

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

December 12, 2014

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

Ref: 14OD-157

OAHU

Amend Prior Board Action of September 26, 2014, Item D-13. Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. for Site Assessment for Future Zip-Line Operation Purposes from October 20 to 22, 2014; Waikiki, Honolulu, Oahu; TMK (1) 2-3-037:Portion of 021

The Amendment is Regarding the Change of the Event Dates from October 20 to 22, 2014 to December 13 to 15, 2014.

BACKGROUND:

At its meeting of September 26, 2014, under agenda item D-13, the Board authorized the issuance of a right-of-entry permit to Waikiki Beach Activities, Ltd to conduct site assessment for a future zip-line operation at the subject location. The dates originally scheduled were October 20 to 22, 2014. A copy of the approved submittal is attached as **Exhibit 1**.

Due to the incoming Hurricane Ana anticipated to be closest to Oahu on October 19, 2014, the applicant decided to cancel the site assessment on the scheduled dates mentioned above.

Efforts have been made by the Applicant to conduct the site assessment in November 2014. However, the request for the revised dates did not come in time for the November 2014 Board meeting. Therefore, Applicant postponed the dates further to December 13 to 15, 2014, and requests the Board's approval for the change in dates.

REMARKS:

Applicant is aware of other users of the beach on the requested dates, and they will not interrupt the use by the general public on the beach during those dates. The Applicant has organized other beach activities pursuant to right-of-entry permits previously authorized by the Board, with no incident reported. In addition, staff understands that the

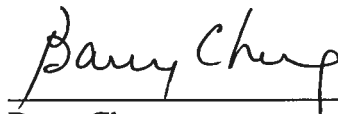
Applicant has been communicating with the local news media about the revised dates. Further, the Applicant is planning to hire a market survey firm to conduct surveys on the beach on those dates, and the project will be called "Coconut Drive".

Staff has no objection to the requested changes in the event dates.

RECOMMENDATION: That the Board:

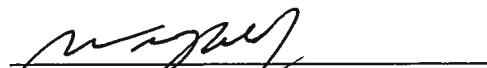
1. Amend its prior action of September 26, 2014, under agenda item D-13 by changing the event dates from October 20 to 22, 2014 to December 13 to 15, 2014.
2. All terms and conditions listed in its September 26, 2014 approval to remain the same.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

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

September 26, 2014

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

PSF No.: 14OD-157

Oahu

Issuance of Right-of-Entry Permit to Waikiki Beach Activities, Ltd. for Site Assessment for Future Zip-Line Operation Purposes from October 20 to 22, 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 A**.

AREA:

600 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.

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
September 26, 2014 *30.*

EXHIBIT " L "

D-13

CHARACTER OF USE:

Site assessment for future zip-line operation purposes.

TERM:

From October 20, 2014 (Monday) 10:00 a.m. to October 22, 2014 (Wednesday) at 10:00 p.m.

RENTAL:

\$180.00 (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	___
Registered business name confirmed:	YES	<u> X </u>	NO	___
Applicant in good standing confirmed:	YES	<u> X </u>	NO	___

REMARKS:

Waikiki Beach Activities, Ltd. is requesting a right-of-entry permit over a portion of the Duke Kahanamoku Beach to conduct an on-site study regarding the feasibility of a commercial zip-line operation in the future.

The zip-line is proposed to start from the rooftop of the parking structure located within the Hilton Hawaiian Village's property. The landing zone will be a stationary vehicle immediately adjacent to the existing public parking area. The landing zone and the zip-line are positioned at a height so as not to interfere with, or pose a hazard to pedestrians, or the general public utilizing the beach. The vehicle will leave the site at the conclusion of the daily operation.

To further assess the feasibility of the project, including issues about the visual impacts, best position/pathway, and other engineering aspects of the proposed operation, the Applicant intends to use a synthetic high-strength braided line to simulate the zip-line during the requested dates. Adequate personnel will be present on site to ensure safety and other crowd control aspects. A copy of the request and the drawing showing the layout of the operation are prepared as **Exhibits C1 and C2**.


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 a right-of-entry permit to Waikiki Beach Activities, Ltd. covering the subject area for site assessment for future zip-line operation 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. Aifa Jr., Chairperson

Land Board Meeting: September 26, 2014;
D-13: Approved as submitted. See
attached page.

Land Board Meeting: September 26, 2014; D-13: Approved as submitted.

Approved as submitted.¹

² Pursuant to the Board's approval, as this is limited to a feasibility assessment, there will be no person utilizing the test line for the duration of the right-of-entry.

EXEMPTION NOTIFICATION

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

Project Title: Site Assessment for Future Zip-Line Operation Purposes on Duke Kahanamoku Beach

Project / Reference No.: PSF 14OD-157

Project Location: Waikiki, Honolulu, Oahu, TMK (1) 2-3-037:portion of 021.

Project Description: Site assessment for future zip-line operation 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."

The request does not involve placing of any improvement on the beach other than cable mounted over the beach area until it comes to the landing zone. As such staff believes that the request 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: 9/13/14 

EXHIBIT B



September 3, 2014

Barry Cheung
Oahu District Land Agent,
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Re: Request for Non Exclusive Right of Entry on Duke Kahanamoku Lagoon Beach
October 20-22, 2014 to conduct a Zip-Line Study

Aloha Mr. Cheung:

Waikiki Beach Activities, Ltd, hereby requests a Non-Exclusive Right of Entry for a portion of the Duke Kahanamoku Lagoon Beach at the Makai end of the Lagoon to conduct a zip-line study. The three-day use will start at 10:00 am on October 20 and end at 10:00 pm on October 22, 2014.

Our Non-Exclusive Right of Entry request is to use a 600 sq ft area (20' X 30') as a proposed "landing zone" as shown on the attached site plan and three drawings. Waikiki Beach Activities, Ltd. (WBA), with the approval of Hilton Hotel management, requests permission to conduct a test of a possible commercial zip-line operation, originating from the Hilton Hawaiian Village Resort.

Due to the growing popularity and demonstrated safety of zip-line activities throughout the Hawaiian Islands, WBA (Hilton) proposes to operate a daytime zip-line experience, that would provide the general public with a one-of-a-kind sightseeing experience for up to 250,000 participants annually.

EXHIBIT "C1"

The proposed zip-line to be tested would extend approximately 950 feet from the sixth floor of the Hilton parking structure (the "take-off zone"), across the Hilton Great Lawn, over the top of Duke's Lagoon Island, and terminate on the far side of
2005 Kalia Road, Honolulu, Hawaii 96815 "Best Beach in the World"

the Lagoon in a grassy area between the boardwalk and the chain-link fence that separates the makai boundary of the Lagoon grounds from the public sidewalk and parking stalls (the "landing zone"). The test would be designed and implemented under the direction of professional zip-line specialists from the Flyin Hawaiian Zipline company.

The proposed zip-line operation would be deployed each morning and removed each evening. The take-off zone will be an engineered platform located on the 6th floor of the parking structure, and the landing zone will consist of a special-purpose vehicle that will park in the grassy area in the morning, and drive away in the evening.

The zip-line itself will be coiled on a mechanical drum at the end of every day's use, leaving the Lagoon free from any equipment or obstructions. Participants will depart from Hilton property and land on the vehicle's platform, not on the grass or the sand beach. Participant's will then walk from the vehicle back to the hotel using the existing boardwalk. The landing zone and zip-line will be positioned high enough so as to never to interfere with, or pose a hazard to, pedestrians or swimmers. No physical improvements, permanent installations or disturbance of the Lagoon grounds will be required.

The purposes of the zip-line test are as follows:

- Simulate the visual impact of an actual zipline installation
- Verify the best position and pathway for the zip-line
- Verify that a zip-line operation would not impair pedestrian access to, or enjoyment of, the Lagoon beach or boardwalk
- Verify that such a zip-line would not present a safety hazard to the hotel and the public
- Identify any engineering issues that would need to be addressed prior to design and development
- Assist Hilton in the overall assessment of the zip-line experience prior to seeking DLNR approval, and an agreement on appropriate rent to DLNR
- Assist Hilton in its assessment of the commitment of resources

In order to reduce the time required to perform the test and thereby reduce the impact on the public, it is proposed that a synthetic high-strength braided line be secured to the wall of the parking structure at the take-off zone, and carried to the landing zone by a crew, accompanied by crowd-control safety personnel. The line will be attached to a vehicle to serve as a simulated landing platform, to be parked in a designated-and-approved grassy area between the boardwalk and the chain-link fence. The line will be tensioned so as to provide a minimum of 12-foot vertical clearance above the ground. If time permits, a 20-pound dummy may be used to simulate a zip-line rider, released from the take-off zone and retrieved on

the vehicle in the landing zone. The test will be photographed and video taped.

WBA proposes that the test be conducted during the hours of midnight-to-9:00 am between October 20 and 22, 2014. There should not be any noise that will disrupt hotel guests. This will allow for adjustment for weather and other contingencies. WBA will pay the DLNR rent based on 10 cent per sq. ft. for a total of \$180.00.

Aloha,

A handwritten signature in black ink, appearing to read 'H. Robert Hampton', with a long horizontal flourish extending to the right.

H. Robert Hampton
Chairman of the Board

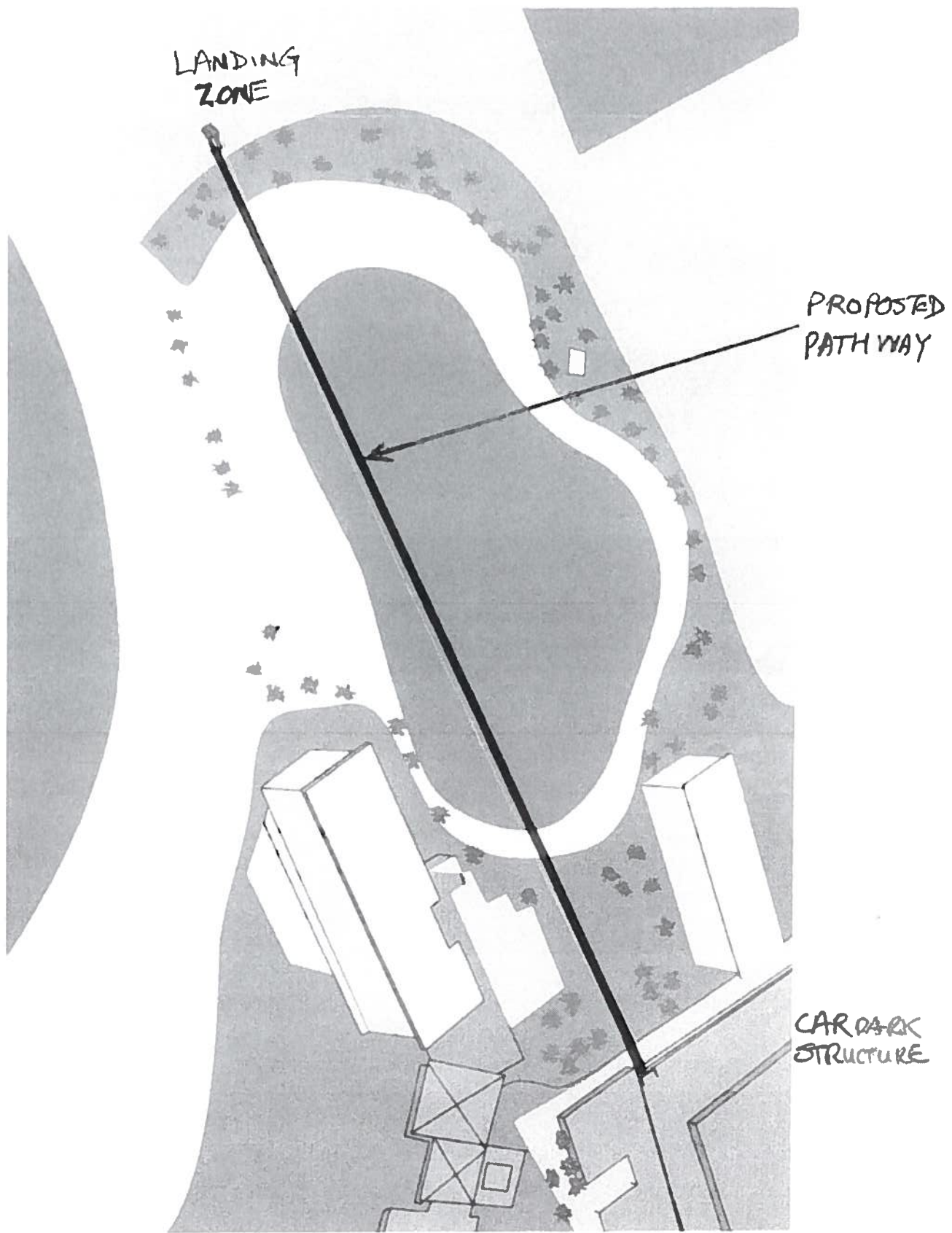


EXHIBIT "C2"