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PLANNING DEPARTMENT
COUNTY OF HAWAII

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BOARD OF LAND AND NATURAL RESOURCES
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KAHOOLAWE ISLAND RESERVE COMMISSION
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-3407

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

JUL 24 2007

Dear Mr. Mooers:

SUBJECT: Conservation District Use Permit (CDUP) HA-3407

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-3407 for the consolidation and resubdivision of land located at 'Ala'e, South Kona, Hawaii'i, TMK: (3) 8-7-05:1, 2, &10-19, subject to the following conditions:

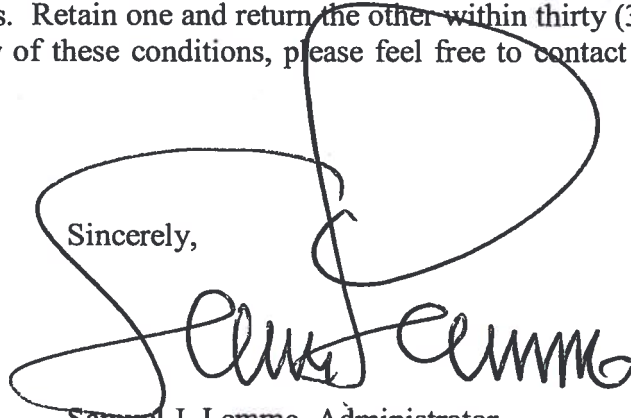
- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii'i harmless from and against any loss, liability, claim 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;
- 4) 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;
- 6) 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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- 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) Applicant will work with Nā Ala Hele and the County to show the final trail alignment of the "makai trail" on the final plat map for the subdivision;
- 9) Other terms and conditions as may be prescribed by the Chairperson; and
- 10) 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 Planning

<input type="checkbox"/>	MDUR 011-0...
<input type="checkbox"/>	DIRECTOR
<input type="checkbox"/>	DEPUTY
<input type="checkbox"/>	PVT. SECRETARY
<input type="checkbox"/>	LONG RANGE PLANNING
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