

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

19MD-068

Maui

Issuance of a Right-of-Entry Permit, after-the-fact, to MC&A, Inc. for Beach Volleyball Event for Chick-Fil-A Company at DT Flemings Beach, Honolua, Lahaina, Maui, Tax Map Key: (2) 4-2-004: seaward of 015.

APPLICANT:

MC&A, Inc., a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Honolua, Lahaina, Maui identified by Tax Map Key: (2) 4-2-004: seaward of 015, as shown on the attached map labeled Exhibit A and B.

AREA:

3,000 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:

Staging and use of beach volleyball court and related beach activity equipment for one-day beach event.

TERM OF RIGHT OF ENTRY:

The applicant has requested the use of the subject area for one day from 8:00am to 6:00pm. Set up will begin at 8:00am with the actual event taking place from 12:00pm to 4:00pm. Clean-up and area restoration shall be completed by 6:00pm. The event will take place on June 4, 2019.

CONSIDERATION:

Payment of \$300.00. Rent based on 10¢ per square foot for one day.

Total area of requested use 3,000 square feet for one day. (3,000 sf x \$0.10 per sf = \$300.00).

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

REMARKS:

Staff is requesting approval for a right-of-entry permit to MC&A, Inc. to utilize a portion (3,000 sq. ft.) of the shoreline at DT Flemings Beach for a beach day event for the Chick-Fil-A Company. The event is scheduled for June 4, 2019. The request is to utilize an area

of the shoreline for beach volleyball court, beach chairs with beach umbrellas, snorkel sets, boogie boards, and air mattresses 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.

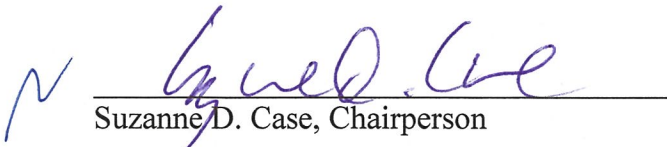
RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, 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, after-the-fact, to MC&A, Inc. for one-day beach activities event, 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:

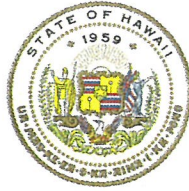

Suzanne D. Case, Chairperson



TMK No. (2) 4-2-004: seaward of 015

Exhibit B

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 Chick-Fil-A Beach Events. PSF 19MD-068

Project Location; DT Flemings Beach, Honolua, Lahaina, Maui, TMK: (2) 4-2-004: seaward of 015

Project Description: Use of 3,000 sq. ft. of beach area for beach volleyball court, beach chairs with beach umbrellas, snorkel sets, boogie boards, air mattress from 8am – 6pm

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 proposed activities 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 beach 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.