

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

February 8, 2019

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

Land Board Members:

SUBJECT: ISSUANCE OF A REVOCABLE PERMIT TO HUI PAKOLEA,  
FOR STORAGE FOR CANOES ON LANIKAI BEACH, KAILUA,  
ISLAND OF OAHU, HAWAII, SEAWARD OF TMK: (1) 4-3-007:044.

AND

DECLARE PROJECT EXEMPT FROM REQUIREMENTS OF  
CHAPTER 343, HRS AND TITLE 11, CHAPTER 200, HAWAII  
ADMINISTRATIVE RULES.

APPLICANT:

Hui Pakolea, a 501(c)(3) Domestic Non-Profit Corporation, whose mailing business address is P.O. Box 363, Kailua, Hawaii 96734

LEGAL REFERENCE:

Sections §200-20, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Lanikai Beach Tract, Kailua, Koolaupoko, Oahu, hereinafter referred to as the "Premises" as shown on the map labeled EXHIBIT A and attached hereto.

AREA:

2,275 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act: YES X NO \_\_\_

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_ NO X

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.

REMARKS:

Hui Pakolea 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, Hui Pakolea contacted the Division and requested the issuance of a Revocable Permit to allow them to store their outrigger canoes on the beach.

Hui Pakolea was organized in 2002 and is an honorary member of the Hawaiian Canoe Racing Association. Hui Pakolea is a 501(c)(3) entity, organized to preserve Hawaiian culture by, among other things, teaching, preserving, and supporting traditional Hawaii events, activities, practices and language, and to build a better community by providing opportunities for participation in, and learning about, traditional Hawaiian events, activities, practices and language. 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 Hui Pakolea on the placement of the canoes to ensure public access and accommodate beach users.

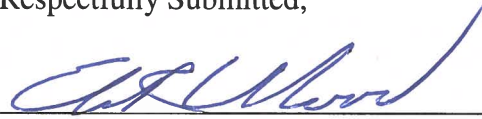
RECOMMENDATION:

That the Board of Land and Natural Resources:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, Hawaii Administrative Rules, 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 issuance of a revocable permit to Hui Pakolea, 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.

Respectfully Submitted,



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

APPROVED FOR SUBMITTAL:



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

Attachment:

- A. Aerial View

### EXEMPTION NOTIFICATION

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

Project Title:	Issuance of a revocable permit to Hui Pakolea, for storage for canoes on Lanikai Beach, Island of Oahu, Hawaii, seaward of TMK: (1) 4-3-007:044.
Project / Reference No.:	
Project Location:	Lanikai Beach, Island of Oahu, Hawaii, seaward of TMK: (1) 4-3-007:044.
Project Description:	Storage of canoes.
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s):	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: 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 from the storage of outrigger canoes on the beach.
Action May have Significant Impact on Particularly Sensitive Environment?	No, staff does not believe the storage of outrigger canoes on the beach will have significant impact on the environment.
Analysis:	The request pertains to storing outrigger canoes on the shoreline in the 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:	Land Division-ODLO was consulted and concurred with respect to the Chapter 343 exemption.
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.

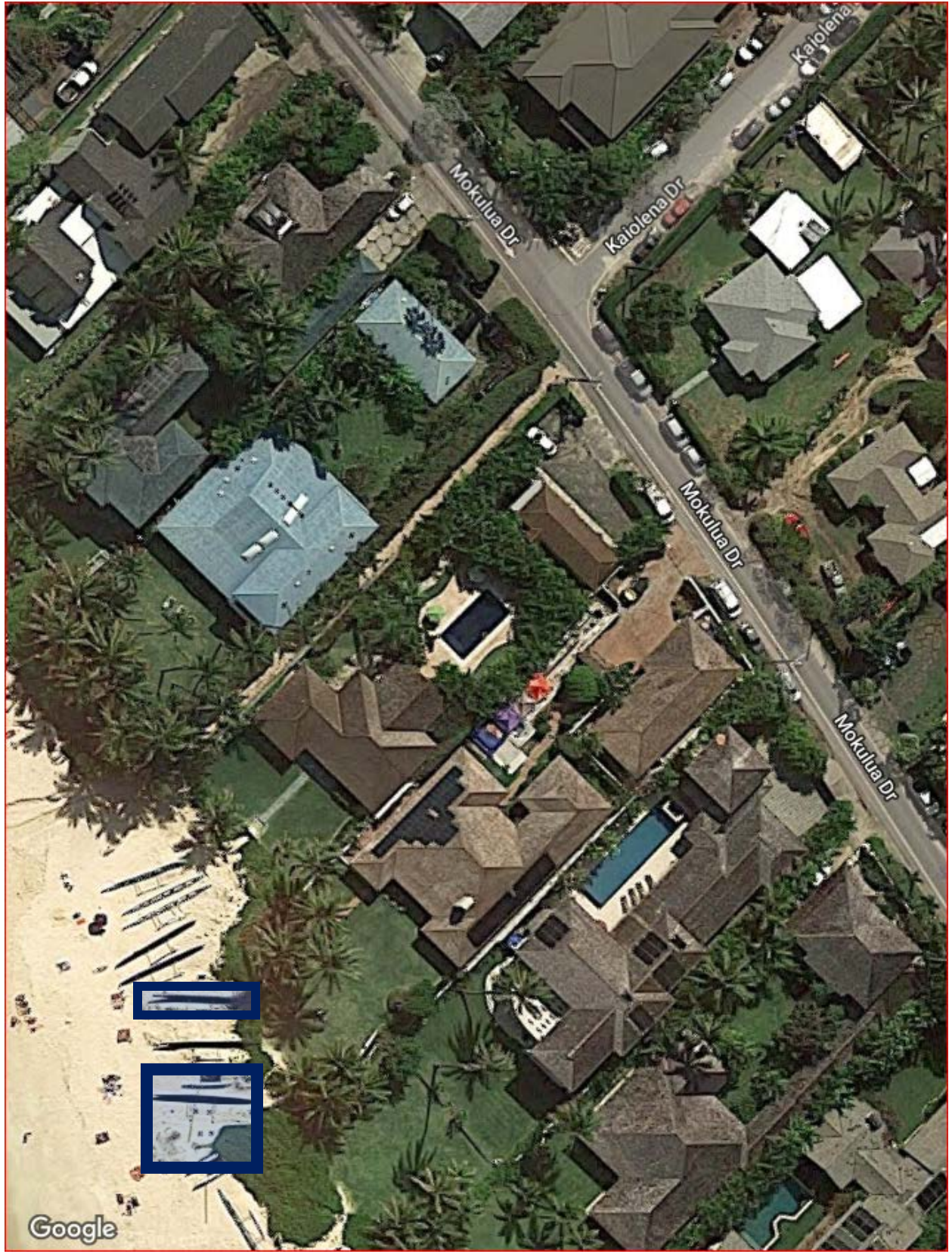


Exhibit A