

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

October 25, 2019

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

PSF No.: 19MD-125

MAUI

Issuance of a Right-of-Entry Permit to TEAM Unlimited LLC for the 2019 Xterra Off-Road Triathlon and Trail Run, October 26 & 27, 2019, Kapalua, Lahaina, Maui, Tax Map Key (2) 4-2-004: Seaward of 014, 015 and 016.

APPLICANT:

TEAM Unlimited LLC, a Hawaii limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kapalua, Lahaina, Maui, Tax Map Key Numbers: (2) 4-2-004: Seaward of 014, 015 and 016, as shown on the attached map labeled Exhibit A.

AREA:

October 26, 2018: 55,000 square feet, more or less for trail run;
October 27, 2018: 65,340 square feet, more or less for swim event.

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:

Unencumbered

CHARACTER OF USE:

Trail run and Swim portions of the off-road triathlon race purposes.

TERM OF RIGHT-OF-ENTRY:

Two-day event: October 26 and 27, 2019.

CONSIDERATION:

\$5,000 back rent for expanded use of beach lands in 2018.

Applicant paid \$500 in 2018 for use of 5,000 sf for trail run.
Actual area of use was 55,000 sf. Difference of 50,000 sf.
Applicant owes \$5,000 ($\$0.10/\text{sf}/\text{day} \times 50,000 \text{ sf} = \$5,000$).

Saturday Trail run, October 26, 2019 = $\$0.10 / \text{sf}/\text{day} \times 55,000 \text{ sf} = \$5,500$
Sunday Triathlon, October 27, 2019 = $\$0.10/\text{sf}/\text{day} \times 65,340 \text{ sf} = \$6,534$

Total Consideration = \$17,034 (\$5,000 back rent + \$5,500 day 1 + \$6,534 day 2)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) Section 11-200.1-15 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."

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>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Obtain all required permits for the ocean portion of the event from the DLNR Division of Boating and Ocean Recreation.
- 2) Obtain written concurrence from the County of Maui, Department of Parks and Recreation, for use of D T Fleming Beach Park for trail run portion of the event.

REMARKS:

At its meeting, on Friday, September 28, 2018, under agenda item D-5 (as amended), the Board granted a right of entry (ROE) permit to Team Unlimited LLC for use of 5,000 sf on Day 1 of the XTERRA race and 65,340 sf for the XTERRA swim event staging and operations on Day 2.

In its amended approval, the Board stipulated that the fee for the use of public lands for the 2018 XTERRA race shall be “the actual land area used on the beach.” This amended approval recognized both the applicant’s proposed use of 5,000 sf for a trail run and staff’s concern that actual use area for the trail run was much more than 5,000 sf based on past observations of the 2016 and 2017 XTERRA events.

On Saturday, October 27, 2018, DLNR staff observed and measured the “actual land area used” for the XTERRA trail run on Day 1 which was determined to be 55,000 sf of public lands. The “actual land area used” was therefore 50,000 sf more area than what was proposed in the application for ROE. See exhibit B for photos of the 2018 trail run.

By application dated September 11, 2019, Team Unlimited LLC again request ROE for the 2019 XTERRA event to be held on public lands. On September 19, DLNR staff notified the applicant of our findings related to the expanded area of use in 2018.

On October 4, Ms. Janet Clark, President of the XTERRA World Tour responded via electronic mail and concurred with staff findings related to the expanded area of use in 2018. In addition, Ms. Clark acknowledged the need for back rent as well as concurred with staff’s recommendation for proposed area of use and rent consideration for the upcoming 2019 XTERRA event. As a result, full payment in the amount of \$17,034 for back rent and 2019 two-day rent consideration was received by DLNR via express mail on Monday, October 7, 2019.

The 2019 Xterra Off-Road Triathlon and Trail Run is scheduled for October 26 & 27. Day 1 will again be a trail run that encumbers 55,000 square feet that runs along a 50 ft wide stretch of beach (Exhibit B). Day 2 involves a one-mile rough water ocean swim at D.T. Fleming

Beach which includes a short mid-race beach sprint and “M” shaped water course. Public lands provide the entire venue for the swim stage of the event on Day 2 and encumbers one acre or 65,340 square feet (sf) (Exhibit C).

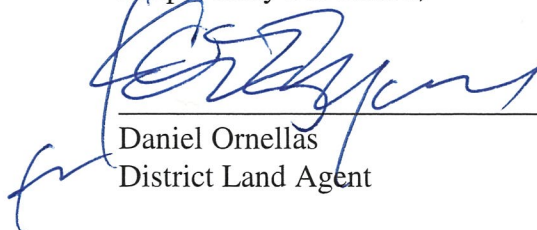
The State of Hawaii’s Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR) has previously indicated no objections to this event and the Applicant has applied for and was granted on September 17, 2019 a permit from DOBOR for the ocean portion of the competition to accommodate 800+ participants, 5 safety assets (jet skis / rescue craft), off duty life guards and 20 manned paddleboards.

Staff is also requiring the applicant to obtain written concurrence from the County of Maui’s Department of Parks and Recreation. This requirement is due to the fact that the trail run portion of the event does go through the park and event operations do impact public access and use of the park which is managed and maintained by the County of Maui. In 2018 the event had 836 registered participants. It is anticipated that a large number of spectators shall utilize the park and its facilities during the run and swim portion of the event in 2019. Therefore, it would be prudent that County Park officials be informed of the event and properly prepared for additional park users.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, 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 TEAM Unlimited, LLC 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

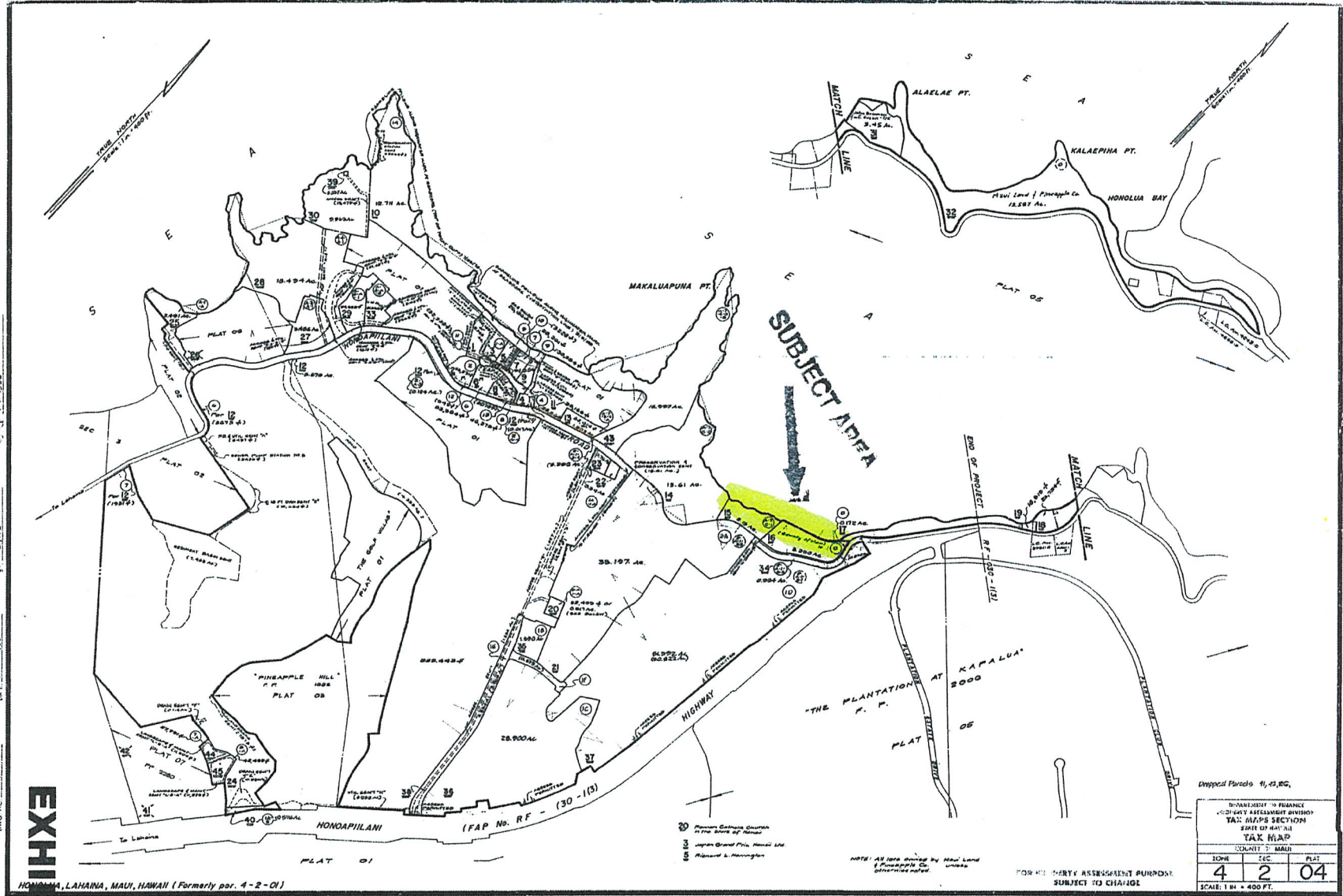


EXHIBIT A

HONOLUA, LAHAINA, MAUI, HAWAII (Formerly par. 4-2-Q1)

Dropped Parcels 41, 43, 45, 46

REQUIREMENT TO FINANCE
 (2) 1/2% ASSESSMENT BONUS
 TAX MAPS SECTION
 4000 OF MAP 101
TAX MAP
 COUNTY OF MAUI

ZONE	SEC	PLAT
4	2	04

SCALE: 1 IN. = 400 FT.

HAWAIIAN LAND CO. INC. 1955
 DATE: JAN. 1955
 SHEET NO. 101

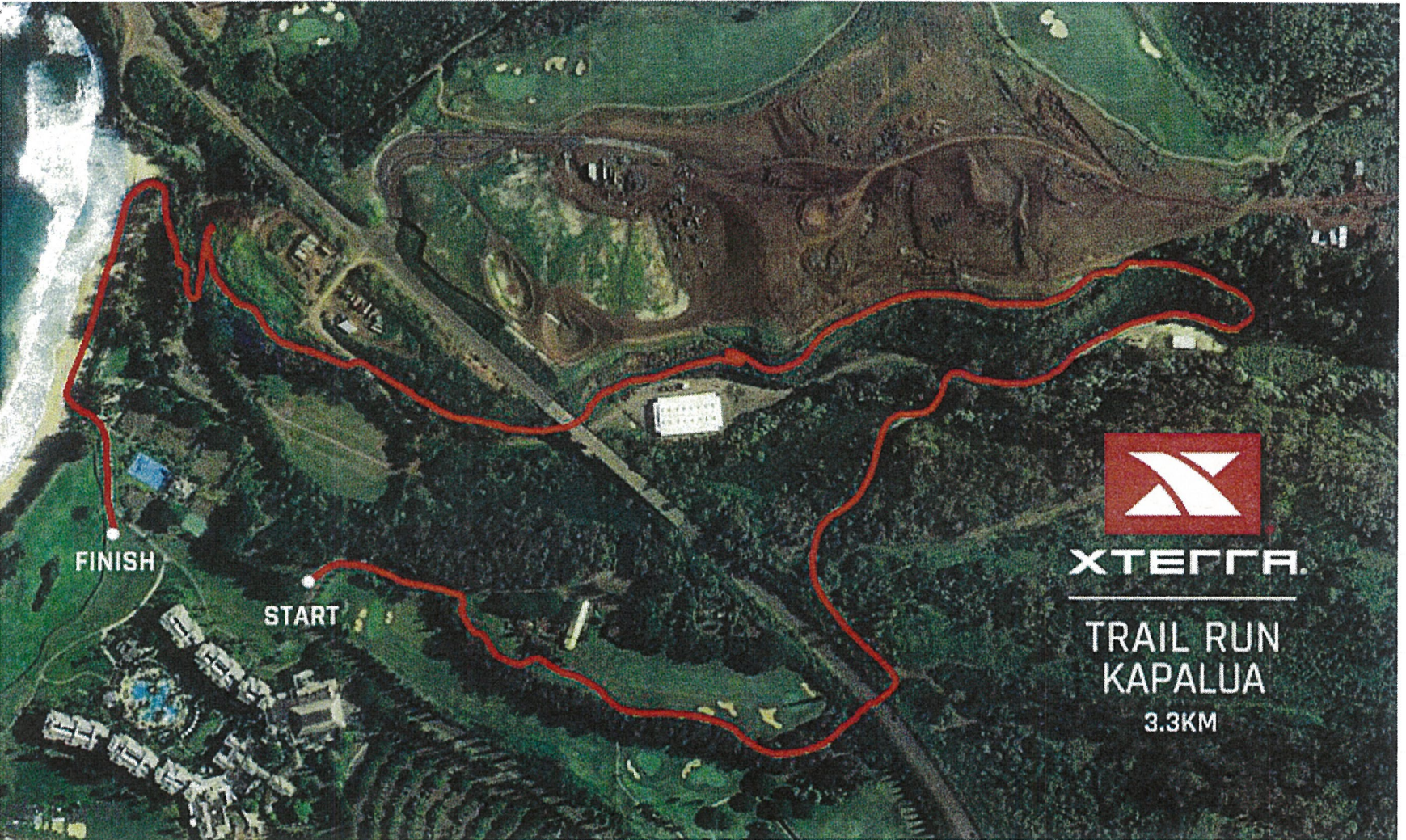


Exhibit B

X TERRA 2018 Trail Run

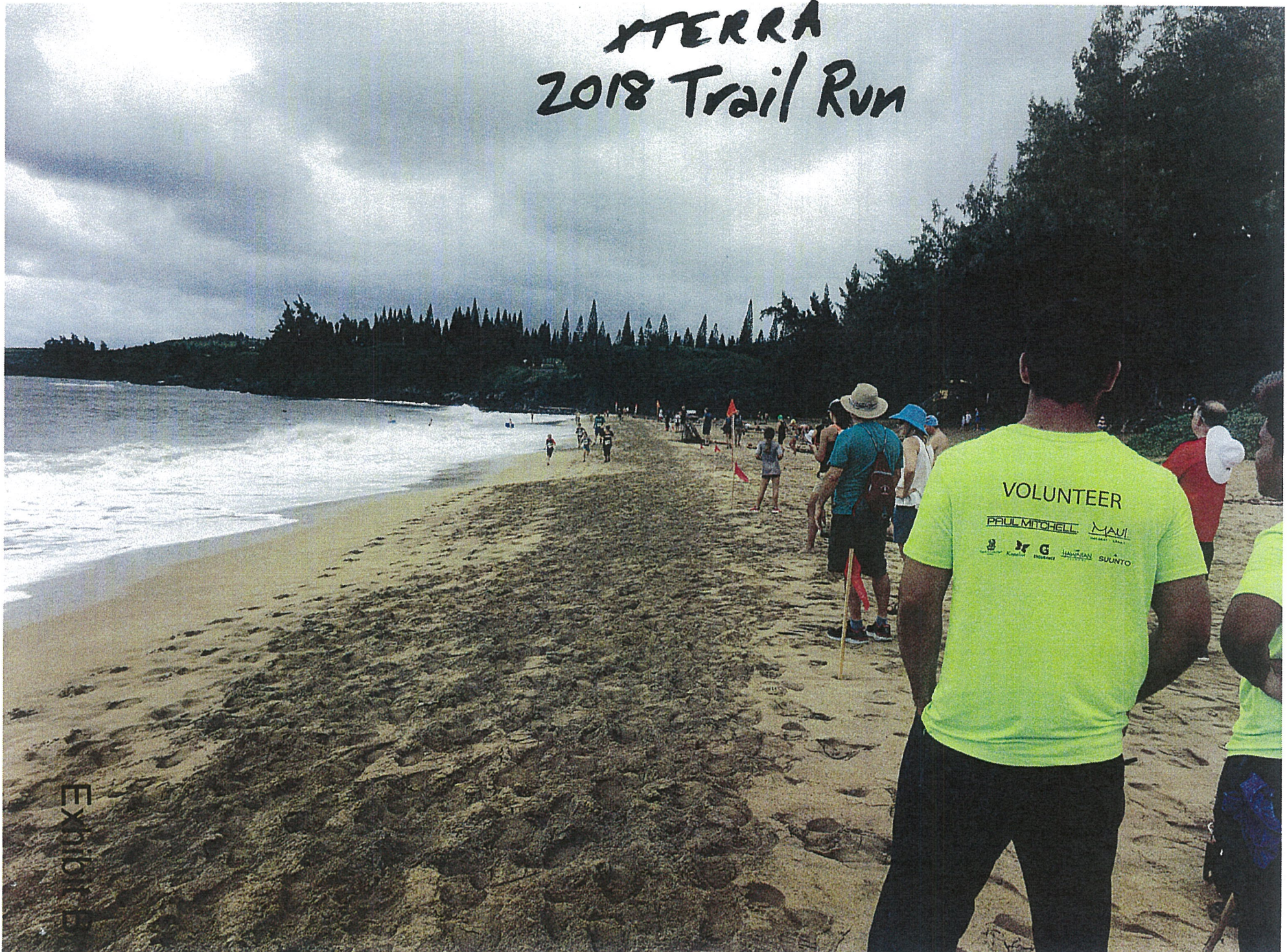


EXHIBIT B



Exhibit B

X TERRA
2018 Trail Run



WORLD
CHAMPIONSHIP

SWIM EVENT

EXHIBIT "C"



**XTERRA
2018 SWIM EVENT**

XTERRA 2018 MID-RACE SPRINT

EXHIBIT "C"



XTEREA 2018 SWIM EVENT





October 4, 2019

TO: Daniel Ornellas
District Land Agent
Department of Land & Natural Resources
Maui District Land Office

FROM: Janet Clark
TEAM Unlimited

RE: 2019 XTERRA World Championship ROE

Dear Daniel:

I have reviewed your email to Ted Kozlo, XTERRA event manager, of September 19, 2019. Enclosed are documents you suggested we forward to you in advance of issuance of the ROE for the 2019 XTERRA World Championship (October 26-27, 2019):

- DLNR Insurance certificates
- DOBOR permit for ocean activity
- Rental check

The check reflects calculations outlined in your email:

- Saturday Trail run 10/26/19 = \$0.10 /sf/day x 55,000 sf = \$5,500
- Sunday Triathlon 10/27/19 = \$0.10/sf/day x 65,340 sf = \$6,534
- 2018 back rent = \$5,000
- Total = \$17,034

Unfortunately, we are unable to attend the meeting. If you are in need of additional information, I can be reached at 808-864-1898 or janet@xterraplanet.com.

Thank you,

A handwritten signature in black ink that reads "Janet Clark".

Janet Clark
President

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

Permit for Marine Ocean Water Event: No. 19-111

Date Approved: September 17, 2019

Name of Event: Xterra World Championships
Event Description: Swim event portion of triathlon
Event Location: Waters off the Ritz Carlton / Flemmings Beach, Kapalua, Maui
Dates of Event: October 27, 2019
Time of Event: 6 am to 11 am
Event Sponsor: USA Triathlon of Colorado
Sponsor Address: 5825 Delmanico Drice / Colorado Springs, Colorado 80919-2401
Sponsor Contact: Ted Kozlo Phone No. [REDACTED] Email: [REDACTED]
Person in Charge: Ted Kozlo Contact No. [REDACTED] Email: [REDACTED]

Information, requirements or authorization for this event are stipulated below:

1. The application for the event permit was received on **September 16, 2019**
2. This permit authorizes **Team Unlimited, LLC.** to conduct the swim portion of the **Xterra World Championships with 800 participants and safety assets of five (5) jet skis/rescue craft, off duty lifeguards and 20 manned paddleboards**
3. **Operators of motorized vessels and jet skis/rescue craft shall carry on their person the Boater Safety Education card and their vessels equipped with the safety gear as required by law.**
4. **USA Triathlon of Colorado will provide personnel, trained and certified in CPR, Lifesaving and First Aid**
5. **USA Triathlon of Colorado shall take all necessary action and precaution to ensure public health and safety and to prevent harm and/or damage to our man-made and natural environment.**
6. All applicable Federal, State and County regulations shall be observed.

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.

(The certificate of insurance is on file with an expiration date of December 01, 2019)

Your application for the above event is approved. You are reminded that your organization is responsible for safety in the event area and that this permit does not relieve you of such responsibility. **The waters within the event area used under this permit are for non-exclusive use of vessels and participants during the event.** The sponsoring organization is responsible for informing the public, vessel operators and participants, in advance on safety controls in effect for public and participant safety and protection. Vessel operators shall be briefed on safety controls and their vessels equipped with safety gear as required by law.

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

This permit authorizes the use of ocean waters only, to hold the described event at the requested location(s) at the stated date and time and does not authorize exclusive use of the requested location(s). **This permit does not authorize use of or access through private, state or county lands and parking areas.** The sponsor is responsible for obtaining the proper authorization and land use permits from the respective agencies. **Failure to obtain the necessary state, county or private land, parking and/or facility access authorization will void this permit.**

The sponsor shall immediately notify the Division of Boating and Ocean Recreation at the contact number listed below on all event changes and/or cancellations.

APPROVED BY: STATE OF HAWAII, DLNR/DIVISION OF BOATING AND OCEAN RECREATION



PAUL K. SENSANO
MAUI DISTRICT MANAGER
PHONE [REDACTED] OR [REDACTED]



CERTIFICATE OF LIABILITY INSURANCE

TEAMU-1

OP ID: VMI

DATE (MM/DD/YYYY)

10/04/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Monarch Insurance (pka GSL) PO Box 3050 Honolulu, HI 96802 Mark Polivka	CONTACT NAME: Monarch Insurance Services
	PHONE (A/C, No, Ext): 808-537-2564 FAX (A/C, No): 808-521-2832
	E-MAIL ADDRESS: information@monarch-hi.com
	INSURER(S) AFFORDING COVERAGE
	INSURER A : Philadelphia Indemnity Ins Co NAIC # 18058
	INSURER B : HEMIC - HI Employers' Mutual NAIC # 10781
	INSURER C :
	INSURER D :
	INSURER E :
	INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	PHPK1914814	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 0 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		PHPK1914814	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	WC0018831	07/05/2019	07/05/2020	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Event: XTERRA World Championship
 Effective: Oct 14 to Oct 28, 2019.
 Certificate Holder is named as Additional Insured as respects the above referenced event.


CERTIFICATE HOLDER	CANCELLATION
SOHDLNR State of Hawaii DLNR Land Division Maui District 54 South King Street Wailuku, HI 96793	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

EXHIBIT "D"

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CERTIFICATE OF INSURANCE

PRINT DATE: 8/20/2019

CERTIFICATE NUMBER: 20190820740632

AGENCY:

Integro USA Inc.
d/b/a Integro Insurance Brokers
2727 Paces Ferry Road, Building Two, Suite 1500
Atlanta, GA 30339
678-324-3300 (Phone), 678-324-3303 (Fax)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

NAMED INSURED:

USA Triathlon of Colorado Trey Garman
5825 Delmonico Drive
Colorado Springs CO 80919-2401

INSURERS AFFORDING COVERAGE:

INSURER A: Philadelphia Indemnity Ins. Co. NAIC #: 18058
INSURER B: Philadelphia Indemnity Ins. Co. NAIC #: 18058

EVENT INFORMATION:

XTERRA World Championship (10/23/2019 - 10/27/2019)

POLICY/COVERAGE INFORMATION:

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INS	TYPE OF INSURANCE:	POLICY NUMBER(S):	EFFECTIVE:	EXPIRES:	LIMITS:
A	GENERAL LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	PHPK1910062	12/1/2018 12:01 AM	12/1/2019 12:01 AM	GENERAL AGGREGATE (Applies Per Event) \$2,000,000
	<input checked="" type="checkbox"/> Participant Legal Liability				EACH OCCURRENCE \$1,000,000
					DAMAGE TO RENTED PREMISES (Each Occ.) \$1,000,000
					MEDICAL EXPENSE (Any one person) EXCLUDED
					PERSONAL & ADV INJURY \$1,000,000
					PRODUCTS-COMP/OP AGG \$2,000,000
B	UMBRELLA/EXCESS LIABILITY				
	<input checked="" type="checkbox"/> Occurrence	PHUB655496	12/1/2018 12:01 AM	12/1/2019 12:01 AM	EACH OCCURRENCE \$10,000,000
					AGGREGATE (Applies Per Event) \$10,000,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS:

Coverage applies to the USA Triathlon sanctioned or approved event specified on this certificate.

The certificate holder is an additional insured as per form PI-AM-002: Additional Insured - Certificate Holders.

The General Liability policy is primary as per Form CG0001 (04/13).

The General Liability policy contains Form CG2404 (05/09): Waiver of Transfer of Rights of Recovery Against Others to Us, but only as required by written contract or agreement executed by the named insured prior to an occurrence resulting in a loss or a claim.

CERTIFICATE HOLDER:

State of Hawaii, DLNR Land Division
54 S. High Street
Wailuku HI 96793

NOTICE OF CANCELLATION:

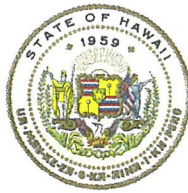
Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

AUTHORIZED REPRESENTATIVE:



EXHIBIT "D"

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

October 25, 2019

EXEMPTION NOTIFICATION

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

Project Title:	Issuance of ROE to TEAM Unlimited LLC for 2019, XTERRA Off-Road Triathlon and Trail Run.
Project / Reference No.:	19MD-125
Project Location:	Portion of Government lands of Kapalua, Lahaina, Maui, Tax Map Key Numbers: (2) 4-2-004: Seaward of 014, 015 and 016.
Project Description:	Swim and Run portion of off-road triathlon race.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with HAR Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on 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:	No, this event occurs at this location annually, not on a routine or regular basis (e.g., daily or weekly).

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

The requested area is a portion of State beach visited by tourists and residents and used extensively for recreational activity. In addition, based on the analysis below, staff believes there would be no significant impact to sensitive environmental or ecological receptors.

Agencies Consulted:

DLNR: Office of Conservation and Coastal Lands,
Division of Conservation and Resources Enforcement,
Division of Aquatic Resources, and Division of Boating
and Ocean Recreation

Analysis:

The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. Staff also 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 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.