

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

May 8, 2015

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

PSF No.: 15MD-073

Maui

Issuance of Right-of-Entry Permit to Napili Surf Association of Apartment Owners (AOAO) to Access State Lands for the Removal of Encroachments at Napili, Lahaina, Maui, Tax Map Keys: (2) 4-3-002:023 and 099.

APPLICANT:

Napili Surf Association of Apartment Owners.

LEGAL REFERENCE:

Sections 171-55, 115-5, 115-9, and 115-10, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Napili Lahaina, Maui, identified by Tax Map Key: (2) 4-3-002: 023 and 099, as shown on the attached map labeled Exhibit A.

AREA:

5,000 square feet, more or less.

ZONING:

State Land Use District: Urban
County of Maui CZO: Residential Condominium / Vacation Rental

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:

TMK: (2) 4-3-002:023 is encumbered by Revocable Permit number 7505 to the Napili Surf AOA for landscape and maintenance purposes.

TMK: (2) 4-3-002:099 is currently unencumbered.

CHARACTER OF USE:

Removal of encroachments from State land.

EXHIBITS:

Exhibit A – Tax map of the subject area.

Exhibit B – Photos of unauthorized improvements which will be removed.

Exhibit C – Map of encroachments within the project area.

TERM OF RIGHT-OF-ENTRY:

60 Days

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Subchapter 8, 11-200-8(a)(1), the proposed use is exempt.

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>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) In the exercise of this right of entry Napili Surf AOA shall use appropriate precautions and measures to minimize inconveniences to surrounding residents, landowners, and the public in general.
- 2) Napili Surf AOA shall maintain and employ debris, pollution and contamination control measures, safeguards and techniques to prevent debris, pollution or contamination to the ocean waters.
- 3) Cut, remove and dispose of all vegetation on the subject property which encumbers or restricts public access and use through the beach transit corridor, pursuant to Hawaii Revised Statutes 115-5, 115-9, and 115-10.
- 4) Properly remove and dispose of all previously identified unauthorized improvements located on parcels 023 and 099.

REMARKS:

Per the request of the Napili Surf AOA, staff from the Office of Conservation and Coastal Lands conducted a site inspection of the shoreline at the subject location in an attempt to certify the shoreline as part of the permit process when applying for a County of Maui special management area (SMA) permit. During this inspection, several unauthorized improvements were observed to be located seaward of their private property boundary within the adjacent State properties. Due to the discovery of these encroachments the applicant is unable to have the shoreline certified and therefore unable to obtain a SMA permit. Napili Surf AOA, through their consultant is requesting a right-of-entry permit to access the adjacent State parcels for the removal of all unauthorized improvements.

State parcel 099 is one of two parcels that the unauthorized improvements are located on. This parcel is currently unencumbered and there is no record of any request for the use of this property. State parcel 023 is currently encumbered by Revocable Permit number S-7505 to the Napili Surf AOA for landscape and maintenance purposes only. The Napili Surf AOA has maintained this area since December 10, 1976 and they are currently charged a monthly rent of \$119.00. All improvements within the subject State parcels are unauthorized.

The applicant is consulting with the County of Maui's, Division of Current Planning to determine if any County permits will need to be applied for and obtained for this project.

Staff is recommending gratis for this Right-of-Entry permit request, as it will clear all unauthorized improvements from both State parcels. All cost affiliated with the encroachment removal will be covered by the applicant.

RECOMMENDATION: That the Board

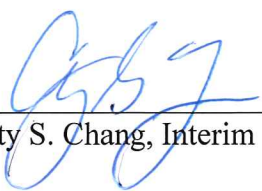
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Napili Surf AOA covering the subject area 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 other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.


Respectfully Submitted,



for - Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



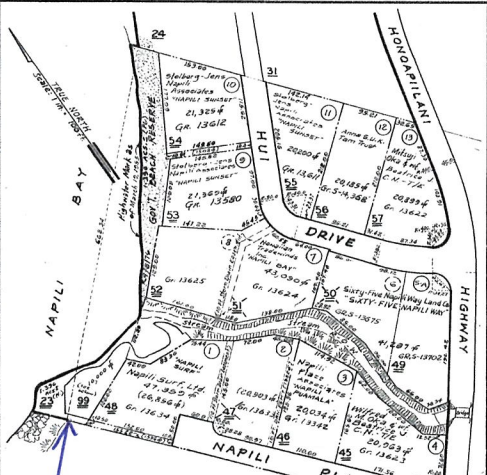
Carty S. Chang, Interim Chairperson




- 58, 59 Hanabara S. Ogami - 1/4
- Shirohiko S. Ogami - 1/4
- Kenneth M. Ogami - 1/4
- James T. O. Purvis - 1/4
- Kayakahi C. Akai - 1/4
- Kayakahi Akai Trust (Mauian Note, Inc.) 1/4

- 104 Kayakahi C. Akai Trust - 1/4
- Richard S. Ogami - 1/4
- Shirohiko S. Ogami - 1/4
- Kenneth M. Ogami - 1/4
- James T. O. Purvis - 1/4

105 Kayakahi C. Akai & James A. Hooper Trustees
 Parcel 25
 Mauna Richardson, Jr & Carroll B. - 1/4
 Parcel 25 #30
 James M. Akai, Trustee
 Anne S. Akai, Trustee
 Akai Trust (Mauian Note, Inc.) 1/4



29 Association of Apartment Number of Napili Surf Rev. Pmt. S-5343
 INSET "A" NAPILI BEACH LOTS

Note: All lots owned by State of Hawaii unless otherwise noted

43 NAPII ASSOCIATES Limited Marine Builders, Ltd. 1/4

- 65 Various Owners See TAB-605/63
- 49 "CONSOLIDATED MAUI INC."

- 77 Alister Medeiros 1/4
- 78 Alister Medeiros & wife Margaret - 1/4
- 79 Robert Holmes - 1/4
- Charles M. Lindsey - 1/4
- Charlene Holmes - 1/4

- 81 John K. Pali, EHC America 1/4

- 67 Stacy K. Kahua - 1/4
- Helen M. Chamigo - 1/4
- Nancy M. Chamigo - 1/4
- Francisco K. KALOENA - 1/4
- Mary L. Kahua - 1/4
- Shirley A. Kahua - 1/4
- Robert Kahua - 1/4
- Francis O. K. Hale - 1/4
- Henry H. Hale - 1/4
- Alphonse K. Kahua - 1/4
- Frank A. Kahua - 1/4
- Francisco KALOENA - 1/4

- 81 August Reimann, Jr. EHC - 1/4
- George Reimann - 1/4
- August H. Reimann, Jr. - 1/4
- Helen M. Chamigo - 1/4
- Emily Chamigo - 1/4
- August Reimann - 1/4
- Ornah Hall - 1/4
- Josephine Akai - 1/4
- Cynthia Ogami - 1/4
- Christine S. Ogami - 1/4
- Kenneth M. Ogami - 1/4
- James T. O. Purvis Trust 1/4
- Robert A. Clark Trust 1/4

- 37 Ted R.K. Kalia & N.F. Leary 5 - 1/4
- 38 Stacy K. Kahua - 1/4
- Michael L. Amlier EHC - 1/4
- Henry L. - 1/4
- John K. Pali - 1/4
- John B. Pali - 1/4
- Ronald S. Amlier - 1/4
- Margaret KALOENA - 1/4
- Francis O. Kahua - 1/4
- Kent KALOENA - 1/4
- Robert S. KALOENA - 1/4

- 66 KALOENA-KALOENA KALOENA EHC America - 1/4
- 12,000 #
- 85 Francis C. Akai - 1/4
- 84 Francis C. Akai - 1/4
- 83 Elizabeth Case - 1/4
- 82 Michael L. Amlier EHC - 1/4
- Henry L. - 1/4

Parcels Dropped: 18, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

ADVANCE SHEET SUBJECT TO CHANGE

SECOND DISTRICT			
ZONE	SEC.	PLAT	
4	3	02	
CONTAINING PARCELS			
SCALE: 1in = 200 Ft.			

PRINTED

SUBJECT AREA



Encroachment 1 and 2: Shower, Concrete Pad, and Bench



Encroachment 3 and 4: Planter with bench and portion of concrete pad



Encroachment 5 and 6: Bench and one foot tall plastic fence with landscaping



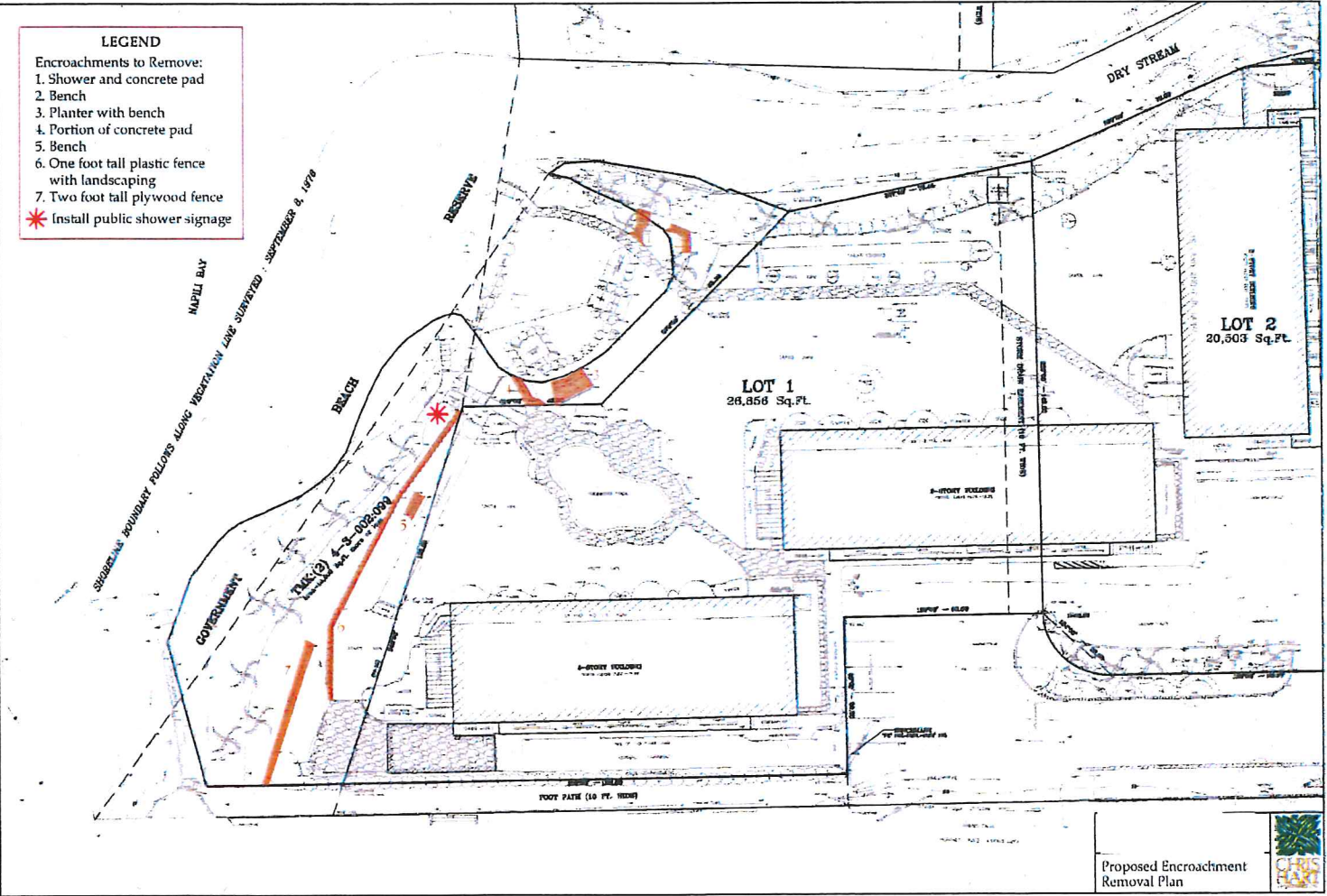
Encroachment 7: Two foot tall plywood fence




Install public shower signage

Encroachment Photographs Napili Surf	
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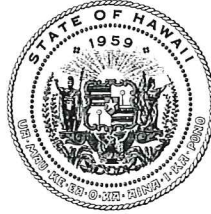
- LEGEND**
- Encroachments to Remove:
1. Shower and concrete pad
 2. Bench
 3. Planter with bench
 4. Portion of concrete pad
 5. Bench
 6. One foot tall plastic fence with landscaping
 7. Two foot tall plywood fence
- * Install public shower signage



Proposed Encroachment
Removal Plan



DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 27, 2015

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
ACTING 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 to Napili Surf AOA to Access State Land for the Removal of Unauthorized Encroachments.

Project / Reference No.:

PSF# 15MD-073

Project Location:

Napili, Lahaina, Maui, Tax Map Key: (2) 4-3-002:023 and 099.

Project Description:

Removal of unauthorized improvements from State lands fronting the applicant's private property.

Chap. 343 Trigger(s):

Use of State Land

Exemption Class No. and Description:

In accordance with the Department of Land and Natural Resources Department-wide Exemption List, approved by the Environmental Council and dated December 4, 1991, the subject project is considered to be 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 [HAR 11-200-8 (a)(1)].


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.



Carty S. Chang
Interim Chairperson



4/22/15
Date