

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, HI

KAUAI

Issuance of a Revocable Permit for a Mobile Food Vehicle, Located at the Waikaea Boat Ramp,
Island of Kauai, Kapaa, Hawaii, TMK No. (4) 4-5-6:01

STATUTE:

Section 171-55 Hawaii Revised Statutes.

APPLICANT:

DEFRIES LUNCH WAGON, LLC
P.O. Box 342
Anahola, Hawaii 96703

LOCATION:

Waikaea Boat Ramp Facility on a portion of the land, Island of Kauai, TMK No. 4-5-06:
01(portion), being a portion of Governor's Executive Order No. 2914. Map as shown on Exhibit
"A".

AREA:

Approximately 600 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

LAND TITLE STATUS:

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

Chapter 343-ENVIRONMENTAL ASSESSMENT:

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 utilize for the parking of the Permittee's vehicle or trailered vehicle only. No State money is being used in conjunction with this project.

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."

PURPOSE:

Occupy and use the premises for the sale of food from a vehicle which shall be removed from the premises in its entirety each evening.

RENT AND SECURITY DEPOSIT:

Monthly rental shall be Five Hundred (\$500.00) Dollars or Ten Percent (10%) of gross receipts, as approved by the Chairperson. The Permittee shall deposit with the Board of Land and Natural Resources at all times an amount equal to two times the monthly rental then payable as security for faithful performance of all terms and conditions of the permit.

REMARKS:

The Division of Boating and Ocean Recreation (DOBOR) Waikaea Boat Ramp facility is located in the town of Kapaa on the Island of Kauai. This facility borders the Lihi County Park and Coastal Pedestrian-bikeway. The trailer Boaters, ocean recreation enthusiasts and the public using the County Park have requested a mobile food vehicle service at this facility. So as to respond the public's desire, the Defries Lunch Wagon, LLC which operates nearby is prepared to enter into a revocable permit to occupy the site as shown on Exhibit "A". To determine the viability and settle on a location for this type of operation, the Permittee will first operate during peak periods of at minimum three (3) days per week and would increase in frequency contingent upon demand. The Permit rental shall be a monthly base rent of \$500.00 paid before the first of each month or 10% of the gross whichever is greater. The Permittee shall prepare and provide a monthly gross sales report and include a percentage rent should there be any. This shall be due no later than 30 days after the close of the month, and on a form approved by the department. This report shall be required each and every month regardless if a percentage is due the State. The Permittee shall comply with all Federal, State, and County requirements for a business of this type. Insurance will be required for the entire term of the permit, and include the State as additionally insured.

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, occupy and use the premises for the sale of food from a vehicle which shall be removed from the premises in its entirety each evening under the terms and conditions cited above, which are by this reference incorporated herein and subject to the following:
 1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time.
 2. Review and approval by the Department of the Attorney General.
 3. 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.
 4. 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

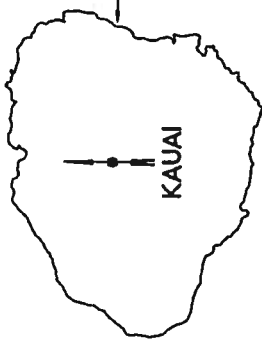
Attachments

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson

WAIKAEA



WAIKAEA BOAT RAMP

DATE OF PHOTO: JUNE 25, 1988
TAX MAP KEY: 4-5-2, 4-5-5 & 4-5-6



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

PROJECT: STATE OF HAWAII
 FOR: DEPARTMENT OF TRANSPORTATION
 HAWAIIAN DIVISION

SHEET TITLE: WAIKAEA BOAT RAMP, ISLAND OF KAUAI

BY: RMTC
 A LA TOMALL CORPORATION
 1111 KALANANAKU AVENUE, SUITE 1111
 HONOLULU, HI 96813-2811
 August 1988

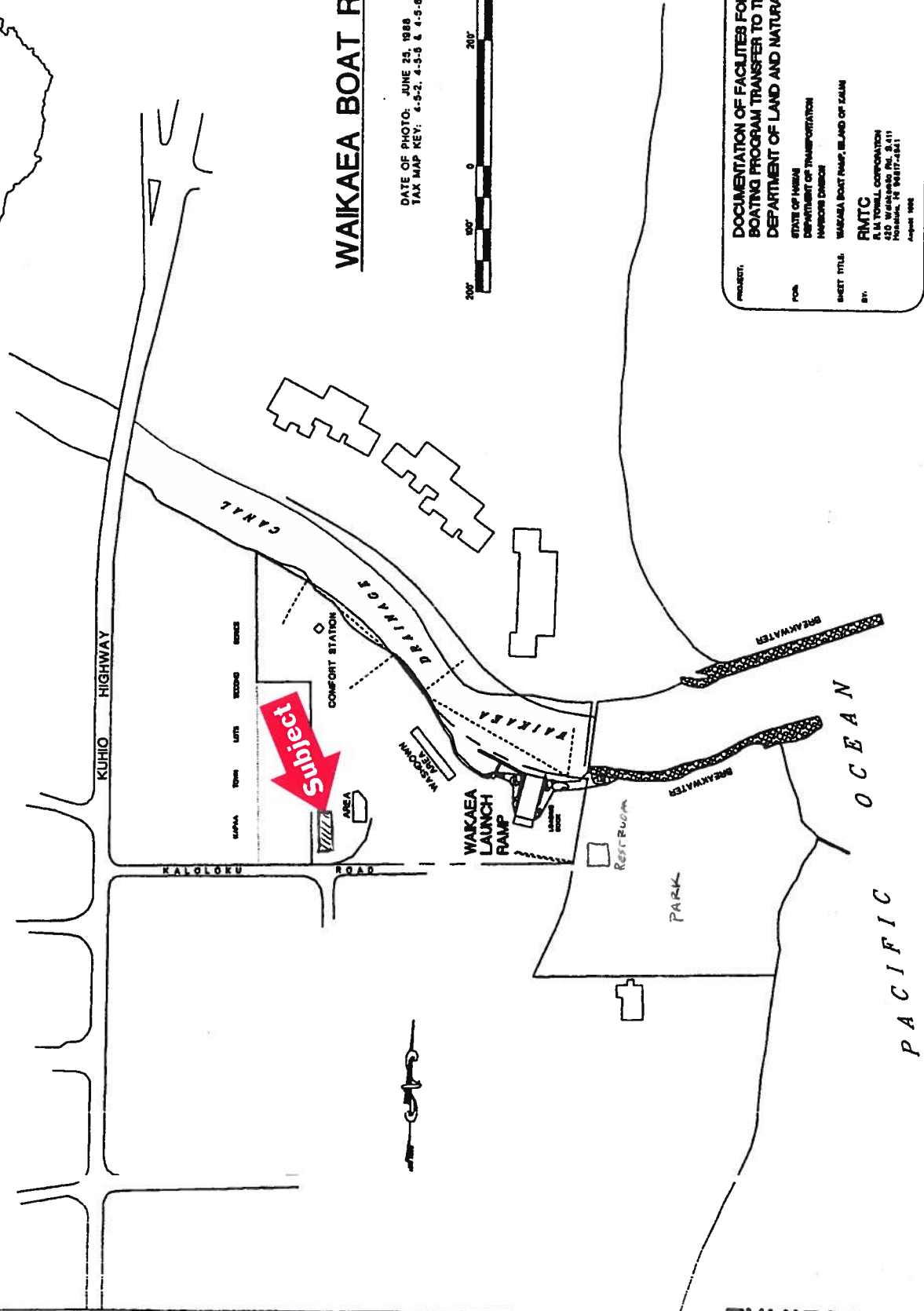


EXHIBIT A