

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

September 9, 2022

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

Ref: ROE-2022
Oahu

Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Inc. over portion of Duke Kahanamoku Beach for Beach Activities Purposes on September 19, 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:

2,000 square feet (40' x 50'), 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 1-tent (10' x 10') within the requested areas to set up a towel service.

TERM:

From 1:00 p.m. to 6:00 p.m. on September 19, 2022 (Monday).

RENTAL:

\$200.00 (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 -16 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 portion of the Duke Kahanamoku Beach located between the ocean and lagoon. See the area

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.

circled in red on Exhibit A-2. The requested area will be used in relation to the corporate event for the American Society of Engineers (ASCE) to be held on the abutting hotel property. A 10' x10' tent will be set up within the requested area for towel service. No alcoholic beverages or food will be served on the beach. It is anticipated that about 100 people will attend the event.

Copy of the request is attached as Exhibit B.

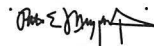
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

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

RECOMMENDATION: That the Board:

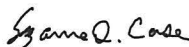
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15 and -16, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental 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,



Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:

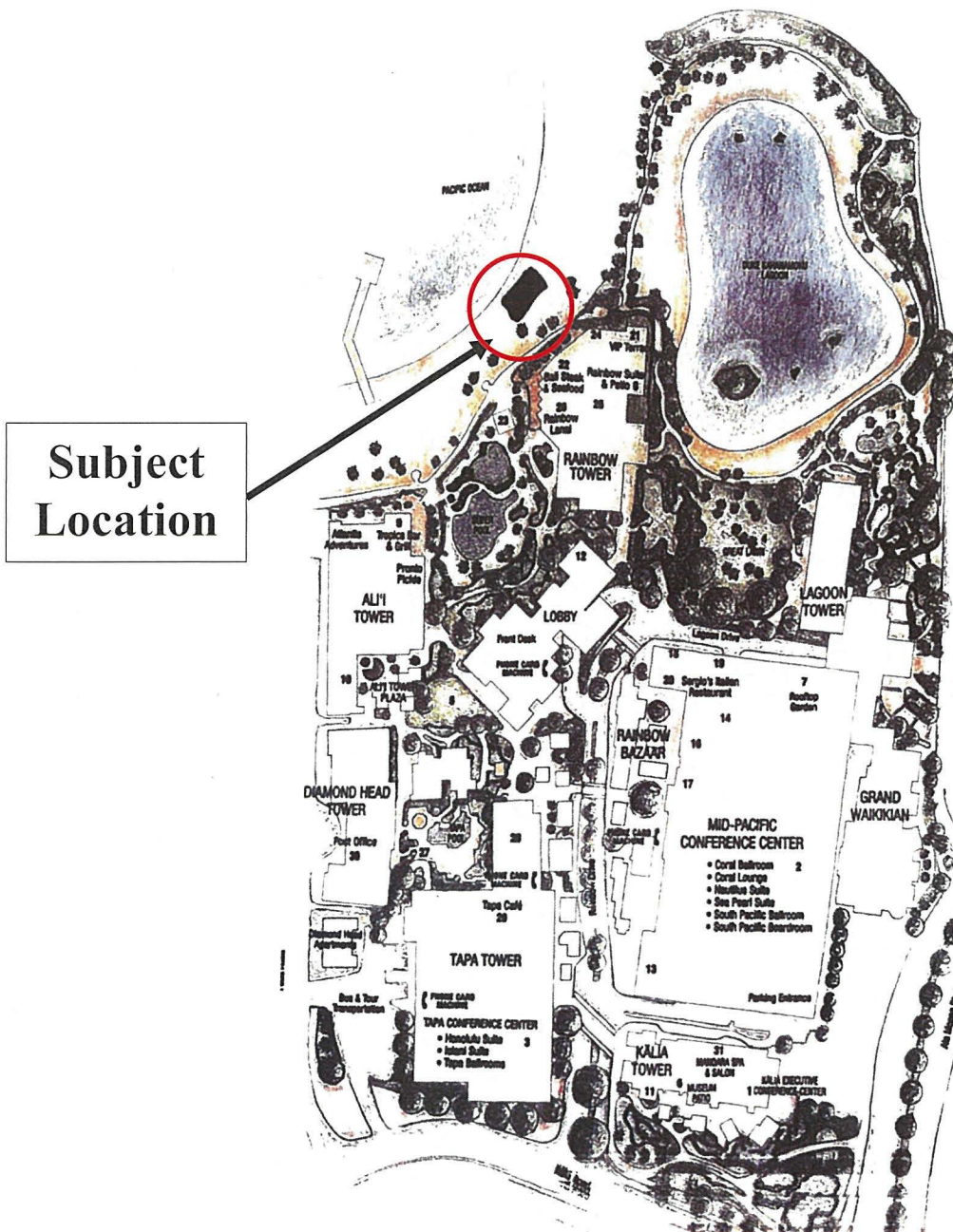


Suzanne D. Case, Chairperson 



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

EXHIBIT A-1



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

EXHIBIT A-2

July 25, 2022

Barry Cheung

Oahu District Supervising Land Agent,

Department of Land and Natural Resources

State of Hawaii

P.O. Box 621

Honolulu, Hawaii 96809

Re: Request for Non-Exclusive Right of Entry on Dukes Beach September 19,2022 for
3 hours. For the American Society of Engineers (ASCE).

Aloha Mr. Cheung:

Waikiki Beach Activities, Ltd, hereby requests a Non-Exclusive Right of Entry for the
portion of the Duke Kahanamoku Beach. The enclosed site plan shows the location
of the requested beach area and its approximate size. The total square footage
requested is 2,000 square feet (40'x50"). The site plan is attached, and the area is
colored in black. One, 10 x 10 tent will be set up for towel service.

The one-day event will start with set up of the event at 1pm on with complete set up
by 3:00 pm. The actual event will start at 3:00pm and end at 5:00 pm on September
19,2022. WBA will clear and clean the site by 6:00 pm on September 19, 2022.

Our Non-Exclusive Right of Entry request is to conduct a "Team Building" activity for
the ASCE Group. There will be approximately one hundred attendees on September
19,2022 using 2,000 sq. ft. The rent to be paid to DLNR will be \$200.00 based on ten
cents per sq. ft.

Waikiki Beach Activities, Ltd. employees will act as Beach Monitors and will contain
the event within the right of entry area.

No alcoholic beverages or food will be served on the beach.

EXHIBIT B

The required liability insurance for the event is provided by Waikiki Beach Activities, Ltd. Waikiki Beach Activities, Ltd. will oversee the event and clean up the area following the event.

Events like this one are needed more than ever to promote Waikiki and Hawaii as a great place for our visitors and events like this will also help to support the small businesses in and around Waikiki.

Aloha,

Mike Murray

Waikiki Beach Activities, Director of Events