

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

April 27, 2012

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

PSF No.: 12OD-051

OAHU

Issuance of Right-of-Entry Permit to Steven Boyle for Beach Activities Purposes to be held from May 12- 20, 2012 at State Lands fronting the Kahala Hotel, Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:seaward of 041

APPLICANT:

Steven Boyle, dba Steven Boyle Design.

LEGAL REFERENCE:

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

LOCATION:

Portion of unencumbered State lands situated at Kahala, Honolulu, Oahu identified as Tax Map Key: (1) 3-5-023:seaward of 041, as shown on the attached Exhibit A1.

AREA:

8,500 square feet, more or less. (Exhibit A2)

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO: P-2

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:

Encumbered under Revocable Permit No. S-7430, Kahala Hotel Investors, LLC, Permittee, for maintenance and recreational purposes.

CHARACTER OF USE:

Beach activities purposes.

TERM:

From 8:00 am on May 12, 2012 to 7:00 pm on May 20, 2012 (9 days).

RENTAL:

\$7,650 (one time payment). (8,500 sq. ft. x .10 per sq. ft. = \$850 x 9 days = \$7,650)

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), 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." See Exhibit B.

DCCA VERIFICATION:

Applicant is sole proprietorship and, as such, is not required to register with DCCA.

REMARKS:

Applicant, Steven Boyle dba Steven Boyle Design is requesting a right-of-entry permit for set-up and conducting beach activities on the beach area fronting the Kahala Hotel .

The abutting hotel is hosting an award event for above 400 guests during the requested period and has hired the applicant for the management and production of this event. One of the activities is for the set-up of a stage for live music performance and dining on May 19, 2012, between 6:30 pm to 10:30 pm. To facilitate the performance, the Applicant requests approval to install a temporary stage (64 x 24 feet) mounted on the sand as shown on Exhibit A2.

According to the Applicant, the stage will also be set on protective pads to prevent any sinking into the sand. In addition, the Applicant will position the stage in such a way that any noise will be buffered from the residential area by the hotel building. Sounds will be directed towards the hotel guests on the lawn in front of the hotel.

Staff discussed the request with the Office and Conservation and Coastal Lands recommended additional conditions as shown in the Recommendation Section. No other government agencies were asked to comment.

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.

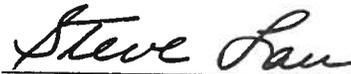
The hotel has indicated its concurrence to the request by its letter attached as Exhibit C.

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 Steven Boyle dba Steven Boyle Design covering the subject area for beach activities 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. The activity/use shall not adversely affect a federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
 - C. The activity/use shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
 - D. When the Chairperson is notified by the public that an individual activity deviates from the scope of the activity/uses, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant(s) to undertake corrective measures to address the condition affecting these resources. The applicant(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;

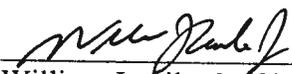
- E. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State Department of Land and Natural Resources that an individual activity/use or activities conducted under this letter is adversely affecting fish or wildlife resources or the their harvest, the Chairperson will direct the applicant(s) to undertake corrective measures to address the condition affecting these resources. The applicant must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
- F. Where any interference, nuisance, or harm may be caused, or hazard established by the activities/uses, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
- G. No contamination of the marine or coastal environment (trash or debris) shall result from project-related work;
- H. No motorized construction equipment is to be operated in the water at any time;
- I. The applicant shall ensure that excessive siltation and turbidity are contained or otherwise minimized through the use of silt containment devices or barriers;
- J. The applicant shall take measures to ensure that the public is adequately informed of the project activities/uses once it is initiated and the need to avoid the project area during the operation;
- K. The applicant shall implement standard Best Management Practices (BMPs), including the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance; and
- L. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



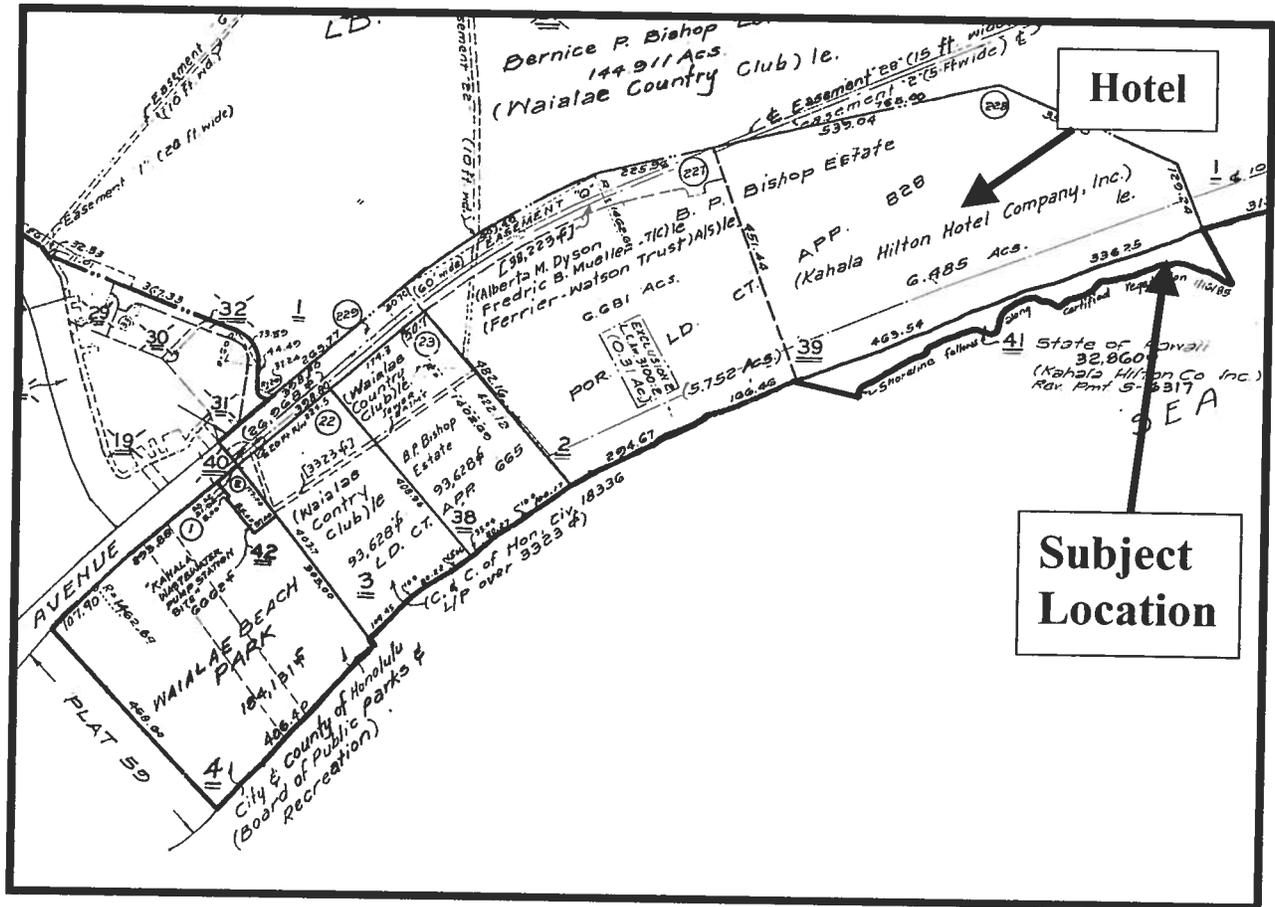
Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr. Chairperson



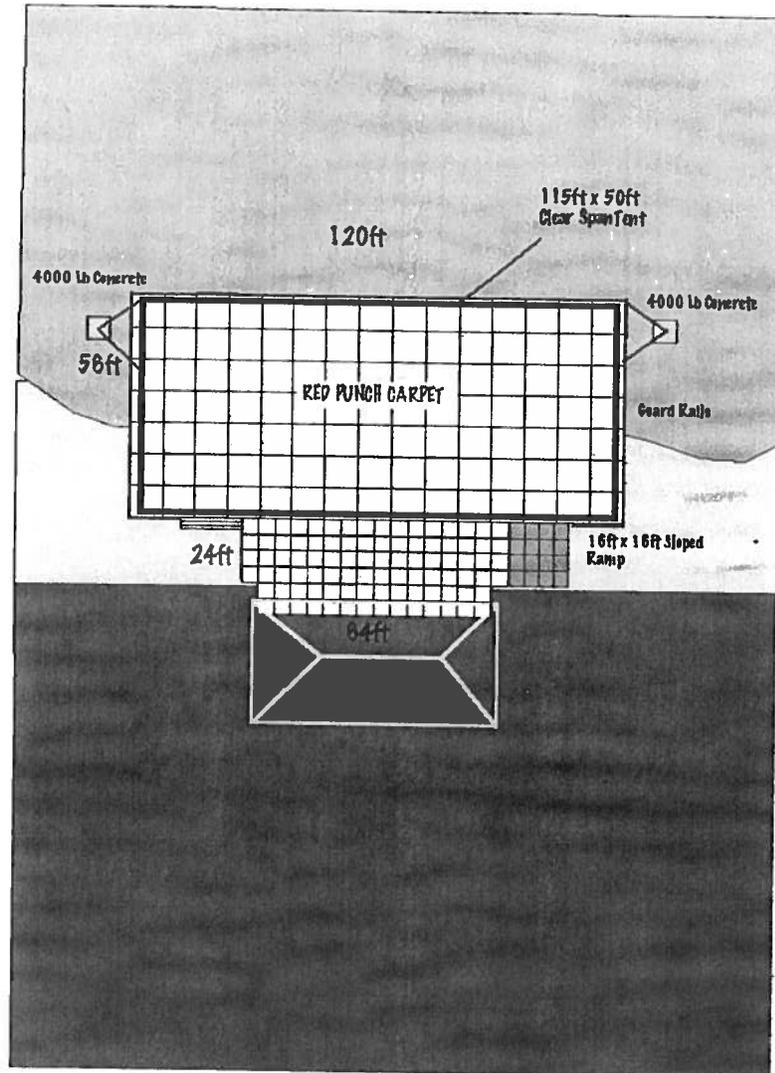


TMK (1) 3-5-023:seaward of 041

EXHIBIT A1

STEVEN BOYLE DESIGN EVENT CONTRACT

2012

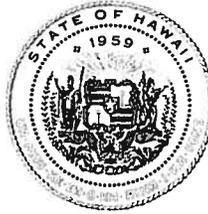


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EXHIBIT "A2"

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AHA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AGRICULTURAL RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONSERVANCIES
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

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 for Beach Activities Purposes

Project / Reference No.: PSF 12OD-051

Project Location: Waialae, Honolulu, Oahu, TMK: (1) 3-5-023:seaward of 041

Project Description: Performance Stage

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (4), 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."

This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically 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 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

EXHIBIT B

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.



William J. Aila, Jr., Chairperson



4/13/12

Date



THE KAHALA

HOTEL & RESORT

Honolulu, Hawaii

MEMORANDUM

Date: Tuesday, March 20, 2012
From: Stuart Kotake, Director of Food & Beverage
Subject: The Kahala Hotel & Resort Beach Permit
To: Department of Land and Natural Resources

The Kahala Hotel & Resort allows Steven Boyle Design access and working rights to the property. This permission is in conjunction with the McAfee Incentive Program to be held on Monday, May 14, 2012 – Monday, May 21, 2012. Steven Boyle Design will be responsible for an event on the beach and lawn of our property. Should there be any questions, please feel free to contact myself at, skotake@kahalaresort.com or 808-306-0096.

Warmest Mahalo,

Stuart Y. Kotake, CMP
Director of Food & Beverage
THE KAHALA HOTEL & RESORT
5000 Kahala Avenue
Honolulu, HI 96816
Cellular: (808) 306-0096
Direct: (808) 739-8720
Fax: (808) 739-8825

EXHIBIT "C"