

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii

October 24, 2014

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

HAWAII

Issuance of Right-of-Entry Permit to Ultraman World Championships LLC, For an Athletic Swim Event Located on the Kailua-Kona Pier Facility, Lanihau, North Kona, Hawaii, Tax Map Key: (3)7-5-006:039.

APPLICANT:

Ultraman World Championships LLC, a domestic limited liability company, whose business and mailing address is 78-170 Haawina Street, Kailua-Kona, HI 96740.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, and HAR 13-234 as amended.

LOCATION AND AREA:

Location: Portion of Government lands of Kailua-Kona Pier situated at Lanihau, North Kona, Hawaii, identified by Tax Map Key: 7-5-006:039, as shown on the attached map labeled Exhibit A.

Area: 400 sq. ft. or .009 acres, more or less.

TRUST LAND STATUS:

Section 5(B) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES __ NO X

CURRENT USE STATUS:

Presently used as an active wharf for mooring, parking, fueling, trailer parking, commercial activity, restrooms, boat ramp, loading/unloading passengers, cruise ship port of call and various marine related sporting events and activities.

CHARACTER OF USE:

Right-of-entry for purposes of coordinating, staging contestants, and equipment, on portions of State land to be used as the starting point for the swim portion of the Ultraman World Championship race.

TERM OF RIGHT-OF-ENTRY:

Set up for Stage One of the race at Kailua Pier site shall commence at 4:00 am on Friday, November 28, 2014 and clean up to complete on the same day no later than 12:00 pm.

CONSIDERATION:

Rental requiring exclusive use of a portion the Kailua-Kona pier:
400 sq. ft. x .25 = \$100.00 x .5 (less than one month, One time payment) = \$50.00

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Comprehensive Exemption List for the Division of Boating and Ocean Recreation, Department of Land and Natural Resources, State of Hawaii, as concurred in by the Environmental Council, State of Hawaii", dated March, 1995, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states in pertinent part, "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." The subject support areas will have negligible or no expansion or change of use beyond that previously existing and exempt from the preparation of an Environmental Assessment.

REMARKS:

The Ultraman World Championship ("Ultraman") is a three-day event, 320 mile ultra-endurance race which takes place on the Island of Hawaii. Entry is by invitation only and limited to 40 athletes coming from all points of the world. The Kailua-Kona Pier is an integral and important component with this event, as it is used as the Ultraman World Championship's starting point for Stage One of three events. Stage One is a 6.2 mile swim from Kailua Pier to Keauhou Bay, followed by a 90-mile bike ride around South Point, Ka lae, to Volcanoes National Park. Stage Two is a bike ride along the Hamakua Coast through Waimea and over the Kohala Mountains to Kapa'au in North Kohala and Stage III is a 52.4-mile double-marathon run from Hawi, North Kohala, through Kawaihae to finish at the beach of the Old Airport in Kailua Kona. Each stage must be completed in 12 hours or less. The swim portion should be completed in 5-1/2 hours or

less. The event requires that the athletes to complete each stage within 12 hours or be disqualified.

Race coordinators shall stage and organize the 40 athletes at the foot of the pier, then enter the swim course in the immediate area. Each individual athlete swimmer is required to be escorted by a kayak with paddler. Ultraman coordinators shall work closely with the Boating Staff and Harbor Master throughout the event.

APPLICANT REQUIREMENTS:

The Applicant shall be required to:

1. Work closely with DLNR/DOBOR staff throughout the entire event.
2. Shall at all times with respect to the premises use due care for public safety and shall defend, hold harmless, and indemnify the State of Hawaii, its officers, employees, agents, and representatives.
3. The event will have at minimum insurance covering personal injury/property liability for \$1,000,000 for each occurrence, and \$2,000,000 aggregate coverage, naming State of Hawaii as an additional insured. Proof of the insurance shall be provided to the Harbor Master prior to the event for approval by the State.
4. Must apply for a Marine Ocean Event Permit, and complete process prior to event, with concurrence of the U.S. Coast Guard.
5. Any necessary temporary mooring and marker buoys must be approved and coordinated with DLNR/DOBOR Harbor Master.
6. The applicant shall be responsible for returning the property in clean condition and responsible for any garbage collection at the event site during the event. The State's Harbor Master shall inspect the property before and after the event.

RECOMMENDATION:

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. That the Board, subject to the Applicant fulfilling the Applicant Requirements above, authorize the issuance of a right-of-entry permit to Ultraman World Championships, LLC, for an athletic swim event covering the subject area 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 right-of-entry permit form, as may be amended from time to time;

- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

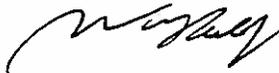
Respectfully Submitted,



Edward R. Underwood
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

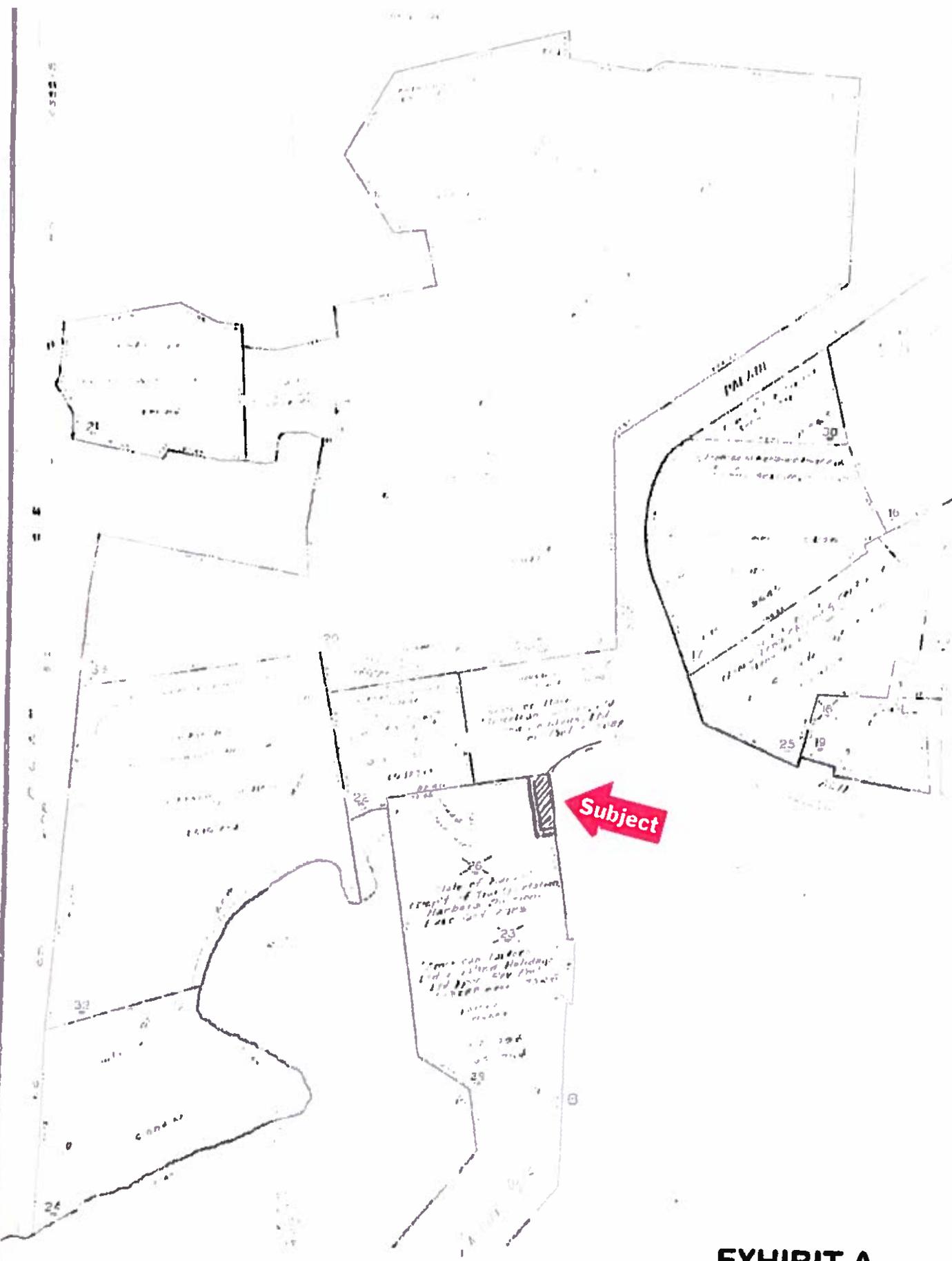


EXHIBIT A