

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

March 22, 2013

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

PSF#13MD-038

Maui

Issuance of Right-of-Entry Permit to Charlene Schulenburg (Event Coordinator) at Waiohuli-Keokea Beach, Kihei, Maui, Hawaii: Tax Map Key:(2) 3-9-009: Portion of 011.

APPLICANT:

Charlene Schulenburg whose mailing address is

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiohuli-Keokea, Kihei, Maui identified by Tax Map Key: (2) 3-9-009: Portion of 011, as shown on the attached map labeled Exhibit (A) and the sketch of the area provided by the applicant labeled Exhibit (B).

AREA:

1,500 square feet, more or less.

ZONING:

State Land Use District: Urban

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 (State Beach Reserve).

CHARACTER OF USE:

Benefit event for a Non-Profit organization. (dinner and light music)  
Non-Profit Organization: Maui Onstage

TERM:

This is a three hour event, commencing at 3:00 p.m. through 7:00 p.m. on April 6, 2013.

RENTAL:

Payment of \$150.00 rental fee. (Rental fee based on \$.10 per square foot per day; 1,500 square feet x \$.10 = \$150.00)

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 activities (group gatherings, dinner function) in the past. The applicant is the owner of the inland property at TMK: (2) 3-9-009:008. She is hosting a dinner event at her residence and has requested to utilize a portion of the State beach reserve which abuts her private lawn for additional seating purposes.

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.

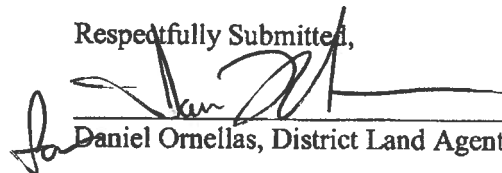
Ms. Schulenburg is requesting a right-of-entry permit for this one day event, to utilize a portion of the Waiohuli-Keokea Beach Reserve. There will be placement of four seating and two food service tables on the subject area. The event is scheduled for April 6, 2013 between the hours of 3:00pm to 7:00 pm.

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

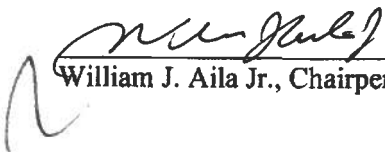
RECOMMENDATION: That the Board:

1. Authorize the issuance of a right-of-entry permit to Charlene Schulenburg (Event Manager) for the Non-Profit benefit dinner event, covering the subject area for seating and dining 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. 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.

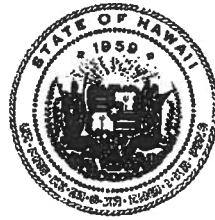
Respectfully Submitted,

  
\_\_\_\_\_  
Daniel Ornellas, District 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

March 5, 2013

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

ESTHER KIA'AINA  
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 RESERVATION 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: Charlene Schulenburg – Maui On-Stage Dinner Function

Project / Reference No.: 13MD-038

Project Location: Waiohuli-Keokea, Kihei, Maui. TMK: (2) 3-9-009: Portion of 011

Project Description: Temporary placement of tables and chairs for dinning purposes.

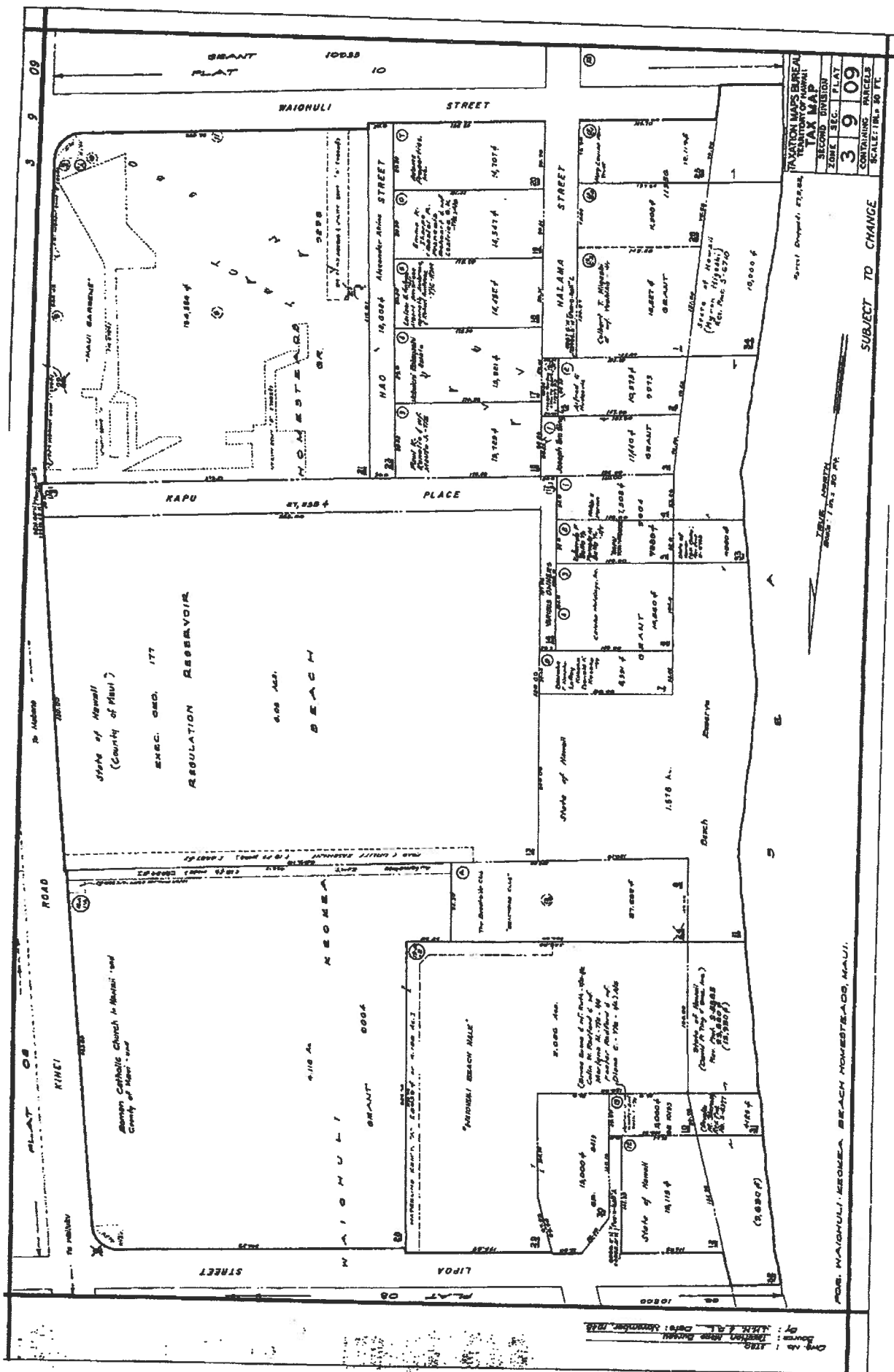
Chap. 343 Trigger(s): Use of State Land

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."

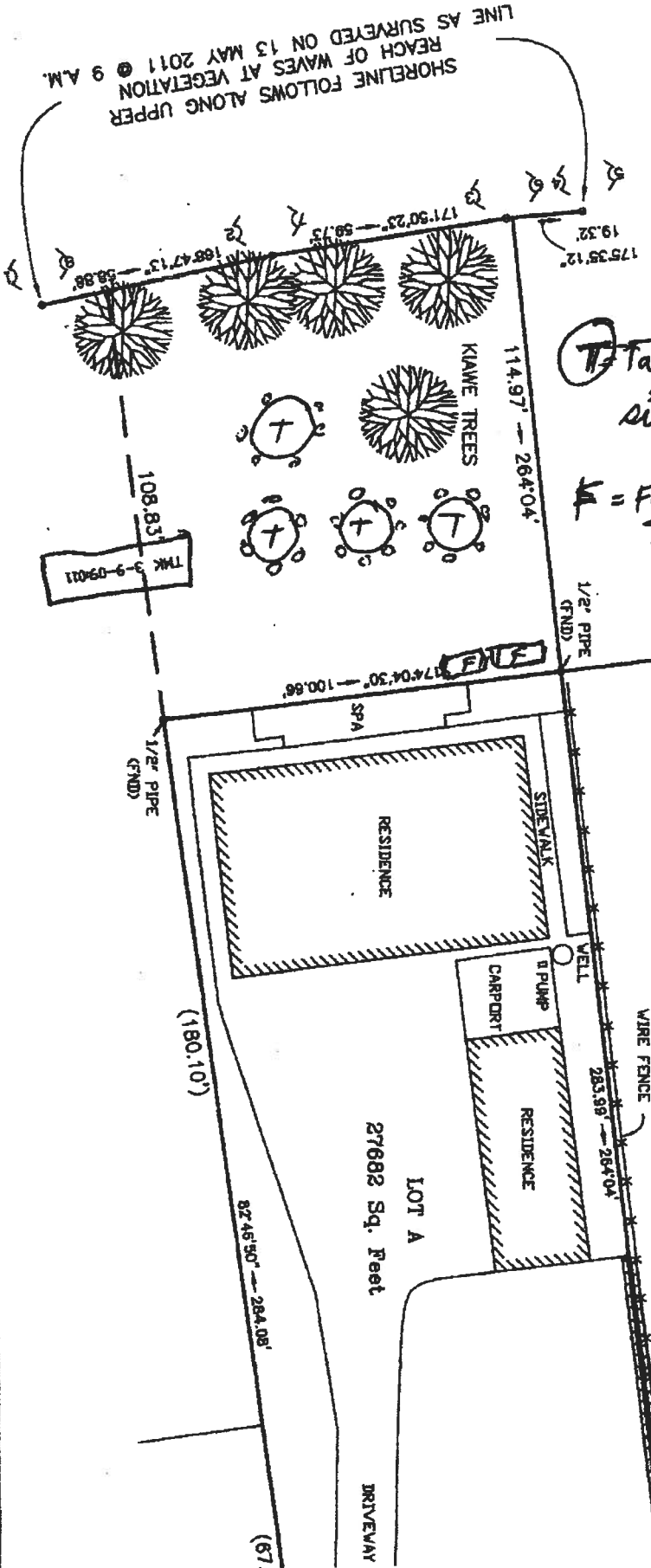
Recommendation: It is anticipated that the proposed use will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

William J. Aila Jr., Chairperson

N 3/7/13  
Date



**EXHIBIT A**



**T** = Table for sitting  
**F** = FOOD TABLE

# SHORELINE MAP OF LOT A OF THE WAIHOHULI-KEOKEA BEACHLOTS KIHAI, KULA, MAUI, HAWAII



Prepared For:  
 Gary Passon  
 Kihai, HI. 96753

This map was prepared by me or under my direct supervision.

Leslie K.T. Lau  
 Licensed Professional Land Surveyor  
 State of Hawaii Certificate Number LS12978  
 License Expiration Date: April 30, 2012

JOB NO.: J11-19 PASSON

149 IPUKULA WAY  
 LAHAINA, HI. 96761

LAHAINA SURVEYING

TKM 3-9-094029

LESIE K.T. LAU  
 LICENSED PROFESSIONAL LAND SURVEYOR  
 HAWAII, U.S.A.  
 #LS12978