

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

January 25, 2013

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

HAWAII

Request to Issue a Revocable Permit to Ocean Wings, Inc, For the Sale of Ocean Activity Photographs and Videos From a Vehicle at a Location Within Honokohau Small Boat Harbor, Kealakehe, Honokohau, North Kona, Hawaii, TMK: (3) 7-4-08:03 (por.)

APPLICANT:

Ocean Wings Hawaii, Inc.
PMB 410 Suite J
74-5576 Pawai Place
Kailua-Kona, Hawaii 96740

Domestic for Profit Corporation

LEGAL REFERENCE:

Section 171-13, 55 Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of Honokohau Small Boat Harbor, Island of Hawaii, TMK No. (3) 7-4-08:03(por.), more or less 300 square feet of land between the two boat ramps and adjacent the North side harbor restroom and within Honokohau Small Harbor facility, as shown on attached Exhibit "A".

TRUST LAND STATUS:

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

CURRENT USE STATUS:

For use as a site for the sale of ocean activity photographs from a parked vehicle to be removed from the harbor each evening at a time approved by the Division of Boating and Ocean Recreation.

RENT AND SECURITY DEPOSIT:

Rent shall be \$500.00 per month or Five Percent (5%) of gross receipts, whichever is greater.

Security Deposit shall be twice the monthly rental amount.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <input checked="" type="checkbox"/> NO
Registered business name confirmed:	YES <input checked="" type="checkbox"/> NO
Applicant in good standing confirmed:	YES <input checked="" type="checkbox"/> NO

Chapter 343-ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Boating and Ocean Recreation's Environmental List, " approved by the Environmental Council and dated March 22, 1995, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states "Operation, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond previously existing."

This site is presently being used as a parking lot for cars and vehicles with trailers. No improvements are presently planned for the property under this use. The site will be used for the parking of the Permittee's vehicle and removed each evening. No State money is being used in conjunction with this project.

REMARKS:

Ocean Wings Hawaii, Inc. ("Ocean Wings") is an operation that provides a service for several commercial dive vessels doing night dive charters observing Manta rays offshore in the wild. The vessels moor off shore on moorings. The site is regularly visited by manta rays attracted to lights which are dipped in the water. The vessel's dive clients enter the water and observe by way of scuba or snorkel. An Ocean Wing's diver enters the water and films video of the evening's event by moving between all the vessels that may be moored in the immediate area. The diver announces her presence along side each vessel and the activity.

Once the vessels return to the harbor each evening, the Ocean Wings diver immediately returns to a vehicle on land to prepare for sale of photographs and a video for screening that is to be offered for sale to the divers that evening. Customers may preview the video and or photographs along side the vehicle prior to purchase. Presently, Ocean Wings is parked within the Gentry facility, although this is discovered to be unpractical and too far from the returning divers as they disembark the vessels. The location requested and preferred is in the car parking area, adjacent the two grassy staging areas along side the North side restroom. This site is the last stop by the clients of the commercial dive boats before leaving the harbor. Ocean Wings requests a permit to occupy the site alongside the restroom location as shown in Exhibit "A." The Permittee would offer for sale photographs and videos of the evening's dive from a parked vehicle which would be removed from the premises in its entirety each evening.

DOBOR recommends the issuance of a month to month revocable permit to Ocean Wings Hawaii, Inc. for the use of the area under the conditions described above in this submittal. DOBOR also recommends the Board authorize Chairperson to relocate the permit site should it be necessary for the safe and practical operation of the facility.

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 and is therefore exempt from the preparation of an environmental assessment.
- B. Authorize the issuance of a revocable permit, to Ocean Wings Hawaii, Inc. to occupy and use the premises for the sale of ocean activity photographs and video from a vehicle under the terms and conditions cited above, which are by this reference incorporated herein and subject to the following:
 1. Authorize the Chairperson to relocate the permit site should it be necessary for the safe and practical operation of the facility.
 2. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time.
 3. Review and approval by the Department of the Attorney General.

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Item J-1

4. The Permittee shall provide liability insurance in an amount to be determined by the department that names the State of Hawaii as an additional insured.
5. 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

Attachments

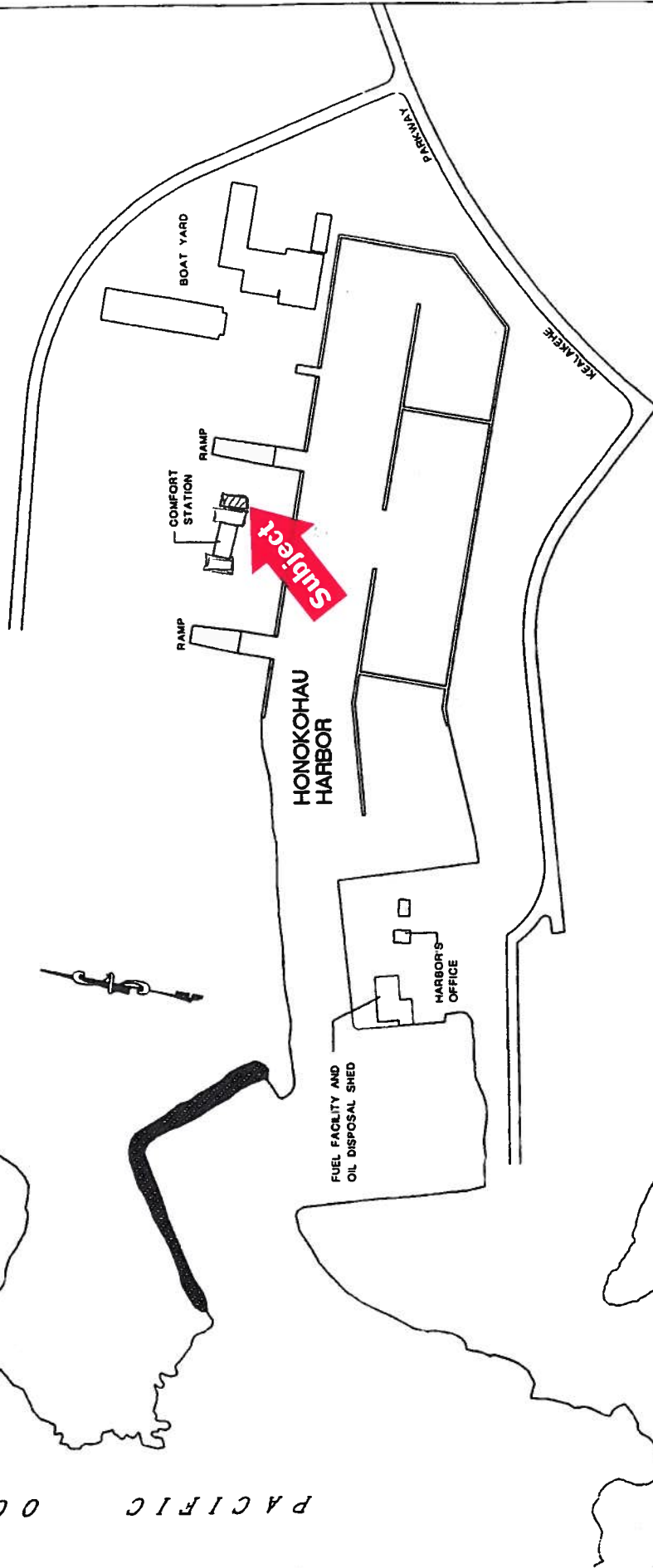
APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson

HONOKOHAU SBH

DATE OF PHOTO: OCTOBER 13, 1991
TAX MAP KEY: 7-4-B



PROJECT: DOCUMENTATION OF FACILITIES FOR BOATING PROGRAM TRANSFER TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

FOR: STATE OF HAWAII DEPARTMENT OF TRANSPORTATION MARINE DIVISION

SHEET TITLE: HONOKOHAU SBH ISLAND OF HAWAII

BY: R.M.T.C. A.M. KOWELL CORPORATION 430 Waiulekua Pk. S #11 Honolulu, HI 96817-0411 August 1992

PACIFIC OCEAN

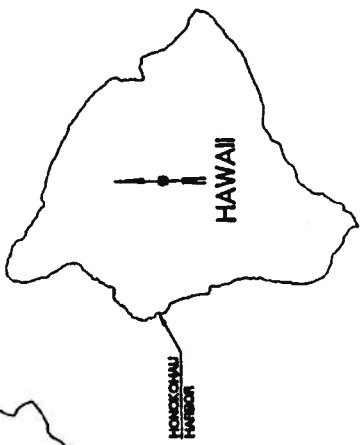


EXHIBIT A