

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

December 9, 2022

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

PSF No.: 22KD-074

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 nonprofit corporation and 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: 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:

4 days. (April 13-16, 2023 between the hours of 7:00 am to 6:00 pm)

CONSIDERATION:

Gratis.¹ See Exhibit B

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 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 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

REMARKS:

Hawaii Beach Volleyball Association (HBVA) is requesting a right-of-entry permit for a Dinosaur Beach Volleyball Tournament. The tournament has been held at Kalapaki Beach for the past 6 years and is scheduled once again for April 13-16, 2023 from 7:00 am to 6:00 pm. Setup will begin at 7:00 am and breakdown will be completed by 6:00 pm daily. A 20' x 30' main tent will be set up on adjoining private land for the duration of the permit.

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's grounds.

Applicant has not had a lease, permit, easement or other disposition of State lands

¹ Hawaii Beach Volleyball Association is an Internal Revenue Code Section 501(c)(3) qualified nonprofit entity. See Exhibit B. Hawaii Beach Volleyball Association will not realize any profit from the tournament.

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
County of Kauai:	
Public Works Department	No objections
State of Hawaii:	
Office of Conservation and Coastal Lands	No objections
Office of Hawaiian Affairs	No Response by suspense date.
Other:	
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,



Reynold Lee
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:

[REDACTED]

DLN:

[REDACTED]

Contact Person:

CUSTOMER SERVICE

ID# [REDACTED]

Contact Telephone Number:

[REDACTED]

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

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

Project Title:	Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Dinosaur Beach Volleyball Tournament.
Project / Reference No.:	22KD-074
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 on April 13-16, 2023 from 7:00 am to 6:00 pm.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	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 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 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 types 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 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.

Exhibit C