

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Resources
Honolulu, Hawaii

August 10, 2012

OAHU

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

ISSUANCE OF A REVOCABLE PERMIT TO HAWAIIAN PARASAIL, INC. FOR THIRTY SIX SQUARE FEET TO CONSTRUCT A DECK TO ACCOMPANY A TICKET BOOTH, LOCATED AT THE ALA WAI SMALL BOAT HARBOR (AWSBH), HONOLULU, OAHU, TMK: (1) 2-3-037: (por)

APPLICANT:

Hawaiian Parasail, Inc. whose address is 1085, #101, Ala Moana Boulevard
Honolulu, Hawaii 96814

LEGAL REFERENCE:

Section 171-13 and 55, Hawaii Revised Statutes

LOCATION AND AREA:

AWSBH, Kalia, Waikiki, Honolulu, Island of Oahu, Governor's Executive Order No. 1795. TMK: (1) 2-3-037, Ticket Booth site of seventy two square feet, as shown on Exhibit "A."

LAND TITLE STATUS:

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

DCCA VERIFICATION:

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

PURPOSE:

To authorize the Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR) to enter into a Revocable Permit with Hawaiian Parasail, Inc. for the purpose of constructing a thirty-six foot patio to accompany a ticket booth to support their commercial parasail operations.

TERM:

Month to month Revocable Permit

RENT

The rent for the thirty six square feet for the ticket booth is \$250.00 per month as per Hawaii Administrative Rules. The proposed rent for the additional thirty six square feet to be used as a patio to accompany the ticket booth is \$250.00 for a total of \$500.00 per month.

**CHAPTER 343 -
ENVIRONMENTAL ASSESSMENT:**

In accordance with the "Comprehensive Exemption List for the Division of the Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred by the Environmental Council, State of Hawaii", dated March, 1998, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 3 that states, "Construction and location of single new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (A) Single family residences not in conjunction with the building of two or more such units; (B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) Stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures; and (D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences.

REMARKS:

Hawaiian Parasail, Inc. is currently a tenant of the Kewalo small boat harbor that is under the jurisdiction of the Hawaii Community Development Authority. Hawaiian Parasail, Inc. was given notice to vacate the property that they lease for office space in order to make room for a new restaurant development. Hawaiian Parasail, Inc. contacted our office to inquire if we had any space available for them to operate from and we informed

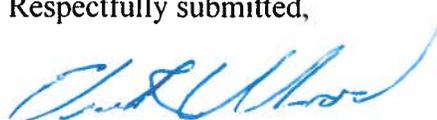
them that since Hawaii Revised Statute, § 200-9, was amended in 2011 we can now permit commercial vessel activities in the Ala Wai Small Boat Harbor. We proposed to allow them to build a ticket booth and operate from the area in the harbor known as the triangle parking lot. The area is located between the 500 and 600 rows on the Diamond Head side of the property. This area will provide a drop off and pick up zone for passengers and currently has a finger pier where vessels can operate from. The additional thirty six feet of patio space was requested because the ticket booth will be cantilevered over the break wall and will provide access to the ticket booth since the door will be built on the side of the structure. There currently is a no building area located within the facility that extends seaward of the Hilton Lagoon and the proposed area for the ticket booth falls outside of the no building area (See Exhibit B).

RECOMMENDATIONS:

That the Board:

- A. 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.
- B. Authorize the issuance of a Revocable Permit to Hawaiian Parasail, Inc. for thirty six square feet of patio area to accompany a ticket booth to support commercial parasailing operations within the Ala Wai Small Boat Harbor subject to the following:
 1. The standard terms and conditions of the most current Revocable Permit as to form, as may be amended from time to time;
 2. Review and approval by the Department of the Attorney General;
 3. The Permittee shall indemnify the State and Diamond Parking and shall provide liability insurance in an amount to be determined by the department that names the State of Hawaii and Diamond Parking as additional insureds, and;
 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interest of the State.

Respectfully submitted,



Edward R. Underwood
Administrator

Issuance of a Revocable Permit to Hawaiian Parasail, Inc.
for Thirty Six Square Feet to Construct a Deck to Accompany a
Ticket Booth, Located at the Ala Wai Small Boat Harbor (AWSBH),
Honolulu, Oahu, Tmk: (1) 2-3-037: (Por)

August 10, 2012

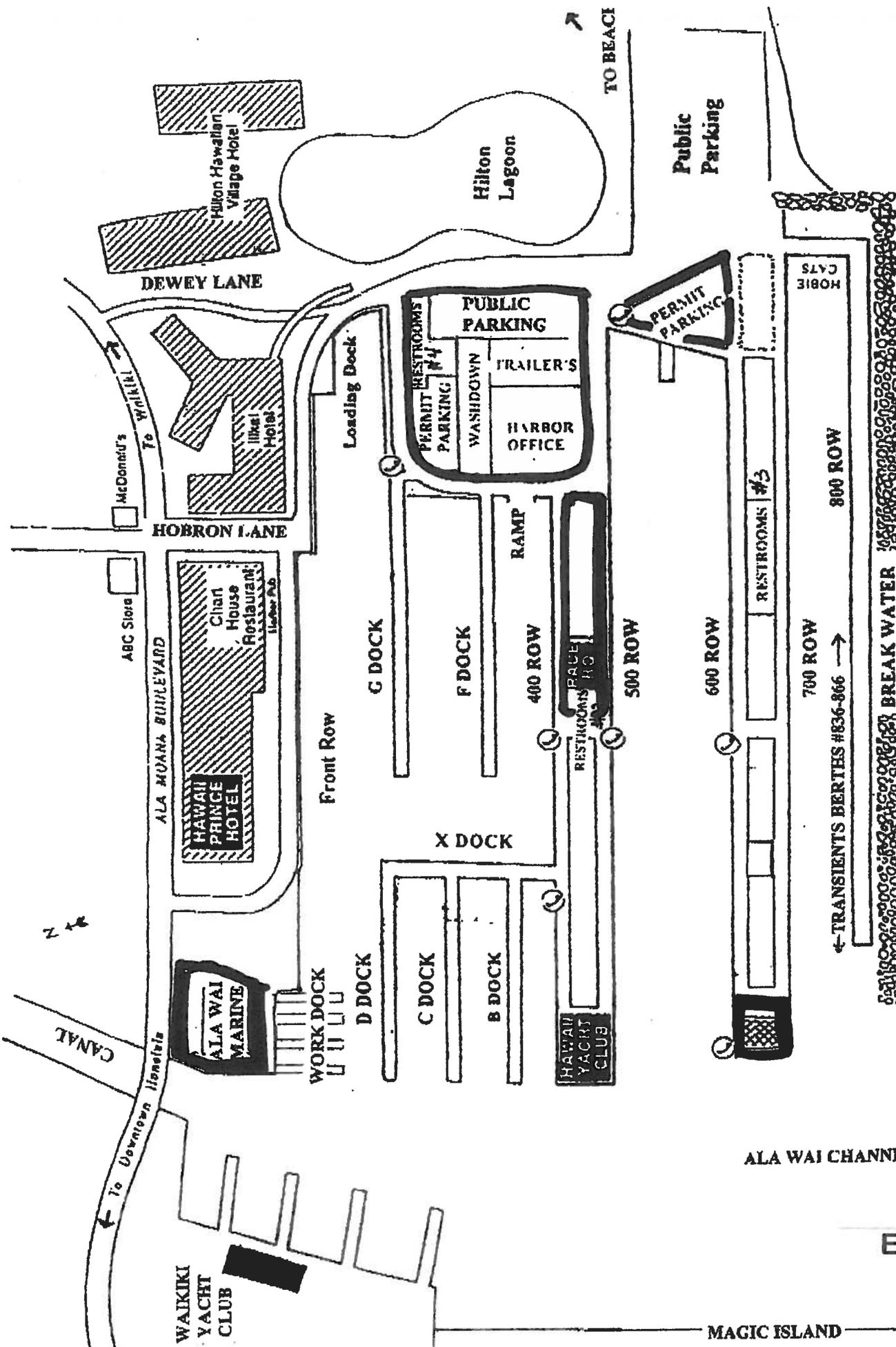
Item J-1

Attachments: Exhibit A
Exhibit B

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson and Member



**ALA WAI SMALL BOAT HARBOR
1651 ALA MOANA BOULEVARD**

EXHIBIT A



EXHIBIT B