

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

September 28, 2018

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

PSF No.: 18MD-084

Maui

Issuance of Right-of-Entry Permit to the Oahu Hawaiian Canoe Racing Association (OHCRA) for the Annual Molokai Hoe Canoe Race Events to be held October 7, 2018; October 13, 2019; October 11, 2020 and October 10, 2021; Hale O Lono, Kaluakoi, Molokai, Tax Map Key (2) 5-1-002: 012 por.

APPLICANT:

Oahu Hawaiian Canoe Racing Association, a domestic non-profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kaluakoi situated at Hale O Lono, Molokai, identified by Tax Map Key (2) 5-1-002: 012 por., as shown on the attached map labeled Exhibit A.

AREA:

Total: 6,700 square feet, more or less

4,500 sq. ft. (canoe staging area)

1,500 sq. ft. (portable toilet area)

100 sq. ft. (event stage)

600 sq. ft. (shoreline area at the east side of the harbor facility)

CONSIDERATION:

Total Cost for 2018 event: \$1,005.00 (one-time payment based on \$.05 per square foot per day).

Area of requested use 6,700 sq. ft. x \$.05 = \$335.00 per day

\$335.00 x 3 days of use = \$1,005.00

EXHIBITS:

- Exhibit A- Tax Map of the subject area
- Exhibit B - Aerial photo showing areas to be marked off and access restricted
- Exhibit C- Applicant's land use map identifying location of event activities

ZONING:

State Land Use District: Conservation (G)

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:

Unencumbered

CHARACTER OF USE:

Canoe storage / staging, event amenities and support services.

TERM OF RIGHT-OF-ENTRY:

Three (3) days each year as follows:

- October 5 to 7, 2018;
- October 11 to 13, 2019;
- October 9 to 11, 2020; and
- October 8 to 10, 2021

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 approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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" and Item No. 51, that states "Permits, licenses, registrations, and right-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>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain required permits from the DLNR Division of Boating and Ocean Recreation for the ocean water portions of this event;
- 2) Upon completion of the event the area shall be cleaned and all temporary structures removed in their entirety;
- 3) Identify and mark off restricted areas to prohibit use of derelict concrete piers and pilings as well as to identify areas necessary for loading and off-loading purposes; and
- 4) Provide 24-hour security during event to enforce compliance within restricted areas.

REMARKS:

The Oahu Hawaiian Canoe Racing Association (event organizers) have requested the use of the subject property at Hale o Lono for the annual Molokai Hoe canoe race, across the Kaiwi channel, from Molokai to Oahu. This event has been held consecutively for the past 65 years.

Applicant has requested use of 6,700 square feet of government lands for storage, staging and related event support services. Event organizers will begin setting up on the Friday and Saturday prior to each annual race that is historically held on a Sunday morning.

In past years, permitting for this event was done through the DLNR Division of Boating and Ocean Recreation (DOBOR). However, a review of our files indicates that the transfer of jurisdiction over Hale o Lono harbor from the State DOT, to DLNR Land Division and then to DLNR DOBOR was never completed. Therefore the subject lands are unencumbered and remain under the jurisdiction of the DLNR Land Division.

Hale o Lono is not a functioning small boat harbor and was not designed to accommodate vessels for recreational purposes. There are no slips, parking or reserved areas and it is not a designated mooring area for vessels. Furthermore, as a result of no ongoing maintenance, many of the structures within Hale o Lono are derelict, in disrepair, and not suitable for use. Therefore, in the interest of safety, the applicant shall be required to mark off dangerous areas to prohibit access. For areas the applicant identifies for essential event purposes such as loading and off-loading of escort boats, the applicant shall clearly mark off these areas and

provide sufficient personnel to oversee and ensure the safety of all users. To prevent use of closed areas of the harbor, staff recommends that twenty four (24) hour security be provided by the applicant throughout the term of the right-of-entry permit. A map of areas to be marked off for use and non-use shall be provided to the DLNR Land Division, DOBOR and DOCARE no less than one week prior to the event. Finally, OHCRA shall coordinate with DOBOR and obtain any and all necessary permits related to any portion of this event which shall be occurring within ocean waters.

Please note that this staff recommendation is intended to be consistent with the September 8, 2017, Item D-4, approval by the BLNR whereby another canoe event organizer, Na Wahine O Ke Kai, was given authorization for issuance of a multi-year right-of-entry for the women's race across the Kaiwi channel from Molokai to Oahu held two weeks prior to each annual men's crossing. Furthermore, staff is also recommending that the approved rent reduction for the Na Wahine O Ke Kai, from \$0.10 per sq. ft. per day to \$0.05 per sq. ft. per day also be applied to the Molokai Hoe right-of-entry in the interest of fairness and equity.

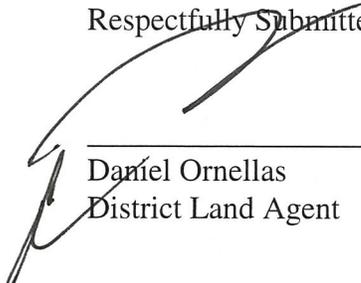
Finally, staff is requesting that the Board delegate to the Chair the authority to change the dates and times for each annual race as may be needed due to future unforeseen circumstances that may arise.

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 Oahu Hawaiian Canoe Racing Association, for this year's race and for future races scheduled through the year 2021, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to;
 - 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.
3. Authorize reduction of rent for right-of-entry permits from the normal \$0.10 per sq. ft. per day to \$0.05 per sq. ft. per day in order to be consistent with rent for the Na Wahine O Ke Kai Canoe Race as approved by the Board on September 8, 2018, Item D-4.

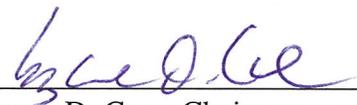
4. Delegate authority to the Chairperson to change the dates and times for each annual race as may be needed due to future unforeseen circumstances that may arise.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY. T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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September 28, 2018

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

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 to Oahu Hawaiian Canoe Racing Association, for Event Staging, Operations and Storage Purposes Related to the 2018 to 2021 Molokai Hoe Canoe Race

Project / Reference No.: 18MD-084

Project Location: Portion of Government lands at Hale o Lono, Kaluakoi, Molokai, TMK: (2) 5-1-002: 012 por.

Project Description: Canoe storage / staging, event amenities and support services

Chap. 343 Trigger(s): Use of State Land

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "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" and Item No. 51, that states "Permits, licenses, registrations, and right-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: None. This event has occurred annually at this location for over 60 years.

Action May Have Significant Impact on Particularly Sensitive Environment:

The requested area is a portion of an abandoned sand-mining facility. Staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Agencies Consulted:

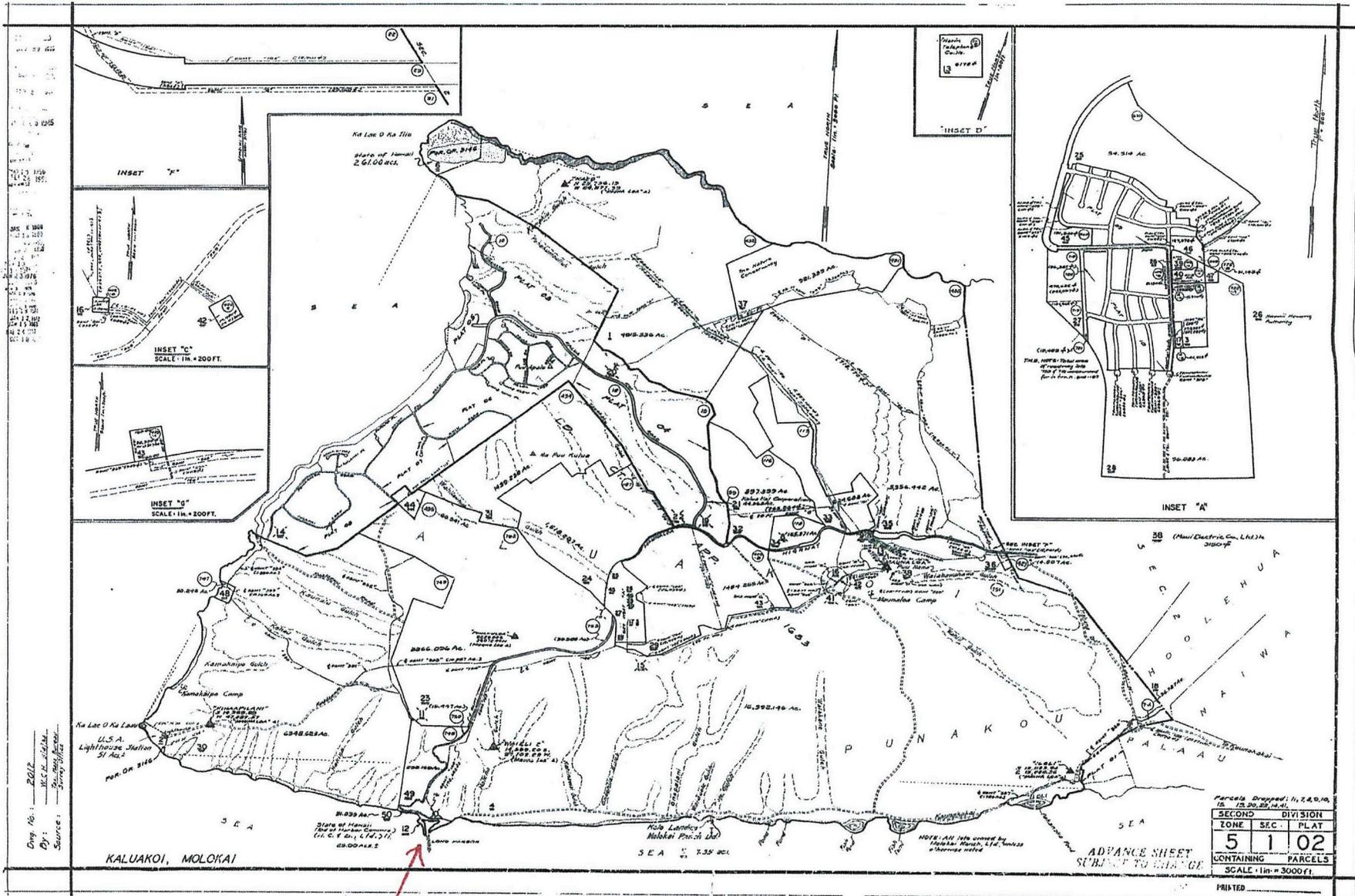
DLNR: Office of Conservation and Coastal Lands, Division of Conservation and Resource Enforcement and Division of Boating and Ocean Recreation

Analysis:

The Board has permitted this event in the past. The proposed activity is of a similar type and scope of activity 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. Staff also believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Recommendation:

It is anticipated 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.



SUBJECT AREA

Map No. 2012
 Date: 11/1/54
 By: W.C. H. H. H.
 Source: Survey
 Scale: 1 in. = 3000 ft.

Parcels Drapped: 11, 2, 4, 10, 12, 13, 20, 22, 24, 40		
SECOND DIVISION		
ZONE	SEC.	PLAT
5	1	02
CONTAINING PARCELS		
SCALE 1 in. = 3000 ft.		

ADVANCE SHEET
 SUBJECT TO CHANGE

PRINTED

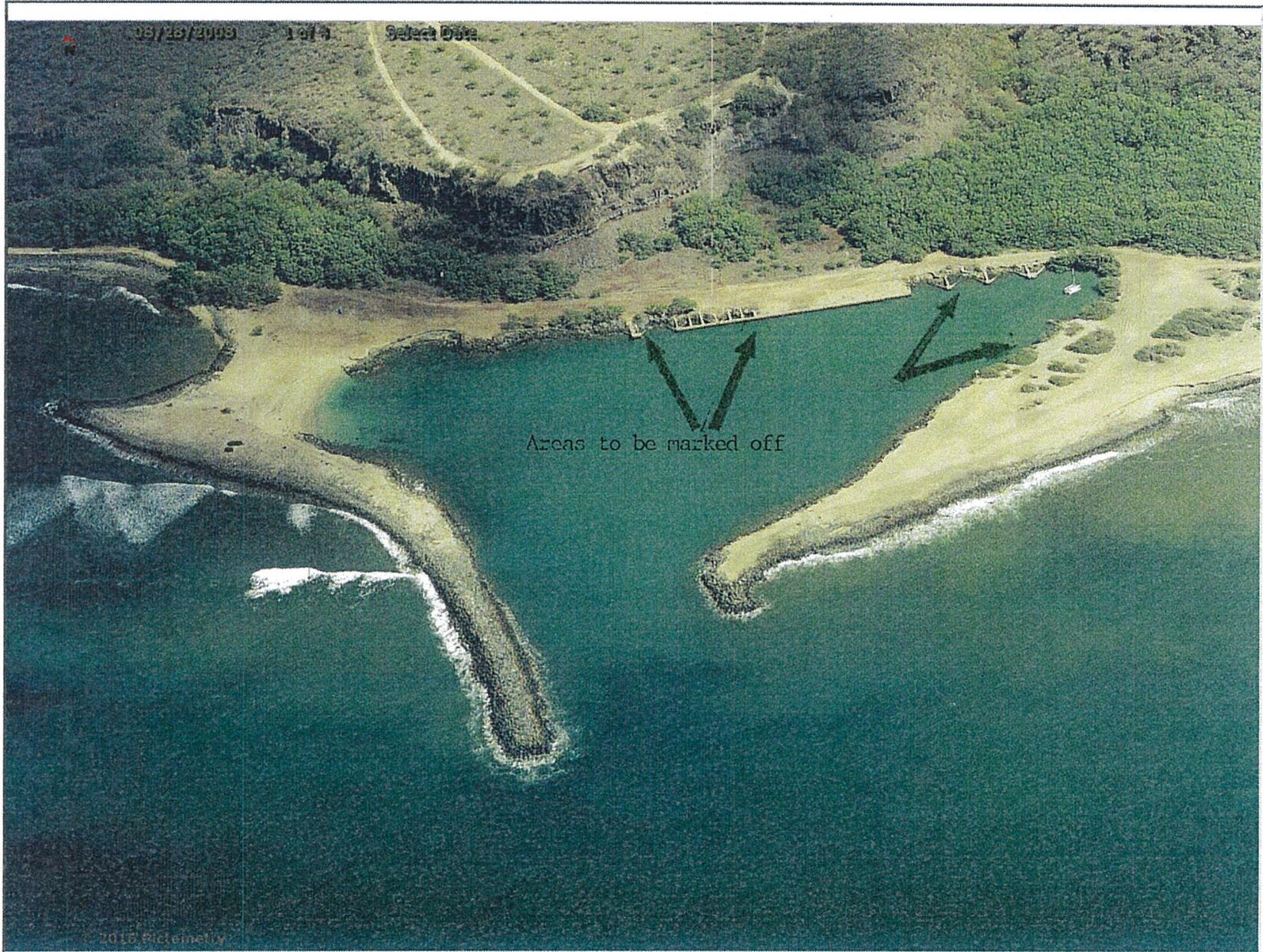
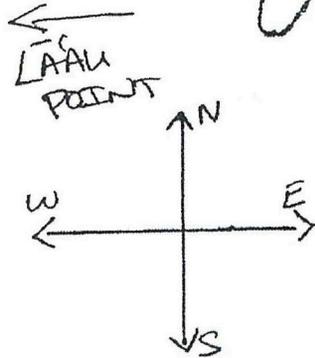
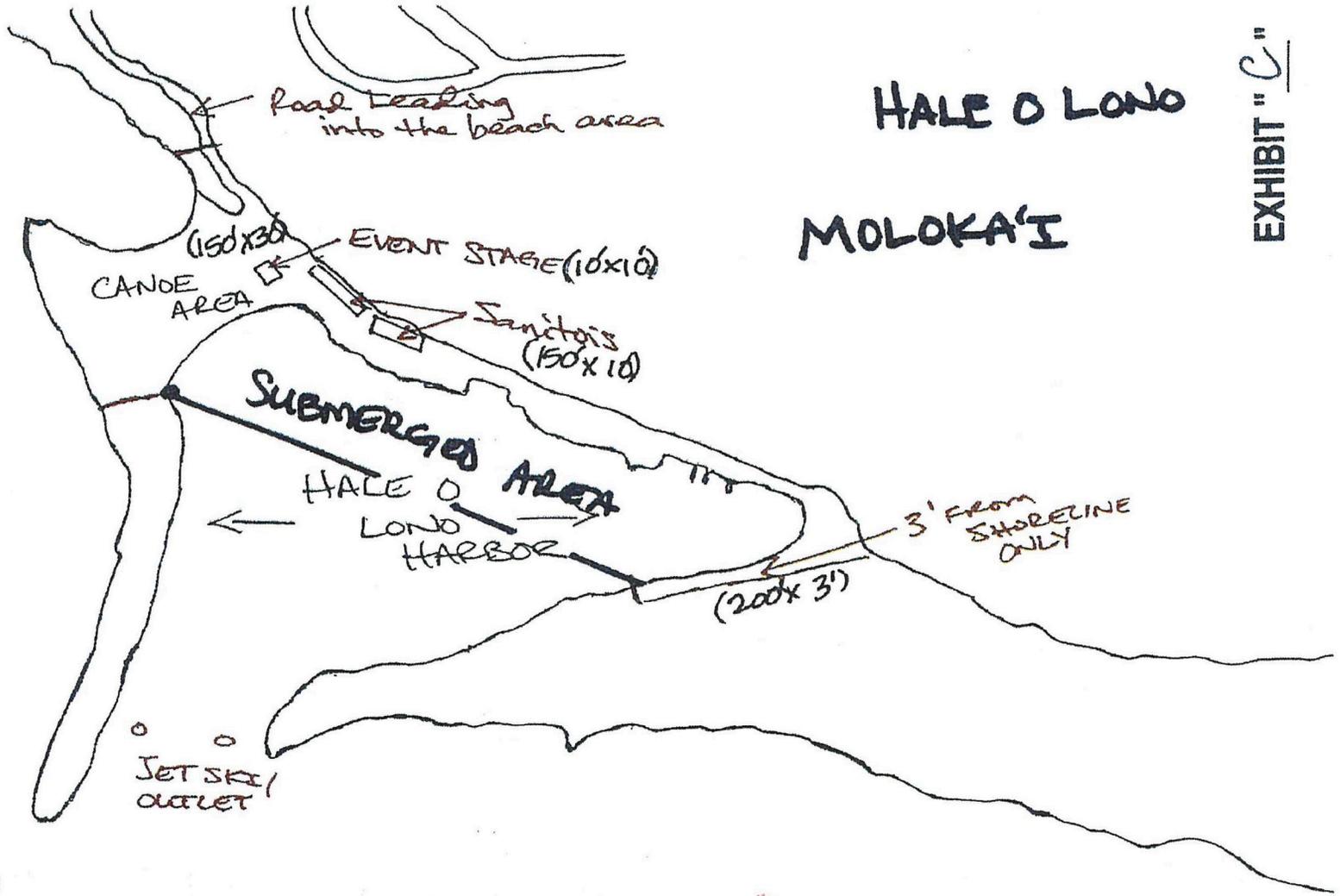


Exhibit B

EXHIBIT "C"

HALE O LONO

MOLOKA'I



KAUNAKAKAI
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