

NEIL ABERCROMBIE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
FORD N. FUCHIGAMI  
RANDY GRUNE  
JADINE URASAKI

IN REPLY REFER TO:

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

AMENDMENT NO. 1 TO CONCESSION AGREEMENT NO. DOT-A-11-0005  
RETAIL CONCESSION, DFS GROUP L.P.  
KAHULUI AIRPORT  
TAX MAP KEY (TMK): (2) 3-8-001-019

MAUI

PURPOSE:

To amend the existing Retail Concession Agreement at Kahului Airport to allow for additional floor space to expand retail operations. Under Article III (Premises) of the Concession Agreement, the specific area assigned or provided for the concession may be changed at the discretion of the Director of Transportation.

APPLICANT:

DFS GROUP L.P., whose post office address is P.O. Box 29500, Honolulu, Hawaii 96820.

LEGAL REFERENCE:

Chapter 102, Hawaii Revised Statutes, as amended.

LOCATION AND TAX MAP KEY:

Kahului Airport, Terminal Complex  
Tax Map Key: 2<sup>nd</sup> Division: 3-8-001-019

ZONING:

State Land Use District: Urban  
County of Maui Industrial (I2)

**ITEM M-1**

LAND TITLE STATUS:

Section 5(a) lands of the Hawaii Admissions Act: Non-Ceded  
DHHL 30% entitlement lands: No

TERM:

Retail Concession Agreement No. DOT-A-11-0005 commenced September 1, 2011 and continues through August 31, 2016.

PREMISES:

KAHULUI AIRPORT (“Airport”)

EXISTING SPACE AT COMMENCEMENT OF THE CONCESSION AGREEMENT  
 (“Initial Allocation”):

1. Retail (Sales) Space:
  - a. Ticket Lobby Building 321, Space No. 108A, containing an area of approximately 1,220 sq. ft.
  - b. Central Building 330
    - (1) Space No. 201, containing an area of approximately 1,895 sq. ft.
    - (2) Space No. 204, containing an area of approximately 2,387 sq. ft.
    - (3) Space No. 207B, containing an area of approximately 544 sq. ft.
  - c. Concourse Building 344, Space No. 203B (DBE), containing an area of approximately 675 sq. ft.
2. Storage (Non-Sales) Space:
  - a. Central Building 340
    - (1) Space No. 101, containing an area of approximately 956 sq. ft.
    - (2) Space No. 106A, containing an area of approximately 210 sq. ft.

- b. Building 345, Holding Room A, Space No. 119, containing an area of approximately 402 sq. ft.

ADDITIONAL SPACE:

Building 344, Space No. 203A, containing an area of approximately 1,000 sq. ft., as shown on the attached Exhibit D-1, dated September 2012.

IMPROVEMENT:

Applicant will construct, install, and cover all costs for improvements to Building 344, Space No. 203A.

ANNUAL FEE:

Concession Fee: The Minimum Annual Guaranteed (MAG) fee provision of Article VI.A.1.a. does not change due to the inclusion of the additional space. All revenue generated by the additional space shall be reported as gross receipts and included in the percentage fee obligation payable by the CONCESSIONAIRE under the Agreement.

Floor Rent: Pursuant to Article VI.C.1. (Floor Rent), CONCESSIONAIRE shall pay THIRTY-NINE THOUSAND AND NO/100 (\$39,000.00) as an annual floor fee based on the retail rate of \$39.00 per square foot per annum, paid monthly on the first of each month.

CHAPTER 343, HRS - ENVIRONMENTAL ASSESSMENT:

Pursuant to Section 11-200-8 (a), Hawaii Administrative Rules, this disposition is exempt from requirements regarding preparation of an environmental assessment, negative declaration, or environmental impact statement as required by Chapter 343, Hawaii Revised Statutes, as amended, relating to Environmental Impact Statements because the proposed action falls within Exemption Class #3, Comprehensive Exemption List for the State of Hawaii, Department of Transportation, amended November 15, 2000, as reviewed and concurred in Docket 92-EX-01, by the Environmental Council. Exemption Class #3 covers the 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.

REMARKS:

The Applicant identified and requested additional space and the Department of Transportation Airports Division reviewed and determined that the additional retail space will allow the Applicant to better serve the traveling public.

RECOMMENDATION:

That the Board authorize the Department of Transportation to amend the existing Concession Agreement No. DOT-A-11-0005 subject to: 1) terms and conditions herein outlined, which are by reference incorporated herein; 2) such other terms and conditions as may be prescribed by the Director of Transportation to best serve the interests of the State; and 3) review and approval by the Department of the Attorney General.

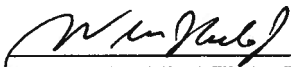
Respectfully submitted,



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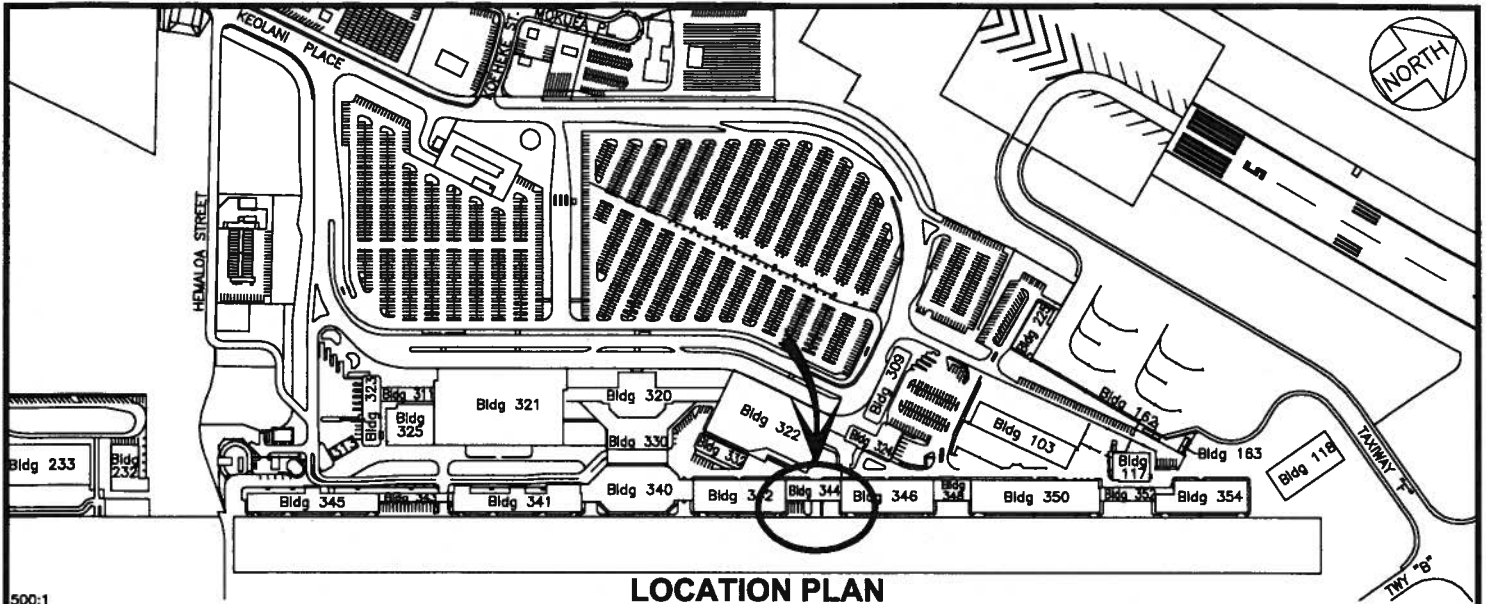
GLENN M. OKIMOTO, Ph.D.  
Director of Transportation

APPROVED FOR SUBMITTAL:

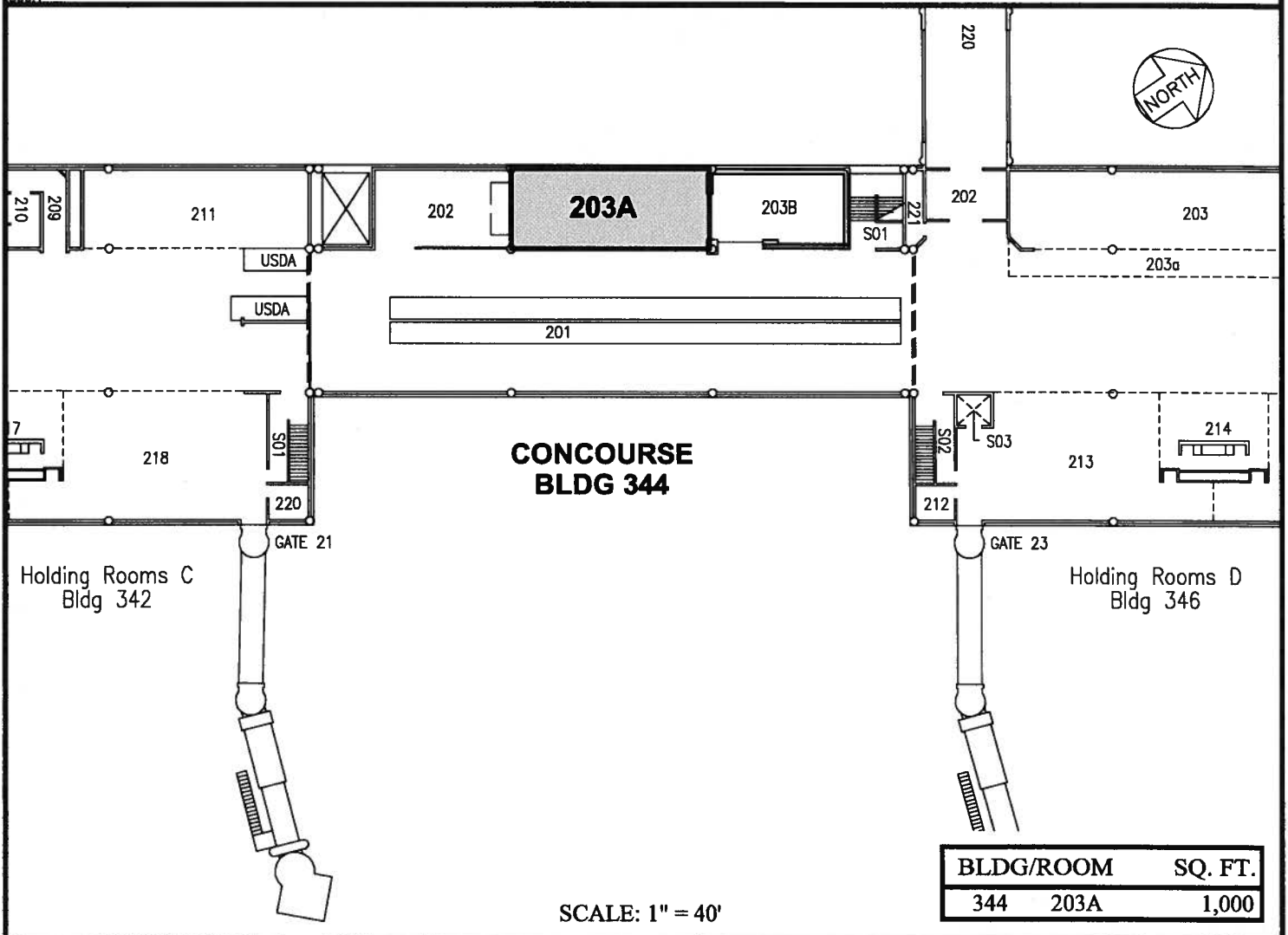


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WILLIAM J. AILA, JR.  
Chairperson and Member



**LOCATION PLAN**



**CONCOURSE  
BLDG 344**

BLDG/ROOM	SQ. FT.
344 203A	1,000

SCALE: 1" = 40'

DOTA-11-0005 AMENDMENT NO. 1

DATE : SEPTEMBER 2012

EXHIBIT: **D-1**



Airports Division

DFS GROUP L.P.

**BUILDING 344  
CONCOURSE  
SECOND LEVEL**

**344203A  
PLATS A2, 35**

**KAHULUI AIRPORT**