

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

December 12, 2014

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

PSF#14MD-173
Maui

Resubmittal: Approval for the Issuance of an After-the-Fact Right-of-Entry Permit to Maui Ocean Activities.COM LLC, for a Team Building Event (Beach Relay Race) at Wailea Beach, Honuaula, Wailea, Maui, Tax Map Key: (2) 2-1-008: seaward of 109.

APPLICANT:

Maui Ocean Activities.COM LLC, a Hawaii limited liability company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Wailea Beach, Honuaula, Wailea, Maui, identified as seaward of Tax Map Key: (2) 2-1-008: seaward of 109, as shown on the attached Exhibit A.

AREA:

1,000 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:

Vacant and unencumbered.

CHARACTER OF USE:

Team Building Activities (Beach Relay Race)

TERM:

From 11:00 am to 1:00 pm on November 14, 2014.

RENTAL:

- Payment of \$100.00 (Rental will be based on 10¢ per square feet per day.) Total area of requested use is 1,000 square feet.
- Late fee: \$250.00
- Total payment due: \$350.00

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	<u>x</u>	NO	__
Registered business name confirmed:	YES	<u>x</u>	NO	__
Applicant in good standing confirmed:	YES	<u>x</u>	NO	__

REMARKS:

Staff is requesting the approval for an after-the-fact right-of-entry permit to Maui Ocean Activities.COM LLC for a team building event (Beach Relay Race) scheduled for November 14, 2014, from 11:00am to 1:00pm. Set-up will be at 10:00am and break down / final clean up by 2:00pm. Staff brings this request to the Board for an after the fact approval pursuant to the policy adopted at its meeting of June 14, 2013, Item D-11, as amended.

This request is being submitted as after-the-fact because the Maui District Land Office

received the request for this event on October 15, 2014. Therefore, due to the required time for processing of applications and request to the BLNR, staff was unable to have it placed on the October 24, 2014 agenda. Furthermore, because of the lateness of the request, an additional \$250.00 fee has been applied to the final total cost for this permit.

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

No comments were solicited from government or community agencies.

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 event 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 Maui Ocean Activities.COM LLC, covering the subject area for team building (Beach Relay Race) 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 revocable 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,

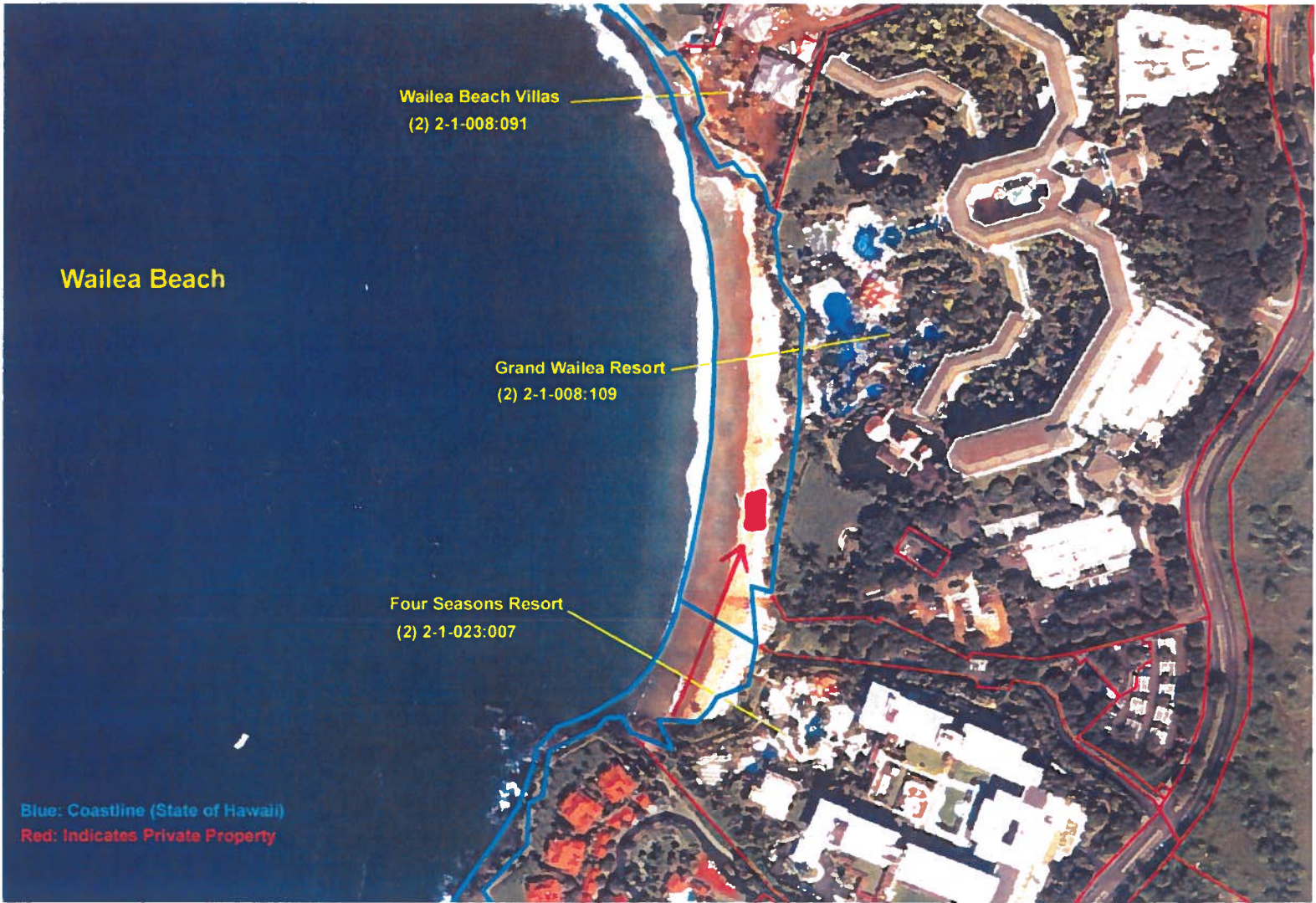


Larry Pacheco, Land Agent

APPROVED FOR SUBMITTAL:



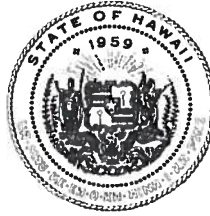
William J. Aila, Jr., Chairperson



EVENT LOCATION: Beach Relay Race
1,000 square feet

EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 12, 2014

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

JESSE K. SOUKI
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

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Issuance of an After-the-Fact Right-of-Entry Permit to Maui Ocean Activities.COM LLC, for a Team Building, Beach Relay Race Event.

Project / Reference No.: 14MD-173

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

Project Description: One-day team building event (Beach Relay Race).

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 event 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

12/23/14

Date