

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

January 10, 2014

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

PSF No.: 12MD-158

Maui

Issuance of Right-of-Entry Permit to the Napili Bay and Beach Foundation, Inc.
for Stream Clean Up and Restoration at Napili, Lahaina, Maui, Tax Map Key: (2)
4-3-002:023.

APPLICANT:

Napili Bay and Beach Foundation, Inc. a Domestic Nonprofit Corporation.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

0.75 acres, more or less.

ZONING:

State Land Use District: Urban

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Clean Up and Maintenance purposes.

TERM OF RIGHT-OF-ENTRY:

Six Months

Right-of-Entry permit to begin on March 1, 2014 and expire on August 31, 2014.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the Division of Land Management's Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing. No. 10, that states "Maintenance of waterways (canal, auwai, ditches) and drainage."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u>__</u>
Registered business name confirmed:	YES <u>x</u>	NO <u>__</u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u>__</u>

EXHIBITS:

Exhibit A- Tax Map of the subject area.

Exhibit B- Overview photo of the project area with tax map overlay.

Exhibit C- SMA Exemption letter dated October 8, 2013 from the County of Maui.

Exhibit D- Photos of the Kahawai Stream project area. Photos provided by the applicant.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide the required general liability insurance coverage, listing the State of Hawaii as additional insured throughout the duration of the permit.

REMARKS:

The Napili Bay & Beach Foundation (NBBF) has requested a right-of-entry permit to conduct an in-channel cleanup of the Kahawai Stream. The project area is located between Honoapiilani Highway and the shoreline of Napili Bay. The cleanup shall involve the removal of rubbish, vegetative litter, and alien vegetation that impairs flow conveyance. The cleanup will not include earth work such as cutting and filling, or other manipulations to the existing channel geometry. No rare, threatened, or endangered plant or animal species were observed during previous field work and inspections of the project area. The primary objective of the cleanup is to remove debris and sediment that would be carried into Napili Bay during large runoff events.

It is anticipated that the project will help to mitigate runoff of sediment and pollutants into the ocean and minimize potential impact to the adjacent shoreline, near shore waters, and marine life within Napili Bay.

The project is located in the County of Maui's designated Special Management Area. Therefore, the applicant was required to consult with the County of Maui's Department of Planning. Subsequently, the NBBF was able to obtain the appropriate permit and exemption required for this project (Exhibit C).

The cleanup project will be conducted on State lands by the NBBF at no cost to the State of Hawaii. The cleanup is intended to improve the stream bed and help protect the shoreline and near shore ocean waters of Napili Bay, which are located directly downstream of the project area. Therefore, staff is recommending that this permit be issued gratis to the NBBF.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Napili Bay & Beach Foundation covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Daniel Ornellas,
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 10, 2014

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Napili Bay & Beach Foundation, Inc.

Project / Reference No.: 12MD-158

Project Location: Napili, Lahaina, Maui, Tax Map Key: (2) 4-3-002:023

Project Description: Stream Clean Up and Restoration

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

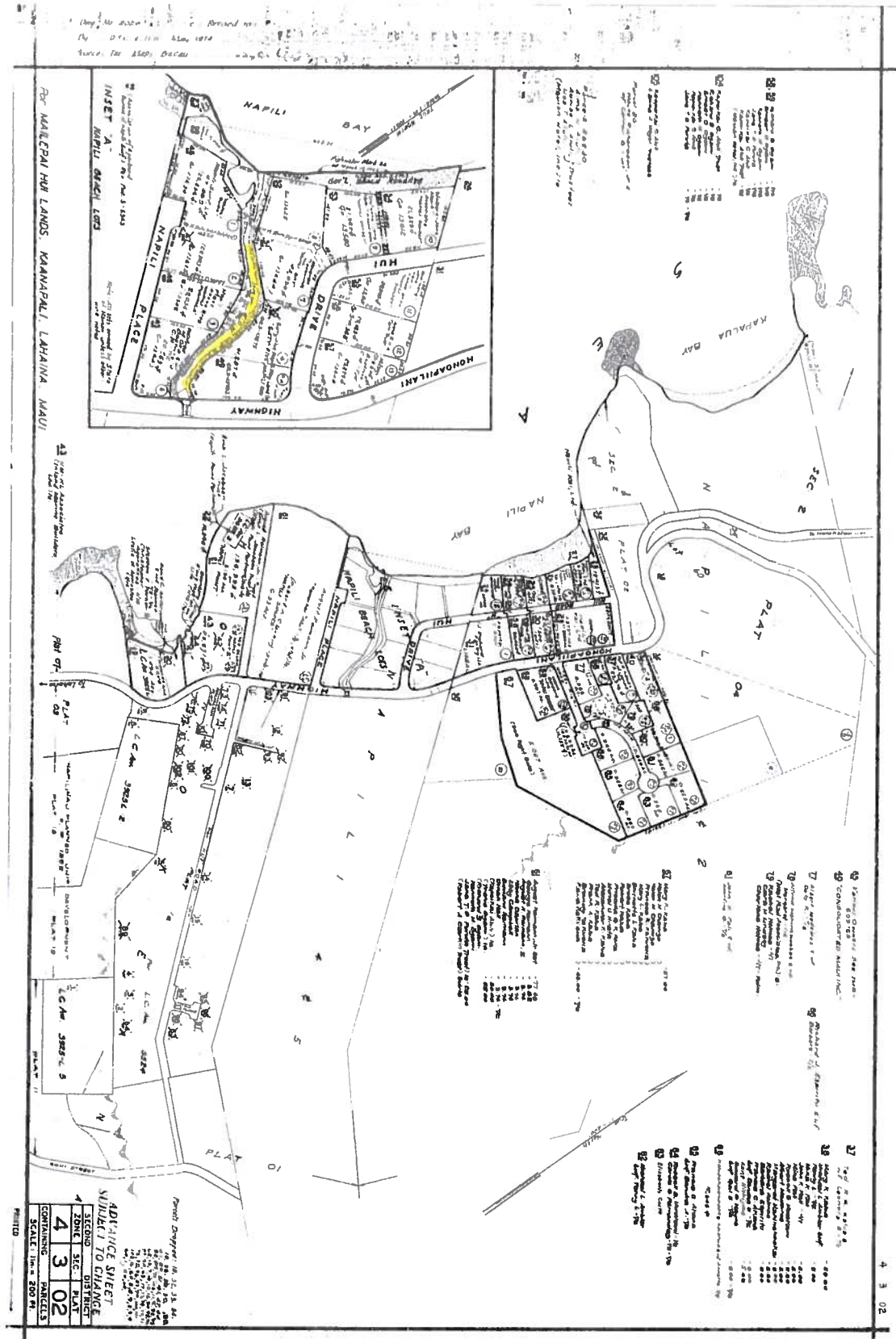
Exemption Class No. and Description: In accordance with the Division of Land Management's Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states " Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing." Number 10, that states " Maintenance of waterways (canal, auwai, ditches) and drainage."

Recommendation: It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

W. Aila Jr.

 William J. Aila Jr., Chairperson
 12/26/13

 Date



Napili Bay

Red: State Land
Tan: Private Property
Yellow: Project Area

Map Not to Scale

Kahawai Stream Project Area

(2) 4-3-002:052

(2) 4-3-002:048

(2) 4-3-002:049

(2) 4-3-002:046

(2) 4-3-002:045

Exhibit (B)



ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 8, 2013

Ms. Pat B. Lindquist, President
Napili Bay & Beach Foundation

San Luis Obispo, California 93405

Dear Ms. Lindquist:

SUBJECT: AMENDED LETTER ON THE SPECIAL MANAGEMENT AREA (SMA) EXEMPTION TO INCLUDE TMK: (2) 4-3-002:047 FOR REHABILITATION OF THE NAPILI KAHAWAI STREAM AND GULCH AREA, NAPILI, MAUI, HAWAII; TMKS: (2) 4-3-002:045, :046, :047, :048 AND (2) 4-2-002:023 (SMX 2013/0079) (SM5 2013/0165)

The purpose of this amended letter to the July 29, 2013 approval letter is to include an additional Tax Map Key (TMK), namely TMK: (2) 4-3-002:047, to the project location. Lot 47 had inadvertently been omitted by the Department of Planning (Department) for the attached subject SM5 2013/0165, issued on July 29, 2013 by the Department. Other changes to this amendment below, are only related to acknowledgement that Lot 47 is included in the project area.

This assessment is in response to the above-cited application received on February 25, 2013. The Department understands that:

1. You, as President, are the authorized representative for the Napili Bay & Beach Foundation (NBBF), the Applicant for the project;
2. The purpose of the subject project, managed by the NBBF, is to rehabilitate and remediate the vegetation profile of the downstream section of the subject stream and gulch in order to mitigate runoff, sediment, and pollutants into the ocean, and designed to minimize any potential impact to the adjacent shoreline area;
3. The subject Lot 45 is a private parcel whose owner, Scott A. Swoboda, has granted your organization and contractors representing your organization to use the property as a staging area to accomplish the remediation project. The scope of the project will be conducted by removing invasive vegetation throughout the vacant subject lot;
4. The subject Lot 23 is owned by the State of Hawaii and is the location for most of the rehabilitation work;

5. The project does not involve any dredging or filling, or any work in the marine environment;
6. The proposed re-vegetation work is a Best Management Practice (BMPs) designed to reduce sediment and pollutant load of storm water runoff;
7. The project is located in the SMA and no portion of the project will be located within the Shoreline Setback Area, which is defined as the land between the high wash of the waves and 150 feet inland from the high wash of the waves;
8. The project spans the following four private parcels for which a Flood Hazard Development Permit is required: TMKs: (2) 4-3-002:045; 046; 047; and 048. The project will also be conducted for the State-owned parcel TMK: 4-2-002:023 for which a Right of Entry will be required;
9. For the private parcels, no Environmental Assessment will be required since only minor alterations will occur to the conditions of land, water, and vegetation;
10. No United States Army Corps of Engineers permits or State Department of Health permits are required;
11. The project has not been reviewed by the Department of Land & Natural Resources-State Historic Preservation Division (DLNR-SHPD) because the parcels involved have been highly disturbed and only minimal ground disturbance will be conducted along the stream banks to cut down trees and bushes and to plant new plants; and
12. On May 1, 2013, the Department and the Applicant met with the Department of Land and Natural Resources–Land Division (DLNR-Land Division), Maui, to understand the State requirements for completion of the project. The Department understands that the Applicant is coordinating all work with the DLNR-Land Division, as required.

SPECIAL MANAGEMENT AREA ASSESSMENT

In accordance with the SMA Rules for the Maui Planning Commission (Commission) Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The rehabilitation and improvement to the Napili Kahawai Stream and gulch area related to the project is NOT considered “development” pursuant to Section 205-A-22. The applicable SMA exemption category is: “Routine maintenance dredging of existing streams, channels, and drainage ways”;
2. The project has a valuation not in excess of \$500,000.00;
(Valuation: \$28,000.00)

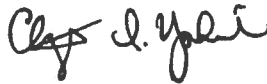
Ms. Pat B. Lindquist, President
October 8, 2013
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3. The project has no significant adverse environmental or ecological effects, taking into account potential cumulative effects;
4. The project is consistent with the objectives, policies, and Special Management guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan, West Maui Community Plan, and Zoning.

In consideration of the above determination, as per Section 22, Chapter 205A of the Hawaii Revised Statutes as amended, the SMA Rules for the Planning Commission of Maui County, and the Department's SMA Assessment, the proposed activities, with mitigation in place as described in the application, has been determined not to be a development and is exempt from the applicable requirements of Chapter 205A (SM5 2013/0165).

Thank you for your cooperation. If additional clarification is required, please contact Coastal Resources Planner James Buika at james.buika@mauicounty.gov or by phone at (808) 270-6271.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

Attachment

xc: John S. Rapacz, Planning Program Administrator (PDF)
James A. Buika, Coastal Resources Planner (PDF)
Development Services Administration
Pat B. Lindquist, Applicant (PDF)
Daniel L. Ornellas, Department of Land and Natural Resources-Maui Land Division (PDF)
CZM File (SMX)
Project File
General File

WRS:CIY:JAB:nst

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Photo 1: looking downstream from downstream boundary of project area. Pool of water is perennial, maintained by tidal flux. Trees in foreground are Milo (*Thespesia populnea*). No work is proposed in this section of channel due to potential issues regarding permits, and given that the channel is relatively intact and vegetation appears to be kept trimmed by adjacent land owners.



Photo 2: looking upstream from downstream project boundary. Left bank is recently constructed shotcrete wall that extends for 100 feet. Bed of the channel was leveled to facilitate equipment. Right bank is failing.



Photo 3: Looking downstream from left bank in Reach One. Shotcrete on image right.



Photo 4: Looking upstream into Reach One. Right bank along Napili Surf with alien trees. Vegetation on bed of the channel should remain until complete channel restoration takes place.



Photo 5: Looking upstream from boundary of Reaches One and Two. Dense vegetative growth obscures channel.



Photo 6: Looking upstream from Reach Two into Reach Three at staff laying across channel.



Photo 7: Looking upstream in Reach Three. Bed of channel is free of vegetation for short stretch.



Photo 8: Large Albezia on right bank on State Land



Photo 9: Looking upstream into Reach Four with bridge culverts in background. Trees in foreground are growing on scoured rocks removed by scour beneath bridge. Tree on left is a kukui and should not be damaged.



Photo 10: Image taken from base of bridge looking downstream into obscured channel. In foreground is deep scour hole at base of bridge.



Image depicts approximately boundary within the Napili Kahawai Stream Channel of trees to be trimmed or removed. Approximate counts are: Trimmed = 17, Remove = 48. Alien grasses inside the channel to be cut back throughout the channel.

