November 1, 2018, without adverse impact.
	The Kaneohe Yacht Club has been utilizing the permitted area since August 1, 1977, without adverse impact. Any risk from cumulative impacts for these permitted areas appears negligible. The permitted areas are not particularly sensitive environments, and no known threatened, endangered, or endemic species are impacted by issuance of these short-term permits.

Other Considerations?	In DOBOR's experience, issuance of an RP for the listed uses are unlikely to raise environmental concerns and are likely to
	enhance public safety for the boating public.
Analysis:	Based on its expertise and experience, DLNR/DOBOR believes the proposed actions are routine activities and ordinary functions
	that merit exemption from the preparation of an environmental assessment.
Consulted Parties re:	Land Division - was consulted and concurred with respect to the
Propriety of Exemption:	HRS Chapter 343 exemption.
Declaration:	The Board determines, through its judgment and experience, that the requested actions will individually and cumulatively probably have minimal or no significant effect on the environment, and that the proposed actions are consistent with exemption and therefore declared exempt from the preparation of an environmental assessment.

Exhibit A Honokohau Small Boat Harbor



Exhibit A-1 Honokohau Small Boat Harbor

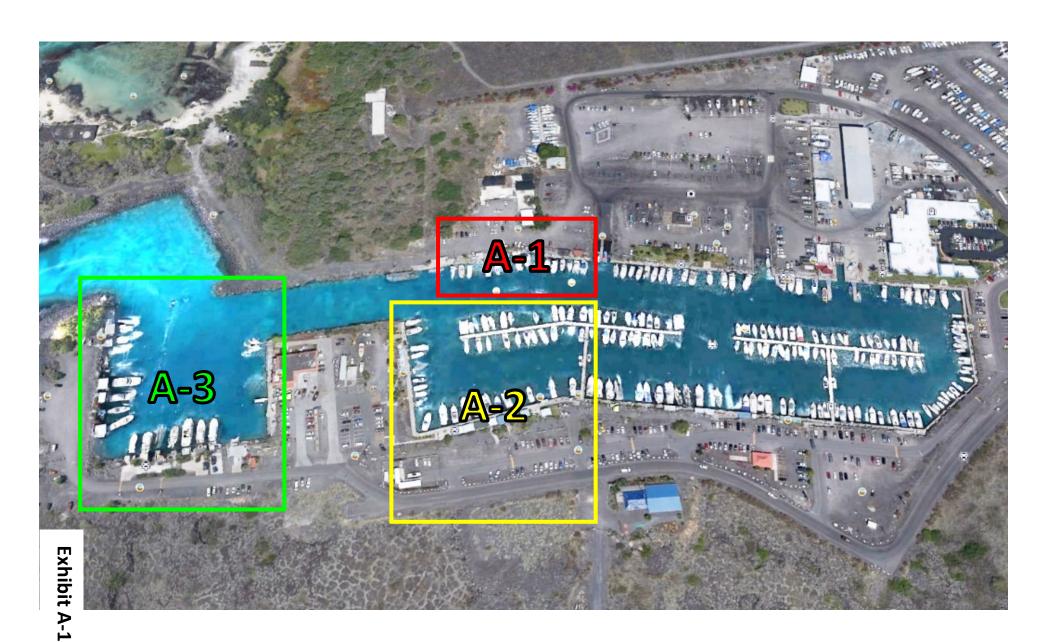


Exhibit A-2
Honokohau Small Boat Harbor

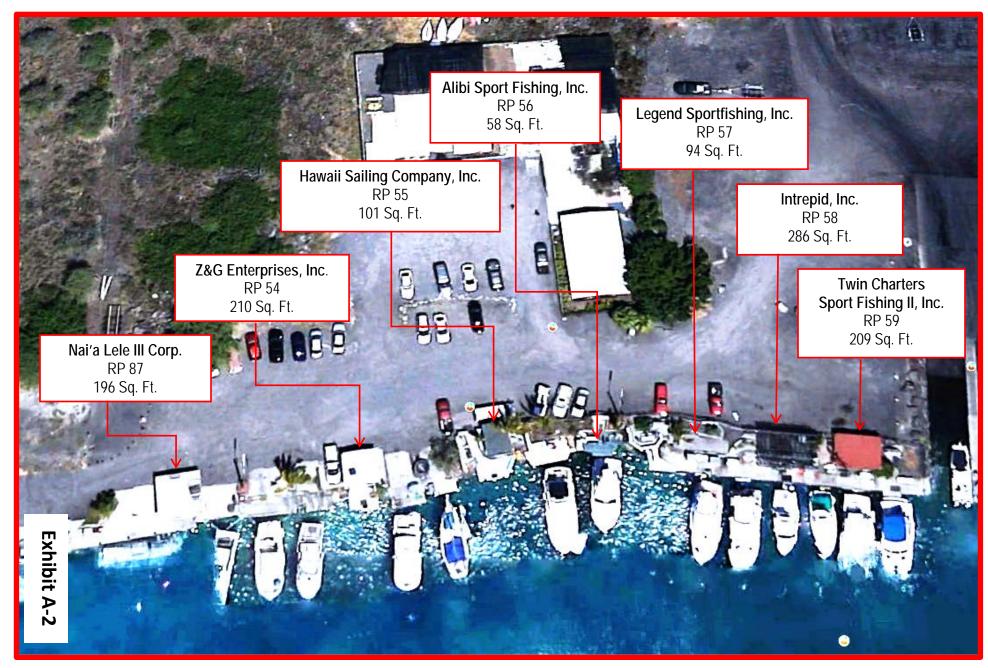


Exhibit A-3 Honokohau Small Boat Harbor



Exhibit A-4 Honokohau Small Boat Harbor

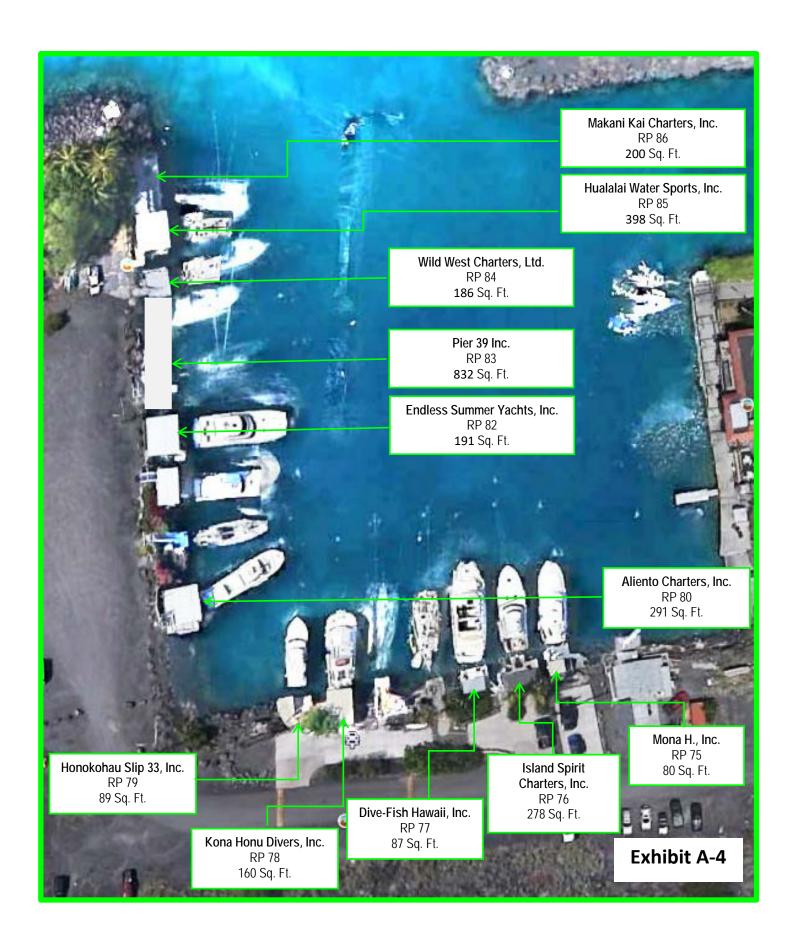


Exhibit B

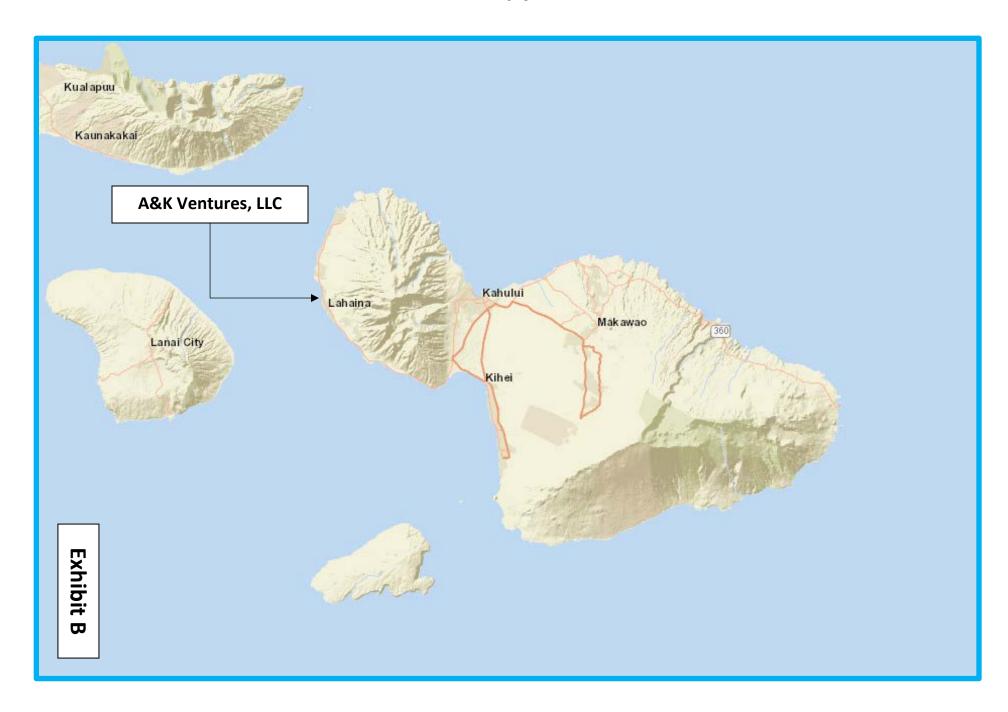


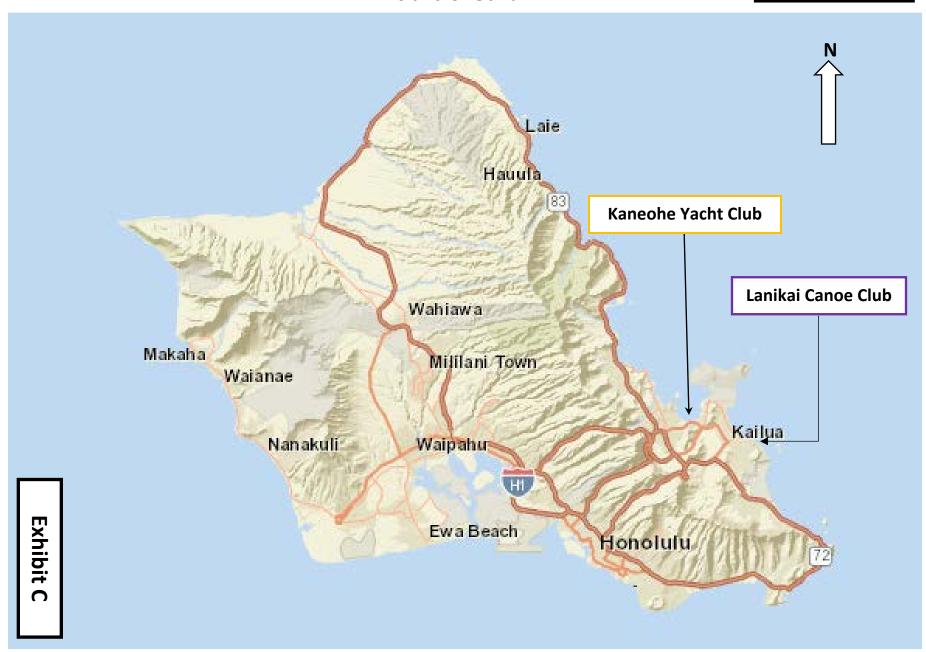
Exhibit B-1

A&K Ventures, LLC – RP 47 18,644 Sq. Ft.



Lanikai Canoe Club & Kaneohe Yacht Club Island of Oahu

Exhibit C



Lanikai Canoe Club RP 53 - 8,800 Sq. Ft.

Exhibit C-1





Kaneohe Bay

Exhibit C-3

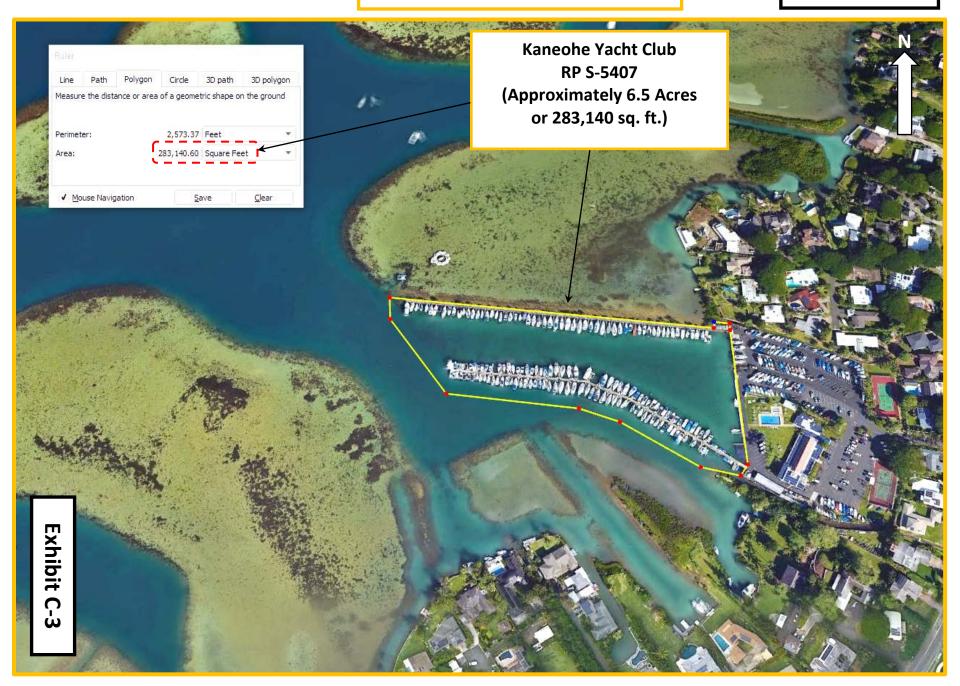


Exhibit D

12-13_Item J-4 Continuation of RPs-Honokohau Pavilions, A and K Ventures, Lanikai Canoe Club and Kaneohe Yacht Club

PERMITTEE NAME	Harbor Location	RP No.	Permit Area Sq. Ft.	Monthly Rent	Annual Rent	TMK/Location	Trust Land Status	Character Use	RP From	Comments
Nai'a Lele III Corp.	Honokohau	87	196	\$98.00	\$1,176.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 3-22-19, Item J-2.
Z & G Enterprises, Inc.	Honokohau	54	210	\$105.00	\$1,260.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Hawaii Sailing Company, Inc.	Honokohau	55	101	\$50.50	\$606.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Alibi Sport Fishing, Inc.	Honokohau	56	58	\$29.00	\$348.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Legend Sportfishing, Inc.	Honokohau	57	94	\$47.00	\$564.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Intrepid, Inc.	Honokohau	58	286	\$143.00	\$1,716.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Twin Charters Sport Fishing II, Inc.	Honokohau	59	209	\$104.50	\$1,254.00	(3) 7-4-008:003 (Por.)/See Exhibit A-2	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Kailua Bay Charter Company, Inc.	Honokohau	74	41	\$20.50	\$246.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Honu Iki, Inc.	Honokohau	73	139	\$69.50	\$834.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Kamanu Charters, Inc.	Honokohau	72	78	\$39.00	\$468.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Hawaiian Bluewater Adventures, Inc.	Honokohau	71	37	\$18.50	\$222.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Cherry's Big Island Charters, Inc.	Honokohau	69	168	\$84.00	\$1,008.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Reel Action, LLC	Honokohau	68	103	\$51.50	\$618.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Lightspeed Hawaii, Inc.	Honokohau	60	216	\$108.00	\$1,296.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Pacific Bluewater Venture, Inc.	Honokohau	61	283	\$141.50	\$1,698.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Bahati, Inc.	Honokohau	62	300	\$150.00	\$1,800.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation		Prior Board approval, 2-22-19, Item J-3.
Holiday Long Range Charters, Inc.	Honokohau	64	263	\$131.50	\$1,578.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation		Prior Board approval, 2-22-19, Item J-3.
Topsall Charters, Ltd.	Honokohau	65	425	\$212.50	\$2,550.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation		Prior Board approval, 2-22-19, Item J-3.
The Cutty Sark II Charter Fishing Corp		66	332	\$166.00	\$1,992.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Illusions, Inc.	Honokohau	67	320	\$160.00	\$1,920.00	(3) 7-4-008:003 (Por.)/See Exhibit A-3	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Makani Kai Charters, Inc.	Honokohau	86	200	\$100.00	\$1,200.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	E/b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 9-13-19, Item J-4.
Hualalai Water Sports, Inc.	Honokohau	85	398	\$100.00	\$1,200.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 9-13-19, Item J-4. Prior Board approval, 2-22-19, Item J-3.
Wild West Charters, Ltd.	Honokohau	84	186	\$199.00	\$2,366.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b) 5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3. Prior Board approval, 2-22-19, Item J-3.
Pier 39, Inc.	Honokohau	83	832	\$93.00 \$416.00	\$4,992.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Endless Summer Yachts, Inc.	Honokohau	82	191	\$95.50	\$1,146.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3. Prior Board approval, 2-22-19, Item J-3.
Aliento Charters, Inc.	Honokohau	80	291	\$145.50	\$1,746.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Mona H., Inc.	Honokohau	75	80	\$40.00	\$480.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-17, Item J-3.
Island Spirit Charters, Inc.	Honokohau	76	278	\$139.00	\$1,668.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Dive-Fish Hawaii, Inc.	Honokohau	77	87	\$43.50	\$522.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Kona Honu Divers, Inc.	Honokohau	78	160	\$80.00	\$960.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
Honokohau Slip No. 33, Inc	Honokohau	79	89	\$44.50	\$534.00	(3) 7-4-008:003 (Por.)/See Exhibit A-4	5(b)	Covered Area Used For Storage and Recreation	4/1/2019	Prior Board approval, 2-22-19, Item J-3.
A & K Ventures, LLC	Mala Wharf	47	18,644	The greater of \$3,614.00 or 10% Gross Receipts	The greater of \$43,368.00 or 10% Gross Receipts	(2) 4-5-005:019/See Exhibit B-1	5(b)	Landscaping, Maintenance, Storage of Small Boats and Trailers	3/1/2017	12-9-16, item J-3, Board approved an RP for A&K Ventures. 11-9-18, item J-12, Board approved the sale of a lease at public auction. 8-23-19, J-3 Board approved the Amendment to specify the term and upset base rent and gross percentage rent, rent reopening and require no improvements. This current RP extension is to provide additional necessary time for the Attorney General's Office to finalize the necessary documents for the sale of a lease at public auction.
Lanikai Canoe Club	Lanaikai Beach	53	8,800	Gratis	Gratis	Seaward of (1) 4-3-007:041, 042, 044, 045, 051, 052, 053, 066/See Exhibit C-1	5(b)	Storage of Canoes on The Beach	11/1/2018	After-the-Fact Renewal. 501(c)(3) outrigger canoe club HRS §200-20. Prior Board approval 9-14-18_Item J-1.
Kaneohe Yacht Club	Kaneohe Bay	S-5407	283,140 Submerge d Land	The greater of \$1,000.00 or 10% Gross Receipts	The greater of \$12,000.00 or 10% Gross Receipts	Seaward of (1) 4-4-022:032/See Exhibits C-2 & C-3	5(b)	For recreational Boat Pier Purposes	8/1/1977	The Board recommended that LD transfer managerial responsibility to DOBOR. The submerged land was Set-Aside and the RP was transferred to DOBOR by the Board 7-26-19, meeting, Item D-6. The Board approved monthly rental increase at its 1-11-19, meeting, item D-7, effective 3-1-19, to \$1,000/mo. or 10% of gross revenues, whichever is greater. LD last renewal was until 12/31/19. Therefore, the current request is to renew from 1/1/20 to 6/30/20.