

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

April 28, 2023

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

PSF No.: 23MD-026

Maui

Issuance of Right-of-Entry Permit to Maui’s Original Hawaiian Corporate Games, Inc., for Beach Games Competition Purposes, Wailea, Honuaula, Maui; TMK (2) 2-1-023: Seaward of 007.

APPLICANT:

Maui’s Original Hawaiian Corporate Games, Inc., a domestic profit corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended, and authority delegated to the Chairperson by the Board of Land and Natural Resources’ action of June 14, 2013, under agenda Item D-11, as amended.

LOCATION:

Portion of Government lands situated at The Four Seasons Resort, Wailea, Honuaula, Maui, identified by Tax Map Key: (2) 2-1-023: Seaward of 007, as shown on the attached maps labeled Exhibit A and B.

AREA:

3,750 square feet, more or less

ZONING:

State Land Use District: Conservation

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:

Unencumbered

CHARACTER OF USE:

Beach Games Competition Purposes.

TERM OF RIGHT-OF-ENTRY:

This is a one-day event scheduled for May 6, 2023 from 8am to 2 pm.

CONSIDERATION:

Total Cost: \$375.00 (one-time payment based on 10¢ per square foot per day).

Total area of requested use: 3,750 sq. ft. x \$.10 = \$375.00

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 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 No. 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."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO _____
Registered business name confirmed:	YES <u>X</u>	NO _____
Applicant in good standing confirmed:	YES <u>X</u>	NO _____

APPLICANT REQUIREMENTS:

1. Pay consideration fee of \$375.00;
2. Obtain Right-of-Entry permit from the Maui District Land Office signed by Chairperson; and
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured.

REMARKS:

Staff is requesting approval for a right-of-entry permit to Maui's Original Hawaiian Corporate Games, Inc., for beach games competition event scheduled on Saturday, May 06, 2023 from 8am with cleanup and restoration of the area to be completed by 2 pm. Staff brings this request to the Board pursuant to the policy adopted at its meeting of June 14, 2013 under agenda Item D-11.

The proposed activity will include up to 190 participants staying at the Four Seasons Wailea Resort. The attached hand-drawn sketch, by the applicant, illustrates the dimensions of the proposed event area and related improvements. Area of use shall be situated on the very south end of Wailea Beach in the location that Four Seasons Wailea Resort normally stages their beach chairs and umbrellas for guests upon request. The event organizers shall avoid use of the area fronting the wooden staircase that allows for public beach access leading from the County owned parcel of land identified on Exhibit B as TMK (2) 2-1-008:089 to reduce user conflict.

This proposed event is similar in type and scope of beach activities that periodically occurred and continue to occur at this and other beach areas in south Maui. 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/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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.

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 Maui's Original Hawaiian Corporate Games, Inc. covering the subject area for beach games competition purposes 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,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson

fem *RT*



Exhibit A



ROE for Beach Games Fronting the Four Seasons Resort

May 6, 2023, 8 am to 2 pm

3,750 sq. ft. Seaward of TMK (2) 2-1-023:007 outlined in red

FOUR SEASONS DAI

BEACH WALKWAY

TABLE

*SOUND SYSTEM

7 GAMES +
COLORFUL FLAGS

3,750
SQUARE
FEET

SPACE
NEEDED
FOR GAME

50'

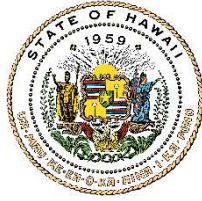
75'

OCEAN

EXHIBIT "C"

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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LAURA H.E. KAAKUA
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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

April 28, 2023

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 Maui's Original Hawaiian Corporate Games, Inc., for Beach Games Competition Purposes, Wailea, Honuaula, Maui; TMK (2) 2-1-023: Seaward of 007.

Project / Reference No.: PSF 23MD-026

Project Location: Wailea Beach, Honuaula, Maui; Tax Map Key: (2) 2-1-023: seaward of 007

Project Description: Use of 3,750 sq. ft. of government lands for event operations and staging area related to a one-day beach games competition event to be held Saturday, May 6, 2023 at Wailea Beach from 8 am to 2 pm.

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 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 No. 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."

Exhibit C

Cumulative Impact of Planned Successive Actions in Same Place Significant:

No. This beach games event is not held on a routine or regular basis (i.e., daily, or weekly). This event is a one-time annual activity.

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 and Division of Aquatic Resources have no objections to the subject beach games 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 continue 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.