

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

May 8, 2020 (AMENDED DATE FROM 2019 to 2020)

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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

May 08, 2020

Land Board Members:

SUBJECT: MUTUAL CANCELLATION OF REVOCABLE PERMIT NO 87, TO NAI'A
LELE III CORP.; ISSUANCE OF REVOCABLE PERMIT TO KEAHOLE
POINT FISH LLC. FOR STORAGE AND RECREATIONAL PURPOSES,
HONOKOHAU SMALL BOAT HARBOR, KEALAKEHE, NORTH KONA,
HAWAII, TAX MAP KEY (3) 7-4-008:003. (PORTION)

AND

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

APPLICANT:

Keahole Point Fish LLC, a Delaware, LLC, whose mailing address is, 74-429 Kealakehe Pkwy,
Kailua-Kona, HI 96740.

LEGAL REFERENCE:

Sections 171- 13, 55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Honokohau Small Boat Harbor (Honokohau SBH),
Kealakehe, North Kona, Hawaii, identified as Tax Map Key: (3) 7-4-008:003 (por), hereinafter
referred to as the "Premises" as shown on the attached maps labeled Exhibit A-1 & A-2 and
attached hereto.

AREA:

196 Sq. Ft. more or less.

ZONING:

State Land Use District: Urban & Conservation (portion of parcel along the coastline is in the Resource Conservation Subzone)

County of Hawaii: CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES

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

CURRENT USE STATUS:

Currently encumbered under Revocable Permit No 87, Nai’a Lele III Corp.

CHARACTER OF USE:

Covered area used for storage and recreation.

TERM:

From March 1st, 2020, to February 28, 2021, subject to the approval by the Chairperson.

RENTAL:

The monthly rental for the new revocable permit will remain the same at \$168.00, payable in advance by the first of each and every month, based on an in-house valuation of \$.50 per square foot per month.

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, negligible or no expansion or change of use beyond that previously existing.

Also, under DLNR Exemption List reviewed and concurred to by the Environmental Council on March 3, 2020, Exemption Class 1, PART 1, Item 44, “Permits, licenses, registrations, and

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rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing”.

DCCA VERIFICATION:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

REMARKS:

At its meeting on February 22, 2019, under agenda item J-3, the Board approved the issuance of a revocable permit to Nai’a Lele III Corp., for storage and recreation purposes.

Nai’a Lele III Corp., provided staff with written notice on January 27, 2020, of its desire to cancel its revocable permit due to the fact that they relocated their vessel to a different berth within the harbor. Keahole Point Fish LLC., now occupies their vacated berth and has requested to enter into a revocable permit for the use of approximately 196 sq. ft. of fast lands adjacent to Slip #A-4 for recreational and storage purposes.

A revocable permit is the appropriate disposition because a long-term disposition is not practicable due to the nominal rental the permit generates.

Staff requests the Board waive the requirement that Nai’a Lele III Corp. conduct a Phase 1 environmental site assessment report as revocable permit No. 87, was used for storage and recreation purposes only.

RECOMMENDATION:

That the Board of Land and Natural Resources:

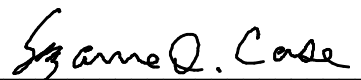
1. Declare that after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Cancellation of Revocable Permit No. 87 issued to Nai’a Lele III Corp.
3. Authorize the issuance of a revocable permit to Keahole Point Fish LLC. under the following conditions:
 - a. The standard terms and conditions of the most current Revocable Permit form, as may be amended from time to time; and

- b. Review and approval by the Department of the Attorney General.
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;
- d. Waive requirement for a Phase 1, environmental site assessment.
- e. The applicant shall accept the land and improvements thereon in ‘AS IS WHERE IS’ condition with all faults and defects, whether latent or patent, and release, indemnify and hold the State harmless from any liability arising from applicant’s use of the premises.

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:
Exhibits A-1 & A-2 Honokohau Small Boat Harbor Map Location

Exhibit A-1

**Honokohau
Small Boat Harbor**



Exhibit A-2
Honokohau Small Boat Harbor



Keahole Point Fish
LLC

Pavilion: Slip A-4
12'x16.33'=196 sf

Exhibit A-2