

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# 19MD-040

Maui

Issuance of a Right-of-Entry Permit to MC&A, Inc. for Beach Events for Dell Chairman's Club; Wailea Beach, Honuaula, Maui, TMK: (2) 2-1-023: seaward of 007.

APPLICANT:

MC&A, Inc., a Hawaii corporation.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, 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 map labeled Exhibit A1 and A2.

AREA:

15,000 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:

Use of beach activity equipment for group beach day event.

TERM OF RIGHT OF ENTRY:

The event will take place on June 18, 2019. The applicant has requested the use of the subject area from 5:00 am to 7:00 pm. Set up will begin at 5:00 am with the actual event taking place from 7:00 am to 4:00 pm. Clean-up and area restoration shall be completed by 7:00 pm.

CONSIDERATION:

Payment of \$1,500.00. Rent based on 10¢ per square foot per day.

Total area of requested use 15,000 square feet for one day. (15,000 sf x 10¢ ft./day = \$1,500.00).

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 B).

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 \$1,500.00;
2. Obtain Right-of-Permit from the Maui District Land Office signed by the Chairperson;
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured;

4. Obtain DOBOR Ocean activity permit for water/ocean portion of this event, if required; and
5. Provide a beach attendant to ensure the area is maintained in an orderly condition. Unused beach equipment should be removed from the premises in a timely manner.

REMARKS:

Staff is requesting approval for a right-of-entry permit to MC&A, Inc. to utilize a portion (15,000 sq. ft.) of the shoreline at Wailea Beach fronting Four Seasons for a beach day event for the Dell Chairman's Club. The event is scheduled for June 18, 2019. The request is to utilize an area of the shoreline for beach chairs, and beach umbrellas to supplement the hotel's Beach volleyball games, and Sand sculpting classes for group members to utilize.

Staff will require that the applicant provide an individual to monitor all equipment to assure that it is properly stored in an orderly manner within the permitted area while items are not in use.

The proposed activity is similar in type and scope of beach activities that periodically occurred and continue to occur at this and other beach areas in South Maui. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the areas. 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. There are no other pertinent issues or concerns. Staff has no objections to this request.

RECOMMENDATION: That the Board:

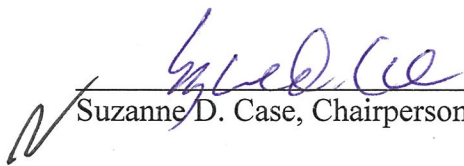
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to MC&A, Inc. for beach chairs and of Recreational Equipment for a Beach Day Event for the Dell Chairman's Club, 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; 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

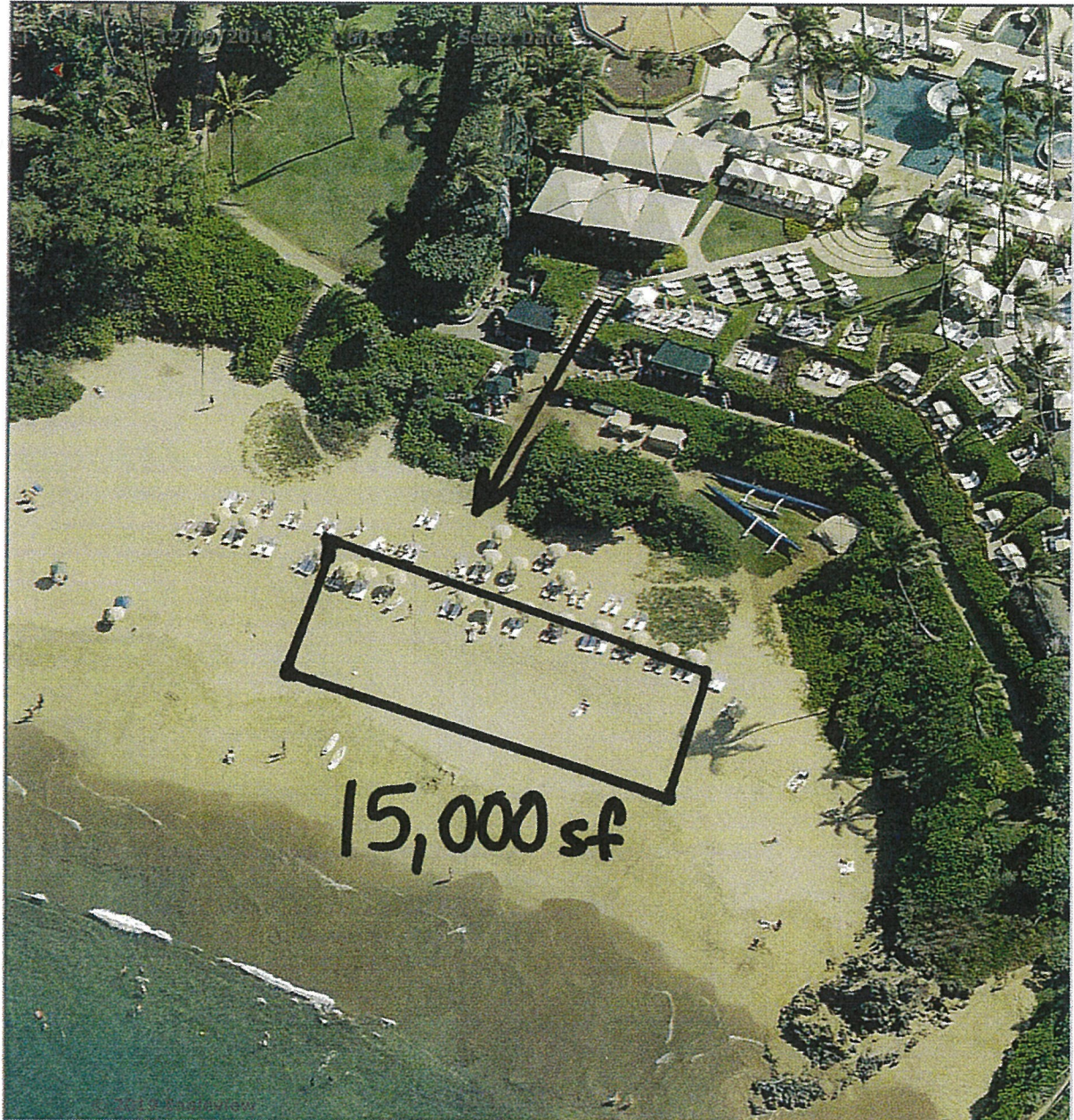
APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson



ROE to MC+A

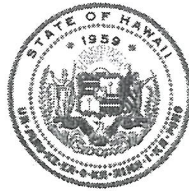
PSF 19MD-040



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

EXHIBIT A2

DAVID Y. IGE
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 24, 2019

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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 Right-of-Entry Permit to MC&A, Inc. for Beach Events.
Project Location;	Wailea Beach, Honuaula, Maui, TMK: (2) 2-1-023: seaward of 007
Project Description:	Non-exclusive use of 15,000 sq. ft. of beach area for one-day set up and use of chairs, umbrella, volleyball net and sand sculpting on Tuesday June 18, 2019.
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 B

Agencies Consulted:	The DLNR Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation, and Division of Aquatic Resources were consulted with regard to proposed activities 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 is presumed to be exempt from the preparation of an environmental assessment.