

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

February 24, 2017

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

PSF No.: 16KD-165

Kauai

Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.

APPLICANT:

Hawaii Beach Volleyball Association, an Internal Revenue Code Section 501(c)(3) qualified nonprofit entity.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

8,112 square feet, more or less.
(1,352 square feet per court, six courts for tournament)

ZONING:

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

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:

Beach Volleyball Tournament

TERM OF RIGHT-OF-ENTRY:

3-days. (March 17-19, 2017, between the hours of 7:00 am to 6:00 pm)

CONSIDERATION:

Gratis.

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 D.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO
Registered business name confirmed:	YES <u>X</u>	NO
Applicant in good standing confirmed:	YES <u>X</u>	NO

REMARKS:

Hawaii Beach Volleyball Association (HBVA) is requesting a right-of-entry permit for a Dinosaur Beach Volleyball Tournament. The tournament is scheduled for March 17-19, 2017 from 8:00 am to 5:00 pm. Set-up will be at 7:00 am and break down by 6:00 pm.

At its meeting of January 27, 2017, Item D-1, a request for the same event but by a different applicant, Keauhou Volleyball Association (KVA), was deferred as Board Member Keith "Keoni" Downing had the following unanswered questions relating to the request:

1. Is the applicant (KVA) confirmed as a qualified 501(c)(3) non-profit organization?
2. What is the breakdown of the \$120 fee collected from each participating team?

KVA is not a qualified 501(c)(3) non-profit organization. However, HBVA as the new applicant for the event is confirmed as a 501(c)(3), non-profit. (Exhibit B)

The breakdown of the fees collected is indicated on Exhibit C.

The event is open to the public, with no admission being charged. Although a \$120 entry fee per team is being charged as Board Member Downing noted, HBVA explains the fee is being used to defray the cost of holding the event. Since the expenses to run this event will exceed the anticipated entry fees collected, there will be no profits realized for this tournament. HBVA states that no tents or spectator seating will be placed on the beach/State land by events coordinators. The tents and chairs will be placed on the Marriott Hotel grounds.

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.

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

On November 30, 2016 various government agencies and interest groups were solicited for comments.

State Agencies:

DOH	No environmental health concerns
Historic Preservation	No response
OCCL	No objections
OHA	No response

County Agencies

County Planning	No response
Parks & Recreation	No response

Others

Kauai Marriott Resort	No response
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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 Hawaii Beach Volleyball

Association covering the subject area for the Dinosaur Beach Volleyball Tournament, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

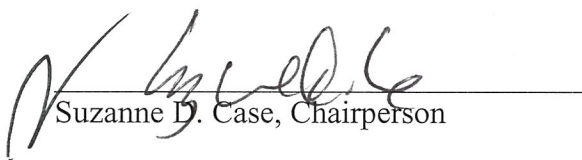
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

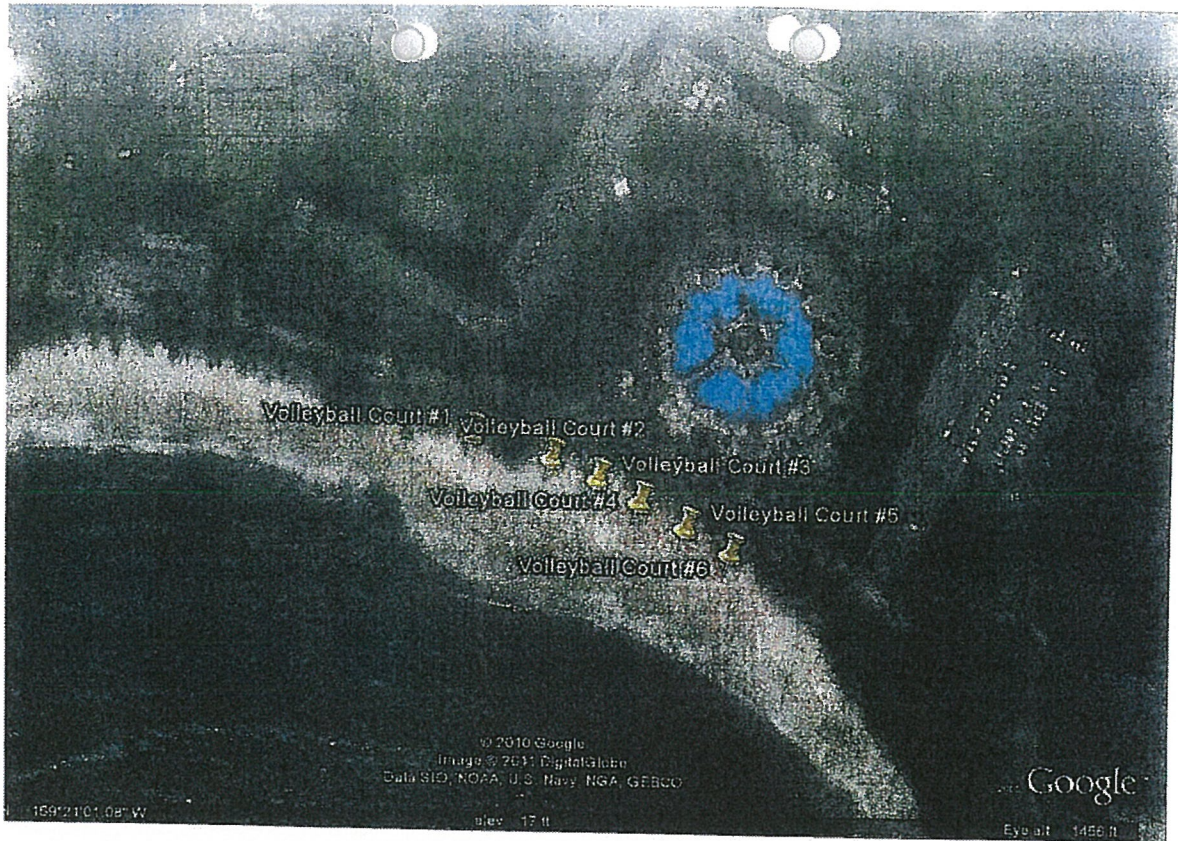


Audrey Bonilla
Acting Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



Dinosaur Beach Volleyball Tournament
Volleyball Court Locations

Kalapaki Beach, Lihue, Kauai

TMK: (4) 3-5-02:seaward of 2

EXHIBIT "A"



INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JAN 12 2015**

Employer Identification Number:

DLN:

HAWAII BEACH VOLLEYBALL ASSOCIATION
2600 PUALANI WAY UNIT 802
HONOLULU, HI 96815-0000

Contact Person:
CUSTOMER SERVICE IDS
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
September 30
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
September 3, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5416

EXHIBIT "B"

**KEAUHOU VOLLEYBALL ASSOCIATION
POST OFFICE BOX 390295
KEAUHOU-KONA, HI. 96739-0295**

**Hawaii Dinosaur Volleyball
2017 Tournament Budget**

Anticipated Income:

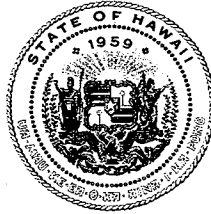
Men's Entry Fees: 24 x \$120 =	\$ 2880.00
Women's Entry Fees: 24 x \$120 =	<u>2880.00</u>
Total	\$5760.00

Anticipated Expenses:

Shirts & Bags	\$ 2500.00
Hats.....	750.00
Balls.....	800.00
Nets.....	900.00
Flags / Ball Stops.....	500.00
Player Lunch.....	500.00
Tents / Tables / Chairs.....	200.00
Water / Gatorade.....	200.00
Snacks and Ice.....	150.00
Scoreboards.....	100.00
Trophys & Engraving.....	600.00
Scorecards / Leaderboard	<u>300.00</u>
Total	\$ 7500.00

We are currently looking for at least \$2000 in sponsorship funds, this will enable us to donate some proceeds to local youth volleyball teams like we have done in the past. To date we have 0 sponsorship funds

EXHIBIT " C "



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

EXEMPTION NOTIFICATION

Regarding the 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 Beach Volleyball Association for Dinosaur Beach Volleyball Tournament

Project Number: PSF No. 16KD-165

Project Location: Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of: 002.

Project Description: Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: 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, which states the "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

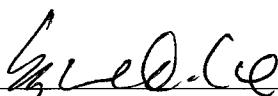
In the past, permits were issued for similar type of events on the beach in this area, which have resulted in no known significant impacts to the natural and environmental resources in the area. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Office of Conservation and Coastal Lands.

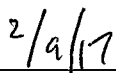
EXHIBIT D

Recommendation:

It is anticipated that this request 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



Date