

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

September 10, 2021

Chairperson
Department of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 21MD-057

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:

5,400 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:

Two (2) months commencing upon execution of right-of-entry permit.

CONSIDERATION:

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

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with HAR § 11-200.1-16 (a)(2) and the Exemption List for the Department of Land and Natural Resources (DLNR) reviewed and concurred on by the Environmental Council on March 3, 2020 and non-substantively revised on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 4, "Minor alterations in the conditions of land, water, or vegetation", Part 1, Item No. 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing," and Part 2, Item No. 4 that states, "Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand." The exemption notification is attached as Exhibit B.

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) Adhere to the Terms and Conditions set forth in Office of Conservation and Coastal Lands (OCCL) Site Plan Approval MA-21-50, a copy of which is attached as Exhibit C.

REMARKS:

Staff is requesting approval for a right-of-entry permit for Vares Contracting, Inc. ("Applicant") 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 removing naupaka and replacing them by planting native vegetation consisting of akiaki grass and pohuehue vines.

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 Applicant 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. The DLNR State Historic Preservation Division has a letter, attached as Exhibit F, documenting their determination that no historic properties are affected by the project. The US Army Corps of Engineers wrote that no permit is required from their agency, attached as Exhibit G.

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

Agency	Comment
DLNR – Aquatic Resources	No comments received
DLNR – Conservation and Coastal Lands	No comments received
County of Maui – Planning	No comments received
County of Maui – Public Works	No comments received
Office of Hawaiian Affairs	No comments received

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

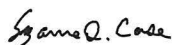
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-16 (a)(2), HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental 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,



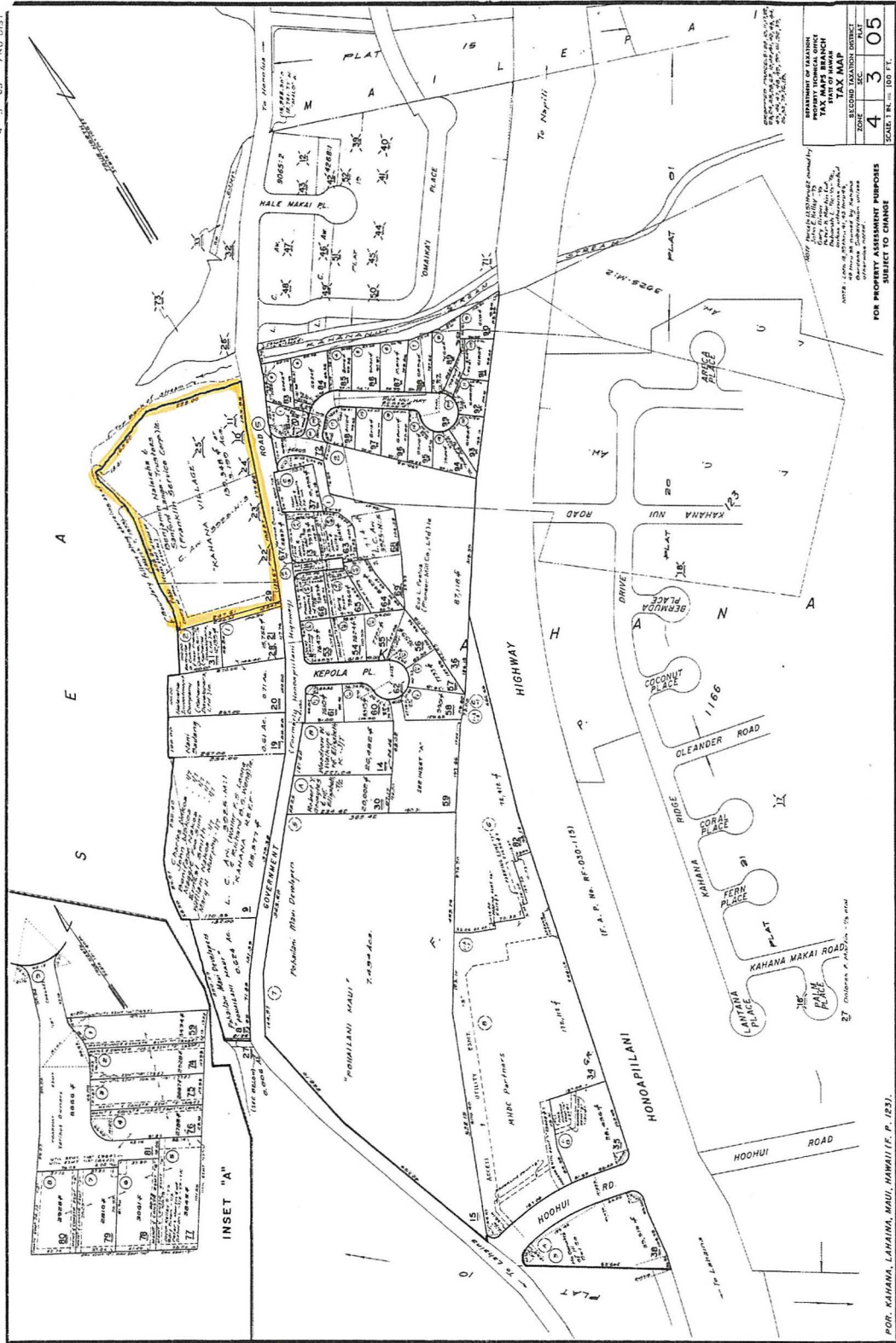
Seiko Machida
Land Agent

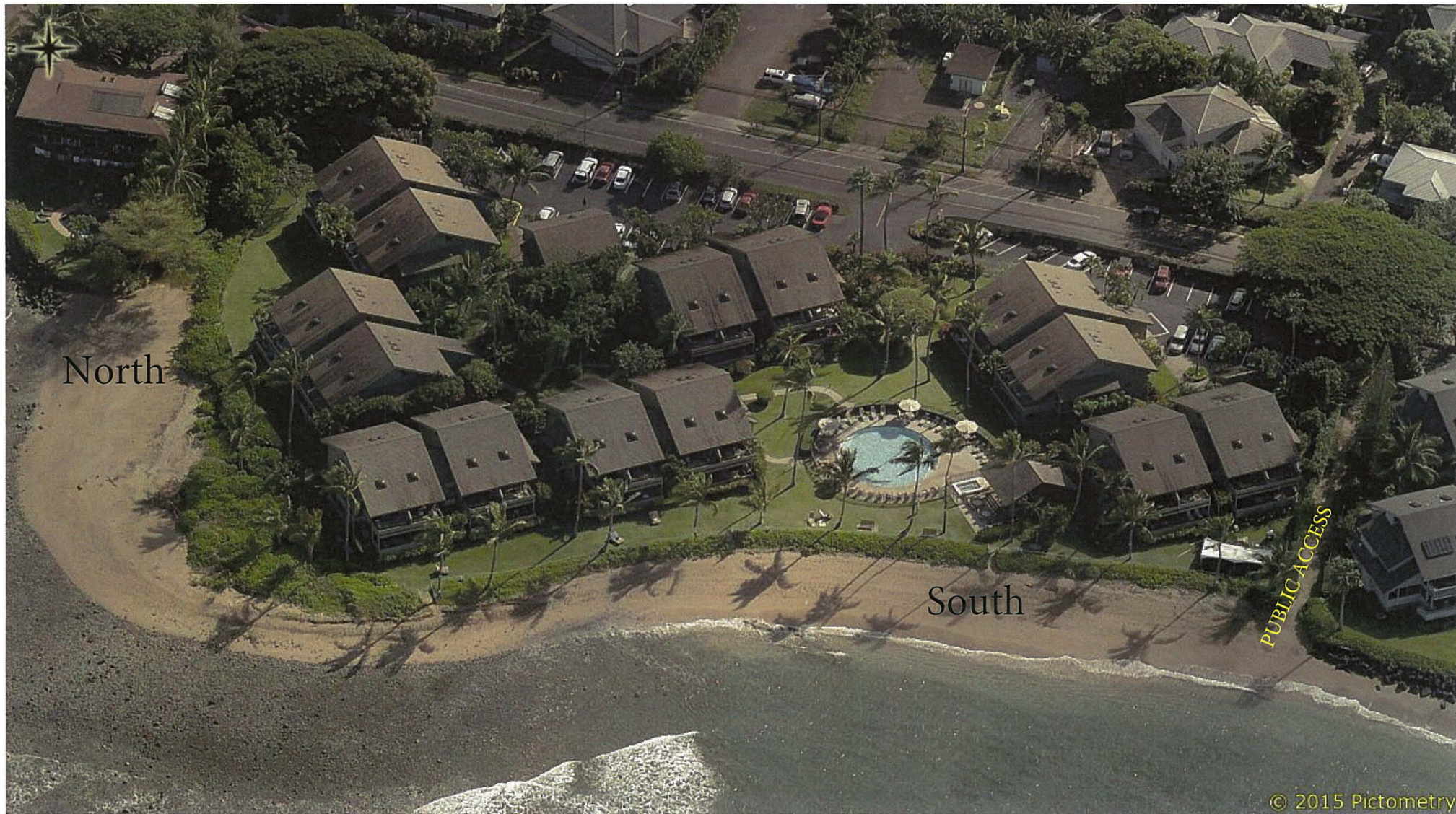
APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson







DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

KALEO L. MANUEL
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

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS) and Section 11-200.1-16 (a)(2) of the Hawaii Administrative Rules (HAR)

Project Title: 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

Project / Reference No.: PSF 21MD-057

Project Location: Kahana, Lahaina, Maui, Tax Map Key: (2) 4-3-005: Seaward of 029

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.: In accordance with Hawaii Administrative Rules (HAR) Section 11-200.1-16 (a)(2) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred by the Environmental Council on March 3, 2020 and non-substantively revised on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to: General Exemption Type 4, "Minor alterations in the conditions of land, water, or vegetation", Part 1, Item No. 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing," and Part 2, Item No. 4 that states,

EXHIBIT B

“Beach restoration, sand dune restoration, and sand pushing activities of less than 10,000 cubic yards of beach quality sand.”

Cumulative Impact of
Planned Successive
Actions in Same Place
Significant?:

No, the request is for dune maintenance (sand pushing, dune restoration, planting of native vegetation) for temporary preventive erosion protection.

The impact of this project will be to restore and stabilize an eroded sand dune fronting the subject property and an adjacent County owned parcel. It will restore native vegetation along the shoreline.

Action May Have
Significant Impact on
Particularly Sensitive
Environment?:

No, staff believes there would be no significant impact to sensitive environmental or ecological receptors. The project will restore an existing dune at the beach and will not change public use of the beach. The project has been reviewed and approved by subject matter experts in the DLNR Office of Conservation and Coastal Lands and the County of Maui Department of Planning.

Consulted Parties

Consulted with the DLNR Division of Aquatic Resources, OCCL, County of Maui Planning and Public Works Departments, and the Office of Hawaiian Affairs. (put responses or lack thereof here).

Recommendation:

That the Chairperson find 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.

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
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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:SH

SPA. MA 21-50

APR 28 2021

Lisa Vares, General Manager/VP
Vares Contracting, Inc
[REDACTED]
Wailuku, HI 96793

SUBJECT: Site Plan Approval for Kahana Villages AOA 2021 Dune Project Located at 4531 Lower Honoapiilani Hwy, Kahana, Maui, HI, Tax Map Key: (2) 4-3-005:029 (seaward)

Dear Mr. Vares,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is responding to your request received on March 29, 2021 to conduct a dune restoration project at 4531 Lower Honoapiilani Hwy, Kahana, TMK parcel: (2) 4-3-005:029 (seaward) and an adjacent County-owned parcel, TMK parcel (2) 4-3-005:888, on behalf of Kahana Village AOA. The goal of the project is to restore the natural dune by conducting sand pushing, removal of naupaka, and planting of native vegetation along the shoreline fronting Kahana Village Vacation Rentals and the County-owned parcel.

According to your application, 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 200 feet of beach and leveled to match the natural slope of the existing dune. Vegetation of the dune will require the removal of existing naupaka plants along the sand source and placement locations. Following removal of the naupaka, installation of dune-building native plants will be undertaken, including approximately 200 plugs of 'Aki'aki grass and 150 plugs of Puhuehue. In an effort to establish the plantings, a temporary drip irrigation system will be installed for a maximum of 90 days. Growth of the vegetation will be maintained by the Kahana Villages' AOA landscaping team.

The proposed project is a follow-up to a previous dune restoration project undertaken in 2012 and again in 2018. 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 2018 project sand was sourced by

EXHIBIT C -- pg 1

back-passing it from an adjoining section of beach, similar to what's being proposed as part of the current project.

A post-and-rope system that currently exists landward of the dune restoration site in addition to signage and 3 established access paths, will provide management of foot traffic.

The proposed project is considered an identified land use in the Conservation District Resource Subzone pursuant to Hawaii Administrative Rules (HAR) §13-5-13 (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. We understand that there may be buried remnants of geotextile material within the beach face and ask that the material be removed and disposed of as it is encountered. Written approval from the County of Maui, owner of TMK parcel (2) 4-3-005:888, has been provided regarding components of the project that involve sand pushing and dune restoration fronting the subject parcel. Before you may proceed, a ROE from the DLNR Land Division is required to conduct work fronting the subject properties. Additional Terms and Conditions are provided below. Please review them carefully.

Terms and Conditions

The DLNR authorizes the temporary preventative maintenance (sand pushing, dune restoration) fronting the subject properties at TMKs (2) 4-3-005:029 and (2) 4-3-005:888 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 puhuehue) 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 of both the source and placement sites. 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, 90 days after completion following removal of the temporary irrigation, and quarterly for a period of two years;
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 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 Lands at (808) 587- 0049 or via email at Shellie.L.Habel@Hawaii.gov.

Sincerely,

Sam Lemmo

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

I concur with the conditions of this letter:

Applicant's Name (Print)

Applicant's Signature

Date _____

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

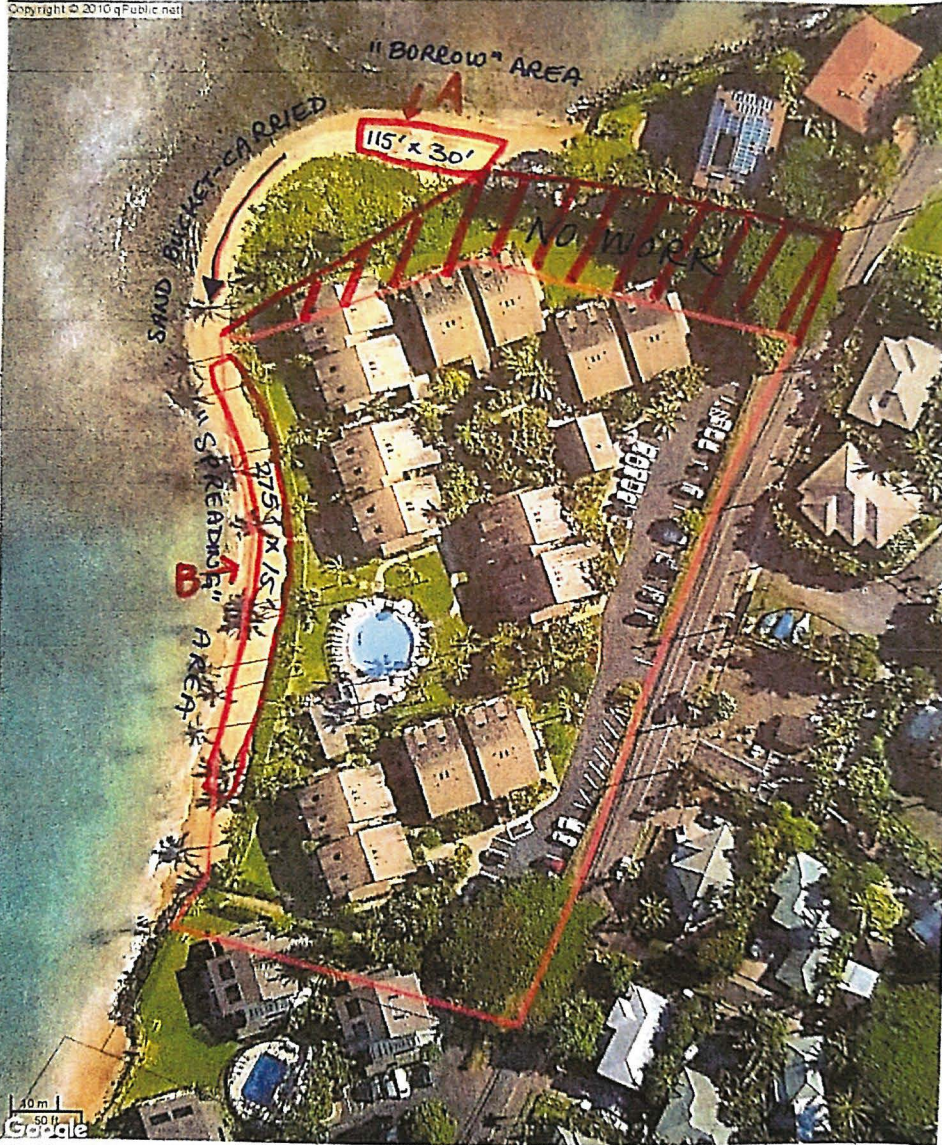
LOCATION MAP #1

3/7/2018

Maui County Parcel Maps

Maui County Zoom To Flex Zoom In Zoom Out Panby Hand Get Info Zoom To Parcel Center On Parcel Measure Area Tool Print Page Search Sales Additional Options

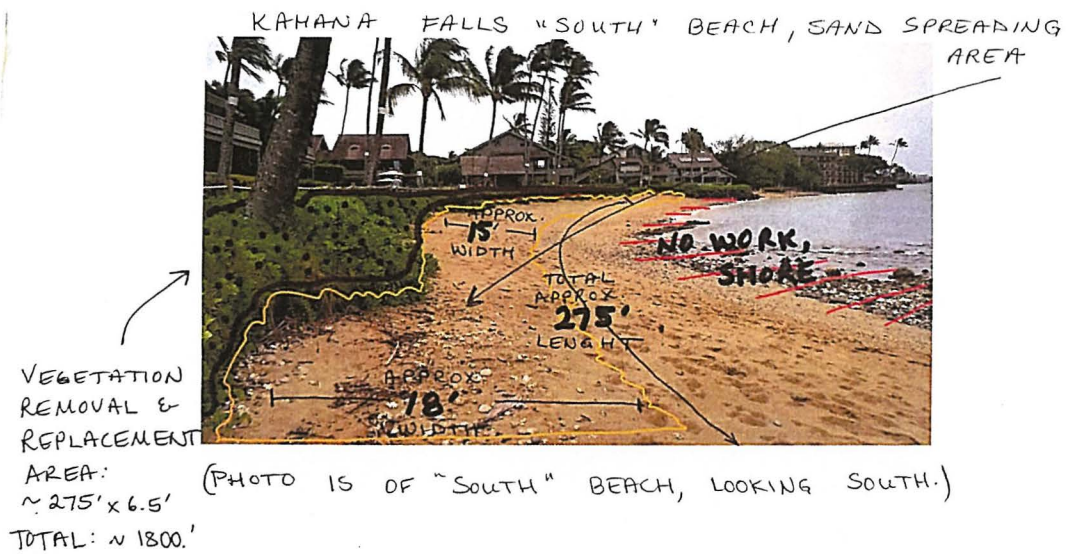
Copyright © 2010 qPublic.net



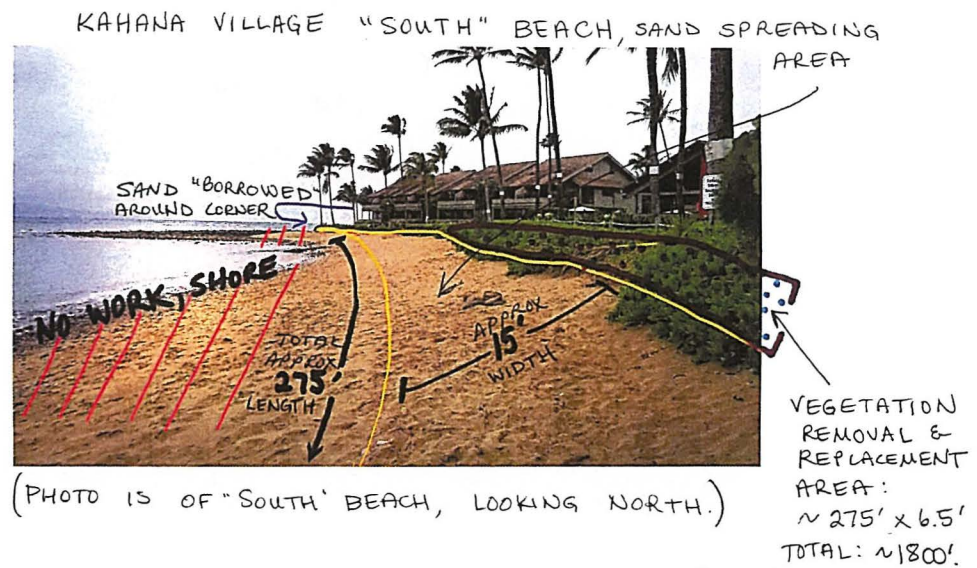
Maui County makes every effort to produce the most accurate Information possible. No warranties, expressed or implied, are provided for the data.

http://qpublic9.qpublic.net/qmap4/map.php?county=hi_maui&parcel=430050290000&oxlon=-17441542+2388726+-17440986+2389426&layers=parc... 1/1

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

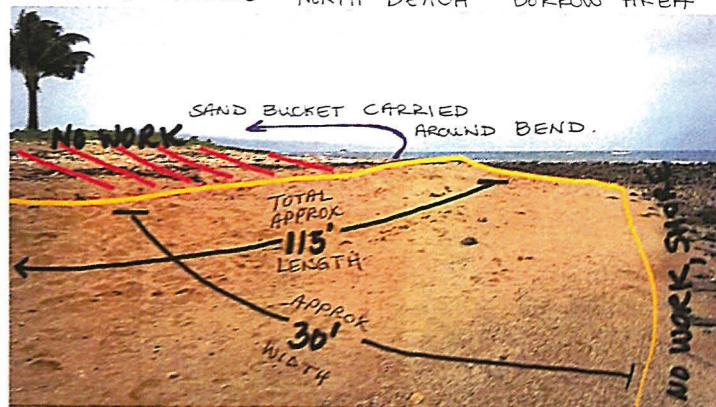


PHOTO IS OF LEFT SIDE/HALF OF BEACH AREA
(LEFT WHEN VIEWED FROM THE LAWN, LOOKING TOWARD
THE OCEAN.)

EXISTING "BEACH ACCESS"
SIGNAGE & POST-ROPE FENCING



SOUTH ACCESS



NORTH ACCESS

EXISTING "BEACH ACCESS"
SIGNAGE & POST-ROPE FENCING



SOUTH ACCESS

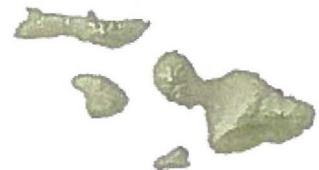
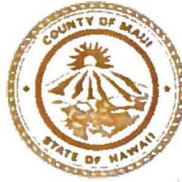
NORTH ACCESS



MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

July 20, 2021

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

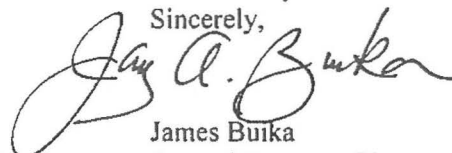
Dear Ms. Habel:

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

As requested by Department of Land and Natural Resources (DLNR) – 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 Office of Conservation and Coastal Lands (OCCL), this dune restoration will require removal of approximately 100 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.

Sincerely,

James Buika
Coastal Resource Planner

xc: Clayton Yoshida, Planning Program Administrator (PDF)
James Buika, Coastal Resource Planner (PDF)
Shellie Habel DLNR-OCCL (PDF)
Daniel Ornellas (PDF)
Tara Owens, UH Sea Grant College Extension Agent – Maui (PDF)
Wes Crile, UH Sea Grant College Extension Agent – Maui (PDF)
Lisa Vares, Contractor (PDF)

MCM:CIY:JB:th

KAWP_DOCS\Planning\SMX\2012\0069_BrownRandy\Letter of Concurrence, County Land-owner, Kahana Village 07.20.21.doc

MAIN LINE (808) 270-7735

CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

EXHIBIT E

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
KAKIHIHFWA RIIH JING

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
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 17, 2018

William Spence, Director
County of Maui
Department of Planning
2200 Main Street
One Main Plaza, Suite 315
Wailuku, Hawai'i 96793
planning@mauicounty.gov

IN REPLY REFER TO:
Log No. 2018.01513
Doc No. 1807MBF08
Archaeology

Dear Mr. Spence,

SUBJECT: Chapter 6E-42 Historic Preservation Review –
Approval of Five (5) Year Time Extension for the Special Management Area (SMA) Minor
Permit and Shoreline Setback Assessment (SSA) Approval for Dune Restoration and Dune
Management Program Located at 4531 Lower Honoapiilani Road in Lahaina, Maui
SMX 2012/0069; SM2 2012/0032; SSA 2012/0020; and EAE 2012/0026
Kahana Ahupua'a, Lahaina District, Island of Maui
TMK: (2) 4-3-005:029

Thank you for the opportunity to comment on the subject Amendment for extending the existing authorization under the subject permits. The State Historic Preservation Division (SHPD) received this submittal on June 25, 2018.

A time extension is requested for five (5) additional years for the Dune Restoration and Dune Management Program (Program) to manage the Kahana Village shoreline according to guidelines set forth in the Program. The request is effective until March 31, 2022, an additional five (5) years; and, a second request as part of the Amendment is to perform additional project maintenance work along the shoreline, described as Kahana Village Dune Restoration, according to the subject Program.

The SHPD agrees that protective barriers are not required or recommended for this site at this time. These protective barriers were not permitted previously. The existing 2012 permit references the Dune Restoration and Dune Management Program document. All dune restoration activities shall follow the Program as well as additional Best Management Practices (BMPs).

The SHPD has **no concern** regarding the extension with conditions for SMA Minor Permit (SM2 2012/0032), Shoreline Setback Assessment (SSA 2012/0020), and an Environmental Assessment Exemption (EAE 2012/0026) for the work described in your SMA Assessment Application (SMX 2012/0069).

Based on the information provided, **SHPD's determination is no historic properties affected.** The permit issuance process may proceed.

Please attach to the permit(s): In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 692-8015.

EXHIBIT F

Mr. Spence
July 17, 2018
Page 2

You may contact Dr. Matthew Barker Fariss at matthew.b.fariss@hawaii.gov, or by phone at (808) 243-4626, for questions regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc. Maui County Staff Planner james.buika@mauicounty.gov
Vares Contracting cavares@gmail.com

DSA dsa@mauicounty.gov
Tara Owens taram@hawaii.edu

EXHIBIT F



DEPARTMENT OF THE ARMY
HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS
FORT SHAFTER, HAWAII 96858-5440

October 16, 2018

SUBJECT: Determination of No Permit Required, Dune Restoration, Kahana, Maui, HI
TMK: (2) 4-3-005: Seaward of 029, DA File No. POH-2018-00196

Lisa Vares
Vares Contracting, Inc.
[REDACTED]
Wailuku, Hawaii 96793

Ms. Vares:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has received your request for a determination whether a Department of the Army (DA) permit is required for the dune restoration project located near Kahana Village condominiums in Kahana, Island of Maui, Hawaii. Your request has been assigned DA file number POH-2018-00196. Please reference this number in all future correspondence with our office relating to this action.

We have reviewed your submittal pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344; "Section 404") and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403; "Section 10"). Section 404 requires DA authorization for the discharge (placement) of dredged and/or fill material into waters of the U.S., including wetlands. Section 10 requires DA authorization for the placement of structures or work in, under or over navigable waters of the U.S. and/or other work affecting the course, location, condition or navigable capacity of such waters. To determine if a DA permit is required for a proposed action, the Corps must first determine whether the proposed project is located within the Corps' geographic jurisdiction (i.e., whether the activity is located within a water of the U.S.). If the activity is within a water of the U.S., the Corps must then determine whether the proposed activity is regulated under Section 10 and/or Section 404 or if the activity is exempt. The determination provided in this letter pertains only to the question of geographic jurisdiction.

Based on the information you provided dated September 14, 2018 the dune restoration project site may contain waters of the U.S. as defined by 33 CFR Part 328, including navigable waters of the U.S. as defined by 33 CFR Part 329. However, we have determined that as long as you perform the activity as described in your correspondence, dated September 24, 2018, the proposed work would not involve a discharge of dredged or fill material within the Corps' limits of geographic jurisdiction

EXHIBIT G

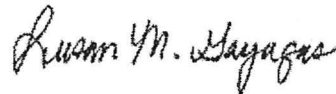
and accordingly, is not regulated under Section 404.

Furthermore, we have determined that as long as you perform the activity as described in your request, the proposed work would occur shoreward of the mean high water mark and would not involve the placement of a structure in, over, or under a navigable water of the U.S. or entail other work affecting the course, location, condition or navigable capacity of such waters, and accordingly, is not regulated under Section 10.

While a DA permit is not required for your proposed project, you are responsible for obtaining all other applicable Federal, state, or local authorizations required by law. Be advised, a DA permit may be required if you alter the method, scope, or location of your proposed work. You should contact our office if you are considering modifying your project.

Thank you for your cooperation with the Honolulu District Regulatory Program. If you have any questions related to this determination, please contact Ms. Rebecca Black at 808-835-4107 or via e-mail at rebecca.l.black@usace.army.mil. You are encouraged to provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. For additional information about our Regulatory Program, visit our web site at <http://www.poh.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,



Susan A. Gayagas
Senior Project Manager
Regulatory Branch

GAYAGAS.SUSAN.AUDREY
MEYER.1231652341
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Digitally signed by
GAYAGAS.SUSAN.AUDREY
MEYER.1231652341
DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=USA,
cn=GAYAGAS.SUSAN.AUDREY
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EXHIBIT G