

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

July 26, 2019

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

PSF No.: 19KD-072

**KAUAI**

Issuance of Right-of-Entry Permit to Pohakukauea Kekaulua, on behalf of Kauai Bodyboarding Association at Shipwreck's Beach (Keoniloa Beach) for a Bodyboarding Contest; Shipwreck's Beach (Keoniloa Beach), Poipu, Koloa, Kauai, Tax Map Key: (4) 2-9-001:seaward of 001.

**APPLICANT:**

Pohakukauea Kekaulua, on behalf of Kauai Bodyboarding Association

**LEGAL REFERENCE:**

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

**LOCATION:**

Portion of Government lands of Shipwreck's Beach (Keoniloa Beach), Poipu, Koloa, Kauai, identified as seaward of Tax Map Key: (4) 2-9-001:seaward of 001, as shown on the attached EXHIBIT A.

**AREA:**

400 square feet, more or less.  
(consists of one 20' x 20' tent)

**ZONING:**

|                          |              |
|--------------------------|--------------|
| State Land Use District: | Conservation |
| County of Kauai CZO:     | Unknown      |

**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:

Bodyboarding contest.

TERM OF RIGHT-OF-ENTRY:

Two days. (August 10, 2019 and August 11, 2019, from 6 am to 6 pm)

CONSIDERATION:

\$80.00 (400 square feet x 0.10 per square feet x 2 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:

Pohakukaeua Kekaulua, on behalf of Kauai Bodyboarding Association, is requesting a right-of-entry permit for a bodyboarding contest on unencumbered State land at Shipwreck's Beach (Keoniloa Beach). The contest is intended for August 10, 2019 and August 11, 2019, sometime between 6:00 am to 6:00 pm.

Mr. Kekaulua intends to utilize 400 square feet of the beach area to setup a 20' x 20' tent to be used for the event. Participation in the bodyboarding contest will be open to the public. According to Mr. Kekaulua, the contest will be a chance for all bodyboarders to showcase their talent.

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.

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.

Various government agencies and interest groups were solicited for comments.

| AGENCIES                                 | COMMENTS  |
|--|---|
| <b>County of Kauai:</b>                  |   |
| Planning Department                      | No response by due date.  |
| Public Works Department                  | "We have no objections."  |
| Parks and Recreation                     | No response by due date.  |
| <b>State of Hawaii:</b>                  |   |
| Office of Conservation and Coastal Lands | No response by due date.  |
| Division of Boating and Ocean Recreation | "Sponsor shall provide a certificate of insurance naming the State of Hawaii as additional insured."<br>"Event promoter shall provide their own ocean safety team and all thrill crafts are to be staged on land. Unless arranged with the County otherwise." |
| <b>Other Agencies/ Interest Groups:</b>  |   |
| Office of Hawaiian Affairs               | No response by due date.  |

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 Pohakukauea Kekaulua, on behalf of Kauai Bodyboarding Association covering the subject area for a bodyboarding contest, 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,



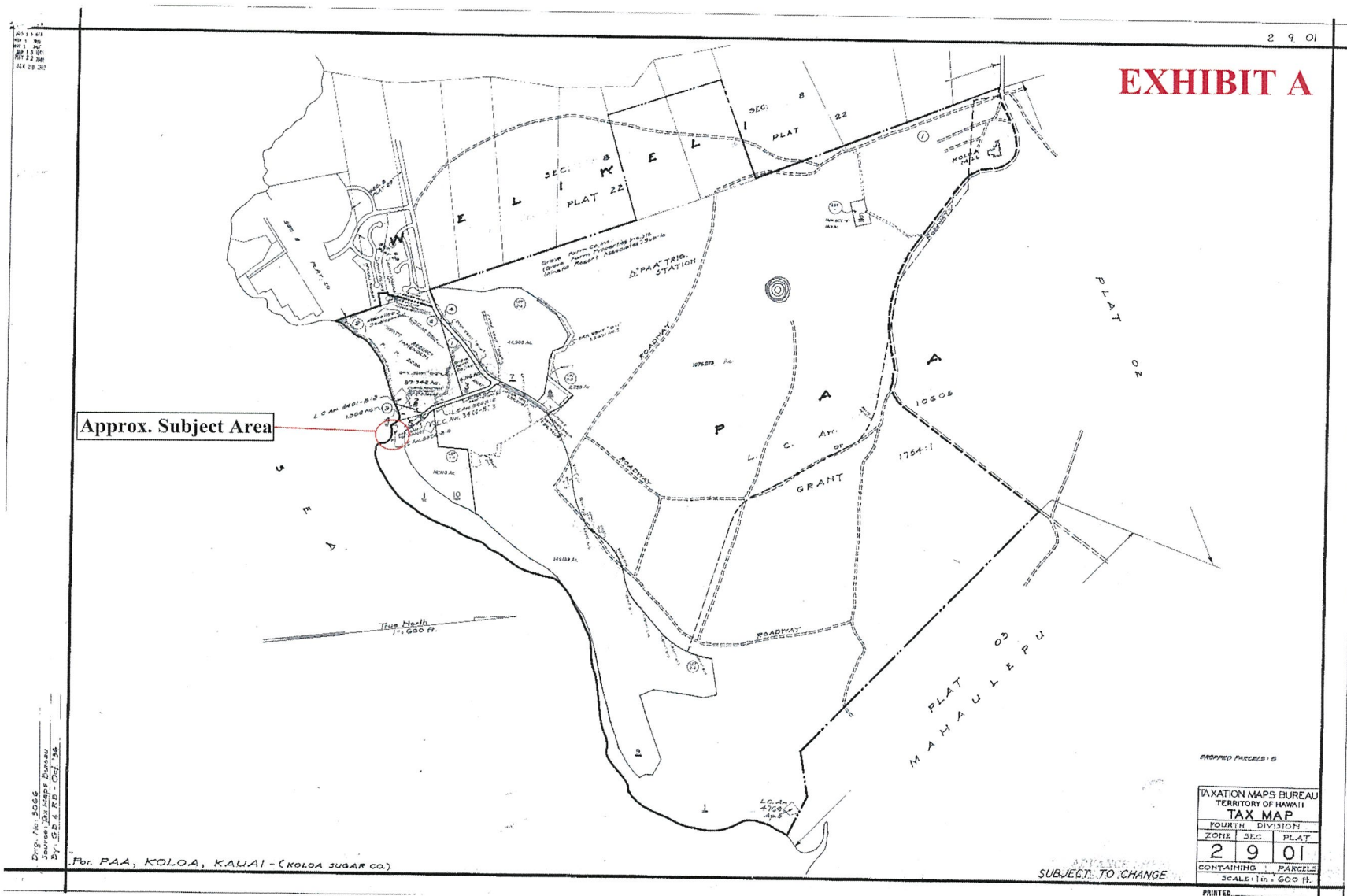
Kurt Yasutake  
Land Agent

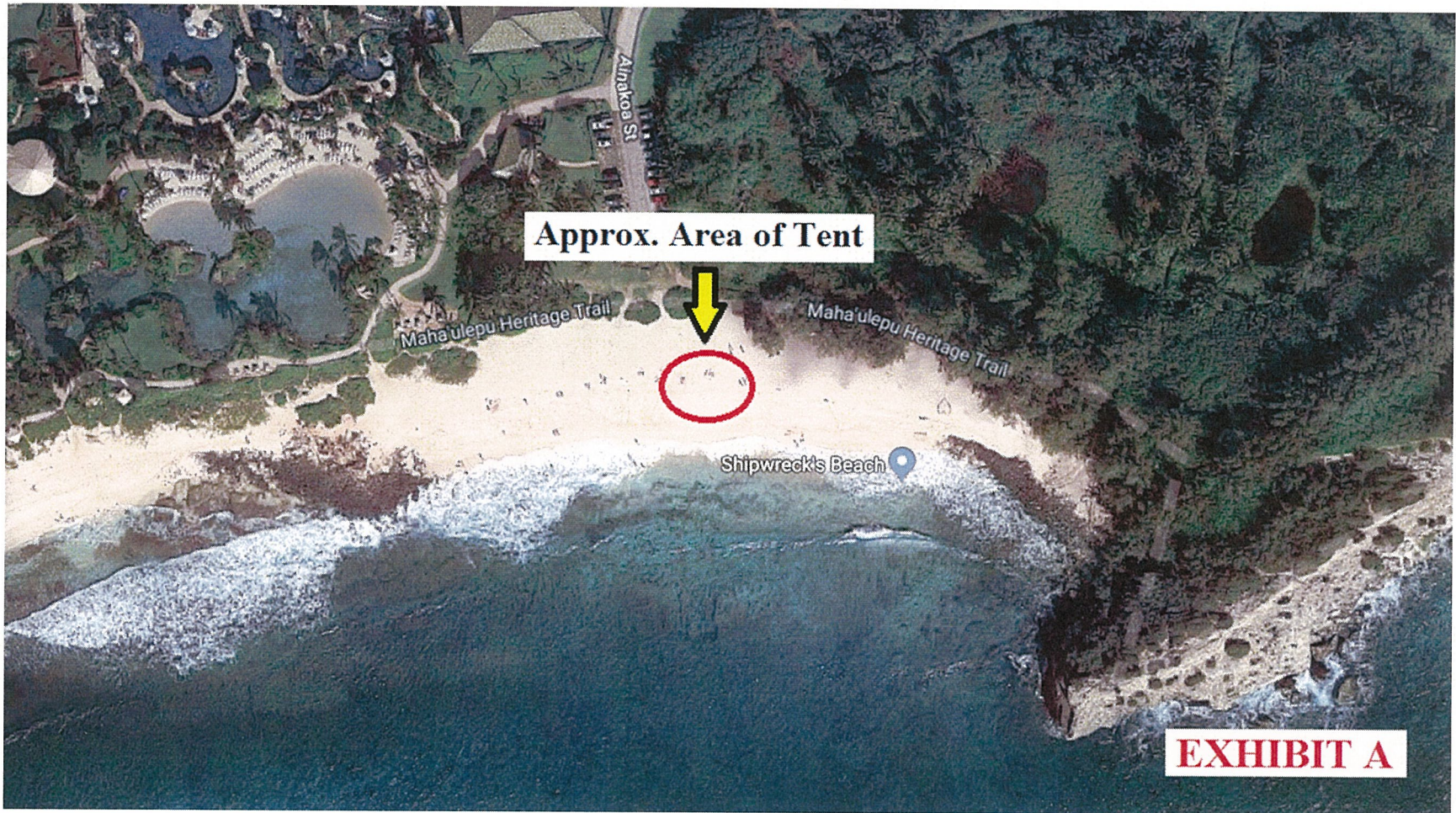
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson







DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 26, 2019

## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

|   |   |
|---|---|
| <b>Project Title:</b>                       | Issuance of Right-of-Entry Permit to Pohakukauea Kekaulua, on behalf of Kauai Bodyboarding Association at Shipwreck's Beach (Keoniloa Beach) for Bodyboarding Contest.  |
| <b>Project / Reference No.:</b>             | 19KD-072  |
| <b>Project Location:</b>                    | Shipwreck's Beach (Keoniloa Beach), Poipu, Koloa, Kauai, Tax Map Key: (4) 2-9-001:seaward of 001.   |
| <b>Project Description:</b>                 | The subject property is currently unencumbered State land located at Shipwreck's Beach (Keoniloa Beach). The applicant is requesting the use approximately 400 square feet to place one 20'x 20' tent for use of a bodyboarding contest.  |
| <b>Chap. 343 Trigger(s):</b>                | Use of State Land   |
| <b>Exemption Class No. and Description:</b> | 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 |

**EXHIBIT B**

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.

**Analysis:**

In the past, permits were issued for similar type of events on the beach in the 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:**

County of Kauai Public Works Department, County of Kauai Planning Department, County of Kauai Parks and Recreation, Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation, and Office of Hawaiian Affairs.

**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.