

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96819

April 28, 2023

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

Land Board Members:

SUBJECT: Issuance of a Revocable Permit to Honolulu Transpac, Ltd., for Temporary Support Areas and Mooring Sites, for the 2023 Transpacific Yacht Race from Los Angeles, California to Honolulu, Hawaii, Situated at The Ala Wai Small Boat Harbor, Tax Map Key: (1) 2-3-037:012 (Portion).

And

Declare Project Exempt from Requirements of Chapter 343, HRS and Title 11, Chapter 200.1, Hawaii Administrative Rules.

APPLICANT:

Honolulu Transpac, Ltd. ("Transpac"), a Hawaii non-profit corporation, whose mailing address is P.O. Box 1982, Honolulu, Hawaii 96805.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands at Ala Wai Small Boat Harbor ("AWSBH") situated at 1651 Ala Moana Boulevard, Honolulu, Island of Oahu; identified by the Tax Map Key: (1) 2-3-037:012 (Portion).

AREA:

Mooring shall be along the 500 Row Pier, 800 Row Pier and within a portion of the Turning Basin as determined by the Division of Boating and Ocean Recreation ("DOBOR"). The

race support facilities shall be within the Grass Area on Mole A. The areas are shown and delineated on the attached map labeled **Exhibit A**.

ZONING:

State Land Use District: Urban
County of Honolulu Zoning: 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: YES__ NO X

CHARACTER OF USE:

For temporary race support areas/facilities and mooring of vessels for the 2023 Honolulu Transpac Race, a biennial yacht race from California to Hawaii.

COMMENCEMENT DATE:

The commencement date shall be determined by the Chairperson. The revocable permit is tentatively scheduled to run for fourteen (14) days, from July 4, 2023, to July 17, 2023. The dates are subject to change due to weather or other conditions not within Transpac's control. Transpac will coordinate the revised dates with DOBOR.

RENT:

Total of the following:

1. Rent for the Grass Area for the entire period shall be \$4,200.00. The Rent Calculation is described in **Exhibit B**, item No. 3.
2. Slip Fees for the use of 500 Row and 800 Row, shall be based on a rate of \$25.00 per slip per day. The number of slips shall be based on availability and shall be determined as described in **Exhibit B**, item No. 1.
3. Mooring Fees within the Turn Basin shall be determined as described in **Exhibit B**, item No. 2.

SECURITY DEPOSIT:

Transpac is an existing permittee under Revocable Permit No. 11. This permit is for a structure used as Transpac's headquarters to coordinate the biennial Transpac Race. Transpac has a security deposit on account for said revocable permit; as such, staff requests that the security deposit requirement for this revocable permit be waived.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," Part 1, Item No. 44, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

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>

JUSTIFICATION FOR REVOCABLE PERMIT:

A revocable permit is an appropriate disposition, as the usage of the areas are short-term in nature.

REMARKS:

The Transpac Race is a biennial yacht race from California to Hawaii marking its 52nd running. Transpac is once more requesting the temporary use of a portion of the AWSBH for its 2023 race. First held in 1906, it is one of the world's oldest major ocean races for sailing yachts and attracts entrants from all over the world. Since the course is mostly downwind, the race attracts attention for the speeds attained. Along with enhancing the reputation of the islands as a prestigious destination, sailors and their supporting families are expected to find lodging in Waikiki and support local businesses. Transpac currently has 60 entrants; and they anticipate a few more before the May 26, 2023, deadline. The historic average has been in the range of 60 to 70 yachts. This year they are anticipating similar participation. The race is still anticipated to have a positive impact on tourism. Crews average approximately 10 sailors per yacht, and many will have family flying to Oahu to greet them.

Transpac's use of portions of the AWSBH is tentatively scheduled to be July 4, 2023, to July 17, 2023, but those dates may change if weather conditions affect the start and completion dates of the race.

Transpac will also use portions of the Grass Area near Transpac's Building, on the Diamond side of Mole A, between the 400 Row and 500 Row (see **Exhibit A**). This parcel is ideally suited to serve as a reception area for supporters to greet the race finishers. This area will be roped off.

Race vessels will be allowed to moor at available slips along the 500 Row and 800 Row,

as illustrated in **Exhibit A** and as determined by DOBOR as the race date nears. Overflow mooring may also be allowed within a portion of the Turning Basin, as determined by DOBOR.

Transpac and the registered race vessels shall be permitted to hook up to existing water spigots located along the 500 Row. Transpac shall also be permitted to connect to the existing electrical box within the Grass Area to provide electrical power for the adjacent support facilities.

Transpac shall coordinate the anticipated uses of the revocable permit areas with the AWSBH Harbor Master, or such other persons designated by DOBOR, during the month prior to the Commencement Date.

During this period, DOBOR will provide the number of slips to be made available for use during the event. The Revocable Permit shall also be subject to the following terms and conditions:

1. Transpac shall maintain insurance by an Admitted carrier in Hawaii, or AM Best rating of A- VIII or better, covering personal injury/property liability for \$1,000,000.00 for each occurrence, and \$2,000,000.00 aggregate coverage, naming the State of Hawaii as an additional insured. Proof of insurance shall be provided to the AWSBH Harbor Master and DOBOR property management section prior to the Commencement Date.
2. The sale and consumption of alcoholic beverages is prohibited within the Revocable Permit area and within the AWSBH (except within retail establishments with a valid liquor license). Notwithstanding the foregoing, consumption of alcoholic beverages shall be permitted within the portion of the Grass Area approved by DOBOR and identified by a roped off area, and only while greeting race contestants as they arrive for the race event.
3. Two-point mooring in the Turning Basin shall be required at all times.
4. Transpac shall require all boat owners, captains, and crew to sign a waiver form provided by DOBOR. Transpac shall obtain all executed waiver forms, prior to Commencement Date, from all participants and retain the executed waiver forms. Upon DOBOR's request, Transpac shall submit any or all of the waiver forms to DOBOR.
5. DOBOR may, in its sole discretion, require Transpac to remove, relocate, reconfigure, or alter any mooring or facility within the Revocable Permit areas.
6. Any race vessels wishing to continue to moor within the AWSBH after expiration of the Revocable Permit must obtain, based on availability, a separate mooring permit from DOBOR.

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 11-200.1, 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 Revocable Permit to Honolulu Transpac, Ltd. subject to the terms and conditions stated above and the following conditions:
 - A. The standard terms and conditions of the most current Revocable Permit form approved by the Department of the Attorney General;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



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

APPROVED FOR SUBMITTAL:



DAWN N. S. CHANG, Chairperson
Board of Land and Natural Resources

Attachments:

- A Map of the Revocable Permit Areas
- B Rent Calculation Method

Exhibit A



Ala Wai Small Boat Harbor
1651 Ala Moana Blvd.

Exhibit B

RENT CALCULATION METHOD

1. The number of slips available in 500 Row and 800 Row are undetermined at this time. The daily fee will be \$25.00 per day based on the temporary mooring rate for a 45' boat and the number of days the vessel will be staying.
2. Turning Basin mooring shall be subject to the prior approval of the Harbor Master. A two-point mooring configuration using the vessels own anchors, shall be used as a minimum. The offshore mooring fees within the Ala Wai Small Boat Harbor shall apply under the most current DOBOR rules of HAR Chapters 13-234, and 13-235. The fee will be \$5.77 based on a 45' foot vessel and the number of days the vessel will be staying.
3. Grass Area on Mole A, for staging and reception: The calculation of the Grass Area is based on a rate of \$0.25/sq. ft./day, as authorized by Land Board Approval, December 12, 2014, Item J-2. The fee for the Grass Area of Mole A shall be \$4,200.00. (1,200 sq. ft. x \$.25/sq. ft. x 14 days)
4. The total fee shall be for the sum of the Grass Area (\$4,200.00) the total number of slips utilized per day and the calculation of those mooring in the Turning Basin as provided by HAR Chapter 13-234. A total combined fee shall be determined after the vessels arrive and the use of slips and mooring are determined.
5. Any vessels wishing to remain in the harbor after the event must contact the Harbor Master to make those arrangements. The Harbor Master will do their best to accommodate requests. Arrangements should be made prior to the end of the event.

Transpac is an existing tenant of DOBOR under revocable permit No. 11. This permit is for a structure used as Transpac's headquarters to coordinate the biennial Transpacific Yacht race. DOBOR has a security deposit for revocable permit No. 11. As such, the Security Deposit requirement for the proposed 2023 Transpac race revocable permit is being waived.