



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

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

RESUBMITTAL OF JANUARY 13, 2023, ITEM M-19 (DEFERRED)
LAND BOARD SUBMITTAL
ISSUANCE OF A REVOCABLE PERMIT FOR WAREHOUSE SPACE FOR A
LICENSED LIVE TROPICAL FISH IMPORT/EXPORT BUSINESS AND A
WHOLESALE MADE-IN-HAWAII PRODUCTS DISTRIBUTION BUSINESS
HAWAIIAN SEALIFE INC.
DANIEL K. INOUE INTERNATIONAL AIRPORT
TAX MAP KEY: (1) 1-1-004: 021 (PORTION)

OAHU

APPLICANT/LESSEE:

Hawaiian Sealife Inc. (HSI), a Hawaii corporation, whose business address is 3239 Ualena Street, Ground Floor, Honolulu, Hawaii 96819.

LEGAL REFERENCE:

Sections 171-55 and 261-7, Hawaii Revised Statutes (HRS).

LOCATION AND TAX MAP KEY:

3239 Ualena Street, portion of Daniel K. Inouye International Airport (Airport), Island of Oahu, State of Hawaii, identified by Tax Map Key: 1st Division, 1-1-004: 021 (Portion).

AREA:

Bldg/Room No. 184-102A, containing an area of approximately 3,549 square feet, as shown and delineated on the attached map labeled Exhibit A.

ZONING:

State Land Use District: Urban
City and County of Honolulu: I-2 (Industrial)

ITEM M-9

LAND TITLE STATUS:

Non-ceded – Direct purchase from private land owner.

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

CURRENT USE STATUS:

Land presently encumbered by Governor’s Executive Order No. 3894, setting aside a portion of the Airport under the control and management of the State of Hawaii, Department of Transportation, Airports Division (DOTA), for Airport purposes.

The DOTA acquired the subject property together with most of the remaining properties (except one) along the ocean (makai) side of Ualena Street, between Lagoon Drive and Paiea Street, in the mid 1990’s from Loyalty Enterprises, Ltd.

CHARACTER OF USE:

HSI will use the space as a warehouse for a licensed tropical fish import/export business and a wholesale Made-In-Hawaii products distribution business. HSI will use 1,000 square feet of the warehouse to house fish tanks for the import/export of live tropical fish servicing Christmas Island. HSI will use 2,500 square feet of the warehouse to store licensed, Made-In-Hawaii products, and provide delivery service of the products to various local grocery stores.

COMMENCEMENT DATE:

Upon execution of the revocable permit.

MONTHLY RENTAL:

\$5,997.81 (as determined from the DOTA schedule of rates and charges established by appraisal of Airports property statewide plus \$1,384.11 for utilities).

SECURITY DEPOSIT:

\$17,993.43, or three (3) times the monthly rent in effect.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO _____
Registered business name confirmed:	YES <u>X</u>	NO _____
Good standing confirmed:	YES <u>X</u>	NO _____

CHAPTER 343, HRS - ENVIRONMENTAL ASSESSMENT:

The DOTA has determined that the subject land areas are covered by the Honolulu International Airport Ualena Street Industrial Lots Acquisition and Chevron Property Acquisition Environmental Assessment (EA) dated October 1990. The EA is published by the Office of Environmental Quality Control (OEQC) in the November 8, 1990, issue of the Environmental Notice. Accordingly, the actions have been determined to have little or no impact upon the environment.

REMARKS:

In accordance with Sections 171-55, HRS, relating to Permits, and 261-7, HRS, relating to Operation and Use Privileges, the Department of Transportation proposes to issue a month-to-month revocable permit to HSI for warehouse space to operate a licensed, tropical fish import/export business, and a wholesale Made-In-Hawaii products distribution business at the Airport.

HSI plans to import tropical fish from Christmas Island and export them to the Asia and mainland U.S. markets. This would include Flame angel, lemon peel angel, gold flake angel, etc. from Christmas Island.

HIS does not intend to sell tropical fish in the Hawaii market due to the 1/12/2021 court ruling that banned the collection of ornamental fish in the State of Hawaii, immediately invalidating any existing permits for commercial aquarium fishing, until a thorough environmental assessment has been completed.

The Hawaii Tropical Fish Association has been working with the Department of Land and Natural Resources regarding bag limits and species control negotiation and is working towards obtaining the required environmental assessment report.

Background of HIS:

HSI holds an import/export license (Permit number 844830) from the U.S. Wildlife Services. HSI also holds an import-multiple shipments permit (Permit number 23-11-O-A8836) from the State of Hawaii Department of Agriculture for the import of various conditionally approved fish. As the tropical fish industry is highly regulated, HSI works regularly with the State Department of Land and Natural Resources/Division of Aquatic Resources (DAR) and State Department of Agriculture/Plant Quarantine Branch (DOA).

HSI was founded in 1998 as a tropical fish exporter focused on the Asia and European markets. As an international exporter, the Fish and Wildlife and USDA federal agencies are involved. This would include inspections of outgoing shipments by Fish and Wildlife

BLNR –RESUBMITTAL OF JANUARY 13, 2023, ITEM M-19 (DEFERRED) LAND BOARD SUBMITTAL, ISSUANCE OF A REVOCABLE PERMIT FOR WAREHOUSE SPACE FOR A LICENSED LIVE TROPICAL FISH IMPORT/EXPORT BUSINESS AND A WHOLESALE MADE-IN-HAWAII PRODUCTS DISTRIBUTION BUSINESS, HAWAIIAN SEALIFE INC.

Page 4

officers and State Veterinarian to attain required approvals, as well as health certificates. The inspections of the warehouse and shipments may occur weekly. HSI also operated the Living Art Marine Center from 2009 to 2018. This program provided marine fish knowledge and hands-on programs to approximately 250,000 Hawaii school children and to the public.

HSI's president, Mr. Richard Xie (Mr. Xie) lists the following credentials that may support his character reference:

- 1) Mr. Xie was awarded as SBA Hawaii State Exporter of the Year in 2009
- 2) Mr. Xie is currently a Board member of the Center of Tropical and Subtropical Association (CTSA)
- 3) Mr. Xie is a board member of Hawaii Pacific Export Council for 5 years
- 4) Mr. Xie is a member of World Entrepreneurs Organization for 19 years
- 5) Mr. Xie was invited as a speaker for Oceanic Institute, the World 4th Aquaculture Conference in Hawaii and EU Aquaculture Conference in Tahiti and New Caledonia
- 6) Mr. Xie received 4 grants for Post Lavaes raising from Christmas Island, Tahiti, Pohnpei and Asia

RECOMMENDATION:

Based on this resubmittal, testimony and facts presented, the Department of Transportation recommends the Board finds that approving the issuance of a month-to-month Revocable Permit to HSI, including its conditions and rent, will serve the best interests of the State.

Respectfully submitted,



EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG
Chairperson
Board of Land and Natural Resources



Permit No.: 23-11-O-A8836
 Start Date: 11/02/2022
 Expiration Date: 11/02/2023

State Of Hawaii
 DEPARTMENT OF AGRICULTURE
 Plant Quarantine Branch
 1849 Auiki Street
 Honolulu, Hawaii 96819

IMPORT PERMIT

(Valid for Import - Multiple Shipments until 11/02/2023)

Permission is hereby granted to introduce the following commodity(s), in accordance with Chapter 4-71, Hawaii Administrative Rules of the Division of Plant Industry, Department of Agriculture, and the conditions listed below (Each commodity must be inspected by a Plant Quarantine Inspector upon arrival before release).

Quantity	Unit	Commodity	Scientific Name
Various	Various	Conditionally Approved Fish	See Attached List and Conditions

(NO SUBSTITUTION ALLOWED)

INSTRUCTION to Shipper: Each shipment shall include a copy of this permit and shall comply with all attached conditions.

Object of Importation: Sale

Shipper: Hawaiian Sealife, Inc., Richard Xie Phone: (808) 223-9912
3239 Ualena Street, #100, Honolulu, HI 96819

Importer: Hawaiian Sealife, Inc., Richard Xie Phone: (808) 223-9912
3239 Ualena Street, #100, Honolulu, HI 96819

CHIEF PLANT INSPECTOR

CHAIRPERSON, BOARD OF AGRICULTURE

FOR OFFICIAL USE ONLY

STATION: _____ ARRIVAL DATE: _____ FLIGHT/SHIP: _____
 WAYBILL NO: _____ INSPECTION DATE/TIME: _____ INSPECTOR: _____
 REMARK: _____

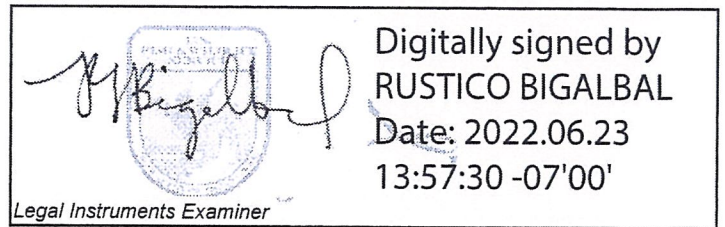


Permit Number: 844830

Date Effective: 08/01/2022 Date Expires: 07/31/2023

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Office of Law Enforcement
2800 Cottage Way, RM W2928
Sacramento, CA 95825
Tel: 916-414-6660
Email: permitsWestLE@fws.gov



Permittee:

HAWAIIAN SEALIFE INC.
3239 UALENA ST #100
HONOLULU, HI 96819 US

Principal Officer: RICHARD H XIE , PRESIDENT

Authority - Statutes and Regulations: 16 USC 1538(d); 50 CFR 13; 50 CFR 14

Location where authorized activity may be conducted: Any Designated Port per 50 CFR 14 (unless further restricted below).

Reporting Requirements: Licensee is required to maintain records per 50 CFR 13 and 14. Acceptance of this license authorizes inspection of records per 50 CFR 13.

Conditions and Authorizations:

- A. General conditions set out in Subpart D of 50 CFR 13, and specific conditions contained in federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal, of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other federal law.
- C. Valid for use by **permittee** named above.
- D. Licensee is responsible for requesting renewal of license at least 30 days prior to the expiration date as outlined in 50 CFR 13. Service Law Enforcement Officers will not clear shipments presented for import or export under expired licenses.
- E. Licensee is authorized to import/export wildlife and/or wildlife products at the port(s) specified above.
- F. Licensee must comply with all import/export procedures as outlined in 50 CFR 14.



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RECOMMENDATION:

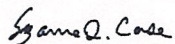
Based on this submittal, testimony and facts presented, the Department of Transportation recommends the Board finds that approving the issuance of a month-to-month Revocable Permit to HSI, including its conditions and rent, will serve the best interests of the State.

Respectfully submitted,

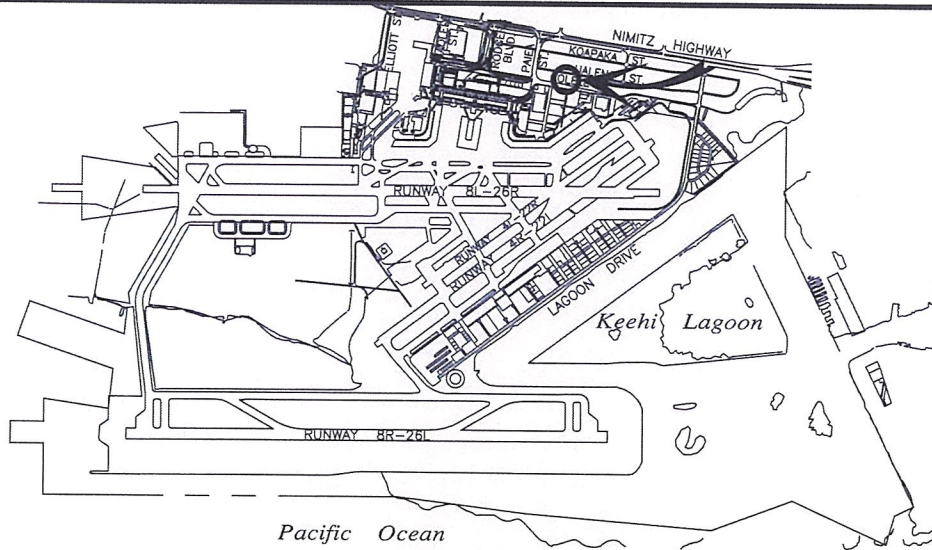


EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:

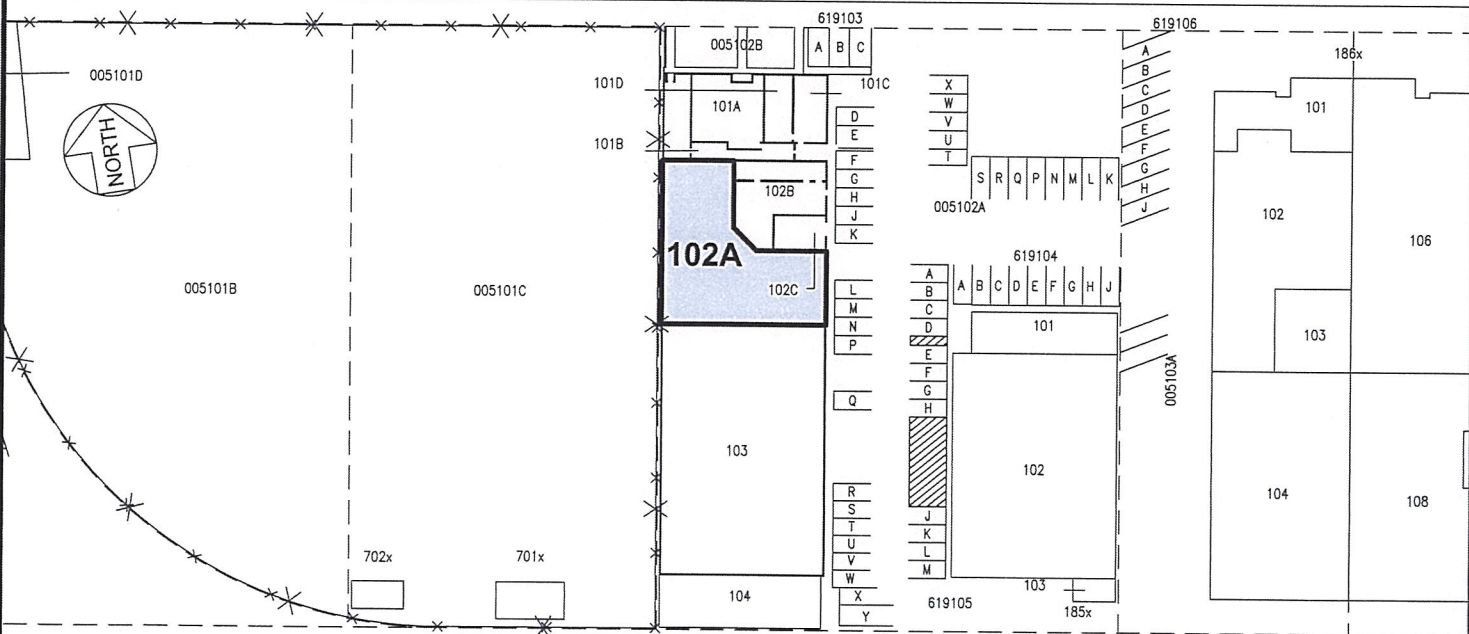


SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources



5000:1

LOCATION PLAN



651102

OPEN DITCH

SCALE: 1" = 60'

AREA/SPACE	SQ. FT.
184 102A	3,549

RP-9362

DATE : DECEMBER 2022

EXHIBIT: **A**



Airports Division

HAWAIIAN SEALIFE, INC.

LOT ALONG UALENA STREET

184102A
PLAT 49

DANIEL K. INOUE INTERNATIONAL AIRPORT