

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

July 10, 2026

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

Maui

Issuance of Right-of-Entry Permit to Mr. Gary Goetzman, Trustee, Valley Vista Family Trust, for Installation of Best Management Practices Related to Removal of CMU Wall Encroachment, Lower Paia, Maui, Tax Map Key: (2) 2-6-009: Seaward of 021.

APPLICANT:

Mr. Gary Goetzman, Trustee, Valley Vista Family Trust

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of lower Paia, Maui, identified by Tax Map Key: (2) 2-6-009: Seaward of 021<sup>1</sup>

AREA:

300 sq. ft. (more or less)

ZONING:

State Land Use District: Conservation

County of Maui CZO: R-1 (for abutting private property)

TRUST LAND STATUS:

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<sup>1</sup> [Link to Map of Property on the County of Maui's Real Property Tax website](#)

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES

CURRENT USE STATUS:

Vacant and Unencumbered

CHARACTER OF USE:

Installation of Best Management Practices (BMPs) for landward CMU wall removal purposes.

TERM OF RIGHT-OF-ENTRY:

Ninety (90) days from date of Board approval

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR), Section 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council and dated 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 minor expansion or minor change of use beyond that previously existing"

**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.

The subject request is in support of the Applicant's demolition of the existing CMU wall which has been undermined due to coastal erosion and appears to present an imminent threat to public health, safety, and welfare.

The applicant is proposing to install silt fences and dust containment devices on State land as mitigation measures to reduce environmental impacts from the demolition work. Therefore, Staff recommends that the Board find that the proposed request is a de minimis action that will probably have minimal or no

significant effect on the environment and therefore should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR.

PUBLIC TRUST 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 public land trust because the purpose of the requested use is to remove a CMU Wall Encroachment on State shoreline land and install BMPs to capture any cement dust, chips or fragments during the demolition process, reduce the potential for nearshore water pollution and protect both human and marine life from landward demolition activities.

The proposed right-of-entry is non-exclusive, is of a short duration, and will promote greater public use of the shoreline area. No revenue will be generated by the requested use.

DCCA VERIFICATION:

Not applicable. Individual.

REMARKS:

A CMU wall located between private property at 459 and 465 Hana highway is permitted, by the County of Maui, to be removed. The wall rests upon a sheer 8.5 ft. high clay embankment that has been undercut by coastal erosion leaving a 6.5 ft. x 10 ft. section of CMU wall, that runs perpendicular to the shoreline, overhanging a sandy beach. The plan is to remove, from the shoreline area, a 20 ft. section of CMU wall to protect health and safety of beach goers' and marine life that visit the area.

Best management practices (BMPs) include a silt fence to be placed on the sandy beach and filter fabric to be attached to the clay embankment. Both BMPs are believed to be placed on State jurisdictional areas.

Applicants' aim is to place BMPs at a time and in a manner that minimizes exposure to tides, wave action and inclement weather. The intent of the BMPs is

to capture any cement dust, chips or fragments during the demolition process, reduce the potential for nearshore water pollution and protect both human and marine life from landward demolition activities.

Licensed staff from the Hawaii Wildlife Fund are to be contracted to monitor the site to ensure that protected species are not entanglement by the silt fence or filter fabric and adjustments are made to ensure that BMPs are effective at preventing pollution and do not hinder protected species.

Applicant confirmed via [coastalplanners@gmail.com](mailto:coastalplanners@gmail.com) that “no equipment would operate from the shoreline as demolition and removal would be from the rear yard of 465 Hana Highway.

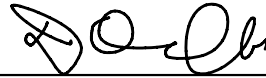
By letter dated December 10, 2025, the County of Maui Department of Planning granted an SMA exemption, shoreline setback approval and environmental assessment exemption for the work described in SMA Assessment application SMX2025-00260 (see Exhibit B).

In addition, by letter dated December 16, 2025, the DLNR Office of Conservation and Coastal Lands understands that the demolition of the wall is necessary to protect health and safety and that the placement of BMPs on State lands in the Conservation District is intended to protect public trust resources. As the project is intended to last less than thirty days, no permits of further authorization were required.

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 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 Mr. Gary Goetzman, Trustee, Valley Vista Family Trust, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
  - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,




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Daniel Ornellas, District Land Agent

Approved for Submittal:

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Ryan K. P. Kanakaole, Chairperson