

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

June 8, 2012

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

PSF#12MD-072

Maui

Issuance of Right-of-Entry Permit to MC&A Inc. to Conduct a Sandcastle Sculpting, Beach Activity Event for the Lexus Family, at Wailea Beach, Maui, Hawaii: Tax Map Key:(2) 2-1-008: seaward of 109.

APPLICANT:

MC&A Inc. (Event Management Company) whose mailing address is 615 Piikoi Street, 10th Floor, Honolulu, Hawaii 96814.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Wailea, Maui identified by Tax Map Key: (2) 2-1-008: seaward of 109, as shown on the attached GIS overview map labeled Exhibit (A).

AREA:

5,000 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: YES  NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Sandcastle Sculpting Event

TERM:

This is a one-day event, commencing on July 8, 2012 at 9:00 a.m. with an estimated completion time of 6:00 p.m.

RENTAL:

Payment of \$500.00, rental fee. (Rental fee based on \$.10 per square foot per day; 5,000 square feet x \$.10 = \$500.00).

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 4, that exempts activities, which involve "Minor alteration in the conditions of land, water, or vegetation." Staff consulted the Office of Conservation and Coastal Lands and was advised that they had no objection to the proposed activities due to the temporary and minimally intrusive nature of the activities.

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 beach activities (Team Building Events) 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 should 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.

No comments were solicited from government or community agencies.

MC&A Inc. is requesting a right-of-entry permit for the Lexus Family, to utilize a portion of Wailea Beach for a one-day team-building sand sculpting event. The event is scheduled for July 8, 2012. Set up will start at approximately 9:00 a.m. The event will take place from 3:00 p.m. until 4:00 p.m., and

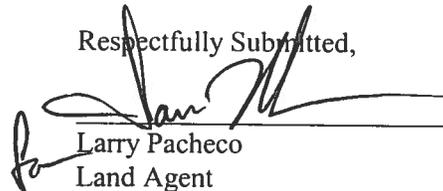
cleanup will be completed by 6:00 p.m.

There are no other pertinent issues or concerns. Staff has no objections to this request.

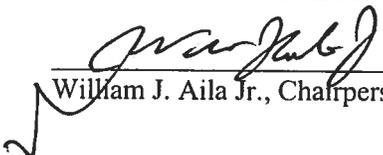
RECOMMENDATION: That the Board:

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 MC&A Inc. (Event Manager) for a team building event for the Lexus Family, covering the subject area 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 Board declare this Right-of-Entry exempt under Chapter 343 of the Hawaii Revised Statutes;
  - c. Review and approval by the Board of Land & Natural Resources; and
  - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

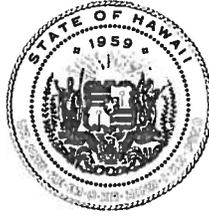
Respectfully Submitted,

  
Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
William J. Aila Jr., Chairperson

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

May 17, 2012

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

GUY H. KAULUKUKUI  
FIRST DEPUTY

WILLIAM M. TAM  
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

## EXEMPTION NOTIFICATION

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

Project Title: MC&A Inc. – The Lexus Family

Project / Reference No.: 12MD-072

Project Location: Wailea Beach, Maui. TMK: (2) 2-1-008: Seaward of 109

Project Description: Sandcastle Sculpting, Team Building Event

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

Exemption Class No. and Description: 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."

Recommendation: It is anticipated 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.

A handwritten signature in black ink, appearing to read "William J. Aila Jr.", written over a horizontal line.

William J. Aila Jr., Chairperson

5/25/12

Date