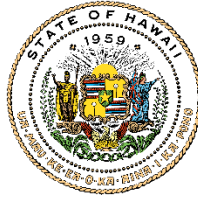


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



KA MOKU'ĀINA 'O HAWAI'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: MK

CDUA: KA-3926

Acceptance Date: 02/05/2024

180-Day Expiration Date: 08/03/2024

James Niermann, Planning Project Coordinator
R.M. Towill Corporation
2024 South King Street, Suite 200
Honolulu, HI 96819

Dear James Niermann:

NOTICE OF ACCEPTANCE AND ENVIRONMENTAL DETERMINATION
Conservation District Use Application (CDUA) KA-3926
(Board Permit)

This acknowledges the receipt and acceptance for the processing of your client, the County of Kaua'i's Department of Public Works (DPW) CDUA for the Nāwiliwili-Ahukini Shared-Use Path Project located at Kalapakī and Hanamalulu, Līhu'e, Kaua'i. The project is proposed upon land that lies within the Limited subzone of the Conservation District, noted as Tax Map Keys (4) 3-5-001:008 & 102 & 128 & 160.

According to the application, the DPW plans to develop a coastal, shared-use path between Ahukini Point and Ninini Point as part of the *Ke Ala Hele Makalae*, a coastal 16-mile shared-use path along Kaua'i's eastern coastline from Nāwiliwili to Anahola. The proposed path segment in the Conservation District will consist of a continuous 10-12 ft wide concrete pathway, approximately 4.26 acres or 185,460 ft² (8,430 linear feet (lf) x 22 ft right-of-way width). The path project moves in and out of Conservation District boundaries. Design elements include a comfort station, a shared-use path connection to the station, parking stalls, restoration and improvements to existing pathways and facilities, safety railings, protective fencing, signage, and landscaping.

The DPW notes the presence of a homeless encampment within the project area and is initiating action to relocate the houseless persons camped there, to remove the accumulated waste and debris, and to begin site restoration concurrently with the commencement of construction activities.

After reviewing the application, the Department finds that:

1. The proposed use is an identified land use in the Limited subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR) §13-5-22, P-6 PUBLIC PURPOSE USES (D-1) *Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent non-governmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable sources, communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district.* Please be advised, however, that this finding does not constitute approval of the proposal. The Board has the final authority to grant, modify, or deny the proposal;
2. Pursuant to HAR §13-5-40(a), a Public Hearing may not be required. However, the Chairperson has the authority to require a public hearing should the public interest necessitate a public hearing on the application;
3. In conformance with the Hawaii Revised Statutes (HRS), as amended, and HAR Chapter 11-200, the Final Environmental Assessment has been reviewed and accepted by the County of Kaua'i, Department of Public Works. The [finding of no significant impact \(FONSI\)](#) was published in the February 8, 2018, issue of [The Environmental Notice](#);
4. Pertaining to the Special Management Area (SMA) requirements, the Planning Commission of the County of Kaua'i approved SMA Use Permit SMA(U)-2023-10 effective June 27, 2023, for the construction of the Nāwiliwili to Ahukini shared-use path and other associated improvements.

Your client's CDUA will be placed on the agenda of the Board of Land and Natural Resources for their consideration.

Should you have any questions regarding this application, please contact Mari Kurosawa of our Office of Conservation and Coastal Lands at (808) 587-0381 or at mari.i.kurosawa@hawaii.gov.

Sincerely,



Dawn N. S. Chang, Chairperson
Board of Land and Natural Resources



C: Kaua'i Board Member
DLNR: Aquatic Resources/ Conservation and Resources Enforcement/ Engineering/ Land Division/ State Parks/ Forestry and Wildlife/ Aha Moku/ Historic Preservation
Department of Human Services/ Department of Transport-Airports / Department of Health/
Office of Hawaiian Affairs
County of Kaua'i: Public Works/ Planning/ Parks & Rec/ Housing Agency/ Police Department
LThu'e State Library
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