

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

September 12, 2025

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

PSF No.: 25KD-073

KAUAI

After the fact Issuance of Right-of-Entry Permit to Hawaii Beach Volleyball Association for Duke's Kauai Invitational on September 12-13, 2025, at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

Issuance of Four Right-of-Entry Permits to Hawaii Beach Volleyball Association for, Kauai Beach Volleyball AAU Fall Festival, Kauai Beach Volleyball College Invitational, Kauai Beach Volleyball BVCA National Qualifier and Kauai Beach Volleyball AAU Christmas Classic respectively, on November 1-2, November 20-23, November 28-30, and December 13-14, 2025; Lihue, Kauai at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

APPLICANT:

Hawaii Beach Volleyball Association (HBVA), 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: Yes
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:

2 days (September 12-13, 2025 between the hours of 7:00 am to 6:00 pm)
2 days (November 1-2, 2025 between the hours of 7:00 am to 6:00 pm)
4 days (November 20-23, 2025 between the hours of 7:00 am to 6:00 pm)
3 days (November 28-30, 2025 between the hours of 7:00 am to 6:00 pm)
2 days (December 13-14, 2025 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

PUBLIC TRUST ANALYSIS

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.

The proposed use is temporary and the events are open to the public. Additionally, no commercial activity will occur on the public beach area. Given the limited duration and scope of the events, staff believes that the requested dispositions would not measurably impair the use of the public beach area and is consistent with the public trust.

REMARKS:

Hawaii Beach Volleyball Association (HBVA) is requesting a right-of-entry permit for 5 separate volleyball tournaments. Duke's Kauai Invitational, Kauai Beach Volleyball AAU Fall Festival, Kauai Beach Volleyball College Invitational, Kauai Beach Volleyball BVCA National Qualifier and Kauai Beach Volleyball AAU Christmas Classic all 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. Two 10' x 10' tents 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 Kauai Resort's grounds.

Staff notes that HBVA did not submit its right of entry request until August 14, 2025, making this meeting the earliest opportunity for staff to bring this matter before the Board for decisions making. Therefore, due to the event dates, staff is requesting that the right of entry for the first event be approved on an after the fact basis.

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 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 events.

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. For the reasons stated herein, find that the requested disposition is consistent with the public trust.
3. Authorize after the fact the issuance of a right-of-entry permit to Hawaii Beach Volleyball Association for Duke's Kauai Invitational, on September 12-13, 2025, Kalapaki Beach, Lihue, Kauai at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
4. Authorize the issuance of four right-of-entry permits to Hawaii Beach Volleyball Association covering the subject area for the Kauai Beach Volleyball AAU Fall Festival, Kauai Beach Volleyball College Invitational, Kauai Beach Volleyball BVCA National Qualifier and Kauai Beach Volleyball AAU Christmas Classic, on the dates and 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





INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: JAN 12 2015

Employer Identification Number:

DLN:

26053409001355

Contact Person:

CUSTOMER SERVICE

ID# 31954

Contact Telephone Number:

(877) 829-5500

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

HAWAII BEACH VOLLEYBALL ASSOCIATION
2600 PUALANI WAY UNIT 802
HONOLULU, HI 96815-0000

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.

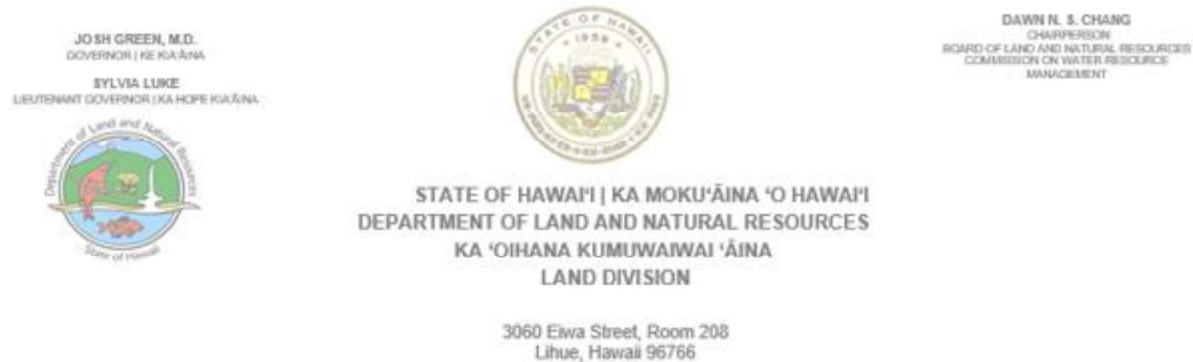
If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive 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



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 Duke's Kauai Invitational, Kauai Beach Volleyball AAU Fall Festival, Kauai Beach Volleyball College Invitational, Kauai Beach Volleyball BVCA National Qualifier and Kauai Beach Volleyball AAU Christmas Classic.
Project / Reference No.:	25KD-073
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 Kauai Resort. The applicant is requesting the use of six volleyball courts located on Kalapaki Beach for the Duke's Kauai Volleyball on September 12-13, 2025, Kauai Beach Volleyball AAU Fall Festival November 1-2, 2025, Kauai Beach Volleyball College Invitational on November 20-23, 2025, Kauai Beach Volleyball BVCA National Qualifier on November 28-30, 2025 and Kauai Beach Volleyball AAU Christmas Classic on December 13-14, 2025 all from 7:00 a.m. to 6:00 p.m..
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. The proposed use is similar to uses by the general public that occur on a regular basis.

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

No. There are no sensitive environmental issues involved with the proposed use of the property. Additionally, the activity is similar in type to other recreational activities that occur on beaches on a regular basis, resulting in no significant impacts.

Analysis:

Consulted Parties:

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.

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