

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

Oahu

Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Inc. over portion of Duke Kahanamoku Beach for Beach Activities Purposes on June 3 and 4, 2022, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: Portion of 021.

APPLICANT:

Waikiki Beach Activities, Inc., a Hawaii profit corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (“HRS”), as amended.

LOCATION & AREA:

5,000 square feet, more or less, situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key (1) 2-3-037: portions of 021, as shown on the maps attached as **Exhibits A1** and **A2**.

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 vacant and unencumbered.

CHARACTER OF USE:

Beach activities purposes. There will be three (10 x 10) tents, 75 umbrellas and 150 beach chairs within the requested area to be used for the team building event.

TERM:

From 9:00 a.m. on June 3, 2022 (Friday) to 6:00 p.m. on June 4, 2022 (Saturday).

RENTAL:

\$1,000 (based on 10¢ per square foot per day).¹

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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, that states, "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 44, that 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, as a de minimis action.

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:

Waikiki Beach Activities, Inc. ("WBA") is requesting a right-of-entry permit over a portion of the Duke Kahanamoku Beach located at the mauka end of the lagoon. See the area highlighted in red on Exhibit A-2. The requested area will be used in relation to the

¹ At its meeting of September 28, 2001, agenda item D-4, the Board established the rent for right-of-entry permits at 10¢ per square foot per day with a minimum of \$20.

corporate event for the Open Sesame Group to be held on the abutting hotel property. As part of the team building event for the group, tents, umbrellas, and beach chairs will be set up within the requested area. No alcoholic beverages or food will be served on the beach. If there is any amplified sound system to be placed within the requested area, the speakers will be turned in the direction of the hotel. It is anticipated that about 200 people will attend the event.

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.

There are no other pertinent issues or concerns, and staff does not have any objection to the request.

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 Beach Activities, Inc. covering the subject area 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

Suzanne D. Case

Suzanne D. Case, Chairperson

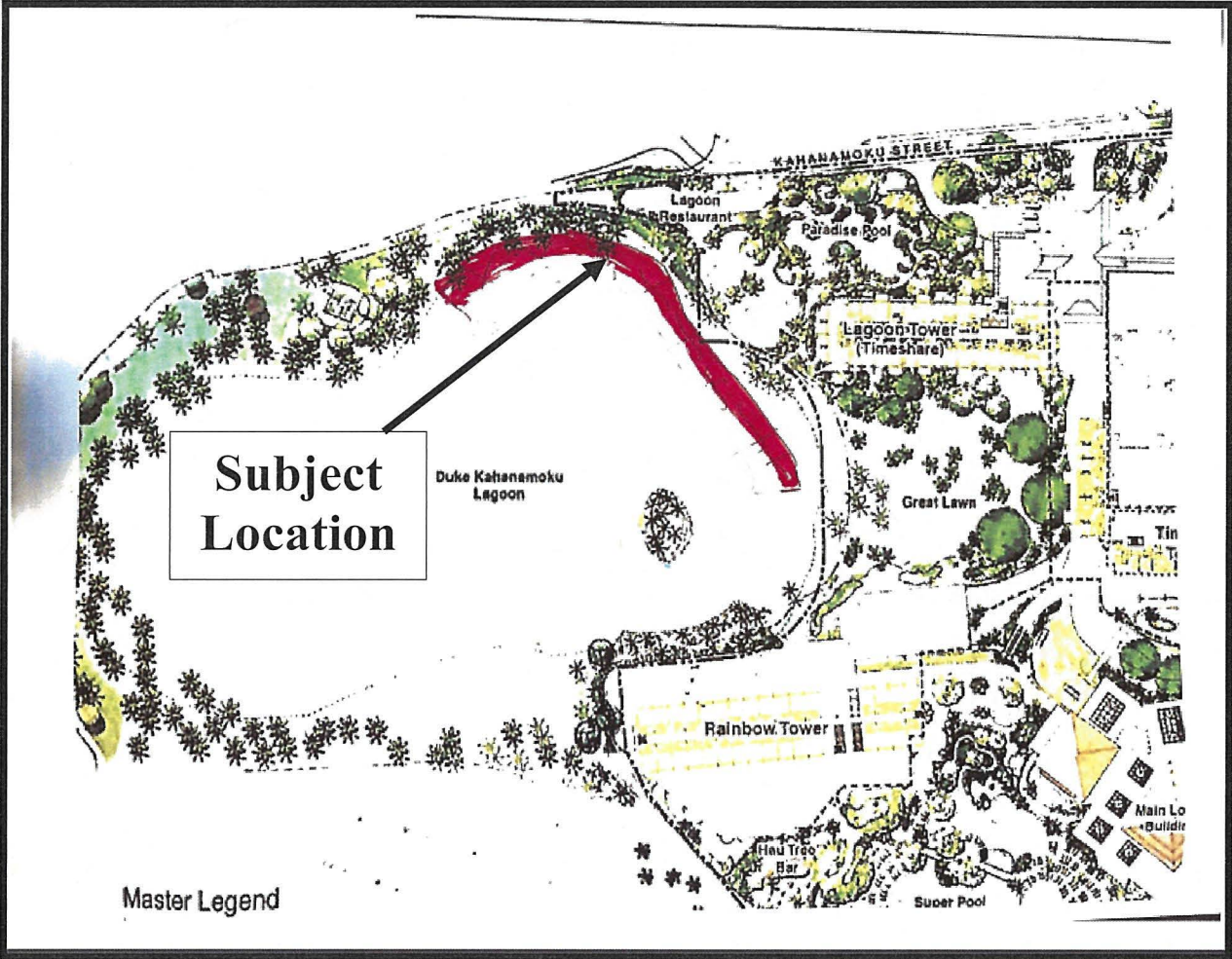
KEM

RT



TMK (1) 2-3-037: portion of 021

EXHIBIT A-1



TMK (1) 2-3-037: portion of 021

EXHIBIT A-2