

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 13, 2016

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

PSF No. 16OD-039

Oahu

Issuance of a Right-of-Entry Permit to the Na Wahine O Ke Kai for a Canoe Race Event to be held on September 24 and 25, 2016, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

APPLICANT:

Na Wahine O Ke Kai, a domestic nonprofit corporation

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037: portions of 021, as shown on the attached **Exhibit 1**.

AREA:

Area #1: 3,200 square feet (2 days use; Saturday and Sunday)  
Area #2: 200 square feet (1 day use; Sunday)  
Area #3: 1,500 square feet (1 day use; Sunday)  
Total Area: 4,900 square feet, more or less

ZONING:

State Land Use District: Urban

TRUST LAND STATUS:

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

CURRENT USE STATUS:

The requested beach areas are unencumbered

CHARACTER OF USE:

Canoe race event use

TERM:

From 3 p.m. on Saturday, September 24, 2016 until 6 p.m. on Sunday, September 25, 2016.

RENTAL:

Charged is based on a one-time payment of \$0.10 per square foot per day as approved by the Board at its meeting on September 28, 2001, agenda item D-4.

Area #1: 3,200 square feet (2 days use) = 3,200 x 2 days x \$0.10 = \$640.00

Area #2: 200 square feet (1 day use) = 200 x \$0.10 = \$ 20.00

Area #3: 1,500 square feet (1 day use) = 1,500 x \$0.10 = \$150.00

Total Cost: \$810.00

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See exemption declaration attached as **Exhibit 2**.

DCCA VERIFICATION:

Place of business registration confirmed: YES x NO \_\_

Registered business name confirmed: YES x NO \_\_

Applicant in good standing confirmed: YES x NO \_\_

REMARKS:

The Na Wahine O Ke Kai canoe race event consists of approximately forty-one (41)

nautical miles, beginning at Hale-O-Lono Harbor, Molokai and finishes offshore from the Duke Kahanamoku Beach in Waikiki; fronting the Hilton Hawaiian Village Hotel, located on the island of Oahu. The canoe race-day is scheduled for Sunday, September 25, 2016, starting at 8 a.m. and the teams are expected to finish between five to eight hours thereafter.

The Na Wahine O Ke Kai Committee requests that the Board approve of a right-of-entry permit for its use over the specific areas of the subject beach. The Applicant's request to use portions of the Duke Kahanamoku Beach is for the purpose of bringing closure to the canoe race event. The setting up of the three requested areas of the beach is scheduled to begin at 3 p.m. on Saturday, September 24, 2016, with the breakdown scheduled for 6 p.m. on Sunday, September 25, 2016.

For Board approval purposes of this request, the subject right-of-entry permit includes Beach Areas: #1, #2, and #3, only. See **Exhibit 3**.

Beach Area #1 is intended to be used for Awards Ceremony, Hospitality, Webcast, Spectators, Finishers, and First Aid area. The area is located in close proximity to the parking lot of the Ala Wai Boat Harbor.

Beach Area #2 is intended for the Sponsors of the event.

Beach Area #3 is intended for use as a Canoe Exit Area and is located adjacent to the parking lot where the awaiting canoe trailers will be staged. It is within this area that the canoes will be de-rigged in preparation for transporting and exiting purposes.

The Applicant is requesting access to the Hilton Hawaiian Village Pier (currently encumbered under Revocable Permit No. 7566), located adjacent to where the finish line for the canoe race event will be designated. Revocable Permit No. 7566 requires a \$1.50 toll fee per paying customer. However, it is the staffs understanding that Hilton Hawaiian Village (HHV) will not be charging a fee to any of the canoe race officials nor to its participants for the use of the subject pier. Therefore, staff is of the opinion that HHV will not be required to pay the State for the said toll fee.

The Applicant is also requesting HHV pier walkway be adorned with flags representing the various countries participating in the canoe race.

Also, according to the Applicant, due to unforeseen and unfavorable weather conditions, the September 2015 race was cancelled. Applicant did not request a refund as a result of the cancellation, and therefore, the rental fees for the September 2015 race was not returned. Staff was advised by the Applicant in March 2016 of the cancellation and has verified<sup>1</sup> the race was cancelled. The Applicant requests that the fees paid (\$810.00) for

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<sup>1</sup> Unbeknownst to staff at the time, the cancellation of the 2015 event was reported by Khon-2 News on September 26, 2015.

the September 2015 race be applied towards this year's rental fees. Staff does not have any objection to the request. For housekeeping purposes, staff recommends the Board rescind the 2015 approval pursuant to Board action dated August 28, 2015, Item D-2.

At the same meeting in 2015, the Applicant brought forth the idea of a 10-year permit since it is a yearly event. The Board acknowledged the 10-year proposal with the possibility of rescission, if necessary, and suggested the Applicant consult with Land Division (LD) and Division of Boating and Ocean Recreation (DOBOR). DOBOR has no objection to the issuance of a 10 year permit. LD has reservations on issuing a 10-year permit due to unforeseeable circumstances; e.g., canoe club sold or new owner/management dissolved, and changes in race date or locations. In addition, the processing time on this routine request is not substantial in terms of staff resources. Therefore, staff recommends the Board continue the current approach, i.e. considering the request on annual basis.

Notwithstanding the staff's position described above, the Applicant has provided the following next 10 year race dates: September 24, 2017, September 23, 2018, September 29, 2019, September 27, 2020, September 26, 2021, September 25, 2022, September 24, 2023, September 29, 2024, September 28, 2025, and September 27, 2026, if the Board decide to approve the 10-year permit proposed by the Applicant.

The Office of Conservation and Coastal Lands has no comment on the subject request.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

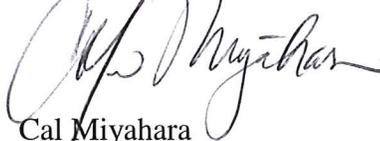
There are no other pertinent issues and concerns regarding the subject request.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this activity will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Rescind Board action dated August 28, 2015, Item D-2.
3. Authorize the issuance of a right-of-entry permit to Na Wahine O Ke Kai for the purpose of covering the subject area for the canoe race event under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time; and

- b. Approve a payment fee of \$0.00, based on the credit amount of \$810.00 from the cancellation of the September 2015 race; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Cal Miyahara  
Shoreline Disposition Specialist

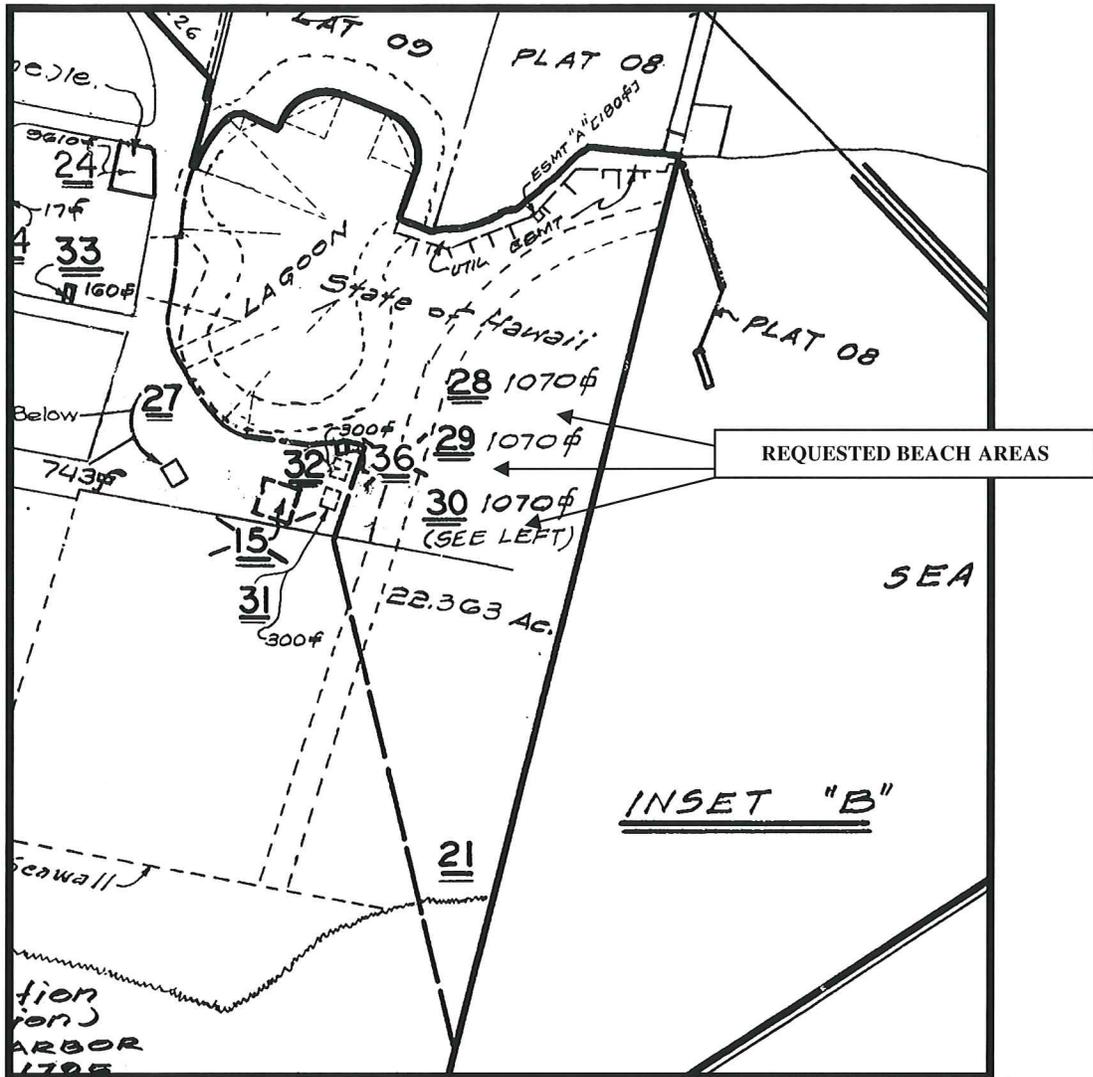
APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson





TAX MAP KEY: (1) 2-3-037: PORTIONS OF 21

**EXHIBIT 1**

## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of a Right-of-Entry Permit to Na Wahine O Ke Kai for a Canoe Race Event

Project / Reference No.: PSF 16OD-039

Project Location: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:por. 021.

Project Description: For a Canoe Race Event at Duke Kahanamoku Beach on September 24 and 25, 2016.

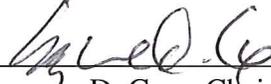
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51, which reads “[p]ermits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing”.

The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

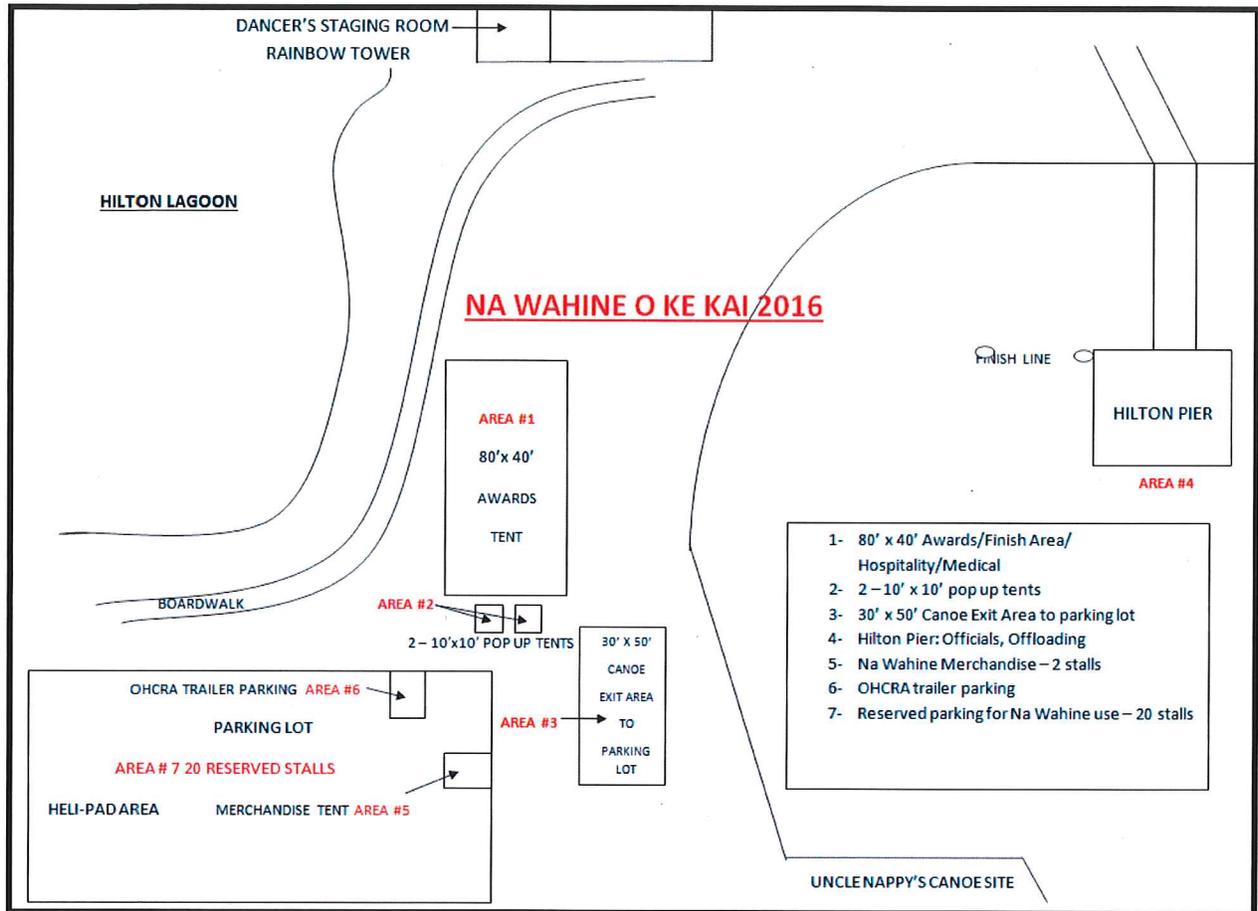
Consulted Parties: Office of Conservation and Coastal Lands.

Recommendation: That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
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Suzanne D. Case, Chairperson

  
\_\_\_\_\_  
Date

**EXHIBIT 2**



**EXHIBIT 3**