

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

October 23, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813

MAUI

REQUEST TO CANCEL REVOCABLE PERMIT B-94-55, TERMINATE
HOLDOVER STATUS OF LEASE H-86-6, AND REISSUANCE OF A NEW
REVOCABLE PERMIT TO MAUI BOAT & FISHING CLUB (MBFC) AT
MAALAEA SMALL BOAT HARBOR, ISLAND OF MAUI.

- STATUTE:** Section 171-55, Hawaii Revised Statutes.
- APPLICANT :** Maalaea Boat and Fishing Club a Hawaii 501(c) Non-Profit
Organization
- PRESENT AREA:** Government land and improvements situated at
Ukumehame and Waikapu, Wailuku, Maui, comprising
12,664 square feet, more or less, of land together with
2,485 square feet, more or less, of the first floor of a
building currently identified as the Buzz's Wharf
Restaurant, as shown and described as Parcel A, and 4,131
square feet of non-exclusive open yard space for the
ancillary use of hauling out boats for self repair, as shown
and described as Parcel B on Government Survey Map
dated November 8, 1985 and labeled EXHIBIT A.
- PROPOSED AREA:** Approximately 4,731 square feet more or less. The
requested Revocable Permit would include the area under
the previous Revocable Permit (RP) B-94-55 containing
approximately 600 square feet and Parcel "B", haul-out
site, containing 4,131 square feet. This would also include
nonexclusive use of the State boat ramp.
- In addition, a shared portion of approximately 2,400 square
feet of the ground floor of the "Sea flight" building is
offered to allow for club meetings, and approximately 250
square feet for lockable storage.

LOCATION: Maalaea Small Boat Harbor, TMK: (2) 3-6-01:34, being a portion of the Governor's Executive Order No. 1495.

TERM: Month to Month

LAND TITLE STATUS: Section 5(b) of the Hawaii Admissions Act
OHA entitlement lands pursuant to the Hawaii State Constitution: YES
State Land Use Commission: Urban
County of Maui Zoning: M-1 Light industrial

CURRENT RENT: Lease H-86-6 annual rent is \$7,900 (\$1,975 paid quarterly) Revocable Permit No. B-94-55, monthly rent is \$30.

PROPOSED RENT: \$7,900 (\$1,975 paid quarterly) plus 20% of the utilities associated with the "Seaflight" building. MBFC shall continue to be responsible for all utilities in the haul out area and contract directly with the Utility Companies.

CURRENT STATUS: Encumbered by two agreements: Lease H-86-6 to the Maalaea Boat and Fishing Club currently in holdover status, lease expired June 12, 2001, and expired Revocable Permit, No. B-94-55.

CHARACTER OF USE: Operation of a boat and fishing club and management of boat haul-out for self repair dry dock services for MBFC and the public.

CHAPTER 343: In accordance with the "Division of Boating and Ocean Recreation Environmental Impact Statement Exemption List", approved by the Environmental Council and dated March 22, 1995, the subject request qualifies under exempt Class of Action No. 1 - "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion of or change of use beyond that previously existing."

REMARKS: MBFC has been an active non-profit organization since 1947 and part of the boating and fishing community of Maui since its inception. MBFC operates the only haul-out facility on Maui. The haul-out is a "do it yourself" operation where MBFC provides large trailers, winch for haul-out, an area to work on boats, and the boat owners perform the work. There is a nominal fee for this service

which is used for facility maintenance, lease rent and property taxes.

MBFC presently occupies portions of the north side of the harbor adjacent the boat ramp. MBFC Lease H-86-6 ("Lease") expired and has been in hold over since 2001. The Lease was divided into two parcels. Parcel "A" contains the club house, on the ground floor of the Buzz's Restaurant (Buzz's) including the shared area of the yard and parking area located adjacent to the building. Parcel "B" contains the haul-out area. A second agreement is Revocable Permit B-94-55 that adds a small area of property adjacent to Parcel "B" for storage space (see EXHIBIT A).

Due to the current fiscal climate and in order to make operations more efficient, DOBOR is relocating its Maui District Office from Wailuku to the Maalaea small boat harbor. DOBOR is currently paying commercial lease rent for the district office and the property located within the harbor is owned by the State and rent free.

DOBOR met with MBFC in the beginning of the year and has been in contact with them regarding the planned relocation of the district office (see EXHIBIT B). The initial proposal was to share the office space but due to space limitations it was determined that this was not feasible. DOBOR then offered MBFC to utilize a portion of the ground floor of the "Seaflight" building and in lieu of paying rent they would pay 20% of the utilities associated with the building. MBFC may occupy this site until such time that construction of the new Ferry building begins and would be responsible for locating new accommodations during this period.

DOBOR also offered MBFC to continue to operate the haul-out site at the same rent it currently pays. MBFC will be required to submit to DOBOR a Best Management Practices Plan (BMP) stating how they will mitigate any Environmental impacts and be in compliance with Environmental Protection Agency requirements. MBFC will also be required to comply with any State, County, and/or Federal permits for this type of operation.

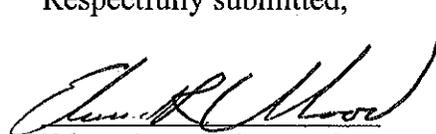
DOBOR requests approval to give thirty days notice to MBFC to vacate the Buzzes site and relocate to the Seaflight building.

RECOMMENDATION:

That the Board:

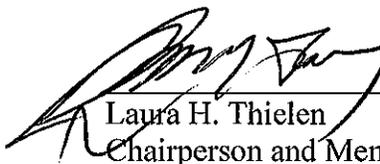
1. Authorize the Chairperson to cancel Lease, H-86-6, and Revocable Permit, B-94-55;
2. Authorize the Chairperson to issue a new Revocable Permit to the MBFC covering the subject areas for boating related activities and haul-out purposes under the terms and conditions stated above, which are by this reference incorporated herein and further subject to the following:
 - The terms and conditions of the standard Revocable Permit as to form;
 - Review and approval by the Department of the Attorney General;
 - Such other terms and conditions as may be prescribed by the Chairperson to carry out the intent of the Board.

Respectfully submitted,



Edward R. Underwood
Administrator

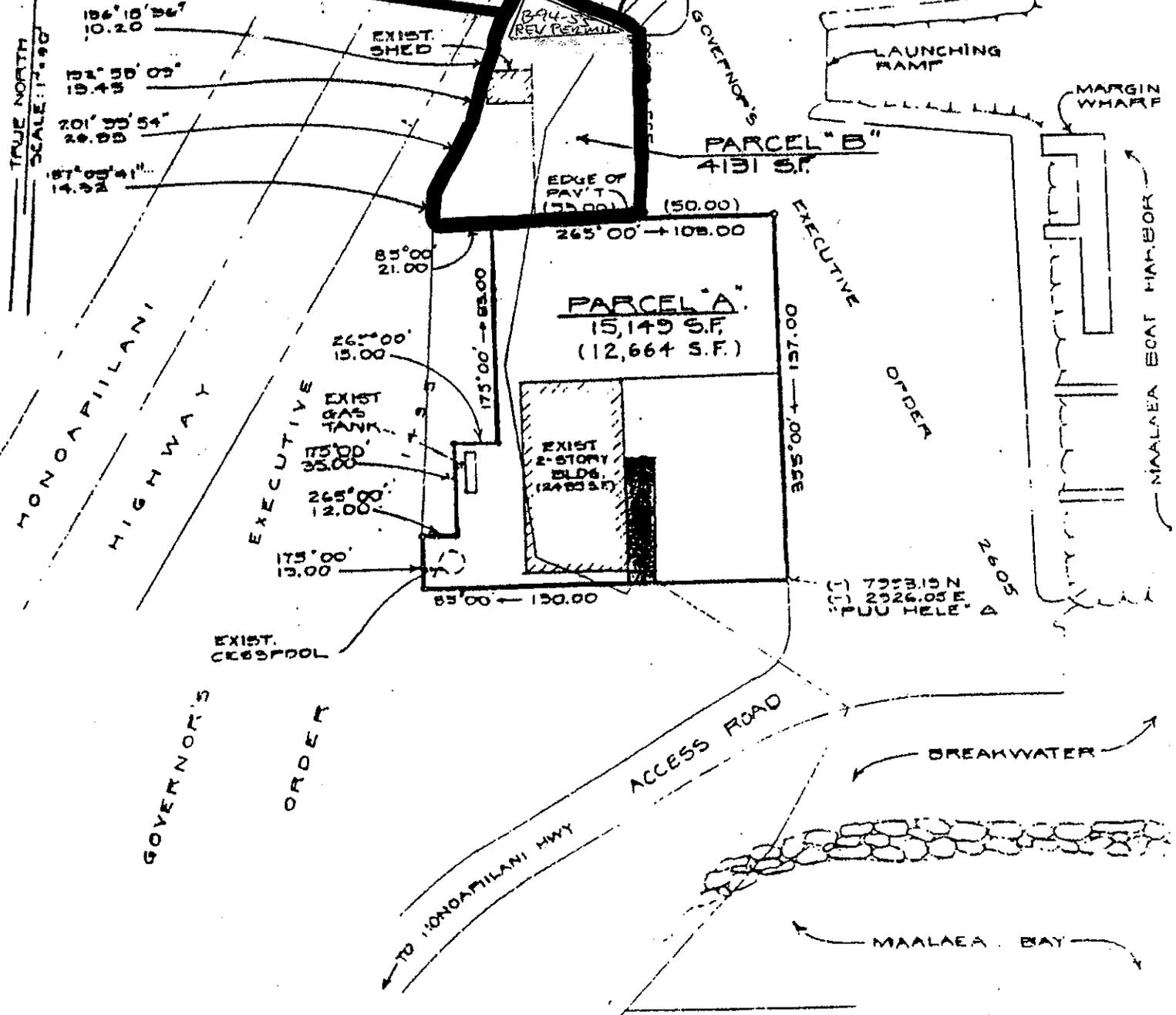
APPROVED FOR SUBMITTAL



Laura H. Thielen
Chairperson and Member

Attachments

NEW REVOCABLE PERMIT
HAUL OUT



LAND SITUATED AT UKUMEHAME AND WAIKAPU, WAILUKU, MAUI, HAWAII BEING A PORTION OF GOVERNOR'S EXECUTIVE ORDER 2605 DATED JUNE 3, 1972 AND GOVERNOR'S EXECUTIVE ORDER 1495 DATED FEBRUARY 14, 1952

K. 3-6-01 OCTOBER 21, 1985 REV. NOVEMBER 8, 1985



MAALAEA BOAT AND FISHING CLUB

P.O. Box 1173
Wailuku, Hawaii 96793



October 8, 2009

Mr. Edward Underwood
Administrator, Division of Boating and Ocean Recreation
State Harbors Division
333 Queen Street, Room 300
Honolulu, Hawaii 96813

Dear Mr. Underwood,

As per our phone conversation today, October 8, 2009, I would like to convey the Maalaea Boat & Fishing Club's intentions as per our relocation from our present clubhouse space below Buzz's Restaurant. The club intends to be moved out of this space by October 31, 2009. We will work with the Maalaea Harbor Agent to secure a suitable space in the ground floor of the old SeaFlight Bldg. for our club to utilize for meetings and to store our club supplies that we will be removing from our present space below Buzz's.

On October 14, 2009, the club plans to meet with your Dept's engineers at the clubhouse to work with them to make this transition progress smoothly.

It is also our intention to continue to provide the drydock and haul-out services to the boating community as we are currently doing. As this is the only such facility presently in Maui, we are looking forward to maintaining this vital service to our boating community.

Mr. Underwood, please be assured that the Maalaea Boat & Fishing Club has a strong commitment to this Harbor and will always be a cooperative partner with the State of Hawaii in all matters concerning this facility.

Sincerely,

Michael "Mike" Trotto
Vice Commodore/Treasurer

Robert Kalei Lu'uwai
Commodore
Maalaea Boat & Fishing Club
P.O. Box 1173
Wailuku, Hawaii 96793