

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

November 8, 2024

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

Land Board Members:

SUBJECT: Cancellation of Revocable Permit No. 84 to Wild West Charters, Ltd.; Request for Waiver of Requirement for Conducting Phase I Environmental Site Assessment upon Cancellation of Revocable Permit No. 84; Issuance of a Revocable Permit to Dive-Fish Hawaii, Inc. for Covered Area Used for Dock Storage and Access to Vessel purposes at Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por.).

And

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

APPLICANT:

Wild West Charters, Ltd., a Hawaii domestic profit corporation whose mailing address is Post Office Box 4129, Kailua-Kona, Hawaii 96745 and Dive-Fish Hawaii, Inc., a Hawaii domestic profit corporation whose mailing address is 475 Polipoli Road, Kula, Hawaii 96790.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Honokohau Small Boat Harbor (Honokohau SBH), Kealakehe, North Kona, Hawaii, identified as Tax Map Key: (3) 7-4-008:003 (por.), as shown on attached map labeled **Exhibit A-1 and A-2** and attached hereto.

AREA:

Approximately 186 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
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Encumbered by Revocable Permit No. 84 issued to Wild West Charters, Ltd.

CHARACTER OF USE:

Covered area used for storage and boat access.

CANCELLATION AND COMMENCEMENT DATE:

The first day of the month following the transfer of slips, to be determined by the Hawaii District Manager.

MONTHLY RENTAL:

\$101.85 per month, based on previous revocable permit.

COLLATERAL SECURITY DEPOSIT:

Twice the Monthly Rental.

DCCA VERIFICATION:

Dive-Fish Hawaii, Inc.:

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

Wild West Charters, Ltd.:

Place of business registration confirmed:	YES <u>X</u>	NO
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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 February 22, 2019, the Board approved the issuance of revocable permits to various applicants located a Honokohau SBH including Wild West Charters, Ltd., to address enclosed wood-clad storage sheds and wood-framed open-sided pavilions whose construction was done without the consent of the Division of Boating and Ocean Recreation (DOBOR) and the lands could be used with the proper dispositions and payment of rent.

The revocable permit for Wild West Charters, Ltd. has been renewed every year since with a 3% rental increase.

In September of 2024, Wild West Charters, Ltd. and Dive-Fish Hawaii, Inc. requested to trade boat slips at the Honokohau SBH.

Dive-Fish Hawaii, Inc. requests a revocable permit for the fast lands adjacent to its slip #40 at Honokohau SBH.

Staff recommends the Board approve the issuance of a revocable permit to Dive-Fish Hawaii, Inc. for the use of state lands for the purpose of having a covered area used for storage and recreation. Since the commercial use permits associated with these structures have a term not to exceed one year, and must be renewed annually, staff believes that a revocable permit is the appropriate disposition in this instance. Staff further believes that there is no need for the mooring permits and revocable permits to be coterminous, as each may be terminated within 30 days.

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 interest of the State.
3. Waive the requirement of Additional Conditions No. 13 regarding conducting a Phase I Environmental Site Assessment upon cancellation of Revocable Permit No. 84.
4. Approve the cancellation of Revocable Permit No. 84 issued to Wild West Charters, Ltd., and authorize the issuance of a Revocable Permit to Dive-Fish Hawaii, Inc. at Honokohau 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,



MEGHAN L. STATTS, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



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

Attachment:

Exhibit A-1 – Site Location

Exhibit A-2 – Site Location

EXEMPTION NOTIFICATION

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

Project Title:	Cancellation of Revocable Permit No. 84 to Wild West Charters Ltd.; Request for Waiver of Requirement for Conducting Phase I Environmental Site Assessment upon Cancellation of Revocable Permit No. 84; Issuance of a Revocable Permit to Dive-Fish Hawaii, Inc. for Covered Area Used for Dock Storage and Access to Vessel purposes at Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por).
Project / Reference No.:	
Project Location:	Honokohau Small Boat Harbor, Kailua-Kona, North Kona, Hawaii, Tax Map Key: (3) 7-4-008:003 (por).
Project Description:	Cancellation and Issuance of Revocable Permit for Covered Storage Area Used for Dock Storage and Access to Vessel 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, "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:	None

Declaration:	The Board find that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment.
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Exhibit A-1
Location of Dive-Fish Hawaii, Inc.
Honokohau Small Boat Harbor



Exhibit A-2
Location of Dive-Fish Hawaii, Inc.
Honokohau Small Boat Harbor

