

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. 23OD-059

Oahu

Issuance of Right-of-Entry Permit for Ten (10) Days to Na Wahine O Ke Kai for the Finish Area of the Na Wahine O Ke Kai Women’s Molokai to Oahu Outrigger Canoe Race to Take Place Over Two Days Each Year in September 2023, September 2024, September 2025, September 2026, and September 2027, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portion of 021.

APPLICANT:

Na Wahine O Ke Kai, 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. Tent for Finish Area, Award Ceremony, and Information Center	2,400 square feet
2. Pop-up Tent for Media Equipment	100 square feet
3. Pop-up Tent for Announcers	100 square feet
4. Pop-up Tent for Medical and Pop-up Tent for Hospitality	200 square feet
5. Canoe Unrigging and Loading Area	<u>1,500 square feet</u>
Total Area:	4,300 square feet

¹ Please note: This application covers only Areas 1 – 5 as indicated on the attached area map. Area 6 is subject to an existing Revocable Permit, as discussed below. Areas 7 and 8 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 7 and 8.

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:

Na Wahine O Ke Kai Women's Molokai to Oahu Long Distance Outrigger Canoe Race.

TERM:

From 12:00 PM of the first day through 6:00 PM on the second day on the following dates:
September 23 – 24, 2023; September 21 – 22, 2024; September 27 – 28, 2025; September
26 – 27, 2026; and September 25 – 26, 2027.

RENTAL:

\$860.00 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 and provision of a certificate of insurance.

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:

Na Wahine O Ke Kai is requesting to conduct beach activities on State-owned lands in conjunction with a long-distance outrigger canoe race event.

Na Wahine O Ke Kai is a 501(c)(3) non-profit organization dedicated to perpetuating Hawaiian outrigger canoe paddling and honoring, preserving, and perpetuating the combined culture, science, tradition, protocol, and innovation of the outrigger canoe. The organization's primary purpose is to support and conduct a women's long-distance canoe race each year and to promote interclub, interisland, and international Hawaiian outrigger canoe racing. Na Wahine O Ke Kai states that its mission is to "Provide an opportunity for women to challenge their mind, body and spirit through Hawaiian outrigger canoe racing."

Founded in 1979, Na Wahine O Ke Kai is the result of a quarter-century of advocacy by women who refused to submit to male paddlers' insistence that women were incapable of crossing the physically and mentally challenging Kaiwi Channel between Molokai and Oahu. Women were refused entry into the men's Molokai to Oahu races, which began in 1952, and were not allowed by coaches and race officials to organize their own similar events. In 1975, two all-women crews of Hawaii athletes proved their abilities in a successful, rogue crossing and the first official Na Wahine O Ke Kai race took place on October 17, 1979, with ten participating crews, all of which finished the race. Na Wahine O Ke Kai women's outrigger canoe race has been held annually since 1979, except 1980 and 2015, when it was cancelled due to unusually high surf, and 2020 – 2022, when it was cancelled due to travel restrictions and community exposure concerns related to COVID-19. The 2023 race marks the return of this legacy cultural event.

Na Wahine O Ke Kai women's long-distance canoe race covers approximately 41.6 nautical miles, mostly through the Kaiwi Channel between Oahu and Molokai. It begins at Hale O Lono/ Papohaku Beach on Molokai at approximately 8:00 AM and ends six to eight hours later at the finish line located in the water near the Hilton Hawaiian Village Pier at Duke Kahanamoku Beach on Oahu.

The race is scheduled for the following dates over the next five years: September 24, 2023; September 28, 2024; September 28, 2025; September 27, 2026; and September 26, 2027. The Applicant will begin set-up for race day at 12:00 PM on the day prior to each respective race day, which are the following dates: September 23, 2023; September 27, 2024;

September 27, 2025; September 26, 2026; and September 25, 2027. Once the canoe race is concluded, specified 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 beach and shoreline will remain open to the public at all times during the permit term.

The Applicant requests that the Board approve a right-of-entry permit for its use of five specific areas of the subject beach. This right-of-entry permit request includes only Beach Areas 1, 2, 3, 4, and 5, as indicated on the attached use map. See **Exhibit C**.

Beach Area 1 is a 60' x 40' tent located on the beach mauka of the ocean-based finish line, between the shoreline and the Hilton Hawaiian Villages property. Beach Area 1 will house the finish area, award ceremony, and information center.

Beach Area 2 is a 10' x 10' pop-up tent situated flush with the east-facing side of the Area 1 tent. Beach Area 2 will house media equipment for use during the race.

Beach Area 3 is a 10' x 10' pop-up tent also situated on the east-facing side of the Area 1 tent. Beach Area 3 will be used by the finish line announcers during the race.

Beach Area 4 is two 10' x 10' pop-up tents placed side by side a short distance from the west-facing side of the Area 1 tent. One tent will house medical support for the event and the other tent will be used as a hospitality area for race attendees, staff, and volunteers.

Beach Area 5 is a 30' x 50' area, with no tent, located a short distance to the west of Beach Area 4, near the Ala Wai Boat Harbor parking lot and helipad. Beach Area 5 will be used as a canoe exit area where participating teams can de-rig their canoes and prepare them to be loaded onto trailers parked in the Ala Wai Boat Harbor parking lot. The trailers will not be driven onto the beach and will remain parked in the Boat Harbor parking lot until they are driven away from the area via the Boat Harbor parking lot and city streets back to the competitors' respective halau or to Sand Island to await shipment off-island.

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 has stated that measures are being taken to mitigate the impact of the canoe race event on residents of Molokai, including measures to mitigate the impact of large numbers of travelers to that island. The Applicant is also pursuing permits for the Hilton parking lot and heli-pad site through DOBOR (identified as Areas 7, 8, and 9 on Exhibit C) and has received permission to use the Hilton Hawaiian Village (HHV) pier (identified as Area 6 on Exhibit C) through direct communications with HHV as discussed below. Staff has confirmed that the Maui agencies have received and are processing Applicant's permit requests. Therefore, Areas 6 through 9 identified on Exhibit C are not 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. Staff has confirmed with HHV personnel that HHV has granted permission for the Applicant to use the pier at no cost. 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 the Applicant does not intend to conduct any commercial activity, including sales of pre-set chairs or merchandise sales, in the area subject to the present request. The Applicant has stated that it will conduct pre-event sales of merchandise through the Applicant's own means and in the HHV heli-pad area subject to a DOBOR permit. The Applicant has also assured staff that public access along the beach and shoreline will be preserved throughout the term of the permit.

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 a multi-year permit to this Applicant for the same annual race. At its meeting on September 8, 2017, under Agenda Items D-4 and D-5, respectively, the Board authorized permits for the Hale O Lono launch site on Molokai and the Duke Kahanamoku Beach finish site for annual races occurring from 2017 through 2020. The Board has also previously authorized multi-year permits for the substantially similar Molokai Hoe and Duke Kahanamoku men's long-distance canoe races. Based on past practice, and in consideration of the cultural and community importance of Na Wahine O Ke Kai women's long-distance canoe race, staff has no objections to the grant of a five-year permit pursuant to the present application.

The Office of Conservation and Coastal Lands has no objection to the issuance of the subject right-of-entry permit and concurs with the Environmental Assessment exemption pursuant to chapter 343, Hawaii Revised Statutes.

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.

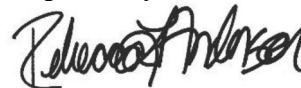
RECOMMENDATION: That the Board

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 five separate, annual right-of-entry permits to Na Wahine O Ke Kai covering the subject area for Na Wahine O Ke Kai women's long-distance

outrigger canoe race 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;
- d. The Applicant shall maintain public access to the shoreline and beach at all times during the term of this right-of-entry;
- e. Prior to each event authorized pursuant to this right-of-entry permit, the Applicant shall provide notice of the temporary use of public land to the community on Molokai and Oahu; and
- f. 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:

KOM



Dawn N. S. Chang, Chairperson

RT

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



EXHIBIT A1

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

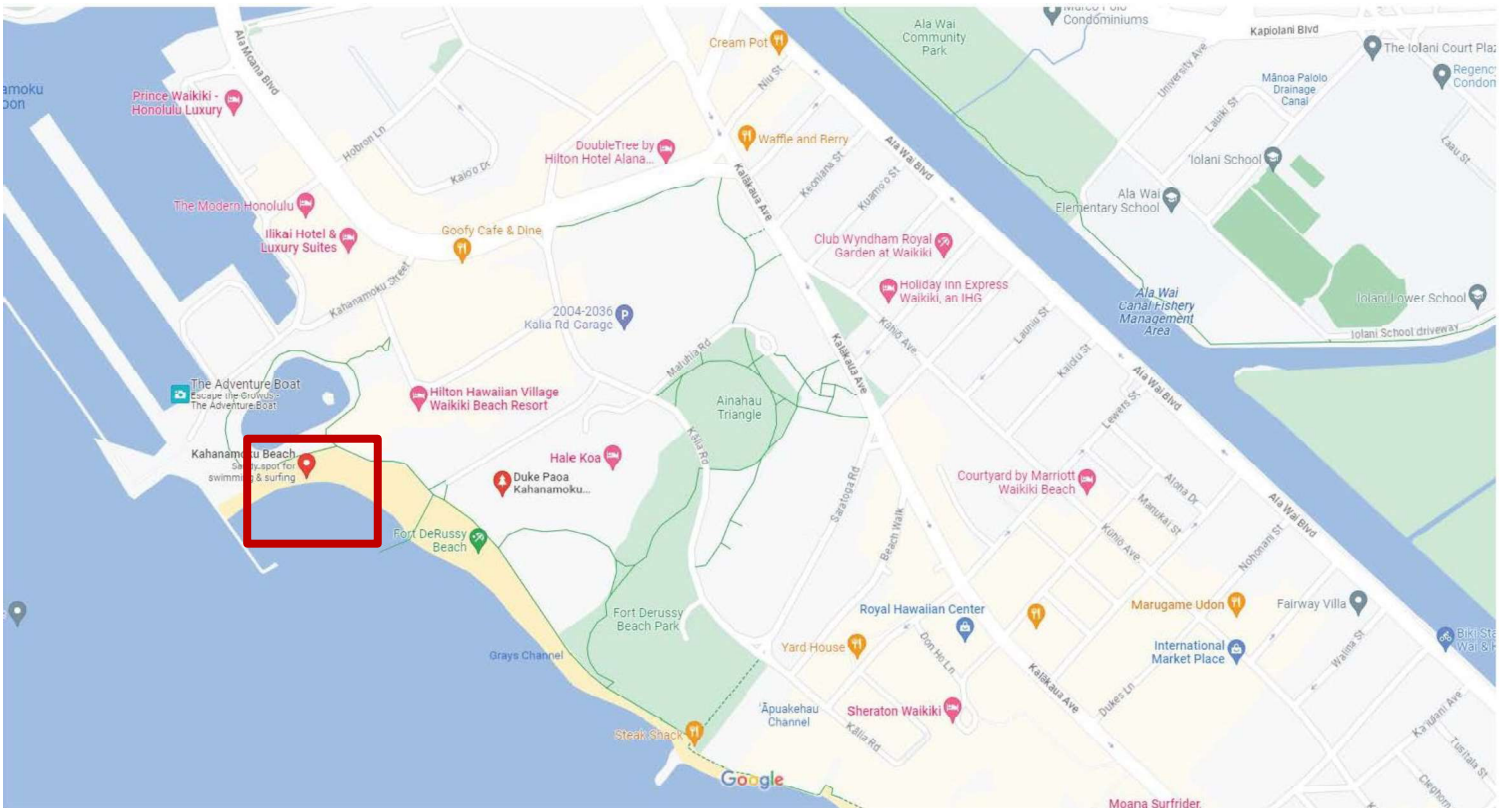


EXHIBIT A2

EXEMPTION NOTIFICATION

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

Project Title: Na Wahine O Ke Kai Women's Long-Distance Canoe Race

Project / Reference No.: PSF 23OD-059

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 Na Wahine O Ke Kai for Na Wahine O Ke Kai Women's Long-Distance Canoe Race

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, the subject request is exempt under Part 1, 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 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 frequently by tourists and residents and 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:

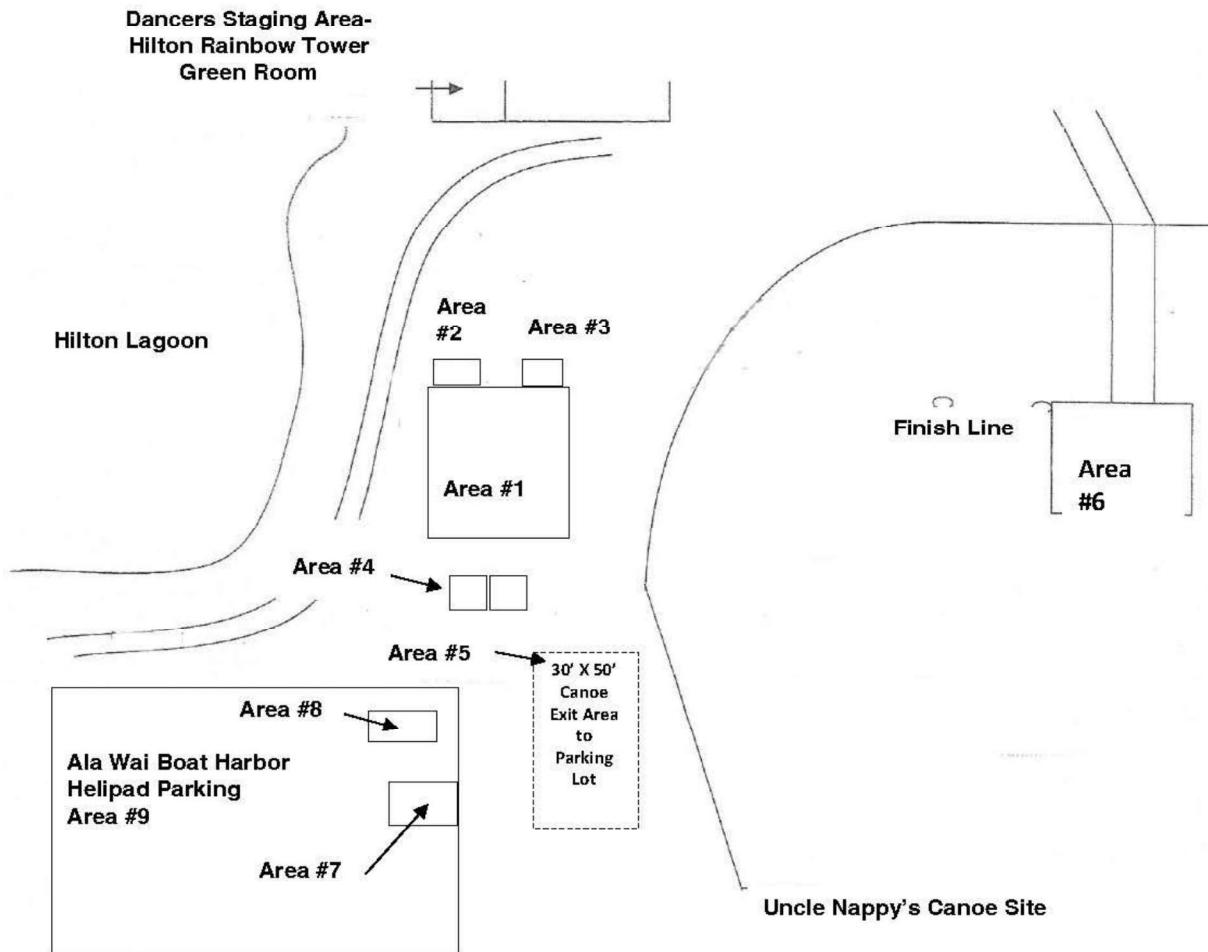
The Board has permitted similar events in the past and has issued multi-year permits for legacy canoe races based on the minimal environmental impact and community and cultural significance of such events. The proposed activity is of a similar type and scope of beach activities that have periodically occurred and continue 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.

Na Wahine O Ke Kai September 25, 2023

Duke Kahanamoku Beach, Waikiki



- 1 – 60' X 40' Awards/Finish Area/Information
- 2 – 10' x 10' Pop-Up Tent for A/V Equipment (Flush with large tent)
- 3 – 10' x 10' Pop-Up Tent for Announcers
- 4 – Two (2) 10' x 10' Pop-Up Tents from Large Tent. 1 for Medical and 1 for Hospitality
- 5 – 30' x 50' Canoe Exit Area to Parking Lot (No Tent)
- 6 – Hilton Pier – Officials, Offloading, Timer
- 7 – Na Wahine Merchandise – 10' x 10' Pop Up
- 8 – OHCRA Trailer Parking
- 9 – Reserved Parking for Na Wahine Use