

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

August 11, 2017

PSF: 17KD-090

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

KAUAI

Issuance of Right-of-Entry Permit to Julian Miller for the Hawaii Sand Festival for a Sand Castle/Sand Art Contest at Hanalei Bay Beach, Hanalei (Makai), Hanalei, Kauai, Tax Map Key: (4) 5-5-001: seaward of 011, 012, & 013.

APPLICANT:

Julian Miller for Hawaii Sand Festival, whose business and mailing address is
Princeville, Kauai, HI 96722.

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 011, 012, and 013, as shown on the attached Exhibit A.

AREA:

0.5510 acres or 24,000 square feet, more or less.

ZONING:

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

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:
Yes ___ No x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

For sand castle/sand art contest purposes.

TERM:

Five (5) hours, between 11:00 am to 4:00 pm on August 12, 2017.

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 B.

DCCA VERIFICATION:

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

REMARKS:

On May 17, 2017, Julian Miller requested a right-of-entry permit for the 6th Annual Hawaii Sand Festival. The Sand Castle / Sand Art Contest is open to the general public at no cost/fee, at Hanalei Bay, adjacent (left) of the Hanalei pier. Purpose of the event is to provide keikis and adults of the community a weekend of fun activity making sand sculptures. The event will not restrict beach goers, allowing the public to wander among the sand castles for viewing. There will be no compensation to the organizers of the event, no donations will be solicited, and no monies changing hands. Prizes for the winners will be donated by local businesses. This year's event is scheduled for August 12th, between the hours of 11:00am to 4:00pm. As in previous years, the area will be cleaned and restored to its original condition or to a condition satisfactory to the Kauai District Land Office.

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 rent as no fees are being charged to any of the participants or compensation made to the event coordinators. The event is a not-for-profit event

that is open to the general public. All prizes are donated by community businesses.

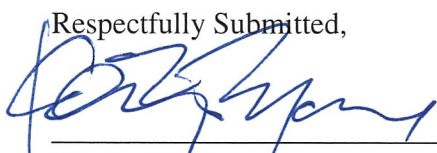
The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As 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

The Office of Conservation and Coastal Lands was consulted late on this request. In past years, OCCL had no concerns with this event. If OCCL raises issues with the current year's event, staff will apprise the Board of the same at the meeting on this item.

RECOMMENDATION: That the Board

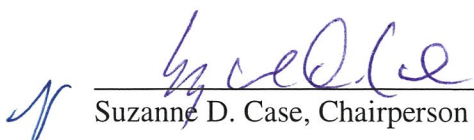
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a Right-of-Entry Permit to Julian Miller, on behalf of the Hawaii Sand Festival 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; and
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Wesley T. Matsunaga
Acting District Land Agent

APPROVED FOR SUBMITTAL:



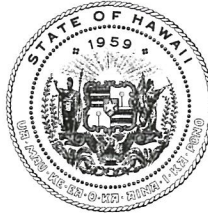
Suzanne D. Case, Chairperson





EXHIBIT A

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Ref. No.: 17KD-090

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry to Julian Miller onto State Lands for the 6th Annual Sand Festival at Hanalei Bay.

Project / Reference No.: PSF 17KD-090

Project Location: Hanalei Bay, Hanalei, Kauai, Tax Map Key: (4) 5-5-001: seaward of 011, 012 & 013.

Project Description: Issuance of Right-of-Entry to Julian Miller for 6th Annual Sand Festival

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".

Consulted Parties: Office of Conservation and Coastal Lands.

Recommendation: It is recommended that the Board find that this disposition will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

EXHIBIT B