

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

May 12, 2023

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

PSF No.: 23KD-024

KAUAI

Issuance of Right-of-Entry Permit to the Young Men’s Christian Association of Kauai on behalf of the Kauai Bodyboarding Association for Bodyboarding Contest Purposes; Shipwrecks Beach (Keoniloa Beach), Poipu, Koloa, Kauai, Tax Map Key: (4) 2-9-001: seaward of 001.

APPLICANT:

Young Men’s Christian Association of Kauai (YMCA), a Hawaii nonprofit corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Shipwreck’s Beach (Keoniloa Beach), Poipu, Koloa, Kauai, identified as seaward of Tax Map Key: (4) 2-9-001:seaward of 001, as shown on the attached map labeled EXHIBIT A.

AREA:

200 square feet, more or less (consists of 2- 10’ x 10’ tents).

ZONING:

State Land Use District: Conservation  
County of Kauai CZO: Unknown

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:

Bodyboarding contest.

TERM OF RIGHT-OF-ENTRY:

Two days (May 20, 2023 and May 21, 2023, from 6 a.m. to 6 p.m.).

CONSIDERATION:

\$40.00 (200 square feet x 0.10 per square feet x 2 day)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources concurred with 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, Item 44. See EXHIBIT B.

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:

The YMCA on behalf of the Kauai Bodyboarding Association (KBA) is requesting a right-of-entry permit for a bodyboarding contest on unencumbered State land at Shipwreck’s Beach (Keoniloa Beach). The contest is intended for May 20, 2023 and May 21, 2023, sometime between 6:00 a.m. to 6:00 p.m.

KBA intends to utilize 200 square feet of the beach area to setup two 10’ x 10’ tents to be used for the event. Participation in the bodyboarding contest will be open to the public. According to KBA, the contest will be a chance for all bodyboarders to showcase their talent. A beach clean-up will also be done at the end of each day prior to leaving.

The proposed activity is of a similar type and scope of beach activities that routinely has occurred and continues 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, environment 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.

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.

Various government agencies and interest groups were solicited for comments.

AGENCY	COMMENTS
Division of Conservation and Resources Enforcement	No objections
Division of Boating and Ocean Recreation	No response by suspense date
Office of Hawaiian Affairs	No response by suspense date

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15, 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.
  
2. Authorize the issuance of a right-of-entry permit to the YMCA, covering the subject area for a bodyboarding contest, 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;
  
  - B. The permittee will remit a check for \$40.00, made payable to the Department of Land and Natural Resources, which represents a nonrefundable fee for use of the subject area; and
  
  - C. 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:

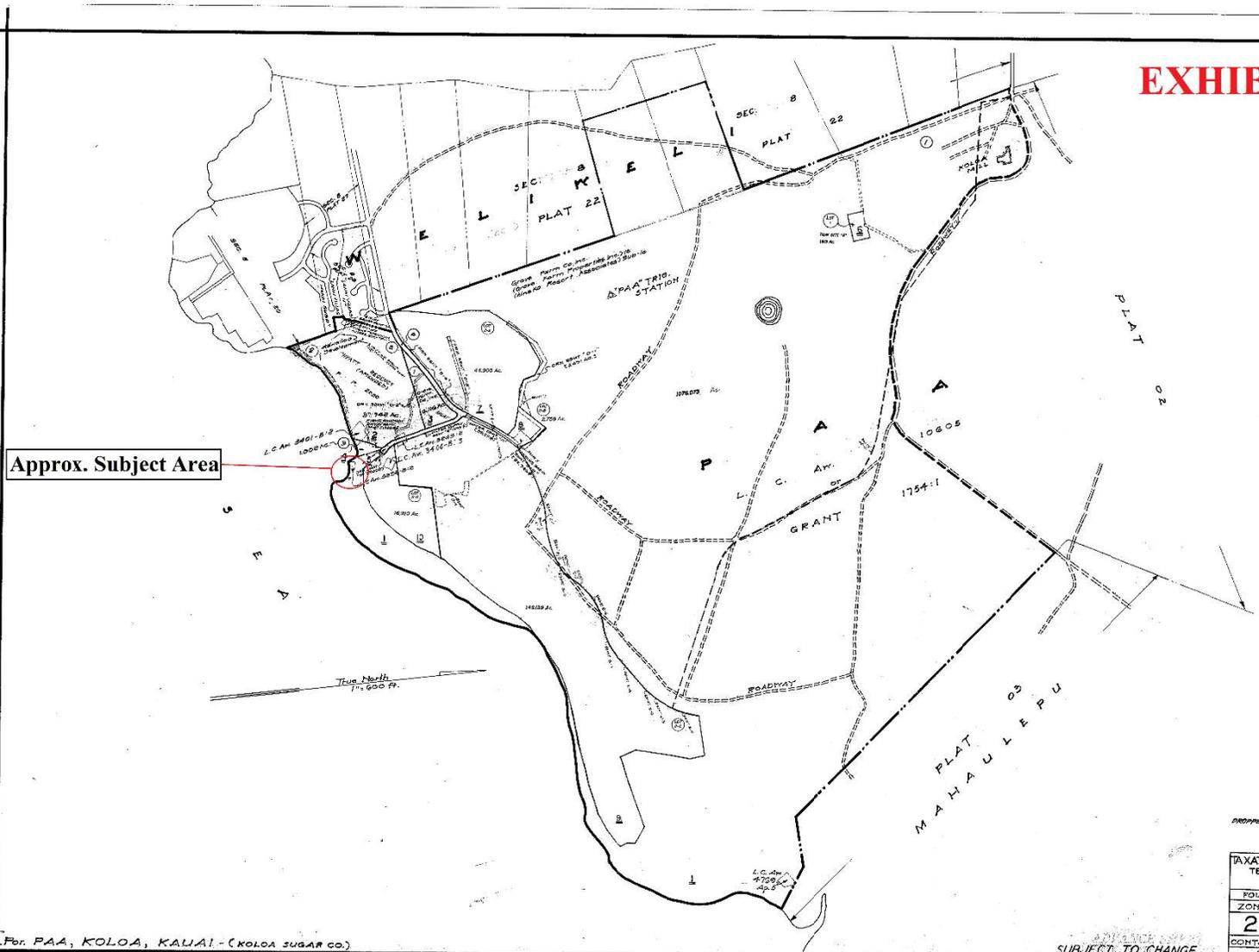


Dawn N. S. Chang, Chairperson



2 9 01

# EXHIBIT A



Approx. Subject Area

190 1 1 0 1  
 MAY 1 1901  
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 MAY 1 1901

Eng. No. 5524  
 Drawn by: [illegible]  
 By: S. E. R. B. - CH. 13

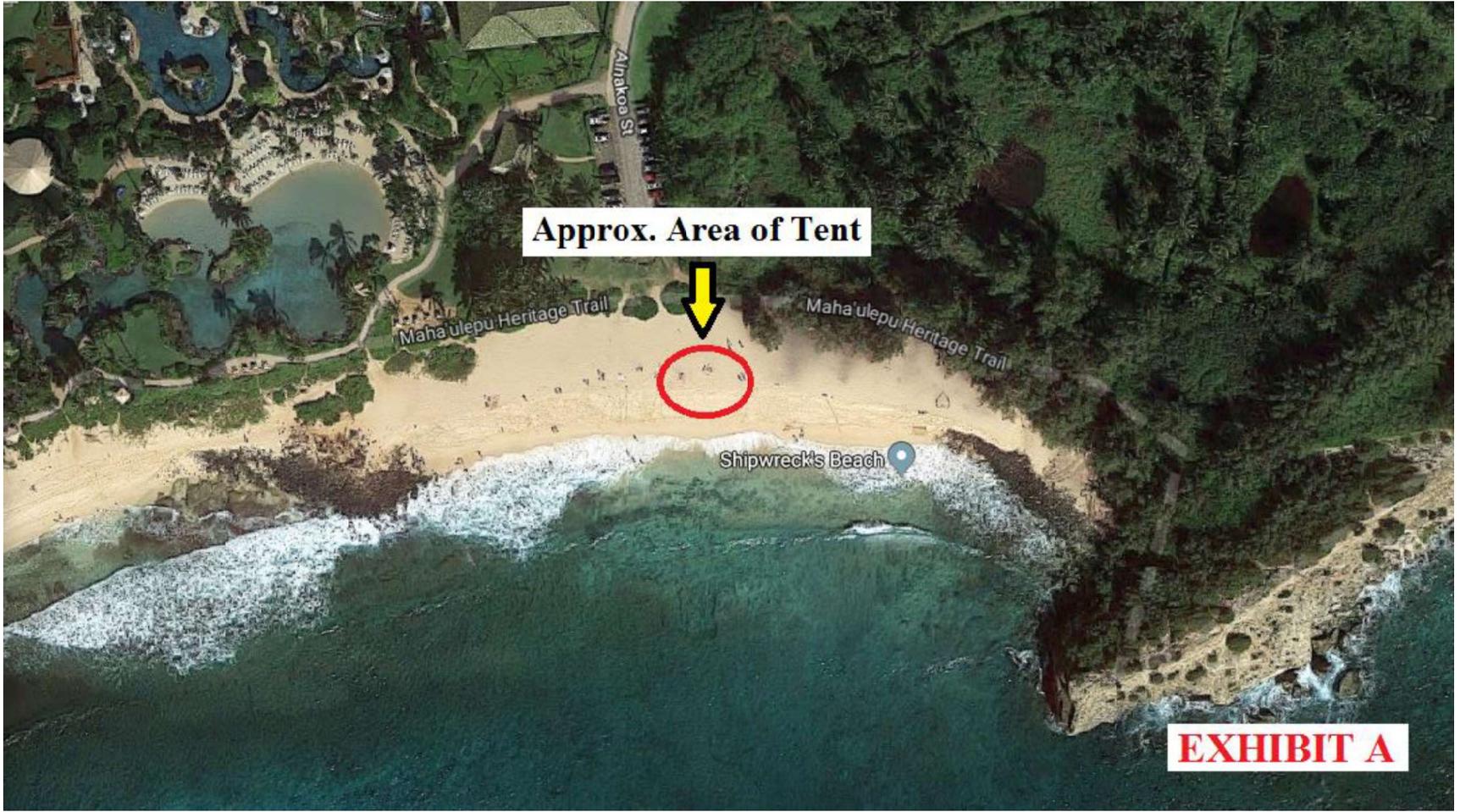
For PAA, KOLOA, KAUAI - (KOLOA SUGAR CO.)

PROPOSED PARCELS - 5

TAXATION MAPS BUREAU		
TERRITORY OF HAWAII		
TAX MAP		
FOURTH DIVISION		
ZONE	SEC.	PLAT
2	9	01
CONTAINING 1 PARCELS		
SCALE: 1 in. = 600 ft.		

SUBJECT TO CHANGE

PRINTED



JOSH GREEN M.D.  
GOVERNOR | KE KUA'AINA

SYLVIA LUKE  
LIBUTENANT GOVERNOR | KA HOPE KUA'AINA



DAWN N. S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

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

3060 Eiva Street, Room 208  
Lihue, Hawaii 96766

May 12, 2023

**EXEMPTION NOTIFICATION**

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS), and Chapter 11-200.1-15, Hawaii Administrative Rules (HAR):

- Project Title:** Issuance of Right-of-Entry Permit to the Young Men's Christian Association of Kauai on behalf of Kauai Bodyboarding Association at Shipwreck's Beach for Bodyboarding Contest.
- Project / Reference No.:** 23KD-024
- Project Location:** Shipwreck's Beach (Keoniloa Beach), Poipu, Koloa, Kauai, Tax Map Key: (4) 2-9-001:seaward of 001.
- Project Description:** The subject property is currently unencumbered State land located at Shipwreck's Beach (Keoniloa Beach). The applicant is requesting the use approximately 200 square feet to place two 10'x 10' tents for use of a bodyboarding contest.
- Chap. 343 Trigger(s):** Use of State Land
- Exemption Class No. and Description:** In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 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,

**Exhibit B**

or topographical features, involving negligible or no expansion or change of use beyond that previously existing.” and 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 proposed beach event 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 § 11-200.1-15, HAR.

**Cumulative Impact of Planned Successive Actions in Same Place Significant?**

No. There will be no change to the current activities on the land.

**Action May Have Significant Impact on Particularly Sensitive Environment:**

No. There are no sensitive environmental issues involved with the proposed use of the property.

**Consulted Parties:**

Division of Conservation and Resources Enforcement Division of Boating and Ocean Recreation, and Office of Hawaiian Affairs.

**Analysis:**

In the past, permits were issued for similar type of events on the beach in the arena, 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.

**Recommendation:**

It is recommended that the Board of Land and Natural Resources find that the proposed action 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 B**