

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

October 27, 2023

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

PSF No.: 23KD-096

KAUAI

Issuance of Right-of-Entry Permit to University of Hawaii for the benefit of the University of Hawaii at Manoa, Department of Intercollegiate Athletics Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

APPLICANT:

University of Hawaii for the benefit of the University of Hawaii at Manoa, Department of Intercollegiate Athletics.

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:

8112 square feet, more or less.
(1352 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:

Three (3) days. November 17-19, 2023, between the hours of 8:00 am to 5:00 pm.

CONSIDERATION:

Gratis

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 attached Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed:	YES
Registered business name confirmed:	YES
Applicant in good standing confirmed:	YES

REMARKS:

University of Hawaii for the benefit of the University of Hawaii at Manoa, Department of Intercollegiate Athletics (UH) will be holding a collegiate Beach Volleyball Tournament. The tournament will be held at Kalapaki Beach, Kauai on November 17-19, 2023 from 8:00 am to 5:00 pm. Setup will begin at 7:00 am and breakdown will be completed by 6:00 pm daily. Six volleyball courts will be set up on State land for the duration of the permit. UH will be very sensitive to the beach and will be returning the beach to its pristine condition which includes doing a rubbish sweep daily.

UH states that no spectator seating will be placed on the beach/State land by event coordinators and no sponsorship signs will be posted anywhere in the immediate area. UH further states that there will be no commercial activity taking place on the State's land.

Since this is a state (UH) to state (DLNR) situation, both entities are self-insured by the State insurance program.

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 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	No response by suspense date
State of Hawaii Office of Conservation and Coastal Lands	No objections.
State of Hawaii 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 University of Hawaii for the benefit of the University of Hawaii at Manoa, Department of Intercollegiate Athletics 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:



Dawn N. S. Chang, Chairperson





Exhibit A

JOSH GREEN, M.D.
GOVERNOR | KE KA'ĀINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

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 University of Hawaii for the benefit of the University of Hawaii at Manoa, Department of Intercollegiate Athletics Beach Volleyball Tournament.
Project / Reference No.:	23KD-096
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 Royal Sonesta Resort. The applicant is requesting the use of 8112 square feet located on Kalapaki Beach for 6 volleyball courts for the Collegiate Beach Volleyball Tournament on November 17-19, 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

Exhibit B

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.