

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

January 12, 2024

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

Land Board Members:

SUBJECT: Issuance of Revocable Permit to Belly Rolls, LLC, for Mobile Food Concession purposes, Wailoa Small Boat Harbor, Hilo, Hawaii Island, Hawaii Tax Map Key: (3) 2-2-031:001 (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:

Belly Rolls, LLC, a Hawaii limited liability company, whose mailing business address is 117 S Wilder Road, 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, Hilo, Hawaii Island, Hawaii, Tax Map Key: (3) 2-2-031:001 (por.), as shown on the map labeled **(Exhibit A-1 and A-2)** and attached hereto.

AREA:

Approximately 136 square feet, more or less.

ZONING:

State Land Use District: Urban

County of Hawaii: Open

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:

Vehicle mobile food concession.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson, and ending June 30, 2024.

MONTHLY RENTAL:

Two hundred dollars (\$200.00) per month or ten percent (10%) of gross receipts, whichever is greater.

COLLATERAL 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.”

JUSTIFICATION FOR REVOCABLE PERMIT:

The issuance of revocable permit is a short-term measure which will allow staff to test the market to determine if it’s practicable to seek the issuance of concession contract for a food truck at this location.

REMARKS:

The Wailoa Small Boat Harbor in Hilo on Hawaii Island is frequently used by fisherman. It would be beneficial to have a concessionaire like Belly Rolls, LLC to provide hot meals and beverages to the harbor users and community.

Staff sent a copy of this submittal to DLNR Division of Aquatic Resources (DAR), DLNR Office of Conservation and Coastal Lands (OCCL), DLNR State Parks, Department of Health (DOH) Food Safety Branch, and County of Hawaii Department of Planning for their review and comment and their response are as follows:

Agency	Comments
DLNR – DAR	Did not respond by suspense date
DLNR – OCCL	Did not respond by suspense date
DLNR – State Parks	No objections
DOH	Did not respond by suspense date
County of Hawaii, Dept. of Planning	Applicant required to submit a Special Management Area Assessment Application for the proposed project.

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 revocable permit under the conditions and rent set forth herein will serve the best interests of the State.
3. Authorize the issuance of Revocable Permit to Belly Rolls, LLC covering the subject area for a mobile food concession 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;
 - b. Review and approval by the Department of the Attorney General.
 - c. The Applicant is required to apply for a Special Management Area Use Permit (SMA) to be reviewed and approved by the County of Hawaii Department of Planning.
 - d. 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

Attachments:

- 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:	Issuance of Revocable Permit to Belly Rolls, LLC, for a Mobile Food Concession, Situated at Wailoa Small Boat Harbor, Hilo, Hawaii Island, Hawaii, Tax Map Key: (3) 2-2-031:001(por.)
Project / Reference No.:	
Project Location:	Wailoa Small Boat Harbor, Hilo, Hawaii Island, Hawaii, Tax Map Key: (3) 2-2-031:001(por.)
Project Description:	Issuance of Revocable Permit for Mobile Food Concession
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	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."
Cumulative Impact of Planned Successive Actions in Same Place Significant?	There are no permanent above ground structures. Activities in the subject area have resulted in no known significant impact to the natural and environmental resources in the area.
Action May have Significant Impact on Particularly Sensitive Environment?	Staff is not aware of any particularly sensitive environmental issues and use of the area would not change negligently from what is existing.
Analysis:	Based on the above mentioned, staff believes there would be no significant impact to the environment.
Consulted Parties:	DLNR-State Parks - was consulted and concurred with respect to the Chapter 343 exemption. Hawaii County Planning Department – was consulted and requested that the company apply for a Special Management Area (SMA) use permit.

Declaration:	
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Exhibit A-1

Site Location

Wailoa Small Boat Harbor, Hawaii Island

TMK: (3) 2-2-031:001 (por.)



Exhibit A-2

Site Location

Wailoa Small Boat Harbor, Hawaii Island

