

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-032

Oahu

Issuance of Right-of-Entry Permit for One (1) Day to Waikiki Roughwater Swim Committee, Inc. for the 52nd Annual Waikiki Roughwater Swim Finish Line Area on September 4, 2023, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

APPLICANT:

Waikiki Roughwater Swim Committee, Inc., a Hawaii 501(c)(3) nonprofit corporation with the primary mission of organizing and running the annual Waikiki Roughwater Swim race.

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 A-1** and **A-2**.

AREA:

1,600 square feet, approximately.

ZONING:

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 roughwater swim race event.

TERM:

From 5:30 AM to 1:30 PM on Monday, September 4, 2023.

RENTAL:

\$160.00 (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 (**Exhibit B**).

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:

The Waikiki Roughwater Swim Committee, Inc. (WRSC) is requesting a permit to conduct

beach activities on State-owned lands in conjunction with an ocean swim race event. The Waikiki Roughwater Swim is annually named one of America's Top 100 Open Water Swims by The World Open Water Swimming Association. The event has its roots in the famed swimming and ocean sports competitions of the early 1900s, through which Duke Kahanamoku and other local ocean athletes turned Waikiki into a world-renowned ocean destination. The founders of the Waikiki Roughwater Swim include Ellen "Ma Leo" Fullard-Leo, who supported Duke as a young athlete and later managed his swimming career. Fullard-Leo also founded Honolulu's first women's swimming club, was a primary organizer of the Hawaiian Amateur Athletic Union (AAU), and helped launch the U.S. Olympic Committee and the Pan-American Games.

The Waikiki Roughwater Swim ocean swim race has taken place annually since 1970, with a few exceptions. The race begins at Kaimana Beach, near the Natatorium at the East end of Waikiki, and ends at Duke Kahanamoku Beach, at the West end of Waikiki near the Hilton Hawaiian Village hotel, with an ocean racecourse of 2.384 miles. The race begins at 8:30 AM, with staggered starts depending on participants' seeding, and ends approximately 2 hours and 40 minutes after the latest start. The awards ceremony at the finish line begins at 11:30 AM.

The Applicant is requesting a right-of-entry permit at the finish area for race day, August 20, 2023, beginning at 5:30 AM and ending at 1:30 PM to cover early morning set-up, finish line, and post-race breakdown and cleanup activities.

The Applicant requests that the Board approve a right-of-entry permit for its use of an approximately 1,600 square foot area at Duke Kahanamoku Beach. The requested area will include a finish line area with rope delineators for swimmers to exit the water, crowd control barriers, two tables and four chairs for race timers and announcers, a finish chute for swimmers to leave the finish line area, and a station for removing race chips. Volunteers will also be present in this area to assist swimmers. Outside of the finish line area, there will be seven 10' x 10' tents as follows: one medical tent with a doctor, one first aid tent with two first aid assistants, one information tent with volunteers, one bag tent with volunteers, one t-shirt tent with volunteers to distribute pre-ordered race participant t-shirts, one ice tent with volunteers to distribute ice to participants, one water/ Gatorade tent to distribute drinks to participants, and several trash cans for use by participants. Tents will be spaced out in the area to allow access through the area. Off-duty Honolulu Police Department officers will be present for site security. See **Exhibit C**.

The Applicant will not conduct any commercial activities at any site for this event. T-shirts distributed will be pre-paid as part of the race registration fee and ice and drinks will be distributed with no charge to race participants and volunteers.

Staff notes that the Applicant has indicated that it is working with the City & County of Honolulu Department of Parks and Recreation (City & County) for permits for the race starting area at Kaimana Beach and with the Division of Boating and Ocean Recreation (DOBOR) for off-shore swim course permits. As of Friday, May 12, 2023, DOBOR has

confirmed to staff that it is processing permits for this event and does not need to issue its own right-of-entry permit for the Kaimana Beach start location because no use of the beach other than transit across it to the water is planned. The City & County of Honolulu confirmed to staff as of the same date that it has not received a permit application for use of Kaimana Beach but is in contact with the Applicant and expects to receive a timely permit application.

The Office of Conservation and Coastal Lands (OCCL) had no objection to the issuance of the right-of-entry permit, provided that the Applicant maintains lateral public access across the beach transit corridor at all times during the period covered by the permit. OCCL had no objections to the proposed Environmental Assessment exemption. DOBOR had no objection to the issuance of the right-of-entry permit, provided that no monk seals are to pup on Kaimana Beach at the time of the event. DOBOR had no comment on the proposed Environmental Assessment exemption. The City & County did not comment on the issuance of the right-of-entry permit or 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 Section 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 Waikiki Roughwater Swim Committee, Inc. covering the subject area for the Waikiki Roughwater Swim finish area 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 area subject to this right-of-entry;
 - d. The Applicant shall maintain lateral public access across the beach transit corridor at all times during the 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

RCM

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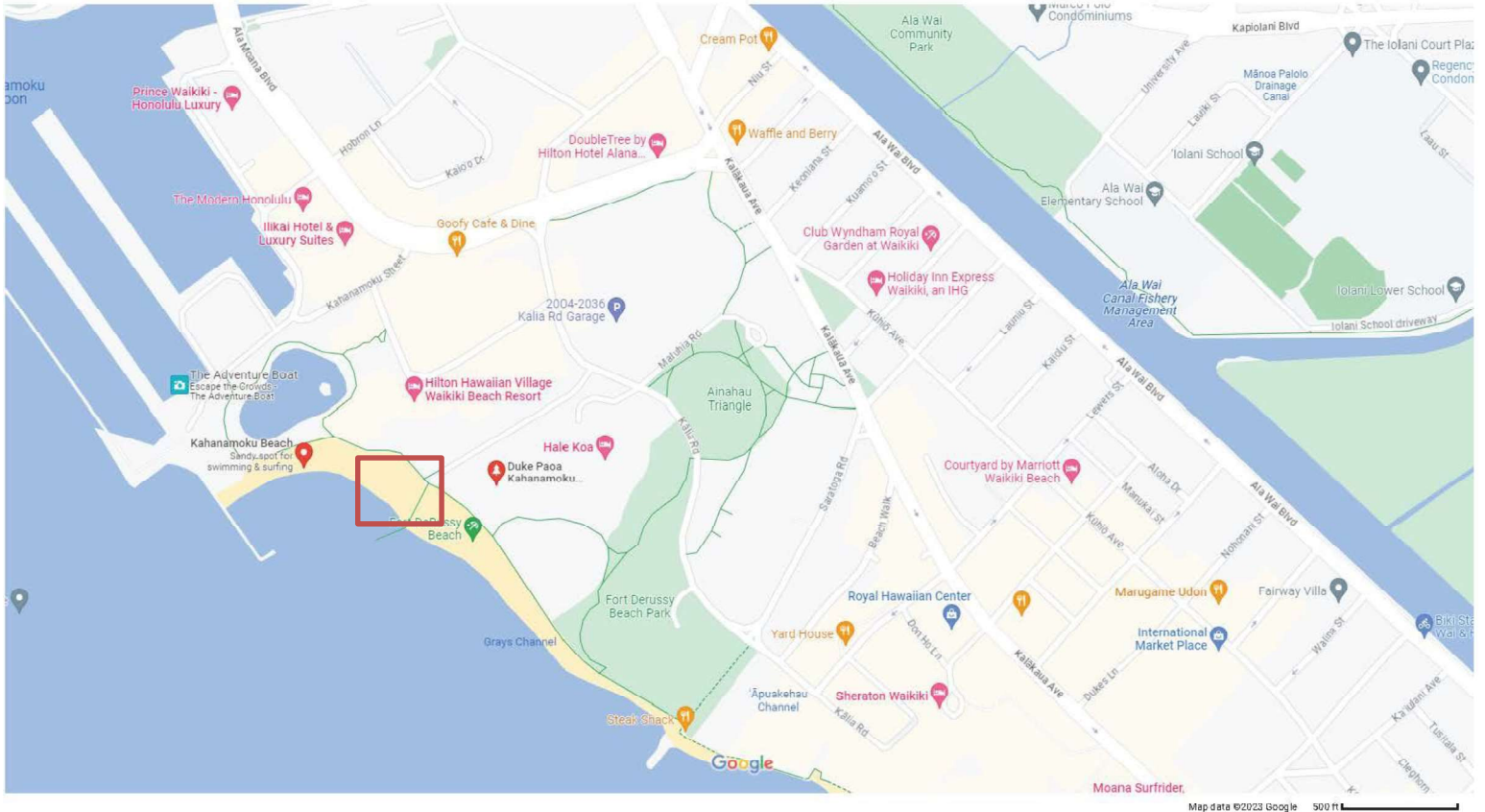
TMK (1) 2-3-037: portion of 021

EXHIBIT A1

5/3/23, 10:12 AM

duke kahanamoku beach - Google Maps

duke kahanamoku beach



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: Waikiki Roughwater Swim Race Event

Project / Reference No.: PSF 23OD-032

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 Waikiki Roughwater Swim Committee, Inc for a 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." The subject request is specifically exempt under Item 44, which applies to "[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 on occasion 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.

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:

As noted in the submittal.

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 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.

