

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

October 28, 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 James Sumner, for a Retail Operation of an Automated Ice Machine, located at Wailoa Small Boat Harbor, Hilo, Hawaii, Tax Map Key: (3) 2-2-031:001 (por).

And

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

APPLICANT:

James Sumner, Tenant in Severalty, whose mailing address is 146 Lukia Street, Hilo, HI 96720.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Wailoa Small Boat Harbor (Wailoa SBH), Hilo, Hawaii, identified as Tax Map Key: (3) 2-2-031:001, hereinafter referred to as the "Premises" as shown on the map labeled **EXHIBIT A-1 and A-2** and attached hereto.

AREA:

Approximately 180 square feet, more or less.

Item J-1

ZONING:

State Land Use District: Urban & Conservation

County of Hawaii: Open

TRUST LAND STATUS:

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

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

CURRENT USE STATUS:

Unencumbered.

CHARACTER OF USE:

Retail operation of an automated ice machine.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$275 per month, or 8% of gross receipt sales, whichever is greater. Based on the monthly rental for Revocable Permit No. 118 issued to Island Ice and Water Company LLC for the same use.

COLLATERAL SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

Individual, not applicable.

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.”

JUSTIFICATION FOR REVOCABLE PERMIT:

Staff is testing the market to see if there is sufficient demand at the facility for an automated ice dispensing machine. If there is a high demand for this service, staff will seek bids for a concession.

REMARKS:

The Wailoa Small Boat Harbor’s launch ramp is used frequently by fishermen, and an ice vending unit would be beneficial to the public. The proposed location allows for convenient access and does not take away any existing parking.

The applicant must obtain the necessary permits to bring power and water service to the location of the ice machine. All lines must be buried below grade. The applicant will be responsible for installing separate meters for the power and water service and will be responsible for paying for the cost of water and electricity the vending unit consumes.

Staff recommends the Board approve to issuance of a revocable permit to James Sumner for the use of state lands for the purpose of operating an automated ice machine. 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, 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. Based on the testimony and facts presented, the Board finds that approving the RP under conditions and rent set forth herein will serve the best interests of the state.
3. Authorize issuance of a Revocable Permit to James Sumner for a retail operation of an automated ice machine at Wailoa SBH under the terms and conditions cited above, which are by this reference, incorporated herein and further subject to the following:

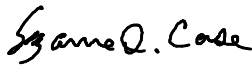
- a. The standard terms and conditions of the most current Revocable Permit form, as may be amended from time to time; and
- b. Review and approval by the Department of the Attorney General.
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the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



Exhibit A-2
Wailoa Small Boat Harbor

