

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

April 22, 2016

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

PSF No. 16MD-036

Maui

Issuance of a Right-of-Entry Permit to MC&A Inc. for Storage and Use of Recreational Equipment for a Beach Day Event for the Toyota Dealers Family Program, at Fleming Beach, Kapalua, Lahaina, Maui, Hawaii, Tax Map Key:(2) 4-2-004: seaward of 015

APPLICANT:

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

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Fleming Beach, situated at Kapalua, Lahaina, Maui identified by Tax Map Key: (2) 4-2-004: seaward of 015, as shown on the attached maps labeled Exhibit A1 & A2.

AREA:

2,000 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:

Storage and use of beach activity equipment for group beach day event.

TERM:

The applicant has requested the use of the subject area from 6:30 a.m. to 6:00 p.m. Set up will begin at 6:30 a.m. with the actual event taking place from 9:00 a.m. to 5:00 p.m. Clean-up and area restoration will be completed by 6:00 p.m. The event will take place on July 15, 2016.

RENTAL:

Total Payment of \$200.00. (Rental fee based on \$.10 per square foot per day; 2,000 square feet x \$.10 = \$200.00).

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached as Exhibit B.

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:

MC&A Inc. is requesting a right-of-entry permit to utilize a portion (2,000 sq. ft.) of Fleming Beach for a beach day event for the Toyota Dealers Family Program. The event is scheduled for July 15, 2016, from 6:30 a.m. – 6:00 p.m. The request is to utilize an area of the shoreline for the organized storage of miscellaneous beach activity equipment such as beach toys, wicker loungers with beach umbrellas and beach chairs set up for the participants to utilize.

Staff will require that the applicant provide an individual to monitor all equipment to assure that it is properly stored in an orderly manner within the permitted area while items are not in use.

Staff brings this request to the Board pursuant to the policy adopted at its meeting of June 14, 2013, Item D-11, as amended. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continue 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. Staff has consulted with other divisions regarding similar events in the past, with no finding of significant immediate or cumulative impact.

The 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.

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

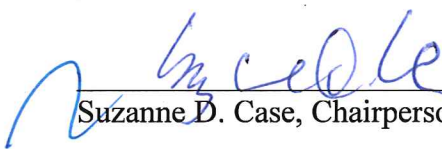
RECOMMENDATION: That the Board:

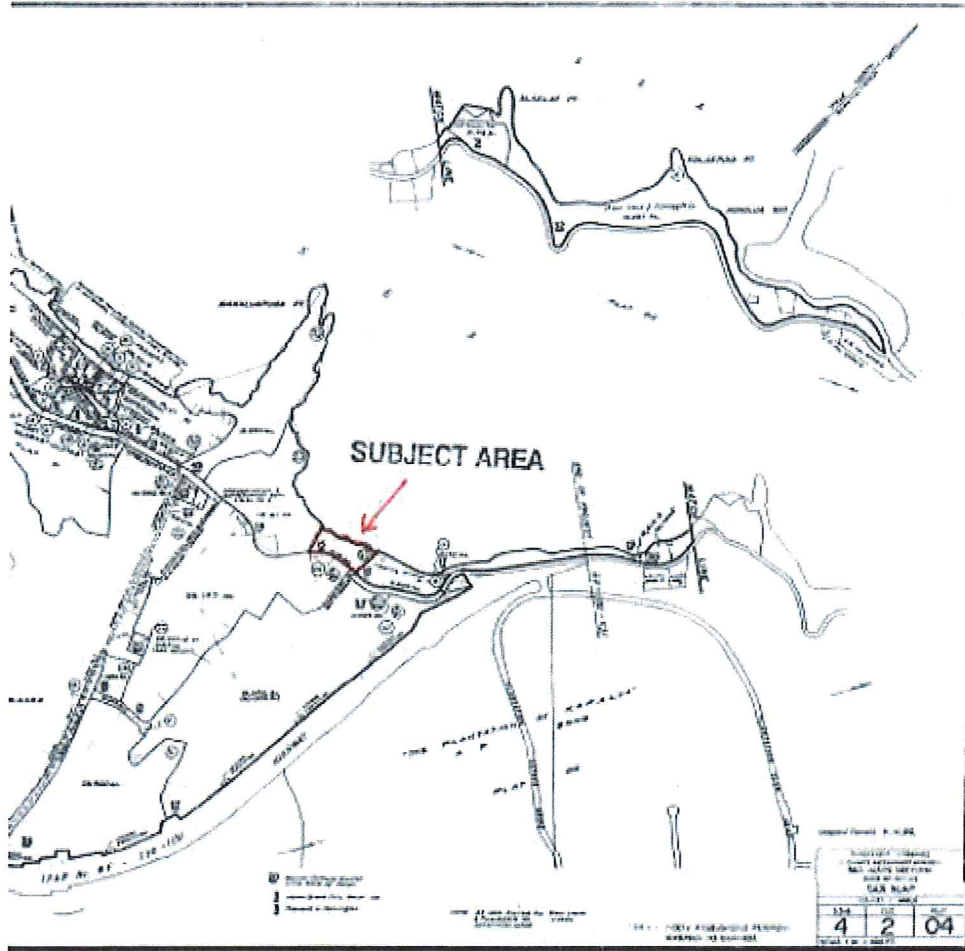
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to MC&A Inc. (Event Manager) for Storage and Use of Recreational Equipment for a Beach Day Event for the Toyota Dealers Family Program, 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. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



TMK No. (2) 4-2-004: seaward of 015

Exhibit A1



TMK No. (2) 4-2-004: seaward of 015

Exhibit A2

March 28, 2015

EXEMPTION NOTIFICATION

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

Project Title: Issuance of a Right-of-Entry Permit to MC&A Inc. for Storage and Use of Recreational Equipment for a Beach Day Event for the Toyota Dealers Family Program

Project / Reference No.: PSF No. 16-MD-036

Project Location; Fleming Beach, Kapalua, Lahaina, Maui, Hawaii, Tax Map Key:(2) 4-2-004: seaward of 015

Project Description: Storage and Use of Recreational Equipment for a Beach Day Event for the Toyota Dealers Family Program

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, 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 Item No. 51, that states "Permits, licenses, registrations, and right-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

Consulted Parties: Office of Conservation and Coastal Lands (for similar events in the past).

Recommendation: That the Board finds 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.



Suzanne D. Case, Chairperson



Date

Exhibit B