

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

January 25, 2013

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

PSF No.: 12KD-166

Kauai

Issuance of Right-of-Entry Permit to Keauhou Volleyball Association for Dinosaur Beach Volleyball Tournament at Kalapaki Beach, Lihue, Kauai, Tax Map Key: (4) 3-5-02: seaward of 2.

APPLICANT:

Keauhou Volleyball Association, domestic, non-profit association, whose business and mailing address is P.O. Box 390295, Keauhou, Hawaii 96739.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kalapaki Beach, Lihue, Kauai, identified as seaward of Tax Map Key: (4) 3-5-02, as shown on the attached Exhibit A.

AREA:

8,112 square feet, more or less.  
 (1,352 square feet per court, six courts for tournament)

ZONING:

State Land Use District: Conservation  
 County of Kauai CZO: Urban

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:

Beach Volleyball Tournament

TERM OF RIGHT-OF-ENTRY:

From 8:00 am to 6:00 pm on February 15-17, 2013.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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."

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 beach activities in the past.

After discussion about different types of beach activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could 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.

Keauhou Volleyball Association has in the past held the Dinosaur Beach Volleyball Tournament on the Big Island of Hawaii at Keauhou Bay, Kailua Town, and the Kohala Coast, on the island of Maui at Kanaha Beach and on Oahu at the Outrigger Canoe Club. There is no entrance fee and the event is always open to the public.

Keauhou Volleyball Association is requesting a right-of-entry permit for a Dinosaur Beach Volleyball Tournament. The tournament is scheduled for February 15-17, 2013 from 9:00 am to 5:00 pm. Set-up will be at 8:00 am and break down by 6:00 pm.

The proposed activity is of a similar type and scope of beach activities that routinely 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.

Comments were solicited from:

State Agencies:

DOH	No environmental health concerns
Historic Preservation	No historic properties should be affected
OCCL	No objections
OHA	No response by suspense date

County Agencies

County Planning	No response by suspense date
Parks & Recreation	If affecting County parking, parking & traffic plan should be submitted to Parks & Recreation

Others

Kauai Marriott Resort	Ok for tournament, will work w/ organizers for security
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**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 Keauhou Volleyball Association

covering the subject area for Dinosaur Beach Volleyball Tournament 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,



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Marvin Mikasa  
Land Agent

APPROVED FOR SUBMITTAL:

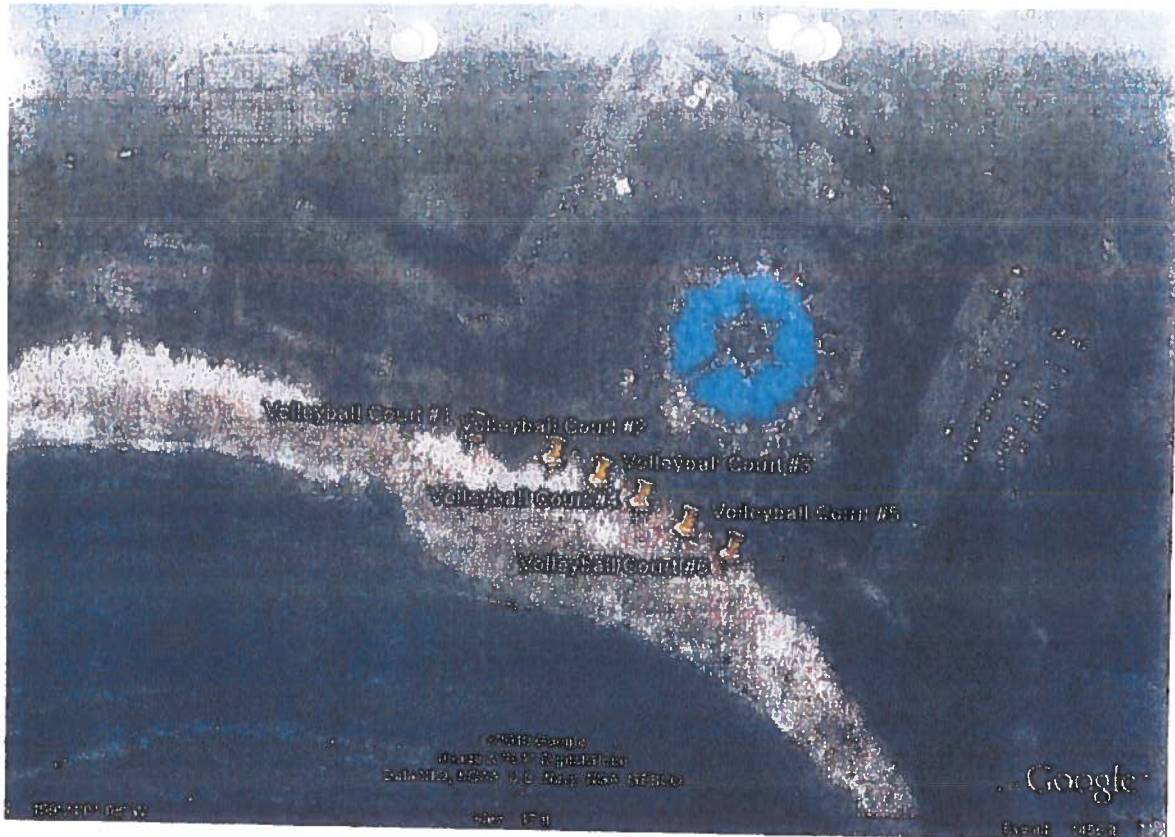


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William J. Aifa, Jr., Chairperson

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**Dinosaur Beach Volleyball Tournament  
Volleyball Court Locations**

**Kalapaki Beach, Lihue, Kauai**

**TMK: (4) 3-5-02:seaward of 2**

**EXHIBIT "A"**



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 4, 2013

**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 Keauhou Volleyball Association for Dinosaur Beach Volleyball Tournament.

**Project / Reference No.:** 12KD-166

**Project Location:** Kalapaki Beach, Lihue Kauai, Tax Map Key: (4) 3-5-02: seaward of 02.

**Project Description:** Beach Volleyball Tournament

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

**Exemption Class No.:** 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".

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impact, 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.



Consulted Parties:

Office of Conservation and Coastal Lands

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
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William J. Aila, Jr., Chairperson

  
  
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Date