

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

April 27, 2018

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

Oahu

Issuance of Right-of-Entry Permit to EAS Enterprises, LLP dba AVP for Beach Activities Purposes from September 9 to 20, 2018, on portions of Fort DeRussy Beach and Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021 and 2-6-005: seaward of 001.

APPLICANTS:

EAS Enterprises, LLP dba AVP ("Applicant")

LEGAL REFERENCE:

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

LOCATION & AREA:

DESCRIPTION	DIMENSIONS (feet)	AREA (square feet)
Fort DeRussy Beach		
Main Stadium	200 x 164	32,800
Boneyard	60 x 60	3,600
Duke Kahanamoku Beach		
Outer Court	90 x 60	5,400
Other tents and activation areas	100 x 100	10,000

Note: The areas described above are based on the information provided by the applicant and graphically shown on **Exhibits A1 to A4**, situated on portions of Fort DeRussy Beach and Duke Kahanamoku Beach, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021 and 2-6-005: seaward of 001

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Requested area over Fort DeRussy Beach (about 36,400 square feet) is encumbered by Executive Order No. 1786 to Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Beach Control Purposes; and

Requested area (about 15,400 square feet) over Duke Kahanamoku Beach is vacant and unencumbered.

CHARACTER OF USE:

Beach activities purposes

TERM:Set Up Dates

September 9, 2018 (Sunday) to September 14, 2018 (Friday).

Event Dates

September 15, 2018 (Saturday) to September 16, 2018 (Sunday).

Break Down Dates

September 17, 2018 (Monday) to September 20, 2018 (Thursday).

RENTAL:Land Division's portion - unencumbered lands

15,400 square feet x \$0.10/square feet/day¹ x 12 days = \$18,480.

Division of Boating and Ocean Recreation's portion - under EO 1786

36,400 square feet x \$0.25/square feet/day² x 12 days = \$109,200.

Total \$127,680

CLEAN UP SECURITY DEPOSIT:

\$10,000. Staff notes that this clean up security deposit is to accommodate any clean up on the State beaches needed after the event is over.

¹ Board approved \$0.10 per square foot per day with a minimum rent of \$20 for right-of-entry on unencumbered State lands at its meeting on September 28, 2001, Item D-4.

² Board approved \$0.25 per square foot per day with a minimum rent of \$100 for right-of-entry on encumbered State lands to the Division of Boating and Ocean Recreation at its meeting on December 12, 2014, Item J-2.

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 **Exhibit B**.

DCCA VERIFICATION:

Per Certificate of Vendor Compliance issued on April 6, 2018 by the State Procurement Office (**Exhibit C**), the applicant is exempt from the requirement by the State Department of Commerce and Consumer Affairs.

REMARKS:

Pursuant to a contract to be executed with the Hawaii Tourism Authority, Applicant will host the 2018 U.S. Pro Beach Volleyball Tour, which is a 9-stop tour of cities on the mainland, targeting promotion of tourism for the State. The beach volleyball event will be joined by professional teams from the U.S. and other countries.

The typical layout for the event consists of the main stadium, the outer court, festival/sponsor village, and supporting facilities (e.g. first aid, media etc.). Exhibit A-2 is the proposed layout for the subject request, and Exhibits A-3 and A-4 are zoom-in version of the areas.

The proposed event will entail advertising from the event sponsors, merchandise tent by the vendors, in addition to a catering booth. Public admission to the event will be free.

No alcohol will be sold or consumed on the State beaches, and public access to the shoreline will not be prohibited during the event. There will be security personnel hired by the applicant posted at night and portable toilets will be staged along the adjacent Paoa Place.

Upon completion of the event, Applicant will be required to remove every improvement placed on the State beach and restore the area to the satisfaction of the Department, before the clean-up security deposit can be released.

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.

Staff also recommends the Board authorize the Chairperson to revise the terms and

conditions described above to best serve the interest of the State, if appropriate.

Division of Boating and Ocean Recreation ("DOBOR") recommends posting of two (2) officers from the Division of Conservation and Resource Enforcement ("DOCARE") during the event to ensure the compliance of the conditions of the requested right-of-entry. In addition, DOBOR concurs with the proposed environmental assessment exemption class.

Staff recommends the Board consider the recommendation on Exhibit B and declare the subject request is exempt from the preparation of an environmental assessment. There are no other pertinent issues or concerns, and staff does not have any objection to the request.

RECOMMENDATION: That the Board:

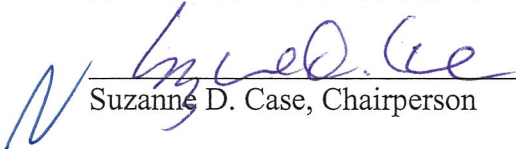
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to the Applicant covering the subject area 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;
 - B. Hiring of two (2) DOCARE officers during the effective period of the requested right-of-entry permit; and
 - C. Authorize the Chairperson revise the terms and conditions of the subject request described above to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



**TMK (1) 2-3-037: portions of 021 and
(1) 2-6-005: seaward of 001**

EXHIBIT A-1

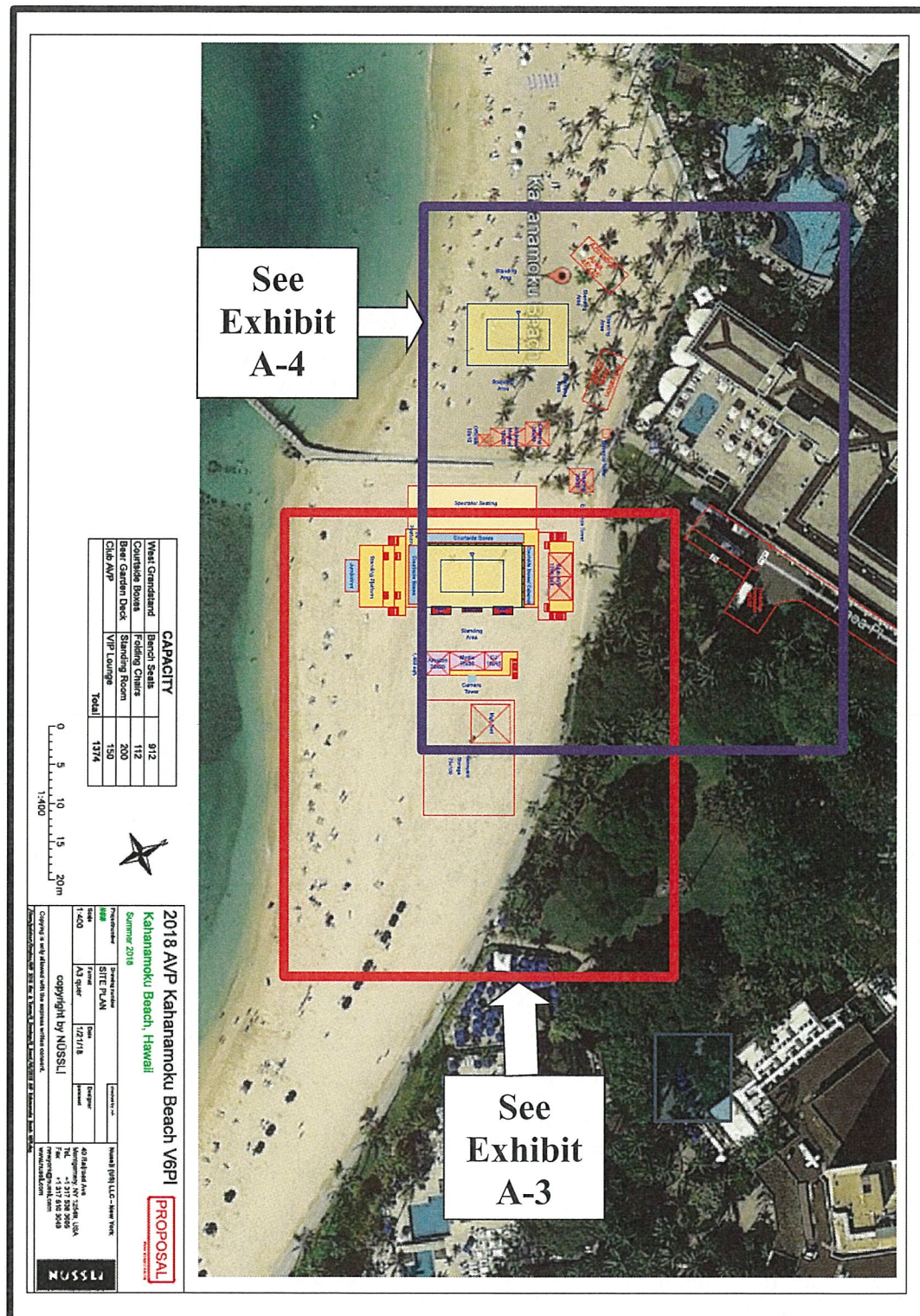
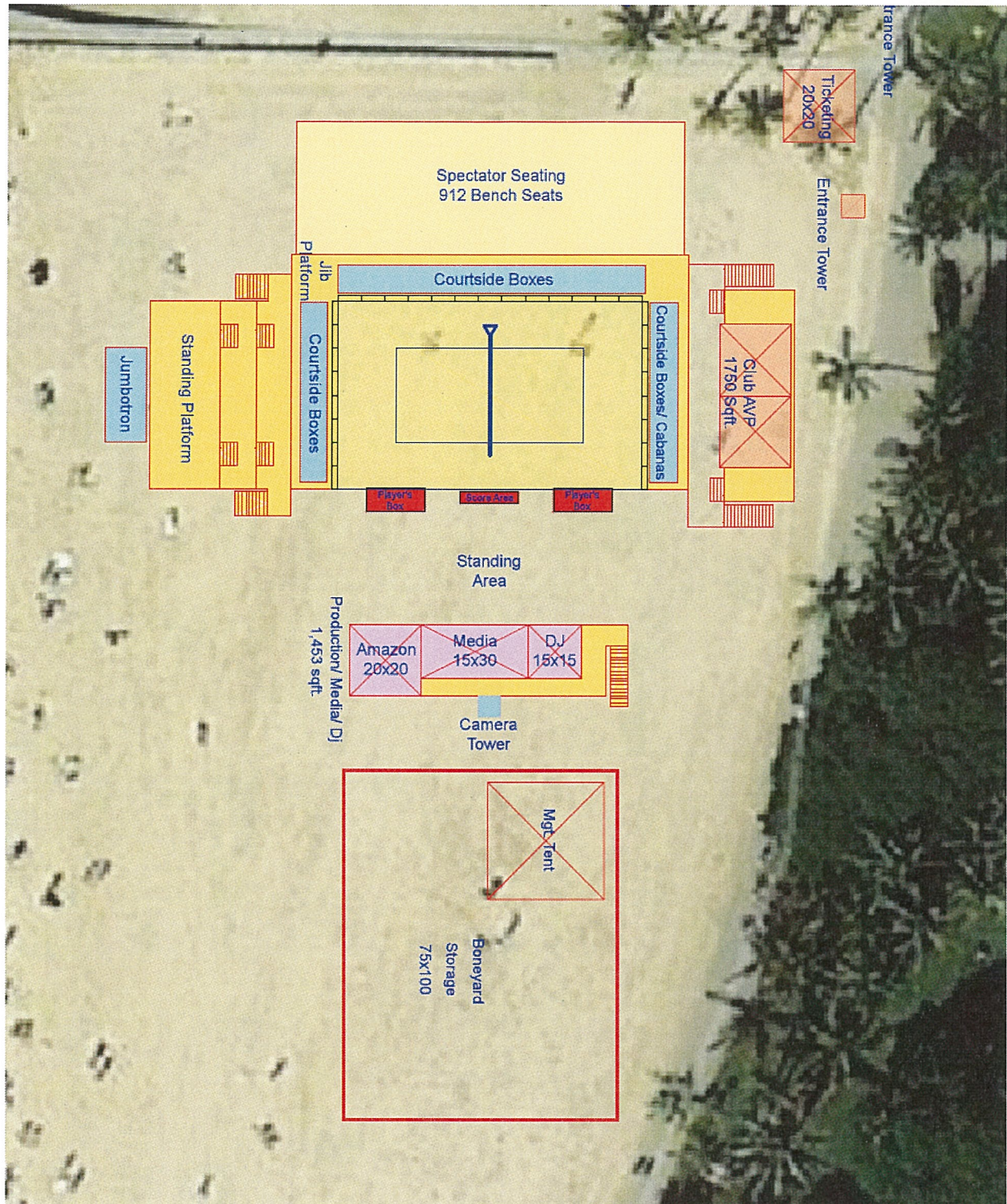
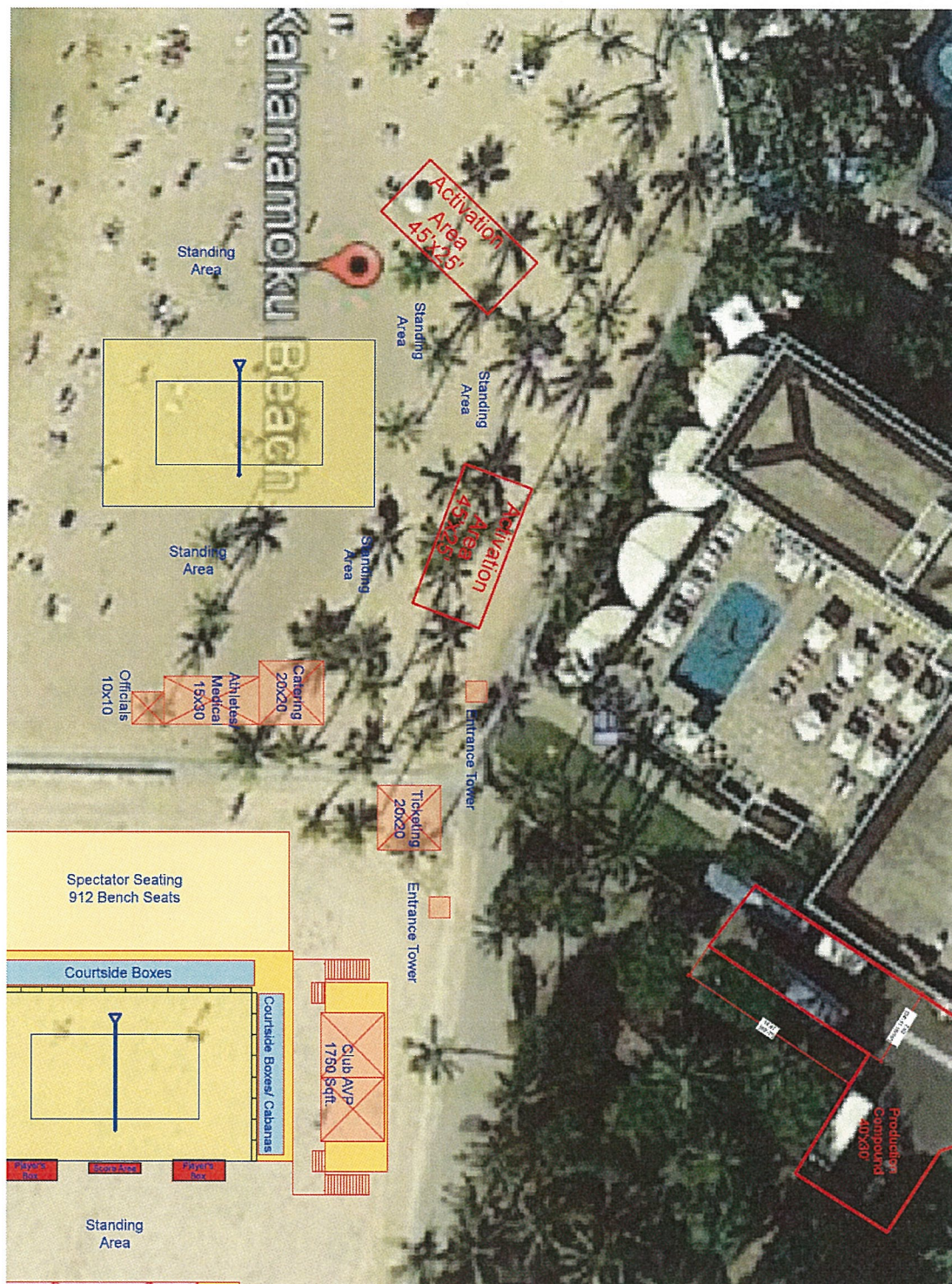


EXHIBIT A-2

**EXHIBIT A-3**

**EXHIBIT A-4**

EXEMPTION NOTIFICATION

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

Project Title: Beach Activities Purposes on portions of Fort DeRussy Beach and Duke Kahanamoku Beach from September 9 to 20, 2018.

Project / Reference No.: ROE 2018.

Project Location: Waikiki, Honolulu, Oahu, TMK (1) 2-3-037: portions of 021 and 2-6-005: seaward of 001.

Project Description: Beach activities purposes.

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."

Cumulative Impact of Planned Successive Actions in Same Place Significant: No. The request is a single event for the period mentioned above.

Action May Have Significant Impact on Particularly Sensitive Environment: The requested area is portion of State beaches visited by tourists and residents. Therefore, public access to the shoreline needs to be protected. Based on the analysis below, staff believes that there is no significant impact to the public access to shoreline.

Analysis: The Board has permitted events for beach activities in the past. The subject request pertains to recreational use of the beaches, i.e. the same type of activity for previous request for use of State beaches. Staff understands the proposed improvements for properly conducting the beach volleyball tournament could be viewed as significant. Nevertheless, the requested area, based on Exhibit A, is estimated at about 20% of the beach area. During the effective period of the permit, if approved, public access to the shoreline will not be interrupted, and the layout of different tents/spots for the event will not require significant detours for the

EXHIBIT B

the public to access various sections of the beach. As such staff believes that the proposed event would involve negligible or no expansion or change in use beyond that previously existing.

Consulted Parties: Oahu District Manager of the Division of Boating and Ocean Recreation concurs to the proposed exemption.

Recommendation: It is recommended 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.



**STATE OF HAWAII
STATE PROCUREMENT OFFICE**

CERTIFICATE OF VENDOR COMPLIANCE

This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer Affairs

Vendor Name: **EAS Enterprises, LLP**

DBA/Trade Name: **AVP**

Issue Date: **04/16/2018**

Status: **Compliant**

Hawaii Tax#:

New Hawaii Tax#:

FEIN/SSN#: XX-XXX2692

UI#: No record

DCCA FILE#:

Status of Compliance for this Vendor on issue date:

Form	Department(s)	Status
A-6	Hawaii Department of Taxation	Compliant
	Internal Revenue Service(Gov. Contract)	Compliant
COGS	Hawaii Department of Commerce & Consumer Affairs	Exempt
LIR27	Hawaii Department of Labor & Industrial Relations	Compliant

Status Legend:

Status	Description
Exempt	The entity is exempt from this requirement
Compliant	The entity is compliant with this requirement or the entity is in agreement with agency and actively working towards compliance
Pending	The entity is compliant with DLIR requirement
Submitted	The entity has applied for the certificate but it is awaiting approval
Not Compliant	The entity is not in compliance with the requirement and should contact the issuing agency for more information

EXHIBIT C