

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

May 24, 2019

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

PSF No.: 19MD-034

Maui

Issuance of a Right-of-Entry Permit to the Maui Film Festival, Inc. for the 2019
Maui Film Festival at Wailea Beach, Maui; TMK: (2) 2-1-023: seaward of 007.

APPLICANT:

Maui Film Festival, Inc., a Hawaii corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Wailea, Maui identified by Tax Map Key: (2) 2-1-023:
seaward of 007, as shown on the attached maps labeled Exhibits A1, A2 and B.

AREA:

1,400 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:

Film viewing screen and projection tent for the 2019 Maui Film Festival at Wailea.

TERM OF RIGHT-OF-ENTRY:

This is a two-day event, commencing on Friday, June 14, 2019 at 8:00 a.m. through Saturday, June 15, 2019. According to the event organizer, the last screening will conclude on Saturday at 10 pm and all equipment will be removed from the premises by midnight.

CONSIDERATION:

Payment of \$280.00. Rent based on 10¢ per square foot per day.

Total area of requested use 1,400 square feet for two days (1,400 sf x 10¢ ft. x 2 days = \$280.00).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, 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 Item No. 51, that states "Permits, licenses, registrations and right-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." (See Exhibit C).

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

APPLICANT REQUIREMENTS:

1. Pay consideration of \$280.00;
2. Obtain Right-of-Entry permit from the Maui District Land Office signed by the Chairperson; and
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured.

REMARKS:

Staff is requesting approval for a right-of-entry permit to applicant Maui Film Festival, Inc. for the 2019 Maui Film Festival at Wailea. The applicant will utilize a portion of the south

end of Wailea Beach for the two-day film-viewing event referred to as the Sand Dance Theatre. The event is free and open to the public. A large viewing screen and a 15'x 15' projection tent will be set up within a 20' wide x 70' length (1,400 sq. ft.) area on Wailea beach. There will be no seating or placement of chairs within the subject area. The projection tent will remain up for the duration of the permit, inclusive of the poles for the large viewing screen. The event will run from 8:00 a.m. Friday and all equipment will be removed by midnight (12:00 a.m.) Saturday. This annual event has taken place at Wailea Beach for the past 19 years and has received positive responses from the Wailea community as well as the resorts along Wailea Beach.

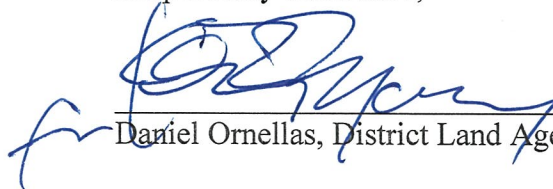
Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

Pursuant to consultation with the DLNR Office of Conservation and Coastal Lands, Division of Aquatic Resources, Division of Conservation and Resource Enforcement and the County of Maui, Planning Department, there are no pertinent issues, concerns or objections to the HRS Chapter 343 exemption determination. Staff has no objections to this request.

RECOMMENDATION: That the Board:

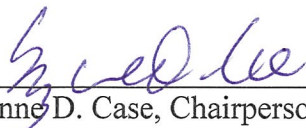
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Maui Film Festival, Inc. covering the subject area for film presentation and viewing 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; and
 - B. 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:



Suzanne D. Case, Chairperson

2

SUBJECT AREA

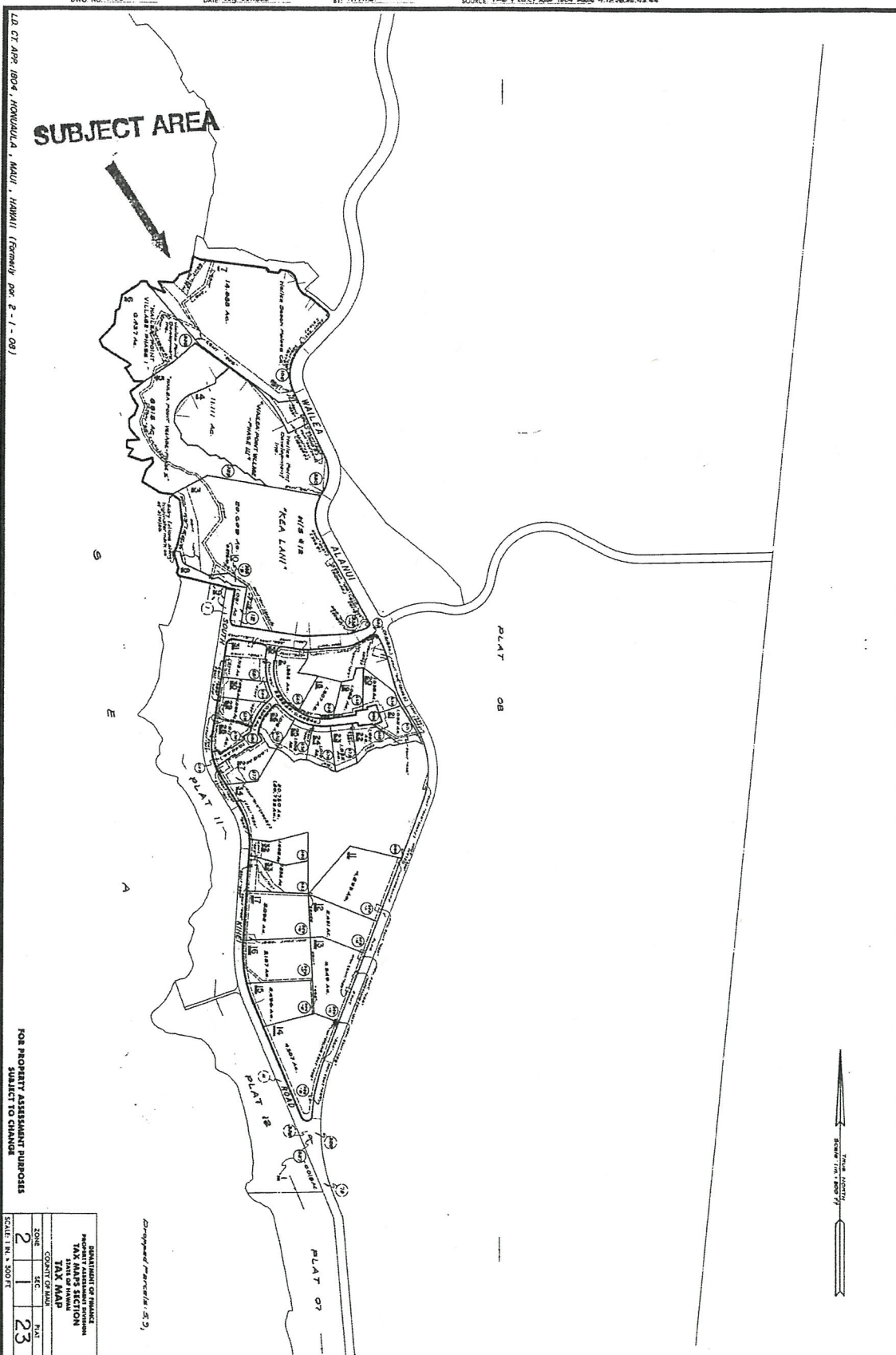


EXHIBIT A1



TMK (2) 2-1-023:seaward of 007

Exhibit A2

2019 Maui Film Festival @ Wailea

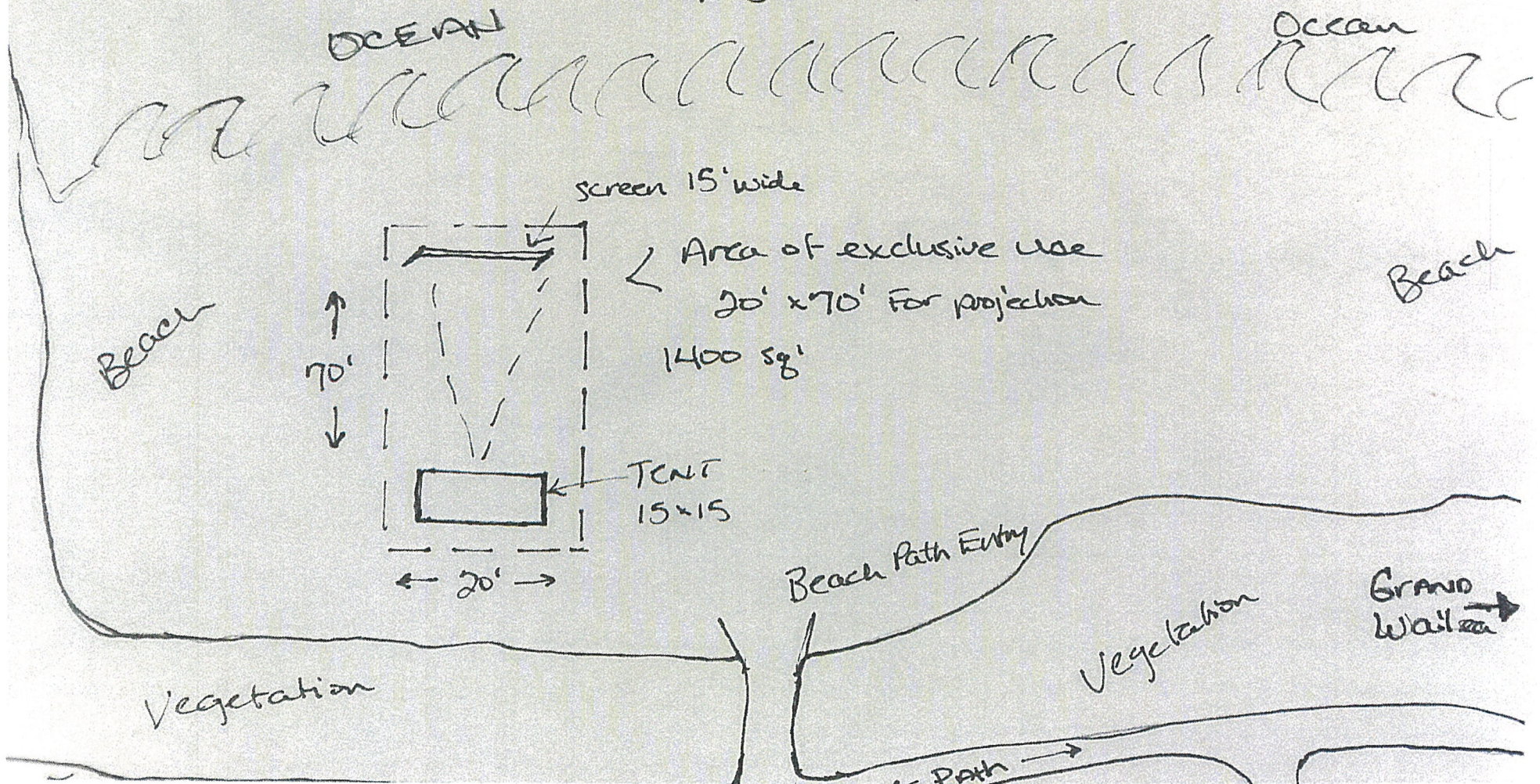
June 14th - 15th, Fri/Sat.

Wailea Beach "Seaside Cinema"

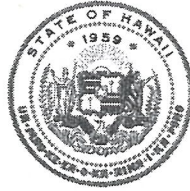
Exhibit B

North

* See below for Area of exclusive Use.



DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 24, 2019

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 Maui Film Festival, Inc.
Project Location;	Wailea Beach, Wailea, Maui, TMK: (2) 2-1-023: seaward of 007
Project Description:	Film Presentation and Viewing: Free and Open to the Public
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, 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 Item No. 51, that states "Permits, licenses, registrations, and right-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."
Cumulative Impact of Planned Successive Actions in Same Place Significant:	Not applicable. Use of this area is not on a routine or regular basis.
Action May Have Significant Impact on Particularly Sensitive Environment:	DLNR staff believes there is no significant impact to sensitive environmental or ecological receptors.

EXHIBIT C

Agencies Consulted: The DLNR Office of Conservation and Coastal Lands, Division of Conservation and Resource Enforcement, County of Maui Planning Department, Wailea Community Association, and Division of Aquatic Resources were consulted with regard to the proposed activity at the subject area.

Analysis: Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.

Findings: Staff believes that the request would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

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