

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

December 13, 2013

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

13KD-177

Kauai

After-the-Fact Request for Issuance of Right-of-Entry Permit to Kauai Bodyboarding Association for Bodyboarding Contest on December 7 & 8 and December 14 & 15, 2013 at First Ditch Beach, Kekaha, Kauai, Tax Map Key: (4) 1-2-002:seaward of 036.

APPLICANT:

Kauai Bodyboarding Association whose business and mailing address is 5811 Ahakea Street, Kapaa, Kauai, Hawaii 96746.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Kekaha, situated at Kekaha, Waimea, Kauai, identified as Tax Map Key: (4) 1-2-002:seaward of 036, as shown on the attached Exhibit A.

AREA:

75 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:

Requested area is vacant and unencumbered.

CHARACTER OF USE:

Bodyboarding Contest.

TERM:

From 6:00 am to 6:00 pm on December 7 & 8 and December 14 & 15, 2013.

RENTAL:

\$80.00 (Minimum rent under Board Policy of June 14, 2013, Item D-11, as amended)
(\$20 per day times four event days = \$80.00)

COLLATERAL SECURITY DEPOSIT:

None.

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
Registered business name confirmed: YES
Applicant in good standing confirmed: YES

REMARKS:

At its meeting on November 8, 2013, under item D-1, the Board took no action on this request due to lack of quorum. Requesting after-the-fact consideration of this right-of-entry permit.

Kauai Bodyboarding Association is requesting a right-of-entry permit for three judges' tents for a bodyboarding contest. The bodyboarding contest is scheduled for December 7 & 8 and December 14 & 15, 2013, from 8:00 am to 5:00pm. Set-up will be at 6:00 am and breakdown by 6:00pm.

Kauai Bodyboarding Association's bodyboarding contest is sponsored by YMCA of Kauai.

The proposed activity is of a similar type and scope of beach activities that regularly 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/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

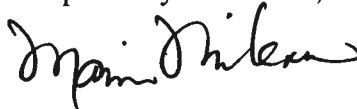
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

Staff did not solicit comments from other agencies as the Board approved a similar event on May 24, 2013, under agenda item D-2.

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 revocable permit to Kauai Bodyboarding Association covering the subject area for bodyboarding contest 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,



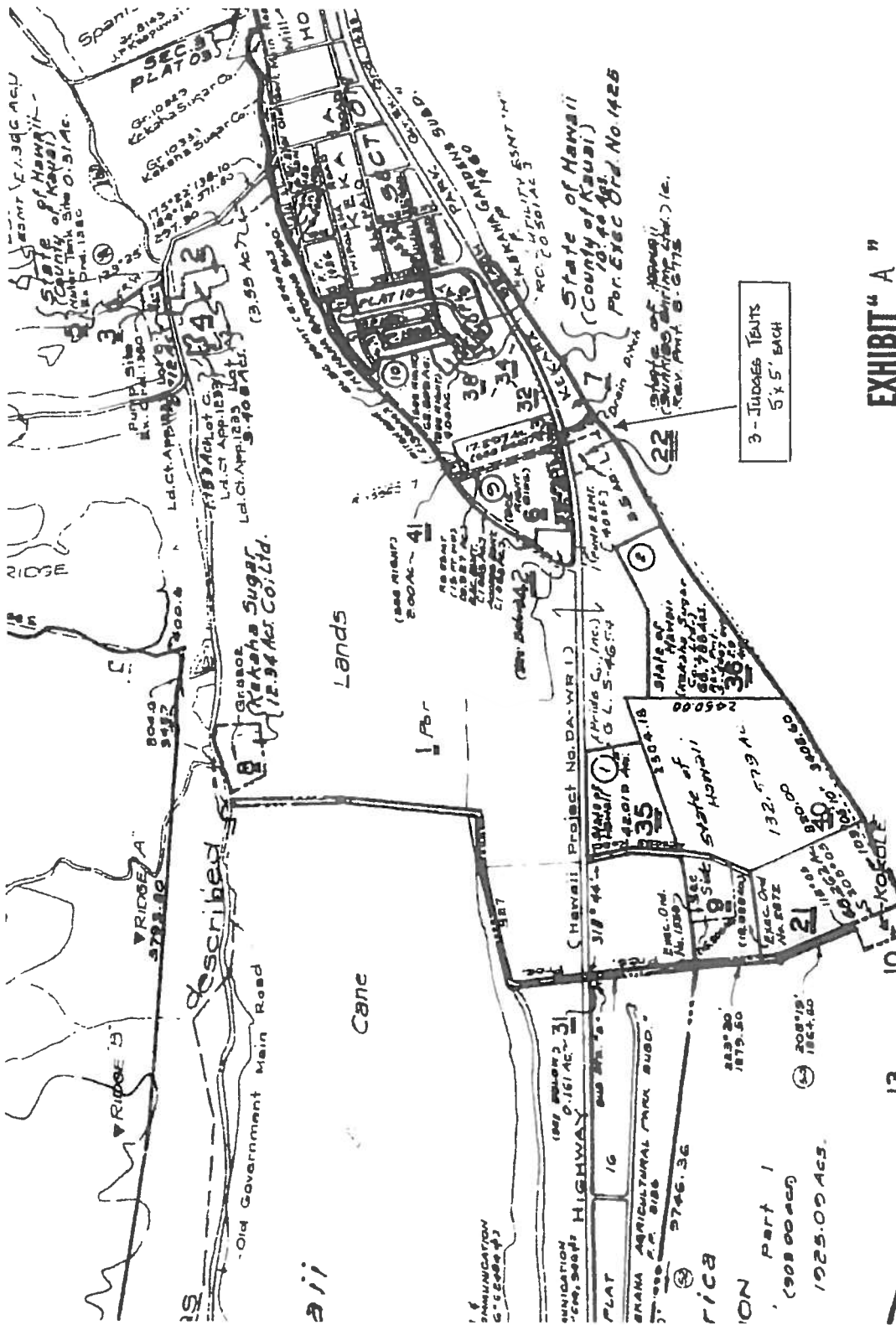
Marvin Mikasa
Land Agent *w*

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





DEPT. OF THE TAX COLLECTOR
TERRITORY OF HAWAII
STATE OF HAWAII
TAX MAP

FOURTH	DISTRICT	ZONE	SEC.	PLAT
1	2	02		

CONTAINING PARCELS
SCALE: 1" = 200 FT.

EXHIBIT "A"

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COORDINATOR FOR WATER RESOURCES MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. FARM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND ISLAND RECREATION
BUREAU OF CONSERVATION
COMMISSIONER WATER RESOURCES MANAGEMENT
CONSERVATION AND COASTAL LANDS
CORRECTION AND RECREATION DEVELOPMENT
LAND USE
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE RESERVE DEVELOPMENT
LAND
STATE PARKS

EXEMPTION NOTIFICATION

From the preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of Right-of-Entry Permit to Kauai Bodyboarding Association

Project Number: PSF No. 13KD-177

Project Location: Kekaha, Kauai, TMK: (4) 1-2-002:scaward of 036.

Project Description: Bodyboarding Contest at First Ditch Beach

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

Consulted Parties: Office of Conservation and Coastal Lands

Exemption Class No.: In accordance with the "Exemption List for the State of Hawaii, Department of Land and Natural Resources, as Reviewed and Concurred Upon by the Environmental Council (Docket 91-EX-2, December 4, 1991), the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "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 [HAR § 11-200-8(a)(1)(4)]."

Exemption Item No. And Description: Class No.1, "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."

EXHIBIT B

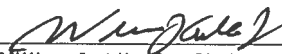
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This exemption is appropriate because the permittee, Kauai Bodyboarding Association has requested the use of a small area for judges tents. The location has been used periodically for such uses in recent years without significant impact on the environment.

The grant of a right-of-entry permit for the limited purpose will result in no material change or significant cumulative impact. If further actions are taken that result in a material change, Kauai Bodyboarding Association will be required to be in compliance with Chapter 343.

Recommendation:

It is recommended that the Board find that the issuance of a right-of-entry permit to Kauai Bodyboarding Association 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

12/20/13

Date

EXHIBIT B

NO ACTION

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

November 8, 2013

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

13KD-177

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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:

Requested area is vacant and unencumbered.

No Action due to lack of quorum
~~APPROVED~~ BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
November 8, 2013 *oo*

CHARACTER OF USE:

Bodyboarding Contest.

TERM:

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RECOMMENDATION: That the Board

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 - 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,


Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:


William J. Aila, Jr., Chairperson

Land Board Meeting: November 8, 2013;
D-1: No action due to lack of quorum.

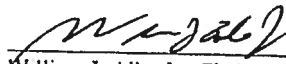
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The grant of a right-of-entry permit for the limited purpose will result in no material change or significant cumulative impact. If further actions are taken that result in a material change, Kauai Bodyboarding Association will be required to be in compliance with Chapter 343.

Recommendation

It is recommended that the Board find that the issuance of a right-of-entry permit to Kauai Bodyboarding Association 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



Date 10/21/13

EXHIBIT B