

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

OAHU

Request Approval to Issue Revocable Permits, to the Seven Commercial Catamaran Operators Permitted to Embark and Disembark Passengers on Waikiki Beach, for the Purpose of Placing Permanent Anchors in the Beach in Order to Secure the Vessel

**REMARKS:**

At the April 25, 2014 meeting of the Board of Land and Natural Resources (Board), the Board approved the amendments to the Hawaii Administrative Rules (HAR) as they pertain to commercial activities occurring in the Division of Boating and Ocean Recreation (DOBOR) facilities as well as the navigable waters of the state. During the rule making process, DOBOR worked closely with the Waikiki commercial catamaran operators and their attorneys to address their concerns regarding the proposed commercial fees and safety concerns regarding the catamaran operations. The catamaran operators stated that they needed the ability to secure the catamarans while they were on Waikiki beach so the vessel would not break free and endanger others using the area. DOBOR indicated that there could be no use of State lands without a proper land disposition according to Hawaii Revised Statutes (HRS) Chapter 171. An agreement was reached that:

1. Each operator would be issued a Revocable Permit (RP) for the purpose of installing an anchoring system on the beach. The fee for the RP would be included in the commercial permit fee of \$200.00 per month or 3% of gross receipts, whichever is greater as provided in Sections 13-253-1 through 13-253-4 Hawaii Administrative Rules; and
2. Each operator would have a designated channel to be used for ingress and egress to Waikiki beach to ensure that each operator was able to access their designated operating area and reduce congestion in the channels.

Additionally, DOBOR conducted a site visit with several catamaran operators to identify each operating area by GPS and they are shown on Exhibit A.

Ongoing consultation between DOBOR and the Waikiki commercial catamaran operators, as well as comment from the rule making process led to the promulgation of DOBOR regulations regarding the mooring of catamarans in Waikiki as follows:

HAR §13-251-53 Waikiki catamarans; mooring of. Each catamaran operator holding a commercial use permit or registration certificate authorizing operation in Waikiki nearshore waters or on Waikiki beach shall maintain their beach moorings in the position and condition that they have established and maintained since January 1, 2013, provided:

(a) Approval is obtained from the board of land and natural resources regarding the type and location of the mooring to be installed on Waikiki beach or ocean waters for the purpose of securing the catamaran while conducting business. No additional fee shall be charged for said moorings beyond the amounts set forth in section 13-253-1.1;

(b) Operators shall assume all responsibility and liability for their moorings and operations, indemnify and defend the State, and carry general liability insurance in accordance with section 13-231-65;

(c) Operators shall obtain all applicable permits required to install moorings on Waikiki beach or ocean waters;

(d) Operators shall lower the catamarans' sails to prevent obstructing the view from lifeguard stations upon the request of a Honolulu city and county lifeguard;

(e) Operators may apply to the department for temporary variance to its assigned mooring, as described in the attendant revocable permit, to accommodate governmental, natural or environmental conditions that make the regularly assigned moorings inaccessible or a danger to any of the catamarans operating in Waikiki. Such variance shall terminate upon the resolution of said dangerous condition. Such variance shall not encroach upon or adversely affect the operations of the other catamarans without the express written consent of the affected catamarans;

(f) Catamaran ingress and egress through the transit channel referred to as "Canoes" channel shall be limited to the four Waikiki catamaran registration holders presently moored and operating closest to the "Canoes" channel as more specifically described in the Waikiki beach mooring revocable permit;

(g) Catamaran ingress and egress through the transit channel referred to as "Sheraton" channel shall be limited to the three Waikiki catamaran registration holders presently moored and operating closest to the "Sheraton" channel as more specifically described in the Waikiki beach mooring revocable permit; and

(h) Any violation of this section shall be cause for fines, suspensions, or where repeated violations of this section are found, revocation of the registration certificate or commercial use permit of the catamaran owner. [Eff and comp ] (Auth: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24) (Imp: HRS §§200-2, 200-4, 200-9, 200-10, 200-22, 200-24)

#### CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Boating and Ocean Recreation Environmental Impact

Statement Exemption List", approved by the Environmental Council and dated March 22, 1995, the subject request qualifies under exempt Class of Action No. 1 - "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion of or change of use beyond that previously existing."

RECOMMENDATION:

That the Board:

- A. Approve the issuance of Revocable permits to the existing, permitted, Waikiki commercial catamaran operators for the purpose of installing anchoring systems on Waikiki Beach under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  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.
  
- B. Declare that after considering the potential effects of the proposed disposition, as provided by HRS Chapter 343 and HAR Chapter 11-200, this project will have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

Respectfully Submitted,



Edward R. Underwood  
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.  
Chairperson

## Waikiki Catamaran Loading Locations (Approximates)

<u>Company Name</u>	<u>GPS Coordinates</u>
Waikiki Cruises, LLC.	N 21°16.659' W 157°49.996'
Welakahao Catamaran, Inc., dba Waikiki Rigger Catamaran	N 21°16.651' W 157°49.969'
King Parsons Enterprises	N 21°16.626' W 157°49.877'
Waikiki Cruises/Welakahao/King Parsons Alt. Location	N 21°16.636' W 157°49.899'
Kepoikai, Ltd.	N 21°16.587' W 157°49.692'
Island Beach Activities, Inc.	N 21°16.586' W 157°49.675'
Anela Kai Catamaran, Inc.	N 21°16.583' W 157°49.651'
Woodbridge, Inc.	N 21°16.520' W 157°49.538'
Woodbridge, Inc. Alt. Location	N 21°16.542' W 157°49.577'

**Exhibit A**