

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

June 9, 2016

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

PSF: 16KD-053

Kauai

Request for Issuance of Right-of-Entry Permit to Hawaii Sand Festival c/o Julian Miller,  
for a Sand Castle / Sand Art Contest at Hanalei Bay Beach, Hanalei (Makai), Hanalei, Kauai,  
Tax Map Key: (4) 5-5-001: seaward of 11, 12, & 13.

APPLICANT:

Julian Miller whose business and mailing address is  
96722.

Kauai, Hawaii

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Hanalei (Makai), Hanalei, Kauai, identified as tax map  
key: (4) 5-5-001: seaward of 11, 12, and 13, as shown on the attached Exhibits A & B.

AREA:

24,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

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:

Vacant and unencumbered.

CHARACTER OF USE:

Sand Castle / Sand Art contest

TERM:

From 11:00 am to 4:00 pm on August 13, 2016.

RENTAL:

Gratis

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See Exhibit C.

DCCA VERIFICATION:

Place of business registration confirmed: N/A  
Registered business name confirmed:: N/A  
Applicant in good standing confirmed: N/A

Applicant is not operating a business and, as such, is not required to register with DCCA.

REMARKS:

Julian Miller is requesting a right-of-entry permit for the Hawaii Sand Festival. The Sand Castle / Sand Art Contest is scheduled for August 13, 2016. Set-up will be from 11:00am and break down by 4:00pm.

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.

Staff is recommending gratis for rent as there is no fee to any of the participants. The event

is a not-for-profit event and is open to the community. All prizes are donated by community businesses.

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing

Comments were solicited from:

State Agencies:

DOH	The discharge of pollutants (e.g. adhesives) as defined in Title 11, HAR, Chapter 342 D shall not be discharged to the beach as part of the contest
DLNR – DAR	No response by suspense date
DLNR – Historic Preserv.	“No historic properties will be affected”
DLNR – OCCL	No Objections
DLNR – DOBOR	No Objections
DLNR - DOCARE	No response by suspense date
OHA	No response by suspense date

County Agencies

Planning	No response by suspense date
Parks & Recreation	DLNR needs to consider requesting applicant to rent additional portable toilets to accommodate the spectators and participants as this event will have an impact on the adjacent County facility. Applicant needs to contact Mr. John Martin, Permitting/Security Coordinator for the COK Dept. of Parks & Recreation to coordinate parking in the area to accommodate the people attending this event.

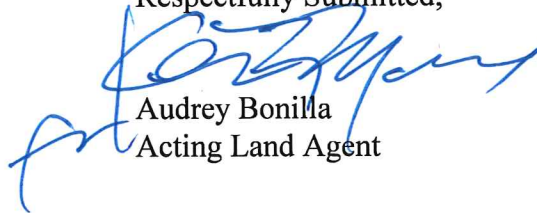
RECOMMENDATION: That the Board

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 Julian Miller covering the subject area for a sand castle/sand art contest event purposes under the terms and

conditions cited above, which are by this reference incorporated herein and further subject to the following:

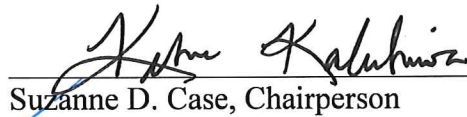
- A. The standard terms and conditions of the most current Right-of-Entry Permit form, as may be amended from time to time;
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Audrey Bonilla  
Acting Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



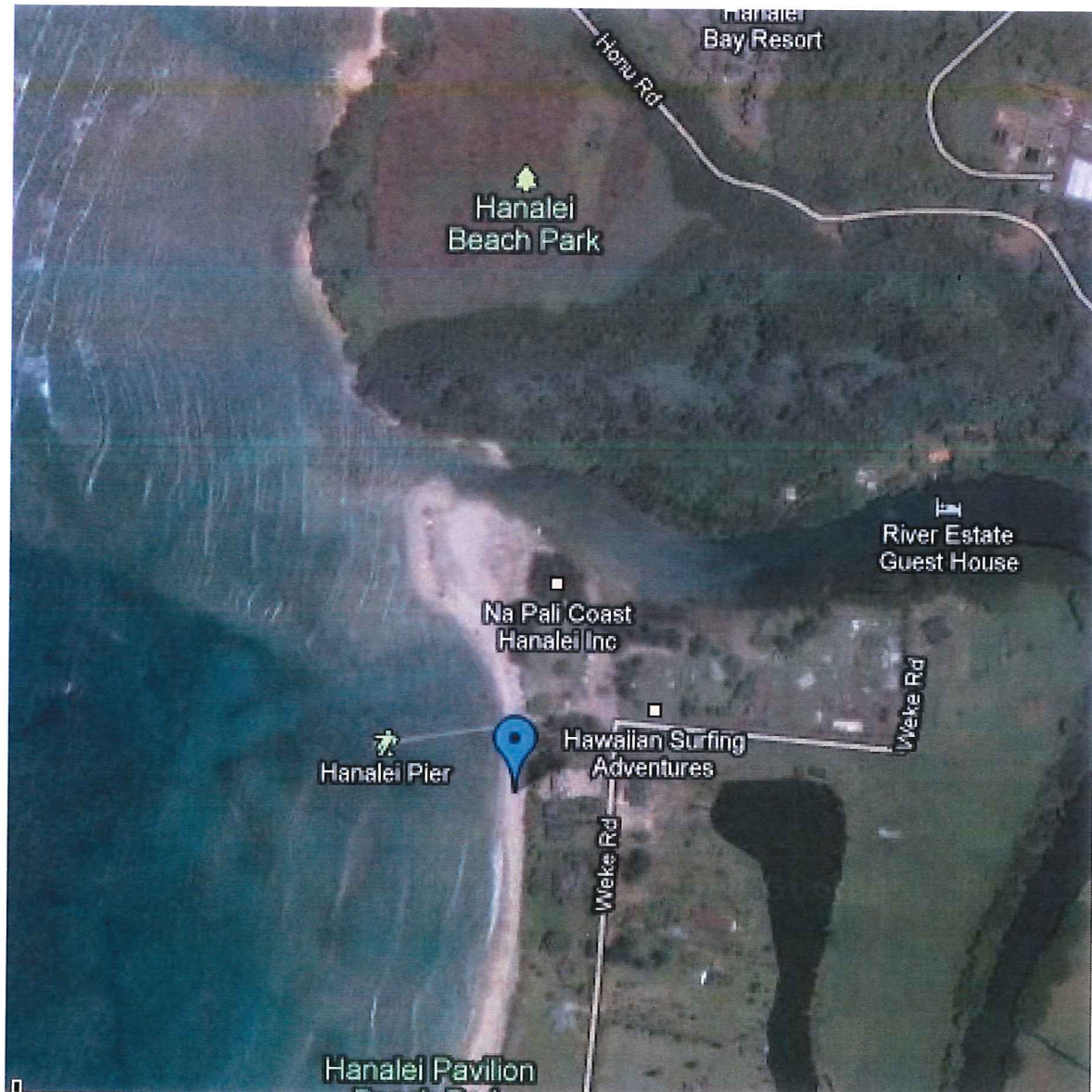


EXHIBIT "A"

5 5 01





BLNR - Issuance of  
ROE to Hawaii Sand Festival

June 9, 2016

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
3060 Eiwa Street, Room 208  
Lihue, Kauai 96766

June 9, 2016

SUZANNE 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: Board of Land and Natural Resources

THROUGH: Suzanne D. Case, Chairperson

FROM: Kauai District Land Office

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 TEMPORARY RIGHT-OF-ENTRY PERMIT TO HAWAII SAND FESTIVAL C/O JULIAN MILLER (EVENT MANAGER), FOR SAND CASTLE/SAND ART CONTEST ON HANALEI BAY BEACH, HANALEI (MAKAI) KAUAI, TMK: (4) 5-5-001: SEAWARD OF 011, 012 & 013

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 Hawaii Sand Festival C/O Julian Miller (Event Manager) for Sand Castle/Sand Art Contest on portion of Hanalei Bay Beach.

**PSF Number:**

16KD-053

**Project Description:**

Julian Miller (Event Manager) for Hawaii Sand Festival requested the issuance of a Right-of-Entry Permit for a sand castle/sand art contest on Hanalei Bay Beach, Hanalei, Kauai, Tax Map Key: (4) 5-5-001: seaward of 011, 012, & 013. The contest will be held on August 13, 2016 and will start around 11:00 am and end at 4:00 pm. The event is a not-for-profit event and is open to the public.

Exhibit C

**Consulted Parties:**

A Draft Board Submittal was sent out for review and comments to the following agencies: Department of Health, Department of Aquatic Resources, Historic Preservation Division, Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation, Division of Conservation and Resource Enforcement, Office of Hawaii Affairs, Kauai County Planning Division and the Kauai County Parks and Recreation Division.


**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," Item 51, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

**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.

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

5/23/16  
Date