

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

May 26, 2017

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

PSF No.: 17MD-042

Maui

Issuance of a Right-of-Entry Permit to Maui Film Festival, Inc. for Film Presentation
Purposes, Wailea Beach, Maui Tax Map Key (2) 2-1-023: seaward of 007

APPLICANT:

Maui Film Festival, Inc.; c/o Ms. Jeanine Thomason, Event Manager.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailea, Maui identified by Tax Map Key: (2) 2-1-023:
seaward of 007, as shown on the attached maps labeled Exhibits A1 and A2.

AREA:

1,400 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:

Film Presentation and Viewing

TERM OF RIGHT-OF-ENTRY:

This is a five-day event, commencing on June 21, 2017 at 8:00 a.m. through June 25, 2017 at 4:00 p.m.

RENTAL:

Payment of \$700.00 rental fee. (Rental fee based on \$.10 per square foot per day; 1,400 square feet is the requested use x \$.10 = \$140.00 per day x 5 days = \$700.00).

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 approved 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, that states "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" and Item No. 51, that states "Permits, licenses, registrations, and right-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." (See Exhibit B).

DCCA VERIFICATION:

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

REMARKS:

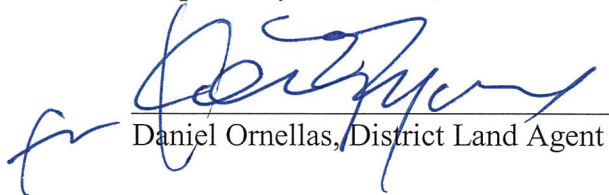
Ms. Jeanine Thomason on behalf of Maui Film Festival, Inc., is requesting a right-of-entry permit for The Maui Film Festival at Wailea, 2017, to utilize a portion of the south end of Wailea Beach for a five-day film-viewing event referred to as the Sand Dance Theatre. The event is free and open to the public. A large viewing screen and a 15'x 15' projection tent will be set up within a 20' wide x 70' in length (1,400 sq. ft.) area for on Wailea beach. There will be no seating or placement of chairs within the subject area. The projection tent will remain up for the duration of the permit, inclusive of the poles for the large viewing screen. Daily set up will start at approximately 4:00 p.m. The event will take place daily at 8:00 p.m. until approximately 12:00 a.m. This annual event has taken place at Wailea Beach for the past 17 years and has received positive responses from the community as well as the resorts along Wailea Beach.

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 has consulted with the DLNR Office of Conservation and Coastal Lands, Division of Aquatic Resources, Division of Conservation and Resource Enforcement and the County of Maui, Planning Department. There are no pertinent issues or concerns. Staff has no objections to this request.

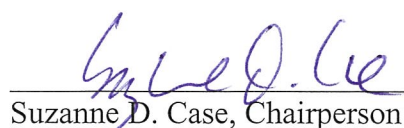
RECOMMENDATION: That the Board:

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 Maui Film Festival covering the subject area for film presentation and viewing 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; and,
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Daniel Ornellas, District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson







TMK (2) 2-1-023:seaward of 007

Exhibit A2

Maui Film Festival

February 6th, 2017

Mr. Daniel Ornellas
DLNR – Land Division
54 South High Street #101
Wailuku, HI 96793

Mr. Ornellas:

RE: The Maui Film Festival in Wailea, 2017

As in the past 17 years, The Maui Film Festival, in conjunction with Wailea Resorts is presenting a 5-day event with outdoor music, food, and films. Most of the festivities take place on the private property of the Wailea Golf Club, however a few take place in other venues located around Wailea. The "Seaside Cinema / Toes in the Sand" SandDance Theater, which is on the beach in front of the Four Seasons Resort is one of these venues. The screenings take place nightly, with some festival presence within the tent during the day, from Wednesday June 21st through Sunday, June 25th. As in past years, this is a free venue, open to the public, as well as festival guests and Sponsors.

We will have the same set up past years (map attached), with the screen and projector being on the beach. We would like exclusive use of the areas where the screen sits, and the projection tent is located. We are requesting an area 20' wide x 70' deep area, which will include the tent, screen and projection (approximately 1400 square feet). Although nightly we would utilize this entire area, during the day only the tent area would be active with festival activities and promotions. The projection equipment will be stored nightly, but the tent would be up for the duration, as well as the poles for the screen.

The Four Seasons has given permission and is supportive of this project, as well as the Wailea Community Association. We will utilize the space during the daylight hours as a place our sponsors can display their product as well as for us to promote the film festival. This would take place within our same tent used for projection and storage at night. If possible, exclusive use times should start 8am Wednesday the 21st for setup, and go through Sunday night, June 25th.

If you need any further information, please feel free to call my cell at 360 518-4685.

Thank you for your assistance.

Sincerely,


Jeanine Thomason
Event Manager

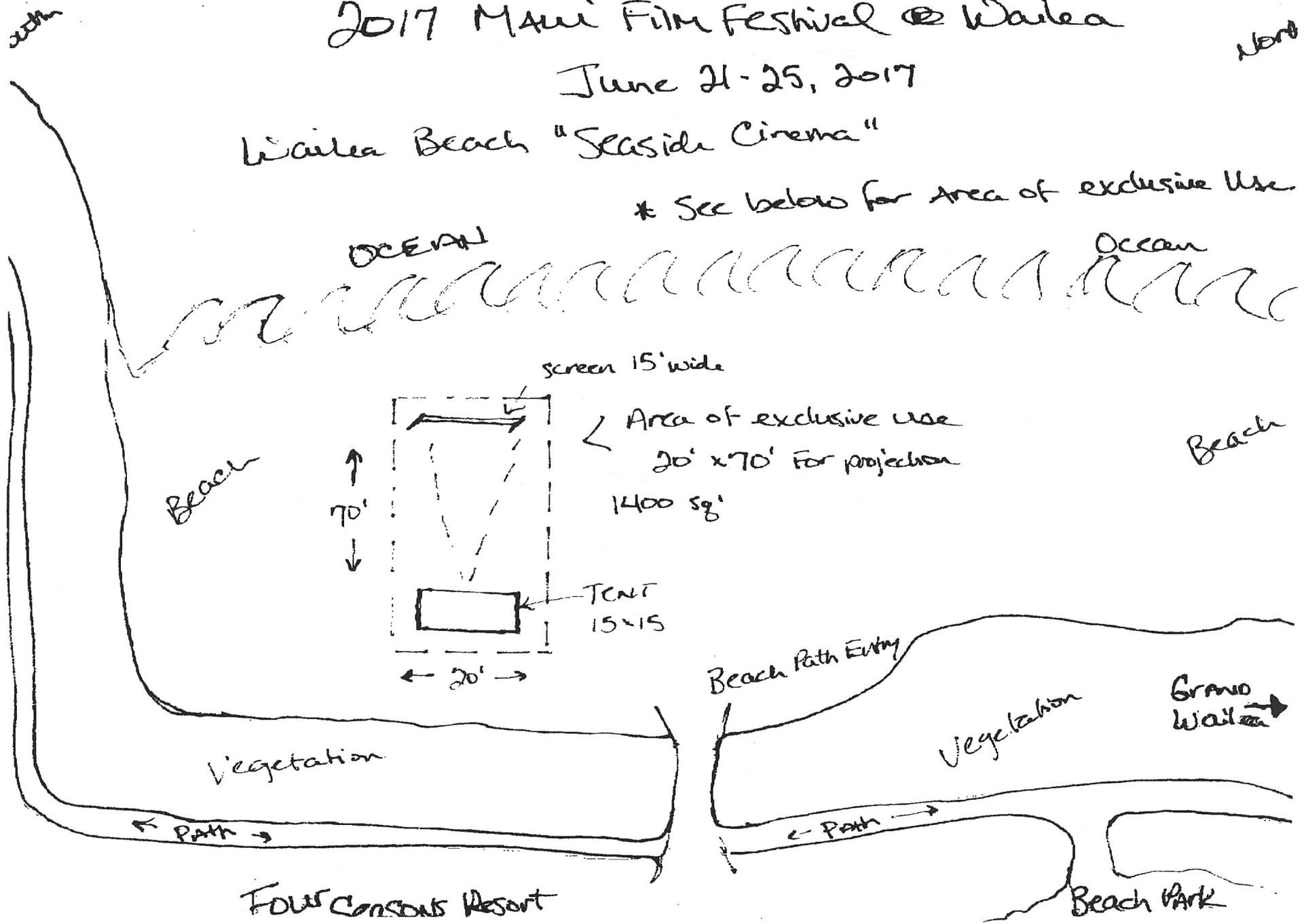
EXHIBIT B

2017 Maui Film Festival @ Wailea

June 21-25, 2017

Wailea Beach "Seaside Cinema"

* See below for Area of exclusive Use





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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 26, 2017

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

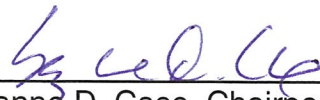
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

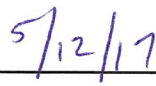
EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	ROE for Maui Film Festival at Wailea
Project / Reference No.:	PSF 17MD-042
Project Location:	Wailea Beach, Maui TMK: (2) 2-1-023: seaward of 007
Project Description:	Film Presentation and Viewing: Free & Open to the Public
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved 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, that states "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" and Item No. 51, that states "Permits, licenses, registrations, and right-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."
Consulted Parties:	DLNR Office of Conservation and Coastal Lands, Division of Aquatic Resources, Division of Conservation and Resource Enforcement, County of Maui, Planning
Recommendation:	It is anticipated 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


Date