

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

June 9, 2023

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

PSF No. 23OD-016

Oahu

Issuance of Right-of-Entry Permit for Ten (10) Days to Oahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Molokai Hoe Long Distance Canoe Race Event to Take Place Over Two Days Each Year in October 2023, October 2024, October 2025, October 2026, and October 2027, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

APPLICANT:

Oahu Hawaiian Canoe Racing Association Hawaii, a Hawaii 501(c)(3) nonprofit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as tax map key: (1) 2-3-037: portions of 021, as shown on the attached **Exhibits A1 and A2**.

AREA:¹

- | | |
|--|--------------------------|
| 1. Finish Area, Awards Tent, Medical, Webcast & Hospitality Tent Area: | 3,200 square feet |
| 2. Pop-up Tents (2): | 200 square feet |
| 3. Canoe Exit/ De-rigging, International Paddlers Hospitality & Closing Area | <u>1,500 square feet</u> |
| Total Area: | 4,900 square feet |

¹ Please note: This application covers Areas 1 – 3 only. Area 4 is subject to an existing Revocable Permit, as discussed below. Areas 5 – 7 are subject to jurisdiction of the Division of Boating and Ocean Resources. The applicant is requested to work with DOBOR on necessary authorizations for Areas 5 – 7.

ZONING:

State Land Use District: Urban

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:

Hawaiian Airlines Molokai Hoe Long Distance Canoe Race Event.

TERM:

From 3:00 PM of the first day through 6:00 PM of the second day on the following dates:
October 7-8, 2023; October 12-13, 2024; October 11-12, 2025; October 10-11, 2026; and
October 9-10, 2027.

RENTAL:

\$980.00 for each year's request (based on 10¢ per square foot per event day).²

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, which applies to "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Specifically, the subject request is exempt under Item 44, which exempts "[p]ermits, licenses, registrations, and rights-of entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." It is expected that the subject request will have

² Please note: Rental amount will be charged annually for each scheduled event. Separate right-of-entry permits will be issued per event upon payment of the rental amount.

minimal or no significant effect on the environment and therefore should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR (**Exhibit B**).

DCCA VERIFICATION:

Place of business registration confirmed: YES x NO __
Registered business name confirmed: YES x NO __
Applicant in good standing confirmed: YES x NO __

REMARKS:

The Oahu Hawaiian Canoe Racing Association (OHCRA) is requesting to conduct beach activities on State-owned lands in conjunction with a long-distance canoe race event.

OHCRA is a 501(c)(3) non-profit organization dedicated to perpetuating the sport of Hawaiian Koa canoe racing. OHCRA's principal purposes, as stated on the organization's website, are to:

- Engage in, promote, encourage participation in and provide education and instruction in Hawaiian culture through canoeing and other related activities on a local, national, and international level.
- Encourage, maintain and perpetuate authentic Hawaiian canoe racing and preservation of Hawaiian Koa canoes; and to teach and preserve the art and culture of Hawaiian canoe racing.
- Promote competitive inter-club, inter-island, and international Hawaiian canoe racing.

The Hawaiian Airlines Molokai Hoe long-distance canoe race covers approximately 41.6 nautical miles. It begins at Hale O Lono/ Papohaku Beach on Molokai at approximately 8:00 AM and ends five to eight hours later at the finish line located at the Hilton Hawaiian Village Pier at Duke Kahanamoku Beach on Oahu. The race is scheduled for the following dates over the next five years: October 8, 2023; October 13, 2024; October 12, 2025; October 11, 2026; and October 10, 2027. The Applicant will begin set-up for race day at 3:00 PM on the day prior to each respective race day, which are the following dates: October 7, 2023; October 12, 2024; October 11, 2025; October 10, 2026; and October 9, 2027. Once the canoe race is concluded, specific areas of the beach will then be utilized by the Applicant for closing purposes after each race day event. Closing activities will be completed by 6:00 PM on each respective race day.

The Applicant requests that the Board approve a right-of-entry permit for its use of three (3) specific areas of the subject beach. This right-of-entry permit request includes Beach Areas 1, 2, and 3 only. See **Exhibit C**.

Beach Area 1 is located on the Ewa side of the Hilton Pier walkway. This area will contain an 80' by 40' tent which will contain the race finish area, awards tent, medical, webcast, and hospitality areas.

Beach Area 2 is located directly adjacent to Area 1. Area 2 will consist of two 10' by 10' pop-up tents containing supplies and staging needs and will be attached to the large Area 1 tent.

Beach Area 3 is located across from the Hilton heli-pad and parking area, slightly Northeast from Area 2. Area 3 measures approximately 50' by 30' and will be used for canoe landing and de-rigging, a hospitality tent for out-of-state and international competitors, and storage of materials to be used for closing the event. Canoes will be moved from Area 3 to the Hilton heli-pad and parking lot location, where they will be loaded onto canoe trailers for departure from the site.

The Applicant is pursuing permits for the Molokai launch site and the ocean race route through the Division of Boating and Ocean Recreation (DOBOR), Maui District Land Office, and Maui County, as applicable. The Applicant is also pursuing permits for the Hilton parking lot and heli-pad site through DOBOR (identified as Areas 5, 6, and 7 on Exhibit C) and is pursuing permission to use the Hilton Hawaiian Village (HHV) pier (identified as Area 4 on Exhibit C) through direct communications with HHV as discussed below. Therefore, Areas 4 through 7 identified on Exhibit C will not be included in this ROE request.

According to the Applicant, a request has been made for access to the Hilton Hawaiian Village Pier (currently encumbered under Revocable Permit No. 7566), located adjacent to where the finish line of the canoe race event will be designated. Revocable Permit No. 7566 requires a \$1.50 toll fee per paying customer. The Applicant reports that, historically, HHV has provided use of the pier for this event with no charge and the Applicant expects the same for the present application. Based on present assurance and historical practice, it is the staff's understanding that HHV will not be charging a fee to any of the canoe race officials nor to its participants for the use of the subject pier. Therefore, staff is of the opinion that HHV will not be required to pay the State for the toll fee.

Staff notes that, as discussed above, the Applicant has requested permits for the Hilton parking lot and heli-pad area from DOBOR. The Applicant has informed staff that its permit request to DOBOR includes permits for on-site sale of clothing and accessory merchandise. OCRAH receives all profits from these sales to benefit its organizational purposes and to offset race costs. Staff notes that the present shoreline permit request does not include the areas to be used for merchandise sales and that the Applicant does not request permits for sales under the present shoreline permit. The Applicant has not requested authorization for the placement of preset, reserved seating under the present shoreline application and staff is not aware of such a request under any other permit applications. No commercial activity will be permitted under the present requested permits.

The subject request pertains to the same race occurring annually over a five-year period, with the dates described in the TERM section. The Board has previously authorized five-year permit requests for this annual event, as well as for the Duke Kahanamoku and Na Wahine O Ke Kai canoe races. As such, staff has no objections to a similar five-year permit

being granted pursuant to the present application.

The Office of Conservation and Coastal Lands and Division of Boating and Ocean Recreation have no comment on the subject request and concur with the exemption for an environmental assessment.

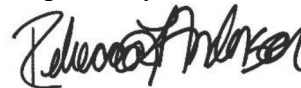
Applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

There are no other pertinent issues or concerns regarding the subject 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, HAR, this activity will likely 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 five separate, annual right-of-entry permits to Oahu Hawaiian Canoe Racing Association Hawaii covering the subject area for the Molokai Hoe under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. Annual payment of the rental amount stated above;
 - b. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
 - c. The Applicant shall conduct no sales or other commercial activities in the areas subject to this right-of-entry; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



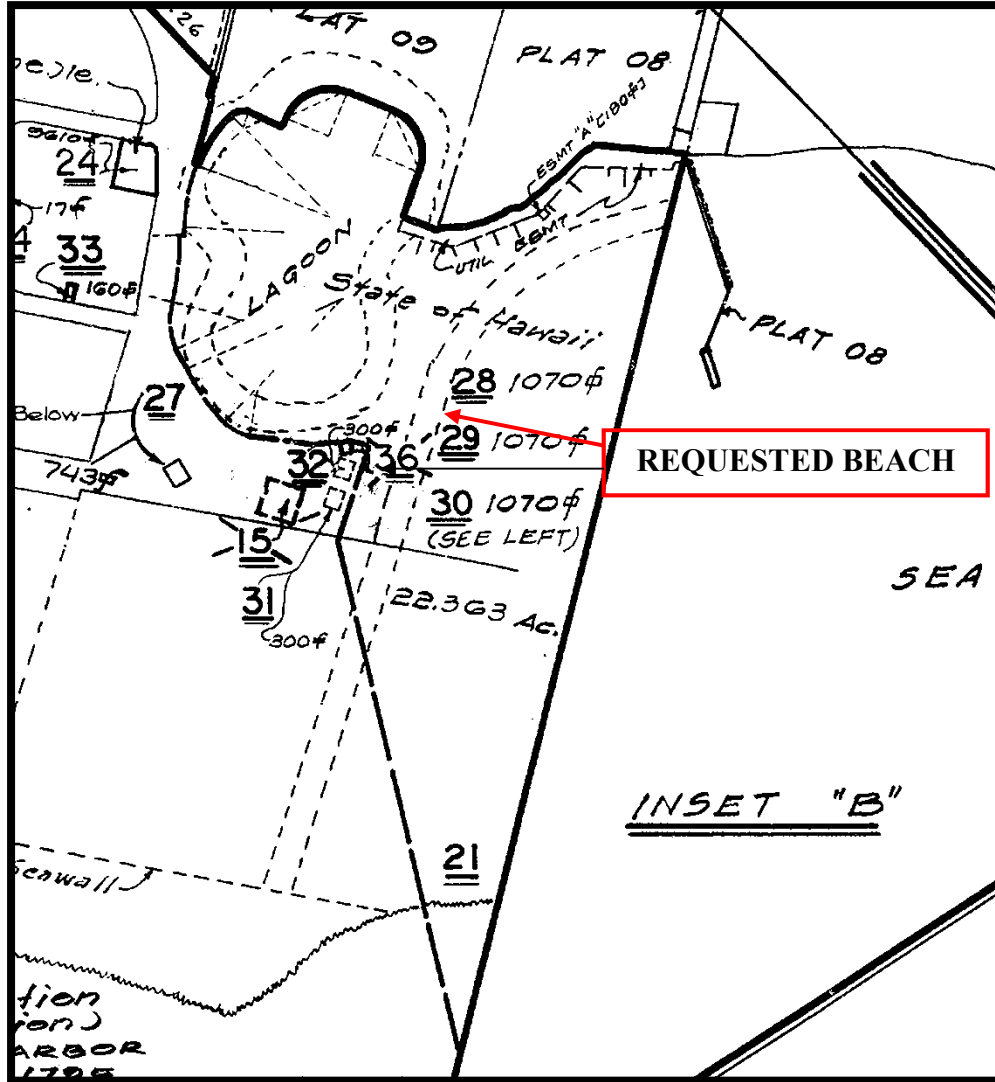
Rebecca L. Anderson
Shoreline Specialist

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson





TAX MAP KEY: (1) 2-3-037: PORTION OF 21

EXHIBIT A1



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

EXHIBIT A2

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1-15, HAR

Project Title: Hawaiian Airlines Molokai Hoe Canoe Race Event

Project / Reference No.: PSF 23OD-016

Project Location: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of: 021.

Project Description: Issuance of a Right-of-Entry Permit to Oahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Molokai Hoe Canoe Race Event

Chap. 343 Trigger(s): Use of State Land.

Exemption Class No: In accordance with Hawaii Administrative Rules ("HAR") Sections 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 for "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing", specifically under Part 1, Item 44, which exempts "[p]ermits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." It is expected that the subject request will have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of Section 11-200.1-17, HAR.

Cumulative Impact of Planned Successive Actions in Same Place Significant? No. Similar events occur at the same location semi-annually, but not on a routine or regular basis (e.g. daily or weekly). As such, staff believes that there would be no significant cumulative impact as a result of the event.

EXHIBIT B

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 and Division of Boating and Ocean Recreation which have no objections to the subject request and concur 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.

Molokai Hoe 2023

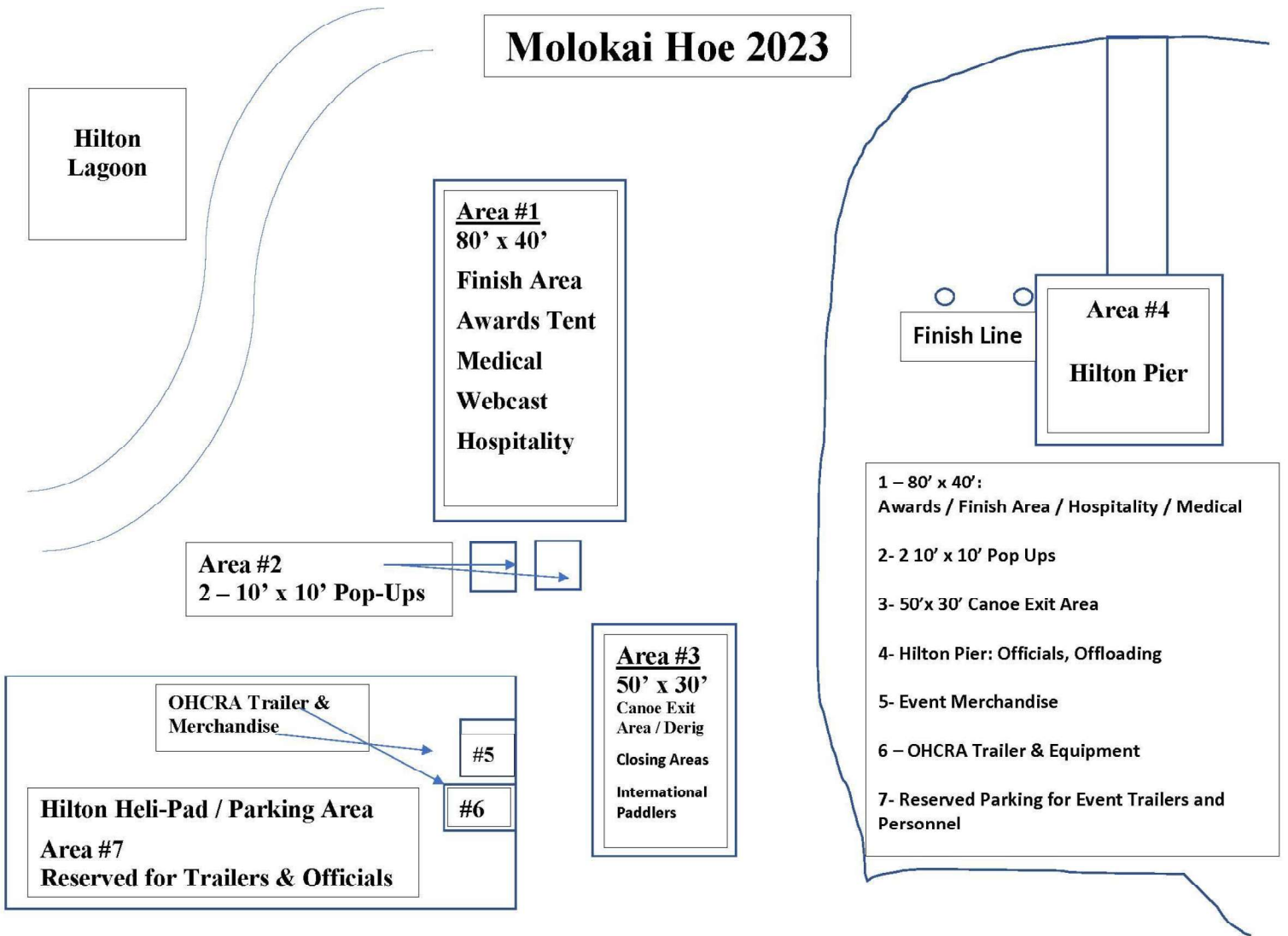


EXHIBIT C