

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Honolulu, Hawaii

April 27, 2012

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

MAUI

Issuance of a Revocable Permit to Maalaea Charters. Inc. for Space to Operate a Commercial Charter Vessel Office for Vessel Activity Sales, and Sales of Various Outdoor Activities, Maalaea Small Boat Harbor, Maalaea, Wailuku, Maui, Tax Map Key: 3-6-01:2 por.

APPLICANT:

Maalaea Charters, Inc., a Domestic Profit Corporation business is situated at 11 Maalaea Harbor Road, Wailuku, Maui, 96793.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Maalaea Small Boat Harbor situated at Waikapu, Wailuku, Maalaea, Island of Maui, identified by Tax Map Key: 3-6-01:2 portion.
Location shown on the attached map labeled Exhibit A.

AREA:

144 Square Feet, more or less.

ZONING:

State Land Use District: Urban
County of Maui CZO: M-1 Business/Industrial

TRUST LAND STATUS:

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

CHARACTER OF USE:

Occupy and use space for operation of a commercial charter vessel office for vessel activity sales, and the sales of various outdoor activities.

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COMMENCEMENT DATE:

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

MONTHLY RENTAL:

\$250.00 or Five Percent (5%) of the monthly gross proceeds, whichever is greater, subject to review and approval by the Chairperson.

SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Boating and Ocean Recreation Environmental Impact Statement Exemption List", approved by the Environmental Council and dated March 22, 1995, the subject request qualifies under exempt Class of Action No. 1 - "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion of or change of use beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed: YES NO
Registered business name confirmed: YES NO
Applicant in good standing confirmed: YES NO

REMARKS:

Maalaea Charters, Inc. (MCI) was originally established by several commercial charter vessels operating out of slips located within the Maalaea Small Boat Harbor in the early eighties. At that time, harbor staff determined that it was unpractical to allow a booth be set up at every slip, due to the harbor's limited space, pier design, and configuration. MCI was allowed to operate on a space situated on the Mauka side of the harbor along side the harbor road and parking lot.

On October 28, 2011 at its regular meeting, the Board approved DOBOR's request for the cancellation of revocable permit B-93-43 to Maalaea Charters, Inc. DOBOR moved forward to convert the Permittee's occupancy to a Harbor Use Ticket Booth Permit. In this process DOBOR found that MCI would not fall entirely into the category, specific to a ticket booth under HARS, section 13-232-43. A Harbor issued ticket booth is 48 square feet, normally located pier side, with a rent of \$250.00 paid in addition to mooring fees and percentage for a specific slip. MCI enhances its operation to include various marine and outdoor activity sales, in addition to the operation of commercial charter vessel activity sales. Due to the size of the structure being larger than the pier side ticket booths and the augmented use, a revocable permit was determined to be

the appropriate agreement to continue operation within the harbor at the present site at this time. The original foot print presently at 100 square feet more or less, would increase slightly to 144 square feet to accommodate a set of steps for improved access to the booth counter window, and landscaping. Rental paid was \$80.00 monthly with no percentage under the previous agreement. Under the updated Revocable Permit, the base rent would increase to be in line with comparable use of ticket booths at \$250.00 and include a percentage rent of 5% of the gross whichever is greater. The Permittee would maintain and keep the immediate area surrounding the structure clean, landscaped, and pay all utilities. MCI has agreed with the increase in rental rate and the terms. Any upgrades would require prior approval of the Chairperson.

At this point DOBOR is still in the process of performing substantial harbor upgrades and a month to month tenancy would be suitable at this time for this site. DOBOR requests the Board's approval to authorize the Chairperson to relocate the booth should it be deemed necessary for improved efficiency and/or safety of harbor operation.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years.

RECOMMENDATION: That the Board:

- A. Authorize 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 there therefore exempt from preparation of an environmental assessment.
- B. The issuance of a revocable permit to Maalaea Charters, Inc. covering the subject area for space to operate a commercial charter vessel office for vessel activity sales, and sales of various outdoor activities, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General; and
 3. Authorization for the Chairperson to relocate the Permittee should it be necessary for the management of harbor operation during construction;
 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

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Respectfully Submitted,



Edward R. Underwood
Administrator

Attachment: Exhibit A

Approved For Submittal:



William J. Aila, Jr.
Chairperson

EXHIBIT

