

D-6

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

August 10, 2012

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

PSF No. 12OD-113

Oahu

Issuance of a Right-of-Entry Permit to Waikiki Roughwater Swim Committee, Inc. for a Swim Race Event to be held on September 3, 2012, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-37:por. 21

APPLICANT:

Waikiki Roughwater Swim Committee, Inc.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037: portion of 021, as shown on the attached Exhibit 1.

AREA

1,700 square feet, more or less

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:

Swim Race Event

TERM:

From 6 a.m. to 6 p.m. on September 3, 2012

RENTAL:

\$170.00 (A one-time payment based on 10¢ per square feet per day.)

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation.", as explained in Exhibit 2.

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:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for beach activities in the past.

Waikiki Roughwater Swim Committee, Inc. (WRSC) is requesting permission to use the Duke Kahanamoku Beach for the finish of the 43rd Annual Waikiki Roughwater Swim race event. The event is scheduled for Monday, September 3, 2012, from 6 a.m. to 6 p.m., including the set-up and tear-down times on the beach. Included within Exhibit 3, is a map furnished by the applicant describing the requested beach areas for use by the swim race event. A race finish line fronting the beach area of the Hilton Hawaiian Village Hotel will consist of 1,100 square feet, including a timing and announcer's table. WRSC requests the use of 200 additional square feet of beach area situated adjacent to the finish line for the set up of two tents, serving medical doctor and first aid purposes. For T-shirt distribution purposes, the applicant requests the use of another 200 square feet of beach area for the placement of a tent. Further, 200 square feet more of tented area is being requested for the use of picking-up articles of clothing. The proposed right-of-entry permit would include the use of a total of 1,700 square feet of beach area.

The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues 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. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

After discussion about different types of commercial activities and any associated requirements, staff

brings the request to the Board for disposition. The form of disposition could be in form of a 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 has no objections to 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, 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 Waikiki Roughwater Swim Committee, Inc. for the purpose of covering the subject area for the swim race event under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time; and
- b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Timmy Chee
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson



EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit for the Waikiki Roughwater Swim Committee, Inc

Project / Reference No.: PSF 12OD-113

Project Location: Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of: 021.

Project Description: Swim Race Event

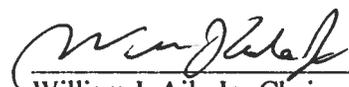
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues 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. As such staff believes that the proposed event would involve negligible or no expansion or change in use beyond that previously existing.

Consulted Parties Not Applicable

Recommendation: It is recommended that the Land Board find this project to have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila Jr., Chairperson

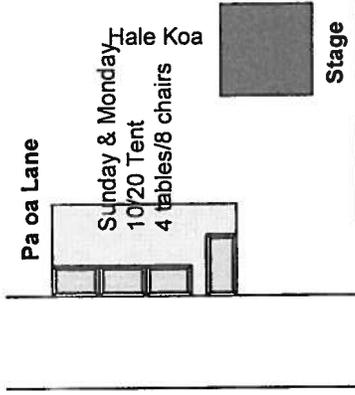
7/26/12

Date

EXHIBIT 2

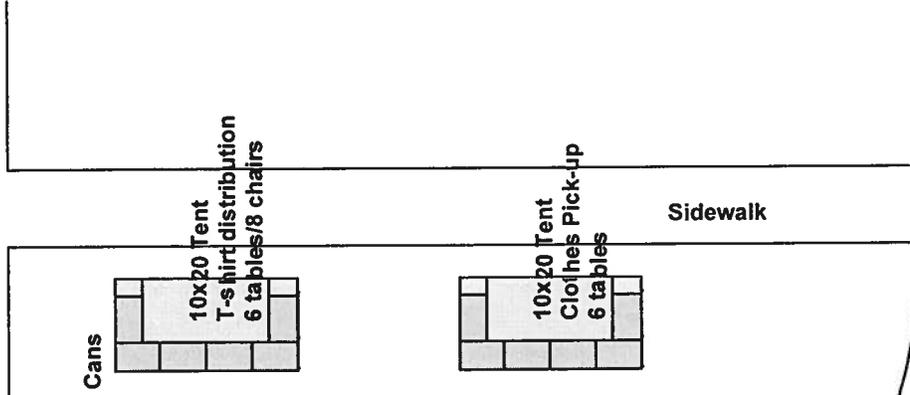
Waikiki Rough Water Swim

Finish Line/Beach set-up



Hilton Hawaiian Village

Sidewalk



- Beach Usage**
- 1 - 10 x 20 tent = 200 sq ft
 - 2 - 10x10 tents = 200 sq ft
 - 1 - 10x20 Tent = 200 sq ft
- Finish Line area = 1100 sq ft
Total Usage = 1700 sq ft

All remaining beach area is completely open to the public

