

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII

PLANNING DEPARTMENT  
COUNTY OF HAWAII

2012 APR -4 PM 3:30



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

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: AJR

CDUP: HA-3612

Gregory R. Mooers  
C/o Mooers Enterprises, LLC  
P.O. Box 1101  
Kamuela, Hawaii 96743

APR 2 2012

**SUBJECT: CONSERVATION DISTRICT USE PERMIT (CDUP) No. HA-3612**  
Renovation and Expansion of Single Family Residence  
Keawaiki Road, Ke'ei, South Kona, Island of Hawaii  
TMK: (3) 8-3-005:012

This is to inform you that on **March 30, 2012** the Chair of the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) **HA-3612** for the renovation and expansion of a Single Family Residence (SFR), *TMK: (3) 8-3-005:012*, located in Ke'ei, South Kona, Island of Hawaii, subject to the following conditions:

1. The permittee 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 permittee, 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 permittee, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The permittee shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to HAR §11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control," and Chapter 11-54 "National Pollutant Discharge Elimination System";
1. Before proceeding with any work the permittee shall submit three copies of the final Site Plan for the project to the Chairperson or his authorized representative for approval. The Department will stamp on plan and return it to you, and keep the other tow on file. Plan approval by the Chairperson does not constitute approval required from other agencies;

**SCANNED**

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By: \_\_\_\_\_

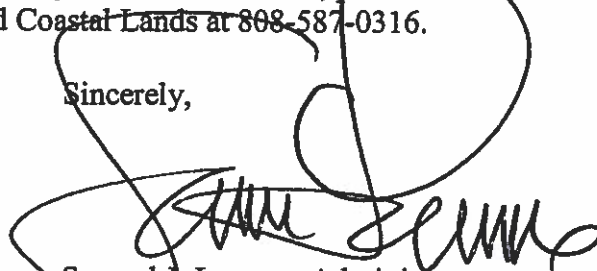
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2. **The Single Family Residence shall not be used for rental or any other commercial purpose** unless approved by the board. Transient rentals are prohibited, with the exception of wilderness camps approved by the board;
3. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been approved by the Department; further, all work and construction of the infrastructure must be completed within three (3) years of the approval.
4. Obstruction of public roads, trails, and pathways shall be avoided and minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department.
5. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
6. The permittee will use Best Management Practices (BMPs) for the proposed project;
7. Cleared areas shall be re-vegetated, in accordance with landscaping guidelines provided in this chapter, within thirty (30) days, unless otherwise provided for in a plan on file with and approved by the department;
8. The permittee understands and agrees that this permit does not convey any vested rights or exclusive privilege;
9. The permittee will work to preserve and maintain the Lateral Shoreline Access Corridor that is outlined in this report;
10. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
11. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
12. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS All exterior lighting shall be shielded to protect the night sky;
13. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;

14. In issuing this permit, the Department and Board have relied on the information and data that the permittee 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;
15. 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 permittee shall immediately contact the State Historic Preservation Division;
16. The permittee will contact OCCL for any permitting requirements should they change the scope of the project;
17. Other terms and conditions prescribed by the chairperson; and
18. That failure to comply with any of these conditions may 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 Alex J. Roy of the Office of Conservation and Coastal Lands at 808-587-0316.

Sincerely,



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

Receipt acknowledged:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

CC: *Chairperson*  
*HDLO*  
*County of Hawaii Department of Planning*

Attachments: *OCCL Staff Report*

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