

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

May 26, 2023

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

PSF No.: 23MD-042

Maui

Issuance of Right-of-Entry Permit to Insider Experience, LLC, for One-Day Beach Games Event Purposes, Kihei Beach Lots, Maui; TMK (2) 3-8-013: Seaward of 011.

APPLICANT:

Insider Experience, LLC, a Kentucky limited liability company (LLC).

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated along the shoreline fronting 85 North Kihei Road, Kihei Beach Lots, Maui, identified by Tax Map Key: (2) 3-8-013: Seaward of 011, as shown on the attached maps labeled Exhibit A and B.

AREA:

800 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:

One-Day Beach Games Event Purposes.

TERM OF RIGHT-OF-ENTRY:

This is a one-day event scheduled for June 4, 2023 from 8am to 5 pm.

CONSIDERATION:

Total Cost: \$80.00 (one-time payment based on 10¢ per square foot per day).

Total area of requested use: 800 sq. ft. x \$0.10 = \$80.00

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:

Applicant is Non-Compliant. Applicant has been notified and registration for year 2022 and 2023 has been submitted by Applicant to DCCA on May 15, 2023. Applicant expects to be compliant by the date of the Board meeting scheduled for May 26, 2023.

APPLICANT REQUIREMENTS:

1. Pay consideration of \$80.00;
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:

The DLNR Maui District Land Office (MDLO) staff is requesting approval for a right-of-entry permit to Insider Experience, LLC for a one-day beach games event scheduled for Sunday, June 4, 2023. The event is expected to happen at midday and be completed within 1.5 hours with cleanup and restoration of the area to be completed by 5 pm. The proposed activity will include up to 83 guests and 10 staff. Event staff will set up plastic fencing and flags to guide participants in beach game activities intended as a team building exercise.

Event staff shall ensure that east to west lateral transit along the shoreline is available to the general public at all times during the event.

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 Insider Experience, LLC covering the subject area for one-day beach games event 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,
  - B. Compliance with DCCA registration prior to issuance of Right-of-Entry permit, and
  - C. 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

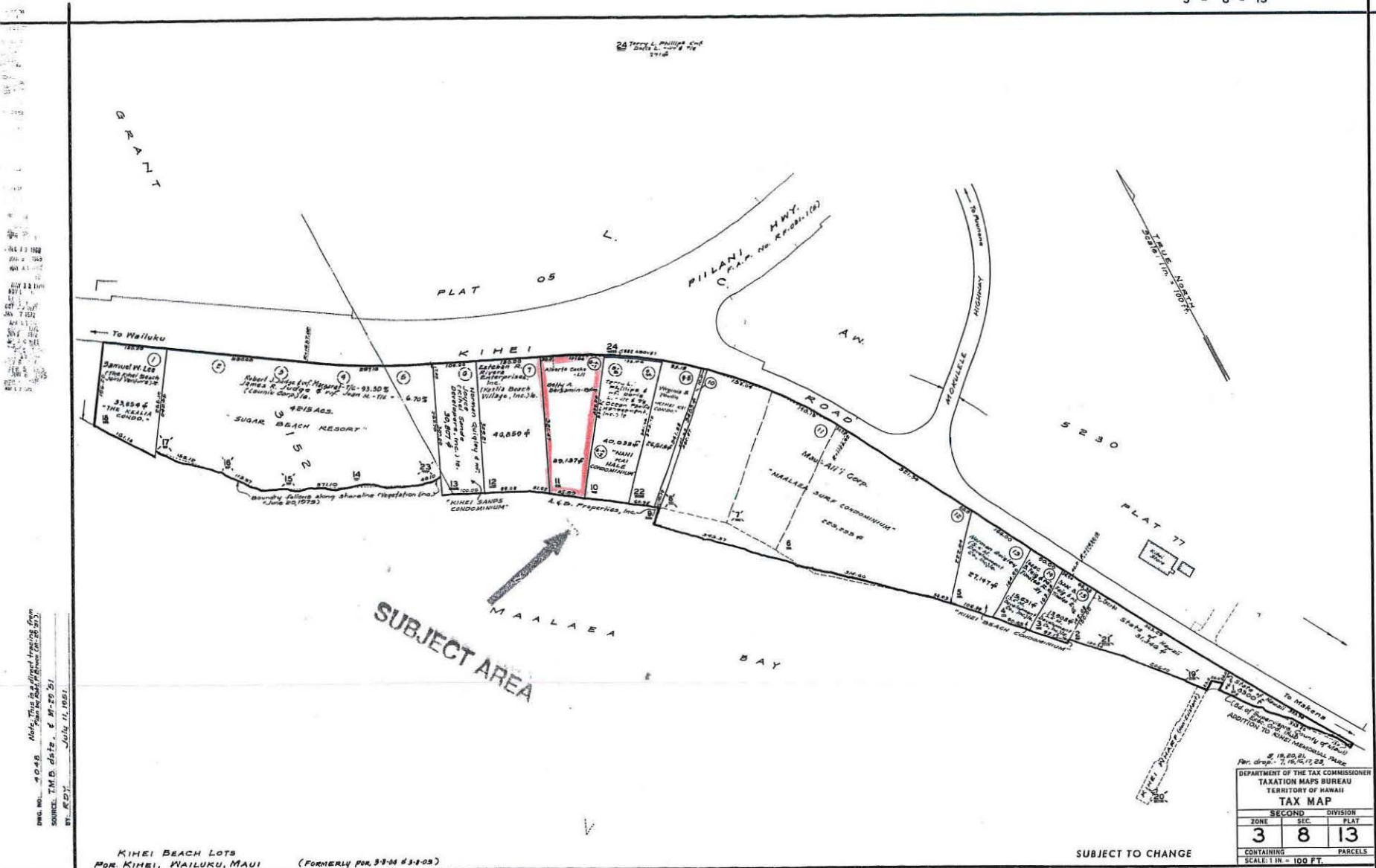
APPROVED FOR SUBMITTAL:



---

Dawn N.S. Chang, Chairperson

*KOM* *RT*



ENG. NO. 4045. Note: This is a revised tracing from  
 SOURCE: T.M.D. 6512 - 6 M-29 51  
 BY: R.D.Y. JULY 11, 1981.

KIHIKIHI BEACH LOTS  
 FOR KIHIKIHI, WAILUKU, MAUI (FORMERLY FOR 3-8-13 #3-1-03)

SUBJECT TO CHANGE

DEPARTMENT OF THE TAX COMMISSIONER  
 TAXATION MAPS BUREAU  
 TERRITORY OF HAWAII  
**TAX MAP**

SECOND		DIVISION
ZONE	SEC.	PLAT
3	8	13
CONTAINING		PARCELS
SCALE: 1 IN. = 100 FT.		

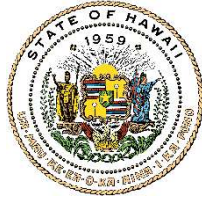
Insider Experience LLC, ROE for One-Day Beach Event  
80 sf seaward of TMK (2) 3-8-013:011



Exhibit B

**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**

P.O. BOX 621  
HONOLULU, HAWAII 96809

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

**LAURA H.E. KAAKUA**  
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

May 26, 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 Insider Experience LLC, for One-Day Beach Games Event Purposes, Kihei Beach Lots, Maui; TMK (2) 3-8-013: Seaward of 011.

**Project / Reference No.:** PSF 23MD-042

**Project Location:** Portion of Government lands situated along the shoreline fronting 85 North Kihei Road, Kihei Beach Lots, Maui, identified by Tax Map Key: (2) 3-8-013: Seaward of 011

**Project Description:** Use of 800 sq. ft. of government lands for one-day beach games event to be held Sunday, June 4, 2023 from 8 am to 5 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 one-day 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.