

REF:PB:MA



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

RECEIVED

'02 SEP 26 P3:44

File No: CDUA MO-3088D

SEP 26 2002

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

MEMORANDUM

TO: Genevieve Salmonson, Director
DOH Office of Environmental Quality Control

FROM: Dierdre S. Mamiya, Administrator *Dierdre Mamiya*
DLNR Land Division

SUBJECT: Final Environmental Assessment by Architectural Drafting Service for Dune
Planting at parcel TMK (2) 5-1-06:156 at Kaluakoi, Molokai.

The Department of Land and Natural Resources has received the Final Environmental Assessment associated with Conservation District Use Application MO-3088D. The Department of Land and Natural Resources has reviewed this document and has come to a finding of No Significant Impact (FONSI) determination. Please publish notice for this Final Environmental Assessment in the October 8, 2002 issue of The Environmental Notice. Attached to this memo are four copies Final Environmental Assessment.

Should you have any questions, please contact Traver Carroll of our planning staff at 587-0439.

FINAL

OCT 8 2002

2002-10-08-MO-FEA-Molokai

FILE COPY

State of Hawaii
Department of Land & Natural Resources
Conservation District Use Application

Shoreline/Dune Planting Plan

TMK: 2-5-1-06: portion 156
Kaluakoi, Molokai, Hawaii

Applicant:
Mr. & Mrs. Lyle Dunham
P.O. Box 98
Maunaloa, HI 96770

State of Hawaii
Conservation District Use Application

INDEX

1. DLNR MASTER APPLICATION FORM
2. LANDOWNERSHIP DOCUMENTATION
3. LETTER OF AUTHORIZATION
4. FIGURES AND ATTACHMENTS

DLNR Master
Application Form

DEPARTMENT OF LAND AND NATURAL
RESOURCES

Reviewed by

EIS Required

P.O. BOX 621

Date

PH Required

HONOLULU, HAWAII 96809

Accepted by

Board Approved

Date

Disapproved

CONSERVATION DISTRICT USE
APPLICATION FORM

Docket/Fine

No.

(Print or Type)

SUMMARY PAGE

180 Day Exp.

I. LANDOWNER

(If State land, to be filled by State of
Hawaii or government entity with management
control over parcel.

Name **Kukui (Molokai) Inc.**

Address: **P.O. Box 26
Maunaloa, Hawaii 96770**

Telephone No. _____

SIGNATURE **Please see attached letter
of Authorization**

DATE _____

NOTE: Signature of an authorized representative
of DLNR under this section is not to be
construed as an approval or as an application
which shall be submitted separately with the
appropriate fee. Also, for private lands with
multiple owners, the application shall be signed
by landowners whose property interests
constitute or exceed 85% of the fee ownership of
the parcel(s).

II. APPLICANT

Name **Mr. & Mrs. Lyle Dunham**

Address **P.O. Box 98**

Maunaloa, Hi 96770

Contact **See "Agent" below**

Telephone No. _____

Interest in Property _____

(Indicate interest in property: submit written
evidence of this interest.)

*SIGNATURE _____

DATE _____

*If for a Corporation, Partnership, Agency or
Organization, must be signed by an authorized
officer.

AGENT

Name **Luigi Manera**

Address **P.O. Box 1718**

Kaunakakai, Hi 96748

Telephone No. **(808) 553-3952**

-3-

CONSERVATION DISTRICT USE
APPLICATION (Rev.12/94)

III. TYPE OF PERMIT

IV. LAND PARCEL LOCATION

<input type="checkbox"/> (1) Department permit (see section 13-5-33)	Island	Molokai
<input type="checkbox"/> (2) Board permit (see section 13-5-34)		
<input type="checkbox"/> (3) Emergency permit (see section 13-5-35)	County	Maui
<input type="checkbox"/> (4) Temporary variance (see section 13-5-36)		
<input type="checkbox"/> (5) Nonconforming uses (see section 13-5-37) Kaluakoi	District	
<input type="checkbox"/> (6) Site plan approval (see section 13-5-38); or		
<input type="checkbox"/> (7) Management plan (see section 13-5-39) (portion)	Tax Map Key (2) 5-1-06:156	
	Area Parcel	2.64 Acres
	Term (if lease)	N/A

V. SUMMARY OF PROPOSED IDENTIFIED LAND USE: (Cite applicable section of Title 13-5, HAR. Attach additional sheet(s) as needed.

The applicant is requesting a Conservation District Use Application (CDUA), pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR) "Conservation District," in order to incorporate a Shoreline/Dune Planting Plan for approximately 2.64 acres of land that is situated within the State Conservation District located in Kaluakoi, Molokai, Hawaii (TMK: 5-1-06: portion 156). Briefly, the proposed plan will include the removal of existing kiawe trees and other exotic plants and the replanting and restoration of the shoreline area with native Hawaiian plants. The proposed Shoreline/Dune Planting and Restoration Plan is associated with the proposed construction of a single-story residential dwelling on the adjacent mauka parcel which is situated in the Agricultural District.

VI. ENVIRONMENTAL REQUIREMENTS

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. The Environmental assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;

- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Finding and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIC, if applicable.

Following the end of a 30-day review period for the Draft Environmental Assessment, any comments received along with their responses must be incorporated into the Final Environmental Assessment. If appropriate, the text, figures, tables, maps, and other ancillary parts of the Environmental Assessment should be revised.

The twenty copies of a Draft Environmental Assessment (EA) which meets the requirements of Chapter 343, HRS, are transmitted herewith.

VII. DESCRIPTION OF PARCEL

- A. Existing structures/Use.(Attach description or map) and one set of original photographs. Also, if applicable, include any previously obtained Federal, State and/or County permit approvals.

Property Location:

The Subject Property is located immediately adjacent to and mauka of Papohaku Beach, within the Papohaku Ranchlands Subdivision shoreline conservation easement area, on the west side of Molokai, Hawaii. The Subject Property measures approximately 2.64 acres and is identified as Tax Map Key 5-1-06: portion of 156 (also referred to as Easement 214 on Map 23 filed in the Land Court with Land Court Application No. 1683 of Molokai Ranch, Limited), hereinafter referred to as the "Subject Property" or "Easement 214". See Figure Nos. 1 & 2

Background Information:

As part of the Papohaku Ranchlands Subdivision, a 126.173 acre shoreline conservation easement area was created, identified as Tax Map Key 5-1-06:156 (Lot 403 on Map 19 of Land Court Application No. 1683), hereinafter referred to as "Lot 403". Lot 403 separated the adjacent agricultural lots from Papohaku Beach. There are 56 agricultural lots which are adjacent to Lot 403 and which possess 1/56th ownership interest in Lot 403 as well as an exclusive easement to use that portion of Lot 403 which is immediately adjacent to the respective agricultural lot. Each of the agricultural lots 1/56 ownership exclusive easements with regards to use, occupancy and possession.

In January 1998 Mr. & Mrs. Lyle Dunham (applicant) purchase a 5.952 acre agricultural lot in the Papohaku Ranchlands Subdivision identified as Tax Map Key 5-1-06:64 (Lot 390 on Map 19 of Land Court Application No. 1683),

hereinafter referred to as "Lot 390". As part of this land purchase agreement, the applicant was granted the exclusive use of Easement 214 (Subject Property), a 2.64 acre portion of Lot 403. In summary, as owner of lot 390, the Dunhams retain the exclusive right to use, occupy and possess the area identified as Easement 214 the Subject Property, provided that such use is in conformity with the rules of the Conservation District.

Description of Property:

As noted earlier, the Subject Property measures 2.64 acres and is a portion of Lot 403 a 126.173 acre shoreline conservation area, a portion of which abuts Papohaku Beach Park. The Subject property is currently vacant and undeveloped. The majority of the existing vegetation for the project site consists of various exotic weeds, grass, shrubs, and kiawe trees. However, along the western edge of the property, the vegetation also includes a few native plants, including 'aki'aki grass and Pohinahina. See Figure Nos. 3,4,5 & 6. The western edge of the Subject property is located near the high point of the dune formation, the Subject property gently slopes down towards the eastern edge of the property, the land begins to slope upward in a mauka direction.

- B. Existing Utilities (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewage).

As part of the Papohaku Ranchlands Subdivision, the developer provided necessary infrastructure services to support the establishment of single family dwellings on the lots. These improvements included roadways, water, and underground electric and phone lines. The proposed request is not anticipated to have a significant impact upon population levels. Therefore, approval of the proposed request is not anticipated to have a significant impact upon the region's infrastructure systems.

- C. Existing Access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership)

Current access to the property is provided via Kaluakoi Road, the primary roadway serving the Papohaku Ranchlands Subdivision. The roadway varies in width from 48 to 80'. The roadways within the subdivision are operated and maintained by Kukui, Inc. The roadways will eventually be dedicated to the State or County of Maui.

- D. Vegetation. (Describe or provide map showing location and types of vegetation. Indication if rare or endangered native plants and/or animals are present)

The Subject property is situated adjacent to the shoreline of West Molokai. Natural environmental features, such as plant and animal life, therefore, are reflective of this coastal setting. As noted earlier, the majority of the existing vegetation for the project site consists of various exotic weeds, grass, shrubs, and

kiawe trees. However, along the western edge of the property, the vegetation also includes a few native plants, including 'aki'aki grass and pohinahina. There are no rare endangered or threatened species of plants at the site.

Except for the few native plants, including 'aki'aki grass and pohinahina, the existing kiawe trees and other species of exotic plants and shrubs found on the Subject Property, as well as the bordering properties, are not historically associated with Hawaiian shoreline/dune systems.

- E. Topography ; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases).

As noted earlier, the western edge of the Subject Property is located near the high point of the dune formation at approximately 30 feet above M.S.L. From the high point of the dune formation, the Subject Property gently slopes down towards the eastern edge of the property to approximately 17 feet above M.S.L. Beyond the eastern edge of the property, the land begins to slope upward in a mauka direction.

- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).

The subject property is immediately adjacent to Papohaku Beach. This shoreline represents one of the widest and longest sandy beaches in the State. It should be noted that at certain times the undertow and wave conditions make swimming and boating at Papohaku Beach hazardous.

- G. Existing covenants, easements, restriction. (If State lands, indicate present encumbrances).

As noted earlier in Section A: Background Information, a 126.173 acre shoreline conservation easement area was created as part of the Papohaku Ranchlands Subdivision, identified as Tax Map Key 5-1-06:156 (Lot 403 on Map 19 of Land Court Application No. 1683), hereinafter referred to as "Lot 403". Lot 403 separates the adjacent agricultural lots from Papohaku Beach. There are 56 agricultural lots which are adjacent to Lot 403 and which possess 1/56th ownership interest in Lot 403 as well as an exclusive easement to use that portion of Lot 403 which is immediately adjacent to the respective agricultural lot. Each of the agricultural lots' 1/56 ownership interest in Lot 403 is exclusively limited to the areas identified in the respective exclusive easements with regards to use, occupancy and possession.

In January 1998, Mr. & Mrs. Lyle Dunham (applicant) purchased a 5.952 acre agricultural lot in the Papohaku Ranchlands Subdivision identified as Tax Map Key 5-1-06:64 (Lot 390 on map 19 of Land Court Application No. 1683), hereinafter referred to as "Lot 390". As part of this land purchase agreement, the

applicant was granted the exclusive use of Easement 214 (Subject Property), a 2.64 acre portion of Lot 403. In summary, as owner of lot 390, the Dunhams retain the exclusive right to use, occupy and possess the area identified as Easement 214, the Subject Property, provided that such use is in conformity with the rules of the Conservation District.

H. Historic sites affected. (If applicable, attach map and descriptions).

On February 20, 2001 a pedestrian walk-over of the proposed project site, did not reveal any surface archaeological features or cultural deposits.

The proposed project will only include surface alterations. If any archaeological or historical features are discovered during the plant and tree removal phase or the replanting phase, the applicant will contact the State Department of Land and Natural Resources Historic Preservation Division.

VIII. **Commencement Date:** Beginning of 2002

Completion Date: Ending of 2002

IX. **Cite and Describe in Detail the Proposed Identified Land Use:** (Refer to Title 13-5. HAR Attach additional sheets as needed).

Proposed Use and Project Rationale:

The applicant is proposing a beach/dune planting plan for the Subject Property (Easement 214) which will include the removal of the existing exotic species of plants, including kiawe trees, grass, weeds, and shrubs, and replanting the property with native Hawaiian species of trees and plants. See Figure No. 7. The objectives of the proposed project are to foster beach and dune restoration and to preserve the open space and natural setting of the shoreline.

The proposed project is considered "landscaping, defined as alteration of plant cover, including trees, in an area of more than ten thousand square feet" pursuant to S13-5-24 (R-5 Landscaping) and is listed as an identified land use within the "General" subzone subject to approval of a Department Permit.

The Project rationale is based on the following positive benefits that native coastal plants provide to Hawaii's beach/dune ecosystems:

- Coastal plants help to stabilize sand dunes. The thick root system of native plants slows coastal erosion during high wave events and helps trap wave and wind deposited sand during post-event recovery. (Beach Management Plan for Maui, December 1997).
- Pristine coastal dunes are composed of clean sand and erosion does not release silt to the near-shore area.

- Healthy dune systems protect water quality by buffering the effects of non-point sources of pollution.
- Use of plants which are adapted to Hawaii's beach/dune ecosystems does not require the importation of top soil nor the heavy use of irrigation or fertilizers.

The existing kiawe trees and other species of exotic plants and shrubs found on the Subject Property, as well as the bordering properties, are not historically associated with hawaiian shoreline/dune systems. This can be evidenced at nearby Mo'omomi sand dune formation located along Molokai's northwest shore. These exotic plants are primarily invasive species that have been introduced to Hawaii since 1778 and are typically found anywhere from sea level up to elevations of 1000 feet, and, therefore, are not considered unique to sand dune formations.

The removal of the existing non-native plants and trees will be done manually. Existing grades will not be altered. The proposed planting plan is designed to resemble native plant habitats. Patches of species will be placed close together in order to provide a "tapestry effect". See **Figure No. 7**. In order to select specific native species of groundcovers, hedges, and trees that are appropriately adapted for this project, the applicant retained the services of a Horticultural Consultant to prepare a recommendation report. See Appendix - A. The report recommended the following native species of plants due to their tolerance for wind and salt spray and their natural occurrence at the site and at other West Molokai sand dune ecosystems:

Trees:

- *Cocos nucifera* (Polynesian Introduced)
Niu, Coconut Palm
- *Thespesia populnea* (Polynesian Introduced)
Milo, Portia tree

Shrubs:

- *Scaevola sericea* (Indigenous)
Naupaka Kahakai

Groundcovers:

- Hinahina Ku kahakai
- *Ipomoea pes-caprae* (Indigenous)
Pohuehue, Beach Morning Glory
- *Jacquemontia ovalifolia* subsp *sandwicensis* (Endemic)
Pa'u ohi'iaka
- *Lipochaeta integrifolia* (Endemic)
Nehe
- *Lycium sandwicense* (Indigenous)
'Ohelo Kai
- *Sesuvium portulacastrum* (Indigenous)
'Akulikuli, Sea Purslane

- Sidu fallox (Indigenous)
‘Ilima Papa
- Sporobolus virginicus (Indigenous)
‘Aki’aki
- Vitex rotundifolia (Indigenous)
Pohinahina, Beach Vitex

A temporary irrigation system will be installed for the first year after planting in order to insure that the plants root system have sufficient time to become established.

X. Area of Proposed Use:

(Indicate in acres or sq. ft.)

XI. Name and Distance of nearest Town or Landmark:

Kaluakoi Resort Hotel, approximately 1 ½ mile north.

XII. Land Use Commission Boundary Interpretation: (If the area is within fifty feet of the boundary of the Conservation District, include map showing interpretation of the Boundary by the State Land Use Commission).

“CONSERVATION”

XIII. Subzone Boundary Determination: Prior to the department receiving for processing and application for a permit, if the applicant’s proposed land use lies with fifty feet of a subzone boundary, the applicant shall first notify the department of the intended use and seek a determination of the precise boundary of the subzone with respect to the parcel in question. (Refer to Section 13-5-17, HAR).

“GENERAL”

XIV. Fees. Each application shall be accompanied by such filing fees as specified in Chapter 13-5,

HAR. All fees shall be in the form of cash, certified or cashier’s check, and payable to the State of Hawaii.

A \$50.00 check is enclosed for the application filing fee for Board permits pursuant to Section 13-5-34, HAR.

XV. Plans. All applications shall contain associated plans such as a location map, site plan, floor plan, elevations and landscaping plans drawn to scale. Additionally, all plans should include a north arrow and graphic scale.

A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.

See Figure Nos. 1-5

- B. **Site Plan:** Site Plan (maps) should include, but not be limited to , dimensions and shape of lot, metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities. (For Site Plan Approvals, see Section 13-5-38, HAR)

See Figure Nos. 1-5

- C. **Construction Plan:**Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans): open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking are; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling dredging or soil disposal.

Not Applicable

- D. **Maintenance Plans:** For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.

Not Applicable

- E. **Management Plans:** If required, refer to Section 13-5-39 HAR, and Figure 3, entitled "Management Plan Requirements, dated September 6, 1994.

Not required.

- F. **Historic or Archaeological Site Plan:** Where there exists historic or archaeological site on the State or Federal Register, a plan must be submitted including a survey of the site(s);significant features; protection, salvage, or restoration plans.

Not applicable.

XVI. Demonstrate that the Proposed Use is Consistent with the following criteria:

1. The proposed land use is consistent with the purpose of the Conservation District;

The purpose of the Conservation District, pursuant to 13-5-1, HAR, is to regulate land use for the purpose of conserving, protecting, and preserving 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.

As demonstrated in this Draft Environmental Assessment, the proposed project has been designed in order to minimize potential adverse impacts to the area's natural resources and has incorporated appropriate management principles in order to promote long-term sustainability and health, safety and welfare. Except for the few native plants, including 'aki'aki and pohinahina, the existing kiawe trees and other species of exotic plants and shrubs found on the Subject Property, as well as the bordering properties, are not historically associated with Hawaiian shoreline/dune systems.

The proposed beach/dune planting plan is designed to be compatible with the surrounding environs and seeks to enhance and preserve native coastal plant species. The use of plants which are well adapted to this windy coastal environment will lessen the need for fertilizers and intensive irrigation. The project has also been designed to be compatible with the existing topography and will result in minimal alterations of terrain. Based on the foregoing, the proposed project is viewed as a beneficial and positive action in terms of the State's natural resources.

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 "General" Subzone, pursuant to Section 13-5-13 HAR, is to designate open space where specific conservation use may not be defined, but where urban use would be premature.

The applicant is proposing a beach/dune planting plan for the Subject Property (Easement 214) which will include the removal of the existing exotic species of plants, including kiawe trees, grass, weeds, and shrubs, and replanting the property with native Hawaiian species of trees and plants. The objectives of the proposed project are to foster beach and dune restoration and to preserve the open space and natural setting of the shoreline.

The proposed planting plan involves the re-establishment of native coastal plants in a naturalistic setting. The proposed action is supported by State and county policies which support preservation and enhancement of native coastal ecosystems.

Therefore, since the applicant's request proposes to maintain the open space setting of the area and does not propose any urban uses, it is consistent with the objective of the General Subzone.

3. **The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes (HRS), entitled "Coastal Zone Management, " where applicable;**

The project site is located within the Shoreline Area as determined by Chapter 4, Rules of the Molokai Planning Commission Relating to the Shoreline Area. Structures are prohibited in the Shoreline Area without a variance. However, pursuant to §12-4-11 (e) (1), of said rules, "landscape features or irrigation designed to stabilize and enhance the shoreline area" are considered "minor" structures or actions and do not require a variance, provided that such structures or actions would not affect beach processes, would not artificially fix the shoreline, and would not interfere with public access or public views to and along the shoreline. As such, the proposed action is a "minor" structure and does not require a Shoreline Setback Variance.

The project site also located within the Special Management Area (SMA) as determined by §205A-23, Hawaii Revised Statutes. Pursuant to §205A, Hawaii Revised Statutes, and the Rules and Regulations of the Molokai Planning Commission, projects located within the SMA are evaluated with respect to SMA objectives, policies, and guidelines. However, according to §205A-22 (8), "...the use of any land for the purposes of ...planting..." is not considered "development" and, therefore, does not require an SMA Use Permit.

Although the proposed action is exempt from the permitting requirements of the SMA & Shoreline Area, the action is consistent with the following SMA objectives and policies Pursuant to Chapter 205A, Hawaii Revised Statutes:

Recreational Resources

Objectives: Provide coastal recreational resources accessible to the public.

Policies:

Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:

- Protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas;
- Adopting water quality standards and regulating point and non-point sources of pollution to protect and, where feasible, restore the recreational value of coastal waters; and

Scenic and Open Space Resources

Objectives: Protect, preserve, and where desirable, restore or improve the quality of the coastal scenic and open space resources.

Policies:

- Insure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of the natural land forms and existing public views to and along the shoreline; and
- Preserve, maintain and, where desirable, improve and restore shoreline open space and scenic resources; and

Coastal Ecosystems

Objectives: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

- Preserve valuable coastal ecosystems of significant biological or economic importance;
- Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land water uses which violate state water quality standard.

Coastal Hazards

Objectives: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion and subsidence.

Policies:

- Control development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;
- Ensure that development comply with requirements of the Federal Flood Insurance Program.

Managing Development

Objectives: Improve the development review process, communication, and public participation in the management of coastal resources and hazard.

Policies:

- Effectively utilize and implement existing law to maximum extent possible in managing present and future coastal zone development; and
- Facilitate timely processing of the application for development permits and resolve overlapping of conflicting permit requirements.

Beach Protection

Objectives: Protect beaches for public use and recreation.

Policies:

- Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;
- Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
- Minimize the construction of public erosion-protection structures seaward of the shoreline.

Marine Resources

Objectives: Implement the State's ocean resource management plan.

Policies:

- Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources; and
- Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial.

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

The project site is adjacent to the shoreline and as such, care needs to be taken to ensure that no degradation of this resource takes place. Potential impacts to shoreline resources could occur during the tree removal phase and landscape replanting phase. Stormwater discharge during large construction projects can lead to increased sedimentation in coastal waters due to prolonged exposure of bare soil. The State Department of Health regulates storm water discharge from construction projects greater than five (5) acres through the National Pollution Discharge Elimination System Permit (NPDES) process. In the case of the proposed project, the entire property is only 1.43 acres in size and, thus, would not trigger the NPDES requirements. It is important to note that the site plan for the project was developed paying careful attention to existing topography. As a result, the project has been designed to be compatible with the existing topography and will result in minimal alterations of terrain. In addition the following measures will be implemented as a part of the soil erosion management plan during the site development phase:

- Leave natural vegetation undisturbed in areas not needed for immediate planting;
- Use of sprinklers to control dust; and
- Landscape exposed areas immediately after plant/tree removal work is finished.

The proposed plans will not include the an increase or addition of any impervious surfaces. Therefore, there should be no noticeable increase in onsite stormwater run-off peak volume as a result of project. The proposed landscape plan has also been developed with a concern for impacts to nearshore waters. The planting plan include native groundcovers and shrubs which naturally occur in similar ecological conditions. These plant types were chosen based on their suitability to the windy nearshore environments. As a result, once the plants are established there will be little need for irrigation or fertilizers. The proposed planting area will also serve to filter any stormwater run-off which makes its way from the property to the ocean.

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 of parcels;**

It is the intent of the applicant to establish a planting plan which is appropriate to the physical conditions and capabilities of the Subject Property. As such, the planting plan includes native trees, groundcovers, and shrubs which naturally occur in similar ecological conditions. These plant types were chosen based on their suitability to the windy nearshore environments. The applicant hopes to set a

precedent in their proposed use of the conservation area by restoring the dune ecosystem with native plants which are ecologically adapted to the area.

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

The applicant wishes to improve upon the natural resources of the subject property to the fullest extent possible by establishing a sensitive planting plan which is representative of dune ecosystems on west Molokai. As noted earlier, the applicant hopes to set a precedent in their proposed use of the conservation area by restoring the dune ecosystem with native plants which are ecologically adapted to the area. The considered an enhancement to the natural characteristics of the area. Through the uses of native species adapted to the area, the proposed project represents a long-term sustainable use of the property. The removal of the kiawe trees and the sensitive siting of native trees will enhance the scenic ocean views from the Subject Property. The proposed project is intended to preserve and enhance the natural character of the Subject Property by maintaining existing topographical features.

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

The proposed request does not involve the subdivision of land.

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

As demonstrated in this Draft Environmental Assessment, the proposed project will comply with all appropriate governmental requirements with regards to public environmental and health concerns during the tree and plant removal and landscape replanting phases. Appropriate mitigation measures which have been identified in this Draft Environmental Assessment, will be incorporated in order to minimize potential adverse effects upon the public's health, safety and welfare.

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL (X) PICKUP ():

Old Republic Title & Escrow of Hawaii
3465 Waiialae Avenue, Suite 390
Honolulu, Hawaii 96816
(Escrow No. 608388-QC)

2.Land ownership Documentation

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL (X) PICKUP ():

Old Republic Title & Escrow of Hawaii
3465 Waiālae Avenue, Suite 390
Honolulu, Hawaii 96816
(Escrow No. 608388-QC)

WARRANTY DEED

GRANTOR: **JOHN MICHAEL HAYES and ROBERTA GERALDINE HAYES,**
husband and wife

GRANTEE: **LYLE DEAN DUNHAM and CYNTHIA JEAN DUNHAM,** husband
and wife

Property Description.
Lot 390, Ld. Ct. App. 1683
Kaluakoi, Molokai, Hawaii

Transfer Certificate of Title No. 458,028

Tax Map Key No.: (2) 5-1-6:64

CORRECTION

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Old Republic Title & Escrow of Hawaii
3465 Waiialae Avenue, Suite 390
Honolulu, Hawaii 96816
(Escrow No. 608388-QC)

WARRANTY DEED

GRANTOR: **JOHN MICHAEL HAYES and ROBERTA GERALDINE HAYES,**
husband and wife

GRANTEE: **LYLE DEAN DUNHAM and CYNTHIA JEAN DUNHAM,** husband
and wife

Property Description.
Lot 390, Ld. Ct. App. 1683
Kaluakoi, Molokai, Hawaii

Transfer Certificate of Title No. 458,028

Tax Map Key No.: (2) 5-1-6:64

KNOW ALL MEN BY THESE PRESENTS:

That **JOHN MICHAEL HAYES** and **ROBERTA GERALDINE HAYES**, husband and wife, of Williamsburg, Virginia, hereinafter called the "Grantor", in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable consideration to them paid by **LYLE DEAN DUNHAM** and **CYNTHIA JEAN DUNHAM**, husband and wife, whose residence and mailing address is 22400 N. 97th Street, Scottsdale, Arizona 85255, hereinafter called the "Grantee", the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey the following property:

ALL of that certain property described in Exhibit "A" attached hereto and made a part hereof, subject, however, to the encumbrances, if any, mentioned in said Exhibit "A";

AND the reversions, remainders, rents, issues and profits thereof, together with all buildings, improvements, tenements, rights, easements, privileges and appurtenances to the same belonging or appertaining or held and enjoyed therewith, and all of the estate, right, title and interest of the Grantor both at law and in equity therein and thereto:

TO HAVE AND TO HOLD the same unto the Grantee, **AS TENANTS BY THE ENTIRETY**, their permitted assigns, and the survivor of the Grantee and his or her heirs, devisees, personal representatives and permitted assigns, forever, subject to the encumbrances, if any, mentioned in Exhibit "A".

AND the Grantor does hereby covenant with the Grantee that the Grantor has good right to grant and convey said land and premises unto the Grantee and that the same are free and clear of and from all encumbrances except the lien for real property taxes not yet by law required to be paid and as set forth on Exhibit "A", and that the Grantor will WARRANT

AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The terms "Grantor" and "Grantee" as and when used hereinabove or hereinbelow shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations or partnerships, and their and each of their respective successors-in-interest, heirs, personal representatives, executors, administrators and permitted assigns, according to the context thereof, and that if these presents shall be signed by two or more assignees, all covenants of such parties shall be and for all purposes deemed to be joint and several.

IN WITNESS WHEREOF, the parties have executed these presents this

26 day of January, 1998.

John Michael Hayes
JOHN MICHAEL HAYES

Roberta Geraldine Hayes
ROBERTA GERALDINE HAYES

"Grantor"

LYLE DEAN DUNHAM

CYNTHIA JEAN DUNHAM

"Grantee"

AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The terms "Grantor" and "Grantee" as and when used hereinabove or hereinbelow shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations or partnerships, and their and each of their respective successors-in-interest, heirs, personal representatives, executors, administrators and permitted assigns, according to the context thereof, and that if these presents shall be signed by two or more assignees, all covenants of such parties shall be and for all purposes deemed to be joint and several

IN WITNESS WHEREOF, the parties have executed these presents this

22 day of January, 1998.

JOHN MICHAEL HAYES

ROBERTA GERALDINE HAYES

[Handwritten Signature]
LYLE DEAN DUNHAM

"Grantor"

[Handwritten Signature]
CYNTHIA JEAN DUNHAM

"Grantee"

STATE OF VIRGINIA

COUNTY OF James City

)
) SS.
)

On this 26 day of January before me appeared JOHN

MICHAEL HAYES and ROBERTA GERALDINE HAYES, to me satisfactorily proven, who being by me duly sworn or affirmed, did say that such persons executed the foregoing instrument as the free act and deed of such persons, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

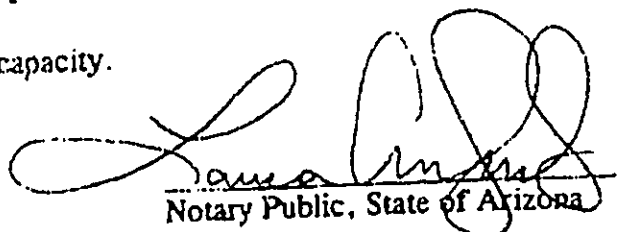
Ashley A. Powell
Notary Public, State of Virginia

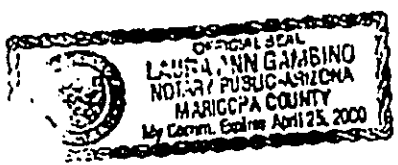
My commission expires: 11/30/00

DOCUMENT CAPTURED AS RECEIVED

STATE OF ARIZONA)
) SS
COUNTY OF Maricopa)

On this 22 day of January before me appeared LYLE DEAN DUNHAM and CYNTHIA JEAN DUNHAM to me satisfactorily proven, who being by me duly sworn or affirmed, did say that such persons executed the foregoing instrument as the free act and deed of such persons, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.


Notary Public, State of Arizona



My commission expires: April 25, 2000

3. Letter of Authorization

KUKUI (MOLOKAI), INC.

January 16, 1998

Mr. Director
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, HI 96813

RE: Letter of Consent and Authorization for Conservation District Use Application for a
Shoreline/Dune Planting Plan at Kaluakoi, Molokai, Hawaii
TMK: 5-1-06: 156 (portion)

Dear Mr. Director,

By this letter, Kukui (Molokai), Inc., one of the owners together with Mr & Mrs. Lyle Dunham and others of Lot 403 area 126.173 acres, as shown on Map 19 of Land Court Application No. 1683, does hereby consent to and authorize the filing by Mr. and Mrs. Lyle Dunham of a Conservation District Use Application covering the portion of Lot 403 located within the shoreline conservation area immediately adjacent to and mauka of Papohaku Beach and situated wholly within the portion of Lot 403 identified as Easement 214 on Map 23, filed in the Land Court of the State of Hawaii with Land Court Application No. 1683 (Tax Map Key No. 5-1-06:156). Mr. & Mrs. Lyle Dunham are the fee simple owners of Lot 390 area 5.952 acres, as shown on Map 19 of Land Court Application No 1683, together with an undivided 1/56th interest in and to Lot 403 and an exclusive right to use Easement 214 within said Lot 403 (which directly abuts Lot 390). This consent and authorization shall be further limited in that the Conservation District Use Application applied for by Mr. & Mrs. Lyle Dunham shall be for the purpose of establishing and maintaining a Shoreline/Dune Planting and Restoration Plant within the area of Lot 403 comprising of Easement 214.

Sincerely
KUKUI (MOLOKAI), INC.

Vice President

P.O. Box 26 Maunaloa, Molokai, Hawaii 96770/Telephone(808) 552-2818/Fax(808) 552-2488

ENVIRONMETNAL ASSESSMENT

SHORELINE/DUNE PLANTING PLAN

TMK: 2-5-1-06: portion 156
Kaluakoi, Molokai, Hawaii

PREFACE

This Draft Environmental Assessment is requesting a Conservation District Use Application (CDUA) pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR), "Conservation District", in order to incorporate a Shoreline/Dune Planting Plan for approximately 1.43 acres of land that is situated with the State "Conservation" District. This Draft Environmental Assessment has been prepared for the proposed project pursuant to Chapter 343, Hawaii Revised Statutes, Chapter 200 of Title 11, State Department of Health Administrative Rules (HAR). Further, this Draft EA evaluates the proposed project with respect to criteria established in Sub-Section 13-5-30(c), HAR, Conservation District Use Application.

TABLE OF CONTENTS

SECTION	PAGE
I. OVERVIEW OF PROPOSED REQUEST	1
II. PROPERTY LOCATION, DESCRIPTION, AND PROPOSED REQUEST	2
A. Property Location	2
B. Background	2
C. Description of Subject Property	3
D. Description of Proposed Request and Project Rationale	3
III. EXISTING ENVIRONMENTAL SETTINGS, POTENTIAL IMPACTS, AND MITIGATION MEASURES	5
A. PHYSICAL ENVIRONMENT	5
1. Surrounding Land Uses	5
3. Climate	5
4. Topography	7
5. Soils	7
6. Flood and Tsunami Hazard	8
8. Flora and Fauna	8
9. Air Quality	9
10. Noise Characteristics	9
11. Visual Resources	10

12. Archaeological/Historical Resources	10
B. SOCIO-ECONOMIC ENVIRONMENT	11
1. Population and Economy	11
C. PUBLIC SERVICES	11
D. INFRASTRUCTURE	11
1. Drainage	11
2. Other Infrastructure Systems	12
IV. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS	
A. STATE LAND USE DISTRICT	
1. Conservation District Use Application	13
B. MAUI COUNTY GENERAL PLAN	20
C. MOLOKAI COMMUNITY PLAN	21
V. FINDINGS AND CONCLUSIONS	22

REFERENCES

FIGURES

- Figure 1 – Regional Location Map.
- Figure 2 – Subject Property Location Map.
- Figure 3 – Photographs of Existing Site Conditions.
- Figure 4 – Photographs of Existing Shoreline Area Fronting Project Site.
- Figure 5 – Topographic Survey of Subject Property.
- Figure 6 – Rendering of Existing Vegetation on Site.
- Figure 7 – Proposed Shoreline/Dune Planting Plan.

APPENDICES

- Appendix A – Horticultural Consultant Recommendation Report.
- Appendix B – Comments and letters of response

OVERVIEW OF PROPOSED REQUEST

District: Kaluakoi, Molokai

Location: Kaluakoi, Molokai, Hawaii

Tax Map Key: (2) 5-1-06: 156 (portion)

Property Description: Portion of Lot 403 designated as Easement 2.14 on Map 23 filed in the Land Court with Land Court Application No. 1683 of Molokai Ranch, Limited.

Land Area: 2.64 acres

Land ownership: The subject Property is an Exclusive Access Easement in favor of Mr. & Mrs. Lyle Dunham.

- Lyle Dunham (1/56 interest or 1.78%)
- Kukui (Molokai), Inc. (1402/1512 interest or 92.72%)

Applicant:
Mr. & Mrs. Lyle Dunham

Planning Consultant: Makalapua Landscapes Inc.
P.O Box 161
Maunaloa, HI 96770-0161
License #C18464

Land Use Designations

State Land Use Commission: "Conservation"
Conservation Sub-Zone: "General"
Molokai Community Plan: "Agricultural"
County Zoning: "Interim"
Other: "Special Management Area"
"Shoreline Setback Area"

Summary Proposed Request:

The applicant is requesting a Conservation District Use Application (CDUA), pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR), "Conservation District", in order to incorporate a Shoreline/Dune Planting Plan for approximately 2.64 acres of land that is situated within the State Conservation District located in Kaluakoi, Molokai, Hawaii (TMK 5-1-06: portion 156). Briefly, the proposed plan will include the removal of existing kiawe tree and other exotic plants and the replanting and restoration of the shoreline area with native Hawaiian plants. The proposed Shoreline/Dune Planting and Restoration Plan is associated with the proposed construction of a single-story residential dwelling on the adjacent mauka parcel which is situated in the Agricultural District.

PROPERTY LOCATION, DESCRIPTION, AND PROPOSED REQUEST

A. Property Location

The Subject property is located immediately adjacent to and mauka of Papohaku Beach, within the Papohaku Ranchlands Subdivision shoreline conservation area, on the west side of Molokai, Hawaii. The Subject Property measures approximately 2.64 acres and is identified as Tax Map Key 5-1-06: portion of 156 (also referred to as Easement 214 on Map 23 filed in the Land Court with Land Court Application No. 1683 of Molokai Ranch, Limited), hereinafter referred to as the "Subject Property" or "Easement 214. See Figure Nos. 1 & 2.

B. Background

As part of the Papohaku Ranchlands Subdivision, a 126.173 acre shoreline conservation easement area was created, identified as Tax Map Key 5-1-06:156 (Lot 403 on Map 19 of Land Court Application No. 1683), hereinafter referred to as Lot 403". Lot "403" separates the adjacent agricultural lots from Papohaku Beach. There are 56 agricultural lots which are adjacent to Lot 403 as well as an exclusive easement to use that portion of Lot 403 which is immediately adjacent to the respective agricultural lot. Each of the agricultural lots' 1/56 ownership interest in Lot 403 is exclusively limited to the areas identified in the respective exclusive easements with regards to use, occupancy and possession.

In January 1998, Mr. & Mrs. Lyle Dunham (applicant) purchased a 5.952 acre agricultural lot in the Papohaku Ranchlands Subdivision identified as Tax Map Key 5-1-06: (Lot 390 on Map 19 of Land Court Application No. 1683), hereinafter referred to as "Lot 390". As part of this land purchase agreement, the applicant was granted the exclusive use of Easement 214 (Subject Property), a 2.64 acre portion of Lot 403. In summary, as owner of lot 390, the Dunham's retain the exclusive right to use, occupy and possess the area identified as Easement 214 the Subject Property, provided that such use is in conformity with the rules of the Conservation District.

C. Description of Subject Property

As noted earlier, the Subject Property measures 2.64 acres is a portion of Lot 403, a 126.173 acre shoreline conservation area, a portion of which abuts Papohaku Beach Park. The Subject Property is currently vacant and undeveloped. The majority of the existing vegetation for the project site consists of various exotic weeds, grass, shrubs, and kiawe trees. However, along the western edge of the property, the vegetation also includes a few native plants, including aki'aki grass and Pohinahina. See Figure Nos. 3, 4, 5 & 6. The western edge of the Subject Property is located near the high point of the dune formation at approximately 30 feet above M.S.L. From the high point of the dune formation, the Subject Property gently slopes down towards the eastern edge of the property with native Hawaiian species of trees and plants. See figure No. 7. The objectives of the proposed project are to foster beach and dune restoration and to preserve the open space and natural setting of the shoreline.

The proposed project is considered "landscaping, defined as alteration of plant cover, including trees, in an area of more than ten thousand square feet." Pursuant to §13-5-24 (R-5 Landscaping) and is listed as an identified land use within the "General subzone subjects to approval of a Department Permit.

The Project rationale is based on the following positive benefits that native coastal plants provide coastal plants provide to Hawaii's beach/dune ecosystems:

- Coastal plants help to stabilize sand dunes. The thick root system of native plants slows coastal erosion during high wave events and helps trap wave an wind deposited sand during post-even recovery. (Beach Management Plan for Maui, December 1997.)

- Healthy dune systems protect water quality by buffering the effects of non point sources of pollution.
- Use of plants which are adapted to Hawaii's beach/dune ecosystem does not require the importation of top soil nor the heavy use of irrigation or fertilizers.

The removal of the existing non-native plants and trees will be done by hand tools. Existing grades will not be altered. The proposed planting plan is designed to resemble native plant habitats. Patches of specials will be placed close together in order to provide a "tapestry effect". See Figure No. 7. In order to select specific native species if groundcovers, hedges, and trees that are appropriately adapted for this project, the applicant retained the services of a Horticultural Consultant to prepare a recommendation report. See Appendix A. The report recommended the following native species of plants due to their tolerance for wind and salt spray and their natural occurrence at the site and at other West Molokai sand and dune ecosystems:

Trees:

- *Cocos nucifera* (Polynesian Introduced)
Niu, Coconut palm
- *Thespesia populnea* (Polynesian Introduced)
Milo, Portia Tree

Shrubs:

- *Scaevola sericea* (Indigenous)
Naupaka Kahakai

Groundcovers:

- *Heloptropium anomalum var. argenteum* (Endemic)
Hinahina Ku kahakai
- *Ipomoea pes-caprae* (Indigenous)
Pohuehue, Beach Morning Glory
- *Jacquemontia ovalifolia subsp. sandwicensis* (Endemic)
Pa'u ohii'aka
- *Lipochaeta integrifolia* (Endemic)
Nehe
- *Lycium sandwicense* (Indigenous)
'Ohelo Kai
- *Sesuvium portulacastrum* (Indigenous)
'Akulikuli, Sea Purslane
- *Sida fallax* (Indigenous)
'Ilima Papa
- *Sporobolus virginicus* (Indigenous)
'Aki'aki
- *Vitex rotundifolia* (Indigenous)
Pohinahina, Beach Vitex

A temporary irrigation system will be installed for the first year after planting in order to insure that the plants root system have sufficient time to become established.

EXISTING ENVIRONMENTAL SETTINGS, POTENTIAL IMPACTS, AND MITIGATION MEASURES

A. PHYSICAL ENVIRONMENT

1. Surrounding Land Uses

As noted earlier, the Subject Property is located along the shoreline of Kaluakoi and is a portion of the Papohaku Ranchlands Subdivision shoreline conservation area. The subdivision, a single-family/agricultural subdivision consisting of approximately 293 lots totaling approximately 3,269 acres, is part of the larger master planned development of Kaluakoi Resort. The Kaluakoi Resort, which began in 1975, currently includes a hotel, two resort condominiums, an 18-hole golf course, tennis courts, a residential project, and two ranch lot projects.

Specific land use surrounding the applicant's property include the following (See Figure No. 2):

- North and South: Papohaku Ranchlands Subdivision shoreline conservation area and abutting agricultural lots. These parcels to the north and south are similar to the applicant's in size. They also retain exclusive easements over the portion of Lot 403 which abuts the respective properties. A few of the agricultural lots have been developed, while the remaining lots are vacant and undeveloped.
- East (mauka): Beyond the applicant's lot proposed for their residence is the Papohaku Ranchlands single-family/agricultural subdivision consisting of proximately 293 lots totaling approximately 3,269 acres.
- West (makai): Papohaku Beach.

As noted, properties to the North and South, are similar to the Dunham's in size and in the fact they possess exclusive easements to use portions of Lot 403. While the majority of these lots are currently vacant, it can be assumed that in the future they will be built out. Previous activities in the area have resulted in total clearing of the kiawe vegetation with little sensitivity towards establishing native plants. The Dunham's wish to set a precedent in their proposed use of the conservation area by restoring the dune ecosystem with the native plants which are ecologically adapted to the area. The proposed landscape planting plan will not negatively impact adjacent properties and is considered an enhancement to the natural characteristics of the area.

Therefore, it is anticipated that approval of the proposed request will not have a significant impact upon the surrounding land uses.

2. Climate

Kaluakoi climatic pattern is heavily influenced by the northeasterly tradewinds as is typical of the Hawaiian Islands. In the absence of the tradewinds, diurnal heating and cooling of the Island produce onshore sea breezes during the day and offshore land breezes at night. The average annual rainfall at the Subject Property is approximately 15 to 20 inches, with showers usually more frequent during the night and early morning. Average temperatures range from low in the mid 60's to high in the upper 80's.

The proposed beach/dune planting plan will not have an impact upon existing climatic conditions.

3. Topography

As noted earlier, the western edge of the Subject Property is located near the high point of the dune formation at approximately 30 feet above M.S.L. From the high point of the dune formation, the Subject Property gently slopes down towards the eastern edge of the property to approximately 17 feet above M.S.L. See Figure No. 6. Beyond the eastern edge of the property, the land begins to slope upward in a mauka direction.

The proposed project has been designed so as not to alter the existing topography. As noted above, the proposed beach planting and restoration plan is intended to help stabilize the existing sand dunes and the beach. Based on the foregoing, the approval of the proposed request will not have a negative impact upon the property's topography.

4. Soils

Underlying the property and surrounding lands are soils belonging to the Jaucas-Mala-Pulehu association. This association is comprised of deep, level and gently sloping soils that are excessively drained and well-drained soils, and have coarse-textured to fine-textured underlying material and are found on alluvial fans and in drainage ways.

The soil type specific to the proposed site is Jaucas sand, 0 to 15 percent slopes (JaC). JaC soils consist of excessively drained, calcareous soils that occur as narrow strips on coastal plains, adjacent to the ocean. The soil has developed in wind and water deposited sand from coral and seashells. Permeability is rapid, runoff is very slow to slow and the hazard of water erosion is no more than slight, however, wind erosion is a severe hazard where vegetation has been removed. (Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii, August 1972, prepared by the United States Department of Agricultural, Soil Conservation Service).

The existing non-native vegetation on the subject property is not adapted to sand dune ecosystems and tends to degrade the natural quality of the sand dunes. It is anticipated that the re-establishment of native coastal species of plants could improve the quality of the dune sand at the site.

5. Flood and Tsunami Hazard

The Subject Property lies in an area designated as "Zone V-30" by the Flood Insurance Rate Map for this region (Map No. 1500030025 B, June 1, 1981). "Zone V-30" has a base flood elevation of 26 to 28 feet above M.S.L.

The proposed planting plan does not involve the construction of any structures within the flood zone nor will it alter the existing topography or landforms. Therefore, the proposed project will have no impact upon the existing flood tsunami areas and it will not negatively impact adjacent or nearby properties.

6. Flora and Fauna

The Subject Property is situated adjacent to the shoreline of West Molokai. Natural environmental features, such as plant and animal life, therefore, are reflective of this coastal setting. As noted earlier, the majority of the existing vegetation for the project site consists of various exotic weeds, grass, shrubs, and kiawe trees. However, along the western edge of the property, the vegetation also includes a few native plants, including 'aki'aki grass and Pohinahina. There are no rare, endangered or threatened species of plants at the site.

Animal life in the property's vicinity similarly reflects the coastal setting. Avifauna typically found within the area include the common myna, several species of dove, cardinal, house finch, and house sparrow. Mammals common to this area include cats, dogs, rodents, and mongoose.

As explained earlier, except for the few native plants, including 'aki'aki grass and Pohinahina, the existing kiawe trees and other species of exotic plants and shrubs found on the Subject Property, as

well as the bordering properties, are not historically associated with Hawaiian shoreline/dune systems.

The applicant proposes the removal of these exotic plants and replanting with native Hawaiian coastal plants that are adaptive to arid, salt-laden winds. If given the opportunity, these native plants will help to restore and preserve the existing beach and sand dune formation. The use of native plants which are well adapted to this windy coastal environment will also lessen the need for top soil importation, fertilizers and intensive irrigation.

There are no known significant habitats of rare, endangered or threatened species of flora and fauna located within the property. The proposed landscape improvements are intended to re-establish coastal native Hawaiian plant species as well as enhance the area's natural setting. Therefore, the applicant's request will result in a positive impact upon the property's flora or fauna.

7. Air Quality

West Molokai's constant exposure to tradewinds creates a clean air environment. There are no point sources of airborne emissions in the immediate vicinity of the Subject Property, and the air quality at the property is considered good.

Air quality impacts attributed to the proposed request could include dust generated by short-term, landscape-related activities. Site work such as removal of kiawe trees, for example, could generate airborne particulates. Mitigative measures for dust control, such as regular watering and sprinkling, will be implemented as needed to minimize wind-blown emissions. As such, approval of the proposed request is not anticipated to be detrimental to local air quality.

8. Noise Characteristics

Background noise sources at the property include natural conditions (e.g. wind and ocean).

In the short-term, ambient noise conditions could be impacted by landscape improvement related activities. Landscape equipment, such as chainsaws and weedwhackers, could be the dominant source of noise during the plant removal period. In order to minimize impacts to surrounding property owners, the applicant proposed to limit landscape improvement activities to normal daylight working hours, and adhere to the State Department of Health's noise regulations for construction equipment.

Once completed, it is anticipated that the proposed project will not have an adverse impact upon existing noise characteristics.

9. Visual Resources

The Subject Property is located mauka of the shoreline at approximate elevation of 2530 feet. Oceanview corridors from the applicant's proposed dwelling site located mauka of the Subject Property are hindered by the existing kiawe trees on the Subject Property. Views mauka from the Subject Property include the slopes of Maunaloa.

One of the primary objectives of the proposed project is to preserve the open space and natural setting of the shoreline. This objective is consistent with established State and County policies and guidelines (See Section IV). The removal of the heavy overgrowth of trees will create view corridors to and from the shoreline. As such, the project is considered to have a positive impact on visual resources in the area.

10. Archaeological/Historical Resources

On February 20, 2001 a pedestrian walk-over of the proposed project site, did not reveal any surface archaeological features or cultural deposits.

The proposed project will only include surface alterations. If any archaeological or historical features are discovered during the plant and tree removal phase or the replanting phase, the applicant will contact the State Department of Land and Natural Resources Historic Preservation Division.

SOCIAL-ECONOMIC ENVIRONMENT

The proposed action is a component of the construction of a single - family residence, and as such, it will not have a significant impact upon local population levels.

On a short-term basis, the project will support landscape related employment; and the construction of a single - family residence will provide a source of construction jobs. The proposed request will not have a long-term impact upon the region's economy.

PUBLIC SERVICES

Since the proposed request is not anticipated to have a significant impact upon population levels, approval of the proposed request is not anticipated to have a significant impact upon the region's public services such as police and fire protection, solid waste, public health care, school and recreational facilities.

INFRASTRUCTURE

1. Drainage

There are no improved storm drainage systems within the project site or in the nearby vicinity. Runoff from the project site sheet flows in a westerly direction and either ponds in the low lying areas or sheet flows into the ocean.

The proposed planting plan will not include an increase or addition of any impervious surfaces. Therefore, there should be no noticeable increase in onsite stormwater run-off peak volume as a result of project. The proposed landscape plan has also been developed with a concern for impacts to nearshore waters. The planting plan include the use of native groundcovers and shrubs which naturally occur in similar ecological conditions. These plant types were chosen based on their suitability to the windy nearshore environments. As a result, once the plants are established there will be little need for irrigation or fertilizers. The planting will also serve to filter any stormwater run-off which makes its way from the property to the ocean.

Normal erosion control measures during plant removal and replanting should be adequate to control soil loss from the project site. These measures include the following:

- Leave natural vegetation undisturbed in areas not needed for immediate planting;
- Use of sprinklers to control dust;
- Landscape exposed areas immediately after plant/tree removal work is finished.

As such, approval of the proposed request is not anticipated to have an adverse affect upon the existing hydrologic conditions, adjoining or downstream properties, or coastal waters.

2. Other Infrastructure Systems

As part of the Papohaku Ranchlands Subdivision, the developer provided necessary infrastructure services to support the establishment of single family dwellings on the lots.

These improvements included roadways, water, and underground electric and phone lines. As noted above, the proposed request is not anticipated to have a significant impact upon population levels. Therefore, approval of the proposed request is not anticipated to have a significant impact upon the region's infrastructure systems.

RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES, AND CONTROLS

A. STATE LAND USE DISTRICT

The Hawaii Land Use Law, Chapter 205, Hawaii Revised Statutes, establishes four major land use districts in which all lands in the State are placed. These districts are designated "Urban", "Rural", "Agriculture", and "Conservation". The Subject Property is located within the State "Conservation" District. Within the Conservation District there are established subzones. The following are established subzones: "Protective", "Limited", "Resource", "General", and "Special". The Subject Property is located within the "General" subzone. Pursuant to §13-5-24, R-5 Landscaping, Hawaii Administrative Rules (HAR), "Landscaping, defined as alteration of plant cover, including trees, in an area of more than ten thousand square feet" is an identified land use that requires a departmental permit from the Department of Land and Natural Resources.

1. Conservation District Use Application

Pursuant to Chapter §13-5-30, HAR, all land uses within the Conservation District require a Conservation District Use Application (CDUA) to be filed with the Department of Land and Natural Resources. As part of the CDUA, proposed land uses are evaluated with respect to criteria established in §13-5-30(c). The project's relationship to the CDUA Criteria established is provided below:

Criteria No. 1: The proposed land use is consistent with the purpose of the Conservation District.

Response: The purpose of the Conservation District, pursuant to §13-5-1, HAR, is to regulate land use for the purpose of conserving, protecting, and preserving 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.

As demonstrated in the Draft Environmental Assessment, the proposed project has been designed in order to minimize potential adverse impacts to the area's natural resources and has incorporated appropriate management principles in order to promote long-term sustainability and health, safety, and welfare. Except for the few native plants, including 'aki'aki grass and Pohinahina, the existing kiawe trees and other species or exotic plants and shrubs found on the Subject Property, as well as the bordering properties, are not historically associated with Hawaiian shoreline/dune systems.

The proposed beach/dune planting plan is designed to be compatible with the surrounding environs and seeks to enhance and preserve native coastal plant species. The use of plants which are well adapted to this windy coastal environment will lessen the need for fertilizers and intensive irrigation. The project has also been designed to be compatible with the existing topography and will result in minimal alterations of terrain. Based on the foregoing, the proposed project is viewed as a beneficial and positive action in terms of the State's natural resources.

Criteria No. 2: The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

Response: The objective of the "General" Subzone, pursuant to §13-5-13, HAR, is to designate open space where specific conservation uses may not be defined, but where urban use would be premature.

The applicant is proposing a beach/dune planting plan for the Subject Property (Easement 214) which will include the removal of the existing exotic species of plants, including kiawe trees, grass, weeds, and shrubs, and replanting the property with native Hawaiian species of trees and plants. The objectives of the proposed project are to foster beach and dune restoration and to preserve the open space and natural setting of the shoreline.

The proposed planting plan involves the re-establishment of the native coastal plants in a naturalistic setting. The proposed action is supported by State and County policies which support reservation and enhancement of native coastal ecosystems.

Therefore, since the applicant's request proposes to maintain the open space setting of the area and does not propose any urban uses, it is consistent with the objective of the General Subzone.

Criteria No. 3: The proposed land use complies with provisions and guidelines contained in Chapter 205A, Hawaii Revised Statutes, entitled "Coastal Zone Management", where applicable.

Response: The project site located within the Shoreline Area as determined by Chapter 4, Rules of the Molokai Planning Commission relating to the Shoreline Area. Structures are prohibited in the Shoreline Area without a variance. However, pursuant to §12-4-11 (e) (1), of said rules, "landscape features or irrigation designed to stabilize and enhance the shoreline area" are considered "minor" structures or actions and do not require a variance, provided that such structures or actions would not affect beach processes, would not artificially fix the shoreline, and would not interfere with public access or public views to and along the shoreline. As such, the proposed action is a "minor" structure and does not require a Shoreline Setback Variance.

The project site also located within the Special Management Area (SMA) as determined by §205A-23, Hawaii Revised Statutes Pursuant to §205A, Hawaii Revised Statutes, and the Rules and Regulations of the Molokai Planning Commission, projects located within the SMA are evaluated with respect to SMA objectives, policies, and guideline. However, according to §205A-22 (8), "...the use of any land for the purposes of ...planting..." is not considered "development" and, therefore, does not require an SMA Use Permit.

Although the proposed action is exempt from the permitting requirements of the SMA & Shoreline Area, the action is consistent with the following SMA objectives and policies Pursuant to Chapter 205A, Hawaii Revised Statutes:

Recreational Resources

Objectives: Provide coastal recreational resources accessible to the public.

Policies

Provide adequate, accessible and diverse recreational opportunities in the coastal zone management area by:

- Protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas;
- Adopting water quality standards and regulating point and non-point sources of pollution to protect and, where feasible, restore the recreational value of coastal waters; and

Scenic and Open Space Resources

Objectives: Protect, preserve and, where desirable, restore or improve the quality of the coastal scenic and open space resources.

Policies:

- Insure that new development are compatible with their visual environment by designing and locating such developments to minimize the alteration of the natural land forms and existing public views to and along the shoreline; and
- Preserve, maintain and, where desirable, improve and restore shoreline open space and scenic resources; and

Coastal Ecosystems

Objectives: Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

- Preserve valuable coastal ecosystems of significant biological or economic importance;
- Promote water quantity and quality planning and management practices which reflect the tolerance of fresh water and marine ecosystems and prohibit land water uses which violates state water quality standards.

Coastal Hazards

Objectives: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion and subsidence.

Policies:

- Control development in areas subject to storm wave, tsunami, flood, erosion and subsidence hazard;
- Ensure that development comply with requirements of the Federal Flood Insurance Program.

Managing Development

Objectives: Improve the development review process, communication, and public participation in the management of coastal resources and hazard.

Policies:

- Effectively utilize and implement existing law to the maximum extent possible in managing present and future coastal zone development; and
- Facilitate timely processing of the application for development permits and resolve overlapping of conflicting permit requirements.

Beach Protection

Objectives: Protect beaches for public use and recreation.

Policies:

- Locate new structures inland from the shoreline setback to conserve open space and to minimize loss of improvements due to erosion;
- Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and
- Minimize the construction of public erosion-protection structures seaward of the shoreline.

Marine Resources

Objective: Implement the State's ocean resource management plan.

Policies:

- Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources; and

- Assure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial.

Criteria No. 4: The proposed land use will not cause substantial adverse impact to existing natural resources with the surrounding area, community or region.

Response: The project site is adjacent to the shoreline and as such, care needs to be taken to ensure that no degradation of this resource takes place. Potential impacts to shoreline resources could occur during the tree removal phase and landscape replanting phase. Stormwater discharge during large construction projects can lead to increase sedimentation in coastal waters due to prolonged exposure of bare soil. The State Department of Health regulates storm water discharge from construction projects greater than five (5) acres through the National Pollution Discharge Elimination System Permit (NPDES) process. In the case of the proposed project, the entire property is only 2.64 acres in size and, thus, would not trigger the NPDES requirements. It is important to note that the site plan for the project was developed paying careful attention to existing topography. As a result, the project has been designed to be compatible with the existing topography and will result in minimal alterations of terrain. In addition the following measures will be implemented as a part of the soil erosion management plan during the site development phase:

- Leave natural vegetation undisturbed in areas not needed for immediate planting;
- Use of sprinklers to control dust; and
- Landscape exposed areas immediately after plant/tree removal work is finished.

The proposed plans will not include the an increase or addition of any impervious surfaces. Therefore, there should be no noticeable increase in onsite stormwater run-off peak volume as a result of project. The proposed landscape plan has also been developed with a concern for impacts to nearshore waters. The planting plan includes native groundcovers and shrubs which naturally occur in similar ecological conditions. These plant types were chosen based on their suitability to the windy nearshore environments. As a result, once the plants are established there will be little need for irrigation or fertilizers. The proposed planting area will also serve to filter any stormwater run-off which makes its way from the property to the ocean.

Criteria No. 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.

Response: It is the intent of the applicant to establish a planting plan which is appropriate to the physical conditions and capabilities of the Subject Property. As such, the planting plan includes native trees, groundcovers, and shrubs which naturally occur similar ecological conditions. These plant types were chosen based on their suitability to the windy nearshore environments. The applicant hopes to set a precedent in their proposed use of the conservation area by restoring the dune ecosystem with native plants which are ecologically adapted to the area. The proposed landscape planting plan will not negatively impact adjacent properties and is considered an enhancement to the natural characteristics of the area.

Criteria No. 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.

Response: The applicant wishes to improve upon the natural resources of the subject property to the fullest extent possible by establishing a sensitive planting plan which is representative of dune ecosystems on west Molokai. As noted earlier, the applicant hopes to set a precedent in their proposed use of the conservation area by

restoring the dune ecosystem with native plants which are ecologically adapted to the area. The proposed landscape planting plan will not negatively impact adjacent properties and is considered an enhancement to the natural characteristics of the area. Through the uses of native species adapted to the area, the proposed project represents a long-term sustainable use of the property. The removal of the kiawe trees and the sensitive setting of native trees will enhance the scenic ocean views from the Subject Property. The proposed project is intended to preserve and enhance the natural resource features of the property as well as the shoreline. The applicant proposes to preserve the natural character of the Subject Property by maintaining existing topographical features.

Criteria No. 7: Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

Response: Not Applicable since the proposed request does not involve the subdivision of land.

Criteria No. 8: The proposed land use will not be materially detrimental to the public health, safety and welfare.

Response: As demonstrated in this Draft Environmental Assessment, the proposed project will comply with all appropriate governmental requirements with regards to public environmental and health concerns during the tree and plant removal and landscape re-planting phases. Appropriate mitigation measures, which have been identified in this Draft Environmental Assessment, will be incorporated in order to minimize potential adverse effects upon the public's health, safety and welfare.

B. MAUI COUNTY GENERAL PLAN

The Maui County General Plan (1990 Update) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter, "The purpose of the General Plan is to recognize and state the major problems and opportunities concerning the needs and the development of the County and the social, economic and environmental effects of such development and set forth the desired sequence, patterns and characteristics of future development."

The proposed action is in keeping with the following General Plan Objectives and Policies:

Objective:

To preserve for present and future generations existing geographic, cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.

Policy:

Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.

Objective:

To preserve and protect the county's unique and fragile environmental resources.

Policy:

Preserve scenic vistas and natural features.

C. MOLOKAI COMMUNITY PLAN

The subject parcel is located in the Molokai Community Plan region which is one of nine Community Plan regions established in the County of Maui. Planning for each region is guided by the respective Community Plans, which are designed to implement the Maui County General Plan. Each

Community Plan contains recommendations and standards which guide the sequencing, patterns and characteristics of future development in the region.

The Subject Property is designated "Agriculture" by the Molokai Community Plan Land Use Map. The proposed beach/dune planting plan is consistent with the "Agriculture" designation..

Approval of the proposed request would be consistent with the Molokai Community Plan by addressing the following objective:

- Preserve the shoreline dune formations throughout the planning region. These topographic features are a significant element of the natural setting and should be protected from any actions which would detract from their scenic value.

V. FINDINGS AND CONCLUSIONS

The applicant is proposing a beach/dune planting plan for the Subject Property (Easement 214) which will include the removal of the existing exotic species of plants, including kiawe trees, grass, weeds and shrubs, and replanting the property with native Hawaiian species of trees and plants. The objectives of the proposed project are to foster beach and dune restoration and to preserve the open space and natural setting of the shoreline.

The applicant wishes to set a precedent to their proposed use of the conservation area by restoring the dune ecosystem with native plants which are ecologically adapted to the area. The proposed landscape planting plan will not negatively impact adjacent properties and is considered an enhancement to the natural characteristics of the area.

The project has been designed to be compatible with the existing topography and will result in minimal alterations of terrain. The proposed plans will not include an increase or addition of any impervious surfaces. Therefore, there should be no noticeable increase in onsite stormwater run-off peak volume as a result of project. Appropriate mitigation measures have been incorporated in order to minimize the potential impacts to nearshore waters.

The proposed project will not result in an increase in population for the region, as such, it is not anticipated to have a significant impact upon Public Services or Infrastructure systems.

In light of the foregoing findings, it is concluded that approval of the proposed request will not result in any significant environmental impacts.

EXHIBIT "A"

All that certain parcel of land situate at Kaluakoi, Island of Molokai and County of Maui, State of Hawaii, described as follows:

Lot 390, area 5.952 acres, more or less, as shown on Map 19, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1683 of Molokai Ranch, Limited.

TOGETHER WITH water rights contained in Grant of Water Rights filed in the said Land Court as Document No. 468520, pursuant to Land Court Order No. 44251.

TOGETHER WITH a nonexclusive right of access to Maunalua Highway across Lot 404 through 420, as shown on said Map 19, Roadway Lot 127, as shown on Map 18, and Roadway Lot 59, as shown on Map 9 of said Application.

TOGETHER WITH a nonexclusive right of access for vehicular and pedestrian purposes across Easements 116, 108, 102, 100, 95 and 92, as shown on said Map 19.

TOGETHER WITH a nonexclusive right of access for pedestrian, equestrian and trail purposes across Easements 118, 119, 120 and 121, as shown on said Map 19.

SUBJECT HOWEVER, to:

1. The lien of deferred or roll back taxes, if any, assessed pursuant to the provisions of Section 3, 48, 325, et seq. Of the Maui County Tax code. (Re: Change in land use classification)
2. Title to all mineral and metallic mines reserved to the State of Hawaii.
3. Terms and provisions of that certain Agreement made by and between the County of Maui, Department of Water Supply a political subdivision of the State of Hawaii, "County" and the Kalua Koi Corporation, a Hawaii corporation, "Subdivider" dated August 11th, 1981, recorded in the bureau of Conveyances, State of Hawaii, in Book 15991, page 356 (Not noted on Transfer Certificate of Title)
4. Restrictions, covenants and conditions as contained in Seventh Supplemental Declaration of Covenants and Restrictions dated December 10th, 1981, recorded in the Office of the Assistance Registrar of the Land Court, State of Hawaii, as Document No 1096859, annexes land described above to West Molokai Association and subjects land described above to Declaration filed as Document No. 784612.
5. Perpetual covenants as contained inn that certain Declaration of Covenants, Conditions and Restrictions dated Decemeber 10, 1982, recorded in the Office of the Assistant Registrar of the Land Court , State of Hawaii, as Document No. 1096895.
6. A 100 foot building set bach line as shown on Map 19, as set forth by Land Court Application No. 1683
7. Reservations as contained in that certain Deed dated June 7th, 1982, recorded in the Office of the Assistant Registrar of the Land Court , State of Hawaii, as Document No. 119637.

Being all the property described in the following:

DEED

Dated: June 1, 1995

Recorded: June 16, 1995 in the Office of the Assistant Registrar of the Land Court , State of Hawaii, as Document No. 2243383.

Grantor: SHELLY ANN GLASS, wife or Arthur Guerrero Gracia

Grantee: JOHN MICHAEL HAYES and ROBERTA GERALDINE HAYES, husband and wife, as Joint Tenants.

Being all the property described in and covered by TRANSFER CERTIFICATE OF TITLE NO 456,028.

FINDINGS AND REASONS SUPPORTING DETERMINATION

SIGNIFICANCE CRITERIA: According to the Department of Health Rules (11-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long term effects. In making the determination, the Rules establish "Significant Criteria" to be used as a basis for identifying whether significant environmental impact will occur. According the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the following criteria;

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;

The proposed project will not impact scenic views of the ocean or any ridgelines of the area. However, the project is located within the County Special Management Area. (SMA)

2. Curtails the range of beneficial uses of the environment.

The subject property is not suitable for agricultural uses, however the land adjoining the project site, which is the location of the existing Dunham home, is naturally suited for agricultural purposes. There is an existing right of way to the beach via Kaluko'i Road, which is used by the general public daily.

3. Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;

The proposed development is consistent with the Environmental Policies established in Chapter 344, HRS, and the National Environmental Policy Act.

4. Substantially affects the economic or social welfare of the community or state;

The proposed project is designed to support surrounding land use patterns, will not negatively or significantly alter existing residential areas, nor will unplanned population growth of its distribution be stimulated.

5. Substantially affects public health;

Overall, the project will not impact public health, noise, and air and water quality.

6. Involves substantial secondary impacts such as population changes or effects on public facilities;

Overall, the project will improve the existing conditions of the easement on the left side of the property. By clearing the easement, it will be easier to see the pathway to the beach.

7. Involves a substantial degradation of the environmental quality;

The proposed development will utilize existing vacant conservation land. With development of the project, the addition of the native Hawaiian landscaping will significantly enhance the visual impact of the development as viewed from offshore.

8. Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;

No views will be obstructed or be visually incompatible with the surrounding area.

9. Substantially affects a rare, threatened or endangered species or its habitat;

No endangered plant or animal species are located within this project.

10. Detrimentally affects air or water quality or ambient noise levels;

There will be no surface run off due to the project.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters;

Development of the project is compatible with the above criteria since there are no environmentally sensitive areas associated with the project. The property reflects a "natural environment". The shoreline will not be impacted by this project.

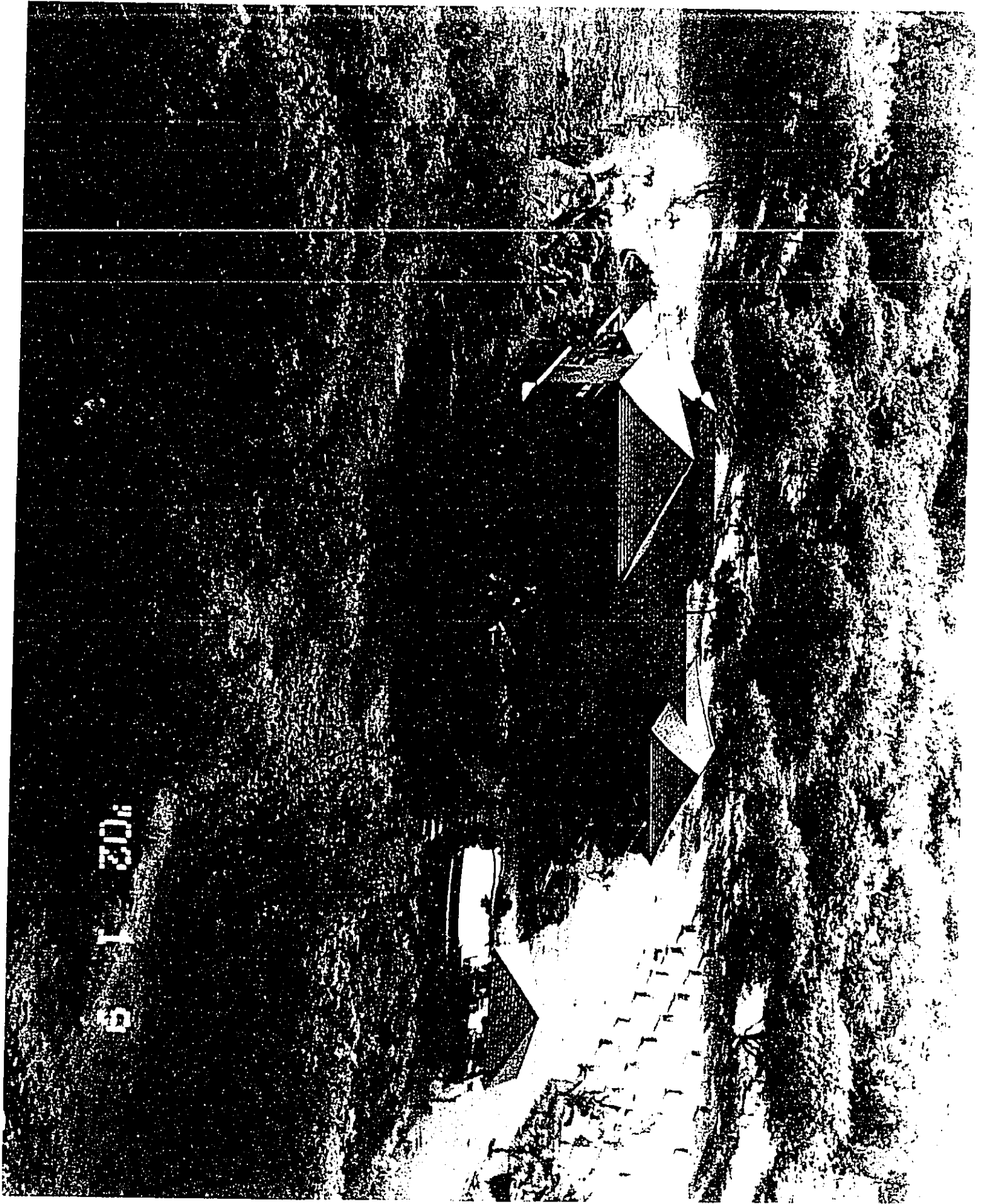
12. Substantially affects scenic vistas and view planes identified in county or state plans or studies;

Due to topographical characteristic of the property, views of the area to be developed are generally not significant although they are visible. The majority of the proposed project will not be visible, except from higher elevations by the general public or from persons traveling along the shoreline.

13. Requires substantial energy consumption;

Construction of the proposed project will not require substantial energy consumption relative to other similar projects.

Figures



9 1 30

DOCUMENT CAPTIONED AS ABOVE

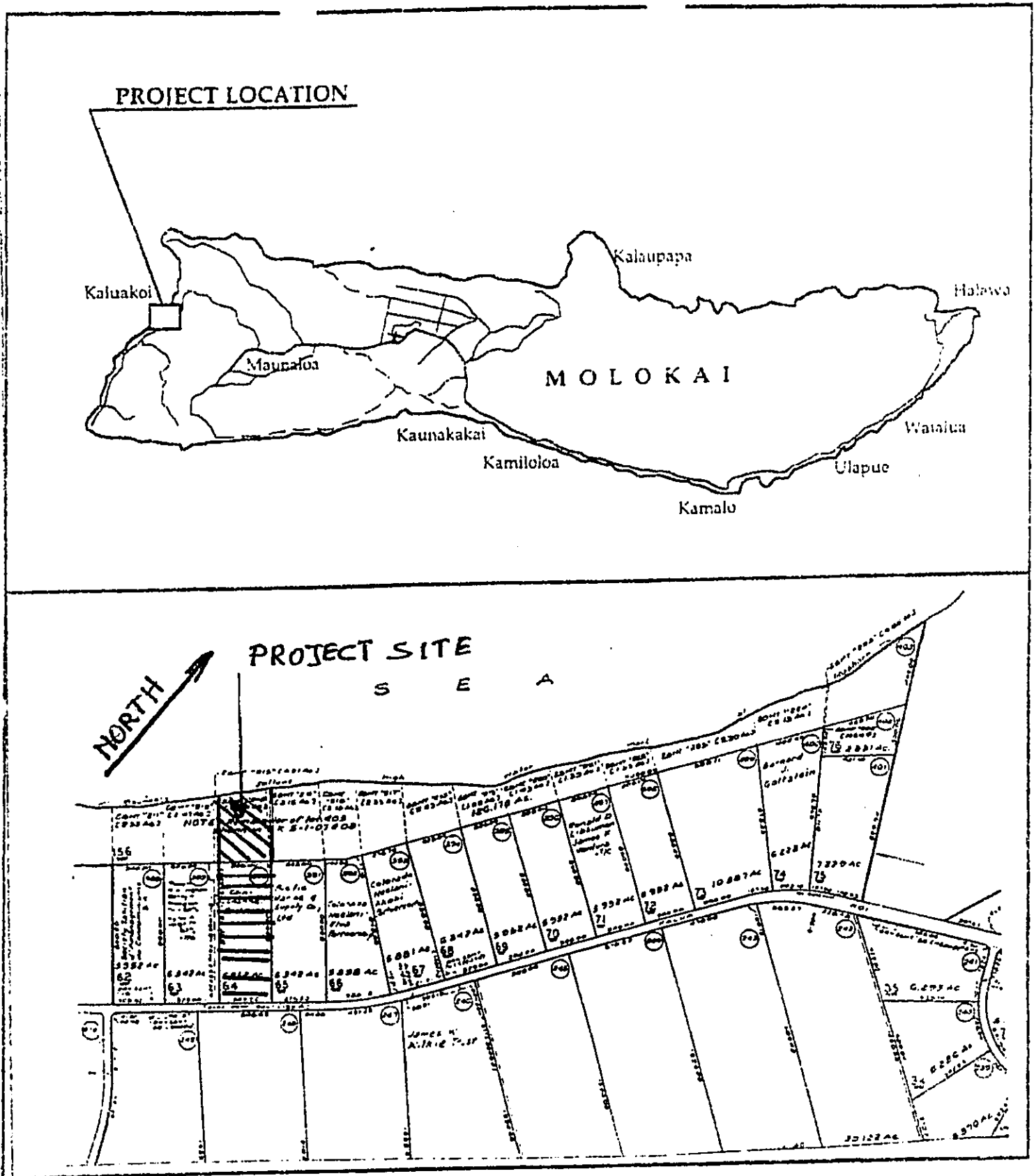
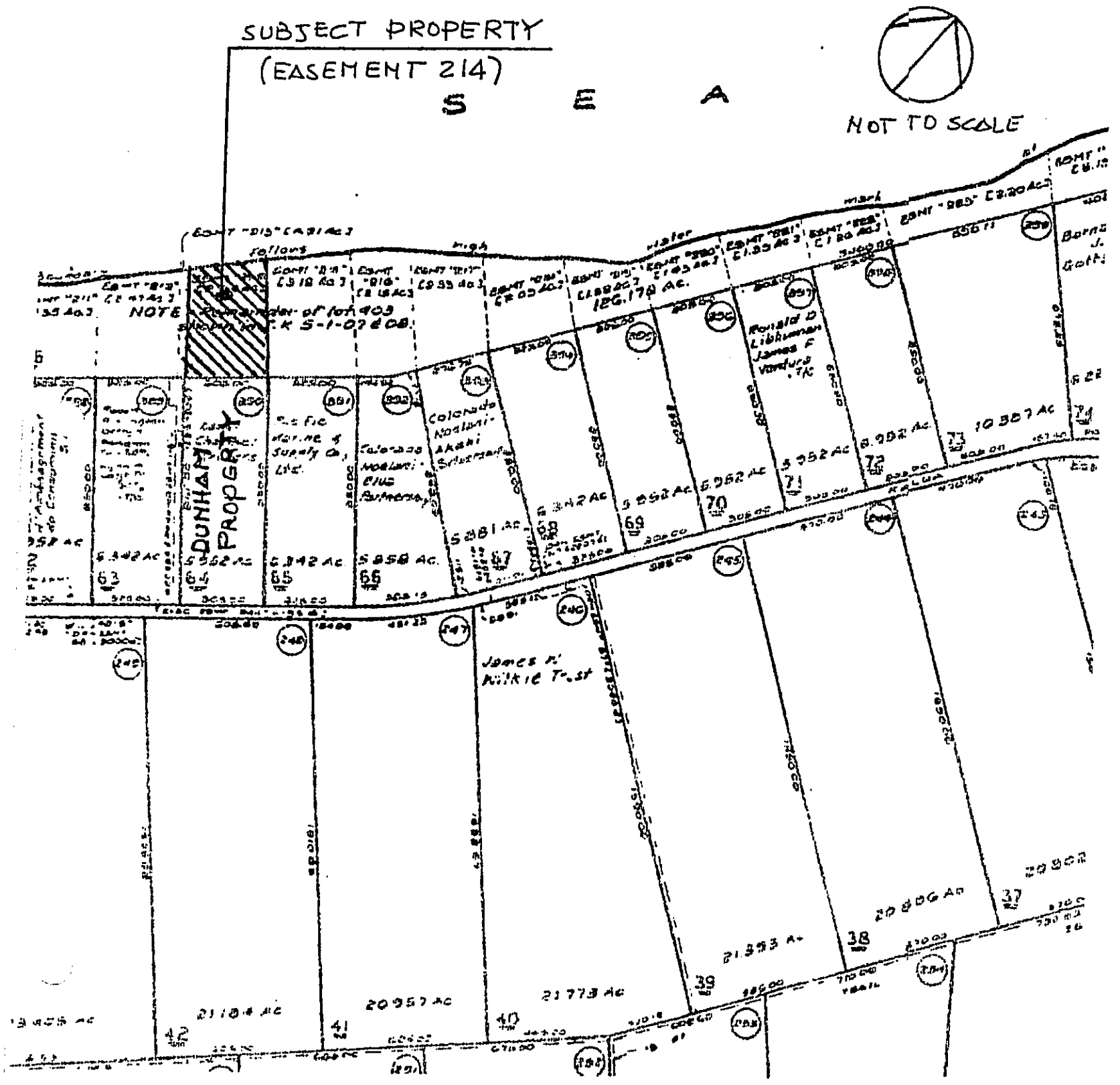


Figure 1 - Vicinity Location Map
Shoreline/Dune Planting Plan
TMK 5-1-06: por. 156

DOCUMENT CAPTURED AS REQUESTED

DUNHAM RESIDENCE SHORELINE DUNE PLANTING CONSERVATION EASEMENT J.M.K. 5-1-06-POR 156

FIGURE 2



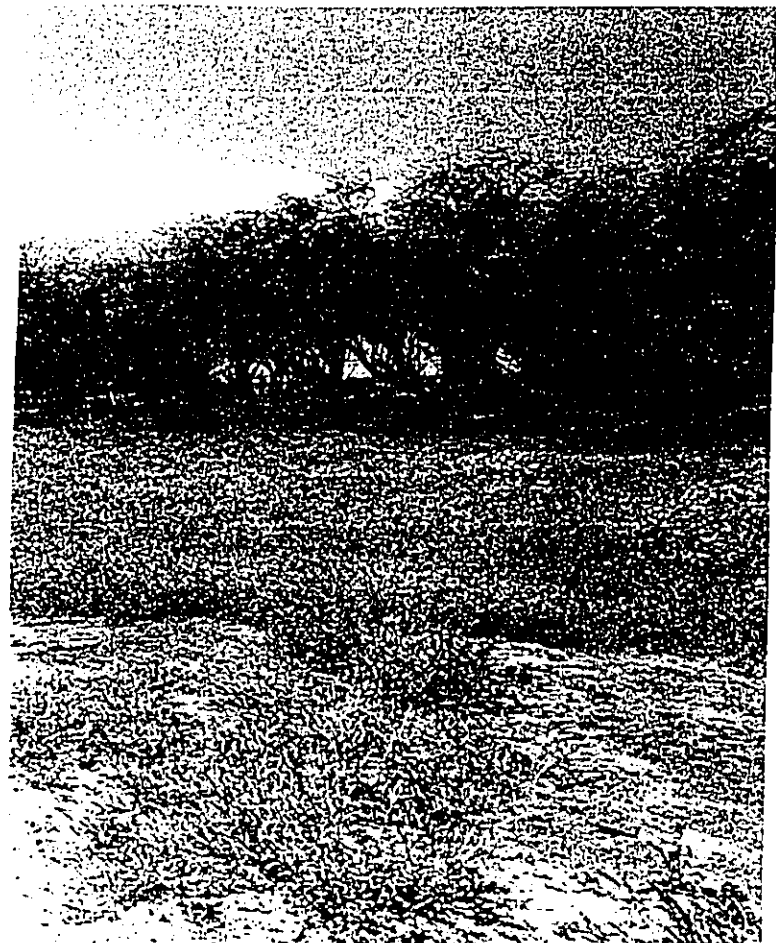
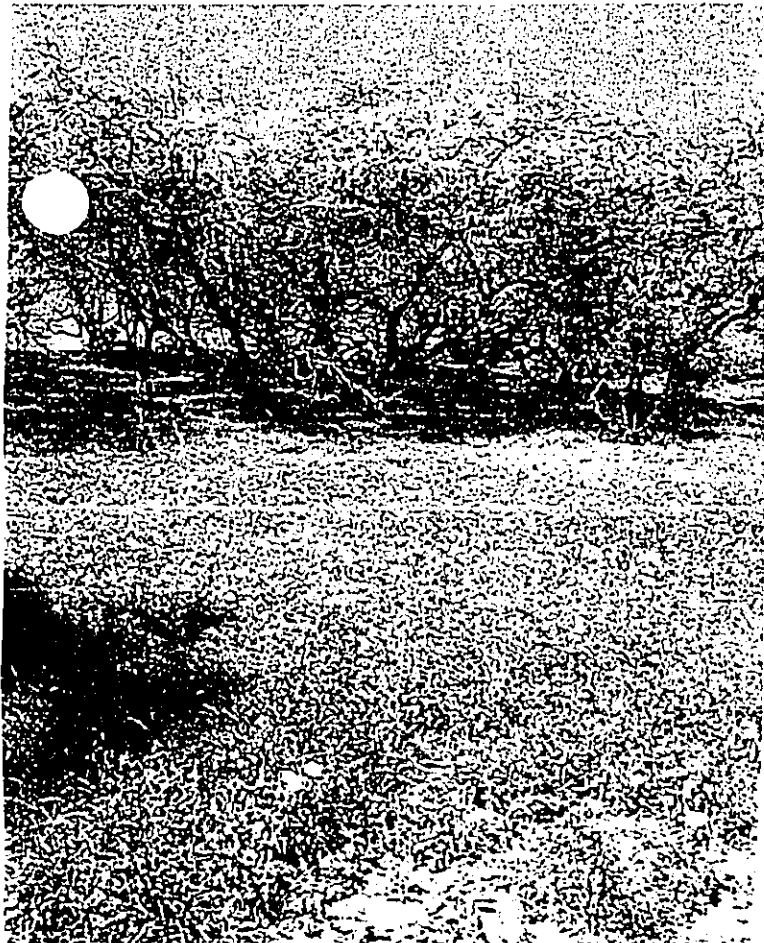
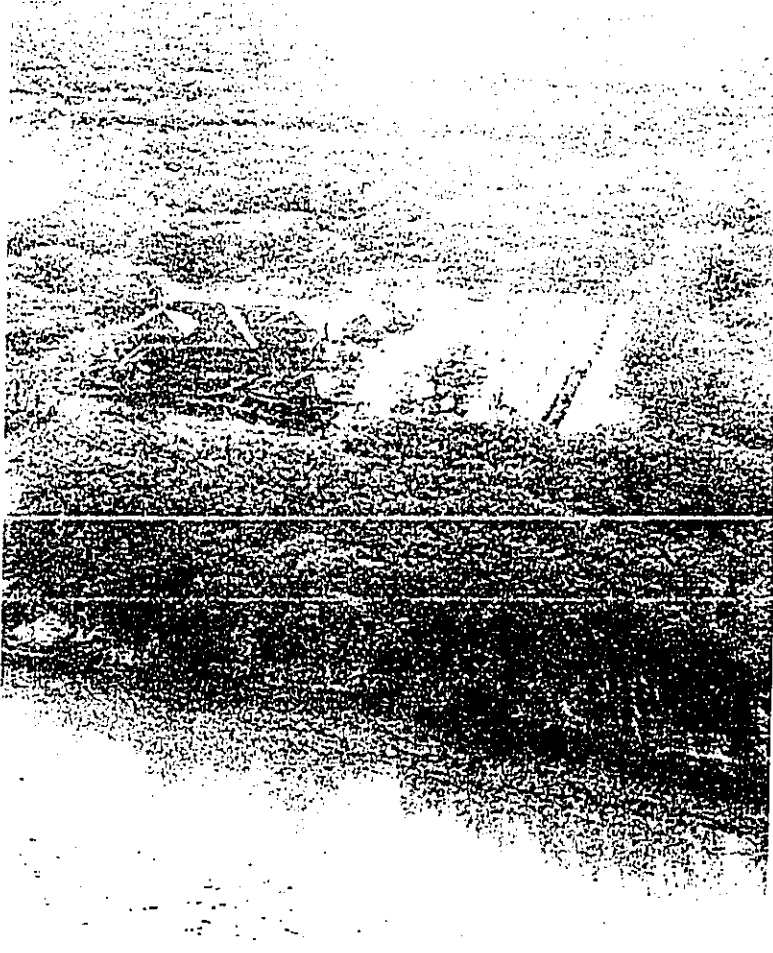


FIGURE # 3



SHORELINE
FIGURE #4

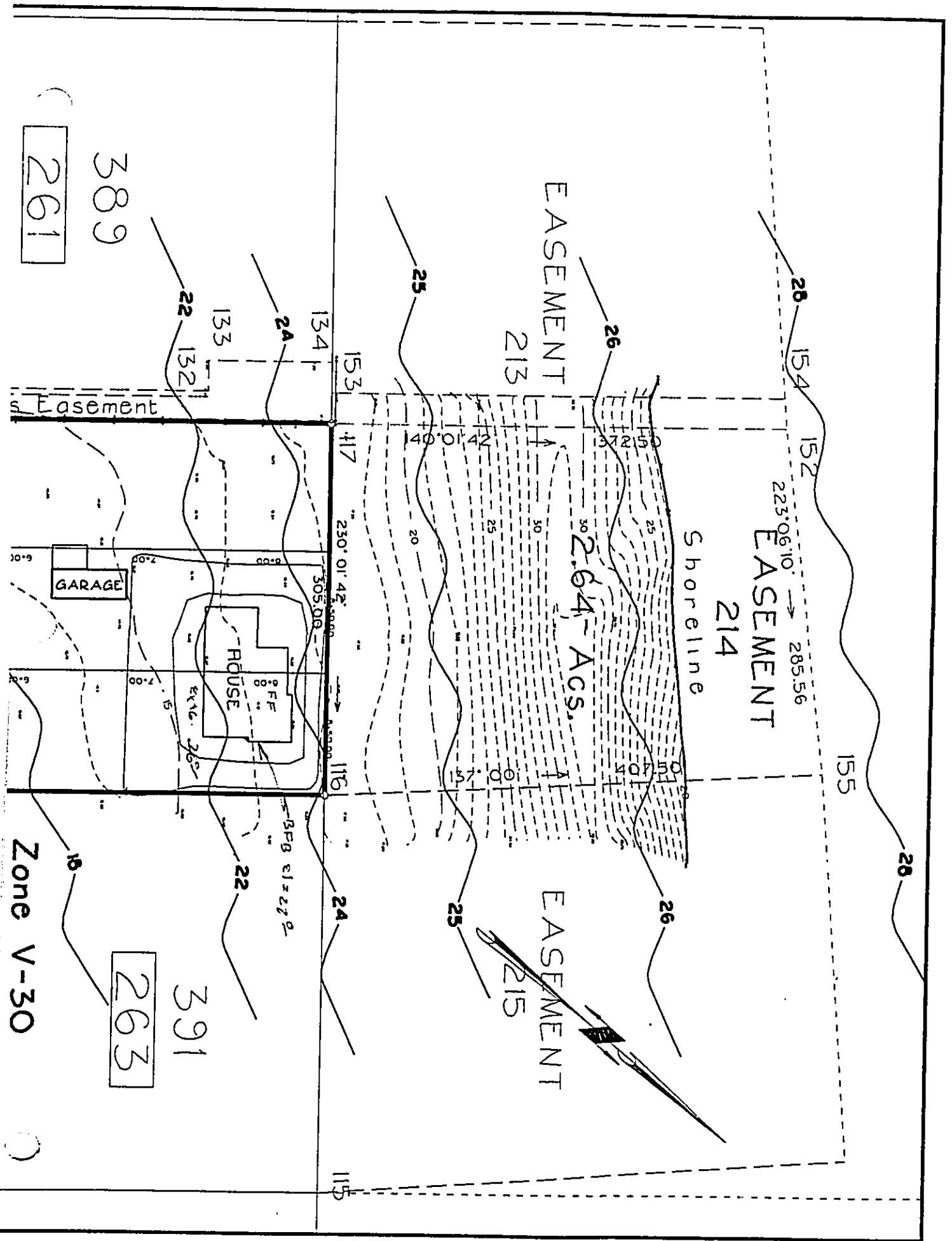


FIGURE # 5

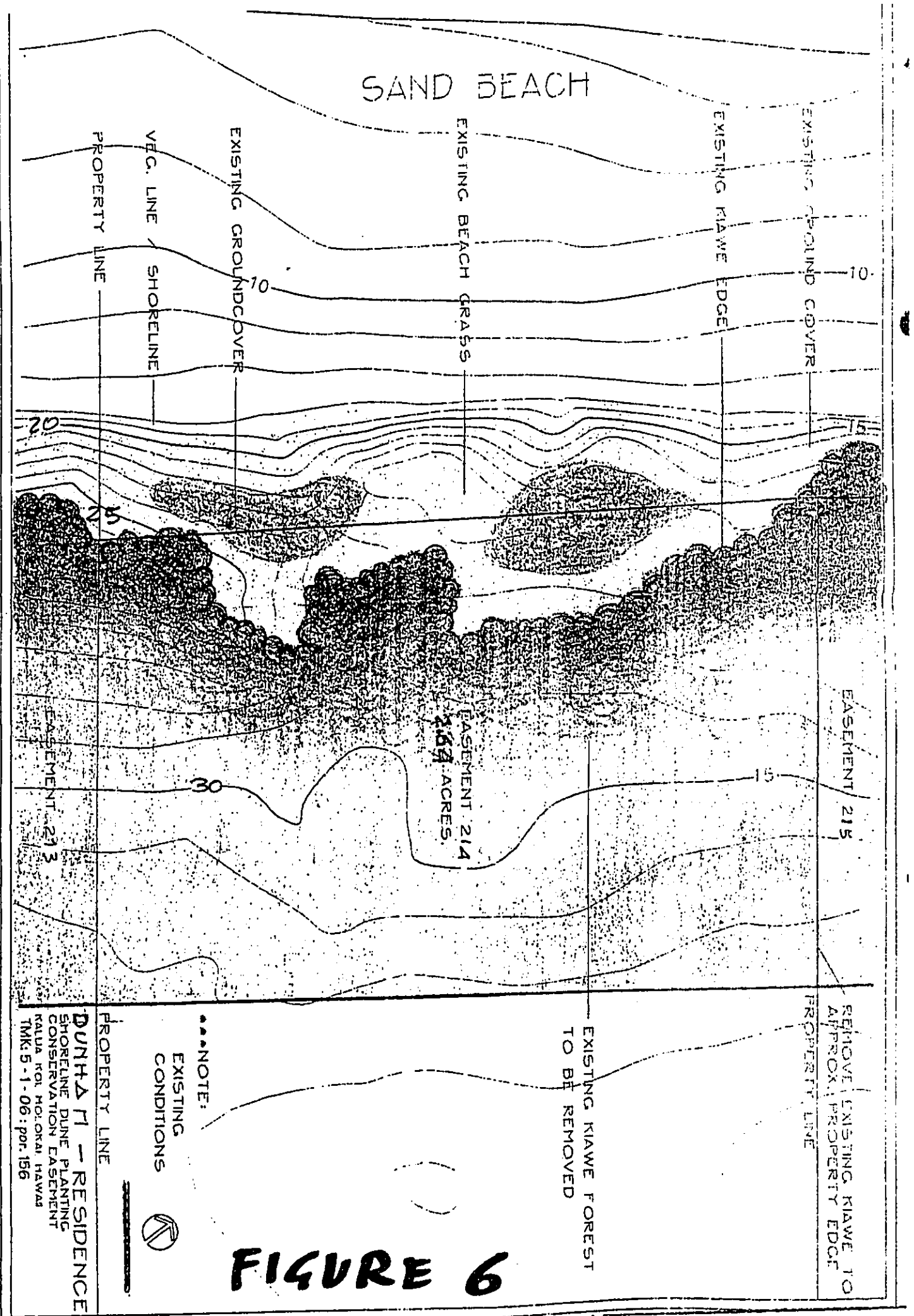
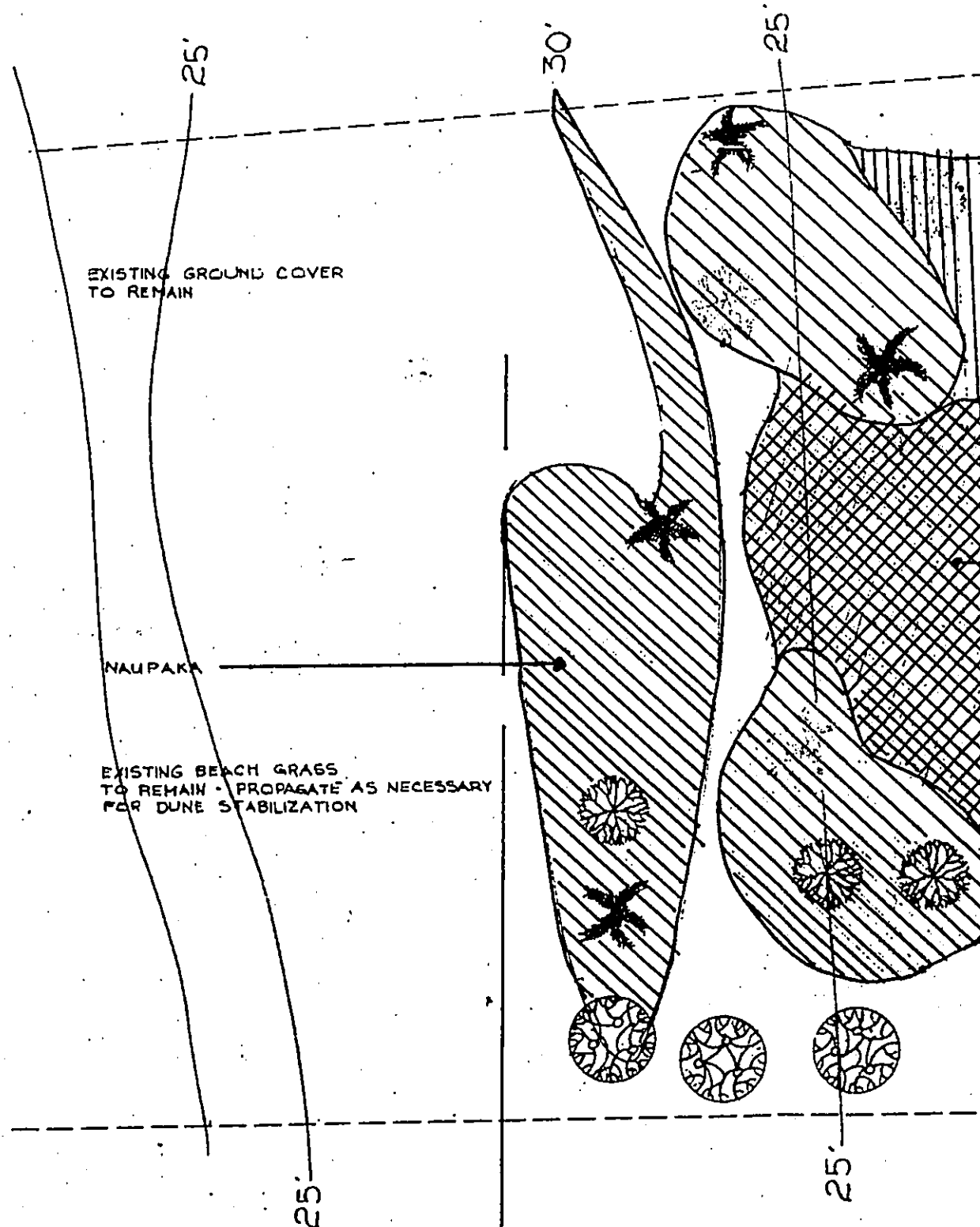


FIGURE 6

REMOVE ALL NON-NATIVE PLANTS
INSTALL KAWA POSTS
ALONG PROPERTY LINE

SHORELINE



EXISTING GROUND COVER
TO REMAIN

NAUPAKA

EXISTING BEACH GRASS
TO REMAIN - PROPAGATE AS NECESSARY
FOR DUNE STABILIZATION

APP. 100' TO 150' FROM SHORELINE
do NOT DISTURB

Appendix A- Horticultural Landscape Recommendation
Report

Makalapua Landscapes, Inc.

P.O Box 161
Maunaloa, Molokai
Hawaii 96770-0161

License # C18464

Kaunakakai 02/14/02

Re: Dunham Shoreline Conservation Easement

Aloha Lyle and Cindy,

Going with native Hawaiian plants can be challenging since they require special environments. It just so happens the sand dunes on the western side of Molokai is a perfect habitat for the following plants I will mention later. As I understand it, plants indigenous to Molokai would fare better since this is their natural habitat. There is help available on Molokai thru Ray Tensfeldt and the Plant Material Center. The USDA can be of great assistance to you since they are possibly helping the reforestation of Kaho'olawe. The U of H extension program can also be an asset with this project. Mo'omomi would be a classic example of how native Hawaiian plants thrive in their natural environment.

I recommend planting the plants at the first wet season and on to the next. Irrigate the first year and stop when the next heavy rains fall. This will enable the plant's root system to grow and become stronger.

These are the plants and trees I recommend:

TREES

These trees are tolerant of wind and salt.

Coconut nucifera (Polynesian introduced)

Niu, coconut palm

Thespesia populnea (Polynesian introduced)

Milo, Portia tree

Shrubs

I would recommend a strong hedge of naupaka kahakai.

Naupaka kahakai

Scaevola sericea (indigenous)

Groundcovers

When native plants are growing in the wild, they are usually growing alongside other species. It makes for pretty patterns. If one is having a seasonal "down" the others will thrive and make up for the less fortunate plant.

Hinahina ku kahakai

Helitopium anomalum var. argenteum (endemic)

Pohuehue, Beach morning glory
Ipomoea pes-caprae (indigenous)

Pa'u ohiiaka
Jacquemontia ovalifolia subsp. *Sandwicensis* (endemic)

Nehe
Lipochaeta integrifolia (endemic)

Ohelo Kai
Lycium sandwicense (indigenous)

Akulikuli, sea purslane
Sesuvium portulacastrum (indigenous)

Ilima Papa
Sida fallax (indigenous)

Aki'aki'
Sporobolus virginicus (indigenous)

Pohinahina, Beach vitex
Vitex rotundifolia (indigenous)

I am looking forward to this opportunity to work with you on this project.

Aloha and Mahalo,
Ray Tensfeldt

Appendix B- Comments and letters of response

SUSPENSE DATE: Monday July 1, 2002

STATE OF HAWAII
Department of Land and Natural Resources
Division of Aquatic Resources

MEMORANDUM

To: William Devick, Administrator *WV*
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Application MO-3088D

Comments Requested By: Dierdre Mamiya - Land Division

Date of Request: 6/12/02

Date Received: 6/12/02

Summary of Project

Title: Dune Planting
Proj. By: Lyle Dunhan
Location: Kaluakoi, Molokai

rief Description:

The applicants propose to remove existing kiawe trees and other exotic plants, replant and restore the shoreline area with native Hawaiian plants on about 1.43 acres of land at Kaluakoi, Molokai. The purpose is to stabilize the sand dunes and to preserve the open space and natural setting of the shoreline.

COMMENTS:

Significant impacts adverse to aquatic resource values are not expected from the proposed landscaping and maintenance. Additional or undescribed landscape modifications within the Conservation District should be submitted to the Department for review.

Precautions shall be taken to prevent debris, eroded soil, petroleum products, landscaping chemicals, (herbicides, pesticides, etc.) and other potential contaminants from flowing, blowing or leaching into coastal waters.

Traditional or existing public access to and along the shoreline should be maintained.

Richard Sixberry
Aquatic Biologist

ARCHITECTURAL DRAFTING SERVICE

P.O. BOX 1718

KAUNAKAKAI, HI 96748

PHONE: (808) 553-9045 FAX: (808) 553-3952

Email: luigis@aloha.net

September 13, 2002

To: Richard Sixberry, Aquatic Biologist

From: Luigi Manera, Dunham Representative

Subject: Comments on Conservation District Use Application MO- 3088D

Summary of Project:

Title: Dune Planting

Proj. by: Lyle Dunham

Location: Kaluako'i Molokai

Thank you for your prompt response.

Yes indeed, we will be taking all precautions to prevent debris or eroded soil during this project.

We will not be using any petroleum, herbicides or pesticides at this project.

We will be working over 300-600 feet away from the water line and 100-150 feet from the shoreline.

If there are any questions, please feel free to call me at 8089-553-9045 or e-mail me luigis@aloha.net

Manalo for your time.


Luigi Manera

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



GILBERT S. COLOMA-AGARAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTIES
ERIC T. HIRANO
LINNEL NISHIOKA

RECEIVED
LAND DIVISION

2002 JUL 16 A 9:52 STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
901 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

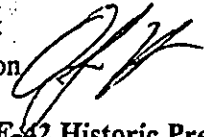
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

July 8, 2002

MEMORANDUM

LOG NO: 30231 ✓
DOC NO: 0207SC06

TO: Dierdre Mamiya, Administrator
Land Division

FROM: Don Hibbard, Administrator
State Historic Preservation Division 

SUBJECT: (File No. MO-3088D) Chapter 6E-42 Historic Preservation Review of a
Conservation District Use Permit Application (CDUA) for Dune Planting
at the Dunham Property
Kaluako'i, Moloka'i TMK: (2)-5-1-006: Portion 156

The applicant proposes to remove existing exotic vegetation from sand dunes in Kaluako'i and replant the area with native species. Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division; no field inspection was made of the subject parcel. We received the subject CDUA on June 13, 2002 and provide the following comments.

Sand dunes on Moloka'i are known to contain significant historic sites such as cultural layers and human burials. Consequently, the subject CDUA may have an "adverse effect" on such significant historic sites if ground disturbance is carried out to any depth. Before we can assess the subject CDUA we would like to ask for further clarification of some points. For example, although on page 7 of the subject CDUA it is stated that "The removal of the existing non-native plants and trees will be by machine..." we are in receipt of a letter from the applicant's representative stating that all vegetation removal will be by hand, and no machines will be used. Which method will actually be used?

Additionally, we are concerned that planting of some of the larger vegetation such as the coconut trees may inadvertently damage subsurface cultural layers or burials. Thus, we would recommend that a qualified archaeologist conduct on-site monitoring of these activities in accordance with an approved monitoring plan.

Once we receive these requested clarifications, we shall be able to advise you what, if any, effects approval of the subject CDUA may have on significant historic sites. Should you have any questions, please feel free to contact Sara Collins at 692-8026.

SC:jen

c: John Min, Director, Dept of Planning, 250 S. High Street, Wailuku, Hawaii 96793
Cultural Resources Commission, Planning Dept, 250 S. High Street, Wailuku, HI 96793
Malia Akutagawa, Chair, Moloka'i Plng Comm, PO Box 1715, Kaunakakai, HI 96748

ARCHITECTURAL DRAFTING SERVICE

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PHONE: (808) 553-9045 FAX: (808) 553-3952
Email: luigis@aloha.net

September 13, 2002

To: Don Hibbard, Administrator
State Historic Preservation Division

From: Luigi Manera
Dunham Representative

Subject: (File # MO-3088D) Chapter 6E-42 Historic Preservation Review of a
Conservation District Use Permit Application (CDUA) for Dune Planting
At the Dunham Property
Kaluako'i, Molokai TMK (2) -5-1-006: Portion 156

Dear Mr. Hibbard,

Thank you for your response.

During the Papohaku Subdivision clearing done 20 somewhat years ago, heavy machinery were used. If any significant findings were discovered, they were properly handled at that time.

No heavy machinery will be used during this CDUA project. All work will be done by hand and only hand machinery such as chain saws and weed whackers will be used.

Regarding larger vegetation i.e. coconut trees – we will be planting trees 10 years and older, totaling 6 trees. Because we're doing this project by hand, should we encounter any historical or cultural sites, we will stop work immediately and contact the state's Historical Preservation Division in Kapolei or/and our local burial council.

If you have any questions, please call me at 808-553-9045 or e-mail me at

luigis@aloha.net

Mahalo for your time.


Luigi Manera

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

RECEIVED
2002 AUG -6 A 11:41

July 24, 2002

Ms. Diedre S. Mamiya, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

(HRD #02-640)

Subject: Conservation District Use Application (CDUA)
And Draft Environmental Assessment (DEA) for
Dune Planting at Kaluakoi, Moloka'i, Hawai'i
TMK: 2-5-1-06: portion 156

Dear Ms. Mamiya:

Thank you for the opportunity to comment on the above referenced project. The Office of Hawaiian Affairs (OHA) offers the following comments.

Archaeological/Historical Resources

The DEA indicates a pedestrian walk over of the proposed project site was conducted on February 21, 2001, and did not reveal any surface features or cultural deposits. There is a high possibility of encountering traditional Hawaiian burials and cultural deposits within coastline areas, particularly in sand dunes. Burials in sand deposits that extended inland from the coast were a traditional Hawaiian burial practice. OHA believes that a "pedestrian walkover" is insufficient, and requests that a qualified archaeologist conduct subsurface testing at the proposed project site.

In addition, OHA requests that Moloka'i's OHA Community Affairs Coordinator be contacted and consulted with regarding the proposed project site. Ms. Irene Kaahanui can be contacted at (808) 560-3611. Community groups or individuals knowledgeable about the proposed project site should also be consulted with.

Ms. Diedre S. Mamiya, Administrator
Land Division
Department of Land and Natural Resources
July 24, 2002
Page Two

If you have any questions, please contact Mark A. Mararagan, policy analyst at 594-1756, or e-mail him at markm@oha.org.

Sincerely,



Jalna Keala
Acting Hawaiian Rights Division Director

cc: Clyde W. Namu'o – OHA Administrator
OHA Trustees
Moloka'i CAC
HRD File

ARCHITECTURAL DRAFTING SERVICE

P.O. BOX 1718
KAUNAKAKAI, HI 96748
PHONE: (808) 553-9045 FAX: (808) 553-3952
Email: luigis@aloha.net

September 13, 2002

To: State of Hawaii
Office of Hawaiian Affairs
711 Kapiolani Blvd. Suite 500
Honolulu, Hawaii 96813

Attn: Jalna Keala
Acting Hawaiian Rights Division Director

Subject: Conservation District Use Application (CDUA)
And Draft Environmental Assessment (DEA) for
Dune Planting at Kaluako'i, Moloka'i, Hawaii

Dear Ms. Keala,
Thank you for your comments on referenced project.

During the Kaluako'i development which included the clearing of Papohaku Ranchlands, an archaeological study was done. All of the historical and burial sites that were located were mapped and made available for community review via the State Library system or purchase. The Dunham property was included in this study. Being that the property was cleared by heavy machinery years ago, I would assume if there were any significant sites found, they were handled properly at that time. I understand the sensitivity of cultural ties to burial grounds and historical sites. I hereby reassure you if we encounter any findings, we will stop work immediately and notify the proper authorities such as the Burial Council.

I will be happy to contact Ms. Irene Kaahanui at our Molokai OHA office for consultation and advice.

If you have any questions, please call me at 808-553-9045 or e-mail me at luigis@aloha.net.


Mahalo for your time.

Luigi Manera

BENJAMIN J. GAYETANO
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. Box 621
HONOLULU, HAWAII 96809

GILBERT S. COLOMA-AGARAN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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DEPUTY DIRECTOR

LINNEL T. NISHIOKA
DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE
COMMISSION
LAND
STATE PARKS

REF:PB:MA

File No: CDUA MA-3088B
180 Day Exp. Date: 11-07-2002

Luigi Manera
Architectural Drafting Services
P.O. Box 1718
Kaunakakai, HI 96748

Dear Mr. Manera:

Subject: Draft Environmental Assessment for Dunham
Residence Landscaping Project.

The Land Division Planning Branch has received substantial comment regarding your project from the following agencies: DLNR Aquatic Resources, DLNR Historic Preservation Division, DOH OEQC and the County of Maui Planning Department. Please respond to the attached letters from these agencies. Send a copy of your response directly to the authoring agency. Attach copies of the letters and your responses to the Final Environmental Assessment document.

In addition the Land Division Planning Branch has reviewed the submitted Draft Environmental Assessment and has the following comments:

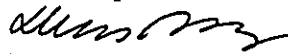
The Department is of the understanding that your intention is to utilize a planting plan that resembles native plant habitat. Staff notes the County of Maui has commented that the plants selected for dune planting be native or Polynesian plants that are well suited to the dune environment, the dry climate, and be wind and salt tolerant. Does your selected plant material meet these criteria? Would you be willing to modify or change the planting plan to better meet these criteria?

The Department understands that you are proposing no grading work in association with this landscaping project. Are measures going to be taken during project work to ensure that no grading or alteration of the existing dunes takes place? What project management practices will be implemented to ensure the grade and contours of the dunes are not altered or modified in any way?

Please include a response all attached letters and this letter in the Final Environmental Assessment document. In order to expedite the processing of the Final Environmental Assessment please submit 6 copies of the Final Environmental Assessment document to the Department by Monday, August 24, 2002.

If there are any questions regarding this letter please contact Masa Alkire of our Planning Branch at 587-0382.

Sincerely,



Dierdre S. Mamiya
Administrator

CC: County of Maui
Maui District Land Office
Maui Board Member

Attachments

ARCHITECTURAL DRAFTING SERVICE

P.O. BOX 1718

KAUNAKAKAI, HI 96748

PHONE: (808) 553-9045 FAX: (808) 553-3952

Email: luigis@aloha.net

September 13, 2002

To: Dierdre S. Mamiya, Administrator
State of Hawaii
Department of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

From: Luigi Manera
Dunham Representative

Subject: Draft Environmental Assessment for Dunham Residence Landscaping Project

Dear Ms. Mamiya,

Thank you for your timely reply and comments.

I apologize for the delay of my response.


I have responded to the agencies listed in your letter with a letter and will attach copies with the final EA document.

We will be using native plants that are well suited to the dune environment which are listed on page 7.

This project will be done by hand. There is no grading involved at this project. The contour and grading of the dune will not be altered in any way. Only hand used tools and machinery such as weed eaters and chainsaws will be used.

Should you have any questions, you may call me at 808-553-9045 or e-mail me at luigis@aloha.net

Mahalo for your time.

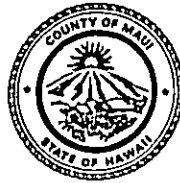


Luigi Manera

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

AYTON I. YOSHIDA
Deputy Director



RECEIVED
LAND DIVISION
2002 JUN 25 A 9:10

COUNTY OF MAUI

DEPARTMENT OF PLANNING

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

June 21, 2002

Dierdre S. Mamiya, Administrator
Department of Land and Natural Resources
Land Division
P. O. Box 621
Honolulu, Hawaii 96809

Dear Ms. Mamiya:

RE: Conservation District Use Application - Lyle Dunham, Application for Dune Planting, TMK: 5-1-006:156, Kaluakoi, Molokai (File No. CDUA MO-3088D) (LTR 2002/3178)

We have reviewed the above-referenced application and have the following comments:

1. The application is located in an area in which agricultural lots are being developed for residential use. A result of the residential use of the area is the desire of adjacent property owners to clear out the kiawe trees and grasses to enhance the beach front and views to the ocean. The area is in slow transition from the existing kiawe forest along the shoreline to landscaped ocean front dwellings.
2. Similar requests to replace the kiawe forest with native or polynesian plants have been approved in the area. The removal of the kiawe forest and grasses and introduction of native or polynesian plants may have a positive impact, provided the plants selected are well suited to the dune environment and existing dry climate rather than dependent upon irrigation. Also, as much as possible, the area should maintain a natural or wilderness character rather than manicured lawns and landscaping.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

Quality Seamless Service - Now and for the Future

We recommend that the plants selected for the dune planting be native or polynesian plants that are well suited to the dune environment and dry climate (no irrigation). It should also be wind and salt tolerant. Figure 7 of the application should be amended to reflect the plant list in the text and/or supplemented with additional plant materials which meet the foregoing criteria. It should be noted that beach heliotrope is not a native or polynesian plant. Further, any irrigation lines should be setback at least 25 feet from the shoreline and should be temporary.

Figure 7 should be revised to provide more opportunity for the extension of the native aki'aki grass and pohinahina (beach vitex) from the shoreline towards the dunes which are more characteristic of the area instead of the naupaka. It is recommended that the landscaping reflect more of the landscaping established for the nearby Tahmoush property (Conservation Easement 220).

The following conditions are recommended:

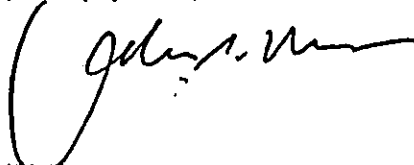
- "1. That work shall be limited to selective removal of non-native species and replanting of the existing dune and shoreline with native Hawaiian or Polynesian species of trees and plants in accordance with a revised Exhibit 7. Temporary irrigation lines shall be limited to the shoreline setback area landward of the minimum twenty-five foot setback area. Within one year of planting of the landscaping, the temporary irrigation lines shall be removed.
2. Clearing and removal of the non-native plants shall be limited to hand clearing, using hand-held machines such as chainsaws and weed eaters. Trees shall be cut at the base and treated in order to leave root systems intact as an erosion control.
3. Existing grades and contours of the dunes shall not be altered.

Dierdre S. Mamiya, Administrator
June 21, 2002
Page 3

4. That any soil materials utilized in the landscaping shall be limited to beach grade sand in order to reduce siltation impacts on water quality."
3. The subject property is located within the Special Management Area (SMA) of the Island of Molokai and is subject to the SMA Rules of the Molokai Planning Commission. The applicant should file an SMA Assessment Application with the Maui Planning Department.
4. Further, TMK: 5-1-006:156 is the shoreline parcel and any work within this parcel is subject to the Shoreline Setback Rules of the Molokai Planning Commission. The applicant is advised to file a request for Shoreline Setback Approval for the work within the setback area.

Thank you for the opportunity to comment. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN
Planning Director

JEM:CMS:smb

c: Clayton Yoshida, AICP, Deputy Planning Director
Luigi Manera, Architectural Drafting Services
Colleen Suyama, Staff Planner
Project File
General
(K:\WP_DOCS\PLANNING\CDU\2002\DunhamDunePlanting.wpd)

ARCHITECTURAL DRAFTING SERVICE
P.O. BOX 1718
KAUNAKAKAI, HI 96748
PHONE: (808) 553-9045 FAX: (808) 553-3952
Email: luigis@aloha.net

September 13, 2002

To: John E. Min, Planning Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Maui Hawaii 96793

From: Luigi Manera
Dunham Representative

Subject: Conservation District Use Application – Lyle Dunham, Application for Dune
Planting, TMK: 5-1-006:156, Kaluako'i Molokai
(File no. CDUA MO-3088D) (LTR 2002/3178)

Dear Mr. Min,

Thank you for your prompt response.

After a review of your comments, I do agree with the replanting of native Hawaiian or
Polynesian plants on the dune. I will remove the beach heliotrope from Figure 7.
Temporary irrigation lines will be installed but removed a year later. The water lines will
be a 100-150 ft. from the shoreline.

All clearing and removal of existing vegetation will be done by hand which includes hand
machines such as chainsaws and weed eaters.

The existing grade and contour of the dune will not be disturbed.

There will be no imported soil on this project.

I'm also familiar with the nearby Tahmoush property. From what I have observed over
the years, the one plant that did not do well is the native aki'aki' grass. I prefer to not use
this grass based on my observation. However, I replaced the Ma'o ground cover with the
aki'aki' grass in hopes that it will do better than the neighbor's.

Application of SMA and Shoreline Setback rules are attached.

If there are any questions, please feel free to call me at 808-553-9045 or e-mail me at
luigis@aloha.net

Mahalo for your time.


Luigi Manera

BENJAMIN J. CAYETANO
GOVERNOR

RECEIVED
LAND DIVISION

2002 JUL 10 A 10:20

DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENT QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

July 8, 2002

Dierdre Mamiya
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Masa Alkire

Dear Ms. Mamiya:

Subject: Draft Environmental Assessment (EA) for Dune Planting Plan at Kaluakoi

Please include the following in the final EA:

Two-sided pages: In order to reduce bulk and save on paper, please print on both sides of the pages in the final EA.

Contacts: List state and county agencies contacted, and notify the nearest neighbors or neighboring landowners of the proposed project, allowing them sufficient time to review the draft EA and submit comments. Document all contacts in the final EA, including those made during the pre-consultation phase, and include copies of any correspondence.

Segmentation:

Section III B of the draft EA, *Social - Economic Environment*, mentions that this is a component of a single-family home construction project. What is the status of the home construction? Is the photo preceding Figure 1 the completed home? Provide clarification in the final EA.

The Environmental Impact Statement law prohibits segmentation of larger projects and requires that full disclosure of impacts be made on projects in their entirety. Provide a full analysis and discussion of the planting and the home construction.

Proximity to shoreline:

a. Include a map showing the shoreline setback and SMA boundaries in relation to any facilities and structures on the property and to the planting site.

Dierdre Mamiya
July 8, 2002
Page 2

b. The draft EA notes that the property is 25 to 30 feet above the shoreline, and that the planting will be 100 to 150 feet from the shoreline. At the planting site, what is the elevation? Is there potential for runoff entering coastal waters? If so, what mitigation measures will you employ to prevent this?

Horticulturalist's report: Section II C mentions that this is included as appendix A, but it is missing. Please enclose it in the final EA.

Significance criteria: Include a discussion of findings and reasons, according to the significance criteria listed in HAR 11-200-12, that supports your forthcoming determination, either Finding of No Significant Impact (FONSI) or EIS preparation notice. You may use the enclosed sample as a guideline.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,



GENEVIEVE SALMONSON
Director

Enc.

c: Lyle Dunham
Luigi Manera, Architectural Drafting Services

ARCHITECTURAL DRAFTING SERVICE

P.O. BOX 1718

KAUNAKAKAI, HI 96748

PHONE: (808) 553-9045 FAX: (808) 553-3952

Email: lulgis@aloha.net

September 13, 2002

To: Genevieve Salmonson, Director
State of Hawaii
Office of Environment Quality Control
235 Beretania Street Suite 702
Honolulu, Hawaii 96813

From: Luigi Manera
Dunham Representative

Subject: Dune Planting Plan at Kaluako'i Molokai (Dunham) draft environmental
Assessment.

Dear Ms. Salmonson,
Thank you for your comments on having the final EA printed on both sides of the sheets.
I will try to do that.

I will contact the agencies you suggested. The DLNR have already contacted necessary agencies involved in this CDUA application and should have them already listed and made public for community review.

The construction of any type of home, driveway, garage etc. was completed two years ago. There is no on-going construction at the Dunham property. The single home dwelling is occupied by the Dunhams.

The property is located within the SMA boundaries and is subject to the shoreline setback requirements.

Proper application for the SMA's shoreline setback is being filed with the County of Maui, Planning Department.

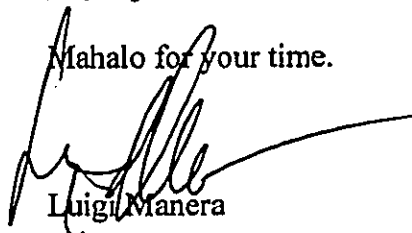
The planting site will be located 100-150 ft. from the shoreline. The site begins at it's highest point at 30 ft. with progression inland, towards the house where the elevation is 25 ft. Since the project is manually done, we see no threat to the existing grade of the property which I believe will not cause any potential runoff into the water. The waterline varies with the tides at 600-800 ft. away from the job site.

I will submit the missing Appendix A with the final EA.

I will submit findings and reasons supporting determination.

If there are any questions, please feel free to call me at 808-553-9045 or e-mail me at luigi@aloha.net

Mahalo for your time.

A handwritten signature in black ink, appearing to read 'Luigi Manera', with a long horizontal flourish extending to the right.

Luigi Manera



COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735; FAX (808) 270-7634

SHORELINE
Set Back

MOLOKAI PLANNING COMMISSION SPECIAL MANAGEMENT AREA ASSESSMENT
APPLICATION FOR AN EXEMPTED ACTION (SM5) OR A SMA MINOR PERMIT
 SHORELINE SETBACK APPROVAL
DATE: 09-02-02

PERMIT TYPE: SHORELINE SETBACK PROJECT NAME: CDUA-Lyle Dunham

PROPOSED DEVELOPMENT: FOR DUNE PLANTING

TAX MAP KEY NO.: S-1-006-156 CPR/HPR NO.: _____ LAND AREA: 2.64 ACS

PROPERTY ADDRESS: Kohua Koi Rd. MAUNALOA HI

OWNER (PRINT): Lyle Dunham PHONE:(B) 808 5522375 (H) _____

ADDRESS: P.O. Box 26

CITY: MAUNALOA STATE: HI ZIP CODE: 96720

OWNER SIGNATURE: [Signature]

APPLICANT (PRINT) _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE (B): _____ (H): _____ FAX: _____

APPLICANT SIGNATURE: _____

CONTACT NAME:(PRINT) Luigi Monera

ADDRESS: P.O. Box 1718

CITY: Kaunakakai STATE: HI ZIP CODE: 96748

PHONE (B): 808 5539045 (H) _____ FAX 808 5533952

EXISTING USE OF PROPERTY: VACANT LOT

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: CONSERVATION

COMMUNITY PLAN DESIGNATION: _____ MAUI COUNTY ZONING DESIGNATION: _____

OTHER SPECIAL DESIGNATIONS _____

BUILDING APPLICATION NO. _____ BUILDING VALUATION _____

SPECIAL MANAGEMENT AREA ASSESSMENT APPLICATION SUBMITTALS

1. Evidence that the applicant is the owner or lessee of record of the real property.
2. A notarized letter of authorization from the legal owner if the applicant is not the owner and evidence that the authorization is from the legal owner.
3. The following uses and actions require compliance to Chapter 343, HRS, and the Environmental Impact Statement (EIS) Rules of the State Department of Health:
 - a. Use of State or County lands or funds
 - b. Use within Conservation District Lands
 - c. Use within the Shoreline Setback Area
 - d. Use within any Historic Site or District
 - e. Amendments to a County General Plan except for those initiated by the County
 - f. Reclassification of Conservation lands
 - g. Construction or modification of helicopter facilities

PROVIDE DOCUMENTATION THAT FULL COMPLIANCE WITH CHAPTER 343, HAWAII REVISED STATUTES (HRS), AND THE ENVIRONMENTAL IMPACT STATEMENT (EIS) RULES OF THE STATE DEPARTMENT OF HEALTH HAVE BEEN MET. IF REQUIRED, PURSUANT TO CHAPTER 343, HRS, TWO (2) COPIES OF THE FINAL ENVIRONMENT ASSESSMENT OR EIS SHALL BE SUBMITTED.

4. Two (2) copies of a written description of the proposed action including, but not limited to, the use, length, width, height, depth, building material and statement of objectives of the proposed action.
5. Two (2) copies of a Certified Shoreline Survey (one of which must be an original) if the land abuts the shoreline. The survey shall be the actual field location of the shoreline as prepared by a land surveyor registered in the State of Hawaii. The survey maps developed by the registered land surveyor shall bear the surveyor's signature and date of field survey and the certifying signature and date of the Chair of the Board of Land and Natural Resources.

DOCUMENT CAPTURED AS RECEIVED

- 6. Verification of the valuation of the proposed action as estimated by an architect, engineer or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii, or verification of the valuation of the proposed action as estimated by the Administrator of the Land Use and Codes Administration, County of Maui. Valuation \$10,000.00
- 7. Two (2) copies of a plot plan of the land drawn to scale on which the proposed action is to occur.
- 8. Two (2) copies of a plan designating with dimensions the location of the proposed action on the land. If structures are included in the action, the plan of the development shall also show a dimensioned floor plan, sections, elevations and other physical features. Said plans must be dated.
- 9. Photographs identifying the area where the proposed action is to occur.
- 10. Provide a written description of the anticipated impacts of the proposed action which addresses or describes the following:

A. The environmental setting of the property that is the subject of the proposed action.

The highest point of the sand dune is 30' above the water line. The dune is covered w/ wild brush, wild flowers & Kiawe trees. The dune is approximately 100'-150' from the shoreline.

B. An evaluation of the anticipated impacts of the proposal. The following shall be addressed in the written description:

- (1) Does the proposed action adversely affect the quality of the environment and ecology (i.e., water, drainage, roadways, sensitive habitats, such as, wetlands and endangered species, noise, air quality, archaeological/cultural sites, etc.), as you evaluate the overall and cumulative effects of the proposed action?

The project will have no adverse affect on the quality & ecology of its surrounding environment.

DOCUMENT CAPTURED AS RECEIVED

(2) What is the expected primary and secondary consequences of each phase of a proposed action and its cumulative and short or long-term effects? A proposed action may have a significant adverse effect on the environment if the following applies:

(a) Does the action involve an irrevocable commitment to loss or destruction of any natural or cultural resource?

NO.

(b) Does the action significantly curtail the range of beneficial uses of the environment?

Right now, the dune provides a trail for the Dunhams to cross over to the beach & on the left, an easement provides ^{beach} access for the public.

(c) Does the action conflict with the county's or the state's long-term environmental policies or goals (i.e., State Plan, and County General Plan and Community Plans)?

No.

- (d) Does the action substantially affect the economic or social welfare and activities of the community, County, or State?

No. The only activity fronting the dunes are the sporadic visitors on the beach.

- (e) Does the action involve substantial secondary impacts, such as, population changes (increase/decrease) and increased effects on public facilities, streets, drainage, sewage, and water systems and pedestrian walkways (increased needs and deficiencies)?

No.

- (f) In itself, the proposed action may have no significant adverse effects but cumulatively does it have considerable effect upon the environment (i.e., increased traffic and deficiencies in services) or involve a commitment for larger actions (i.e., more public infrastructure, such as, roads, waterlines, sewers, etc.)?

No.

DOCUMENT CAPTURED AS RECEIVED

- (g) Does the proposed action substantially affect a rare, threatened or endangered species of animal or plant, or its habitat (i.e., wetlands)?

No.

aki' aki' grass can be seen in small patches on the beach side, not on the dunes.

- (h) Is the proposed action contrary to the State Plan, County's General Plan, appropriate Community Plans, zoning and subdivision ordinances?

No.

- (i) Is the proposed action detrimental to air or water quality or ambient noise levels?

No.

- (j) Does the proposed action affect an environmentally sensitive area, such as, flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters?

The present property is located in a tsunami zone - V30.

- (k) Does the proposed action substantially alter natural land forms (i.e., cut and fill) and existing public views to and along the shoreline?

No.

- (l) Is the proposed action contrary to the objectives and policies of Chapter 205A, HRS?

No.

C. Alternatives to the proposed action.

None

D. Mitigating measures proposed to minimize impacts.

No Impact.

E. An irreversible and irretrievable commitment of resources.

None.

11. Non-refundable filing fee, payable to the County of Maui, Director of Finance, in the amount of FIFTY AND NO/100 DOLLARS (\$50.00) (for projects with valuations greater than \$10,000).

12. Any other information and documentation required by the Department of Planning to properly process the application.

COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: Lyle Dunham TELEPHONE: 557-2375
ADDRESS: P.O. Box 26 MAUNALOAH HI 96720
PROJECT NAME: Lyle Dunham
ADDRESS AND/OR LOCATION: Kulua Koi Rd. Molokai HI
TMK: NUMBER(S): 5-1-006-156

ZONING INFORMATION

STATE LAND USE Conservation COMMUNITY PLAN _____
COUNTY ZONING _____

FLOOD INFORMATION

FLOOD HAZARD AREA * ZONE V-30
BASE FLOOD ELEVATION 26' MEAN SEA LEVEL, 1929 NATIONAL GEODETIC
VERTICAL DATUM OR FOR FLOOD ZONE AO, FLOOD DEPTH _____ FEET.

FLOODWAY () Yes (X) No

FLOOD DEVELOPMENT PERMIT IS REQUIRED () Yes () No
* For FLOOD HAZARD AREA ZONES B OR C; A FLOOD DEVELOPMENT PERMIT would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely affect downstream property.

FOR COUNTY USE ONLY

REMARKS/COMMENTS: _____
 Additional information required.
 Information submitted is correct.
 Correction has been made and initiated.

REVIEWED AND CONFIRMED BY: _____

SIGNATURE _____ DATE _____
ZONING ADMINISTRATION AND ENFORCEMENT DIVISION

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ARCHITECTURAL DRAFTING SERVICE

P.O. BOX 1718

KAUNAKAKAI, HI 96748

PHONE: (808) 553-9045 FAX: (808) 553-3952

Email: luigs@aloha.net

September 13, 2002

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LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL (X) PICKUP ():

Old Republic Title & Escrow of Hawaii
3465 Waiālae Avenue, Suite 390
Honolulu, Hawaii 96816
(Escrow No. 608388-QC)

WARRANTY DEED

GRANTOR: **JOHN MICHAEL HAYES and ROBERTA GERALDINE HAYES,**
husband and wife

GRANTEE: **LYLE DEAN DUNHAM and CYNTHIA JEAN DUNHAM,** husband
and wife

Property Description.
Lot 390, Ld Ct. App. 1083
Kaluakoi, Molokai, Hawaii

Transfer Certificate of Title No. 458,028

Tax Map Key No. (2) 5-1-6:64

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

DOCUMENT CAPTURED AS PDF

LAND COURT

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DOCUMENT CONTAINED AS PART

NOTE:
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PURPOSES
All ELEVATION REFERENCE
TO NFD 1929
EASEMENT
213

EASEMENT
214

27 Shoreline

2.64 Acs.

EASEMENT
215

389

391

261

263

Beach Access Easement

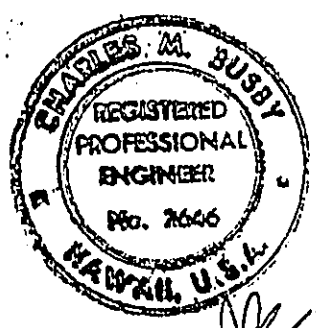
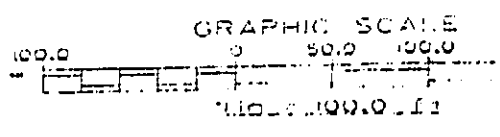
LAUHUE

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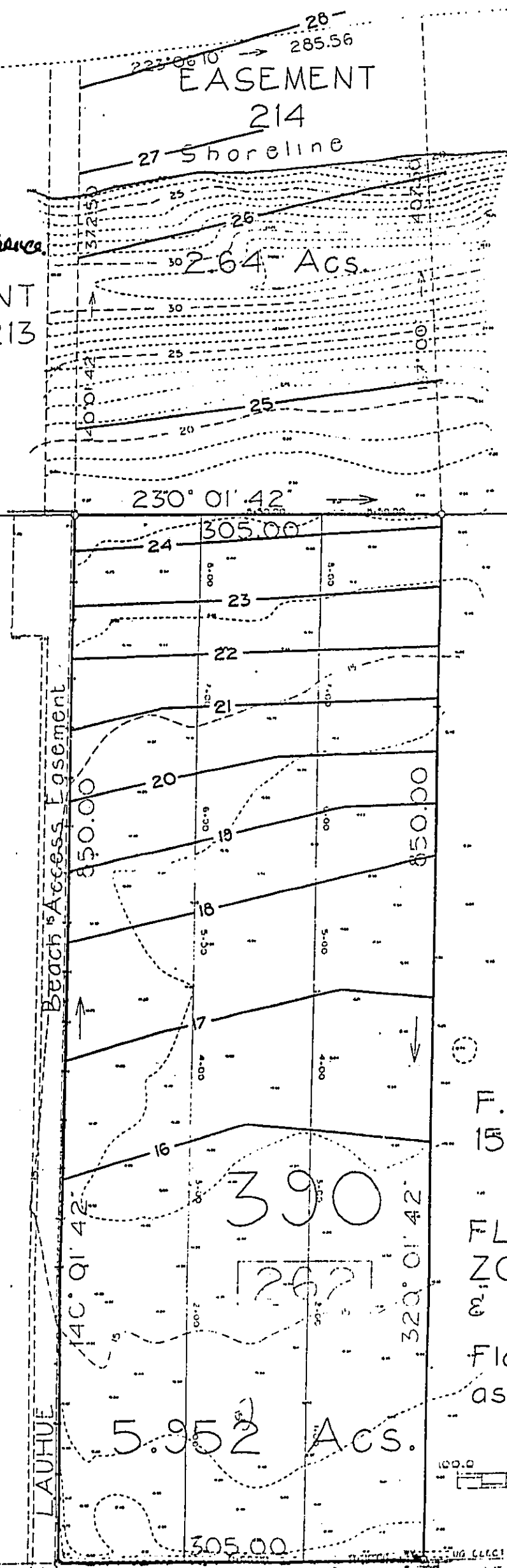
262

5.952 Acs.

F.I.R.M.
150003 0085
1 June 1981
FLOOD HAZARD
ZONE V 30, A
& C
Flood Elev. are
as shown



[Handwritten Signature]



DOCUMENT & ATTACHED

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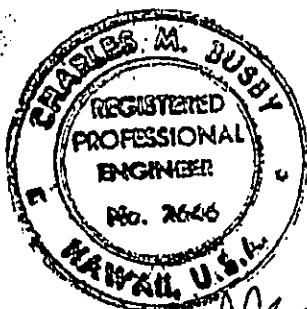
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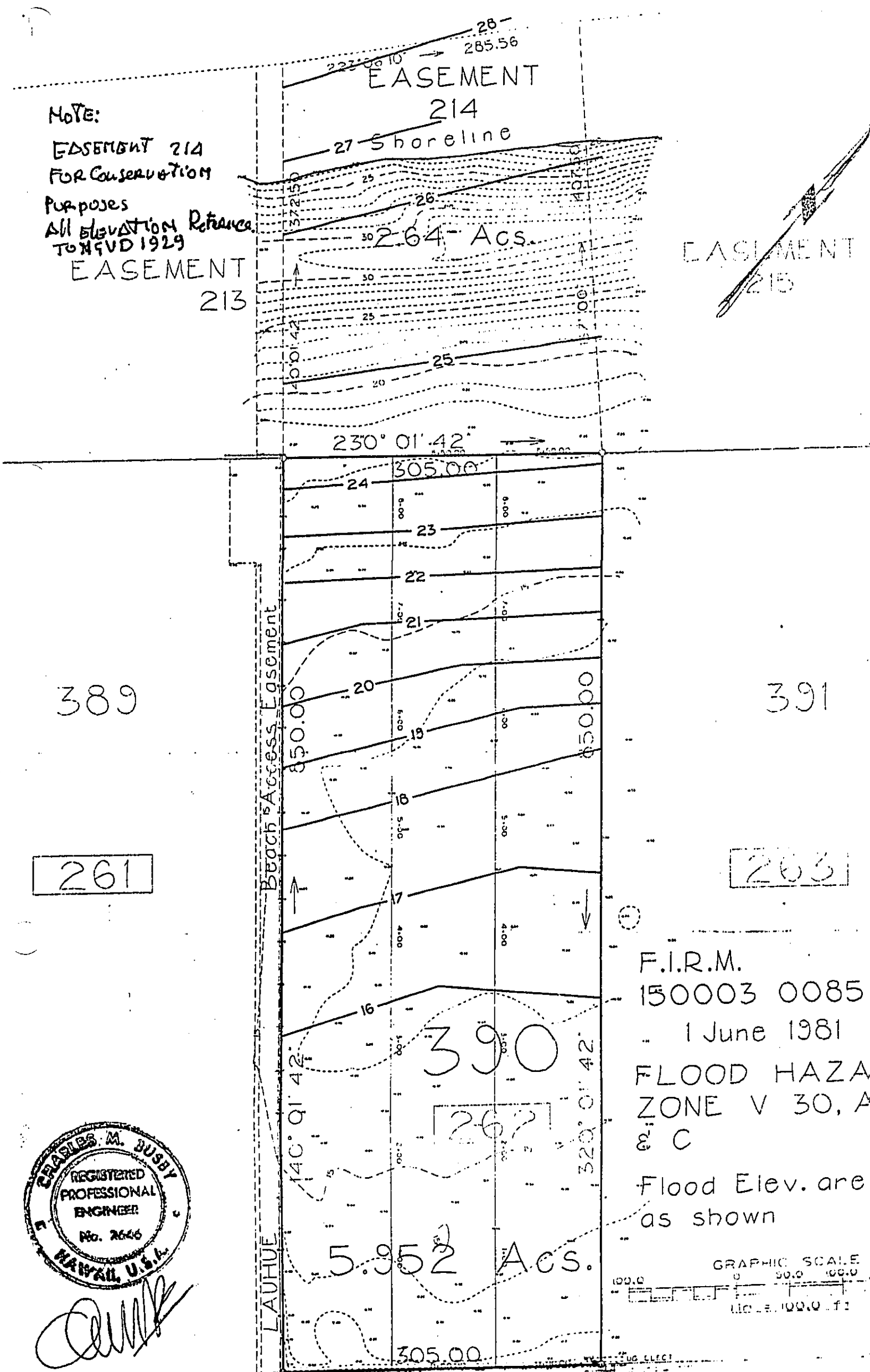
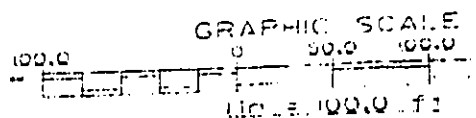
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as shown



Charles M. Busby





COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735; FAX (808) 270-7634

SMA
MINOR

MOLOKAI PLANNING COMMISSION SPECIAL MANAGEMENT AREA ASSESSMENT
APPLICATION FOR AN EXEMPTED ACTION (SM5) OR A SMA MINOR PERMIT
SHORELINE SETBACK APPROVAL
DATE: 09-02-02

PERMIT TYPE: SMA MINOR PERMIT PROJECT NAME: C DUA - Lyle Dunham
PROPOSED DEVELOPMENT: DUNE PLANTING

TAX MAP KEY NO.: 5-1-006-156 CPR/HPR NO.: LAND AREA: 2.64 ACS

PROPERTY ADDRESS: Kalua Koi Rd. MAUNALOA HI

OWNER (PRINT): Lyle Dunham PHONE: (B) 808 552 2375 (H)

ADDRESS: P.O. Box 26 MAUNALOA

CITY: MAUNALOA STATE: HI ZIP CODE: 96720

OWNER SIGNATURE: [Signature]

APPLICANT (PRINT):

ADDRESS:

CITY: STATE: ZIP CODE:

PHONE (B): (H): FAX:

APPLICANT SIGNATURE:

CONTACT NAME: (PRINT) LUIGI MANERA

ADDRESS: P.O. Box 1718

CITY: KAUNAKOI STATE: HI ZIP CODE: 96748

PHONE (B): 808 553 9045 (H) FAX: 808 553 3952

EXISTING USE OF PROPERTY: VACANT LOT

CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION: Conservation

COMMUNITY PLAN DESIGNATION: MAUI COUNTY ZONING DESIGNATION:

OTHER SPECIAL DESIGNATIONS:

BUILDING APPLICATION NO. BUILDING VALUATION

SPECIAL MANAGEMENT AREA ASSESSMENT APPLICATION SUBMITTALS

1. Evidence that the applicant is the owner or lessee of record of the real property.
2. A notarized letter of authorization from the legal owner if the applicant is not the owner and evidence that the authorization is from the legal owner.
3. The following uses and actions require compliance to Chapter 343, HRS, and the Environmental Impact Statement (EIS) Rules of the State Department of Health:
 - a. Use of State or County lands or funds
 - b. Use within Conservation District Lands
 - c. Use within the Shoreline Setback Area
 - d. Use within any Historic Site or District
 - e. Amendments to a County General Plan except for those initiated by the County
 - f. Reclassification of Conservation lands
 - g. Construction or modification of helicopter facilities

PROVIDE DOCUMENTATION THAT FULL COMPLIANCE WITH CHAPTER 343, HAWAII REVISED STATUTES (HRS), AND THE ENVIRONMENTAL IMPACT STATEMENT (EIS) RULES OF THE STATE DEPARTMENT OF HEALTH HAVE BEEN MET. IF REQUIRED, PURSUANT TO CHAPTER 343, HRS, TWO (2) COPIES OF THE FINAL ENVIRONMENT ASSESSMENT OR EIS SHALL BE SUBMITTED.

4. Two (2) copies of a written description of the proposed action including, but not limited to, the use, length, width, height, depth, building material and statement of objectives of the proposed action.
5. Two (2) copies of a Certified Shoreline Survey (one of which must be an original) if the land abuts the shoreline. The survey shall be the actual field location of the shoreline as prepared by a land surveyor registered in the State of Hawaii. The survey maps developed by the registered land surveyor shall bear the surveyor's signature and date of field survey and the certifying signature and date of the Chair of the Board of Land and Natural Resources.

6. Verification of the valuation of the proposed action as estimated by an architect, engineer or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii, or verification of the valuation of the proposed action as estimated by the Administrator of the Land Use and Codes Administration, County of Maui. Valuation 10,000.00
7. Two (2) copies of a plot plan of the land drawn to scale on which the proposed action is to occur.
8. Two (2) copies of a plan designating with dimensions the location of the proposed action on the land. If structures are included in the action, the plan of the development shall also show a dimensioned floor plan, sections, elevations and other physical features. Said plans must be dated.
9. Photographs identifying the area where the proposed action is to occur.
10. Provide a written description of the anticipated impacts of the proposed action which addresses or describes the following:
- A. The environmental setting of the property that is the subject of the proposed action.
The highest point of the sand dune is 30' above the water line. The dune is covered w/ wild brush, wild flowers & kiawe trees. The dune is approximately 100'-150' from the shoreline.
- B. An evaluation of the anticipated impacts of the proposal. The following shall be addressed in the written description:
- (1) Does the proposed action adversely affect the quality of the environment and ecology (i.e., water, drainage, roadways, sensitive habitats, such as, wetlands and endangered species, noise, air quality, archaeological/cultural sites, etc.), as you evaluate the overall and cumulative effects of the proposed action?
The project will have no adverse affect on the quality & ecology of its surrounding environment.

(2) What is the expected primary and secondary consequences of each phase of a proposed action and its cumulative and short or long-term effects? A proposed action may have a significant adverse effect on the environment if the following applies:

(a) Does the action involve an irrevocable commitment to loss or destruction of any natural or cultural resource?

NO.

(b) Does the action significantly curtail the range of beneficial uses of the environment?

Right now, the dune provides a trail for the Dunhams to cross over to the beach & on the left, an easement provides ^{beach} access for the public.

(c) Does the action conflict with the county's or the state's long-term environmental policies or goals (i.e., State Plan, and County General Plan and Community Plans)?

No.

DOCUMENT OF APPRAISAL

- (d) Does the action substantially affect the economic or social welfare and activities of the community, County, or State?

No. The only activity fronting the dune are the sporadic visitors on the beach.

- (e) Does the action involve substantial secondary impacts, such as, population changes (increase/decrease) and increased effects on public facilities, streets, drainage, sewage, and water systems and pedestrian walkways (increased needs and deficiencies)?

No.

- (f) In itself, the proposed action may have no significant adverse effects but cumulatively does it have considerable effect upon the environment (i.e., increased traffic and deficiencies in services) or involve a commitment for larger actions (i.e., more public infrastructure, such as, roads, waterlines, sewers, etc.)?

No.

- (g) Does the proposed action substantially affect a rare, threatened or endangered species of animal or plant, or its habitat (i.e., wetlands)?

No.

aki' aki' grass can be seen in small patches on the beach side, not on the dune.

- (h) Is the proposed action contrary to the State Plan, County's General Plan, appropriate Community Plans, zoning and subdivision ordinances?

No.

- (i) Is the proposed action detrimental to air or water quality or ambient noise levels?

No.

- (j) Does the proposed action affect an environmentally sensitive area, such as, flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters?

The present property is located in a tsunami zone - V30.

- (k) Does the proposed action substantially alter natural land forms (i.e., cut and fill) and existing public views to and along the shoreline?

No.

- (l) Is the proposed action contrary to the objectives and policies of Chapter 205A, HRS?

No.

C. Alternatives to the proposed action.

None

D. Mitigating measures proposed to minimize impacts.

No Impact.

E. An irreversible and irretrievable commitment of resources.

None.

- 11. Non-refundable filing fee, payable to the County of Maui, Director of Finance, in the amount of FIFTY AND NO/100 DOLLARS (\$50.00) (for projects with valuations greater than \$10,000).
- 12. Any other information and documentation required by the Department of Planning to properly process the application.

DOCUMENT OF A PUBLIC RECORD

COUNTY OF MAUI
DEPARTMENT OF PLANNING
ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: Lyle Durham TELEPHONE: 5522375
ADDRESS: P.O. Box 26 Maunaloa Hi 96770
PROJECT NAME: Lyle Durhams
ADDRESS AND/OR LOCATION: Kalua Koi Rd. Maunaloa Hi
TMK: NUMBER(S): 8-1-006-156

ZONING INFORMATION

STATE LAND USE Conservation COMMUNITY PLAN _____
COUNTY ZONING _____

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE V-30
BASE FLOOD ELEVATION 26' MEAN SEA LEVEL, 1929 NATIONAL GEODETIC
VERTICAL DATUM OR FOR FLOOD ZONE AO, FLOOD DEPTH _____ FEET.

FLOODWAY Yes No

FLOOD DEVELOPMENT PERMIT IS REQUIRED Yes No

* For FLOOD HAZARD AREA ZONES B OR C; A FLOOD DEVELOPMENT PERMIT would be required if any work is done in any drainage facility or stream area that would reduce the capacity of the drainage facility, river, or stream, or adversely effect downstream property.

FOR COUNTY USE ONLY

REMARKS/COMMENTS: _____

- Additional information required.
- Information submitted is correct.
- Correction has been made and initialed.

REVIEWED AND CONFIRMED BY: _____

SIGNATURE _____
ZONING ADMINISTRATION AND ENFORCEMENT DIVISION

DATE _____

DOCUMENT CAPTURED

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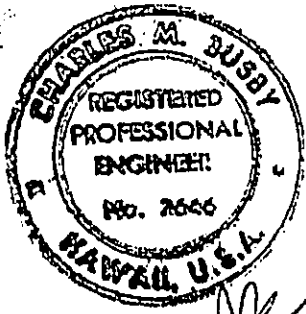
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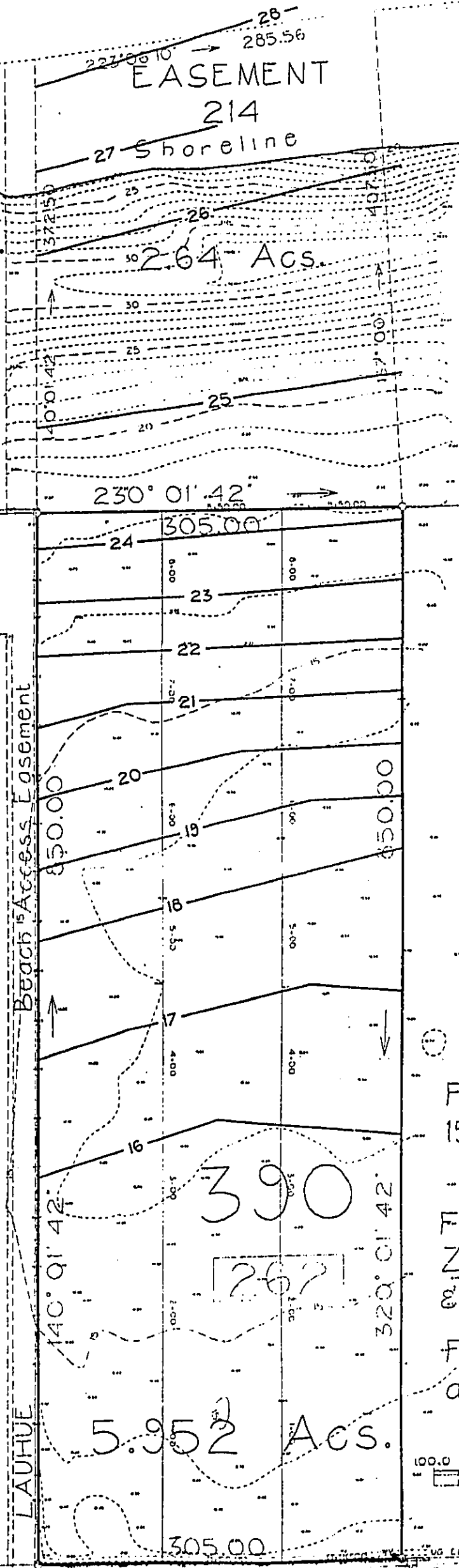
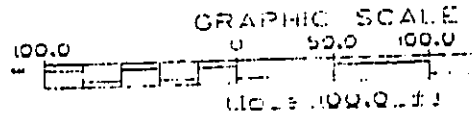
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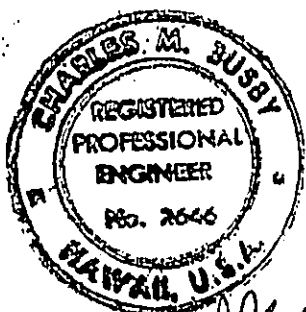
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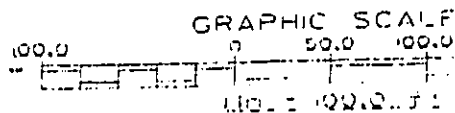
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Charles M. Busby



Beach Access Easement

LAUHUE

223° 08' 10" → 285.56

230° 01' 42" →

140° 01' 42" ↑

320° 01' 42" ↓

40° 01' 42" ↑

107° 01' 42" ↓

850.00

850.00

305.00

305.00

24, 23, 22, 21, 20, 19, 18, 17, 16