

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

May 23, 2025

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

Ref: ROE 2025

OAHU

Issuance of Right-of-Entry Permit to Waikiki Beach Chaplaincy. Inc. for Sunday Church Services Purpose at Duke Kahanamoku Beach and Fort DeRussy Beach on Every Sunday from June 8, 2025 through May 31, 2026, Waikiki, Honolulu, Oahu; Tax Map Key: (1) 2-3-037: portions of 021 and Fort DeRussy Beach.

APPLICANT:

Waikiki Beach Chaplaincy. Inc., a Hawaii non-profit corporation.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of Government lands situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 2-3-037: portions of 021 and Fort DeRussy Beach, as shown on as shown on **Exhibit A1 and A2.**¹

AREA:

3,000 square feet, more or less, to accommodate a 30 x 100 feet tent.

ZONING:

State Land Use District:
City and County of Honolulu LUO:

Conservation
Public Precinct

TRUST LAND STATUS:

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

¹ The requested area straddles over Duke Kahanamoku Beach and Fort DeRussy Beach which are under management jurisdiction of Land Division and the Division of Boating and Ocean Recreation respectively. For the sake of efficiency, the request was handled as a joint request from both divisions.

CURRENT USE STATUS:

Requested area is unencumbered and open to public beach access.

CHARACTER OF USE:

Sunday church services purpose.

TERM OF RIGHT-OF-ENTRY:

Upon acceptance of the terms and conditions, the requested right-of-entry permit shall be effective between 07:00 am to 12:00 pm on Every Sunday from June 8, 2025 through May 31, 2026.

For the Easter Sunday event only, Applicant is authorized to set up beginning at 10:00 pm on Saturday, April 4, 2026 and use the area through 12:00 pm on Sunday, April 5, 2026.

CONSIDERATION:

Gratis. Non-profit entity.

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 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."

The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as a de minimis action.

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:

Land Division was recently made aware of the Applicant's weekly Sunday church services

on Duke Kahanamoku Beach. We understand Applicant believed it had received the necessary approvals to conduct church services on public lands. Land Division was unable to locate any approval from the Board of Land and Natural Resources (Board) to WBC to operate at Duke Kahanamoku Beach.

When the Applicant recently approached the division for permission to conduct its Easter Sunday service for 2025, Applicant explained that it had obtained Wiki Permits for the event in 2024. Wiki Permits is an online application system established to streamline the issuance of permits for use of unencumbered public lands for limited commercial purposes, mainly beach weddings. Wiki Permits are issued subject to various terms and conditions, including a maximum of 30 persons per event, and a prohibition against accessories, structures, amplified instruments, appliances, apparatus or equipment of any type whatsoever being placed on the State land. Further, each event is limited to two (2) hours maximum and no reservation of certain location on State land.

Applicant's church services are incompatible with the limitations of Wiki Permits. Upon further discussion within the department as well as considering the Easter Sunday, 2025, it was determined that the department could issue a right-of-entry permit for every Sunday for one month to the Applicant for Sunday church services pursuant to the authority delegated by the Board to the Chairperson. The Division of Boating and Ocean Recreation (DOBOR) has jurisdiction over Fort DeRussy Beach. Applicant was required to secure an appropriate permit from DOBOR for any portion of the DOBOR area it uses as part of its services.

To accommodate the request, on March 28, 2025, Chairperson authorized the issuance of a right-of-entry permit to the Applicant covering the period from March 30, 2025 through April 27, 2025 with the understanding that the Applicant would turn in an application for period beyond April 27, 2025 to be considered by the Board. On April 16, 2025, the Department received an application from the Applicant. The Division needs time to review the information in addition to the Sunshine law requirement for the Board meeting. Therefore, there was not enough time to process the application before the first requested date, May 4, 2025. Chairperson authorized the issuance of a right-of-entry permit to the Applicant for the period from May 4, 2025 through June 1, 2025 subject to the same terms and conditions of the previous right-of-entry permit dated March 28, 2025.

The above-mentioned right-of-entry permit was for non-commercial activity only, and the Applicant was not permitted to sell merchandise of any description, solicit or collect donations, or conduct any other commercial activity under the right-of-entry permit. Additionally, Applicant was solely responsible for sourcing utilities for its events at its sole cost and in compliance with all applicable laws.

Applicant also indicated amplified sound system would be needed during the event. Pursuant to §13-221-13 (b), Hawaii Administrative Rules, *"No person shall operate or use public address systems, whether fixed, portable, or vehicle mounted, on land, water, or roadways within the premises except when the use or operation is in connection with public gatherings or special events for which permits have been issued by the board or its authorized representative"*. The right-of-entry permit authorized the use of the amplified sound system.

Staff brings the request from the Applicant covering the period from June 8, 2025 to May 31, 2026 to today's agenda. Above-mentioned issues regarding the prohibition of commercial activity including but not limited to the selling of merchandise and solicitation of donations, use of amplified systems, and sourcing of utilities at the applicant's cost will be repeated in the forthcoming right-of-entry permit, if approved.

The Department did not receive any complaint from the public or other parties regarding the Applicant's utilization of State land covered by the previous right-of-entry, and the Applicant provided the required insurance to the division. Staff considers the Applicant to be in compliance regarding the terms and conditions of the previous right-of-entry permit.

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.

Staff recommends the issuance of the requested right-of-entry permit.

RECOMMENDATION: That the Chairperson:

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 as a de minimis action.
2. Authorize the issuance of a right-of-entry permit to Waikiki Beach Chaplaincy, Inc. covering the subject area as described above and under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Terms and conditions required by the Division of Boating and Ocean Recreation; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:

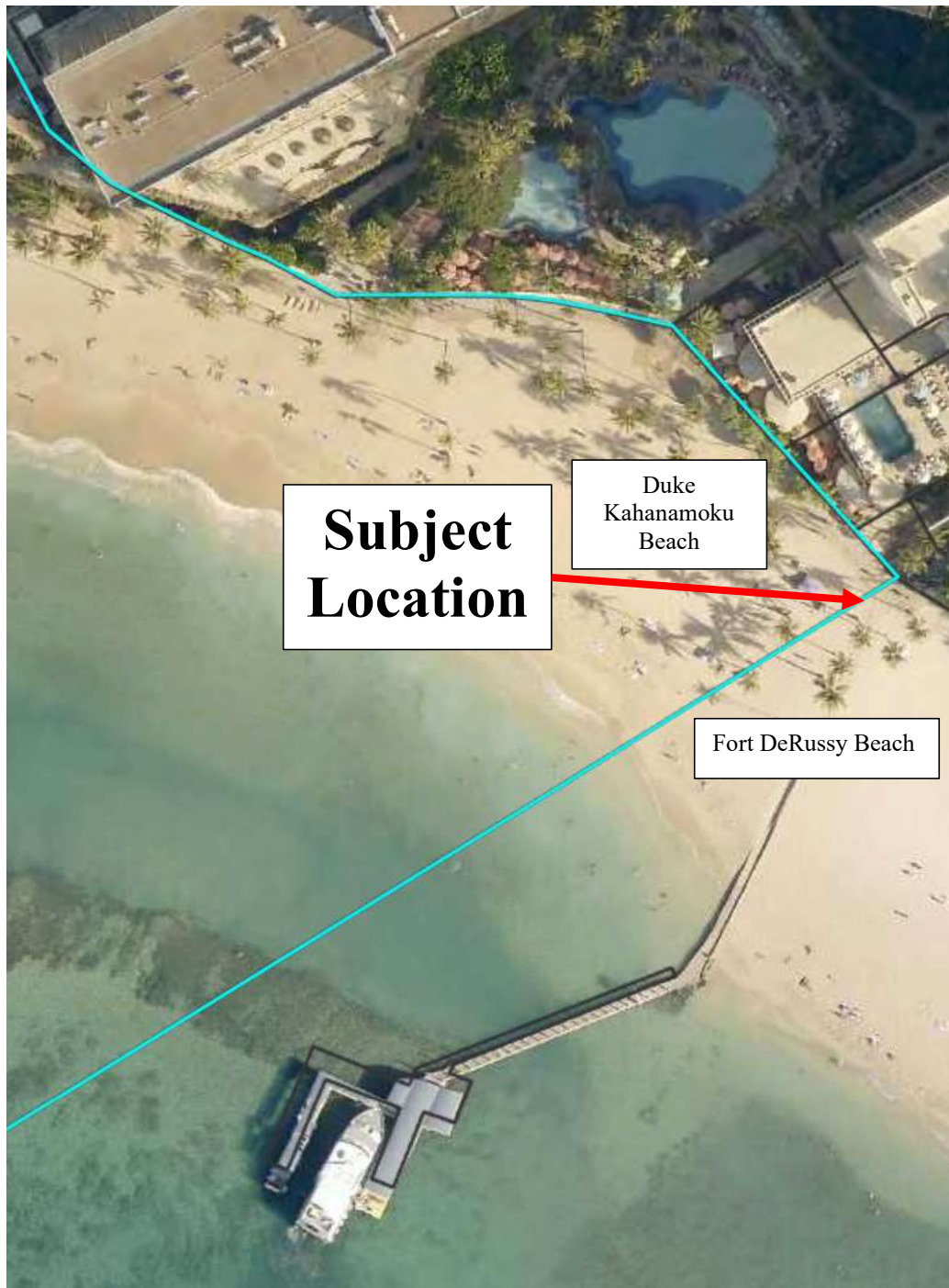


Dawn N. S. Chang, Chairperson



TMK (1) 2-3-037: portions of 021 and Fort DeRussy Beach

Exhibit A1



**TMK (1) 2-3-037: portions of 021 and Fort
DeRussy Beach**

Exhibit A2