

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii 96813

August 23, 2019

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

Land Board Members:

SUBJECT: CONTINUATION OF REVOCABLE PERMITS TO ANELA KAI CATAMARANS, INC., ISLAND BEACH ACTIVITIES, INC., KEPOIKAI, LTD., KING PARSONS ENTERPRISES, LTD., WELAKAHAO CATAMARAN, INC., AND WOODBRIDGE INC. TO EMBARK AND DISEMBARK PASSENGERS ON WAIKIKI BEACH, FOR THE PURPOSE OF PLACING PERMANENT ANCHORS IN THE BEACH IN ORDER TO SECURE THE VESSELS (SEE **EXHIBIT A** ATTACHED)

AND

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

REQUEST:

Continuation of the Revocable Permits (RPs) listed in **Exhibit A** from October 1, 2019, through September 30, 2020.

LEGAL REFERENCE:

HRS §171-55, HAR §13-251-53(a) See **Exhibit C**

LOCATION:

Portion of Government lands situated at Waikiki Beach, Island of Oahu, hereinafter referred to as the "Premises" as shown on the map labeled **Exhibit B** and attached hereto.

AREA:

Each Permittee displaces approximately 64 square feet with the placement of an anchor.

ZONING:

Waikiki Special District

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Encumbered by Revocable Permits as described in **Exhibit A** attached hereto.

CHARACTER OF USE:

Placing permanent anchors in the beach in order to secure the vessel and ensure safety of the passengers while embarking and disembarking.

COMMENCEMENT DATE:

The revocable permits will commence on October 1, 2019, and end on September 30, 2020.

MONTHLY RENTAL:

The monthly rental is included in the commercial permit fee of two hundred dollars (\$200.00) per month or 3% gross receipts, whichever is greater, as provided in Hawaii Administrative Rules Sections 13-253-1 through 13-253-4.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental, \$400.00.

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. 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.

Item No. 53. Granting to a person the privilege to conduct operations involving the provisions of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility or area.

In consultation with the Land Division (LD), regarding HRS Chapter 343, they concurred 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:

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

JUSTIFICATION FOR REVOCABLE PERMIT:

The Waikiki Commercial Catamaran Operators listed in **Exhibit A** are permittees in good standing with the Division of Boating and Ocean Recreation since 2015. The anchoring areas are temporary in nature. Therefore, a revocable permit is an appropriate instrument for this use.

REMARKS:

All six (6) Waikiki commercial catamaran operators are in compliance with the existing RPs and all other requirements of the department. These are no other parties eligible to receive an RP for this use because it is concurrent with the issuance of a Waikiki Catamaran Registration from the department to operate catamarans from Waikiki Beach. The permittees listed herein are the only companies possessing such a registration. The placement of anchors in the beach is an essential safety measure for the Waikiki Catamaran Operators to conduct their tours and activities without endangering other beach users in a popular and crowded area.

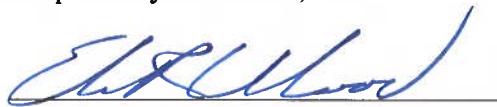
RECOMMENDATION:

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 continuance of Revocable Permits to the six (6) Waikiki Commercial Catamaran Operators on Waikiki Beach covering the subject areas shown in **Exhibit B** for the purposes of installing anchoring systems on the beach to aid in embarking and disembarking passengers 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 Board 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. Waikiki Commercial Catamaran Operators List
- B. Waikiki Beach Catamaran Anchor Sites
- C. HAR §13-251-53

## EXEMPTION NOTIFICATION

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

Project Title:	Continuation of Revocable Permits to Waikiki Catamarans
Project / Reference No.:	As referenced on Exhibit A
Project Location:	Waikiki Beach, Honolulu, Island of Oahu
Project Description:	Continuation of Revocable Permits to Waikiki Catamarans
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; 53. Granting to a person the privilege to conduct operations involving the provisions of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building, facility or area.
Cumulative Impact of Planned Successive Actions in Same Place Significant?	No, the applicants have been using these same spaces since 2015 with no known significant impact to the environment. Therefore, staff believes the issuance of a revocable permits to the catamaran operators listed in Exhibit A will have no significant effect on the environment.
Action May have Significant Impact on Particularly Sensitive Environment?	No. The placement of the anchors in the beach is an essential safety measure for the Waikiki Catamaran operators to conduct their tours and activities without endangering other beach users in a popular and crowded area.
Analysis:	The anchors are placed securely under the sand on Waikiki Beach. There is no anticipated impact to the environment.
Consulted Parties:	Land Division – Oahu District
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.

# **DIVISION OF BOATING AND OCEAN RECREATION**

Continuation of Revocable Permits for Waikiki Commercial Catamaran Operators

From 10/1/19 - 9/30/20

No.	Permittee Name	RP No.	Location	Effective Date	RP				Character of Use	
					Area (Sq. Ft.)		RP Rent			
					Fast	Total	Annual	Monthly		
1	Anela Kai Catamarans, Inc.	30	Waikiki Beach	10/1/2015			\$2,400.00	\$200.00	3	Embarking and disembarking passengers and placing permanent anchors in the beach.
2	Islands Beach Activities, Inc.	29	Waikiki Beach	10/1/2015			\$2,400.00	\$200.00	3	Embarking and disembarking passengers and placing permanent anchors in the beach.
3	Kepoikai, Ltd.	28	Waikiki Beach	10/1/2015			\$2,400.00	\$200.00	3	Embarking and disembarking passengers and placing permanent anchors in the beach.
4	King Parsons Enterprises, Ltd.	27	Waikiki Beach	10/1/2015			\$2,400.00	\$200.00	3	Embarking and disembarking passengers and placing permanent anchors in the beach.
5	Welakahao Catamaran, Inc.	26	Waikiki Beach	10/1/2015			\$2,400.00	\$200.00	3	Embarking and disembarking passengers and placing permanent anchors in the beach.
6	Woodbridge, Inc.	31	Waikiki Beach	10/1/2015			\$2,400.00	\$200.00	3	Embarking and disembarking passengers and placing permanent anchors in the beach.

**EXHIBIT A**



# Waikiki Beach

Waikiki Catamaran Revocable Permit Locations

## Legend

Anchor Sites



EXHIBIT B



1000 ft



**§13-251-53 Waikiki catamarans; mooring of.**

Each catamaran operator holding a commercial use permit or registration certificate authorizing operation in Waikiki nearshore waters or on Waikiki beach shall maintain their beach moorings in the position and condition that they have established and maintained since January 1, 2013, provided:

- (a) Approval is obtained from the board of land and natural resources regarding the type and location of the mooring to be installed on Waikiki beach or ocean waters for the purpose of securing the catamaran while conducting business. No additional fee shall be charged for said moorings beyond the amounts set forth in section 13-253-1.1;
- (b) Operators shall assume all responsibility and liability for their moorings and operations, indemnify and defend the State, and carry general liability insurance in accordance with section 13-231-65;
- (c) Operators shall obtain all applicable permits required to install moorings on Waikiki beach or ocean waters;
- (d) Operators shall lower the catamarans' sails to prevent obstructing the view from lifeguard stations upon the request of a Honolulu city and county lifeguard;
- (e) Operators may apply to the department for temporary variance to its assigned mooring, as described in the attendant revocable permit, to accommodate governmental, natural or environmental conditions that make the regularly assigned moorings inaccessible or a danger to any of the catamarans operating in Waikiki. Such variance shall terminate upon the resolution of said dangerous condition. Such variance shall not encroach upon or adversely affect the operations of the other catamarans without the express written consent of the affected catamarans;
- (f) Catamaran ingress and egress through the transit channel referred to as "Canoes" channel shall be limited to the four Waikiki catamaran registration holders presently moored and operating closest to the "Canoes" channel as more specifically described in the Waikiki beach mooring revocable permit;
- (g) Catamaran ingress and egress through the transit channel referred to as "Sheraton" channel shall be limited to the three Waikiki catamaran registration holders presently moored and operating closest to the "Sheraton" channel as more specifically described in the Waikiki beach mooring revocable permit; and
- (h) Any violation of this section shall be cause for fines, suspensions, or where repeated violations of this section are found, revocation of the registration certificate or commercial use permit of the catamaran owner. [Eff 9/25/14] (Auth: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24) (Imp: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24)