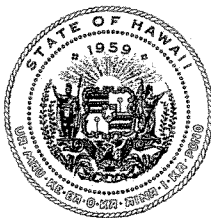
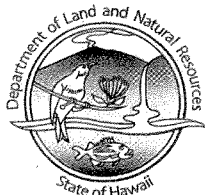


LINDA LINGLE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**OFFICE OF CONSERVATION AND COASTAL LANDS**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

LAURA H. THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

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DEPUTY DIRECTOR - WATER

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COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:MC  
CDUA: HA-3480

Acceptance Date: August 11, 2008  
180 Day Expiration Date: February 7, 2009

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

AUG 19 2008

Dear Mr. Mooers:

**NOTICE OF ACCEPTANCE and ENVIRONMENTAL DETERMINATION**  
**Conservation District Use Application (CDUA) File No. HA-3480**  
**(Departmental Permit)**

This acknowledges the receipt and acceptance for the processing of your CDUA for the proposed consolidation and resubdivision of eight lots of record in 'Āinakea, North Kohala, Hawai'i. One of the lots, TMK (3) 5-3-006:021, is partially in the Resource Subzone of the State Land Use Conservation District. The remaining parcels are outside the Conservation District.

The boundary of this parcel follows the shoreline, and the Land Use Commission has determined that the Conservation District runs parallel to the shore and 300 feet inland on this parcel.

The proposed subdivision would result in two parcels having land in the Conservation District: Lot 14B at 188.309 acres, and Lot 14D at 125.000 acres.

This would put the proposal in violation of Hawai'i Revised Statutes (HRS) §13-5-30 PERMITS, GENERALLY, Criterion 7: *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.* To remedy this, the applicants propose to record a deed restriction on Lot 14B and Lot 14D that would prohibit any construction within the Conservation District portions of these lots.

No other land uses are being proposed with this application.

The landowner has negotiated a lateral pedestrian access along the coastal cliffs with the Planning Director. This is subject to County Council approval, and will be shown on the final plat map. Access currently is via rope ladders tied to trees on the cliff.

After reviewing the application, OCCL finds that:

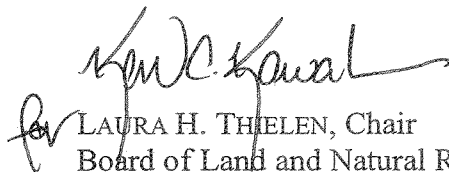
1. The consolidation and re-subdivision is an identified land use within the Conservation District, pursuant to Hawai'i Administrative Rules (HAR) §13-5-24 *Identified land uses*

*in the protective subzone, P-11 SUBDIVISION OR CONSOLIDATION OF PROPERTY, (D-1) Subdivision of property into two or more legal lots of record which serves a public purpose and is consistent with the objectives of the subzone. The final decision as to whether to grant or deny the permits lies with the Board of Land and Natural Resources (BLNR).*

2. Pursuant to HAR §13-5-40 *Hearings*, a public hearing will not be required.
3. This project is exempt from conducting an Environmental Assessment pursuant to HAR §11-200-8.

The CDUA will be given to the DLNR Chair for their consideration after all reviews and evaluations of the proposal have been made. Should you have any questions, please contact Michael Cain at the Office of Conservation and Coastal Lands at 587-0048.

Sincerely,

  
for LAURA H. THIELEN, Chair  
Board of Land and Natural Resources

cc: Office of Hawaiian Affairs  
Hawai'i County Planning Department  
Hawai'i County Department of Public Works  
DLNR- Forestry, Land Division, Historic Preservation  
Kailua-Kona Library  
DOH - Office of Environmental Quality Control