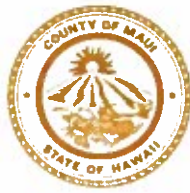


MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

November 19, 2020

A&B Properties Hawaii, LLC
11 Puunene Avenue
Kahului, Hawaii 96732

Dear A&B Properties Hawaii:

SUBJECT: AMENDMENT TO SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT AND MINOR PERMIT APPROVAL

Project: A&B Properties Hawaii, LLC
Address: Makai Terminus of County Kealakai, Spreckelsville, Maui, Hawaii
Description: To install seven instructional signs, placement of boulders, installation of gate, planting naupaka, and dedicating four shoreline access paths.

TMK: (2) 3-8-001:072
Application No.: SMX 2020/0114
Permit No.: SM2 2020/0060, SSA 2020/0017, EAE 2020/0039

In response to your amendment application received on March 26, 2020, and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Section 12-202-12, a determination has been made relative to the above project that:

1. The project is a development, pursuant to Section 205-A-22 and may be issued an SMA minor permit;
2. The project has a valuation not in excess of \$500,000.00; (Valuation: \$203,875.00)
3. The proposed scope of work consists of:
 - a. Installing eleven instructional signs
 - Three 24" x 30" entrance signs, placed approximately seven feet off of the ground
 - Four 12" x 18" parking signs placed approximately five feet off of the ground, and

- Four shoreline access path signs;
 - b. Placement of boulders to prevent erosion and to protect habitat;
 - c. Installation of a fourteen foot long entrance gate;
 - d. Plant restoration with naupaka in three designated areas; and
 - e. Four dedicated shoreline access paths with signage, as represented on the site plan;
4. The project has no significant adverse environmental or ecological effects, provided Best Management Practices (BMPs) are implemented; and
 5. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

Furthermore, in accordance with the Shoreline Rules for the Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

1. The site is a shoreline property and is subject to the Commission Shoreline Rules;
2. The work will take place inside the Shoreline Setback Area (SSA). The proposed work inside the SSA is a permissible activity, pursuant to Section 12-203-12(a)(9), which allows for "A structure or activity that has been determined by the director to be a minor structure or minor activity within the shoreline setback area which does not adversely affect beach processes, does not artificially fix the shoreline, and does not interfere with public access or public views to and along the shoreline and which meets the purpose of this chapter, HRS chapter 205A, as amended, and chapter 19.62, Maui County Code, relating to coastal high hazard districts."
3. The proposed action will not have an adverse impact on a flood zone or streamway; and the Floodplain Manager has determined that a flood development permit is not required; and
4. The proposed project is located in an area which may be affected by coastal erosion in the future due to sea level rise. To see the potential effects, the Hawaii Sea Level Rise Viewer should be consulted at <http://www.pacioos.hawaii.edu/shoreline/slr-hawaii/> and the Hawaii Sea

Level Rise Vulnerability and Adaptation Report (Hawaii Climate Change Mitigation and Adaptation Commission, 2017) at <https://climateadaptation.hawaii.gov/wp-content/uploads/2018/01/SLR-Report-January-2018.pdf>.

Accordingly, you are hereby granted an SMA minor permit (SM2 2020/0060) and a Shoreline Setback Approval (SSA 2020/0017), subject to the following conditions:

1. That the development will be conducted in accordance with the representations made to the Department and in the amended SMA Assessment Application and site plan.
2. That archaeological monitoring shall be conducted by a qualified archaeologist any time when the project requires ground disturbance. A monitoring report will be submitted to the Department within 60 days of the project's completion.
3. Following completion of the work covered by this application, the gate will initially be left in open position. If there are instances of vandalism, environmental damage, overnight occupancy or other threats to public health, safety and welfare, the applicant may close the gate. Applicant shall promptly notify the Planning Department of the gate closure and thereafter, confer with Planning Department staff to discuss if and when the gate should be reopened.
4. That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.
5. That a building permit shall be obtained as applicable from the Department of Public Works Development Services Administration.
6. That the proposed development shall be initiated by **November 30, 2021**, and completed within one year.

7. That in the event of historic resources, including human skeletal remains, structural remains, cultural deposits, or lava tubes are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Section, shall be contacted immediately at (808) 243-1285. Work shall not continue until cleared by DLNR-SHPD.
8. That full compliance with all other applicable governmental requirements shall be rendered.
9. That the Applicant shall display signage at the beginning of and during the work, to include information listing permits authorized by the County of Maui for the subject work to be completed.

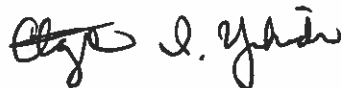
Moreover, the Department finds that the proposed action triggers compliance with environmental review because it includes the use of a shoreline area. However, the project qualifies for an exemption, specifically: "*Minor alterations in the conditions of land, water, or vegetation.*"

In light of the above determination, you are granted an Environmental Assessment Exemption (EAE 2020/0039).

In summary, the Department grants an amendment to the SMA Minor Permit (SM2 2020/0060), Shoreline Setback Approval (SSA 2020/0017), and Environmental Assessment Exemption (EAE 2020/0039) for the work described in your amended SMA Assessment Application (SMX 2020/0114). PLEASE NOTE THAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Jared Burkett by email at jared.burkett@mauicounty.gov or by phone at (808) 270-7378.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for MICHELE MCLEAN, AICP
Planning Director

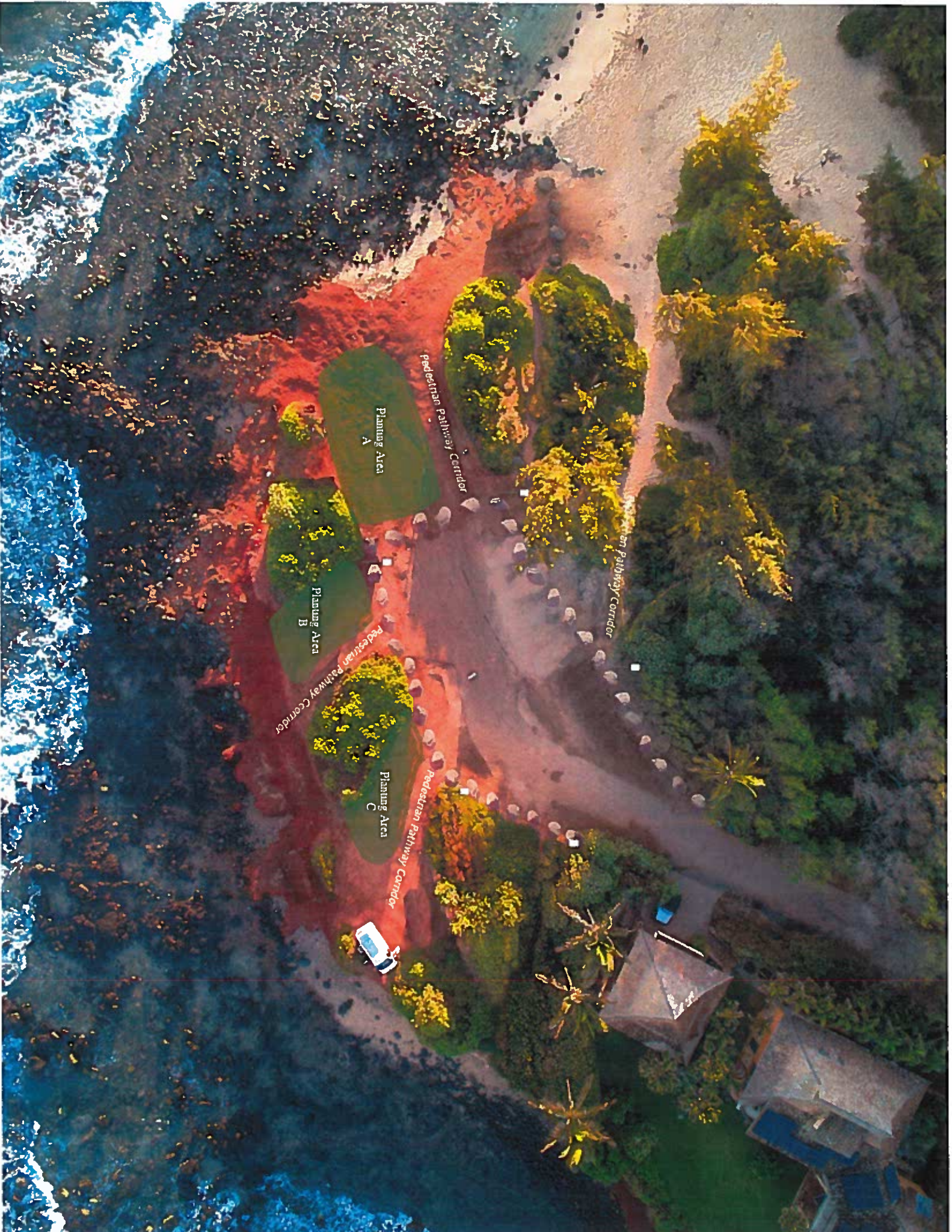
A&B Properties, LLC
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Page 5

Attachment: Sign contents, site plan

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Hugh Starr, Consultant (PDF)
Jared L. Burkett, Staff Planner (PDF)

MCM:CIY:JLB:rma

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Planning Area A

Planning Area B

Planning Area C

Pedestrian Pathway Corridor

Pedestrian Pathway Corridor

Pedestrian Pathway Corridor

on Pathway Corridor

Sample Rules Sign

Wawau Point & Baby Beach

'Posted Rules'

- No Overnight Parking
- No Camping or Open Fires
- No Unleashed Animals
- No Littering or Dumping
- No Alcohol consumption

there are

- no Restroom Facilities
- no Life Guards on duty

HELP KEEP BABY BEACH CLEAN

