

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

June 8, 2018

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

PSF No.: 18MD-063

Maui

After-the-Fact Approval of Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for Beach Game Competition Purposes, Wailea Beach, Honuaula, Maui; TMK (2) 2-1-008: seaward of 107

APPLICANT:

Maui's Original Hawaiian Corporate Games, Inc.,
a Domestic Profit Corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands fronting The Four Seasons Wailea Resort, at Wailea Beach Honuaula, Maui, further identified by Tax Map Key: (2) 2-1-008: seaward of 107, as shown on the attached maps labeled Exhibits A1 – A3.

AREA:

4,000 square feet

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:

Beach game competition purposes.

TERM OF RIGHT-OF-ENTRY:

This is a one day event. Scheduled for June 08, 2018; from 8:00 a.m. to 12:00 noon.

CONSIDERATION:

Payment of \$400.00. Rent based on 10¢ per square foot per day.

Total area of requested use is 4,000 square feet for one day. (4,000 sf x \$0.10 ft./day = \$400.00).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule (HAR) 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>

APPLICANT REQUIREMENTS:

1. Pay consideration fee of \$400;
2. Obtain Right-of-Permit from the Maui District Land Office; and
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured.

REMARKS:

Staff is requesting approval after-the-fact for a right-of-entry permit to Maui's Original Hawaiian Corporate Games, Inc., for a beach game competition scheduled for June 08, 2018, from 8:00 a.m. to 12:00 noon. Approval is being sought after-the-fact because,

although the event is scheduled for June 08 (the same day this item is anticipated to be before the Board), the right-of-entry permit had to be issued in advance of the event date. Accordingly, the permittee already holds 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. Staff understands that the Applicant submitted the request for the right of entry in a timely manner, but the request was not processed earlier due to unintentional oversight. Staff apologizes for the error but is not aware of any issues in regards to an after the fact approval.


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,

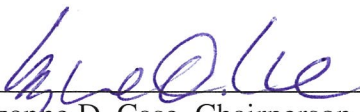
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve, after the fact, the issuance of a right-of-entry permit to Maui's Original Hawaiian Corporate Games, Inc. covering the subject area for a beach game competition 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,



for Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

SUBJECT AREA

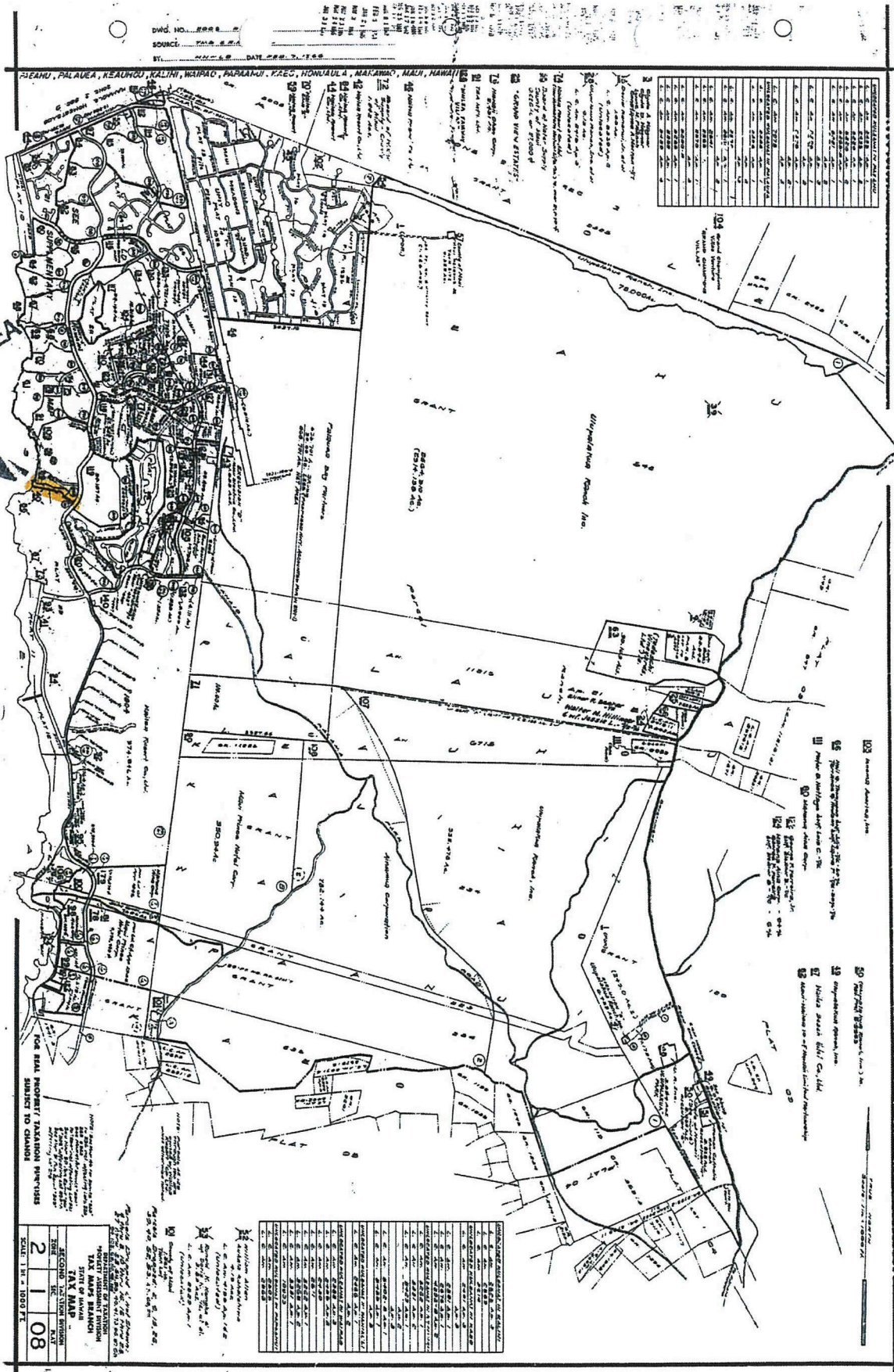




EXHIBIT A2

OCEAN

"Square Footage"

* 4,000 Sq. Ft.

* Request for Beach Permit
for AM June 8, 2018

"Single Materials"
TEAM FLAGS

BEACH
LOCATION

50'

80'

GAMES

Hula-Hoop Ball

Coconut Bowling

Ring of Fire

Hula Hoop-LA

Beach Basketball

Mango Toss

Relay Race Lanes

(Beach Stairs)

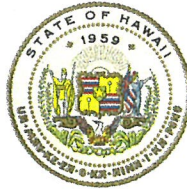
SOUND
System

BEACH WALKWAY

EXHIBIT A3

"Four Seasons Wailea
Resort"

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 8, 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 Maui's Original Hawaiian Corporate Games, Inc. for Beach Game Competition Purposes
Project / Reference No.:	PSF 18MD-063
Project Location:	Wailea, Honuaula, Maui TMK: (2) 2-1-008: seaward of 107
Project Description:	Beach Game Competitions to encumber 4,000 square feet of space starting at 8 a.m. and ending at noon.
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.

EXHIBIT B

Action May Have Significant
Impact on Particularly
Sensitive Environment:

No. The proposed action will have no significant impact to the environment.

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.