

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

October 11, 2019

Ref. No.: 19KD-095

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

KAUAI

Issuance of Right-of-Entry Permit to the Young Men's Christian Association of Kauai for the Kalapaki Bay Foil Challenge Event Over Unencumbered State Lands at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

APPLICANT:

Young Men's Christian Association of Kauai (YMCA), a Hawaii nonprofit corporation.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

500 square feet (5- 10' x 10'), more or less.

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Not zoned

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES ____ NO x

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Kalapaki Bay Foil Challenge event purpose to include 5 tents.

TERM OF RIGHT-OF-ENTRY:

November 30, 2019, from 8:00 am to 4:30 pm.

RENTAL:

\$50.00 (500 square feet at .10 per square foot)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See attached, Exhibit B.

DCCA VERIFICATION:

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

REMARKS:

On July 17, 2019, Jason Tangalin, Event Manager, Kalapaki Bay Foil Challenge Event, on behalf of the YMCA, requested a right-of-entry onto unencumbered State lands at Kalapaki Beach, to conduct its Kalapaki Bay Foil Challenge surf event. The event is a hydro foiling contest. The YMCA is planning the event on Kalapaki Beach and Marriott Resort property, which includes five 10'X 10' tents to be erected on a 10' by 50' portion of the beach. All proceeds are going to the Kauai Junior Lifeguard Association. The event will be for only eight hours on November 23, 2019, between the hours of 8:00am to 4:30pm, but if there are no waves, they will reschedule to the November 30, 2019. The Division of Boating and Ocean Recreation has already issued the YMCA permits for the event, attached as Exhibit C.

Staff has no objections to the request as that particular section of Kalapaki Beach has been used on numerous other occasions over the years for various activities/purposes which involved negligible or no impacts 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.

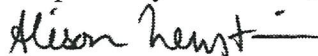
The following State and County of Kauai (COK) agencies were consulted on this action with the results indicated:

Agency:	Comment:
Office of Hawaiian Affairs	No response by suspense date
DOCARE	No objection
DOBOR	No response by suspense date

RECOMMENDATION: That the Board

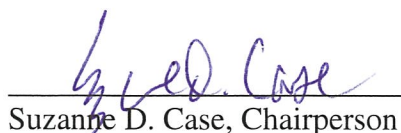
- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, Hawaii Administrative Rules, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- B. Authorize the issuance of a right-of-entry permit to the YMCA, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 2. The permittee will remit a check for \$50.00, made payable to the Department of Land and Natural Resources, which represents a non-refundable fee for use of the subject area;
 3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
 4. Review and approval by the Department of the Attorney General.

Respectfully Submitted,



Alison Neustein
Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson

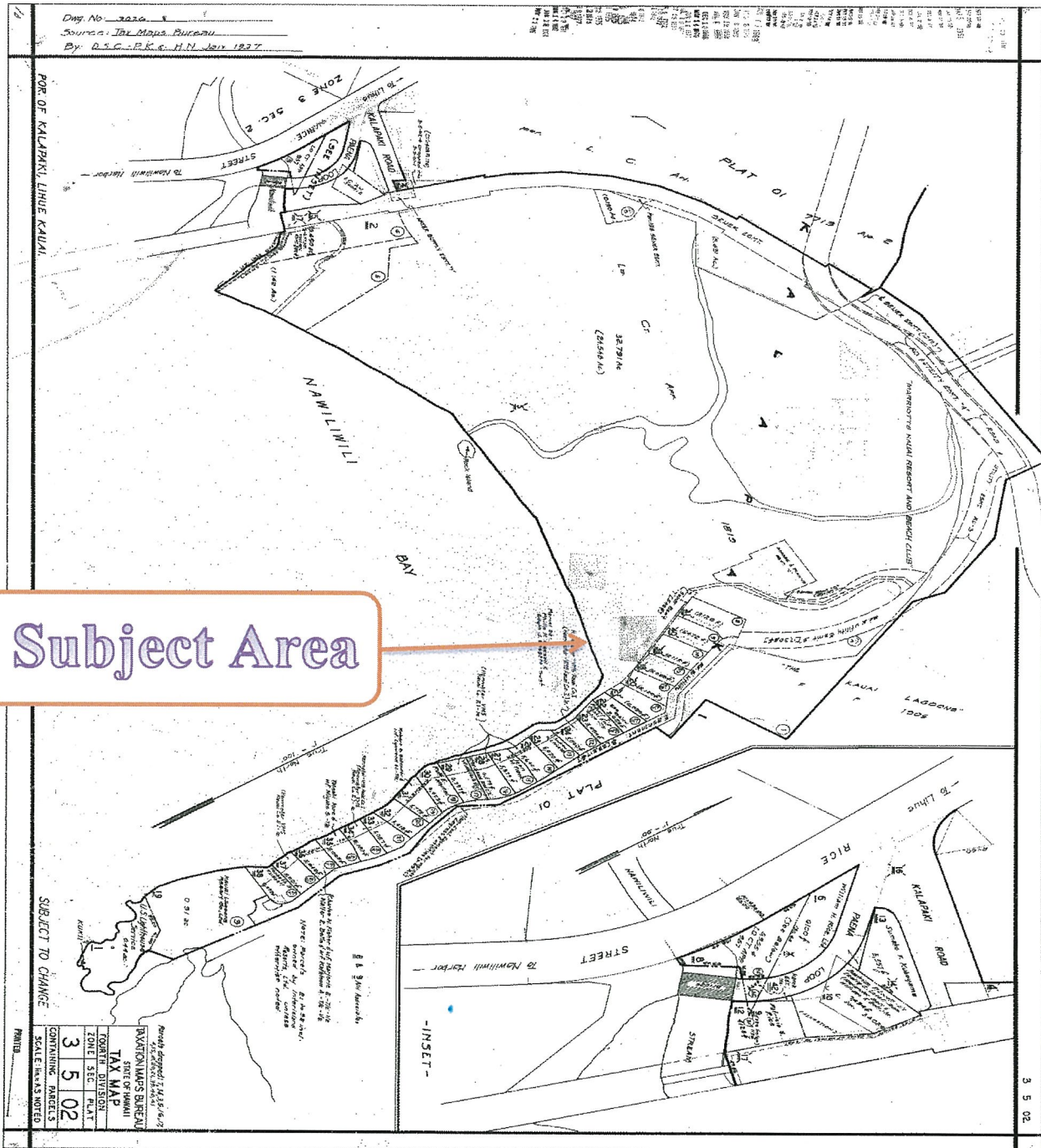


EXHIBIT A

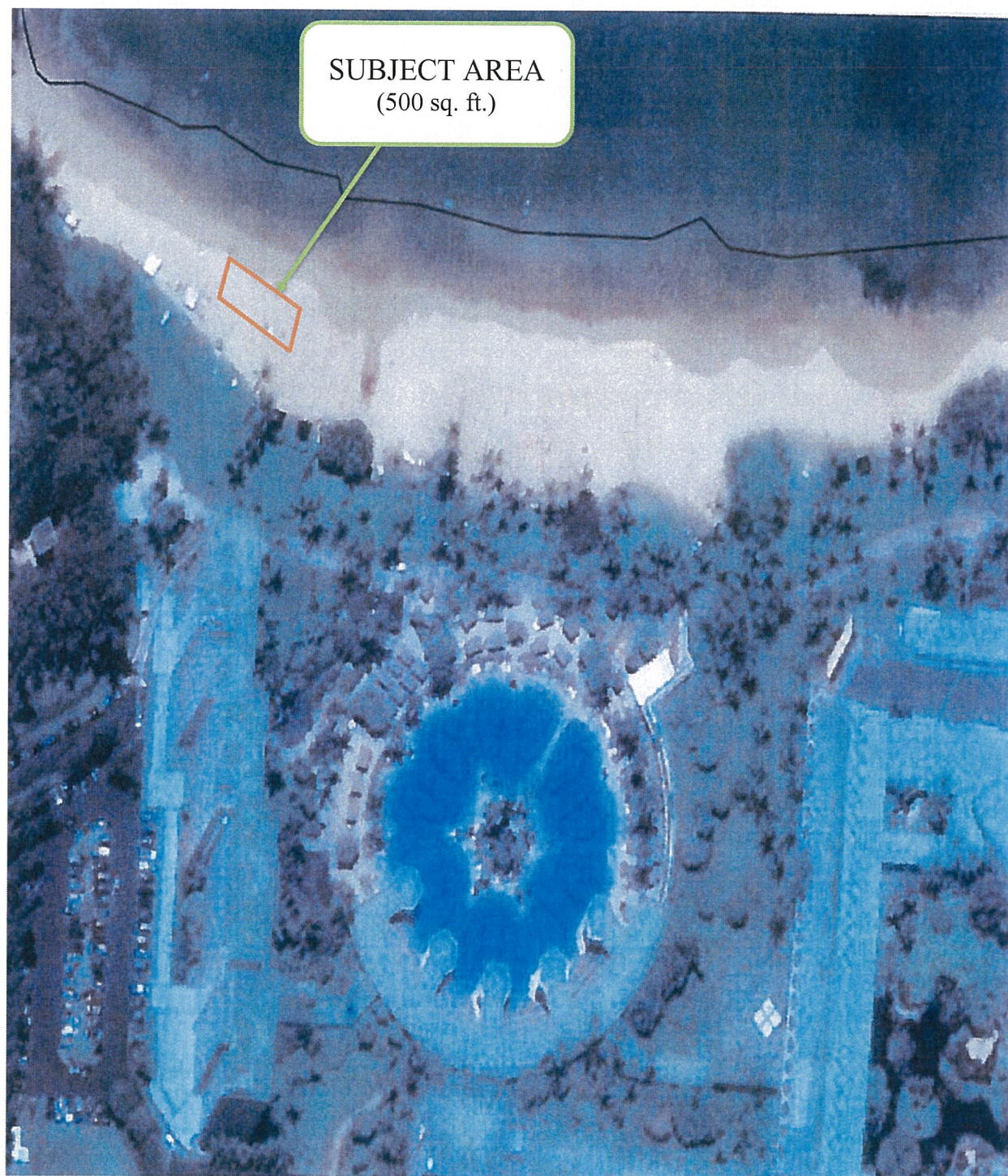
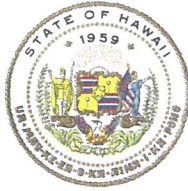


EXHIBIT A



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

3060 Eiwa Street, Room 208
Lihue, Hawaii 96766
PHONE: (808) 274-3491
FAX: (808) 241-3535

September 27, 2019

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1, Hawaii Administrative Rules (HAR):

Project Title:	Issuance of Right-of-Entry Permit to the YMCA for the Kalapaki Bay Foil Challenge Event on Unencumbered State Lands at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
Project / Reference No.:	PSF No.: 19KD-095
Project Location:	Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
Project Description:	Right-of-Entry to the YMCA for the Kalapaki Bay Foil Challenge Event
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	In accordance with HAR § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."
Exemption Item Description from Agency Exemption List:	Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

EXHIBIT B

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.

Cumulative Impact of
Planned successive
Actions in Same Place
Significant?

No. There will be no successive actions in same place with no significant impact.

Action May Have
Significant Impact on
Particularly Sensitive
Environment?

No. There are no particular sensitive environments involved with no significant impact.

Consulted Parties:

Office of Hawaiian Affairs, Division of Conservation and Resource Enforcement and Division of Boating and Ocean Recreation.

Recommendation:

It is anticipated this activity will probably have minimal or no significant effect on the environment as over the years, several beach/sporting activities have been held at Kalapaki Beach. As a result, it will involve minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



DIVISION OF BOATING AND OCEAN RECREATION

Department of Land and Natural Resources, State of Hawaii

Kauai District

2494 Niumalu Road, Lihue, HI 96766

Phone: (808) 241-3111 • Fax: (808) 241-3117



Effective Date: 11/23/2019

Permit Number: ME046049

Account Number: 00021142

PERMIT

MARINE/OCEAN WATERS EVENT

Kalapaki Bay, Lihue, Kauai

Name of Event: Kalapaki Bay Foil Challenge

Date of Event: 11/23/2019

Name & Title of Representative: Jason B Tangalin

Sponsoring Organization: YMCA

Your application for the described event is approved. You are reminded that your organization is primarily responsible for safety in the regatta area and that this permit does not relieve you from such responsibility. Participants shall be adequately briefed and their boats equipped as required by law. This authorization grants no exemption from state or local ordinances. In the event of any changes to the information furnished in your application, you will notify this office.

Temporary flag buoys or other marker devices are authorized in the appropriate ocean waters. The markers are not considered "aids to navigation" when used for special purposes in boundaries, a course or other restrictions to participants or spectators. Any temporary markers shall be removed, and the restrictions and controls terminated immediately upon completion of the event.

The water areas within the event area being under this permit are reserved for the use of persons participating in the event while it is in progress. The sponsoring organization is responsible for informing the public in advance concerning safety controls that will be in effect for their protections.

Access to State ocean waters shall be by permit granted by the respective County Parks Departments, Division of State Parks, Division of Land Management or DOT-Harbors Division (for access/use of commercial harbors), as applicable. Access to ocean waters from other locations is granted by this permit.

Insurance Requirements:

- ☒ Sponsor shall hold the State of Hawaii harmless from any liability.
- ☒ Sponsor shall provide a certificate of insurance naming the State of Hawaii as additional insured.

Additional information, requirements or authorizations are stipulated below: (Also see attached.)

1. The completed application and the required forms for the Marine/Ocean Waters Event Permit was received on 06/25/2019.
2. This permit authorizes YMCA to conduct the "Kalapaki Bay Foil Challenge" on 11/23/2019, from 08:00 AM to 04:30 PM.
The event will be conducted at Kalapaki Bay, Lihue, and there will be approximately 48 participants and 0 vessels, with sponsor deeming their patrol adequate for safety purposes.
3. All applicable Federal, State, City and County regulations shall be observed.
4. This permit does not authorize the use of any beach and/or beach facilities. Please contact the appropriate state/county/private agency. Failure to obtain the necessary permit(s) will make this permit null and void.

Sponsor:

YMCA
98-1283 Akaaka Street
Aiea, HI 96789
Cell: 808-292-3622

APPROVED:
STATE OF HAWAII
DEPARTMENT OF LAND & NATURAL RESOURCES
DIVISION OF BOATING AND OCEAN RECREATION



EXHIBIT C