

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

January 10, 2020

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

PSF No.: 19MD-147

Maui

Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for Sand Sculpting Competition Purposes, Wailea, Honuaula, Maui; TMK (2) 2-1-023: Seaward of 003.

APPLICANT:

Maui's Original Hawaiian Corporate Games, Inc., a domestic profit corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at The Fairmont Kea Lani Resort, Wailea, Honuaula, Maui, identified by Tax Map Key: (2) 2-1-023: Seaward of 003, as shown on the attached maps labeled Exhibit A and B.

AREA:

5,600 square feet, more or less

ZONING:

State Land Use District: Agriculture/Urban

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:

Sand Sculpting Competition Purposes.

TERM OF RIGHT-OF-ENTRY:

This is a one-day event scheduled for 1 hour in the afternoon of January 21, 2020.

CONSIDERATION:

Total Cost: \$560.00 (one-time payment based on 10¢ per square foot per day).

Total area of requested use: 5,600 sq. ft. x \$.10 = \$560.00

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 (DLNR) 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 <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:

1. Pay consideration fee of \$560.00;
2. Obtain Right-of-Entry permit from the Maui District Land Office signed by Chairperson; and
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured.

REMARKS:

Staff is requesting approval for a right-of-entry permit to Maui's Original Hawaiian Corporate Games, Inc., for sand sculpting competition event scheduled on January 21, 2020, for approximately 1 hour in the afternoon. Cleanup and restoration of the area to be completed by sunset. Staff brings this request to the Board pursuant to the policy adopted at its meeting of June 14, 2013 under agenda Item D-11.

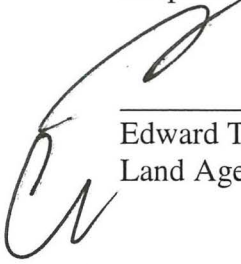
The proposed activity is similar in type and scope of beach activities that periodically occurred and continue to occur at this and other beach areas in south Maui. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use 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.

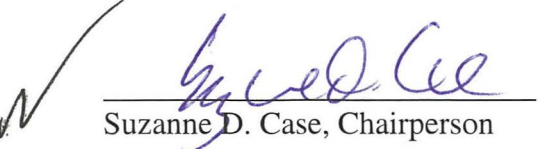
RECOMMENDATION: That the Board,

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 Maui's Original Hawaiian Corporate Games, Inc. covering the subject area for sand sculpting competition purposes 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,

  
\_\_\_\_\_  
Edward T. Paa  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

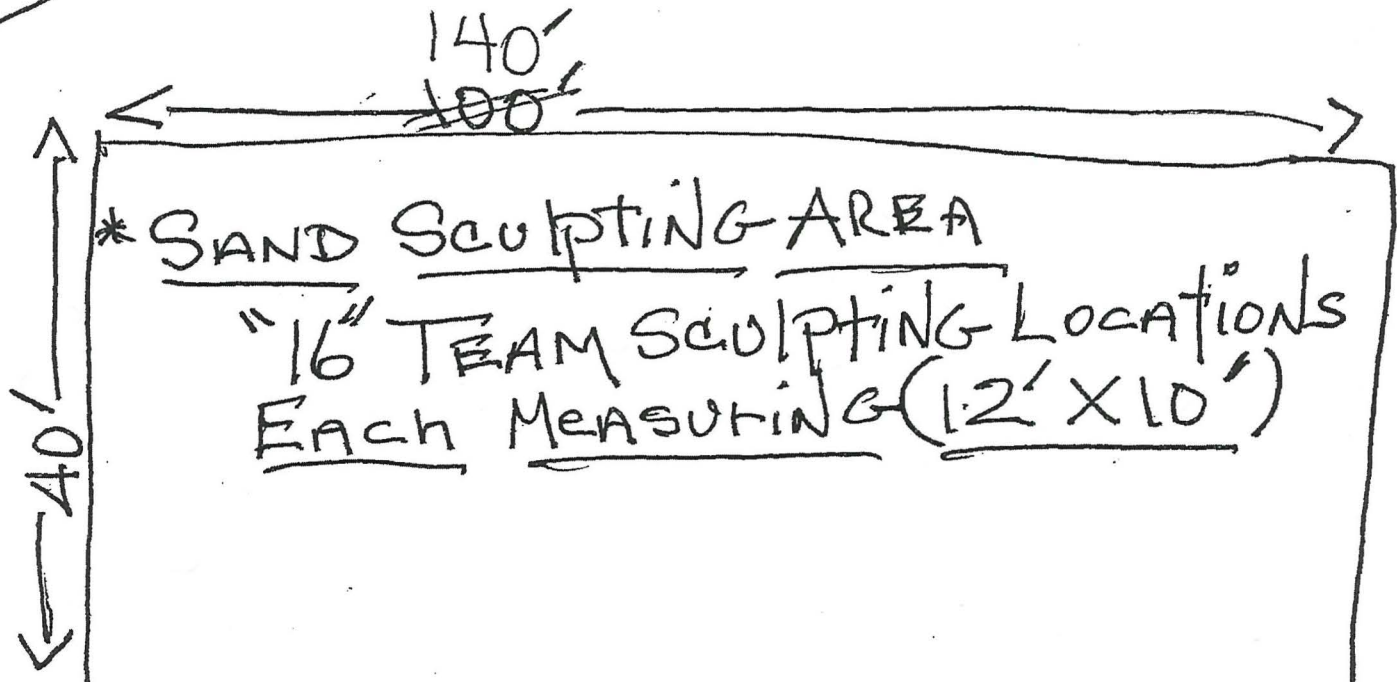




OCEAN

BEACH

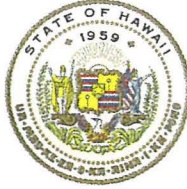
EXHIBIT B



BEACH WALKWAY

FAIRMONT KEA LANI POLO BEACH LAWN  
GAMES LOCATION

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 10, 2020

**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 11-200.1, HAR

Project Title:	Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for Sand Sculpting Competition Purposes.
Project / Reference No.:	19MD-147
Project Location:	Wailea, Honuaula, Maui, TMK (2) 2-1-023: Seaward of 003.
Project Description:	Use of 5,600 sq. ft. of beach area for one day sand sculpting competition on January 21, 2020 for approximately 1 hour in the afternoon. Beach area to be cleared and restored to original condition or better by end of day.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule 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."

# EXHIBIT C

Cumulative Impact of  
Planned Successive  
Actions in Same Place  
Significant:

No, this event occurs at this location periodically, 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 unencumbered State lands that is visited daily by tourists and residents and is 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:

The DLNR Office of Conservation and Coastal Lands (OCCL) was consulted with regard to the sand sculpting competition at the subject area. OCCL staff responded that they have no objections to the subject sand sculpting competition.

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 that 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.

## EXHIBIT C