

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

May 10, 2024

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

Land Board Members:

SUBJECT: Authorize Staff to Execute a Memorandum of Understanding Between the Division of Boating and Ocean Recreation and the Division of Conservation and Resources Enforcement for the proposed use of the fuel dock at Ala Wai Small Boat Harbor, Situated at Ala Wai Small Boat Harbor, Kalia, Honolulu, Island of Oahu, Tax Map Key: (1) 2-3-037:020 (por.)

BACKGROUND:

The proposed Memorandum of Understanding contemplates the Division of Conservation and Resources Enforcement (DOCARE) using a portion of the fuel dock at Ala Wai Small Boat Harbor.

The Ala Wai Small Boat Harbor (Ala Wai SBH) was set aside to the Division of Boating and Ocean Recreation (DOBOR) by Executive Order 4604 for Ala Wai Small Boat Harbor, beach control and related purposes.

DOCARE wishes to establish a field office at the fuel dock in the Ala Wai SBH, which consists of a building, fast lands, and moorings, to allow them to better respond to incidents within the harbor, Waikiki beach, and state ocean waters.

At its meeting on February 23, 2024, under agenda item J-9, the Board of Land and Natural Resources approved the cancellation of the revocable permit issued to HBM LLC for the fuel dock and the reissuance of the revocable permit for a smaller portion of the building and a mooring seaward of the fuel dock. At its meeting on March 08, 2024, under agenda item J-2, the Board of Land and Natural Resources approved issuance of a revocable permit to Pau Hana Yacht Charters LLC for submerged lands seaward of the fuel dock for the mooring of their vessel. DOCARE will occupy the remaining area of the building, place two (2) storage containers, and moor its vessels on the Makai side of the fuel dock. See **Exhibit A-1 and A-2**.

Staff has met with DOCARE and HBM, with all parties agreeing on the division of the area.

A Memorandum of Understanding for the Implementation of Division of Conservation and Resources Enforcement (DOCARE) field office at Ala Wai Small Boat Harbor has been drafted, see **Exhibit B**.

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Authorize Staff to Execute a Memorandum of Understanding Between the Division of Boating and Ocean Recreation and the Division of Conservation and Resources Enforcement for the proposed use of the fuel dock at Ala Wai Small Boat Harbor.

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:

- Exhibit A-1 Location on Oahu
- Exhibit A-2 Ala Wai Small Boat Harbor Fuel Dock
- Exhibit B Memorandum of Understanding

Exhibit A-1

Ala Wai Small Boat Harbor - Location on Oahu



Exhibit A-2

Ala Wai SBH Fuel Dock – Division of Space on Fuel Dock



Exhibit B

**MEMORANDUM OF UNDERSTANDING FOR IMPLEMENTATION OF DOCARE
FIELD OFFICE AT ALA WAI SMALL BOAT HARBOR**

This Memorandum of Understanding (MOU), effective April 01, 2024, is made and entered into by the Division of Boating and Ocean Recreation and the Division of Conservation and Resources Enforcement, of the Department of Land and Natural Resources. The signatories to this MOU may be referred to as Parties.

I. OBJECTIVES

By this MOU, the Parties seek to accomplish the following objectives:

- 1.1 Assign the Division of Conservation and Resources Enforcement (DOCARE) a portion of the fuel dock situated at Ala Wai Small Boat Harbor, Kalia, Honolulu, Island of Oahu, Tax Map Key: (1) 2-3-037:020 (portion).
- 1.2 The field office shall consist of a portion of the building located at the fuel dock, storage of containers, and two (2) mooring slips on the Makai side of the dock to moor law enforcement vessels.
- 1.3 DOCARE's use of the fuel dock will allow its officers to better respond to incidences within the harbor, Waikiki beach, and state ocean waters.
- 1.4 To reflect the commitment of the Parties to timely and effective harbor enforcement and protection of the ocean environment.

II. RECITALS

- 2.1 The Ala Wai Small Boat Harbor (Ala Wai SBH) was set aside to DOBOR by Executive Order 4604.
- 2.2 DOCARE aims to, "effectively upholds the laws that serve to protect, conserve and manage Hawai'i's unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawai'i nei."
- 2.3 DOCARE wishes to establish a field office at the location known as the fuel dock (Premises) in the Ala Wai SBH, which consists of a building, fast lands, and moorings, to allow them to better respond to incidents within the harbor, Waikiki beach, and state ocean waters.
- 2.4 At its meeting on February 23, 2024, under agenda item J-9, the Board of Land and Natural Resources approved the cancellation of the revocable permit issued to HBM LLC for the fuel dock and the reissuance of the revocable permit for a portion of the building

and a mooring at the fuel dock. DOCARE will occupy the remaining area of the building, place two (2) storage containers, and moor its vessels on the Makai side of the fuel dock.

III. PARTIES

- 3.1 The Division of Boating and Ocean Recreation (DOBOR) aims to preserve Hawai'i's natural and cultural resources while ensuring public access to State waters and enhancing the ocean experience.
- 3.2 The Division of Conservation and Resource Enforcement (DOCARE) aims to effectively uphold the laws that serve to protect, conserve, and manage Hawai'i's unique and limited natural, cultural and historic resources held in public trust for current and future generations of visitors and the people of Hawai'i nei.

IV. GENERAL AGREEMENTS

- 4.1 DOCARE shall occupy the Premises gratis on a month-to-month basis. Either Party may withdraw from this agreement by giving the other party 30-day written notice.

V. DOBOR AGREEMENTS

- 5.1 DOBOR agrees, at its sole cost and expense, to:
 - Relocate the fence along the Mauka side of the fuel dock to allow for public access along the dock (in accordance with the Americans with Disabilities Act of 1990) and to the pump out.
 - Remove the public telephone.
 - Relocate the electrical connection to the building.

VI. DOCARE AGREEMENTS

- 6.1 DOCARE agrees to:
 - Accept the building "as is."
 - Place the electrical account in its name.
 - Pay DOBOR for water use.
 - At its sole cost and expense, perform any repairs and maintenance on the building it deems necessary.
 - Work directly with HBM LLC and Pau Hana Yacht Charters on gaining access to their designated revocable permit premises, issue gate keys, and allow for 30-minute loading and unloading, and charge permittees for relevant costs (water, electricity, etc.)

- Prohibit HBM LLC, Pau Hana Yacht Charters, and its customers from parking within the main gate.

VII. OTHER ITEMS

- 7.1 Neither this MOU nor any provision hereof may be waived, modified, amended, or discharged except by an instrument in writing signed by the Parties.
- 7.2 This MOU constitutes the entire agreement of the Parties with respect to the matters set forth herein and it supersedes all prior or contemporaneous understandings or agreements among the Parties with respect to the subject matter of the MOU.
- 7.3 This MOU and any amendment may be executed in two or more counterparts, and by each Party on a separate counterpart, each of which, when executed and delivered, shall be an original and all of which together shall constitute one instrument, with the same force and effect as though all signatures appeared on a single document. Amendments to this MOU when executed by the Parties may be added as operative provisions by attachment(s) to the MOU without the necessity for re-circulation and signature of the original MOU in its entirety.
- 7.4 Each signatory below attests that he or she is duly authorized to execute this MOU on behalf of the Party he or she represents.

Attachment:

- Exhibit A-1 Location on Oahu
Exhibit A-2 Fuel Dock Delegation of Space

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives.

Edward R. Underwood, Administrator

Division of Boating and Ocean Recreation

Date

Jason Redulla, Enforcement Chief

Division of Conservation and Resources Enforcement

Date

Exhibit A-1

Ala Wai Small Boat Harbor - Location on Oahu



Exhibit A-2

Ala Wai SBH Fuel Dock – Division of Space on Fuel Dock

