

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

September 12, 2025

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

PSF No.: 20MD-050

Maui

Issuance of Right-of-Entry Permit to Olowalu Hale, LLC to Remove Overgrown
Invasive Vegetation from State Beach Reserve at Olowalu, Lahaina, Maui, Tax
Map Key: (2) 4-8-003-006 Por.

APPLICANT:

Olowalu Hale, LLC, a Nevada limited liability company.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands situated at Olowalu, Lahaina, Maui, identified by Tax Map
Key: (2) 4-8-003:006, as shown on the attached **Exhibit A**.

AREA:

5.3 acres, more or less.

ZONING:

State Land Use District:	Agriculture, Conservation
County of Maui CZO:	AG-Agriculture, C-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:

Right-of-entry for overgrown brush, tree, and invasive vegetation removal purposes.

TERM OF RIGHT-OF-ENTRY:

The right of entry shall be effective upon the date of acceptance and shall be for a term of thirty (30) days.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") §11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to:

General Exemption Type 1: "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."

Part I, Item 27: "Maintenance of state lands and waters to remove weeds, brushes, grass and other unwanted vegetation".

Part I, Item 28: "Routine pruning, trimming, thinning, and removal of trees, excluding commercial logging."

General Exemption Type 4: "Minor alterations in the conditions of land, water or vegetation."

Part 1, Item 3: "Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods. This exemption would not apply to issuing permits for initial releases of biocontrol of invasive species which are regulated and permitted by the Department of Agriculture or commercial logging."

The subject request is a de minimis action that is anticipated to have no significant adverse impacts on the environment. Therefore, it is recommended that this project be declared exempt from the preparation of an environmental assessment (EA) (**Exhibit B**).

DCCA VERIFICATION:

Place of business registration confirmed: Yes
Registered business name confirmed: Yes
Applicant in good standing confirmed: Yes

Applicant registered with DCCA on June 11, 2025.

PUBLIC TRUST LAND ANALYSIS:

The State shoreline land at issue in the present submittal is ceded land subject to section 5(b) of The Admission Act (P.L. 83-3, 73 Stat 4). These lands and revenues derived therefrom constitute the public land trust, which shall be used only for the purposes of support for public schools and public educational institutions, the betterment of the conditions of native Hawaiians, development of farm and home ownership, public improvements, and provision of land for public use according to section 5(f) of The Admission Act.

The presently requested use of ceded land conforms to the purposes of The Admission Act because the purpose of the requested use is to remove overgrown, invasive vegetation from the subject ceded land for the purpose of restoring public access along the Government Beach Reserve. Therefore, Staff believes that this disposition on consistent with the Board's public trust obligations. In addition, the ROE is for non-exclusive access and limited to a short term of thirty days. No revenues will be generated by the requested use.

REMARKS:

Olowalu Hale, LLC (Applicant) is requesting approval for a right-of-entry (ROE) permit to remove overgrown invasive vegetation within the Beach Transit Corridor, also identified as a Government Beach Reserve, located at Olowalu, Maui; Tax Map Key: (2) 4-8-003:006 (Portion) (**Exhibit A**). Applicant owns the abutting parcel, Tax Map Key: (2) 4-8-003:124.

Applicant has hired a contractor to remove vegetation that exists and interferes with the shoreline transit area within the noted Government Beach Reserve parcel. The action will involve removing invasive species which primarily consist of Opiuma, Haole Koa and other vegetation (**Exhibit C**). A few selected non-native trees (monkey pod and kiawe) will remain. Trees will be flush cut at ground level and root systems will be left underground to minimize ground disturbance. A Hau grove along the shoreline in the north end of the Government Beach Reserve will be trimmed but not removed. The removed vegetation will be chipped on site and the resulting mulch will be used as ground cover on adjacent property.

The project area is approximately 5.3 acres and will take 30 days to complete the

vegetation removal. The goal of the project is to restore public access along the Government Beach Reserve. At the County of Maui's suggestion, Applicant initially requested the ROE to include the creation of parking areas on the subject parcel in conjunction with the vegetation clearing. However, staff believes that the creation of parking areas where none previously existed could amount to a change in use triggering environmental review under Chapter 343, HRS. Based experience with other unencumbered lands on Maui, the Maui District Land Office (MDLO) was also concerned that the establishment of parking areas could serve as an attractant for unauthorized camping or living on the State parcel. Therefore, the ROE does not allow the creation of parking areas on the parcel.

MDLO recommends that the removal of overgrown brush, trees and invasive vegetation, and trimming of all desired trees (native Hau), include a generous portion of the north end of the subject area (see **Exhibit D**), to Maui County fire prevention standards. The generous portion of the north end of the subject area is approximately 60,000 square feet of Government Beach Reserve; approximately 330 linear feet north of TMK (2) 4-8-003:124, along Honoapiilani Highway, and approximately 800 linear feet along the seaward edge of the north end of the shoreline (see **Exhibit E**).

There is no guardrail at the location and MDLO expressed concerns about unauthorized vehicle access along the shoreline. MDLO recommended that either jersey barriers or eco blocks should be placed along the approximately 330 linear feet fronting Honoapiilani Highway. Staff approached the Department of Transportation Highways (DOT-H) to inquire if DOT-H would need to approve the placement of barriers along the highway. DOT-H initially commented that approval would not be needed if barriers are placed outside of the right-of-way but had concerns about vehicles hitting blunt ends of any barriers. DOT-H requested more information on the placement of the barriers. Staff forwarded DOT-H additional information but have not received any additional comments. The placement of jersey barriers or eco blocks is not a requirement for this right-of-entry permit.

The Planning Department granted a SMA Permit as noted in correspondence dated August 16, 2022 (**Exhibit F**). The Planning Department approved a request for a time extension to complete the work associated with the SMA Permit as noted in correspondence dated October 8, 2024 (**Exhibit F**).

In a response to a request for comments, OCCL has no objections to the proposed work as it will improve and maintain access within the Government Beach Reserve as noted on correspondence: MA 19-150 dated April 8, 2020 (**Exhibit G**).

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.

Gratis is recommended for this ROE due to the public benefit of removing invasive

vegetation from the Government Beach Reserve.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

1. Adhere to the Terms and Conditions set forth by the OCCL Correspondence: MA 19-150 dated April 8, 2019.
2. Adhere to the Terms and Conditions set forth by the County of Maui Department of Planning (Planning Department) Special Management Area Minor Permit (SMA Permit).
3. Supply Certificate of Insurance naming the State of Hawaii as additional insured and meeting State minimum coverage standards.

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, HAR, this project is not anticipated to have any adverse effects on the environment and is therefore exempt from the preparation of an environmental assessment.
2. For the reasons stated herein, find that the requested disposition is consistent with the public trust.
3. Authorize the issuance of a right-of-entry permit to Olowalu Hale, LLC 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. Require the Applicant to comply with all terms and conditions required by OCCL and Planning Department;
 - C. The Chairperson is authorized to issue future right-of-entry permits covering the subject land for up to 30-days per permit for good cause shown; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Steven Domingo Jr

Steven Domingo
Supervising Land Agent

APPROVED FOR SUBMITTAL:

[Signature]

Dawn N. S. Chang, Chairperson

Exhibit A

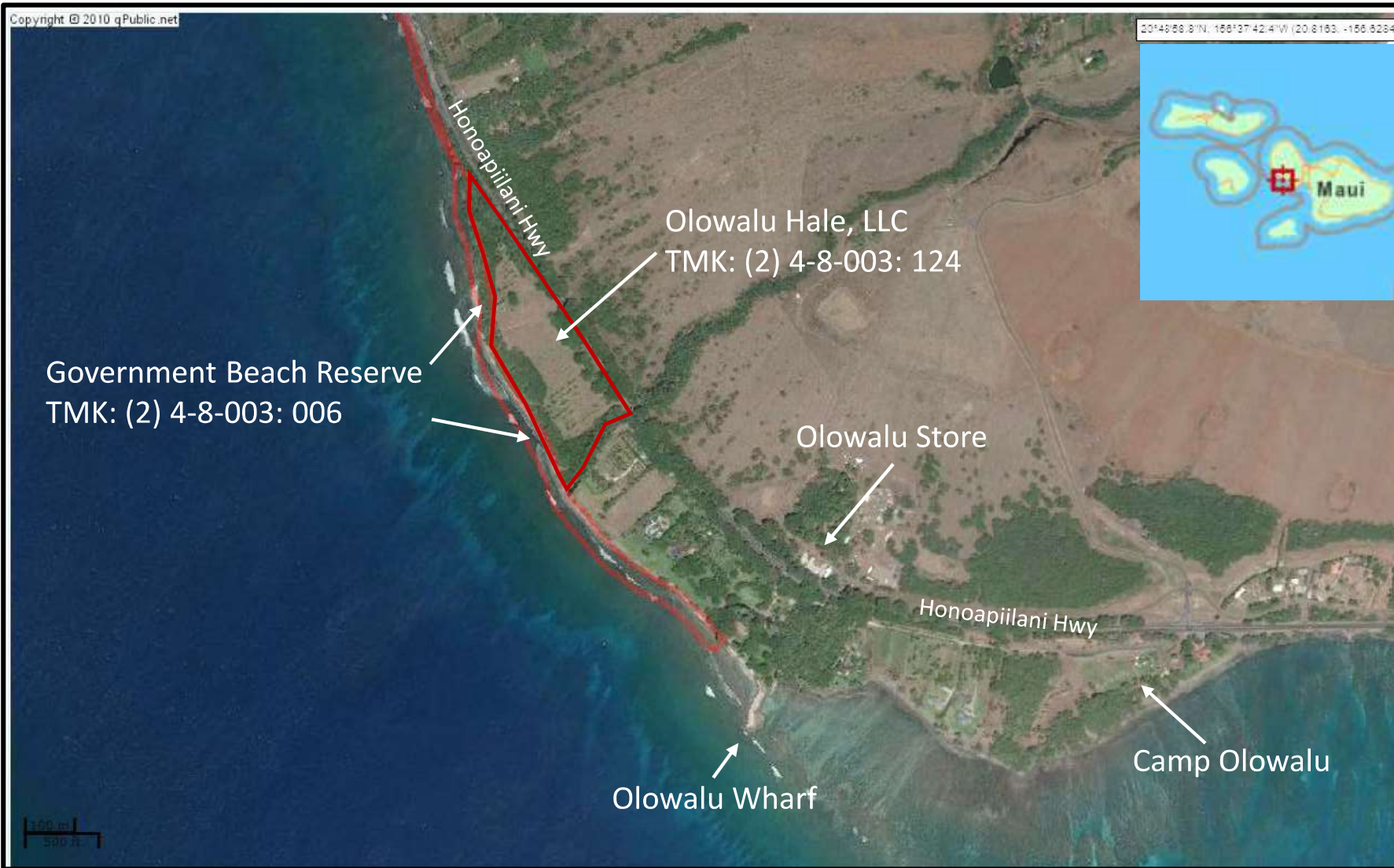


Figure 1 - Vicinity Map
Olowalu Invasive Species Removal and Farm Plan Implementation



Figure 2 - Aerial Photo
Olowalu Invasive Species Removal and Farm Plan Implementation

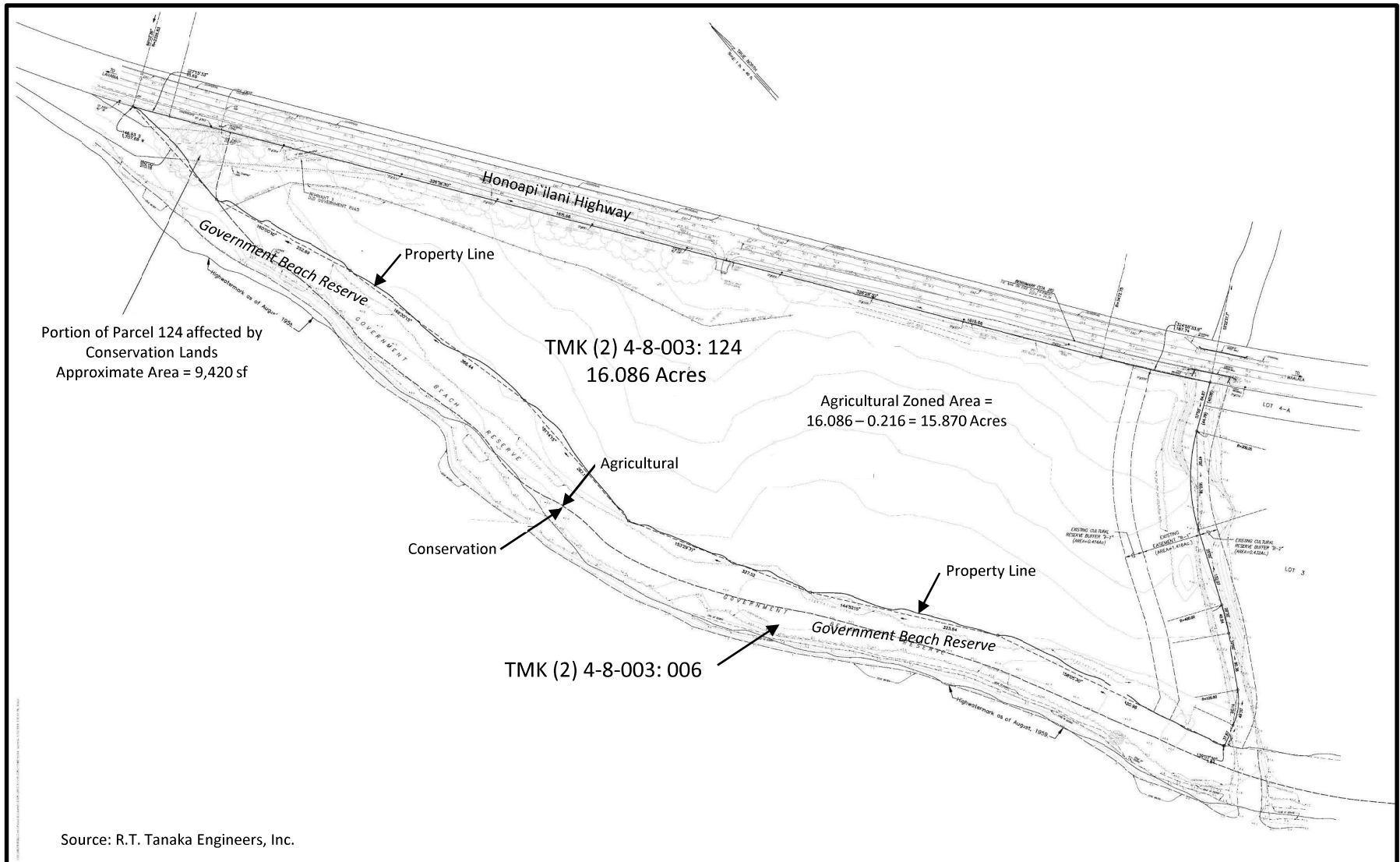
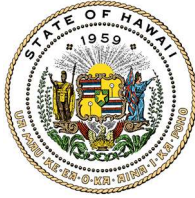


Figure 3 - Site Plan
Olowalu Invasive Species Removal and Farm Plan Implementation

Exhibit B

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION**

P.O. BOX 621
HONOLULU, HAWAII 96809

September 12, 2025

EXEMPTION NOTIFICATION

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

Issuance of Right-of-Entry Permit to Olowalu Hale, LLC to Remove Overgrown Invasive Vegetation from State Beach Reserve at Olowalu, Lahaina, Maui, Tax Map Key: (2) 4-8-003-006 Por.

Project:	PSF 20MD-050
Project Location:	Portion of Government lands situated at Olowalu, Lahaina, Maui, identified by Tax Map Key: (2) 4-8-003:006 (Por).
Project Description:	Removal of overgrown invasive vegetation from unencumbered State land.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rules (HAR) 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to:

General Exemption Type 1: "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."

Part I, Item 27: "Maintenance of state lands and waters to remove weeds, brushes, grass and other unwanted vegetation".

Part I, Item 28: "Routine pruning, trimming, thinning, and removal of trees, excluding commercial logging."

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Part 1, Item 3: "Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents already approved and permitted by the State of Hawaii, and other approved methods. This exemption would not apply to issuing permits for initial releases of biocontrol of invasive species which are regulated and permitted by the Department of Agriculture or commercial logging."

The subject request is a de minimis action that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of 11-200.1-17, HAR.

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

No. The temporary use of the land is for the clearing of invasive vegetation and maintenance which is not anticipated to result in any significant adverse cumulative impacts.

Particularly Sensitive
Environment?:

In the past, permits were issued for similar types of use in the area, which have resulted in no known significant adverse impacts to the natural and cultural resources in the area.

Analysis:

As the proposed action involves the clearing of invasive species, the action is anticipated to have a beneficial impact on the environment as it may allow the natural native vegetation in the area to thrive in lieu of the presence of invasive species. In addition, there will be a beneficial impact to the public as the action will restore public access along the Government Beach Reserve. Further, as the proposed action does not include grubbing or grading, no impacts to historical and/or archaeological resources are anticipated. As such, staff anticipates no adverse impacts to the area as a result of the proposed request.

Consulted Parties

Office of Conservation and Coastal Lands and County of Maui
Planning Department.

Recommendation:

Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1 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 as a de minimis action.

Exhibit C

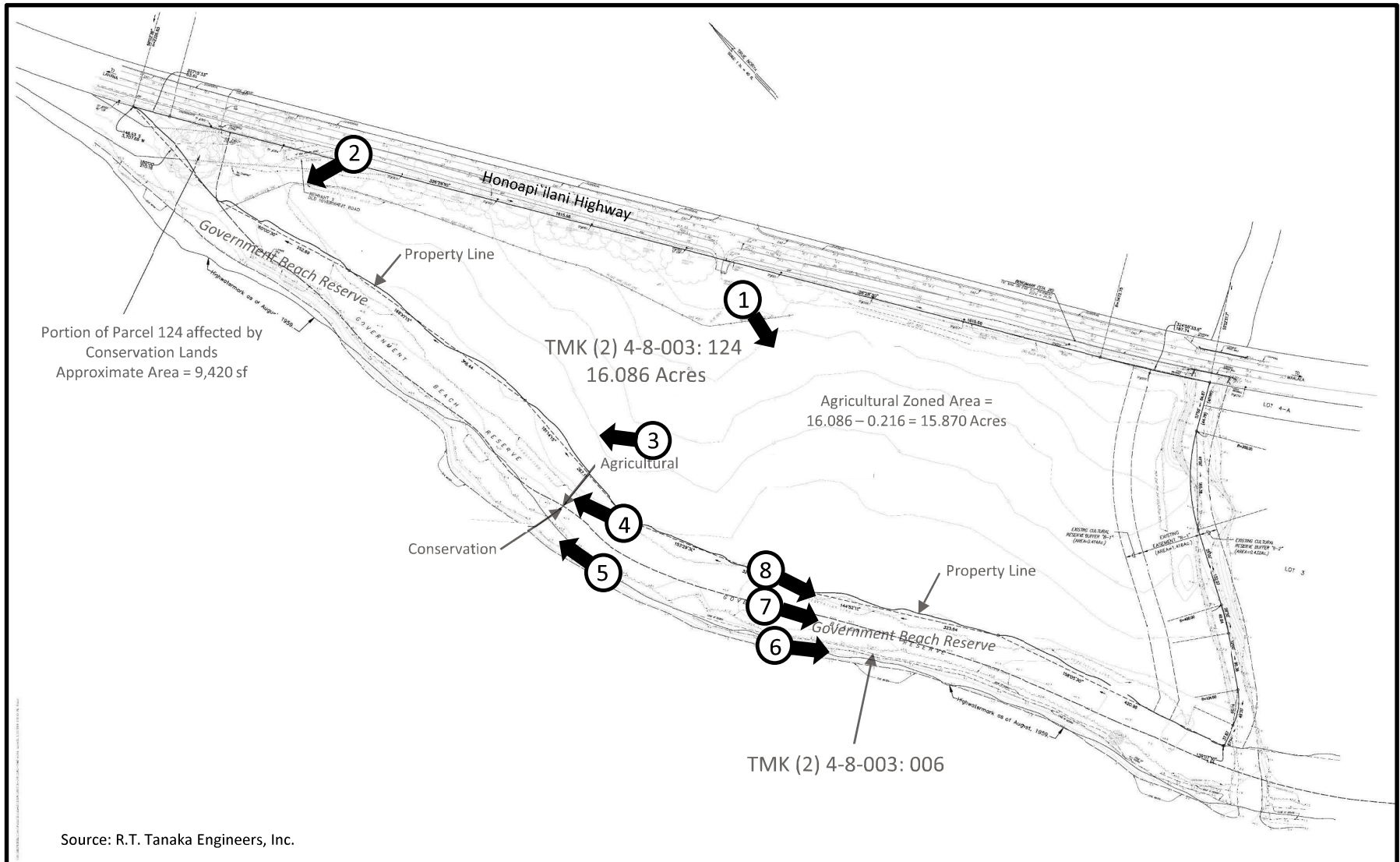


Figure 4 – Photograph Key
Olowalu Invasive Species Removal and Farm Plan Implementation

Site Photographs - Olowalu Invasive Species Removal



Photo 1 – Looking South from Driveway Entrance



Photo 2 – Looking Northwest from Honoapi`ilani Highway



Photo 3 – Looking Northwest toward Beach Reserve



Photo 4 – Looking Northwest within Beach Reserve



Photo 5 – Looking Northwest along shoreline



Photo 6 – Looking Southeast along shoreline



Photo 7 – Looking Southeast along shoreline and Beach Reserve



Photo 8 – Looking Southeast towards the Beach Reserve

Exhibit D





Exhibit E



Length: 1,729 feet
Area: 58,333 sq ft
Clear



480031240000

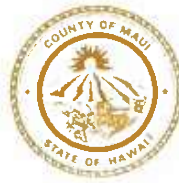
OLOWALU HALE LLC
REORGANIZED OLOWALU CULTURAL RESERVE
11777 HONOAPIILANI HWY
16.09 Acres Value \$367,200
Last Sale Date 11/25/2021
View: [Report](#) | [Pictometry Imagery](#) | [Google Maps](#)

Exhibit F

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JACKY TAKAKURA
Deputy Director



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

August 16, 2022

Mr. Adam Hornung
Olowalu Hale LLC
South 13th Street, Second Floor,
Lincoln, Nebraska 68508

Dear Mr. Hornung:

SUBJECT: SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT, SHORELINE SETBACK ASSESSMENT (SSA), SMA MINOR PERMIT APPROVAL, AND ENVIRONMENTAL ASSESSMENT EXEMPTION (EAE) FOR THE REMOVAL OF INVASIVE SPECIES AND THE IMPLEMENTATION OF A FARM PLAN LOCATED AT 11777 HONOAPIILANI HIGHWAY, LAHAINA, ISLAND OF MAUI, HAWAII; TMK: (2) 4-8-003:006 AND (2) 4-8-003:124 (SMX2021 0365) (SSA2021 0047) (SM22022 00036) (EAE2022 00026).

In response to your application received on October 1, 2021, and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Section 12-202-12, a determination has been made relative to the above project that:

1. Pursuant to Section 205A-22, the project is a development;
2. The project has a valuation not in excess of \$500,000.00;
(Valuation: approximately \$78,000)
3. The proposed scope of work consists of the removal of invasive species and the implementation of a farm plan: the removal of invasive species includes Opiuma and Haole Koa trees which will be flush cut at ground level and root systems will be left underground; the farm plan implementation includes a palm and native plant nursery, pasture, and fruit orchard; and other related actions include the installation of a 3" backflow preventer, irrigation, solar powered irrigation controller; and replacement of gate and fencing along the Highway frontage;
4. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects, provided that Best

Management Practices (BMPs) are used; and

5. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), 6 Chapter 205-A, and is consistent with the County General Plan and Zoning.

In consideration of the above determination, you are hereby granted an SMA Minor Permit (SM22022 00036) subject to the following conditions:

1. That the work is carried out according to representations made in your SMA Assessment Application and revised farm plan dated July 7, 2022.
2. That work shall be initiated by **August 31, 2023** and shall be completed within one year of said initiation.
3. That within 12 months of granting this permit approval, the Applicant shall comply with any SMA Rule provision which may be applicable at that time regarding the requirement of submitting a Certified Shoreline Survey to the Department [Title MC-12, Commission SMA Rules, Chapter 12-202-12(c)(2)(D)]
4. That full compliance with all other applicable governmental requirements shall be rendered.

Furthermore, in accordance with the Shoreline Rules for the Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

1. The site is a shoreline property and is subject to the Commission Shoreline Rules;
2. A portion of the work will take place inside the Shoreline Setback Area. The proposed work inside the Shoreline Setback Area is a permissible activity, pursuant to Section 12-203-12(a)(7) which allows, "*qualified demolition*" and Section 12-203-12(a)(9) which allows for a "*minor activity*";
3. The project is located within Flood Hazard Zone VE and AO; however, a Special Flood Hazard Area Development Permit is not required because the proposed project qualifies for an exemption as a small-scale project on agricultural land. The proposed action will not have an adverse impact on a flood zone or stream way; and
4. The proposed project is located in an area which may be affected by coastal erosion and flooding in the future due to sea level rise. To see the potential

effects, the Hawaii Sea Level Rise Viewer should be consulted at <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/> and the Hawaii Sea Level Rise Vulnerability and Adaptation Report (Hawaii Climate Change Mitigation and Adaptation Commission, 2017) at https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report_January-2018.pdf.

Accordingly, you are hereby granted a Shoreline Setback Approval (SSA2021 0047)

ENVIRONMENTAL ASSESSMENT EXEMPTION

The project was reviewed in accordance with Chapter HRS 343. The Planning Department (Department) finds that the project triggers compliance with environmental review because it involves the “*use of a shoreline area*” and “*use of conservation district lands*.” However, the project qualifies for the following exemptions in accordance with HAR Chapter 11-200.1-15(c):


- (2) *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.*
- (4) *Minor alterations in the conditions of land, water, or vegetation*

In consideration of the above determination, you are hereby granted an Environmental Assessment Exemption (EAE2022 00026).

In summary, the Department grants a SMA Minor Permit, (SM2 2022/00036), Shoreline Setback Approval (SSA2021 0047) and Environmental Assessment Exemption (EAE2022 00026) for the work described in your SMA Application (SMX2021 0365). PLEASE NOTE THAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Wesley Bradshaw at wesley.bradshaw@mauicounty.gov or at (808) 463-3867.

Sincerely,


for ANN T. CUA

Planning Program Administrator

for MICHELE MCLEAN, AICP
Planning Director

Olowalu Hale LLC

August 16, 2022

Page 4

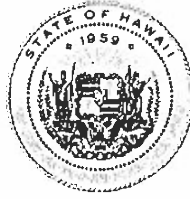
Attachments: Revised Plans, SHPD Letter

xc: Ann T. Cua, Planning Program Administrator (PDF)
Jordan E. Hart, Planning Program Administrator (PDF)
Wesley Bradshaw, Staff Planner (PDF)
Rory Frampton, Consultant (PDF)
Project File

MCM:ATC:WCB:rma

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DAVID Y. IGE
GOVERNOR OF
HAWAII



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

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD., STE 555
KAPOLEI, HI 96707

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

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO 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
KAIKOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 19, 2022

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793
c/o Wesley Bradshaw
wesley.bradshaw@co.maui.hi.us

IN REPLY REFER TO:
Project No.: 2022PR00767
Doc. No.: 2207AM15
Archaeology

Dear Michele Chouteau McLean:

**SUBJECT: Chapter 6E-42 and 6E-8 Historic Preservation Review –
County of Maui Permit Application SMX 2021/0365
Olowalu Invasive Species Removal and Farm Plan
Olowalu Ahupua‘a, Lāhainā District, Island of Maui
TMK: (2) 4-8-003:006 and 124**

This letter provides the State Historic Preservation Division's (SHPD's) review of the County of Maui Permit Application SMX 2021/0365 for the Olowalu Invasive Species Removal and Farm Plan project. SHPD received the current submission on July 19, 2022, which included the permit application, an irrigation master plan, information about the previous archaeological investigations that have occurred on the property, and a letter from the County of Maui requesting our review of the project.

Olowalu Shack, LLC proposes the removal of invasive species and implementation of a farm plan on private property (TMK: [2] 4-8-003:006) and a coastal parcel owned by the State of Hawaii (TMK: [2] 4-8-003:006). The project will include the removal of Opiuma and Hale Koa trees and other invasive shrubs. To minimize ground disturbance, trees will be cut flush at ground level and root systems will be left in place. The removed vegetation will be chipped on site and the resulting mulch will be used as ground cover. The farm plan implementation includes maintaining and refurbishing portions of the existing palm orchard, growing alfalfa, and planting avocado and mango trees. Additionally, the plan includes the installation of an irrigation system to a depth of 18 inches. Aerial photographs show the property has been previously disturbed by agricultural activities.

A search of our records indicates SHPD previously reviewed and accepted an archaeological inventory survey (AIS) report associated with the original subdivision of the property (Log No. 24957, Doc. No. 0105MK20). The AIS report (Fredericksen and Fredericksen 2000) identifies SIHP # 50-50-08-06495 (historic wall), and 50-50-08-06496 (old government road) within the current project area and evaluates them as "no longer significant" (i.e., adequately documented). Fredericksen and Fredericksen excavated multiple archaeological test trenches during the AIS fieldwork within the project area. The results indicate soils within the current project area include a plow zone overlying stream deposits. SIHP # 50-50-08-06495 (historic wall), and 50-50-08-06496 (old government road) will not be impacted by the current project.

Additionally, SHPD reviewed and accepted an AIS report and requested archaeological monitoring for identification purposes for work associated with an Olowalu Shoreline Protection Improvements project (Federal Aid Project No. NH-030-1[052]; Log No. 2015.02590, Doc. No. 1507MD22). The report (Cordle and Dega 2009) identified SIHP #

50-50-08-06480 (hearth and cultural layer) and assessed it as significant under criterion d. We have no record of receiving the archaeological monitoring report for the Olowalu Shoreline Protection Improvements project (Federal Aid Project No. NH-030-1[052]) and and/or work associated with Special Management Area Use Permit (SM1 2009/0005) and Shoreline Setback Variance (SSV 2009/0001).

Due to the minimal ground disturbance work associated with the subject project, SHPD's determination is **"No historic properties affected"** for the subject project. When the SHPD agrees that the action will not affect any significant historic properties, this is the SHPD's written concurrence, and the historic preservation review ends. The HRS 6E historic preservation review process is ended. The permit issuance process may proceed for the County of Maui Permit Application SMX 2021/0365.

Additionally, SHPD hereby notifies the County of Maui we have not received the required archaeological monitoring report for work associated with the Special Management Area Use Permit (SM1 2009/0005) and Shoreline Setback Variance (SSV 2009/0001) and therefore the project applicant is not in compliance with HAR §13-279, rules governing the standards for archaeological monitoring studies and reports.

Note: Per HAR §13-279-7, SHPD may revoke our written concurrences and agreement for the Olowalu Shoreline Protection Improvements project (Federal Aid Project No. NH-030-1[052]) and associated County of Maui permits if it is determined that the required archaeological monitoring report has not been completed. Additionally, it is the responsibility of the lead federal agency to ensure the completion of any mitigation commitments associated with the National Historic Preservation Act Section 106 review process.

SHPD requests the County of Maui provide a letter informing us about the status of the work associated with Special Management Area Use Permit (SM1 2009/0005) and Shoreline Setback Variance (SSV 2009/0001) including the completion of the archaeological monitoring report. Please submit these documents to HICRIS Project No. 2015PR18477 using the project supplement option and provided notification of submission via email to andrew.mccallister@hawaii.gov.

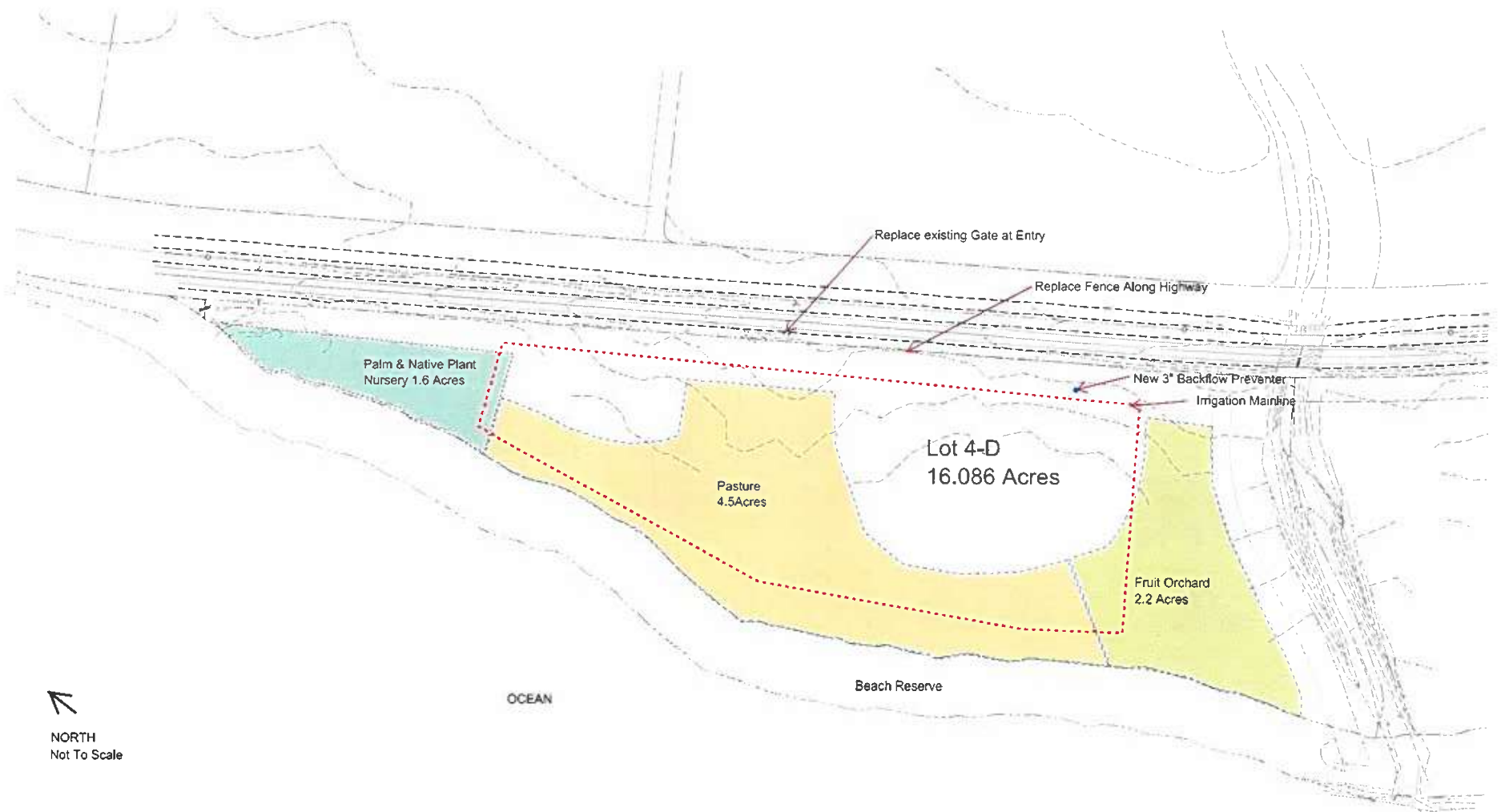
Please attach to the permits: In the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, native sand deposits, or sink holes are identified during the demolition and/or construction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division, at (808) 652-1510.

Please contact Andrew McCallister, Maui Archaeologist IV, at andrew.mccallister@hawaii.gov for matters regarding archaeological resources in this letter.

Aloha,
Alan Downer

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

cc: Rory Frampton, Rory Frampton Consulting Inc., rory@roryframpton.com
Olowalu Shack, LLC, property owner, ahornung@hillhousecap.com
Janet Six, County of Maui, janet.six@co.maui.hi.us
Meesa Otani, the State of Hawaii Department of Transportation, meesa.otani@dot.gov
Mike Dega, Scientific Consultant Services, Inc., mike@scshawaii.com

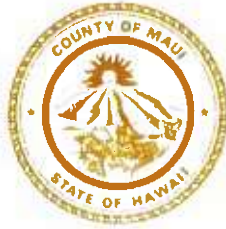


Olowalu Hale LLC
Agricultural Plan Exhibit
Revised 7-22-22

RICHARD T. BISSEN, JR.
Mayor

KATE L. K. BLYSTONE
Director

ANA LILLIS
Deputy Director



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

October 8, 2024

Mr. Adam Hornung
Olowalu Hale LLC
South 13th Street, Second Floor
Lincoln, Nebraska 68508

Dear Mr. Hornung:

**SUBJECT: TIME EXTENSION APPROVAL FOR THE COMPLETION OF
ASPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT AND
SHORELINE SETBACK APPROVAL (SSA) FOR THE REMOVAL
OF INVASIVE SPECIES AND THE IMPLEMENTATION OF
A FARM PLAN AT 11777 L HONOAPI'ILANI HIGHWAY,
LĀHAINĀ, MAUI, HAWAII; TMK: (2) 4-8-003:006 & 124
(SMX20210365) (SSA20210047) (SM22022-00036) (EAE 2022-00026)**

In response to your request for a time extension received on July 2, 2024, to complete work associated with the subject SMA minor permit approval, the Planning Department (Department) has determined that there have been no changes within the Special Management Area since the granting of the permit that cause the development to have any substantial adverse environmental or ecological effect, or adversely affect the condition or capacity of infrastructure.

The Department approves your request for a time extension. Condition No. 2 of the SM2 is hereby amended to read:

2. That work shall be completed by **October 30, 2026**.

All other existing conditions remain the same.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Wesley Bradshaw at wesley.bradshaw@mauicounty.gov or at (808) 463-3867.

Sincerely,

A blue ink signature of Danny A. Dias, written in a cursive style.

DANNY A. DIAS
Planning Program Administrator

for **KATE L. K. BLYSTONE**
Planning Director

Mr. Adam Hornung

October 8, 2024

Page 2

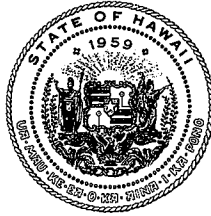
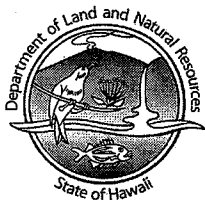
xc: Jordan E. Hart, Planning Program Administrator (PDF)
Wesley Bradshaw, Staff Planner (PDF)
Adam Hornung, Olowalu Hale LLC, Applicant (PDF)
Rory Frampton, Rory Frampton Consulting Inc., Consultant (PDF)

KLKB:DAD:WCB:lp

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Exhibit G

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

M. KALEO 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

REF:OCCL:TM

Correspondence: MA 19-150

Rory Frampton
340 Napoka Place
Kula, HI 96790

APR - 8 2019

SUBJECT: Removal of Vegetation Within the Beach Transit Corridor (Beach Reserve)
Located at Olowalu, Island of Maui, TMK: (2) 4-8-003:006

Dear Mr. Frampton:

The Office of Conservation and Coastal Lands (OCCL) has reviewed your information regarding the subject matter. The adjacent landowner proposes to remove vegetation that exists and interferes with the shoreline transit area within the noted Beach Reserve parcel. The action will involve removing non-native invasive species which primarily consist of Opiuma, Haole Koa and other vegetation. A few selected non-native trees (monkey pod and kiawe) will remain. Trees will be flush cut at ground level and root systems will be left underground to minimize ground disturbance. The goal of the project is to restore public access along the Government Beach Reserve.

Under the Hawaii Revised Statutes, §115-10 **Duty to maintain access within beach transit corridors; remedies**, the department of land and natural resources shall maintain access within beach transit corridors under this chapter and chapter 183C, by requiring private property owners to ensure that beach transit corridors abutting their lands shall be kept passable and free from the landowner's human-induced, enhanced, or unmaintained vegetation that interferes or encroaches in the beach transit corridors.

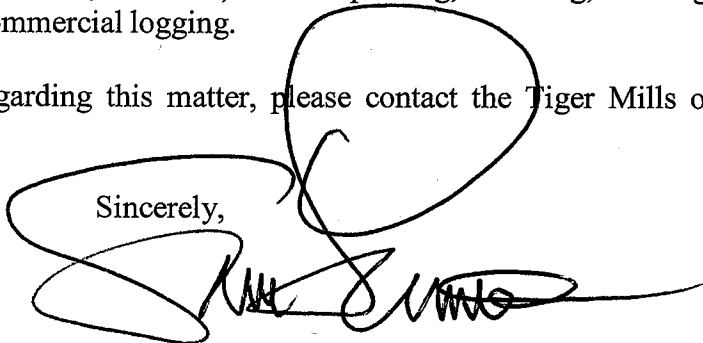
Therefore, the OCCL has no objections to the proposed work that will improve and maintain access within the Beach Reserve as described provided that the following general conditions are adhered to:

1. That in issuing this letter, the Department has relied on the information and data that has been provided in connection with the letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, enforcement proceedings may be initiated as necessary;

2. Appropriate authorization from the Maui District Land Office shall be obtained prior to conducting any land uses;
3. Typical Best Management Practices (BMP) shall be implemented while conducting any land use in the Conservation District. Unauthorized land uses such as the disposal of material within the Conservation District shall initiate enforcement proceedings;
4. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, 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; and
5. The proposed project may be considered an exempt action pursuant to Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, and pursuant to the Exemption List for the Department, specifically exemption class 1-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 DLNR Exemption 1-30) Maintenance of state-owned right-of-way other than public right-of-ways; 1-33) Maintenance of state lands and waters to remove weeds, brushes, grass and other unwanted vegetation; and 1-34) Routine pruning, trimming, thinning, and removal of trees, excluding commercial logging.

Should you have any questions regarding this matter, please contact the Tiger Mills of our Office at (808) 587-0382.

Sincerely,

A large, stylized handwritten signature in black ink, likely belonging to Samuel J. Lemmo, is written over the word "Sincerely," and extends below it.

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

C: MDLO
Maui County Planning Dept.