

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

September 9, 2010

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

Maui

Issuance of Revocable Permit to Valley Isle Masters Swimmers for the 25th Annual Maui
Roughwater Swim, Polo Beach, Wailea, Maui, Tax Map Key: (2) 2-1-011:seaward of 001

APPLICANT:

Valley Isle Masters Swimmers, a domestic non-profit corporation, whose business and mailing address
is P. O. Box 424, Puunene, HI 96784.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Wailea, Maui, identified as tax map key: (2) 2-1-011:
seaward of 001 as shown on the attached Exhibit A.

AREA:

780 square feet (30 feet x 26 feet) as shown on Exhibit A, 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:

The finish area for the 25th Annual Maui Roughwater Swim.

TERM:

Sunday, September 26, 2010, during the period of approximately 7:00 a.m. to 11:30 a.m.

RENTAL:

\$78.00 (one-time payment).

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", as included in Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed: YES X NO
Registered business name confirmed: YES X NO
Applicant in good standing confirmed: YES X NO

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for swimming events in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

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 other government or community agencies. The applicant has obtained a Facility Permit from the County of Maui for the use of Keawakapu I for the start of the race and for Polo Beach Park for the finish of the race. The applicant must also secure a permit from the Division of Boating and Ocean Recreation (DBOR) for the water portion of the race; the applicant advised that it has submitted its permit application to DBOR.

Valley Isle Masters Swimmers is requesting a revocable permit for the use of an approximate 780 square foot area of the unencumbered shoreline of Polo Beach on Sunday, September 26, 2010 during the period of approximately 7:00 a.m. to 11:30 a.m. The subject shoreline area will be for the run-up and finish line of the 25th Annual Maui Roughwater Swim. Equipment on the beach will include six colorful flags and orange netting for the swimmers to sight on, a banner and a table.

The proposed activity is a type of ocean recreation event that has historically routinely occurred and continues to occur on this and other beach areas across the State. Members of the public are invited to participate for an entrance fee of \$20, or late registration fee of \$25. The applicant is a non-profit.

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.

There are no other pertinent issues or concerns. Staff has no objection to this request.

RECOMMENDATION: That the Board authorize the issuance of a revocable permit to Valley Isle Masters Swimmers covering the subject area for use in conjunction with the 25th Annual Maui Roughwater Swim 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. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



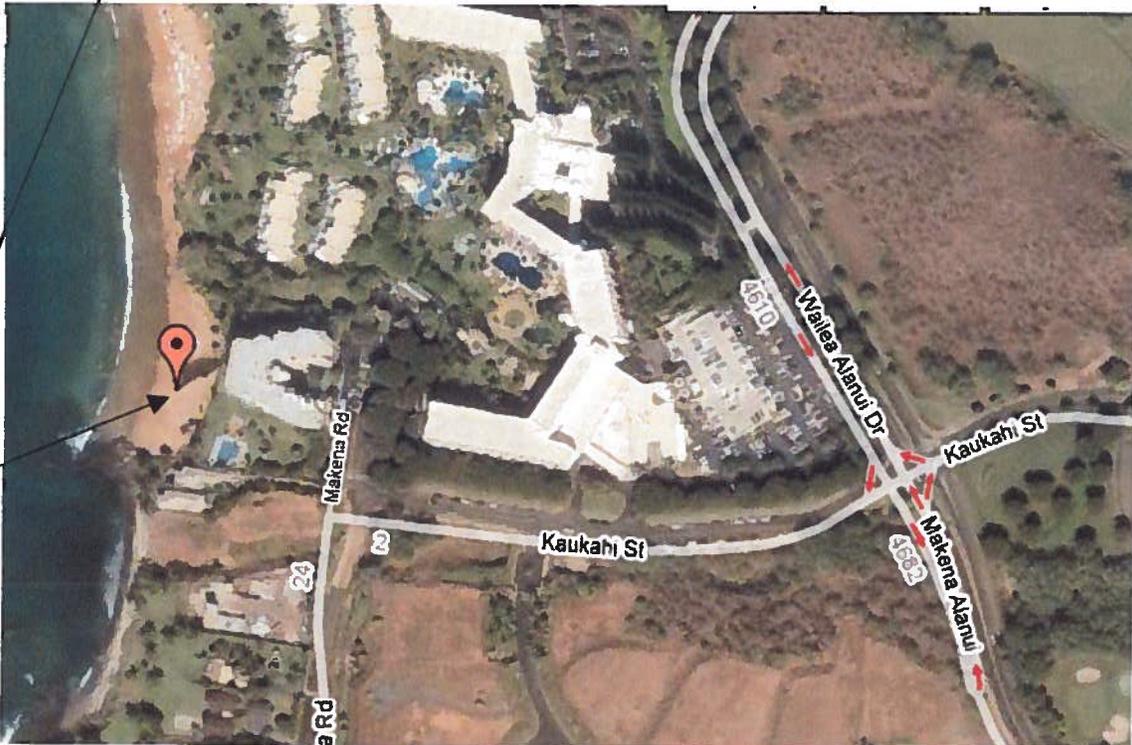
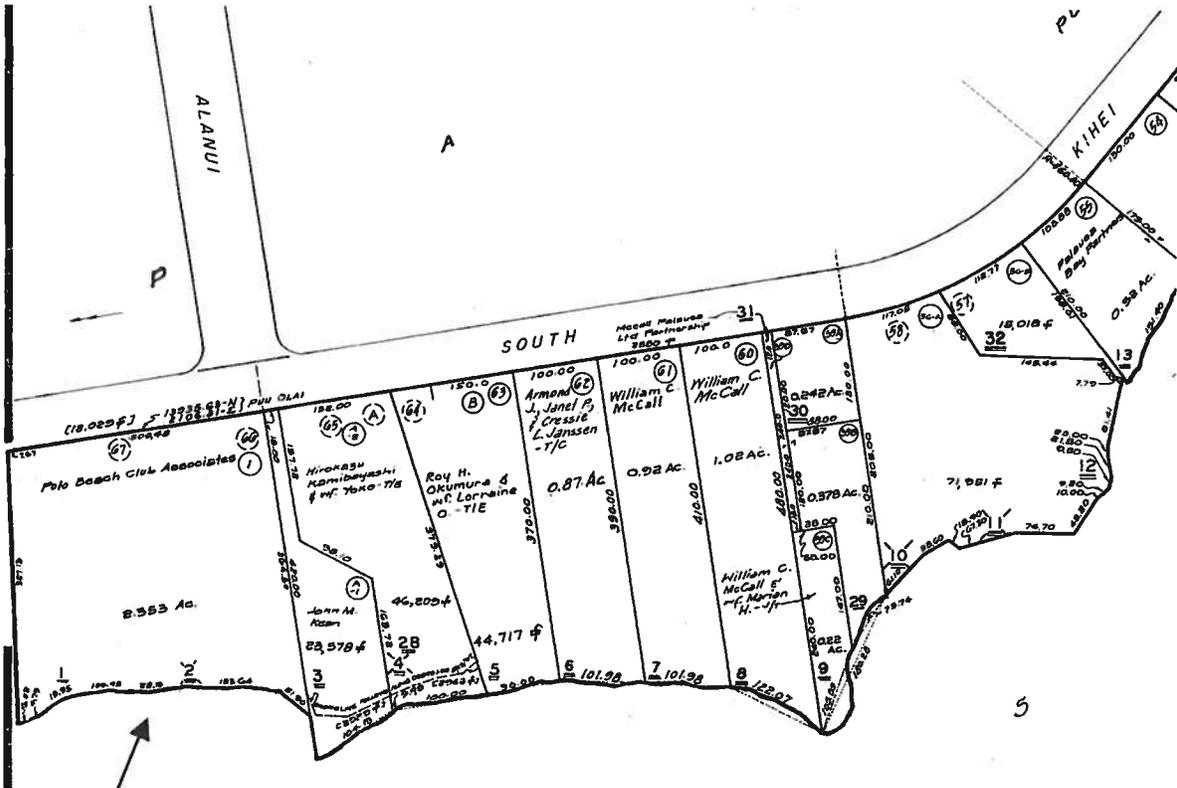
Steve Molmen
Supervising Land Agent

APPROVED FOR SUBMITTAL:




Laura H. Thiefen, Chairperson

Polo Beach, Wailea, Maui
 fronting the Polo Beach Club
 TMK No.: (2) 2-1-011:seaward of 001



General Area

Exhibit A

FAIRMONT KEALANI HOTEL

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FAIRMONT KEALANI HOTEL

KEY:



6 Colorful flags for swimmers to site on each flag is approximately 6' tall attached to plastic pvc poles

— orange netting for swimmers to site on, approximately 4' tall

Banner - says "Valley Isle Masters Swimmers", swimmers finish race once they cross under banner distance from ocean is about 20'

6' & 12' are approximate lengths of each segment

NOTE:

Spectators walk throughout the area. In all the 25 years of hosting this event I have only observed enthusiasm from spectators, including those without participants in the event, and most times they end up cheering the participants on as they cross the finish line.

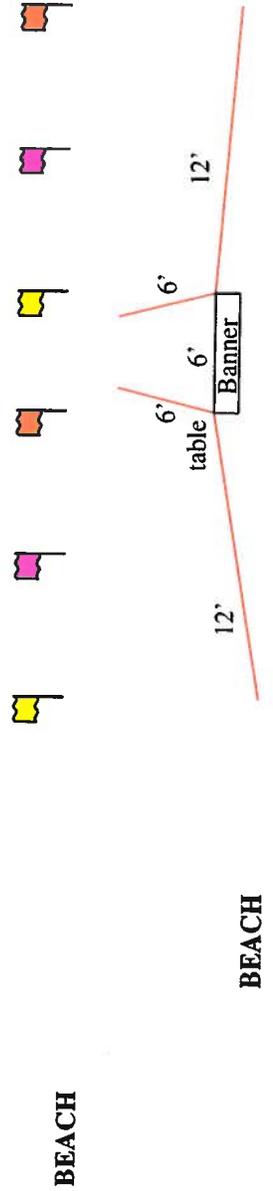


EXHIBIT "A"



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 9, 2010

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Revocable Permit to Valley Isle Masters Swimmers for the 25th Annual Maui Roughwater Swim

Project / Reference No.: None

Project Location: Polo Beach, Wailea, Maui, Tax Map Key: (2) 2-1-011: seaward of 001

Project Description: The finish area for the 25th Annual Maui Roughwater Swim

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4), 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."

The proposed activity is a type of ocean recreation event that has historically routinely 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.

Consulted Parties: Office of Conservation and Coastal Lands

EXHIBIT B

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thielen
Chairperson

Date