

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

May 27, 2011

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

Oahu

Cancellation of Revocable Permit No. 4433 and Re-issue an updated Revocable Permit to Surf N Sea, Inc., Haleiwa, Kawaihoa, Wailua, Oahu, Hawaii,
Tax Map Key: 6-2-03:39.

APPLICANT:

Surf N Sea, Inc. a domestic profit corporation, whose business and mailing address is 62-595 Kamehameha Highway, Haleiwa, Hawaii 96712.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of situated at Haleiwa, Kawaihoa, Wailua, Oahu, Hawaii,
Tax Map Key: 6-2-03: 39 as shown on the attached map labeled Exhibit A.

AREA:

.12 acres, more or less

ZONING:

State Land Use District: Urban
County of CZO: R-5, Residential

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:
YES __ NO X

CURRENT USE STATUS:

Hardware and Sporting Goods Store

CHARACTER OF USE:

Hardware and Sporting Goods Store

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson

MONTHLY RENTAL:

Revocable Permit 4433: \$420.00
Updated Revocable Permit rental increase to: \$ 5,010.00 per month, based on appraisal dated November 8, 2010

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental

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, 1998, 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 Permittee remains the same, as with the use.

DCCA VERIFICATION:

Place of business registration confirmed: YES NO ___
Registered business name confirmed YES NO ___
Applicant in good standing confirmed: YES NO ___

REMARKS:

This property is located at the north entry of Haleiwa Town, on the makai side of Kamehameha Highway, East and across the Anahulu Stream from the Haleiwa Small Boat Harbor, fronting Kamehameha Highway.

Records show Surf N Sea, Inc. has held Revocable Permit No. 4433 since October 1, 1969, under the Department of Transportation. The RP was then transferred to DLNR Land Division. On May 24, 2002, under Item D-22, the Board approved the set aside of Executive Order 3964 to the Division of Boating and Ocean Recreation (DOBOR).

DOBOR is in the process of reviewing all revocable permits and recognized that a rental valuation was necessary and overdue. An appraisal was performed on November 8, 2010. The month to month status under the revocable permit was taken into consideration. The updated rental would

now be at the same level as with comparable properties in Haleiwa Town. DOBOR has met with the Permittee and they are prepared to pay the increase in rent. DOBOR feels a month-to-month tenancy continues to be appropriate at this time and plans to offer a long term disposition in the future. Research at this point has found that the building has operated as a store since approximately 1931 by previous owners and the building is considered a historical structure. Surf N Sea continues to maintain the building and the surrounding area. Surf N Sea has not had a lease, permit, easement or other disposition of State lands terminated within the last five years. As there has not been a break in occupancy by Surf N Sea, no comments were solicited.

RECOMMENDATION: That the Board:

Authorize the cancellation of Revocable Permit No 4433 and the reissuance of a revocable permit to Surf N Sea, Inc. covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. 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

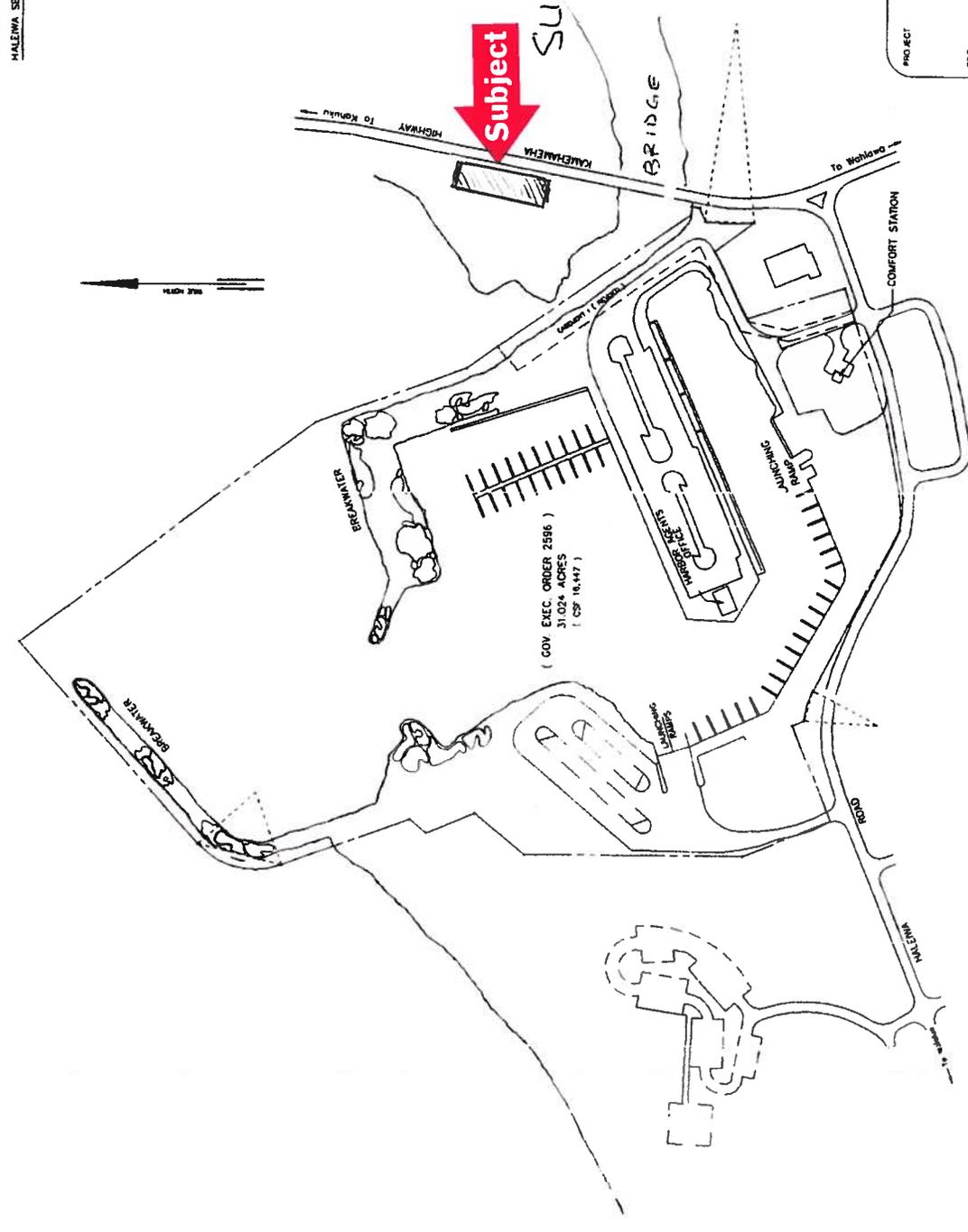
HALEIWA SBH



HALEIWA SBH

TAX MAP KEY: 6-6-01, 02

SURF N SEA INC.



PROJECT: DOCUMENTATION OF FACILITIES FOR BOATING PROGRAM TRANSFER TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES

FOR: STATE OF HAWAII DEPARTMENT OF TRANSPORTATION MARINE DIVISION

SHEET TITLE: HALEIWA SBH ISLAND OF OAHU

BY: RMTC
R. M. TONILL CORPORATION
420 Waiholo Dr S #11
Honolulu, HI 96817-4941
August 1992

EXHIBIT A

NOT TO SCALE