

Small Scale Beach Restoration (SSBR)
Permitting Program Proposal Discussion DRAFT – June 2024

Overview of Proposal: Introduction

This proposal presents an update to the Small-Scale Beach Nourishment (SSBN) guidelines under which applications for identified land use HAR§13-5-22 P-16 (C-1) BEACH RESTORATION are currently evaluated. The SSBN program has been in place since 2000. Over time, the Office of Conservation and Coastal Lands (OCCL) identified gaps in the SSBN permitting program such as inadequate community consultation and cultural impact assessments, lack of authority to adequately regulate sand pushing and outdated best management practices.

This Small-Scale Beach Restoration (SSBR) Permitting Program proposal presents an updated permit evaluation process which expands the types of activities regulated by the program to include currently underregulated activities, such as sand pushing; incorporates community consultation and cultural resources assessment for proposed projects; improves sand quality standards; includes enhanced best management practices; and increases the volume of sand considered as small-scale. The proposed SSBR Permitting Program will provide a structured process for assessing proposed beach management and restoration projects that may result in ecosystem restoration and improved lateral beach access by widening the dry beach while conserving Hawaii's critical socio-cultural resources.

This proposal is a discussion draft which incorporates input received by OCCL from stakeholders on the previous versions.

Current SSBN Program documents: [Statewide Conservation District Use Permit ST-3000](#) authorizing the SSBN permitting program was approved by the Board of Land and Natural Resources (BLNR) on 27 October 2000. The SSBN guidelines for [Category I](#) and [Category II](#) projects developed subsequent to BLNR approval of the program are currently in use for assessing projects for permitting. [HAR§13-5-22 P-16](#) was updated in 2011 to formalize Departmental (Chair) approval of nourishment projects up to 10,000 cubic yards.

All documents are available online at [Office of Conservation and Coastal Lands Beach Nourishment and Restoration \(hawaii.gov\)](#) (<https://dlnr.hawaii.gov/occl/beach-restoration/>).

Small Scale Beach Restoration Program Overview:

The proposed SSBR Permitting Program will provide a structured process for assessing proposed beach management and restoration projects that may result in ecosystem restoration and improved lateral beach access by widening the dry beach while conserving Hawaii's critical socio-cultural resources.

The SSBR permitting program will provide guidelines for evaluating proposed land uses on state land within the Conservation District, often makai of the certified shoreline. Beach restoration activities are temporary in their effectiveness and should be considered as a short to medium term solution to coastal erosion hazards. Beach management and maintenance activities regulated by this permitting program may provide temporary protection to backshore infrastructure as long-term managed retreat and relocation options are pursued.

Eligible and Ineligible Locations

Existing and historical beaches of the six Main Hawaiian Islands will be eligible for application under this program, except for locations listed below as ineligible. Every application will be individually assessed to ensure that the proposed project is appropriate to the specifics of each site applying the criteria outlined in this document.

Project proposals within any Marine Life Conservation District (MLCD) for which a specific permit for the activities included in the SSBR is required must receive additional review and approval from the DLNR Division of Aquatic Resources for permitting of activities included in this program pursuant to HRS **§190-4**. Such review will be coordinated by OCCL as part of the permit review process. For all MLCDs, any activity permitted under this program must be consistent with the purpose of the MLCD. Currently, the following locations are designed as MLCD with management rules pertaining to the activities regulated by SSBR. Any project proposed under the SSBR in a future MLCD with similar rules will also require additional review by DAR. The following MLCDs require permits from DAR for some or all of the activities regulated by SSBR:

1. Hanauma Bay MLCD per HAR §13-28-2 (2)
2. Pupukea MLCD per HAR §13-34-2 (2)
3. Waikiki MLCD per HAR §13-36-2 (2)
4. Honolulu-Mokulē'ia Bay MLCD per HAR §13-32-2 (2)
5. Mānele-Hulopo'e MLCD per HAR §13-30-2 (2)
6. Molokini Shoal MLCD per HAR §13-31-3 (3)
7. Kaho'olawe Island Reserve per HAR §13-261-14
8. Kealekekua Bay MLCD per HAR §13-29-2
9. Lapakahi MLCD per HAR §13-33-3 (2)
10. Old Kona Airport MLCD per HAR §13-37-2 (2)
11. Waialea Bay MLCD per HAR §13-35-2 (2)

All future MLCD with similar rules will also require DAR permitting for SSBR activities:

Project proposals within any Natural Area Reserve, Forest Reserve or Wildlife Sanctuary which includes shoreline areas and beaches must receive additional review and approval from the DLNR Division of Forestry and Wildlife (DOFAW) for permitting of activities included in this program pursuant to HAR §13-209-5, HAR §13-104-20 or HAR §13-126-9. The following Natural Area Reserves, Forest Reserves, and Wildlife Sanctuaries require permits from DOFAW for some or all of the activities regulated by SSBR:

1. Āhihi-Kīna‘u Natural Area Reserve
2. Hono O Nā Palli Natural Area Reserve
3. Ka‘ena Point Natural Area Reserve
4. Oloku‘i Natural Area Reserve
5. Manukā Natural Area Reserve
6. Kīpāhoehoe Natural Area Reserve
7. Pu‘u O Umi Natural Area Reserve
8. Pu‘u Ka Pele Forest Reserve
9. Kohala Forest Reserve
10. Paiko Lagoon Wildlife Sanctuary

All future Natural Area Reserves and Wildlife Sanctuaries with shoreline components will also require DOFAW permitting for SSBR activities.

Any Community Based Subsistence Fishing Area (CBSFA) for which the activities permitted under the SSBR program are counter to the rules established in the HRS and HAR for the CBSFA is ineligible for permitting under the SSBR. Any proposed project in an area adjacent to the locations listed below which may impact the excluded area require additional review and approval from DLNR Division of Aquatic Resources in coordination with the community organizations responsible for co-management of the CBSFA and must be consistent with the purpose and intent of the CBSFA.

Currently, the following locations are designated as CBSFA with management rules precluding permitting under SSBR:

1. Hā‘ena Community-Based Subsistence Fishing Area per HRS §188-22.9 and HAR §13-60.8-5 (c) (2).

Applicability of the SSBR permitting program to all future CBSFA locations will be consistent with the regulations adopted for the individual CBSFA. Any CBSFA with rules which prohibit the activities outlined in the proposal will be ineligible for permitting under the SSBR program.

Types of Eligible Activities

The following types of activities are eligible for consideration for under the proposed permitting program. All eligible activities are not appropriate for all eligible beaches. Every proposed project will be evaluated individually using place-based criteria to assess potential impacts and determine if it is appropriate to the proposed location and to ensure that it falls within the scope and limitations of the [Final Programmatic Environmental Assessment and Finding of No Significant Impact](#) published for the program. All activities are limited such that the equilibrium toe of the restored beach remains within the historical extent of the beach. Factors considered by OCCL in determining whether a proposed activity may be appropriate for an individual location are listed on page 6 of this document.

Beach nourishment: Placement of beach compatible sand to rebuild lost and narrowed beaches. Nourishment projects may include dredging of offshore sand sourced from the same littoral cell as the proposed placement. Sand to be placed must meet the sand quality and sand match guidelines included in program guidelines regardless of sand source.

Sand Pushing: Moving sand through mechanical means to the dune or upper beach. Sand pushing typically involves moving sand from the lower to the upper beach to manage backshore erosion and run-up impacts, redistributed to rebuild dunes, berms, and beach slopes, and occasionally from behind the shoreline back to the active beach to mitigate loss of sand due to wave overwash. Sand pushing will not be approved in cases where the action is likely to disturb existing ecosystem dynamics. General sand pushing considerations and guidelines are included in Appendix D.

Sand Backpassing: Moving sand within a littoral cell typically through mechanical means from an area of chronic or seasonal accretion (e.g. stream mouth) back to its source. Sand backpassing will not be approved in cases where the action is likely to disturb existing ecosystem dynamics.

Sand Bypassing: Moving sand typically through mechanical means around an obstruction to artificially facilitate littoral sand migration. Sand bypassing will not be approved in cases where the action is likely to disturb existing ecosystem dynamics.

Dune restoration: Dune restoration is the process of working with the natural processes of sand accumulation and vegetation growth to encourage buildup of healthy dunes over time. Dune restoration may be part of a beach nourishment, sand pushing, backpassing or bypassing event. All dune vegetation plans will be individually reviewed for compliance with HRS 115 to avert encroachment of vegetation into the beach transit corridor makai of the shoreline. Applications which propose dune restoration plans that would reduce lateral access or publicly accessible beach will not be considered under this program. Dune restoration will likely require coordination with county planning departments for permitting of activities within the Special Management Area (SMA).

Groins: Structures that extend seaward from the shoreline. Small temporary groins that are primarily buried in the sand can be applied for. “Temporary” is defined as five-years duration or less. Groins may be considered when it is clearly demonstrated that they are appropriate for the location, including that they would not contribute to down drift erosion, and do not limit lateral access along the beach. Any approved groins must have an assessment and monitoring plan to determine the impacts of the structures on the surrounding environment; and a removal plan to be implemented if monitoring determines detrimental impacts and/or at the end of five years. The assessment and monitoring must be conducted for at least three years, at which point the permittee may apply for a CDUP from the BLNR for a permanent structure, if desired. Larger structures such as “t-groins” are not covered under this program and will be subject to the full Conservation District Use Permit (CDUP) permitting process with additional environmental documentation.

Ineligible Activities

Activities that are likely to have significant negative impacts on marine life, water quality, coastal processes, or shoreline access are categorically excluded from permitting under the proposed permitting program. This includes activities that, due to the location of the proposed activity, are likely to result in the take of endangered, threatened, or otherwise protected species or are likely to result in significant damage to special aquatic sites such as wetlands, vegetated shallows, mudflats, coral reefs, and seagrass beds, or are likely to disturb known burials or other cultural resources. The potential for significant impacts may not be known until an application is under review by OCCL and other Resource Agencies, however, guidelines that provide indication of whether a project may be appropriate or unlikely for a given location.

The following activities are not allowed under the proposed permitting program:

- Sea walls and revetments (rock, concrete, rubble, etc) are shoreline hardening and are prohibited under state law.
- Temporary shoreline protection structures such as sandbags or burritos arranged parallel to the shoreline.
- Buried revetments.
- Large T-head groins.
- Constructing multiple projects within the same beach.
- Activities that are likely to have significant negative impacts (as defined in HAR 200.1*) on marine life, water quality, coastal processes, or shoreline access.
- Activities which may cause significant adverse impacts (as defined in HAR 200.1*) to cultural resources including disruption of known or likely burial sites.
- Activities determined to have a significant adverse environmental impact during the community and agency review process.
- Actions likely to result in significant damage to special aquatic sites such as wetlands, vegetated shallows, mudflats, coral reefs, and seagrass beds.
- Actions impacting a CBSFA or MLCD in a way that is inconsistent with the purpose and intent of the designated area.
- Activities that would impair public access to the beach or adversely impact lateral access along the shoreline.

- Activities that are likely to result in the take of endangered, threatened, or otherwise protected species or are likely to result in significant damage to special aquatic sites such as wetlands, vegetated shallows, mudflats, coral reefs, and seagrass beds.
- Long-term beach fill stockpiling for future projects.
- Placement of any non-beach quality or compatible fill.
- Actions that would cause extreme turbidity, purposeful damage to live rock or coral, extreme eutrophication, or other long-term impairment to water quality.

Application and Review Process

Applications for consideration under the SSBR Permitting Program will be submitted to OCCL following the guidelines and application forms currently under development (similar to the forms for [SSBN I](#) and [SSBN II](#) applications). The guidelines and forms will be finalized upon program approval and made public prior to implementation of the SSBR Permitting Program. The guidelines and application forms will standardize permit requests and provide transparency of the factors considered during OCCL and Resource Agency review.

In general, all applications will contain the following elements:

1. Applicant, consultant (if applicable) and contractor information. The applicant is the project proponent and may designate a consultant to communicate on their behalf but is legally responsible for the project. For all applications utilizing state lands, a signature of the land manager is required.
2. Project site description and information, including physical and biological environment.
3. Location maps.
4. A certified shoreline (for projects not proposed by a public entity). The shoreline shall not be altered makai of its' documented location as a result of any activities.
5. Receiving State Waters information.
6. Project description, including construction plan.
7. Description of existing sedimentary environment and sediment compatibility analysis.
8. Project schedule.
9. Demonstration of initial consultation with neighboring property owners, cultural practitioners, and community groups active in the proposed location. All proposed nourishment project applicants and all proposed private sand pushing, backpassing and bypassing applicants must consult with the surrounding community and address concerns resulting from consultation as part of the application process.
10. Community Consultation and Engagement Plan (see Appendix E) and
11. A Best Management Practices Plan which incorporates all BMPs in Appendix B. and
12. Additional Plan requirements outlined in the **Programmatic Terms and Conditions** section of this document applicable to the project category and scope.

OCCL Actions on Applications:

Following receipt of an SSBR application, OCCL will review the application for completeness and compliance with the program requirements, and take the following actions:

- Incomplete applications and those that do not meet the limitations of the SSBR permitting program will be returned to the applicant and not processed further.
- Applications for projects which do not fit within the scope of the SSBR permitting program will be returned to the applicant.
- Applications which meet the requirements of the program will be accepted and processed in accordance with the permit category as summarized below and in Appendix B.

OCCL will evaluate accepted applications to determine if the proposed activity is compatible with the specific site, and will consider factors such as:

- a. Benefits of the proposed project to the public trust resource.
 - b. The seasonal and daily dynamics of the beach.
 - c. The long-term condition of the beach.
 - d. The likely effectiveness of the proposed action.
 - e. The timescale that the action might be effective on.
 - f. The cultural sensitivity of the proposed location.
 - g. The ecological sensitivity of the proposed location (for nourishment, this includes the locations of the sand source, placement site, and adjacent waters).
 - h. The potential impacts to existing human and natural resource uses at the proposed site.
 - i. Community input and results of applicant-led community consultation.
 - j. The availability of sand that meets the sand quality and sand match standards required by this program (for nourishment proposals).
 - k. Whether there are broader community and natural resource benefits of the proposed action.
- Accepted applications will be evaluated by applying criteria published in the program guidelines (including BMP criteria detailed in Appendix A) and HAR §13-5-30.
 - Applications for projects which are determined to be likely to have significant environmental or cultural impacts during the OCCL and interagency review process will be rejected and returned to the applicant.
 - OCCL will engage with the applicant/consultant for applications which meet the requirements of the program to determine the necessary site-specific quality and monitoring plans for the proposed project.
 - Applications that are rejected under the SSBR permitting program, or are denied by staff or the Chair may apply for consideration as an individual Board permit application with project-specific ERP documentation for Board consideration.

Project Categories and Decision Authority

The eligible activities are organized into categories for permit application purposes. If an action is determined by OCCL to require a higher level of review, the application process may be adjusted to require greater review and scrutiny. OCCL does not have the authority to reduce the category of a proposed action.

The review process outlined here commences when a completed application is accepted for processing by OCCL. All elements of the application, including community consultation, must be complete for processing.

Category IA: Sand pushing, backpassing and bypassing *above* mean high water

Review Process: OCCL Review
 Publication on OCCL website and The Environmental Notice (TEN) for public comment*
 Site Plan Approval (SPA) - OCCL Decision

Category IB: Sand pushing, backpassing and bypassing *above and below* mean high water

Review Process: OCCL Review with 30-day Resource Agency consultation.
 Publication on OCCL website and TEN for public comment*
 Site Plan Approval (SPA) - OCCL Decision

*A schedule of anticipated county sand pushing projects will be published annually by OCCL on the website and TEN

Category II: Beach nourishment $\leq 1000 \text{ yd}^3$ not in an MLCD, NAR or Wildlife Sanctuary.

Review Process: OCCL Review with 30-day Resource Agency consultation
 Publication on OCCL website and TEN for public comment
 Site Plan Approval (SPA) - OCCL Decision

Category IIIA: Beach nourishment projects $>1,000 \text{ yd}^3 \leq 10,000 \text{ yd}^3$ and all projects up to $10,000 \text{ yd}^3$ nourishment within an MLCD, NAR or Wildlife Sanctuary listed on pages 2 and 3.

Review Process: OCCL Review with Resource Agency consultation
 Publication on OCCL website
 Publication in TEN for public comment
 OCCL Recommendation
 Departmental Permit - Chair Decision

Category IIIB: Beach nourishment $\leq 10,000 \text{ yd}^3$ with minor temporary groins

Review Process: OCCL Review with Resource Agency consultation
 Publication on OCCL website
 Publication in TEN for public comment
 OCCL Recommendation
 Departmental Permit - Chair Decision

Category IV: Beach nourishment $>10,000 \text{ yd}^3 \leq 20,000 \text{ yd}^3$ (with or w/out minor temporary groins)

Review Process: OCCL Review with Resource Agency consultation
Publication on OCCL website
Publication in TEN for public comment
Public meetings
OCCL Recommendation
Departmental Permit - Chair Decision

After three years of monitoring under an approved monitoring and assessment plan, if an applicant seeks to make temporary groins permanent, they must apply for a Board Permit and complete environmental documentation based on assessment and monitoring of the temporary structures. The environmental documentation for the structures will augment the existing Programmatic EA/FONSI for SSBR.

The application review process for each category of project is summarized in Appendix B.

Proposed Permitting Program Framework

The proposed program would enable applicants to apply for six (6) permits or authorizations in compliance with sixteen (16) different state and federal laws under one application as summarized below. OCCL will develop and enter into other Interagency Programmatic Agreements as necessary for review and permitting of individual projects to be assessed under the program as indicated below:

1. Conservation District Use Permit

Authority: HRS § 183C

Agency: State of Hawaii Department of Land and Natural Resources OCCL

Status: Individual project consideration with Resource Agency consultation. Permitting at the Site Plan Approval or Departmental permit level based on Category of project.

2. Coastal Zone Management Consistency Statement

Authority: HRS § 205A-1 HRS § 205A-3 HRS § 225M-2)

Agency: State of Hawaii Office of Planning and Sustainable Development (OPSD)

Status: Interagency Programmatic Agreement to be Developed

3. General Permit

Authority: CWA §404 CWA §401 RHA §10

Agency: U.S. Army Corps of Engineers (USACE)

Status: Regional General Permit to be developed following approval by BLNR of the SSBR permitting program.

4. Water Quality Certification

Authority: CWA § 401 HRS § 342D

Agency: State of Hawaii Department of Health Clean Water Branch

Status: Water Quality Certification included in DLNR permitting for projects in compliance with SSBR program requirements by [Act 162, 2021](#).

5. Environmental Assessment

Authority: HRS § 343

Agency: OPSD Environmental Review Program

Status: Programmatic Environmental Assessment (PEA) was prepared and issued a [Finding of No Significant Impact \(FONSI\)](#) in July, 2020 for the permitting program and activities regulated by the program.

6. State Historic Preservation Review

Authority: HRS § 6E

Agency: State of Hawai'i Department of Land and Natural Resources State Historic Preservation Division

Status: Programmatic Agreement to be Developed

The following permits and authorizations are not included in the SSBR application:

1. County permits that may be required during beach management, maintenance, or restoration, such as those needed for staging operations on county-regulated lands mauka of the certified shoreline. OCCL may coordinate permitting with County Planning Departments for any dune restoration work proposed as part of an SSBR application which will occur mauka of the certified shoreline.
2. Land disposition from DLNR Land Division or DLNR Division of Boating and Ocean Resources as appropriate to the location, such as rights of entry,

- revocable permits, or easements
- 3. HRS Section 174C, the State Water Code, may apply and require permits for some beach restoration activities that include beneficial reuse of beach compatible fill recovered from a stream mouth.

Programmatic Terms and Conditions

All projects permitted under the program will be subject to sand quality standards, the Standard Conditions (Appendix A), a Best Management Practices (BMP) Plan to include the individual BMPs (Appendix B), and quality and monitoring plans. Additional site-specific conditions and monitoring plans may be imposed based on the permit category and information provided during the application process.

Sand Quality Standards

Only beach compatible fill will be placed on the beach or in any associated dune system. Beach compatible fill should maintain the general character and functionality of the beach and the adjacent dune and coastal system and should be similar in composition, grain size distribution, color, and texture. The following table presents the sand composition and sieve analysis standards.

Sand Composition and Quality Requirements

Overall Composition	Similar in composition, grain size distribution, color and texture to existing coastal system at the placement site <ul style="list-style-type: none"> • may require more restrictive standards than the individual parameters listed below • if existing beach sediment does not meet the standards listed below, the proposed nourishment sediment will be evaluated relative to the existing beach. No construction debris, toxic materials, or foreign matter No material that results in cementation of the beach
Silt, Clay or Colloids ; #230 Sieve	≤2%
Grain diameter <0.125mm; #120 Sieve	≤50%
Coarse Sediments ≥4.76mm; #4 Sieve	≤10%
Coarse gravel, cobbles, material >3/4inch (19.05mm)	≤ % on existing or native beach

Standard Conditions

All projects must comply with the standard conditions contained in Appendix A.

Best Management Practices (BMP) Plan Requirements

In addition to the Standard Conditions for all projects, permittees will be required to develop and implement a site-specific BMP Plan. The BMP plan shall be designed,

implemented, operated, and maintained by the owner and/or its duly authorized representative in a manner to properly isolate, confine and control the excavation and fill activity and to contain and prevent any potential pollutant(s) discharges from adversely impacting the State waters. The BMP Plan must contain, at a minimum, the following individual BMP elements. Additional BMP Plan elements may be required as determined by OCCL in coordination with Resource Agencies for specific projects. BMP specifics are contained in Appendix B.

1. General Construction Best Management Practices
2. Public Safety Best Management Practices
3. Cultural Resources Best Management Practices
4. Air Quality Best Management Practices
5. Water Quality Best Management Practices
6. Noise Best Management Practices
7. Essential Fish Habitat Best Management Practices
8. Threatened and Endangered Species Best Management Practices

Additional Plan Requirements

As indicated by the site-specific project conditions, the following quality and monitoring plans shall be required for each of the permit categories; additional plans may be required by OCCL on a project-specific basis:

1. Ka Pa'akai Analysis**: all projects, appropriately scaled to the scope of the individual project.
2. Community Engagement Plan and Report: all projects.
3. Sediment QA/QC Plan: all Category IB to Category IV projects
4. Turbidity Control Plan: all Category IB to Category IV projects
5. Construction QA/QC Plan: all Category IB to Category IV projects
6. Marine Ecosystem Monitoring: all Category IIIA, IIIB and IV projects
7. Project Performance Monitoring Plan: all Category IIIB and IV projects. Monitoring plans must be approved by Resource Agencies during the application review process and provide objective measures for determining impacts and project success or failure.
8. Other Plans as determined by OCCL in coordination with Resource Agencies.

*Significant effect" or "significant impact" means the sum of effects on the quality of the environment, including actions that irrevocably commit a natural resource, curtail the range of beneficial uses of the environment, are contrary to the State's environmental policies or long-term environmental goals and guidelines as established by law, adversely affect the economic welfare, social welfare, or cultural practices of the community and State, or are otherwise set forth in section 11-200.1-13.

**Ka Pa`akai Analysis must include the following:

1. Identification and scope of "valued cultural, historical, or natural resources" in petition or impacted area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area'
2. The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed actions; and
3. The feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist

Appendix A Standard Conditions

Standard Conditions (applicable conditions excerpted from HAR §13-5-42)

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter.
2. The permittee, its successors, and assigns, shall indemnify and hold the State of Hawai'i 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.
3. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable,
4. The permittee shall comply with all applicable Department of Health administrative rules, where applicable.
5. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies.
6. Unless otherwise authorized, any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson and shall be completed within three years of the approval of such use. The permittee shall notify the department in writing when construction activity is initiated and when it is completed.
7. All representations relative to mitigation set forth in the accepted application and for the proposed use are incorporated as conditions of the permit.
8. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege.
9. 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.
10. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply.
11. 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.
12. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department.
13. During construction, appropriate mitigation measures shall be implemented to minimize

- impacts to off-site roadways, utilities, and public facilities.
14. Any landscaping shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited.
 15. The permittee affirms 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 Hawai'i, and by Hawai'i statutory and case law.
 16. Other terms and conditions as may be prescribed by the Chairperson.
 17. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Standard Conditions (additional to HAR §13-5-42)

18. The permittee, if not a public entity, shall submit a certified shoreline. In limited cases, OCCL may allow substitution of a shoreline survey if a project results in the removal of an encroachment. The location of the certified shoreline shall not be altered by the work completed under this permit.
19. The permittee shall provide public notice prior to commencement of work and will post all permits in public locations that will be readily visible and available to the public, including phone numbers for emergency contacts and public comments.
20. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project; and shall comply with all applicable notification requirements of the relevant County Planning Department.
21. 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 SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary.
22. The permittee shall minimize impact to lateral access and passage along the beach during construction. Access must not be continually obstructed during the construction period allocated in Standard Condition 6.
23. Work will not occur at night.

Appendix B: Best Management Practices for Permitted Projects

General Construction Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects caused by general construction activities:

1. The construction contractor should perform daily inspections of equipment for conditions that could cause spills or leaks; clean equipment prior to operation near the water; determine appropriate refueling and servicing sites; implement adequate spill response procedures; develop stormy weather preparation plans; and implement adequate turbidity control measures.
2. In the event of any petroleum spill on the beach or in the water, the operator must take immediate steps to contain and remove the contaminant.
3. Projects must abide by all applicable regulations concerning environmental pollution control.
4. In order to avoid impacts and minimize negative effects associated with the transport of material to the fill site, the applicant should negotiate with the dredging contractor to monitor and assess the pipeline, or any other dredge fill conveyance system used during construction. This will serve to avoid leaking of sediment from the pipeline couplings or other equipment, or other leaks that may result in sediment plumes, siltation, and/or elevated turbidity levels. The applicant must coordinate with the dredgers and have in place a mechanism to cease dredge and fill activities in the event that a substantial leak is detected (leaks resulting in turbidity that exceed state water quality standards or sedimentation). Operations may resume upon appropriate repair of affected couplings or other equipment.
5. Any construction related materials and debris that may pose an entanglement hazard to marine protected species must be removed from the project site if not actively being used and/or at the conclusion of the construction work.
6. Beach compatible sand should not be removed from the littoral cell (either above or below mean high water) during construction activity.
7. All areas to be excavated should be surveyed and "ground-truthed" as necessary to identify any potential features of concern such as reef, rock, fisheries habitat, cultural resources, infrastructure, or debris. Land-based methods may include hand-held magnetometer and probing surveys, while marine-based methods may include fathometer, magnetometer, side-scan sonar, and probing surveys. The survey method, layout, and data collection frequency should be sufficient to clear the excavation area of any features that would affect future excavations.
8. The project area (i.e. both fill area and borrow area) should be surveyed before and after construction. The survey method, layout, and data collection frequency should be sufficient to adequately map topographic, bathymetric, and constructed features.
9. Other measures as agreed to in any future permits or agreements.

Cultural Resources Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to cultural resources:

1. The permittee shall consult with the agencies with expertise in cultural practices and resources, such as the Office of Hawaiian Affairs (OHA) or Aha Moku Council as part the Kapa`akai Analysis to assess potential impacts to Native Hawaiian rights in the project area and establish actions to reasonably protect those rights.
2. No activity will be authorized in or immediately adjacent to properties listed or eligible for listing in the National Register of Historic Places without the written consent of the **SHPD**.
3. Contractors must use the following parameters to not negatively affect or destroy any existing surface historic or cultural sites which may be near or within a project area: a minimum protective buffer of 10 feet should be maintained around surface sites, where no construction operations will be allowed, including storing or stock piling of materials or vehicular traffic. If these practices are not deemed feasible or are overly burdensome, then the SHPD should be notified to determine proper treatment and mitigation, which may include an archeological assessment.
4. If proposed activities include the repair and/or removal of potentially historic infrastructure such as seawalls, any historic infrastructure would need to be evaluated for National Register eligibility. If deemed to have integrity and significance, in coordination with the SHPD, repairs and replacement of the historic infrastructure should be completed using Secretary of the Interiors Standards for Historic Replacement.
5. Should proposed activities include excavations, any excavations must proceed under approved applicable plans and permits. In the event that, during the course of the project, it becomes necessary for land-based excavation to extend beyond the historic extent of beach erosion and/or substantial excavation becomes warranted for unplanned activities, such as the creation of dewatering basins due to loss of subaerial beach, then the SHPD shall be notified to determine proper mitigation procedures, which may include archaeological monitoring.
6. Contractors must use the following parameters to not negatively affect or destroy any existing submerged historic or cultural sites which may be near or within a project area: A minimum protective buffer of 500 feet should be maintained around submerged sites, where no beach fill recovery operations will be allowed. If these practices are not deemed feasible or are overly burdensome, then the SHPD should be notified to determine proper treatment and mitigation, which may include an archeological assessment.
7. Permit holders should suspend all work if historic properties, including sub-surface cultural deposits and burials, are uncovered during a project and proceed in coordination with the SHPD. The DLNR will also direct a permit holder to suspend all work if the DLNR is notified by the public or another agency that historic properties or burials are being adversely affected by the project. If historic properties or burials are

being affected, work must be suspended or modified to the extent necessary to mitigate any adverse effects. If human remains are discovered, the permit holder must contact the SHPD immediately.

8. The Department has the right to require the presence of an on-site archaeological monitor during sand excavation and sand placement.
9. Other measures as agreed to in any future permits or agreements.

Public Safety Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to public safety:

1. Public access along the shoreline during active construction shall be maintained within the limitations necessary to ensure safety.
2. Project area should be cordoned off and marked with posted signs during construction. Signs must include contact information, specifics regarding the permitting and scope of the project.
3. Other measures as agreed to in any future permits or agreements.

Air Quality Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to air quality:

1. Dust should be prevented from becoming airborne at all times including non-working hours, weekends, and holidays. Typical dust-preventing measures include sprinkling.
2. Construction vehicles should use emission control devices.
3. Beach nourishment activities using hydraulic dredges should employ direct fill placement procedures when possible to avoid excessive emissions created when mechanically transporting dewatered fill.
4. Other measures as agreed to in any future permits or agreements.

Noise Mitigation Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to noise:

1. Noise should be kept within acceptable levels at all times in conformance with HAR Title 11 § 46 Community Noise Control, State Department of Health, Public Health Regulations. Construction equipment should be equipped with suitable mufflers to maintain noise within levels complying with applicable regulations. Starting of construction equipment meeting allowable noise limits should not be done prior to 7:00 a.m. without prior approval. Equipment exceeding allowable noise limits should not be started prior to 7:30 a.m.
2. Other measures as agreed to in any future permits or agreements.

Water Quality Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to water quality:

1. Only beach compatible fill should be placed on the beach or in any associated dune system. Beach compatible fill should maintain the general character and functionality of the beach and the adjacent dune and coastal system. Beach fill should be similar in composition, grain size distribution (sand grain frequency, mean and median grain size, and sorting coefficient), color, and texture, and must conform to the following standards:

Overall Composition	<p>Similar in composition, grain size distribution, color and texture to existing coastal system at the placement site;</p> <ul style="list-style-type: none"> • may require more restrictive standards than the individual parameters listed below, • if existing beach sediment does not meet the standards listed below, the proposed nourishment sediment will be evaluated relative to the existing beach. <p>No construction debris, toxic materials or foreign matter</p> <p>No material that results in cementation of the beach</p>
Silt, Clay or Colloids ; #230 Sieve	≤2%
Grain diameter <0.125mm; #120 Sieve	≤50%
Coarse Sediments ≥4.76mm; #4 Sieve	≤10%
Coarse gravel, cobbles, material >3/4inch (19.05mm)	≤ % on existing or native beach

If the native or existing beach exceeds any of the limiting parameters listed above, then the beach fill should not exceed the measured level for that parameter. More restrictive values for the sediment parameters may be considered on a project specific basis to ensure that the placed beach fill is similar in composition, grain size distribution, color, and texture to the sediment in the coastal system at the placement site. Beach fill that falls outside of these limits should be considered unacceptable and may be subject to remediation.

2. Drainage outlets at the shoreline should be maintained to minimize erosion and pollution of waterways during construction. Surface runoff should be controlled to minimize silt and other contaminants entering the water. Should excessive siltation or turbidity result from the contractor's method of operation, the contractor must implement turbidity control measures as necessary to correct the problem.
3. Visual monitoring should be conducted during construction and include ongoing inspections for turbidity outside the project area, which is to be identified in the project permit application. In the event that excessive turbidity is observed

outside the project area, work should be suspended or modified to the extent necessary to mitigate any adverse effects.

4. The applicant shall demonstrate that the beach fill was obtained from an approved source.
5. All placed beach fill should 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. Should the OCCL determine the beach fill quality inferior, the applicant may be asked to provide better quality fill or screen the existing fill for contaminants at their own expense.
6. For all Permit Categories except IA and IB, geotechnical investigations that provide adequate data to define the character of the native or existing (if native sand is not available) and fill sediments should be conducted. An analysis of the native or existing beach sediment and the sediment within the proposed fill source must demonstrate compatibility. Beach fill compatibility should be determined as follows:
 - a. Grain size distributions of proposed and constructed projects should be analyzed by a standard laboratory wet sieve technique (ASTM D-1140-92) and tested at a qualified facility. Grain size distributions of proposed projects should include an analysis of fill source (i.e. borrow area) and native beach, when available, or existing beach (i.e. if the beach has been previously nourished) to define beach fill compatibility specifications. Grain size distributions of constructed projects should include an analysis of placed beach fill to document as-built conditions and confirm placed beach fill complies with compatibility specifications. The survey method, layout, and sampling distribution should be sufficient to adequately describe and map the character of the existing beach, fill source, and restored/nourished beach sediments.
 - i. Nearshore borrow areas and offshore borrow areas with a shallow cut depth may be characterized using surface grab samples and jet probes, while offshore borrow areas with a deep cut depth should be characterized using an appropriate sub-bottom profiler and rigid vibracores. Sub-bottom profile surveys may be necessary for nearshore borrow areas and offshore borrow areas with a shallow cut depth that are located near headlands, hardground areas, or bottom structures. The survey method, layout, and sampling distribution should be sufficient to adequately map the character of the sediment within the borrow area and design the borrow area cuts so the beach fill meets compatibility specifications.
 - ii. Fill area sediment samples of the existing (i.e. pre-construction) and restored/nourished (i.e. post-construction) beach should be spaced uniformly alongshore, though tighter spaced samples may be necessary to appropriately characterize smaller stretches of beach or beaches that are embayed by natural or man-made

features. The existing beach composite sediment samples should be surface grab samples collected along the active profile at the following cross-shore morphodynamic zones when present: dry beach (i.e. berm crest - 1 foot below surface), beach face (i.e. swash zone), and beach toe (i.e. base of foreshore near the low tide level). The restored/nourished beach sediment samples should be surface grab samples collected along the constructed beach (i.e. berm crest - 1 foot below surface). The survey method, layout, and sampling distribution should be sufficient to adequately map the character of the sediment within the fill area to appropriately define beach fill compatibility specifications and verify compliance.

- iii. All samples should be evaluated visually for color, composition, and texture and sieved in accordance with the applicable sections of ASTM D422-63 (Standard Test Method for Particle-Size Analysis of Soils), ASTM D1140-54 (Standard Test Method for Amount of Material in Soils Finer than No. 230 Sieve), and ASTM D2487-17 (Classification of Soils for Engineering Purposes). The samples should be sieved using the following U.S. Standard Sieve Numbers: 3/4", 5/8", 7/16", 5/16", 3.5, 4, 5, 7, 10, 14, 18, 25, 35, 45, 60, 80, 120, 170, 200, and 230. The range of sieve openings must span the range of sediment sizes to be sieved. All sediment statistics should be calculated using the moment method as detailed in Folk (1974).
 - iv. Beach fill compatibility specifications should take into account the variability of the sediment on the native or existing beach. Compatibility may be demonstrated when the grain size distribution of the proposed beach fill is within twenty percent (20%) of the native or existing beach sediment, as measured by a percent finer than or coarser than value. For example, if 45% of the existing beach sediment is finer than the #100 sieve, the proposed beach fill could contain between 25% and 65% sediment finer than the #120 sieve.
7. For all Permit Categories except IA and IB, an appropriate sediment quality assurance/quality control (QA/QC) plan should be prepared to ensure beach fill placed meets compatibility specifications. This plan should outline the responsibilities of each stakeholder in the project as they relate to the placement of beach fill. The plan should specify the minimum construction oversight, inspection, and reporting requirements to be undertaken to observe, sample, and test the placed fill to verify that it meets compliance specifications. The plan should describe the methods and means to monitor and control the quality and characteristics of the fill material.
 8. For all Permit Categories except IA, an appropriate turbidity control plan, which includes turbidity control measures and monitoring methods, should be prepared to ensure turbidity is controlled and limited during construction. This plan should outline the responsibilities of each stakeholder in the project as

they relate to the control of turbidity within and outside the project area. The plan should specify the minimum construction oversight, inspection, and reporting requirements to be undertaken to observe, sample, and test turbidity to verify turbidity remains within acceptable limits. The plan should describe the methods and means to monitor and control turbidity.

9. Other measures as agreed to in any future permits or agreements.

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Essential Fish Habitat Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to essential fish habitat:

1. For all Permit Categories, except IA, the spatial extent of marine, benthic, and terrestrial habitat types within the project area should be delineated utilizing high-resolution aerial photography, existing data, and/or habitat maps provided by NOAA or others.
2. The design of the beach fill placement and recovery areas should be governed by sediment characteristics, appropriate buffers around any significant biological or cultural resources, and the avoidance of any unmitigated effects to coastal processes or recreational resources.
3. The equilibrium toe of the restored beach should remain within the historical extent of the beach.
4. Contractors must use these best practices to not negatively affect or destroy any existing essential fish habitat which may be near or within a project area as identified in the detailed mapping required to fulfill BMP 1 above.
5. All dredging in recovery areas should be designed to ensure that dredging will not occur within a pre-determined buffer to protect any significant hardground areas or bottom structures.
6. For projects that include dredging, a navigation and positioning system should be used by the contractor to track the dredge location in relation to a predetermined recovery area considering reef, hardbottom, and/or cultural resources and any designated buffer protection zones. The dredge contractor should be required to track and log dredge and anchor locations whenever dredging is conducted. Dredging must not occur, and anchors must not be placed within any designated buffer protection zone.
7. Project designs should be evaluated using existing information such as historical erosion and sediment transport trends from the University of Hawai'i Coastal Geology Group, the USACE, and others. However, additional field measurements and numerical modeling may be required for Category III and IV projects where insufficient data is available to understand sediment transport processes and/or where beach stabilization structures (e.g. groins) are proposed.
8. For all Permit Categories except IA, an appropriate construction quality assurance/quality control (QNQC) plan should be prepared to ensure the project template is constructed as designed to minimize negative effects to essential fish habitat. This plan should outline the responsibilities of each stakeholder in the project as they relate to the control of beach fill recovery and placement. The plan should specify the minimum construction oversight, inspection, surveying, analysis, and reporting requirements to be undertaken to verify the project is constructed per design and permit specifications. The plan should describe the methods and means to monitor and control project construction.
9. For Permit Category IIIB and IV, an appropriate project performance monitoring plan shall be prepared to monitor, analyze, and document shoreline and volume changes within and adjacent to the project area. This plan should outline the responsibilities of each stakeholder in the project as they relate to monitoring

project performance. The plan should specify the minimum post construction monitoring, surveying, analysis, and reporting requirements to be undertaken to evaluate project performance. The plan should describe the methods and means to monitor beach fill placed and document its transport.

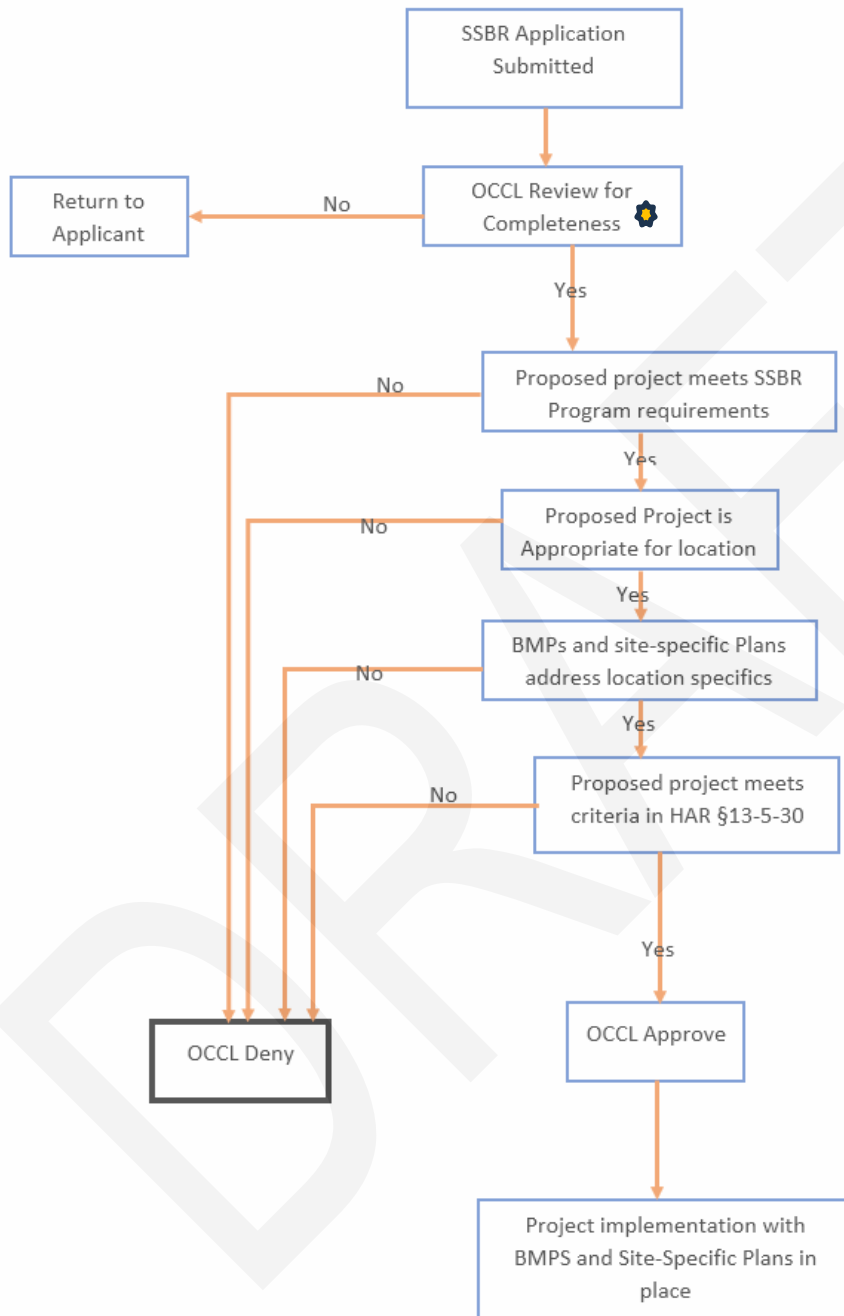
10. For Permit Category IIIB and IV, an appropriate marine ecosystems monitoring plan shall be prepared to monitor, analyze, and document project related effects upon significant biological resources within and adjacent to the project area. This plan shall outline the responsibilities of each stakeholder in the project as they relate to monitoring marine ecosystem effects. The plan should specify the minimum control, baseline (preconstruction), and post-construction monitoring, surveying, analysis, and reporting requirements to be undertaken to evaluate marine ecosystem effects. The plan should describe the methods and means to monitor significant biological resources within and adjacent to the project area.
11. Other measures as agreed to in any future permits or agreements.

Threatened and Endangered Species Best Management Practices

The following measures will be employed to avoid impacts and minimize negative effects to threatened and endangered species:

1. A competent observer shall be designated to survey the marine areas adjacent to the proposed action for ESA-listed marine species, including but not limited to the green sea turtle, hawksbill sea turtle, and Hawaiian monk seal.
2. Visual surveys for ESA-listed marine species shall be made prior to the start of work each day, and prior to resumption of work following any break of more than one half hour, to ensure that no protected species are in the area (typically within 50 yards of the proposed work).
3. Upon sighting of a monk seal or turtle within the safety zone during project activity, activity shall be immediately halted until the animal has left the zone.
4. No construction may occur at night to reduce the possibility of disrupting and disorienting nesting and hatching sea turtles and fledgling seabirds.
5. Predator-proof trash receptacles will be installed and maintained at all beach access points used for the project construction to minimize the potential for attracting predators of sea turtles.
6. Escarpment formation and sand compaction must be monitored and beach maintenance (e.g. grading, tilling) should be conducted if needed to reduce the likelihood of affecting nesting and hatching sea turtles.
7. If a hopper dredge is used, special conditions must be developed to ensure proper monitoring of dredging equipment to prevent any effects to sea turtles or other protected species.
8. Contractors must use the preceding best practices to not harm or take threatened and endangered species.
9. Other measures as agreed to in any future permits or agreements.

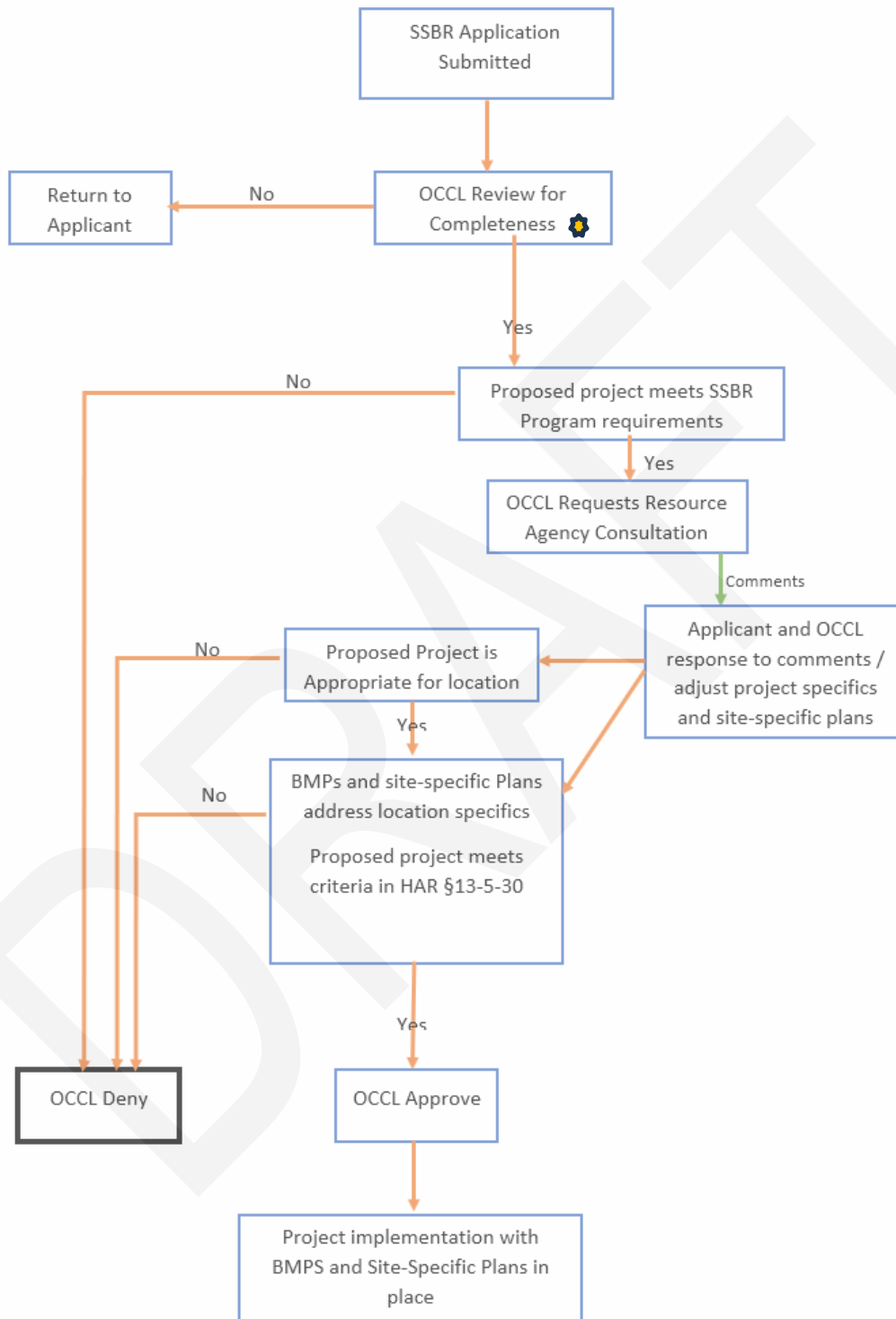
Appendix C – Proposed Permitting Process Diagrams Category 1A Projects General Permit Review Process



Category 1A: management above water line

- 🛠️ A complete application includes all elements outlined on page 5 of this proposal, including a community outreach and coordination plan
- 🗣️ Opportunity for public input

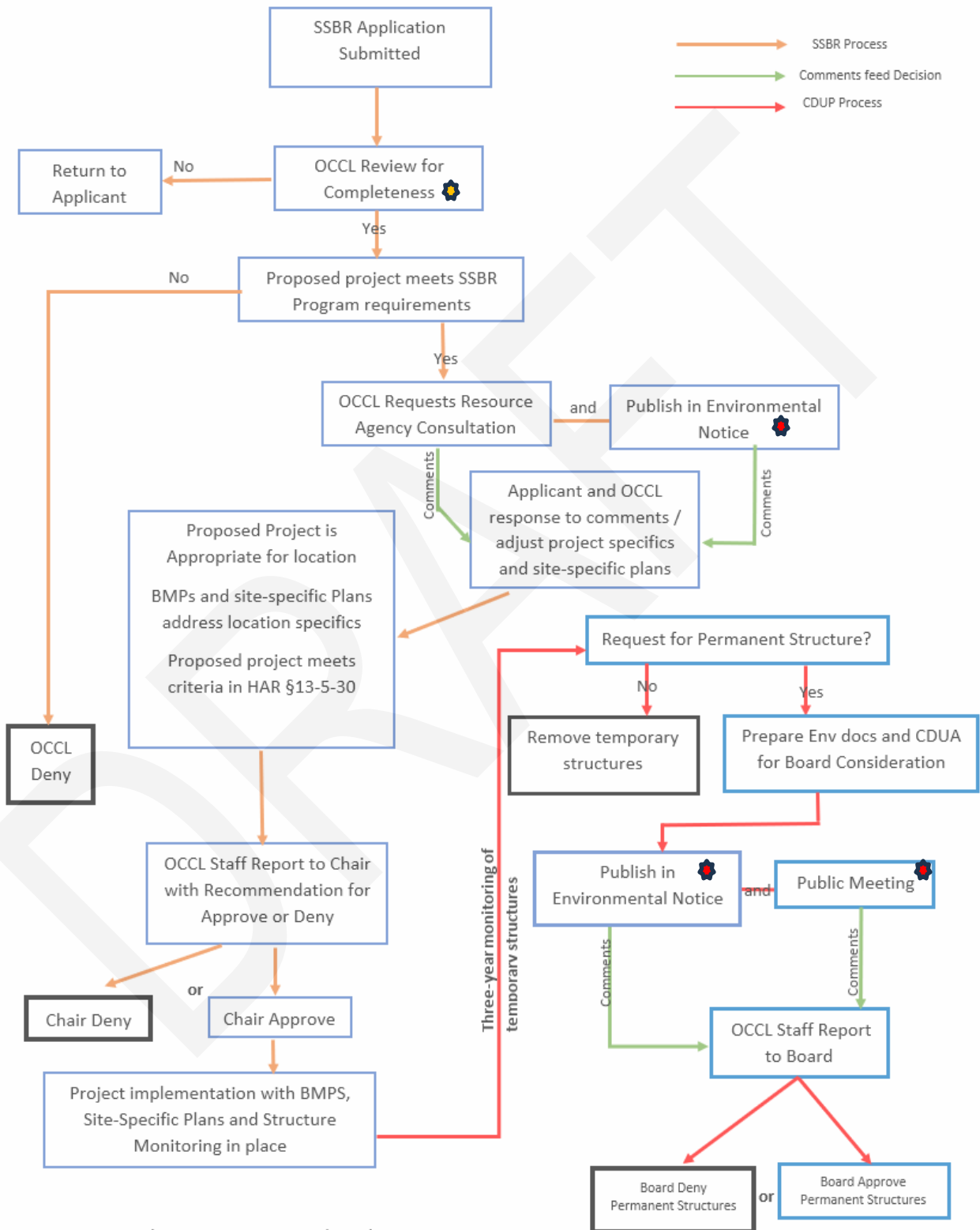
Category 1B, 2 and 3A Projects General Permit Review Process



Category 1B: management above and below water line
 Category 2: nourishment only up to 1,000yd³
 Category 3A: nourishment only up to 10,000yd³

- 🔗 A complete application includes all elements outlined on page 5 of this proposal, including a community outreach and coordination plan
- 🔗 Opportunity for public input

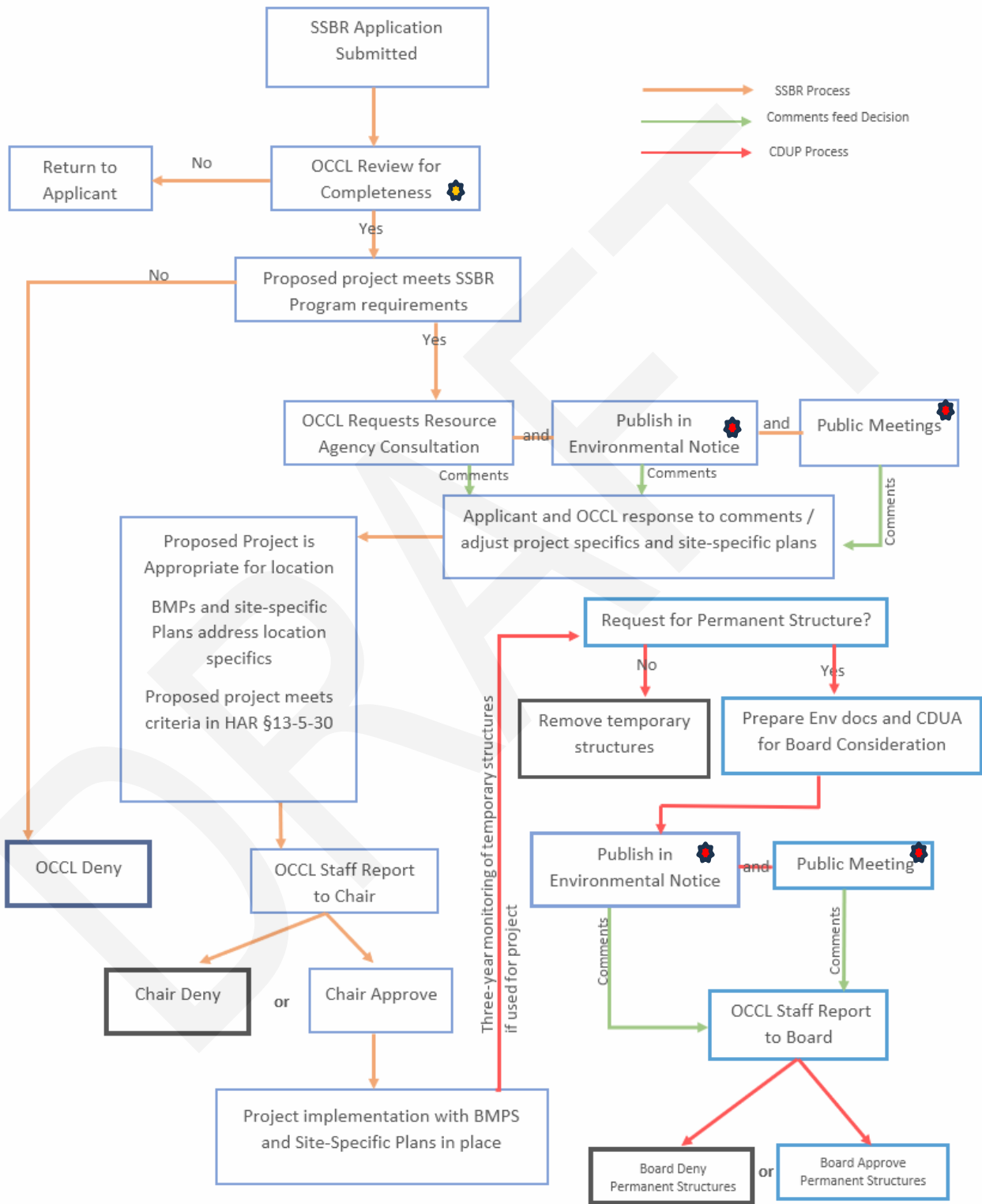
Category 3B Projects General Permit Review Process



Category 3B: nourishment up to 10,000 yd3 with temporary structures

- 🌸 A complete application includes all elements outlined on page 5 of this proposal, including a community outreach and coordination plan
- 🌸 Opportunity for public input

Category 4 Projects General Permit Review Process



Category 4: nourishment up to 20,000 yd3 with or without temporary structures

- A complete application includes all elements outlined on page 5 of this proposal, including a community outreach and coordination plan
- Opportunity for public input

Sand Pushing Guidelines

Sand pushing consists of excavating the beach berm and beach face usually with a front-end loader or a bulldozer. This practice has been carried out on a limited basis, typically for public safety at beach rights-of-way or fronting heavily eroded beaches with episodic erosion.

These guidelines apply to sand pushing only without dune restoration or vegetation actions taken in coordination with sand pushing. Dune restoration should be coordinated with the appropriate county permitting agency, in addition to consideration under the SSBR permitting program.

Careful understanding of nearshore processes (such as the dominant transport mechanisms and direction) must be exercised when planning these efforts, as there is evidence that sand pushing may accelerate erosion under some circumstances.

To limit the potential adverse impacts of sand pushing, the following restrictions apply:

1. Sand pushing will be permitted only if the dry beach is sufficiently wide to provide a reasonable source of sand.
2. The depth of excavation is limited to 6 inches to one (1) foot below the original beach profile, depending on the location and dynamics of the beach. The appropriate depth will be determined on a location-specific basis.
3. The seaward limit of excavation should be limited to the mean high water mark usually evidenced by a foreshore berm, debris line and/or a wet/dry line.
4. The pushed sand shall *not* be placed any farther landward than the seaward line of dune vegetation. Existing native vegetation shall not be buried or otherwise harmed.
5. The profile of the pushed sand shall match the natural slope of the beach. Unnatural steepening of the beach slope via sand pushing is likely to increase erosion and cause harm to the natural resource and further endanger structures in the backshore.
6. Excavation areas will be smoothed to ensure a uniform beach surface.
7. Grading to occur in the shoreline set back area should be minimized and the natural undulations and contours of the shoreline preserved.
8. Excavation is generally limited to the lateral bounds of the property where it is placed.
9. Sea turtle and Monk Seal and seabird nesting may limit scraping location and timing. A check of nesting or resting species must be conducted before and periodically during construction.

Community Outreach Plan Guidelines

To Be DEVELOPED

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