

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

June 22, 2018

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

PSF No.: 18MD-067

Maui

After-the-Fact Approval for Issuance of Right-of-Entry Permit to MC&A, Inc.,  
for Commercial Beach Activity Purposes, Wailea, Honuaula, Maui; TMK (2) 2-1-  
023: seaward of 007.

APPLICANT:

MC&A Inc., whose mailing address is 615 Piikoi Street, 10th Floor, Honolulu, Hawaii  
96814.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

5,000 sq. ft., 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: YES \_\_\_\_ NO  
  X

CURRENT USE STATUS:

Vacant and Unencumbered

CHARACTER OF USE:

Use of beach activity equipment for group events.

TERM OF RIGHT-OF-ENTRY:

One Day event: June 4, 2018, from 5:00 am to 7:00 pm. Set up will begin at 5:00 am. Event starts at 7:00 am and ends at 4:00 pm. Clean-up and area restoration to follow till 7:00 pm.

CONSIDERATION:

Total Payment of \$500.00. (Rental fee based on \$.10 per square foot per day; 5,000 square feet x \$.10 = \$500.00).

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, Item No. 51. See Exhibit C attached.

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> |

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Pay consideration fee of \$500.00;
2. Obtain a Commercial Ocean Activities Permit from DLNR DOBOR;
3. Right-of-Permit from the Maui District Land Office; and
4. Supply Certificate of Insurance naming the State of Hawaii as additional insured.

REMARKS:

MC&A Inc. requested a right-of-entry permit to utilize a 5,000 sq. f.t portion of Wailea Beach fronting the Four Seasons Kealani resort for commercial beach activities hosted by the Dell Chairman's Club. Activities included set up of beach chairs, beach umbrellas, beach volleyball and sand sculpting classes for group members to utilize. The event was scheduled for June 04, 2018, from 5:00 am to 7 pm which included time for set up and break down. Actual group event was held from 7 am to 4 pm.

Approval is being sought after-the-fact because staff miscalculated the date of the event although the application was received in a timely manner. Accordingly, the permittee was issued a signed right-of-entry permit for the event as provided for under the Board's delegation of authority to the Chairperson pursuant to Item D-11 of the Board meeting of June 14, 2013.

The proposed activity is similar in type and scope of beach activities that periodically occurred and continues to occur at this and other beach areas in south Maui. 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.

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. Pursuant to consultation with the DLNR Office of Conservation and Coastal Lands, Division of Aquatic Resources and Division of Boating and Ocean Recreation, we understand that staff has no objections to the proposed activity.

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. Approve After-the-Fact, the issuance of a right-of-entry permit to MC&A Inc., 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. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

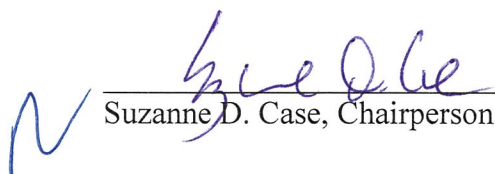
Respectfully Submitted,



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Daniel Ornellas  
District Land Agent

APPROVED FOR SUBMITTAL:



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Suzanne D. Case, Chairperson

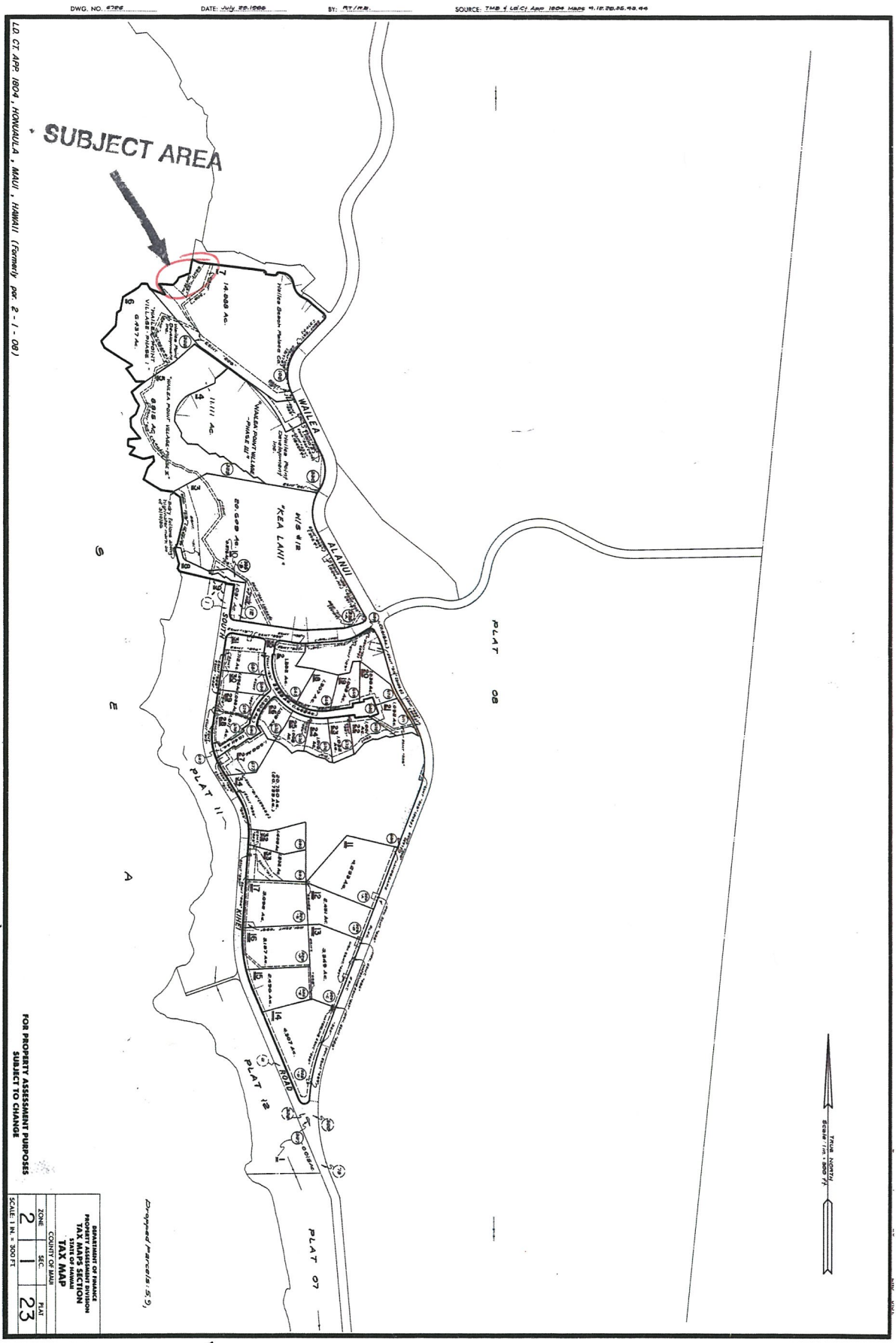


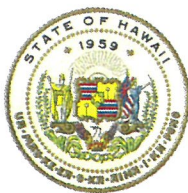
EXHIBIT A







DAVID Y. IGE  
GOVERNOR OF HAWAII



**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

**ROBERT K. MASUDA**  
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

June 22, 2018

**EXEMPTION NOTIFICATION**

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

|  |   |
|--|---|
| Project Title:   | After-the-Fact Approval of Issuance of Right-of-Entry Permit to MC&A, Inc. for Commercial Beach Activity Purposes   |
| Project / Reference No.:   | PSF 18MD-067  |
| Project Location:  | Wailea, Honuaula, Maui TMK: (2) 2-1-023: seaward of 007   |
| Project Description:   | Commercial Beach Activities to encumber 5,000 square feet of space starting at 5 am and ending at 7 pm.   |
| 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." |
| Cumulative Impact of Planned Successive Actions in Same Place Significant: | No. The request is for one day use only.  |
| Action May Have Significant Impact on Particularly Sensitive Environment:  | No. The proposed action will have no significant impact to the environment.   |

**EXHIBIT C**

Analysis:

The proposed activity is similar in type and scope of beach activities that periodically occurred and continues to occur at this and other beach areas in south Maui. 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 one-day event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

DLNR Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation and Division of Aquatic Resources

Recommendation:

That the Board find this project to have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.