

JOSH GREEN, M.D.
GOVERNOR



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

EDWIN H. SNIFFEN
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IN REPLY REFER TO:

HAR-PM.0001523.23

May 9, 2023

Ms. Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Ms. Chang:

LANAI

Request for Authorization to issue a Construction-Right-of-Entry (CROE) and a month-to-month Revocable Permit (RP) to Young Brothers, LLC, for a Shore Tension Dynamic System, situated at Kaunalapau Harbor, island of Lanai, Tax Map Key No. (2) 4-9-002:001 (P), Governor's Executive Order No. 3960

LEGAL REFERENCE:

Hawaii Revised Statutes, Sections 171-6, 171-11, 171-13, 171-17, 171-55 and 171-59, as amended.

APPLICANT:

Young Brothers, LLC, whose mailing address is 1331 N. Nimitz Highway, Honolulu, Hawaii, 96817

CHARACTER OF USE:

To install, maintain, and operate a Shore Tension Dynamic System at Kaunalapau Harbor, island of Lanai.

LOCATION:

Portion of governmental lands at Kaunalapau Harbor, island of Lanai, Tax Map Key (TMK) No. (2) 4-9-002:001 (P), as shown on the attached map labeled Exhibit A.

ITEM M-8

AREA: See attached Exhibit A

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Shore Tension Dynamic System	Paved-Improved Land	5,400	\$0.27	\$1,458.00	\$2,916.00

CONSIDERATION:

Month-to-month rent determined by appraisal as of June 1, 2022, for RP at Kaunalapau Harbor.

ZONING:

State Land Use Commission: Agriculture, Conservation, Rural, Urban
County of Maui: M-2 (Heavy Industrial)

TERM OF RIGHT-OF-ENTRY:

Six months. The Department of Transportation, Harbors (DOTH), has the option to extend an additional 30 calendar days. Extensions beyond the 30 days will require approval from the Board.

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5 (b) of the Hawaii Admission Act (ceded).

CURRENT USE STATUS:

The area is currently vacant.

LAND TITLE STATUS:

Acquired via State acquisition and pending set aside by Governor's Executive order to the DOTH.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Sub-Chapter 11-200.1, which exempts the following:

“Exemption Type 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located, generally on the same site, and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replace.”

The DOTH deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Sub-Chapter 11-200.1-16 (b). The exemption declaration for the action described above, based on the Exemption List for the DOTH, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Exemption Type 2, Part 1:

No. B. 1: “B. Occur within the existing disturbed Department of Transportation (DOT) property boundary and DOT Rights-of-Way. 1. Replace, remove, reconstruct, or minor expansion of existing outdoor deteriorated and/or damaged structures or facilities to its original/better condition, including but not limited to existing: airfield pavements, runways and taxiways, aprons and hardstands, pier decks, cargo yard pavements, base yards, parking and storage areas, and roadway pavements for the continued function of the facility.”

REMARKS:

The Applicant is an interisland freight handling and transportation company that provides shipping services to the Neighbor Islands, which includes service to Lanai’s Kaumalapau Harbor. The Applicant has encountered frequent ocean surges within Kaumalapau Harbor, as a result of its difficult to properly stabilize barges that are moored to the existing bollards on the Pier. Currently, the Applicant utilizes a crane to lower counterweights into the water attached by cables to the barges. This practice is not ideal due to operational safety reasons. As a result, the Applicant is proposing to construct Pier improvements to allow for the installation of a new Shore Tension Dynamic System, which would drastically improve the safety for the mooring of all barges, dock workers, and barge operators, and ensure consistent supply of goods to the residents of Lanai.

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RECOMMENDATION:

Based on this submittal, testimony and facts presented, the DOT recommends that the Board finds that approving the issuance of a CROE and a month-to-month RP to the Applicant, including its conditions and rent, will serve the best interest of the State.

Sincerely,



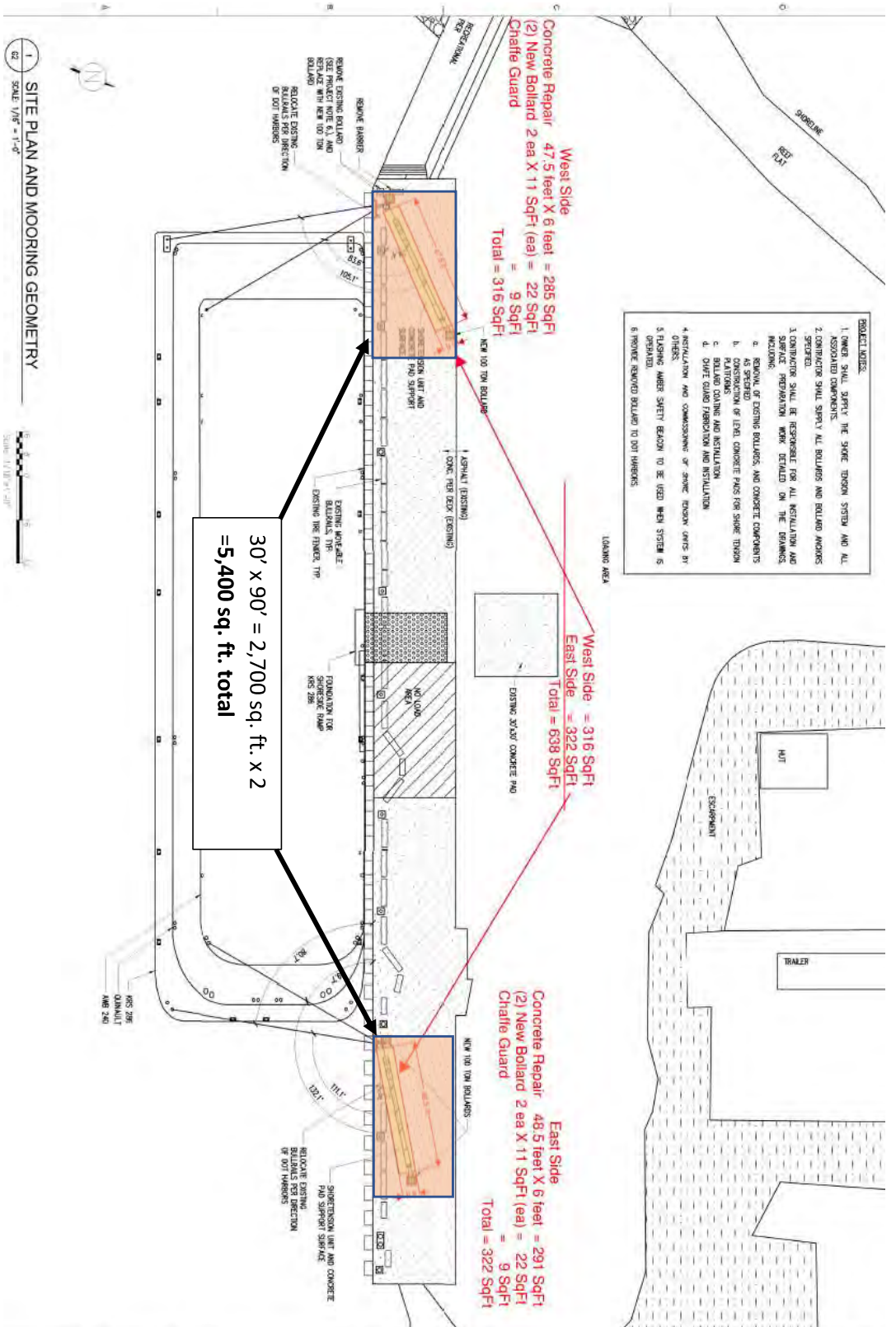
EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures



<p>SITE PLAN AND MOORING GEOMETRY</p> <p>SHEET NO. C2</p>	<p>KALADAPPAH HARBOR MOORING IMPROVEMENTS.</p> <p>MAKAI OCEAN ENGINEERING, INC.</p>	PREPARED BY: PH&M DATE: 5/25/21 DRAWN BY: FH CHECKED BY: GR PROJECT NO.: 20002	
		SUBMITTED BY: _____ FILE NUMBER: _____ PROJECT NO.: _____	