

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

September 14, 2018

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

Land Board Members:

SUBJECT: ISSUANCE OF A REVOCABLE PERMIT TO LANIKAI CANOE CLUB,
FOR STORAGE FOR CANOES ON LANIKAI BEACH, KAILUA,
ISLAND OF OAHU, HAWAII, SEAWARD OF TMK NOS. (1) 4-3-007:
041, 042, 044, 045, 051, 052, 053, AND 066.

APPLICANT:

Lanikai Canoe Club (LCC), a 501(c)(3) Domestic Non-Profit Corporation, whose mailing business address is P.O. Box 501, Kailua, Hawaii 96734.

LEGAL REFERENCE:

Sections §200-20, Hawaii Revised Statute

LOCATION:

Portion of Government lands situated at Lanikai Beach, Kailua, Oahu, as delineated and as shown on the map labeled EXHIBIT A

AREA:

Approximate 8,800 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES

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

CURRENT USE STATUS:

Unencumbered State Lands

CHARACTER OF USE:

Storage of canoes on the beach

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Gratis

SECURITY DEPOSIT:

N/A

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 |

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 in pertinent part, “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.” This project is exempt from the preparation of an EA pursuant to the following exemption:

Item No. 51. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.

In consultation with the Land Division (LD), regarding HRS Chapter 343, they concurred that this RP met our 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. (See Exhibit B)

REMARKS:

LCC requests the Board’s authorization to utilize a portion of the shoreline area on Lanikai Beach for storing its canoes according to Hawaii Revised Statutes (HRS), §200-20. The statute states, “**Hawaiian outrigger canoes on state shoreline areas.** Hawaiian outrigger canoe clubs registered with the Hawaiian Canoe Racing Association, Hui Wa‘a Association, its affiliates, or its successor organization may keep their Hawaiian outrigger canoes at no charge on state shoreline areas; provided that:

(1) The club shall indemnify, hold harmless, and defend the State, its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or undertaken under this section, and shall procure sufficient insurance to provide this indemnification if requested by the department;

(2) The club shall coordinate the placement of canoes with the applicable state or county authority to appropriately accommodate all beach users; and

(3) Where required, the club shall secure an annual revocable permit from the applicable state or county agency. [L 2005, c 220, §2]

Due to numerous complaints by the community, the Division of Boating and Ocean Recreation (Division) conducted a sweep of Lanikai Beach and posted ninety vessels with a seventy-two hour notice to impound due to the vessels being stored on the beach without permission. The vessels consisted of catamarans, outrigger canoes, kayaks, dinghy’s, and various other contrivances. Subsequent to the beach sweep, LCC contacted the Division and requested the issuance of a Revocable Permit to allow them to store their outrigger canoes on the beach.

LCC was organized in 1953 and is a member of the Hawaiian Canoe Racing Association. LCC is a 501(c)(3) non-profit organization. They appear to meet the requirements of HRS §200-20 for storing Hawaiian outrigger canoes at no charge on state shoreline areas. The Division has been working with LCC on the placement of the canoes to ensure public access and accommodate beach users. (See Exhibit C)

RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Authorize the issuance of Revocable Permit to the Lanikai Canoe Club covering the subject area for canoe storage 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 Revocable Permit form, as may be amended from time to time; and
 - b. Review and approval by the Department of the Attorney General.
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

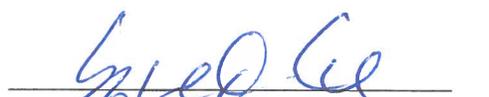
2. Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully Submitted,



EDWARD R. UNDERWOOD, Administrator
Division of Boating & Ocean Recreation

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

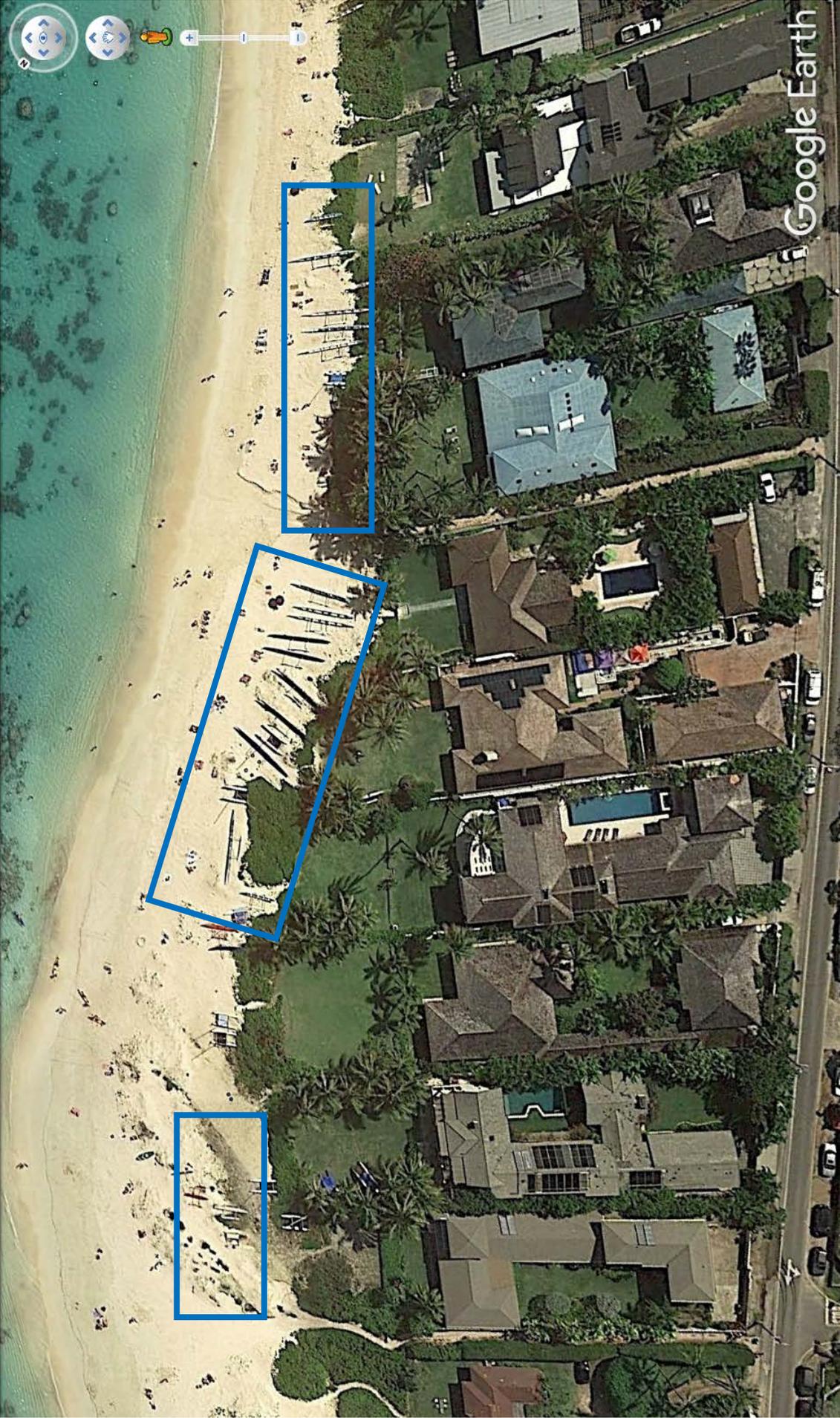


Exhibit A

EXEMPTION NOTIFICATION

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

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|--|---|
| Project Title: | Lanikai Canoe Club |
| Project / Reference No.: | To be determined |
| Project Location: | Portion of Government lands, State of Hawaii, situated on Lanikai Beach, Island of Oahu, Hawaii |
| Project Description: | Issuance of a revocable permit to Lanikai Canoe Club for the storage of outrigger canoes on State shoreline areas according to Hawaii Revised Statutes, § 200-20 |
| Chap. 343 Trigger(s): | Use of State lands |
| Exemption Class No(s).: | Exemption Class 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: 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 anticipated cumulative impacts expected for the storage of outrigger canoes on the beach. |
| Action May have Significant Impact on Particularly Sensitive Environment? | No anticipated significant impact expected for the storage of outrigger canoes on the beach. |
| Analysis: | The project entails storing outrigger canoes on the shoreline in sand and the vegetation line. The canoes are stored in a manner as to not block public access and no natural resources are damaged as a result of this activity. |
| Consulted Parties: | In consultation with Land Division regarding HRS Chapter 343, they concurred that the proposed project is exempt from the preparation of an environmental assessment according to the Department's comprehensive exemption list. |
| Declaration | The Board finds that this project will probably have minimal or no significant effect on the environment and declares that this project is exempt from the preparation of an environmental assessment. |