

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

April 25, 2014

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

Lanai

Issuance of a Revocable Permit to Fusion Food Truck, LLC, Manele Small Boat Harbor,
Manele, Lanai, Hawaii, Tax Map Key:4-9-17:06 por.

APPLICANT:

Fusion Food Truck, LLC, a Domestic Limited Liability Corporation, whose business and mailing
address is 336 10th Street, Lanai City, Hawaii 96763.

LEGAL REFERENCE:

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

LOCATION, AREA, AND CURRENT USE STATUS:

Portion of Government lands of Manele Small Boat Harbor situated, Manele, Lanai, Hawaii,
identified by Tax Map Key: 4-9-17:06 por., as shown on the attached map labeled Exhibit A.
Present use is for vehicle parking, and harbor use.

Approximate Area of Site: 750 square feet, 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

CHARACTER OF USE:

For use of a portion of land for the sale of food, non-alcoholic beverages and other incidental
items as approved by the Department from a vehicle to be removed each evening.

COMMENCEMENT DATE:

To commence on the first day of the month as determined by the Chairperson.

MONTHLY RENTAL AND SECURITY DEPOSIT:

Rent: \$500.00 per month or 10% of the gross sales, whichever is greater, with a gross receipts
report that shall be submitted monthly.
Security Deposit: Twice the monthly rental.

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, and harbor use. No improvements are presently planned for the property under this use. The site will be used for the parking of the Permittees vehicle and removed each evening. No State money is being used in conjunction with this project.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Manele Harbor is located several miles from Lanai City. At this time, the Manele Small Boat Harbor users and those arriving or disembarking on the ferry have no immediate means to purchase food, bottled water, nonalcoholic beverages, snacks and other incidental items. The permit shall be allowed to provide these services to the harbor users from a vehicle, at hours and location as approved by the Department. Recently a proposal was submitted to the Manele Harbor Advisory Group by the applicant for the sale of food and non-alcoholic beverages at the harbor. This was found to have favorable response by all those that attended.

DOBOR requests the Board's approval to issue a Revocable Permit to Fusion Food Truck, LLC for use a portion of land to park a vehicle for the sale items described above. The permittee shall provide a vehicle of sufficient size and capacity to be fully self-contained, and must comply with all federal, state, and county requirements for operation of this type. In addition the vehicle must contain a secure holding tank, so that any gray water shall not be allowed to escape the vehicle.

The permittee shall be responsible for any refuse, recycling and utility fees as applicable. The permittee shall provide a list of items for sale, and its hours of operation for approval by the department. The identified parking site and the immediate surrounding area shall be maintained by the Permittee at all times to be clean, neat and sanitary. All trash shall be removed from the site and harbor each day.

DOBOR requests the Department to be authorized to approve the relocation of the permitted site, should it be necessary for the safe and efficient operation of the harbor. This may occur for either temporarily or for longer periods, such as during construction projects or as needed during special harbor events. The permittee shall be insured and the State shall be additionally insured at an amount approved by the Department.

The Applicant 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.

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 Fusion Food Truck, LLC covering the subject area for the purposes 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;
 - c. Authorize the Department to approve relocation of the proposed site should it be necessary for safe and efficient use of the harbor, or for special events;
 - d. 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; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Edward R. Underwood
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson

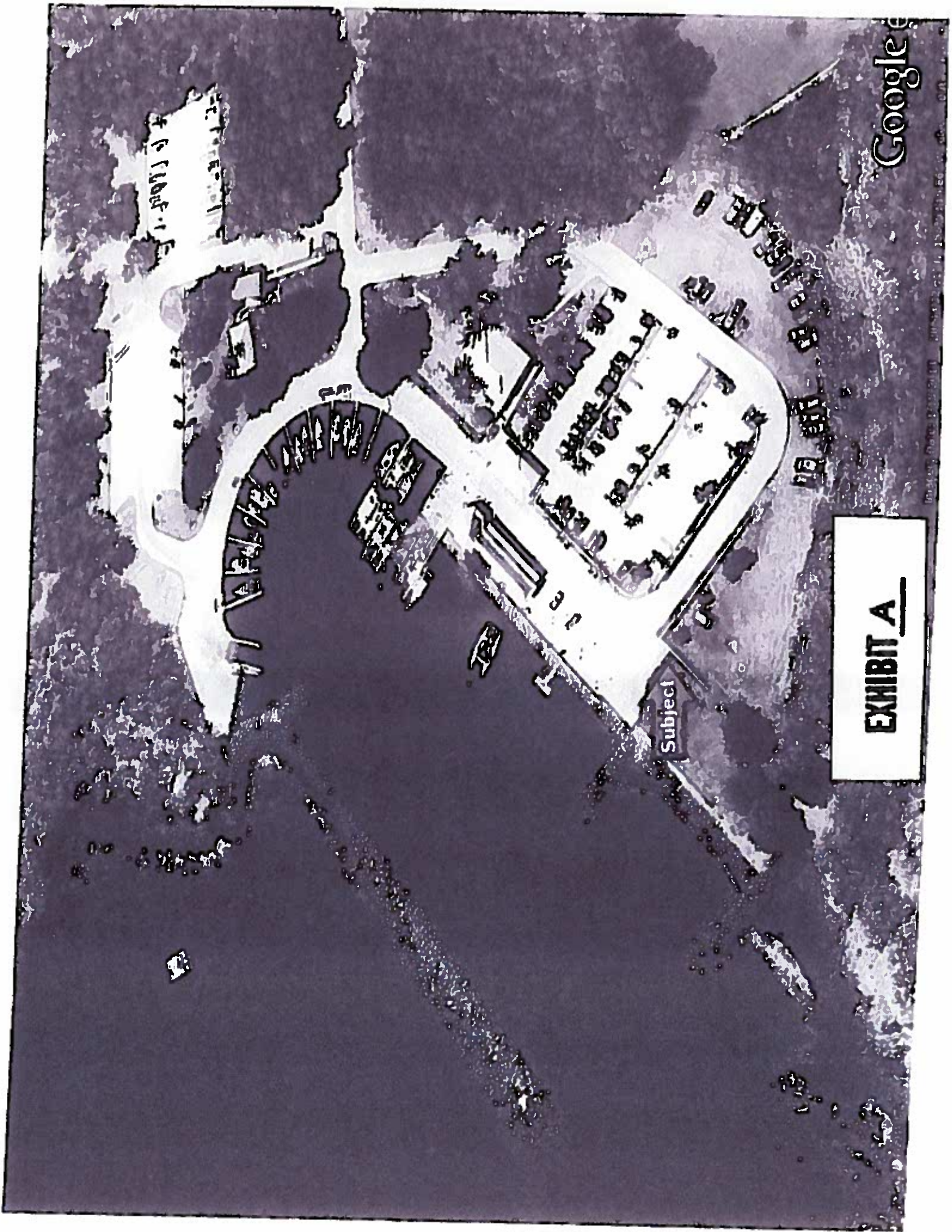


EXHIBIT A

Subject