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STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES Office of Conservation and Coastal Lands

POST OFFICE BOX 621 HONOLULU, HAWAI'I 96809

REF.:OCCL:MC

Gregory R. Mooers Mooers Enterprises, LLC PO Box 1101 Kamuela, HI 96743

Dear Mr. Mooers:

SUBJECT: Conservation District Use Permit (CDUP) HA-3404

This is to inform you that on July 20, 2007, the Chairperson of the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) HA-3404 for the consolidation and resubdivision of land located at Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-05:10, 12, & 13, subject to the following conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- The applicant, its successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
- 3) The applicant shall provide documentation (e.g. book and page or document number) that this permit approval has been placed in recordable form as a part of each deed instrument;
- In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 5) The applicant understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
- Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;

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ALLAN A. SMITH
INTERM CHARPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMEN

KEN C. KAWAHARA DEPUTY DIRECTOR - WATER

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LAND
STATE PARKS

CDUP: HA-3404

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- 7) The applicant shall obtain the approval for the consolidation and re-subdivision through the applicable County department, and file a final consolidation and resubdivision plan with OCCL;
- 8) Other terms and conditions as may be prescribed by the Chairperson; and
- 9) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, please feel free to contact Michael Cain at (808) 587-0048.

Sincerely,

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

Receipt acknowledged:	
Applicant's Signature	
Date	
cc: HDLO County of Hawaii, Department of Plans	ning

