

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

February 4, 2022

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

Land Board Members:

SUBJECT: Issuance of Revocable Permit to Kanoa, Inc. dba Body Glove Cruises for Maritime Related Activities Including Concierge Service, Providing General Island Information, Maps, Restaurant Guides, Charter and Tour Information, Cruise Ship Itineraries, Trolley and Bus Schedules, Beach Rental Gear, Sunscreen, Cold Refreshments and Snacks and Guest Check In for Tour Purposes, Kailua-Kona Wharf, Kailua Village, North Kona, Hawaii, Tax Map Key (3) 7-5-006:039 (Por).

And

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

APPLICANT:

Kanoa, Inc. dba Body Glove Cruises, a Nevada corporation, whose mailing address is P.O. Box 4523, Kailua-Kona, Hawaii 96745.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kailua-Kona Wharf, Kailua Village, North Kona, Hawaii, identified as Tax Map Key: (3) 7-5-006:039 (por), hereinafter referred to as the "Premises" as shown on the attached maps labeled Exhibits A-1, A-2 and attached hereto.

AREA:

63.25 square feet, more or less.

ZONING:

State Land Use District: Urban & Conservation

County of Hawaii: 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:

Maritime Related Activities Including Concierge Service, Providing General Island Information, Maps, Restaurant Guides, Charter and Tour Information, Cruise Ship Itineraries, Trolley and Bus Schedules, Beach Rental Gear, Sunscreen, Cold Refreshments and Snacks and Guest Check-In for Tour Purposes.

Commencement Date:

The first day of the month determined by the Board Chairperson.

RENTAL:

\$18,000.00 per annum or ten percent (10%) of gross receipts, whichever is greater. Ticket sales from applicant's cruise boats, for which it pays three percent (3%) to DOBOR under its commercial use permit, shall not be included in its gross receipts.

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 November 10, 2020, the subject request

is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 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," Item No. 44, which 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:

The premises is a commercial space located on the Kailua-Kona pier, with an area of approximately 63.25 square feet.

The premises were previously encumbered by Revocable Permit No. 35 issued to Horizon Pacific, Inc. The company has ceased operations at the site due to the downturn in the economy from the COVID-19 pandemic.

The applicant plans to use the premises for maritime related activities including concierge service, providing general island information, maps, restaurant guides, charter and tour information, cruise ship itineraries, trolley and bus schedules, beach rental gear, sunscreen, cold refreshments and snacks and guest check-in for tour purposes.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Declare that after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Kanoa, Inc. dba Body Glove Cruises covering the subject area for commercial/industrial purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following conditions:

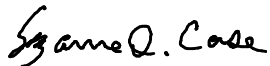
- a. The standard terms and conditions of the most current Revocable Permit form, as may be amended from time to time; and
- b. Review and approval by the Department of the Attorney General.
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State;

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:
Exhibits A-1 & A-2: Kailua-Kona Pier Map Location

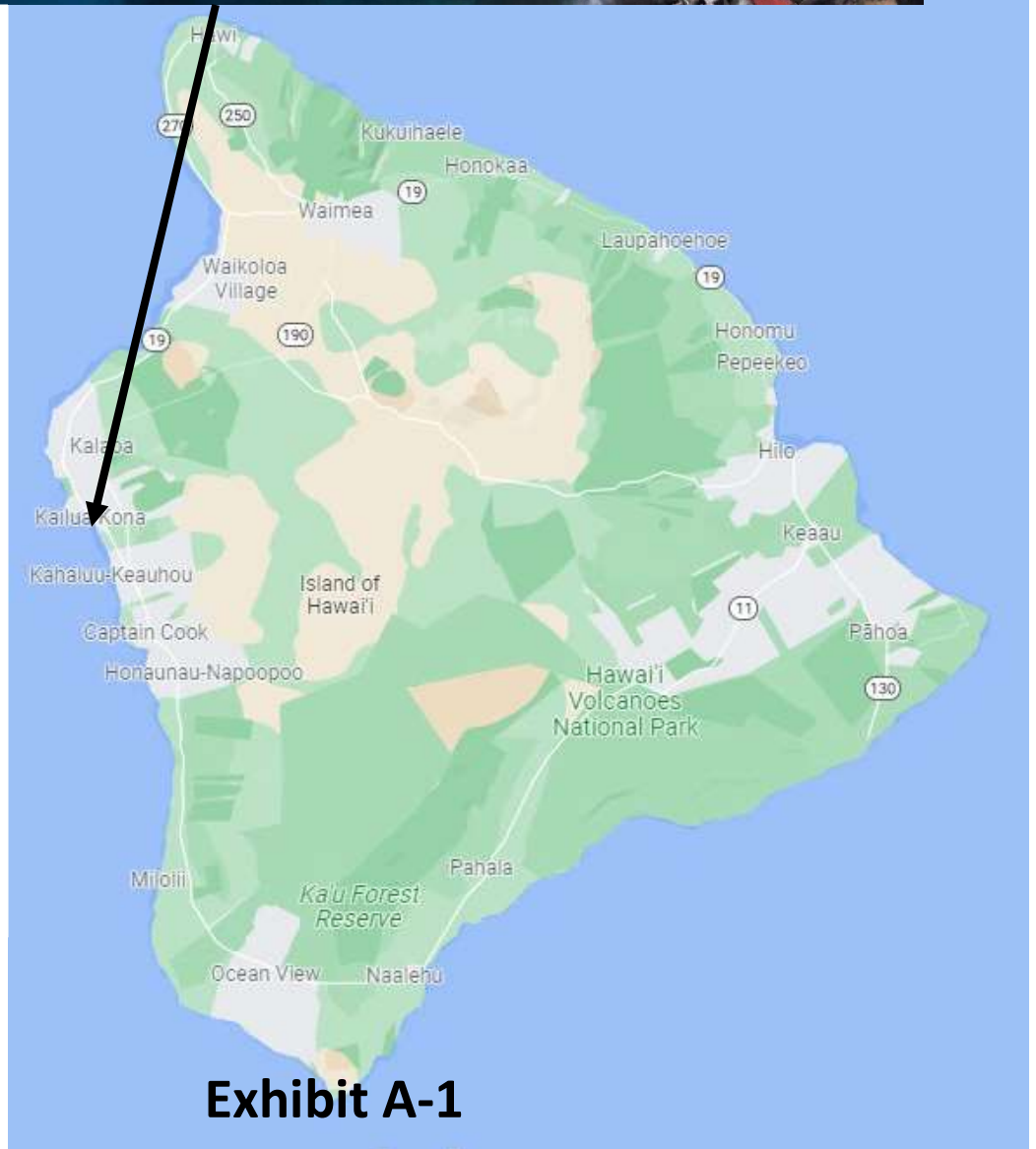


Exhibit A-1

Exhibit A-2

