

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

July 26, 2013

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

PSF No. 13OD-122

Oahu

Issuance of Right-of-Entry Permit to Hilton Hawaiian Village, LLC for Open Air Movie Showing Purposes to be held on Wednesday and Saturday in August 2013 at Duke Kahanamoku Beach, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:portion of 021

APPLICANT:

Hilton Hawaiian Village, LLC, a domestic corporation

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Duke Kahanamoku Beach, Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037:portion of 021, as shown on the attached **Exhibit A**.

AREA & DATES OF USE

Lagoon Island:	1,800 square feet
<u>Zone 3:</u>	<u>100 square feet</u>
Total:	1,900 square feet

ZONING:

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

CURRENT USE STATUS:

Requested area is vacant and unencumbered

CHARACTER OF USE:

Open air movie showing purposes.

TERM:

Every Wednesday and Saturday in August 2013, from 12:00 noon to 11:00 p.m daily. A total of 9 event days.

RENTAL:

\$190 per event 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 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:

Hilton Hawaiian Village, LLC (HHV) is requesting a right-of-entry permit for open air movie showing purposes on every Wednesday and Saturday night through August 2013. The proposed event will provide a free and safe outdoor family experience. HHV, at its own cost,

will set up an inflatable movie screen on the island in the Duke Lagoon. Projector and audio setup will be placed on the portion of the beach area at the mauka end of the lagoon. No admission will be charged and no alcoholic beverages will be served on the beach. Request from HHV is attached as **Exhibit C**.

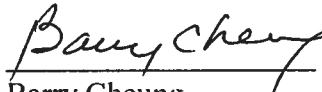
HHV also requests the rental, which is normally charged at 10 cents per square foot per day, be waived in view of this community project and because HHV will not receive any monetary return from the event, in addition to bearing all the costs and logistics for the showings. Staff does not support the waiver request because such waiver will be in contradiction to the Board's policy of requesting rental for other commercial uses.

HHV 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. No comments were requested from government or community agencies. Staff has no objections to the subject request, including the requested fee waiver.

RECOMMENDATION: That the Board

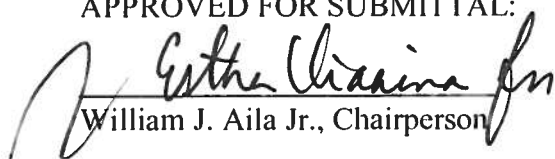
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hilton Hawaiian Village, LLC for the open air movie shows purpose covering the subject area for 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; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

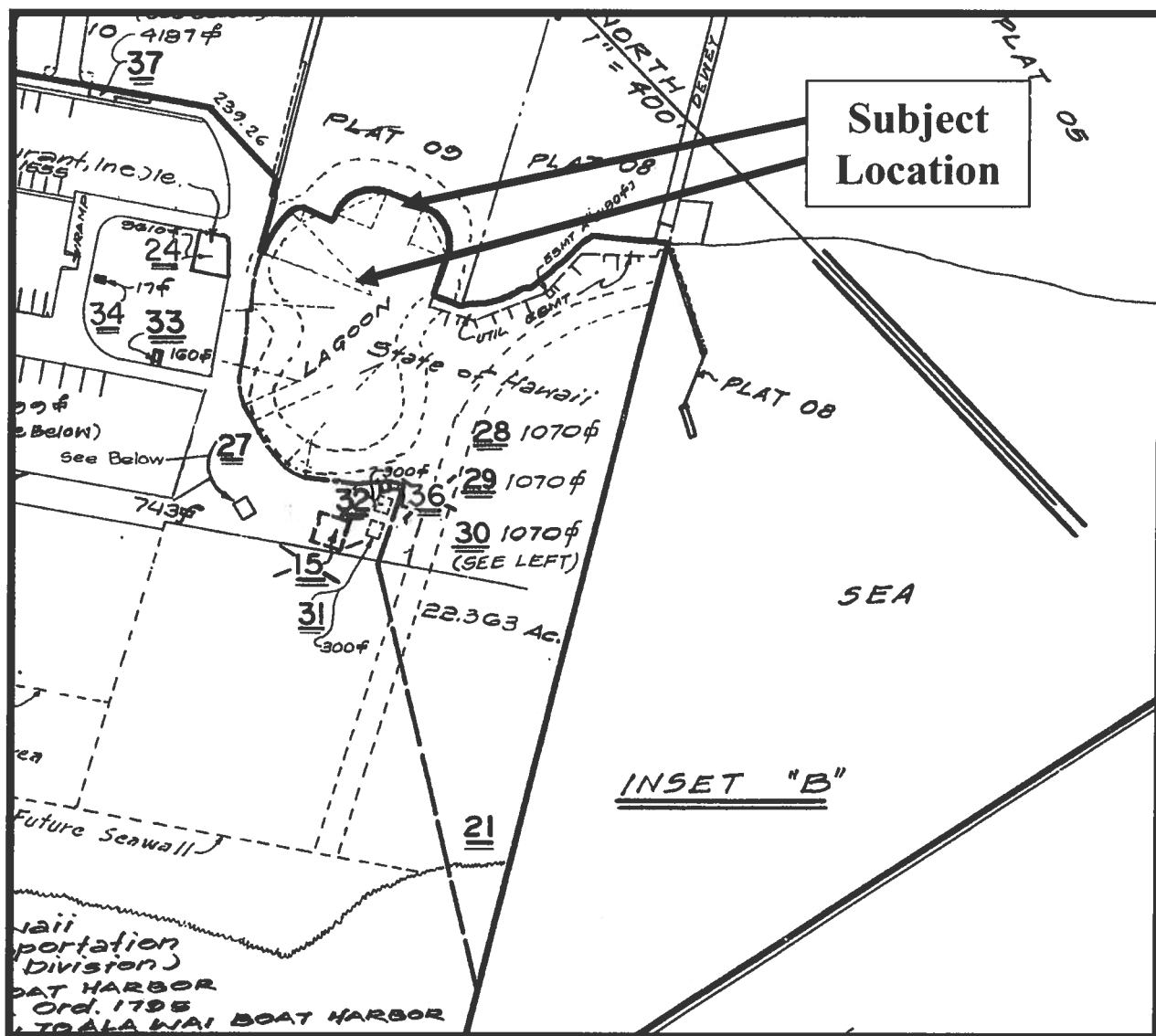


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila Jr., Chairperson



TMK (1) 2-3-037:PORTION OF 21

EXHIBIT A

EXEMPTION NOTIFICATION

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

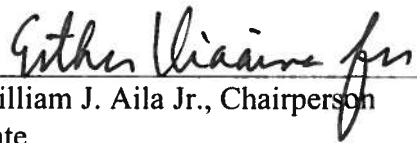
Project Title: Issuance of Right-of-Entry Permit to Hilton Hawaiian Village, LLC
Project / Reference No.: PSF 13OD-122
Project Location: Waikiki, Honolulu, Oahu, Tax Map Key (1) 2-3-037:portions of: 021
Project Description: Open Air Movie Shows
Chap. 343 Trigger(s): Use of State Land

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."

The Board 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: That the Board find 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.



William J. Aila Jr., Chairperson
Date

EXHIBIT B



July 9, 2013

Aloha Mr. Cheung:

Hilton Hawaiian Village Waikiki Beach Resort, hereby requests a Non-Exclusive Right of Entry for the Duke Kahanamoku Lagoon Island and the portion of Duke Kahanamoku Lagoon Beach shown highlighted in yellow on the attached site map as Zone 3. These two areas are located just makai of the Hilton Hawaiian Village Waikiki Great Lawn where all of the general public will be seated. The purpose is to provide a free family open-air beach movie experience for the general public and our visitors, called "Hilton Hawaiian Village Dive-In Movies". The films to be shown will be G or PG rated and will begin at 7:30 pm every Wednesday and Saturday evening through August. This family event will be similar to the very popular "Sunset on the Beach" film experience that is conducted on the C&C of Honolulu managed portion of Kuhio Beach at the East end of Waikiki. "Dive-In Movies" will be conducted at the West end of Waikiki thus broadening this free family experience to all of Waikiki.

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STATE OF HAWAII

The enclosed site plan shows the location of the inflatable Movie Screen that will be mounted on Duke Lagoon Island. Because it is inflatable there are no structural improvements necessary and the risk of damage to Duke Kahanamoku Lagoon and to the attendees is extremely remote. The details of our request for a Non-Exclusive Right of Entry as above captioned are set forth herein. Also shown below are the days requested for use.

The sound system will be on the beach and directed into the Great Lawn and this should contain the sound within the hotel property. A projector platform will be on the beach and projecting onto the screen located on the island.

There will not be any commercial activities or alcoholic beverages on Right of Entry area.

The site plan is attached showing the Duke Kahanamoku Island, which is 1,800 sq. ft.. In size, and Duke Kahanamoku Lagoon Beach is ~~6,000~~ sq. ft. in size.

Applicant change:
to 100 sq. ft.
(see map)

The use of the requested area will began at 12:00 pm to set up the screen and the event will start at 7:00 with the films showing at 7:30 pm. The take down and cleaning of the

EXHIBIT "c"





area will be completed by 11:00 pm.

Hilton is the applicant and will be providing the DVD films, AVT Hilton's in house audio visual company will erect the screen and projection equipment. Hilton will not receive any income from this event, as it is free to the public. Waikiki will receive major benefits, as this event will provide a free and safe outdoor family experience and the opportunity to enjoy Hawaii's natural beauty and its beautiful beach in this outdoor setting.

Because of the enormous contribution this event will make to the Hawaii's tourism promotion and because it is a non-revenue event for Hilton we are asking that DLNR-Land waive its normal fee.

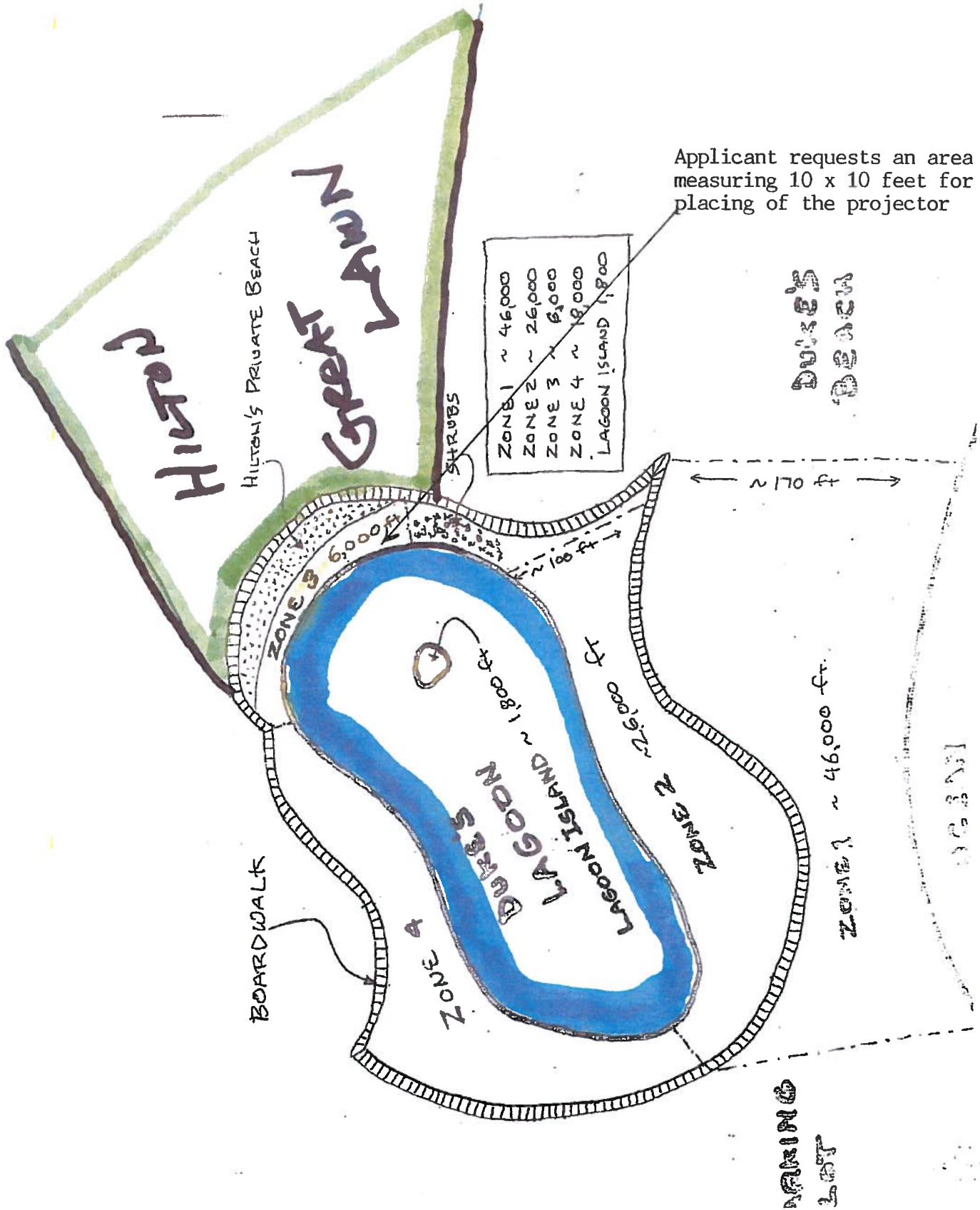
Hilton Hawaiian Village and AVT will provide the required liability insurance for the event. Hilton will oversee the event.

Warmest Aloha,


Donna Lynn Nakai
Director of Events & Catering
Hilton Hawaiian Village Waikiki Beach Resort



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Tel: +1 808 949 4321
Reservations: www.hilton.com or 1-800-HILTONS



ZONE 1	~ 46,000
ZONE 2	~ 26,000
ZONE 3	~ 6,000
ZONE 4	~ 18,000
LAGOON ISLAND	~ 1,800

Applicant requests an area measuring 10 x 10 feet for placing of the projector

~ 101 ft

~ 46,000 ft

LAGOON ISLAND