

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i

February 26, 2021

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Island of Hawai'i

REQUEST FOR ISSUANCE OF A REVOCABLE PERMIT TO HANALIKE OHANA, LLC DBA MOANA OCEAN ADVENTURES TO MOOR A DOUBLE HULLED CANOE AND USE NAPO'OPO'O LANDING FOR EMBARKING AND DISEMBARKING OF PATRONS FOR COMMERCIAL TOURS AT KEALAKEKUA BAY STATE HISTORICAL PARK (KBSHP), SOUTH KONA, HAWAII ISLAND, TAX MAP KEYS (3) 8-2-004:015, SEAWARD OF 8-1-010 AND 011; 8-2-002, 004, 005, AND 006.

APPLICANT:

Hanalike Ohana, LLC dba Moana Ocean Adventures a Hawai'i limited liability company

LEGAL REFERENCE:

Chapters 184 and 171-55 Hawai'i Revised Statutes, as amended, and Chapter 13-146 Hawai'i Administrative Rules.

LOCATION:

Kealakekua Bay State Historical Park (KBSHP), South Kona, Hawai'i, Tax Map Keys (3) 8-2-004:015, SEAWARD OF 8-1-010 AND 011; 8-2-002, 004, 005, AND 006, as shown on the attached map **Exhibit A**.

AREA:

Please see attached Exhibit A.

STATE LAND USE DISTRICT:

Marine Life Conservation District (MLCD) (Exhibit A).

CURRENT USE STATUS:

Encumbered by Governor's Executive Order 4424 setting aside land and water for Park purposes and to be under the control and management of the Division of State Parks (DSP).

CHARACTER OF USE:

Mooring of a double hulled canoe, use of Napo'opo'o Landing for passenger access and the conducting of commercial cultural interpretive tours on the waters of Kealahou Bay State Historical Park, and to embark and disembark patrons at Kealahou Bay State Historical Park.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

TERM OF LEASE:

Month-to-Month.

MONTHLY RENTAL:

\$6.00 per linear foot of the vessel length or five percent (5%) of total gross revenue, whichever is greater.

SECURITY DEPOSIT:

One thousand and no/100ths Dollars (\$1,000.00) on file.

CHAPTER 343 ENVIRONMENTAL ASSESSMENT:

In accordance with Hawai'i Administrative Rules ("HAR") Sections 11-200.1-15 and the Exempt List for the Department of Land and Natural Resources concurred by the Environmental Council on March 2, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change or use beyond that previously existing," Part 1, item 41 that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing." **See Exhibit B.**

DCCA VERIFICATION:

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

REMARKS:

Background:

Gordon Leslie and Eddie "eke" Keli'inohomoku are the current joint owners of Hanalike Ohana, LLC dba Moana Ocean Adventures. They have held the revocable permit for the last year and would like to continue to provide this experience to patrons. Hanalike needs access to the Napo'opo'o Landing for commercial patrons to board this canoe – rather

than a special use permit for just mooring and transiting the bay. Due to the master planning process and EIS, a long-term concession lease for the Napo'opo'o Landing for commercial rentals of kayak, canoes, etc. is not appropriate. This revocable permit for canoe tours is a good method to continue to test the viability of this activity. DSP is interested in establishing this new interpretive commercial activity to reintroduce the use of a canoe in the KBSHP and in so doing determine the feasibility of this method and vessel type to reduce kayak use.

In 2020, Hanalike Ohana suspended their operation for most of the year due to rough sea conditions and covid distancing rules. As such the Ka'awaloa double-hulled canoe was removed from Kealahou Bay early in 2020 and placed in storage to protect the vessel. With the new year and hope, Gordon and Eddie would like to begin to offer visitors the opportunity to experience riding in Ka'awaloa while providing cultural interpretive tours on the waters of Kealahou Bay.

RECOMMENDATION:

That the Board approves:

1. Determine that in accordance with Hawai'i Administrative Rule Sections 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Hanalike Ohana, LLC covering the subject area for the Ka'awaloa, double hulled canoe to moor to the existing anchor and to utilize Napo'opo'o Landing for the embarking and disembarking of patrons under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.
 - d. Recommend the monthly rent be reduced from \$500/mo. and 5% of total gross receipts whichever is greater to \$6.00 per linear foot of the vessel length or five percent (5%) of total gross revenue, whichever is greater

Respectfully submitted,



Curt A. Cottrell
Administrator
Division of State Parks

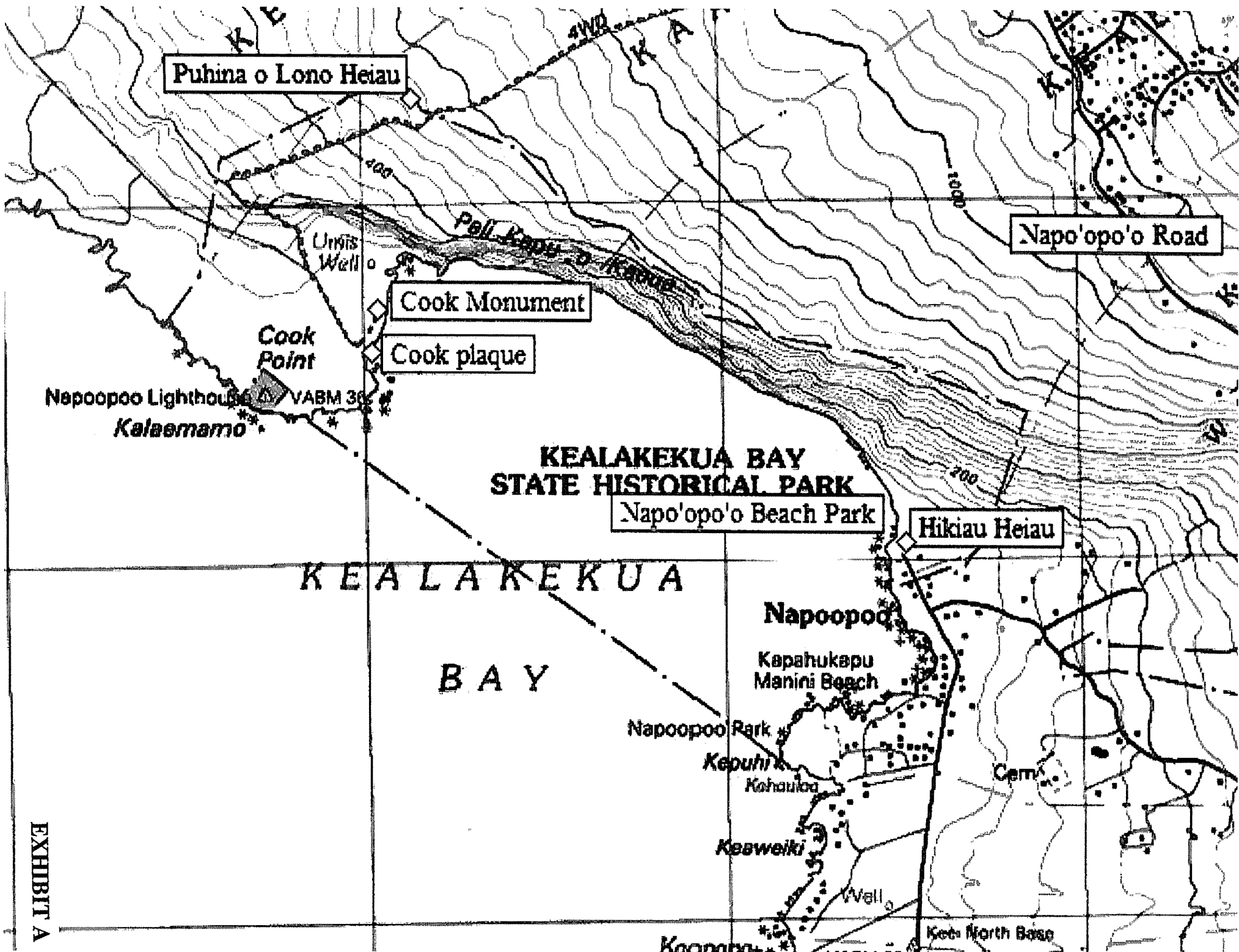
APPROVED FOR SUBMITTAL:

Suzanne D. Case

SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

EXHIBITS:

Exhibit A: Maps of Bay
Exhibit B: Exemption Notification
Exhibit C: 11/30/2012 BLNR Item J-1 Minutes and Submittal
Exhibit D: Position of mooring
Exhibit E: Photo of mooring (anchor)
Exhibit F: History of Leslie 'Ohana and canoe information
Exhibit G: Drawings of the canoe Ka'awaloa



Protecting Kealakekua Bay

Kealakekua, the largest bay along the Kona coast, is home to nai'a (spinner dolphins) and a diversity of marine life. The Marine Life Conservation District (MLCD) protects these special and fragile resources. You can help by not feeding the fish and staying away from the coral and dolphins.

Protecting Ka'awaloa

The cove and lands of Ka'awaloa around the Captain Cook Monument are important cultural places. View the monument from the water and refrain from walking onshore. There are no restrooms available at this time.

Subzone B

Fishing with hook-and-line or thrownet is allowed. All other fishing and the taking and injuring of marine life are prohibited.

Subzone A

Fishing, taking, and injuring of marine life are prohibited. Anchoring of boats is also prohibited in this subzone.

Enjoy the Bay Safely

Boaters and swimmers should exercise caution before entering the bay. What looks like a small swell offshore can become dangerous as it approaches the shore. Watch wave patterns for at least 10 minutes before entering the ocean. Know your limits. Stay out of the ocean if you cannot swim.

The Bay is Our Home



Nai'a (Spinner Dolphins)



Coralflower Coral



Lau'i pala (Yellow Tang)



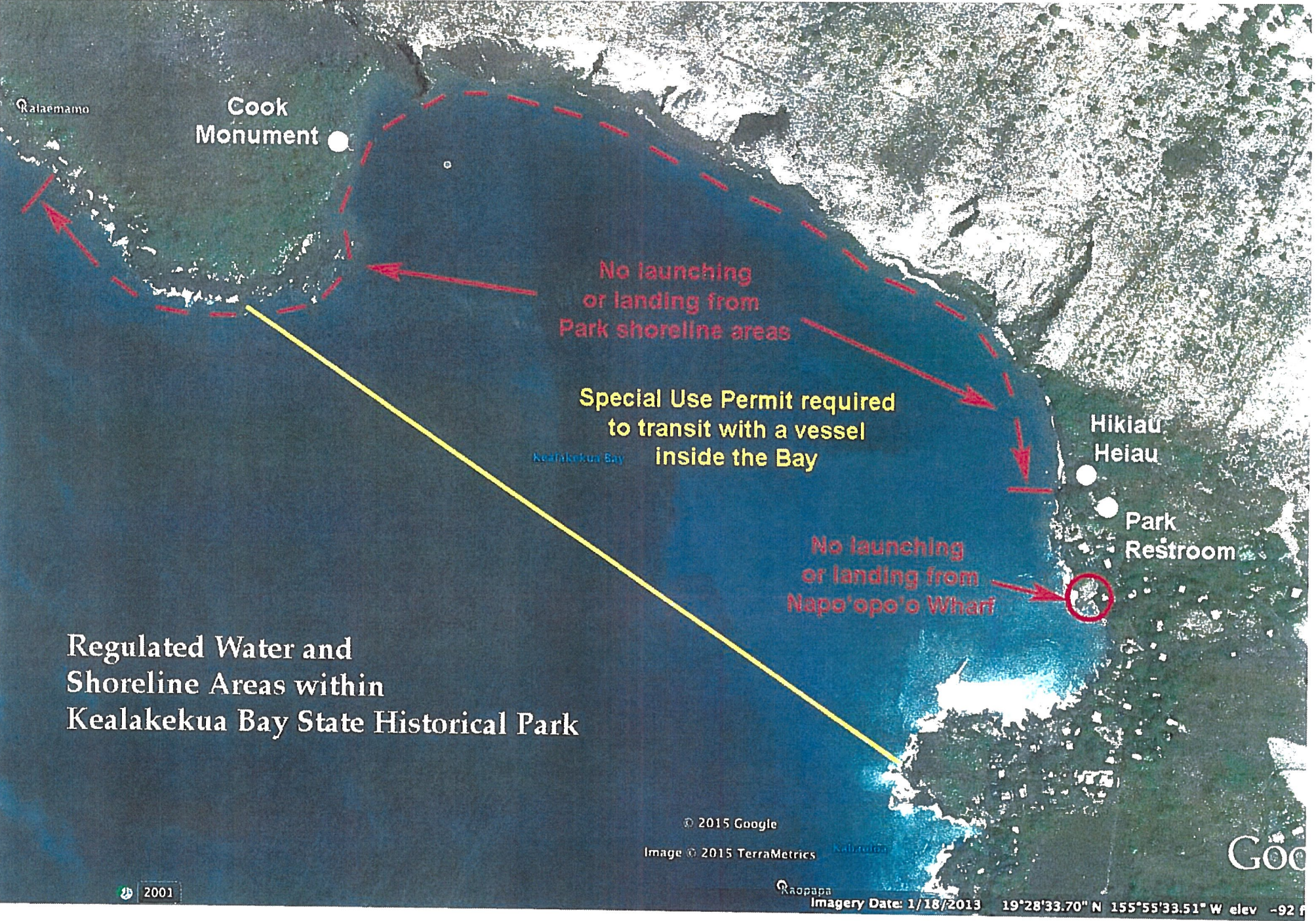
Ha'u'uke'uke (Pencil Urchin)



Kealakekua Bay State Historical Park

STATE OF HAWAII / Department of Land and Natural Resources / Division of State Parks





Cook Monument

No launching
or landing from
Park shoreline areas

Special Use Permit required
to transit with a vessel
inside the Bay

Hikiau
Heiau

Park
Restroom

No launching
or landing from
Napo'opo'o Wharf

Regulated Water and
Shoreline Areas within
Kealahou Bay State Historical Park

© 2015 Google

Image © 2015 TerraMetrics

Raopapa

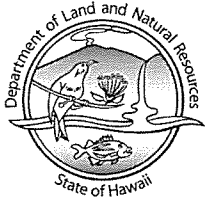
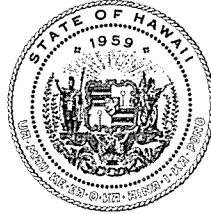
Imagery Date: 1/18/2013

19°28'33.70" N 155°55'33.51" W elev -92 f

Go

2001

DAVID Y. IGE
GOVERNOR OF
HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
KAIHIOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR.

Project Title:	Request for Approval of Revocable Permit to Hanalike Ohana, LLC dba Moana Ocean Adventures at Kealakekua Bay State Historical Park
Project Number:	SP-0553
Project Location:	Kealakekua Bay State Historical Park Tax Map Keys: (3) 8-2-004:015, seaward of 8-1-010 and 011; 8-2-002, 004, 005, and 006 and indicated on the maps attached hereto.
Project Description:	Revocable Permit
Chap. 343 Trigger(s):	Use of State Land In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council of June 5, 2015, the subject request for amendment to general lease is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1 Item 47, "Leases of State land involving negligible or no expansion or change of use beyond that previously existing."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the requested location has been used for same use since July, 2019.
Analysis:	Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.
Consulted Parties:	A copy of the memo to the chair, including this attachment, in draft form was transmitted to Division of Boating and Ocean Recreation and Division of Aquatic Resources for review and comment.
Recommendation:	That the Board find this project will have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

**MINUTES FOR THE
MEETING OF THE
BOARD OF LAND OF NATURAL RESOURCES**

DATE: FRIDAY, NOVEMBER 30, 2012
TIME: 9:00 A.M.
PLACE: KALANIMOKU BUILDING
LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813

Chairperson William Aila called the meeting of the Board of Land and Natural Resources to order at 9:07 a.m. The following were in attendance:

MEMBERS

William Aila, Jr.
Jerry Edlao
Rob Pacheco

Dr. Sam Gon
David Goode
John Morgan

STAFF

Dan Quinn/PARKS
Ed Underwood/DOBOR
Randolph Lee/SHPD

Curt Cottrell/PARKS
Russell Tsuji/LAND
Dickie Lee/ENG

OTHER

Pam Matsukawa, Deputy Attorney General
Geoff Hand, E-1
Frank Carpenter, E-1
Iwa Kalua, E-1
Uncle Joe: E-1, J-1
Bob Masuda, J-1
Coline Aiu, J-1
Mitch D'Oliet, D-7
Pua Kaulukukui, D-8

Calvert Chun, M-3
Brock Stratton, E-1
Mendy Dant, E-1
Gordon Leslie: E-1, J-1
Joan Cash, E-1
Kila DeMello, J-1
Sparky Ewing, J-1
Carl Schlack, D-7
Michael Chinaka, E-2

{NOTE: Language for deletion is [bracketed], new/added is underlined.}

Mr. Quinn clarified on what was discussed earlier of having too many kayaks at Ka'awaloa the concept was and still remains to stagger the commercial tours so that not everybody is there at the same time. This was a schedule that worked out at the time of the 4 permits. We will need to restructure that so that not all the commercial tours are there at the same that staff recognizes the physical and it's practical to limit landing should be at Ka'awaloa.

Mr. Quinn reported on Kawainui Marsh where the use was in place when the property was purchased and remained there when it came to State Parks. He pointed out Quarry Road on the back side of Kawainui Marsh which is mostly flatlands while in ancient times would be fast lands. Most is under the jurisdiction of State Parks. This area was used under an RP for raising cattle and horses, but is inconsistent with the Division moving forward for the Master Plan use here. A number of Hawaiian organizations are interested in activities there and a cultural type center, but that is in flux. At this point it needs to be consistent with the Land and Water Conservation Fund intent to purchase the land or the future issuance and is something staff recommends is not renewed at the end of this calendar year.

Joan Cash distributed her written testimony and testified from it and related her family's horse stable history at Kawainui Marsh for over 40 years and that they acquired a lease from Kaneohe Ranch in 1964. They always knew the property was not theirs, but to respect it as though it was. She related how her family has been the eyes and ears of the Marsh and assisted many times during car accidents and calling police when needed. They would be considered caretakers in the LWCA Handbook. They were told to vacate by December 31, but she asked for an extension of 1 more year because of the hardships they experienced this year – husband was in the hospital and savings depleted due to hospital bills, but their taxes and insurance are paid up for the coming year. There is a lot they need to do to bring everything back to its natural state. Although, they were cited for different things there is an answer that justifies it. Mrs. Cash has been involved with the Master Plan team and when they were told no horses or cattle they turned to the cultural and related the cultural knowledge of a woman's group.

Member Morgan asked that as landowners it is understood and would you characterize the permittees as good stewards of the land with a big clean up in December and costs associated with that. Mr. Quinn confirmed that there will be costs and explained the removal of ranch type structures. Member Morgan asked whether they could do bench marks in doing a clean-up. Would something like that be possible? Mr. Quinn acknowledged that it is possible, but the waste disposal (cess pool) has to be rid of. This is a non-action item and should the Board ask staff to come back at the next meeting which they will with the routine renewals and should there be a desire of the Board to reconsider to put into a submittal than they will.

Member Edlao said that we should work with the permittees to do some of the clean-up to minimize the cost to staff, set a timetable and come back with a plan to reconsider.

Member Pacheco pointed out that revocable permits (RP) are month-to-month permits and don't extend to a year.

Item J-1 Petition of Gordon Leslie for the Issuance of a Regular Mooring Permit for Kealakekua Bay, Hawaii

Written testimonies from Edward Teixeira, Hana Like, Inc. and Joseph Spencer were distributed to the Board.

Ed Underwood representing Division of Boating and Ocean Recreation (DOBOR) related some history on item J-1 where DOBOR continued issuing the same conditions on the mooring permit as the special use permit. In 2007, an attorney called asking to transfer the corporation into another individual's name as well as all use permits. Staff said they couldn't because that would be in violation of the Hawaii Administrative Rules (HAR) and there was an opinion written by one of our Deputy Attorney Generals (AG) regarding the transfer of fishing corporations. May 9, 2012, staff received documentation that Hana Like, Inc. was transferred into Gordon Leslie's name and became the owner of the Hana Like corporation and staff informed them that they cannot allow this to transfer because it's in violation of the rules. Staff gave Charles Leslie who was running the business an opportunity to change everything back to what it was in the mooring permit. Charles Leslie e-mailed that he had transferred out his interest and is no longer a part of it and doesn't want anything to do with it any more. Staff cancelled the regular mooring permit to Hana Like, Inc. for the commercial fishing vessels moored at Kealakekua Bay. There really hasn't been any commercial fishing vessels moored at or actively run out of the Bay either. The last they saw an outrigger canoe was moored in the Bay, but he doesn't believe it belonged to this corporation and belonged to another individual. In light of recent events the Department is transferring the jurisdiction of Kealakekua Bay back to State Park's jurisdiction and would be more prudent for State Parks to come back before you if they deem another special use permit should be issued to this corporation for commercial fishing. Staff is asking to uphold our decision to cancel the mooring permit for Hana Like, Inc. because they transferred the business.

In conversations between Member Morgan and Mr. Underwood on whether there is no commercial fishing with this boat. There is no boat in the Bay and that there is a mooring, but no boat attached to it. If they lost the mooring what would happen to the boat which is the hard part with the way the Boating rules are written that regular mooring permits are non-transferable and once they are lost they go to the next person on the wait list. We do not have a wait list for Kealakekua Bay because this was a special permit that was issued. Because the jurisdiction is transferring the petitioner could come back and work with State Parks with what is going on in the Bay to determine whether another mooring should be offered for there.

In discussions between Member Pacheco and Mr. Underwood on whether there are any other moorings on the Napo'opo'o side of the Bay besides Fair Wind. Those are the only 2 authorized permanently in the Bay.

It was questioned by Member Gon whether in 2007 action to transferring the mooring permit was denied was it staff or Board action and Mr. Underwood said it was staff action.

Member Pacheco pointed out that we didn't have a copy of the cancelled mooring permit, but there is the SUP that the conditions will roll over for 2 fishing vessels and Mr. Underwood acknowledged that is correct. There was more discussions between Member Pacheco and Mr. Underwood that in the second paragraph of the submittal that last sentence where you are quoting the word "permittee" which Member Pacheco read an heir of the permittee that if he died it would be bequeath to his son. What does it mean by heir? If you were the permittee and

passed it would only go to your wife decreed in a will or your personal partner. Since the EO is going over DOBOR will no longer administer that mooring and would that be the same with the other mooring which it is. DOBOR will be working closely with State Parks on the management of that and will give State Parks the conditions in their permits to mirror. Staff will have to bring the Fair Wind back to the Board too. State Parks would have to do a SUP which is correct.

It was asked by Member Gon that by the advice of the Attorney General's office we cannot legally transfer the permit which is correct per Mr. Underwood who said the statute needs to be amended. Staff put it through, but it never made it out of committee at the Legislature.

Member Pacheco related a similar situation with a family at Honokahau where the father was ill and wanted to transfer to the son and asked that was when the opinion came out. Mr. Underwood said that people were forming these fishing corporations as a means to selling their slips. They weren't engaged in fishing at all and staff had complaints why they are allowing this to happen and that was when they got the formal opinion. The rules allow for a one time change from a personal to a business entity. A corporation to protect themselves, but doesn't allow it to continually change after that for boating.

Gordon Leslie apologized that he wasn't able to get his hard copy of testimonies to the Board until now. Setting up for his video presentation.

Bob Masuda testified that he is a friend of the Leslie family. Gordon Leslie is here for the continuance of the SUP that State Parks rules and DOBOR's are 2 different things. The Board should deal with only the SUP and not the administrative rules today. The regulations have to do with commercial harbors like Honokahau and not with this culturally significant place. There was some discussions between Member Pacheco and Mr. Masuda that the Board member agrees with him, but one of the things they are charged as Board members is that we have rules and statutes and cannot contradict those that the solution may not be the right solution, but we have rules...The Board has the authority to grant SUPs having done so in the past and to continue that. It has nothing to do with the DOBOR regulations that DOBOR is quoted. The Board member is fine with the permittee coming back for an SUP, but what is on our agenda today is DOBOR's decision to uphold the transfer from. The DOBOR mooring permit can't happen because it is a separate issue which is what Mr. Masuda is saying. A SUP is one issue and one jurisdiction and the DOBOR regulation quoted is another issue in another jurisdiction. Member Morgan pointed out that will come back to the Board in a different submittal. Mr. Masuda said the Board can make that recommendation for staff to come back for the SUP. Have the mooring continue because the rules have a different set of circumstances.

Mr. Leslie said that the video is a condensed version of the packet before you and he started the video presentation. In the video, this is not just a DOBOR mooring permit, but a continual mooring system since 1911 where the presentation related Mr. Leslie's family history and background to Kealahou Bay. The mooring system was created by his grandfather and the family fishing business changed to be fishers of men. The video mentioned the CDUA proposal, DOBOR's suggestion, the Adhoc Committee, creating the management plan for the area, the reconstruction and RP at Ka'awaloa and the Department's changes to the plan. There were

numerous operators in Kealahou Bay. His team pleads for the Board to continue this process and wants some dialogue with staff.

Mr. Masuda introduced himself as the former First Deputy for DLNR having worked on the issues concerning the Kealahou area and became a friend of Gordon Leslie. Mr. Leslie was one of the most responsible, culturally active community leaders that engaged staff to improve public safety, cleanliness and atmosphere of the area and Mr. Leslie coordinated with the community elders encouraging their participation in public hearings for the planning of and protection of Kealahou Bay and surrounding areas. Mr. Masuda is grateful for Mr. Leslie's unselfishly volunteering who loves Hawaii and can connect young people to nurture our environment to give us sustenance with the Hawaiian belief of stewardship. Mr. Masuda asked to support the continuation of the Leslie and Kaniau 'ohana to continue as responsible stewards with the aid of a continuing special use permit allowing of such vessel critical to their work and service.

Kila DeMello testified that she is from the village of Napo'opo'o and is part of the Leslie 'ohana. Other than the recommendation of staff, Hana Like was born as a family entity/corporation in 1979 noting that Gordon Leslie is an heir to Hana Like and the mooring belongs to Hana Like and it's all inter-related. She doesn't think you can apply your Western principles here saying there is no paperwork saying he is an heir, but he is an heir – it is a family corporation. It's the matter of the wording.

Member Pacheco said even if they were able to transfer the mooring permit that permit is for a fishing vessel and Ka'awaloa is not meant for a fishing vessel and is meant for a different purpose. If you wanted to have a legitimate permit to operate Ka'awaloa then you would need a different permit than the one Hana Like has. Ms. DeMello agreed and asked even with a new SUP, a new permit and somewhere in there they need to continue the legacy of the Kaniau/Leslie 'ohana because it's been 101 years that the same family has used the same mooring system. It shrank from 9 down to 2, but it's still part of the same system. It's a legacy and Native Hawaiian thing and shouldn't be allowed to drop by the wayside.

Member Gon said he appreciated that and pointed out that it not only includes heirs, but executors and administrators and wondered if any 'ohana considers themselves administrators of Hana Like. He sees the administrator as one possible mode of continuity of the legacy although the purpose of the SUP needs to be adjusted and a good opportunity to do that under State Parks. Ms. DeMello said Chuck was the administrator.

Mr. Leslie said on the transferability, from 2005 he did all the paperwork for the boat at Ka'awaloa and used to mark it commercial fishing. Two years ago he marked it commercial tours, but the district manager said your commercial fishing, but he said they only fish for the table and she checked it pleasure and he left it at that. Year later the district manager said you cannot transfer a pleasure boat and that is why they are here now. He explained the situation with that his brother felt up against the wall and he said do what you got to do. Chair Aila said it had more to do with the procedures under the DOBOR rules and the district manager had no other alternative, but to do that which brings us to the measure today which is to act on the DOBOR rules. You are asking us to consider under State Parks, right and Mr. Leslie

acknowledged that. He wasn't aware of the DOBOR rule verbage because they were under State Parks before, otherwise he would have looked into it.

Member Pacheco asked that he had the Ka'awaloa mooring since 2005, but it's not there now and is in dry dock. Mr. Leslie acknowledged that.

Uncle Joe related some history with Gordon Leslie on Sea Flight and Hokuleia. When we change the way we look at things affects the way we look at change. When you see there is no fish in the Bay does that mean there is no more fishing in the Bay? No, there is still fish in the Bay, but not as much as before. Sugar and Pineapple was under agriculture and taxed as such and not big business that these are things we need to consider when coming up with our rules and regulations. Consider your beneficiaries of Hawaii. Uncle Joe supports putting back the mooring.

Iwa Kalua testified that it would be wrong to take away their mooring because of the family history that it brings tears to his eyes that a family will lose their permit.

Coline Aiu testified that she is a hula person and not an ocean person, but her family is from Kailua-Kona and they spend a lot of time there that they know Gordon's family. The longevity of a practice really establishes its validity. Rules are important, but the most important because we call this home is we maintain the values, the system of regulation that our kupuna used. Not just the Hawaiian, but for others who came here recognize the excellence of it that they were willing to incorporate it and call Hawaii home. She enjoys the fish. Mr. Leslie is a hard worker and puts himself beyond that line which gets him into big trouble, but where there is a need, a life or where there is endangerment this man is first. This is a process and there is great responsibility, but there is great wisdom in the people who are here and the backgrounds you come from. Things will work out for the best.

Sparky Ewing testified that she is Gordon's classmate from Kona when her father was captain of the Captain Cook boat that took tourists from Kailua Bay to Kealahou Bay. So much of what they have will be lost if we don't keep it good. Keep it safe for the next generation. Kona is a small place and everyone knows the Leslie 'ohana and this village would not be the same if not for this family. She thinks it prudent to allow this stewardship to continue.

Member Gon made a motion for the Board to go into Executive Session pursuant to Section 92-5(a)(4), HRS to consult with our attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. Member Morgan seconded that. All voted in favor.

12:05 PM EXECUTIVE SESSION

12:33 PM RECONVENED

Member Pacheco said that directed to the recommendation action that is before us about transfer of the mooring permit with our Deputy AG we have a strong opinion about that. The permit cannot be transferred. He moved to approve the recommendation. In light of the cultural and

traditional use of that mooring area we would like to see State Parks with Hana Like work on a solution to allow families to continue to use that mooring in whatever manner is appropriate or available under our rules and statutes. Member Gon seconded that.

Member Pacheco related it's between DOBOR and State Parks knowing that the boat is still in dry dock and asked how does temporary mooring permits work or is it feasible to issue one for that mooring or is it highly unusual. Mr. Underwood explained with the boating rules they could issue temporary mooring permit to vessels out there longer than the 3-day rule for 72 hours, but asked what are we issuing it for, just for a mooring? Member Pacheco said he sees that and said he will let his motion stand.

Member Gon said that his seconded of this makes it clear that he supports the Board's direction of the Division of State Parks to work with Hana Like towards a solution that maintains the legacy of the mooring there.

Member Goode asked approximately how long with State Parks with the EO finalizing? Mr. Quinn said that they wouldn't have the authority to issue until before the EO becomes executed and the permit would last as long as the EO is still with State Parks. The pattern of the earlier ones for special use permits (SUP) along the same lines of a revocable permit (RP) which is not to exceed 1 year and they would not do much different in this case. The Chair summarized assuming the EO gets done by January 1, State Parks gets the jurisdiction back and asked is it possible for State Parks to come back with a submittal sometime in January? Mr. Quinn said with a submittal he wouldn't know how fast they can get a permit executed. Chair Aila said a submittal or SUP and Mr. Quinn said yes, I think we can.

Steve Soares said but the vessel could still be banned. Member Gon said that the vessel is in dry dock. Chair Aila said that the vessel will not be banned. Only vessels that don't have permits would be banned during that time per the proposed rules.

Chair Aila asked whether they will be finished with dry dock before January. Mr. Leslie said he can wait. Member Goode said that his question was that he would want to work it out with you right away so that when your boat is ready. Mr. Leslie said he is ready, but he does have some commitment burials this year and he was going to ask the Board if he could get a temporary permit to be on mooring. If in the event everyone says "no" then he will pull it out and that when he hauled out in March he didn't know he wasn't going to go back. If can, can, no can, no can. Chair Aila said that Boating Division has jurisdiction and would be willing through some temporary mooring permit or some miscellaneous permit because we have the ability to do so to take care of those commitments to people to scatter ashes.

Member Pacheco said he didn't want to box State Parks into any type of SUP or anything like that. We take a look at it and the whole context of everything that is going on there and do what is right for the resource. Chair Aila said that the Board is clear in the motion in the cultural legacy in this part of the history of Kealahkekua.

All voted in favor of the motion.

Unanimously approved as submitted (Pacheco, Gon)

Item D-9 Issuance of Direct Lease to Hawaiian Electric Company for Electrical Substation Purposes, Honouliuli, Ewa, Oahu, Tax Map Key: (1) 9-1-17: Portion of 110.

Russell Tsuji, Administrator for the Land Division explained that this originally started as a request to purchase lands out at Kapolei, but when the State sells fee simple there are a lot of hurdles prior with Legislative requirement with majority approval and he did talk to them about a lease and learned the reason they want to build this substation is for a DHHL (Department of Hawaiian Homes Land) project. Under our Statute they are allowed to get a direct lease for a nominal consideration which is before the Board. The HECO representative is here. Also, there is a provision at some point in the future where the substation will be used for other than a government project staff will revisit the rent and maybe prorate it for the amount of the percentage that they serve the private landowner.

Unanimously approved as submitted (Morgan, Gon)

Item D-7 Retain Prior Board Action of May 25, 2012, Agenda Item D-13, Acquisition of Private Lands and Set Aside to Division of Forestry and Wildlife for addition to the Hamakua Wildlife Sanctuary at Kailua, Ko'olaupoko, O'ahu, Tax Map Key (1) 4 -2-003:017, by Denying a Request by Grantor to Revise the Current Deed Document Form.

Written testimony from Kaneohe Ranch was distributed to the Board.

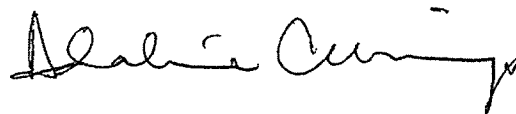
Mr. Tsuji conveyed staff's recommendation is to stay with the prior Board approval referring to page 1 which itemizes 3 things that Kaneohe Ranch requested the Board consider. Staff is looking out for the best interest of the State citing the funding source is a combination of about \$900,000 Federal and \$300,000 State, the appraised value was about \$1.4 million which is fair market value. He had a concern with the environmental indemnification language which is limited in the deed which Kaneohe Ranch is concerned about. It is pasture land.

Member Morgan asked that the recommendation is to deny it and whether the State had granted these in the past to other entities where they accepted a quit claim deed and have they done as requested here. Mr. Tsuji said he can't recall one that granted these 3 requests that there might have been some modification of language in the past, but are worked out with staff and the Attorney General's office. Here it's the title portion general warranty deed and the complete deletion of certain conditions, but they've never done that. The indemnification is caused by the grantor.

Member Gon asked if there is any likelihood to conduct further environmental assessment. Mr. Tsuji said the provision they are referring to is the lender may require it, but that may not happen. The indemnification is something they discover later.


There being no further business, Chairperson Aila adjourned the meeting at 1:30 p.m. Recording(s) of the meeting and all written testimonies submitted at the meeting are filed in the Chairperson's Office and are available for review. Certain items on the agenda were taken out of sequence to accommodate applicants or interested parties present.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Adaline Cummings", written in a cursive style.

Adaline Cummings
Land Board Secretary

Approved for submittal:

A handwritten signature in black ink, appearing to read "William J. Aila, Jr.", written in a cursive style, positioned above a horizontal line.

William J. Aila, Jr.
Chairperson
Department of Land and Natural Resources

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

November 30, 2012

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

PETITION OF GORDON LESLIE FOR THE ISSUANCE OF A REGULAR MOORING PERMIT FOR
KEALAKEKUA BAY, HAWAII

BACKGROUND:

Hana Like, Inc. became incorporated in September 1979. Members cited in the Articles of Incorporation were Henry Andrew Leslie, Jr., Alfred Leslie, Charles Kealoha Leslie, and Henry Leslie III.

In 1991, the Board of Land and Natural Resources (Board) approved the request of the Division of State Parks to issue a Special Use (SUP) Permit to Hana Like, Inc. for the purpose of mooring two commercial fishing vessels in Kealakekua Bay. Section 13 of the SUP stated, "The word "PERMITTEE" as used herein shall include, whenever appropriate, the heirs, executors, administrators of the PERMITTEE. The PERMITTEE is not allowed to assign, transfer, or sell this permit under any condition whatsoever." (Exhibit A)

On July 1, 1991, the boating and coastal areas programs were transferred from the Department of Transportation to the Department of Land and Natural Resources. Act 272 provided that a management team be established to develop the appropriate transitional plans, rework position descriptions, review personnel classifications, develop an organizational structure, and attend to other administrative details so that the newly transferred functions and personnel can be initially operational on July 1, 1992. Subsequent to this action, the management jurisdiction for Kealakekua Bay, Hawaii, was transferred from the Division of State Parks to the newly created Division of Boating and Ocean Recreation (DOBOR). DOBOR then began to issue regular offshore mooring permits to Hana Like, Inc. based on the SUP that had previously been issued by the Board.

On April 13, 2007, the Hawaii District Manager, responded to a request from Michael J. Matsukawa, Attorney at Law, concerning the proposed transfer of the stock from Charles Leslie, Director of the Hana Like Inc., to Gordon Leslie. Mr. Matsukawa was informed that regular mooring permits were non-transferable and that the original SUP issued by the Board was also non-transferable. The request to transfer the regular mooring permit was denied.

Five years later, on May 9, 2012, Gordon Leslie submitted documents dated April 7, 2012 confirming the transfer of 100% of the stock of Hana Like, Inc. held by Charles Leslie to Gordon Leslie. On May 15, 2012, the Hawaii District Manager informed Charles Leslie, in writing, certified mail that Gordon Leslie had brought in documents regarding the transfer of stock of Hana Like, Inc. and that he was informed by harbor staff that the regular mooring permit could not be transferred. Charles Leslie was given an opportunity to rescind the transfer of stock in order to avoid the cancellation of the regular mooring permit. (Exhibit B).

On May 17, 2012, Charles Leslie informed the Hawaii District Manager by email that he had officially transferred all of the stock and ownership of Hana Like, Inc. to Gordon Leslie and had resigned his position as an officer of the company. He no longer had any involvement whatsoever with Hana Like, Inc. He stated that DOBOR do what they need to do with the mooring permit as he is no longer involved with it. (Exhibit C)

On May 21, 2012, the Hawaii District Manager informed Gordon Leslie, in writing, certified mail that based on the response of Charles Leslie the mooring permit which was assigned to Hana Like, Inc. would be terminated effective May 31, 2012 along with the cancellation of Charles Leslie's account. (Exhibit D)

A change of ownership resulted when Charles Leslie transferred 100% of the stock of Hana Like, Inc. to Gordon Leslie and based on the Hawaii Administrative Rules the mooring permit was terminated and the account cancelled. In addition, the SUP conditions initially approved by the Board prohibited the transfer of the permit. Furthermore, the Department of the Attorney General has previously advised in a case involving the transfer of ownership of a fishing corporation resulting in the recreational mooring permit expiring, that the new possessor, transferee, or owner had no right to use the space covered by the use permit. Mr. Gordon Leslie may assume ownership of Hana Like' Inc.; however, he is not entitled to the use of the recreational mooring permit.

RECOMMENDATIONS:

That the Board uphold the DOBOR's action to terminate the regular mooring permit and cancel the account assigned to Hana Like, Inc. for Kealakekua Bay, Hawaii, based on the facts that ownership of Hana Like, Inc. changed and assignment of the regular mooring permit would be contrary to Hawaii Administrative Rules, the SUP conditions initially issued by the Board, and the February 25, 2008 advice letter prepared by the Department of the Attorney General.

Respectfully submitted,



Edward R. Underwood
Administrator

Attachments

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson and Member

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF STATE PARKS

SPECIAL USE PERMIT NO. SP-016

KNOW ALL MEN BY THESE PRESENTS:

THAT, effective this 1st day of June, 1991,
HANA LIKE, INC. whose address is R.R. 1, Box 180, Captain Cook, Hawaii
96704, County of Hawaii, State of Hawaii, hereinafter called the
"PERMITTEE", is permitted to have two (2) mooring sites within
Kealakekua Bay (Bay), South Kona, Island of Hawaii, State of Hawaii,
as delineated on Exhibit "A", attached hereto and made a part hereof,
which mooring sites are hereinafter referred to as the "PREMISES".

THIS SPECIAL USE PERMIT IS GRANTED UNDER THE FOLLOWING CONDITIONS:

1. The term of this Special Use Permit is from June 1, 1991 up to and including May 31, 1992.
2. The PERMITTEE shall only use the PREMISES to moor two (2) company fishing vessels onto two (2) existing single point moorings; or if not approved by the Department of Transportation, to construct an approved mooring replacement(s).
3. The PERMITTEE shall pay to the Department of Land and Natural Resources, hereinafter called the "DEPARTMENT" as compensation for the use of the PREMISES, a monthly fee of \$1.00 per linear foot of vessel for each month's rent as set forth below.
The compensation shall be paid within thirty (30) days after the end of the previous month of operation, and shall be paid at the office of the Division of State Parks, 75 Aupuni

EXHIBIT A

Street, Hilo, Hawaii 96720. Interest on any and all unpaid or delinquent rentals shall be at one percent (1%) per month.

Payments in arrears for more than a month may be cause to have the Permit cancelled. Mooring sites and/or vessels left at the site with arrears payments will be towed, stored, and/or disposed of in accordance with the law.

4. The PERMITTEE, upon the execution of this Permit, shall deposit with the DEPARTMENT, the sum of \$400.00 into an escrow fund to be used by the State in the event the PERMITTEE does not perform proper mooring maintenance. The whole or portion of this deposit will be returned to the PERMITTEE upon termination of this Permit.

The PERMITTEE shall also submit a performance bond of value equal to two (2) months rent.

5. The PERMITTEE shall observe and comply with all laws, ordinances, rules and regulations of the Federal, State, municipal or County governments relating to the operation of vessels and affecting the PREMISES or improvements thereon.
6. The PERMITTEE shall not make, permit or suffer, any waste, strip, spoil, nuisance or unlawful, improper or offensive use of the PREMISES.
7. The PERMITTEE at all times with respect to the PREMISES shall use due care for public safety and agrees to defend, hold harmless and indemnify the State of Hawaii from and against all claims or demands for damages, including claims for property damage, personal injury or death, arising on or about the PREMISES, or caused by any fire or explosion

- thereon, or growing out of, or caused by any failure on the part of the PERMITTEE to maintain the PREMISES in accordance with the terms and conditions of this Permit or caused by any act or omission of the PERMITTEE.
8. The DEPARTMENT does not warrant or represent that the PREMISES are safe or suitable for the purpose intended by the PERMITTEE.
 9. The PERMITTEE understands that there may be dangerous conditions existing in the area covered by this Permit and expressly agrees to assume the risk of personal injury, property damage, or for loss of life or property resulting from, or in any way connected with use of the PREMISES covered by the Permit.
 10. The PERMITTEE, at its own expense, shall procure a policy or policies of comprehensive public liability insurance in the sum of not less than Six Hundred Thousand Dollars (\$600,000) bodily injury and Five Hundred Thousand Dollars (\$500,000) for property damage per occurrence. The policy shall name the State of Hawaii as additional insured.

The PERMITTEE shall furnish the State of Hawaii with a certificate showing the policy to be initially in force and shall furnish a like certificate upon each renewal of the policy, each certificate to contain or be accompanied by an assurance of the insurer to notify the DEPARTMENT of any intention to cancel the policy sixty (60) days prior to the actual cancellation. The procuring of this policy shall not release or relieve the PERMITTEE of its responsibility under this Permit as set forth herein or limit the amount of its liability under this Permit.

11. The use and enjoyment of the PREMISES shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin or physical handicap.
12. In case the DEPARTMENT, the State of Hawaii, or any of its employees (herein collectively referred to as "PERMITTERS") shall, without any fault on their part, be made a party to any litigation commenced by or against the PERMITTEE, the PERMITTEE shall and will pay all costs and expenses incurred by or imposed on the PERMITTERS. Furthermore, the PERMITTEE shall and will pay all costs and expenses which may be incurred by or paid by the PERMITTERS in enforcing the covenants and agreements of this permit, in recovering possession of the PREMISES or in the collection of delinquent rental, taxes and any and all other charges.
13. The word "PERMITTEE" as used herein shall include, whenever appropriate, the heirs, executors, administrators of the PERMITTEE. The PERMITTEE is not allowed to assign, transfer, or sell this Permit under any conditions whatsoever.
14. Wherever used herein, the singular includes the plural, and the neuter gender includes the masculine and feminine genders, unless the context clearly requires otherwise.
15. The PERMITTEE agrees to present proof of Coast Guard certification for the vessels described in this permit to the DEPARTMENT, its officers or agents upon request.
16. No more than Two (2) commercial fishing vessels owned by the PERMITTEE will be moored at any one time under this Permit. The PERMITTEE shall assist the DEPARTMENT in monitoring any illegal moorings or anchorings within Kealakekua Bay and report such unauthorized activities.
17. The PERMITTEE shall allow State personnel to board the vessels

- for inspection of the permit conditions.
18. The PERMITTEE shall maintain the moored vessels in a seaworthy and well-kept condition.
 19. The PERMITTEE shall obtain all permits from other government agencies as may be required. A copy of such permits to be sent to the Division of State Parks, 75 Aupuni Street, Hilo, Hawaii 96720 to be made part of the PERMITTEE's file.
 20. The PERMITTEE agrees that the mooring permit will automatically expire, if the vessel(s) is absent from its assigned site for more than fourteen (14) days, unless permission was obtained by the DEPARTMENT.
 21. The Permittee may surrender this Permit at any time upon giving the Department twenty-five (25) days' notice, in writing, prior to termination of this Permit.
 22. The Department may revoke this Permit for any reason whatsoever, upon written notice to the Permittee at least thirty (30) days prior to the revocation; provided, however, that in the event payment of rental is delinquent for a period of ten (10) days or more, this Permit may be revoked upon written notice to the Permittee at least five (5) business days prior to the revocation.
 23. Should the PERMITTEE fail to vacate the premises upon the revocation of the permit, the DEPARTMENT may enter upon the PREMISES and remove and dispose of, at the PERMITTEE'S cost and expense, all vessels, equipment, materials, and/or personal property remaining on the PREMISES, and the PERMITTEE agrees to pay for all costs and expenses of removal and disposition.
 24. The PERMITTEE understands and agrees that this Permit is temporary in nature and shall not extend beyond May 31, 1992,

unless extended. The issuance of this Permit conveys no future rights or guarantees or in any way obligates the DEPARTMENT to issue future permits.

25. The PERMITTEE agrees to submit in writing two (2) months prior to the annual expiration of this Permit any extension request for consideration by the Board of Land and Natural Resources.
26. Prior to the issuance of the Permit, the PERMITTEE shall furnish the Division of State Parks, Hawaii District Office, with any documents as the Permit and Division may require.
27. The PERMITTEE shall not solicit business or customers within the Bay.
28. The PERMITTEE shall not permit its participants to possess, display, use/consume alcoholic beverages and illegal drugs within the Bay.
29. The PERMITTEE shall not discharge any waste of any kind into the waters of the Bay.
30. The PERMITTEE shall not repair or do maintenance work within the Bay, except for emergency repairs.
31. The PERMITTEE shall not allow any person or persons to occupy or to remain on board the vessels during the night hours or to allow other vessels to use the mooring sites, except during emergencies.
32. The PERMITTEE shall not obstruct or unreasonably interfere with the general public in their normal use of the Bay.

ANY VIOLATION of the conditions set forth hereinabove shall constitute cause for immediate termination of this Permit. This Permit does not give PERMITTEE any vested rights under this Permit other than for the period and under the conditions specified herein and the State expressly reserves the right not to renew this Permit for any reason whatsoever.

STATE OF HAWAII

Approved by the Board of
Land and Natural Resources
at its meeting held on

January 11, 1991

By W. R. Pate
Chairperson and Member
Board of Land and Natural
Resources

And By T. C. Ginn
Member, Board of Land and
Natural Resources

The undersigned understands and agrees to the conditions of the Permit
as set forth hereinabove.

PERMITTEE

By Elizabeth Leslie
Its Sec. - Lesie

APPROVED AS TO FORM

Alvin Watson
Deputy Attorney General

Dated: August 26, 1991

STATE OF HAWAII)
COUNTY OF HAWAII) ss -

On this 13th day of Sept., 1991,
before me appeared Elizabeth Leslie
and _____, to me
personally known, who, being by me duly sworn, did say that they are
the Secretary and Treasurer
respectively of Hana-Like, Inc. and that the seal
affixed to the foregoing instrument is the corporate seal of said
corporation, and that said instrument was signed and sealed on behalf
of said corporation by authority of its Board of Directors, and the
said Secretary and
Treasurer acknowledged that they executed said
instrument as the free act and deed of said corporation.

Therese J. O'Brien

Notary Public, State of Hawaii

My commission expires: 7/15/1995



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HAWAII DISTRICT OFFICE
74-380 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740-2704

BOR-H 080.12

PHONE: (808) 327-3690

FACSIMILE: (808) 327-3675

May 15, 2012

Hana Like, Inc.
Mr. Charles K. Leslie
82-6276 Kahauloa Road
Captain Cook, HI 96704

COPY

Dear Mr. Leslie:

On May 9, 2012, Gordon Leslie brought in documents regarding the transfer of stock of Hana Like, Inc., from Charles Leslie to Gordon Leslie dated April 7, 2012.

Mr. Gordon Leslie was informed of the inability to do so since the permit is a recreational permit. If you refer to your Special Use Permit No. SP-016, number 13, it states: "The 'PERMITTEE' is not allowed to assign, transfer, or sell this Permit under any conditions whatsoever." Please keep in mind that your Special Use Permit was for your fishing vessel and is not to be operated commercially.

In accordance with the Hawaii Administrative Rules, Section 13-231-13, whenever a permittee parts with possession or transfers the title to or interest in the vessel identified in the permit to another person by any arrangement, the use permit shall expire. We have attached a copy of the rules for your review.

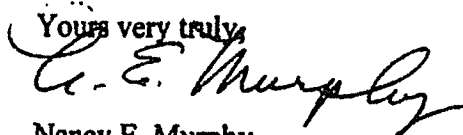
Due to the amount of time that has lapsed since this transaction took place, we will not take any action in canceling your mooring permit today. You will need to provide us with a notarized letter from you that the intended transfer is null and void and reverts back to the original issuance no later than **Friday, May 25, 2012**. Please be aware that any further introduction of co-owners, transfers, etc., will result in termination of your mooring permit.

Enclosed you will find the documents Mr. Gordon Leslie left with our office.

Should you have any further questions please do not hesitate to contact our office. If you would like to meet with me to discuss further, please call to set up an appointment.

EXHIBIT B

Mr. Charles K. Leslie
May 15, 2012
Page 2

Yours very truly,

Nancy E. Murphy
Hawaii District Manager

Enc.

Cc: Gordon Leslie C/O Charles K. Leslie
Boating Administrator
Division of Conservation and Resource Enforcement
Harbor Agent
Account File

SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED



Hana Like Mooring Permit

Chuck Leslie

to:

nancy.e.murphy

05/17/2012 03:52 PM

Hide Details

From: Chuck Leslie <chuckleslie7@gmail.com>

To: nancy.e.murphy@hawaii.gov

Aloha Nancy -

Per our conversation of May 17, 2012, I am writing to let you know the status of my involvement with Hana Like, Inc.

I have officially transferred all of the stock and ownership of the company to Gordon Leslie, and have resigned my position as an officer of the company, too. I no longer have any involvement whatsoever with Hana Like, Inc.

Please do what you need to do with the mooring permit as I am no longer involved with it.

Please let me know if you have any questions. It has been a pleasure to work with you, Pat, Dan and all the staff for all of these years and I wish you the best.

Mahalo nui loa,
Charles K. "Chuck" Leslie
82-6276 Kahauloa Rd.
Captain Cook, HI 96704
home (808) 328-0729
cell (808) 936-1620

EXHIBIT C

NEIL ASHCROFT
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY KAULUKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
EDWARD E. UNDERWOOD
ADMINISTRATOR
DIVISION OF BOATING AND OCEAN RECREATION

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

HAWAII DISTRICT OFFICE
74-380 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740-2704

BOR-H 082.12

PHONE: (808) 327-3690 FACSIMILE: (808) 327-3675

May 21, 2012

Mr. Gordon Leslie
82-6012 Manini Beach Road
Ka'awaloa, Hawai'i 96704

Dear Mr. Gordon Leslie:

We have received a response from Mr. Charles Leslie of May 17, 2012, to our letter of May 15, 2012.

Mr. Charles Leslie has officially informed us that he no longer has any involvement whatsoever with Hana Like, Inc., as he has transferred all of the stock and ownership of the company to you, Gordon Leslie. Mr. Charles Leslie also resigned from his position as an officer of the company.

Please be advised that the mooring permit, H 6319, which was assigned to Hana Like, Inc., will be terminated effective May 31, 2012 along with the cancellation of Mr. Charles Leslie's account.

As stated in my letter of May 15, 2012, you were informed that you would not be able to take over the mooring permit. Also, the Special Use Permit No. SP-016 states: "The 'PERMITTEE' is not allowed to assign, transfer, or sell this Permit under any conditions whatsoever."

In accordance with the Hawaii Administrative Rules, Section 13-231-13, whenever a permittee parts with possession or transfers the title to or interest in the vessel identified in the permit to another person by any arrangement, the use permit shall expire. We have attached a copy of the rules for your review.

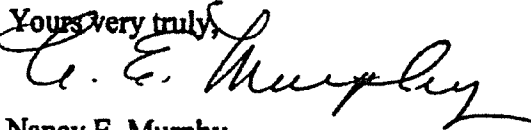
Please be advised that the vessel, HA 2616 CF, must be removed from Kealahou Bay and relocated to private property as soon as possible. Failure to do so may result in impoundment of the vessel and fines. We hope this action will not be necessary.

EXHIBIT D

Mr. Gordon Leslie
May 21, 2012
Page 2

Should you have any further questions please do not hesitate to contact our office. If you would like to meet with me to discuss further, please call to set up an appointment.

Yours very truly,



Nancy E. Murphy
Hawaii District Manager

Enc.

Cc: Charles K. Leslie, 82-6276 Kahauloa Road, Captain Cook HI 96704
Boating Administrator
Division of Conservation and Resource Enforcement
Harbor Agent
Account File

SENT BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Kealahou Bay Marine
Life...

Approximate location of
mooring



Kepuhi

Kealahou Bay
State Historical Park

Napoopoo Pier

160

Puuhonua Rd

Şimşek Malikhanesi

Manini Beach

Manini Beach Rd

160

Napoopoo
Park

Keaweiki

Kona Kay's
Mac-Nut Products

The Aloha House

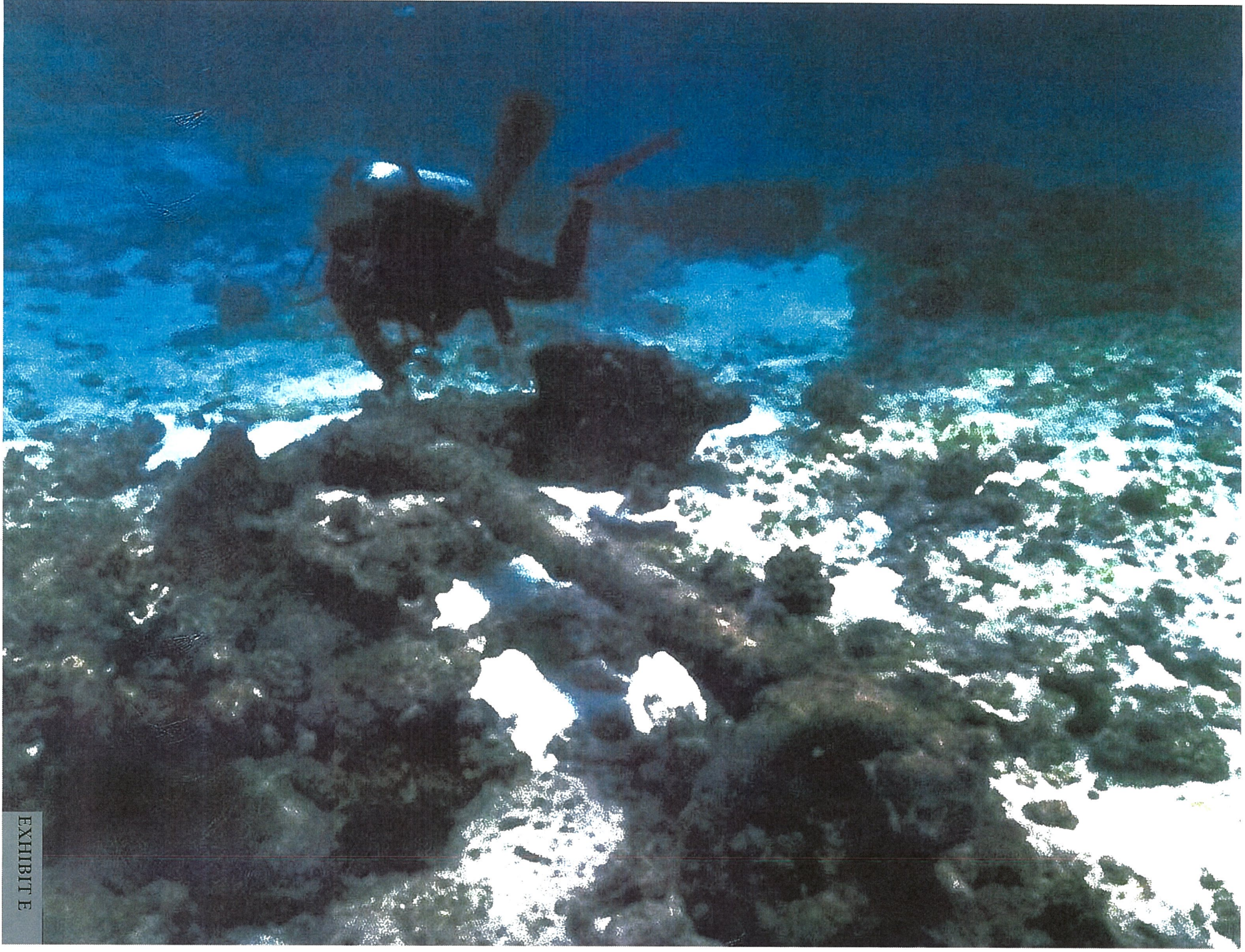


EXHIBIT E

History of Leslie Chana commercial fishing operations in Kealakekua bay. And historical Canoe tour history and information.

We are seeking permission to maintain and use a Mooring system in Kealakekua bay that was deployed by our grandfather in 1911. This mooring system was used to serve the passenger and cargo steamship use, as well as mooring for his fishing sampans. It has been in continual use by our family for the past one hundred years.

I would like to share with you, our family's connection to Kealakekua bay, Ka'awaloa and Napoopoo pier. I want to start by introducing our mother Mary Kaniau Leslie, one of eight children of Paida and Henry Launui Kaniau. She was born and raised in Ka'awaloa, her three brothers are buried in the area of the light house and a great many more of the Kaniau ohana are buried mauka of Haliilua at Kaawaloa. According to state records, my mother's family was the last native Hawaiian family to live at Awili Ka'awaloa. After the bombing of pearl harbor when Ka'awaloa was occupied and held by the military, their family was relocated to the village of Napoopoo.

When Captain Cook's monument was completed in 1779, our maternal grandfather Lanui Kaniau became the monument caretaker for the British consulate. After grandfather, the kuleana became our dad's. Then, our oldest brother's Sonny, and now it sits with Sonny's oldest son Randy. To this day, it is still a family event to visit and clean the monument. Our father Henry Andrew Paida Leslie the oldest son of Johana Gaspar Leslie and Henry Andrew Leslie SR, was born and raised in Napoopoo through our grandfather's teachings and his own knack of trying new fishing techniques. Our dad became a fishing legend in Kona. Dad is recognized for surrounding the largest Akule school in Kealakekua bay, 43,000 pounds.

Our paternal grandfather, Henry Leslie SR, was a graduate of Lahaina Luna in 1911. He and his brother Robert engaged in what became the longest commercial fishing operation in Kona. Our grandfather had 9 long line fishing Sampans operating out of Kealakekua bay. At this time, an elaborate mooring system was deployed by our grandfather to accommodate the passenger and cargo steam ship as well as his fishing sampans. Grandpa, his brother Robert, and engineer Jim Lewis built and completed the Napoopoo pier in June 15th, 1912. Grandpa served as the Harbor Master of the pier until he retired in the early 1940s.

The pier became an important shipping port in west Hawaii until the late 1940s, when passenger and cargo shipping ended in Napoopoo due to air transportation's first plane service in Hawaii pan pacific airlines. Commercial fishing continued successfully until 1997 when Hanalike inc was forced to sell the fishing vessel "Hanalike". Also, in the late 1940s our grandfather conveyed the fishing operation to our dad. It included a sampan the "pearl harbor" several Akule skiffs and moorings. In 1968 dad purchased the largest sampan the "Holokahana" in 1980. Because of our family's ability to work together with dad, and needing a new name for

the new fishing vessel, our mother named the new vessel "Hanalike". Meaning working together and it became the company's name.

One of the family's legacies is perpetuating our ancestral technique of harvesting Akule in the bay, as has been done for hundreds of years. In 1996, in a discussion dad told me of his concerns of not being able to leave his descendants the same legacy that was left for him. The fishing industry, in particular, the ahi industry was gone and the Kaia coast. And at that moment I suggested that I revive the Waa Kahu. Ka'awaloa and make it a family business and instead of being fishermen, we shall be fishers of men. At that time, we began, the OJA proposal and submitted it to DOBOR in Kona. We received a response and a suggestion from Chairman Jeff Beannan, district manager for DOBOR. We followed his suggestion and I became a member of the ADHOC committee for CLJR to help create a management plan for Kealahou Bay, Napoopoo pier, and Kaawaloa.

In 1979, the department of land management, Jimmy Detae and Ms. Liffi Bautista had approved a revocable permit for the Ka'awaloa to operate as a botanical historical canoe tour. The Ka'awaloa canoe was commissioned in 1900 and operated under a permit from 1900-1986 doing tours daily of Kealahou Bay, Ka'awaloa and surrounding areas. In 1986, the department made changes in their plans and decided that any commercial operation was not compatible to the underwater historical conservation plan. The permit was revoked, honoring the moratorium on business in Kealahou Bay. Since then, there have been numerous operators in Kealahou Bay.

After they revoked the commercial use, the Ka'awaloa became an educational tool used to take many Island high schools, University students and burial of sea ceremonies for Kama'aina families. All this was to promote. Ka'awaloa was also used as a training vessel for Kealahou Malama Pono Sea Cadet.

Mahalo,
Gordon Leslie

Hanalike LLC Dba Moana ocean adventures proposed Tour options.

Tour#1

9am morning snorkel and glass bottom boat adventure

route: Napoopoo pier to Ka'awaloa and back.

Approx. 2 ½ hours

price \$120

Tour#2

12pm lunch snorkel and glass bottom boat adventure

route: Napoopoo pier to Ka'awaloa and back.

Approx . 2 ½ hours

price \$100

Passengers per trip:6 PAX

Crew: 2 PAX

NOTES

1. KA'AWALOA IS A 42-FT-6-INCH LENGTH-OVERALL POWER CATAMARAN WITH FRP HULLS AND WELDED ALUMINUM CROSS-MEMBERS, DECKING AND PRIMARY STRUCTURAL MEMBERS DESIGNED AND BUILT BY KEALA MANO. IT HAS EXTERNAL GLASS-FACED VIEWING ENCLOSURES THAT PROVIDE ADDED BUOYANCY BUT ARE DISCONTIGUOUS FROM THE PRIMARY HULLS/FLOAT-AIDION CHAMBERS

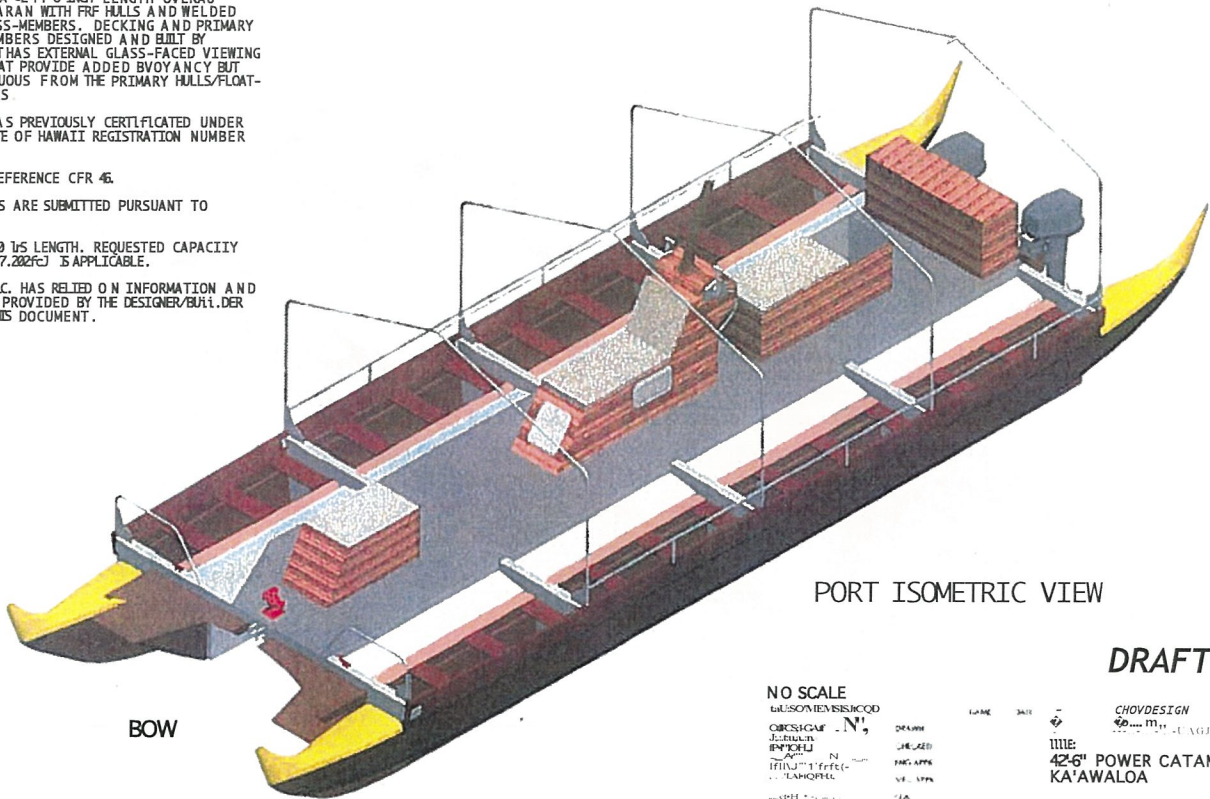
2. KA'AWALOA WAS PREVIOUSLY CERTIFICATED UNDER ITS PRESENT STATE OF HAWAII REGISTRATION NUMBER HA126CP.

3. ALL SECTIONS REFERENCE CFR 46.

4. THESE DRAWINGS ARE SUBMITTED PURSUANT TO §177.202

5. WITH RESPECT TO LENGTH, REQUESTED CAPACITY AND ROUTE, § 177.202(c) IS APPLICABLE.

6. CHOYDESIGN LLC HAS RELIED ON INFORMATION AND SPECIFICATIONS PROVIDED BY THE DESIGNER/BUILDER IN PREPARING THIS DOCUMENT.



PORT ISOMETRIC VIEW

DRAFT

NO SCALE

DESIGNED BY: CHOYDESIGN LLC
DRAWN BY: CHOYDESIGN LLC
CHECKED BY: CHOYDESIGN LLC
DATE: 10/1/2023
SCALE: AS SHOWN

DATE: 10/1/2023

CHOYDESIGN LLC

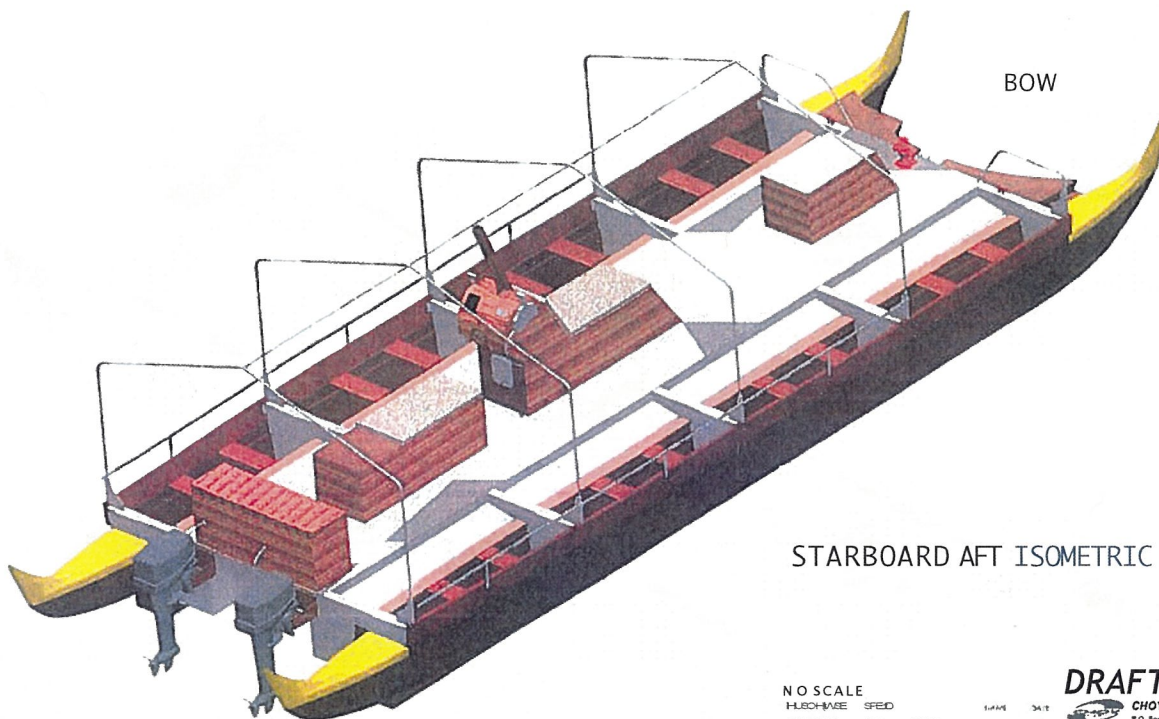
TITLE: 42-6" POWER CATAMARAN KA'AWALOA

SIZE: OWC: NO.

REV

B kaowaloo-c
SCALE: NO, TWBGT:

SHEET 1 OF 11



STARBOARD AFT ISOMETRIC VIEW

NO SCALE

HULL NAME SPEED

CHINA'S U. HCTO

LINE NO.

WUJIAHUIHUI

KA.AWALOA

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DRAFT

CHOYDESIGN

P.O. Box 22231

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info@choydesign.com

www.choydesign.com

FILE:

42'-6" POWER CATAMARAN

KA.AWALOA

SIZE: OWG, NO.

REV

B koawoloo-c

SCALE: WBGHT:

SHEET 2 OF 11

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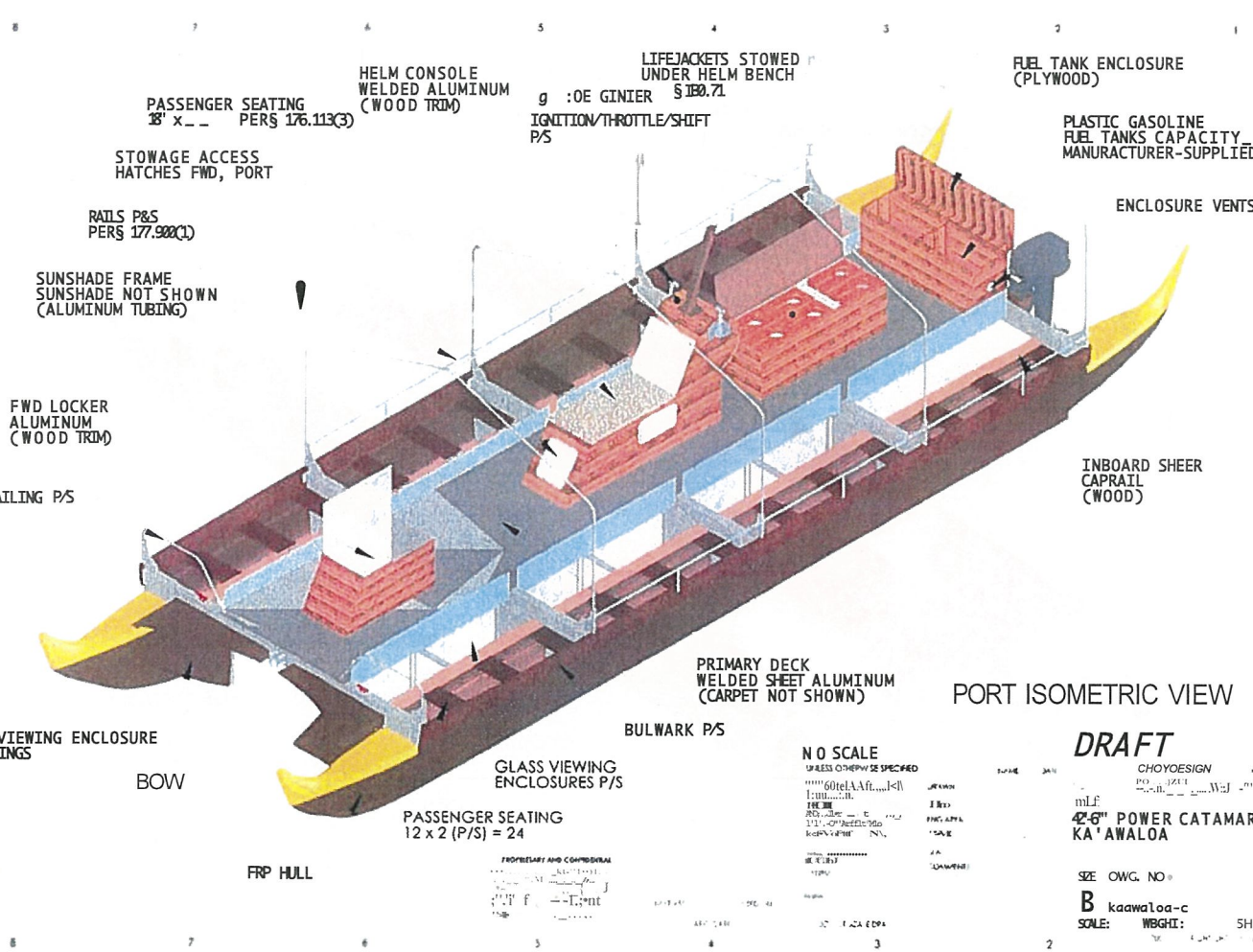
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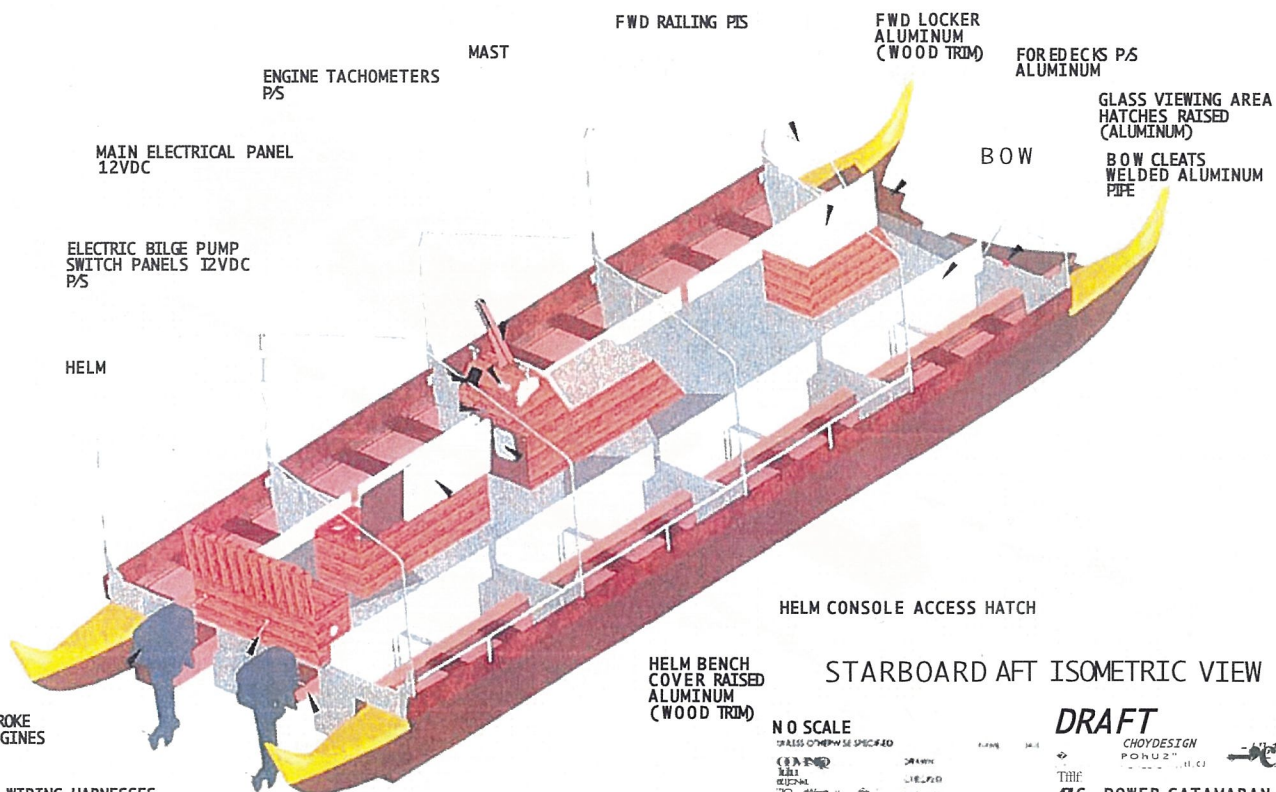


PORT ISOMETRIC VIEW

DRAFT
 CHOYDESIGN
 mlf
 42'-6" POWER CATAMARAN
 KA'AWALOA

SIZE OWG. NO. REV
 B kaawaloa-c
 SCALE: WBQHI: SHEET30F II

NO SCALE
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STARBOARD AFT ISOMETRIC VIEW

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426. POWER CATAMARAN

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STARBOARD PROFILE

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11/12/2012

42'-6" POWER CATAMARAN

KA'AWALOA

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REV

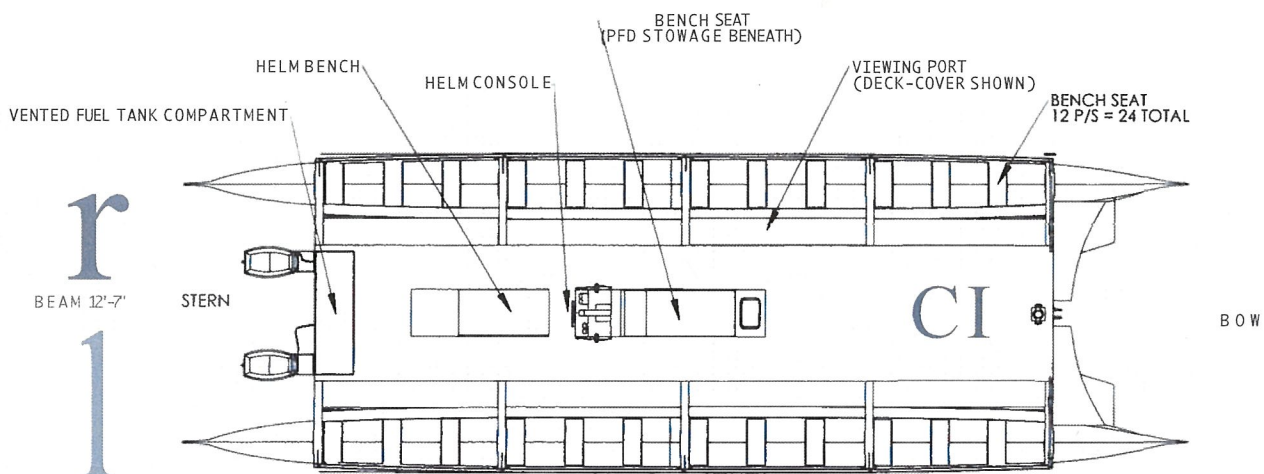
B kaawalo-c

SCALE

WEIGHT

SHEET 5 OF 11

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ARRANGEMENT OF DECKS
(PLAN VIEW)

DRAFT

SCALE: 1/4" = 1'-0"

CHOYDESIGN

10-05-2011

g:fj;Z EJ CATAMARAN

SE OWG. NO.

B kaowaloo-c

SCALE: WEIGHT

REV

SHEET 60 OF 1

N.O. SCALE

1/16" = 1'-0"

1/32" = 1'-0"

1/64" = 1'-0"

1/128" = 1'-0"

1/256" = 1'-0"

1/512" = 1'-0"

1/1024" = 1'-0"

1/2048" = 1'-0"

1/4096" = 1'-0"

1/8192" = 1'-0"

1/16384" = 1'-0"

1/32768" = 1'-0"

1/65536" = 1'-0"

1/131072" = 1'-0"

1/262144" = 1'-0"

1/524288" = 1'-0"

1/1048576" = 1'-0"

1/2097152" = 1'-0"

1/4194304" = 1'-0"

1/8388608" = 1'-0"

1/16777216" = 1'-0"

1/33554432" = 1'-0"

1/67108864" = 1'-0"

1/134217728" = 1'-0"

1/268435456" = 1'-0"

1/536870912" = 1'-0"

1/1073741824" = 1'-0"

1/2147483648" = 1'-0"

1/4294967296" = 1'-0"

1/8589934592" = 1'-0"

1/17179869184" = 1'-0"

1/34359738368" = 1'-0"

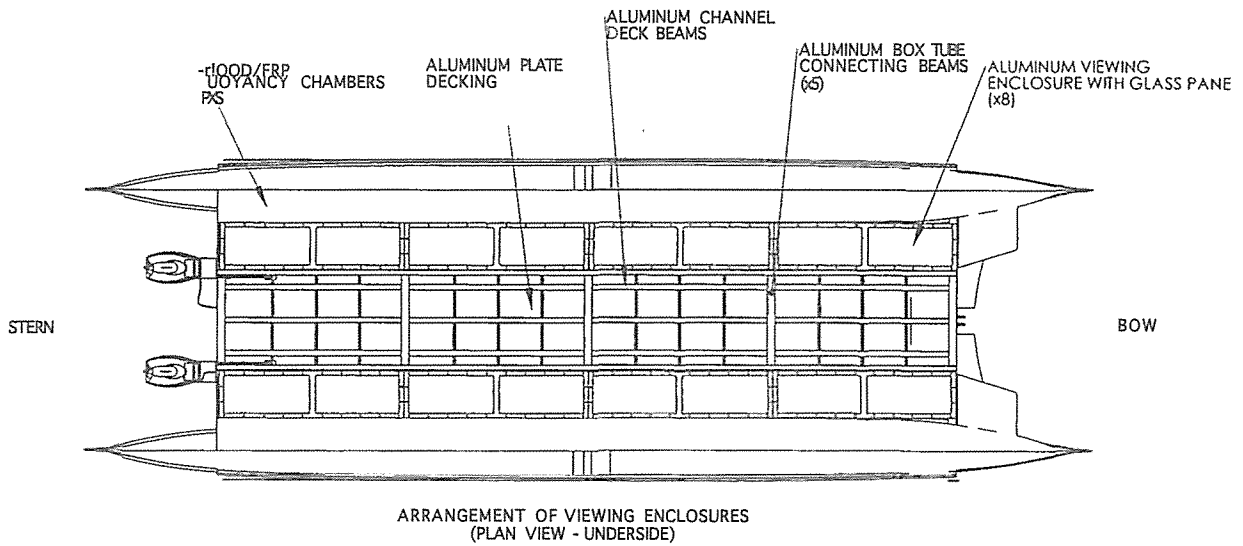
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WITHOUT WRITTEN PERMISSION OF
CHOYDESIGN LLC IS PROHIBITED.

NO SCALE
UNLESS OTHERWISE SPECIFIED

DIMENSIONS ARE IN INCHES
TOLERANCES
FRACTIONAL
ANGULAR MATCH : 1/8" = 1/8"
TWO PLACE DECIMAL : 1/16"
THREE PLACE DECIMAL : 1/32"
APPROXIMATE GEOMETRIC
TOLERANCING PER
MATERIAL

DATE
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COMMENTS

DRAFT
SCALE: 1/4" = 1'-0"

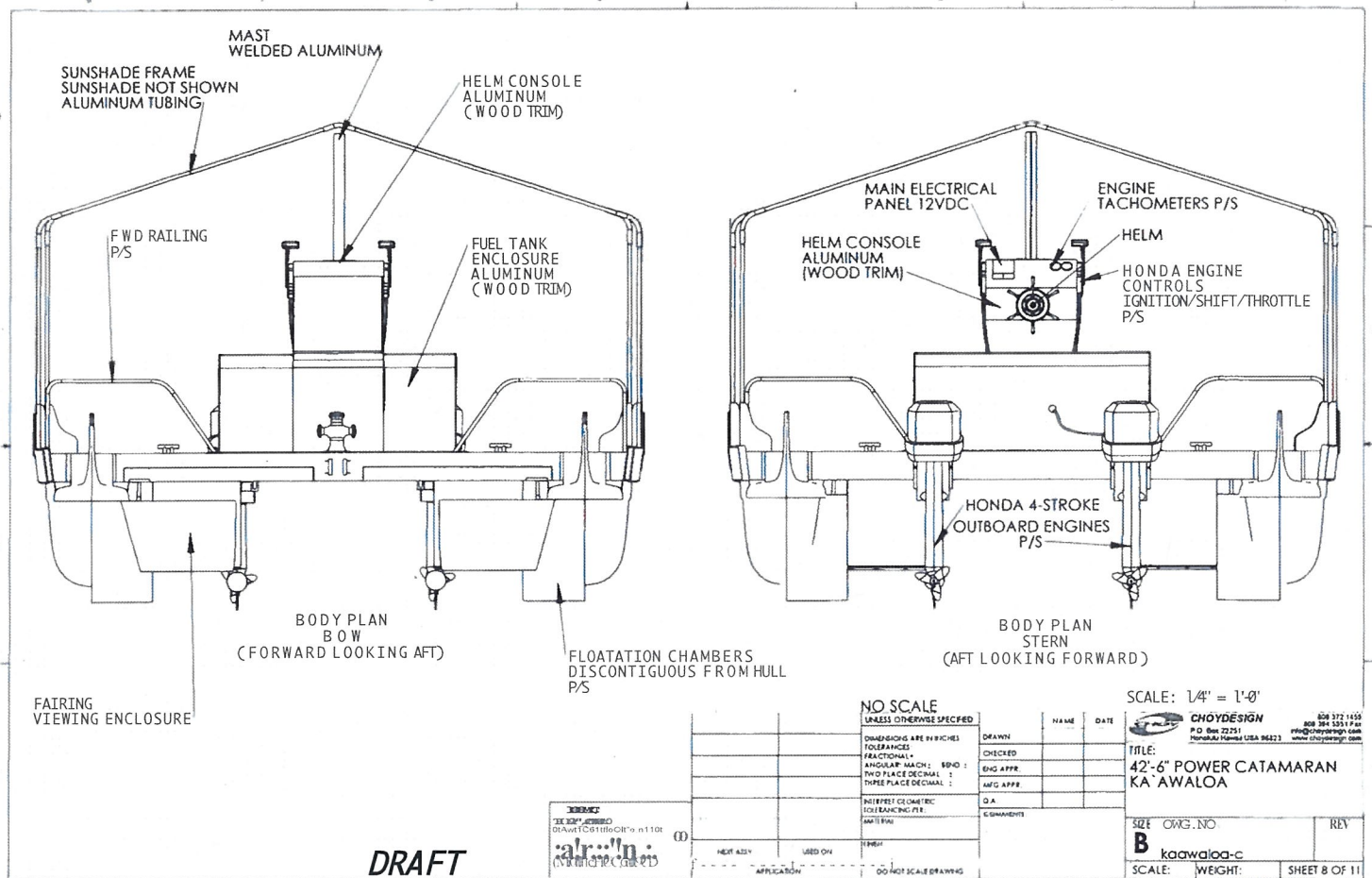
CHOYDESIGN
P.O. Box 22251
Honolulu, Hawaii 96822
808.372.1550
808.384.5551 FAX
info@choydesign.com
www.choydesign.com

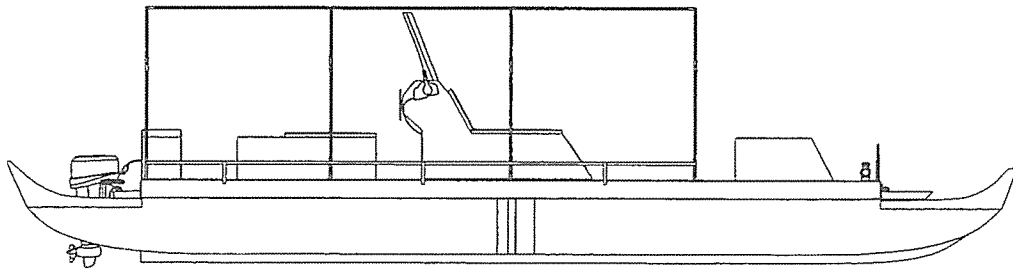
TITLE
**42'-6" POWER CATAMARAN
KA'AWALO**

SIZE DWG NO.
B
kaawalo-c

SCALE: WEIGHT: SHEET 7 OF 11

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INBOARD HULL PROFILE
(STARBOARD)

DRAFT
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42'-6" POWER CATAMARAN
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SOE OWG. NO.

B koowoloo-c

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INBOARD DECK PROFILE
(STARBOARD)

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THE
42'6" POWER CATAMARAN
KA'AWALOA

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