

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

July 24, 2015

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

PURPOSE:

Write off of Permits Owed Under Boating Revocable Permit No. B-93-39, dated September 24, 1993 and License No. 74 Between the State of Hawaii, Permittor, and Ala Wai Marine, Ltd., Permittee, Honolulu, Hawaii. Tax Map Key 2-6-10:09.

APPLICANT:

Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR).

LEGAL REFERENCE:

Section 171-20, 21, 39, and other applicable sections of Chapter 171, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at the Ala Wai Small Boat Harbor, Honolulu, Hawaii, identified by Tax Map Key 2-6-10:09.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES NO

AMOUNT OWED:

Revocable Permit B-93-39	\$11,118.00
License No. 74	\$20,193.00

REMARKS:

In 1953, the Territory of Hawaii issued a land license to Ala Wai Marine, Ltd. allowing it to use real property near the Ala Wai Small Boat Harbor for “a marine railway and repair basin for the maintenance and repair of small boats.” The term of the license was through April 30, 2004. In 1993, the State issued a revocable permit to Ala Wai Marine, Ltd. allowing them to use a parcel adjacent to the licensed land “for parking and storage.”

The State Department of Health, on July 18, 2008, issued Ala Wai Marine, Ltd. a Finding of Apparent Violation for:

- non-compliance of their permit conditions from August 11, 1999 to November 31, 2003
- Discharge of process wastewater and storm water
- Failure to respond to the Department of Health’s Notice of Apparent Violation and Request for Information
- Operation of the facility without the required permits from January 1, 2004 to July 18, 2008

Additionally, Ala Wai Marine, Ltd. did not have coverage under the National Pollutant Discharge Elimination System.

On October 27, 2008, Chairperson Laura Thielen informed Ala Wai Marine, Ltd. that Revocable Permit (RP) B-93-39 would be canceled effective November 27, 2008 and that the permittee would be allowed to operate under their hold over license until December 31, 2008 and cease operations effective January 1, 2009. Although, operations were to cease, Ala Wai Marine, Ltd. was to remain on the property to remediate any environmental impacts and remove improvements it had installed on the property until February 28, 2008. At the time the permittee ceased operation, it owed DOBOR \$31,311.00.

Finally, according the Department of Commerce and Consumer Affairs, the permittee was involuntarily dissolved in December of 2012. Since DOBOR will not be able to recover the amounts owed by Ala Wai Marine, Ltd., it requests the approval to write-off the amount.

RECOMMENDATION:

That the Board:

1. Authorize the write off of the remaining balance of \$31,311.00
2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit B-93-39 and License No. 74 be applied to any past due amounts;

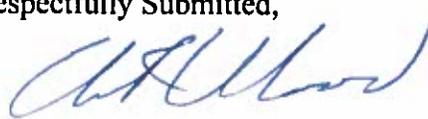
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3. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit B-93-39 and License Number 74 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson