

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

July 27, 2018

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

PSF No.: 18MD-086

Maui

Issuance of Right-of-Entry Permit to Linda Morgan for Welcome to Maui Reception Party Purposes, Uluniu Beach Reserve, Kula Makai, Maui; TMK (2) 3-9-009: 011 por.

APPLICANT:

Ms. Linda Morgan

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands fronting Aloha Aku Bed and Breakfast along Uluniu Beach, Kula Makai, Maui, further identified by Tax Map Key: (2) 3-9-009: 011 por., as shown on the attached map labeled Exhibit A.

AREA:

1,600 square feet

ZONING:

State Land Use District: Urban  
County of Maui CZO: Special Management Area

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:

Welcome to Maui reception party purposes.

TERM OF RIGHT-OF-ENTRY:

One day event. Scheduled for the evening of July 27, 2018; from 5:00 p.m. to 7:00 p.m.

CONSIDERATION:

Payment of \$160.00. Rent based on 10¢ per square foot per day.

Total area of requested use is 1,600 square feet for one day. (1,600 sf x \$0.10 ft./day = \$160.00).

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:

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

APPLICANT REQUIREMENTS:

1. Pay consideration fee of \$160;
2. Obtain Right-of-Entry (ROE) Permit from the Maui District Land Office;
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured pursuant to ROE terms and conditions; and
4. Prohibit the possession and/or consumption of alcohol upon government property.

REMARKS:

Staff is requesting approval for a right-of-entry permit for Linda Morgan for a welcome to Maui reception scheduled for the evening of July 27, 2018, from 5:00 p.m. to 7:00 p.m. Improvements to the area include the staging of furniture and equipment that will enable guests of about 160 people to engage in a reception party and related cultural activities that includes lei making. The applicant has stated that the host residence, Aloha Aku, does have a County of Maui SMA permit that allows for up to four (4) large events to be conducted on its private property as part of its approved bed-and-breakfast operation. Parking is to be provided at the adjacent St. Teresa Church parking lot and shuttle service will be available to move participants to and from the venue situate at 1390 South Kihei Road.

The proposed activity is similar in type and scope of beach activities that periodically occurred and continues to occur at this and other beach front areas of south Maui such as Wailea Beach. Applicant is requesting a formal ROE to ensure compliance with any rules and regulations related to the placement of furniture and equipment needed to service visitors to the event.

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.

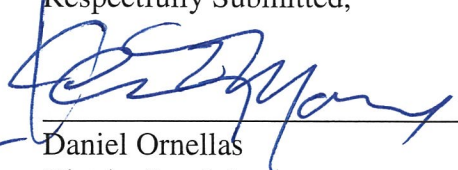
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions. Pursuant to consultation with the DLNR Office of Conservation and Coastal Lands, Division of Aquatic Resources and Division of Boating and Ocean Recreation, we understand that staff has no objections to the proposed activity.

RECOMMENDATION: That the Board,

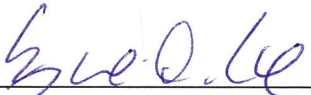
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Approve the issuance of a right-of-entry permit to Linda Morgan covering the subject area for a welcome to Maui reception party 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.

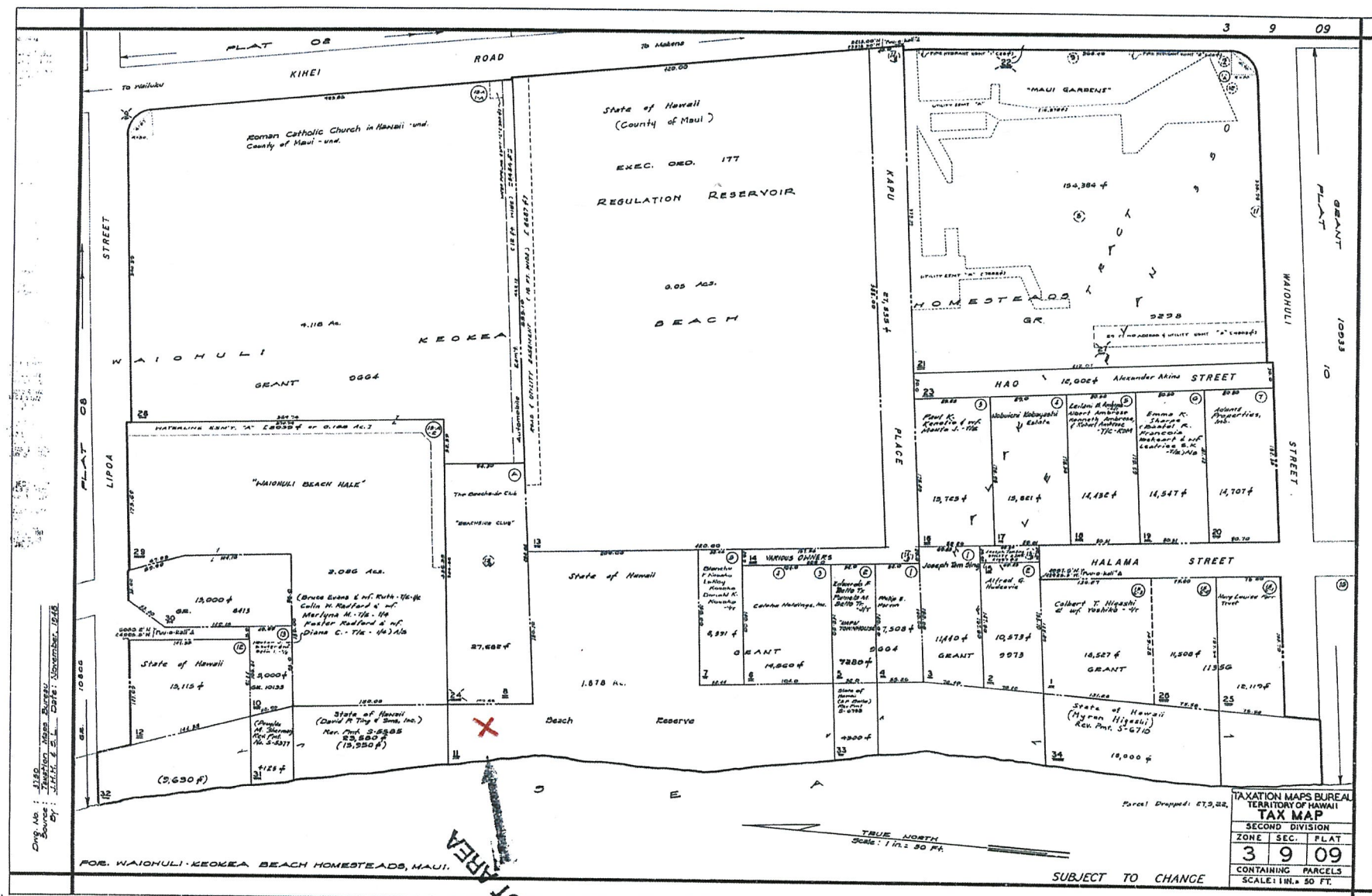
Respectfully Submitted,

  
\_\_\_\_\_  
Daniel Ornellas  
District Land Agent

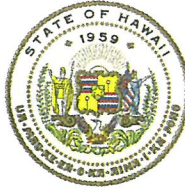
APPROVED FOR SUBMITTAL

  
\_\_\_\_\_  
Suzanne D. Case. Chairperson





DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

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BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

July 27, 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 Linda Morgan for Welcome to Maui Reception Purposes
Project / Reference No.:	PSF 18MD-086
Project Location:	Uluniu Beach Reserve, Kula Makai, Maui TMK: (2) 3-9-009: 011 por.
Project Description:	Reception event to encumber 1,600 square feet of space with furniture and equipment from 5 pm to 7pm on July 27, 2018.
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.



EXHIBIT "C"

1,600 SF  
Event  
area





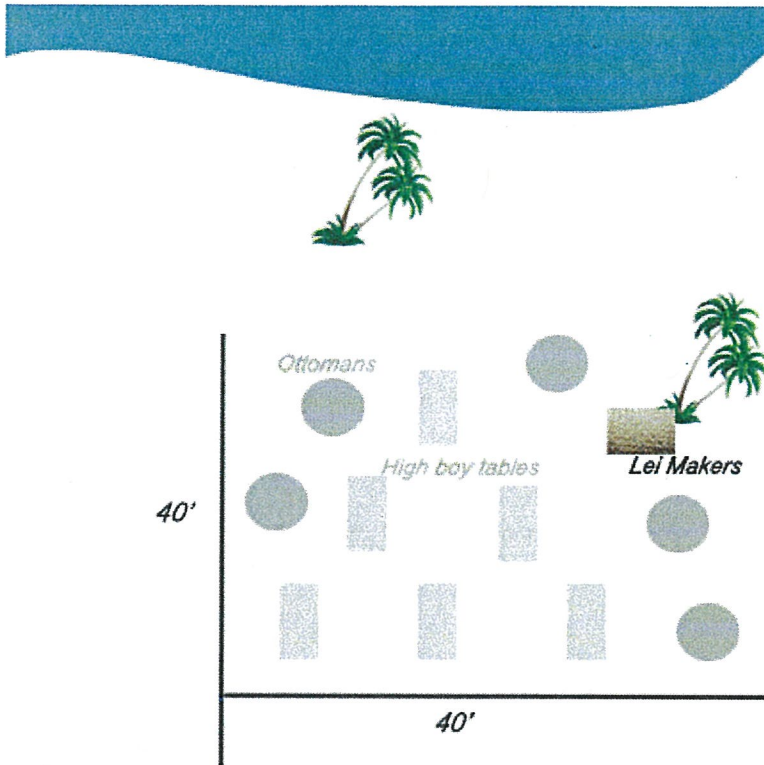


EXHIBIT "D"