D-6

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

February 22, 2013

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

PSF No.: 12HD-173

HAWAII

Issuance of Revocable Permit to County of Hawaii for Installation of Portable Lifeguard Tower, Lalamilo, South Kohala, Hawaii, Tax Map Key: 3rd/ 6-6-002: seaward of 037.

APPLICANT:

County of Hawaii, whose business and mailing address is 25 Aupuni Street, Suite 2603, Hilo, Hawaii 96720.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands fronting Hapuna Prince Hotel situated at Lalamilo, South Kohala, Hawaii, identified by Tax Map Key: 3rd/ 6-6-002: seaward of 037, as shown on the attached map labeled Exhibit A.

AREA:

.0028 acres or 120 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Hawaii CZO:	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:

For portable lifeguard tower site purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Gratis

COLLATERAL SECURITY DEPOSIT:

NA

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

See Exemption Notification attached below as **Exhibit B**.

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(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. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

The Office of Conservation and Coastal Lands (OCCL) was contacted and indicated that a Conservation District Use Application was not required, based on project description provided. That a Site Plan Approval would be sufficient.

DCCA VERIFICATION:

Not applicable to a government agency.

REMARKS:

By letter dated November 16, 2012, William J. Kenoi, Hawaii County Mayor, requested use of State lands off Hapuna Beach, fronting the Hapuna Prince Hotel, Lalamilo, South Kohala, Hawaii, identified as Tax Map Key: 3rd/ 6-6-002: seaward of 037. Purpose of the request is to allow the County to install a portable lifeguard tower on the north end of the beach to enable lifeguards to have an unobstructed view of the area fronting the hotel. Over the past

years, there have been several incidents on the beach fronting the Hapuna Prince Hotel that the lifeguards were unaware of due to the obstruction of view to that area. As a result, the response to these incidents was delayed due to the late notification. By adding this new tower, the lifeguards would be able to have a direct view of the beach activities fronting the hotel and in turn, decreasing their response time. The tower will not be permanently fixed to the ground; therefore, if necessary, the tower could be moved to a different location, particularly in times of high surf. The area of interest shall be 120 square feet and situate just seaward of the 1990 shoreline certification boundary.

The proposed use is consistent with the County zoning, which is Conservation, provided a Site Plan Approval is obtained from the OCCL and the County Planning Department is consulted for any Special Management Area requirements.

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

There are no other applicants requesting use of the subject area.

A month-to-month tenancy is more appropriate than long-term disposition in this case as there may be a need to relocate the lifeguard station due to anticipated wave actions during the annual winter surf and potential future changes of the shoreline.

Staff contacted the Office of Conservation and Coastal Lands, which indicated that based on the descriptions provided of the proposed use, a Conservation District Use Permit would not be required. That a Site Plan Approval would be sufficient.

On December 31, 2012, various government agencies and interest groups were solicited for comments.

AGENCIES	COMMENTS
County of Hawaii:	
Planning Department	No comments or objections
Public Works	No response
State of Hawaii:	
DLNR-Aquatics	No objections
DLNR-DOBOR	No comments or objections
DLNR - Historic Preservation	See comments below
DLNR - OCCL	See comments below
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response

The State Historic Preservation Division (SHPD) has no objections, but provided comments that records indicate that there were no archaeological surveys conducted on this subject parcel. No known archeological sites are in the vicinity. Because the project will not result in any ground disturbance, SHPD believes that no historic properties will be affected.

The Office of Conservation and Coastal Lands had no objections to the request, but

commented that a site plan approval is required.

Staff believes that the subject request qualifies for an exemption from preparation of an environmental assessment because installment of the lifeguard tower will consist of only minor alteration in the conditions of land, water, or vegetation. It will result in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.

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 revocable permit to the County of Hawaii covering the subject area for lifeguard tower site purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

    1. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;

    2. Obtain a Site Plan Approval from the Office of Conservation and Coastal Lands prior to installation/placement of the lifeguard tower;

    3. Review and approval by the Department of the Attorney General; and

    4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Wesley T. Matsunaga
Land Agent

APPROVED FOR SUBMITTAL:

William J. Aila, Jr., Chairperson

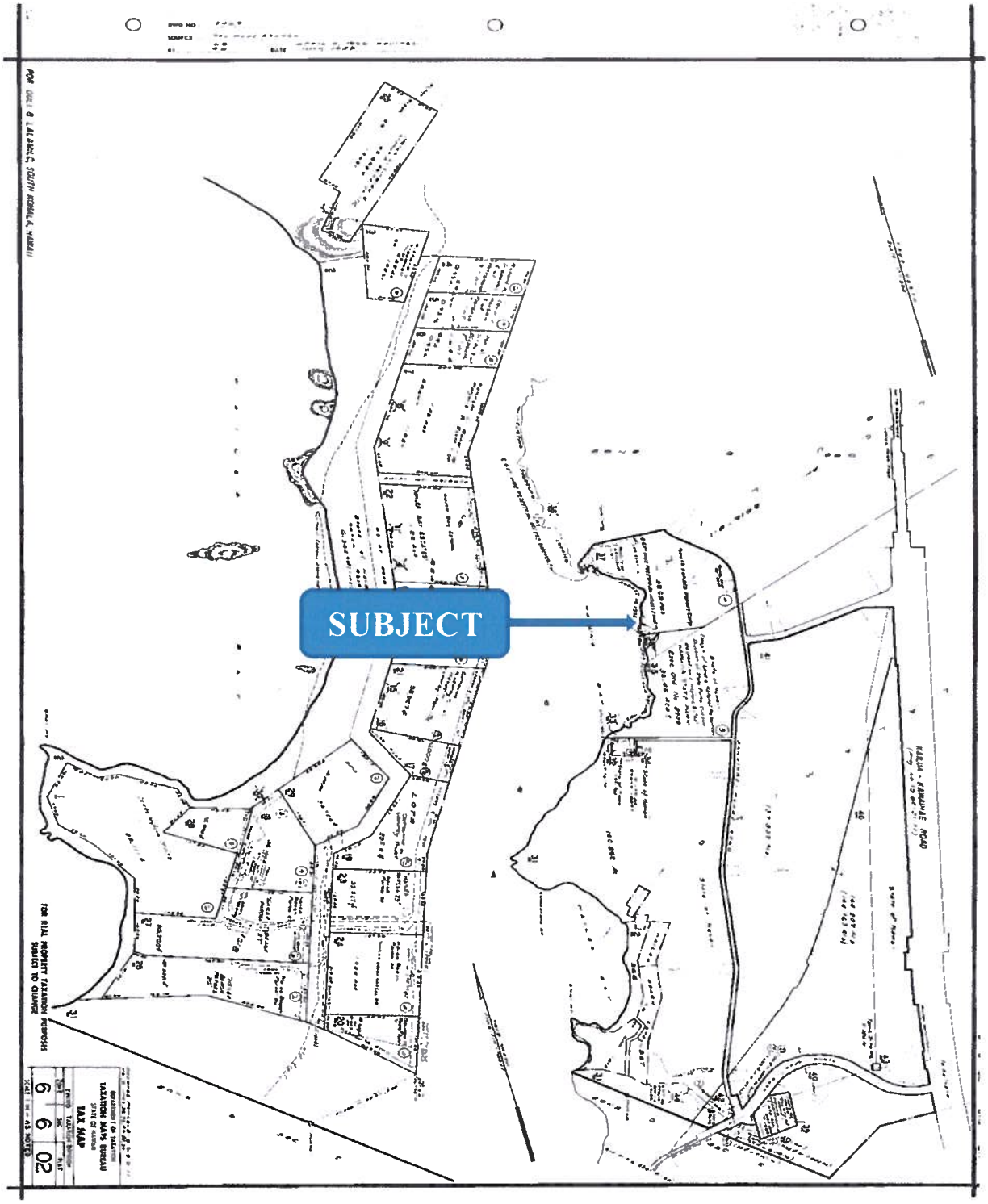
SUBJECT
FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE
TAX MAP
6 6 02

EXHIBIT A

Hapuna Prince Hotel
TMK: 6-6-02:37
Subject
Hapuna Beach Park
TMK: 6-6-02:35
362014027
362014022
362002001
0 125 250 500 750 1,000
Feet

EXHIBIT A

EXHIBIT A

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

75 Aupuni Street, Room 204
Hilo, Hawaii 96720
PHONE: (808) 961-9590
FAX: (808) 961-9599

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 the County of Hawaii for Installation of Lifeguard Tower.
Project / Reference No.:	PSF No.: 12HD-173
Project Location:	Lalamilo, South Kohala, Hawaii, Tax Map Key: (3) 6-6-002: portion of 037.
Project Description:	Issuance of Revocable Permit for Lifeguard Tower.
Chap. 343 Trigger(s):	Use of State land.
Exemption Class No. and Description:	In accordance with the Hawaii Administrative Rule Sections 11-200-8(a)(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. 4**, which states, "Minor alterations in the conditions of land, water or vegetation."
Exemption Item Description from Agency Exemption List:	Minor alterations in the conditions of land, water or vegetation.
Recommendation:	It is recommended that the Land Board find that the issuance of a revocable permit for the installation of a portable lifeguard

EXHIBIT B

tower is exempt from Chapter 343, HRS, as it will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment. It is believed that installation of the tower will have only minor alteration in the conditions of land, water, or vegetation. It will result in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area.

William J. Aila, Jr., Chairperson

2/1/13

Date

EXHIBIT B