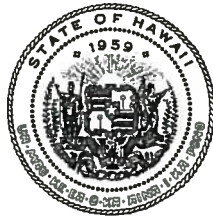


LINDA LINGLE
GOVERNOR OF HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

2010 APR 14 AM 9:42



8-3-5:1

LAURA H. THIELEN
CHAIRPERSON
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:AB

CDUP HA-3530

Gregory R. Mooers
Mooers Enterprises, LLC
P.O. Box 1101
Kamuela, Hawai'i 96743

APR - 9 2010

SUBJECT: Conservation District Use Permit (CDUP) HA-3530 for Security Gates on Private Access Road for Keawaiki Beach Lots, Located at Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-005:001, 020, and 021

Dear Mr. Mooers:

This is to inform you that on April 8, 2010, the Board of Land and Natural Resources approved your Conservation District Use Application HA-3530 for security gates on a private access road for Keawaiki Beach Lots, located at Kahauloa, South Kona, Hawai'i, TMK: (3) 8-3-005:001, 020, and 021, 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 applicable parts of Chapter 13-5, HAR;
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, and 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 (DOH) administrative rules;
4. 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;
5. 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 signed by the Chairperson, and, unless otherwise authorized, shall be completed within three (3)

SCANNED

04/23/10

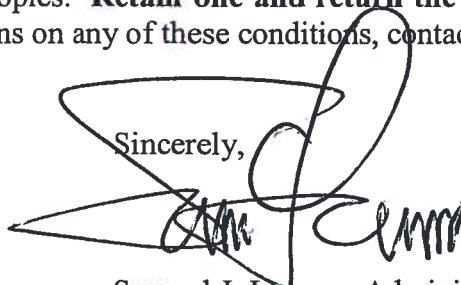
By:

years of the approval of such use. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;

6. All representations relative to mitigation set forth in the accepted environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
7. The applicant understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
8. In issuing the permit, the Department and Board have relied on the information and data which the applicant has provided in connection with the permit application. If, subsequent to the issuance of the 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 the Department may, in addition, institute appropriate legal proceedings;
9. 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 within a time frame and manner prescribed by the Chairperson;
10. The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
11. 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 SHPD (808-692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
12. Other terms and conditions as prescribed by the Board; and
13. 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, contact Audrey Barker at (808) 587-0377.

Sincerely,



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