

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii

October 11, 2019

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

Hawai'i Island

REQUEST FOR A SPECIAL USE PERMIT TO CROSSFIT ALLSTAR LLC. TO BE ABLE TO
UTILIZE A PORTION OF THE HAPUNA BEACH STATE RECREATION AREA,
FOR AN EXERCISE AND SWIM ACTIVITY. KAMUELA, HAWAII, TAX MAP KEY: (3)
6-6-022:035

APPLICANT:

Kathryn Stallsmith CrossFit AllStar LLC, owner

LEGAL REFERENCE:

Hawaii Revised Statutes § 171-55 as amended

LOCATION:

Portion of State of Hawaii lands within the Hapuna Beach State Recreation Area, Kamuela,
Hawaii, identified by Tax Map Key (3) 6-6-022: portion of 035

AREA:

Approximately 400 square feet

ZONING:

State Land Use District: U
County of Hawaii LUO: OPEN

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHH: 30% entitlement lands pursuant to the Hawaii State Constitution: NO X

CURRENT USE STATUS

Governor's Executive Order No. 2909 to the Department of Land and Natural Resources Division of State Parks for State Park purposes.

CHARACTER OF USE:

Commercial purposes.

COMMENCEMENT DATE:

November 16, 2019

FEE FOR EVENT:

Fee for this event shall be \$100.00

CHAPTER 343-ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 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, Item 51 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impact beyond that previously existing". See exemption declaration attached as EXHIBIT B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

PURPOSE:

Approve a Special Use Permit for Kathryn Stallsmith, owner of CrossFit AllStar LLC, to conduct a swim race competition event that tests swimming and fitness.

REMARKS:

Kathryn Stallsmith has been conducting classes at the CrossFit AllStar Gym in Waimea Hawaii. As part of the training, they would like to hold a fitness/swim race event at Hapuna Beach State Recreation Area. This event is part of a larger fitness test series. Although

there have been monies collected for the overall larger fitness test series, this portion of the event is optional, and no additional monies are to be collected for this portion.

Staff Comments:

Staff is recommending approval of the issuance of a Special Use Permit to Kathryn Stallsmith, owner of CrossFit AllStar LLC, for their event at Hapuna Beach State Recreation Area.

RECOMMENDATION: That the Board:

1. Approve the issuance of a Special Use Permit to the Kathryn Stallsmith, owner of CrossFit AllStar LLC, in their use of a portion of Hapuna Beach State Recreation Area subject to the following conditions:
2. Permittee, its officers, agents, employees, volunteers, consultants, contractors, and/or persons acting for, or on its behalf, shall at all times with respect to the Wailoa River State Recreation Area; a) use due care for public safety; b) agrees to release the State of Hawaii from any claims which Permittee might have against the State of Hawaii arising out of Permittee's occupation or use of the Wailoa River State Recreation Area; and c) shall be responsible for its own acts;
3. Kathryn Stallsmith, owner of CrossFit AllStar LLC shall procure and maintain, at its own cost and expense, in full force and effect throughout the term of this Right of Entry, commercial general liability insurance, in an amount of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate, with an insurance company or companies licensed to do business in the State of Hawaii. The policy or policies of insurance shall name the State of Hawaii as an additional insured.

The policy should also contain the following clause: "It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy". The insurance shall cover the entire Wailoa river State Recreation Area, including all grounds, buildings and all roadways or sidewalks on or adjacent to the Hapuna SRA in the use or control of the Permittee;

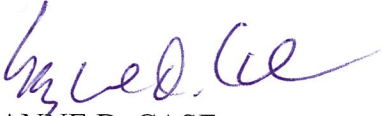
4. The permittee shall immediately provide written notice to the Department should any of the insurance policies evidenced on its Certificate of Insurance form be cancelled, limited in scope, or not renewed upon expiration;
5. The Chairperson or her representative is authorized to negotiate all other terms and conditions of the Right of Entry.

Respectfully submitted,



Curt A. Cottrell
Administrator
Division of State Parks

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

EXHIBITS:

Exhibit A: Map

Exhibit B: DCCA, Business Information

Exhibit C: DCCA, Certificate of Good Standing



DCCA State of Hawaii

Downloaded on September 17, 2019.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

MASTER NAME	CROSSFIT ALLSTAR LLC
BUSINESS TYPE	Domestic Limited Liability Company (LLC)
FILE NUMBER	105447 C5
STATUS	Active
PURPOSE	FITNESS CENTER
PLACE INCORPORATED	Hawaii UNITED STATES
REGISTRATION DATE	Apr 23, 2013
MAILING ADDRESS	64-1032 MAMALAHOA HWY #303 KAMUELA, Hawaii 96743 UNITED STATES
PARTNER TERMS	AT-WILL
MANAGED BY	MANAGER(S)
AGENT NAME	KATHRYN STALLSMITH
AGENT ADDRESS	64-1008 KAULA ILI PLACE KAMUELA, Hawaii 96743 UNITED STATES

Annual Filings

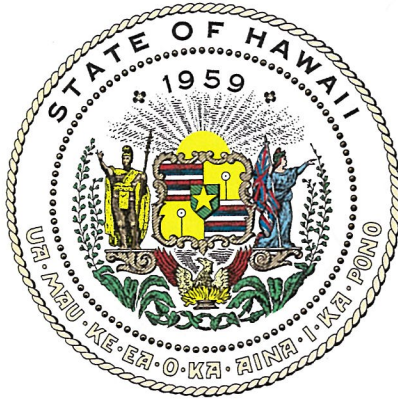
FILING YEAR	DATE RECEIVED	STATUS
2019	Jul 9, 2019	Processed
2018	Jun 19, 2018	Processed
2017	Dec 28, 2017	Processed
2016	Apr 13, 2016	Processed
2015	May 24, 2015	Processed
2014	Feb 19, 2015	Processed

Officers

NAME	OFFICE	DATE
STALLSMITH, KATHRYN	MGR	Apr 23, 2013

Trade Names

NAME	TYPE	CATEGORY	REGISTRATION DATE	STATUS
ALLSTAR ROUND UP	Trade Name	NO CATEGORY SELECTED	Dec 20, 2013	Expired
CROSSFIT ALLSTAR	Trade Name	NO CATEGORY SELECTED	Aug 22, 2011	Expired



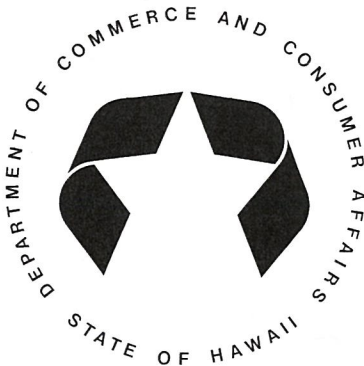
Department of Commerce and Consumer Affairs

CERTIFICATE OF GOOD STANDING

I, the undersigned Director of Commerce and Consumer Affairs of the State of Hawaii, do hereby certify that according to the records of this Department,

CROSSFIT ALLSTAR LLC

was organized under the laws of the State of Hawaii on 04/23/2013 ;
that it is an existing limited liability company in good standing
and is duly authorized to transact business.



IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the seal of the
Department of Commerce and Consumer
Affairs, at Honolulu, Hawaii.

Dated: September 17, 2019

Director of Commerce and Consumer Affairs