

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

January 10, 2014

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

13HD-187

Hawaii

Issuance of Right-of-Entry Permit to Mauna Kea Resort LLC, doing business as Hapuna Beach Prince Hotel, for Emergency Transportation and Beach Cleaning Purposes on Government Lands Seaward of the Hapuna Beach Prince Hotel Property, Ouli, South Kohala, Hawaii, Tax Map Key: (3) 6-6-002:seaward of parcel 037.

APPLICANT:

Mauna Kea Resort LLC (a domestic limited liability company), doing business as Hapuna Beach Prince Hotel.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands seaward of Hapuna Beach Prince Hotel situated at Ouli, South Kohala, Hawaii, identified by Tax Map Key: (3) 6-6-002:seaward of parcel 037, as shown on the attached map labeled Exhibit A.

ZONING:

State Land Use District: Conservation District Resource Subzone  
County of Hawaii CZO: Open

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:

Emergency transportation and beach cleaning purposes.

TERM OF RIGHT-OF-ENTRY:

One-year from date of issuance.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 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 April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 and Exemption Class No. 4. Refer to attached Exhibit B.

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:

By letter dated October 29, 2013, the Mauna Kea Resort LLC, doing business as Hapuna Beach Prince Hotel, is seeking the renewal of a right-of-entry permit which was originally granted May 8, 2009 by the Chairperson at that time. The permit has been renewed each year since then.

The right-of-entry permit allows hotel employees to use the hotel's All-Terrain Vehicle (ATV) on the hotel-side (north-end) of Hapuna Beach State Park. While the hotel does not provide "lifeguards" on the beach, the hotel's pool and recreation employees are trained in lifeguarding, first aid and CPR. There have been numerous rescues fronting the hotel performed by hotel employees, both alone and assisting county emergency personnel.

The use of the hotel's ATV is crucial in responding to these emergency situations, such as transporting rescue or lifesaving equipment, transporting and aiding staff or victims to a safe area or emergency vehicles in a timely fashion as well as maintaining beach cleanliness from debris, rubbish and trash.

No comments were solicited, as the request will not require any new dispositions or involve a change in land use from that previously existing.

This request will be issued gratis. The purpose of the right-of-entry is for emergency response and beach clean-up activities by hotel staff. There are no commercial activities associated with this right-of-entry and the hotel does not profit monetarily from the intended use.

Both the State and the public at-large benefit from the issuance of this right-of-entry; the State from the beach cleaning activities and the public from the emergency response. Therefore, staff recommends that the Board authorize the Chairperson to issue up to two one-year renewals of this right-of-entry to the hotel for the same intended use. At the end of the second extension, the hotel will need to return to the Board for approval to continue the use.

Staff contacted the Office of Conservation and Coastal Lands, which indicated that based on the description of intended use, a Conservation District Use Permit would not be required.

**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 Mauna Kea Resort LLC, doing business as Hapuna Beach Prince Hotel, for emergency transportation and

beach cleaning covering the subject area 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.
- C. Authorize the Chairperson to issue up to two (2) one-year renewals of this right-of-entry to the Applicant in relation to its emergency transportation and beach cleaning use.

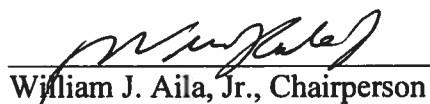
Respectfully Submitted,



\_\_\_\_\_

Candace Martin  
Land Agent

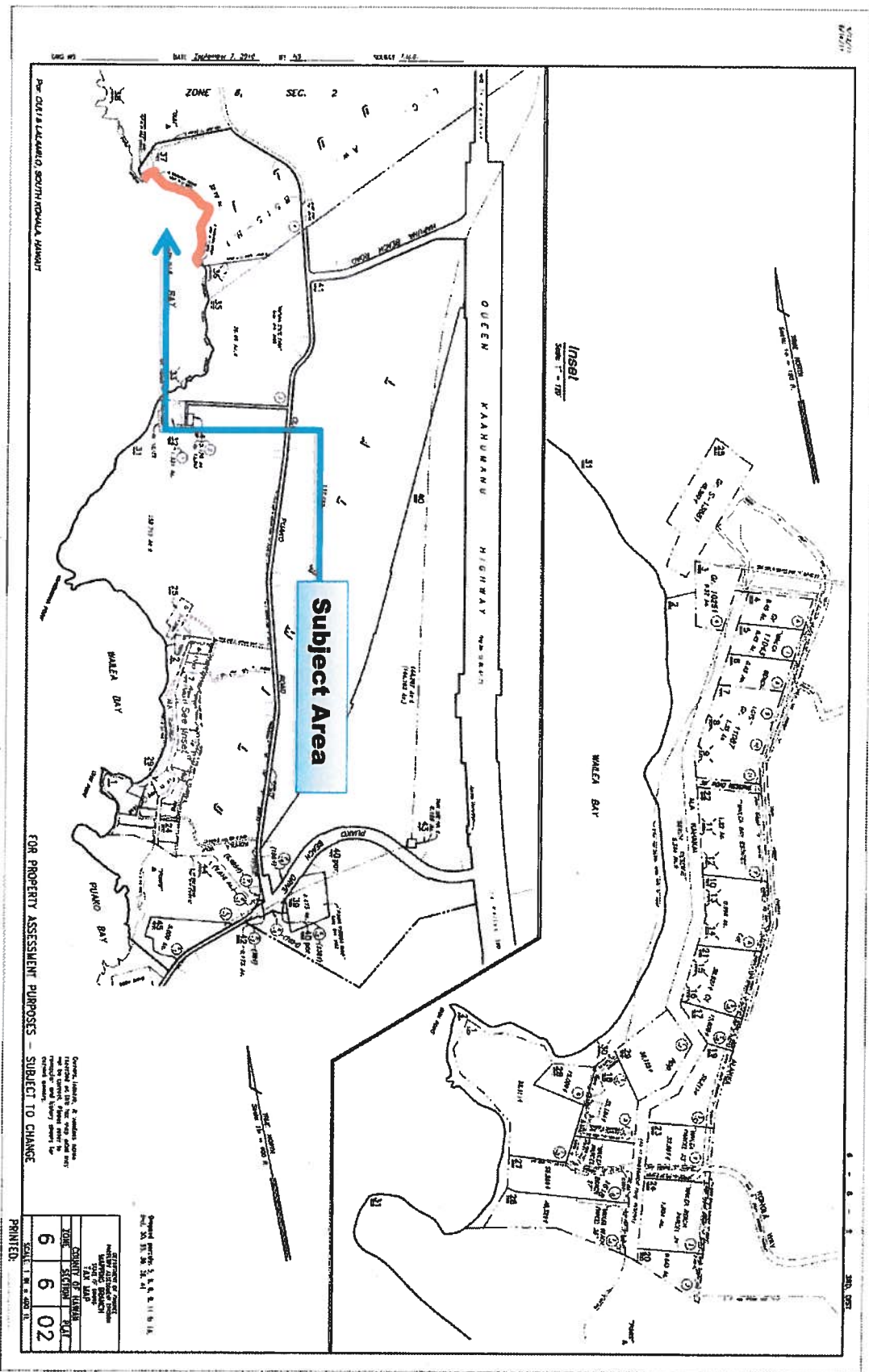
APPROVED FOR SUBMITTAL:



\_\_\_\_\_

William J. Aila, Jr., Chairperson





By DISTRICT ENGINEER, SOUTH HONOLULU DISTRICT

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

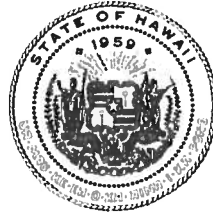
General Location of subject area, showing relation to the map and the map scale. The map scale is 1" = 400'.

DISTRICT OF HONOLULU	
ENGINEERING DEPARTMENT	
CITY ENGINEER	
DATE	SCALE
6 6 02	1" = 400'

PRINTED

**EXHIBIT A**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



## EXHIBIT B

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 RESERVE COMMISSION  
LAND  
STATE PARKS

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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

January 10, 2014

#### 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 Mauna Kea Resort LLC, doing business as Hapuna Beach Prince Hotel, for Emergency Transportation and Beach Cleaning Purposes on Government Lands Seaward of the Hapuna Beach Prince Hotel Property

**Project / Reference No.:** PSF 13HD-187

**Project Location:** Ouli, South Kohala, Hawaii, Tax Map Key: (3)6-6-002: seaward of parcel 037

**Project Description:** The right-of-entry permit allows hotel employees to use the hotel's All-Terrain Vehicle (ATV) on the hotel-side (north-end) of Hapuna Beach State Park. While the hotel does not provide "lifeguards" on the beach, the pool and recreation employees are trained in lifeguarding, first aid and CPR. There have been numerous rescues fronting the hotel performed by hotel employees, both alone and assisting County Emergency Personnel.

The use of the hotel's ATV is crucial in responding to these emergency situations, such as transporting rescue or lifesaving equipment, transporting and aiding staff or victims to a safe area or emergency vehicles in a timely fashion as well as maintaining beach cleanliness from debris, rubbish and trash.

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

**Exemption Class No.:** In accordance with Hawaii Administrative Rule Sections 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 April 28, 1986, 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."

Consulted Parties

Not applicable

Recommendation:

That the Board find 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

12/16/13  
\_\_\_\_\_

Date

