

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

April 11, 2014

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

PSF No.: 14OD-060

Oahu

After-the-Fact Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. for Beach Activities Purposes on April 6, 2014, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:Portion of 021.

APPLICANT:

Waikiki Beach Activities, Ltd.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

3,000 square feet, more or less.

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:

Beach activities purposes

TERM:

From 8:00 a.m. to 6:00 p.m. on April 6, 2014

RENTAL:

\$550.00 (one time payment)

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4), 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.". See **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:

Waikiki Beach Activities, Ltd. is requesting a right-of-entry permit over a portion of the Duke Kahanamoku Lagoon as depicted on Exhibit A2 for beach activities purposes to be held on April 6, 2014. There will not be any amplified sound or music used, but beach chairs, volleyball court, and other beach equipment will be placed within the subject location. One 10 x 10 feet tent will be placed on the beach to provide shade.

Written request was submitted by the applicant and received by the Department on March 13, 2014, i.e. request was submitted in the fourth week prior to the event date. Pursuant to the policy adopted by the Board of June 14, 2013, Item D-11, staff recommends the Board impose a surcharge of \$250 for this belated request.

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. No comments were solicited from government or community agencies. Staff does not have any objection to the request.

There are no other pertinent issues or concerns, and staff does not have any objection to the request.

RECOMMENDATION: That the Board:

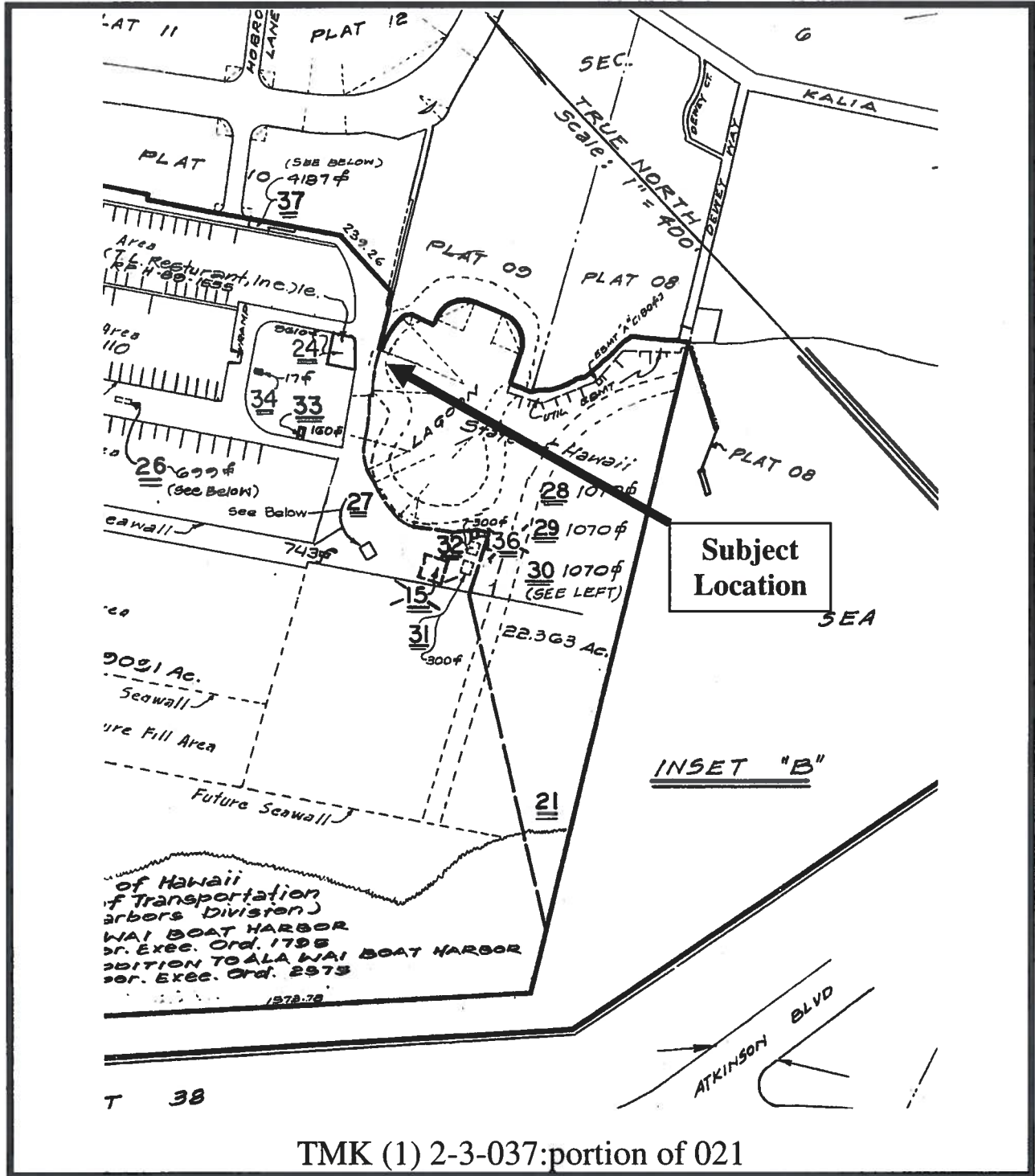
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of an after-the-fact right-of-entry permit to Waikiki Beach Activities, Ltd. covering the subject area for beach activities purposes 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. 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

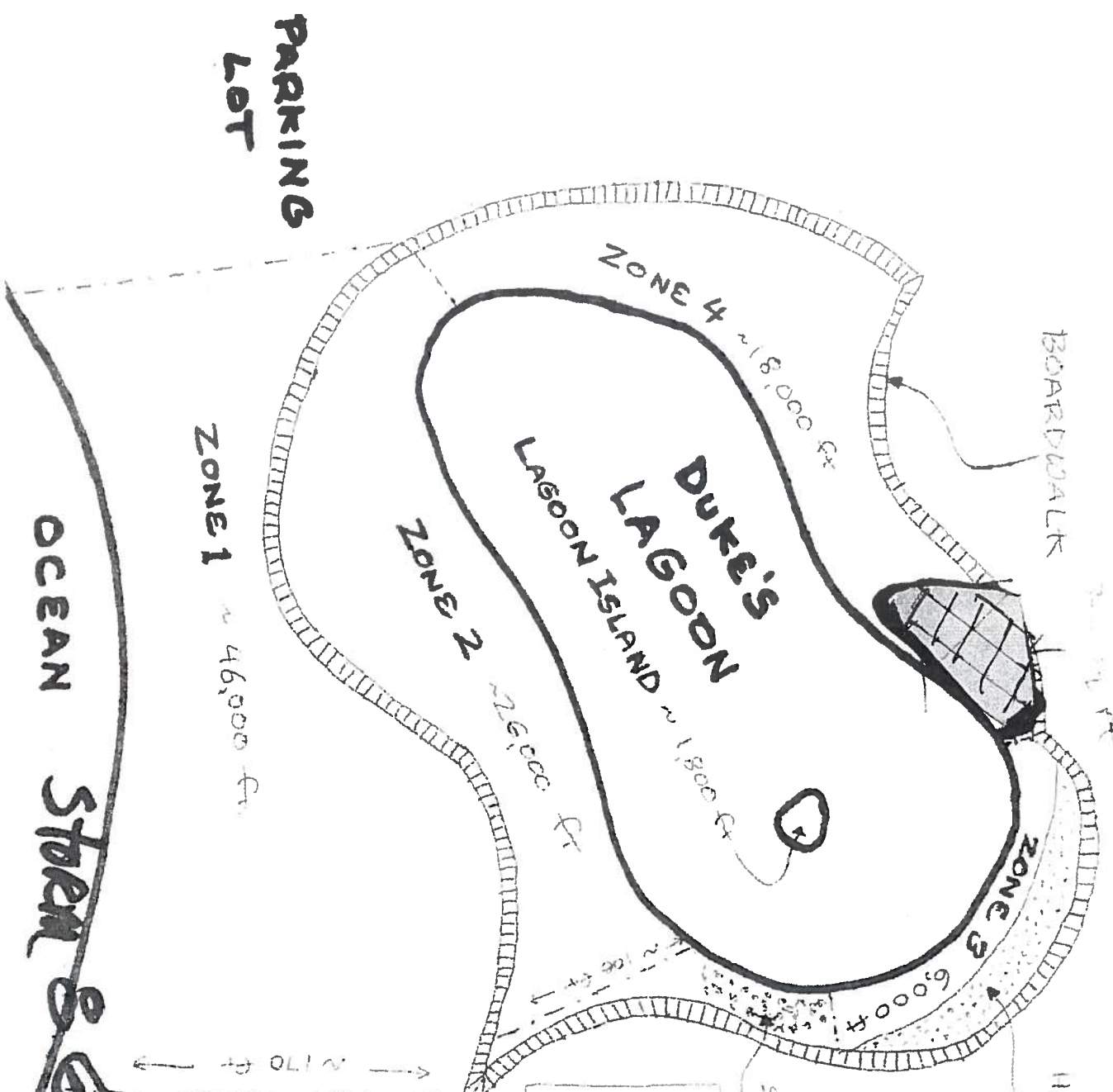
APPROVED FOR SUBMITTAL:


William J. Aila Jr., Chairperson



TMK (1) 2-3-037:portion of 021

EXHIBIT A1



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

EXHIBIT "A2"

EXEMPTION NOTIFICATION

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

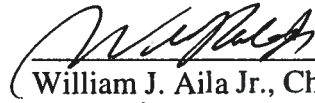
Project Title: Beach Activities Purposes on Duke Kahanamoku Beach
Project / Reference No.: PSF 14OD-059
Project Location: Waikiki, Honolulu, Oahu, TMK (1) 2-3-037:portion of 021.
Project Description: Beach activities purposes
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), 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 of the subject area beyond that previously existing.

Consulted Parties: Not applicable

Recommendation: It is recommended that the Board find that 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 3/25/14

EXHIBIT B