

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

March 23, 2012

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

PSF No: 07MD-138  
Maui

Rescind Prior Board Action of November 12, 2010, (Agenda Item D-5) for Issuance of a Revocable Permit to Molokai Canoe Club, Kaunanakai, Molokai, Maui, Tax Map Key: (2) 5-3-001:Por. 002

BACKGROUND:

The Land Board at its November 12, 2010 meeting, under agenda item D-5 (attached as Exhibit "1"), authorized a revocable permit to the Molokai Canoe Club for canoe club activities and storage purposes. During the Maui Land Division's process for this permit, it was discovered that the club was not in good standing with the State of Hawaii, Department of Commerce and Consumer Affairs (DCCA), Business Registration Division. The club was asked to provide a Certificate of Good Standing with the DCCA and verification of their non-profit status with the Internal Revenue Service. None of the requested information has been received.

REMARKS:

On June 30, 2011 a quitclaim deed LOD S-29002 was executed, transferring ownership of the requested lands situated at Tax Map Key: (2) 5-3-001:002 to the Department of Hawaiian Home Lands (DHHL). The DHHL had been made aware (prior to this deed) that the Molokai Canoe Club was requesting a month-to-month revocable permit. It was anticipated that the permit would incept prior to the execution of LOD S-29002.

The DHHL has been notified by correspondence dated February 27, 2012 of Molokai Canoe Club's unresolved issues. The pending permit file information has been transferred to DHHL for any further action. Advisement has also been provided that the Land Board approval of November 12, 2010 will be rescinded.

RECOMMENDATION: That the Board:

1. Rescind the prior Board action of November 12, 2010, under item D-5.

Respectfully Submitted,



Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Alla, Jr., Chairperson

D-5

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

November 12, 2010

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

PSF No.: 07MD-138

Molokai

Issuance of Revocable Permit to Molokai Canoe Club,  
Kaunakakai, Molokai, Maui, Tax Map Key: (2)5-3-001:002 por.

APPLICANT:

Molokai Canoe Club, a Domestic Nonprofit Corporation, c/o Faye  
Wallace, Club President, whose business and mailing address is 1  
Kaunakakai, Hawaii, 96748.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kaunakakai, Molokai, identified by  
Tax Map Key: (2) 5-3-001:002 por., as shown on the attached map  
labeled Exhibit (A) and topographical GIS photo labeled Exhibit (B).

AREA:

One (1) acre, more or less.

ZONING:

State Land Use District: Urban  
County of Maui CZO: Interim

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES  NO

CURRENT USE STATUS:

The area is being utilized by the Molokai Canoe Club for club  
activities and storage purposes.

CHARACTER OF USE:

Canoe club activities and storage purposes.

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

*211*  
November 12, 2010

**EXHIBIT "1"**

D-5

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

To be determined by staff appraiser, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation". Exhibit C.

AGENCY COMMENTS:

Requests for comments were submitted to the following agencies:

Agency	Comments
County of Maui - Dept. of Parks & Recreation	No response received
County of Maui - Planning	No response received
County of Maui - Public Works	Concern regarding adequacy of off street parking.
Office of Hawaiian Affairs	Supports proposed use of the subject ceded lands.
Office of the Attorney General	No response received
Department of Transportation - Harbors Division	No response received
Department of Business, Economic Development & Tourism	No response received
Department of Hawaiian Home Lands	Agrees with the issuance of RP and compliance with all terms and conditions (Exhibit D).

REMARKS:

The subject parcel is currently unencumbered. A portion of the parcel was previously encumbered by Revocable Permit No. S-6023 (RPS-6023) issued to the Molokai Canoe Club for storage and club related activities.

On May 15, 1998 under agenda Item D-1, the Board authorized the cancellation of RPS-6023 pursuant to the agreement with the State Department of Business Economic Development and Tourism (DBEDT) to have the subject lands set aside to DBEDT for establishment of the proposed "Malama Cultural Center Project."

Although the permit was canceled, the Molokai Canoe Club remained on site pursuant to an anticipated lease agreement with DBEDT. However, DBEDT did not implement the proposed project and lands remained under the jurisdiction of the State DLNR. As a result the Molokai Canoe Club has continued to maintain, and manage their activities from that location in a state of "limbo."

The Molokai Canoe Club has been in existence for more than twenty years. The club has provided an opportunity for the Molokai community to participate in the cultural tradition of canoe paddling. It is also active with youth organizations such as the Maui Interscholastic League. The intent of this permit is to reauthorize ongoing storage of equipment/supplies as well as events and activities that are sponsored by the Molokai Canoe Club and that continue to occur on site. Storage includes placement of ten or more outrigger canoes along the shoreline and storage of equipment amongst three (3) storage sheds.

Staff notes that the subject lands are being considered for transfer to the Department of Hawaiian Home Lands (DHHL) on October 28, 2010 (D-12). DHHL has no objection to the issuance of the subject permit.

The applicant shall provide for on-site parking for club related events and activities pursuant to State and County rules and regulations.

The Maui District Land Office has no other applications or request for the use of the subject location.

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.

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, 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 the Molokai Canoe Club covering the subject area for storage and canoe club related purposes 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.

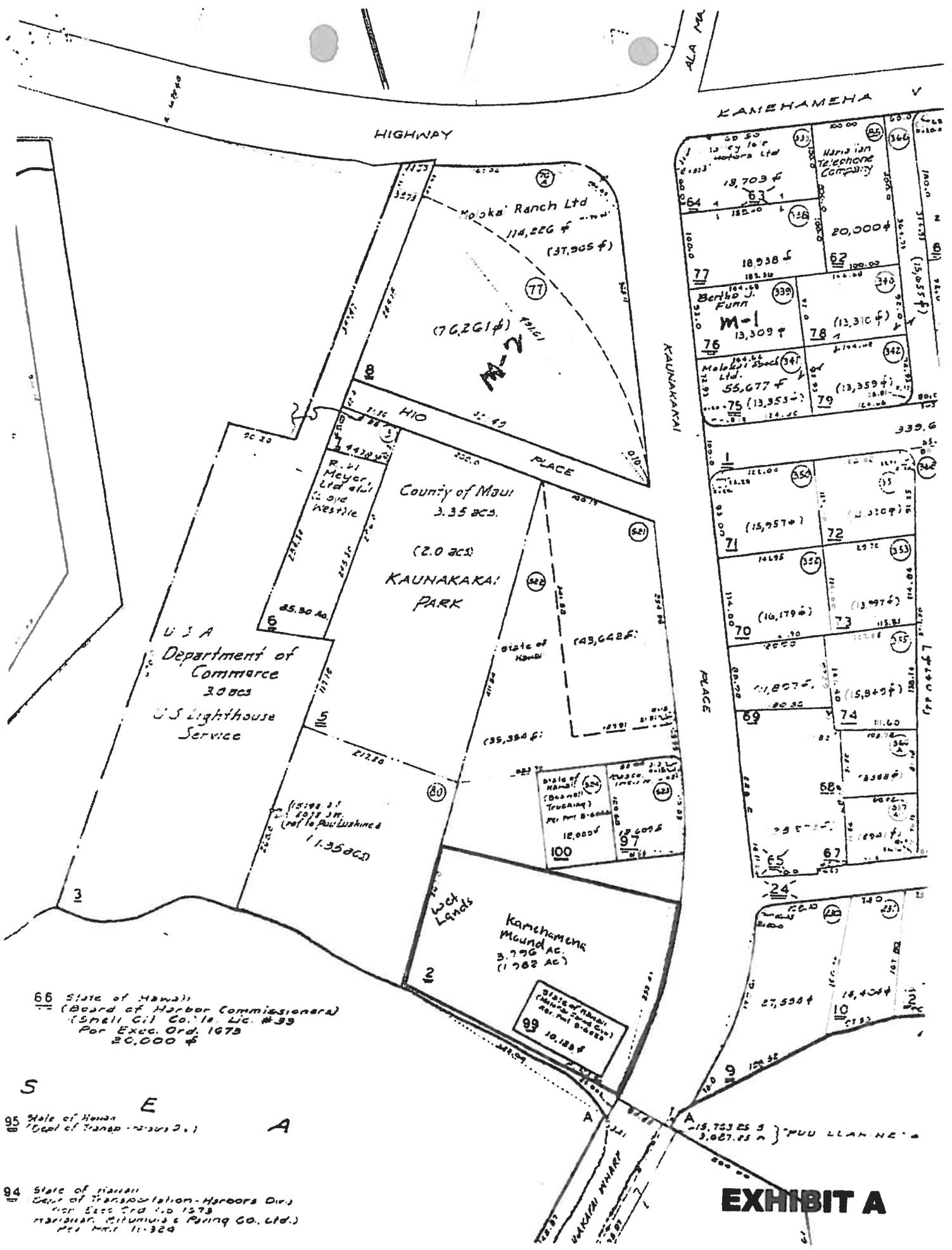
Respectfully Submitted,

  
\_\_\_\_\_  
Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thiel, Chairperson

*ML*



66 State of Hawaii  
 (Board of Harbor Commissioners)  
 (Shell Oil Co. 10 Lic. #33)  
 For Exec. Ord. 1679  
 20,000 sq

95 State of Hawaii  
 (Dept of Transp. - 12-20-21)

94 State of Hawaii  
 Dept of Transportation - Harbors Div.  
 For Exec Ord. No 1573  
 National Petroleum & Refining Co. Ltd.)  
 For No. 11-320

**EXHIBIT A**

Molokai Canoe Club  
Subject Area  
(2) 5-3-001: Por. of 002  
1.0 acre more or less

Red: Private Property / Other  
Blue: State Land

Exhibit B



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

October 28, 2010

**EXEMPTION NOTIFICATION**

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Molokai Canoe Club

Project / Reference No.: 07MD-138

Project Location: Molokai, Hawaii, TMK: (2) 5-3-001: Portion of 002.

Project Description: Request for a Month to Month Revocable Permit for Storage and other related canoe club purposes.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation".

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or

**EXHIBIT "C"**

cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

County of Maui, Department of Public Works,  
Office of Hawaiian Affairs, Department of  
Hawaiian Home Lands

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

---

Laura Thielen, Chairperson

---

Date

LINDA LINGLE  
GOVERNOR  
STATE OF HAWAII



RECEIVED  
MAUI DISTRICT  
LAND DIVISION

KAULANA H. R. PARK  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION  
ANITA S. WONG  
DEPUTY TO THE CHAIRMAN  
ROBERT J. HALL  
EXECUTIVE ASSISTANT

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879  
HONOLULU, HAWAII 96805

2010 OCT 25 PM 3: 52

October 19, 2010

To: Laura H. Thielen, Chairperson  
Department of Land and Natural Resources

Attn: Larry Pacheco, Land Agent

From: Kaulana H.R. Park, Chairman *OW*

Subject: REQUEST FOR A MONTH-TO-MONTH REVOCABLE PERMIT TO THE  
MOLOKAI CANOE CLUB FOR STORAGE AND OTHER RELATED CANOE  
CLUB PURPOSES, TMK NO. (2)5-3-001:002 Por.,  
KAUNAKAKAI, MOLOKAI

Mahalo for the opportunity to provide comments regarding the subject request for a revocable permit.

DHHL confirms that this parcel is scheduled for Land Board approval to transfer to DHHL. In the meantime, DHHL recommends that DLNR staff bring the Molokai Canoe Club into compliance by issuing a revocable permit and enforcing the terms of the revocable permit before DHHL assumes control of the property.

I appreciate your cooperation in this matter. If you have any questions, please call me or have your staff call Darrell Yagodich, Planning Program Manager, at 620-9481.

EXHIBIT "D"