

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

June 9, 2017

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

Oahu

Issuance of a Revocable Permit to Honolulu Transpac, Ltd., for Support Areas and Mooring Sites, for the 2017 Transpacific Yacht Race from Los Angeles, California to Honolulu, Hawaii, situated at the Ala Wai Small Boat Harbor, Tax Map Key: (1)2-3-037:012 (portion).

APPLICANT:

Honolulu Transpac, Ltd. ("HT"), a Hawaii non-profit corporation, whose mailing address is 1739-C Ala Moana Boulevard, Honolulu, Hawaii 96734.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended. ¹

LOCATION:

Portion of Government lands at Ala Wai Small Boat Harbor ("AWSBH"), situated at 1651 Ala Moana Boulevard, Honolulu, Island of Oahu; identified by the Tax Map Key: (1) 2-3-037:012 (portion).

AREA:

Mooring shall be along the 500 Row Pier and overflow mooring shall be within a portion of the Turning Basin as determined by the Division of Boating and Ocean Recreation ("DOBOR").

The race support facilities shall be within the Grassy Area. Areas as shown and delineated on the attached map labeled Exhibit "A".

¹ Pursuant to HRS § 171-55, the Board of Land and Natural Resources ("Board") may: "issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the Board."

ZONING:

State Land Use District: Urban
County of Honolulu CZO: P-2 - General Preservation District

TRUST LAND STATUS:

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

CHARACTER OF USE:

For race support areas/facilities and mooring of vessels for the 2017 Transpac Honolulu Race, a biannual yacht race from California to Hawaii.

COMMENCEMENT DATE:

The commencement date shall be determined by the Chairperson. The event is tentatively scheduled to run for fourteen (14) days, from July 13, 2017 to July 27, 2017. These dates are subject to change due to weather or other conditions not within HT's control. HT will coordinate the actual Commencement Date with DOBOR.

RENTAL AND SECURITY DEPOSIT:

HT is an existing tenant of DOBOR under an existing revocable permit. As such, the requirement for Security Deposit is waived.

1. Rent for the Grass Area shall be determined by HT before the commence date at the current Board approved rate charge of \$0.25 per square foot per day. The number of days shall be determined by HT and provided to DOBOR prior to the Commencement Date. ²
2. Fees for mooring use of the 500 row shall be based on a rate of \$17.58 per slip per day. The number of slips shall be based on availability and shall be determined by DOBOR and provided to HT prior to the Commencement Date.
3. Fees for any overflow mooring shall be determined pursuant to Exhibit "B", Section (3).

² On December 12, 2014, Item J-2, the Board approved the following, regarding rent, "Should there be a monetary gain from the use of state lands under the jurisdiction of DOBOR, the rent shall be \$.25 per square foot with a minimum rent of \$100.00 per day."

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii", dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states pertinent part, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond 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."

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:

HT conducts a biannual yacht race from California to Hawaii and has traditionally used certain areas and mooring slips within the AWSBH for its race facilities and vessels. HT IS once more requesting the use of a portion of the AWSBH for its 2017 race.

HT's use of portions of the AWSBH is tentatively scheduled to be July 13, 2017 to July 27, 2017, but those dates may change if weather conditions affect the start and completion dates of the race.

HT will also use portions of the Grass Area near the HT's Building, at the beginning of Mole A, between the 400 and 500 rows. This parcel is ideally suited to serve as a reception area for supporters to greet the race finishers. The site will be roped off.

Race vessels will be allowed to moor at available slips along the 500 row, which slips shall be determined by DOBOR as the race date nears. Overflow mooring may also be allowed within a portion of the Turning Basin, as determined by DOBOR.

HT and the registered race vessels shall be permitted to hook up to existing water spigots located along the 500 row. HT shall also be permitted to connect to the existing electrical box within the Grass Area to provide electrical power for the adjacent support facilities. HT shall coordinate the anticipated uses of the Revocable Permit areas with the AWSBH Harbormaster or such other persons designated by DOBOR, during the month prior to the Commencement Date.

During this period, DOBOR will provide the number of slips to be made available for use during the event.

The Revocable Permit shall also be subject to the following terms and conditions:

1. HT shall maintain insurance covering personal injury/property liability for \$1,000,000.00 for each occurrence, and \$2,000,000.00 aggregate coverage, naming DOBOR and the State of Hawaii as an additional insured. Proof of insurance shall be provided to the AWSBH Harbormaster prior to the Commencement Date.
2. The sale and consumption of alcoholic beverages is prohibited within the Revocable Permit area and within the AWSBH (except within retail establishments with a valid liquor license). Notwithstanding the foregoing, consumption of alcoholic beverages shall be permitted within the portion of the Grass Area approved by DOBOR and identified by a roped off area, and only while greeting race contestants as they arrive.
3. Two-point mooring in the Turning Basin shall be required at all times.
4. HT shall require all boat owners, captains, and crew to sign a waiver form provided by DOBOR. HT shall obtain all executed waiver forms prior to Commencement Date and retain the executed waiver forms. Upon DOBOR's request, HT shall submit any or all the waiver forms to DOBOR.
5. DOBOR may, in its sole discretion, require HT to remove, relocate, reconfigure, or alter any mooring or facility within the Revocable Permit areas.
6. Any race vessels wishing to continue to moor within the harbor after expiration of the Revocable Permit must obtain a separate mooring permit from DOBOR.

RECOMMENDATION: That the Board:

Approve the issuance of a Revocable Permit to HT, subject to the terms and conditions stated above and the following conditions:

1. The standard terms and conditions of the most current Revocable Permit form approved by the Department of the Attorney General;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

Attachments: Exhibit "A" - Map of the Revocable Permit Areas
Exhibit "B" - Calculation Method for Rent

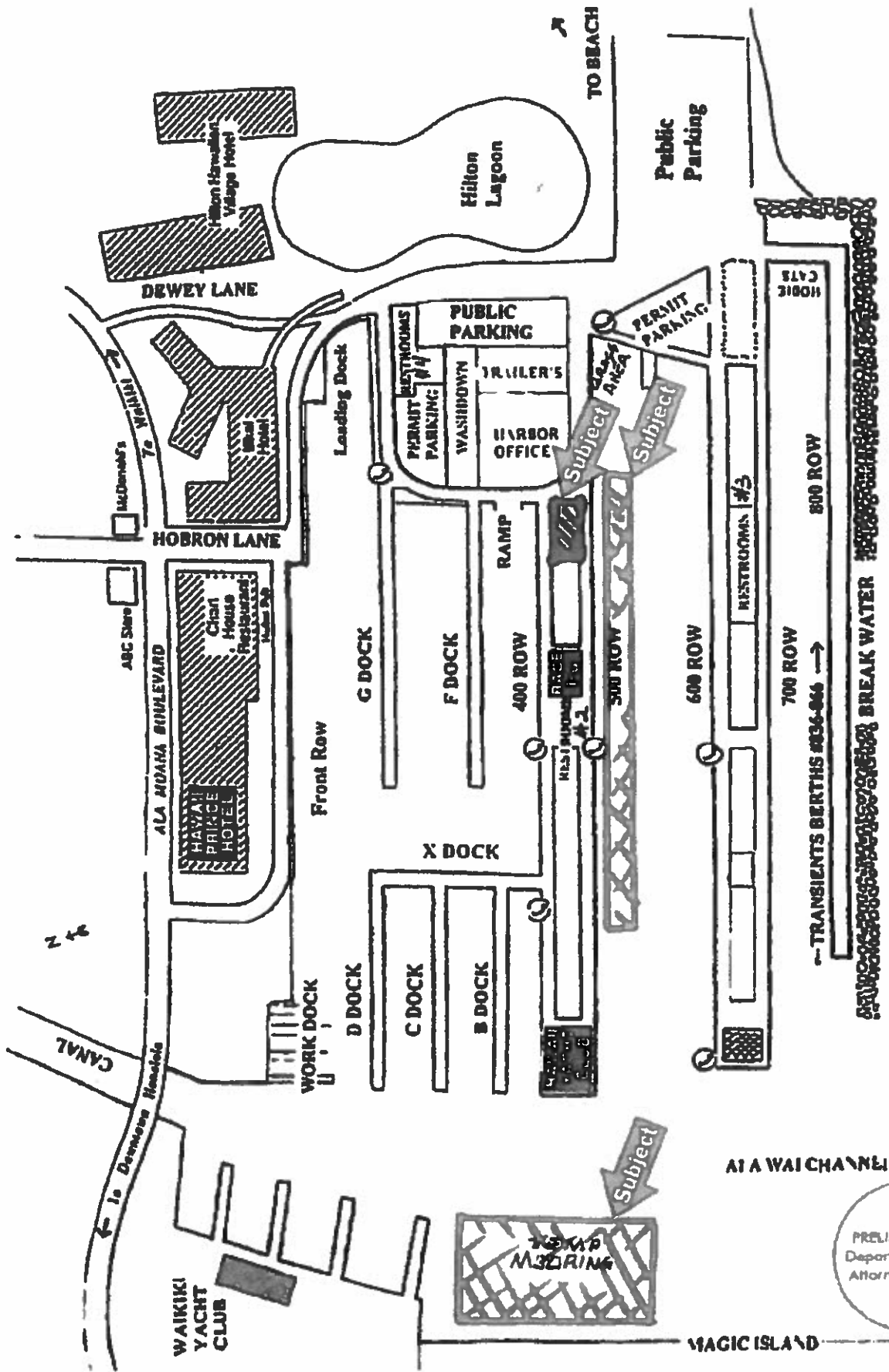


EXHIBIT "A"

ALA WAI SMALL BOAT HARBOR
1651 ALA MOANA BOULEVARD

PRELIM APPRD.
Department of the
Attorney General

CALCULATION METHOD FOR RENT

1. The number of 500 Row slips available is undetermined at this time. Total cost for slips shall be determined by multiplying the number of slips by \$17.58 per slip/per day.
2. Grassy Area on Mole A for staging and reception:

In calculating the grass area, dated, December 12, 2014, Delegation of Authority to issue Right-of-Entry \$00.25 per square foot per day.

3. For any overflow within the Turning Basin, mooring shall be at minimum a two-point mooring configuration using the vessels own anchors, and prior approval of the Harbor Master required. The offshore mooring fees within the Ala Wai Small Boat Harbor shall apply under the most current DOBOR rules of HAR 13-234, and 13-235. In order to calculate the daily fee in this case it is necessary to know the length of the vessel and the number of days the vessel will be staying.

EXAMPLE:

Rate for temporary mooring at the Ala Wai Boat Harbor for vessel using its own anchors is \$3.15 per foot.

If a 50-foot vessel were approved to use its own anchors to moor temporarily in the Turning Basin, the Harbor Master would calculate as follows to determine the fee for 14 days:

$\$3.15 \times 1.30 \times 12 \text{ months} \times 50 \text{ (LOA of Vessel)} = 2,457$ divided by 365 (days per year) = 6.73 (Daily Rate) x 14 days (event) = \$94.00 for the 14-day event period. Again, this is for a vessel with a LOA of 50 feet.

4. Total fee shall be \$11,175.50 for the use of the Grass Area of Mole A, the total number of slips utilized on the 500 row, and the final calculation of those mooring in the Turning Basin as provided by HAR 13-234. A total combined fee shall be determined once the vessels arrive and of availability of slips is determined. Any vessels wishing to remain in the harbor after the event must contact the Harbor Master to make prior arrangements directly.

Honolulu Transpac, Ltd. Is an existing tenant; security deposit is waived for the event.