

JOHN WAIHEE
GOVERNOR OF HAWAII



6445
KEITH W. AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
JOHN P. KEPPELER, II
DONA L. HANA'IKE

RECEIVED
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

OFC. I
QUA

OFC. OF ENVIRONMENTAL
QUALITY CONTROL

NOV 26 1993

AQUACULTURE DEVELOPMENT PROGRAM
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

Ref:LM-PO:SL

Mr. Brian J. J. Choy, Director
Office of Environmental
Quality Control
220 South King Street
4th Floor
Honolulu, HI 96813

Refer to:MA-93:609

Dear Mr. Choy:

Subject: Negative Declaration for David Jay and Marilee A.
Flood for Portion of Government Beach Reserve,
Waiohuli-Keokea Beach Lots, Kihei, Maui, Tax Map
Key: 3-9-07:Portion 5

The Department of Land and Natural Resources, Division of Land Management, has reviewed the comments received during the thirty (30)-day public comment period. The agency has determined that this project will not have a significant environmental effect and has issued a negative declaration. Please publish this notice in your next scheduled OEQC Bulletin.

We have enclosed a completed OEQC Bulletin Publication Form and four (4) copies of the final Environmental Assessment. Please contact Mr. Steve Lau at 587-4039 if you have any questions.

Very truly yours,

Keith W. Ahue
KEITH W. AHUE

Enc.

cc Maui District Land Board Member
Maui District Land Office

DEC ~~23~~ 1993
08

1993-12-08-MA-PEA-Flood landscape and maintenance

FINAL ENVIRONMENTAL ASSESSMENT

Part of a submittal to the Department of Land and Natural Resources for a lease to landscape and maintain State land.

Subject Parcel: 18,000 sq. ft. of Government Beach Reserve
(TMK: 2nd, 3-9-07: Portion 05) adjacent to Lot J of Waiohuli-Keokea Beach
Lots, Kihei, Maui, Hawaii, TMK: 2nd, 3-9-07: 27
Address: 1166 Uluniu Road, Kihei, Maui, Hawaii 96753.

Prepared by: David Jay Flood Architects

Contact: Chris Hart and Partners
305 E. Wakea Avenue
Kahului, Maui, Hawaii 96732
Telephone: (808) 871-5726

Applicant: David Jay & Marilee Flood

Approving Agency: Department of Land and Natural Resources

Other government agencies consulted:

We have consulted the following agencies in making assessment, and will comply with all the relevant regulations as required:

Land Use and Code Division of Department of Public Works, Office of Environmental Quality Control, Department of Land and Natural Resources, Planning Department, Historical Preservation Division of DLNR.

Existing Site Condition:

The said parcel is approximately 300 ft. long by 90 ft. wide with the long side following the east west orientation. It is a portion of Government Beach Reserve owned by the State of Hawaii, no man made structure has ever been erected on it. The east end is adjacent to a 7,727 sq. ft. private lot owned by the applicants for residential use. The western end is sandy beach with indigenous vegetation spreading the western 100 feet (elevation from 0 ft. to 9 ft. above sea level) of the said parcel. The middle 200 ft. (elevation between 8 ft. and 12 ft.) is undulating sand dunes with eight coconut trees and one monkey pod tree. The nearest public beach access from Uluniu Road is 290 ft. to the north of the subject parcel.

The General Objectives:

1. To enhance the landscape quality of the said parcel without adverse effect on the natural topography and existing vegetation.
2. All existing trees to remain.
3. Indigenous beach front vegetation habitat not to be disturbed. Existing shore line to remain its existing location. (see attached survey map for beach line.)
4. Existing state owned land to remain open to the public.
5. The said parcel to remain accessible by the public through existing state

- owned beach land 290 feet north of the subject parcel.
6. Sewage and water run off generated within the private residential lot will be directed back to existing sewer line at Uluniu Road.
 7. Any construction in the applicant's private lot will comply with all zoning setback requirements and will not encroach into state beach reserve.

Summary of Proposed Improvements:

1. To install low voltage landscape light under the clusters of coconut trees.
2. To install pop-up sprinkler system.
3. To remove existing dead tree stumps and trash. Only light weight hand held weed eater type of equipment will be used.
4. The western 100 feet portion of the state land contains indigenous vegetation and will remain as is. Grass will be planted between the said natural vegetation area and the private residential lot.

Government Agencies' Comments:

Land Use and Code Division:

- .No fence to be erected in the state owned land.

Department of Land and Natural Resources, Division of Land Management:

- .No heavy duty earth moving equipment to be used.
- .No sewage or water run off be allowed to go through state land into the ocean.

Department of Land and Natural Resources, Division of Historical Preservation:

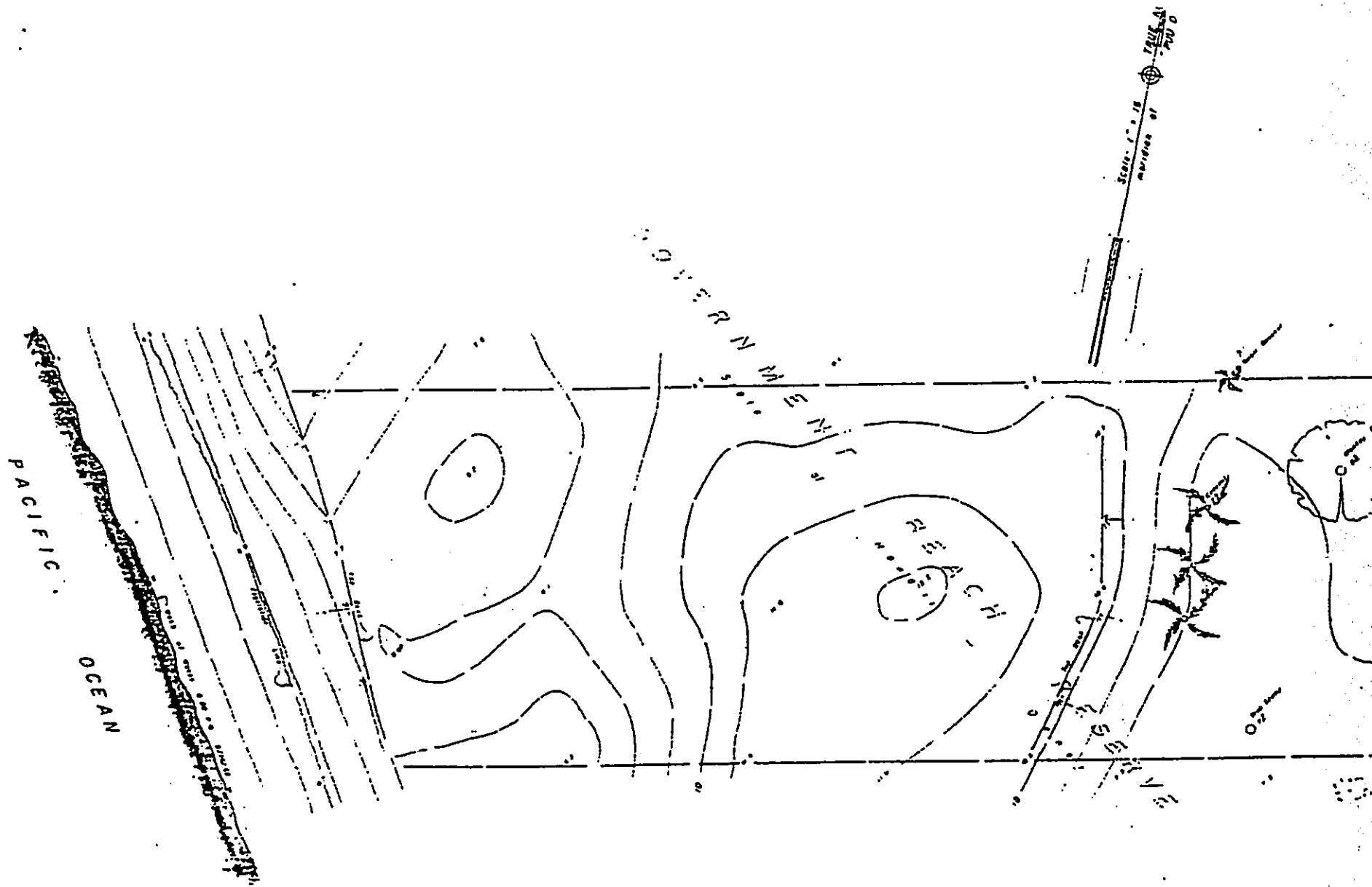
- .No known ancient burial ground within the boundary of the subject parcel.

Determination:

Based on the proposed use, and Agencies' comments, we feel there won't be negative environment impact to the said State land. Applicants will comply with above referenced comments by government agencies and other applicable local code and regulations.

Supplemental Documents:

1. Surveyed map of existing site showing private residential lot and government beach reserve.
2. Site plan showing proposed landscape improvement.
3. Photographs of site existing condition.



TRK. 2nd, 3-9-7: 27

NOTES:

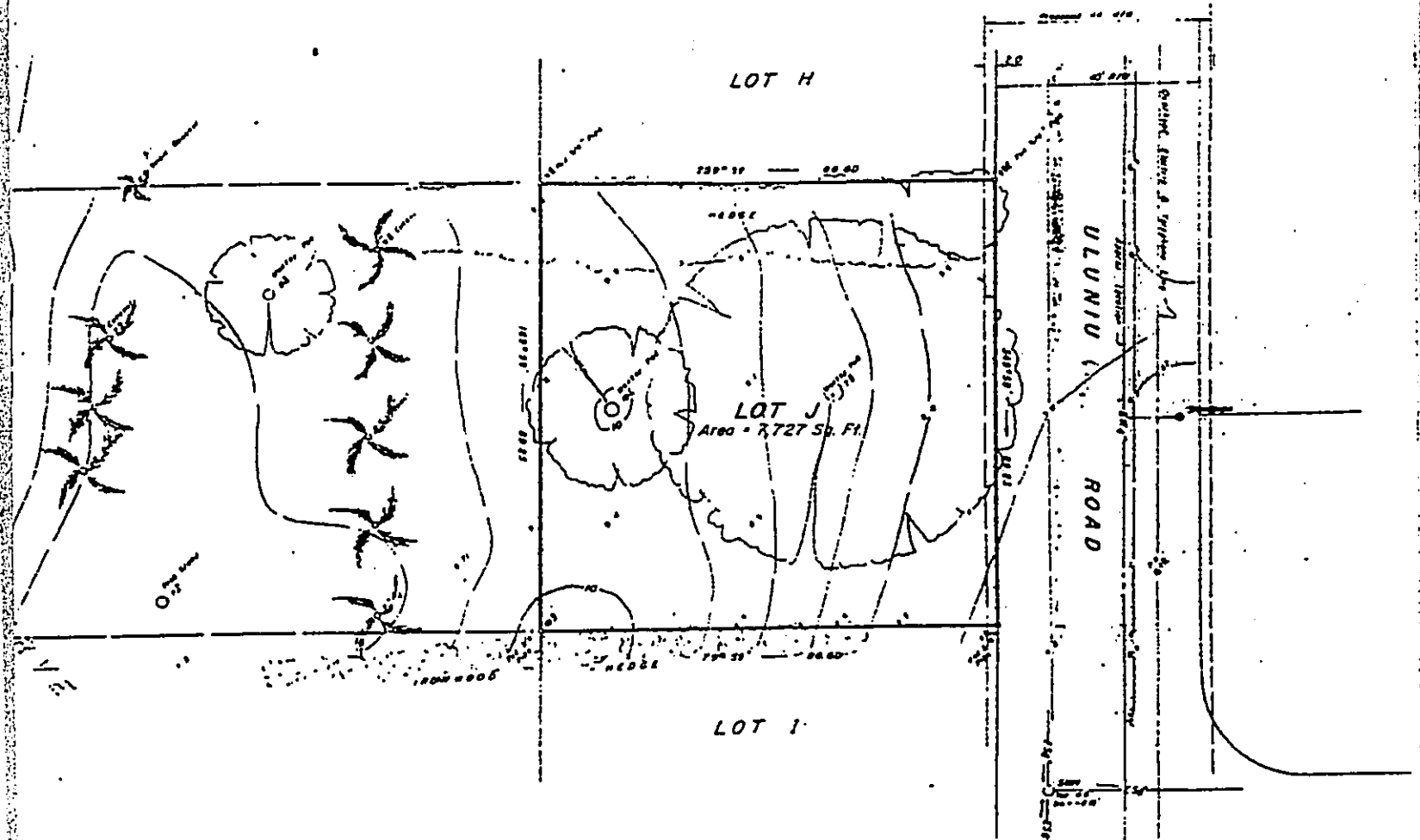
- 1 Elevations are based from USGS Bench Marks at Saka Site
- 2 In the County of Maui General Plan, the proposed width of any of Ulukou Road portion north of Highway Street is 40 feet, and the portion south of Highway Street is 20 feet wide

This work was prepared by me or under my direct supervision
WALTER INC

[Signature]
 Registered Land Surveyor
 State of Hawaii Certificate No 5078



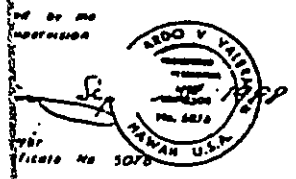
Scale 1" = 100'
NORTH

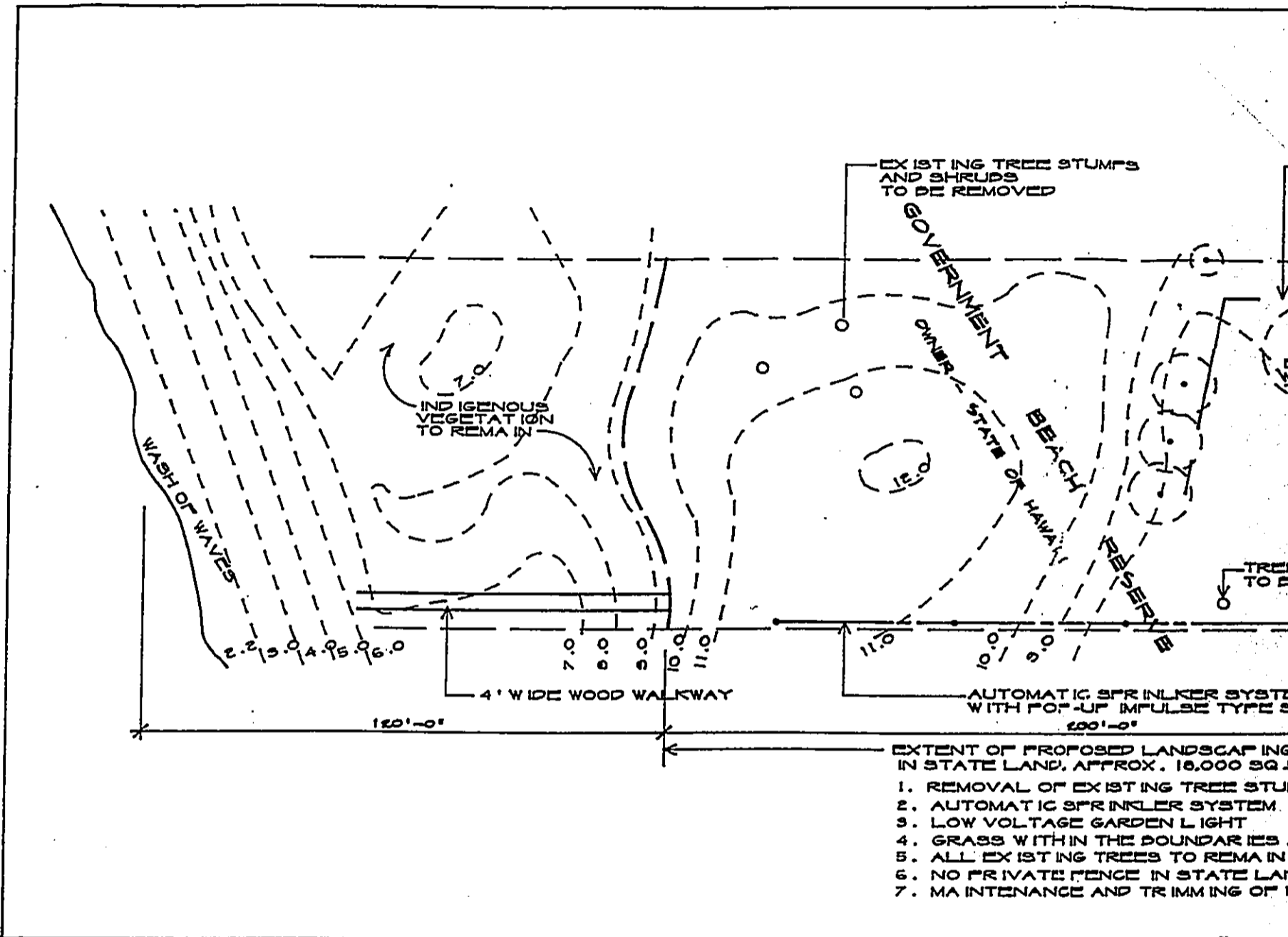


EXISTING CONDITIONS

LOT J
WAIHOLI-KEOKEA BEACH LOTS
WAIHOLI-KEOKEA · KIHEI · MAUI · HAWAII

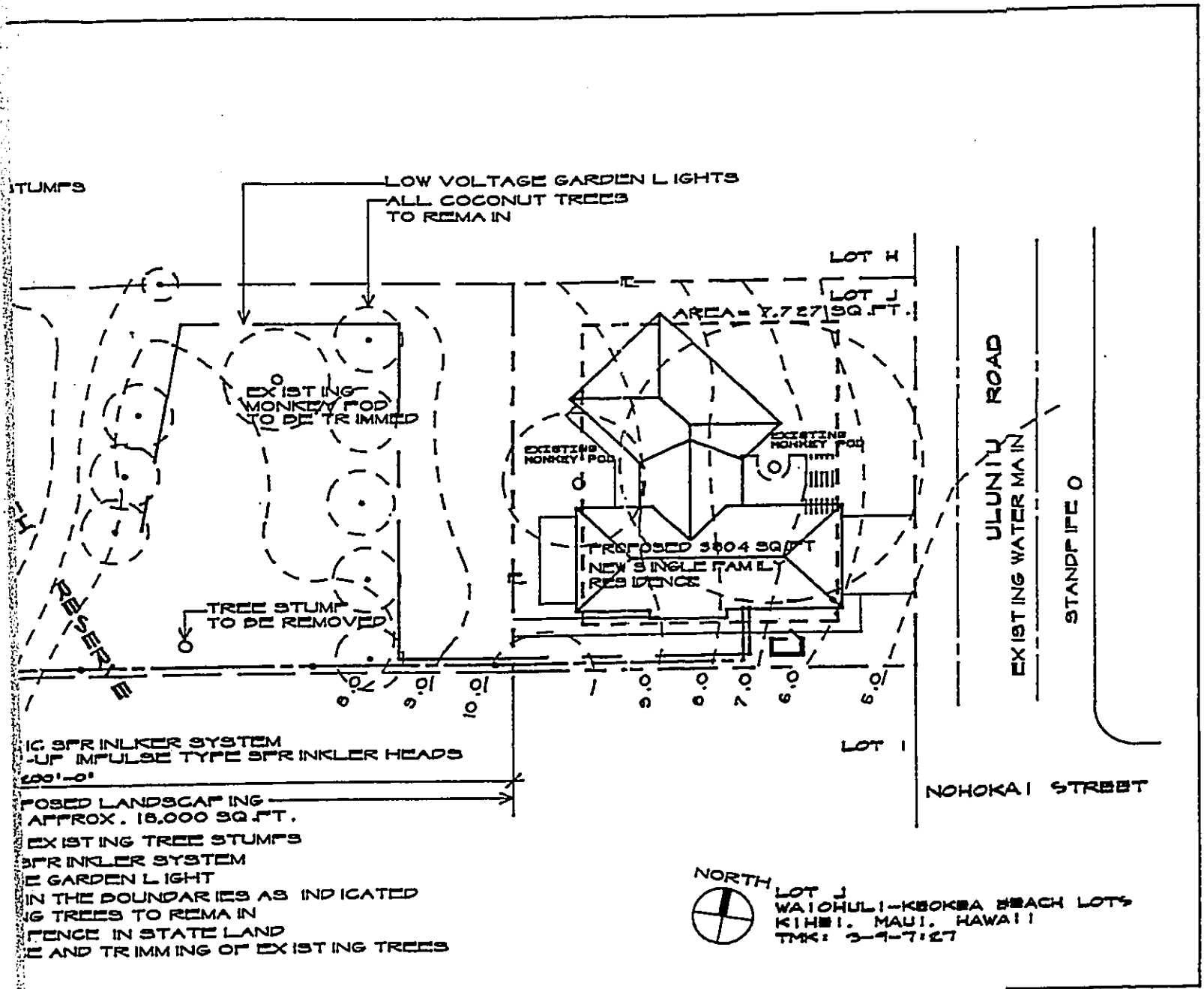
Prepared for:
Mr. Jay Flood
1408 3rd Street, Man
Third Floor
Santa Monica, California 90401





JAN 14. 1993
16440
1/32" = 1'-0"

PRO
LAN
IN



EXISTING TREE STUMPS
 SPRINKLER SYSTEM
 GARDEN LIGHT
 IN THE BOUNDARIES AS INDICATED
 COCONUT TREES TO REMAIN
 FENCE IN STATE LAND
 TRIMMING OF EXISTING TREES

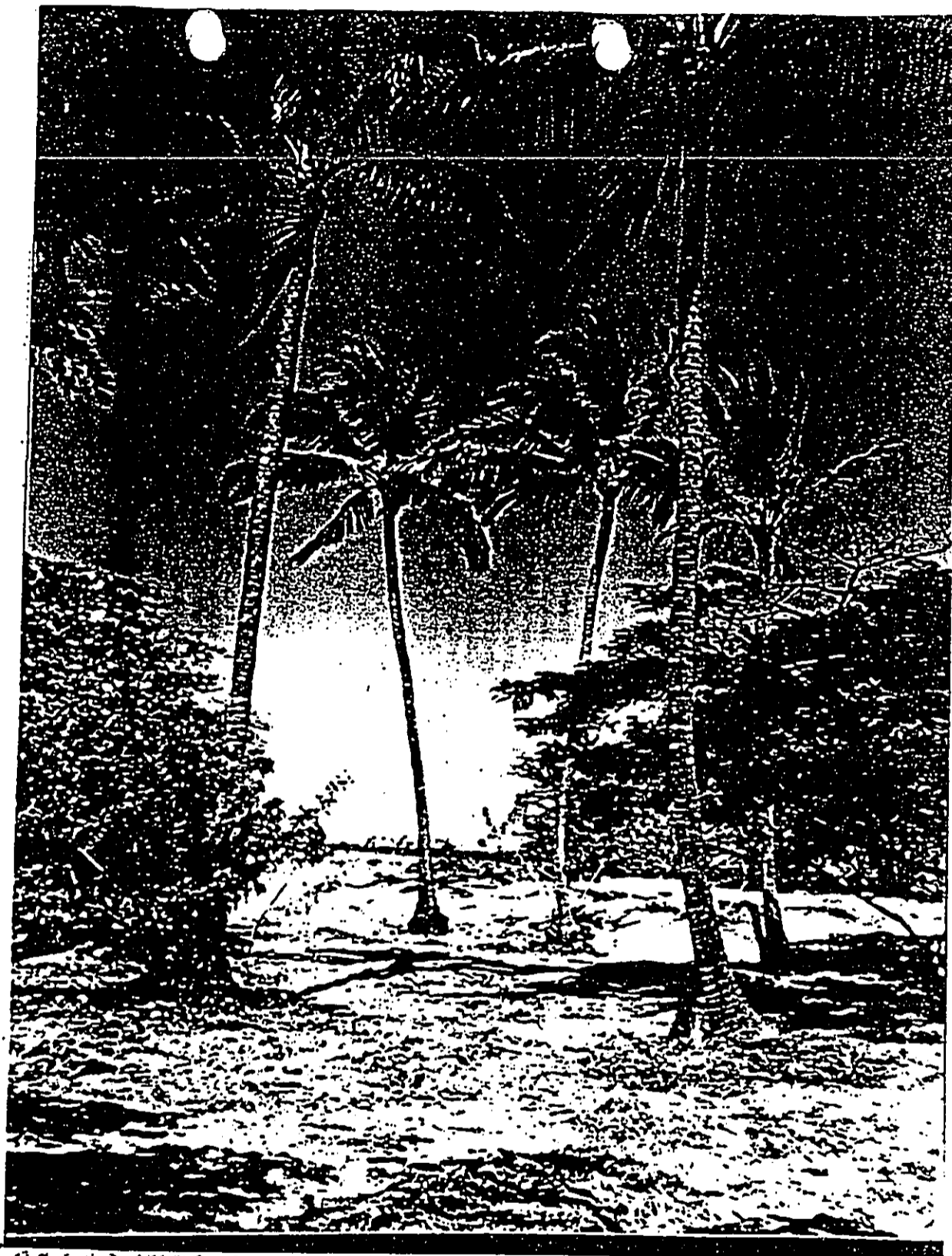
NORTH
 LOT J
 WAIOHULI-KEOKEA BEACH LOTS
 KIHAI, MAUI, HAWAII
 TMK: 2-4-7127

PROPOSED
 LANDSCAPING
 IN STATE LAND

FLOOD RESIDENCE
 KIHAI, MAUI

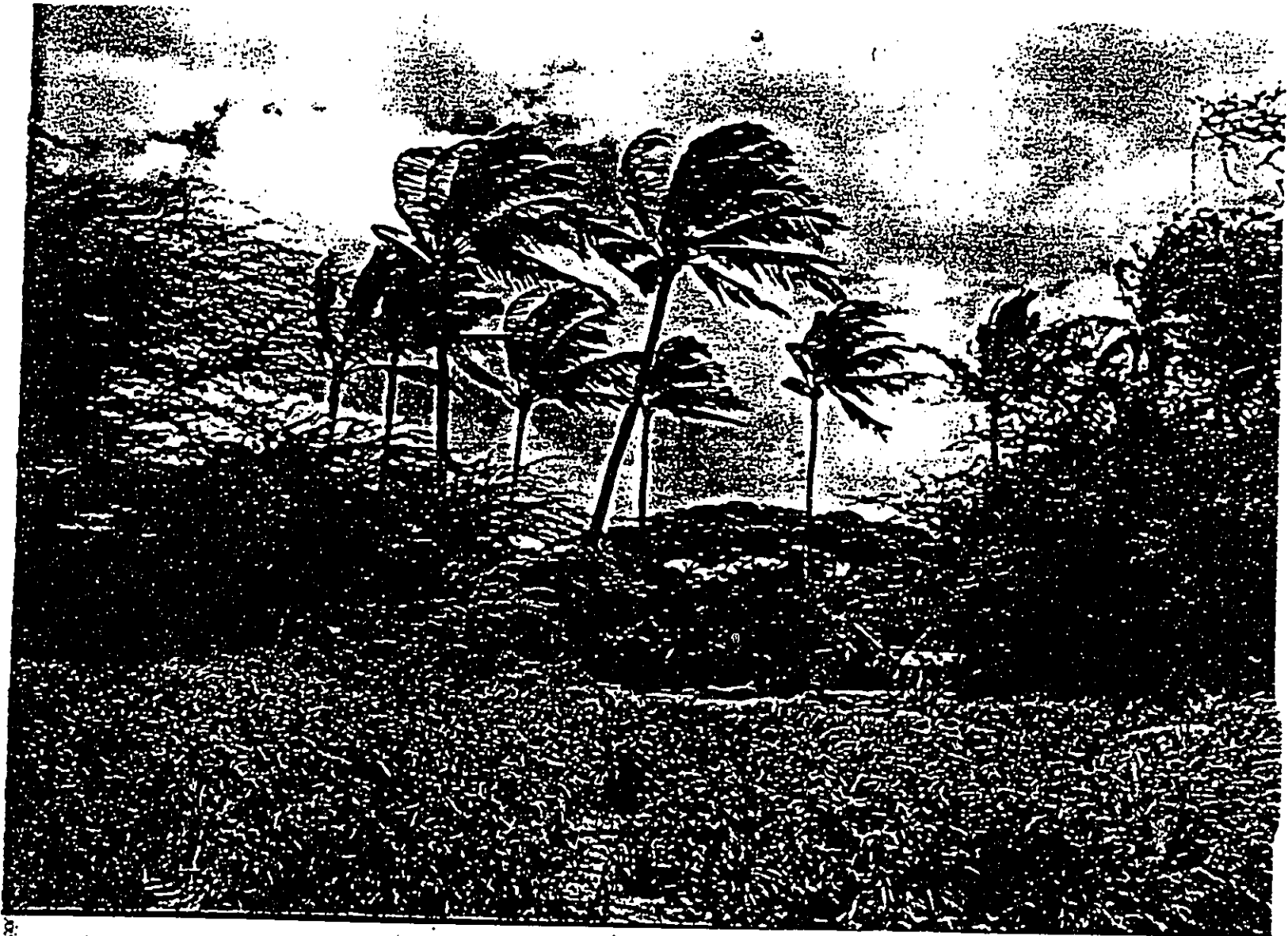


DOCUMENT CAPTURED AS RECEIVED



HAWAII STATE BEACH RESERVE
TMK:3-9-7:PORTION 5 KIHEI, MAUI
VIEW FROM PRIVATE RESIDENTIAL LOT
TMK:3-9-7:27

DOCUMENT CAPTURED AS RECEIVED



VIEW FROM STATE LAND

COPY FILE B

Muriel R. Roberts
1325 South Kihei Road No. 104
Kihei HI 96753

May 25, 1993

DEPT. OF ENVIRONMENTAL
QUALITY CONTROL

93 MAY 27 AM 1:55

Received

The Honorable Keith W. Ahue, Chairperson
Board of Land and Natural Resources
115 Punchbowl Street
Honolulu HI 96813

COPY

Dear Mr. Ahue:

I am writing regarding the application of Marilee and David Jay Flood for a revocable permit to landscape a portion of the Government Beach Reserve in Kihei, Maui.

I have no problem with the application's receiving a negative declaration determination as far as the EIS goes. I do, however, have a problem with the policy that the DLNR apparently is following in granting such permits to alter Government Beach Reserve lands.

I have walked the lot in question, and find that the area of beach is quite wild, not a beautiful sand beach, but one off which local people do cast lines and nets. It is evident that the neighbors on either side are maintaining grass on a portion of the Beach Reserve, where it was once wild. The neighbors on the South do, according to the tax map, have a revocable permit from your department. However, the Flood's request to landscape the Beach Reserve, including "Installation of low voltage landscape lights under the clusters of palm trees" goes far beyond anything which has happened on adjoining property, and would certainly not be in keeping with the wild beachfront which now exists.

The public would certainly not know that this was public land, on which they were welcome. I do not believe the DLNR should be allowing public land to appear to be private land. There are few enough places where local people feel welcome these days. Your department should be working to preserve what is left for the public.

Acknowledging that similar permits have been granted in the past in this area, I would ask that the Board consider the policy carefully before more such permits are given. I would further suggest that the Floods, if given a permit, be prohibited from installing lights, and be limited to clearing trash and dead trees, and perhaps be allowed to mow the existing grasses within the mauka 200 feet of the Reserve.

Unfortunately for the Floods, they did not purchase "beachfront property." They purchased property fronting a public parcel, the Government Beach Reserve. So be it.

Thank you for considering my views.

Sincerely,

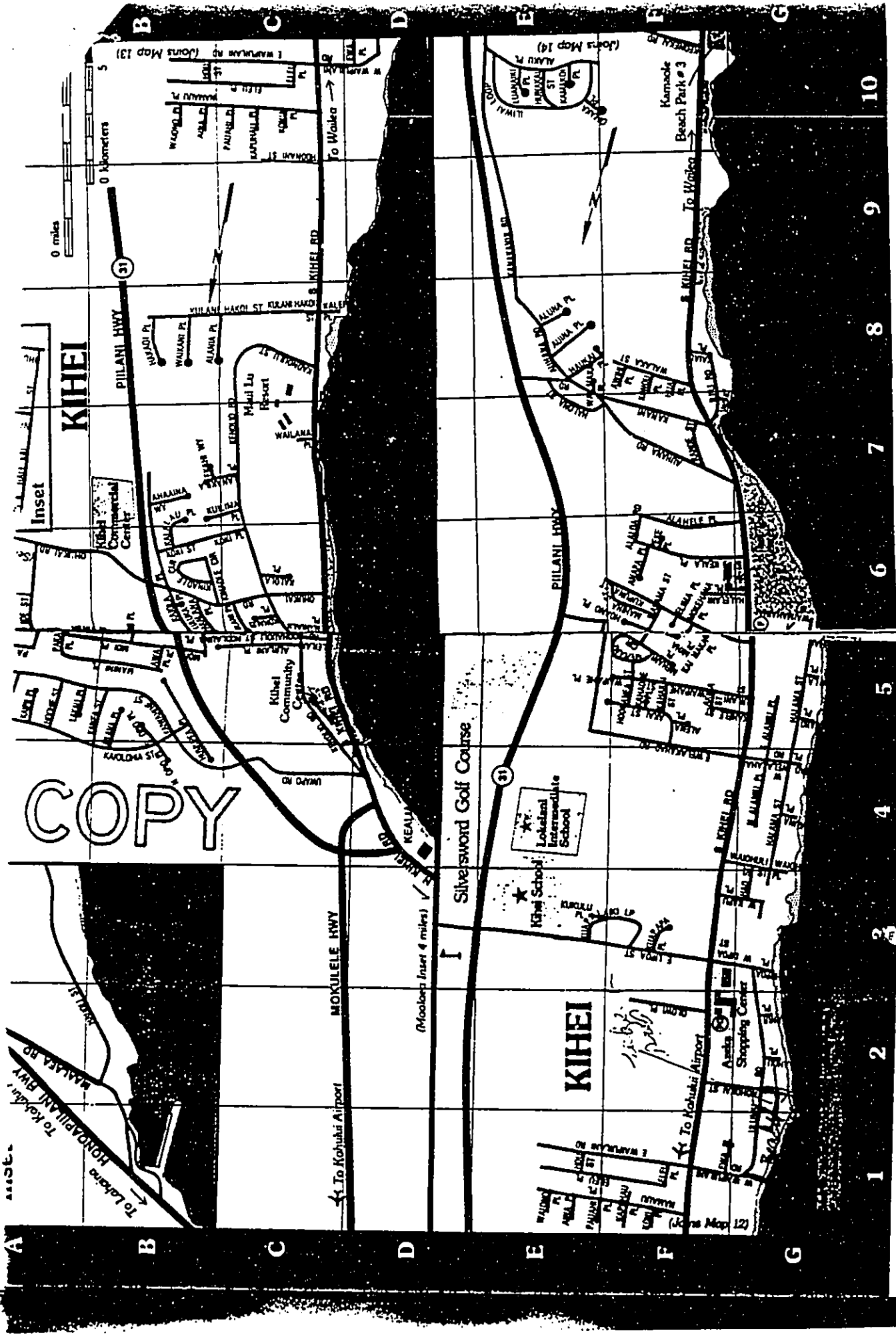
Muriel R. Roberts

Muriel R. Roberts

- cc: ✓ Brian J.J. Choy, Director, OEQC
- Gene Thompson, President, Kihei Community Association
- Brian Miskae, Planning Director, Maui County
- Marilee and David Flood



DOCUMENT CAPTURED AS RECEIVED



COPY

azeka's
 GASOLINE/DIESEL
 FUEL SERVICE

FULL SERVICE "Gas 'n' Go"
 6:30-9 PM
 OPEN 7 DAYS
 Across from Aieha's Place 874-0202
 1279 S. Kihui Rd. - Kihui

Palm Beach Mall

"FOR ALL YOUR SHOPPING NEEDS"
 2439 S. Kihui Rd., Kihui Maui
 GRESHAM & ASSOCIATES/LEASING
 AGENTS & MANAGEMENT 879-7283

RECEIVED FROM PHILIP
CHTA 5/12

Maui DOFAW
W.M.

ID:2435006

MAY 28 '93 16:07 No.005 P.02

JOHN WAIHEE
GOVERNOR

MAY 13 2 53



BRIAN J. J. CHOY
Director

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
720 SOUTH KING STREET
FOURTH FLOOR
HONOLULU, HAWAII 96813
TELEPHONE (808) 598-4185

May 12, 1993

RECEIVED

JUN - 8 1993

The Honorable Keith W. Ahue, Chairperson
Board of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Ahue:

Subject: Application for a Revocable Permit to Landscape and Maintain a
Government Beach Reserve at Kihei, Maui, TMK: 3-9-7: Portion 5

This is in response to the enclosed letter of May 10, 1993, from David Jay Flood to the Office of Environmental Quality Control regarding the subject application.

While we do not have any objection to the applicant picking up trash and debris on State lands adjacent to their property, we do object to their request to remove existing vegetation. The existing vegetation probably includes native and indigenous plants which are effective in protecting the subject Government Beach Reserve. Why is the existing vegetation considered overgrown and in an unsafe condition? One would guess that the applicant believes that the existing vegetation blocks his view and access to the beach? Hybrid grasses dependent upon irrigation will not do well when winter or storm surf pound the beach. Only native and indigenous plants such as naupaka, pohuehue, pohinahina, and other native beach plants will protect the beach. The applicant probably believes that these plants are weeds. One should also consider that natural beaches may be preferable than landscaped turf which is not natural.

We continue to lose beaches because of our ignorance in managing and protecting our natural resources which are fragile in nature. As steward of our state's fragile natural resources, your department needs to take a more protective role when reviewing requests such as the Floods'.

Sincerely,

Brian J. J. Choy
Brian J. J. Choy
Director

OEQC BULLETIN
April 23, 1993

One (1) eight (8) inch diameter and one (1) four (4) inch diameter pipeline will be installed under the pier and underground from the pier, across the container yard and terminate near the roadway.

A hatch will be constructed as a part of the pier and complete with covers and sleeves for the piping. As a part of increment 2, valves will be installed in the hatch and fitted for the attachment of hoses from barge (ship) for unloading. All pipe under the pier will be supported within sleeves installed during the construction of the pier. No pipe hangers will be required.

Underground pipe will be installed in a prepared trench, laid on a sand bed and backfilled with sand around the pipe, select fill above pipe and all compacted per State standards. All welds shall be 100% radiograph examined for maximum quality assurance. Following the completion of each pipeline, each line will be hydrostatically tested to 400 PSI. New lines, steel, etc. will be protected with coatings against external corrosion. Pipe under the pier, exposed to water, shall be sandblasted and coated with a special splash-zone epoxy coating. All buried piping will be coated with epoxy.

LIHUE AIRPORT LAND ACQUISITION

District: Lihue
TMK: 3-5-01:06, 10, 86, 103, por. of 27 and 82; 3-7-02: por. of 01

Agency:
Department of Transportation, Airports Division
Honolulu International Airport
Honolulu, Hawaii 96819
Attention: Dean Nakagawa (838-6526)
Consultant:
Wilson Okamoto and Associates, Inc.
1150 South King Street, Suite 800
Honolulu, Hawaii 96814
Attention: Earl Matsukawa (531-5261)
Deadline: May 8, 1993

The State of Hawaii Department of Transportation, Airports Division is proposing to acquire approximately 141.73 acres of fee simple land next to Lihue Airport in order to assure long-term compatibility of adjacent areas with airport operations. The acquisition includes approximately 93.891 acres of land to the north of Lihue Airport in order to gain control of areas subject to significant airport noise as determined by the Federal Aviation Regulation (FAR) Part 150 Noise Compatibility Program requirements (1989). Acquisition of this area is also necessary in order to protect the clear zone and to preserve the option of lengthening Runway 17-35 in the future. Another 47.839 acres between Runways 3-21 and 17-35 is proposed for acquisition in fee for future expansion of aviation support facilities.

In addition to the fee acquisitions, a total of 39.338 acres is proposed for acquisition as easement. This includes a 25.514-acre aviation easement southeast of Runway 3-21 which is necessary for the Airports Division to maintain control of runway sideline clearance area. Also, a 13.8-acre line-of-sight easement is proposed to control land uses in an area potentially needed to preserve a line-of-sight from the control tower to the southern end of Runway 17-35, as well as to any future extension of the runway.

This Environmental Assessment addresses land acquisition or No development is being proposed at this time, and all acquired lands will be kept in their present use in the short-term. In long-term, any proposed development of the acquired lands will be accompanied by a separate Environmental Assessment/Environmental Impact Statement.

The proposed land acquisitions were derived from the Lihue Airport Master Plan (October 1989) which was prepared through extensive consultation with the State of Hawaii Department of Transportation, Airports Division, the Federal Aviation Administration, a Technical Advisory Committee and the general public. Five public informational meetings were held during course of the Lihue Airport Master Plan study to inform and obtain input from the community.

NAWILIWILI HARBOR PIER 1 IMPROVEMENTS

District: Lihue
TMK: 3-2-04:15, 28, 29, 30, 35, 51, 63, 65
Agency:
Department of Transportation, Harbors Division
79 South Nimitz Highway
Honolulu, Hawaii 96813
Attention: Isidro Baquilar (587-1960)
Deadline: May 8, 1993

The State of Hawaii, Department of Transportation, Harb Division is proposing to reconstruct existing Pier 1 at Nawili Harbor (approximately 500 feet long by 60 feet wide). reconstruction of Pier 1 involves demolition work and drive precast prestressed piles, constructing reinforced concrete caps, concrete deck and miscellaneous site work. The project includes construction of approximately 5 acres of paved container yard complete with drainage system, area lighting and protection and additional restrooms with showers for men/women at Pier 2.

MAUI

FLOOD-REVOCABLE PERMIT TO LANDSCAPE AND MAINTAIN GOVERNMENT BEACH RESERVE

District: Wailuku
TMK: 3-9-07:por. 05
Agency:
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813
Attention: Steve Lau (587-0439)
Applicant:
Marilee and David Jay Flood
3491 Kehala Drive
Kihei, Hawaii 96753
Attention: Bruce Kelman (874-8813)
Deadline: May 23, 1993

The applicants propose to landscape and maintain 18,000 square feet of Government Beach Reserve adjacent to a private residential lot. The subject parcel is adjacent to Lot J of Waiohuli-Keo Beach Lots, Kihei, Maui.

The said parcel will remain accessible to the public and include the following improvements:

1. Installation of low voltage landscape lights under the clusters of coconut trees;
2. Installation of pop-up sprinkler system;
3. Removal of existing tree stumps; and
4. Planting of grass within the mauka 200 feet of said parcel. The makai 100 feet of area to remain the same with indigenous vegetation.

HAIKU WELL PUMP STATION

District: Makawao
TMK: 2-7-33:001
Agency:
Board of Water Supply
c/o Department of Water Supply
P. O. Box 1109
Wailuku, Hawaii 96793-7109
Attention: David Craddick (243-7816)
Consultant:
Fukunaga and Associates, Inc.
1388 Kapiolani Boulevard, 2nd Floor
Honolulu, Hawaii 96814
Attention: Royce Fukunaga (944-1821)
Deadline: May 8, 1003

The Department of Water Supply, County of Maui, proposes to install a 350 gallon per minute (gpm) pump in Haiku Well (Well No. 5419-01) for municipal use. The proposed withdrawal from the well will be up to 500,000 gallons per day (gpd).

The Haiku Well was drilled in 1979 by the State Department of Land and Natural Resources Division of Water and Land Development. The well was successfully tested in May and June, 1979. After 78 hours of continuous pumping at 500 gpm, the well was determined to have a drawdown of about one foot and the chlorides rose from 43 mg/l to 98 mg/l. The well is located near the border of the Paie Aquifer System and Haiku Aquifer System in the Koolau Sector of the island of Maui.

KULA HOSPITAL - ELDERLY HOUSING PROJECT

District: Makawao
TMK: 2-2-4:por. 34 and 2-2-4:76
Agency:
Department of Accounting and General Services
1151 Punchbowl Street, Room 430
Honolulu, Hawaii 96813
Attention: Allen Yamanoha (586-0483)
Consultant:
Mitsunaga and Associates, Inc.
747 Amana Street, Room 216
Honolulu, Hawaii 96814
Attention: Ron Maeda (946-7882)
Deadline: May 8, 1993

The proposed project is to develop affordable housing for the elderly in Keokea Town in the Kula area in the Makawao District on the island of Maui. The need for the new facilities has been well-documented in the Kula Hospital Elderly Housing Feasibility Study Final Report of 1988 which was unanimously approved by the Kula

Hospital Elderly Housing Advisory Committee, and accepted by the Department of Health. The Legislature subsequently approved funds for the design phase of the project. Need for the facilities is also documented in the Kula Hospital Elderly Housing Project Planning Development (PDR) of February 1993, which was approved and accepted by the Kula Hospital Elderly Housing Project Planning Task Force. The general area is known as "Upcountry" because of its elevation and rural atmosphere. The project will consist of approximately 100 housing units and amenities.

The site of the proposed project is adjacent to Kula Hospital. The housing units will be constructed on land, both owned by the State of Hawaii. The housing portion will consist of approximately 13 acres.

The conceptual design features are presented in the Kula PDR. It has been determined that the project will be one-story in nature and "barrier free" to enable the elderly residents to live as independently as possible. The housing units will be designed to blend as much as possible with the rural atmosphere of the Kula area.

MAKAWAO ELDERLY INDEPENDENT LIVING COMMUNITY

District: Makawao
TMK: 2-4-24:3
Agency:
County of Maui, Department of Housing and Human Concerns
200 South High Street
Wailuku, Hawaii 96793
Attention: Stephanie Aveiro (243-7805)
Applicant:
Hale Mahaolu, Inc.
200 Hina Avenue
Kahului, Hawaii 96732
Attention: Roy Katsuda (877-6242)
Consultant:
Michael T. Munekiyo Consulting, Inc. (244-2015)
1823 Wells Street, Suite 3
Wailuku, Hawaii 96793
Deadline: May 23, 1993

Hale Mahaolu, Inc., a non-profit housing corporation, proposes to construct the Makawao Elderly Independent Living Community, an elderly affordable housing project in Makawao, Maui, Hawaii. The 50,006 square foot property is located adjacent to the Makawao Post Office and the Makawao Business Center. A total of 40 one-bedroom units are proposed on the site. Two buildings are proposed with 20 units within each building. Each building is staggered in height, being one, two and three stories in height. A central laundry, manager's office and recreation room are also being provided for the project's residents.

The landowner is the County of Maui. The County intends to lease the land to Hale Mahoku, Inc. A \$1.5 million grant has also been given to the project by the County of Maui. Federal funds for construction of the project are being sought, possibly Federal HOME funds under Title II of the National Affordable Housing Act of 1990. Federal Section 8 operating subsidies are intended to be used in order to lower tenant rental payments. Qualified tenants would pay 30 percent of their adjusted gross income for their monthly rental and utility payment.

RECEIVED
DIVISION OF
LAND MANAGEMENT

NOV 1 1993

Philip Ohta
Land agent

NOV 1 2 41 PM '93

Subject - Flood-Kihei
LEASE

State of Hawaii
Department of Land and Natural Resources
Division of Land Management
54 South High Street 1st Floor
Honolulu Hawaii 96793

Dear Mr Ohta

Enclosed are copies of our response to letters received from the April 23 OERC publications on the subject of the revocable permit for landscaping and maintenance of Government Beach Reserve property situated at Tax Map Key 3-9-07 portion of Waikuli - Keolu Beach Homesteads Waikuli - Keolu Kihei Maui also enclosed are copies of the letters received from Robert Macdonald that were written in response to the April 23 OERC publications.

I have also enclosed a copy of the Environmental Assessment submitted or previously submitted in addition copies of additional correspondence related to this continuing process

It is our understanding that this is all that is required for the second round of OEPIC publication and for submit to the Land Board for action on a least entire subject property for the purpose of continuing maintenance

Sincerely

Drum Jay Flood

Maile A. Flood

760 So. Kilauea Road #119

Kilauea, Maui, Hawaii 96753

ADDENDUM

JOHN WAIHEE
GOVERNOR



BRIAN J. J. CHOY
Director

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
220 SOUTH KING STREET
FOURTH FLOOR
HONOLULU, HAWAII 96813
TELEPHONE (808) 588-4186

April 13, 1993

RECEIVED

APR 20 1993

DATE

Mr. Keith W. Ahue, Chairperson
Board of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Attention: Steve Lau, Land Management Division

Dear Mr. Ahue:

Subject: Draft Environmental Assessment for Marilee and David Jay
Flood Application for a Revocable Permit to Landscape and
Maintain a Government Beach Reserve at Kihei, Maui

Thank you for the opportunity to review and comment on the subject
document. We have the following comments:

- 1) Please describe in detail how people would know that the subject parcel is state-owned land and fully accessible to the public. The proposed landscaping of public land which is contiguous to the applicants' privately-owned land would infer that the public land is an integral part of their residence.
- 2) Please include the following information in the draft environmental assessment:
 - a) All the supplemental materials mentioned on page four of the document;
 - b) A summary of the major impacts; and
 - c) Findings and reasons supporting the determination.

Mr. Keith W. Ahue
April 13, 1993
Page 2

If you have any questions, please call Jeyan Thirugnanam at
586-4185.

Sincerely,

Brian J. J. Choy

Brian J. J. Choy
Director

c: Bruce Kelman

DAVID JAY FLOOD
ARCHITECT

1408 Third Street Promenade • Third Floor • Santa Monica, California 90401-2380 • Telephone: 310 451-1384 • Fax: 310 394 7711

June 8, 1993

Mr. Keith W. Ahue, Chairperson
State of Hawaii
Board of Land and Natural Resources
P. O. Box 621
Honolulu, HI 96809

Re: Application for a Revocable Permit to Landscape and
Maintain a Government Beach Reserve at Kihei, Maui
TMK:3-9-7: PORTION 5

Dear Mr. Ahue:

We are in receipt of copies of two letters that you sent us, written in response to our application for a landscape permit for the State property adjacent to our lot TMK 391, Portion 5 located in Kihei, Maui.

We will respond in general to both letters, and more specifically to those items which need to be addressed separately.

GENERAL RESPONSE

We would like to restate that we are trying to improve an existing condition that is of no use to anyone and is, in its present condition, dangerous and subject to some liability to the State due to the present fire hazard condition which is caused by the extensive undergrowth (which, by the way, we have been required to remove by the County on our lot adjacent to the property under penalty).

In addition, there are eight palm trees on the property whose unharvested coconuts have a tendency to disengage, creating an unsafe condition for anyone who might be caught under the falling coconuts. We would assume any of the liability for this if allowed to maintain the subject property.

Continued...

Letter - Mr. Keith W. Ahue
June 8, 1993

Page 2

SPECIFIC RESPONSES

Letter #1 - Roberts:

We question whether this response was sent within the required time-frame. However, regarding the concerns expressed in the letter, the plan as submitted would not interfere with any local people strolling on the beach, or casting lines or fishing nets. In fact, we are not disturbing the natural condition of the beach or adjacent dunes and vegetation within 150 ± of the surf line.

The proposed lighting system was suggested to make the portion of property usable at night, and will in no way interfere with the public access - the adjacent property owners do light the public lands, including the public park on the lot to the north 100 ± feet from our property.

We also noted at the bottom of the Robert's letter that we were copied - we never received said copy.

Letter #2 - Choy:

We are somewhat confused by the Choy letter as his response indicates that he did not review the plan attachments that clearly show that the proposed plan does not interfere with the natural beach dune ecology.

Our request for removal of stumps on the State Lands are not of an indigenous nature, they were mesquite trees. We would leave the natural grasses on the dunes within 150 ± feet of the tide line and plant and maintain grasses similar to what is planted on the neighbor's property only east of the dune line.

To answer Mr. Choy about the overgrown and unsafe condition - I would like to refer him to the request by the County of Maui that private lot owners maintain their lands free of undergrowth to protect the public from unsafe fire conditions and rodent infestation. We assume that the State should be concerned about such hazards.

Mr. Choy's guess is incorrect about the vegetation blocking our view - the house is located high above the State terrain to view above the grasses and existing dunes. Again, we are not changing the terrain and we are leaving the dunes in tack and not disturbing the natural terrain.

Continued...

Letter - Mr. Keith W. Ahue
June 8, 1993

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Letter #2 - Choy (Continued):

The plan, as submitted, will not inhibit nature's process regarding any potential beach erosion. Any grasses that would be planted would be behind the dune line and 150' from the beach. The grasses would be similar to that used by the other neighbors in the Kihei area, which seemed to have survived in similar conditions since the 1950's.

As Chairman of the Board of the Yosemite National Institutes for over 10 years (a 20-year old non-profit environmental education organization teaching over 28,000 participants a year at campuses located in National Parks), I resent the inference by Mr. Choy that this plan, as submitted, would initiate the loss of a beach because of our or your ignorance. The plan, as submitted, is meant to enhance public access and safety, while removing an unsafe and unhealthy condition from the State's responsibility, while maintaining the beach in its natural state for all to use.

Sincerely,



David Jay Flood, FAIA

DJF/jeb

cc: Philip Ohta - Land Management Div.
Bruce Kelman - Architect

DAVID JAY FLOOD
ARCHITECT

FILE

1408 Third Street Promenade • Third Floor • Santa Monica, California 90401-2380 • Telephone: 310 451 1184 • Fax: 310 394 7117

May 10, 1993

Brian J.J. Choy, Director
State of Hawaii
Office of Environmental Quality Control
220 South King Street - Fourth Floor
Honolulu, HW 96813

Re: Application for a Revocable Permit to Landscape and
Maintain a Government Beach Reserve at Kihei, Maui
TMK:3-9-7:PORTION 5

Dear Mr. Choy:

Thank you for your comments regarding the subject property.

BACKGROUND

The vacant property is located in a subdivision that was recorded in approximately 1952 - all the adjacent properties are located in a similar fashion to the ocean, with State beaches in front. All the State properties are landscaped in some fashion by the adjacent property owners.

The Floods wish to be given the same opportunity to maintain the State lands in front of their property, subject to the same conditions, e.g., public access and use as all the adjacent property owners along the Kihei shoreline.

In respond to Item 1 of your letter, we have the following comments:

- The clearing of the trash and rubbish presently located on the State lands in front of the Flood's property and the continuous maintenance of the subject property will improve access and health and safety issues related to the use of the property.
- The public would have no particular reason to use the State property in its present overgrown and unsafe condition. The Floods, by improving the property, e.g., cleaning rubbish and planting grass, but leaving the beach portion in a natural state, will not only improve the view from their property to the ocean, but provide the public the same rights of passage and use as their adjacent neighbors all along the Kihei shoreline.

Continued...

Letter - Brian J.J. Choy
May 10, 1993

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In response to Item 2 of your letter:

- A. Enclosed please find site survey map, proposed landscape plan (both on 11x17 paper) and photographs of existing site conditions.

We did send 10 copies of site survey map and proposed landscape plan to DLNR Maui office when we submitted our application package on January 14th. Please contact Mr. Philip Ohta of DLNR at (808)243-5352 for extra copies.

- B. We are in the process of building a single-family residence which has been designed in such a way that we can keep two existing monkey pod trees in our private lot. Our principle is to approach either architecture or site improvements in a thoughtful manner without sacrificing the natural character of the Maui coast line.

The appropriate landscape improvement and maintenance as proposed in our submittal package is in line with this principle. We will also reduce the risk of fire hazard and rodent infestation, if we are allowed to properly maintain the State land, and to clean up the debris at its present unattended condition. We feel the impact of our proposal to the overall environment in this case will be a positive one.

- C. We would appreciate that governing agencies weighing all relevant factors in making a determination which will be mutually beneficial to private property owners, the general public, and state government.

Sincerely,



David Jay Flood

DJF/jeb

cc: Mr. Steve Lau, Land Management Division, DLNR, Honolulu
Mr. Philip Ohta, DLNR, Maui
Mr. Bruce Kelman, Architect