

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

August 23, 2019

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

Land Board Members:

SUBJECT: ISSUANCE OF A RIGHT-OF-ENTRY PERMIT TO EAS ENTERPRISES, LLP DBA AVP (ASSOCIATION OF VOLLYBALL PROFESSIONALS) FOR BEACH ACTIVITIES PURPOSES FROM SEPTEMBER 12, 2019, TO SEPTEMBER 25, 2019, ON PORTIONS OF FORT DERUSSY BEACH AND DUKE KAHANAMOKU BEACH, WAIKIKI, HONOLULU, OAHU, TAX MAP KEYS: (1) 2-3-037: PORTIONS OF :021 AND 2-6-005: SEAWARD OF :001 AND :006.

AND

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

APPLICANTS:

EAS Enterprises, LLP dba AVP (AVP)

LEGAL REFERENCE:

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

LOCATION & AREA:

The proposed action would be 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 and :006 as depicted in **Exhibit A**.

The following is a summary of beach areas for the volleyball event:

Volleyball Event Areas		
Description	Dimensions	Area Sq. Ft.
Volleyball Court #1 (Dukes)	52.25' x 78.5'	4,102
Volleyball Court #2	52.25' x 78.5'	4,102
Volleyball Court #3	52.25' x 78.5'	4,102
Volleyball Court #4	52.25' x 78.5'	4,102
Grand Stand	30' x 109'	3,270
Welcome Center	10' x 20'	200
Merchandise	30' x 30'	900
Jumbotron	20' x 20'	400
Production Platform	24' x 60'	1,440
Club AVP (VIP)	36' x 84'	3,024
Boneyard	70' x 40'	2,800
Wilson Ball	14' x 14'	196
Total Area		28,638

ZONING:

State Land Use District: Conservation, Urban
City and County of Honolulu LUO: 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: No

CURRENT USE STATUS:

Requested area seaward of Fort DeRussy Beach is encumbered by Executive Order No. 1786 to Department of Land and Natural Resources, Division of Boating and Ocean Recreation for Beach Control. The Applicant is proposing the use of approximately 24,536 square feet of this land.

The Applicant has requested approximately 4,102 square feet over Duke Kahanamoku Beach, which is under the control of DLNR Land Division and is currently vacant and unencumbered.

CHARACTER OF USE:

Volleyball Tournament activities purposes

TERM:

The Applicant is requesting a term of fourteen (14) days from September 12, 2019, to September 25, 2019. The Applicant will be setting up stands and booths from September 12, 2019, to September 18, 2019. The volleyball events will take place from September 19, 2019, to September 22, 2019 and they will be breaking down the stands and cleaning up the area from September 23, 2019, to September 25, 2019.

RENTAL:

28,638 square feet x \$0.25/square feet/day x 14 days = \$100,233.00

The rental is based on Board approval, at its meeting on December 12, 2014, Item J-2. This Board action approved a rate of \$0.25 per square foot per day, with a minimum rent of \$100, for a Right-of-Entry on encumbered State lands to the Division of Boating and Ocean Recreation.

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.

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 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. 47. Leases of state land involving negligible or no expansion or change of use beyond that previously existing;

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.

Staff consulted with the DLNR Land Division and DLNR Office of Conservation and Coastal Lands, regarding HRS Chapter 343. Both offices concur that this RP met the requirements of Chapter 343, HRS, and chapter 11-200, HAR and 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:

The Applicant is requesting a temporary use of state land for their volley ball tournament and they do not have a home office in the state of Hawaii. Therefore, the applicant is exempt from the business registration requirements of the State Department of Commerce and Consumer Affairs.

REMARKS:

The Applicant has entered into a contract with the Hawaii Tourism Authority (HTA), targeting promotion of tourism for the State. The Applicant is hosting the 2019 U.S. Pro Beach Volleyball Tour, which includes 8 cities throughout the United States with the Hawaii Open as its final event. The beach volleyball event will have professional teams from the U.S. and other countries. As part of the Applicants contract with HTA, they will be promoting travel to the Hawaiian Islands through the Applicant's digital media platforms, which includes the Applicant's tournament telecasts, promotions on the Applicant's website and on its social media channels. The Applicant will also be conducting youth volleyball clinics throughout the Hawaiian Islands leading up to the September tournament.

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 Hale Koa Hotel property.

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 (5) 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.

The Division of Boating and Ocean Recreation ("DOBOR") recommends the 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, at the Applicant's sole cost and expense.

DLNR-Land Division and Office of Conservation and Coastal Lands were consulted regarding this action and had no objections.

RECOMMENDATION:

That the Board:

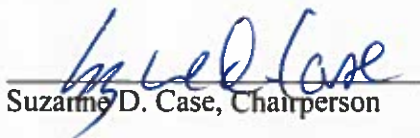
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a Right-of-Entry permit to the Applicant covering the subject areas 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. The 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,



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

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

Attachments:

Exhibit A-1 General location on Fort DeRussy Beach

Exhibit A-2 Location of Exhibit A-3 and Exhibit A-4

Exhibit A-3 Location of 2 Volleyball Courts, Grandstand, Jumbotron, Ticket Booth,
Merchandise Area and Production Platform

Exhibit A-4 Location of 2 Volleyball Courts, VIP Area and Boneyard

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 12, 2019, to September 25, 2019.
Project / Reference No.:	ROE AVP 2019
Project Location:	Waikiki, Honolulu, Oahu, TMK (1) 2-3-037: portions of 021 and 2-6-005: seaward of :001 and :006.
Project Description:	Beach activities purposes.
Chap. 343 Trigger(s):	Use of State lands
Exemption Class No(s).:	Exemption Class 1: Operations, repairs and maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing: 47. Leases of state land involving negligible or no expansion or change of use beyond that previously existing; 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 request is a single event for the period mentioned above and will have no cumulative impact.
Action May have Significant Impact on Particularly Sensitive Environment?	No. 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 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:	DLNR Land Division – Oahu District and Office of Conservation and Coastal Lands concurs with the proposed 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-1



TMK (1) 2-3-037: portions of 021,
(1) 2-6-005: seaward of :001 and :006

Exhibit A-1

Exhibit A-2

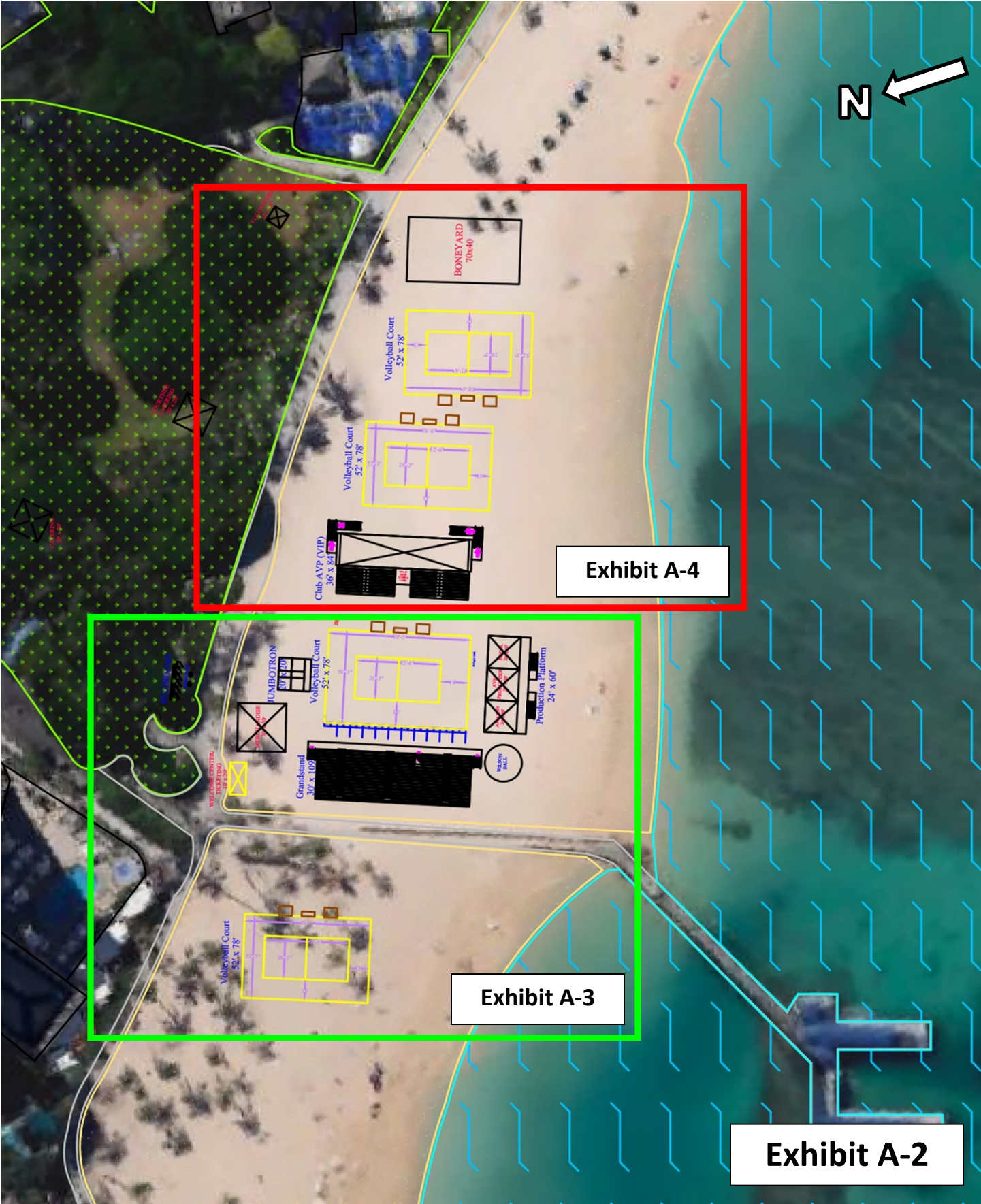


Exhibit A-3

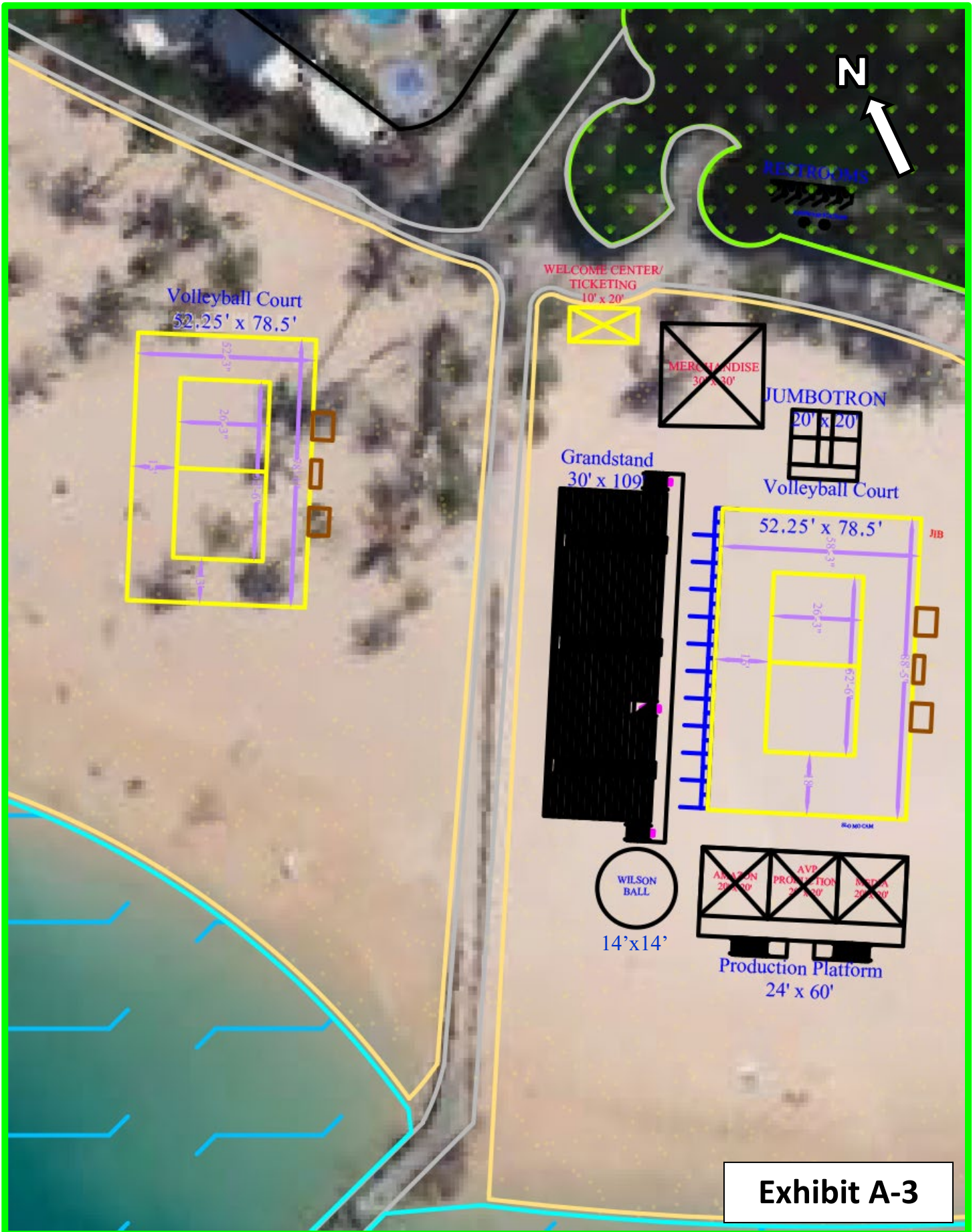


Exhibit A-3

Exhibit A-4

