
A BILL FOR AN ACT

RELATING TO THE ALA WAI BOAT HARBOR.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 197, Session Laws of Hawaii 2011, is
2 amended by amending section 8 to read as follows:

3 "SECTION 8. (a) Pursuant to section 200-2.5, Hawaii
4 Revised Statutes, the department of land and natural resources
5 is directed to lease fast lands and submerged lands at the Ala
6 Wai boat harbor using the request for proposals process for the
7 public-private development, management, and operation of areas
8 of Ala Wai boat harbor.

9 (b) The fast lands and submerged lands of the Ala Wai boat
10 harbor that may be leased include the lands described in section
11 200- , Hawaii Revised Statutes.

12 (c) The permissible uses under the lease issued pursuant
13 to subsection (a) shall include:

14 (1) A minimum of not less than one hundred twenty berths
15 for vessels; provided that:

16 (A) Notwithstanding section 200-9(b), Hawaii Revised
17 Statutes, not more than forty berths shall be



1 available for vessels used for purposes of
2 recreational boating activities that are also the
3 principal habitation of the owners;

4 (B) Not more than thirty berths, including those
5 allowed pursuant to section 200-9(c), Hawaii
6 Revised Statutes, shall be available for vessels
7 issued commercial use permits; and

8 (C) All berths provided under this paragraph shall be
9 made available to the public pursuant to rules of
10 the department of land and natural resources,
11 with moorage fees to be determined by the
12 developer;

13 (2) Office space for use by the division of boating and
14 ocean recreation of the department of land and natural
15 resources;

16 (3) Vehicular parking, including parking stalls for use by
17 the division of boating and ocean recreation of the
18 department of land and natural resources and for
19 public metered parking;



1 (4) Commercial uses, including but not limited to
2 restaurants, retail stores, marine-supplies stores,
3 and sundry stores, to be made available to the public;

4 ~~[(5) Hotel, residential, and timeshare uses,~~

5 ~~(6)]~~ (5) Training facilities for ocean recreation and
6 support facilities for ocean recreation;

7 ~~[(7)]~~ (6) Any uses described or referred to in the request
8 for qualifications or request for proposals issued by
9 the division of boating and ocean recreation of the
10 department of land and natural resources on
11 November 25, 2008;

12 ~~[(8)]~~ (7) Vessel-fueling facilities;

13 ~~[(9)]~~ (8) Vessel haul-out, storage, and repair facilities;
14 and

15 ~~[(10)]~~ (9) Deep seawater air-conditioning plants~~[-]~~;
16 provided that any structure built under the lease issued
17 pursuant to subsection (a) shall be not more than two stories.

18 (d) The lease shall not exceed a maximum term of sixty-
19 five years and shall provide for:

20 (1) A minimum lease rent that is the greater of a
21 commercially acceptable percentage of the gross



1 receipts of the lessee from the developed leased
2 premises or a fair return on the fair market value of
3 the vacant leased premises, as determined by appraisal
4 by a state-licensed appraiser approved by the
5 department, with reasonable periodic step-ups in the
6 minimum lease rent over the term of the lease; and

7 (2) A three-year development period with a fixed reduced
8 lease rent.

9 (e) Notwithstanding chapter 171 and section 190D-33,
10 Hawaii Revised Statutes, all revenues from the lease shall be
11 deposited in the boating special fund.

12 (f) Notwithstanding chapters 171 and 190D, Hawaii Revised
13 Statutes, the lease of fast lands and submerged lands of Ala Wai
14 boat harbor shall be subject to section 200-2.5(a), Hawaii
15 Revised Statutes.

16 (g) Notwithstanding section 171-53, Hawaii Revised
17 Statutes, the prior authorization of the legislature by
18 concurrent resolution shall not be required for the lease of
19 submerged lands and lands beneath tidal waters at the Ala Wai
20 boat harbor."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.
4

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H.B. NO. 2618

Report Title:

Ala Wai Boat Harbor; Development; Structures

Description:

Removes hotel, residential, and timeshare uses from the list of permitted uses under the public-private development lease of fast lands and submerged lands at the Ala Wai boat harbor. Prohibits structures built under the lease that are more than two stories.

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