

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

May 9, 2014

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

REQUEST BY STERLING KIM FOR REIMBURSEMENT OF REPAIRS MADE TO
SLIP # 74/76 LOCATED AT THE MAALAEA SMALL BOAT HARBOR, MAUI

BACKGROUND:

On November 14, 2012, Mr. Jeff Strahn, submitted an application for “Construction of Structure” permit for slip #74 requesting to reattach the structural caps to the last two pilings on the linger pier and to re-secure the framing on the dock sides and decking. The application stated that the cost of the work done will be split equally between the two permittees Maui Dive Shop and Sterling Kim, Owner of Maalaea Kai Enterprises, Inc. (See Exhibit A).

On December 5, 2012, a “Construction of Structure Approval Letter” was issued to Mr. Jeffrey S. Strahn by the Maalaea small boat harbor staff. The Approval Letter authorized the proposed repairs stated in the application and acknowledged that the costs will be shared between the vessel permittees. (See Exhibit B)

On August 20, 2013, our acting Maui District Manager, Stacy Masuda, received a letter from Tim Gardner, Vice President of Maalaea Kai Enterprises, Inc., stating that they were told that they could make repairs to the slip and request reimbursement from the state. After consulting with staff, they indicated that they did not make such a statement and the only approval given was in the Construction of Structure Approval Letter. The cost of the improvements is attached as Exhibit C.

The Hawaii Administrative Rules (HAR) allow for individuals to make repairs to state boating facilities and also allow for a reduction in mooring rates until the individual can amortize the capital cost of the improvements.

HAR, §13-232-43(a), states, “Construction of structures. (a) No building structure, object, site improvement, landscape treatment, or other facility of any nature whatsoever shall be erected, constructed, reconstructed, altered, moved, installed, or demolished at a state boating facility or other property under the jurisdiction of the division of boating and ocean recreation except in accordance with a department permit or as provided by a lease or right of entry issued by the department. All improvements made pursuant to this section, including those improvements made prior to the effective date of these rules, shall be constructed, maintained, operated, or modified to comply with the Environmental Protection Agency's final approved guidelines for best management practices for marinas and recreational boating, i.e., the “National Management

Measures Guidance to Control Nonpoint Source Pollution from Marinas and Recreational Boating. EPA, November 2001,” or as subsequently amended. The department may require plans, specifications, and other pertinent data to accompany or supplement any application.”

HAR, §13-234-14, states, “Mooring fees - facilities constructed by others. Where a mooring facility is constructed by others pursuant to section 13-232-43 the mooring rate shall be thirty per cent of the fee established in section 13-234-3 for a period of time as established by the department which will allow the permittee to amortize the capital cost of the improvements.”

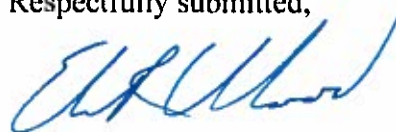
Sterling Kim is requesting to be reimbursed for repairs made to slip #74/76 at the Maalaea Small Boat Harbor even though their application states that the cost of the repairs would be borne by the two permittees. Also, the repairs made to the slip were not approved by the Department and they were only authorized to reattach structural caps to the last two piles and re-secure framing to the dock sides and decking. According to the Division of Boating and Ocean Recreation Engineer who inspected the repairs, he stated that the repairs were a temporary fix and would need to be redone in the future (See Exhibit D).

RECOMMENDATION:

That the Board:

- I. Determine whether reimbursement for repairs to slip #74/76 is warranted to Sterling Kim.

Respectfully submitted,



Edward R. Underwood
Administrator

Attachments: Exhibit A
Exhibit B
Exhibit C
Exhibit D

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson



**APPLICATION FOR
CONSTRUCTION OF STRUCTURE PERMIT**
Division of Boating and Ocean Recreation
Department of Land & Natural Resources, State of Hawai'i



1. PERMIT INFORMATION

Island (✓one): Hawaii Kauai Lanai Maui Molokai Oahu

Location: Slip # 74 (Finger Pier) Maalaea Harbor

Commerical Mooring Account Number: 00002080

OFFICE USE ONLY
Date Received:
Received By: <i>[Signature]</i>

2. APPLICANT INFORMATION

Name (Last): STRAHN (First): JEFF (M.I.): S Suffix: _____

Gender: Female Male Email: Jeff@mauidiveShop.com

Phone (business): 270-9813 (mobile): 201-5069

Mailing Address: NO KA OI IV CHARTERS, INC Apt. # _____

Address Line 2: 1455 South Kihei Rd Country: USA

City: Kihei State: HI Zip Code: 96753

3 CONSTRUCTION OF STRUCTURE INFORMATION

Construction Start Date: 1 1780

Description of Work:
To re-attach the structural caps to the last two pilings on the finger pier at Slip # 74. Re-secure framing to the dock sides & Decking. The cost of the work done will be split equally by Maui Dive Shop (Maka Koa) & Sterling Kim (Lani Kai)

Submit plans or image for construction of structure.

4. AGREEMENT & SIGNATURE

I agree to comply with the provisions of the Hawaii Administrative Rules as promulgated by the Division of Boating and Ocean Recreation applicable to this permit.

[Signature] _____ Date: 11/14/12

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AJLA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCE MANAGEMENT

ERTHER KIA'AINA
PAULY DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

EDWARD H. UNDERWOOD
ADMINISTRATOR
DIVISION OF BOATING AND OCEAN RECREATION

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION
101 MAALAEA BOAT HARBOR ROAD
WAILUKU, HAWAII 96793

December 5, 2012

Jeffrey S. Strahn
NO KA OI IV CHARTERS, Inc.
Kihei, Hawaii 96753
270-9813, 281-5069

SUBJECT: CONSTRUCTION OF STRUCTURE APPROVAL LETTER

Dear Sir,

This is to inform you that your Construction of Structure Application has been approved per your application. This permit's approval is limited to the specifications as describe in your application. There shall be no changes, alterations, or alike to your construction as describe in your application. This permit is valid for 60 days from the date of this approval letter.

Your application reflects repairs to the existing catwalk between Slip 74 and 76. The vessels that share this catwalk is MAKKA KOA and LANI KAI respectively. You further indicate that the cost will be shared between both vessels Permittees.

There is a five dollar permit fee accessed for the processing and issuance of this Construction of Structure Permit. This single fee is accessed to Account 2080, No Ka Oi IV Charters, Inc. Please make an appointment for payment with the Maalaea Harbor Masters office. A copy of this Permit approval letter should be kept on site if proof is required by an appropriate authority.

Sincerely,

A handwritten signature in cursive script, appearing to read "K Alana", written over a horizontal line.

Kapono Alana
A/Harbor Master
Maalaea Harbor

EXHIBIT B

COLLINS

CONSTRUCTION, INC. P.O. Box 6763, Kahului, HI 96731 License Number: ABC 10161

To: Sterling Kim

From: Corey Collins
Collins Construction, Inc.

Date: 07/16/13

Job: Maalaea Dock Repair Slip 74/76
Subj: Invoice

Invoice

- 1) Maui Industrial: pre-fab caisson heads (3), dock cleat backing plates, field welding (7 days) = \$7,036.86
- 2) Wood: 4x12 beams (6), 2x6x8 planks (48), nuts, bolts, washers, screws = \$915.38
- 3) Labor: 3 men 72 m/h @ \$95.00 per hour = \$6,840.00

1) \$ 7,036.86
2) \$ 915.38
3) \$ 6,840.00
\$14,792.24 subtotal
\$ 2,218.83 15% overhead
\$17,011.07 subtotal
\$ 1,701.00 10% profit
\$18,712.07 subtotal
\$ 780.00 GE tax (4.167%)
\$19,492.07 Total Amount Due

EXHIBIT C



EXHIBIT D

