

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

PSF#10MD-157

Maui

Issuance of Revocable Permit to MC&A, Inc. for a Beach Activity Event at Fleming Beach, Kapalua, Maui, at Tax Map Key: (2) 4-2-004: seaward of 015.

APPLICANT:

MC&A, Inc. whose business and mailing address is 615 Piikoi Street, Suite 1000, Honolulu, Hawaii 96814.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapalua, Maui identified by Tax Map Key: (2) 4-2-004: seaward of 015, as shown on the attached map labeled Exhibit (A) and the attached GIS overview labeled Exhibit (B).

AREA:

7,500 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: YES \_\_\_\_\_ NO x

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Team building events, which will include run relay races on shore and two outrigger canoes for relay races within the ocean waters.

TERM:

From 6:00 a.m. to 3:00 p.m. on November 11, 2010.

RENTAL:

\$750.00 (Rental based on \$.10 per square feet per day). Total area of requested use is 7,500 square feet.

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	<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:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for these types of team building and beach activities 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 government or community agencies.

MC&A, Inc. is requesting a one-day revocable permit to utilize a portion of Fleming Beach for run relay races and the use of two outrigger canoes for the portion of the race which extends into the near shore ocean waters. MC&A will be utilizing flagpoles to along the beach to create running lanes. An area for loading and off-loading individuals participating in canoe portions of the relay races will also be required. The event is scheduled for November 11, 2010. Set up will start at 6:00 a.m. and breakdown by 3:00 p.m.

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

RECOMMENDATION: That the Board:

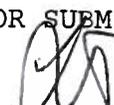
1. Authorize the issuance of a revocable permit to MC&A Inc. covering the subject area for beach activities and canoe riding purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. 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,



 Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson





Checked copies: 4/1/58

DATE	SCALE	MAP	PL.
4-2-58	1/4" = 1'		4204

DRAWN BY: [illegible]  
 CHECKED BY: [illegible]  
 TITLE: [illegible]  
 PROJECT NO.: [illegible]  
 TAX MAP: [illegible]

HONOLULU, HAWAII - (FORMERLY SEC. 4-2-01)  
 SUBJECT TO CH-105

1079 - 1/2" scale drawing by [illegible]  
 1078 - 1/4" scale drawing by [illegible]

1077 - 1/4" scale drawing by [illegible]  
 1076 - 1/4" scale drawing by [illegible]

HONOLULU, HAWAII - (FORMERLY SEC. 4-2-01)

**EXHIBIT A**

**Fleming Beach, Kapalua**

TMK: (2) 4-2-004:015

MC&A, Inc.

Permit Area  
7,500 sq. ft.



**Exhibit (B)**





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 for Beach Activity Event

Project / Reference No.: PSF 10MD-157

Project Location: Kapalua, Maui, Tax Map Key: (2) 4-2-004: seaward of 015

Project Description: Issuance of revocable permit to MC&A, Inc. for team building events on the beach including foot and canoe relay races.

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."

This Division has permitted similar events in the past. 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 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

Issuance of Revocable Permit  
for Beach Activities Purpose

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Recommendation:

It is anticipated 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.

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Laura H. Thielen  
Chairperson

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Date