

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

July 9, 2021

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 21KD-038

KAUAI

Issuance of Revocable Permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust for an Emergency Temporary Shoreline Protection Structure on Unencumbered State Land; Issuance of Immediate Construction and Maintenance Right-of-Entry Permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust; Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009:seaward of 028.

APPLICANTS:

Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Kapaa situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-3-009:seaward of 028, as shown on the attached map labeled EXHIBIT A.

AREA:

960 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County of Kauai CZO:	Unknown

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Right-of-Entry Permit:

Construction and maintenance of emergency temporary shoreline protection structure.

Revocable Permit:

Emergency temporary shoreline protection structure.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

Monthly rental amount is to be determined by staff, subject to review and approval by the Chairperson.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

RIGHT-OF-ENTRY PERMIT TERM:

Until the execution of the revocable permit.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or

minor change of use beyond that previously existing,” and Item 44 that states, “Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing.” See EXHIBIT C.

DCCA VERIFICATION:

Applicants are not operating a business and, as such, is not required to register with DCCA.

APPLICANTS REQUIREMENTS:

Applicant shall be required to:

- 1) Adhere to the Terms and Conditions set forth in the OCCL CDUP No. KA-21-9 (See EXHIBIT D for more detail);
- 2) Provide a demolition estimate of those portions of the emergency temporary shoreline protection structure located on State submerged land in the event the Applicants cannot provide Kauai District Land Office (KDLO) a long-term plan in a timely manner. The demolition estimate shall be subject to review and approval by the Department's Land Division and Engineering Division;
- 3) Post a removal bond in an amount to be approved by the Chairperson after consultation with Land Division and Engineering Division to cover the cost of the demolition and removal of the portions of the emergency temporary shoreline protection structure located on State submerged lands in the event the Applicants cannot provide KDLO a long-term plan before the expiration of OCCL CDUP No. KA-21-9 on April 16, 2024;
- 4) Indemnify the State for any liability or claims arising from the placement of the emergency temporary shoreline protection structure on State submerged lands;
- 5) Pay an appropriate monthly rental amount, to be determined by the Chairperson, for the duration of the Revocable Permit.

JUSTIFICATION FOR REVOCABLE PERMIT:

The emergency shoreline protection structure is a temporary solution while Oceanit (Applicants' engineering consultant) pursues a long-term solution. The Conservation District Use Permit (CDUP) issued by the Office of Conservation and Coastal Lands (OCCL) will expire on April 16, 2024. Oceanit has stated that “a plan for the long-term management of the Dale residence coastal shoreline will be provided to the DLNR OCCL by April 16, 2023”. Oceanit will also notify KDLO when the long-term plan has been developed.

REMARKS:

The Applicants are requesting the issuance of a revocable permit for an emergency temporary shoreline protection structure on unencumbered State land and an immediate construction and maintenance right-of-entry permit located at Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009:seaward of 028.

On June 24, 2020, OCCL issued emergency CDUP KA 20-15 to Donald Lee Dale and Cheryl Ann Dale for a temporary emergency shoreline protection structure for a period of three years to allow them time to pursue a long-term solution to the erosion at the site.

The proposed temporary erosion control structure will extend approximately twelve (12) feet seaward from the existing erosion escarpment, along approximately 80 linear feet (LF) of shoreline, covering an area of about 960 square feet. The proposed structure will consist mainly of imported beach compatible fill (sand). A minimal amount of non-woven and woven geotextile fabrics will wrap over the sand to form roughly two-foot tall steps (six layers total) with overlapping edges closed with stainless steel hog rings. Landward ends will be secured to the shoreline with soil anchors, lumber, and stainless-steel hardware. Vegetation may be planted within and landward of the uppermost layer. The approximate value of the improvements is \$175,000. See EXHIBIT B for more detail.

Applicants will be required to pay a monthly rental fee for the emergency temporary shoreline protection structure. In addition, they will be required to post a removal bond to cover the cost of the demolition and removal of the portions of the emergency temporary shoreline protection structure in the event the Applicants cannot provide KDLO a long-term plan before the expiration of OCCL CDUP No. KA-21-9 on or before April 16, 2024.

The construction and maintenance right-of-entry permit will terminate upon execution of the revocable permit.

Applicants have not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

Various government agencies and interest groups were solicited for comments.

AGENCIES	COMMENTS
County of Kauai:	
Planning Department	No response by suspense date.
Public Works Department	No response by suspense date.

State of Hawaii:	
Office of Conservation and Coastal Lands	No response by suspense date.
Division of Boating and Ocean Recreation	No response by suspense date.
Other Agencies/ Interest Groups:	
Office of Hawaiian Affairs	No response by suspense date.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust covering the subject area for emergency temporary shoreline protection structure under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a right-of-entry permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust for the construction and maintenance of an emergency temporary shoreline protection structure, under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
 - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

BLNR - Issuance of RP and ROE to
Donald Lee Dale and Cheryl Ann
Dale Revocable Living Trust

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July 9, 2021

Respectfully Submitted,

Kurt Yasutake

Kurt Yasutake
Land Agent

KEM

APPROVED FOR SUBMITTAL:

RT

Suzanne D. Case

Suzanne D. Case, Chairperson

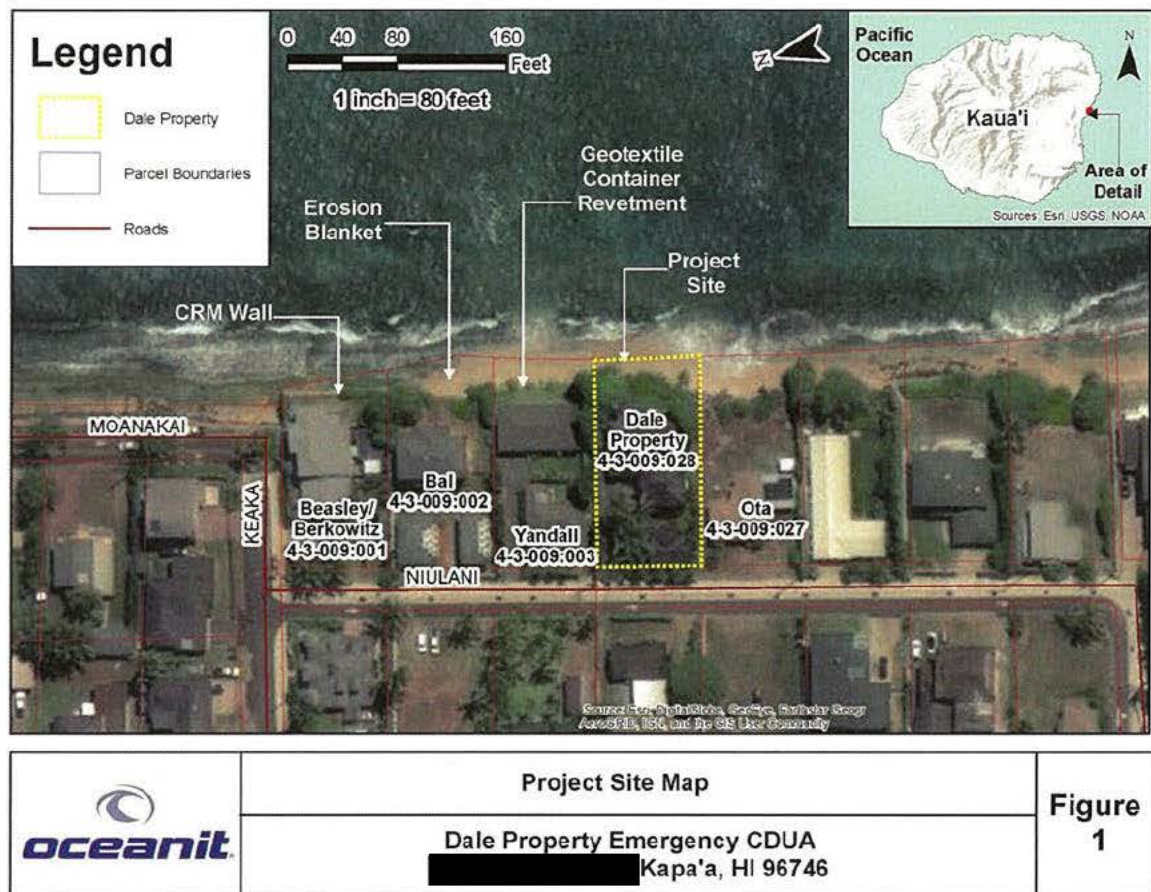
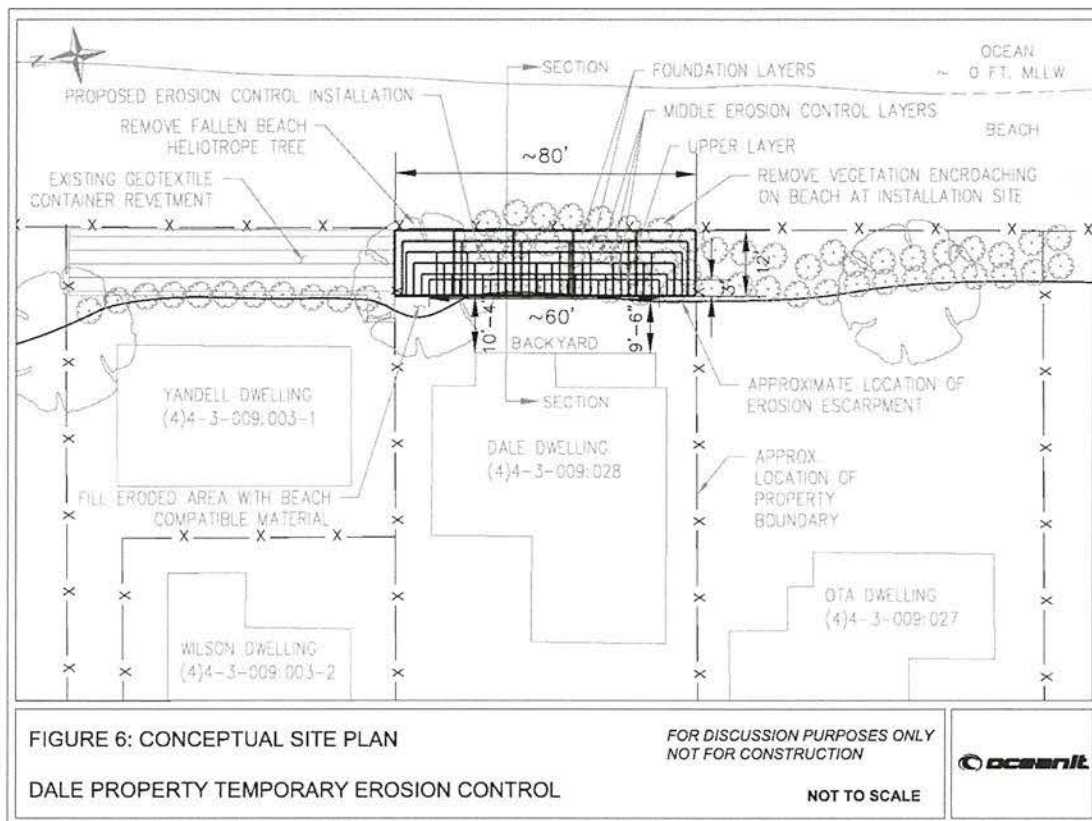
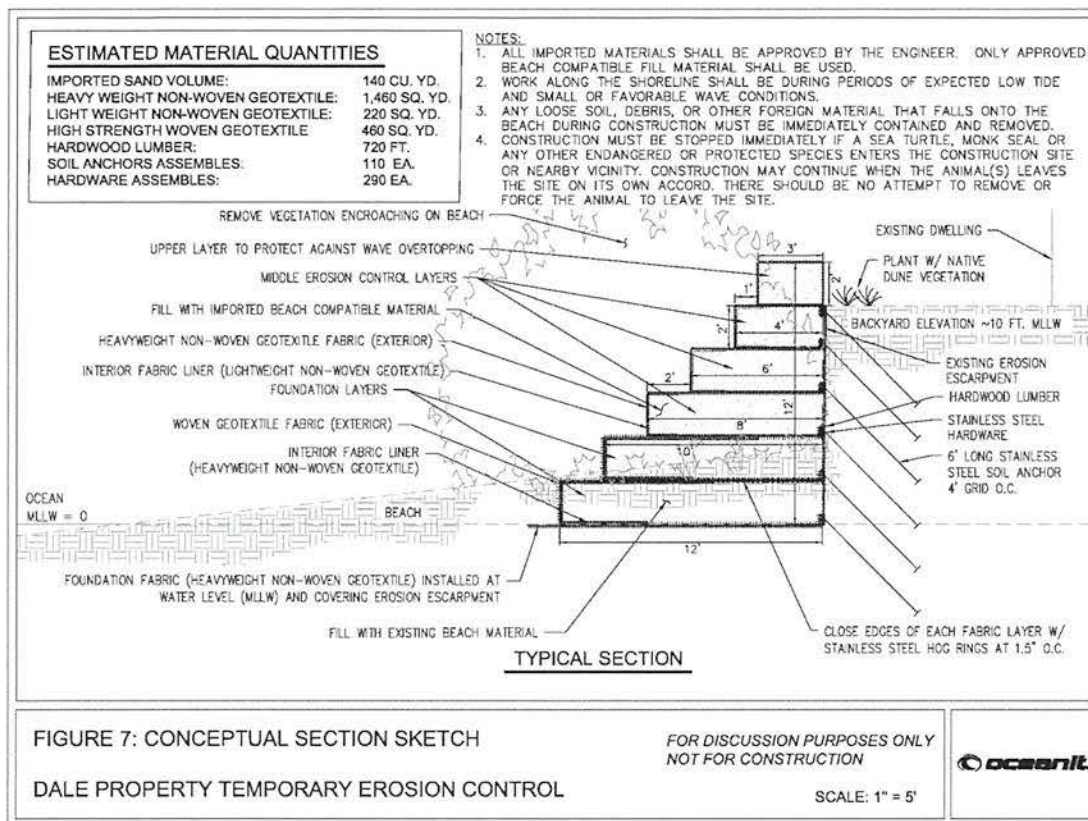


EXHIBIT B



APRIL 2020

EXHIBIT B



APRIL 2020

EXHIBIT B

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200.1, HAR

Project Title:	Issuance of Revocable Permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust for an Emergency Temporary Shoreline Protection Structure on Unencumbered State Land; Issuance of Immediate Construction and Maintenance Right-of-Entry Permit to Donald Lee Dale and Cheryl Ann Dale, Trustees of the Donald Lee Dale and Cheryl Ann Dale Revocable Living Trust
Project / Reference No.:	21KD-038
Project Location:	Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-3-009:seaward of 028.
Project Description:	The subject location is currently unencumbered State land located in Kapaa. The applicant is requesting the use of approximately 960 square feet to construct and maintain a temporary emergency shoreline structure.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No. and Description:	In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-15 and the Exemption List for the Department of

EXHIBIT C

Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, Part 1 that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing," and Item 44 that states, "Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

**Cumulative Impact of
Planned Successive Actions
in Same Place Significant?:**

The emergency shoreline protection structure is a temporary action while a long-term plan is being developed. The long-term plan will be submitted to OCCL for review and approval.

**Action May Have Significant
Impact on Particularly
Sensitive Environment?:**

No. There are no sensitive environmental issues involved with the proposed use of the property.

Analysis:

In the past, permits were issued for similar emergency temporary shoreline protection structures, which have resulted in no known significant impacts to the natural and environmental resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties:

County of Kauai Planning Department, County of Kauai Public Works Department, Office of Conservation and Coastal Lands, Division of Boating and Ocean Recreation, and Office of Hawaiian Affairs.

Recommendation:

That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96808

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATERS RESOURCES MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEL MANUEL
DEPUTY DIRECTOR - WATER

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

REF:OCCL:SS

Emergency CDUP KA 21-9

Donald & Cheryl Dale
[REDACTED]
Kapa'a, HI 96746

APR 16 2021

SUBJECT: Request for Time Extension for Temporary Emergency Erosion Control at the Dale
Residence, [REDACTED] Kapa'a, Kaua'i; TMK (4) 4-3-009:028, and seaward

Dear Mr. and Mrs. Dale:

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your request for a time extension to construct emergency temporary shoreline protection at the subject property at [REDACTED] in Kapa'a, Kaua'i. You are requesting a time extension to install a temporary emergency shoreline protection structure for a period of three years to allow the owners time to pursue a long-term solution to the erosion at the site.

It should be noted that the subject property was given authorization to perform the work as described herein on June 24, 2020 under Emergency CDUP KA 20-15, which was acknowledged and signed by the landowners and subsequently returned to our office. However, OCCL was later informed that delivery of materials for the project were delayed due to the ongoing COVID-19 pandemic. This delay prompted the subject request for a time extension to comply with Condition #3 of Emergency CDUP KA 20-15, which reads "Unless otherwise authorized, any work or construction to be done on the land shall be completed within 180 days of the approval of such use." Additionally, the subject property has also previously received authorization from our office for a temporary emergency erosion control structure similar to that proposed in this application on June 29, 2017. This authorization was good for three years and expired on June 29, 2020, which prompted the landowners to apply for the previously mentioned Emergency CDUP KA 20-15 in June of 2020.

The information provided states that the dwelling at the Dale residence is less than 20 feet from the actively eroding shoreline and as little as 10 feet from the edge of the escarpment in some places. Other properties in the area currently have shoreline armoring structures in place, which may be exacerbating the erosion at the Dale residence due to a 'flanking' effect. A geotextile fabric container revetment exists on the adjacent property directly to the north of the subject property, while both a geotextile fabric erosion blanket and concrete rubble masonry (CRM) seawall exist on two other properties just up the coastline to the north. The application states that there are also shoreline armoring structures to the south of the project site, as well.

EXHIBIT D

Emergency CDUP KA 21-9

While there are shoreline armoring structures to the south of the project site, it is noted that the adjacent property to the south (the Ota property) appears to be unarmored similar to the subject property (the Dales). The application states that the Ota's dwelling is set back approximately 50 feet from the vegetated shoreline. Information submitted to our office shows that the Dales sent a good-faith correspondence to the Otas informing them of the proposed action.

The work proposed to be done at the subject property consists of the placement of a temporary, sand-filled erosion control just makai of the existing escarpment. The structure is intended to extend 12 feet makai of the shoreline along a length of roughly 80 linear feet parallel to the shore, having a total footprint of roughly 960 square feet. Encroaching vegetation in the area would first be removed, and then construction of the structure would begin.

The proposed structure would be mainly composed of roughly 140 cubic yards of beach compatible sand, contained by both woven and non-woven geotextile fabric wraps. These wraps would be roughly two feet tall apiece and stacked in a step-like fashion, for a total of six layers of steps. The uppermost layer of the structure is intended to measure 3 feet wide and 60 feet long and rise roughly 2 feet above the elevation of the backyard. Vegetation may be planted within and landward of this uppermost layer.

A time extension to comply with Condition #3 of the originally issued Emergency CDUP KA 20-15 was requested by the landowners. However, as the request came to OCCL outside of the 180-day window as authorized by Condition #3 of Emergency CDUP KA 20-15, our office is processing this as a new Emergency CDUA request. It is important to note that this document, Emergency CDUP KA 21-9, supersedes the approvals laid forth within Emergency CDUP KA 20-15 as the inability to complete Condition #3 of Emergency CDUP KA 20-15 within the required 180-day timeframe has rendered that permit void.

Long-term conditions have resulted in erosion of the shoreline fronting the subject property, prompting requests from the landowners for erosion control authorization dating back to 2017. After much deliberation regarding both the positive and negative potential impacts of the proposed structure, as well as the feasibility of other, smaller designs to adequately protect the subject property from further erosion while simultaneously not being destroyed by the site's ongoing, chronic erosion events during the standard three-year time frame allowed by Emergency CDUAs, our office has decided to approve the proposed design for emergency temporary erosion control while a long-term solution to the chronic erosion problem at the subject property is formed.

However, this authorization is temporary. The Dale family must develop a longer-term plan to address the chronic erosion at the subject property. This emergency authorization will include a condition that requires them to do this.

The DLNR authorizes the temporary emergency erosion control measures as described above for three (3) years along the shoreline fronting the subject property while the applicant develops long-term options in an effort to protect public health, welfare, and safety on the subject property under Hawai'i Administrative Rules (HAR) §13-5-35, *Emergency Permits* (a) "notwithstanding any provision of this chapter, the chairperson or deputy director of the department in the absence of the Chairperson may authorize through an emergency permit any land use deemed to be essential to alleviate any emergency that is a threat to public health, safety, and welfare, including natural resources, and for any land use that is imminently threatened by

Emergency CDUP KA 21-9

natural hazards. These actions shall be temporary in nature to the extent that the threat to public health, safety, and welfare, including natural resources, is alleviated (e.g., erosion control, rockfall mitigation). The emergency action shall include contingencies for removal methods, estimates for duration of the activity, and future response plans if required by the department."

In addition, the temporary structure may be considered an exempt action under State environmental laws under HAR §11-200.1-15(c), Exemption Class (4): *Minor alterations in the condition of land, water, or vegetation*, and DLNR Exemption List Class 4-(1): *Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent further damage from occurring and to restore the topographical features and biological resources*. The Office of Conservation and Coastal Lands consulted with the Land Division, who has concurred with the Exemption for the work to be done for the proposed project.

The erosion control measures are intended to provide temporary mitigation of the erosion problem and reduce hazards to the subject property while you pursue a long-term strategy. The DLNR requests that you remove and properly dispose of any debris encountered on the beach during the installation of the erosion control measures. Any materials that come loose from the temporary erosion control measures shall be repaired or discarded as soon as possible so they do not end up in the beach or marine environment.

Please review the following Terms and Conditions carefully and return a signed copy to the DLNR.

Terms and Conditions

The DLNR has no objections to the Emergency Temporary Shoreline Protection as described above fronting the subject property, at Tax Map Key (4) 4-3-009:028, provided that you adhere to the following terms and conditions:

1. It is understood that the Emergency Temporary Shoreline Protection is a temporary response to address a safety hazard to the existing single-family residence on the subject property, which is threatened by chronic beach erosion. The material is authorized as a temporary erosion control measure for three (3) years from the date of issuance of this letter. Subsequent erosion control efforts that call for modification, other than maintenance of the proposed structure, will require a new application. At the end of the authorization period, the materials shall be removed;
2. A Right-of-Entry Permit is required from the Kaua'i District Land Office prior to initiating any construction or work on the proposed project;
3. The permittee shall obtain other necessary State and County permits for proposed the use prior to the initiation of construction, as necessary;
4. Unless otherwise authorized, any work or construction to be done on the land shall be completed within 180 days of the approval of such use. The permittee shall notify the department in writing at least 24 hours prior to initiating construction and when it is completed;

Emergency CDUP KA 21-9

5. The permittee will submit a completion report for the project to the OCCL within ninety (90) days of completion of construction of the temporary structure. It will summarize the construction and detail any deviation from the proposed plans as well as provide a summary of the beach conditions since installation. The report will also include a photo summary of the temporary structure and beach conditions with documentation of any alterations or repairs;
6. The permittee shall implement standard Best Management Practices (BMPs) including the ability to contain and minimize silt in nearshore waters and clean up fuel, fluid, or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance;
7. 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;
8. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
9. Any materials that become liberated from the structure must be immediately removed from the beach or ocean;
10. Work shall be conducted at low tide to the most practical extent possible and no work shall occur during high surf or ocean conditions that will create unsafe work or beach conditions;
11. 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. All barriers shall be removed once the project is complete to allow full public access laterally along the beach and alongshore walkway;
12. Obstruction of lateral shoreline access shall be avoided or minimized;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
14. The activity shall not adversely affect a federally listed, threatened, or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;

Emergency CDUP KA 21-9

15. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species which normally migrate through the area;
16. 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 HRS §205A-71. All exterior lighting shall be shielded to protect the night sky;
17. No night work that requires outdoor lighting during seabird fledging season from September 15 through December 15;
18. For all landscaped and vegetated 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 Hawai'i Revised Statutes (HRS) §205A-1;
19. Any landscaping will 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;
20. 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;
21. The permittee, their 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;
22. The permittee shall comply with all applicable Department of Health Administrative Rules;
23. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
24. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
25. 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;
26. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native

Emergency CDUP KA 21-9

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;

27. 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 the State Historic Preservation Division (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
28. In issuing the permit, the Department and the Chairperson have relied on the information and data that the permittees have 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;
29. A long-term plan for the subject property must be submitted to the OCCCL within two (2) years of the date of issuance of this emergency permit;
30. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;
31. Other terms and conditions as prescribed by the Chairperson; and
32. Failure to comply with any of these conditions shall render a permit void under Chapter 13-5, as determined by the Chairperson or BLNR.

Please review the following Terms and Conditions carefully and return a signed copy to the DLNR. Should you have any questions pertaining to this letter, please contact Salvatore Saluga of our office at (808) 798-6147 or salvatore.j.saluga@hawaii.gov.

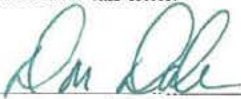

Sincerely,

Suzanne D. Case

Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Emergency CDUP KA 21-9

I concur with the conditions of this letter:


Applicant (Owner: )

Date: 4/23/21

Don DALE
Print Name


Applicant (Owner: )

Date: 4/23/21

Cheryl Dale
Print Name

CC: Oceanit Laboratories, Inc.
c/o Michael Foley, Ph.D., P.E.
KDLO
County of Kaua'i, Planning Department
UH Sea Grant, c/o Ruby Pap (via email)