



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

January 10, 2024

Ms. Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Ms. Chang:

KAUAI

Request for Authorization to issue two month-to-month Revocable Permits (RP) to Captain Andy's Sailing, Inc., for storage of commercial passenger vessel supplies, tools, etc., for boat operations and repairs, and a former fumigation shed storage for day charter catamaran equipment, situated at Pier 1, Port Allen Harbor, island of Kauai, Tax Map Key (TMK) Nos. (4) 2-1-003:006 (P), (4) 2-1-003:019 (P), and (4) 2-1-003:028 (P), Governor's Executive Order No. 1047.

LEGAL REFERENCE:

Hawaii Revised Statutes (HRS), Sections 171-6, 171-11, 171-13, 171-17, 171-55, and 171-59, as amended.

APPLICANT:

Captain Andy's Sailing, Inc. (Applicant), is a domestic profit corporation whose mailing address is P.O. Box 876, Eleele, Hawaii 96705.

CHARACTER OF USE:

For storage of commercial passenger vessel supplies, tools, etc., for boat operations and repairs and a former fumigation shed storage for day charter catamaran equipment, no repairs or maintenance allowed on premises.

LOCATION:

Portion of Government lands at Pier 1, Port Allen Harbor, island of Kauai, TMK Nos. (4) 2-1-003:006 (P), (4) 2-1-003:019 (P) and (4) 2-1-003:028 (P), as shown on enclosed Exhibits A and B.

ZONING:

State Land Use Commission: Urban
County of Kauai: General Industrial

AREA: See enclosed Exhibits A and B.

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE	RENTAL	SECURITY DEPOSIT
1	Storage of commercial passenger vessel supplies, tools, etc. for boat operations and repairs.	Warehouse	1,305	\$ 1.06	\$ 1,383.30	\$ 2,766.60
2	Former fumigation shed storage for day charter catamaran equipment, no repairs or maintenance allowed on premises.	Warehouse	738	\$ 1.06	\$ 782.28	\$ 1,564.56
					\$ 2,165.58	\$ 4,331.16
					Total Monthly Rental	Total Security Deposit

CONSIDERATION:

Month-to-month rent determined by appraisal as of January 1, 2021, for RPs in Port Allen Harbor, island of Kauai.

LAND TITLE STATUS:

Governor's Executive Order No. 1047 for Port Allen Harbor, to be under the control and management of the State of Hawaii, Department of Transportation (HDOT).

TRUST LAND STATUS:

Subsection 5 (a) (Non-ceded Lands).

CURRENT USE STATUS:

The Applicant currently occupies portions of Pier 1 of Port Allen Harbor, island of Kauai, for storage of commercial passenger vessel supplies, tools, etc. for boat operations and repairs and former fumigation shed for storage of equipment for day charter catamaran, no repairs or maintenance allowed on premises. The HDOT has been reviewing all month-to-month RPs to ensure compliance with and applicability to HRS, Sections 171-17 and 171-55. The HDOT is updating the Applicant's permit with current appraised rates and updated permit terms as applicable.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This use is exempt from the Office of Planning and Sustainable Development, and Environmental Review Program requirements pursuant to Hawaii Administrative Rules (HAR), Subchapter 11-200.1, which exempts the following:

“Exemption Type 1: Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving minor expansion or minor change of use beyond that previously existing.”

The HDOT deems the action as de minimis and exempts it from the preparation of an exemption notice in accordance with HAR, Subchapter 11-200.1-16 (b). The exemption declaration for the action described above, based on the Exemption List for the HDOT, reviewed and concurred to by the Environmental Advisory Council on February 1, 2022, is as follows:

Exemption Type 1, Part 1:

- No. A1. “Repair or maintain buildings, office space, sheds, parking structures, warehouses, utility systems, aircraft aprons and hardstands, hangars, tunnels and other similar structures or facilities necessary for the continued function and use, and to meet current local, state and federal standards and regulations.”

Exemption Type 8, Part 1:

- No. 8g. “Creation or extension of leases, revocable permits or easements involving negligible or minor expansion or change of use beyond that previously existing.”

REMARKS:

The Applicant is a tour boat company operating on Kauai's Na Pali Coast since 1980. The Applicant offers a range of tour options with a 55 or 65-foot catamarans, or zodiac rafts along the Na Pali Coast.

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RECOMMENDATION:

Based on this submittal, testimony, and facts presented, the HDOT recommends that the Board finds that approving the issuance of two month-to-month RPs to the Applicant, including its conditions and rent, will serve the best interest of the State.

Sincerely,



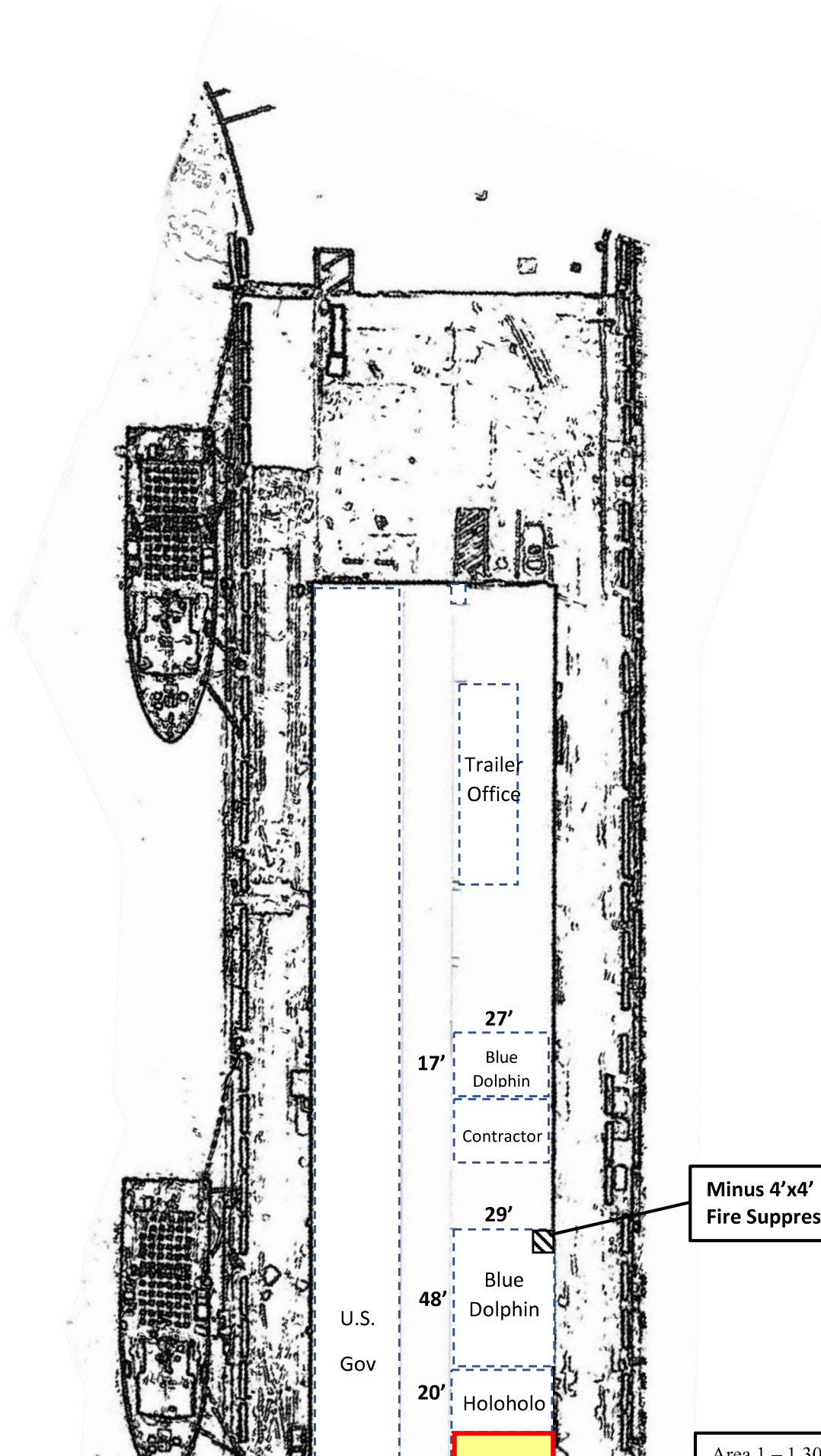
EDWIN H. SNIFFEN
Director of Transportation

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson

Enclosures



AREA 2 – FORMER FUMIGATION SHED



AREA	DESCRIPTION	TYPE	DIMENSIONS	SQ. FT.
2	Former Fumigation shed for storage of equipment for day charter catamaran. No repairs or maintenance allowed on premises.	Warehouse	18' x 25' = 450 18' x 16' = 288	738