

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

September 14, 2012

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

PSF No.: 12OD-127

OAHU

Issuance of Right-of-Entry Permit to Steven Boyle dba Steven Boyle Design for Beach Activities Purposes to be held from September 14 -16, 2012, Waialae, Honolulu, Oahu, Tax Map Key: (1) 3-5-023:041

APPLICANT:

Steven Boyle, dba Steven Boyle Design.

LEGAL REFERENCE:

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

LOCATION:

Portion of State lands situated at Waialae, Honolulu, Oahu identified as Tax Map Key: (1) 3-5-023:041, as shown on the attached Exhibit A.

AREA:

320 square feet, more or less.

ZONING:

State Land Use District: Conservation
City and County of Honolulu LUO: P-2

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:

Encumbered under Revocable Permit No. S-7430, Kahala Hotel Investors, LLC, Permittee, for maintenance and recreational purposes.

CHARACTER OF USE:

Beach activities purposes.

TERM:

From 8:00 am on September 14, 2012 to 6:00 pm on September 16, 2012 (3 days).

RENTAL:

\$96.00 (one time payment). (320 sq. ft. x .10 per sq. ft. = \$32.00 x 3 days = \$96.00)

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1) and (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." See Exhibit B.

DCCA VERIFICATION:

Applicant is sole proprietorship and, as such, is not required to register with DCCA.

REMARKS:

Applicant, Steven Boyle dba Steven Boyle Design on behalf of the Make-a-Wish Foundation is requesting a right-of-entry permit for set-up and conducting beach activities on the beach area fronting the Kahala Hotel for September 14-16, 2012.

The Make-a-Wish Foundation is hosting an award event for above 500 guests during the requested period and has hired the applicant for the management and production of this event. One of the activities is for the set-up of a stage for live music performance and dining on September 15, 2012, between 6:30 pm to 10:30 pm. To facilitate the performance, the Applicant requests approval to install a temporary stage (16 x 20 feet) mounted entirely on the sand area as shown on Exhibit A.

According to the Applicant, the stage will also be set on protective pads located entirely within the permit area encumbered under Revocable Permit No. S-7430 to Kahala Hotel Investors, LLC to prevent any sinking into the sand . In addition, the Applicant will position the stage in such a way that any noise will be buffered from the residential area by the hotel building. Sounds will be directed towards the hotel guests on the lawn in front of the hotel.

Staff discussed the request with the Office and Conservation and Coastal Lands which stated they had no objections to this request. No other government agencies were asked to comment.

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.

The abutting hotel has indicated its concurrence to the request by its letter attached as Exhibit C.

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 Steven Boyle dba Steven Boyle Design covering the subject area for beach activities 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;
 - B. Such terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

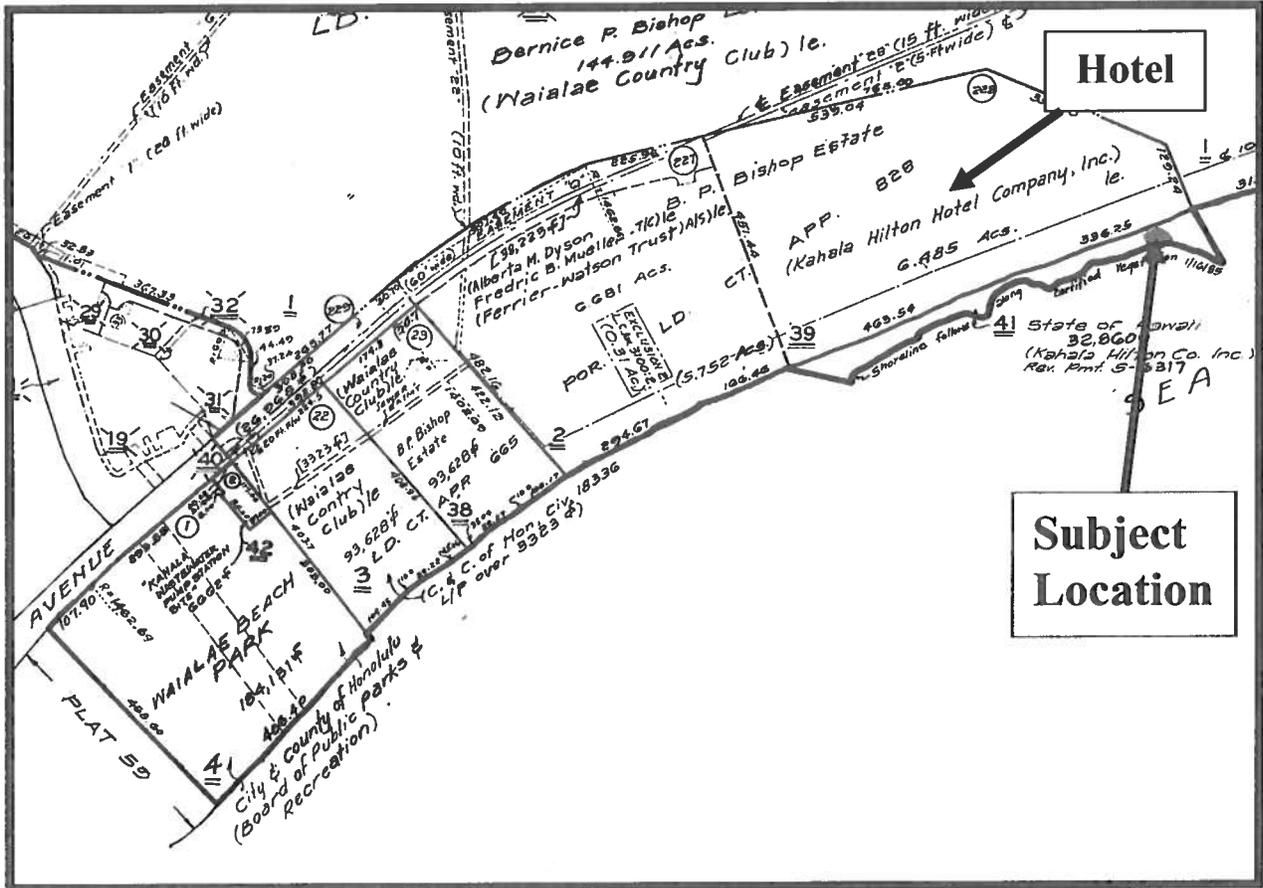


Steve Lau
Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr. Chairperson



TMK (1) 3-5-023:041

EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

PAUL J. CONRY
INTERIM 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 Right-of-Entry Permit for Beach Activities Purposes

Project / Reference No.: PSF 12OD-127

Project Location: Waialae, Honolulu, Oahu, TMK: (1) 3-5-023:041

Project Description: Performance Stage

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

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

EXHIBIT B

Recommendation:

That the Board find 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.



William J. Aila, Jr., Chairperson



Date



THE KAHALA

HOTEL & RESORT

Honolulu, Hawaii

Memorandum

Date: August 22, 2012
From: Roseann Grippo, General Manager
Subject: The Kahala Hotel & Resort Beach Permit
To: Department of Land and Natural Resources

The Kahala Hotel & Resort allows Make-A-Wish Foundation access and working rights to the property. This permission is in conjunction with the Make-A-Wish Foundation event to be held on September 15, 2012.

Make-A-Wish Foundation will be responsible for an event on the beach and lawn of our property.

Should there be any questions, please feel free to contact me at rgrippo@kahalaresort.com, 808 927-7484.

Best regards,

Roseann Grippo
General Manager

EXHIBIT "C"