

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

July 12, 2013

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

Hawaii

Issuance of a Revocable Permit to Na Kalai Wa'a, South Kawaihae Small Boat Harbor, Kawaihae, Island of Hawaii, Tax Map Key: (3) 6-1-003: portion.

APPLICANT:

Na Kalai Wa'a is a Domestic Non-profit Corporation whose business and mailing address is at 65-1026 Mamalahoa Hwy., Suite 3-11, Kamuela, Hawaii 96743.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands within South Kawaihae Small Boat Harbor, situated at Kawaihae, Hawaii identified by Tax Map Key: (3) 6-1-003: portion, as shown on the attached map labeled Exhibit A.

AREA:

.51 acres, more or less.

TRUST LAND STATUS:

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

CURRENT USE STATUS:

Vessel storage, general storage, community programs.

Item J-1

CHARACTER OF USE:

For vessel storage, general storage, maintenance of improvements, youth programs, educational programs, and affiliated community programs.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

The rent is \$200 per month, during the term of the Revocable Permit. Should Na Kalai Wa'a enter into a long term lease agreement with the State, the rent shall be determined by an appraisal, with consideration as a non-profit corporation offering educational programs.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii", dated March, 1995, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states in pertinent part, "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."

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 __

REMARKS:

The South Kawaihae Small Boat Harbor ("South Kawaihae SBH") located on the southern edge of the Kawaihae Commercial Harbor, was constructed in phases since 1969 and remained mainly undeveloped except for the completion of two break walls, and a dredged channel. There has been some intermittent mooring and occasionally transient vessels that would stop and stay for periods of time. Historically the main balance of mooring in Kawaihae has been within the Department of Transportation

(DOT) main commercial harbor and the North Small Boat Harbor. The Island of Hawaii YMCA (YMCA) used the water portion and portions of the land at South Kawaihae SBH for its aquatic center swim program. The only structures at South Kawaihae Harbor were two pavilion type buildings.

The Division of Boating and Ocean Recreation (DOBOR) is now in the process of moving forward to construct certain improvements within the Kawaihae South Small Boat Harbor with its goal to complete a fully operational harbor in the coming year. Both the Na Kalai Wa'a and the YMCA were notified and participated in the recent dedication held on June 7, 2013. Construction is planned to commence this summer.

The applicant, Na Kalai Wa'a is described as "an education-based 501 (c) 3 non-profit organization dedicated to the maintenance of cultural values and customs through the teaching and application of non-instrument navigation and open-ocean voyaging." Na Kalai Wa'a originally occupied a space on DOT Harbor property near North Kawaihae Small Boat Harbor and in 2007 moved to South Kawaihae to store equipment and the trailered voyaging canoe Makali'i under a harbor use permit for storage. Na Kalai Wa'a has always provided assistance in maintenance and support as requested or needed to the YMCA and would regularly schedule, through the YMCA, to use the pavilion for visits from school groups. The YMCA has substantially scaled down its programs at Kawaihae and is requiring a smaller space for vessel and equipment storage containers.

Na Kalai Wa'a on the other hand has been growing as an organization and is affiliated with various groups throughout Hawaii. As a result of this growth, there is a continued need to provide a suitable way to consolidate and to better organize groups visiting South Kawaihae SBH. These groups may include various grade schools, university, youth, paddling, sailing and community groups which participate in its educational programs, or activities hosted at the harbor site. The pavilion structure would function much like the Hawaii Big Game Fishing Club does by providing their space for meetings or community groups wishing to meet at Honokohau Harbor.

Na Kalai Wa'a requests the Board's approval to occupy the pavilion site, maintain the structures, and use the immediate surrounding area. This would allow it to better function, consolidate, and secure the area with its canoes, support vessel storage and necessary equipment. As previously performed by the YMCA in the past, Na Kalai Wa'a would take over the responsibility of the maintenance and scheduling of the pavilion's use through its office in Waimea. Na Kalai Wa'a has made it clear that it intends to continue to work closely with the YMCA to maintain its relationship and for use of the pavilion to support its sailing and future programs. The YMCA would in turn move to a smaller site adjacent this property.

In the past, under a harbor storage agreement, DOBOR allowed the applicant a gratis fee although DOBOR requests that a nominal fee of \$200.00 monthly be charged for the half acre harbor property including the two structures. DOBOR feels this not unreasonable at

this time and should Na Kalai Wa'a enter into a long term lease agreement with the State, their rent would be determined by an appraisal with consideration as a non-profit offering educational programs.

Under the month to month revocable permit, Na Kalai Wa'a would be required to perform the maintenance, be responsible for utilities, provide sufficient portable restroom amenities, and would take the responsibility as the point of contact to schedule with other clubs or groups activities for use of the pavilion.

During the construction period the Applicant understands there will be impacts to the harbor and must maintain a safe distance from the construction area. The permittee shall be required to have sufficient insurance to cover all site improvements, hosted groups, and activities. The State shall be additionally insured throughout the term of its occupancy with minimum insurance amount as approved by the State.

The Permittee shall be required to notify DOBOR of any large groups or special events and may be required to apply for event permits as deemed necessary by DOBOR. DOBOR reserves the right to limit activities within the harbor at the permitted site for the safe operation of the harbor facility during construction. The permittee shall be responsible for all utilities and trash service costs and shall be required to provide sufficient portable restroom services for the use on the property at all times.

Both Na Kalai Wa'a, as well as the YMCA, have requested a long term agreement with the State after construction is completed. A month-to-month tenancy is appropriate at this time rather than a long-term disposition until construction is completed at the South Kawaihae SBH. Both programs at the harbor complement each other with the sailing component and youth programs. DOBOR feels that both organizations are a welcomed part of the harbor.

DOBOR may find it necessary to relocate the permittee for later construction phases. Should this be needed, it will give advanced notice to the permittee and identify an alternate site during that period. DOBOR requests the Chairperson be authorized to approve relocation or amend the Permit as necessary during the construction period.

The Applicant, Na Kalai Wa'a 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:

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 Na Kalai Wa'a covering the subject area 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.
3. Authorize Chairperson to approve relocation or amend the Permit as necessary during the construction period;

Respectfully Submitted,



Edward R. Underwood
Administrator

Attachment: Exhibit A

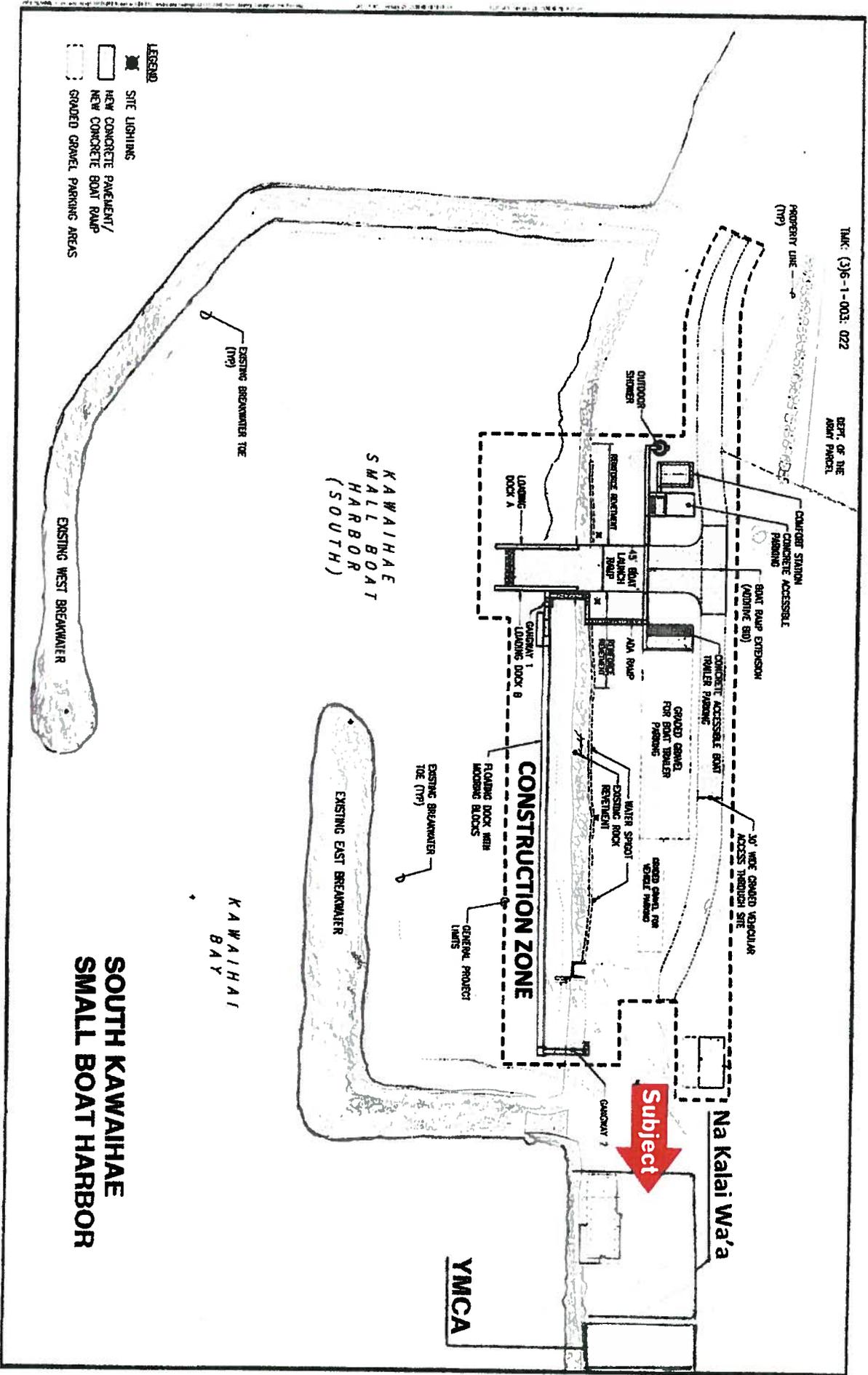
APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson and Member

TRAC (3)6-1-003: 022

DEPT. OF THE BOAT HARBOUR



- LEGEND**
- SITE LIGHTING
 - NEW CONCRETE PAVEMENT/
NEW CONCRETE BOAT RAMP
 - GRAVEL GRASS PAVING AREAS

**SOUTH KAWAIIHAE
SMALL BOAT HARBOR**

EXHIBIT A