

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

November 14, 2014

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

HAWAII

Issuance of Right-of-Entry Permit to Carl Koomoa dba Team Mango Races, For a One-Day Sports Training Event Located on the Kailua-Kona Pier Facility, Lanihau, North Kona, Hawaii, Tax Map Key: (3)7-5-006:039.

APPLICANT:

Carl Koomoa dba Team Mango Races, whose business and mailing address is P.O. Box 757, Holualoa, HI 96725

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kailua-Kona Pier situated at Lanihau, North Kona, Hawaii, identified by Tax Map Key: (3)7-5-006:039, as shown on the attached map labeled Exhibit A.

AREA:

1,785 sq. ft., 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

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 FOR RIGHT-OF-ENTRY:

For conducting a one day sports training event. The area requested will be used as for staging, storage of gear, shoes and shaded area for spectators/supporters during the event.

TERM OF RIGHT-OF-ENTRY:

The event is set to run for one day only on November 27, 2014 from 6:00 AM to 12:00 PM.

CONSIDERATION:

Rental for days requiring exclusive use of a portion of the pier
 $1,785 \text{ sq. ft.} \times .25 = \$446.25 \times .5 = \text{Onetime payment of } \223.13

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:

Team Mango Races, the event coordinator, shall be conducting a sports training event at Kailua Pier on Thanksgiving Day. Only a portion of the pier shall be used for exclusive use. The requested site will be used will be for staging, storage of gear, shoes and the shaded area under the existing tent for spectators/supporters during the event. It is anticipated there will be about 50 spectators and 100 contestants. This sports training event is a (1) day event beginning on November 27, 2014 to commence with set up to start at 6:00 AM, the actual event at 07:00 AM and concluding by noon, 12:00 PM. The public will continue to have access to all areas of the pier surrounding the subject area as normally allowed and then be able to access the closed portion of the ROE, shortly afterward.

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 US 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 any utility charges, cleaning of the restroom and any garbage collection during the event.

RECOMMENDATION:

- A. 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.
- B. That the Board, subject to the Applicant fulfilling the Applicant Requirements above authorize the issuance of a right-of-entry permit to Carl Koomoa dba Team Mango Races for sports training 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:
 1. The standard terms and conditions of the most current right-of-entry 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.

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Lanikai, North Kona, Hawaii, Tax Map Key: (3)7-5-006:039

November 14, 2014

Item J-2

Respectfully Submitted,



Edward R. Underwood
Administrator

Attachment: Exhibit A

APPROVED FOR SUBMITTAL:



William J. Aila, Jr.
Chairperson

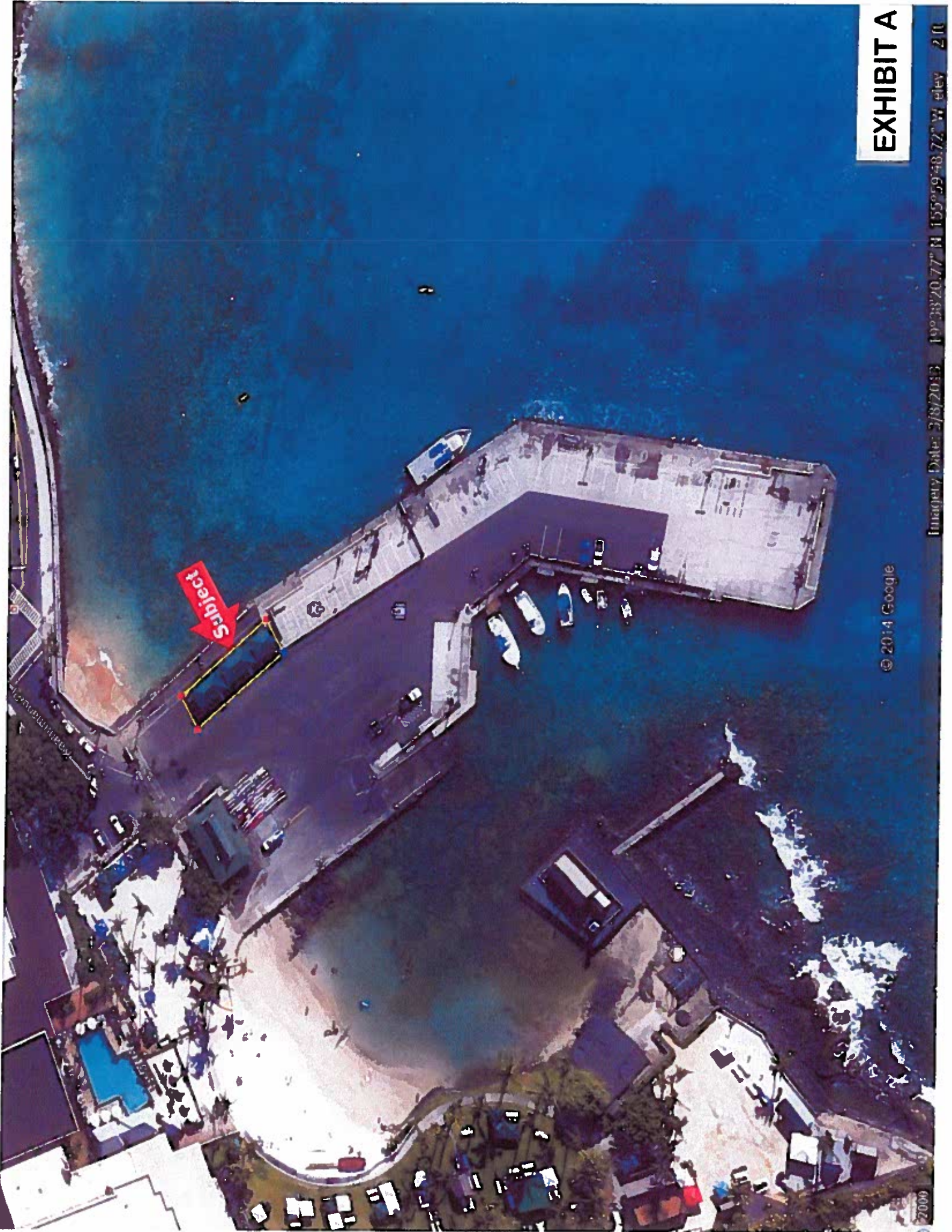


EXHIBIT A

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