

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

February 14, 2020

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

PSF No.: 19KD-099

Kauai

Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.

APPLICANT:

Hawaii Beach Volleyball Association, a Hawaii non-profit corporation and an Internal Revenue Code Section 501(c)(3) qualified nonprofit entity.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

8,112 square feet, more or less.
(1,352 square feet per court, six courts for tournament)

ZONING:

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

Vacant and unencumbered.

CHARACTER OF USE:

Beach Volleyball Tournament

TERM OF RIGHT-OF-ENTRY:

3-days. (March 13-15, 2020, between the hours of 7:00 am to 7:00 pm)

CONSIDERATION:

Gratis.¹

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section (HAR) 11-200.1-15 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 D.

DCCA VERIFICATION:

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

REMARKS:

Hawaii Beach Volleyball Association (HBVA) is requesting a right-of-entry permit for a Dinosaur Beach Volleyball Tournament. The tournament is scheduled for March 13-15, 2020 from 8:00 am to 5:00 pm. Setup will be at 7:00 am and breakdown will be completed by 7:00 pm.

HBVA states that no tents or spectator seating will be placed on the beach/State land by event coordinators. The tents and chairs will be placed on the Marriott Hotel grounds.

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.

¹ Hawaii Beach Volleyball Association is an Internal Revenue Code Section 501(c)(3) qualified nonprofit entity. See Exhibit B. A \$120 entry fee collected from each team will be used to cover the expenses of the tournament. Hawaii Beach Volleyball Association will not realize any profit from the tournament. See Exhibit C for breakdown of the fees collected.

The proposed activity is of a similar type and scope of beach activities that have routinely occurred and continue 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, environmental 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.

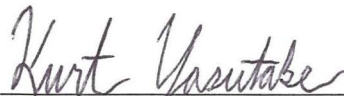
Various government agencies and interest groups were solicited for comments.

| AGENCIES | COMMENTS |
|--|--|
| County of Kauai: | |
| Public Works Department | “We have no comments.” |
| State of Hawaii: | |
| Office of Conservation and Coastal Lands | “We have no comments.” |
| Other Agencies: | |
| Kauai Marriot Resort | The Marriott confirmed their approval for the event. |

RECOMMENDATION: That the Board

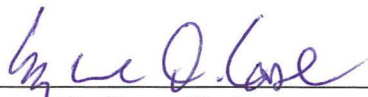
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Hawaii Beach Volleyball Association covering the subject area for the Dinosaur Beach Volleyball Tournament, 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,

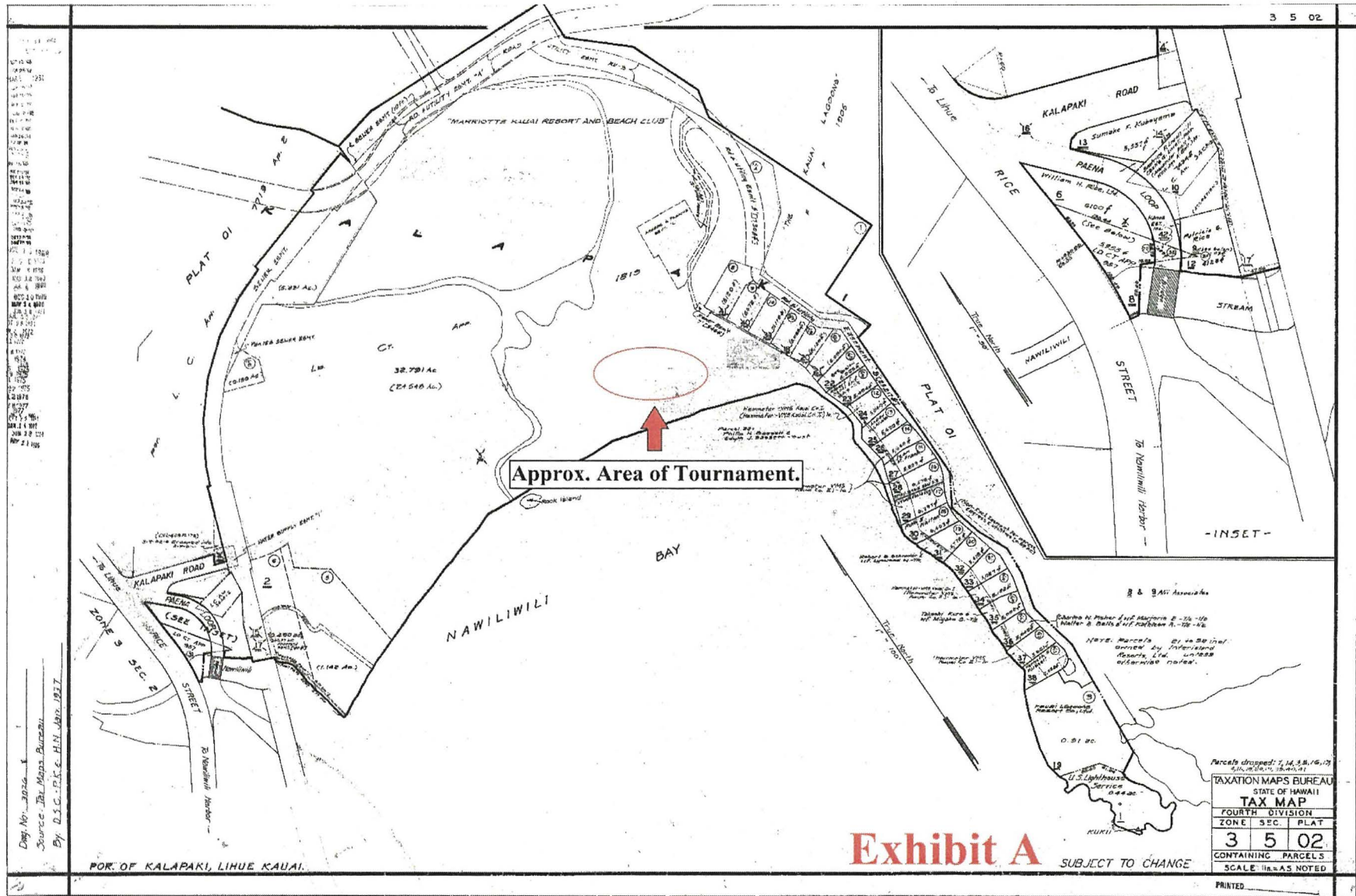


wfu Kurt Yasutake
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson
~





INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JAN 12 2015

HAWAII BEACH VOLLEYBALL ASSOCIATION
2600 PUALANI WAY UNIT 802
HONOLULU, HI 96815 0000

Employer Identification Number:
47-1789840
DLN:
26053409001355
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
September 30
Public Charity Status:
509(a)(2)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
September 9, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

Exhibit B

Budget for 26th Annual Hawaii Dinosaur Volleyball

Kalapaki Beach March 13, 14 & 15 2020

| Income | Estimated |
|-----------------------|------------|
| Entry fees 50 @ \$120 | \$6,000.00 |

| Site | Estimated |
|-------------------------|------------|
| Tents / Tables / Chairs | \$300.00 |
| Scoreboards / Leaderb | \$100.00 |
| Pole Pads | \$300.00 |
| Balls | \$600.00 |
| Total | \$1,300.00 |

| Refreshments | Estimated |
|--------------|-----------|
| Food | \$500.00 |
| Drinks / Ice | \$300.00 |
| Total | \$800.00 |

| Printing | Estimated |
|---------------------|------------|
| Shirts | \$2,000.00 |
| Bags | \$500.00 |
| Hats | \$800.00 |
| Graphics work | \$300.00 |
| Trophys / Engraving | \$500.00 |
| Total | \$4,100.00 |

| Misc. | Estimated |
|-----------|------------|
| PA Rental | \$450.00 |
| Announcer | \$300.00 |
| Security | \$300.00 |
| Total | \$1,050.00 |

Total Estimated Expenses \$7250.00

We are looking for sponsors to help offset expenses. Any income exceeding expenses will be donated to a local youth volleyball club.

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

February 14, 2020

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 Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament.

Project / Reference No.: 19KD-099

Project Location: Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.

Project Description: The subject property is currently unencumbered State land located at Kalapaki Beach, seaward of Kauai Marriott Resort. The applicant is requesting the use of six volleyball courts located on Kalapaki Beach for their annual Dinosaur Beach Volleyball Tournament.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Sections 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, Item 51 that states "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing".

Exhibit D

**Cumulative Impact of
Planned Successive Actions
in Same Place Significant?**

No. The temporary use of the land for beach recreation activities such as volleyball will not result in any significant cumulative impact.

**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 types of events on the beach in the arena, 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:

Office of Conservation and Coastal Lands, Kauai County Public Works Department, and Kauai Marriott Resort.

Recommendation:

That the Chairperson 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.