

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

May 13, 2016

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

PSF No.: 16KD-042

KAUAI

Issuance of Right-of-Entry Permit to Kauai Police Department for Triathlon at Kalapaki Beach; Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

APPLICANT:

Kauai Police Department

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Lihue situated at Kalapaki Beach, Lihue, Kauai, identified by Tax Map Key: (4) 3-5-002: seaward of 002, as shown on the attached map labeled Exhibit A.

AREA:

450 square feet, more or less.

ZONING:

State Land Use District: Conservation
County of Kauai CZO: Unzoned

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered shoreline of Kalapaki Beach.

CHARACTER OF USE:

Beach event purposes.

TERM OF RIGHT-OF-ENTRY:

July 17, 2016; between the hours of 6:30 AM to 9:30 AM

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exhibit C.

DCCA VERIFICATION:

As a government entity, applicant is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall secure a Marine Event Permit from the Division of Boating and Ocean Recreation for the portion of the event taking place in State waters.

REMARKS:

The Kauai Police Department requested the issuance of a Right-of-Entry Permit for a Triathlon on Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002. The event's purpose is to encourage character development, self-discipline and healthy lifestyles for Kauai's youth.

The triathlon will be held on July 17, 2016 and will start around 7:00 AM and end at 9:00 AM. The participants of the triathlon will cross the beach in order to swim to a buoy 250 meters out in the water and swim back, see Exhibit B.

The private parcel located mauka of the shoreline and identified by Tax Map Key: (4) 3-5-002:002 (Parcel 2) is owned by the Marriot Kauai Resort. The Applicant has notified staff that it has already received written permission from Marriott Kauai Resort to cross and utilize a portion Parcel 2 for the triathlon.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Comments were solicited from the agencies identified below with the results indicated.

State Agencies:

DLNR- Conservation and Coastal Lands	No response by suspense date.
DLNR - DOBOR	KPD needs a Marine Event Permit from DOBOR.

County Agencies:

County Planning	No response by suspense date.
Parks & Recreation	No response by suspense date.
Public Works	No response by suspense date.

Other Agencies:

Coast Guard	No objections.
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RECOMMENDATION: That the Board

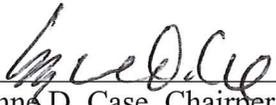
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to the Kauai Police Department covering the subject area 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. This right-of-entry is for July 17, 2016; between the hours of 6:30 AM to 9:30 AM;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



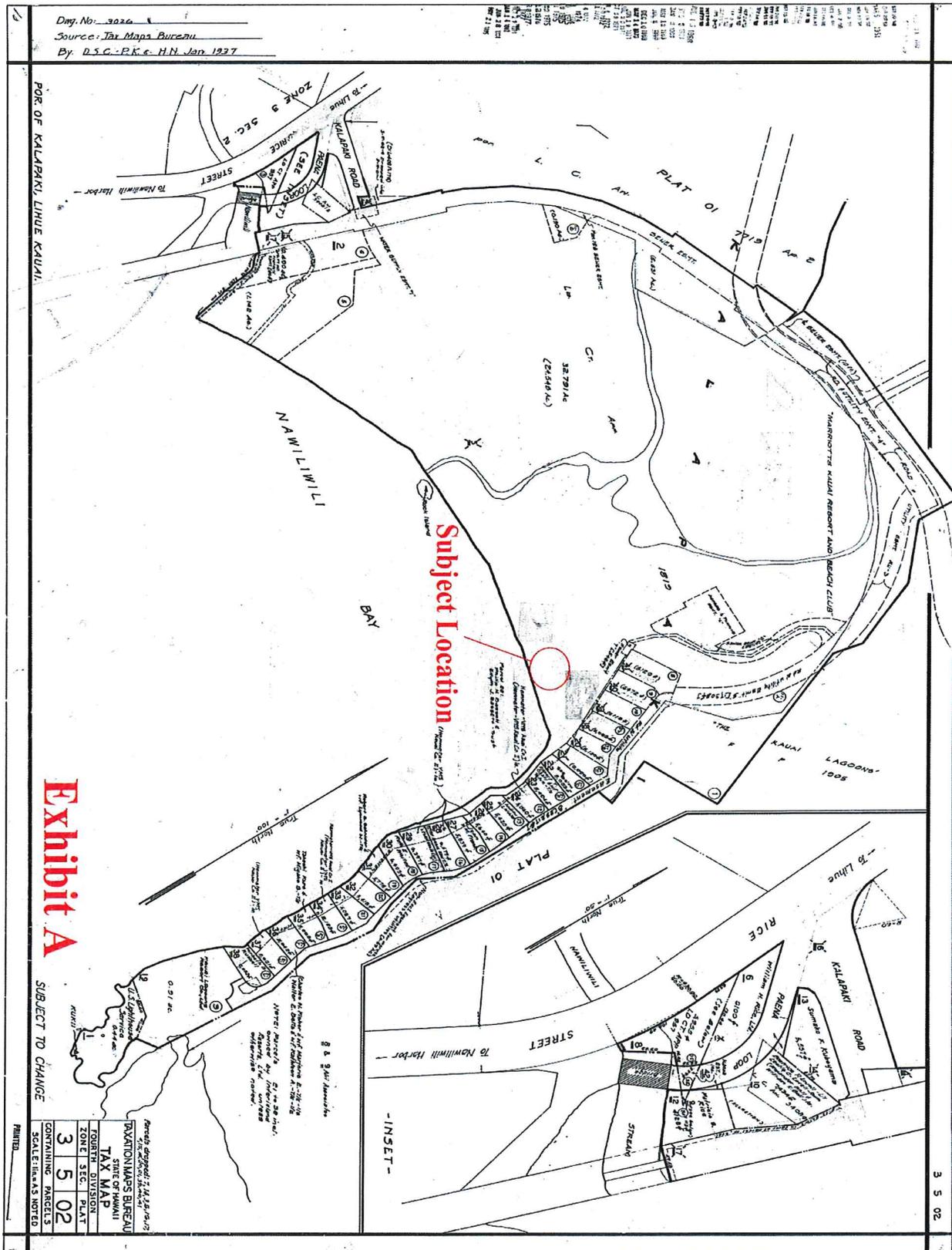
Kurt Yasutake
Land Agent

APPROVED FOR SUBMITTAL:



Suzanna D. Case, Chairperson





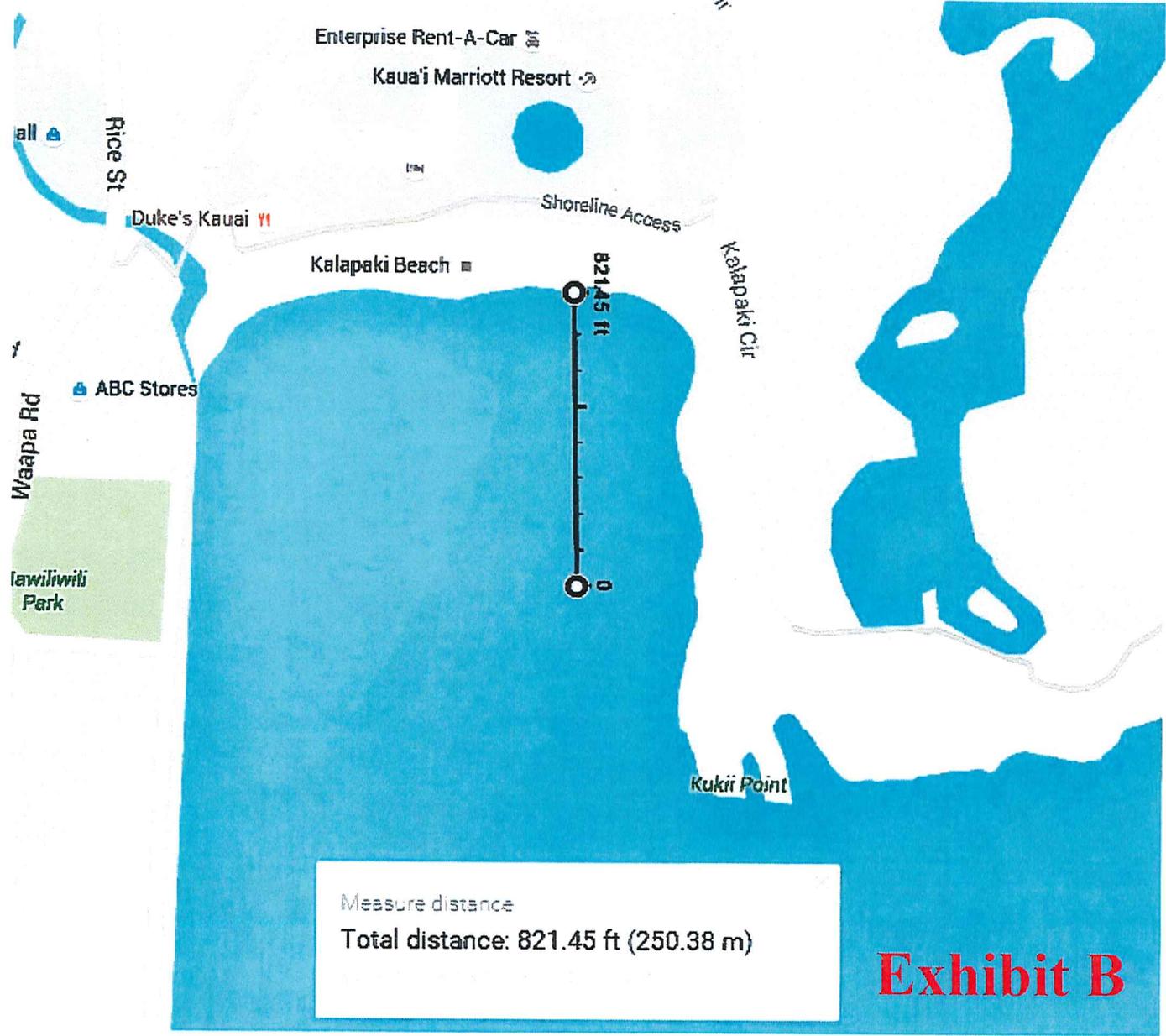
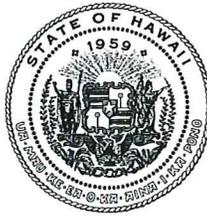


Exhibit B

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 13, 2016

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Land Division

THROUGH: Suzanne D. Case, Chairperson

FROM: Kauai Police Department

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR ISSUANCE OF RIGHT-OF-ENTRY PERMIT TO KAUAI POLICE DEPARTMENT, FOR TRIATHLON PURPOSES ON KALAPAKI BEACH, LIHUE, KAUAI, TMK: (4) 3-5-002: SEAWARD OF 002

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Issuance of Right-of-Entry Permit to Kauai Police Department for Triathlon on a portion of Kalapaki Beach.

PSF Number:

16KD-042

Project Description:

The Kauai Police Department requested the issuance of a Right-of-Entry Permit for a Triathlon on Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002. The event's purpose is to encourage character development, self-discipline and healthy lifestyles for Kauai's youth.

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Exhibit C

The private parcel located mauka of the shoreline and identified by Tax Map Key: (4) 3-5-002:002 (Parcel 2) is owned by the Marriot Kauai Resort. The Applicant has notified staff that it has already received written permission from Marriott Kauai Resort to cross and utilize a portion Parcel 2 for the triathlon.

Consulted Parties:

A Draft Board Submittal was sent out for review and comments to the following agencies: Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation, Kauai County Planning, Kauai County Parks and Recreation, Kauai County Public Works and the Coast Guard.

Exemption Determination:

After reviewing HAR § 11-200-(8), DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment.

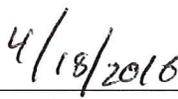
According to the Exemption List for the Department of Land and Natural Resources, as Reviewed approved by the Environmental Council on June 5, 2015, Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing [HAR § 11-200-8(a)(46)]".

Conclusion:

It is recommended that the Board declare 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.



Suzanne D. Case, Chairperson
Board of Land and Natural Resources



Date