

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

October 12, 2018

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

PSF No.: 18KD-116

Kauai

Issuance of Right-of-Entry Permit to Greg Van Dyke, on behalf of Round Table Owners Association at Kalapaki Beach for Volleyball Tournament; Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.

APPLICANT:

Greg Van Dyke, on behalf of Round Table Owners Association

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalapaki Beach, Lihue, Kauai, identified as seaward of Tax Map Key: (4) 3-5-002:002, as shown on the attached Exhibit A.

AREA:

2,704 square feet, more or less.
(consists of two volleyball courts of approximately 1,352 square feet each)

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Urban

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 Volleyball Tournament

TERM OF RIGHT-OF-ENTRY:

One day. (October 15, 2018, from 3:30 pm to 7:00 pm)

CONSIDERATION:

\$270.40 (2,704 square feet x 0.10 per square feet x 1 day)

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 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. See Exhibit B.

DCCA VERIFICATION:

Registration with DCCA not required as applicant is an individual.

REMARKS:

Greg Van Dyke, a representative of Round Table Pizza Owners Association, is requesting a right-of-entry permit for a volleyball tournament on unencumbered State land at Kalapaki Beach. The tournament is scheduled for October 15, 2018 sometime between 3:30 pm to 7:00 pm.

Mr. Van Dyke is requesting the use of two of the volleyball courts located on Kalapaki Beach. Participation in the volleyball tournament will be exclusive to the guests of Mr. Van Dyke. There will not be any entry fees collected and there will not be any profits realized from this tournament.

The applicant stated that no tents or spectator seating will be placed on the beach/State land. Any tents, tables or chairs will be placed on the Marriott Hotel grounds.

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.

The proposed activity is of a similar type and scope of beach activities that routinely has occurred and continues to be held on this and other beaches across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environment and/or cultural resources in the area. As such staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Various government agencies and interest groups were solicited for comments.

State Agencies:

OCCL	“concur with what is stated in the Board Submittal: Exemption Class 1 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. 51. Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”
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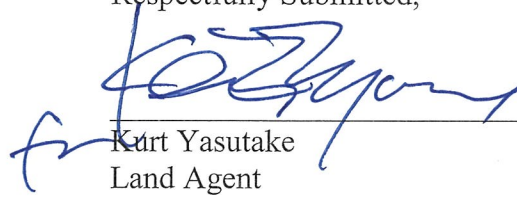
Others

Kauai Marriott Resort	Applicant has obtained Marriott’s approval to have tents, tables and chairs on their property for the event.
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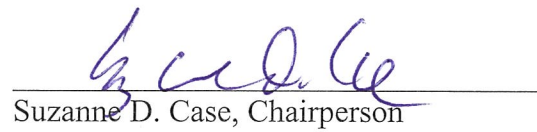
RECOMMENDATION: That the Board

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 right-of-entry permit to Greg Van Dyke, on behalf of Round Table Owners Association covering the subject area for a volleyball tournament, 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,


Kurt Yasutake
Land Agent

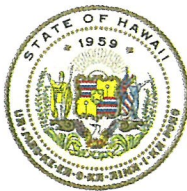
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson





DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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October 12, 2018

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

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 Greg Van Dyke, on behalf of Round Table Owners at Kalapaki Beach for Volleyball Tournament.
Project / Reference No.:	18KD-116
Project Location:	Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.
Project Description:	The subject property is currently unencumbered State land located at Kalapaki Beach, seaward of Kauai Marriott Resort. The applicant is requesting the use of two volleyball courts located on Kalapaki Beach for an exclusive volleyball tournament for the applicant's guests.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (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 that states "Permits, licenses, registrations, and rights-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 temporary use of the land for land maintenance purposes is compliant with county zoning requirements. Staff believes there are no cumulative impacts involved.
Action May Have Significant Impact on Particularly Sensitive Environment?:	No. There are no sensitive environmental issues involved with the proposed use of the property.

EXHIBIT B

Analysis:

In the past, permits were issued for similar type of events on the beach in this area, which have resulted in no known significant impacts to the natural and environmental resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

Office of Conservation & Coastal Lands.

Recommendation:

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