

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
333 Queen Street
Honolulu, Hawaii 96813

April 24, 2009

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

OAHU

Issuance of Revocable Permit to Honolulu Transpac, Ltd. for Support Areas for its Regular Biannual California to Hawaii Yacht Race finishing at the Ala Wai Small Boat Harbor, Tax Map Key (1)-2-3-037: portion of 12.

APPLICANT:

Honolulu Transpac, Ltd., a Hawaii nonprofit corporation, whose business and mailing address is c/o Mr. Cliff K. Cisco, 5321 Kahala Kua St., Honolulu, Hawaii, 96821

LEGAL REFERENCE:

Sections 171-13 and 55, Hawaii Revised Statutes.

LOCATION:

Portion of Government land of Ala Wai Small Boat Harbor, situated at Honolulu, Island of Oahu, Identified by Tax Map Key: (1) 2-3-037: portion of 12, as shown on the attached map labeled Exhibit A.

AREA:

As shown on the attached map labeled Exhibit A.

ZONING:

State Land Use District: Urban
City and County CZO: P-1 (0)

LAND TITLE STATUS:

Section 5(a) lands of the Hawaii Admission Act.
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ___ NO X

ITEM J-1

CHARACTER OF USE:

For support areas for Honolulu Transpac, Ltd.'s regular biannual California to Hawaii yacht race.

COMMENCEMENT DATE:

Tentative date for this event is set to run for 14 days from the start date of July 11, 2009 to July 25, 2009. As this is a sail race leaving from California, arrival dates may be affected by weather. Permittee may require adjusting the event start date as needed. The final commencement is to be determined by the Chairperson.

RENT:

The rent and charges for the parking, reception area, and the "grassy area" are flat rates for a fourteen-day period only during the event.

- (1) Grassy Area at beginning of Mole "A" \$399.13
 - (2) Use of 500 Row \$5,559.40
- Total due: \$5,958.53
See Exhibit B for breakdown of calculations.

SECURITY DEPOSIT;

Existing tenant, waived.

**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.

DCCA VERIFICATION:

Place of business registration confirmed: Yes
Registered business name confirmed: Yes
Applicant in good standing confirmed: Yes

REMARKS:

Honolulu Transpac, Ltd. (Transpac) has requested specific needs and locations that will support the 2009 event. Tentative dates for this event are scheduled for July 11, 2009 to July 25, 2009. In the 2007 event, Transpac was allowed to have vessels moor along the "F Dock." Since all of the floating docks at the Ala Wai Small Boat Harbor will be replaced by June 2009, Transpac will be allowed to use 38 slips on the 500 row, where they originally were located. Transpac will also be utilizing the grassy area beginning of Mole "A" between the 400 and 500 row. This parcel is ideally suited as a reception area for greeting the finishers. The area will be roped off, providing an area for the consumption of alcoholic beverages, and food.

The Permittee understands that water is available on the 500 row but there is no connection to electricity since the Ala Wai Small Boat Harbor tenant pays for the existing electrical connection through Hawaiian Electric Company. The Transpac Committee can tie into the electrical box so that they can have electrical power in the reception area only.

A request for comments was made to the Office of Hawaiian Affairs and there were no comments at this time.

Honolulu Transpac, Ltd. must follow these requirements as part of this permit:

1. A Honolulu Transpac, Ltd. representative must contact the Ala Wai Harbormaster at least one week prior to the agreed upon start date, should that date need to be adjusted.
2. Honolulu Transpac, Ltd. 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 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.
4. The sale of alcoholic beverages is prohibited. The consumption of alcoholic beverages would be for the sole purpose of greeting race contestants as they arrive. This shall take place only within the designated roped off, grassy area at the beginning of "Mole A" between the 400 and 500 row. There will be no consumption of alcoholic beverages on the 500 row finger piers, sidewalks, or any surrounding areas. Honolulu Transpac, Ltd. shall obtain any necessary City and County Special Event Permits or any required permit for this type of event. The use of the premises will not involve activities prohibited by law, ordinance rule, regulation, and policy inconsistent with the public interest.

5. Mooring configuration shall not impede, or block in any of the harbor channels, or access to the surrounding slips.
6. All boat owners, captains, and crew shall be required to sign a DOBOR waiver prior to the event.
7. At the end of the 14 day event, Honolulu Transpac, Ltd. shall return all areas used in the event to clean and in the same or better condition as existed at the beginning of the function. All rubbish must be removed daily. Prior arrangements shall be made with the Harbor Master for a temporary mooring permit for any vessel wanting to remain in the Ala Wai Small Boat Harbor.
8. Should at any time the Ala Wai Harbormaster feel that mooring, or temporary structures installed by the Permittee require a change to the agreed upon configuration, the Harbormaster retains the right to remedy such situation. Communication between the representative of Honolulu Transpac Ltd. and the Ala Wai Harbormaster shall take place as the contestant vessels near Hawaii.

RECOMENDATION:

That the Board approve the issuance of a revocable permit to Honolulu Transpac, Ltd. for the subject area for this fourteen day event on the terms set forth above, subject to the following conditions:

1. The Chairperson may negotiate any appropriate modifications to the standard revocable permit document form.
2. Review and approval by the Department of the Attorney General as to form.
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



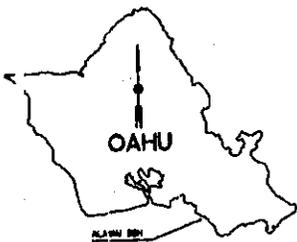
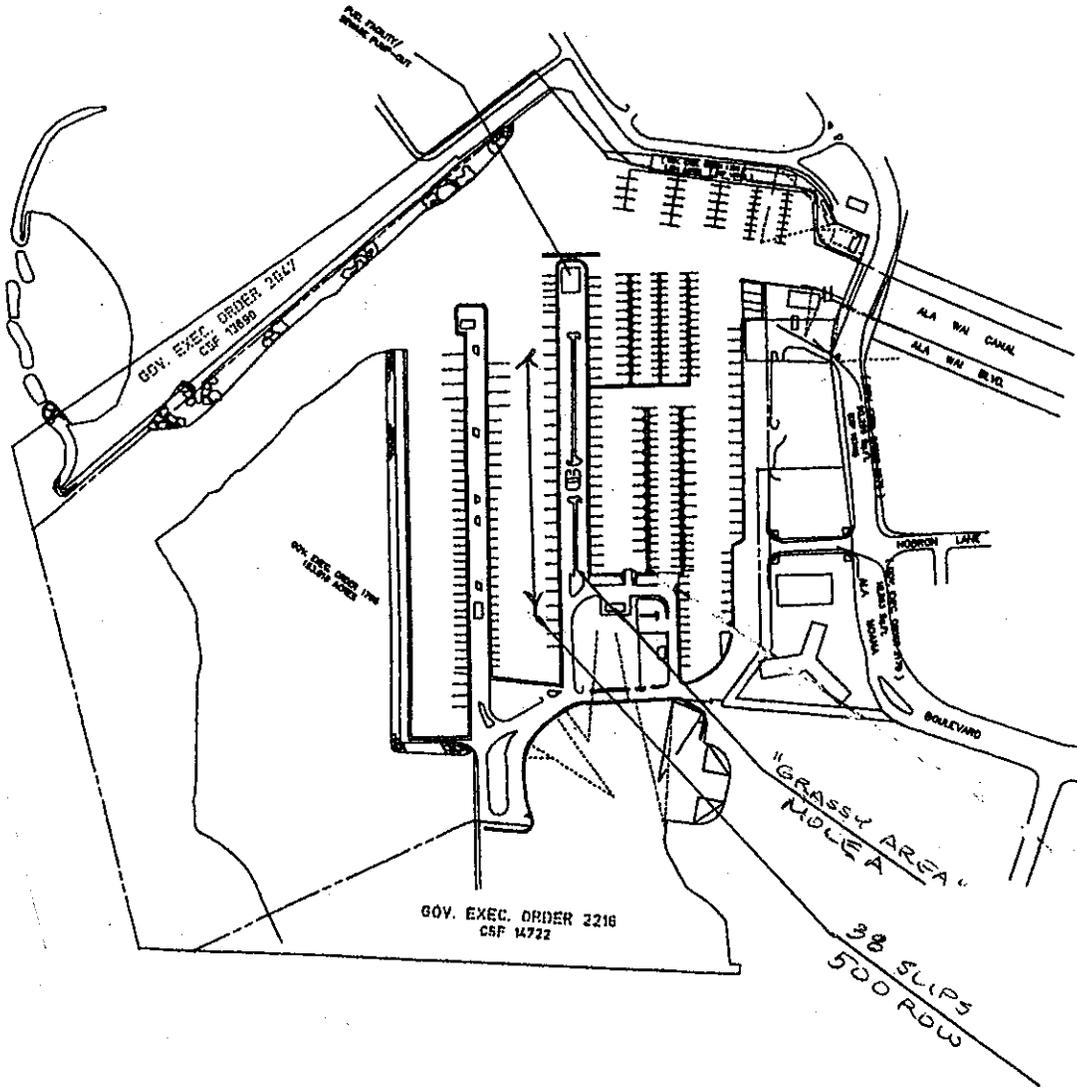
Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL



Laura H. Thielen
Chairperson

EXHIBIT A



ALAWAI BOAT HARBOR

EXHIBIT B

CALCULATION METHOD FOR RENT

(1) Use of 500 Row: \$5,559.40

$$38 \text{ slips} \times \$10.45 = \$397.10 \times 14 \text{ days} = \$5,559.40$$

(2) Grassy Area on Mole A:

In calculating the grassy area Hawaii Administrative Rule 13-231-12 was used.
3,193 sq ft x .25 per sq ft = \$798.25 and divided by half for half a month = \$399.13