

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

January 9, 2015

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

PSF No.: 14MD-201

Maui

Issuance of Right-of-Entry Permit to Douglas Poseley 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: Portions of 001 and 003.

APPLICANT:

Douglas Poseley

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: portions of 001 and 003, as shown on the attached map labeled Exhibit A.

AREA:

.25 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

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 one (1) month, commencing on the date of issuance to the applicant.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on June 8, 2011 with a finding of no significant impact (FONSI).

DCCA VERIFICATION:

Applicant is not operating a business and, as such, is not required to register with DCCA.

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 assure that no previously unidentified sites are damaged.
- 3) 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 and the area fronting the Poseley's private property. Over the years, Olowalu Elua Associates, the owners of a large portion of the surrounding properties has worked on similar projects in the area and have received a positive response from the general public and community. The completed work has resulted in a clean and accessible open space for the benefit of all. Mr. Poseley's request, if granted will result in an expansion to the previous Board approved work which has already been completed in the area.

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 regulations, 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. Authorize the issuance of a right-of-entry permit to Douglas Poseley 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;

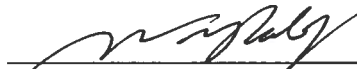
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Daniel Ornellas
District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson





AGUIAR
(2) 4-8-003:044

(2) 4-8-003:003

Olowalu Eua Assoc. LLC
(2) 4-8-003:084

RILEY

MARTIN

POSELEY
(2) 4-8-003:047

(2) 4-8-003:001

EXHIBIT A