



STATE OF HAWAII  
DEPARTMENT OF LAND & NATURAL RESOURCES  
DIVISION OF BOATING & OCEAN RECREATION

**KAHALU'U BAY OCEAN WATERS  
COMMERCIAL USE PERMIT LOTTERY**

**Friday, November 17, 2023  
10:00AM**

Old Kona Airport Events Pavilion  
75-5500 Kuakini Hwy  
Kailua-Kona, HI 96740

Phone: (808) 327-3690

## **LOTTERY TERMS AND RESTRICTIONS**

All companies shall be fully responsible for reading and understanding the LOTTERY TERMS AND RESTRICTIONS and LOTTERY PROCEDURES in this Packet. All forms must be submitted in hardcopy form. Emailed and faxed forms will not be accepted. All forms must be signed and dated by the applicant. In the case of a company or other business entity, all forms must be signed by the legal owner or the sole proprietor, where applicable.

All interested applicants must complete a Qualifications Questionnaire, submit the questionnaire to DOBOR by the deadline specified below, and be "pre-approved" to participate in the lottery. Only one Qualifications Questionnaire per applicant will be accepted. If a questionnaire is submitted with incomplete fields or missing supporting documentation, the applicant will be disqualified from participating in the lottery. An applicant wishing to rescind their questionnaire must contact DOBOR prior to the date and time of the lottery beginning.

The lottery will determine which four (4) applicants will be eligible to receive a Kahaluu Bay Ocean Waters Commercial Use Permit.

After the maximum number of permits is reached, the lottery will continue, and the remaining participants will be placed on a waitlist in the order that they are selected in the lottery. If/when a permit is surrendered back to DOBOR in the future, staff will offer permits in the order of the waitlist. This may be subject to change should Hawaii Revised Statutes or Hawaii Administrative Rules be amended.

All applicants who are selected for a permit in the lottery must complete permit application paperwork, obtain a County of Hawai'i letter of permission, pay the respective fees, and obtain their permit within ten (10) working days of being selected. Any persons who fail to complete the permitting process within the 10 working-day timeframe will lose their ability to apply for a permit, and DOBOR will offer the permit to the next selected person on the waitlist.

Key dates are as follows:

Questionnaire submission deadline:	<b>By 4:00pm on November 3, 2023; or postmarked by November 3, 2023</b>
Notification of qualification/non-qualification:	<b>November 9, 2023</b>
In-person lottery: Old Kona Airport Events Pavilion 75-5500 Kuakini Hwy Kailua-Kona, HI 96740	<b>November 17, 2023, at 10:00am</b>
Complete and pay for permit application paperwork, if selected, including the submission of a "letter of permission" issued by the County of Hawai'i	<b>Ten (10) working days after being selected</b>

## **LOTTERY PROCEDURES**

1. **Pre-qualification in advance of the lottery:**
  - a. Prospective participants must fully complete the Qualifications Questionnaire (attached to this packet and also available on the DOBOR website) and submit their completed questionnaire to DOBOR either in-person or by mail at 74-380 Kealakehe Parkway, Kailua-Kona, HI 96740 by the questionnaire submission deadline.
  - b. All questionnaires must be sealed in an envelope when submitted to the DOBOR office. The envelope should also include a written or printed label in an obvious location on the outside of the envelope stating "Kahalu‘u Bay Qualifications Questionnaire" so that staff can identify the envelope.
  - c. Questionnaires will be opened and reviewed by DOBOR, and each qualified participant will be notified whether or not they are qualified to participate in the lottery.
  
2. **On the day of the lottery:**
  - a. Each qualified applicant must sign-in prior to the start of the lottery.
  - b. Each participant will be issued an identifier for their entry in the lottery.
  - c. Each participant will place their issued identifier into the lottery container.
  - d. After all participants have placed their identifiers in the container, DOBOR staff will randomly pull out 4 identifiers to determine who will be eligible to be issued a Commercial Use Permit for Surf instruction at Kahalu‘u Bay.
  - e. After the 4 permittees have been selected, DOBOR will continue pulling identifiers to determine the waitlist order for the remaining participants.
  
3. **After lottery selection:**
  - a. Participants that are selected as eligible to receive a permit will be required to obtain a letter of permission from the County of Hawai‘i allowing their use of Kahalu‘u Bay Beach Park to access the State Ocean Waters in connection with the permitted activity.
  - b. All applicants who are selected as eligible to receive a permit in the lottery must complete permit application paperwork, obtain the County of Hawai‘i letter of permission, pay the respective fees, and obtain their use permit within 10 working days of being selected.
  - c. Any applicant who fails to complete the use permit process within the 10-working-day timeframe will lose their ability to apply for a permit, and DOBOR will offer the permit to the next selected person on the waitlist.
  - d. DOBOR fees include a two-month security deposit, two months of commercial use fees, and permitting costs. DOBOR accepts payment only by cash, VISA, Mastercard, or certified check.