

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

March 10, 2017

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

PSF No. 17OD-015

Oahu

Issuance of Right-of-Entry Permit to Waikiki Community Center for Beach Activities
Purposes to be held on May 6 and 7, 2017 at Duke Kahanamoku Beach, Honolulu,
Oahu, Tax Map Key: (1) 2-3-037:portion of 021

APPLICANT:

Waikiki Community Center, a domestic 501(c)(3) non-profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037: portion of 021, as shown on the attached **Exhibit A1** and **A2**.

AREA

Zone 1: 46,000 square feet
Zone 2: 6,225 square feet
Total: 52,225 square feet

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 9:00 a.m. on Saturday, May 6, 2017 to 7:00 p.m. on Sunday, May 7, 2017.

RENTAL:

Waived. See Remarks Section

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, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," Item 51 that states, "permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." See exemption declaration attached as **Exhibit B**.

DCCA VERIFICATION:

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

REMARKS:

Waikiki Community Center (WCC) is requesting permission [application attached as **Exhibit C**] to conduct beach activities for its annual fund raising event on State property, located at Duke Kahanamoku Beach, and further shown on the map attached as Exhibit A2.

The setting-up for the event is scheduled to begin on Saturday, May 6, 2017, from 9:00 a.m. and the event will be held between 9:00 a.m. and 3:00 p.m. on the following day.

The goal is to raise \$100,000 to fund operations that consist of educational and social services for the benefit of residents, employees and the visitors to Waikiki, and in particular, to benefit those who are in need as stated in Article III(a) of their Charter and Mission Statement, and Charter Article III(c) that calls for receipt and administration of funds in furtherance of their objectives. WCC, the master tenant of GL 5805 in the nearby Paoakalani Avenue, provides community programs and services through partnership with Waikiki Health and other sub-tenants on and off the leased premises. The annual fund raising is a significant piece of WCC's funding activities which help to further its operation and programs. WCC requests the fee for the requested right-of-entry be waived and staff has no objections to this request.¹

Members of the general public will be invited to participate, WCC expects approx. 3,000 people to attend on Sunday. The purpose of the event is to foster goodwill among the commercial and residential interests located within Waikiki, and Honolulu. Planned beach activities include open ocean sprint canoe races, Hawaiian land makahiki games, stand up paddle relays, a Hawaiian craft and marketplace, live entertainment located upon the Hilton Hawaiian Village Hotel property and Duke Kahanamoku Beach, as well as a unique huki kaula or, tug of war, in the Duke Kahanamoku Lagoon. All amplified sound will be directed toward the hotel and its lagoon lawn.

For the Board's information, the Board approved similar requests from WCC in the past.

Hilton Hawaiian Village has agreed to serve as the title sponsor of this event and to lead a community-wide effort to raise contributions. WCC understands and is agreeable, that no advertising or commercial activities are allowed on the State owned beach. Also, no alcoholic beverages will be served or allowed in the requested area.

WCC 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.

Other than the Office of Conservation and Coastal Lands (OCCL), staff did not solicit comments from other agencies. Both OCCL and staff have no objections to the subject request.

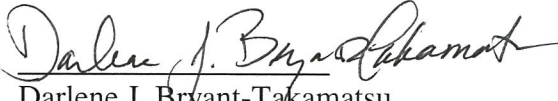
RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

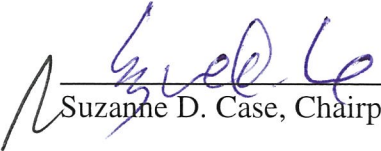
¹ The fee would be \$10,445 for the subject request.

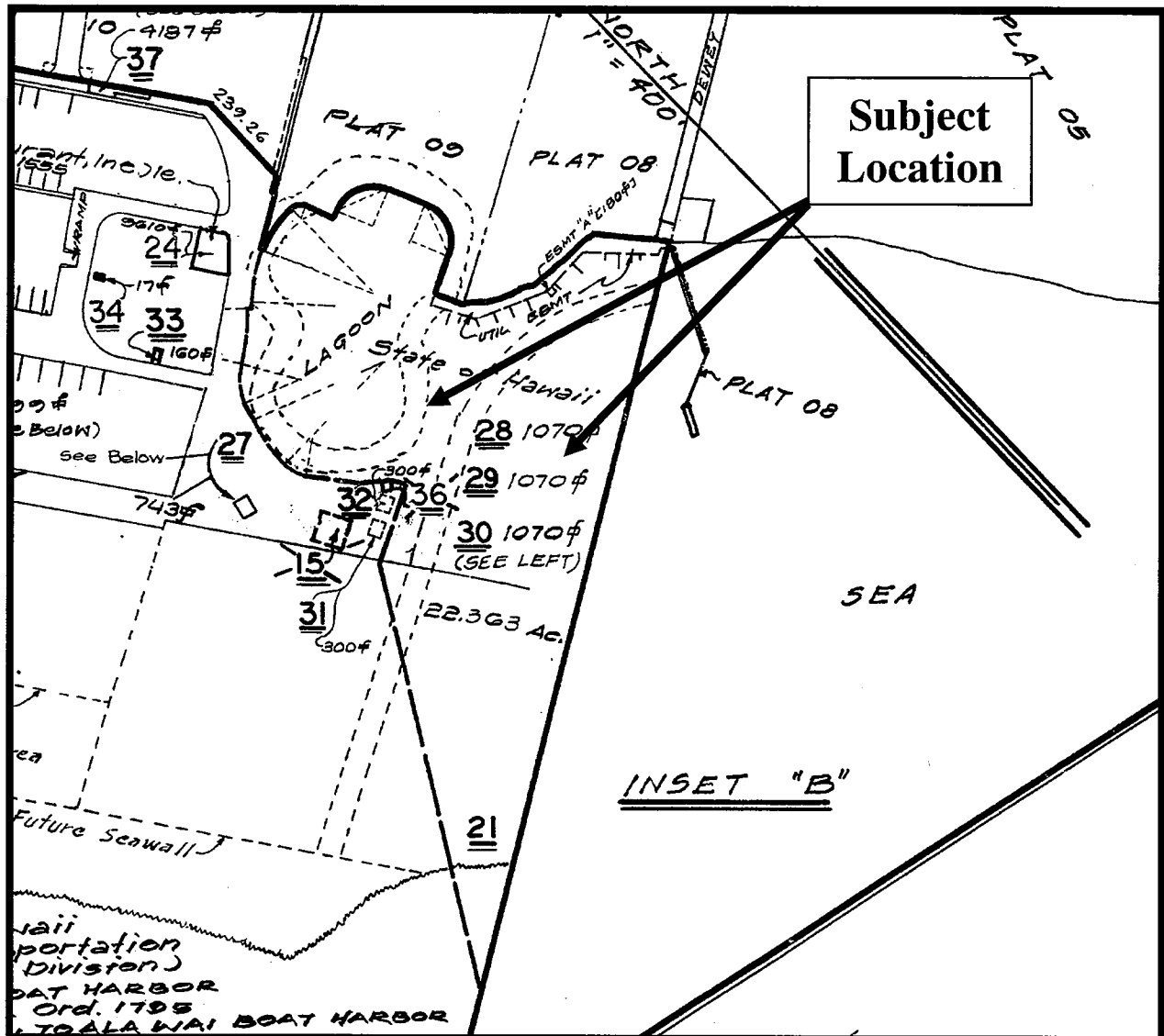
2. Authorize the issuance of a right-of-entry permit to Waikiki Community Center covering the subject area mentioned above for beach activities purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Darlene J. Bryant-Takamatsu
Land Agent

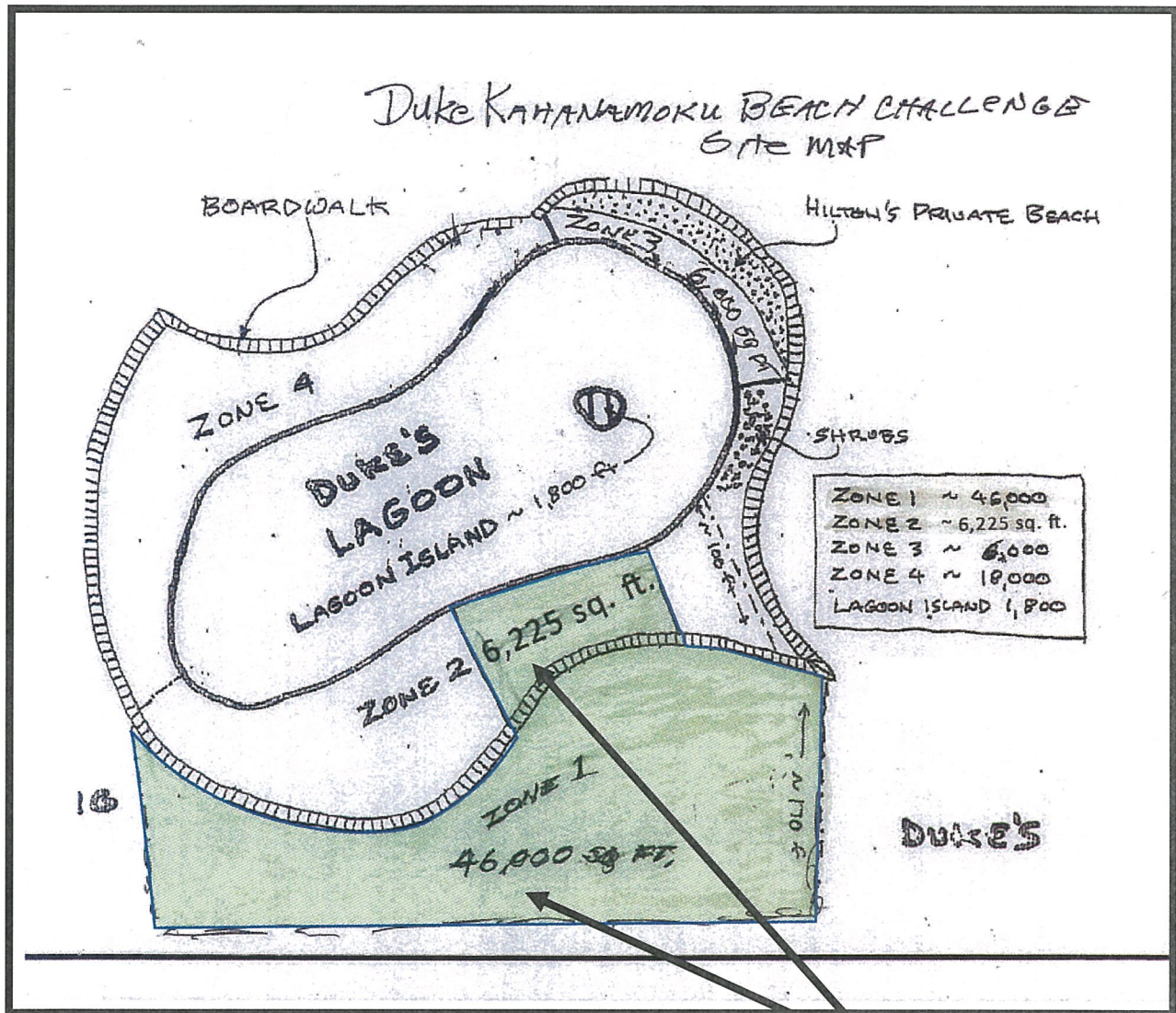
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK (1) 2-3-037:PORTION OF 21

EXHIBIT A1



TMK (1) 2-3-037:PORTION OF 21

**Subject
Location**

EXHIBIT A2

EXEMPTION NOTIFICATION

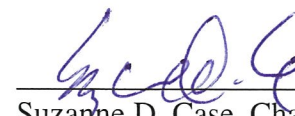
Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of Right-of-Entry Permit for the Waikiki Community Center
Project / Reference No.:	PSF 17OD-015
Project Location:	Waikiki, Honolulu, Oahu, Tax Map Key (1) 2-3-037:portion of: 021
Project Description:	Beach Activities Event
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 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, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," Item 51 that states, "permits, 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 beyond that previously existing.

Consulted Parties	Office of Conservation and Coastal Lands
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Recommendation:	That the Board find that 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 3/1/17

EXHIBIT B



Board of Directors

February 8, 2017

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Caroline Hayashi
President

Mr. Barry Cheung, Oahu District Land Agent
Department of Land and Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813

Re: Request for Non Exclusive Right of Entry on Duke
Kahanamoku Beach and Duke Kahanamoku Lagoon,
Saturday, May 6, 2017 and Sunday, May 7, 2017

Aloha Mr. Cheung,

The Waikiki Community Center ("WCC") hereby requests a Non-Exclusive Right of Entry for the portion of Duke Kahanamoku Beach that is located just makai of the Hilton Hawaiian Village Beach Resort and Spa Rainbow Tower and the portion of Duke Kahanamoku Lagoon Beach that is makai of the Lagoon Tower.

The enclosed site plan shows the location of the requested beach areas (divided into zones) and Duke's Lagoon Island and their approximate size. The dimensions (which vary with the natural topography of the ocean and lagoon shorelines) for our requested Non-Exclusive Right of Entry are:

Zone 1 Duke Kahanamoku Beach 170 feet running Diamond Head-Ewa by 330 feet running mauka-makai for a total of 46,000 square feet;

Zone 2 A portion of Duke Kahanamoku Lagoon Beach running Diamond Head to Ewa by 35 feet, running mauka to makai for a total of 6,225 square feet;

The total area requested is 52,225 square feet.

Our Non-Exclusive Right of Entry request is for May 6, 2017 and May 7, 2017.

About the Waikiki Community Center and the Event Purpose:

Long recognized as an integral part of the community the Waikiki Community Center has served as a safe gathering place where the social, health, educational and recreational needs of residents, employees and visitors have been met each day for 38 years.

As a nonprofit organization WCC operates on DLNR property on Paoakalani Avenue, under a master lease. Its programs and services for the public are made possible through partnerships with Waikiki Health and other tenants, and through its own operations funded through fees for service and effective fundraising.

RECEIVED
LAND DIVISION
2017 FEB -9 AM 11:16
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NATURAL RESOURCES
STATE OF HAWAII

EXHIBIT C

Mr. Barry Cheung
Department of Land and Natural Resources
February 8, 2017
Page Two

The purpose for our request is to conduct an event that will welcome the general public and foster goodwill among the businesses, hotels and residents of Waikiki and Honolulu. Waikiki Community Center will conduct Hawaiian open ocean sprint canoe races, Hawaiian land makahiki games, standup paddle (SUP) 4-man relay, Hawaiian craft marketplace, live entertainment on Hilton Hawaiian Village Hotel Waikiki Beach Resort property and on Duke Kahanamoku Beach and a unique huki kaula (lug-of-war) in the Duke Kahanamoku Lagoon.

Waikiki Community Center has held this benefit for the past 32 years, with the last five years on the grounds of the Hilton Hawaiian Village Waikiki Beach Resort, Duke's Lagoon and Duke Kahanamoku Beach.

Our goal is to raise \$100,000 to support the operation of educational and social services that serve the residents, employees and visitors in Waikiki, especially those in need.

Event Particulars:

We would like to set up starting at 9:00 a.m. on Saturday, May 6, 2017 and take down and have the area cleared and cleaned before sunset on Sunday, May 7, 2017.

Saturday, May 6, 2017 will be used only for set up of team tents. The actual event will be conducted from 9:00 am to 3:00 p.m. on Sunday, May 7, 2017. Waikiki Community Center expects approximately 3,000 people in attendance on Sunday, May 7, 2017.

Zone 1 and Zone 2 will be used for team and informational tents. All amplified sound will be directed toward the Hilton Hawaiian Village Waikiki Beach Resort and its lagoon lawn.

No alcoholic beverages will be served or allowed in any of the zones or on any public beach. There will be no advertising or commercial activities on the beach.

Lifeguards will be on duty at all times. Vendors in Waikiki and, Waikiki Beach Activities will supply equipment and personnel and the Hilton Hawaiian Village Waikiki Beach Resort will serve as Event Host.

The required liability insurance for the event is provided by Waikiki Community Center and is enclosed with this letter. Waikiki Community Center will oversee the event. Hilton Hawaiian Village Waikiki Beach Resort will maintain and clean up the area following the event.

We request that the fee be waived for this event as all of the proceeds derived will directly support the services provided by Waikiki Community Center.

We thank you for fully considering this request which, we hope, will yield a triple-bottom line benefit for visitors and residents of our community, financial benefit to sustain programs and services of the Waikiki Community Center and minimal impact on our natural resources.

Sincerely,



Caroline Hayashi
President