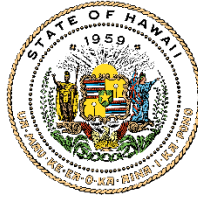


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621
HONOLULU, HAWAII 96809

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

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:AA

CDUA: HA-3953

Acceptance Date: August 20, 2024
180-Day Exp. Date: February 16, 2025

Berna Senelly, Regulatory Lead
Oceanit
828 Fort Street Mall, Suite 600
Honolulu, Hawai'i 96813

Aug 20, 2024

Dear Berna Senelly:

**NOTICE OF ACCEPTANCE AND ENVIRONMENTAL
DETERMINATION
Conservation District Use Application (CDUA) HA-3953
(Board Permit)**

This acknowledges the receipt and acceptance for the processing of CDUA HA-3953 for the Kawaihae Small Boat Harbor project. This application is being submitted on behalf of your client, Division of Boating and Ocean Recreation (DOBOR) in the Department of Land and Natural Resources. The project site is located at and makai of North Kawaihae Small Boat Harbor (NKSBH), Kawaihae-Māhukona Road, Kawaihae, Hawai'i 96743, Tax Map Keys: (3) 6-1-003:023. A portion of the noted TMK lies within the Resource subzone of the Conservation District.

DOBOR is proposing to redesign the damaged NKSBH main breakwater. The majority of the project takes place within the State Land Use Urban District. The portion in the State Land Use Conservation District is the extension on the outer ocean side. The breakwater will be extended out approximately 15 ft within state owned submerged lands. The area is estimated to be 1,950 SF/.045 acres. The area of expansion is within Executive Order 1862 (**Exhibit A**).

After reviewing the application, the Department finds that:

1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to the Hawai'i 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. This use requires a Board Permit approved by the Board of Land and Natural Resources. Please be advised, however, that this finding does not constitute approval of the proposal;

2. Pursuant to §13-5-40 of the HAR, a Public Hearing will not be required;
3. In conformance with Hawai'i Revised Statutes (HRS), Chapter 343, as amended, and HAR Chapter 11-200.1, the Final Environmental Assessment has been reviewed and accepted by the Department. Notice was published in the February 23, 2024, issue of the Environmental Notice; and
4. The FEA notes that per consultation with the Hawai'i County Planning Department, the proposed action is exempt from a Special Management Area (SMA) permit under HRS 171-6(19).

Upon completion of the application review process, this CDUA will be presented to the Board for consideration. Should you have any questions, contact Alyssa Accardo of our Office of Conservation and Coastal Lands at alyssa.m.accardo@hawaii.gov or at (808) 587-0048.

Sincerely,



mc

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

- c: Hawaii Board Member
HDLO/ENG
OHA
DOBOR
CoH-Department of Planning
Thelma Parker Memorial Public and School Library
Kawaihae Canoe Club
Waimea-Kawaihae Community Association

