

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-030

Oahu

Issuance of Right-of-Entry Permit for One (1) Day to Oahu Hawaiian Canoe Racing Association Hawaii for the Duke Kahanamoku Men's Long Distance Canoe Race Event to Take Place on August 20, 2023 at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

APPLICANT:

Oahu Hawaiian Canoe Racing Association Hawaii (OHCRA), 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

| | |
|---|--------------------------|
| A. 60' x 20' Tent to include Finish Area, Awards, Webcast & Hospitality: | 1,200 square feet |
| B. 60' x 30' Canoe Exit/ De-rigging Area | <u>1,800 square feet</u> |
| Total Area: | 3,000 square feet |

ZONING:

¹ Please note: This application covers Areas 1 and 3, as indicated on Exhibit B, only. Area 2, as indicated on Exhibit B, is subject to an existing Revocable Permit, as discussed below. The area identified on Exhibit B as Parking Lot/ Heli-Pad Area is subject to the jurisdiction of the Division of Boating and Ocean Recreation, as discussed below.

State Land Use District: Conservation

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:

Finish area for Duke Kahanamoku Men's Long Distance Canoe Race.

TERM:

From 6:00 AM to 4:00 PM Sunday August 20, 2023.

RENTAL:

\$300.00 (based on 10¢ per square foot).

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 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.

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 Hawaii (OHCRA) is requesting a right-of-entry permit 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 Duke Kahanamoku Long Distance Canoe Race has been held annually since August 24, 1968, when it was founded as a tribute to legendary waterman and Olympian, Duke Kahanamoku. Over the years, the racecourse has changed, but it has consistently been located between Kailua Beach and Waikiki. A women's race, which takes place on a separate day and entirely within Kailua Bay, was instituted in 1979. Since 1995, the men's race has launched from Kailua and has finished at Duke Kahanamoku Beach near the Hilton Hawaiian Village in Waikiki.

The 2023 Duke Kahanamoku men's race is approximately 28 miles long and will begin at Kailua Beach at approximately 9:00 AM on Sunday August 20, 2023. Participating crews are expected to complete the race and arrive at the finish line in Waikiki between 12:00 and 2:00 PM. Once the canoe race is completed, specified areas of the beach will be used for an awards ceremony and closing events. The Applicant states that activities and clean-up of the site will be completed by 4:00 PM.

The Applicant requests that the Board approve a right-of-entry permit for its use of two (2) specified areas of the subject beach that are subject to Land Division shoreline permit requirements. Therefore, this right-of-entry permit request includes only the portions of the beach identified on **Exhibit B** as Beach Areas 1 and 3.

Beach Area 1 is located mauka of the Hilton Pier and walkway. This area will contain a 60' x 20' tent which will contain the race finish area, awards ceremony, webcast, and hospitality areas.

Beach Area 3 is located Ewa of Area 1, across from the Hilton heli-pad and parking area.

Area 3 measures approximately 60' by 30' and will be used for canoe landing and de-rigging. Canoes will be moved from Area 3 to the Hilton heli-pad and parking lot location, discussed below, where they will be loaded onto canoe trailers for departure from the site.

Area 2, as identified on **Exhibit B**, is the Hilton Hawaiian Village Pier, which is currently encumbered by Revocable Permit No. 7566. It is located adjacent to the in-water race finish line. Staff has confirmed with the Applicant and representatives of Hilton Hawaiian Village (HHV) that the Applicant has requested and will be granted access to the Hilton Hawaiian Village Pier. Revocable Permit No. 7566 requires a \$1.50 toll fee per paying customer. The Applicant and HHV have informed staff that, historically, HHV has provided use of the pier for this event with no charge and will do 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.

The area identified as the Parking Lot/ Heli-Pad Area on **Exhibit B** is the Hilton heli-pad and designated recreational parking area at the Ala Wai Small Boat Harbor, subject to the jurisdiction of the Division of Boating and Ocean Recreation (DOBOR). Staff has confirmed with the Applicant and with DOBOR that the Applicant is in contact with DOBOR regarding permits for that area. Therefore, the Hilton heli-pad area is not included in the present right-of-entry application.

Staff has confirmed that the Applicant is pursuing permits for the Kailua Beach Park launch site through the City & County of Honolulu's Parks and Recreation Division and that all activities at that site will fall under the jurisdiction of the City & County. Staff has also confirmed that the Applicant is pursuing permits for the ocean route and Hilton heli-pad and parking lot sites through DOBOR. Staff has informed the Applicant that it is the Applicant's responsibility to procure all required permits for all applicable public land areas.

The Applicant shall not engage in any commercial activity including merchandise sales or the placement of preset, reserved seating under the present shoreline application or any other permit application for this event.

The Office of Conservation and Coastal Lands has no objection to the issuance of this right-of-entry permit and concurs with the proposed Environmental Assessment exemption. DOBOR did not object to the issuance of this right-of-entry permit and did not comment on the proposed Environmental Assessment exemption.

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 a right-of-entry permit to Oahu Hawaiian Canoe Racing Association Hawaii covering the subject area for the Duke Kahanamoku Men's Canoe Race under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. 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;
 - d. The Applicant shall maintain lateral public access across the beach transit corridor for the entire period of the right-of-entry permit; and
 - e. 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

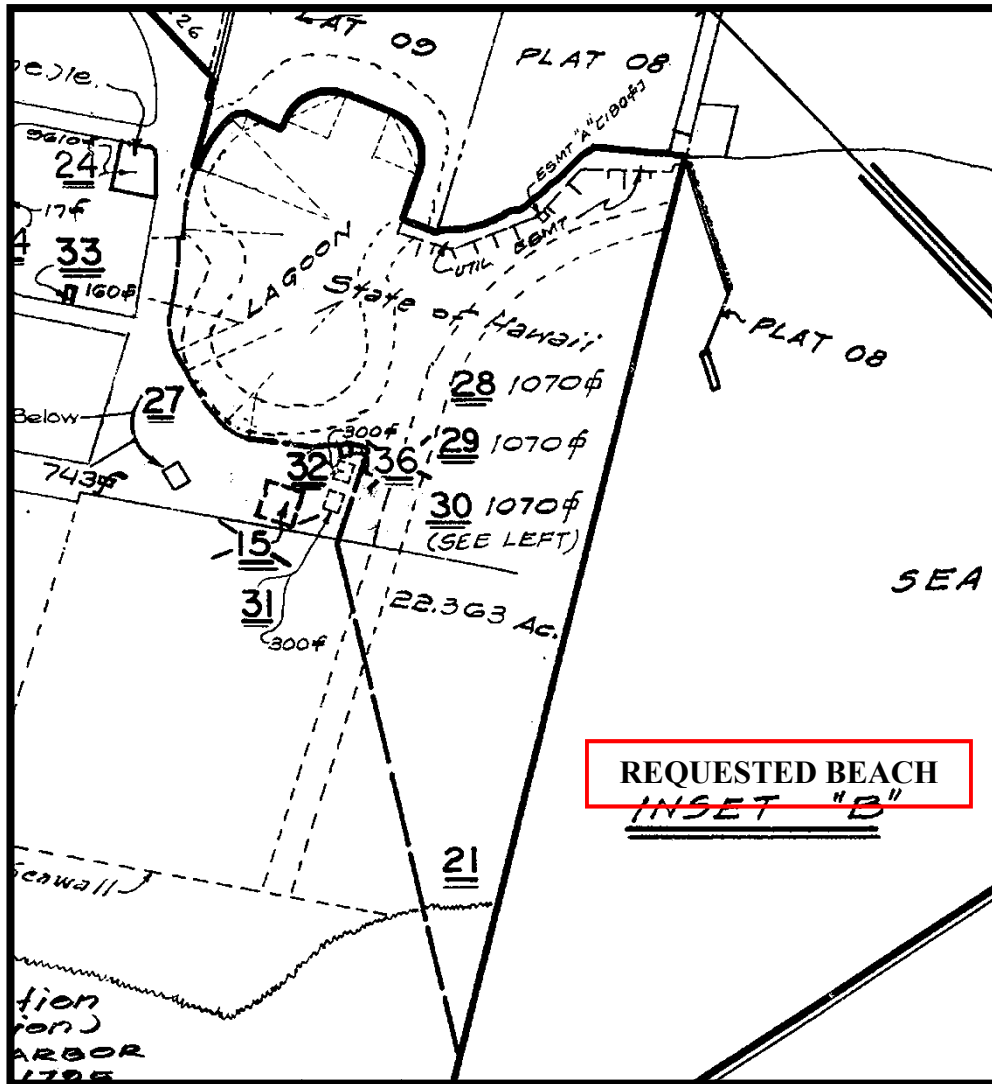
APPROVED FOR SUBMITTAL:

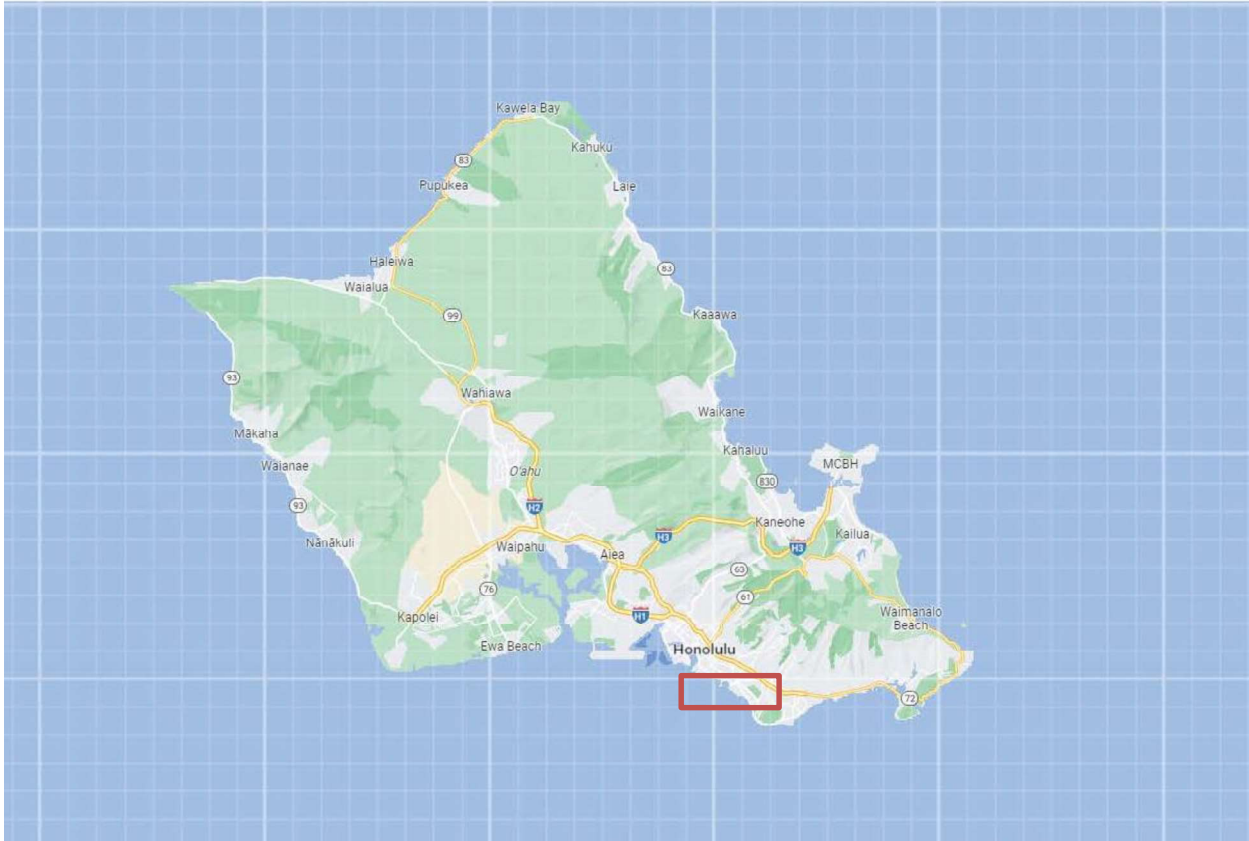


Dawn N. S. Chang, Chairperson



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





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

EXHIBIT A-2

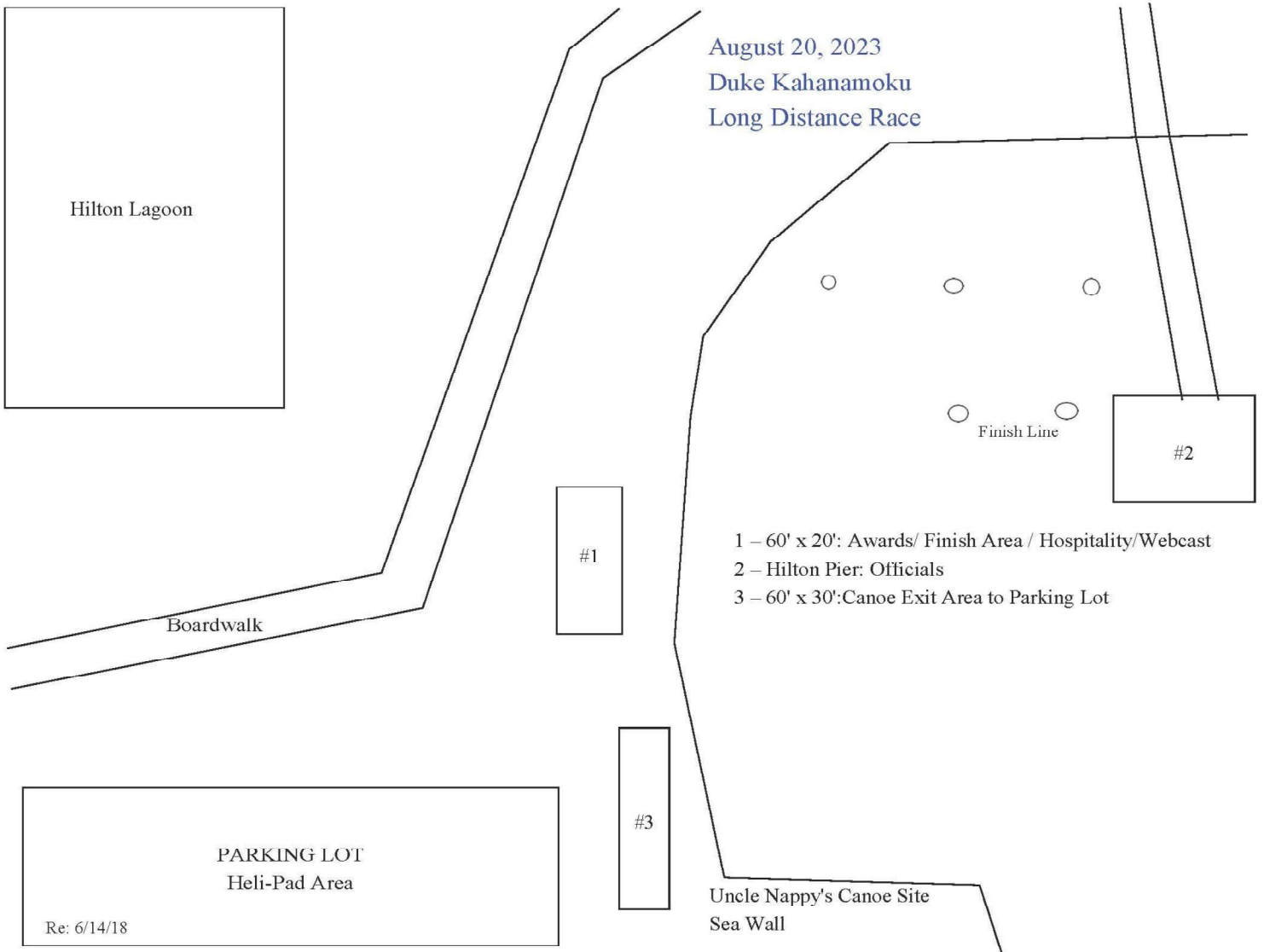


EXHIBIT B