

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

May 24, 2019

Ref. No.: 18KD-152

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

KAUAI

Issuance of Right-of-Entry Permit to the Marriott International, Inc., dba: Kauai Marriott Resort & Beach Club, for Kauai Lifeguard Beach Bash Event Over Unencumbered State Lands at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.

APPLICANT:

Marriott International, Inc., dba: Kauai Marriott Resort & Beach Club.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalapaki Beach situated at Kalapaki, Lihue, Kauai, identified by Tax Map Key: (4) 3-5-002: seaward of 002, as shown on the attached map labeled Exhibit A.

AREA:

1,600 square feet (40' x 40'), more or less.

ZONING:

State Land Use District: Conservation  
County of Kauai CZO: Not zoned

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:  
YES \_\_\_\_\_ NO   x

CURRENT USE STATUS:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Kauai Lifeguard Beach Bash Event purpose to include a stage.

TERM OF RIGHT-OF-ENTRY:

June 1, 2019, from 3:00pm to 7:00pm.

RENTAL:

\$160.00. (1,600 square feet at .10 per square foot)

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Exhibit B

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>x</u>	NO
Registered business name confirmed:	YES	<u>x</u>	NO
Applicant in good standing confirmed:	YES	<u>x</u>	NO

REMARKS:

By email letter dated March 27, 2019, Ms. Debra DeBusca, Event Manager, Kauai Marriott Resort & Beach Club, on behalf of the Kauai Lifeguard Association, requested a right-of-entry onto unencumbered State lands at Kalapaki Beach, to conduct its Beach Bash event. The Kauai Lifeguard Association, a guest at the Kauai Marriott Resort is planning a Beach Bash Event on the hotel grounds and adjacent beach, which requires a 20' by 30' stage for entertainment, to be erected on a 40' by 40' portion of the Kalapaki Beach. The Beach Bash, a luncheon, will have food, drinks, and a giveaway. No alcoholic drinks will be served or consumed in the right-of-entry premises. All booths will be on the hotel property. There will be a helicopter rescue simulation done by the Kauai Fire Department and Ocean Safety Bureau. A lifeguard challenge will be conducted on the beach where four lifeguards from different districts will be challenging each other, to showcase their fitness program. The event will be for only four hours on June 1, 2019, between the hours of 3:00pm to 7:00pm.

Staff has no objections to the request as that particular section of Kalapaki Beach has been used on numerous other occasions over the years for various activities/purposes which involved negligible or no impacts beyond that previously existing.

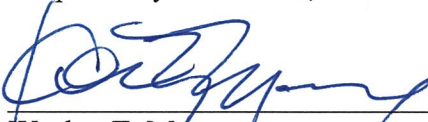
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

The Office of Conservation and Coastal Lands was contacted and responded as having no concerns on the request.

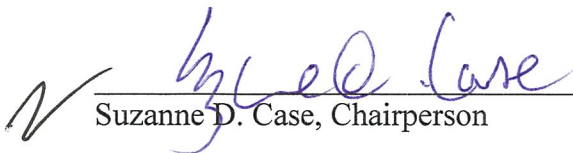
RECOMMENDATION: That the Board

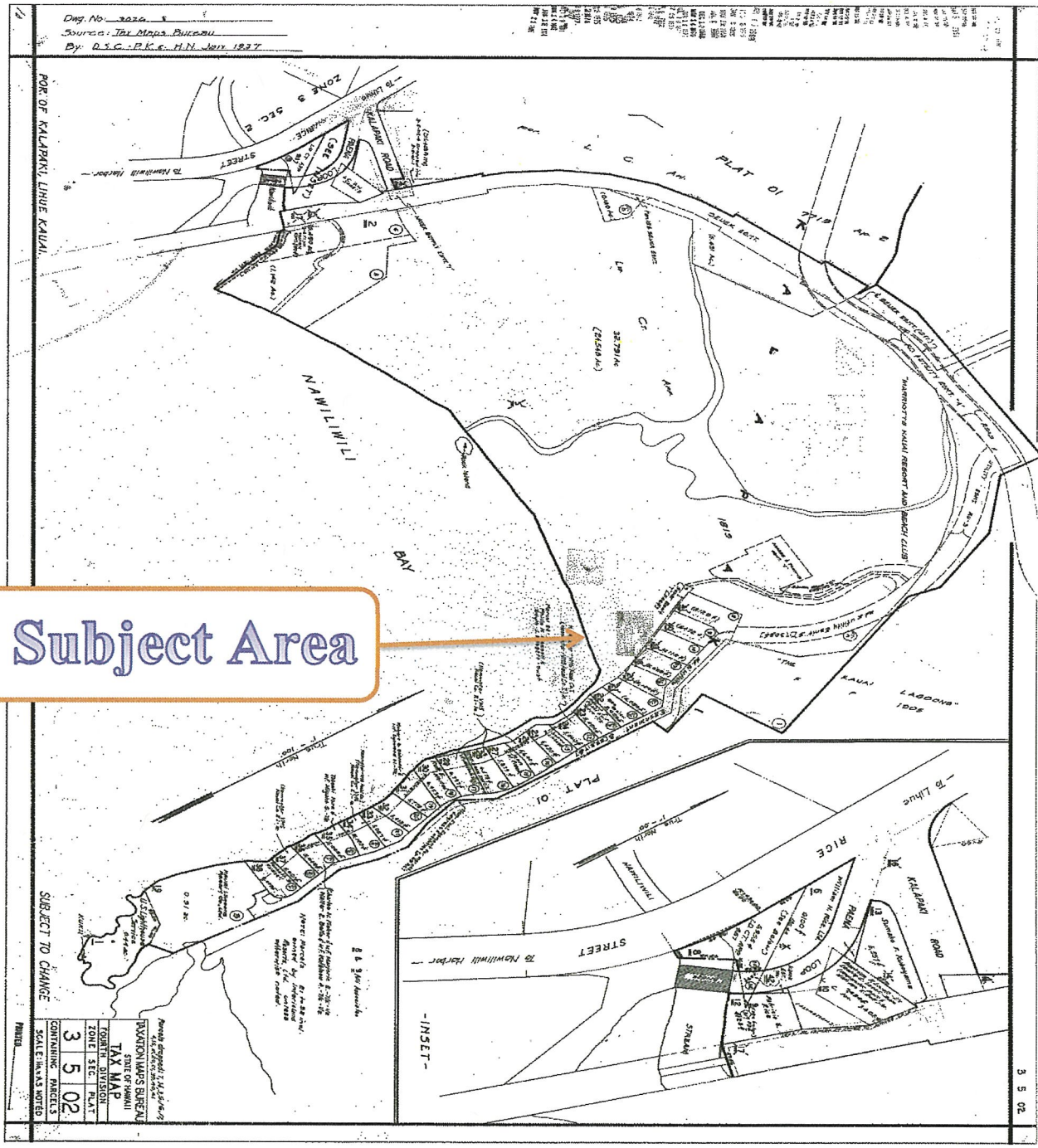
- A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- B. Authorize the issuance of a right-of-entry permit to the Marriott International, Inc., dba: Kauai Marriott Resort & Beach Club, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - 1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
  - 2. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Wesley T. Matsunaga  
Kauai District Land Agent

APPROVED FOR SUBMITTAL:

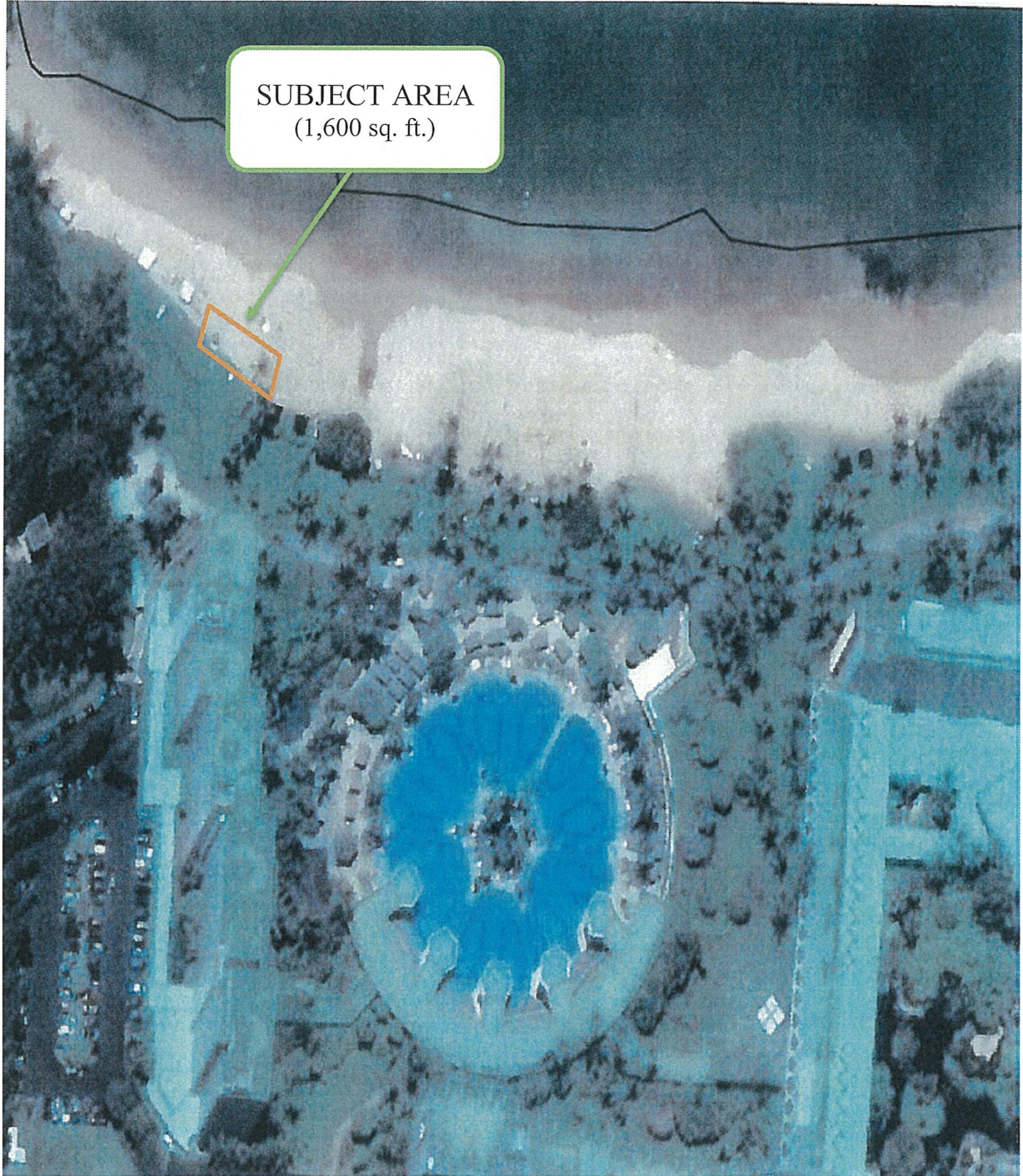
  
\_\_\_\_\_  
Suzanne D. Case, Chairperson



Subject Area

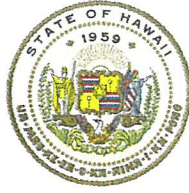
EXHIBIT A





**EXHIBIT A**

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

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

3060 Eiwa Street, Room 208  
Lihue, Hawaii 96766  
PHONE: (808) 274-3491  
FAX: (808) 241-3535

May 24, 2019

## **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 the Marriott International, Inc., dba; Kauai Marriott & Beach Club for Kauai Lifeguard Beach Bash event on Unencumbered State Lands at Kalapaki Beach, Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
Project / Reference No.:	PSF No.: 18KD-152
Project Location:	Kalapaki, Lihue, Kauai, Tax Map Key: (4) 3-5-002: seaward of 002.
Project Description:	Right-of-Entry to the Marriott International, Inc., dba: Kauai Marriott Resort & Beach Club for Kauai Lifeguard Beach Bash Event.
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Sections 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, Item 51, which states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine

**EXHIBIT B**



Exemption Item Description  
from Agency Exemption List:

in nature, involving negligible impacts beyond that previously existing.”

Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.”

In the past, permits were issued for similar type of events on the beach in this 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.

Cumulative Impact of  
Planned successive  
Actions in Same Place  
Significant?

No. There will be no successive actions in same place with no significant impact.

Action May Have  
Significant Impact on  
Particularly Sensitive  
Environment?

No. There are no particular sensitive environments involved with no significant impact.

Consulted Parties:

Office of Conservation and Coastal Lands.

Recommendation:

It is anticipated this activity will probably have minimal or no significant effect on the environment as over the years, several beach/sporting activities have been held at Kalapaki Beach. As a result, it will involve minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.