

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

August 11, 2023

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

PSF No.: 23MD-069

Maui

Issuance of Right-of-Entry Permit to Na Wahine O Ke Kai, for Five (5) Annual Canoe Race Start Events to be held in the Month of September from 2023 to 2027; Hale O Lono, Kaluakoi, Molokai, Tax Map Key (2) 5-1-002: 012 por.

APPLICANT:

Na Wahine O Ke Kai, a Hawaii domestic non-profit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kaluakoi situated at Hale O Lono, Molokai, identified by Tax Map Key (2) 5-1-002: 012 por., as shown on the attached map labeled Exhibit A.

AREA:

Total: 6,700 square feet, more or less

4,500 sq. ft. (canoe staging area)

1,500 sq. ft. (portable toilet area)

100 sq. ft. (event stage)

600 sq. ft. (shoreline area at the east side of the harbor facility)

CONSIDERATION:

Total Cost for 2023 event: \$1,005.00 (one-time payment at \$.05 per sq. ft. per day).

Area of requested use 6,700 sq. ft. x \$.05 = \$335.00 per day

\$335.00 x 4 days of use = \$1,340.00

EXHIBITS:

- Exhibit A- Tax Map of the subject area
- Exhibit B - Aerial photo showing areas to be marked off and access restricted
- Exhibit C- Applicant's land use map identifying location of event activities

ZONING:

State Land Use District: Conservation (G)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Canoe storage / staging, event activities, amenities and support services.

TERM OF RIGHT-OF-ENTRY:

Four (4) days beginning the Thursday prior to each race day, subject to the terms and conditions cited herein.

The 2023 event will begin Thursday, September 21 and conclude with the race start on Sunday morning September 24 at 7am.

Future races will each have a 4-day term scheduled to begin the Thursday before each fourth Sunday of September of each year through the year 2027. Future race day schedule is listed below:

- September 24, 2023
- September 22, 2024
- September 28, 2025
- September 27, 2026
- September 26, 2027

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR), Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the

Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing" and Part 1, Item No. 44, that 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 X NO ___
Registered business name confirmed: YES X NO ___
Applicant in good standing confirmed: YES X NO ___

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain required permits from the DLNR Division of Boating and Ocean Recreation for the ocean water portion of the event;
- 2) Upon completion of the event the area shall be cleared and all temporary structures removed in their entirety;
- 3) Identify and mark off restricted areas to prohibit use of derelict concrete piers and pilings as well as to identify areas necessary for loading and off-loading purposes; and
- 4) Provide 24-hour security during event to enforce compliance within restricted areas.

REMARKS:

The Na Wahine O Ke Kai (applicant) has again requested the use of Hale o Lono for the annual Na Wahine O Ke Kai canoe race, across the Kaiwi channel, from Molokai to Oahu. This event has been held since the 1980s.

This race is considered the women's world championship outrigger canoe race. The race typically attracts 50 to 65 six to nine person crews along with escort boats that assist each crew on race day. Participants come from all over the world with the majority from the main Hawaiian Islands. Event organizers consider this event to hold great cultural significance and the race serves to honor, preserve and perpetuate the combined culture, science, tradition, protocol and innovation of the outrigger canoe within Hawaii and around the

world.

Applicant has requested use of 6,700 square feet of government lands for storage, staging and related event support services. Event organizers will begin setting up Thursday with the race taking place on each Sunday morning at 7:00 am. The event staging area shall be cleared by sunset on Sunday.

For many years, events were consistent in its scale and production therefore to better accommodate future planning of this ongoing worldwide event, on September 8, 2017 under agenda item D-4, the department recommended to the Board to authorize multiple consecutive race events rather than just an annual approval for right-of entry. Furthermore, the Board amended the recommendation by reducing the consideration due to the State of Hawaii by half of the standard \$0.10 per sq. ft. fee, subject to the following conditions being met:

- Applicant is a nonprofit 501(c)(3), IRC, and serves a public purpose or the public versus serving a specific membership or group;
- No major commercial element;
- Having the activity at the chosen location would not result in any significant interference with public use of that area;
- The activity is basically recreational; and
- There are no major State maintenance expenses for the location.

This year, 2023, the department again recommends issuance of another multi-year right-of-entry permit for use of government lands at the subject location with the reduced rental rate.

Hale o Lono is not a functioning small board harbor and was not designed to accommodate vessels for recreational purposes. There are no slips, parking or reserved areas and it is not a designated mooring area for vessels. Furthermore, lack of maintenance results in many structures within Hale o Lono are rendered derelict, in disrepair, and not suitable for use. As a result, in the interest of safety, the applicant shall mark off dangerous areas to prohibit access. For areas the applicant identifies for essential event purposes such as loading and off-loading of escort boats, the applicant shall clearly mark off these areas and provide sufficient personnel to oversee and ensure the safety of all users. To prevent use of closed areas of the harbor, staff recommends that twenty-four (24) hour security be provided by the applicant throughout the term of the right-of-entry permit. A map of areas to be marked off for use and non-use shall be provided to the DLNR Land Division, DOBOR and DOCARE no less than one week prior to the event. Finally, Na Wahine O Ke Kai shall coordinate with DOBOR and obtain any necessary permits related to any portion of this event which shall be occurring within ocean waters.

In past years, permitting for this event was done through the DLNR Division of Boating and Ocean Recreation (DOBOR). However, a review of our files indicates that the transfer of jurisdiction over Hale o Lono harbor from the State DOT to DLNR Land Division, and then

to DLNR DOBOR, was never completed. Therefore, the subject lands are unencumbered and remain under the jurisdiction of the DLNR Land Division. Land Division staff finds that these events will probably have minimal or no significant effect on the environment and supports the issuance of a right-of-entry permit to Na Wahine O Ke Kai.

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 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 right-of-entry permit to Na Wahine O Ke Kai, for this year's race and for future races scheduled through the year 2027, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to:
 - a. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - b. Applicant shall notify the community in advance of the scheduled event regarding the temporary use of public lands; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



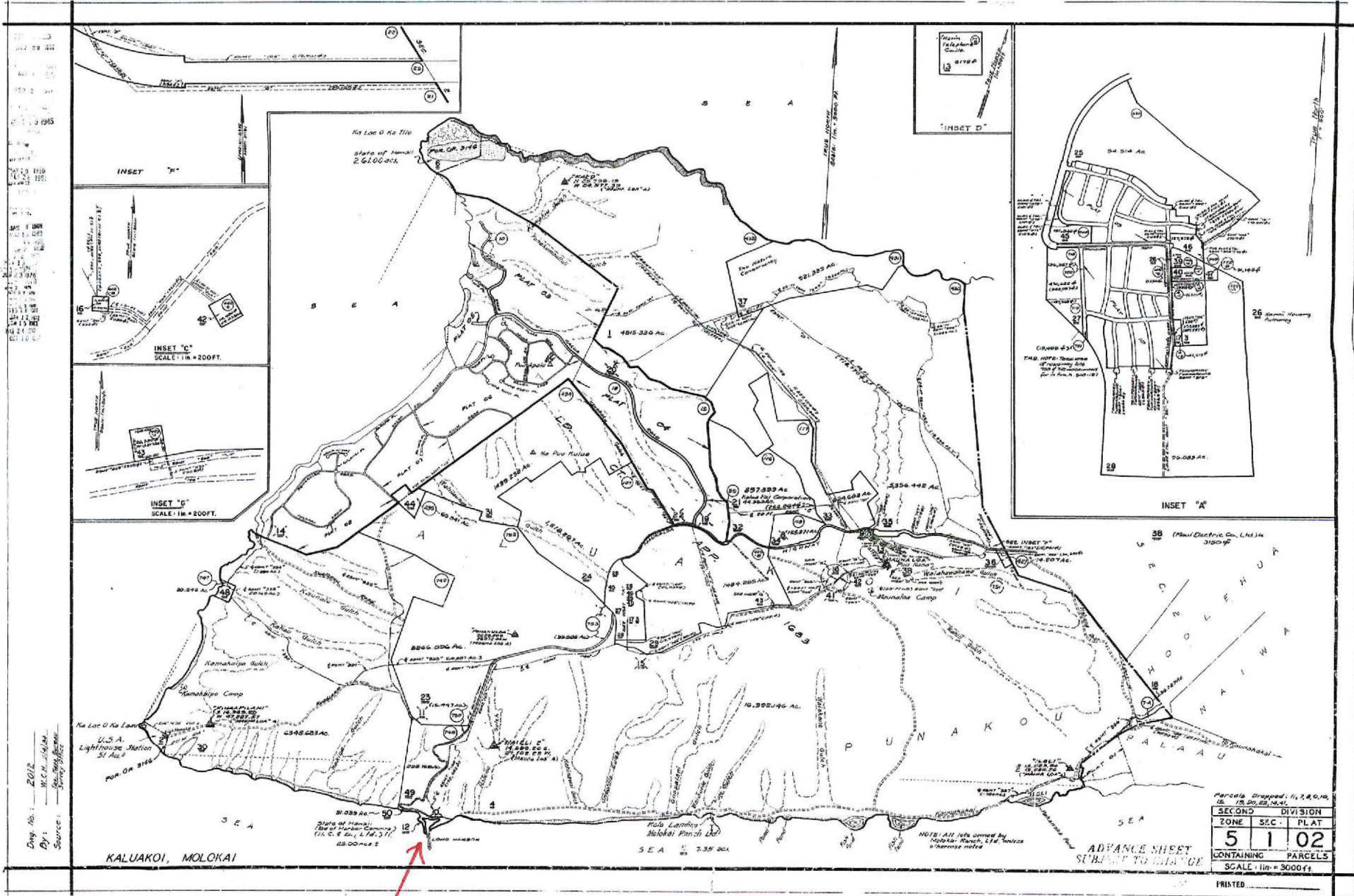
Ebony V. Butihi
Documentation Specialist

EB *KOM* *RT*

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson



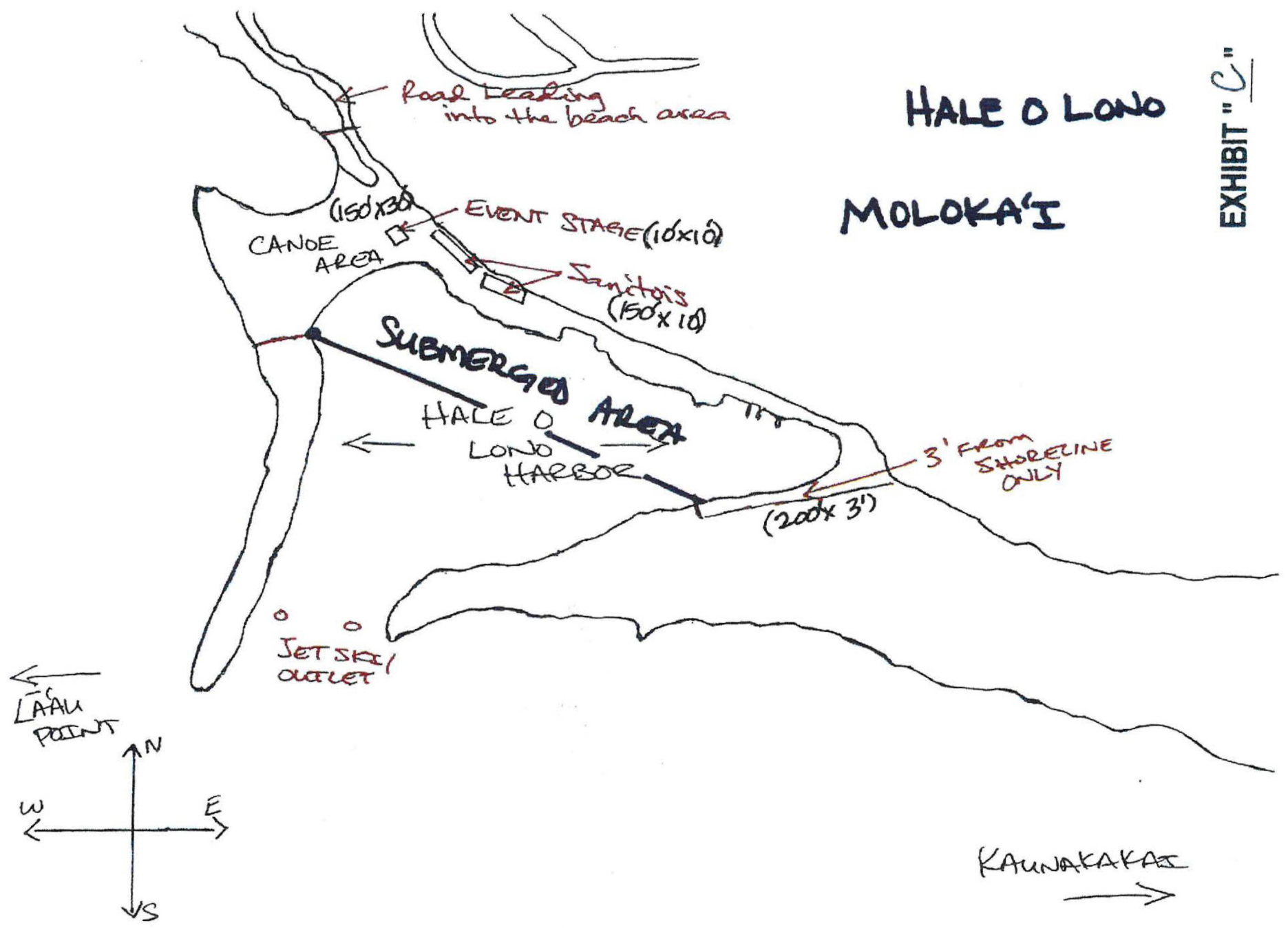
SUBJECT AREA



Exhibit B

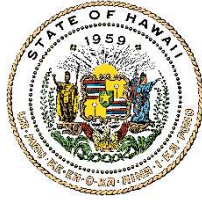
HALE O LONO

MOLOKA'I



JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
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CHAIRPERSON
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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 11, 2023

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry Permit to Na Wahine O Ke Kai, for Five (5) Annual Canoe Race Start Events to be held in the Month of September from 2023 to 2027; Hale O Lono, Kaluakoi, Molokai, Tax Map Key (2) 5-1-002: 012 por.

Project / Ref. No.: 23MD-069

Project Location; Hale o Lono, Kaluakoi, Molokai, TMK: (2) 5-1-002: 012 por.

Project Description: Use of 6,700 sq. ft. of government lands for three days for canoe storage / staging, event amenities and support services related to a one-day race start event scheduled for the fourth Sunday of September from the years 2023 to 2027.

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

Exemption Class No.: In accordance with Hawaii Administrative Rules (HAR), Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing" and Part 1, Item No. 44, that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

EXHIBIT D

Cumulative Impact of Planned Successive Actions in Same Place Significant:

No. This race event is not held on a routine or regular basis (i.e., daily, or weekly). This event is a one-time annual activity.

Action May Have Significant Impact on Particularly Sensitive Environment:

The requested area is a portion of State coastal land visited by tourists and residents and is used for recreational activity. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Agencies Consulted:

DLNR: Office of Conservation and Coastal Lands and Division of Aquatic Resources and Division of Boating and Ocean Recreation have no objections to the subject events.

Analysis:

The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of coastal activities that periodically occurred and continues to occur on this and other coastal 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:

That the Board find these events will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.