

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'OKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
CURT T. OTAGURO  
ROBIN K. SHISHIDO

**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:

September 12, 2024

Mr. Edwin H. Sniffen, Director  
Department of Transportation  
869 Punchbowl Street  
Honolulu, Hawaii 96813

KAUAI

Authorize the issuance of three month-to-month Revocable Permits (RP), to American Guard Services, Inc., for use of office space, break area for employees, and a passenger screening area, situated at Pier 2 at Nawiliwili Harbor, island of Kauai, Tax Map Key (TMK) No. (4) 3-2-004:063 (Portion), Governor's Executive Order No. 509.

LEGAL REFERENCE:

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

APPLICANT:

American Guard Services, Inc. (Applicant), is a foreign profit corporation whose mailing address is 1125 W 190<sup>th</sup> Street, Gardena, California 90248.

CHARACTER OF USE:

Use of office space, break area for employees, and a passenger screening area, to support security measures for passengers traveling via cruise ships at Pier 2 at Nawiliwili Harbor, island of Kauai.

LOCATION:

Portion of governmental lands at Nawiliwili Harbor, island of Kauai, TMK No. (4) 3-2-004:063 (Portion), Governor's Executive Order No. 509, as shown on the enclosed map labeled Exhibit A.

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ZONING:

State Land Use Commission: Urban  
 County of Kauai: Unknown

AREA: See enclosed Exhibit A

AREA	DESCRIPTION	TYPE	SQ. FT.	RATE PER SQ. FT.	MONTHLY RENTAL CHARGE	SECURITY DEPOSIT
1	Passenger screening area (terminal)	Warehouse	2,475	\$1.31	\$3,242.25	\$6,484.50
2	Office	Warehouse	108	\$1.31	\$ 141.48	\$ 282.96
3	Breakroom	Warehouse	90	\$1.31	\$ 117.90	\$ 235.80
					<b>\$3,501.63</b>	<b>\$7,003.26</b>
					<b>Total Monthly Rental</b>	<b>Total Security Deposit</b>

CONSIDERATION:

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

LAND TITLE STATUS:

Under the control and management of the State of Hawaii, Department of Transportation (HDOT), through the issuance of Governor’s Executive Order No. 509.

TRUST LAND STATUS:

Subsection 5 (a) of the Hawaiian Admission Act (non-ceded lands).

CURRENT USE STATUS:

The area is currently occupied by the Applicant.

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. A.1. “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. Actions include but not limited to the following:
  - a. General: repaint, reroof, repair/replace windows and doors, interior modifications; furnishings, space configuration, flooring and flooring cover, framework, roof sheathing and other similar actions.
  - b. Utility systems: electrical, interior lighting, plumbing, wastewater, information technology/communication and security systems, heating/ventilation/air conditioning units and other systems.”

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 an accredited security protection firm with trained security personnel specializing in Cruise Ship Passenger Terminal Operations. The Applicant provides its personnel with training and certification based on regulations specific to the cruise ship security industry. Their training is focused on preparing for contingencies in various situations, advanced planning, and a high level of communication to ensure awareness throughout the vessel or facility during all operations.

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RECOMMENDATION:

Based on this submittal, testimony and facts presented, the HDOT recommends the issuance of three month-to-month RPs to the Applicant including its conditions and rent, under the terms and conditions cited above and other terms and conditions as may be prescribed by the Director of Transportation to best serve the interest of the State.

Sincerely,



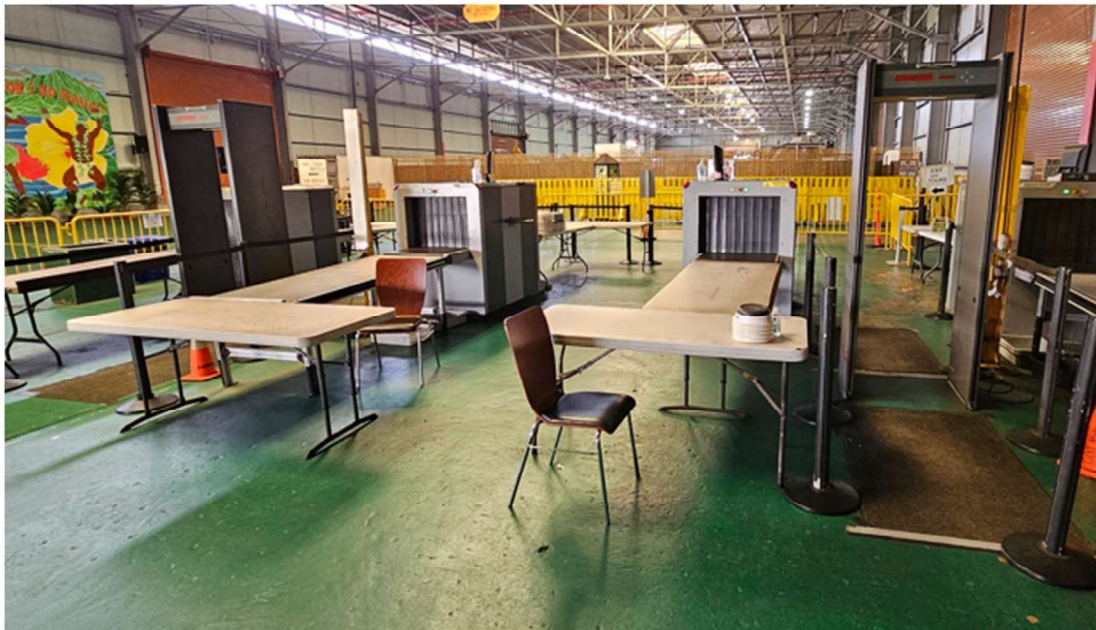
DREANALEE K. KALILI  
Deputy Director of Transportation for Harbors

Enclosures

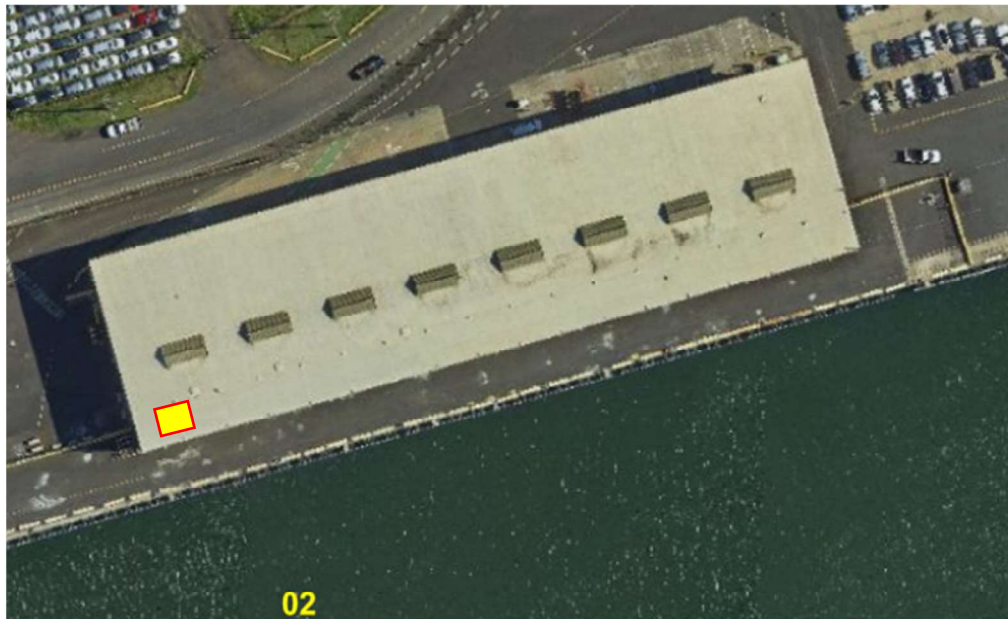
**Area 1 – Passenger screening area (terminal)**



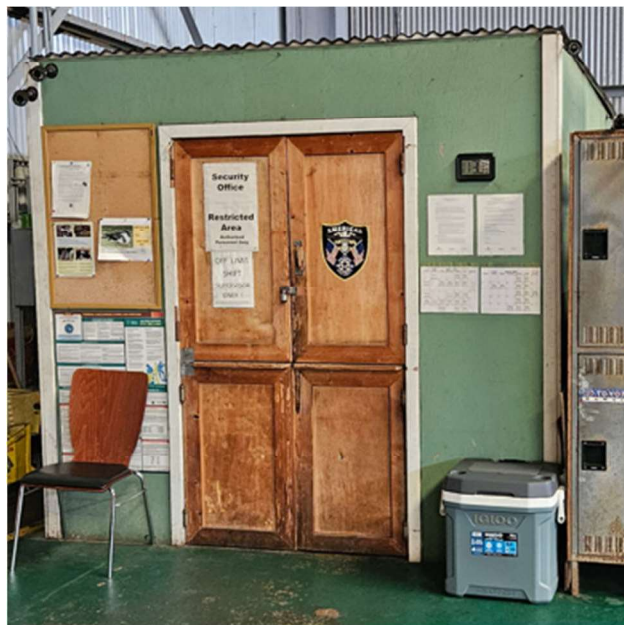
AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
1	Passenger screening area (terminal)	Warehouse	55'	45'	2,475



Area 2 – Office



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
2	Office	Warehouse	12'	9'	108





Area 3 – Breakroom



AREA	DESCRIPTION	TYPE	DIMENSIONS		SQ. FT.
3	Breakroom	Warehouse	9'	10'	90

