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GOVERNOR OF  
HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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LAND  
STATE PARKS

Ref: OCCL:RB

RE: SSBN KA 19-3830  
TIME EXT: KA-22-08

Apr 23, 2022

Michael Foley, Ph.D, P.E.  
Oceanit Center  
828 Fort Street Mall, Suite 600  
96813

Subject: Request for a Third Time Extension of Small-Scale Beach Nourishment Authorization SSBN KA 19-3830, Kauai Kailani Condominiums (seaward), 4-856 Kuhio Highway, Kapaa, HI – TMK (4) 4-3-009:041 (formerly TMK (4) 4-3-009:050)

Dear Mr. Foley,

The Department of Land and Natural Resources (DLNR) is responding to your March 28, 2022, request to extend the timeframe in which implementation of small-scale beach nourishment activities are required to be initiated (DLNR Ref: SSBN 19-3830) seaward of Kauai Kailani Condominiums, 4-856 Kuhio Highway, Kapaa, HI – TMK (4) 4-3-009:041 (formerly TMK (4) 4-3-009:050). This is the third time extension request for this project. Two previous one-year extensions were permitted to this SSBN permit. The previously requested time extensions amended Condition 3, “[a]ny 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 ten (10) years of the approval of such use.” The first time extension granted work to begin by June 4, 2021, and the second time extension granted work to begin by June 4, 2022.

According to your request, the third one-year extension is necessary because a construction contractor has yet to be selected. You state, “the project is progressing as all other required permits have been approved, construction specifications have been prepared, and the project was put out to bid to construction contractors.” Thus, you are requesting an amendment to Condition 3 of the original permit. Subject authorization was granted on June 4, 2019; thus, work was required to be initiated by June 4, 2020. The first one-year time extension was approved and required work to begin by June 4, 2021. The second one-year time extension was approved and required work to begin by June 4, 2022.

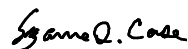
The OCCL notes that Emergency Conservation District Use Application (CDUA) KA-17-16 received authorization to repair and extend the length of the emergency temporary shoreline protection in March 2020. Condition #1 of this authorization states, in part, “the material is authorized as a temporary erosion control measure for three years from the date of issuance of this letter or until the second sand placement effort is conducted as part of SSBN KA 19-3830, whichever occurs sooner.” Please note that the Department may not be inclined to extend a time extension for the emergency control structure. At this time, it appears you must remove these structures by March 2023.

Pursuant to the Hawaii Administrative Rules (HAR), §13-5-43, TIME EXTENSIONS (b), "time extension may be granted as determined by the Chairperson on all departmental permits and on the first request for extension of a board permit of up to two years to initiate or complete a project, based on supportive documentation from the applicant."

**Therefore, the Department is granting a 1-year time extension to SSBN KA 19-3830. Work shall be initiated by June 4, 2023 and shall be completed by June 4, 2029. All other conditions imposed by the Department under SSBN KA 19-3830 shall remain in effect.**

Should you have any questions pertaining to this letter, please contact Rachel Beasley at (808) 798-6481 or [rachel.e.beasley@hawaii.gov](mailto:rachel.e.beasley@hawaii.gov).

Sincerely,



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Suzanne D. Case, CHAIRPERSON  
Board of Land and Natural Resources *MC*

CC: KDLO  
DOCARE-Kauai  
Kauai County Planning Department