

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

August 27, 2021

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

PSF No.: 21KD-056

**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, an Internal Revenue Code Section 501(c)(3) qualified nonprofit entity.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, 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. (September 24-26, 2021, between the hours of 7:00 am to 6:00 pm)

CONSIDERATION:

Gratis.<sup>1</sup>

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (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 November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1 that states, “Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing,” and Item 44 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.”. See Exhibit C.

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Adhere to the most recent County of Kauai Business & Recreational Guidelines for COVID-19 (See Exhibit D for more detail);
- 2) Adhere to the Governor’s COVID-19 related proclamations.

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<sup>1</sup> 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 E for breakdown of the fees collected.

REMARKS:

Hawaii Beach Volleyball Association (HBVA) is requesting a right-of-entry permit for a Dinosaur Beach Volleyball Tournament. The tournament is scheduled for September 24-26, 2021 from 7:00 am to 6:00 pm. Setup will be at 7:00 am and breakdown will be completed by 6:00 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 Royal Sonesta Kaua'i Resort grounds.

Applicant will take necessary precautions to limit the crowd size to adhere to the most recent County of Kauai Business & Recreational Guidelines for COVID-19. Applicant will also adhere to COVID-19 related proclamations made by the Governor.

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 proposed activity is of a similar type and scope of beach activities that routinely has occurred and continues 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
<b>County of Kauai:</b>	
Public Works Department	No response by suspense date.
<b>State of Hawaii:</b>	
Office of Conservation and Coastal Lands	No response by suspense date.
<b>Other:</b>	
Royal Sonesta Kauai Resort	The Royal Sonesta 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,

*Kurt Yasutake*

Kurt Yasutake  
Land Agent

*✓*

*for*

APPROVED FOR SUBMITTAL:

*RT*

*Suzanne D. Case*

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](http://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**

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

<b>Project Title:</b>	Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament.
<b>Project / Reference No.:</b>	21KD-056
<b>Project Location:</b>	Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002:seaward of 002.
<b>Project Description:</b>	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.
<b>Chap. 343 Trigger(s):</b>	Use of State Land
<b>Exemption Class No. and Description:</b>	In accordance with Hawaii Administrative Rules (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 November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or

**Exhibit C**



topographical features, involving minor expansion or minor change of use beyond that previously existing,” and Item 44 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.”

**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 type of events on the beach in the 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.

**Consulted Parties:**

Office of Conservation and Coastal Lands, Kauai County Public Works Department, and Royal Sonesta Kauai 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.

<div>  <b>KAUAI BUSINESS &amp; RECREATIONAL GUIDELINES</b>  <b>FOR COVID-19</b> Updated: June 28, 2021         </div>						
Tier	TIER 1	TIER 2	TIER 3	TIER 4	TIER 5	TIER 6
Case Count Test Positivity Rate Vaccinations completed	<b>12+</b> Greater than 5%	<b>8+</b> 2.5-5%	<b>5+</b> 1-2.49%	<b>3+</b> Less than 1%	In effect July 8, 2021	 70% fully vaccinated
<b>Sectors and Businesses:</b>						
Social Gatherings	5 indoor/5 outdoor	5 indoor/15 outdoor	5 indoor/25 outdoor	10 indoor/25 outdoor	25 indoor/75 outdoor	Open!
Parks, Beaches, Trails, Campgrounds	Open (max group- 5)	Open (max group- 15)	Open (max group- 25)	Open (max group- 25)	Open (max group- 75)	Open!
Outdoor Team Sports	Suspended	Suspended	Allowed	Allowed	Allowed	Open!
Indoor Team Sports	Suspended	Suspended	Allowed with restrictions	Allowed with restrictions	Allowed with restrictions	Open!
Gyms, Fitness Facilities, Exercise Classes	Closed	25% capacity	50% capacity	50% capacity	75% capacity	Open!
Pools	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Shooting & Archery Ranges	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Golf Courses	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Real Estate Services	Appointment only	Allowed (max 5 indoors)	Allowed (max 5 indoors)	Allowed (max 10 indoors)	Allowed (max 25 indoors)	Open!
Car & Truck Dealerships	Appointment only	Appointment only	Allowed	Allowed	Allowed	Open!
Automated & Mobile Service Providers	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Retail & Service	25% capacity	50% capacity	Allowed	Allowed	Allowed	Open!
Faith-based Services	25% capacity recommended	50% capacity recommended	50% capacity recommended	50% capacity recommended	75% capacity recommended	Open!
Restaurants & Bars	Take-out or outdoor dining only (Max group: 5)	50% indoor capacity (max group: 4 indoor/15 outdoor)	50% indoor capacity (max group: 6 indoor/25 outdoor)	50% indoor capacity (Max group: 10 indoor/25 outdoor)	75% indoor capacity (Max group: 25 indoor/75 outdoor)	Open!
Museums, Gardens, Tours & Other Commercial Attractions	Outdoor areas only (Max group: 5)	50% indoor capacity (max group: 5 indoor/15 outdoor)	50% indoor capacity (max group: 5 indoor/25 outdoor)	50% indoor capacity (max group: 10 indoor/25 outdoor)	75% indoor capacity (max group: 25 indoor/75 outdoor)	Open!
Arcades & Bowling	Closed	25% capacity (max group: 5)	50% capacity (max group: 5)	50% capacity (max group: 10)	75% capacity (max group: 25)	Open!
Commercial Recreational Boating	25% capacity recommended	25% capacity recommended	50% capacity recommended	50% capacity recommended	75% capacity recommended	Open!
Helicopter & Skydiving Tours	50% capacity recommended	50% capacity recommended	Allowed	Allowed	Allowed	Open!
Mass Transportation	50% capacity recommended	50% capacity recommended	50% capacity recommended	50% capacity recommended	75% capacity recommended	Open!
Hair Salons, Nail Salons, & Barbershops	Allowed	Allowed	Allowed	Allowed	Allowed	Open!
Personal Care Services (tattoo, massage, waxing, piercing, etc.)	Outdoor only	Allowed	Allowed	Allowed	Allowed	Open!
Business Offices	Remote encouraged	Remote encouraged	Remote encouraged	Remote encouraged	Remote encouraged	Open!
Markets, craft fairs, etc.	Outdoor Only	Allowed	Allowed	Allowed	Allowed	Open!
Professionally organized receptions, meetings, and events at an official venue	5 indoor/10 outdoor w/restrictions	10 indoor/20 outdoor w/restrictions	20 indoor/40 outdoor w/restrictions	25 indoor/50 outdoor w/restrictions**	40 indoor/100 outdoor w/restrictions**	Open!
Indoor Movie Theaters	25% capacity	50% capacity	50% capacity	50% capacity	75% capacity	Open!
Drive-in Events	Allowed	Allowed	Allowed	Allowed	Allowed	Open!

\*Max group sizes do not apply to individuals within the same household  
\*\*Please refer to the Kauai Business & Recreational Guidelines document for additional information

## Budget for 27th Annual Hawaii Dinosaur Volleyball

Kalapaki Beach September 24, 25 & 26

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

Site	Estimated
Tents / Tables / Chairs	\$300.00
Scoreboards / Leaderb	\$100.00
Insurance	\$300.00
Balls	\$600.00
Total	\$1,300.00

Refreshments	Estimated
Snacks	\$300.00
Drinks / Ice	\$300.00
Total	\$600.00

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 \$7050.00**

**Exhibit E**