

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

June 24, 2016

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

PSF No.: 16MD-076

Maui

Issuance of a Right-of-Entry Permit to the Association of Apartment Owners (AOAO) of Lahaina Shores for the Removal of Vegetation (Naupaka) from within the Beach Transit Corridor / Shoreline at Lahaina, Maui; TMK: (2) 4-6-002: Seaward of 007.

APPLICANT:

Association of Apartment Owners (AOAO) of Lahaina Shores.

LEGAL REFERENCE:

Sections 171-55, 115-5, 115-9, and 115-10, Hawaii Revised Statutes, as amended.

LOCATION:

Beach Transit Corridor / Shoreline at Lahaina, Maui; TMK: (2) 4-6-002: Seaward of 007, as shown on the attached map labeled Exhibit A.

AREA:

22,500 square feet, more or less.

ZONING:

State Land Use District: Conservation

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:

Removal of encroachments from shoreline (artificially induced vegetation).

EXHIBITS:

Exhibit A – Tax map of the subject area.

Exhibit B – Topographic photo of subject shoreline area.

TERM OF RIGHT-OF-ENTRY:

5 – Days

Project is estimated to take between three and five days to complete. A start date has not been confirmed as it is contingent on the BLNR's approval.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In conformance 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), 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) In the exercise of this right of entry AOA of Lahaina Shores shall use appropriate precautions and measures to minimize inconveniences to surrounding residents, landowners, and the public in general.
- 2) AOA of Lahaina Shores shall maintain and employ debris, pollution and contamination control measures, safeguards and techniques to prevent debris, pollution or contamination to the ocean waters.
- 3) Cut and remove all vegetation located seaward of the subject private property within the beach transit corridor, pursuant to Hawaii Revised Statutes 115-5, 115-9, and 115-10.

REMARKS:

Per the request of the AOA of Lahaina Shores, staff from the Office of Conservation and Coastal Lands conducted a site inspection of the shoreline at the subject location in attempt to have it certified as part of the permit process when applying for a County of Maui special management area (SMA) permit. During this inspection, staff observed a large sections of artificially induced Naupaka hedge to be located seaward of the applicant's private property boundary, within the shoreline and beach transit corridor. Due to the discovery of the encroaching vegetation, the applicant is unable to have the shoreline certified and therefore unable to obtain a SMA permit. In an attempt to clear up and remove the overgrown vegetation which is taking up useable public space on the beach, the AOA of Lahaina Shores is requesting a right-of-entry permit to access the shoreline for the removal of approximately 22,500 square feet of Naupaka hedge. The applicant has advised that they would like to conduct the hedge removal and clean up as soon as possible.

The State property (shoreline) which the hedge is growing onto is currently unencumbered and is directly fronting the Lahaina Shores Resort.

Staff is recommending gratis for this Right-of-Entry permit request as it will clear the overgrown and artificially induced vegetation fronting the subject property. This project will open up more useable space along the beach for public access and use. All cost affiliated with the encroachment removal will be covered by the applicant.

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 AOA of Lahaina Shores 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:



Suzanne D. Case, Chairperson

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

June 24, 2016

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 the Association of Apartment Owners (AOAO) of Lahaina Shores for the Removal of Vegetation (Naupaka) from within the Beach Transit Corridor / Shoreline at Lahaina, Maui.

Project / Reference No.: PSF# 16MD-076

Project Location: Lahaina, Maui, Tax Map Key: (2) 4-2-002: Seaward of 007.

Project Description: Removal of artificially induced vegetation from the shoreline fronting the subject private property.

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

Exemption Class No. and Description: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, 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" and Item No. 37, that states "Clearing, grading, and grubbing, for which grading permits are not required." and No. 42, that states "Actions that are intended to maintain or support the sustainability of those natural resources under the jurisdiction of the Department, including law enforcement, regulation compliance, resources and environmental monitoring, debris or property removal, and other administrative and management measures."

Consulted Parties:

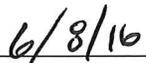
The Office of Conservation and Coastal Lands was consulted as a source authority having jurisdiction or expertise in this matter.

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.



Suzanne D. Case, Chairperson



Date



SUBJECT AREA