

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Boating and Ocean Recreation  
Honolulu, Hawaii 96813

December 9, 2011

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

OAHU

Cancellation of Revocable Permit (RP) B-93-13 to Kaneohe Canoe Club (KCC) and Issuance of RP to Kaneohe Cultural Foundation (KCF), Located at Heeia Kea Small Boat Harbor, Heeia, Koolaupoko, Kaneohe, Oahu, Tax Map Key: 4-6-006:72, 69 por.

APPLICANT:

Kaneohe Cultural Foundation, a Domestic Non Profit Corporation  
Whose business and mailing address is:  
P.O. Box 356 Kaneohe, Hawaii 96744-0356

LEGAL REFERENCE:

Sections §171-13 and -55, Hawaii Revised Statutes, as amended.  
Section § 200-20 Hawaii Revised Statutes, as amended

LOCATION:

Portion of Government Lands of the Heeia Kea Small Boat Harbor, Heeia, Koolaupoko, Kaneohe, Oahu, identified by Tax Map Key: 4-6-06:72, 69 por., as shown on Exhibit A.

AREA:

Approximate total area of 6,000 square feet more or less.  
Two Structures comprise of approximately 2600 square feet more or less.

ZONING:

State Land Use District: Urban  
County of Honolulu CZO: P-2, General Preservation District

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TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_ NO X

CURRENT USE STATUS AND CHARACTER OF USE:

Storage area of outrigger canoes, sailing canoes, covered storage structure, and lockable storage shed for general storage of paddle sports equipment.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

For portion of canoe storage on beach there is no charge based on §200-20  
Rental for structures and surrounding storage area shall be minimum \$100.00 per month.

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, 1998, 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."

DCCA VERIFICATION:

Place of business registration confirmed: YES X NO \_\_\_  
Registered business name confirmed: YES X NO \_\_\_  
Applicant in good standing confirmed: YES X NO \_\_\_

REMARKS:

DOBOR requests the cancellation of RP B-93-13 to KCC and Issuance of a new RP to the KCF.

KCC was established in 1973, and has occupied the same site under RP since originally issued by the Department of Transportation, then to DOBOR under B-

93-13 in 1993. This site is located on the Northern edge of the Heeia Kea Small Boat Harbor. The area provided under this permit was approximately 228 square feet; use is specified for storage area for outrigger canoes, and an original monthly rent of twenty dollars. Paddle sports have grown considerably since the organization started, as with the necessary required support equipment, and need for additional storage.

KCC has now reorganized to fall under KCF direction. KCF has requested to continue at the site and a new revocable permit be updated and provided to the KCF.

KCF requests the board's authorization to continue in the same use of the property, to utilize beach area for canoe storage, include the immediate area around the canoes for storage of supporting equipment and shelters.

Storage for canoes on a State shoreline is guided by HRS §200-20.

**[§200-20] Hawaiian outrigger canoes on state shoreline areas.** Hawaiian outrigger canoe clubs registered with the Hawaiian Canoe Racing Association, Hui Wa‘a Association, its affiliates, or its successor organization may keep their Hawaiian outrigger canoes at no charge on state shoreline areas; provided that:

- (1) The club shall indemnify, hold harmless, and defend the State, its officers, agents, and employees from and against any and all claims arising out of or resulting from activities carried out or undertaken under this section, and shall procure sufficient insurance to provide this indemnification if requested by the department;
- (2) The club shall coordinate the placement of canoes with the applicable state or county authority to appropriately accommodate all beach users; and
- (3) Where required, the club shall secure an annual revocable permit from the applicable state or county agency.

While under the original permit, the canoe club constructed a shelter-structure of approximately 2,400 square feet to cover the six man canoes, house one man (OC-1) canoes, canoe sailing gear, for protection from the Hau tree debris and weather. A second smaller lockable storage shed was also constructed at some point adjacent the larger so as to secure miscellaneous supporting equipment. In the process DOBOR found that there was no record of permission or authorized plans for both structures. The structures are shown in Exhibit B.

There are two showers that are affixed on either side of largest structure now utilized by paddlers and members. DOBOR has no record of authorization given to tap into the states waterline. Should the Board concur DOBOR would allow for these improvements to remain, although recommends that KCF must install a sub meter, provide monthly readings to DOBOR, and pay its share of water usage.

KCF requests the continued use of all the improvements and additional area. Should the Board allow for the present structures and the showers to remain, the new Permittee, KCF, shall take full responsibility for ownership, insurance and maintenance of the structures as well as payment for any utilities that may service the site. Should KCF decide to relocate, the existing structures are only temporary, and unless otherwise directed by the Department, the Permittee will be responsible for the removal of any and all improvements and must return the property to its original condition as provided under the terms of the Permit. Any additional improvements shall require prior approval of the Chairperson. DOBOR shall require as part of the new revocable permit that insurance be updated and indemnification of the State to continue for the area being utilized by the KCF.

DOBOR recommends the Board's approval for the cancellation of the Permit B-93-13 to KCC, issuance of a revocable permit to KCF for uses to include the authorization of the present improvements, utilize a total area of approximately 6000 sq feet more or less, approval of a minimum nominal rent of \$100.00 per month for the two structures, continuation of the canoe storage on the beach at no charge, and installation of the utility sub meters, with readings to be timely submitted to DOBOR harbor office.

KCF shall ensure that the public continue to have access along the shoreline.

RECOMMENDATION: That the Board:

Authorize the cancellation of Revocable Permit B-93-13 to KCC and the issuance of a Revocable Permit to KCF covering the subject area for canoe storage purposes, and equipment storage under the terms and conditions cited herein, which are by this reference incorporated herein and further subject to the following:

- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. Review and approval by the Department of the Attorney General; and

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- c. 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

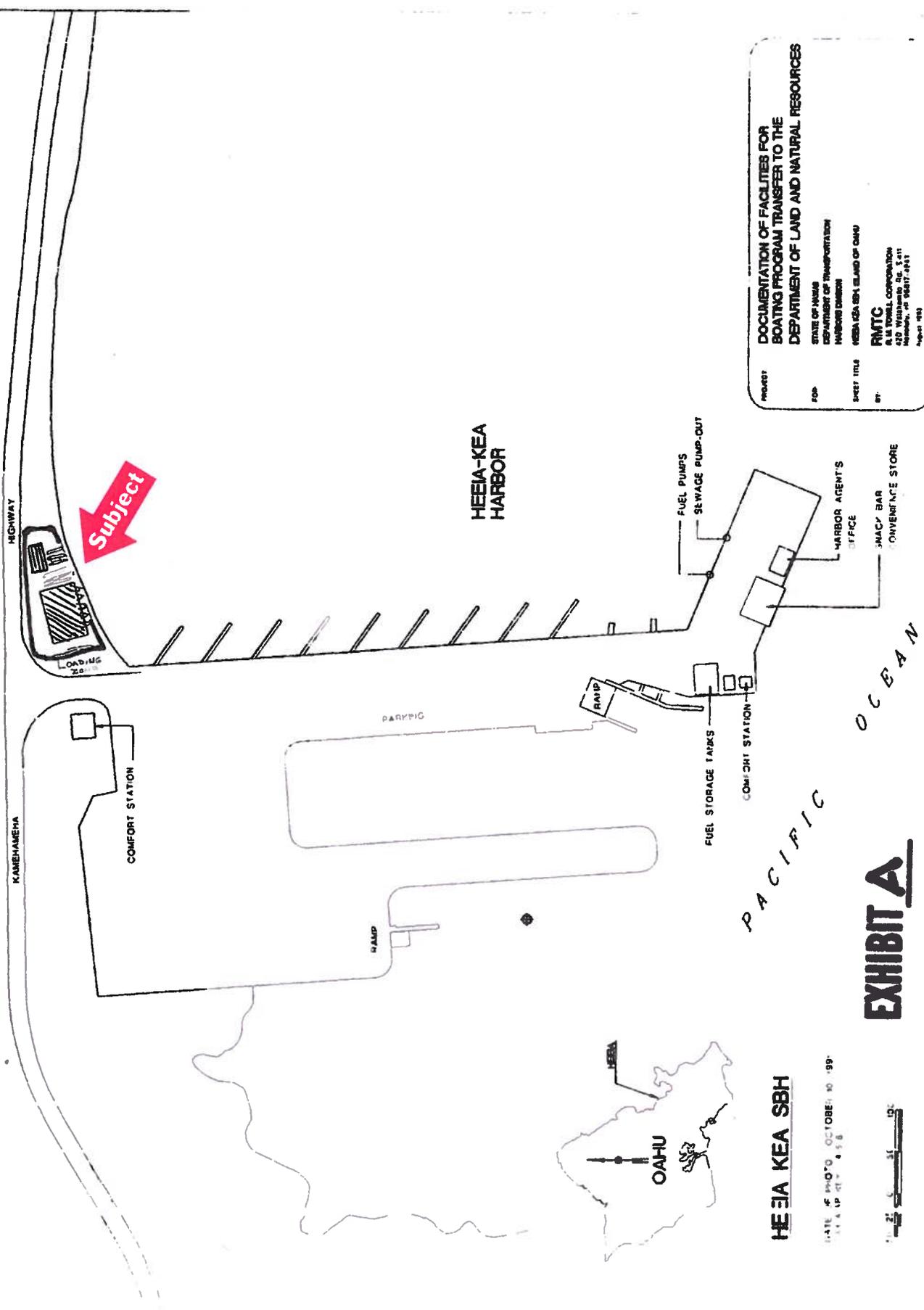
Attachments: Exhibit A  
Exhibit B

APPROVED FOR SUBMITTAL



William J. Aila, Jr.  
Chairperson

PROJECT: DOCUMENTATION OF FACILITIES FOR BOATING PROGRAM TRANSFER TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES  
 FOR: STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, HARBOR DIVISION  
 SHEET TITLE: HEEIA KEA ISLAND OF OAHU  
 BY: RMT/C  
 R.M. TOML CORPORATION  
 420 Washington St., 5th Fl.  
 Honolulu, HI 96813-1841  
 4/9/93 103



# EXHIBIT A

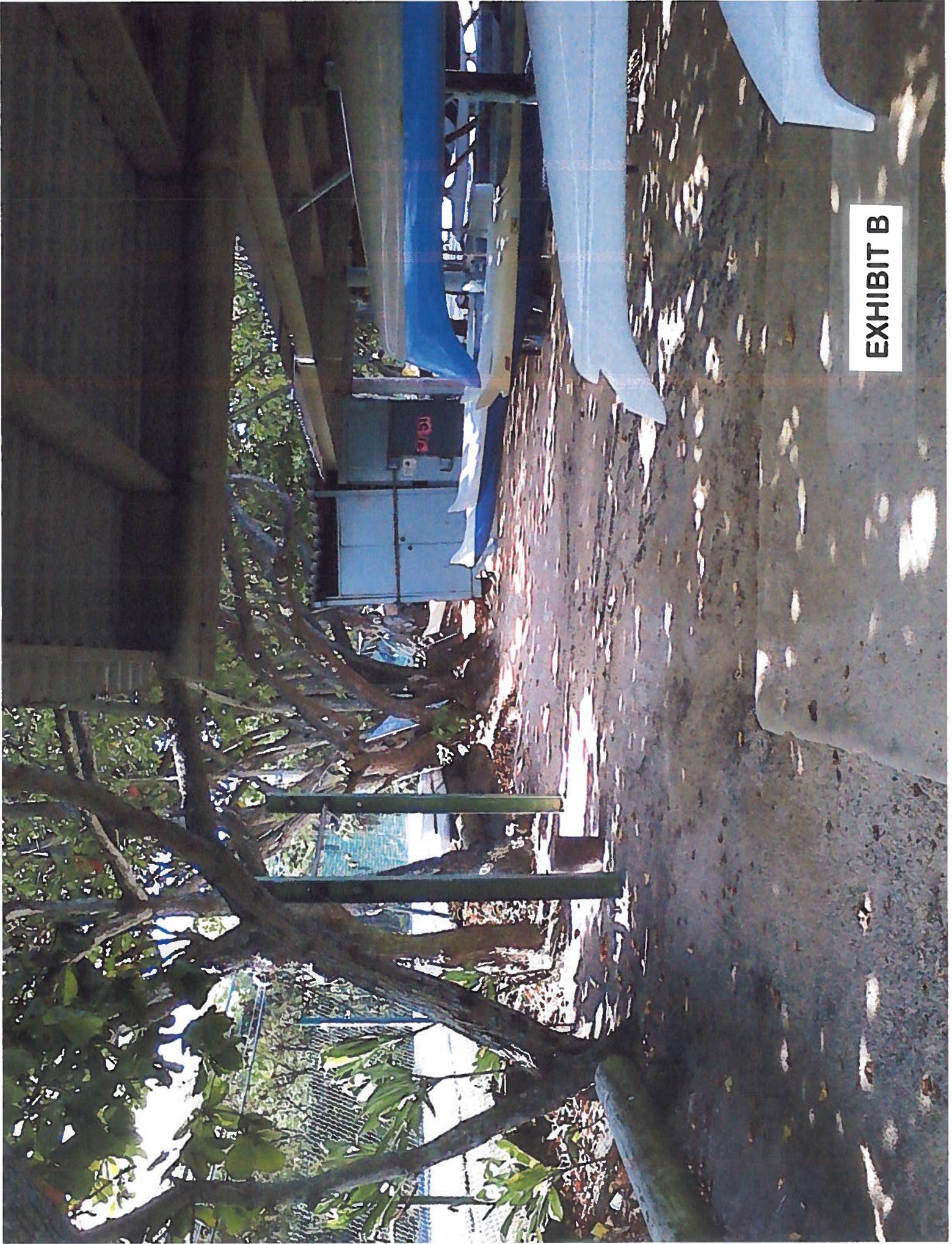
HEEIA KEA SBH

DATE OF PHOTO OCTOBER 30 '99  
 DRAWN BY R.M.T.





EXHIBIT B



**EXHIBIT B**