

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

February 24, 2012

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

PSF No.: 11KD-189

Kauai

Issuance of Right-of-Entry Permit to Trade-Winds Management Group, Ltd. for a Teambuilding Event at Shipwreck Beach, fronting the Grand Hyatt Kauai Resort & Spa, Poipu, Kauai, Tax Map Key: (4) 2-9-01: portion seaward of 02.

APPLICANT:

Trade-Winds Management Group, Ltd. whose business and mailing address is P.O. Box 383279 Waikoloa, Hawaii 96738.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Poipu, Kauai, identified as tax map key: (4) 2-9-01: seaward of 02, as shown on the attached Exhibit A.

AREA:

4,000 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:

Vacant and unencumbered.

CHARACTER OF USE:

Teambuilding Activity – Sand Sculpture Contest

TERM:

From 8:00 am to 5:00 pm on April 17, 2012.

RENTAL:

\$400.00 (Rental will be based on 10¢ per square feet per day.) Total area of requested use is 4,000 square feet.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

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:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for these types of teambuilding and beach activities (contests) in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a right-of-entry permit.

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.

Trade-Winds Management Group, Ltd. is requesting a right-of-entry permit for Quest Software Group. The Sand Sculpture Contest is scheduled for April 17, 2012. Set-up will be from 8:00am to 12:00n, contest from 12:00n to 3:00pm and break down by 5:00pm.

Staff conferred with Trade-Winds Management Group, Ltd. and the location of the event will be higher on the beach and not close to the waterline. Each team will use only one (1) 5-gal. pail of sand from the surface of the beach no more than 6 inches deep. After the event, sand will be leveled to pre-existing conditions.

The proposed activity has historically and routinely occurred and continues to occur on this and other beach 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. 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.

Comments were solicited from:

State Agencies:

DOH	If sand binding chemicals are to be used, info on chemicals may need further review
Historic Preservation	No response by suspense date
OCCL	No objections
OHA	No response by suspense date

County Agencies

County Planning	No response by suspense date
Parks & Recreation	No response by suspense date

Others

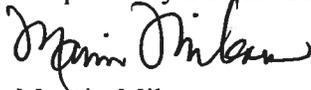
Grand Hyatt Kauai	No response by suspense date
Grove Farm Company	No response by suspense date

**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, 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.

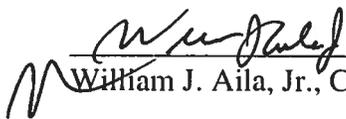
2. Authorize the issuance of a right-of-entry permit to Trade-Winds Management Group, Ltd. covering the subject area for a teambuilding event purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Review and approval by the Department of the Attorney General; and
  - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa  
Acting District Land Agent

APPROVED FOR SUBMITTAL:

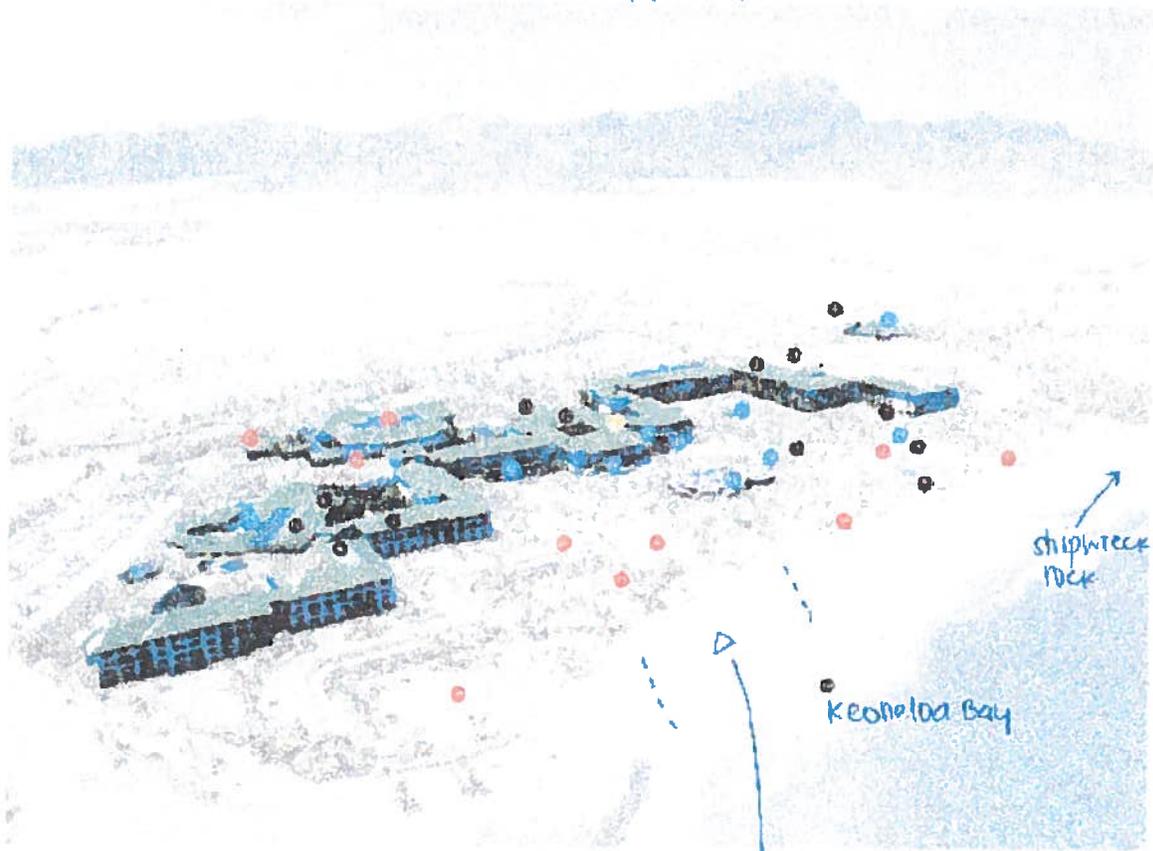


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William J. Aila, Jr., Chairperson

Re: Sand castle Contest permit for March, 30, 2011.

GRAND HYATT KAUIAI RESORT MAP



⊙ general beach area for  
sand castle building contest  
(area needed: 4,000 sq. ft)



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 31, 2012

## **EXEMPTION NOTIFICATION**

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Issuance of Right-of-Entry Permit to Trade-Winds Management Group, Ltd. for a Team Building Event.

**Project / Reference No.:** 11KD-189

**Project Location:** Shipwreck Beach, Poipu, Kauai, Tax Map Key: (4) 2-9-01: seaward of 02.

**Project Description:** Teambuilding Event – Sand Castle Building Contest.

**Chap. 343 Trigger(s):** Use of State Unencumbered Land

**Exemption Class No.:** In accordance with Hawaii Administrative Rule, Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No.4, that states "Minor alteration in the conditions of land, water, or vegetation".

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impact, 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.

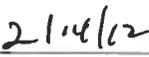
Consulted Parties:

Office of Conservation and Coastal Lands (OCCL)

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
\_\_\_\_\_  
William J. Aila, Jr., Chairperson

  
\_\_\_\_\_  
Date