

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.: 21MD-060

Maui

Issuance of Right-of-Entry Permit to Hawaii Amateur Surfing Association, for Amateur Surf Event Koki Beach, Hana, Maui, Tax Map Key: (2) 1-4-007: Portion of 009.

APPLICANT:

Hawaii Amateur Surfing Association, a domestic nonprofit corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Koki Beach, Hana, Maui, identified by Tax Map Key (2) 1-4-007: Portion of 009, as shown on the attached map labeled Exhibit A.

AREA:

Total: 800 square feet, more or less (see Exhibit B)
Two 10' x 10' pop-up tents for directors and judges. Note: total area includes minimum 6-foot distancing between and around tent areas.

CONSIDERATION:

Total Cost: \$160.00 (one-hundred sixty dollars) for two-day amateur surf event
One-time payment based on \$0.10 per square foot (sf) per day.
Area of requested use 800 sf x \$0.10 per sf/day x 2 days = \$160.00

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5b lands of the Hawaii Admissions Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Space for director's and judge's tents for two-day amateur surf event

TERM OF RIGHT-OF-ENTRY:

The surf event is planned for Saturday September 11 and 12 with alternate event dates being September 18 & 19 or 25 & 26, 2021 depending on weather conditions.

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 March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 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 Part 1, Item No. 40, that states "Use of state lands involving negligible or no expansion of change of use beyond that previously existing."

See Exemption Notification attached as 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:

Applicant shall:

- 1) Obtain required permits from the DLNR Division of Boating and Ocean Recreation for the ocean activities portion of this event;
- 2) Comply with the most recent Public Health Emergency Rules issued by the County of Maui. Current rules are effective June 15, 2021. Current rules related to outdoor organized sports are attached as Exhibit D;

- 3) Upon completion of the event, the area shall be clean and all temporary structures removed in their entirety.

REMARKS:

The Hawaii Amateur Surfing Association (HASA) has requested the use of Koki Beach for its annual surf contest in East Maui. Applicant has requested use of 800 square feet of government lands for a two-day surf event in order to place two pop-up tents to stage a director's table and judge's table. HASA is an organization that promotes amateur sports for boys and girls under 17 years of age. This event is held annually and has not produced any adverse effects to the land and the surrounding environment.

RECOMMENDATION: That the Board

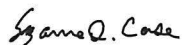
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to the Hawaii Amateur Surfing Association (HASA) for the Koki Beach amateur surfing event.
 - 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,



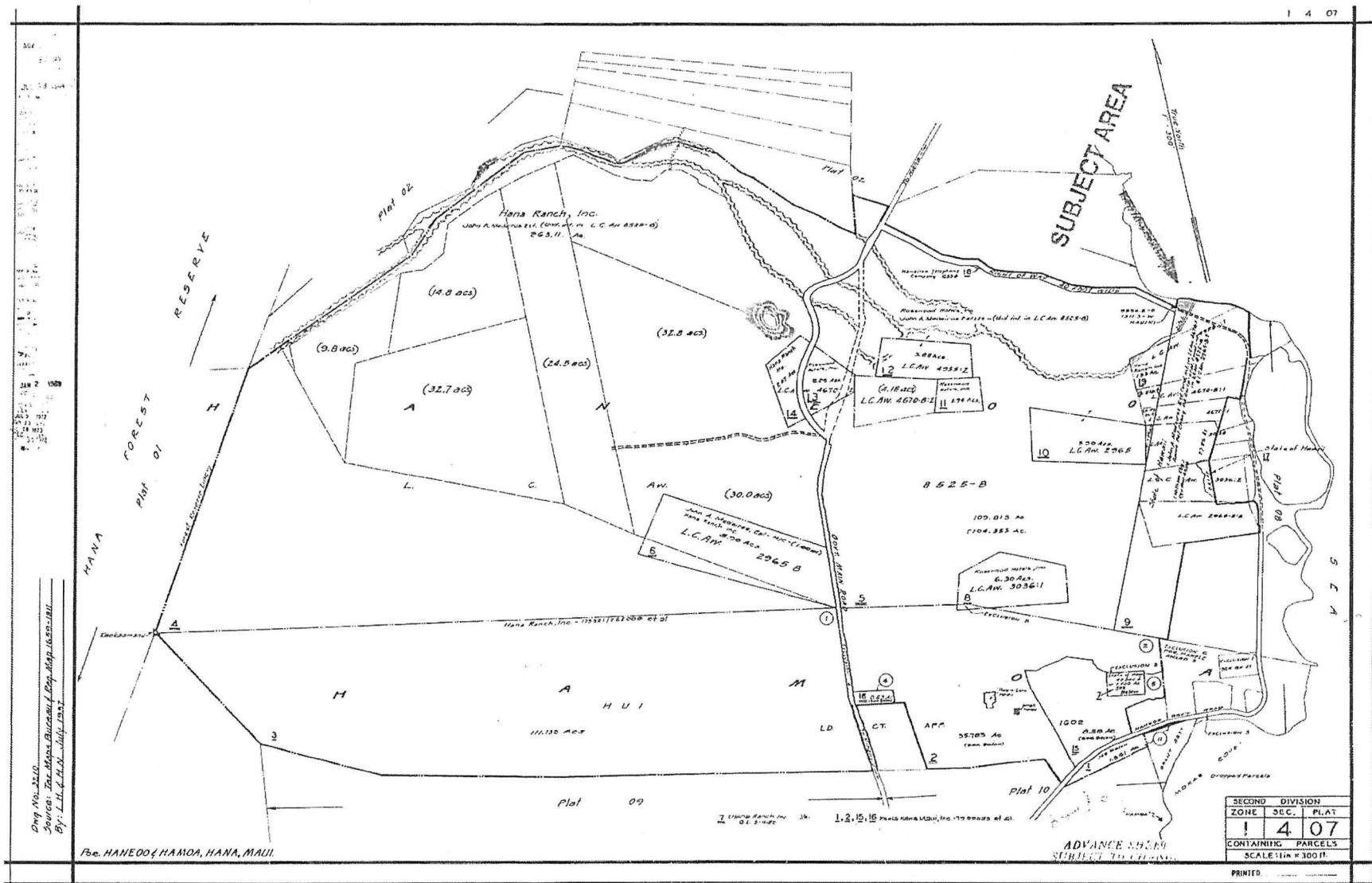
Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





HASA Koki Beach Surf Event



Exhibit B

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 27, 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 Hawaii Amateur Surfing Association for Amateur Surf Event
Project / Reference No.:	PSF 21MD-060
Project Location;	Koki Beach, Hana, Maui; Tax Map Key: (2) 1-4-007: Portion of 009
Project Description:	Two-day (2) amateur surf event to be held Saturday, September 11 and 12, 2021, with alternate event dates of September 18 & 19 or 25 & 26, 2021, depending on weather conditions.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	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 March 3, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 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 Part 1, Item No. 40, that states "Use of state lands involving negligible or no expansion of change of use 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).

Exhibit C

Action May Have
Significant Impact on
Particularly Sensitive
Environment:

The requested area is a portion of State coastal land visited 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:

DLNR: Office of Conservation and Coastal Lands, Division of Aquatic Resources and Division of Boating and Ocean Recreation. Staff have no objections to the subject surf event.

Analysis:

The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of coastal activities that periodically occurred and continues to occur on this and other coastal 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:

That the Board 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.

7. **Personal recreational boating.** No more than twenty-five (25) persons are allowed in any personal boat for recreational purposes (subject to lower capacity established by other applicable law/regulation). Boats shall maintain at least six (6) feet of physical distance from each other, shall not tie up to one another, and boat owners/operators shall not allow intermingling of passengers from different boats.
8. **Outdoor organized sports.** This section applies to outdoor organized sports such as baseball, basketball, soccer, volleyball, softball, tennis, pickle ball, surfing, swimming, football, rugby, canoe paddling and similar outdoor sports ("Sports Program(s)"). Sports Programs may conduct skill-building drills, team-based practice, and competitive play under the following requirements and conditions:
 - a. No close contact activities, including, but not limited to, huddles, high fives, and handshakes.
 - b. Practice groups are limited to a single Sports Program team, including players and coaches. This is an exception to the general rule restricting groups to 10 or less indoors and 25 or less outdoors. Where multiple groups are present at a facility or field, Sports Program operators must implement measures to ensure that groups maintain six (6) feet of physical distance between each other at all times (i.e., no mingling between groups).
 - c. No more than two Sports Program teams may compete against each other on an outdoor field, court, etc. at a time. Each Sports Program team is limited to a maximum of 30 participants, including players and coaches. Where other competitive play/games are scheduled on the same field, court, etc., Sports Program operators must implement measures to ensure that teams waiting to play maintain six (6) feet of physical distance from the other teams playing at all times (i.e., no mingling between groups).
 - d. No more than 200 people should be present at any sports event allowed under this section, including participants, coaches, and spectators.
 - e. Spectators must observe social gathering restrictions.
 - f. Sports Program operators must implement measures to ensure that:
 - i. To the extent consistent with this section, and to the extent reasonably practicable: (1) the Sports Program operators and participants shall follow applicable guidance from the CDC (available at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>); and (2) established and reputable COVID-19-related guidelines for the facility and the activity at issue.

EXHIBIT "D"

- ii. Physical distancing protocols and procedures exist for staff, athletes, and non-program participants (including parents/guardians), with special consideration for the type of athletic activities engaged in, entrances and exits, queues, bottlenecks, facility layouts, and safe capacity limits.
 - iii. Staff and athletes are screened (via self-screening, temperature checks or otherwise) regularly for illness or exposure to COVID-19.
 - iv. Staff, athletes, and non-program participants (including parents/guardians) should consider wearing face coverings when spectating, arriving, and leaving, or must wear face coverings while indoors.
 - v. Individuals from outside the Sports Program team should limit their interactions with staff and participants during drop off/ pick up.
 - vi. Athletes who are sick from COVID-19 may not attend a practice or training until they are cleared for release from isolation according to CDC guidelines and cleared to return by a healthcare provider.
 - vii. Any staff or athlete exposed to a person with a confirmed or probable case of COVID-19 may not attend the program until they have completed quarantine following CDC or DOH guidelines.
 - viii. All program activities are evaluated to identify and mitigate "high-risk" activities (shared equipment, incidental close contact, etc.) to reduce or prevent COVID-19 transmission.
 - ix. Sports Programs shall comply with all requirements imposed by the Department of Parks and Recreation.
9. **Indoor organized sports.** This section applies to indoor sports such as basketball, volleyball, and similar sports to be played indoors at specific indoor courts/venues at specific times ("**Indoor Sports Program(s)**"). Indoor Sports Programs may recommence practice and competitive play under the following requirements and conditions:
- a. Specific requirements/conditions
 - i. Face coverings. Face coverings (as defined in the Order) must be worn by all participants and coaches/instructors/staff at all times. For aquatic sports, face coverings may be removed prior to entering the water.
 - ii. No socializing. There shall be no socializing at the indoor courts/venues at issue before or after the scheduled Indoor Sports Program activity.

EXHIBIT "D"