

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

October 12, 2018

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

PSF No.: 18MD-090

Maui

Request for Issuance of Right-of-Entry Permit to Vares Contracting, Inc. on  
Lands located at Kahana, Lahaina, Maui, Tax Map Key: (2) 4-3-005: Seaward of  
029.

APPLICANT:

Vares Contracting, Inc., a Hawaii corporation.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands situated at Kahana, Lahaina, Maui, identified by Tax Map  
Key: (2) 4-3-005: Seaward of 029, as shown on the attached map labeled Exhibit A.

AREA:

4,200 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Maui:	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:

Vacant and unencumbered

CHARACTER OF USE:

Dune restoration project for purposes of temporary erosion control

TERM OF RIGHT-OF-ENTRY:

Eight (8) weeks commencing shortly after date of issuance of right-of-entry permit.

CONSIDERATION:

Gratis is recommended due to public benefit of beachfront sand conservation.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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. 4, that states "Minor alteration in the conditions of land, water, or vegetation" and Item No. 20, that states "Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand"; and Exemption Class No. 2, that states "Replacement or reconstruction of existing structure and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced" and Item No. 20, that states "Replacement or reconstruction of existing boardwalks, trails, and unpaved roads."

See Exhibit H.

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>

See Exhibit B.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Adhere to the Terms and Conditions set forth in Office of Conservation and Coastal Lands (OCCL) Site Plan Approval MA-18-81, a copy of which is attached as Exhibit C.

- 2) Remove existing sand bags from the shoreline pursuant to OCCL recommendation and County of Maui, SMA Minor Permit SM2/2012/0032 that authorized the removal of the unauthorized structures back in 2012.

REMARKS:

Staff is requesting approval for a right-of-entry permit to Vares Contracting, Inc. for a dune restoration project at a sandy beach fronting the Kahana Village condominiums in Kahana, Lahaina, Maui. The dune restoration project is intended to provide temporary erosion control along approximately 300 linear feet of the shoreline fronting the Kahana Village condominiums. The dune will be restored by relocating sand from the northern end of the beach to the southern end and then stabilized by planting native vegetation on the dune.

Using a compact track loader with a 4-in-1 bucket, contractor will excavate (skim) sand to a maximum depth of 12 inches or one foot below grade of existing beach along approximately 120 feet length by 35 feet width of the northern end of the beach. The sand will be relocated to the southern end of the beach, spread along 300 feet of beach and leveled to match the natural slope of the existing dune. In addition, the project will entail the removal of naupaka plants and replacing them with dune-building native akiaki grass and pohuehue. Photos with notations provided by the contractor are attached as Exhibit D.

The duration of the project for the right-of-entry request is estimated to be four to six days for sand redistribution; and one to two days for removing the naupaka, planting new vegetation, and installation of temporary irrigation for a total of approximately five to eight working days for the right-of-entry. Subsequent to the initial work there will be four to six weeks of plant monitoring with some light weeding, followed by one day to remove the temporary irrigation.

The proposed activity should benefit the beach by temporarily preventing more erosion by restoring the sand dune. The Kahana area has been subject to severe erosion for several years and property owners are working on a long-term solution with the County of Maui Department of Planning. Staff believes that this project will benefit the public as well as the oceanfront property owners by preserving the sandy beach. There is a public access toward the south end of the beach.

The proposed project has been approved by the OCCL and the County of Maui Department of Planning. A copy of OCCL's Site Plan Approval is attached as Exhibit C. The approval letter from the County of Maui Planning Department's Coastal Resource Planner is attached as Exhibit E. The letter from the County Planning Department also approves, as landowner, the use of TMK (2) 4-3-005:888 for the subject project.

In addition, a draft of this submittal was disseminated to the agencies listed below, with



the results indicated:

Agency	Comment
DLNR – Historic Preservation	No response received.
DLNR – Aquatic Resources	Comments/report attached as Exhibit F
DLNR – Conservation and Coastal Lands	No objections.
County of Maui – Planning	No objections – Exhibit G
County of Maui – Public Works	No comments.
Office of Hawaiian Affairs	No response received.
Federal Corps of Engineers	No response received.

After receiving comments and a report from the Division of Aquatics Resources (DAR), staff of MDLO spoke to the Aquatic Biologist, Skippy Hau, to confirm that DAR has no objections to the proposed project, and the Aquatic Biologist confirmed that DAR has no objections (see Exhibit F). He also confirmed that there is no harm in Applicant taking sand from the area of the drainage easement and moving it to the southern section of the beach, as proposed by Applicant, because the sand in the area of the drainage easement should naturally replenish. Also, Aquatic Biologist recommends that Applicant cover with sand the exposed geotextile bags shown in his report photos.

MDLO staff shared DAR's finding of sand bags with OCCL, and OCCL responded that any sand bags should be removed prior to or concurrent with the dune restoration project that is the subject of this submittal. If the sand inside the sand bags is beach grade, it may be used for sand replenishment purposes.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

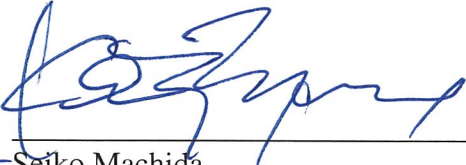
RECOMMENDATION: That the Board

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 Vares Contracting, Inc. 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

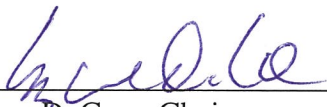


- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

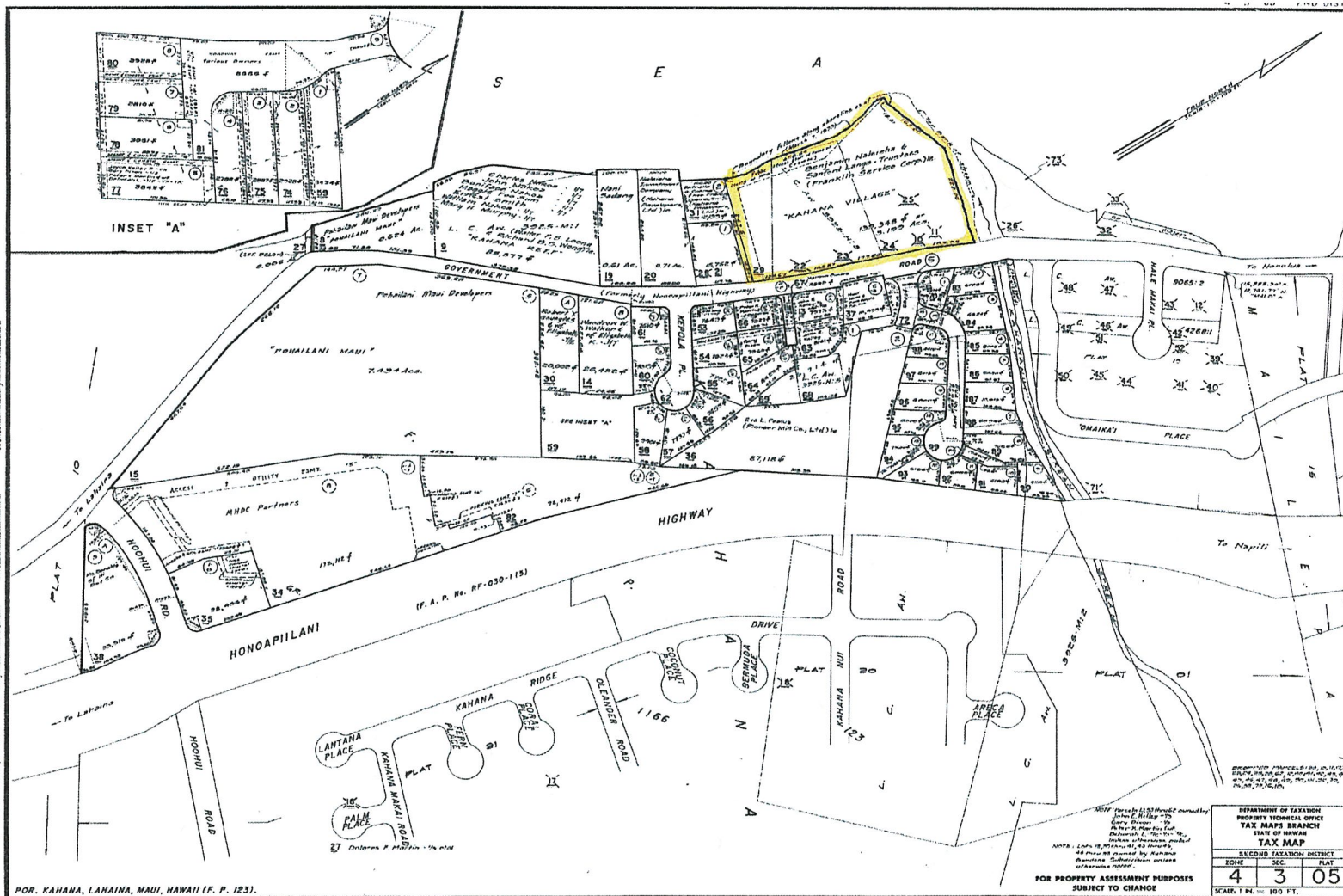
Respectfully Submitted,

  
\_\_\_\_\_  
Seiko Machida  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Suzanne D. Case, Chairperson

# EXHIBIT A









# DCCA State of Hawaii

Downloaded on September 21, 2018.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

## Business Information

MASTER NAME	VARES CONTRACTING, INC.
BUSINESS TYPE	Domestic Profit Corporation
FILE NUMBER	243617 D1
STATUS	Active
PURPOSE	GENERAL BUILDING AND EXCAVATION CONTRACTOR
PLACE INCORPORATED	Hawaii UNITED STATES
INCORPORATION DATE	Jun 24, 2014
MAILING ADDRESS	645 KOMO OHIA ST WAILUKU, Hawaii 96793 UNITED STATES
TERM	PER
AGENT NAME	EDWARD VARES
AGENT ADDRESS	645 KOMO OHIA ST WAILUKU, Hawaii 96793 UNITED STATES

## Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2018	Apr 5, 2018	Processed
2017	Apr 24, 2017	Processed
2016	Apr 28, 2016	Processed
2015	May 15, 2015	Processed

## Officers

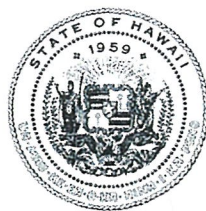
NAME	OFFICE	DATE
VARES, EDWARD	P	Apr 1, 2015
VARES, LISA	V	Apr 1, 2015
VARES, EDWARD	D	Apr 1, 2015

## Stocks

DATE	CLASS	SHARES	PAID SHARES	PAR VALUE	STOCK AMOUNT
Apr 1, 2015	COMMON	1,000	1,000		

EXHIBIT B

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

ROBERT K. MASUDA  
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  
KAIKOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

DLNR:OCCL:SH

SPA: MA-18-81

Lisa Vares  
Vares Contracting, Inc  
645 Komo Ohia St.  
Wailuku, HI 96793

**JUN 21 2018**

SUBJECT: Site Plan Approval for Kahana Village AOA Dune Restoration Project located at 4531 Lower Honoapiilani Hwy, Kahana, HI, TMK parcel: (2) 4-3-005:029 (seaward)

Dear Ms. Vares,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is responding to your May 9, 2018 request to conduct a dune restoration project at 4531 Lower Honoapiilani Hwy, Kahana, TMK parcel: (2) 4-3-005:029 (seaward) on behalf of Kahana Village AOA. The project goal of the dune restoration project is to produce temporary erosion control along approximately 300 feet of the shoreline fronting Kahana Village Vacation Rentals.

Your request is to restore and stabilize the eroded dune fronting the subject property by relocating sand from the northern end of the beach to the southern end. Approximately 90 cubic yards of clean beach-quality sand will be sourced from the beach fronting parcel TMK (2) 4-3-005:888. A small tracked excavator and/ or compact track loader with 4-in-1 bucket will be used to scoop lifts of sand from the source location. Sand will be excavated (skimmed) to a maximum depth of one (1) foot below the grade of existing beach along approximately 120' length x 35' width of the beach. Sand will be relocated to the southern end of the beach fronting parcel (2) 4-3-005:029 via excavator and/or compact track loader bucket. Once relocated, the sand will be spread along 300 feet of beach and leveled to match the natural slope of the existing dune.

The proposed project is a follow-up to a previous dune restoration project undertaken in 2012 that was permitted by the County. The restored dune was damaged/eroded away during high wave events that occurred over the following winter seasons. As part of the 2012 project, sand for dune restoration was acquired from an inland dune source that is no longer available. As part of the current project sand will be sourced by back-passing it from an adjoining section of beach (stream mouth).

**Exhibit C**



The dune restoration site currently hosts native vegetation including naupaka and pohuehue. As part of the project, the naupaka will be removed and native 'aki'aki grass and pohuehue will be placed and/or cultivated to stabilize the restored dune. Existing pohuehue will not be removed as it is known to effectively and quickly stabilize dune systems in combination with 'aki'aki grass. A post-and-rope system that currently exists landward of the dune restoration site in addition to temporarily installed construction type (plastic) green fencing placed landward of the dune, will provide temporary protection from foot traffic while vegetation becomes established.

The proposed project is considered an identified land use in the Conservation District Resource Subzone pursuant to Hawaii Administrative Rules (HAR) §13-5-23 (L-2) LANDSCAPING (B-1) *Landscaping, defined as alteration (including clearing and tree removal) of plant cover, including chemical and mechanical control methods, in accordance with state and federal laws and regulations that results in no, or only minor ground disturbance, in an area less than 2,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited. In addition, the sand pushing and dune restoration activities are considered to be routine beach maintenance.*

The proposed project is minor in scope and may be considered an exempt action under State environmental laws under Hawaii Administrative Rules §11-200-8 and as provided in the approved Exemption List for the DLNR, Exemption Class 4: 20. *Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand;* and additionally Exemption Class 3: 22. *Replacement or renovation of existing landscaping or vegetation.* The Maui County Department of Planning has provided concurrence on these exemptions.

**The DLNR authorizes the dune maintenance effort (sand pushing, dune restoration, planting of native vegetation) fronting the subject properties, as described above, for temporary preventative erosion protection. Before you proceed, written approval from the owner of TMK parcel (2) 4-3-005:888 is required to conduct work fronting their property, in addition to a ROE from the DLNR Land Division. Additional Terms and Conditions are provided below. Please review them carefully.**

### **Terms and Conditions**

The DLNR authorizes the temporary preventative beach maintenance (sand pushing, dune restoration) fronting the subject properties at TMKs (2) 4-3-005:029 as temporary erosion protection provided that you adhere to the following Terms and Conditions.

1. That in issuing this letter, the Department and Board has relied on the information and data that the applicant has provided in connection with this letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;



2. The applicants shall cultivate only DLNR approved native vegetation ('aki'aki grass and pohuehue) atop the restored dune. In order to mitigate the potential for vegetation encroachment onto the beach, irrigation shall only be utilized temporarily (not more than six months from the date of this letter) while vegetation becomes established. Irrigation for lawn and other adjacent landscaping shall be minimized and directed away from the shoreline. Vegetation, including vine coverage, is not to extend beyond the base of the dune, thus maintenance of dune vegetation is required to ensure lateral access along the beach;
3. Photo documentation will be conducted before, during, and after sand placement. Photos will be taken from established viewpoints one week prior to placement, during placement activities, immediately after completion of the project, daily for three days following completion, two weeks after completion, and 90 days after completion following removal of the temporary irrigation and fencing;
4. A post project report will be completed and issued to DLNR 120 days after completion of the project, including photographic documentation. The report will include a project summary, deviation(s) from plan (if any), photos and plume measurements, documentation of removal of the temporary irrigation and fencing, any maintenance activities, as well as information regarding the effectiveness of the project;
5. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands;
6. It is understood that the beach maintenance (sand pushing, dune restoration) is a temporary preventative measure to provide an erodible buffer for seasonal wave run-up and erosion. Subsequent erosion control efforts will require a new authorization;
7. It is understood that the terms of this authorization may be modified by the Department prior to and during construction, if beach conditions change;
8. The applicant will notify the Department no less than one week prior to beginning construction operations;
9. The Contractor shall perform the work in a manner that minimizes environmental pollution and damage as a result of construction operations. The environmental resources within the project boundaries and those affected outside the limits of permanent work shall be protected during the entire duration of the construction period;
10. The area for sand scraping (excavation) is limited to the beach fronting the approved subject properties within an area bounded by the lateral property lines and the high water line and to a depth no greater than one (1) foot below the grade of the existing beach;
11. Work shall be conducted during daylight hours, only. No work shall be conducted at night;

12. No materials shall be placed on the sand bank, including but not limited to tarps, sandbags or fencing, without prior authorization from DLNR;
13. The sand used for placement shall meet the following State quality standards:
  - a) The proposed fill sand shall not contain more than six (6) percent fines, defined as the #200 sieve (0.074 mm).
  - b) The proposed beach fill sand shall not contain more than ten (10) percent coarse sediment, defined as the #4 sieve (4.76 mm) and shall be screened to remove any non-beach compatible material and rubble.
  - c) No more than 50 (fifty) percent of the fill sand shall have a grain diameter less than 0.125 mm as measured by #120 Standard Sieve Mesh.
  - d) Beach fill shall be dominantly composed of naturally occurring carbonate beach or dune sand. Crushed limestone or other man made or non-carbonate sands are unacceptable.
14. At the conclusion of work, the area shall be cleaned of all construction material and the site shall be restored to a condition acceptable to the Chairperson, including smoothing the beach to remove any tracks or indentions from the work;
15. To avoid encroachments upon the area, the applicant shall not use artificially accreted areas due to nourishment as indicators of where the certified shoreline may be located pursuant to Hawaii Administrative Rules Title 13, Sub-Title 10, Chapter 222;
16. The activity/use shall not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
17. The activity/use shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
18. Turbidity levels shall be monitored visually and documented with photographs daily during restoration activities by the applicant and may be monitored visually by DLNR staff at any time;
19. Additional visual and photographic monitoring will be conducted during any advisory-level high surf events within 3 months after completion of project or, if/when a visible turbidity plume is discernible;
20. When the Chairperson is notified by the applicant or the public that an individual activity deviates from the scope of the activity/uses, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant to undertake corrective measures to address the condition affecting these resources. The applicant must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;



21. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State Department of Land and Natural Resources that an individual activity/use or activities conducted under this letter is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant to undertake corrective measures to address the condition affecting these resources. The applicant must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
22. Where any interference, nuisance, or harm may be caused, or hazard established by the authorized activities/uses, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
23. No contamination of the marine or coastal environment (trash or debris) shall result from project-related authorized activities/uses;
24. No motorized construction equipment is to be operated in the water at any time;
25. In the event there is a petroleum spill on the sand, the operator shall promptly remove the contaminated sand from the beach;
26. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii 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 projects authorized under this letter;
27. The applicant shall comply with all applicable statutes, ordinances, rules, and regulation of the federal, state, and county governments for authorized projects;
28. In the event that historic sites, including human burials are uncovered during construction activities, all work in the vicinity must stop and the State Historic Preservation Division contacted at (808) 692-8015;
29. The applicant shall take measures to ensure that the public and neighboring property owners are adequately informed of the project activities/work and the need to avoid the project area during the operations;
30. Public access along the shoreline during construction shall be maintained so far as practicable and within the limitations necessary to ensure safety;
31. All construction material including sand shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality; and



32. The applicant shall implement standard Best Management Practices (BMPs), such as daily inspection of equipment for conditions that could cause spills or leaks; cleaning of equipment prior to operation near the water; the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses; and implementation of adequate spill response procedures, stormy weather preparation plans, and the use of silt curtains and other containment devices. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance. The DLNR/OCCL staff shall be contacted immediately at 587-0381, to conduct a visual inspection and to provide appropriate guidance.

**Please sign two copies. Retain one copy and return the other copy to DLNR OCCL within (30) days. Please notify the OCCL in advance of the anticipated construction dates and notify the OCCL immediately if any changes to the scope or schedule are anticipated.**

Should you have any questions on the matter, please feel free to contact Shellie Habel, Hawaii Sea Grant Extension Agent in the DLNR Office of Conservation and Coastal Lands at (808) 587-0049 or via email at [Shellie.L.Habel@Hawaii.gov](mailto:Shellie.L.Habel@Hawaii.gov).

Sincerely,

  
 SAMUEL J. LEMMO, ADMINISTRATOR  
 OFFICE OF CONSERVATION AND COASTAL LANDS

I concur with the conditions of this letter:

LISA VARES  
 Applicant's Name (Print)

Lisa Vares  
 Applicant's Signature

Date 06-30-18

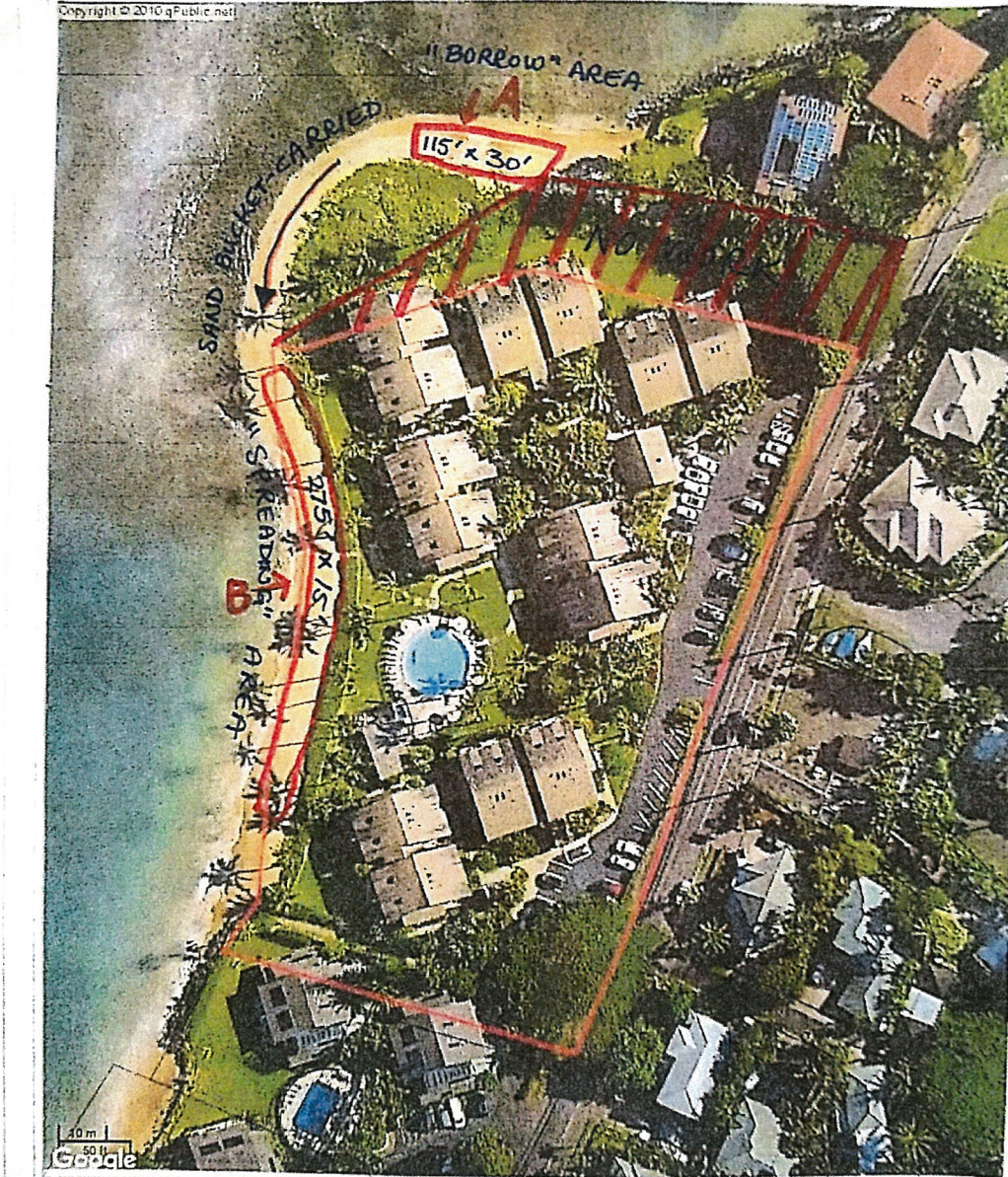
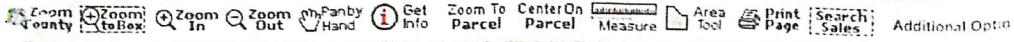
CC: *Maui Board Member*  
*DAR/HPD/MDLO*  
*DOH-CWB/ ACOE/ OHA/CZM*  
*Jim Buika, County of Maui Department of Planning*  
*Tara Owens (UH Sea Grant c/o Maui Dept of Planning)*  
*Larry Winter, KV AOAO*  
*Vicki Betts, KV AOAO*



LOCATION MAP #1

3/7/2018

Maui County Parcel Maps

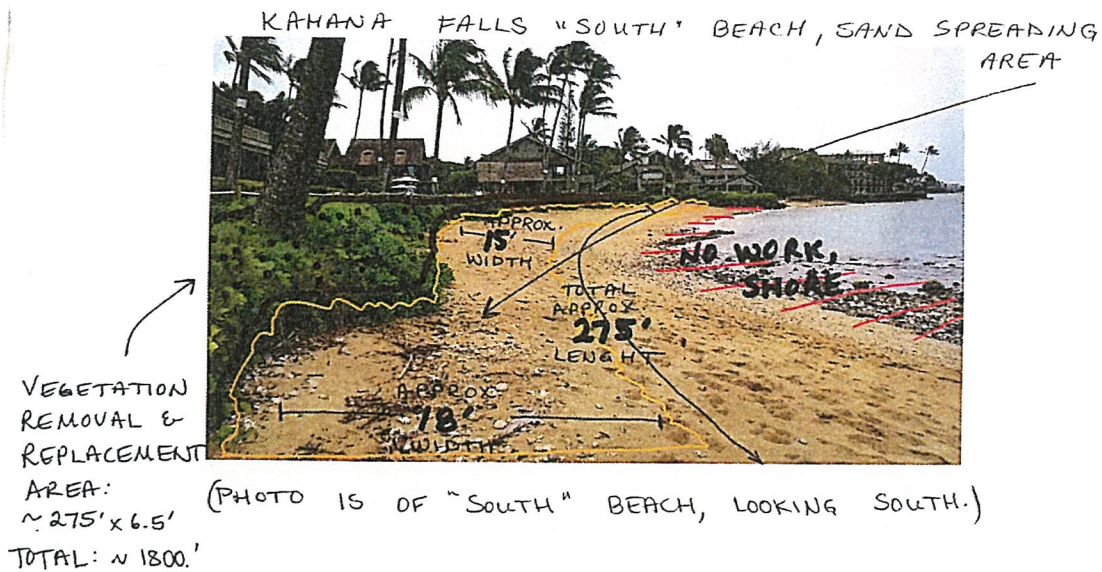


Maui County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data.

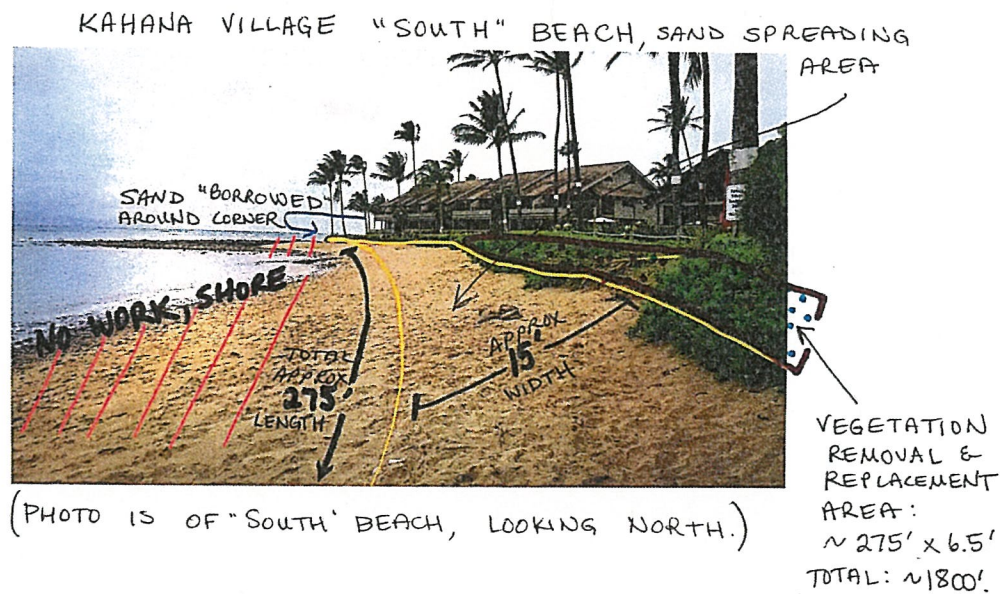
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# LOCATION MAP #2



# LOCATION MAP #3





# LOCATION MAP #4

## KAHANA FALLS "NORTH" BEACH "BORROW" AREA



COUNTY  
DRAINAGE  
EASEMENT  
OUTLET.  
NO WORK  
DONE IN  
THIS PARCEL.

PHOTO IS OF RIGHT SIDE/HALF OF BEACH AREA  
(RIGHT WHEN VIEWED FROM LAWN, LOOKING TOWARD  
THE OCEAN.)

# LOCATION MAP #5

## KAHANA VILLAGE "NORTH BEACH" BORROW AREA

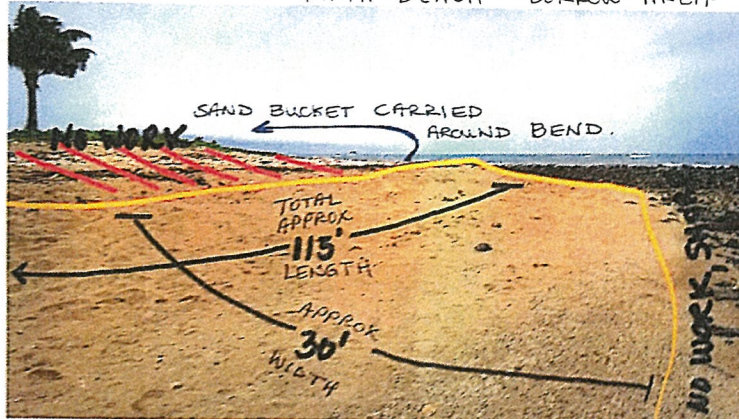


PHOTO IS OF LEFT SIDE/HALF OF BEACH AREA  
(LEFT WHEN VIEWED FROM THE LAWN, LOOKING TOWARD  
THE OCEAN.)

EXISTING "BEACH ACCESS"  
SIGNAGE & POST-ROPE FENCING



SOUTH ACCESS



NORTH ACCESS



EXISTING "BEACH ACCESS"  
SIGNAGE & POST-ROPE FENCING



SOUTH ACCESS

NORTH ACCESS



ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 20, 2018

Shellie Habel  
Sea Grant Extension Agent and Coastal Lands Program Coordinator  
Department of Land and Natural Resources  
Office of Conservation and Coastal Lands  
1151 Punchbowl Street, Room 131  
Honolulu, Hawaii 96813

Dear Ms. Habel,

**SUBJECT: Concurrence to Proceed with State-Authorized Sand Pushing Permit for Kahana Village AOA, 4531 Lower Honoapiiliani Hwy, Kahana, Maui, Hawaii with respect to Adjacent County Parcel TMK: (2) 4-3-005:888**

As requested by Department of Land and Natural Resources – Maui Land Agent, this letter is to serve as approval from the County of Maui Department of Planning (Department) as landowner of parcel TMK (2) 4-3-005:888, located at 4531 Lower Honoapiiliani Highway, Kahana, for the Beach and Dune Restoration project proposed by Kahana Village Condominiums.

Kahana Village Condominiums has requested approval for a sand-pushing permit from DLNR to restore the sand dune located on the south shore of the property, using excess sand borrowed from the north-western facing beach. Parcel (2) 4-3-005:888 is a drainage easement parcel owned by the County of Maui, located adjacent to and landward of the north beach of Kahana Village. Per plans and permits submitted to the University of Hawaii Sea Grant Program Coastal Hazards Specialist - Maui, the State of Hawaii DLNR Land Division and the OCCL, this dune restoration will require removal of 90 cubic yards of surface sand from the north beach fronting this parcel, and transport of the sand across that property to the south beach via excavator and /or compact track loader bucket. The dune restoration will also require installation of dune-building native plants per the OCCL, including Pohuehue and 'Aki'aki grass.

If you have any questions, please contact me at [james.buika@mauicounty.gov](mailto:james.buika@mauicounty.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "James Buika".

James Buika  
Coastal Resource Planner

CC: Daniel Ornellas, [Daniel.L.Ornellas@hawaii.gov](mailto:Daniel.L.Ornellas@hawaii.gov)  
Tara Owens, UH Sea Grant College Extension Agent – Maui [taram@hawaii.edu](mailto:taram@hawaii.edu)

K:\WP\_DOCS\PLANNING\SMX\2012\0069\_BrownRandy\Letter of Concurrence, County Land-owner, Kahana Village 07.20.18.doc



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

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

ROBERT K. MASUDA  
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  
KAIHOLEWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Date: 9/11/18  
DAR # 5780

MEMORANDUM

TO: Brian J. Neilson  
Acting DAR Administrator

FROM: Skippy Hau, Aquatic Biologist

SUBJECT: Request for Comments

Request Submitted by: Seiko Machida, Land Agent

Location of Project: Kahana, Lahaina, Maui, TMK: (2) 4-3-005:029

Brief Description of Project:

Right-of-Entry Permit to Vares Contracting, Inc. for Dune restoration project to include transporting of sand from the north side of the beach, removing the naupaka, planting new vegetation, and installation of temporary irrigation over five to eight working days for right-of-entry. Plant monitoring and some light weeding will occur in four to six weeks with one day to remove the temporary irrigation.

Comments:

☐ No Comments ☒ Comments Attached

Thank you for providing DAR the opportunity to review and comment on the proposed project. Should there be any changes to the project plan, DAR requests the opportunity to review and comment on those changes.

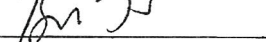
Comments Approved:  Date: 9/11/18  
Brian J. Neilson  
Acting DAR Administrator

EXHIBIT F

DAR# 5780

Comments

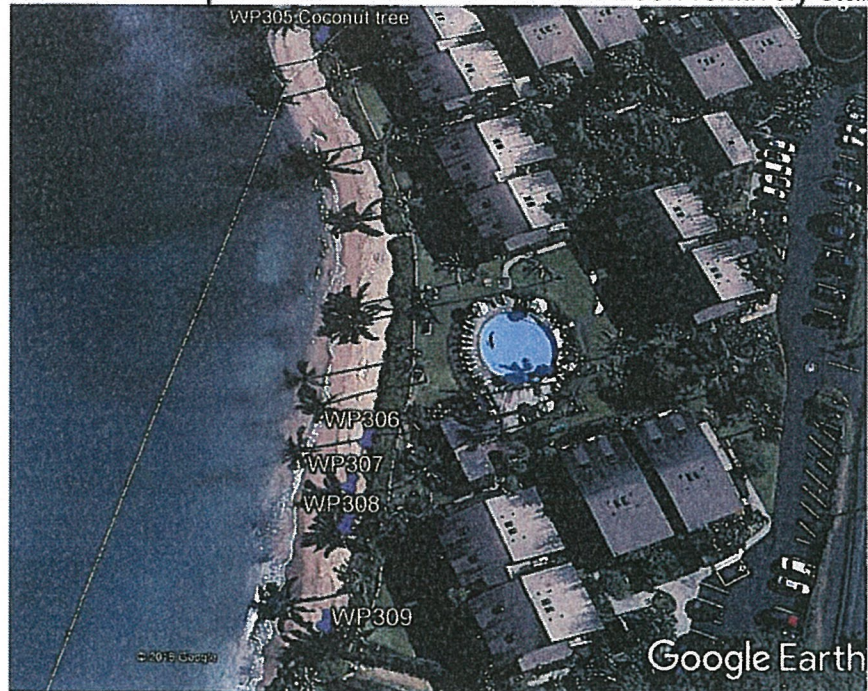
On 5 September 2018, I inspected the shoreline and took photos of the shoreline area where sand will be replenished. The shoreline has been relatively stable.

Can the exposed geotextile bags and material be covered over? Previously, exposed geotextile bags were noted from an inspection in 2017. Most of the original geotextile bags cannot be seen. It appears that this part of the shoreline is more exposed to tide and swells. This area will be susceptible to sand removal towards the shoreline access.

Additional photos and comments have been attached.



I inspected the shoreline and took photos of the shoreline area where sand will be replenished. The shoreline has been relatively stable.

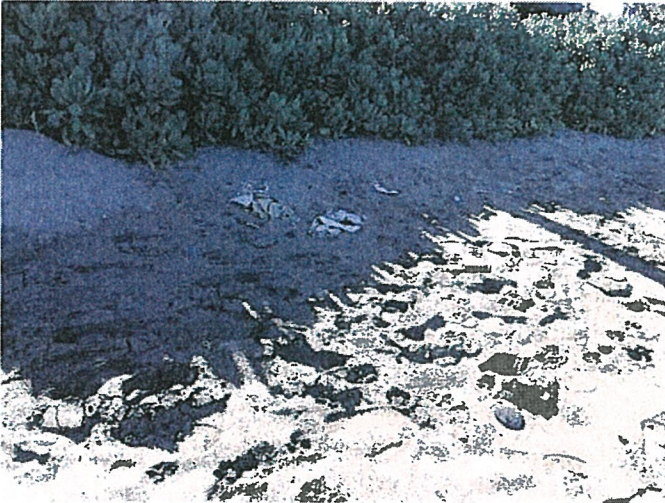


WP305 Textile bag exposed by coconut tree Latitude 20.97707N  
Longitude 156.67804W



(Photos 139)

WP306 Exposed geotextile material next to vegetation line Latitude 20.97632N  
Longitude 156.67801W



(Photo144).



WP307 Strap of material exposed Latitude 20.97625N  
Longitude 156.67804W



(Photo 145)

WP308 Exposed geotextile bags Latitude 20.97619N  
Longitude 156.67805W



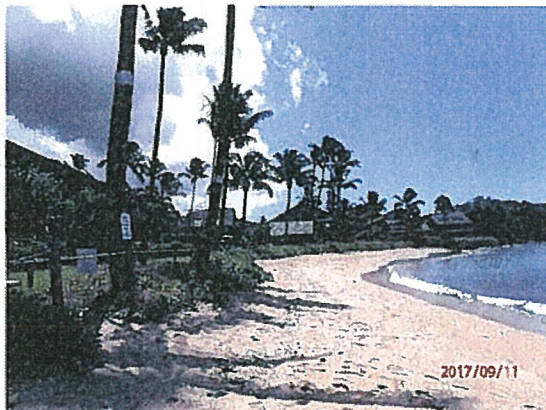
(Photo146 &147)

WP309 Exposed bags by shoreline access Latitude 20.97605N  
Longitude 156.67809W



(Photo 148)

Can the exposed geotextile bags and material be covered over? Previously, exposed geotextile bags were noted from an inspection last year. Most of the original geotextile bags cannot be seen. It appears that this part of the shoreline is more exposed to tide and swells. This area will be susceptible to sand removal towards the shoreline access.





5780

RECEIVED

SEP 05 2018

Division of Aquatic Resources

DAR 5780

August 29, 2018

Ref. No.: 18MD-090

Author: LD-SM

MEMORANDUM

TO:           **State Agencies:**  
                \_\_\_DOH  
                \_\_\_DHHL  
                XDLNR-Aquatic Resources  
                \_\_\_DLNR-Forestry & Wildlife  
                XDLNR-Historic Preservation  
                \_\_\_DLNR-State Parks  
                XDLNR-Conservation and Coastal Lands  
                \_\_\_DLNR-Water Resource Management  
                \_\_\_DOT

**Federal Agencies:**  
                X Corps of Engineers  
                \_\_\_NRCS

**County Agencies:**  
                X Planning  
                \_\_\_ Parks & Recreation  
                X Public Works  
                \_\_\_ Water Department

**Other Agencies:**  
                X Office of Hawaiian Affairs

FROM:       Seiko Machida, Land Agent *SM*

SUBJECT:    Request for Comments  
LOCATION:    (2) 4-3-005: Seaward of 029  
APPLICANT:  Vares Contracting, Inc.

Transmitted for your review and comment is a copy of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by **September 21, 2018**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 808-984-8103. Thank you.

Attachments

- ( ) We have no objections.
- ( ) We have no comments.
- ( ) Comments are attached.

Signed: *Brian J. Neilson*  
Date: 9/11/18

Brian J. Neilson, Acting DAR Administrator

cc:    Central Files  
      District Files

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SEP - 4 2018

Div. of Aquatic Resources  
Maui

EXHIBIT F

181 4679

RECEIVED

2018 SEP -4 P 2:46

August 29, 2018

COUNTY OF MAUI  
DEPT. OF PLANNING  
ADMINISTRATION

Ref. No.: 18MD-090

Author: LD-SM

MEMORANDUM

TO:

State Agencies:

☐ DOH  
☐ DHHL  
☒ DLNR-Aquatic Resources  
☐ DLNR-Forestry & Wildlife  
☒ DLNR-Historic Preservation  
☐ DLNR-State Parks  
☒ DLNR-Conservation and Coastal Lands  
☐ DLNR-Water Resource Management  
☐ DOT

County Agencies:

☒ Planning  
☐ Parks & Recreation  
☒ Public Works  
☐ Water Department

Federal Agencies:

☒ Corps of Engineers  
☐ NRCS

Other Agencies:

☒ Office of Hawaiian Affairs

FROM: Seiko Machida, Land Agent *SM*

SUBJECT: Request for Comments

LOCATION: (2) 4-3-005: Seaward of 029

APPLICANT: Vares Contracting, Inc.

Transmitted for your review and comment is a copy of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by September 21, 2018. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 808-984-8103. Thank you.

Attachments

- ☒ We have no objections.  
☐ We have no comments.  
☐ Comments are attached.

Signed:

Date:

*Jay O. Bunker*  
*09/18/18*

cc: Central Files  
District Files

*Planning has worked closely with  
UH Sea Grant Program (Tara Owens),  
OCC, and contractor as well as  
applicant on Best Management Practices.  
Thank you, Jay Bunker*

EXHIBIT G





**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION**

54 High Street, Room 101  
Wailuku, Hawaii 96793  
PHONE: (808) 984-8103  
FAX: (808) 984-8111

October 12, 2018

## **EXEMPTION NOTIFICATION**

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

Project Title:	Request for Issuance of Right-of-Entry Permit to Vares Contracting, Inc.
Project / Reference No.:	18MD-090
Project Location:	Kahana, Lahaina, Maui, Tax Map Key: (2) 4-3-005: Seaward of 029 and 888.
Project Description:	Project is a dune restoration project intended to provide temporary erosion control along approximately 300 linear feet of the shoreline fronting the Kahana Village condominiums. The dune will be restored and stabilized by relocating sand from the northern end of the beach to the southern end and then planting native vegetation on the dune.
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. 4, that states "Minor alteration in the conditions of land, water, or vegetation" and Item No. 20, that states "Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand"; and Exemption Class No. 2, that states "Replacement or reconstruction of existing structure and facilities where the new structure will be located generally on the same site and will have substantially the same purpose,

**Exhibit H**

capacity, density, height, and dimensions as the structure replaced” and Item No. 20, that states “Replacement or reconstruction of existing boardwalks, trails, and unpaved roads.”

Applicant will use a compact track loader with a 4-in-1 bucket to excavate (skim) sand to a maximum depth of 12 inches or one foot below grade of existing beach along approximately 120 feet length by 35 feet width of the northern end of the beach. The sand will be relocated to the southern end of the beach, spread along 300 feet of beach and leveled to match the natural slope of the existing dune. After the sand is relocated, applicant will remove naupaka plants from the dune and replace them with dune-building native akiaki grass and pohuehue.

Project activities involve negligible negative impacts on the environment and are anticipated to temporarily stop or slow coastal erosion in the project area.

Consulted Parties:

The State DLNR Office of Conservation and Coastal Lands (OCCL) was consulted for this project and provided Site Plan Approval MA-18-81. The County of Maui Planning Department, Coastal Zone Management Program, was also consulted and they concurred with the OCCL decision. In addition, the County Planning Department stated, “These activities are complimentary to dune restoration activities authorized by the County of Maui on March 22, 2012, under permits SM2 2012/0032 and SSA 2012/0020. This permit was issued a five year extension on April 22, 2017. According to the permit extension, any dune maintenance shall be in accordance with the project description in the *Kahana Village Dune Restoration & Management Program* document dated March 15, 2012, which addresses sand quality and quantity, vegetation types, irrigation, and reporting.” This project was also reviewed by an Aquatic Biologist, with the State DLNR Division of Aquatics Resources (DAR), who had no objections to the project.

Analysis:

Based on the decision of the OCCL and concurrence and comments from the County of Maui Department of Planning, and the lack of objections from DAR, staff believes there would be no significant negative impact to the coastal



environment in the project area. Staff is not aware of any sensitive environmental issues in the project area. The project will restore an existing dune at the beach and will not change public use of the beach.

Recommendation:

That the Board find this project to have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.