

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

April 13, 2012

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

PSF#12MD-037

Maui

Issuance of Right-of-Entry Permit to Jeanine Thomason (Event Manager) for The Maui Film Festival at Wailea 2012 Event, at Wailea Beach, Maui, Hawaii: Tax Map Key:(2) 2-1-008: seaward of 109.

APPLICANT:

Ms. Jeanine Thomason (Event Manager) whose mailing address is P.O. Box 1364 Vancouver, WA 98666.

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) and the sketch of the area provided by the applicant labeled Exhibit (B).

AREA:

1,680 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:

Film Projection and Viewing Tent

TERM:

This is a five-day event, commencing on June 13, 2012 at 8:00 a.m. through June 17, 2012 at 11:00 p.m.

RENTAL:

Payment of \$840.00 rental fee. (Rental fee based on \$.10 per square foot per day; 1,680 square feet x \$.10 = \$168.00 per day x 5 days = \$840.00).

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 (film projection and viewing) in the past. This annual event has taken place at Wailea Beach for the past 12 years.

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.

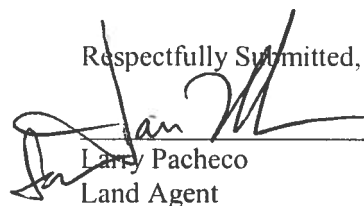
Ms. Jeanine Thomason is requesting a right-of-entry permit for The Maui Film Festival at Wailea, to utilize a portion of Wailea Beach for the five-day film-viewing event. A large viewing screen and a 15'x 15' projection tent will be set up within an 24' wide x 70' in length (1,680 sq. ft) area for exclusive use on Wailea beach. There will be no seating or placement of chairs within the subject area. The film festival is scheduled for the dates of June 13, 2012, through June 17, 2012. For the duration of the permit the projection tent will remain, inclusive of the poles for the large viewing screen. Daily set up will start at approximately 4:00 p.m. The event will take place from 8:00 p.m. until 12:00 a.m. On June 17, 2012, the event including clean up, will be completed at approximately 11:00 p.m.

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

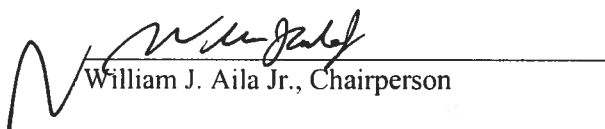
RECOMMENDATION: That the Board:


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 Jeanine Thomason (Event Manager) for the annual Maui Film Festival at Wailea, covering the subject area for film viewing 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. 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

An aerial photograph of the Wailea Beach area on Maui. The image shows the coastline on the left, with Wailea Beach and the ocean. To the right of the beach are several large resort complexes. A pink rectangular marker is placed on the beach, indicating the event location. Yellow lines connect text labels to specific areas of the map. The labels include 'The Grand Wailea Resort', 'Event Location Screen & Projection Tent', and 'Four Seasons Resort'.

The Grand Wailea Resort
(2) 2-1-008:109

Wailea Beach

The Maui Film Festival
2012

Event Location
Screen & Projection Tent

Four Seasons Resort
(2) 2-1-023:007

Exhibit (A)

2012 The Maui Film Festival at Wailea

June 13th - 17th, 2012

Location: Wailea Beach
"Sundance Theater"

(* See below for Area of "Exclusive Use")

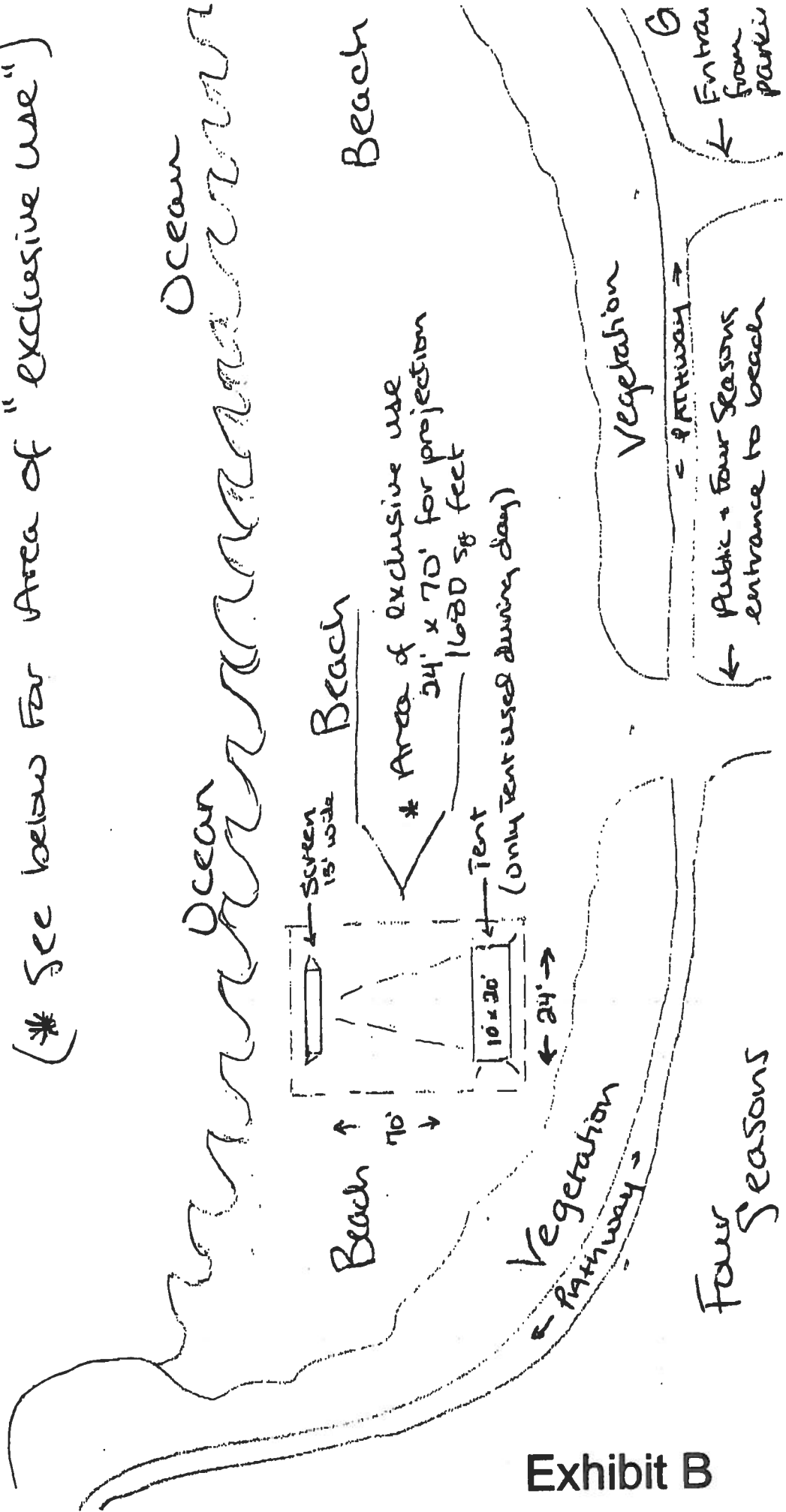
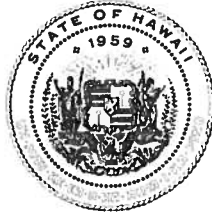


Exhibit B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 27, 2012

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

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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: Jeanine Thomason – The Maui Film Festival at Wailea

Project / Reference No.: 12MD-037

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

Project Description: Erection of a Film Projection and Viewing Tent

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.



William J. Aila Jr., Chairperson

4/2/12

Date