

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

August 22, 2014

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

PSF No.: 14MD-127

Maui

Issuance of Right-of-Entry Permit to Olowalu Elua Associates LLC for Clean-up and Maintenance Purposes of State Unencumbered Land within the Olowalu Beach Reserve at Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003:003.

APPLICANT:

Olowalu Elua Associates LLC, a Domestic Limited Liability Company.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Olowalu situated at Lahaina, Maui, identified by Tax Map Key: (2) 4-8-003:003, as shown on the attached map labeled Exhibit A.

AREA:

.62 acres, more or less.

ZONING:

State Land Use District: Conservation (Limited sub-zone)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

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

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

CURRENT USE STATUS:

Unencumbered State Beach Reserve

CHARACTER OF USE:

Clean-up and maintenance purposes.

TERM OF RIGHT-OF-ENTRY:

The Right-of-Entry Permit shall be for a term of Six (6) months from September 1, 2014, through February 28, 2015.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Subchapter 8, 11-200-8(a)(1), Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond previously existing, the proposed use is exempt.

DCCA VERIFICATION:

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

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Industry standard Best Management Practices shall be employed to minimize impacts to the coastal resources;
- 2) Contact the Maui branch of the State Historic Preservation Division to verify that there are no registered historic sites on the subject parcel prior to work being conducted. Applicant shall also monitor the project area to

- 3) assure that no previously unidentified sites are damaged. Maintain standard insurance requirements related to use of government lands throughout the term of this Right-of-Entry permit.

REMARKS:

The applicant is requesting a right-of-entry permit for maintenance purposes of a portion of government land within the Olowalu beach reserve. At present the area is heavily overgrown and there is a large amount of kiawe debris and thickets creating fire hazards and other nuisance concerns. Larger, healthier mature kiawe trees will be maintained in order to preserve a natural setting of the beach reserve. The proposed work will include trimming of underbrush, and selective clearing of noxious weeds and invasive trees such as Opiuma and Kiawe, to include the removal of miscellaneous trash found in the area.

The primary purpose of this project is to enhance lateral public access along the beach reserve in close proximity to the shoreline. Over the years, Olowalu Elua Associates has worked on similar projects in the area and have received a positive response from the general public and community, as the completed work has resulted in a clean and accessible open space for the benefit of all.

Staff has consulted with the Office of Conservation and Coastal Lands with regards to the proposed project and has been advised that a permit would not be required per Hawaii Administrative Rule 13-5-22 (P-4) (A-1) which states: "Removal of invasive species including chemical and mechanical control methods, not to exceed one acre, in accordance with state and federal laws and regulation, for the purpose of protecting, preserving, or enhancing native species native habitat, or native ecosystem functions that results in no, or only minor ground disturbance. The department or board reserves the right to require site plan approval, departmental or board approval if it is determined that the proposed action may cause significant negative secondary impacts on natural or cultural resources, or the surrounding community. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to the State.


Staff is recommending gratis for this permit. The project will enhance the subject state land area and provide for improved public access and use at no expense to the State.

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.

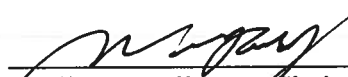
2. Authorize the issuance of a right-of-entry permit to Olowalu Elua Associates LLC covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

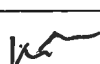


Daniel Ornellas
District Land Agent

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

August 22, 2014

EXEMPTION NOTIFICATION

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

Project Title: Issuance of Right-of-Entry Permit to Olowalu Elua Associates LLC for Clean-up and Maintenance Purposes of State Unencumbered Land within the Olowalu Beach Reserve.

Project / Reference No.: PSF No. 14MD-127

Project Location: Olowalu, Lahaina, Maui, Hawaii, TMK: (2) 4-8-003:003

Project Description: Issuance of a Right-of-Entry permit for work which will include trimming of underbrush, and selective clearing of noxious weeds and invasive trees such as Opiuma and Kiawe, to include the removal of miscellaneous trash found in the area.

Chap. 343 Trigger(s): Use of State Lands in Conservation District (Shoreline)

Exemption Class No. and Description: In accordance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Subchapter 8, 11-200-8(a)(1), Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond previously existing, the proposed use is exempt.

Consulted Parties: The Office of Conservation and Coastal Lands was consulted as a source authority having jurisdiction or expertise in this matter, and concurs that the exemption identified above is applicable to and appropriate for the proposed project.

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.

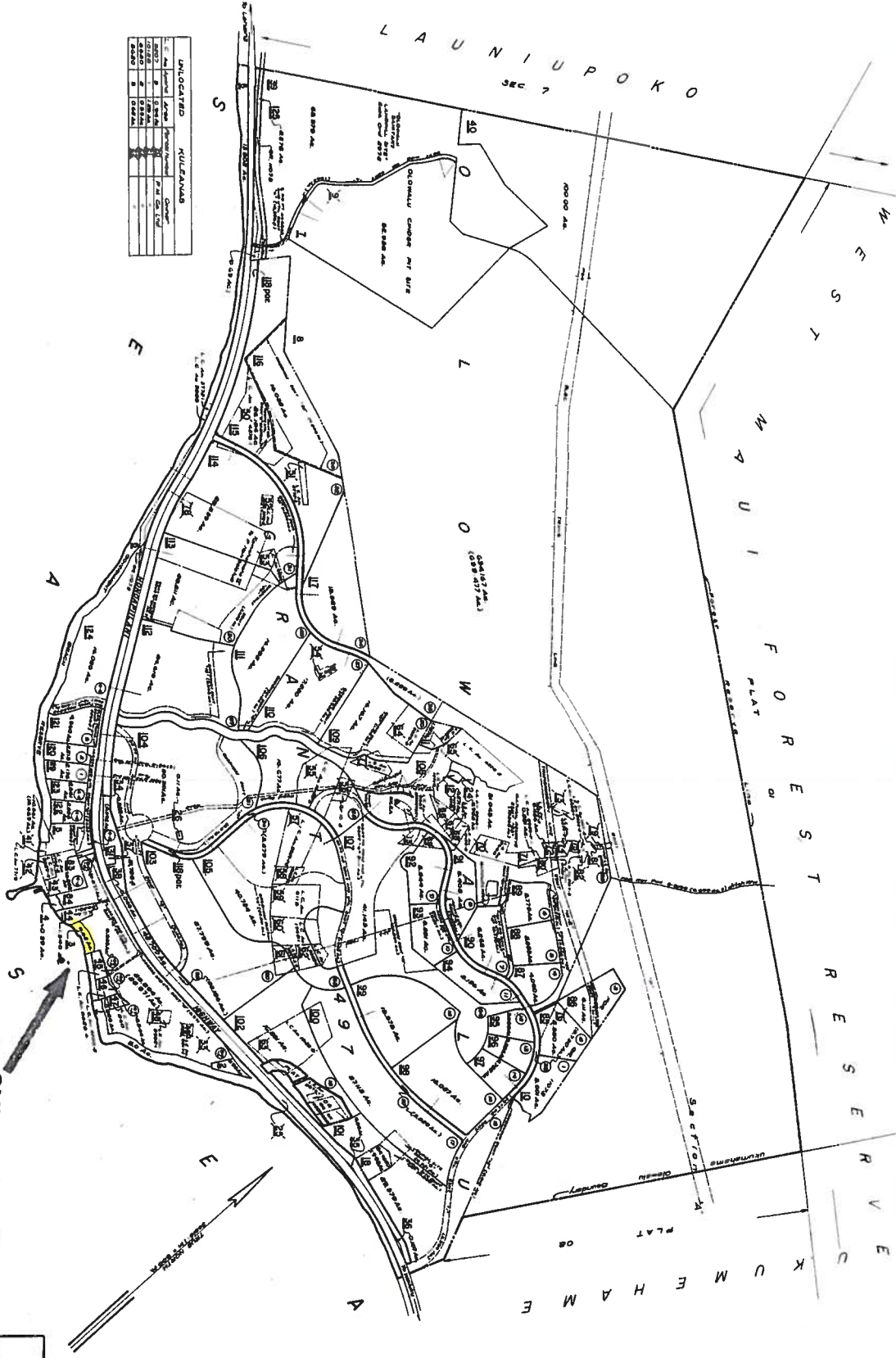


William J. Aila Jr., Chairperson 



Date

PIONEER HILL PLANTATION, OLOAHUA, MAUI.



UNLOCATED		KULUFAAB	
NO.	AREA	NO.	AREA
1	102	1	102
2	103	2	103
3	104	3	104
4	105	4	105
5	106	5	106
6	107	6	107
7	108	7	108
8	109	8	109
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99	200	99	200

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

SUBJECT AREA

COUNTY OF MAUI			
PLANTATION OF PIONEER HILL			
ZONE	SECTION	PLAT	
4	8	03	

SCALE: 1" = 300 FT

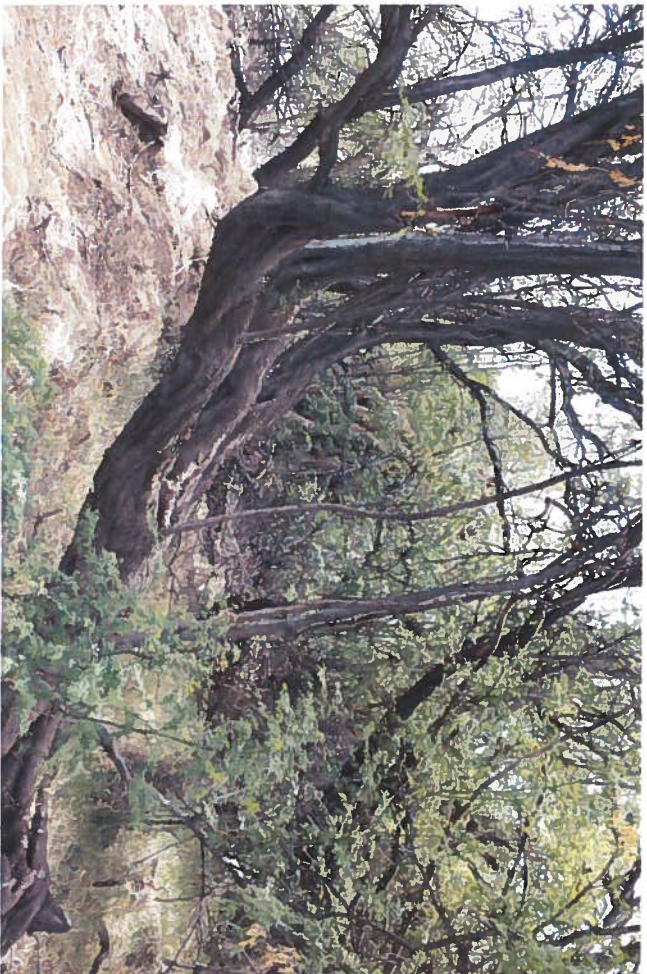


EXHIBIT (B)