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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

May 24, 2024

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

Dear Ms. Chang:

MAUI

Authorize the issuance of three month-to-month Revocable Permits (RP), to American Guard Services, Inc., for use of office space, passenger screening area, and storage space, situated at Pier 1, Kahului Harbor, island of Maui, Tax Map Key (TMK) No. (2) 3-7-010:006 (P), Governor's Executive Order No. 2986.

LEGAL REFERENCE:

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

APPLICANT:

American Guard Services, Inc. (Applicant), is a foreign profit corporation whose mailing address is 1125 W 190th Street, Gardena, California, 90248.

CHARACTER OF USE:

Use of office space, passenger screening area, and storage space to support security measures for passengers traveling via cruise ships at Kahului Harbor, island of Maui.

LOCATION:

Portion of governmental lands at Kahului Harbor, island of Maui, TMK No. (2) 3-7-010:006 (P), Governor's Executive Order No. 2986, as shown on the enclosed map labeled Exhibit A.

ITEM M-HAR-1

AREA: See enclosed Exhibit A

| AREA | DESCRIPTION | TYPE | SQ. FT. | RATE PER SQ. FT. | MONTHLY RENTAL CHARGE | SECURITY DEPOSIT |
|------|-------------------------------------|-----------|---------|------------------|-----------------------|------------------|
| 1 | Storage for spare screening machine | Warehouse | 40 | \$1.42 | \$ 56.80 | \$ 113.60 |
| 2 | Passenger screening area (terminal) | Warehouse | 1,248 | \$1.42 | \$1,772.16 | \$3,544.32 |
| 3 | Office | Office | 224 | \$1.64 | \$ 367.36 | \$ 734.72 |
| | Common Area Maintenance | CAM | 224 | \$0.79 | \$ 176.96 | \$ 353.92 |

| | |
|-----------------------------|-------------------------------|
| \$2,373.28 | \$4,746.56 |
| Total Monthly Rental | Total Security Deposit |

CONSIDERATION:

Determined by appraisal as of June 1, 2022, for RPs in Kahului Harbor.

ZONING:

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

COMMENCEMENT DATE:

To be determined by the Director of Transportation.

TRUST LAND STATUS:

Subsection 5 (a) of the Hawaiian Admission Act (non-ceded lands).

CURRENT USE STATUS:

The area is currently occupied by the Applicant.

LAND TITLE STATUS:

Under the control and management of the State of Hawaii, Department of Transportation (HDOT), through the issuance of Governor's Executive Order No. 2986.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

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

“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.”

“Exemption Type 8: Continuing administrative activities.”

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

Exemption Type 1, Part 1:

- No. A.1. “Repair or maintain buildings, office space, sheds, parking structures, warehouses, utility systems, aircraft aprons and hardstands, hangars, tunnels and other similar structures or facilities necessary for the continued function and use, and to meet current local, state and federal standards and regulations. Actions include but not limited to the following:
 - a. General: repaint, reroof, repair/replace windows and doors, interior modifications, furnishings, space configuration, flooring and flooring cover, framework, roof sheathing and other similar actions.
 - b. Utility systems: electrical, interior lighting, plumbing, wastewater, information technology/communication and security systems, heating/ventilation/air conditioning units and other systems.”

Exemption Type 8, Part 1:

- No. 8.g. "Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing."

REMARKS:

The Applicant is an accredited security protection firm with trained security personnel specializing in Cruise Ship Passenger Terminal Operations. The Applicant provides its personnel with training and certification based on regulations specific to the cruise ship security industry. Their training is focused on preparing for contingencies for various situations, advanced planning, and a high level of communication to ensure awareness throughout the vessel and facility during all operations.

RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends that the Board finds that the issuance of three month-to-month RPs to the Applicant including its conditions and rent, under the terms and conditions cited above, and other terms and conditions as may be prescribed by the Director of Transportation to best serve the interest of the State.

Sincerely,



EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures



1. Storage for spare screening machine
2. Passenger screening area (terminal)
3. Office