

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813

May 8, 2015

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

Issuance of Revocable Permit to Honolulu Transpac, Ltd. for Support Areas and Mooring Sites for the 2015 California to Hawaii Yacht Race Finishing at the Ala Wai Small Boat Harbor, Tax Map Key (1)2-3-037:012 (por)

APPLICANT:

Honolulu Transpac, Ltd. (“**HT**”), a Hawaii non-profit corporation who’s mailing address is Honolulu Transpac, Ltd., c/o Mr. Bo Wheeler, 694 Old Mokapu Road, Kailua, Hawaii 96734

LEGAL REFERENCE:

Sections 171-13 and 171-55, Hawaii Revised Statutes.

LOCATION:

Portion of government land at Ala Wai Small Boat Harbor (“**AWSBH**”), situated at Honolulu, Island of Oahu, identified by the Tax Map Key, as shown on the attached map labeled Exhibit “A”. Mooring shall be along the 500 row, and overflow mooring shall be within a portion of the Turning Basin as determined by the DLNR Division of Boating and Ocean Recreation (“**DOBOR**”) and shown on Exhibit “A”. The race support facilities shall be within the area as shown on Exhibit “A”, which is approximately 3,193 square feet (“**Grass Area**”).

TRUST LAND STATUS:

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

CHARACTER OF USE:

For race support areas/facilities and mooring of vessels for the 2015 Transpac Honolulu Race, a biannual yacht race from California to Hawaii.

COMMENCEMENT DATE:

The commencement date (“**Commencement Date**”) shall be determined by the Chairperson. The event is tentatively scheduled to run for fourteen (14) days from July 13, 2015 to July 27, 2015. These dates are subject to change due to weather or other conditions not within HT’s control. HT will coordinate the actual Commencement Date with DOBOR.

RENTAL AND SECURITY DEPOSIT:

1. Rent for the Grass Area shall be \$399.13 for the entire event.
2. Fees for mooring use of the 500 row shall be based on a rate of \$17.58 per slip per day. The number of slips shall be based on availability and shall be determined by DOBOR and provided to HT prior to the Commencement Date.
3. Fees for any overflow mooring shall be determined pursuant to Exhibit “B”, Section (3).

Honolulu Transpac, Ltd. is an existing tenant under an existing revocable permit, and as such, the security deposit is waived.

DCCA VERIFICATION:

Place of business registration confirmed:	Yes
Registered business name confirmed:	Yes
Applicant in good standing confirmed:	Yes

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 pertinent part, “Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond previously existing and exempt from the preparation of an Environmental Assessment.

REMARKS:

HT conducts a biannual yacht race from California to Hawaii and has traditionally used certain areas and mooring slips within the AWSBH for its race facilities and vessels. HT is again requesting the use of a portion of the AWSBH for its 2015 race.

HT's use of portions of the AWSBH is tentatively scheduled to be July 13, 2015 to July 27, 2015, but those dates may change if weather conditions affect the start and completion dates of the race.

Race vessels will be allowed to moor at available slips along the 500 row, which slips shall be determined by DOBOR as the race date nears. Overflow mooring may also be allowed within a portion of the Turning Basin, as determined by DOBOR.

HT will also use portions of the Grass Area near the Transpac Building, at the beginning of Mole A, between the 400 and 500 rows. This parcel is ideally suited to serve as a reception area for supporters to greet the race finishers. The approximately 3,193-square foot site will be roped off.

HT and the registered race vessels shall be permitted to hook up to existing water spigots located along the 500 row. HT shall also be permitted to connect to the existing electrical box within the Grass Area to provide electrical power for the race support facilities located within the Grass Area. HT shall coordinate the anticipated uses of the revocable permit areas with the AWSBH Harbormaster or such other persons designated by DOBOR, during the month prior to the Commencement Date. During this period, DOBOR will provide the number of slips to be made available for use during the event.

The revocable permit shall also be subject to the following terms and conditions:

1. HT shall maintain insurance covering personal injury/property liability for \$1,000,000.00 for each occurrence, and \$2,000,000.00 aggregate coverage, naming DOBOR and the State of Hawaii as an additional insured. Proof of insurance shall be provided to the AWSBH Harbormaster prior to the Commencement Date.
2. The sale and consumption of alcoholic beverages is prohibited within the revocable permit area and within the AWSBH (except within retail establishments with a valid liquor license). Notwithstanding the foregoing, consumption of alcoholic beverages shall be permitted within the portion of the Grass Area approved by DOBOR and identified by a roped off area, and only while greeting race contestants as they arrive.
3. Two point mooring in the Turning Basin shall be required at all times.
4. HT shall require all boat owners, captains, and crew to sign a waiver form provided by DOBOR. HT shall obtain all executed waiver forms prior to Commencement Date and retain the executed waiver forms. Upon DOBOR's request, HT shall submit any or all the waiver forms to DOBOR.
5. DOBOR may, in its sole discretion, require HT to remove, relocate, reconfigure, or alter any mooring or facility within the revocable permit areas.

6. Any race vessels wishing to continue to moor within the harbor after expiration of the revocable permit must obtain a separate mooring permit from DOBOR.

RECOMMENDATION:

That the Board approve the issuance of a revocable permit to Honolulu Transpac, Ltd., subject to the terms and conditions stated above and the following conditions.

1. The standard terms and conditions of the most current revocable permit form approved by the Department of the Attorney General;
2. Review and approval by the Department of the Attorney General; and
3. 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

APPROVED FOR SUBMITTAL:



Carty S. Chang, Interim Chairperson

Attachments: Exhibit "A" - Map of the Revocable Permit Areas
Exhibit "B" - Calculation Method for Rent



EXHIBIT "A"

1. The number of 500 row slips available is undetermined at this time. Total cost for slips shall be determined by multiplying the number of slips by \$17.58 per slips per day.
2. Grass Area on Mole A is for staging and reception:

In calculating the Grass Area, Hawaii Administrative Rule 13-234-12 was used; 3,193 square feet x .25 per square foot=\$798.25 and divided by half for half a month =\$399.13.
3. Total fee shall be \$399.13 for the use of the Grass Area of Mole A, plus the cost of the total number of slips used as calculated in the method as provided above.