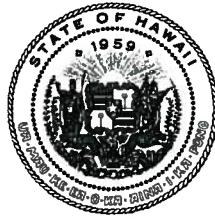


DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

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

ref:OCCL:MC

File No: Loko I'a: MO-18-03

Bronson Kalipi  
President, MA'ANA  
7200 Kamehameha V Highway  
Kauanakakai, HI 96748

**MAR 29 2018**

**SUBJECT: LOKO I'A PERMIT MO-18-03 – 'UALAPU'E**  
'Ualapu'e, Moloka'i  
TMK (2) 5-6-001:001

Dear Mr. Kalipi,

The Office of Conservation and Coastal Lands (OCCL) has reviewed the information you sent regarding proposed work on and around 'Ualapu'e fishpond on Moloka'i. The state-owned pond is in the Resource Subzone of the Conservation District

The pond has partially intact walls with three mākāhā opening to the ocean. Two of these still function, while the third was damaged by the tidal wave of 2010. There is a sandy beach along the inner side of the western wall, while mangroves dominate the eastern edge. Narrow mudflats bound the remaining walls. There are also six residences on the mauka boundaries of the pond; these residences are not affiliated with the pond.

Maoli Aquaculture and Agriculture Native Assistance (MA'ANA) is currently engaging volunteers to clean up the pond and prepare it for a future return to productivity. The first phase of the project was reviewed by OCCL in February 2017, and it was found to be consistent with Conservation District Use Permit (CDUP) ST-3703 for the Ho'āla Loko I'a program, as approved by the Board of Land and Natural Resources on June 27, 2014 (reference Loko I'a MO-17-02). This initial work involved hauling rubbish from the site, using hand tools to remove mangroves, cutting back the milo and kiawe that lies between the pond and the road, repairing an existing toolshed, and posting "no trespassing" signs.

MA'ANA currently proposed to begin the next phase of the project, which will involve repairing the three mākāhā and the rock walls. The rock wall extends approximately 1575 linear feet, of which close to 80% was damaged during the tsunami. The original rocks will be used for the repairs. They will be removed from the substrate using hand tools such as ō'ō (digging sticks) and shovels, stockpiled on site, and then used to rebuild the walls under the supervision of an experienced practitioner. The walls will be rebuilt using traditional dry-stack masonry techniques.

No mechanized equipment will be used. The work will be conducted by volunteers under the supervision of cultural practitioners. The repair of the wall will take an estimated six months.

After reviewing the application, OCCL finds that

1. That the proposal to restore the walls mākāhā is consistent with Conservation District Use Permit (CDUP) ST-3703 for the Ho'āla Loko I'a program, as approved by the Board of Land and Natural Resources on June 27, 2014;
2. That the activities described were covered in the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) for the Ho'āla Loko I'a program, which was published on October 23, 2013;
3. That the proposal requires the need for a Tier 1 Loko I'a permit signed by OCCL;
4. The State Department of Health water quality certifications are waived pursuant to Hawai'i Revised Statutes (HRS) Chapter 342D WATER POLLUTION, Section 6.5 Hawaiian loko i'a (b) *The department shall waive the requirement to obtain water quality certification under this chapter for any person that has received notice of authorization to proceed from the department of land and natural resources office of conservation and coastal lands under the statewide programmatic general permit for the restoration, repair, maintenance, and operation of loko i'a;* and
5. That the standard conditions found in Hawai'i Administrative Rules (HAR) §13-5-42 apply.

After careful review of the proposed project, the Department authorizes a Tier 1 Loko I'a permit for the restoration of the walls and mākāhā at 'Ualapu'e, Moloka'i, TMK (2) 5-6-001:001, subject to the following conditions:

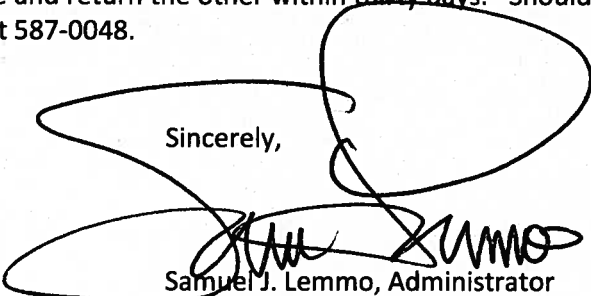
1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
4. The permittee shall comply with all applicable department of health administrative rules;
5. All representations relative to mitigation set forth in the application are incorporated as conditions of the permit;
6. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
7. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of

the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;

8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
9. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
10. Should historic remains such as artifacts, burials or concentration of charcoal be encountered, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
11. Other terms and conditions as prescribed by the chairperson.
12. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty days. Should you have any questions feel free to contact Michael Cain at 587-0048.

Sincerely,



Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged:

\_\_\_\_\_  
Permittee's Signature

\_\_\_\_\_  
Date

copy: Chair, Maui Land Division