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

April 8, 2022

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

Maui

PSF No.: 21MD-088

Issuance of Immediate Construction Right-of-Entry and Revocable Permits to Mantokuji Mission of Paia, Maui to Install Temporary Erosion Control Structure Fronting the Mantokuji Mission of Paia, Maui, Lower Paia, Makawao, Maui, Tax Map Key: (2) 2-6-008: Seaward of 013.

APPLICANT:

Mantokuji Mission of Paia, Maui, a Domestic Nonprofit Corporation

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of the State of Hawaii situated at Lower Paia, Makawao, Maui, identified by Tax Map Key: (2) 2-6-008: Seaward of 013, as shown on the attached map labeled <u>Exhibit A</u>.

AREA:

784 square feet, more or less.

ZONING:

State Land Use District:

Conservation

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:

Unencumbered.

CHARACTER OF USE:

For purposes of entering submerged lands to install a temporary erosion control structure.

TERM:

Immediate Right-of-Entry: 1 (one) year;

Revocable Permit: month-to-month, subject to annual renewal, until termination

COMMENCEMENT DATE:

To be determined by the Chairperson.

MONTHLY RENTAL:

For both the Right-of-Entry and Revocable Permits, monthly rental amount of \$40.00 has been calculated by staff and has been reviewed and approved by the Chairperson. See Exhibit B. The Revocable Permit will replace the Right-of-Entry upon issuance.

REMOVAL BOND

A removal bond is required, in an amount to be determined by DLNR's Land and Engineering Divisions and approved by the Chairperson.

<u>CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:</u>

In accordance with Hawaii Administrative Rules (HAR) Section 11-200.1-16 (a)(2) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred 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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing", Part 1, Item No. 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." The exemption notification is attached as Exhibit C.

DCCA VERIFICATION:

Place of business registration confirmed:	YES X	NO
Registered business name confirmed:	YES X	NO _
Applicant in good standing confirmed:	YES X	NO

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- Adhere to the Terms and Conditions set forth in the DLNR Office of Conservation and Coastal Lands (OCCL) Conservation District Use Permit (CDUP) number CDUP MA 21-10 dated May 12, 2021, copy attached as Exhibit D. With respect to condition 4 of the CDUP, which requires the plan for relocation of the threatened structures be submitted to OCCL within two years of the issuance of their permit, Applicant shall also report the plan to Land Division simultaneously which may be considered in connection with any future renewal or termination of the revocable permit.
- 2) Obtain the pre-approval of OCCL for the use of beach-compatible sand within the geotextile bags that will be part of the erosion control structure.
- Provide an archaeological monitoring plan that must be accepted by the State Historic Preservation Division (SHPD) prior to DLNR's issuance of the subject right-of-entry and revocable permits.
- 4) 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 removing the temporary erosion control structure in the event that Applicant fails to remove the structure prior to expiration of OCCL Emergency CDUP MA 21-10 on May 12, 2024.
- 5) Pay a monthly rental amount of \$40.00, as determined by the DLNR Chair, for the duration of the Revocable Permit.
- 6) Obtain all required County permits prior to commencing work. A copy of the County's Special Management Area (SMA) minor permit, Shoreline Setback Approval (SSA) and Environmental Assessment Exemption (EAE) letter dated November 12, 2020 is attached as Exhibit E.

BACKGROUND

The project site is located along the shoreline fronting the Paia Mantokuji Mission, a Soto Zen Buddhist temple founded in 1906 in Lower Paia, Maui. Structures on site include a

temple with attached residence, bell tower, columbarium, and graveyard. The beach consists of a thin layer of sand mixed with cobble stone over red clay alluvium. A prominent erosion escarpment abuts the high water line. Gravestones and other cemetery features have eroded from the Mantokuji property and are now on the shoreline with the beach cobbles. A disused concrete crematory oven that was once subgrade now sits exposed on the existing cobble stone beach. Photos of the property are attached as Exhibit F.

Applicant is seeking Board approval to enter the shoreline and install a temporary erosion control structure fronting the temple property. The purpose of the erosion control structure is to mitigate shoreline erosion and property damage until a long-term solution can be developed and implemented in collaboration with government agencies. Potential long-term solutions include relocating temple structures further inland and/or restoring the depleted beach system. However, a temporary erosion control structure is urgently needed to prevent further erosion of the backshore and to prevent loss of the temple building.

The temple is currently about 14 feet from the actively eroding shoreline and is in danger of damage from the ocean hazards. Applicant's consultant inspected the site on January 3, 2020 and observed signs of then-recent and severe shoreline recession. The active erosion escarpment had progressed to within 18 feet of the structure. The shoreline showed significant signs of erosion by wave action, which has exposed an old dump site in the yard between the temple and the beach. In this area, rusted car parts, carpet, glass, tires, and other debris are entering the marine environment. If left in its current condition, the shoreline will continue to move toward the temple structure.

The beach has sparse sediment reserves, possibly due to previous sand mining. In 1933, an easement was granted by the Mantokuji to the County of Maui for a right to take and remove from the makai portion of the property beach sand in such quantities "as may be required by the grantee in the building, repair and maintenance of public roads and in the erection and construction of public works whether constructed or used by the grantee itself..." (Exhibit D, pp. 10-13). In addition, the April Fools' Day tsunami in 1946 impacted the Paia shoreline and damaged the Temple property and cemetery. The tsunami inundations may have also caused a significant loss of sediment resources from the local beach system.

The historical trend of shoreline erosion at this property was previously documented by the Coastal Geology Group at the University of Hawai'i at Mānoa. The University determined that the shoreline position at the property is moving inland at an average rate of about -1.6 feet per year.

At least half an acre of land has been lost to erosion since the property was first developed. Due to past impacts of sand mining and tsunami, and current sea level rise, it is unlikely that the beach system will naturally recover from the erosion. An intervention

is necessary to decrease risks to public safety while long-term solutions to manage the coastal hazards are developed.

Applicant received a permit from OCCL (Exhibit D) for the subject temporary erosion control structure which was authorized for a period of three (3) years, to allow Applicant time to develop and pursue a long-term solution in collaboration with government agencies. Potential long-term solutions include relocation of the and/or restoration of the depleted beach system. Under condition 4 of the OCCL permit, Applicant was given a deadline of May 12, 2023 to submit a plan to OCCL for the relocation of the threatened structures and the plan must include timeframes for implementation.

TEMPORARY EROSION CONTROL STRUCTURE

The erosion control structure will have the effect of preserving the land between the temple and the shoreline. The project is designed to avoid disturbance of the existing soils. There will be no digging.

A conceptual design of the erosion control structure is attached as <u>Exhibit G</u>. It is a stepped design that has layers of large sand-filled structures made of geotextile fabric. The stepped design has been deemed appropriate by the coastal engineering consultant for the coastal dynamics of the site, which is exposed to high-energy north swells. The design does not require grading of the soils landward of the shoreline, so the existing land will not be disturbed and exposed by the installation activity.

The erosion control structure will be constructed of large geotextile fabric containers filled with imported sand that complies with quality standards for beach use. To resist abrasions and tearing the containers will consist of a woven geotextile "exterior" layer and a non-woven geotextile "interior" fabric liner. Each container will be about two feet in height, stacked three high, for a total height of about six feet, which is about level with the existing grade of the escarpment.

WORK DESCRIPTION

The construction process will entail installing fabric containers on the shoreline, then filling them with sand.

To install the erosion control structure, approximately 170 cubic yards of beach compatible fill from an approved source will be used to fill fabric sand containers that will be placed in the beach area abutting the erosion escarpment. Applicant is currently working to identify an approved sand source. They provided two samples to OCCL in May 2021 that did not meet State Quality standards (Exhibit H).

Due to years of uncontrolled erosion, graves have eroded into the ocean and there are also headstones scattered on the beach. Contractor will remove headstones from the beach

and preserve them onsite in coordination with the temple's congregation. No natural stones will be removed from the beach. In addition, an old disused concrete brick crematory oven will be removed from the beach area and moved onto Applicant's property.

In the project area, erosion is uncovering what appears to be old landfill. Metal, tires, carpet, glass, soil, etcetera are falling out of the escarpment and onto the beach during each erosion event. Existing rubbish exposed from the old landfill will be removed from the beach and properly disposed of off-site. The erosion control structure will prevent more soil and foreign material from entering the ocean environment. The only planned interaction with the existing soils is the placement of soil anchors, which the contractor will drive a maximum of 6 ft. deep into the soils to help support the erosion control structure. This activity will not uncover any soils. The project area is not adjacent to the graveyard, so Contractor does not expect to interact with the graveyard soils in any way during this project.

The contractor will have a staging area adjacent to the temple's driveway. A Cat 306 CR mini excavator will be used for the shoreline work. The access route will go from the staging area to the shoreline as indicated on the access plan attached as Exhibit I. Contractor will create an access ramp to the west of the project area, adjacent to the ironwood trees where the grade is lower in elevation and the size of the ramp can be minimized. The ramp will run from the top of the erosion scarp to the shoreline. Existing beach material of concrete and natural beach stones will be used to line the temporary ramp, and the contractor may at their discretion use aluminum ramps or timber mats on top of the other material to better distribute the excavator's weight while tracking over the ramp. At the end of construction, any natural beach stones used to create the ramp will be returned to the beach and any concrete debris and other unnatural materials will be removed from the beach.

Best Management Practices (BMPs) will be implemented. Temporary high visibility safety fencing will be installed to restrict access around the active work and staging areas. Construction warning signs will be posted at the site. Work along the shoreline will be conducted during periods of expected low tide and small or favorable wave conditions. Any loose soil, debris or other foreign material that falls onto the beach during construction will be immediately contained and removed. Construction debris and other waste material will be disposed offsite in compliance with all applicable laws and regulations.

The contractor may choose to create a temporary wave barrier between the active work area and the ocean using bulk lift bags filled with screened imported sand. The filled bulk lift bags would be 3 feet by 3 feet by 2 ½ feet. The sand fill will be saturated with water prior to placement of the bags on the beach. The bags will be stacked side-by-side and secured to each other with a line that passes through each lift strap.

Construction will be stopped immediately if a sea turtle, monk seal, or any other endangered or protected species enters the vicinity of the construction site. Construction may continue after the animal(s) leaves the site of its own accord. If any burial sites or sensitive cultural resources are encountered, the State Historic Preservation Division (SHPD) shall be informed of the suspected artifact(s). Work will continue only when SHPD declares that the work may continue.

The contractor will rearrange existing stones on the beach against the escarpment to form a level foundation. Existing rounded smaller cobbles will be stacked to form the body of the foundation, by hand. Existing large angular stones will be shifted to form a stable toe at the seaward edge of the foundation, with the help of the excavator. No natural stones will be removed from the beach. No existing soils will be disturbed, and there will be no digging.

The stacked fabric-wraps will be installed on top of the level foundation. Next, foundation fabric and three layers of stepped sand filled geotextile containers will be constructed and placed along 112 linear feet of shoreline as shown in the conceptual plan and section (Exhibit G). Plywood forms will be used to create the general shape of the fabric containers and then removed after the installation. The excavator will transport imported sand to the shoreline to fill the fabric containers with sand. Any voids between the containers and escarpment will be filled with imported sand. The landward edges of the fabric will be secured to the shoreline using Platipus S4 soil anchors, galvanized metal pipe and 316 stainless steel connection hardware. Overlapping fabric edges on the sides of the containers will be secured with stainless steel hog rings. Roughly 1,030 square yards of geotextile fabric and 170 cubic yards of imported beach quality sand fill is expected to be used for the work.

The sand-filled fabric wraps will extend approximately seven feet seaward from the existing escarpment and along approximately 112 linear feet of shoreline, covering an area of about 784 square feet. The existing foundation stones will extend about 3 feet from the end of the fabric-filled wraps, out to at least 10 feet beyond the existing erosion escarpment, encompassing a total area of approximately 1120 square feet.

The landward edges of the fabric will be secured to the shoreline using metal soil anchors, galvanized metal pipe, and stainless-steel hardware. Overlapping fabric edges on the sides of the wraps will be secured with stainless steel hog-rings.

The project is estimated to take 4-8 weeks to complete, depending on ocean conditions.

REMARKS

Applicant has hired Oceanit as a consultant to develop a plan for beach restoration. The objectives of the project are to restore and maintain a stable beach, and to protect the backshore land. There is currently no specific long-range plan.

An immediate construction right-of-entry permit is being requested so that Applicant may commence work during the time when seasonal waves are smaller. The revocable permit will be prepared concurrently with the right-of-entry.

Staff sent a copy of this submittal to DLNR Division of Aquatics Resources (DAR), OCCL, Engineering Division, State Historic Preservation Division, Department of Health, Office of Hawaiian Affairs (OHA); the Maui County Planning Department, and the Public Works Department for their review and comment and they responded as follows:

Agency	Comment
DLNRDAR	Comments attached as Exhibit J
DLNROCCL	No comments received by suspense date
DLNRSHPD	Comments attached as Exhibit K
DLNR—Engineering	No comments
Dept. of Health	No comments received by suspense date
OHA	No comments received by suspense date
County Planning Dept.	Comments attached as Exhibit L
County Dept. of Public Works	No comments received by suspense date

DAR was supportive of installing a sandbag revetment at subject location because it will prevent soils from entering the nearshore waters. SHPD responded with a request for Applicant to provide an archaeological monitoring plan that must be accepted by SHPD prior to issuance of the subject right-of-entry and revocable permits. Maui County Planning supported short-term protection measures for the subject property but suggested Applicant plan to move the structures inland within two years of authorization of the sandbag revetment. County Planning also suggested that Applicant remove the landward rubbish pit prior to installing the revetment.

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. Subject to Applicant fulfilling the applicant requirements listed above, authorize the issuance of an immediate construction right-of-entry permit to Applicant, covering the subject area 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-ofentry permit form, as may be amended from time to time;

- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 3. Subject to Applicant fulfilling the applicant requirements listed above, authorize the issuance of a revocable permit to Applicant, covering the subject area 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; additionally, the Applicant shall also report to Land Division the plan for relocation of the threatened structures required by CDUP MA 21-10 dated May 12, 2021 within two years of the issuance of that permit.
 - B. Review and approval by the Department of the Attorney General;
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

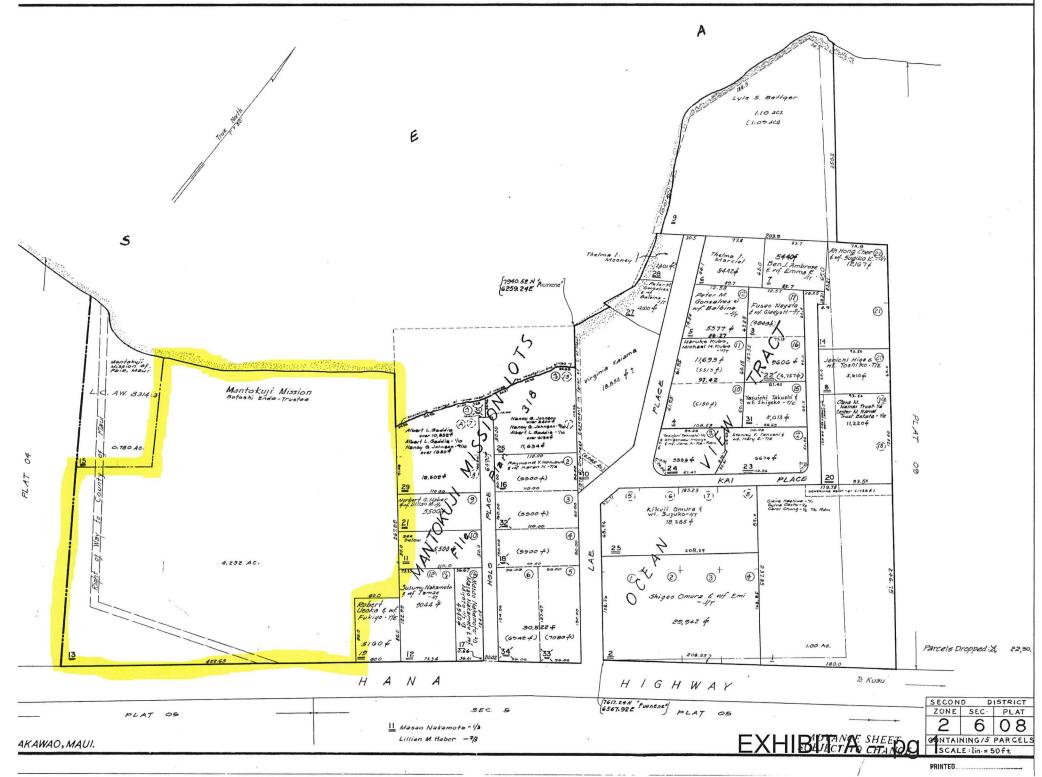
Seiko Machida Land Agent

APPROVED FOR SUBMITTAL:

Sgame Q. Cose

Suzanne D. Case, Chairperson

EXHIBIT A



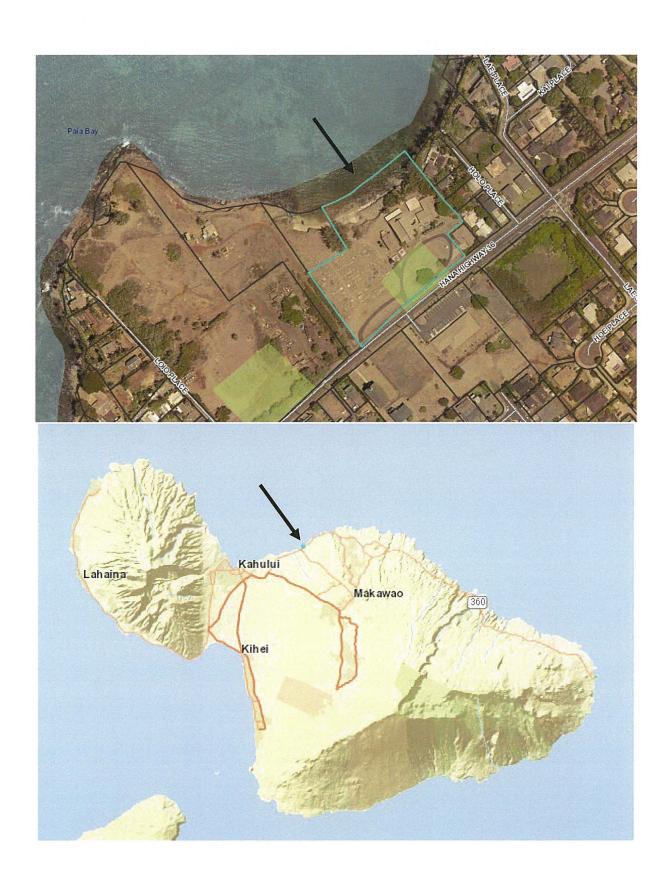


EXHIBIT B

DAVID Y. IGE GOVERNOR OF HAWAII



Suzanne D. Case, Chairperson et



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809 SUZANNE D. CASE CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA FIRST DEPUTY

M. KALEO MANUEL 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

TO:	Suzanne D. Case, Chairperson				
Through:	Russell Y. Tsuji, Administrator				
From:	Land Division, Appraisal Section				
Date:	January 19, 2022				
Subject:	Mantokuji M	ission of Paia, Maui Shoreline Revocable Permit			
A shoreline reas follows:	vocable permi	t valuation was prepared for the property below and is summarized			
Reference: Applicant: TMK: Area: Effective Date Recommende		PSF No. 21MD-088 Mantokuji Mission of Paia, Maui (2) 2-6-008:Seaward of 013 784 square feet Upon Board Approval \$40/month			
The undersign	ned finds that tl	ne valuation was completed in accordance with the assignment.			
Samo Q. Code		Jan 19, 2022			

Date

TMK	(2) 2-6	5-008:013	
Assessed Land Value (\$)	\$	226,600	z .
Land Area (sf)		184,346	4.232 acres
Unit Rate Land Value (\$/sf)	\$	1.23	
50% Off For Submerged Lands	\$	0.61	
Encroachment Area (sf)		784 fo	otprint of sandbags and erosion skirt
Encroachment Land Value (\$)	\$	481.85	
Annual Rent @ 4 to 8%	\$	38.55	0.08
Recommended Annual Value	\$	480.00	
Monthly rent	\$	40.00	

∋Parcel Information

Parcel Number

260080130000 Location Address 253 HANA HWY PAIA HI 96779

Neighborhood Code 2531-6 Legal Information

Land Area

4.232 Acres

Parcel Note

View Map

∋Owner Information

Owner Names

MANTOKUJI MISSION Fee Owner

Mailing Address MANTOKUJI MISSION PO BOX 790207 PAIA HI 96779

∋Assessment Information

El Hide Historical Assessments

							i菌 Columns
Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
CONSERVATION	\$226,600	\$a	\$226,600	\$386,100	\$612,700	\$612,700	\$0
CONSERVATION	\$226,600	\$0	\$226,600	\$392,100	\$618,700	\$618,700	\$0
CONSERVATION	\$226,600	\$0	\$226,600	\$376,100	\$602,700	\$602,700	\$0
CONSERVATION	\$226,600	\$0	\$226,600	\$439,000	\$665,600	\$665,600	\$0
CONSERVATION	\$242,800	\$0	\$242,800	\$420,400	\$663,200	\$663,200	\$0
CONSERVATION	\$31,100	\$0	\$81,100	\$409,700	\$490,800	\$490,800	\$0
CONSERVATION	\$81,100	\$0	\$81,100	\$378,100	\$459,200	\$459,200	\$0
CONSERVATION	\$81,100	\$0	\$81,100	\$343,500	\$424,600	\$424,600	\$0
CONSERVATION	\$103,200	\$0	\$103,200	\$339,900	\$443,100	\$443,100	\$0
CONSERVATION	\$86,700	\$0	\$86,700	\$333,200	\$419,900	\$419,900	\$0
CONSERVATION	\$87,000	\$0	\$87,000	\$152,200	\$239,200	\$239,200	\$0
NON-OWNER-OCCUPIED/RESIDENTIAL	\$3,789,700	\$0	\$3,789,700	\$224,200	\$4,013,900	\$4,013,900	\$0
	CONSERVATION	Tax Class Land Value CONSERVATION \$226,600 CONSERVATION \$226,600 CONSERVATION \$226,600 CONSERVATION \$242,800 CONSERVATION \$81,400 CONSERVATION \$81,100 CONSERVATION \$81,100 CONSERVATION \$81,000 CONSERVATION \$86,700 CONSERVATION \$86,700 CONSERVATION \$87,000	Tax Class Land Value Land Value CONSERVATION \$226,600 \$0 CONSERVATION \$226,600 \$0 CONSERVATION \$226,600 \$0 CONSERVATION \$226,600 \$0 CONSERVATION \$242,800 \$0 CONSERVATION \$81,100 \$0 CONSERVATION \$81,100 \$0 CONSERVATION \$103,200 \$0 CONSERVATION \$86,700 \$0 CONSERVATION \$87,000 \$0	Tax Class Land Value Land Value Assessed Land CONSERVATION \$226,600 \$0 \$226,600 CONSERVATION \$226,600 \$0 \$226,600 CONSERVATION \$226,600 \$0 \$226,600 CONSERVATION \$226,600 \$0 \$226,600 CONSERVATION \$242,800 \$0 \$242,800 CONSERVATION \$81,100 \$0 \$81,100 CONSERVATION \$81,100 \$0 \$81,100 CONSERVATION \$103,200 \$0 \$103,200 CONSERVATION \$86,700 \$0 \$85,700 CONSERVATION \$86,700 \$0 \$85,700 CONSERVATION \$87,000 \$0 \$87,000	Tax Class Land Value Land Value Assessed Land Land Value Building Value CONSERVATION \$226,600 \$0 \$226,600 \$386,100 CONSERVATION \$226,600 \$0 \$226,600 \$392,100 CONSERVATION \$226,600 \$0 \$226,600 \$376,100 CONSERVATION \$226,600 \$0 \$226,600 \$439,000 CONSERVATION \$242,800 \$0 \$242,800 \$409,700 CONSERVATION \$81,100 \$0 \$81,100 \$378,100 CONSERVATION \$81,100 \$0 \$31,100 \$378,100 CONSERVATION \$81,100 \$0 \$31,100 \$339,900 CONSERVATION \$103,200 \$0 \$103,200 \$339,900 CONSERVATION \$86,700 \$0 \$86,700 \$333,200 CONSERVATION \$86,700 \$0 \$87,000 \$152,200	Tax Class Land Value Land Value Assessed Land Land Value Building Value Assessed Value CONSERVATION \$226,600 \$0 \$226,600 \$386,100 \$612,700 CONSERVATION \$226,600 \$0 \$226,600 \$392,100 \$618,700 CONSERVATION \$226,600 \$0 \$226,600 \$376,100 \$602,700 CONSERVATION \$226,600 \$0 \$226,600 \$439,000 \$665,600 CONSERVATION \$242,800 \$0 \$242,800 \$409,700 \$460,200 CONSERVATION \$81,100 \$0 \$81,100 \$409,700 \$490,800 CONSERVATION \$81,100 \$0 \$31,100 \$378,100 \$459,200 CONSERVATION \$81,100 \$0 \$81,100 \$339,900 \$443,600 CONSERVATION \$103,200 \$0 \$103,200 \$339,900 \$443,100 CONSERVATION \$86,700 \$0 \$86,700 \$333,200 \$419,900 CONSERVATION \$86,700 \$0 \$86,700	Tax Class Land Value Land Value Assessed Land Value Building Value Assessed Value Exemption Value CONSERVATION \$226,600 \$0 \$226,600 \$386,100 \$612,700 \$612,700 CONSERVATION \$226,600 \$0 \$226,600 \$392,100 \$618,700 \$618,700 CONSERVATION \$226,600 \$0 \$226,600 \$376,100 \$602,700 \$602,700 CONSERVATION \$226,600 \$0 \$226,600 \$439,000 \$665,600 \$665,600 CONSERVATION \$242,800 \$0 \$242,800 \$409,700 \$663,200 \$663,200 CONSERVATION \$81,100 \$0 \$81,100 \$409,700 \$490,800 \$490,800 CONSERVATION \$81,100 \$0 \$81,100 \$378,100 \$459,200 \$459,200 CONSERVATION \$81,100 \$0 \$81,100 \$339,900 \$443,100 \$443,100 CONSERVATION \$86,700 \$0 \$86,700 \$333,200 \$419,900 \$419,900 CONS

EXHIBIT C

DAVID Y. IGE GOVERNOR OF HAWAII





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809 SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA FIRST DEPUTY

KALEO L. MANUEL DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, Hawaii Revised Statutes (HRS) and Section 11-200.1-16 (a)(2) of the Hawaii Administrative Rules (HAR)

Project Title:

Issuance of Immediate Construction Right-of-Entry and Revocable

Permits to Mantokuji Mission of Paia, Maui

to Install Temporary Erosion Control Structure Fronting the Mantokuji Mission of Paia, Maui, Lower Paia, Makawao, Maui,

Tax Map Key: (2) 2-6-008: Seaward of 013.

Project / Reference No.:

PSF 21MD-088

Project Location:

Lower Paia, Makawao, Maui, Tax Map Key: (2) 2-6-008: Seaward

of 013

Project Description:

Mantokuji Mission of Paia, Maui ("Applicant") is hiring a contractor to install a temporary erosion control structure on the shoreline fronting their property.

The erosion control structure will be constructed of large geotextile fabric containers filled with imported sand that complies with quality standards for beach use. To resist abrasions and tearing the containers will consist of a woven geotextile "exterior" layer and a non-woven geotextile "interior" fabric liner. Each container will be about two feet in height, stacked three high, for a total height of about six feet. In the horizontal plane, the shoreline-perpendicular width of each sand container will vary by about two feet per level; from seven feet at the base to three feet in width at the top, which is about level with the existing grade of the backyard; the middle unit will be about five feet in width. The shoreline-parallel length of each wrap will vary to form a continuous erosion barrier seaward of the shoreline contour.

Mantokuji Mission of Paia, Maui April 8, 2022 Page 2

The landward edges of the fabric will be secured to the shoreline using metal soil anchors, galvanized metal pipe, and stainless-steel hardware. Overlapping fabric edges on the sides of the wraps will be secured with stainless steel hog-rings. The stacked fabric-wraps will be installed on top of a level foundation, constructed by arranging existing stones on the beach into the design shape with a top width of about nine feet. Existing large angular stones will be shifted to form a stable toe at the seaward edge of the foundation, while existing rounded smaller cobbles will be stacked to form the body of the level pad.

The sand-filled fabric wraps will extend approximately seven feet seaward from the existing escarpment and along approximately 112 linear feet of shoreline, covering an area of about 784 square feet. The existing foundation stones will extend about 3 feet from the end of the fabric-filled wraps, out to at least 10 feet beyond the existing erosion escarpment, encompassing a total area of approximately 1120 square feet .

Chap. 343 Trigger(s):

Use of State Land

Exemption Class No.:

In accordance with Hawaii Administrative Rules (HAR) Section 11-200.1-16 (a)(2) and the Exemption List for the Department of Land and Natural Resources reviewed and concurred 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, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing", Part 1, Item No. 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?:

No, the request is for short-term construction right-of-entry and revocable permits to install a temporary erosion control structure that will be a sandbag revetment.

The impact of this project will be to shore up an eroding escarpment to prevent further land loss while Applicant

Mantokuji Mission of Paia, Maui April 8, 2022 Page 3

implements a plan, which is to be formulated by Applicant's consultant, for beach restoration and/or moving the structures on their property further inland.

Action May Have Significant Impact on Particularly Sensitive Environment?:

No, staff believes there would be no significant impact to sensitive environmental or ecological receptors. The project has been reviewed and approved by subject matter experts in the DLNR Office of Conservation and Coastal Lands. MDLO staff cites general exemption Type 1, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing", Part 1, Item No. 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.

Consulted Parties

Consulted with DLNR Division of Aquatic Resources (DAR), DLNR Division of Engineering, Office of Conservation and Coastal Lands, State Historic Preservation Division (SHPD), Department of Health, Office of Hawaiian Affairs; and County of Maui Department of Planning and the Department of Public Works. DAR was supportive of installing a sandbag revetment at subject location because it will prevent soils from entering the nearshore waters. SHPD requested that Applicant provide an archaeological monitoring plan that must be accepted by SHPD prior to DLNR's issuance of the subject revocable permit. Engineering Division had no comments. Maui County Planning supported short-term protection measures for the subject property but suggested Applicant plan to move the structures inland within two years of authorization of the sandbag revetment. County Planning also suggested that Applicant remove the landward rubbish pit prior to installing the revetment. The remaining consulted parties did not respond by the suspense date.

Recommendation:

That the Board finds 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.

EXHIBIT D

DAVID Y. IGE GOVERNOR OF HAWAII





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES Office of Conservation and Coastal Lands

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

REF:OCCL:SS

Mantokuji Mission Board of Directors c/o Eric Moto, President 253 Hāna Highway Pā'ia, HI 96779 SUZANNE D. CASE CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
EDIST DEPUTY

M. KALEO MANUEL
DEPOTY DIRECTOR - WATER

AQUATIC RESQUECES
BOATHINGABO CEGEN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND MILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Emerg. CDUPOMA 21-10

MAY 1 2 2021

SUBJECT:

Emergency Conservation District Use Permit (CDUP) MA 21-10 for Temporary Shoreline Protection seaward of the Mantokuji Mission at 23 Hāna Highway in

Pā'ia, Maui; TMK (2) 2-6-008:013

Dear Mantokuji Mission Board of Directors:

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) has reviewed the information you provided regarding an emergency temporary shoreline protection structure fronting 23 Hāna Highway in Pā'ia, Maui.

The Chair of the Board of Land and Natural Resource had previously approved Emergency Conservation District Use Permit (CDUP) MA 21-2 for an emergency structure on October 9, 2020. However, that permit expired before any work was initiated. As such, a new permit will be required. The current proposal is identical to the previous one.

According to the information provided to our office, the main building at the Mantokuji Mission is less than 20 feet from the actively eroding shoreline.

The Mantokuji Mission was founded in 1906 and contains a graveyard on the western side of the property as well as temple structures on the eastern side of the property. The area between the temple structures and the beach has eroded and begun to threaten the temple structure at the Mantokuji Mission complex. Additionally, the erosion has exposed an old dumping site, with trash and debris in the area consisting of car parts, tires, carpet, and other assorted debris and junk (*Figure 1*). This exposed trash and debris are at risk of escaping into and subsequently contaminating the marine environment.





Figure 1 Photo of shoreline area showing car axel protruding from scarp; Image taken February 26, 2021

It should be noted that Oceanit, Inc. had previously submitted a plan for temporary emergency erosion control on behalf of the Mantokuji Mission Board of Directors to the Maui County Planning Department on March 3, 2020, but those plans have been revised. The plans relevant to this permit are those submitted to OCCL in a letter from Oceanit dated August 19, 2020 and are an updated version of those previously submitted to Maui County on March 3, 2020.

The beach in this area consists of a thin layer of sand over red clay alluvium, with a large amount of cobble stones in the area, as well. Within the upper beach profile of the shoreline fronting the subject property, there is a prominent erosion scarp that was the main catalyst in necessitating this application for an emergency temporary erosion control system.

Historically, the shoreline area fronting the subject property had been used for sand mining, which may have contributed to the exacerbation of the erosion issue at the subject site. The County of Maui granted an easement in 1933 for "the right to take and remove from the makai portion of the property beach sand in such quantities erection and construction of public works whether constructed or used by the grantee itself or under any contract or agreement therefore". This easement is attached to the end of this report as *Exhibit A*.

The subject property is facing chronic erosion, as visible on *Figures 2 and 3*, with images and graphs provided by the University of Hawaii's Coastal Geology Group. According to this data, the shoreline in the subject area is moving inland at an annual rate of roughly 1.6 feet. A screenshot of the Hawaii Sea Level Rise Viewer for the subject property is shown at *Figure 4*, revealing the serious threat that sea level rise and coastal erosion pose to the subject property.



Figure 2- Erosion map for subject area; Subject property highlighted

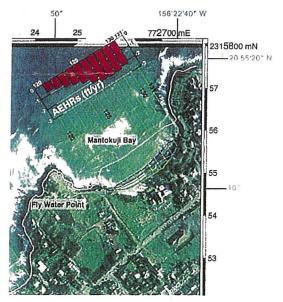


Figure 3 - Inset of map in Figure 2, Showing subject property

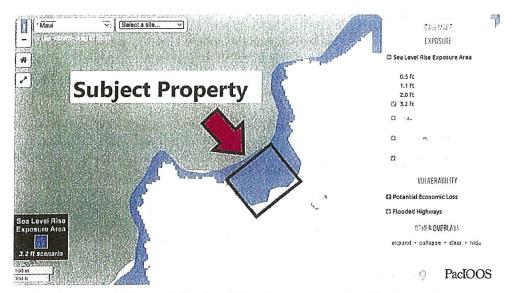


Figure 4 -Sea Level Rise Exposure Area in subject property

Based on Figures 2-4 above, the subject property is in serious danger of coastal erosion due to accelerating sea level rise and will likely lose significant areas to the combination of these events in the future. In light of the subject property's significantly threatened status, actions will need to be taken in the near future to protect the remaining improvements on the property and to ensure the protection of natural shoreline processes. It appears that there is an opportunity to relocate structures landward to address the inevitable effects that sea level rise and ongoing coastal erosion on the subject property.

In the meantime, you are requesting emergency authorization to place a temporary erosion control structure in the shoreline area fronting the subject property in Pā'ia, Maui that has been facing ongoing issues with chronic erosion. This process would include rearranging the existing rocks in the shoreline area in order to create a stable foundation, and subsequently constructing a temporary erosion control structure made of imported, beach-compatible sand wrapped in geotextile fabric to be placed along the length of the eroding scarp atop the cobblestone foundation. This beach-compatible sand would be pre-approved by OCCL before use.

A level foundation will be constructed to place the temporary erosion control system on. This foundation will consist of the rearranging of existing stones on the beach to create a solid foundation on which to build the structure. Larger stones will be rearranged and used to form a stable toe at the makai end of the proposed structure, and smaller stones will be stacked to form the body of a level pad. This method will allow for the structure to be placed upon a stable foundation and strengthen the structural integrity of the proposed structure as a whole.

The proposed temporary erosion control structure would be comprised of geotextile fabric materials wrapped around imported sand fill, with a woven geotextile 'exterior' layer and a non-woven geotextile 'interior' fabric liner comprising the wrapping material so as to minimize potential for abrasions and tearing. About 762 square yards of woven geotextile fabric and 270

square yards of non-woven geotextile fabric will be used in the construction of the temporary sand-filled wraps.

The individual wraps will be roughly 16 feet long but will be adjusted as needed to accommodate the step design as well as the local contours of the existing land and erosion scarp. Each wrap will be approximately 2 feet in height, and three step levels will be created totaling a height of approximately 6 feet. The shoreline-perpendicular width of each wrap will vary by about 2 feet per level, from 7 feet width at the base (first step) to about 3 feet width at the top of the stepped structure (third step). The mauka edge of the fabric will be secured to the land via metal soil anchors, galvanized metal pipe, and stainless-steel hardware.

The information provided states that the fabric filled wraps will extend approximately 112 linear feet of shoreline across the escarpment, with a total area of roughly 784 square feet. The stones used for the foundation will extend about 3 feet seaward of the edge of the fabric filled wraps, about 10 feet makai of the existing erosion scarp, for a total footprint area of approximately 1,120 square feet. Approximately 170 cubic yards of beach-compatible sand will be placed in the shoreline area for this project including the filling of the geotextile wraps.

The application received by our office states that any headstones, rubbish, or other debris found on the beach – including the concrete brick oven known to be in the shoreline area – will be removed from the beach area and properly handled. Rubbish, debris, and junk will be properly disposed of offsite, while the concrete brick oven, headstones, or other Mission related objects will be returned to the upland area of the property to be properly preserved away from the shoreline area.

Both seasonal and long-term conditions have resulted in erosion of the shoreline fronting the subject property, encroaching on the structures of the subject property and exposing debris that creates a safety hazard for this section of beach. After much consideration on the potential impacts of the proposed structure, as well as the feasibility of other designs to adequately protect the structures from imminent loss due to very high erosion rates, 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 Mantokuji Mission must develop a longer-term plan to move the coastal structures landward of the advancing escarpment. 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 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 Maui 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.

A Land Disposition is required from the Maui District Land Office in order to proceed with any work within State lands related to this permit.

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 erosion control as described above fronting the subject property at 23 Hāna Highway, Pā'ia, Maui, Tax Map Key (2) 2-6-008:013, 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 chronic beach erosion that is a safety hazard to both the existing temple structures on the subject property as well as the beach area itself, as the erosion has exposed previously covered rubbish, junk, and debris that could be released into the marine area. 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 routine maintenance of the proposed structure, will require a new application. At the end of the authorization period, the materials shall be removed;
- 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;
- 3. 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;
- 4. A plan for the relocation of the threatened structures must be submitted to the OCCL within two (2) years of the date of issuance of this emergency permit. The plan must include timeframes for implementation;
- 5. The permittee must secure a Land Disposition from the Maui District Land Office prior to initiating any construction or work on State land for the proposed project;
- 6. Any use of outside sand within the geotextile bags must be pre-approved by OCCL before use
- 7. The permittee shall obtain other necessary State and County permits for proposed the use prior to the initiation of construction, as necessary;
- 8. 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;
- 9. 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;
- 10. 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;
- 11. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
- 12. Any materials that become liberated from the structure must be immediately removed from the beach or ocean;
- 13. 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;
- 14. Obstruction of lateral shoreline access shall be avoided or minimized;
- 15. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
- 16. 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;

- 17. 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;
- 18. 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;
- 19. No night work that requires outdoor lighting during seabird fledging season from September 15 through December 15;
- 20. For any and 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;
- 21. 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;
- 22. 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;
- 23. 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;
- 24. The permittee shall comply with all applicable Department of Health Administrative Rules:
- 25. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
- 26. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
- 27. 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;
- 28. The permittee acknowledges 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;
- 29. 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;

- 30. 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;
- 31. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;
- 32. Other terms and conditions as prescribed by the Chairperson; and
- 33. 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,

Sgamo Q. Case

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

I concur with the conditions of this letter:

E Moto

Date: 06 08 2021

Signature of Applicant or Representative

Eric Moto President-Mantokanji Kyodan

Print Name & Title

CC: Oceanit Laboratories, Inc.

c/o Michael Foley, Ph.D., P.E.

MDLO

County of Maui, Planning Department



KNOW ALL MEN BY THESE PRESENTS, that MODTOKUJI MISSION of Paia, County of Maui, Territory of Hawaii, hereinafter referred to as the grantor which expression shall and will include its successors and assigns where the context so permits or requires for and in consideration of the sum of ONE HUMDRED (\$100,00) Dollars, lawful money of the United States to it in hand paid by and on behalf of the County of Maui, hereinafter referred to as the grantee, which expression shall and will include it's successors and assigns where the context so permits or requires, the receipt whereof is hereby acknowledged does and give/grant unto the grantee a perpetual easement for a right-of-way over, through and across it's property at Paia, being a portion of Lot 7 to Ahuna of Section 2, of the second partition of the Hamakuapoko-Hui Lends, district of Hamakuapoko, County of Maui, Territory of Hawaii, said right-of-way being described as follows:

Beginning at a point at the entrance of the Montokuji Mission Lot on the North boundary of the Paia-Haiku Government Boad and 230°--41', 307.00 fest distant from the south corner of the Montokuji Mission Lot, the coordinates of said corner referred to the Government Triangulation Station "PUU MENE" being

7139.5 feet Morth
5983.2 feet East and running thence by true azimuths
from the point of beginning measured clockwise from true Souths

1. Along the center line of present 10 foot road-way, the direct aximuth and distance being 70° 06',244.00 feet, thence

2.143° 20',410.00 feet along the centerline of present 10 foot roadway to edge of Sand Pit at High water mark.

And in further consideration thereof the said grantor does give and grant unto the grantee a right to take and remove from the makai portion of the property of the grantor herein-above referred to beach sand in such quantities as may be

Exhibit A – May 16, 1933 Easement for Sand Mining at Subject Property

2

required by the grantee in the building, repair and maintenance of public roads and in the erection and construction of public works whether constructed or used by the grantee itself or under any contract or agreement therefor made by the grantee with other persons and such sand to be so taken and removed under permit from the authorized representative of the grantorl

IT BEING HOWEVER EXPRESSLY AGREED AND UNDERSTOOD that in the use of said right-of-way and in the removal of sand as herein permitted, the grantee will not unnecessarily inconvenience the grantor or it's permittees and licensees in the use of the property of the grantor, or any portion thereof.

IN WITHERS WHEREOF the grantor has caused this instrument to be executed on it's behalf by the Rev. S. Ueoka on the 16th day of May 1933.

MONTOKUJI MISSION.

BY (Sgd) Rev. S. Ueoka

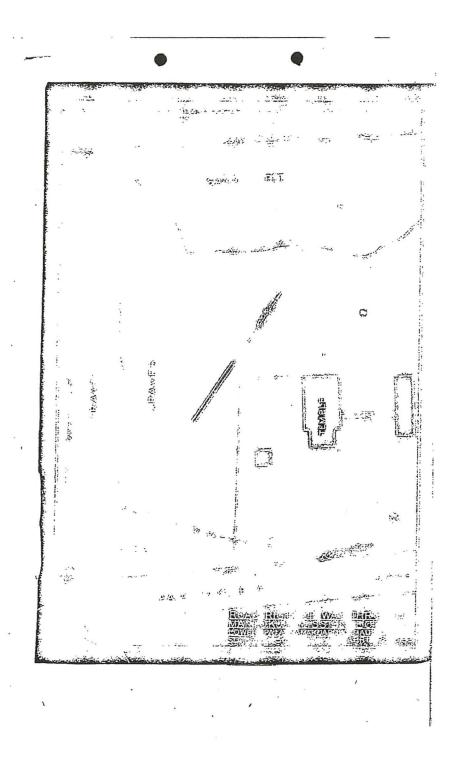
Its (Minister)

TERRITORY OF HAWAII)
iSS
County of Maui.)

On this loth day of May 1933 before me personally appeared Rev. S. Uecka who being first duly sworm did say that he is the Minister of the Montokuji Mission of Paia, Countyqof Maui, a Hawaiian Corporation, that the said Corporation has no official seal; that the foregoing instrument was signed on behalf of said Corporation by authority of it's board of truttees and the said Rev. S. Uecka acknowledged said instrument to be the free act and deed of said corporation.

(Sgd) B. R. Bevins

(Sgd) B. R. Bevins Notary Public, Second Judicial Circuit, T. H.



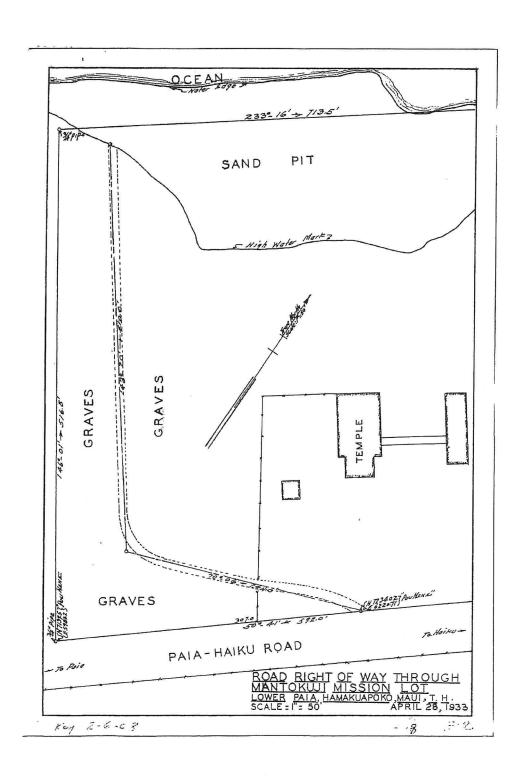




EXHIBIT E

MICHAEL P. VICTORINO Mayor

MICHELE CHOUTEAU MCLEAN, AICP Director

> JORDAN E. HART Deputy Director





DEPARTMENT OF PLANNING

COUNTY OF MAUI ONE MAIN PLAZA 2200 MAIN STREET, SUITE 315 WAILUKU, MAUI, HAWAII 96793

November 12, 2020

Mr. Eric Moto, President Mantokuji Mission Temple P.O. Box 790207 Paia, Hawaii 96779

Dr. Michael Foley, Ph.D., P.E. 828 Fort Street Mall, Suite 600 Honolulu, Hawaii 96813

Dear Mr. Moto and Dr. Foley:

SUBJECT:

SPECIAL MANAGEMENT AREA (SMA) MINOR PERMIT, SHORELINE SETBACK APPPROVAL (SSA) AND ENVIRONMENTAL ASSESSMENT EXEMPTION (EAE) FOR MANTOKUJI MISSION TEMPLE TEMPORARY SHORELINE PROTECTION, LOCATED AT 253 HANA HIGHWAY, PAIA, ISLAND OF MAUI, HAWAII; TMK: (2) 2-6-008:013 (SMX 2020/0158) (SM2 2020/0095) (SSA 2020/0025) (EAE 2020/0066)

In response to your application received on March 20, 2020, and revised by letter dated October 22, 2020, to the Department of Planning (Department), and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

- 1. The project is a development;
- 2. The project has a valuation not in excess of \$500,000.00; (Valuation: \$70,000.00 approximately)
- 3. The proposed scope of work consists of placement of temporary erosion control seaward of the Mantokuji Mission Temple;
- 4. The project is not anticipated to have significant adverse environmental or ecological effects, provided that Best Management Practices (BMPs) are implemented; and
- 5. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

Mr. Eric Moto and Dr. Michael Foley November 12, 2020 Page 2

In consideration of the above determination, you are hereby granted a SMA Minor Permit Approval (SM2 2020/0095), subject to the following conditions:

- That construction shall be in accordance with the descriptions and representations depicted in the revised plans and site plan received by the Department in a letter from Oceanit dated October 22, 2020, as shown in Exhibit 1. Furthermore the Permittee shall adhere to all terms and conditions and representations described in the Emergency Conservation District Use Permit (CDUP) for temporary shoreline protection issued by the State of Hawaii Department of Land and Natural Resources Office of Conservation and Coastal Lands (DLNR-OCCL) dated October 9, 2020, and referred to in Exhibit 1. This permit from the DLNR-OCCL authorizes placement of temporary shoreline protection for three years from the date of the Department of Land and Natural Resources letter or until October 9, 2023. Construction work is to be completed within 180 days from the approval of the CDUP. The Permittee shall notify the County of Maui at least 24 hours before initiating construction. Finally, a completion report shall be submitted to the County of Maui within 90 days of completion of work.
- 2. That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used. Furthermore, the Permittee shall notify the County of Maui of the DLNR-OCCL's approval of the use of beach compatible sand for the erosion control measure.
- That the Permittee shall during construction of the shoreline protection measure have members and/or qualified representatives of the Mantokuji Mission Temple on-site to monitor work inspecting for the discovery of historic resources, human skeletal remains, and/or cultural deposits.
- 4. That in the event that historic resources, including human skeletal remain, structural remains, cultural deposits, or lava tubes are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) shall be contacted immediately.
- That full compliance with all other applicable governmental requirements shall be rendered.

Mr. Eric Moto and Dr. Michael Foley November 12, 2020 Page 3

6. That the Permittee shall provide to the County of Maui by October 9, 2022, preliminary plans and designs for a permanent solution to the erosion and consequent threat to the Mantokuji Mission Temple.

Furthermore, in accordance with the Shoreline Rules for the Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

- 1. The site is a shoreline property and is subject to the Commission's Shoreline Rules.
- A portion of the project is within the shoreline setback area. The proposed work inside the shoreline setback area is permissible pursuant to Section 12-203(a)(9) which allows: "A structure or activity that has been determined by the director to be a minor structure or minor activity within the shoreline setback area which does not adversely affect beach processes, does not artificially fix the shoreline, and does not interfere with public access or public views to and along the shoreline and which meets the purpose of this chapter, HRS chapter 205A, as amended, and chapter 19.62, Maui County Code, relating to coastal high hazard districts."
- A portion of the project is located in Flood Hazard Area Zone VE; however, this
 shoreline protection measure is considered a temporary measure and no flood
 development permit is anticipated.

Accordingly, you are hereby granted a Shoreline Setback Approval (SSA 2020/0025), subject to the following conditions:

- 1. That work is in accordance with the permitted measures as described in Exhibit 1.
- That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products, or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near-shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.
- That all work shall immediately cease should any historical or archeological artifacts be discovered during ground-altering activities and the DLNR-SHPD office on Maui be contacted at (808) 243-5169.
- That the permitted measures will be maintained and kept in good condition during the life of the project.

Mr. Eric Moto and Dr. Michael Foley November 12, 2020 Page 4

- 5. That all conditions of the Emergency Conservation District Use Permit for temporary shoreline protection issued by the State of Hawaii DLNR-OCCL dated October 9, 2020, and referred to in Exhibit 1 shall be followed.
- 6. That full compliance with all other applicable governmental requirements shall be rendered.

In addition, the Department finds that the proposed action triggers compliance with HRS Chapter 343 pertaining to environmental review because it may include the use of the shoreline area and/or conservation district. However, the proposed action qualifies as an exempt class of action pursuant to Hawaii Administrative Rules 11-200.1-15 (c):

(4) Minor alterations in the conditions of land, water, or vegetation.

In light of the above determination, you are granted an Environmental Assessment Exemption (EAE 2020/0066).

In summary, the Department grants a SMA Minor Permit (SM2 2020/0095), Shoreline Setback Approval (SSA 2020/0025) and Environmental Assessment Exemption (EAE 2020/0066) for the work described in your SMA Assessment Application (SMX 2020/0158). PLEASE NOTE THAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED.

Thank you for your cooperation. If additional clarification is required, please contact Kurt Wollenhaupt, Staff Planner, by e-mail at kurt.wollenhaupt@mauicounty.gov or by phone at (808) 270-1789.

Sincerely,

CLAYTON I. YOSHIDA, AICP

On Jege

Planning Program Administrator

MICHELE MCLEAN, AICP

Planning Director

Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)

John S. Rapacz, Planning Program Administrator (PDF)

Kurt Wollenhaupt, Staff Planner (PDF)

James A. Buika, Coastal Resources Planner (PDF)

Development Services Administration (PDF)

Tara M. Owens, University of Hawaii Sea Grant Extension Agent, Maui (PDF)

Shellie Habel, University of Hawaii Sea Grant Extension Agent, Honolulu (PDF)

for

Samuel Lemmo, Department of Land and Natural Resources Office of Conservation and Coastal Lands (PDF)

Salvatore Saluga, Department of Land and Natural Resources Office of Conservation and Coastal Lands (PDF)

Eric Moto, Mantokuji Mission Temple (PDF)

Michael Foley, Consultant (PDF)

Taylor Chock, Consultant (PDF)

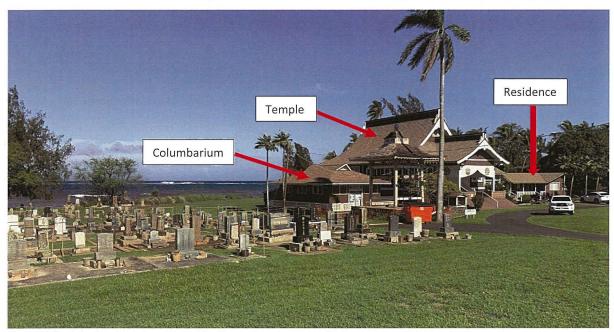
Project File

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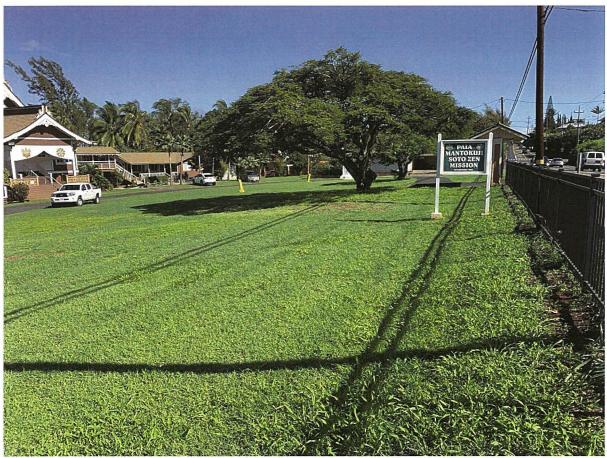
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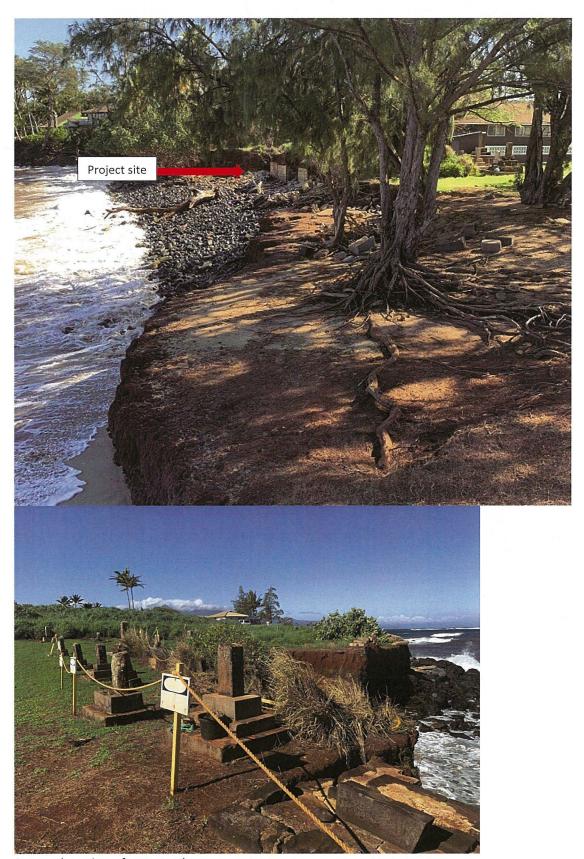
EXHIBIT F



Threatened Structures



Temple grounds adjacent to Hana Highway



Seaward portion of graveyard



Erosion progression in proximity to the temple structure.

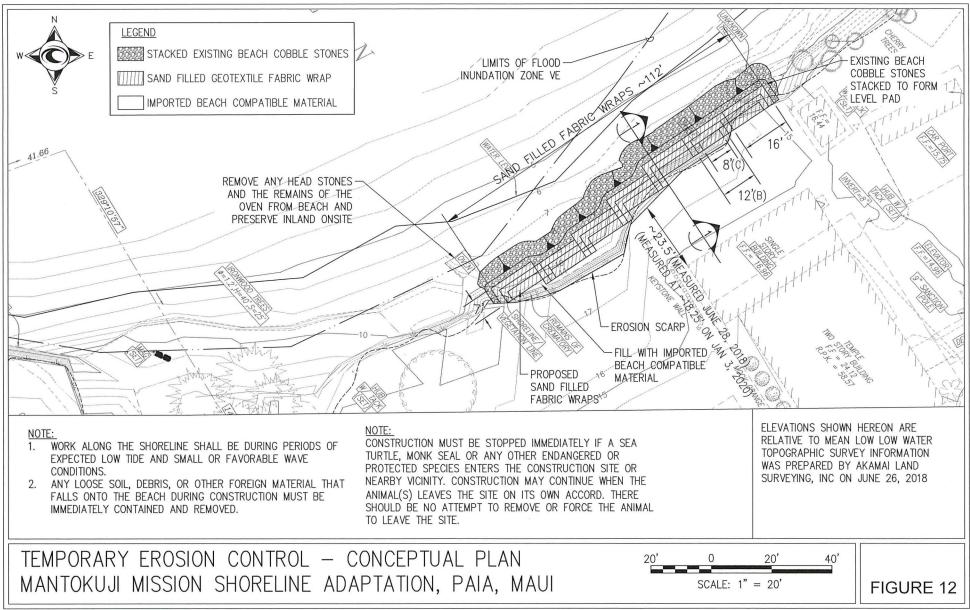


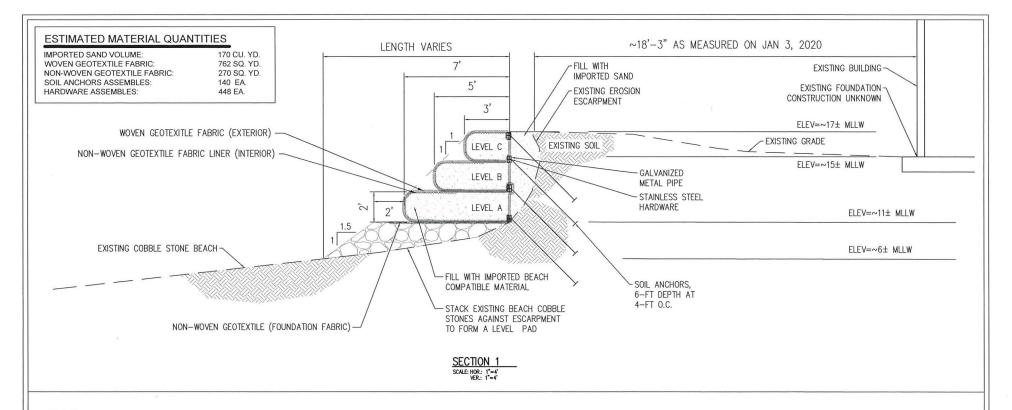
View of erosion escarpment where the temporary erosion control structure would be placed. Disused concrete oven will be moved upland onto temple property.



Headstone that has eroded and fallen onto the beach.

EXHIBIT G





NOTES:

- 1. ALL MATERIALS USED TO INSTALL THE EROSION BLANKET (I.E. GEOTEXTILE FABRICS, SOIL ANCHORS, HARDWARE, ETC.) MUST BE APPROVED BY THE ENGINEER PRIOR TO CONSTRUCTION.
- 2. ALL IMPORTED MATERIALS MUST BE APPROVED BY THE ENGINEER. ONLY BEACH COMPATIBLE FILL SHOULD BE PLACED IN THE EROSION CONTROL DESIGN. BEACH COMPATIBLE FILL SHOULD MAINTAIN THE GENERAL CHARACTER AND FUNCTIONALITY OF THE EXISTING BEACH AND THE ADJACENT DUNE AND COASTAL SYSTEM. THE FILL MATERIAL SHOULD BE SIMILAR IN COMPOSITION, GRAIN SIZE DISTRIBUTION (SAND GRAIN FREQUENCY, MEAN AND MEDIAN GRAIN SIZE, AND SORTING COEFFICIENT), COLOR, AND TEXTURE, AND SHOULD NOT CONTAIN: GREATER THAN TWO PERCENT (2%), BY WEIGHT, SILT, CLAY, OR COLLOIDS PASSING THE #230 SIEVE (4.0¢): GREATER THAN FIFTY PERCENT (50%), BY WEIGHT, VERY FINE SAND PASSING THE #120 SIEVE (3.0¢); GREATER THAN TEN PERCENT (10%), BY WEIGHT, FINE GRAVEL RETAINED ON THE #4 SIEVE (-2.25¢); COARSE GRAVEL, COBBLES, OR MATERIAL RETAINED ON THE \$\frac{3}{4}\$ INCH SIEVE (-4.25¢) IN A PERCENTAGE OR SIZE GREATER THAN THAT FOUND ON THE NATIVE OR EXISTING BEACH; MATERIAL THAT RESULTS IN CEMENTATION OF THE BEACH.

TEMPORARY EROSION CONTROL — CONCEPTUAL SECTION MANTOKUJI MISSION SHORELINE ADAPTATION, PAIA, MAUI

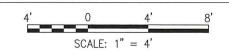


FIGURE 13

EXHIBIT H

DAVID Y. IGE



2021 JUN 25 PM 3: 18



STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621 HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA

M. KALEO MANUEL

AQUATIC RESOURCES
BOATING AND COEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LAND
CONSERVATION AND RESOURCES ENFORCEMENT
ENONEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVATION
LAND
STATE PARKS

Re: Emer CDUP MA-21-10

Jun 16, 2021

Ref: OCCL:SH

Michael Foley, Coastal Engineer Oceanit Center 828 Fort Street Mall, Suite 600 Honolulu, Hawaii 96813

Subject:

Sand Source Determination Regarding Emergency Conservation District Use

Permit (CDUP) MA 21-10 for Temporary Shoreline Protection seaward of the Mantokuji Mission at 23 Hana Highway in Pā'ia Maui; TMK (2) 2-6-008:013

Dear Dr. Foley,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is responding to a letter received on May 26, 2021 from CMAC Excavation LLC. The letter states that it was sent "in regards to a temporary beach structure restoration project at the mantokuji temple in Paia, Maui". The letter included two samples of sand sourced, as labeled, from "Kihei Boat Harbor" and "Wailuku", respectively. It is assumed that the letter and sand samples were sent as part of a requirement within DLNR authorization Emergency CDUP MA-21-10, that sand be pre-approved by OCCL DLNR prior to use in the subject project. The May 26, 2021 letter did not include a sand analysis report, which is typically required by OCCL for such consideration.

Emergency CDUP MA-21-10 was authorized on May 12, 2021. It was also previously authorized as MA 21-2 on October 9, 2020; however, that permit expired before work was initiated. The project includes construction of a temporary erosion control structure comprised of imported beach compatible sand wrapped in geotextile fabric that would be placed along the length of an eroding scarp fronting the property. Approximately 170 cubic yards of beachcompatible sand would be placed in the shoreline area for this project including the filling of the geotextile wraps. Again, as stated in authorization MA 21-10, this beach compatible sand requires pre-approval by DLNR OCCL prior to placement.

The present letter is to inform you that the two sand sources submitted, entitled "Kihei Boat Harbor" and "Wailuku", respectively, have been deemed NOT appropriate by the DLNR OCCL for placement on the beach, as the sand sources do not appear to meet State quality standards as stated below:



- a) The proposed sand does not contain more than six (6) percent fines, defined as the #200 sieve (0.074 mm).
- b) The proposed sand does not contain more than ten (10) percent coarse sediment, defined as the #4 sieve (4.76 mm) and shall be screened to remove any non-beach compatible material and rubble.
- c) No more than 50 (fifty) percent of the fill sand has a grain diameter less than 0.125 mm as measured by #120 Standard Sieve Mesh.
- d) The sand shall be dominantly composed of naturally occurring carbonate beach or dune sand. Crushed limestone or other man made or non-carbonate sands are unacceptable.

Specifically, both sand samples appear to contain higher than six (6) percent fines and appear to be dominantly comprised of non-carbonate terrigenous material. DLNR OCCL requires that State quality standards are met to ensure that water quality and marine resources are protected and preserved.

Further, we would like to remind you that a signed and acknowledged Right-of-Entry permit/land disposition by the DLNR Maui District Land Office is required prior to completion of any work accomplished as part of Emergency CDUA MA-21-10, as stated in condition 5 of the subject authorization.

Should you have any questions or comments, please contact Dr. Shellie Habel, Sea Grant Extension Agent and Coastal Lands Program Coordinator at DLNR OCCL, at (808) 587-0049 or Shellie.L.Habel@hawaii.gov.

Sincerely,

Sam Lemmo

Samuel J. Lemmo, Administrator Office of Conservation and Coastal Lands

CC: Maui County Planning Department
Maui Land Division Office
Mantokuji Mission Board of Directors
c/o Eric Moto, President
253 Hana Highway
Pa'ia, HI 96779
CMAC Excavation LLC
c/o Cody MacDonald
P.O. Box 1630
Makawao, HI 96768

EXHIBIT I



EXHIBIT J

DAVID Y. IGE GOVERNOR OF HAWAII





STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF AQUATIC RESOURCES 1151 PUNCHBOWL STREET, ROOM 330

HONOLULU, HAWAII 96813
Date: 2/24/2022
DAR #AR0160

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

ROBERT K. MASUDA FERST DEPUTY

M. KALEO MANUEL DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES

AQUATIC RESOURCES

BOATING AND OCBAN RECREATION
DUREAU OF CONVEYANCES

COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS

CONSERVATION AND RISOURCES ENFORCEMENT
ENDINEERING
FORESTRY AND WILDLIFE

HISTORIC PRESERVATION

KARIOGLA WE BLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORAND TO:	DUM Brian J. Neilson DAR Administrator
FROM:	Russell Sparks Turnell Joule, Aquatic Biologist
SUBJECT:	Request for comments on the issuance of a revocable permit to allow for temporary erosion control structures along the shoreline fronting the Mantokuji Mission of Paia.
	nitted by: Seiko Machida, Maui Land Agent Mantokuji Mission of Paia, TMK: (2)2-6-008:seaward of 013
Location of Pr	oject:
Brief Description of Project: Project seeking a revocable permit to conduct construction work along the shoreline in Paia Maui. Project plans call for the installation of a temporary sand filled geotextile coastal erosion protection system along 112 linear feet of shoreline. As a temporary coastal protection system, there is a requirement for a longer-term building relocation plan to be submitted by May 12, 2023 and for this plan to include an implementation timeline.	
Comments: ☐ No Comme	nts 🗷 Comments Attached
-	providing DAR the opportunity to review and comment on the proposed project. Should hanges to the project plan, DAR requests the opportunity to review and comment on those
Comments Ap	proved: Date: Feb 24, 2022
Commonts Ap	Brian J. Neilson

DAR Administrator

Comments

The problems with coastal erosion in the area fronting the Mantokuji Mission of Paia are well established and have been obvious for many years. Therefore, the Maui Office of the Division of Aquatic Resources is supportive of any appropriate effort to address these problems. We acknowledge that ongoing coastal erosion in areas with high levels of clay and other terrigenous sediments, results in degraded coastal water quality, which in turn can lead to chronic stress on nearshore aquatic habitats. As a result, we support the plan to install temporary coastal protection in this area. However, we have noticed many coastal properties around Maui with similar temporary geotextile protective structures which have been left unmaintained and with no plans for longer term solutions. With that in mind, we appreciate the requirements that go along with this application for a structure relocation plan that is due by May 12, 2023 and for this plan to include an implementation timeline. We encourage that this condition be vigorously enforced and if these longer-term solutions are not going to be pursued, that the temporary structures be removed at the expense of the applicant. The removal bond needs to be sufficient to fund the full removal if it becomes necessary. As part of these longer-term coastal erosion plans, we would encourage the applicant to include efforts at coastal beach nourishment in addition to building relocation. The coastal sedimentation that occurs as clay banks are eroded into the ocean, will not be solved by simply retreating further inland. Instead the longer-term plan should look towards moving the structures while simultaneously building up softer coastal protection buffers with sand nourishment (Preferably from sand harvested offshore when possible). Depending on the conditions along this area of shoreline, it may also be important to design and build small groins to help keep the sand in place. These types of efforts may be the only way to help protect the coastline and any coastal properties, while also addressing the problems with chronic long-term turbidity.

EXHIBIT K

DAVID Y. IGE GOVERNOR OF





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION KAKUHIHEWA BUILDING 601 KAMOKILA BLVD., STE 555 KAPOLEI, HI 96707 SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA

M. KALEO MANUEL DEPUTY DIRECTOR - WATER

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

March 9, 2022

Seiko Machida, Land Agent State of Hawaii Department of Land and Natural Resources (DLNR) 130 Mahalani Street Wailuku, HI 96793 c/o Seiko.J.Machida@hawaii.gov IN REPLY REFER TO: Project No.: 2022PR00160 Doc. No.: 2203AM08 Archaeology

Dear Seiko Machida:

SUBJECT:

Chapter 6E-42 Historic Preservation Review -

DLNR Revocable Permit # 8BG6J1CLUBNM, Reference No. 21MD-088

Mantokuji Mission of Paia's Installation of Temporary Erosion Control Structures Project

Hāmākuapoko Ahupua'a, Hāmākuapoko District, Island of Maui

TMK: (2) 2-6-008: Seaward of 013

This letter provides the State Historic Preservation Division's (SHPD's) review of the DLNR revocable Permit # 8BG6J1CLUBNM for the Mantokuji Mission of Paia's Installation of Temporary Erosion Control Structures Project. SHPD received a letter from DLNR requesting our review of the project on February 10, 2022.

Mantokuji Mission of Paia (applicant) proposes the installation of temporary erosion control sandbag-like structures on the shoreline fronting the temple. DLNR indicates the project will also include the movement of headstones from the beach to a location inland, and removal of a crematory oven from the shoreline. There is no excavation associated with the project. Photographs of the project areas show the shoreline in front of the Mantokuji Mission of Paia has been severely eroded by wave action.

A search of our records indicates the Paia Mantokuji Soto Mission is the second oldest standing Buddhist temple on Maui. The property includes a temple sanctuary, social hall, cemetery, bell tower, war memorial, and other related buildings and structures. The Paia Mantokuji Soto Mission is listed on the Hawaii Register of Historic Places as SIHP # 50-50-03-09041 as significant under criteria a, b, and c (Nomination Form, Solamillo 2008).

SHPD has insufficient information to determine the potential for the project to adversely impact archaeological historic properties including exposed human remains along the shoreline. Therefore, **SHPD requests** archaeological monitoring be conducted for identification purposes in order to adequately identify if any archaeological historic properties are present and, if so, to determine potential impacts to them and, if necessary, to ensure that appropriate mitigation is implemented.

Additionally, SHPD looks forward to receiving an archaeological monitoring plan (AMP) meeting the requirements of HAR §13-279-4 be submitted for SHPD's review and acceptance prior to permit issuance. A list of permitted archaeological firms is provided at: http://dlnr.hawaii.gov/shpd/about/branches/archaeology/.

Please submit the AMP and associated submittal review fee, along with a copy of this letter, to HICRIS Project 2022PR00160 using the Project Supplement option.

Seiko Machida 03/09/2022 Page 2

SHPD shall notify your DLNR division when the AMP is accepted and the project initiation process may continue.

Please contact Andrew McCallister, Maui Archaeologist IV, at andrew.mccallister@hawaii.gov for any matters regarding archaeological resources in this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy State Historic Preservation Officer



EXHIBIT L

MICHAEL P. VICTORINO Mayor

MICHELE CHOUTEAU MCLEAN, AICP Director

JORDAN E. HART Deputy Director





DEPARTMENT OF PLANNING

COUNTY OF MAUI ONE MAIN PLAZA 2200 MAIN STREET, SUITE 315 WAILUKU, MAUI, HAWAII 96793

March 8, 2022

Seiko Machida, Land Agent

DLNR, Maui District Land Office

130 Mahalani Street, Wailuku, Hawaii 96793

Email Seiko.j.machida@hawaii.gov

SUBJECT: REQUEST FOR COMMENTS MANTOKUJI MISSION OF PAIA, MAUI, TMK: (2) 2-6-008: SEAWARD OF 013 (RFC 20220023)

Thank you for this opportunity to comment on the subject proposed project located in the State Conservation Zone. The County of Maui Department of Planning (Department) provides you with the following project background and information as well as several suggested project specific conditions to consider.

The Department appreciates the State's attention to this project and its sensitive shoreline and coastal ecosystem -- anything the State can do to facilitate more regional shoreline planning as opposed to parcel-by-parcel reactive permit processing, is appreciated. For Mantokuji Bay, both the State and County seek a regional shoreline solution to minimizes losses and further coastal erosion.

- At least two uninhabited structures are proposed to be protected from continued shoreline erosion. Both structures are old and unique as well as historic in design and value.
- Having conducted site visits to the parcel and shoreline many times over the past 15 years, the
 County of Maui Planning Department is fully aware of the shoreline erosion situation at
 Mantokuji Bay with respect to existing structures and the culturally-sensitive and
 environmentally-sensitive shoreline.
- The eroding shoreline is culturally sensitive in that burial plots and grave headstones continue
 to erode away and fall into the ocean. At any one time, there are usually gravestones within
 the high wash of the waves.
- Additionally, this is an environmentally sensitive shoreline in that green sea turtles haul out on
 to the beach on a daily basis. Thus, not only do we need to find a solution to protecting the atrisk structures, but we also must seek a solution that protects the graveyard and the turtle
 habitat
- Furthermore, the wave energy at the shoreline has exposed the edge of a potentially hazardous modern-day waste dump.

- Several houses on with eastern side of the bay have rip-rapped their shorelines, which most
 likely channels wave energy towards the unprotected shoreline, exacerbating the eroding bluffs
 fronting the two subject Mission uninhabited structures, in a domino effect.
- In summary, coastal erosion will continue. By way of important background, finding a solution to slow down the continued chronic erosion at the shoreline, besides moving out of harms way, is a difficult one. The Department and several consultants, and the applicant, continue to struggle with what is the preferred solution. Most likely, the high-energy, north-shore wave environment will continue eroding back the entire bay bluff with time.

Within this context, the County provides the following suggested supportive conditions to allow protection of the identified at-risk development located mauka of the conservation zone for a limited time period of three years.

- 1) No County permit may be required. County shoreline rules only allow for protection of inhabited structures. The Mission building and an annex building used for kitchen facilities are not inhabited and thus, do not qualify for protection under the Shoreline Rules for the Maui Planning Commission. The county permit for shoreline protection, that is included in your packet, has expired for a different temporary solution that has recently been amended and is before you. If the proposed temporary project is only in the State Conservation Zone, then no county permit is required.
- 2) Suggested condition of approval. The County suggests removing the identified rubbish pit. Unfortunately, the shoreline erosion has exposed a modern-day rubbish pit that does not appear to be of any cultural significance. Thus, the county suggests a project condition such as: "that rubbish be removed, to the extent practicable, using land-based machinery as the very first step of action rather than protecting the rubbish with an erosion skirt temporary system. No machinery shall be allowed to enter the ocean." Removal of rubbish most likely can be achieved using land-based machinery.
- 3) Suggested condition of approval. If the State authorizes shoreline erosion protection, it should limit the protection to no more that three years, during which time, the applicant must facilitate to move the uninhabited structures out of harms way. Moving structures out of harms way is an expensive solution, but the applicant does have the land to move the threatened structures. Moving the existing structures, rather than demolition and reconstruction, possibly can be achieved. As a condition of approval the Department suggests the following language for the shoreline protection approval: "That within 2 years of authorization, the applicant gain up to three written bids defining detailed cost to move the at-risk structures inland as much as possible."
- 4) The Department has seen the 20-foot tall western bluff fully erode back about 20 feet in the last decade. As the bluff erodes, it takes with it burial plots and gravestones from a large cemetery plot dating back to a very famous Ansel Adams photograph, and topples these burials and grave headstones onto the beach. Fortunately, the eroded bluff has been replaced by a sandy beach that is heavily populated by green sea turtles that haul out onto this beach during the day. I have personally counted over 20 sea turtles basking on multiple occasions thus, the beach at the western bluff should be maintained and preserved in its current state to provide needed habitat for the green sea turtles. Many pictures can be provided of the turtles resting on the beach.

If additional clarification is required, please contact <u>James.buika@mauicounty.gov</u> at or at (808) 270-6271.

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James Buil

Coastal Resource Planner

For Clayton I. Yoshida Planning Program Administrator

xe: Clayton I Yoshida, Planning Program Administrator (PDF)

Jacky Takakura, Acting Planning Program Administrator (PDF)

Linda Kim, Current Division (PDF)

Project File

CIY:JAB

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