

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

Cancellation of Revocable Permit BH-07-38 and Issuance of a new Revocable Permit to The Island of Hawaii YMCA, South Kawaihae Small Boat Harbor, Kawaihae, Island of Hawaii, Tax Map Key: (3) 6-1-003: portion.

APPLICANT:

The Island of Hawaii YMCA (YMCA) is a Domestic Non-profit Corporation whose business and mailing address is 300 W. Lanikaula St., Hilo, Hawaii 96720.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands within the 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 as Exhibit A.

AREA:

.14 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:

For sailing programs, marine education programs, and storage purposes.

CHARACTER OF USE:

For sailing programs, storage purposes, marine education and youth programs.

COMMENCEMENT DATE:

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

MONTHLY RENTAL:

The monthly rent is \$100.00 during the term of the Revocable Permit, and should the YMCA enter into a long term lease agreement with the State, then the rent shall be determined by an appraisal, with consideration as a non-profit corporation offering mainly youth programs. Rent would be guided by HRS 171-43.

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 Harbor Small Boat Harbor ("South Harbor") located on the Southern edge of the Kawaihae Commercial Harbor, was constructed in phases since 1969 and remained undeveloped except for the completion of two break walls, and a dredged channel. There has been intermittent mooring and occasionally transient vessels that would stop and stay for periods of time. Historically the main balance of active mooring in Kawaihae has been within the DOT Commercial Harbor and North Kawaihae Small Boat Harbor. The Division of Boating and Ocean Recreation (DOBOR) is now in

the process of moving forward with the development and construction of certain improvements within Kawaihae South Harbor, and its goal is to complete a fully operational harbor in the coming year. The construction zone will be the area of the land and seaward between the two break walls. The entire water portion within the breakwater and the immediate surrounding land mauka of the harbor will be closed as well as that portion of the harbor road during the construction period. There will be road construction on the entry driveway in phases. At this time there are no vessels mooring in the harbor.

The YMCA is requesting that it be allowed to remain in the Kawaihae area and has requested a new revocable permit be issued for the use of sailing program, marine education programs, and storage purposes. During the construction period this year, it will mainly use the property for storage and as needed, trailer its vessels to other locations to launch such as North Kawaihae, or Puako ramps.

To provide additional background, the YMCA has used portions of the land and protected waters within the break wall of South Kawaihae Harbor for a community based aquatic center since 2000. The uses included a swimming program, youth sailing programs, and equipment storage previously under Revocable Permits B-00-02 and then BH-07-38. The YMCA installed a floating dock with an attached wooden launch ramp to access the water to support these activities within the harbor. A fenced area was used for security of containers and storage and in addition it maintained the two wooden pavilion type structures. These structures were originally constructed from a past movie/television project in the mid-nineties known as "Wind on the Waters." The YMCA mainly used these pavilion structures to complement its programs and over time many other community groups have found them useful for their purposes, including the YMCA's neighbor, Na Kalai Wa'a. The YMCA maintained these areas, provided portable restroom amenities, and performed scheduling for use of the above-mentioned pavilions also known as "Halau Kukui." The Hilo based YMCA has closed its Waimea facility and discontinued the swimming component within the Harbor. The YMCA will focus on the youth sailing program at this time and substantially scaled down its original activities. Consequently, it consolidated the remaining necessary equipment and its containers into a much smaller space. At the request of DOBOR, the YMCA is in the process of moving its remaining container, floating dock, and trailered sailing vessels out of the construction zone to a location further to the south.

The YMCA proposes to occupy a portion of land now utilized as storage by Na Kalai Wa'a and Na Kalai Wa'a in turn will relocate to a portion of the area previously used by the YMCA which is comprised of two structures and the immediate surrounding property totaling approximately half an acre. In doing so, the YMCA proposes that it discontinue being the primary caretaker of the pavilions and should the Board approve, it would pass on that responsibility of maintenance and scheduling to Na Kalai Wa'a. Na Kalai Wa'a is submitting a separate application and request to the Board at this time for issuance of a revocable permit for its relocation and use of that portion of the harbor property. Both sites are sufficiently outside of the construction zone.

The applicant understands that a substantial construction project is starting and there may be inconveniences. DOBOR has explained that harbor tenants must keep in contact with its district office as to any scheduling of groups or any special activities. The permittee shall be required to have sufficient insurance to cover all site improvements and all activities under the permit. The state shall be additionally insured throughout the entire term of the permit and shall approve the minimum amounts of the required insurance. The permittee shall be responsible for all utilities and trash service. Written approval of the State is required prior to constructing any additional improvements or substantial reconstruction.

DOBOR supports the YMCA's proposal for the requested use during the interim construction period. Upon completion of the State's improvements, and further planning, DOBOR will enter into discussion with the YMCA for a potential direct lease at a future site to be identified somewhere within one of the Kawaihae Harbor facilities.

The YMCA 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.

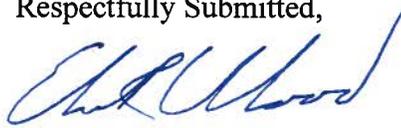
DOBOR may find it necessary to relocate the permittee during later construction phases should it be necessary. Advanced notice to the permittee will be given and an alternate site would be identified for the balance of the permit. DOBOR requests the Chairperson be authorized to approve relocation of the permitted site or adjustments to revocable permit as necessary for operation of the harbor during the construction period.

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 Island of Hawaii YMCA 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 the Chairperson to approve the relocation of the permitted site or adjustments to revocable permit as necessary for operation of the harbor during the construction period.

Respectfully Submitted,



Edward R. Underwood  
Administrator

Attachment: Exhibit A

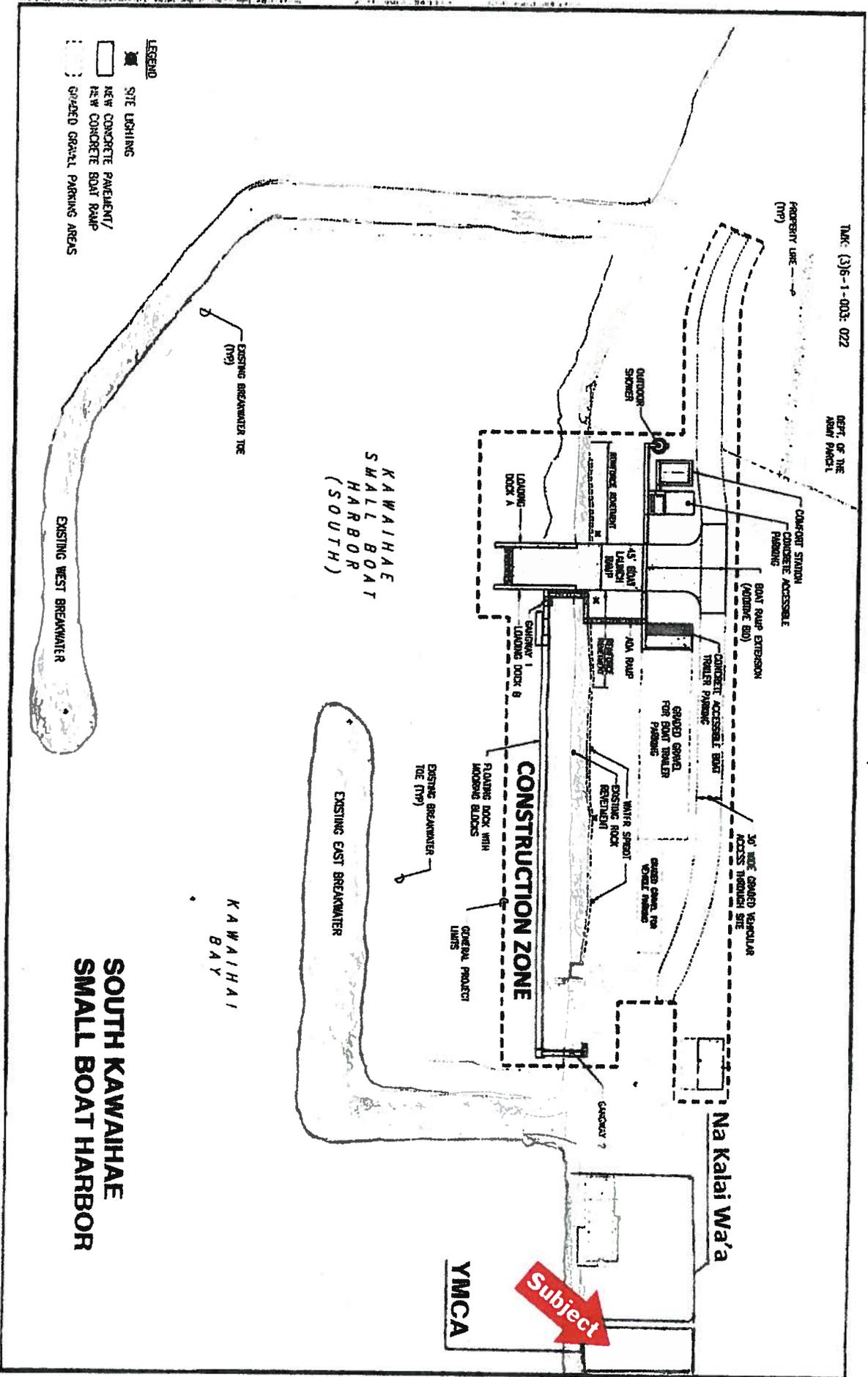
APPROVED FOR SUBMITTAL:



William J. Aila, Jr.  
Chairperson and Member

TRAC (3)6-1-003: 022

DEPT. OF THE  
ARMY PROJECT



- LEGEND**
- SITE LIGHTING
  - NEW CONCRETE PAVEMENT/
  - NEW CONCRETE BOAT RAMP
  - GRADED GRAVEL PARKING AREAS

**SOUTH KAWAIIHAE  
SMALL BOAT HARBOR**

**EXHIBIT A**