

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

November 10, 2022

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

PSF No. : 22KD-077  
KAUAI

Issuance of Right-of-Entry Permit to Maui's Original Hawaiian Corporate Games, Inc., for a Private Sand Sculpting Team Building Event at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

APPLICANT:

Maui's Original Hawaiian Corporate Games, Inc., a Domestic Profit Corporation.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

1,000 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Not zoned

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:

For a private sand sculpting team building event.

TERM:

Two (2) hours, between 1:00 pm to 3:00 pm on December 5, 2022.

RENTAL:

\$100.00 (1,000 square feet at \$.10 per square foot).

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Section 11-200.1-15, Hawaii Administrative Rules (HAR), and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1, Item 44, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." The request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

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>

REMARKS:

Staff is requesting approval for a right-of-entry permit to Maui's Original Hawaiian Corporate Games, Inc., for a private sand sculpting team building event that is scheduled for December 5, 2022, from 1:00 p.m. to 3:00 p.m. Applicant anticipates about 50 participants. The purpose of the event is to provide team building skills to the participants. The event will not restrict beachgoers, allowing the public to wander among the sandcastles for viewing. Once the sculpting is completed and judged, the area will be raked, cleaned and restored to its original condition or to a condition satisfactory to the Kauai District Land Office.

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.

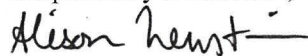
The proposed activity is of a similar type and scope of beach activities that periodically

occurred and continues to occur on this and other beach areas across the State. Staff has no objections to the request as that particular section of Kalapaki Beach has been used on numerous other occasions over the years for various activities/purposes which involved negligible or no impacts beyond that previously existing. Staff is including a recommendation below that the right-of-entry permit be approved, provided that no commercial activity (i.e., no presetting of beach chairs or equipment) will occur within the right of entry area. No comments were solicited from government or community agencies.

RECOMMENDATION: That the Board

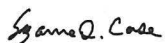
- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, Hawaii Administrative Rules, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action.
- B. Authorize the issuance of a right-of-entry permit to Maui's Original Hawaiian Corporate Games, Inc., covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  2. The permittee will remit a check for \$100.00, made payable to the Department of Land and Natural Resources, which represents a non-refundable fee for use of the subject area;
  3. No commercial activity (i.e., no presetting of beach chairs or equipment) will occur within the right of entry area; and
  4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Alison Neustein  
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

RT







**EXHIBIT A**