

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

May 27, 2016

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

PSF No.: 16MD-046

Maui

Issuance of Right-of-Entry Permit to Destination Maui Realty, LLC for the Demolition and Removal of a Damaged / Unsafe Wooden Deck (Encroachment) at Lahaina, Maui, Tax Map Key: (2) 4-5-001: Seaward of 003.

APPLICANT:

Destination Maui Realty, LLC a Domestic Limited Liability Company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Lahaina, Maui, identified by Tax Map Key: (2) 4-5-001: Seaward of 003, as shown on the attached map labeled Exhibit A.

AREA:

1,000 sq. ft., more or less.

ZONING:

State Land Use District: Conservation
County of Maui CZO: SMA, Commercial / Business

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:

Unencumbered

CHARACTER OF USE:

Demolition and removal of a damaged, unstable, encroaching structure.

TERM OF RIGHT-OF-ENTRY:

Thirty (30) days

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 8, Demolition of structures, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for thin the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes. Item No.5, Demolition and removal of unauthorized improvements from state property.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Registered business name confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Applicant in good standing confirmed:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Comply with all conditions described within the Maui County Special Management Area and Shoreline Setback permits (SMX2016 0064 & SSA 2016 0015).

REMARKS:

A number of businesses and shops in central Lahaina along Front Street have unpermitted structures that extend out beyond their seaward property boundary over the shoreline and near shore waters. The subject property belonging to the Olman family, further identified as 825 Front Street, also had an open wooden deck consisting of approximately 420 sq. ft. The elevated deck was built on wooden post and concrete piers. The subject deck is believed to have been constructed sometime in the 1980's.

There are no records indicating that this encroaching deck was permitted at the time of construction.

In the fall of 2015, a sailboat that was moored off shore from Lahaina town broke free from its mooring and was washed into the subject deck and its piers. This damaged the structure making it unstable and unsafe according to notices which were received by the Olmans from the Maui County's Department of Public Works. Maui County Staff inspected the structure and determined that it was a potential risk to public safety and therefore required the Olmans to take the appropriate steps to remove the deck, posts and concrete piers. Upon learning that that deck was actually constructed over government land (shoreline and submerged land) the Olmans consulted with Destination Maui Realty, LLC. They are now representing the Olmans as their property management company and have now requested a right-of-entry permit to access the surrounding shoreline to properly demolish and remove the remaining portions of deck and support structure (refer to attached photos listed as Exhibits B and C).

The County of Maui, Department of Public Works, the State of Hawaii, Division of Boating and Ocean Recreation and the Office of Conservation and Coastal Lands have been consulted and are all in support of the proper removal of the subject structure.

RECOMMENDATION: That the Board

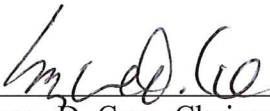
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Destination Maui Realty, LLC 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. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
 - D. Authorize the Maui District Land Agent to sign and approve the Right-of-Entry permit once a designated project start date has been established. The subject permit will expire thirty (30) days after the project begins.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



Dwg. No. 346
 By: B.C. CARL, April 1951
 Source: Top. Maps Bureau, Honolulu

LAILOA, MAOUI.



S E A

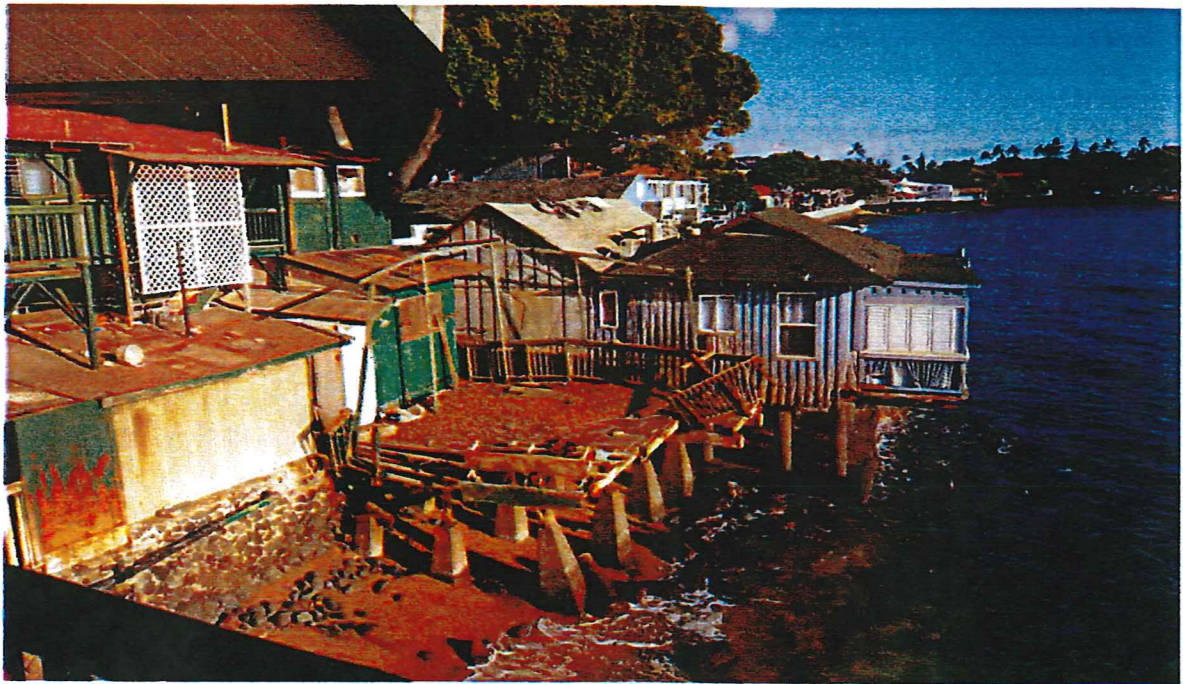
SUBJECT AREA

ADVANCE SHEET
 SUBJECT TO CHANGE

Parcel Number 20,85
20 85
SECOND DISTRICT
ZONE SEC. PLAT
4 5 01
CONTAINING 4 PARCELS
Serial: 1 m = 50 ft.

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EXHIBIT " A "



Deck and piers when viewed from Lahaina Fish Company Restaurant.



Deck and piers when viewed from access hallway



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
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
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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 27, 2016

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 Destination Maui Realty, LLC for the Demolition and Removal of a Damaged / Unsafe Wooden Deck (Encroachment).

Project / Reference No.: 16MD-046

Project Location; Lahaina, Maui, Tax Map Key: (2) 4-5-001: Seaward of 003.

Project Description: Demolition and removal of a damaged, unstable, encroaching structure.

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

Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 8, Demolition of structures, except those structures located on any historic site as designated in the National Register or Hawaii Register as provided for thin the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes. Item No.5, Demolition and removal of unauthorized improvements from state property.

Consulted Parties: Office of Conservation and Coastal Lands and the Division of Boating and Ocean Recreation.

Recommendation: That the Board finds that this project will probably have minimal or no significant impact on the environment and is presumed to be exempt from the preparation of an environmental assessment.



Suzanne D. Case, Chairperson
Date: 4/28/16

EXHIBIT " D "