

TMK 8-3-5.6

LINDA LINGLE
GOVERNOR OF HAWAII

2007 MAR 13 PM 1

PLANNING DEPARTMENT
COUNTY OF HAWAII



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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF:OCCL:MC

CDUP: HA-3377

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

MAR - 9 2007

Dear Mr. Mooers:

SUBJECT: CONSERVATION DISTRICT USE PERMIT (CDUP) HA-3377
Single family residence
TMK (3) 8-3-05:6
Keawaiki Beach Lots, Kahauloa, South Kona, Hawai'i

This is to inform you that on March 9, 2007, the Board of Land and Natural Resources approved this Conservation District Use Permit (CDUP) HA-3377 for a single family residence located at Keawaiki Beach Lots, Kahauloa, South Kona, Hawai'i, TMK (3) 8-3-05:6, subject to the following conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, State and county governments, and the applicable parts of HAR §13-5-42;
2. 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 comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawai'i Administrative Rules (HAR), Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control," and Chapter 11-54 National Pollutant Discharge Elimination System;
4. Before proceeding with any work authorized by the Board, the applicant shall submit four copies of the construction plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three copies

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will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;

5. Any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been approved by the Department; further, all work and construction must be completed within three years of the approval;
6. The applicant shall notify the Office of Conservation and Coastal Lands in writing prior to the initiation, and upon completion, of the project;
7. 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;
8. The applicant will use Best Management Practices for the proposed project, including, but not limited, to:
 - a. Construction activities with the potential to produce polluted runoff will be limited to periods of low rainfall,
 - b. Cleared areas will be replanted or otherwise stabilized as soon as possible, and
 - c. Construction materials, petroleum products, wastes, debris, and landscaping byproducts will be prevented from blowing, falling, slowing, or leaching into the ocean;
9. The applicant will give preference towards using native plants for the remaining landscape work;
10. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
11. In issuing this permit, the Department and Board have 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;
12. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the applicant shall immediately contact the State Historic Preservation Division;
13. The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;