

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

March 8, 2024

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

Land Board Members:

SUBJECT: Issuance of Revocable Permit to Pau Hana Yacht Charters LLC, for Vessel Mooring purposes, Kalia, Honolulu, Oahu Tax Map Key: (1) 2-3-037:020 (seaward of parcel).

And

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

APPLICANT:

Pau Hana Yacht Charters LLC, ("Pau Hana") a Hawaii limited liability company, whose mailing business address is 1001 Bishop Street, Honolulu, HI 96813.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government submerged lands situated at Kalia, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:020 (seaward of parcel), as shown on the map labeled (**Exhibit A-1 and A-2**) and attached hereto.

AREA:

Approximately 990 square feet, more or less.

ZONING:

State Land Use District: Urban

County of Hawaii: Public Precinct

TRUST LAND STATUS:

Section 5(a) 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 Revocable Permit No. 39 issued to HBM LLC.

CHARACTER OF USE:

Vessel mooring.

COMMENCEMENT DATE:

April 1, 2024, through June 30, 2024.

MONTHLY RENTAL:

\$340 per month.

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:

A short-term disposition is appropriate in this instance as staff is planning to reissue the Request for Proposals for the development of the Ala Wai SBH once it receives approval to proceed.

REMARKS:

The applicant currently rents a mooring from HBM LLC (“HBM”) at the former Ala Wai fuel dock.

At its meeting on February 23, 2024, under agenda Item J-9, staff requested the cancellation and reissuance of HBM’s revocable permit to accommodate the Division of Conservation and Enforcement’s field office and the storage of containers and two (2) slips at the fuel dock.

The cancellation of HBM’s revocable permit will leave Pau Hana without a place to moor its multi-hull vessel and conduct its commercial vessel tour business. The applicant has placed its name on the Ala Wai’s slip waitlist for a multi-hull vessel, but due to the length of said waitlist the applicant will be put out of business until it is able to secure a slip for its vessel. For this reason, staff is requesting the issuance of a revocable permit for the submerged lands.

The proposed revocable permit will be solely for vessel mooring purposes and will not entitle the applicant to use the fuel dock for parking or any other purpose.

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 Pau Hana Yacht Charters LLC covering the subject area for mooring 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; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



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Meghan L. Statts, Assistant Administrator  
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Attachments:

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

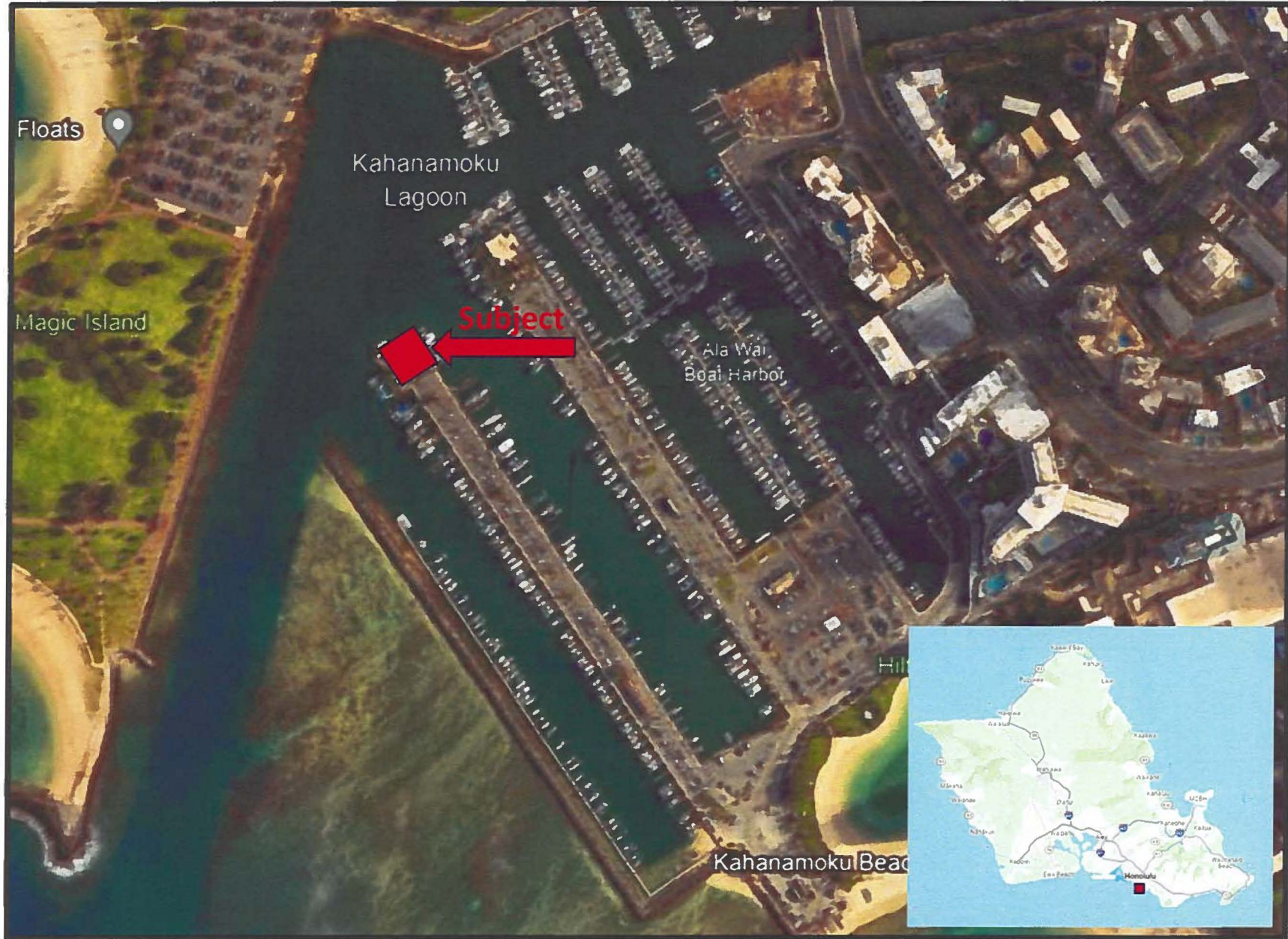
## EXEMPTION NOTIFICATION

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 Pau Hana Yacht Charters LLC, for Vessel Mooring purposes, Kalia, Honolulu, Oahu Tax Map Key: (1) 2-3-037:020 (seaward of parcel).
Project / Reference No.:	
Project Location:	Ala Wai Small Boat Harbor, Kalia, Honolulu, Oahu
Project Description:	Issuance of Revocable Permit for Vessel Mooring Purposes
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, that states, "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?	No, the request would involve no expansion or change in use of the subject area beyond that previously existing.
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 no expansion in the use of the subject area, staff believes there would be no significant impact to the environment.
Recommendation:	That the Board find 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







# EXHIBIT A-2

## Ala Wai Small Boat Harbor – Fuel Dock

