

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

June 14, 2019

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

PSF# 19MD-055

Maui

Issuance of a Right-of-Entry Permit to MC&A, Inc. for Beach Activities for  
Lexus Automobile Company at North Kihei, Wailuku, Maui, Tax Map Key: (2)  
3-8-013: seaward of 011.

APPLICANT:

MC&A, Inc., a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of North Kihei, Maui identified by Tax Map Key: (2) 3-8-013: seaward of 011, as shown on the attached map labeled Exhibit A.

AREA:

600 square feet, 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: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Storage and use of beach activity equipment for group beach day event.

TERM OF RIGHT OF ENTRY:

The applicant has requested the use of the subject area for two separate days from 7:00am to 4:00pm. Set up will begin at 7:00am with the actual event taking place from 10:00am to 2:00pm. Clean-up and area restoration shall be completed by 7:00pm. The event will take place on July 10 and July 14, 2019.

CONSIDERATION:

Payment of \$120.00. Rent based on 10¢ per square foot for two days.

Total area of requested use 600 square feet for two days. (600 sf x 10¢ ft. x two days = \$120.00).

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, 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 C).

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO
Registered business name confirmed:	YES <u>x</u>	NO
Applicant in good standing confirmed:	YES <u>x</u>	NO

APPLICANT REQUIREMENTS:

1. Pay consideration fee of \$120.00;
2. Obtain Right-of-Permit signed by the Chairperson from the Maui District Land Office;
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured;

4. Obtain DOBOR Ocean activity permit for water/ocean portion of this event; and
5. Monitor all equipment to assure proper use and storage in an orderly manner within permitted area.

REMARKS:

Staff is requesting approval for a right-of-entry permit to MC&A, Inc. to utilize a portion (600 sq. ft.) of the shoreline in North Kihei fronting Sugar Beach Condominiums for a beach day event for the Lexus Automobile Company. The event is scheduled for July 10 and July 14, 2019. The request is to utilize an area of the shoreline for kayaks, paddle boards, boogie boards, air mattresses, (1) 10 x 10 canopy, sand sculpture lessons for children and Water trampoline (pending approval) for group members to utilize.

Staff will require that the applicant provide an individual to monitor all equipment to assure that it is properly stored in an orderly manner within the permitted area while items are not in use.

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. There are no other pertinent issues or concerns. Staff has no objections to this request.

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, Hawaii Administrative Rules, 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 MC&A, Inc. for kayaks, paddle boards, boogie boards, air mattresses, (1) 10 x 10 canopy, sand sculpture lessons for children and water trampoline (pending approval) for group members to utilize for a beach day event for the Lexus Automobile Company, 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; 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

[illegible]

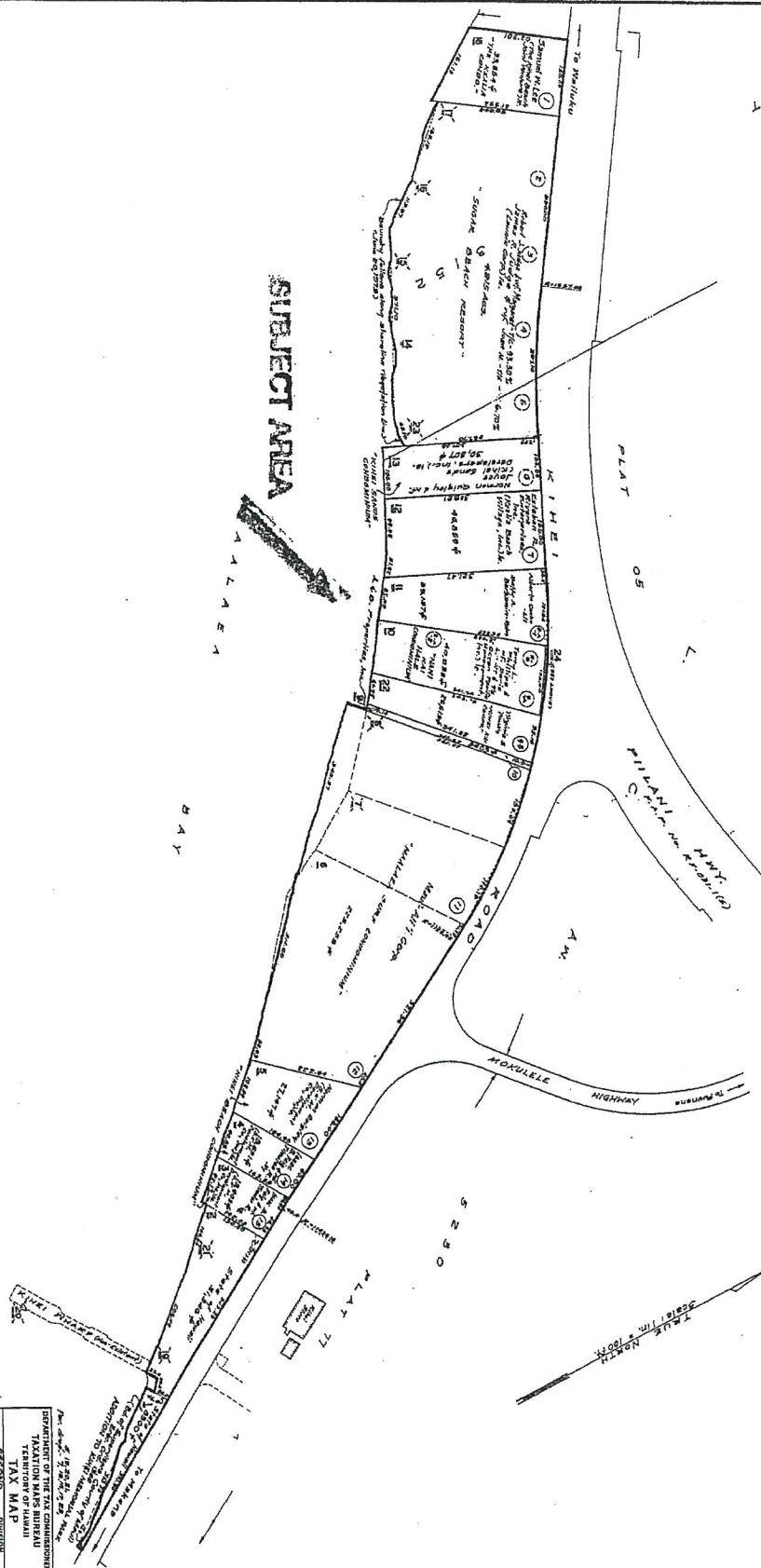
**SUBJECT TO CHANGE**

DEPARTMENT OF THE TAX COMMISSIONERS  
TAXATION MAPS BUREAU  
TERRITORY OF HAWAII  
TAX MAP

SECOND		DIVISION
ZONE	SEC.	PLAT
3	8	13

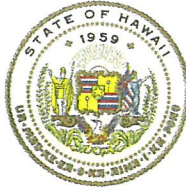
CONTAINING PAGES

SCALE: 1 IN. = 100 FT.





DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 14, 2019

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

ROBERT K. MASUDA  
FIRST DEPUTY

M. KALEO MANUEL  
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

**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 Lexus Automobile Company Beach Events. PSF 19MD-055.

Project Location; North Kihei, Wailuku, Maui, TMK: (2) 3-8-013: seaward of 011.

Project Description: Storage and use of beach activity equipment for group beach events: July 10 and July 14, 2019.

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: Not applicable. Use of this area is not on a routine or regular basis.

Action May Have Significant Impact on Particularly Sensitive Environment: DLNR staff believes there is no significant impact to sensitive environmental or ecological receptors.

Agencies Consulted:	The DLNR Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation, and Division of Aquatic Resources were consulted with regard to the proposed activity at the subject area.
Analysis:	Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.
Findings:	Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.
Recommendation:	It is anticipated that this event will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.