

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of Conservation and Coastal Lands  
P.O. BOX 621  
HONOLULU, HAWAII 96809

DAWN CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

M. KALEO MANUEL  
DEPUTY DIRECTOR - WATER

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

DLNR:OCCL:AW

SSBN HA-23-01

Giannicola Tumino Di Costanza  
Coastal Engineer  
Sea Engineering, Inc.  
Makai Research Pier 41-305 Kalanianaʻole Highway  
Waimanalo, HI 96795

Jan 26, 2023

SUBJECT: NOTICE OF APPROVAL OF CATEGORY II SMALL-SCALE BEACH  
NOURISHMENT (SSBN) CONSERVATION DISTRICT USE PERMIT  
(CDUP), for Kona Village Resort 72-300 Maheawalu Drive, Kailua-Kona, HI  
96740 TMK (3) 7-2-010:010 (seaward)

Dear Mr. Tumino:

This is to inform you that on January 25, 2023 the Chair of the Board of Land and Natural Resources (BLNR) approved Category II Small-Scale Beach Nourishment (SSBN) Conservation District Use Permit (CDUP) No. SSBN HA-23-01 for Kona Village Resort, located in Kailua-Kona, Hawai'i, submitted by Sea Engineering, Inc. on behalf of the applicant. A copy of the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands' (OCCL) report and recommendation to the BLNR Chair is enclosed for your reference.

The sand submitted for assessment with the SSBN HA-23-01 application is approved for use in the project subject to screening and washing prior to placement on the subject beach in accordance with the project details provided in the application.

#### TERMS AND CONDITIONS

The project is subject to the following Terms and 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 shall comply with all applicable Department of Health administrative rules;
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 the materials submitted to the Department;
4. The applicant shall submit a summary report to the DLNR within 90 days of the completion of the project describing the status of the fill, what maintenance actions took place and include photographic or other quantitative evidence (beach profiles or volume calculations) of the beach condition.
5. The applicant understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
6. Work shall be conducted at low tide during minimal rainfall and calm weather periods to the most practical extent possible and no work shall occur if there is high surf or ocean conditions that will create unsafe work or beach conditions;
7. Authorization of the sand use and placement is contingent upon review and approval of the sand by the Department. The sand shall meet the following State quality standards:
  - a. The proposed fill sand shall not contain more than six (6) percent fines, defined as the #200 sieve (0.074 mm);
  - b. The proposed beach fill sand shall not contain more than ten (10) percent coarse sediment, defined as the #4 sieve (4.76 mm) and shall be screened to remove any non-beach compatible material and rubble;
  - c. No more than 50 (fifty) percent of the fill sand shall have a grain diameter less than 0.125 mm as measured by #120 Standard Sieve Mesh;
  - d. Beach fill shall be dominantly composed of naturally occurring carbonate beach or dune sand. Crushed limestone or other man-made or non-carbonate sands are unacceptable;
8. Sand used for beach maintenance shall be screened of coarse material (rocks) and any non-beach compatible material;
9. All placed material shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;
10. To avoid encroachments upon the area, the applicant shall not use artificially accreted areas due to nourishment as indicators of the shoreline. The information provided with this application should be included in future review if a certified shoreline is requested;
11. The applicant shall implement Best Management Practices (BMPs) to minimize dirt and silt from entering the ocean and the ability to contain and clean up fuel, fluid, or



- oil spills immediately for projects authorized under this authorization and immediately report any spill(s) or other contamination(s) that occurs at the project site to the Department of Health and other appropriate agencies;
12. The applicant shall ensure that excessive siltation and turbidity is contained or otherwise minimized to the satisfaction of all appropriate agencies, through silt containment devices or barriers, high sand quality and selective sand placement;
  13. Appropriate safety and notification procedures shall be carried out. This shall include high visibility safety fencing, tape or barriers to keep people away from the active construction site and a notification to the public informing them of the project;
  14. A survey of the project area shall be conducted prior to commencement of the proposed activities to ensure no protected marine species are in the project area. If protected species are detected activities shall be postponed until the animal(s) voluntarily leave the area. All on-site personnel shall be apprised of the status of any protected species;
  15. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Chairperson;
  16. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii 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;
  17. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
  18. In issuing the permit, the department and board have relied on the information and data that the permittee 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;
  19. 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;
  20. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
  21. 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;
  22. 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;
23. 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 the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
  24. 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 HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
  25. Other terms and conditions as prescribed by the Chairperson;
  26. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

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 contact Amy Wirts at the Office of Conservation and Coastal Lands (OCCL) at (808) 798-7556.

Sincerely,

*S Michael Cain*

\_\_\_\_\_  
S. MICHAEL CAIN, Administrator  
Office of Conservation and Coastal Lands (OCCL)

I concur with the conditions of this letter:

\_\_\_\_\_  
Applicant's Name (Print)

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

Date\_\_\_\_\_

CC: Hunter Ainslie, Kona Villages Resort



REF: OCCL AW  
Giannicola Tumino Di Costanza

SSBN HA-23-01

Hawai'i Island District Land Office  
County of Hawaii Planning Dept.  
HI CZM  
USFWS

*Attachments: OCCL Staff Report*

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
OFFICE OF CONSERVATION AND COASTAL LANDS  
Honolulu, Hawai'i**

Jan 25, 2023

FILE NO.: SSBN HA 23-01  
Acceptance Date: November 14, 2022  
180-Day Expiration Date: May 13, 2023

**Chairperson's Office  
Department of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

**REGARDING:** Conservation District Use Small Scale Beach Nourishment Category II  
Application for Kona Village Resort 72-300 Maheawalu Drive, Kailua-Kona, HI  
96740 TMK (3) 7-2-010:010 (seaward)

**APPLICANT:** Sea Engineering, Inc.  
Makai Research Pier 41-305 Kalaniana'ole Highway  
Waimanalo, HI 96795  
On behalf of KW Kona Investors, LLC

**LANDOWNER:** B P Bishop Estates

**LOCATION:** 72-300 Maheawalu Drive, Kailua-Kona, HI

**TMK:** Shoreline fronting TMK (3) 7-2-010:010

**AREA OF USE:** 10,000 ft<sup>2</sup> placement site

**SUBZONE:** Resource Subzone

**BACKGROUND**

Sea Engineering, Inc on behalf of KW Kona Investor, LLC is proposing a Category II Small Scale Beach Restoration (SSBN) project to take place seaward of the Kona Villages Resort, Kailua-Kona on the west side of the island of Hawai'i (**Exhibit 1**). The proposed project consists of placement of approximately 740 cubic yards (cy) of beach-quality sand which originated from the active littoral cell which was transported mauka of the shoreline during the 2011 Tohoku tsunami and has been stockpiled at a separate location on the property. The sand intended for fill is compatible with the existing beach following OCCL *Guidelines for SSBN Cat II General Application*. Beach nourishment is proposed to take place as a single nourishment event.



The project was developed in response to transport of sand from the active beach by the 2011 Tohoku tsunami. The tsunami pushed a portion of the beach sand mauka of the shoreline, removing the sand from the active littoral cell exposing previously buried beach rock. There are no other long term server erosional patterns at the site other than the normal seasonal wave patterns and beach dynamics.

Restoration of the beach will have the benefit of providing additional sandy beach that will provide a broader opportunity for beach use and recreation, and potentially produce safer conditions for beach activities.

### **DESCRIPTION OF AREA**

The proposed project site is located in Kailua-Kona along the shoreline of Ka'ūpūlehu on the west side of Hawai'i island, fronting TMK (3) 7-2-010:010 (**Exhibit 1**). The beach area is approximately 350 ft long bounded by a lava rock promontory to the north, and a locally well-known freshwater spring to the south, makai by Kahuwai Bay. The location of proposed beach nourishment is located directly seaward of the Kona Villages Resort property and would extend approximately 350 feet along the beach stretch. The nourishment site is located within the Resource Subzone of the State Land Use Conservation District. The surround land is within the resort area of the Kona Village Resort.

The shoreline fronting the Kona Villages property hosts a small beach composed mainly of calcareous sand and lava fragments. The site features a combination of sand and exposed beach rock (**Exhibit 2**).

The proposed sand source is from a stockpile on the subject property of sand displaced mauka of the shoreline by the 2011 Tohoku tsunami. After the tsunami event, the transported sand was collected and stockpiled at a location on the Kona Villages property. No sediment extraction or excavation is proposed for this project.

### **DESCRIPTION OF PROPOSED ACTION**

The proposed project would be completed in one phase that will occur over the course of approximately 7 days. The displaced beach sand will be transported by truck to the placement site and distributed on the site by skid-steer loaders (**Exhibit 3**). All sand placement will occur above the mean high water mark along 350ft of beach at a 1V:6H slope (**Exhibit 4**). There is no in-water placement or other work proposed as a part of this project.

The proposed sand source consists of sand that has been stockpiled on the property since the Tohoku tsunami. The proposed sand was analyzed for match with the existing beach sand, and found to comply with the DLRN SSBN sand quality standards (**Exhibit 5**).

### **SUMMARY OF COMMENTS**

The application was referred to the following agencies for their review and comment:

- DLNR Division of Boating and Ocean Recreation (DOBOR)
- DLNR Division of Aquatic Resources (DAR)
- DLNR State Historic Preservation Division (SHPD)

- DLNR Hawai'i Land Division
- Hawaii County Planning Department
- DOH Clean Water Branch
- Office of Planning and Sustainable Development (OPSD) Coastal Zone Management (CZM) Program
- US Army Corps of Engineers
- US Fish and Wildlife Service
- National Marine Fisheries Service
- Office of Hawaiian Affairs

Comments were received from the following agencies:

- DLNR DAR
- OPSD CZM
- USFWS

Agency comments and applicant responses are summarized below:

DLNR Aquatic Resources (DAR)

Comment #1: DAR would like to request a thorough assessment of the status of the area to be altered including a full accounting of nearshore and marine resources that may be affected.

Comment #2: Has the applicant obtained any assessment on how the sand they add may shift to other areas in the near future? Has the applicant obtained any additional assessment of whether or not the sand will stay in place in the long-term? Or will the additional sand beach nourishment project be required in the future?

Comment #3: Could the applicant provide more detail regarding where precisely the sand will be coming from and what steps may be taken to reduce the possibility for foreign material to enter the marine habitats adjacent to nourishment site?

Comment #4: Has the applicant discussed the project with community members in the area to gather input and feedback on the proposal?

Applicant's Response:

*Response to Comment #1: A visual, photographic, and topographic survey of the beach was performed on February 28, 2022. The proposed work is to be performed between the delineated shoreline and the mean higher high-water elevation. Working within these limits will result in no work being performed in the water. No part of the proposed project is expected to interact with the swash zone, intertidal zone, or nearshore waters. This project does not propose to change the marine substrate or bathymetry and as a result is not anticipated to change nearshore or coastal processes affecting the beach face. In addition, no portion of the proposed project is anticipated to change sediment transport, processes, or deposition areas within the immediate area.*

*Assessment of the nearshore/offshore marine environment was performed by reviewing NOAA benthic habitat data and aerial photographs. The NOAA benthic maps (Shown in Appendix A Figure 19) indicates that the nearshore environment up to 1000 ft offshore consists of 50-90%*



*turf algae and live corals are located further offshore (~1500ft). Based on aerial photographs, the benthic substrate consists of a basalt platform with intermittent sand deposits. The proposed footprint of this project consists of placement of 740 cy of sand in an area of ~1000 sq ft. The amount of sand being re-introduced to the active beach face is small compared to the total sand present on site and in the vicinity. Due to this analysis, we do not anticipate any impacts to nearshore or marine resources. Appropriate Best Management Practices will be employed to mitigate to the extent practicable any potential adverse effects. In the unlikely event that nearshore or marine resources are impacted, all work will stop, and the appropriate party listed in the BMP plan will be contacted for further actions.*

*Response to Comment #2: Small-scale beach nourishment is typically designed as a temporary solution to beach erosion. Kahuawai Bay appears to experience seasonal sediment transport along the coastline but has remained stable throughout the years with no extreme erosion events aside from the 2011 tsunami. Placed sand volumes may migrate seasonally, erode gradually either offshore, alongshore, or landward, with the beach profile adjusting in response to seasonal wave patterns and tidal cycles. The current SSBN application is limited to a single beach nourishment effort; however, it is possible that additional nourishment may be required in the future.*

*Response to Comment #3: The sand proposed to support this small-scale beach nourishment effort was deposited mauka of the shoreline during the 2011 Tohoku tsunami event. The sand was recovered and stockpiled on the property as the Kona Village Resort was reconstructed. The stockpiled sand will be screened and washed prior to being returned to the beach of its origin. The precise placement of sand on the beach is illustrated in Figure 11 of Appendix A of the SSBN application.*

*Response to Comment #4: The applicant has discussed the proposed project with multiple members of the community. Included in those discussions was Auntie Lei from the Kalaemano Marine Life Aquatic Council, which expressed their support for the project. The SSBN application was published in The Environmental Notice and there was a 30-day comment period during which the public had an opportunity to respond. A total of four (4) comments were received.*

#### OPDS CZM

Comment #1: The OPDS concurs that site-specific erosion control measures shall be implemented to prevent any runoff, sediment, soil and debris potentially resulting from the proposed beach nourishment activities, including grading and staging, from adversely impacting the coastal ecosystem and state waters as specified in Hawai'i Administrative Rules Chapter 11-54.

Comment #2: The application states that Fall 2022 is the proposed start date for the beach nourishment effort, and work is estimated to take approximately 7 days. The application should update the start date of the proposed beach nourishment activities.

Comment #3: According to the application, the proposed sand placement will be between the mean higher high water contour line and the delineated shoreline, and no in-water work is to be

performed. Pursuant to Code of Federal Regulations (CFR), 15 CFR 930, if any Army Corps of Engineers Permit is required for the proposed project, a federal consistency review may be required from the OPSD, Hawai'i Coastal Zone Program.

*Applicant's Response:*

*Response to Comment #1: All proposed work will comply with the project's specific Best Management Practices Plans, Contingency Plan, Emergency Spill Plan, and Monitoring and Assessment Plan per Appendix B, C, D and F, respectively. In addition to these plans, a copy of the General Project Guidelines from the U.S. Fish and Wildlife Service will always be present on site in the event of wildlife encounters during the estimated 7 days of work.*

*Response to Comment #2: The application was submitted to the Office of Conservation and Coastal Lands (OCCL) on September 19, 2022. Multiple revisions of the Small-Scale Beach Nourishment (SSBN) application led to a final acceptance for publication on November 23, 2022. We anticipate our work to commence at the end of January 2023 and last approximately 7 days. OCCL will be notified one week prior to start of work and will also be notified at the end of work.*

*Response to Comment #3: Sand is to be placed between the delineated shoreline (also the 'upper reach of the waves') and the mean higher high-water line (MHHW). If any U.S. Army Corps of Engineer permits are required, the applicant will submit a an application for a CZM federal consistency determination to the OPSD, Hawaii Coastal Zone Program*

USFWS

USFWS requested that the applicant obtain a species list utilizing the Information for Planning and Consultation (IPac) online portal and implement the results for avoidance and

*Applicant's Response:*

*Thank you for taking the time to review the proposed Small-scale Beach Nourishment (SSBN) plan and application for Kona Village Resort. Per your request, an official species list has been obtained using the Information for Planning and Consultation (IPac) online portal. The official species list is attached to this document and a hard copy will be present on-site during all work operations. In the event that any of the identified species are observed or encountered during the proposed work period, all work will stop and the species profiles documents and their respective guidelines will be used to determine appropriate next steps. The species list will be verified after work is complete to update the online service.*

The application was also made available for 30-day public review and comment in the Office of Environmental Quality and Control (OEQC) Environmental Bulletin on November 23<sup>rd</sup>, 2022<sup>1</sup>. The following comments were received:

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<sup>1</sup> Office of Environmental Quality Control (February 23, 2019). The Environmental Notice. [http://oeqc2.doh.hawaii.gov/The\\_Environmental\\_Notice/2019-02-23-TEN.pdf](http://oeqc2.doh.hawaii.gov/The_Environmental_Notice/2019-02-23-TEN.pdf)



Mr. Douglas Meller:

Comment #1: Obtain shoreline certification before undertaking the project.

Comment #2: Commit not to subsequently apply for shoreline certification further makai.

Applicant's Response:

*Response to Comment #1: Pursuant to the guidelines of the SSBN program, the applicant is required to "carry out a shoreline determination and submit the findings as soon as possible with the application". A certified shoreline is not required. A site visit and topographic survey was conducted on February 28, 2022, at which time the shoreline was determined to be along the "upper reaches of the wash of the waves" at the seaward face of an existing landscaping wall. This location was determined to be the shoreline due to the presence of marine debris along the base of the wall. At the time of the survey, there was no evidence of the "upper reaches of the wash of the waves" landward of the existing landscaping wall. Appendix G of the SSBN application shows the delineated shoreline in plan view and with photographs (taken November 08, 2022).*

*Response to Comment #2: We recommend that for any future shoreline certification applications, the OCCL require that the applicant include a copy of the shoreline determination provided with this SSBN application.*

The County of Hawai'i determined that the proposed project serves to restore the natural resources of the coastal zone of Hawai'i and as such, does not consider the project to be development under the Special Management Area rules. Further, the county planning department determined that adequate public shoreline access is preserved under approved SMA Use Permit No. 18 (SMA-76-000012).

**ANALYSIS**

After reviewing the application, the Department finds that:

1. The proposed activities are identified land uses within the Resource subzone of the Conservation District, according to Hawaii Administrative Rules (HAR) §13-5-22 (P-16) *Beach Restoration*;
2. The project is consistent with the purpose of the Conservation District and consistent with the goals and objectives of the Hawaii Coastal Erosion Management Plan (COEMAP) adopted by the Board of Land and Natural Resources in 1999. It is a major goal of COEMAP to promote appropriate erosion control and beach restoration efforts such as this.
3. The beach restoration approach proposed presents an effective design with the smallest environmental and community "footprint" possible and follows the SSBN and COEMAP guidelines and policies.
4. The project is consistent with the Environmental Assessment and Statewide Conservation District Use Permit (CDUP ST-3000) for Small-Scale Beach Nourishment projects in Hawaii. A Finding of No Significant Impact (FONSI) for the Final Environmental

Assessment supporting the Statewide CDUP and State Program General Permit for Small Scale Beach Nourishment Projects in the Hawaiian Islands was issued by DLNR in May, 2000.

#### **DISCUSSION:**

The proposed project is intended to restore the beach located seaward of the Kona Villages Resort by placing up to 740 cy of beach-quality sand on the shoreline located seaward of the subject property. The project would utilize beach quality sand to 1) enhance the beach for public use, 2) to improve access and safety for beachgoers.

The proposed sand source for use in nourishment is a sand originating from the target beach which has been stockpiled on the subject property since being displaced mauka of the shoreline during the 2011 Tohoku tsunami. The proposed sand will be washed and screened prior to placement on the beach.

Comments regarding this project were received from DAR, USFWS, OPSD-CZM, and community member Douglas Meller. The applicant addressed the concerns expressed in the comments.

As such, Staff recommends the following:

#### **RECOMMENDATION**

Based on the preceding analysis, Staff recommends that the Chair of the Board of Land and Natural Resources **Approve** Category II Small Scale Beach Nourishment Application for Kona Village Resort 72-300 Maheawalu Drive, Kailua-Kona, HI 96740 TMK (3) 7-2-010:010 (seaward).

#### **TERMS AND CONDITIONS**

If approved, the project will be subject to the following Terms and 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 shall comply with all applicable Department of Health administrative rules;
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 the materials submitted to the Department;
4. The applicant shall submit a summary report to the DLNR within 90 days of the completion of the project describing the status of the fill, what maintenance actions took place and include photographic or other quantitative evidence (beach profiles or volume calculations) of the beach condition.



5. The applicant understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
6. Work shall be conducted at low tide during minimal rainfall and calm weather periods to the most practical extent possible and no work shall occur if there is high surf or ocean conditions that will create unsafe work or beach conditions;
7. Authorization of the sand use and placement is contingent upon review and approval of the sand by the Department. The sand shall meet the following State quality standards:
  - a. The proposed fill sand shall not contain more than six (6) percent fines, defined as the #200 sieve (0.074 mm);
  - b. The proposed beach fill sand shall not contain more than ten (10) percent coarse sediment, defined as the #4 sieve (4.76 mm) and shall be screened to remove any non-beach compatible material and rubble;
  - c. No more than 50 (fifty) percent of the fill sand shall have a grain diameter less than 0.125 mm as measured by #120 Standard Sieve Mesh;
  - d. Beach fill shall be dominantly composed of naturally occurring carbonate beach or dune sand. Crushed limestone or other man-made or non-carbonate sands are unacceptable;
8. Sand used for beach maintenance shall be screened of course material (rocks) and any non-beach compatible material;
9. All placed material shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;
10. To avoid encroachments upon the area, the applicant shall not use artificially accreted areas due to nourishment as indicators of the shoreline. The information provided with this application should be included in future review if a certified shoreline is requested;
11. The applicant shall implement Best Management Practices (BMPs) to minimize dirt and silt from entering the ocean and the ability to contain and clean up fuel, fluid, or oil spills immediately for projects authorized under this authorization and immediately report any spill(s) or other contamination(s) that occurs at the project site to the Department of Health and other appropriate agencies;
12. The applicant shall ensure that excessive siltation and turbidity is contained or otherwise minimized to the satisfaction of all appropriate agencies, through silt containment devices or barriers, high sand quality and selective sand placement;
13. Appropriate safety and notification procedures shall be carried out. This shall include high visibility safety fencing, tape or barriers to keep people away from the active construction site and a notification to the public informing them of the project;

14. A survey of the project area shall be conducted prior to commencement of the proposed activities to ensure no protected marine species are in the project area. If protected species are detected activities shall be postponed until the animal(s) voluntarily leave the area. All on-site personnel shall be apprised of the status of any protected species;
15. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Chairperson;
16. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii 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;
17. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
18. In issuing the permit, the department and board have relied on the information and data that the permittee 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;
19. 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;
20. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
21. 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;
22. 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;
23. 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 the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;

24. 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 HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
25. Other terms and conditions as prescribed by the Chairperson;
26. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully submitted,

*S Michael Cain*

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S. MICHAEL CAIN, Administrator  
Office of Conservation and Coastal Lands (OCCL).

Under the authority of §13-5-22 (P-16), Hawai'i Administrative Rules, this request for a Departmental Permit for SSBN HA-23-01 is hereby:

☒ Approved

☐ Disapproved

Dated at Honolulu, Hawai'i Jan 25, 2023



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**DAWN N. S. CHANG**, Chairperson  
Board of Land and Natural Resources



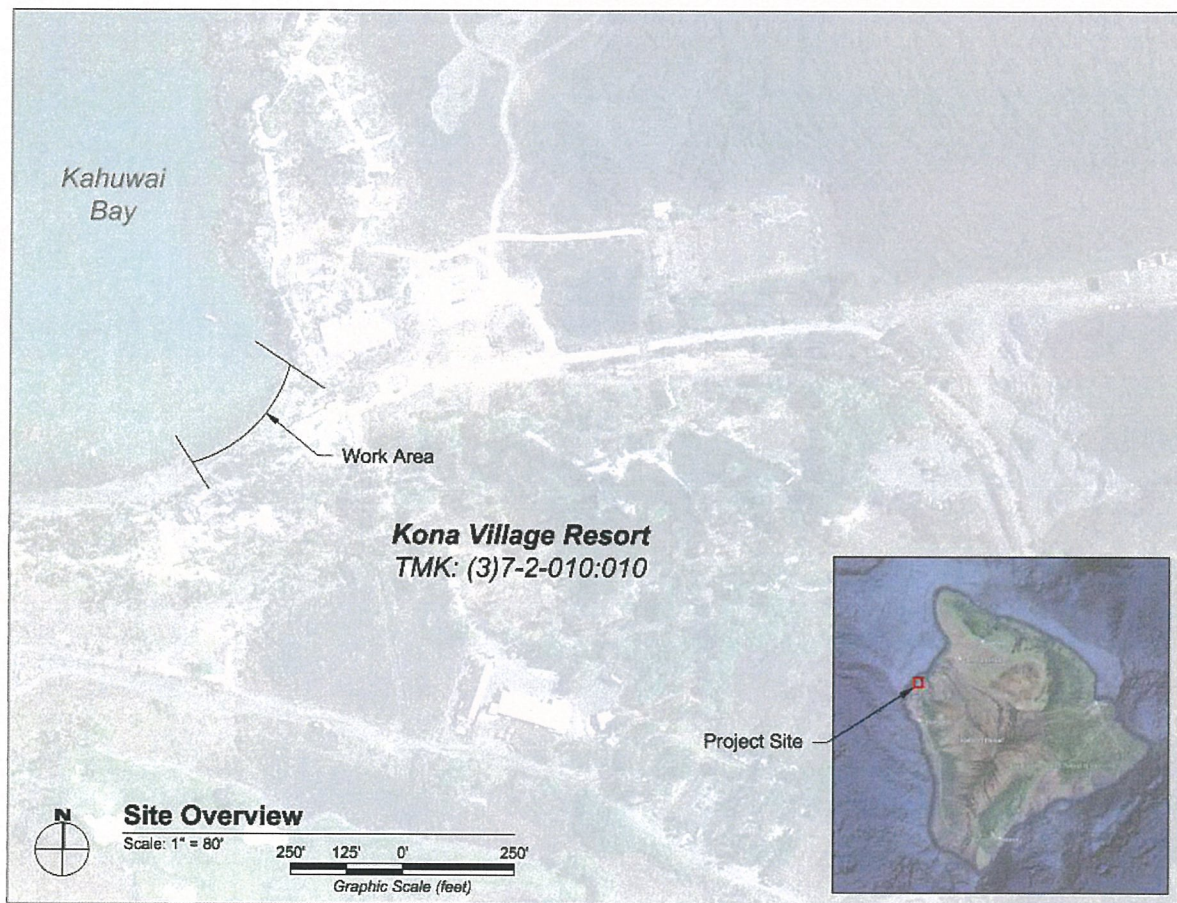


EXHIBIT 1: Project Location



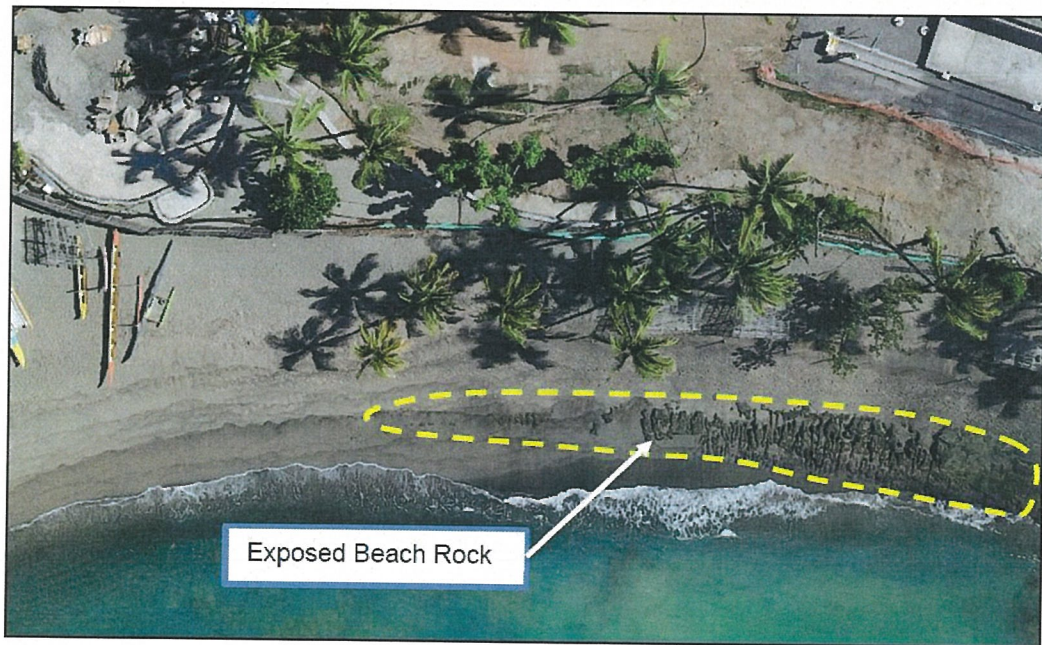


EXHIBIT 2: Existing Beach Conditions



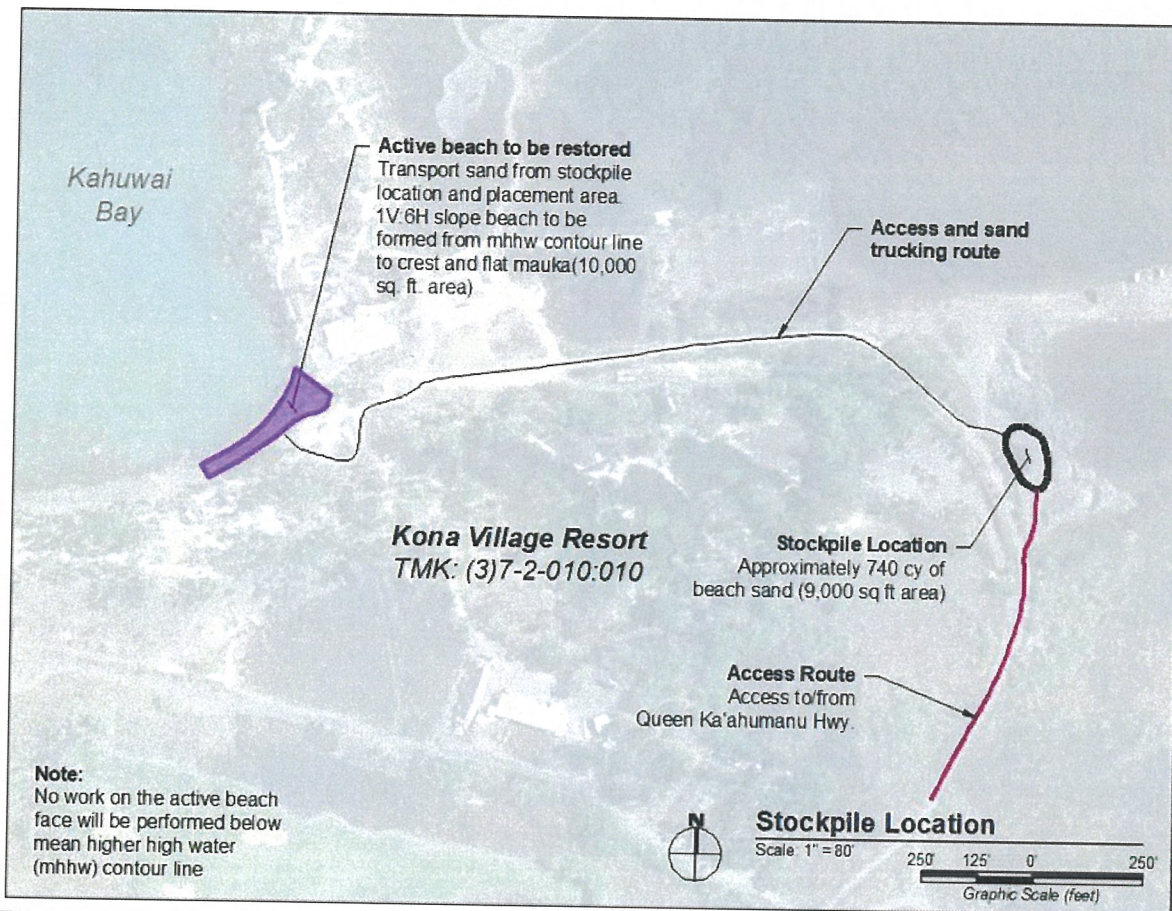


EXHIBIT 3: Sand Source Location and Transit Plan



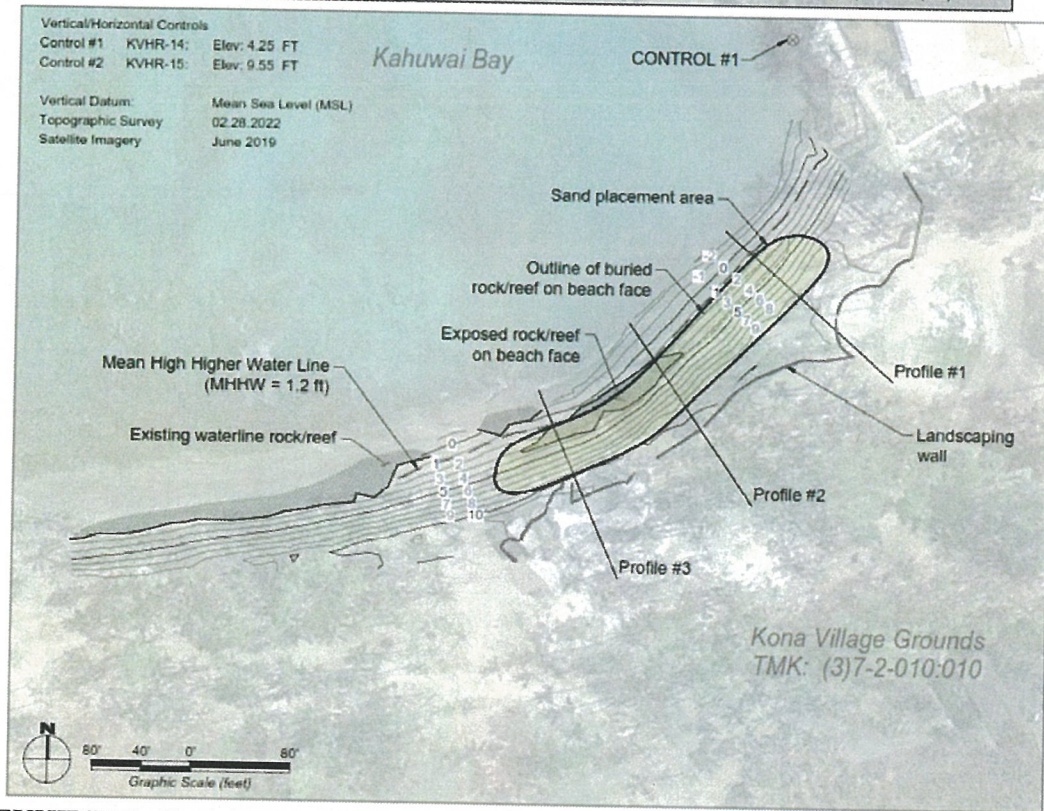
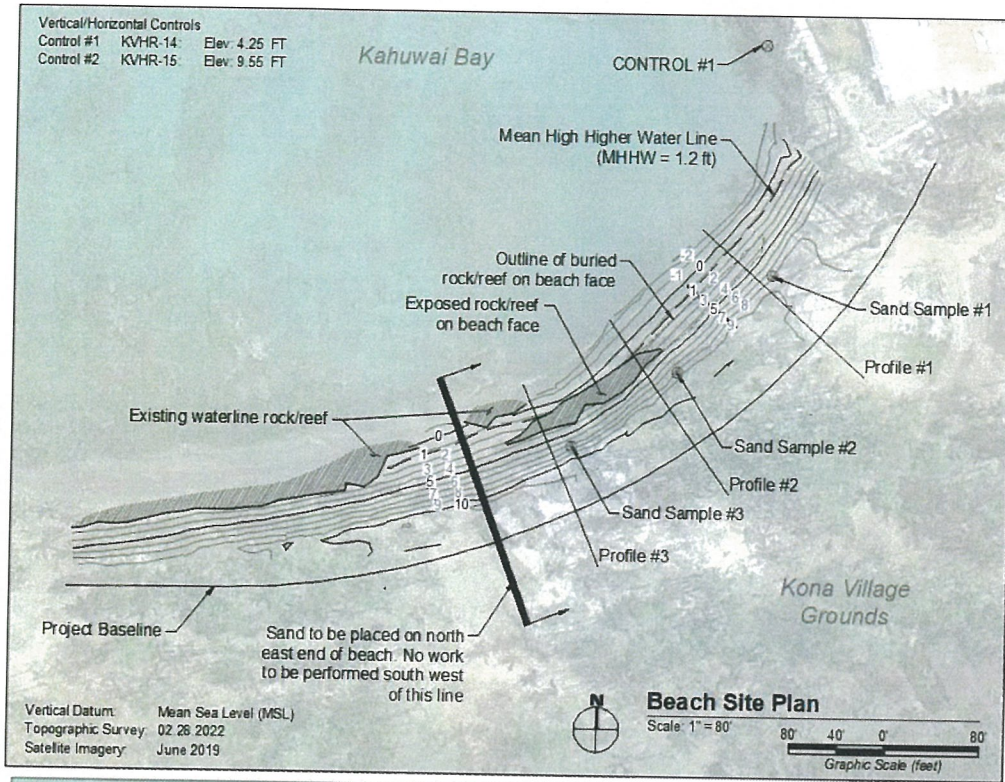


EXHIBIT 4: Site Plan and Sand Placement Areas

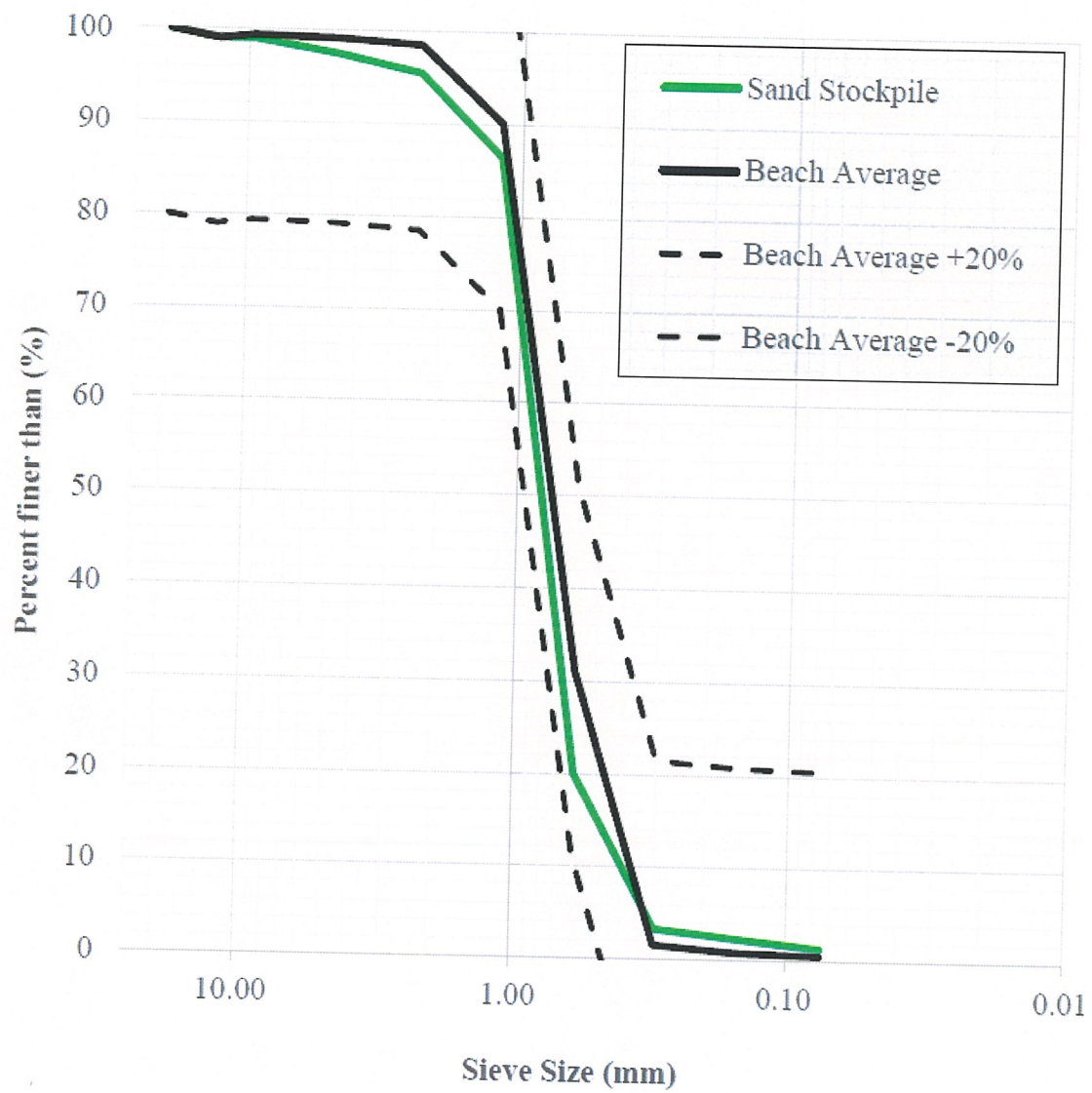


EXHIBIT 5: Sand Grain Size Profiles