

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

September 12, 2014

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

OAHU

Issuance of a Revocable Permit to Dolphin Excursions Hawaii, Inc. for Operation of a
Trailer Boat Storage Yard, Waianae Small Boat Harbor, Waianae, Oahu, Hawaii
Tax Map Key: (1) 8-5-002:044

APPLICANT:

Dolphin Excursions Hawaii, Inc., a Domestic Profit Corporation, whose address is 44-
145 Hako St., Kaneohe, Hawaii 96744

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes.

LOCATION AND AREA:

Portion of Government land at the Waianae Small Boat Harbor, Waianae, Island of Oahu,
Identified by Tax Map Key: (1) 8-5-002:044

Approximately .91 acres, more or less, as shown on the attached map labeled
See attached map labeled Exhibit A.

LAND TITLE STATUS:

Section 5(a) lands of the Hawaii Admission Act.
DHHL 20% entitlement lands pursuant to the Hawaii State Constitution: YES X NO

CHARACTER OF USE:

To operate a Trailer Boat Storage Yard.

RENT:

Two Thousand Dollars (\$2,000.00) per month in advance by the first of each month, or Ten Percent (10%) of the gross receipts, whichever is greater. The gross receipts report shall be provided monthly.

COMMENCEMENT DATE:

To be determined by the Chairperson.

SECURITY DEPOSIT:

Twice the base monthly rental totaling \$4,000.00

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii", dated March, 1995, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states in pertinent part, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." The subject support areas will have negligible or no expansion or change of use beyond that previously existing.

DCCA VERIFICATION:

Place of business registration confirmed:	Yes
Registered business name confirmed:	Yes
Applicant in good standing confirmed:	Yes

REMARKS:

The Division of Boating and Ocean Recreation (DOBOR) has received numerous requests for secured trailer boat storage at its small boat harbors, including the Waianae Small Boat Harbor on Oahu. Waianae is a very popular destination point for those with trailered vessels coming from not only in the immediate area, but all corners of the island. Offshore conditions are similar to Kona on the Island of Hawaii, as both provide access to the deep calm water on the sheltered side of the island which is protected from the brisk trade winds. At Honokohau Boat Harbor in Kona, the lessee GKM, Inc. occupies a site for marine services, and as a component of its operation, has been successful with providing a secured boat storage yard at a DOBOR facility.

Many commercial and recreational boaters find benefit in keeping their vessels at a harbor where storage is available. The convenience of being adjacent the harbor ramps save time, expense, and wear on vehicles. DOBOR facilities are not locked in the evenings, however, remain open 24 hours a day, seven days a week for those with a valid permit. The State (DOBOR) has provided limited storage at Waianae in the past, although found that an increased level of security is needed and it does not have the staff or resources to provide this additional service, especially after hours.

Dolphin Excursions Hawaii, Inc. ("DEH") is presently under Revocable Permit No. BO-13040, operating the retail and ice house, directly adjacent the proposed storage facility. DEH is requesting a Revocable Permit for approximately 40,000 square feet of land to be limited and used exclusively as a 24 hour secured trailer boat storage yard. The subject site would be configured in a shape running along the paved parking lot and be directly adjacent the DEH property. DEH feels that their presence daily at the harbor would be of benefit for operation of a boat storage yard, as well as potentially enhance their existing business. DEH would install lighting, security equipment, automated gates, and provide all necessary maintenance for operation of the storage yard. The applicant feels that under their constant presence and management, they would be able to provide the necessary heightened level of security thus attracting the active boaters to store vessels full time as well as seasonally. The proposed operation may relieve some regular traffic on the roadway and allow the marine related small businesses utilizing the Waianae Small Boat Harbor Facility to operate more efficiently.

The Permittee shall pay a monthly base rental payment, and shall provide a monthly, gross receipts report to DOBOR.

The Permittee's insurance policy shall indemnify and shall cover the State as additionally insured for the entire term of the permit.

Should it be necessary for the safe and efficient operation of the harbor, DOBOR requests the Board's approval to authorize the Chairperson to relocate, or reconfigure the subject site as may be needed. Any relocation or change shall be at the sole cost of the permittee.

Prior to the commencement of the Revocable Permit, the Permittee shall provide DOBOR with the following items for review and approval:

1. A retail storage agreement, identification of the inventory of potential rentable stalls with rate schedule. All vessels utilizing the storage facility shall be in active compliance with State of Hawaii Registration, insurance and comply with Boating regulation.
2. A plan for Best Management Practices ("BMP") for the operation. The

emphasis shall be for active registered vessels on trailers, with the permittee prohibiting vessel construction, major repairs to hull or machinery, be limited for trailered vessels only and limit the storage of inactive vessels; The Permittee may allow storage tenants limited routine maintenance of their vessels on property or in a designated area. All plans and improvements shall be approved by the Department prior to implementation. All utility installation, utility fees, maintenance of improvements and taxes shall be at the sole cost of the permittee.

3. With the assistance of the Harbor Master, identify the route for vehicles entering and exiting the storage yard.
4. The permittee shall be entirely responsible to provide a security plan, install adequate lighting and security equipment for the storage site, as well as maintain all fencing and related site improvements.
5. The Permittee shall be in compliance with all federal, State and County laws.
6. Keep area safe, clean, and maintain all improvements on the property for the entire term of the agreement.
7. Provide a monthly gross receipts report on a form as approved by DOBOR.

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.

DOBOR supports the applicant's proposal for an operation of this type and recommends the Board's approval.

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 Dolphin Excursions Hawaii, Inc. for a trailer boat storage yard 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 Chairperson 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
- e. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

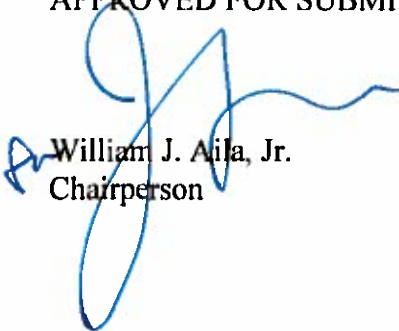
Respectfully Submitted,



Edward R. Underwood
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson

EXHIBIT A



© 2007 Google

© 2007 Google

© 2007 Google