

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

May 27, 2022

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

PSF No. 22OD-030

Oahu

Issuance of a Right-of-Entry Permit to Waikiki Roughwater Swim Committee, Inc.
for a Roughwater Swim Race Event to be held on September 5, 2022, at Waikiki,
Honolulu, Oahu, Tax Map Key: (1) 2-3-37:por. 21

APPLICANT:

Waikiki Roughwater Swim Committee, Inc., a Hawaii non-profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as Tax Map Key:
(1) 2-3-037:portion of 021, as shown on the attached **Exhibit 1**.

AREA

1,600 square feet, more or less

ZONING:

State Land Use District: Urban
City and County of Honolulu LUO: Public Precinct

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 is unencumbered.

CHARACTER OF USE:

Roughwater Swim Race Event.

TERM:

From 5:30 a.m. to 1:30 p.m. on Monday, September 5, 2022.

RENTAL:

\$160.00 (A one-time payment based on 10¢ per square feet per day x 1,600 square feet.)

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rule (HAR), and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1, Item 44, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing". The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR. See **Exhibit 2**.

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>

REMARKS:

The Waikiki Roughwater Swim Committee, Inc. (WRSC) requests the issuance of a right-of-entry permit to use selected areas of the Duke Kahanamoku Beach for the finish of their 51.2 Annual Waikiki Roughwater Swim race event. The event is scheduled for Monday, September 5, 2022. Equipment will be set-up on the permitted beach areas starting from 5:30 a.m. and torn down by 1:30 p.m. Applicant has submitted a map delineating the selected beach areas requested for use relating to the subject event (See **Exhibit 3**). A roped-off, finish line area (approximately 900 square feet) near the shoreline of Duke Kahanamoku Beach fronting the Hilton Hawaiian Village Hotel will contain the timing equipment, an announcer's table, and an area to remove race chips from the finished swimmers. WRSC is

also requesting the use of an additional 700 square feet of beach area to the east of the finish line for the setting up of seven 10'x10' tents. The seven tents will be for the medical doctor, first aid, water station, ice tent, T-shirt distribution, bag tent, and information station (see Exhibit 3). All tents will be spaced at least 20 feet apart to allow public access between adjacent tents. The right-of-entry permit request includes the use of a total amount of 1,600 square feet of beach area.

Staff understands the Applicant is obtaining permits from the City and County of Honolulu, Department of Parks and Recreation for the race's starting-line segment located near the Natatorium, and the Division of Boating and Ocean Recreation for the off-shore segment of the race.

Office of Conservation and Coastal Lands has no objections on the request.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, 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 as a de minimis action.
2. Authorize the issuance of a right-of-entry permit to Waikiki Roughwater Swim Committee, Inc. for the purpose of covering the subject area for the swim race event on September 5, 2022, 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 form, as may be amended from time to time; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Cal Miyahara

Cal Miyahara
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson

RT



EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Issuance of a Right-of-Entry Permit to Waikiki Roughwater Swim Committee, Inc. for a Roughwater Swim Race Event to be held on September 5, 2022, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-37:por. 21
Reference No.:	PSF 22OD-030
Project Locations:	Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-37:por. 21
Project Description:	Roughwater Swim Race Event
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Section 11-200.1-15, Hawaii Administrative Rules and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1, Item 44, which states the "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 Department has permitted similar events from time to time in the past, but not on a routine or regular basis (e.g., daily or weekly). The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.
Action May Have Significant Impact on Particularly Sensitive Environment?	The requested area is a portion of State beach visited by tourists and residents, and, is heavily impacted by human activity. Public access across the requested area is maintained by the Hilton Hawaiian Village staff. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environmental or ecological receptors.
Consulted Parties:	Consulted with Office of Conservation and Coastal Lands who has no objections to the subject request and concurs with the

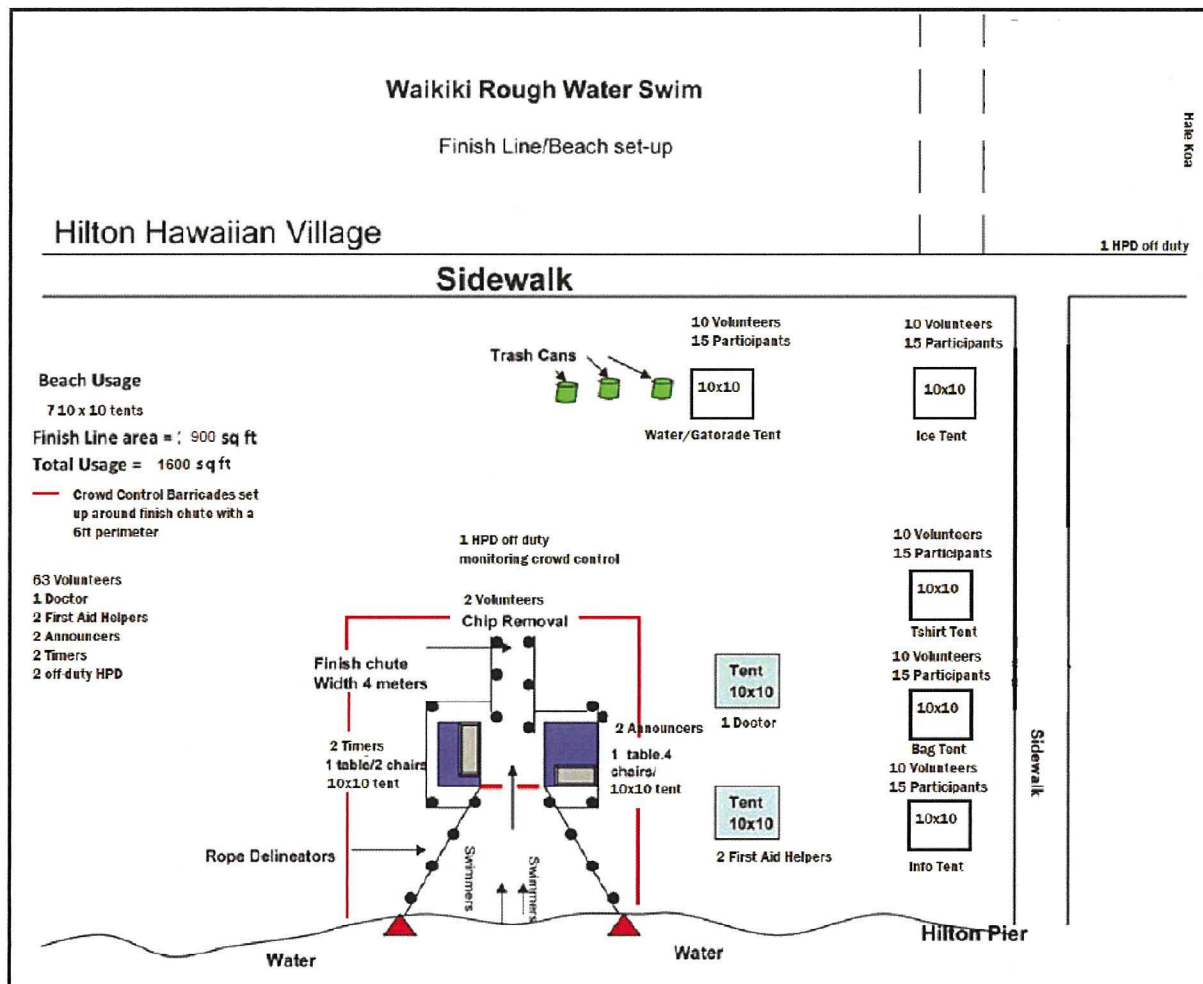
exemption for an environmental assessment.

Analysis:

The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. Staff also believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Recommendation:

It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Note: All tents will be constructed about 20 feet apart to allow public access between the tents.