

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

September 22, 2017

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

PSF No.: 17KD-100

KAUAI

Issuance of Revocable Permit to the County of Kauai for Installation of Portable Lifeguard Tower, Poipu, Koloa, Kauai, Tax Map Key: (4) 2-8-017: seaward of 001.

APPLICANT:

County of Kauai, a municipal corporation of the State of Hawaii.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands fronting Poipu Beach Park situated at Poipu, Koloa, Kauai, identified by Tax Map Key: (4) 2-8-017: seaward of 001, as shown on the attached map labeled Exhibit A.

AREA:

.0028 acres or 120 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 portable lifeguard tower site purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Gratis

COLLATERAL SECURITY DEPOSIT:

NA

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as Exhibit B.

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(4) 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, 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".

DCCA VERIFICATION:

Not applicable. Applicant, a government entity, is not required to register with DCCA.

REMARKS:

By letter dated June 5, 2017, Monty Downs, President of the Kauai Lifeguard Association, on behalf of the County of Kauai, informed KDLO that it is considering adding a "satellite" Lifeguard Tower at Poipu Beach Park, TMK: (4) 2-8-017:001. The tower would allow for greater improved visibility of the waters at the West end of the Park and for another 100 or so yards beyond, waters that have led to several drownings in recent years. Fire Chief Westerman has expressed concern and supports the proposal.

The position of the tower will be a few yards out on the sand, which may or may not be on the County property, but is within the Conservation District, Resource Subzone. The tower

will be on skids and not on a slab, which would allow the tower to be moved from its position when hitched to an ATV or truck, should a need arise to avoid threatening surf or storm surges.

The proposed use is consistent with the County zoning, which is Conservation, provided a Site Plan Approval is obtained from the OCCL and the County Planning Department is consulted for any Special Management Area (SMA) requirements.

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.

There are no other applicants requesting use of the subject area.

A month-to-month tenancy is more appropriate than long-term disposition in this case as there may be a need to relocate the lifeguard station due to anticipated wave actions during the annual winter surf and potential future changes of the shoreline.

The Office of Conservation and Coastal Lands (OCCL) was contacted and indicated that based on the descriptions provided of the proposed use, a Conservation District Use Application is not required. Lifeguard towers are identified as Site Plan Approvals under Section 13-5-22(P-6)(B-1).

On August 8, 2017, various government agencies and interest groups were solicited for comments. No comments were received by the deadline of the suspense date.

AGENCIES	COMMENTS
County of Hawaii:	
Parks & Recreation	No response
Planning Department	No response
Public Works	No response
State of Hawaii:	
DLNR-DOBOR	No response
DLNR - Historic Preservation	No response
DLNR - OCCL	No response
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response

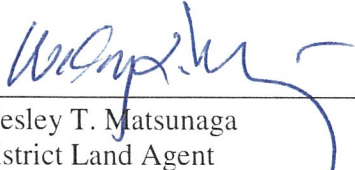
Staff believes that the subject request qualifies for an exemption from preparation of an environmental assessment because installment of the lifeguard tower will consist of only minor alteration in the conditions of land, water, or vegetation. It will result in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.

On 8/26/17, staff conducted a site inspection of the subject area at Poipu and is of the opinion that a minimum or no negative effects would result from the proposed use.

RECOMMENDATION: That the Board:

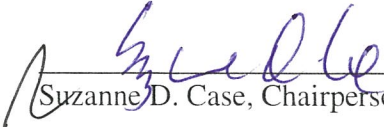
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to the County of Kauai covering the subject area for portable lifeguard tower site purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 2. Obtain a Site Plan Approval from the Office of Conservation and Coastal Lands prior to installation/placement of the lifeguard tower;
 3. Review and approval by the Department of the Attorney General; and
 4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

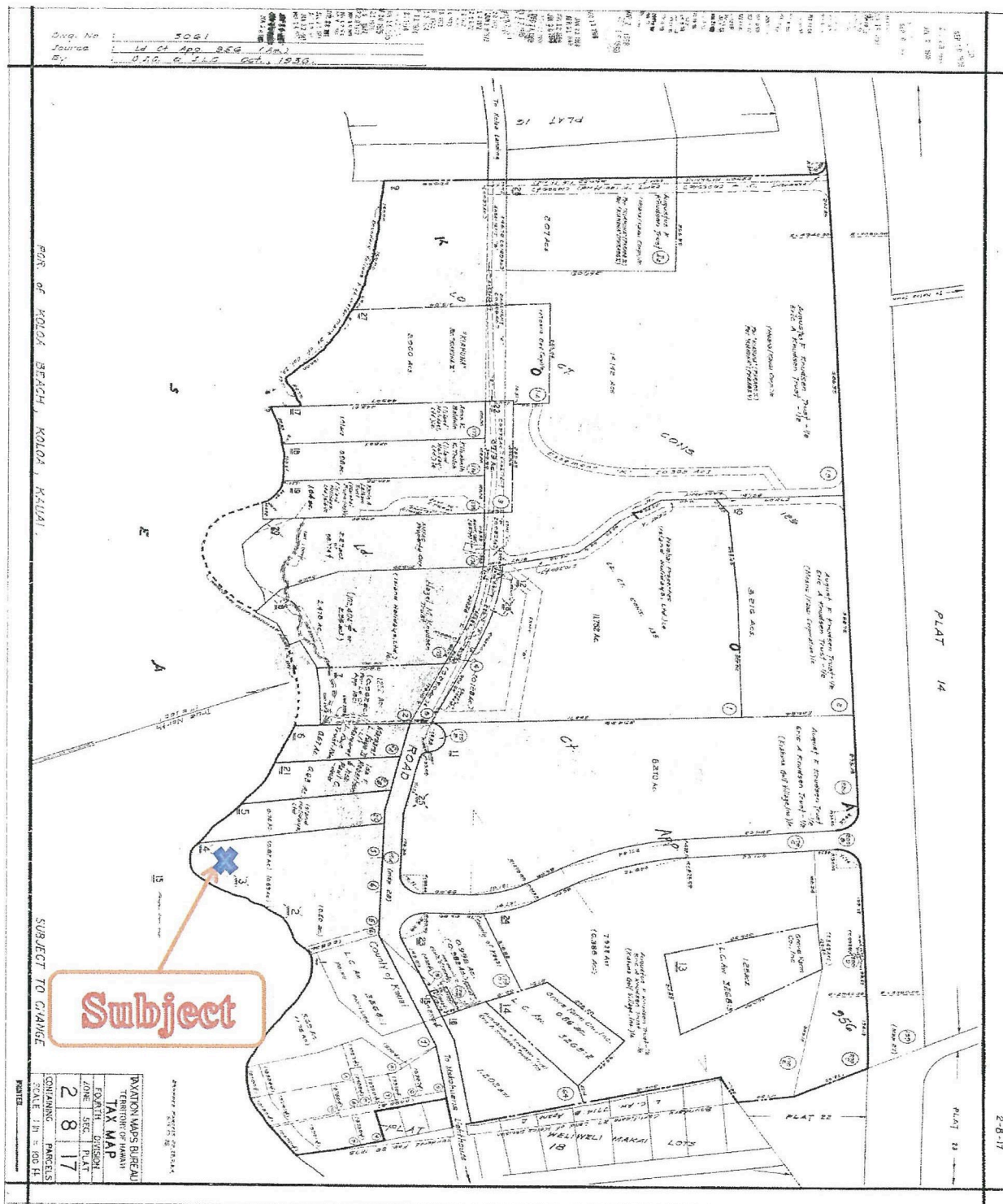


Wesley T. Matsunaga
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



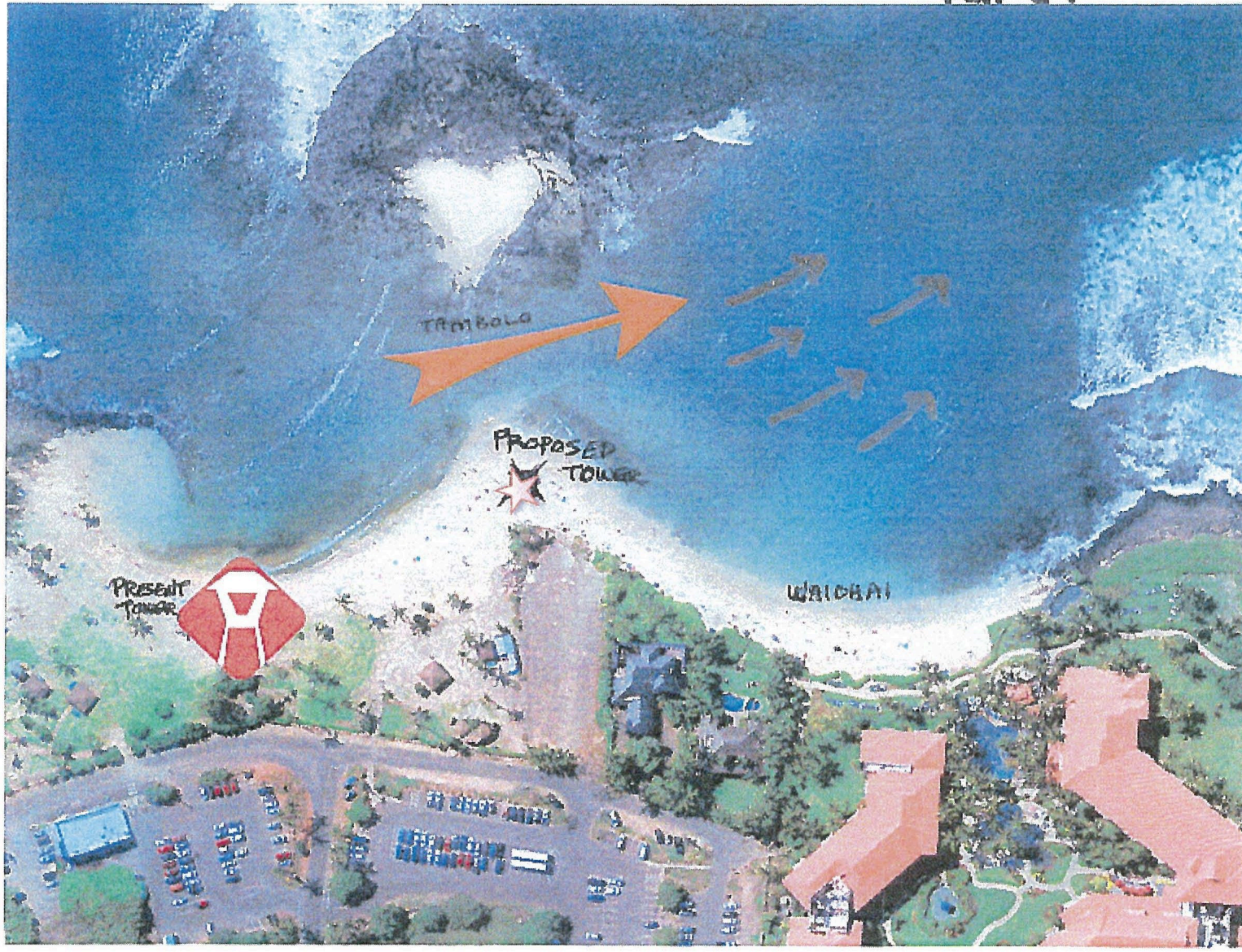
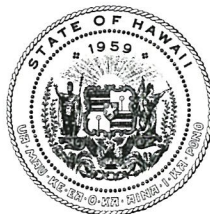


EXHIBIT A

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-100

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Revocable Permit to the County of Kauai onto State Lands for Portable Lifeguard Tower Site at Poipu Beach Park.

Project / Reference No.: PSF 17KD-100

Project Location: Poipu Beach, Poipu, Koloa, Kauai, Tax Map Key: (4) 4-8-017: seaward of 001.

Project Description: Issuance of a Revocable Permit to the County of Kauai for Portable Lifeguard Tower Site purposes.

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: County Planning, DOBOR, OCCL.

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