

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-068

Maui

Issuance of Right-of-Entry Permit to MC&A, Inc., for Commercial Beach
Activity Purposes, Hulopoe, Lanai; TMK (2) 4-9-017: seaward of 002

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)
4-9-017: seaward of 002, as shown on the attached maps labeled Exhibits A and B.

AREA:

4,000 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: July 17, 2018, from 6:30 am to 5:00 pm. Set up will begin at 6:30 am. Event starts at 10:00 am and ends at 2:00 pm. Clean-up to follow till 5:00 pm.

CONSIDERATION:

Total Payment of \$400.00. (Rental fee based on \$.10 per square foot per day; 4,000 square feet x \$.10 = \$400.00).

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. 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 \$400.00;
2. Supply Certificate of Insurance naming the State of Hawaii as additional insured;
and
3. Sign Right-of-Permit from the Maui District Land Office.

REMARKS:

MC&A Inc. is requesting a right-of-entry permit to utilize a 4,000 sq. ft. portion of Hulopoe Beach fronting the Four Seasons Resort Lanai for commercial beach activities hosted by the Toyota Dealer's Program. Activities will include set up of beach chairs,

blankets, inflatable lounge chairs, beach umbrellas, beach volleyball, badminton, corn hole game, and horseshoes for group participants to utilize. The event is scheduled for July 17, 2018, from 6:30 am to 5 pm which includes time for set up and break down. Actual group event will be held from 10 am to 2 pm.

The proposed activity is similar in type and scope of beach activities that periodically occurred and continue 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. Authorize 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,

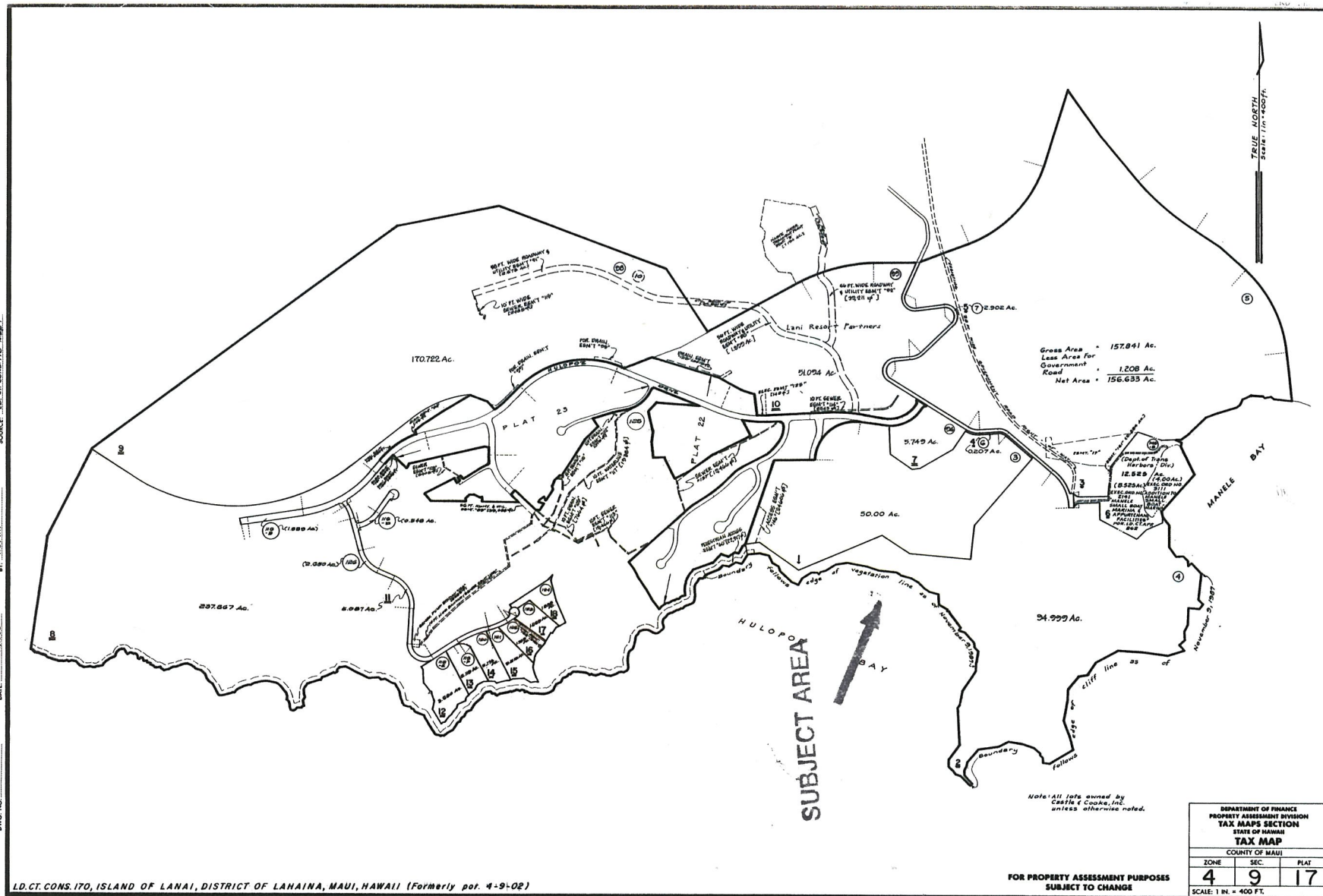


Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





DAVID Y. IGE
GOVERNOR OF HAWAII



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

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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JEFFREY T. PEARSON, P.E.
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BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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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: Issuance of Right-of-Entry Permit to MC&A, Inc. for Commercial Beach Activity Purposes

Project / Reference No.: PSF 18MD-068

Project Location: Hulopoe, Lanai TMK: (2) 4-9-017: seaward of 002

Project Description: Commercial Beach Activities to encumber 4,000 square feet of space starting at 6:30 am and ending at 5 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 Hulopoe Beach on Lanai. 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.