

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

May 23, 2025

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

Land Board Members:

SUBJECT: Authorize the Sale of a Ten-Year Concession Contract by Sealed Bid for Retail Operation of an Automated Ice Machine purposes, Located at the Kahului Boat Ramp, Wailuku, Pū'ali Komohana, Island of Maui, Tax Map Key: (2) 3-7-001-023 (por.)

And

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

REQUEST:

The Division of Boating and Ocean Recreation ("DOBOR") is seeking authorization from the Board of Land and Natural Resources (Board) to offer the sale of a ten-year concession contract by sealed bid for the purpose of retail operation of an automated ice machine.

LOCATION:

Portion of Government lands situated at Kahului Boat Ramp, Wailuku, Pū'ali Komohana, Island of Maui, Tax Map Key: (2) 3-7-001-023 (por.), as shown on **Exhibit A**, attached hereto.

AREA:

200 square feet, more or less.

ZONING:

State Land Use District: Conservation, Urban
County of Maui Zoning: Not Zoned (Conservation), R-2 (Urban)

TRUST LAND STATUS:

Section 5(b) lands of the Hawai'i Admission Act
DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: No

CURRENT USE STATUS:

Under Revocable Permit No. 118 for the retail operation of an automated ice machine.

CHARACTER OF USE:

Retail operation of an automated ice machine.

MONTHLY RENTAL:

Minimum upset rent of \$305.00 per month or 15% of gross receipt sales, whichever is greater.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawai'i 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. 40, which states, "Leases of State Land involving negligible or no expansion or change of use beyond that previously existing."

REMARKS:

At its meeting on August 13, 2021, the Board approved the issuance of a Revocable Permit to Island Ice and Water Company LLC, for a retail operation of an automated ice machine, located at the Kahului Boat Ramp, Kahului, Hawaii, Tax Map Key: (2) 3-7-001:023 (por.). The permit has been renewed every year since then with a 3% increase in rent per year.

The Board has instructed staff to convert revocable permits to long-term dispositions, where practicable. To this end, DOBOR is seeking authorization for the sale of a ten-year concession contract by sealed bid to operate a retail operation of an automated ice machine at the Kahului Boat Ramp.

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, Hawai'i 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. Authorize the sale of a ten-year concession contract by sealed bid for retail operation of an automated ice machine 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 concession contract 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,



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

APPROVED FOR SUBMITTAL:



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

Attachment:

- A Site Location
- B Board Approval Dated August 13, 2021, Item J-3

EXEMPTION NOTIFICATION

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

Project Title:	Authorize the Sale of a Ten-Year Concession Contract by Sealed Bid for Retail Operation of an Automated Ice Machine purposes, Located at the Kahului Boat Ramp, Wailuku, Pū'ali Komohana, Island of Maui, Tax Map Key: (2) 3-7-001-023 (por.)
Project / Reference No.:	N/A
Project Location:	Kahului Boat Ramp, Wailuku, Pū'ali Komohana, Maui, Hawaii, Tax Map Key: (2) 3-7-001:023 (por.).
Project Description:	Authorize the Sale of a Ten-Year Concession Contract by Sealed Bid for Retail Operation of an Automated Ice Machine 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. 40, which states, "Leases of State Land involving negligible or no expansion or change of use 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.

Exhibit A-1

Site Location
Kahului Boat Ramp, Maui



Exhibit A-2

Site Location
Kahului Boat Ramp, Maui



Exhibit B

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

August 13, 2021

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

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

August 13, 2021

Land Board Members:

SUBJECT: Issuance of a Revocable Permit to Island Ice and Water Company LLC, for a Retail Operation of an Automated Ice Machine, Located at the Kahului Boat Ramp, Owa, Kahului, Hawaii, Tax Map Key: (2) 3-7-001:023 (por.)

And

Declare the Project Exempt from requirements of chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

APPLICANT:

Island Ice and Water Company LLC, a Hawaii limited liability company

LEGAL REFERENCE:

HRS §171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Kahului Boat Ramp, Owa, Kahului, Hawaii, identified by Tax Map Key: (2) 3-7-001:023 (por.) hereinafter referred to as the "Premises" as shown on the map Exhibit A and attached hereto.

AREA:

200 square feet more or less.

ZONING:

State Land Use District: Conservation, Urban

County of Maui CZO: Not Zoned (Conservation), R-2 (Urban)

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:

Revocable Permit No. 12 issued to Island Ice Company L.L.C. through June 30, 2021.

CHARACTER OF USE:

Occupy and use the Premises for the following specified purposes only: Retail
Operation of an Automated Ice Machine.

COMMENCEMENT DATE:

The revocable permits will commence on July 1, 2021, and end on June 30, 2022.

MONTHLY RENTAL:

Two Hundred Seventy Four and 47/100 dollars (\$274.47) per month.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

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 in by the Environmental Council on March 3, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to Exemption Class No. 1, Item No. 44, that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

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

JUSTIFICATION FOR REVOCABLE PERMIT:

The issuance of the revocable permit is temporary in nature, until staff is able to complete an IFB for a concession to sell ice at this location.

REMARKS:

Revocable Permit No.12 was issued to Island Ice Company L.L.C. ("Island Ice") in 2010 for the retail operation of an automated ice machine at the Kahului Boat Ramp. The permit ended June 30, 2021, and staff did not seek to renew it.

Island Ice's owner has formed a new LLC, Island Ice and Water Company LLC, and would like the permit issued in the new entity's name.

Staff requests the Board's approval to issue a revocable permit to Island Ice and Water Company LLC at the same monthly rental of the cancelled one.

RECOMMENDATION:

That the Board of Land and Natural Resources:

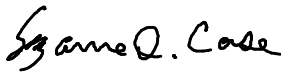
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a Revocable Permit to Island Ice and Water Company LLC, at Kahului Boat Ramp 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,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

Attachments:

Exhibit A-1, A-2: Site Map

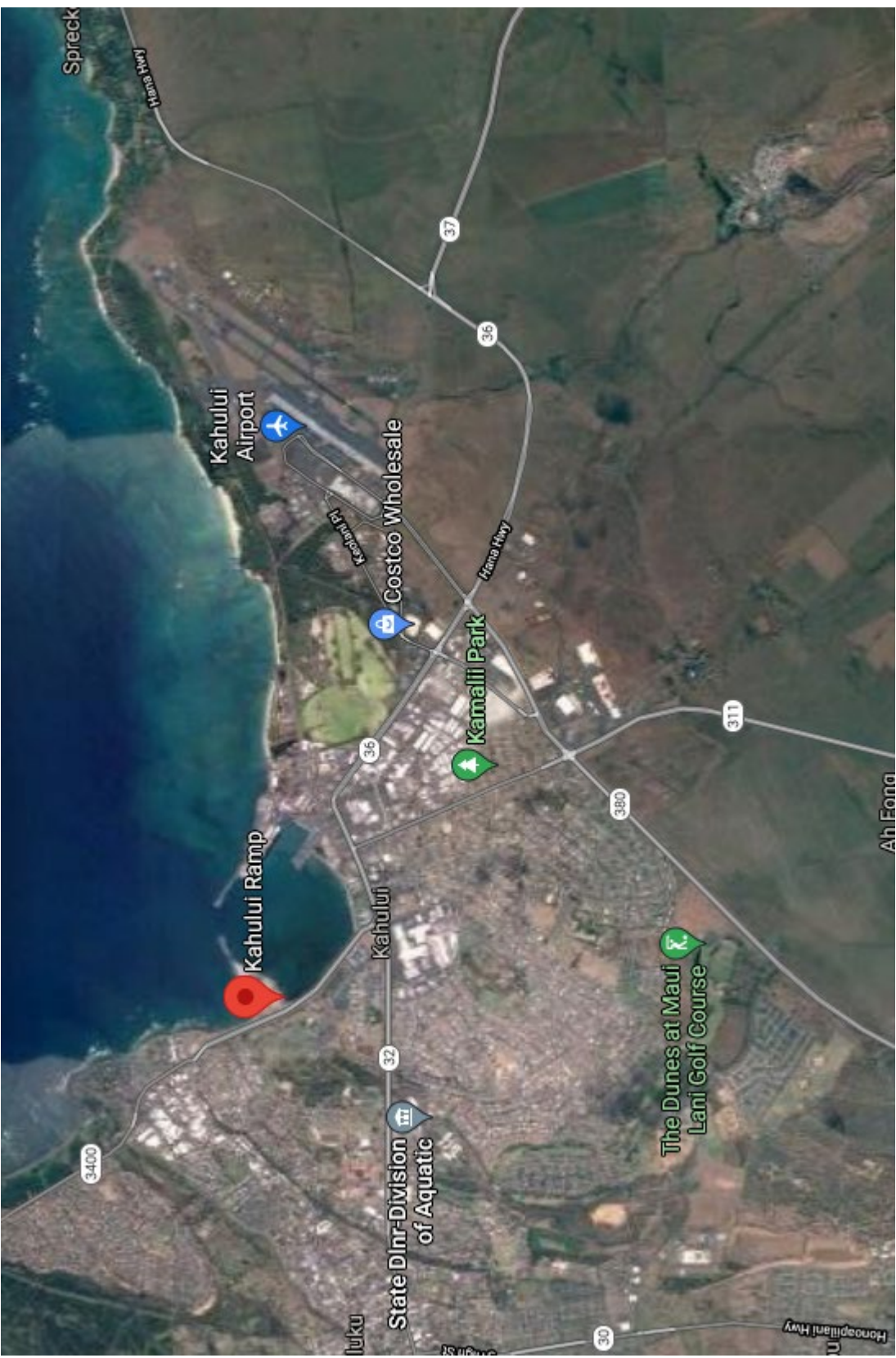


Exhibit A-1



Exhibit A-2