

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

May 10, 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 HONOLULU TRANSPAC, LTD., FOR TEMPORARY SUPPORT AREAS AND MOORING SITES, FOR THE 2019 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).

AND

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

APPLICANT:

Honolulu Transpac, Ltd. ("HT"), a Hawaii non-profit corporation, whose mailing address is 1739-C Ala Moana Boulevard, Honolulu, Hawaii 96815.

LEGAL REFERENCE:

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

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, 800 Row Pier and within a portion of the Turning Basin

Item J-1

as determined by the Division of Boating and Ocean Recreation (“DOBOR”).

The race support facilities shall be within the Grass Area on Mole A. The areas are shown and delineated on the attached map labeled Exhibit “A”.

ZONING:

State Land Use District: Urban
County of Honolulu Zoning: Public Precinct (Waikiki Special 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 temporary race support areas/facilities and mooring of vessels for the 2019 Transpac Honolulu Race, a biannual yacht race from California to Hawaii.

COMMENCEMENT DATE:

The commencement date shall be determined by the Chairperson. The revocable permit is tentatively scheduled to run for ten (10) days, from July 17, 2019, to July 26, 2019. The dates are subject to change due to weather or other conditions not within HT' s control. HT will coordinate the revised dates with DOBOR.

RENTAL AND SECURITY DEPOSIT:

HT is an existing tenant of DOBOR under an existing revocable permit (No. 11). As such, the requirement for Security Deposit is being waived.

1. Rent for the Grass Area shall be \$8,750.00. The Rent Calculation is described in Exhibit “B”, item no. 3.
2. Slip Fees for the use of 500 Row and 800 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 and determined as described in Exhibit “B”.
3. Mooring Fees within the Turn Basin shall be determined pursuant to Exhibit “B”,item no. 2.

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.

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>

JUSTIFICATION FOR REVOCABLE PERMIT:

Worldwide exposure and the boon for vendors and hotels, within a short time frame of just 10 days, to support this event, are reasons that DOBOR believes that a revocable permit is justified for this event. The Honolulu Transpac race is a biannual race from California to Hawaii that is in its 50th year. It has become a tradition that is advertised as having a finish line at Diamond Head. First held in 1906, it is one of the world’s oldest major ocean races for sailing yachts, attracting entrants from all over the world. Since the course is mostly downwind, the race attracts attention for the speeds attained. Along with enhancing the reputation of the islands as prestigious destination, sailors and their supporting families are expected to find lodging in Waikiki and support local businesses.

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 temporary use of a portion of the AWSBH for its 2019 race.

HT's use of portions of the AWSBH is tentatively scheduled to be July 17, 2019, to July 26, 2019, 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 and 800 Row, as illustrated in Exhibit "A" and as 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 and DOBOR property management section 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 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, 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 Revocable Permit to HT due to the temporary nature of the marine related use and subject to the terms and conditions stated above and the following conditions:
 - A. The standard terms and conditions of the most current Revocable Permit form approved by the Department of the Attorney General;
 - B. Review and approval by the Department of the Attorney General; and
 - 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

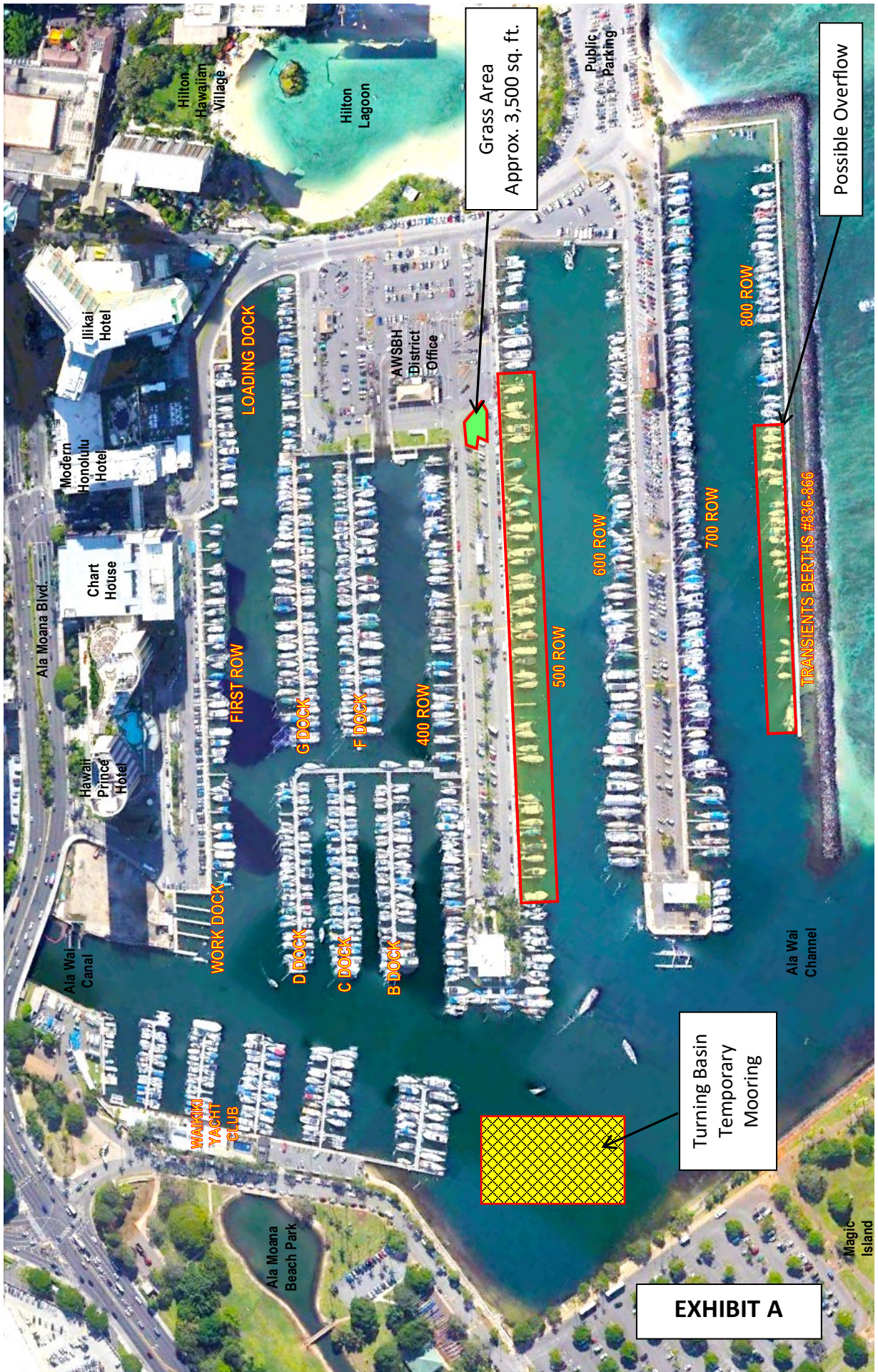
Attachments: Exemption Notification
Exhibit "A" - Map of the Revocable Permit Areas
Exhibit "B" - Rent Calculation Method

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of revocable permits to Honolulu Transpac, Ltd. located at Ala Wai Small Boat Harbor
Project / Reference No.:	Revocable Permit 88
Project Location:	Honolulu, Hawaii, Tax Map Key: (1) 2-3-037:012 (portion)
Project Description:	Unpaved Grass Area measuring approximately 3,500 square feet along with mooring slips within the 500 and 800 Rows and the Turn Basin.
Chap. 343 Trigger(s):	Use of State Land
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, the requested Grass location is currently unoccupied and mooring areas area currently being used for the proposed purpose. The applicant used these same spaces in 2017 for the Honolulu Transpac, Ltd. race event with no known significant impact to the environment. Therefore, staff believes the issuance of a revocable permit to Honolulu Transpac, Ltd. will have no significant effect on the environment.
Action May have Significant Impact on Particularly Sensitive Environment?	No, staff does not believe the issuance of a revocable permit to Honolulu Transpac, Ltd. will have significant impact on particularly sensitive environment. The Ala Wai SBH is a recreational boat harbor containing comfort stations, as well as numerous structures. The issuance of a revocable permit for unimproved fast land, which has no water or sewer, will have no significant impact on the environment.
Analysis:	The request pertains to issuing a revocable permit for the subject locations to Honolulu Transpac, Ltd. The areas was used for the same purpose in 2017, during the Honolulu Transpac, Ltd. race event with no known significant impact to the environment. Staff believes that the request would involve negligible or no expansion or change in use of the subject location beyond that previously existing.
Consulted Parties:	Land Division - Oahu District Land Office
Recommendation:	It is recommended that 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



Ala Wai Small Boat Harbor
1651 Ala Moana Blvd.

EXHIBIT A

Exhibit B

RENT CALCULATION METHOD

1. The number of slips available in 500 Row and 800 Row are undetermined at this time. The total cost for slips shall be \$17.58 per slip/day.
2. Turning Basin mooring shall be subject to the prior approval of the Harbor Master. A two-point mooring configuration using the vessels own anchors, shall be used as a minimum. 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. The daily fee will be based on the length of the vessel and the number of days the vessel will be staying.
3. Grass Area on Mole A, for staging and reception: The calculation of the Grass Area is based on a rate of \$0.25/sq. ft./day, as authorized by Land Board Approval, December 12, 2014, Item J-2. The fee for the Grass Area of Mole A shall be \$8,750.00. (3,500 sq. ft. x \$.25/sq. ft. x 10 days)
4. The total fee shall be for the sum of the Grass Area (\$8,750.00) the total number of slips utilized per day and the calculation of those mooring in the Turning Basin as provided by HAR 13-234. A total combined fee shall be determined after the vessels arrive and the use of slips and mooring are determined.
5. Any vessels wishing to remain in the harbor after the event must contact the Harbor Master to make those arrangements. The Harbor Master will do their best to accommodate requests. Arrangements should be made prior to the end of the event.

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