

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

July 28, 2023

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

Land Board Members:

SUBJECT: Reissuance of Revocable Permit 22 (RP 22) to Nā Kālai Wa‘a for Vessel and General Storage, Maintenance of Improvements, Youth Programs, Education Programs, and Affiliated Community Programs, Situated at South Kawaihae Small Boat Harbor, Kawaihae, Island of Hawaii, Hawaii, Tax Map Key: (3) 6-1-003:026 (por.).

And

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

APPLICANT:

Nā Kālai Wa‘a, a Hawaii Domestic Nonprofit Corporation, whose mailing address is P.O. Box 748, Kamuela, Hawaii, 96743.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at South Kawaihae Small Boat Harbor (South Kawaihae SBH), Kawaihae, Island of Hawaii, Hawaii, identified as Tax Map Key: (2) 3-6-003:026 (por.), hereinafter referred to as the “Premises” as shown in **Exhibits A-1 and A-2**.

AREA:

0.51 acres, more or less.

Item J-1

ZONING:

State Land Use District: Urban

County of Hawaii: Open, RM-1.5

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:

Encumbered by Nā Kālai Wa‘a, under Revocable Permit No. 22.

CHARACTER OF USE:

For vessel storage, general storage, maintenance of improvements, youth programs, educational programs, and affiliated community programs.

COMMENCEMENT DATE:

July 1, 2023

MONTHLY RENTAL:

\$40.00

SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO
Registered business name confirmed:	YES <u>X</u>	NO
Applicant in good standing confirmed:	YES <u>X</u>	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,” Part 1, 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:

At its meeting on July 12, 2013, under agenda item J-1, the Board approved the issuance of a revocable permit to Nā Kālai Wa‘a for vessel storage, general storage, and community programs at South Kawaihae SBH.

At the time when the Division of Boating and Ocean Recreation (DOBOR) was annually renewing all of its revocable permits at the Board’s meeting on June 23, 2023, according to the Department of Commerce & Consumer Affairs’ (DCCA) website, Nā Kālai Wa‘a was not in good standing and staff were unable to renew RP 22. Nā Kālai Wa‘a has since then completed the DCCA annual filing and is now in good standing.

Staff is requesting the reissuance of RP 22 to Nā Kālai Wa‘a under the same terms and conditions.

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 the conditions and rent set forth herein will serve the best interests of the state.
3. Approve the reissuance of RP 22 to Nā Kālai Wa‘a at South Kawaihae 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:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources

Attachment:

- A-1 Site Map
- A-2 Site Map

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Reissuance of Revocable Permit 22 (RP 22) to Nā Kālai Wa‘a for Vessel and General Storage, Maintenance of Improvements, Youth Programs, Educational Programs, and Affiliated Community Programs, Situated at South Kawaihae Small Boat Harbor, Kawaihae, Island of Hawaii, Hawaii, Tax Map Key: (3) 6-1-003:026 (por.).
Project / Reference No.:	N/A
Project Location:	South Kawaihae Small Boat Harbor, Kawaihae, Island of Hawaii, Hawaii, Tax Map Key: (3) 6-1-003:026 (por.).
Project Description:	Reissue Revocable Permit 22 to Nā Kālai Wa‘a.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No(s).:	In accordance with Section 11-200.1-15, Hawaii Administrative Rules 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,” Part 1, 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.”
Cumulative Impact of Planned Successive Actions in Same Place Significant?	None. The actions will not be different from what is already existing.
Action May have Significant Impact on Particularly Sensitive Environment?	The requested area is a portion of the South Kawaihae Small Boat Harbor that is visited by the public and commercial operators and is impacted by human activity. Staff believes there would be no significant impact to sensitive environmental or ecological receptors.
Analysis:	The Board of Land and Natural Resources has previously issued a revocable permit for this use in the past. The proposed activity is of a similar type and scope to that previously approved. Such activities have resulted in no known significant impacts, whether immediate or cumulative to the natural, environmental and/or

	cultural resources in the area. Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.
Consulted Parties:	None
Recommendation:	It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Exhibit A-1
Site Location
South Kawaihae Small Boat Harbor, Hawaii Island



Exhibit A-2
Site Location
Nā Kālai Wa'a
South Kawaihae Small Boat Harbor, Hawaii Island

