

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

January 13, 2017

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

PSF No.: 16KD-161

KAUAI

Issuance of Right-of-Entry Permit to Kauai Police Department for Triathlon at Kekaha Beach; Kekaha Beach, Waimea, Kauai, Tax Map Key: (4) 1-2-002: seaward of 007.

APPLICANT:

Kauai Police Department

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waimea situated at Kekaha Beach, Waimea, Kauai, identified by Tax Map Key: (4) 1-2:002: seaward of 007, as shown on the attached map labeled Exhibit A.

AREA:

200 square feet, more or less.

ZONING:

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

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 Kekaha Beach.

CHARACTER OF USE:

Beach event purposes.

TERM OF RIGHT-OF-ENTRY:

February 25, 2017; 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 Kekaha Beach, Waimea, Kauai, Tax Map Key: (4) 1-2:002: seaward of 007. The triathlon will be part of the 40<sup>th</sup> Anniversary Waimea Town Celebration.

The triathlon will be held on February 25, 2017 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 a total of 500 meters out in the water and back, see Exhibit B.

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 objections.
DLNR - DOBOR	No objections.

County Agencies:

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

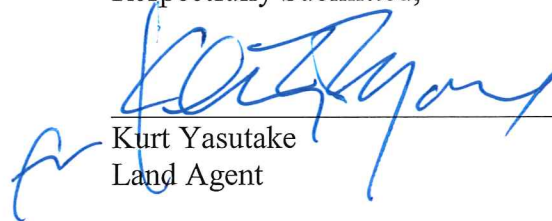
Other Agencies:

Coast Guard	No response by suspense date.
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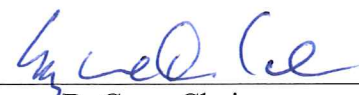
RECOMMENDATION: That the Board

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 February 25, 2017; 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.

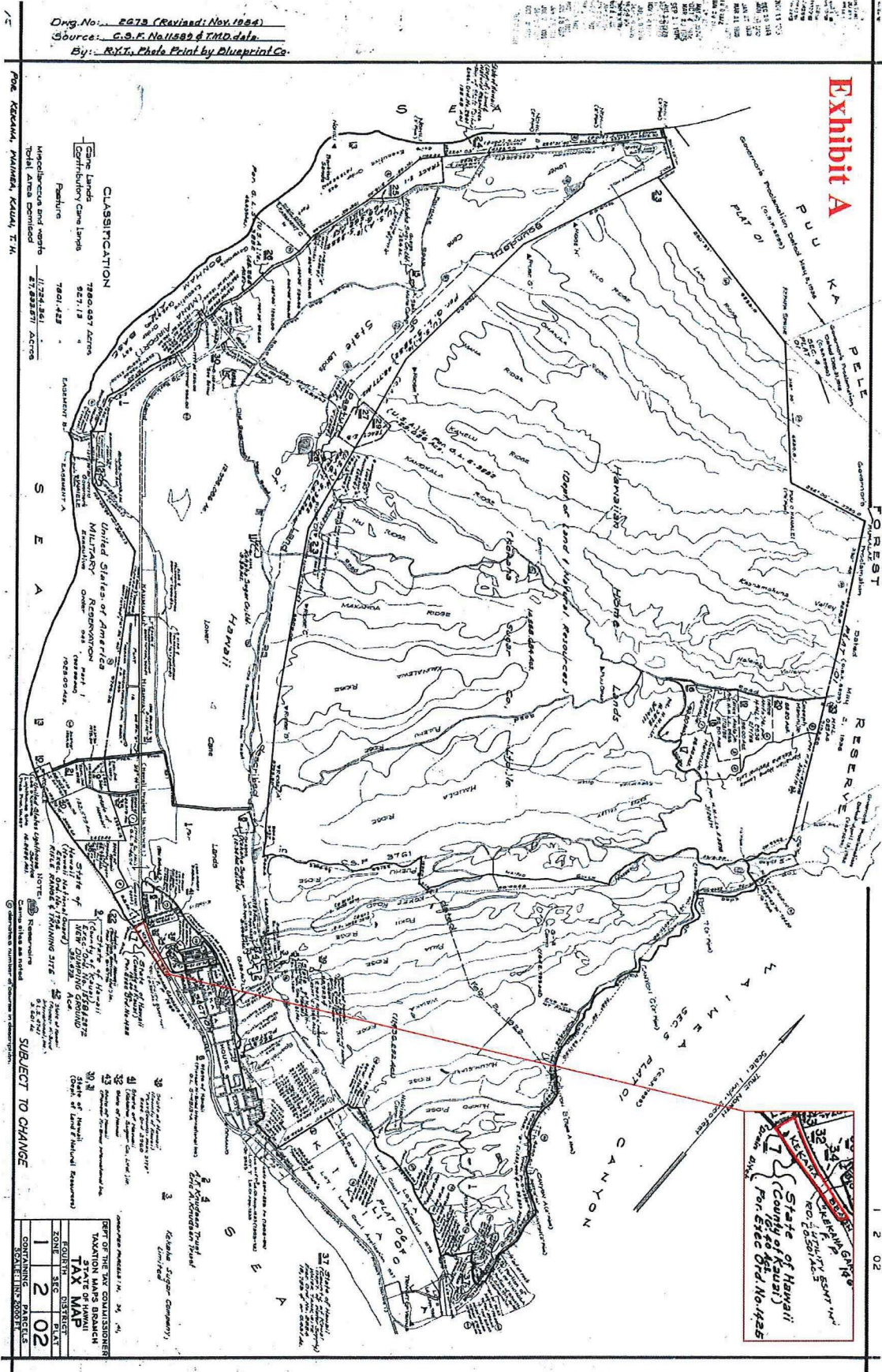
Respectfully Submitted,

  
Kurt Yasutake  
Land Agent

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson









DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 13, 2017

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 KEKAHA BEACH, WAIMEA, KAUAI, TMK: (4) 1-2-002: SEAWARD OF 007

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 at Kekaha Beach.

**PSF Number:**

16KD-161

**Project Description:**

The Kauai Police Department requested the issuance of a Right-of-Entry Permit for a triathlon on Kekaha Beach, Waimea, Kauai, Tax Map Key: (4) 1-2:002: seaward of 007. The triathlon will be part of the 40th Anniversary Waimea Town Celebration.

The triathlon will be held on February 25, 2017 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 a total of 500 meters out in the water and back.

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

**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.

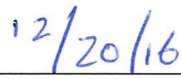
According to the Exemption List for the Department of Land and Natural Resources, as Reviewed approved by the Environmental Council on June 5, 2015, Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible 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.

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

*via*

  
\_\_\_\_\_  
Date