



# Land Use at Harbors: Young Brothers Lease, and Revocable Permits, and Use Charges Pursuant to Hawaii Administrative Rules 19-44

November 2020

# Leases

Hawaii Revised Statutes

HRS 171-59 Disposition by Negotiations

# Leases

- **§171-59 Disposition by negotiation.** (a) A lease of public land may be disposed of through negotiation upon a finding by the board of land and natural resources that the public interest demands it.
- "Maritime-related" means a purpose or activity that requires and is directly related to the loading, off-loading, storage, or distribution of goods and services of the maritime industry.

# Leases - YB

Island	Harbor	Reference	Term (YRS)	Effective Date	Expiration Date	Premises	Ann Rent 1/	Reopening	Notes	Next Reopening
Oahu	Honolulu Harbor	H-98-8	35	11/1/1998	10/31/2033	104,907	\$ 571,700	11/1/2013	2013 Rent re-opening. Status: Mediation/Arbitration HRS 171-17. State Appraisal State (\$716,542) YB (\$561,132)	11/1/2023
Kauai	Nawiliwili Harbor	H-01-04	35	6/1/2000	5/31/2035	2,273	\$ 3,788	6/1/2015	2015 Rent re-opening. Status: 2015 Re-opening Rent is in Mediation/Arbitration	6/1/2025
Molokai	Kaunakakai Harbor	H-93-4	35	11/1/1993	10/31/2028	4,059	\$ 475	11/1/2023	Electrical Easement - Refer plugs	None
						111,239	\$ 575,963			

1/ Subject to Dispute Resolution process

# Month to Month Permits

Hawaii Revised Statutes

HRS 171-55 Permits

Month to Month Permits

• **Purpose**

- To comply with HRS 171-55, Permits where month to month permits are approved by the Board of Land and Natural Resources; and rents are determined pursuant to HRS 171-17, Appraisals.

DOT April 7, 2017 Appraisal			1-Apr-18	2.6%	
			Rent/ sq ft		
			month		
Honolulu Harbor					
		Industrial Warehouse/Building	\$ 1.28		
		Industrial Office	\$ 1.28		
		Improved Land - Unpaved	\$ 0.74		
		Improved Land - paved	\$ 0.78		
	25%	Unimproved land of Unpaved		\$ 0.18	\$ 0.37
			1-Apr-18	2.6%	
			Rent/ sq ft		
			month		
Kalaeloa Barbers Point Harbor					
		Industrial Warehouse/Building	\$ 1.23		
		Industrial Office	\$ 1.23		
		Improved Land - Unpaved	\$ 0.24		
		Improved Land - paved	\$ 0.29		
	25%	Unimproved land of Unpaved		\$ 0.06	\$ 0.12

## Month to Month Permits

REVOCABLE PERMITS	Island	Harbor	Premises	Monthly Rent	Annual Rent
OH-40-1 to 12	Oahu	Honolulu Harbor	7,719	\$ 7,069.14	\$ 84,829.68
OH-39-2 to 17	Oahu	Honolulu Harbor	11,791	\$ 8,997.82	\$ 107,973.84
H-99-2175	Oahu	Honolulu Harbor	16,162	\$ 5,417.00	\$65,004.00
KN-3-19-1 to 6	Kauai	Nawiliwili Harbor	8,420	\$ 3,799.26	\$ 45,591.12
H-KW-19-9 to 19	Hawai'i	Kawaihae Harbor	5,116	\$ 920.88	\$ 11,050.56
HH-3-20-28 to 31	Hawai'i	Hilo Harbor	2,720	\$ 544.00	\$ 6,528.00
H-96-1895	Molokai	Kaunakakai Harbor	4,059	\$ 364.11	\$ 4,369.32
H-00-2114	Maui	Kahului Harbor	<u>14,927</u>	<u>\$ 4,203.75</u>	<u>\$ 50,445.00</u>
			70,914	\$ 31,315.96	\$ 375,791.52

# Proposed Distinction Permits

- Issuance of month to month permits (Revocable Permits)
  - Granting of Land Dispositions Examples:
    - Use of land where items don't move (e.g. containers used as storage, guard shacks)
    - Where terms of an RP protects the interests of the State (e.g. environmental concerns such as where equipment is maintained, or potential wear and tear on piers)
    - Use requires improvements such as electricity connections
    - Generally, not in cargo yards

# Hilo Harbor Piers 2 & 3, Young Brothers, LTD. RP: H-98-2118, pg 1

DEPARTMENT OF TRANSPORTATION  
HARBORS DIVISION  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

REVOCABLE PERMIT NO. H-98-2118

The STATE OF HAWAII, hereinafter called the "STATE," hereby grants to the "PERMITTEE" permission to enter, use and occupy on a month-to-month basis the premises described in item 2, and designated on Exhibit "A," attached hereto and made a part hereof, for the purpose(s) specified in item 4; and the PERMITTEE agrees to pay the rental specified in item 5 and to perform all other obligations imposed upon it by the Terms and Conditions hereof.

- 1. PERMITTEE (NAME AND ADDRESS): Young Brothers, Ltd.  
P. O. Box 3288  
Honolulu, Hawaii 96801
- 2. PREMISES: 1,080 square feet of warehouse space  
2,500 square feet of open-unpaved land  
2,294 square feet of open-paved land
- 3. LOCATION: Adjacent to Piers 2 and 3, Hilo Harbor, Kailua Bay  
Waikeka, South Hilo, Island of Hawaii  
Tax Map Key No. 1-1-01  
Governor's Executive Order No. 1028 (portion)
- 4. PURPOSE(S): Inter-island barge operations and related activities
- 5. RENTAL: \$928.00 per month
- 6. SECURITY DEPOSIT: \$1,856 (with Performance Bond No. 26278293)
- 7. EFFECTIVE DATE: December 1, 1998

Dated at Honolulu, Hawaii, March 15, 1999

BOARD OF LAND AND NATURAL RESOURCES

By N/A  
Chairperson and Member

Approved by the Board  
at its meeting held on  
N/A

STATE OF HAWAII

By [Signature]  
Harbors Administrator

PERMITTEE

YOUNG BROTHERS, LTD.

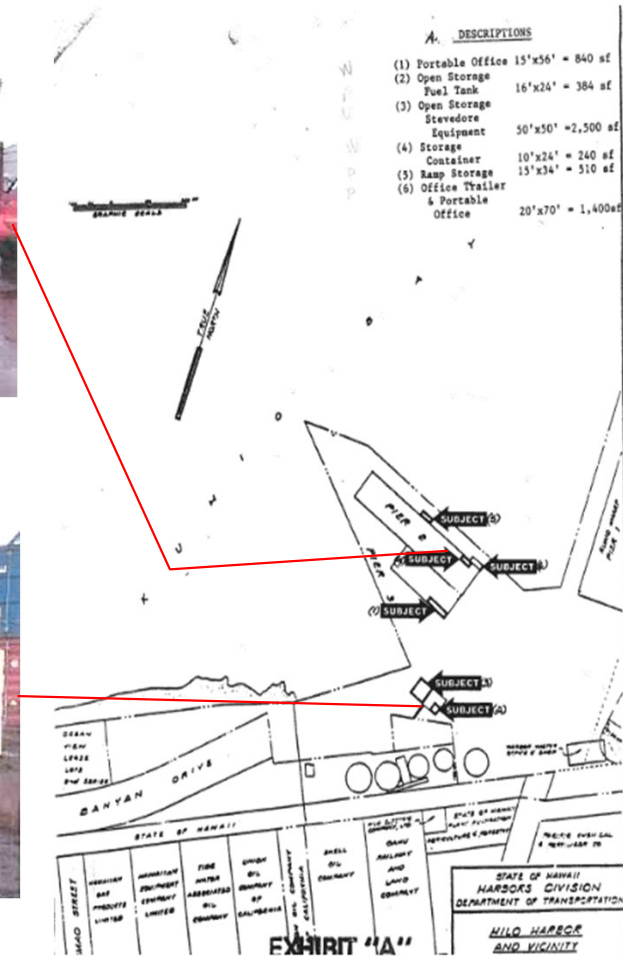
By [Signature]  
Its



Open Storage: containers



Open Storage: fuel tank



Revocable Permit

# Admin Rules

Hawaii Revised Statutes

HRS 266 Storage, Mobile Equipment, and Stevedoring Equipment

## Proposed Distinction HAR vs RP

- Charges for storage will be based HAR:
  - §19-44-43 Storage of stevedoring and other equipment.
    - (a) Stevedoring equipment.
    - ( c ) Mobile equipment for handling cargo
    - (d) Shipping devices

# Hawaii Administrative Rules 19-44

- §19-44-43 Storage of stevedoring and other equipment. (a)  
Stevedoring equipment of all kinds such as net slings, box slings, hand trucks, chutes, pallets, etc., may, at the discretion of the harbor master, be stored on state wharves. All stevedoring equipment shall be assessed storage charges at fifty per cent of the rates specified in section 19-44-42 except that there shall be a minimum charge of \$27.50 per month.
  - §19-44-42 Storage space. Except as provided otherwise, the rental for storage space upon or near state wharves shall be per month as follows:
    - (1) Honolulu
      - Open storage on paved area per square foot    \$0.50

## Hawaii Administrative Rules 19-44

- §19-44-43 Storage of stevedoring and other equipment. ( c ) Mobile equipment for handling cargo such as truck tractors, hustlers, forklifts, straddle trucks, tractors, trailers, truck cranes, trucks, etc., may be left idle on state property in an area designated by the harbor master; provided that any mobile equipment shall be removed if the harbor master determines that it interferes with cargo handling. Mobile equipment shall be assessed for storage space occupied at fifty per cent of the rates set forth in section 19-44-42 except that there shall be a minimum charge of \$27.50 per month.
  - §19-44-42 Storage space. Except as provided otherwise, the rental for storage space upon or near state wharves shall be per month as follows:
    - (1) Honolulu
      - Open storage on paved area per square foot \$0.50

# Hawaii Administrative Rules 19-44

- §19-44-43 Storage of stevedoring and other equipment. (d) **Shipping devices** may be stored on state property as designated by the harbor master. The charges for the storage of shipping devices shall be as follows:
  - (1) Honolulu and Barbers Point:
    - Per linear foot per day for the first five calendar days - \$0.13
    - Per linear foot per day for the next five calendar days - \$0.28
- §19-41-2 *Definitions; general* "Shipping device" means a non-self-propelled, rigid, non-disposable, returnable, cargo-carrying device with or without wheels, enclosed or otherwise and includes but is not limited to any container, trailer, chassis, platform, specially constructed skid, pallet, mount, or combination thereof, and which is designed to be transported integrally as one unit directly and mechanically between vessels and piers so as to eliminate intermediate rehandling and storage of cargo and having overall dimensions of eight feet maximum width, thirteen feet six inches maximum height, and ten feet minimum length.

# Honolulu Harbor, Pier 39 & 40 – Young Brothers RP: H-99-2131, p. 1

*Client file*

DEPARTMENT OF TRANSPORTATION  
HARBORS DIVISION  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

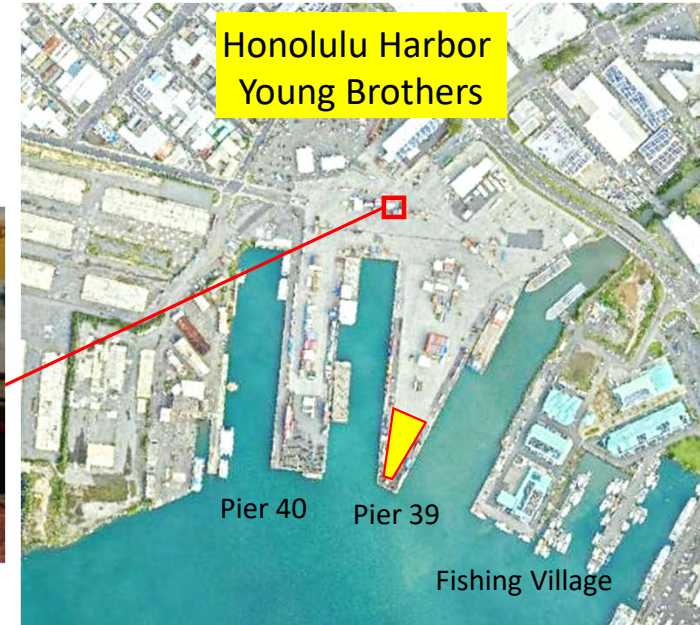
REVOCABLE PERMIT NO. H-99-2131


The STATE OF HAWAII, hereinafter called the "STATE," hereby grants to the "PERMITTEE" permission to enter, use and occupy on a month-to-month basis the premises described in item 2, and designated on Exhibit "A," attached hereto and made a part hereof, for the purpose(s) specified in item 4; and the PERMITTEE agrees to pay the rental specified in item 5 and to perform all other obligations imposed upon it by the Terms and Conditions hereof.

- 1. PERMITTEE (NAME AND ADDRESS): Young Brothers, Ltd.  
P.O. Box 3288  
Honolulu, Hawaii 96801
- 2. PREMISES: Various parcels of paved land as listed on the attached Addendum marked Exhibit "A," and shown on the attached Exhibit "B."
- 3. LOCATION: Piers 39 and 40, Honolulu Harbor  
TMK No. 1-5-32.2 (portion)  
GEO No. 3457
- 4. PURPOSE(S): Support facilities for inter-island barge operations
- 5. RENTAL: \$6,819.00 per month
- 6. SECURITY DEPOSIT: \$13,638.00
- 7. EFFECTIVE DATE: November 1, 1998



Generators are stored for more than 30 days & then mobilized as needed.




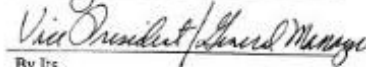
-  On the RP's Exhibit, Miscellaneous Storage Shown in one area.
-  Example of miscellaneous storage scattered throughout the yard.

Dated at Honolulu, Hawaii, FEB 23 2000

BOARD OF LAND AND NATURAL RESOURCES  
By N/A  
Chairperson and Member

STATE OF HAWAII  
By   
Harbors Administrator

Approved by the Board at its meeting held on N/A

PERMITTEE  
  
By Its 

# Kahului Harbor, Piers 2&3; Young Brothers RP: H-00-2214 p. 3

DEPARTMENT OF TRANSPORTATION  
HARBORS DIVISION  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

REVOCABLE PERMIT NO. H-00-2214

The STATE OF HAWAII, hereinafter called the "STATE," hereby grants to the "PERMITTEE" permission to enter, use and occupy on a month-to-month basis the premises described in item 2 designated on Exhibit "A," and shown on the attached Exhibit "B," attached hereto and made a part hereof, for the purpose(s) specified in item 4; and the PERMITTEE agrees to pay the rental specified in item 5 and to perform all other obligations imposed upon it by the Terms and Conditions hereof.

1. PERMITTEE (NAME AND ADDRESS): YOUNG BROTHERS, LTD.  
P. O. BOX 3288  
HONOLULU, HAWAII 96801
2. PREMISES: Various parcels as listed on the attached ENDORSEMENT NO. 1 marked Exhibit "A" and shown on the attached Exhibit "B"
3. LOCATION: Piers 2 and 3, Kahului Harbor, Island of Maui  
Tax Map Key Nos. 2nd/3-7-08 (Portion) and 2nd/3-7-10 (Portion)  
Governor's Executive Order Nos. 2635, 2746, 2986 and Pending
4. PURPOSE(S): Inter-island barge operations
5. RENTAL: \$4,204.00 per month
6. SECURITY DEPOSIT: \$8,408.00
7. EFFECTIVE DATE: SEPTEMBER 1, 2000

Dated at Honolulu, Hawaii, SEPTEMBER 25, 2000

BOARD OF LAND AND NATURAL RESOURCES

By N/A  
Chairperson and Member

Approved by the Board at its meeting held on N/A

STATE OF HAWAII

By [Signature]  
Harbors Administrator

PERMITTEE

YOUNG BROTHERS, LTD.

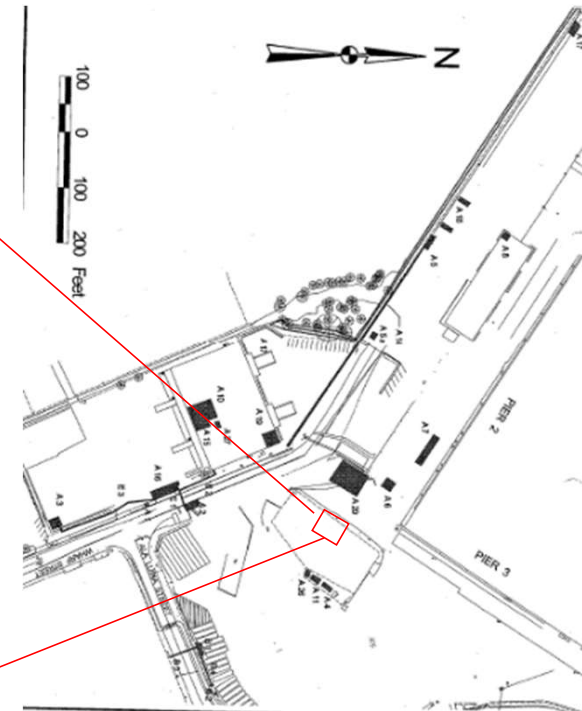
By [Signature]  
Its Vice President / General Manager



Hyster Top Pick



Hyster Truck Forklift & Rope Dunnage



Hawaii Admin Rules

# Honolulu Harbor, Pier 27 Sause Bros. RP: H-01-2261 p. 1

DEPARTMENT OF TRANSPORTATION  
HARBORS DIVISION  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

REVOCABLE PERMIT NO. H-01-2261

The STATE OF HAWAII, hereinafter called the "STATE," hereby grants to the "PERMITTEE" permission to enter, use and occupy on a month-to-month basis, the premises described in item 2, and designated on Exhibit "A," attached hereto and made a part hereof, for the purpose(s) specified in item 4; and the PERMITTEE agrees to pay the rental specified in item 5, and to perform all other obligations imposed upon it by the Terms and Conditions hereof.

- 1. PERMITTEE: SAUSE BROS., INC.  
705 NORTH NIMITZ HIGHWAY, 2ND FLOOR  
HONOLULU, HAWAII 96817
- 2. PREMISES: 16,152 square feet of open paved land, 10,440 square feet for warehouse space for maintenance operations and 5,712 square feet of parking & storage.
- 3. LOCATION: Pier 27, Honolulu Harbor, Island of Oahu, Hawaii, Tax Map Key No. 1st/1-5-38:1 (Portion), Governor's Executive Order No. 2903 as shown in Exhibit "A"
- 4. PURPOSES: Storing containers, materials, conduct maintenance operations and provide employee parking
- 5. RENTAL: \$3,714.96 per month
- 6. SECURITY DEPOSIT: \$7,429.92
- 7. EFFECTIVE DATE: April 1, 2001

Dated at Honolulu, Hawaii, December 28, 2004

BOARD OF LAND AND NATURAL RESOURCES

By N/A  
Chairperson and Member

Approved by the Board at its meeting held on

N/A

Approved as to Form:

[Signature]  
Deputy Attorney General

STATE OF HAWAII

By [Signature]  
Harbors Administrator

SAUSE BROS., INC.

By [Signature]  
Its



Forklift & boom lift



Exterior



Hawaii Admin Rules

Revocable Permit/Lease

# Hilo Harbor Piers 2 & 3, Young Brothers RP: H-98-2118, pg. 2

DEPARTMENT OF TRANSPORTATION  
HARBORS DIVISION  
79 South Nimitz Highway  
Honolulu, Hawaii 96813

REVOCABLE PERMIT NO. H-98-2118

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- 1. PERMITTEE (NAME AND ADDRESS): Young Brothers, Ltd.  
P. O. Box 3288  
Honolulu, Hawaii 96801
- 2. PREMISES: 1,080 square feet of warehouse space  
2,500 square feet of open-unpaved land  
2,294 square feet of open-paved land
- 3. LOCATION: Adjacent to Piers 2 and 3, Hilo Harbor, fronting Kuhio Bay  
Waikanae, South Hilo, Island of Hawaii  
Tax Map Key No. 1-1-01  
Governor's Executive Order No. 1028 (portion)
- 4. PURPOSE(S): Inter-island barge operations and related activities
- 5. RENTAL: \$928.00 per month
- 6. SECURITY DEPOSIT: \$1,856.00 (Portion of Performance Bond No. 26278293)
- 7. EFFECTIVE DATE: December 1, 1998

Dated at Honolulu, Hawaii, March 15, 1999

BOARD OF LAND AND NATURAL RESOURCES

By N/A  
Chairperson and Member

Approved by the Board  
at its meeting held on  
N/A

STATE OF HAWAII

By [Signature]  
Harbors Administrator

PERMITTEE

YOUNG BROTHERS, LTD.

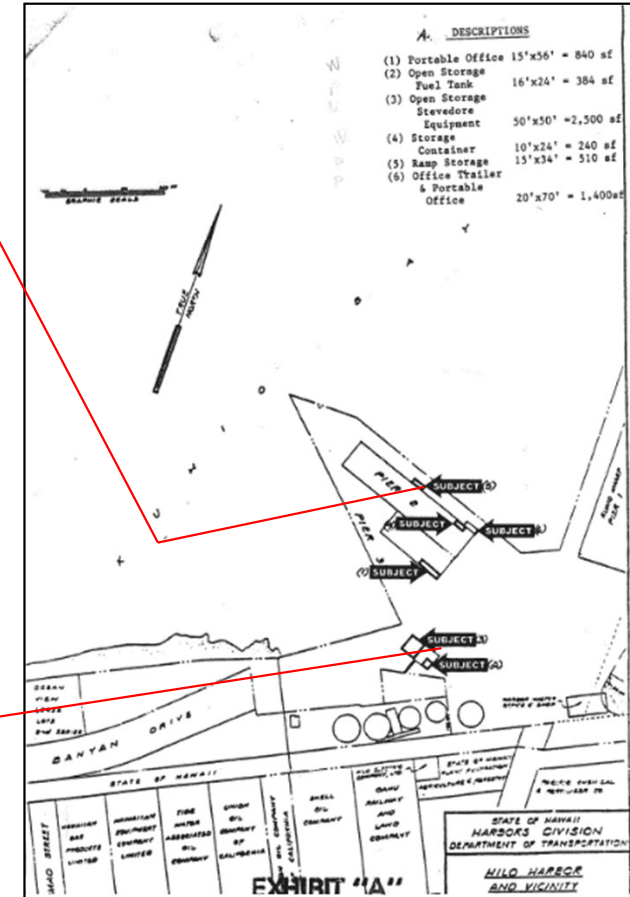
By [Signature]



Ramp Storage



Open Storage: stevedore equipment



Hawaii Admin Rules

Questions?