

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

February 10, 2017

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

Ref: 16OD-175

Oahu

After-the-Fact Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. for Beach Activities Purposes on January 24, 2017, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portion of 021.

APPLICANT:

Waikiki Beach Activities, Ltd.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key (1) 2-3-037:portion of 021, as shown on **Exhibit A**.

AREA:

5,000 square feet, more or less.

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Public Precinct

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:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Beach activities purposes

TERM:

From 8:00 a.m. to 6:00 p.m. on January 24, 2017, Tuesday.

RENTAL:

\$300.00¹ (one-time payment)

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 reviewed and concurred by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. Chairperson has declared the request exempt from the preparation of an environmental assessment.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO	___
Registered business name confirmed:	YES	<u>X</u>	NO	___
Applicant in good standing confirmed:	YES	<u>X</u>	NO	___

REMARKS:

On January 13, 2017, under agenda item D-9, the Board approved the issuance of right-of-entry permit to the Applicant for beach activities purposes for multiple groups. One of the clients, Nu Skin Group, would have the beach activities set up on January 22, 2017.

On January 12, 2017 [i.e. one day prior to the Board meeting], the Applicant received confirmation from the Nu Skin Group that the latter wanted to have an additional date, January 24, 2017, for similar purposes over an area of about 5,000 square feet. Staff explained to the Applicant that the Board would not be able to hear the late request at its

¹ Land Division is working on establishing administrative rules regarding the collection of fee for similar late request, as advised by AG recently. Staff is not recommending any collection of late fee until the rule is properly established.

January 13, 2017 meeting due to the Sunshine Law.

The sound system will be directed toward the hotel ground and beach chairs will be placed within the requested area. No food or alcoholic beverages will be served on the beach.

Pursuant to the authority delegated by the Board on June 14, 2013, Item D-11, Chairperson issued a right-of-entry dated January 17, 2017 for 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. No comments were solicited from government or community agencies. Staff does not have any objection to the request.

There are no other pertinent issues or concerns, and staff recommends the Board authorize the issuance of an after-the-fact right-of-entry permit described above.

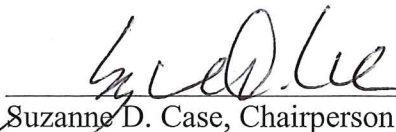
RECOMMENDATION: That the Board authorize the issuance of an after-the-fact right-of-entry permit to Waikiki Beach Activities, Ltd. covering the subject area for beach activities purposes under the terms and conditions cited above.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 2-3-037:Portion of 021

Notes: Polygon shown is only for illustrations only of the approximate location.

EXHIBIT A