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

August 12, 2022

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

Land Board Members:

SUBJECT: Issuance of a Revocable Permit to Linnline Marine, Inc. located at Lahaina Small Boat Harbor, Lahaina, Maui, Hawaii, Tax Map Key: (2) 4-6 001:002 (por).

And

Declare Project Exempt from requirements of Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200.1, Hawaii Administrative Rules.

APPLICANT:

Linnline Marine, Inc., a Hawaii Corporation, whose mailing address is 930 Wainee Street, Suite 12, Lahaina, HI 96761.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Lahaina Small Boat Harbor (Lahaina SBH), Lahaina, Maui, Hawaii, identified as Tax Map Key: (2) 4-6 001:002, hereinafter referred to as the "Premises" as shown on the map labeled **EXHIBIT A-1, A-2** and attached hereto.

AREA:

Approximately 117 square feet, more or less.

ZONING:

State Land Use District: Urban

County of Maui: HD-1 (Historic District 1)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES X NO __

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

CURRENT USE STATUS:

Unencumbered.

CHARACTER OF USE:

Covered areas used for customer seating.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

$58.50 per month, based on an in-house valuation of $.50 per square foot per month, or $6.00 per square foot annually.

COLLATERAL SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

Place of business registration confirmed:	YES X	NO
Registered business name confirmed:	YES X	NO
Applicant in good standing confirmed:	YES X	NO

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 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."

REMARKS:

Over the years, numerous mooring permit holders at the Lahaina SBH have built shade structures on State lands adjacent to their slips. These structures, which range in size 92 square feet to 215 square feet, consist of metal rod frames and tarp-like overhead coverings. The Division of Boating and Ocean Recreation (DOBOR) was aware that the shade structures had been installed but no formal disposition for the use of the fast lands had been given.

Staff recommends the Board approve to issuance of a revocable permit to Linnline Marine, Inc. for the use of state lands for the purpose of proving a shade structure. Since the commercial use permits associated with these structures have a term not to exceed one year, and must be renewed annually, staff believes that revocable permits are the appropriate disposition in this instance. Staff further believes that there is no need for the mooring permits and revocable permits to be coterminous, as each may be terminated within 30 days.

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.

2. Authorize issuance of a Revocable Permit to Linnline Marine, Inc. at Lahaina SBH 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; 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

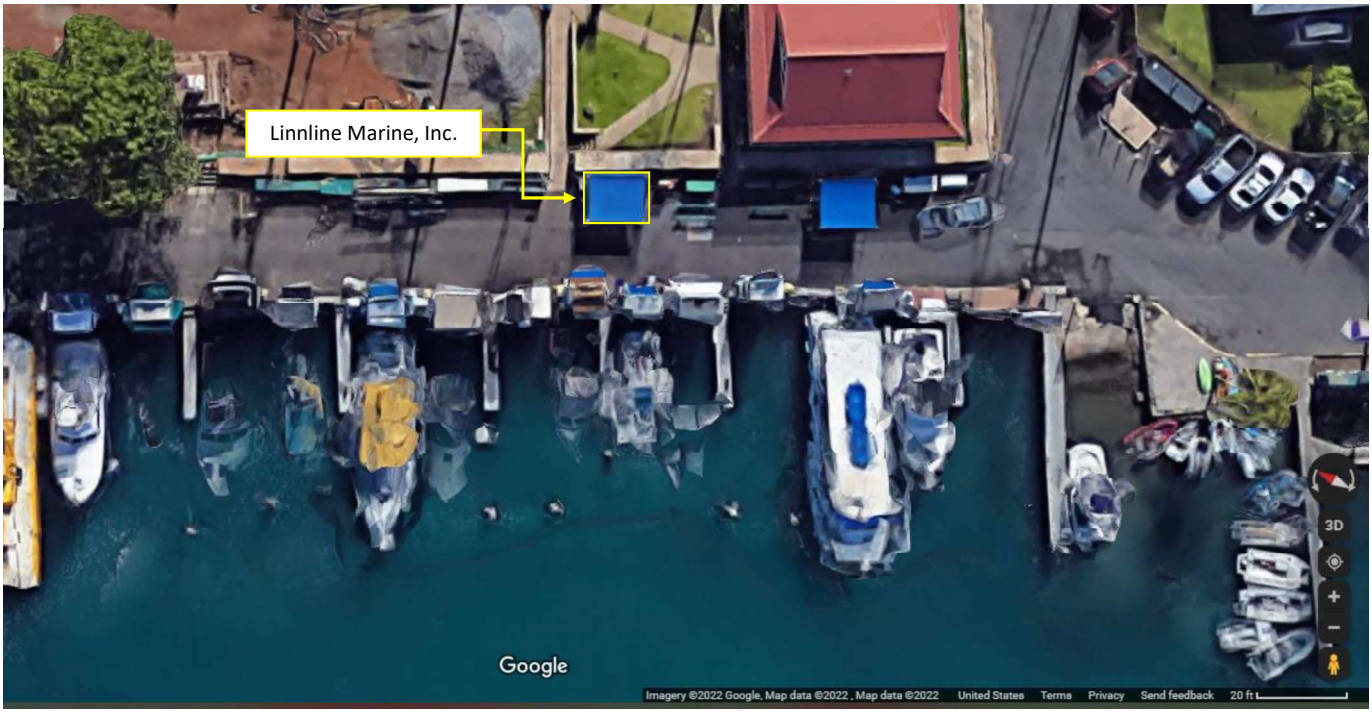
APPROVED FOR SUBMITTAL:

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachment:
A-1 Location Map
A-2 Location Map

Exhibit A-1

Lahaina Small Boat Harbor

Exhibit A-2

Lahaina Small Boat Harbor