

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

August 13, 2021

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

Land Board Members:

**SUBJECT:** Issuance of Revocable Permit to Cherry Pit Sportfishing, Inc. for Storage and Recreational Purposes, Honokohau Small Boat Harbor, Kealakehe, North Kona, Hawaii, Tax Map Key (3) 7-4-008:003 (Por).

And

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, chapter 200.1, Hawaii Administrative Rules.

**APPLICANT:**

Cherry Pit Sportfishing, Inc., whose mailing address is, P.O. Box 4129, Kailua-Kona, HI 96745-4129.

**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 Exhibits A-1, A-2 & A-3 and attached hereto.

**AREA:**

58 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

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

CURRENT USE STATUS:

Currently unencumbered.

CHARACTER OF USE:

Covered area used for storage and recreation.

TERM:

From July 1, 2021, to June 30, 2022.

RENTAL:

The monthly rental for the new revocable permit will remain the same at \$29, 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:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR) and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred in by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, Item No. 44, that states, "Permits, licenses, registrations, and 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 Alibi Sport Fishing, Inc. (“Alibi”), for storage and recreation purposes.

Alibi’s agent provided staff with written notice on May 1, 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. The permit was not continued in the Board action dated June 25, 2021, under agenda item J-2.

Cherry Pit Sportfishing, Inc., now occupies their vacated berth and has requested to enter into a revocable permit for the use of approximately 58 sq. ft. of fast lands adjacent to Slip #A-13 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.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Declare that after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Cherry Pit Sportfishing, Inc. 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;

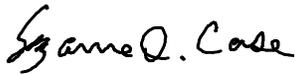
- d. The applicant shall accept the land and improvements thereon in 'AS IS WHERE IS" condition with all faults and defects, whether latent or patent, and release, indemnify and hold the State harmless from any liability arising from applicant's use of the premises.

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 & A-3: Honokohau Small Boat Harbor Map Location

# Exhibit A-1

**Honokohau  
Small Boat Harbor**



**Exhibit A-2**  
**Honokohau Small Boat Harbor**



**Cherry Pit Sportfishing, Inc.**  
Location in  
Honokohau Small Boat Harbor

**Exhibit A-2**

**Exhibit A-3**

**Cherry Pit Sportfishing, Inc.**  
Pavilion: A-13  
11'x5.25'=58 sf

**Exhibit A-3**

