

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
Honolulu, Hawai'i**

September 26, 2014

180-Day Exp. Date: October 22, 2014

**Board of Land and  
Natural Resources  
State of Hawai'i  
Honolulu, Hawai'i**

**REGARDING:** Conservation District Use Application (CDUA) MA-3710  
for Landscaping

**APPLICANT:** Douglas Poseley  
**AGENT:** Rory Frampton

**LANDOWNERS:** Douglas Poseley /Olowalu Elua/State of Hawai'i

**TAX MAP KEYS:** (2) 4-8-003:047; 084 [Easement G]; and 001

**LOCATION:** Olowalu, Lāhainā, Mau'i

**SUBZONE:** Limited

**DESCRIPTION OF AREA (EXHIBIT A, B, C, D & E)**

The site exists on the western shore of Mau'i, at Olowalu and is part of the Olowalu Makai-Hikini subdivision. The applicant is the owner of parcel 47 that is dual zoned and lies within the Agricultural District and the Conservation District. A single family residence is proposed in the Agricultural portion of parcel 47.

The project area lies makai of the proposed residence within the Limited subzone of the Conservation District and consists of a portion of parcels 47 and 84 that contains vacant fallow land and a 100-foot wide government beach reserve. Parcel 84 known as 'Easement G' owned by Olowalu Elua, is an exclusive perpetual landscape and access easement in favor of parcel 47. Parcel 84 surrounds parcel 47 to the north, east and south. Parcel 001 contains the government beach reserve.

To the west of the site are additional lots that were also part of the subdivision action, one with a recently constructed residence and the adjacent lot is soon to be developed. To the north are agricultural uses and Honoapi'ilani Highway beyond; fallow land and Camp Olowalu exists to the east.

According to the application, the government beach reserve that is open to the public is heavily overgrown with a large amount of kiawe debris and thickets that have the potential to be a fire hazard. Access to the beach reserve is available from Honoapi'ilani Hwy to the east and through the Olowalu Landing to the west. Currently lateral access along the shoreline around Hekili Point is difficult. The applicant in conjunction with adjacent landowner, the State of Hawai'i has

previously cleared vegetation along the beach reserve in order to enhance lateral shoreline access.

A botanical study of the area revealed the majority of plants in the area are introduced or alien species; about 4% are Polynesian introduced and 14% are native with three endemic species noted as nehe, wiliwili and pua kala. None of the plants within the project area are threatened, endangered or a species of concern. All plants may be found in similar dry, lowland habitats throughout the Hawaiian Islands. Other coastal vegetation includes mats of pohuehue, clumps of buffelgrass, kiawe, 'opiuma, kiawe, uhaloa, koa haole and sourbush. The coastal area within the government beach reserve is dominated by kiawe.

Fauna in the area appears to consist of introduced species. Avifauna includes the mejiro, zebra and spotted dove; mammals include rats, mice and mongoose. The Hawaiian hoary bat was also sighted in the vicinity in 1989.

It is believed that in pre-contact times, the area would have been a dry native shrub land with a few scattered trees with a preponderance of grasses. The Olowalu area came into sugar cane production during the 1860's and this use continued for over a 100 years. During this time the land was repeatedly cleared, plowed, cultivated, burned and harvested. As a result, the original flora and fauna have long since disappeared. With the demise of sugar in West Maui in 1999, most of the Olowalu area surrounding the subject area was formerly utilized for sugar cultivation and is now fallow or with some agricultural uses.

The topography of the area is generally flat to slightly sloping. Soils of the area are Pulehu silt loam that is commonly found on alluvial stream terraces and basins with a moderate permeability, slow runoff with slight erosion; and Jaucus Sand that occurs on the narrow strips of coastal plains adjacent to the ocean. Sand is characterized by rapid permeability, slow runoff, slight water erosion hazard and severe wind erosion in places where vegetation has been removed.

The beach is described to contain deposits of rounded, water worn basalt and bleached coral rubble. A few pockets of grayish-colored fine sand are found along the black and white colored cobble beaches. The project area is located in Flood Zone AE –areas subject to 100-year flood. The shoreline is exposed to southerly swells, generally in the summer months.

Fishing, swimming, and other recreational ocean activities take place offshore. Ocean resources may be gathered for food sources. Activities that may take place include net-fishing, gathering limu, sea cucumber, sea urchin, octopus, crabs, lobster and torch fishing along the beach.

Shoreline access is provided via the Beach Reserve. Archaeological Inventory Surveys of Olowalu were conducted in 1999/2000. The State Historic Preservation approved the survey reports in 2000. An Archeological Mitigation and Preservation Plan have also been approved for the Olowalu area. A Cultural Impact Assessment was prepared in July 2006. The site is within close proximity to burial grounds and the documented Olowalu Massacre may have occurred within the vicinity. Additional cultural remains may be found.

### **PROPOSED USE (F, G & H)**

Landscaping is proposed within an area of about 25,000-ft<sup>2</sup> across the three noted parcels. Work will be initiated within the Government Beach Reserve and consists of removing exotic and invasive species as well as debris. Larger, healthier mature kiawe trees will be maintained and an 8-10-foot wide lateral pathway from Camp Olowalu to the east that extends to the western end of the beach reserve will be created. The pathway will run parallel with the shoreline and approximately 20-feet inland. No paving or harden surface is proposed. Trees will be flush cut to minimize disruption to existing soils.

Concurrent or upon completion of the work within the beach reserve, alien and noxious plants and trees are proposed to be removed and native Hawaiian or Polynesian introduced plants such as Loulu Palm, 'Ae'ae, Akiaki Grass, Nao Papa, Nehe are proposed to be planted within Easement "G". Landscape plantings will serve to provide a visual demarcation between private and public lands. Appropriate signage is also proposed to identify the Government Beach Reserve boundary.

A grass lined retention basin is proposed on parcel 47 to accommodate the increase in surface run-off due to the increase of impervious surfaces with the residential development within the Agricultural District. Currently surface runoff from the residential site generally flows in a southwesterly direction to discharge into the shoreline area. There are no man-made drainage facilities in the immediate vicinity.

The proposed drainage system will consist of an open-cut grassed lined basin to contain over 3,000-ft<sup>3</sup> of run-off. The drainage system will mitigate greater than 100% of the expected increase in surface run-off. The purpose of the drainage basin is primarily to impound onsite the expected runoff volume increase. The proposed retention basin will also reduce the potential for sediments contained in the runoff from entering the nearby seashore.

### Best Management Practices

The applicant has stated that all grading work will comply with applicable requirements of the Soil Erosion and Sedimentation of the Maui County Code. Best Management Practices will be implemented both prior to and during grading and construction to minimize opportunities for soil erosion at the site such as utilizing dust control water trucks to water down graded areas, landscaping as soon as finished grading is complete, use of dust control fence, silt fence, gravel bag berms or other approved sediment trapping devices. Upon completion, plants and ground cover will be installed to stabilize the ground on a permanent basis. According to the applicant, sensitive clearing methods will be employed to minimize impacts to coastal and marine resources. Cut debris will be properly removed from the area to minimize impact to the marine environment.

Should significant cultural finds be encountered, work will stop in the immediate vicinity and the State Historic Preservation Division (SHPD) will be contacted. An archaeological monitoring plan has been submitted and approved by SHPD.

Public use of the shoreline clean up area may be restricted during the proposed work. Ambient noise conditions may be temporarily impacted by the proposed activities. No long-term impacts are expected upon completion. The proposed project will not impact access and recreational opportunities that exist along the coastline.

## SUMMARY OF COMMENTS

The Office of Conservation and Coastal Lands referred this application to the following agencies for review and comment: the State-Department of Health; the Office of Hawaiian Affairs; the Office of Environmental Quality Control; the Department of Land and Natural Resources Divisions of: Aquatic Resources, Conservation and Resource Enforcement, Forestry and Wildlife, Historic Preservation Division and the Maui District Land Office; the County of Maui-Planning Department. In addition, the CDUA was also sent to the nearest public library, the Lāhainā Public Library to make this information readily available to those who may wish to review it.

Comments were received by the following agencies and summarized by Staff as follows:

### THE STATE

#### DEPARTMENT OF HEALTH

##### *Environmental Planning Office:*

No comments

#### DEPARTMENT OF LAND AND NATURAL RESOURCES

##### *Division of Aquatic Resources (DAR):*

The planned activities all seem appropriate for the sensitive coastal ecosystem of this area. The grass lined sediment retention basin will minimize any future sedimentation that could impact the coastal areas and near shore coral reefs. To avoid any incidents of increased coastal erosion and sedimentation into the near shore waters, it is very important to slowly replace the mature Kiawe trees with native vegetation. This process should be undertaken over several years to avoid large sections of the shoreline being left vulnerable to increased erosion while the native plants are established.

It is also important to note that any large trees (either alive or dead) that overhang the coastal waters, can provide important coastal habitats for specific marine life which depend on the shade provided by these trees and/or debris. Any trees or debris that may provide this type of habitat should either be left in place or carefully replaced with mature native vegetation capable of providing similar habitat.

Other than some initial irrigation to get the replacement vegetation started, there should not be any long-term irrigation allowed within the coastal beach reserve property. Appropriate native coastal vegetation should be allowed to grow in a xeriscape setting without any additional irrigation and fertilization. Maintaining this coastal xeriscape buffer should help protect the fragile coastal marine and coral reef ecosystem of the area.

DAR requests the opportunity to review and comment on any changes to the project plans.

##### *Applicant's response:*

The proposed plan calls for maintaining a few select mature kiawe trees within the government beach reserve in order to maintain the naturalistic setting of the area. The majority of the material to be removed consists of kiawe debris or dense undercover. Trees to be removed within the beach reserve will be flush cut so that underground root systems will remain in place in order to minimize disturbance and potential for erosion or sedimentation.

The proposed work will not involve removal of trees or debris that overhangs coastal waters.

Within the government beach reserve, the proposed action will utilize temporary irrigation during the vegetation start-up period. No long-term irrigation will be used in the government beach reserve so as to allow native vegetation to grow in a xeriscape setting.

*Historic Preservation Division (HPD):*

A search of our records indicates an archaeological inventory survey was conducted for the Olowalu lands makai of Honoapi'ilani Hwy; a report was reviewed and approved by SHPD. An archaeological mitigation and preservation plan for 7 archaeological sites (including burials) located in an area was also approved. Preservation includes boundary markers along the outer edges of the buffer zones for each site.

We also approved proposed signage for Olowalu Ahupua'a markers in 2002, a change from the originally approved preservation plan. In addition, archaeological monitoring has been previously recommended for all subsurface excavations within the preservation area, due to the presence of subsurface cultural deposits including burials.

Staff present in the area in the Fall of 2013 noted that the preservation plan for the identified historic properties does not appear to be managed as detailed by the approved plan. Signage is missing or damaged and overgrowth appears to have affected preserved sites.

Based on the above, we recommend that **archaeological monitoring** occur during any proposed ground-altering activities associated with this application, including removal of the alien and/or noxious plants and trees. An archaeological monitoring plan should be prepared and submitted to SHPD for review and approval prior to any ground-altering activities, pursuant to HAR, §13-279. The status of existing preserve areas can be addressed in the resulting archaeological monitoring report, to be submitted to SHPD for review and approval within 180-days of the completion of the monitoring.

*Applicant's response:*

We note your comment about what appeared to be missing signs and vegetation overgrowth potentially impacting preserved sites in the nearby area. It is our understanding that these issues are currently being addressed by the adjacent landowner.

The applicant acknowledges the need to perform archaeological monitoring during any proposed ground altering activities and that an archaeological monitoring plan will be prepared and submitted to SHPD for review and approval prior to any ground altering activities. The status of the existing preserve areas will be addressed in the resulting monitoring report.

*Division of Forestry and Wildlife (DOFAW):*

No comments

*Division of Conservation and Resource Enforcement (DOCARE):*

No comments

*Maui District Land Office (HDLO):*

A Right of Entry approved by the Board is required prior to conducting work on State land.

## COUNTY OF MAUI

### *Planning Department:*

The Maui County Planning Department had determined a Finding of No Significant Impact (FONSI) that was published in the June 8, 2011 issue of the Environmental Notice. On March 28, 2012, the Maui Planning Commission approved the application for a Special Management Area (SMA) Exemption for the project.

### **ANALYSIS**

After reviewing the application, by correspondence dated April 28, 2014, the Department has found that:

1. The proposed use is an identified land use in the Limited subzone of the Conservation District, pursuant to §13-5-23, Hawaii Administrative Rules (HAR), L-2 LANDSCAPING (including clearing, grubbing, grading, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to §13-5-40(a) (4), HAR, a Public Hearing is not required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, the Final Environmental Assessment has been reviewed, accepted and a Finding of No Significant Impact has been determined by the Maui Planning Commission. Notice was published in the June 8, 2011 issue of the Environmental Notice; and
4. On March 28, 2012, the Maui Planning Commission approved the application for a Special Management Area (SMA) Use Permit [SMX 2011/0266] (SM5 2012/0083) for the related improvements.<sup>1</sup>

Notice of this CDUA was published in the May 8, 2014 issue of the Environmental Notice.

### **CONSERVATION CRITERIA**

The following discussion evaluates the merits of the proposed land use by applying the criteria established in §13-5-30, HAR:

- 1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

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<sup>1</sup> Staff notes the Department's Acceptance Letter dated April 28, 2014 and the Maui County's Planning Department comments both incorrectly identified the Maui Planning Commission as approving an SMA application. The Maui County Planning Director determined the proposed activity of constructing a Single Family Dwelling (and related improvements) is not development and is exempt from the applicable requirements of Chapter 205A.

The implementation of the project will provide drainage to mitigate the potential introduction of sediment to the offshore environment. The reintroduction of native and Polynesian introduced flora will contribute to the preservation of Hawai'i's natural resources. The clearing of debris, invasive species and the creation of an 8-10-foot wide shoreline access pathway will benefit the general public and maintain lateral beach access.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited subzone is to limit uses where natural conditions suggest constraints on human activities.

The proposed use is an identified land use in the Limited subzone of the Conservation District, pursuant to §13-5-23, Hawaii Administrative Rules (HAR), L-2 LANDSCAPING (including clearing, grubbing, grading, and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited.

Human activities in the project area would be passive recreation. No structures or permanent facilities are proposed.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The Maui County Planning Director determined the related improvements are not considered development and is exempt from Chapter 205A. Staff believes the project is not inconsistent with the provisions and guidelines of 205A, HRS in regards to the following criteria:

Recreational resources: Shoreline access may be limited for public safety concerns during the proposed work, however upon completion; lateral shoreline access will be greatly improved;

Historic resources: The applicant acknowledges the need to perform archaeological monitoring during any proposed ground altering activities and that an archaeological monitoring plan will be prepared and submitted to SHPD for review and approval prior to any ground altering activities. The status of the existing preserve areas will be addressed in the resulting monitoring report;

Scenic and open space resource: The proposed landscaping will improve scenic views and the removal of invasive vegetation and debris from the beach reserve area will improve the coastal open space; and

Marine and coastal ecosystems: BMPs will be deployed and will be in place and functional before project activities begin and maintained throughout the construction period.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

During construction, Staff believes through the implementation of best management practices, marine and coastal resources will be protected. Upon completion of the proposed work, the retention basin will mitigate storm water flow, the private easement area will be landscaped to demarcate private and public lands, and the beach reserve will have improved access along the shoreline.

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff believes the grass lined retention basin, landscaping and removal of invasive vegetation will be compatible to the physical conditions and capabilities of the area. According to the applicant, revegetation will consist of native or Polynesian introduced species that are adapted to low lying coastal environments.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff believes the proposed land use will preserve the open space characteristics and beautify the area. The project site is near shore coastal lowlands with non-native plants that are weedy in nature. Overgrowth of vegetation in the Government Beach Reserve has led to loss of view corridors along the ocean. Removing the invasive vegetation and replacing with native species will improve open space and render the area more usable by the public.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Potential sources of adverse impacts have been identified and appropriate mitigative measures have been developed. Anticipated short term concerns are associated with construction activities that may involve noise and access impacts. Staff is of the opinion that the proposed improvements will not be materially detrimental to the public health, safety and welfare.

#### CULTURAL IMPACT ANALYSIS

SHPD approved an archaeological inventory survey that was conducted for the Olowalu lands makai of Honoapi'ilani Hwy in 2000. The site is within close proximity to burial grounds and the documented Olowalu Massacre may have occurred within the vicinity. Additional cultural remains may be found. An archaeological mitigation and preservation plan for 7 archaeological



sites (including burials) located in an area was also approved. Preservation includes boundary markers along the outer edges of the buffer zones for each site and signage.

The applicant acknowledges the need to perform archaeological monitoring during any proposed ground altering activities and that an archaeological monitoring plan will be prepared and submitted to SHPD for review and approval prior to any ground altering activities. The status of the existing preserve areas shall be addressed in the resulting archaeological monitoring report, to be submitted to SHPD for review and approval within 180-days of the completion of the monitoring.

A Cultural Impact Assessment was prepared in July 2006. Traditional cultural practices would include gathering, fishing, diving, and ocean recreational activities. During construction, use of this portion shoreline area may be prevented for public safety reasons. Upon completion, the project would not curtail these activities and should enhance lateral access along the shoreline.

During the processing of this application, no comments were received from native practitioners or the Office of Hawaiian Affairs. To the extent to which traditional and customary native Hawaiian rights are exercised, the proposed action does not appear to affect traditional Hawaiian rights; it is believed that no action is necessary to protect these rights.

#### **DISCUSSION**

Staff believes the proposed land uses will benefit the land and the general public. The drainage basin will retain storm water flow and allow settling of sediment to decrease runoff into shore waters. Within 'easement G,' alien, noxious invasive species shall be replaced with native lowland landscaping. Landscape plantings will serve to provide a visual demarcation between private and public lands. Appropriate signage is also proposed to identify the Government Beach Reserve boundary. Within the government Beach Reserve, an 8 to 10-foot wide lateral pathway will facilitate lateral access along the shoreline. Fire fodder and debris will be removed from the Beach Reserve, thus improving the land for the general public.

Staff is concerned that cultural resources have not been managed well in this area as a site inspection by SHPD indicated that signage is missing and preserve areas have overgrowth. However, staff believes as the applicant shall be filling an archaeological monitoring plan to SHPD for review and approval prior to any ground-altering activities, pursuant to HAR, §13-279 and the status of existing preserve areas can be addressed in the resulting archaeological monitoring report, to be submitted to SHPD for review and approval within 180-days of the completion of the monitoring, these concerns can be mitigated and the permit shall be conditioned appropriately to insure this.

#### **RECOMMENDATION**

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources APPROVE Conservation District Use Application (CDUA) MA-3710 for Landscaping located at Olowalu, Lāhainā, Mau'i, portions of tax map keys: (2) 4-8-003:047; 084 [Easement G]; and 001 subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;

2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall obtain a land disposition from the department for the use of state lands;
4. The permittee shall comply with all applicable department of health administrative rules;
5. A copy of the Archaeological Monitoring Plan approved by the State Historic Preservation Division shall be submitted to the Department prior to submitting the retention basin and landscaping plans for approval;
6. A qualified Archaeological Monitor shall be present during all ground-altering activities as required by the Archaeological Monitoring Plan approved by SHPD. Upon completion of the project, an archaeological monitoring report that shall address the status of the existing preserve areas shall be submitted to SHPD;
7. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction and landscaping plans to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
8. All proposed landscaping shall be appropriate to the site and preference to plant materials that are endemic or indigenous to Hawai'i. the introduction of invasive plant species is prohibited;
9. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
10. All representations relative to mitigation set forth in the accepted environmental assessment, within the CDUA and submitted during the processing of the application are incorporated as conditions of the permit;
11. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
12. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or

inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;

13. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
14. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
15. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
16. The permittee shall obtain a county building or grading permit or both as required, for the use prior to final construction plan approval by the department;
17. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
18. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The Historic Preservation Division shall be contacted (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
19. Work shall be conducted during calm weather periods to the most practical extent possible and no work shall occur if there is high surf or ocean conditions that will create unsafe work or beach conditions;
20. The permittee shall implement the proposed Best Management Practices (BMPs) and monitoring and assessment plan to maintain BMPs to minimize dirt and silt from entering the ocean;
21. The permittee shall ensure that excessive siltation and turbidity is contained or otherwise minimized to the satisfaction of all appropriate agencies, through silt containment devices or barriers, or other requirements as necessary;
22. Appropriate safety and notification procedures shall be implemented. This shall include high visibility safety fencing, tape or barriers to keep people away from the active work site and a notification to the public informing them of the project;
23. All placed material shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;

24. The activity shall not adversely affect a federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
25. The activities shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
26. When the Department is notified that an individual activity deviates from the scope of work approved by this authorization or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
27. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this permit;
28. Other terms and conditions as may be prescribed by the Chairperson; and
29. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

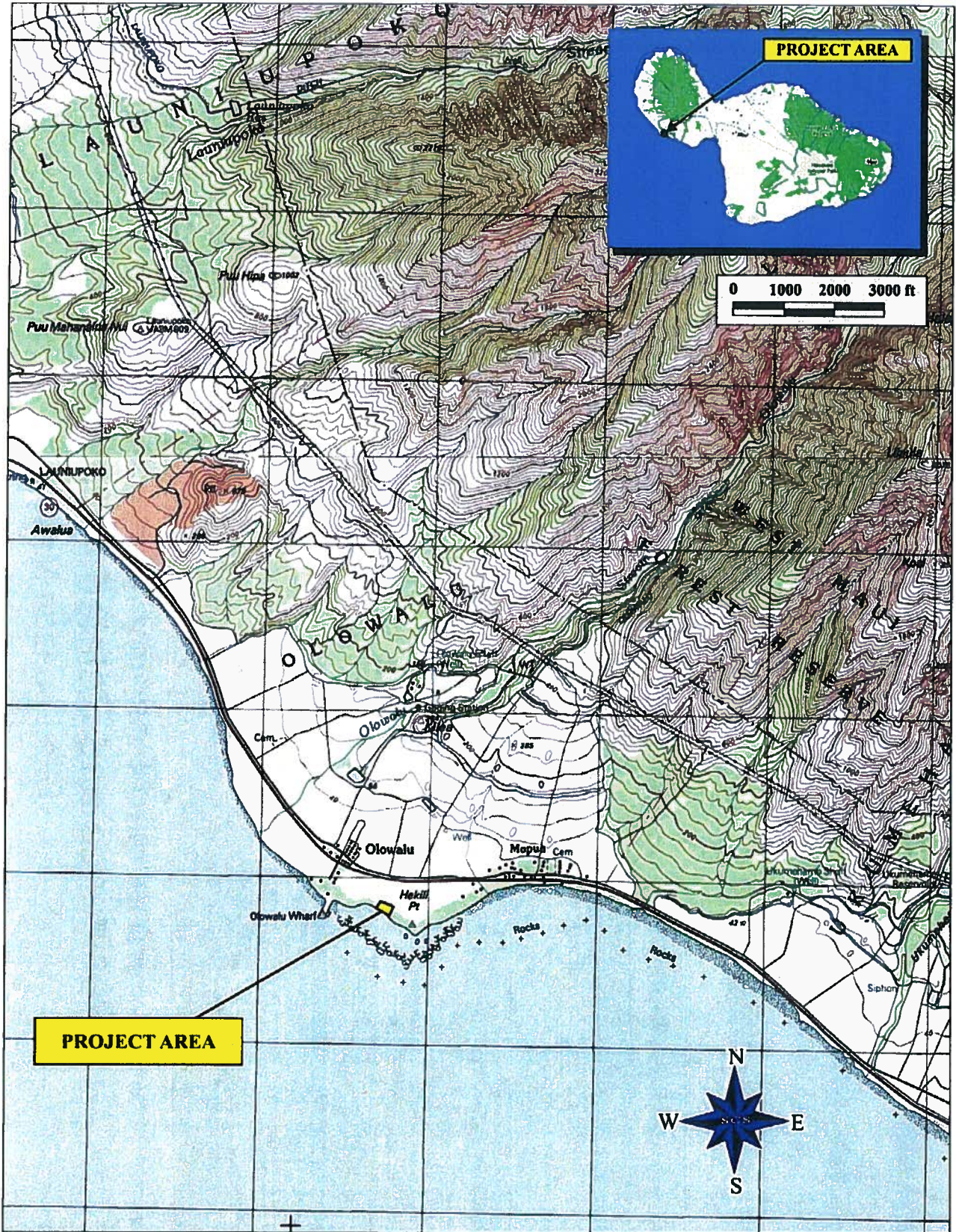
Respectfully submitted,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands

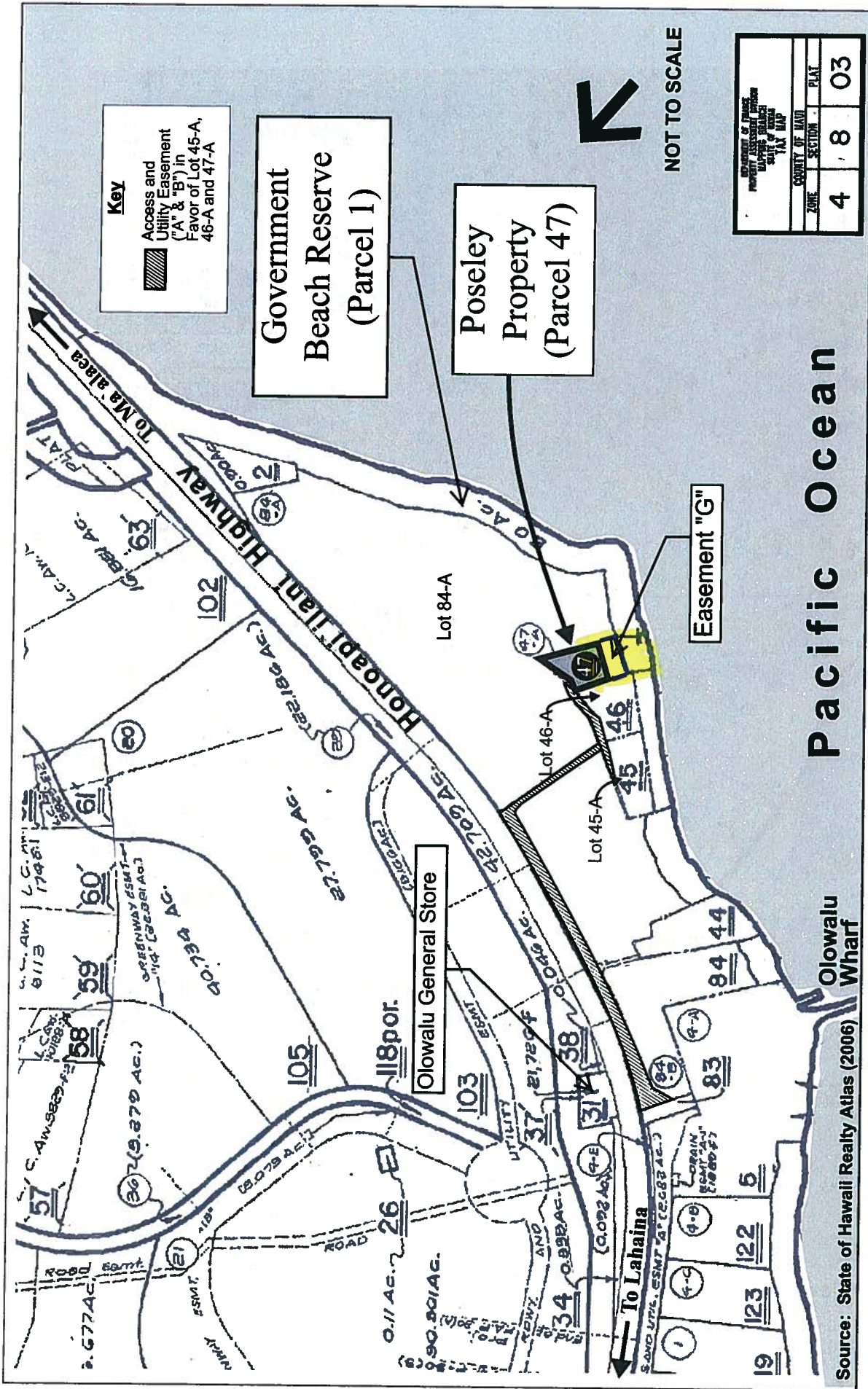


William J. Alla, Jr., Chairperson  
Board of Land and Natural Resources



USGS Olowalu Quadrangle Map Showing Project Area.

# EXHIBIT A



**Proposed Poseley Single-Family Residence and Related Improvements**  
 Site Location Map

**EXHIBIT**  
 B

Source: State of Hawaii Realty Atlas (2006)

# EXHIBIT C



Photo 1: Makai View Across Property



Photo 2: Mauka View Across Property



Photo 3: Makai View across Easement "G"



Photo 4: Mauka View Across Easement "G"



Photo 1 – Existing Conditions within Beach Reserve



Photo 2 – Existing Conditions within Beach Reserve

EXHIBIT D





Photo 1: Public Access Sign

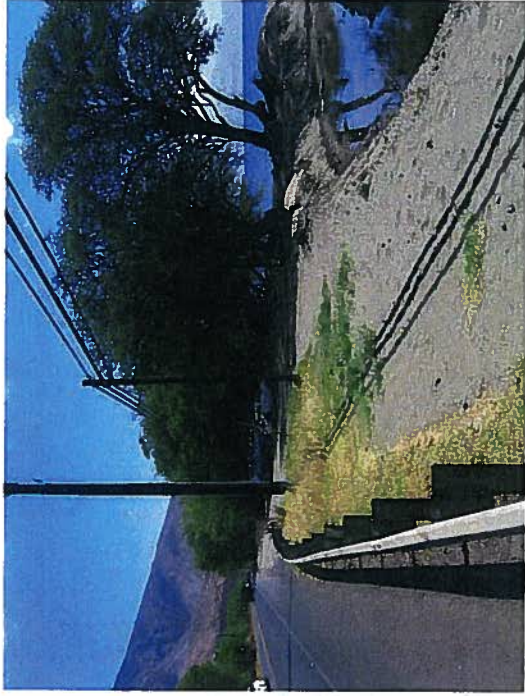


Photo 2: East View of Public Access and Parking Area



Photo 3: West View of Parking Area Along Shoreline

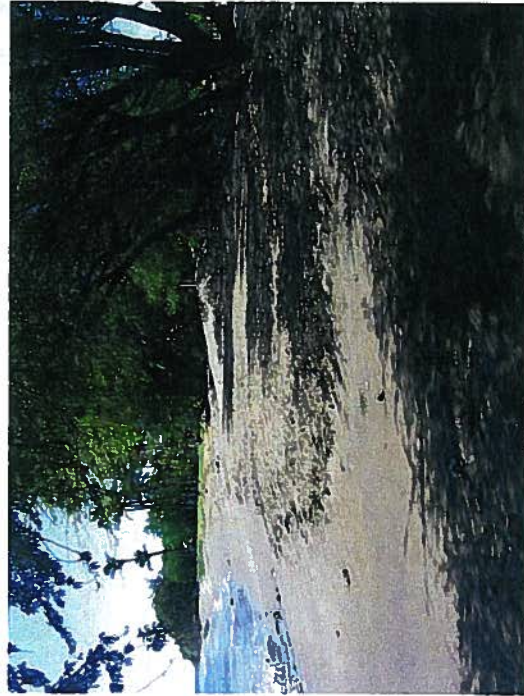
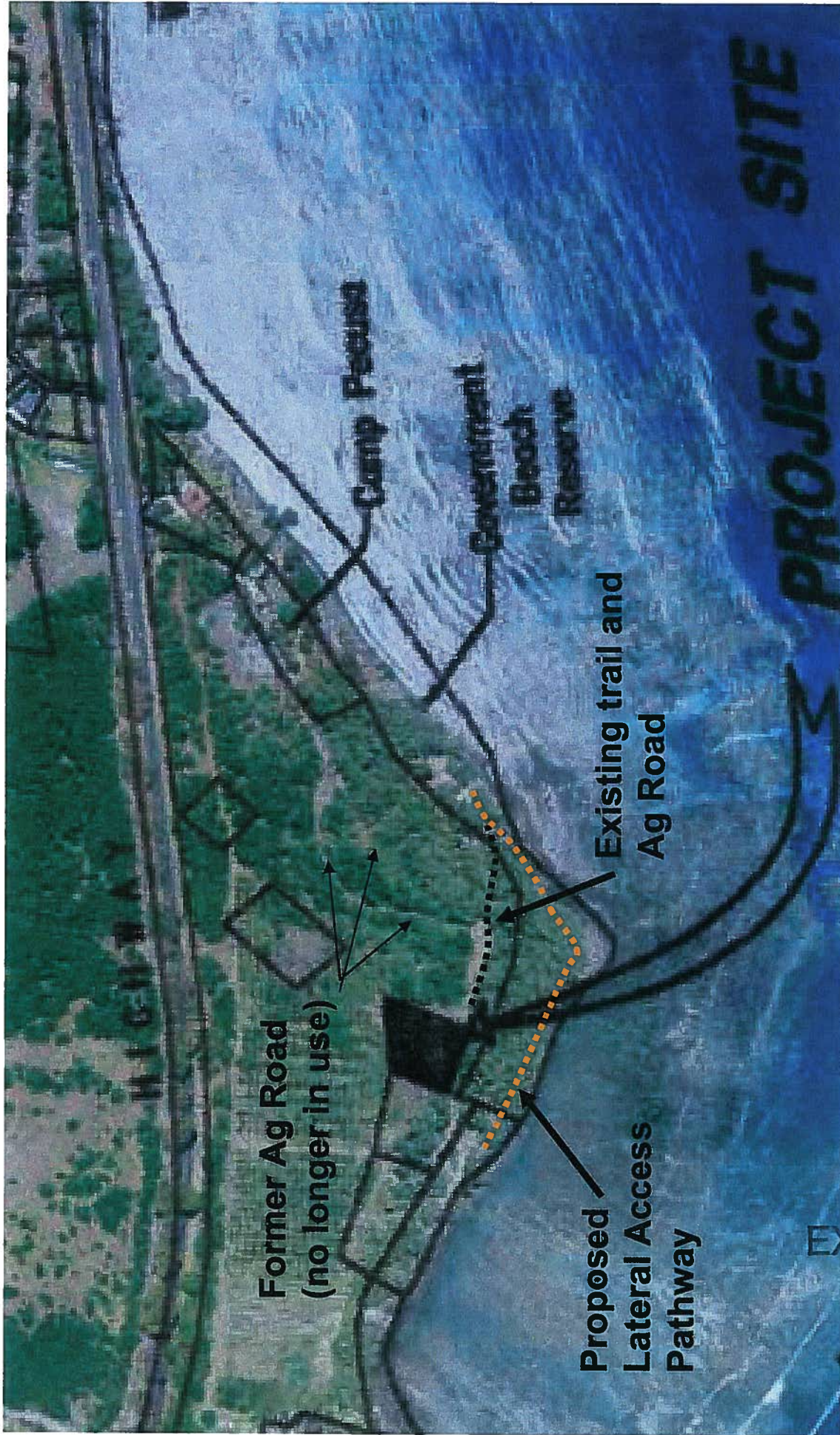


Photo 4: West View Fronting Parking Area

# EXHIBIT E



EXHIBIT

T

Proposed lateral access pathway





**MAXWELL**  
**DESIGN GROUP**  
 LANDSCAPE ARCHITECTURE  
 PLANNING  
 2400 Waiahi Place  
 Kaneohe, HI 96705  
 Office: 808-981-1400  
 Fax: 808-981-1409  
 Email: info@maxwellhawaii.com  
 www.maxwellhawaii.com  
 2017-2020 DEC.

**POSELEY**  
**RESIDENCE**

OLOWALU, MAUI, HAWAII  
 1944-00547  
 2018-08-01

REVISIONS		DATE	BY
1	ISSUE FOR PERMIT		
2	ISSUE FOR PERMIT		
3	ISSUE FOR PERMIT		
4	ISSUE FOR PERMIT		
5	ISSUE FOR PERMIT		
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7	ISSUE FOR PERMIT		
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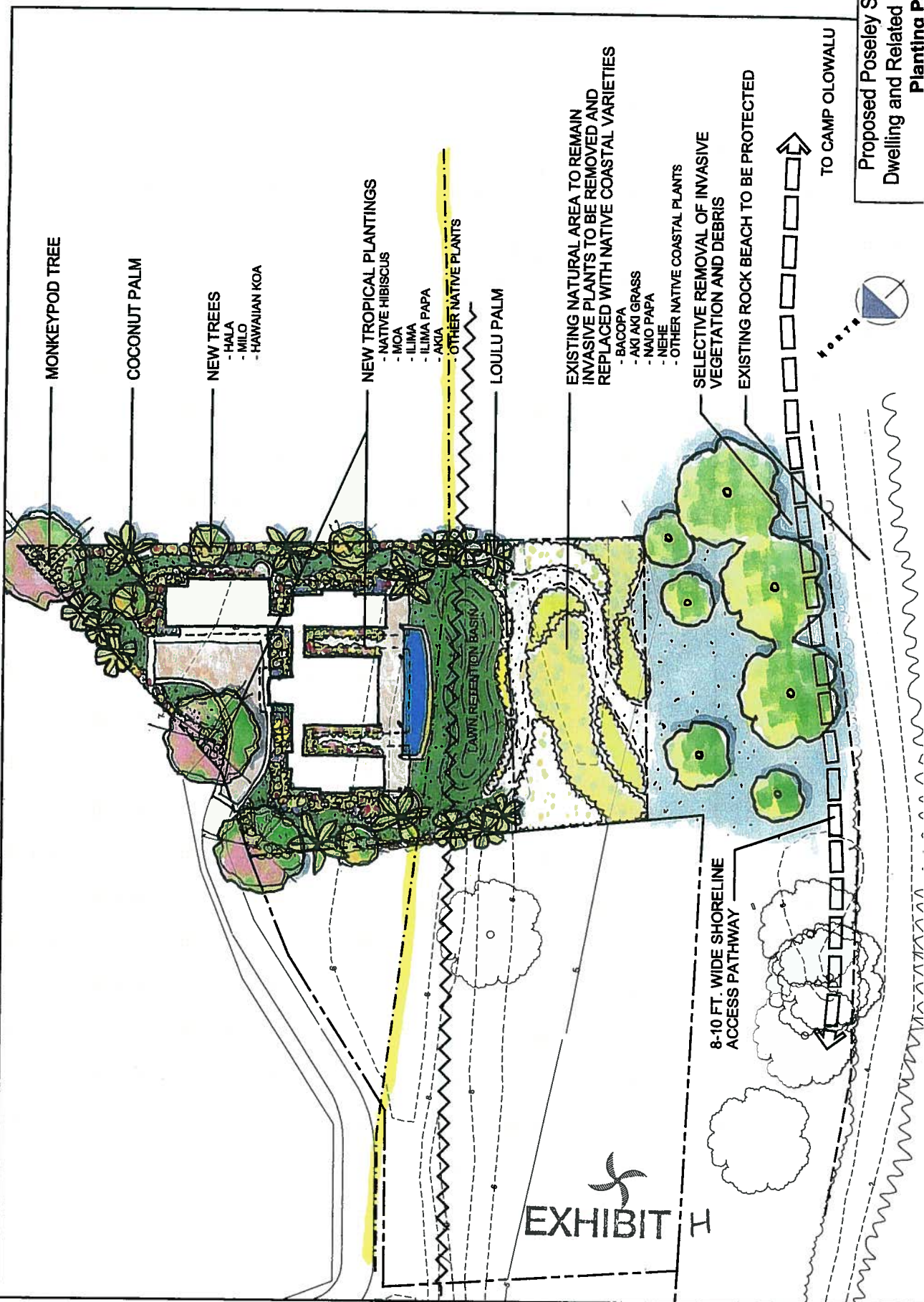
JOB NUMBER	DATE	CHECKED BY	DATE
1944-00547	2017-04-11		

DATE	BY

SHEET SCALE  
 1"=30'

**Proposed Poseley Single-Family Dwelling and Related Improvements Planting Plan**



**EXHIBIT I**