

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

August 12, 2022

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

PSF No.: 22MD-019

Maui

Issuance of Revocable Permit and Immediate Construction Right-of-Entry to HMC Maui LP, to Replace Existing Erosion Protection Skirt Fronting the Hyatt Regency Maui, Honokowai, Kaanapali, Lahaina, Maui, Tax Map Key: (2) 4-4-013: seaward of 008.

APPLICANT:

HMC Maui LP, a Delaware limited partnership.

LEGAL REFERENCE:

Sections 171-11 and -55, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of the State of Hawaii situated at Honokowai, Kaanapali, Lahaina, Maui, identified by Tax Map Key: (2) 4-4-013: Seaward of 008, as shown on the attached map labeled Exhibit A.

AREA:

2,000 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:

TMK (2) 4-4-013: seaward of 008 is set aside to the Division of Boating and Ocean Recreation (DOBOR) for ocean and ocean-related recreational and commercial purposes via Executive Order 4230.

CHARACTER OF USE:

For purposes of entering submerged lands to replace an existing temporary erosion control structure.

COMMENCEMENT DATE:

Commencement date to be determined by the Chairperson.

MONTHLY RENTAL:

Monthly rental amount of \$1,133 has been calculated by staff, and has been reviewed and approved by the Chairperson. See Exhibit B.

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.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) Section 11-200.1-16 (a)(1) 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;" and Part 2, Item No. 2 that states, "Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features and biological resources." The exemption notification is attached as Exhibit C.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Adhere to the Terms and Conditions set forth in the DLNR Office of Conservation and Coastal Lands (OCCL) Temporary Emergency Conservation District Use Permit (CDUP) number E-CDUP MA 22-02 dated January 31, 2022, copy attached as Exhibit D.
- 2) 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 sandbag revetment structure in the event that applicant fails to remove the structure prior to expiration of OCCL Emergency CDUP MA 21-06 on February 3, 2024.
- 3) Pay the monthly rental amount of \$1,133 as approved by the Chairperson on March 25, 2022, for the duration of the Revocable Permit.
- 4) Obtain required County shoreline and building permits prior to commencing work.

REMARKS

HMC Maui LP ("Applicant") is hiring a contractor to replace a damaged erosion protection skirt (EPS) makai of the shoreline fronting the Hyatt Regency Maui. Applicant needs right of entry and revocable permits so they may enter the shoreline to replace the EPS. The EPS needs to be replaced because it became torn, in multiple places toward the west end of the structure, between January and October of 2021 and was determined to be damaged beyond repair. A letter from the Applicant's consultant, Sea Engineering, Inc., which provides an overview of the project, including background information, recent condition of the EPS, and the long term plan, is attached as Exhibit E. A description of the proposed work is attached as Exhibit F. Due to the layout of the resort, the excavator will need to enter the shoreline at the south end of the resort and traverse the shoreline to the work area. An overhead image of the resort with the excavator route in white arrows is attached as Exhibit G. It is estimated that the excavator will traverse the shoreline back and forth once a day for six days. The hauling of materials will be done using smaller utility vehicles, landward of the shoreline.

Permission to enter the shoreline to install the original EPS was granted by the Division of Boating and Ocean Recreation (DOBOR) because the subject shoreline falls within the Kaanapali Ocean Recreation Management Area (ORMA) which is under the jurisdiction of DOBOR. The current proposed disposition is being processed by Land Division so the Department can charge rent for the shoreline encroachment, and establish a revocable permit, thereby having a way of tracking the EPS through an annual revocable permits review.

The Board has authority under Section 171-11, HRS, to issue permits over lands set aside to other agencies to the extent the permit covers portions of the set-aside area “not presently utilized or required for the public purpose stated” In this case, the work in the shoreline area to replace the EPS is in a location that is not normally utilized or required for DOBOR’s purposes under Executive Order No. 4230.

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

Agency	Comment
DLNR--DAR	No objections and no comments.
DLNR—Engineering	Applicant is responsible to research the Flood Hazard Zone designation for the project.
DLNR--OCCL	Concurred with Chapter 343 exemption.
DLNR--DOBOR	No response received by suspense date.
OHA	No response received by suspense date.
Maui County Planning Dept.	No comment.

With regard to DLNR Engineering’s comment, Applicant researched the Flood Hazard Zone designation for the property mauka of the shoreline; however, the proposed project will be makai of the shoreline and a County flood development permit is not required.

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 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:

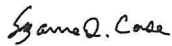
- A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- 3. Authorize the issuance of an immediate construction right-of-entry 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 revocable 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.

Respectfully Submitted,



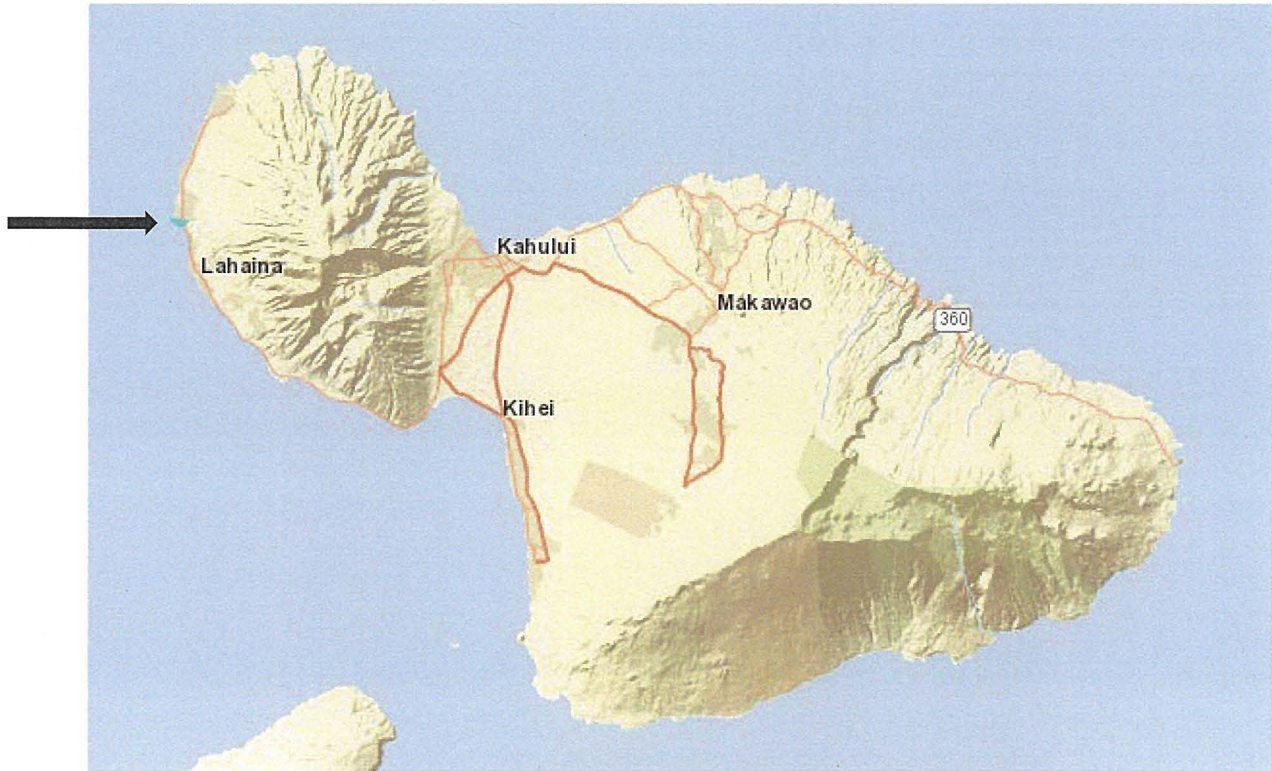
Seiko Machida
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson







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

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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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: March 24, 2022
Subject: HMC Maui LP Shoreline Revocable Permit

A shoreline revocable permit valuation was prepared for the property below and is summarized as follows:

Reference:	PSF No. 22MD-019
Applicant:	HMC Maui LP
TMK:	(2) 4-4-013: Seaward of 008
Area:	2,000 square feet
Effective Date:	Upon Board Approval
Recommended Value:	\$1,133/month

The undersigned finds that the valuation was completed in accordance with the assignment.

Suzanne D. Case

Suzanne D. Case, Chairperson *ET*

Mar 25, 2022

Date

HMC Maui LP (Hyatt Maui)
Rent Calculation for Encroachment

TMK	(2) 4-4-013:008		
Assessed Land Value (\$)	\$	103,117,400	
Land Area (sf)		606,573	13.925 acres
Unit Rate Land Value (\$/sf)	\$	170.00	
50% Off For Submerged Lands	\$	85.00	
Encroachment Area (sf)		2000 footprint of sandbags and erosion skirt	
Encroachment Land Value (\$)	\$	170,000	
Annual Rent @ 4 to 8%	\$	13,600.00	0.08
Recommended Annual Value	\$	13,600.00	
Monthly rent	\$	1,133.33	1,133 rounded



Parcel Information

Parcel Number 440130080000
 Location Address 200 NOHEA KAI DR
 LAHAINA HI 96761
 Neighborhood Code OFHOTEL
 Legal Information
 Land Area 13.925 Acres
 Parcel Note

[View Map](#)

Owner Information

Owner Names
 HMC MAUI LP Fee Owner

Mailing Address
[HMC MAUI LP](#)
 C/O RYAN LLC TAX COMPLIANCE
 PO BOX 4900 DEPT 211
 SCOTTSDALE AZ 85261

Assessment Information

[Hide Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2022	HOTEL / RESORT	\$103,117,400	\$0	\$103,117,400	\$283,107,300	\$386,224,700	\$0	\$386,224,700
2021	HOTEL / RESORT	\$36,987,400	\$0	\$36,987,400	\$220,734,200	\$257,721,600	\$0	\$257,721,600
2020	HOTEL / RESORT	\$46,234,300	\$0	\$46,234,300	\$280,170,400	\$326,404,700	\$0	\$326,404,700
2019	HOTEL / RESORT	\$42,031,200	\$0	\$42,031,200	\$272,918,800	\$314,950,000	\$0	\$314,950,000
2018	HOTEL / RESORT	\$38,210,200	\$0	\$38,210,200	\$188,463,600	\$226,673,800	\$0	\$226,673,800
2017	HOTEL / RESORT	\$36,299,700	\$0	\$36,299,700	\$185,258,100	\$221,557,800	\$0	\$221,557,800
2016	HOTEL / RESORT	\$36,299,700	\$0	\$36,299,700	\$182,531,900	\$218,831,600	\$0	\$218,831,600
2015	HOTEL / RESORT	\$36,299,700	\$0	\$36,299,700	\$179,609,100	\$215,908,800	\$0	\$215,908,800
2014	HOTEL / RESORT	\$32,956,300	\$0	\$32,956,300	\$171,997,800	\$204,954,100	\$0	\$204,954,100
2013	HOTEL / RESORT	\$36,828,400	\$0	\$36,828,400	\$168,795,500	\$205,623,900	\$0	\$205,623,900

[How to calculate real property taxes](#)

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2021	\$3,028,228.80	(\$3,028,228.80)	\$0.00	\$0.00	\$0.00	\$0.00
2020	\$3,492,531.36	(\$3,492,531.36)	\$0.00	\$0.00	\$0.00	\$0.00
2019	\$3,464,450.00	(\$3,464,450.00)	\$0.00	\$0.00	\$0.00	\$0.00
2018	\$2,123,933.50	(\$2,123,933.50)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$2,075,996.59	(\$2,075,996.59)	\$0.00	\$0.00	\$0.00	\$0.00
2016	\$1,906,023.24	(\$1,906,023.24)	\$0.00	\$0.00	\$0.00	\$0.00

[Click a year to see tax payment information for the year.](#)

Commercial Improvement Information

Building Number 1
 Building Type HYATT REGENCY
 Year Built 1979
 Eff Year Built 1990
 % Complete 100%
 Building Square Footage 213,500
 Value \$96,559,800

Section	Floor #	Area	Perimeter	Occupancy	Wall Height	Exterior Wall	Rank	Building Class
1	01	105450	2130	Hotel, Full Service	18		5	Reinforced Concrete Frame s1 p6
1	02	85125	2032	Hotel, Full Service	19		5	Reinforced Concrete Frame s1 p6
2	01	15885	694	Restaurant	18		5	Reinforced Concrete Frame s1 p6
2	02	1304	204	Restaurant	9		5	Reinforced Concrete Frame s1 p6
3	01	4763	396	Restaurant	9		5	Reinforced Concrete Frame s1 p6
4	01	973	186	Restaurant	8		5	Reinforced Concrete Frame s1 p6

Other Features

Section	Structure	Measure 1	Measure 2	Stops
1	ELEVATOR ELECTRIC PSNGR	3000	350	8
1	Freight Elevator, Electric	3000	350	9
1	ELEVATOR ELECTRIC PSNGR	3000	350	10
1	Freight Elevator, Electric	3000	350	11
1	ELEVATOR ELECTRIC PSNGR	3000	350	9

EXHIBIT B-- pg 3

DAVID Y. IGE
GOVERNOR OF HAWAII



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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 Revocable Permit and Immediate Construction Right-of-Entry to HMC Maui LP, to Replace Existing Erosion Protection Skirt Fronting the Hyatt Regency Maui; Honokowai, Kaanapali, Lahaina, Maui, Tax Map Key: (2) 4-4-013: Seaward of 008.

Project / Reference No.: PSF 22MD-019

Project Location: Honokowai, Kaanapali, Lahaina, Maui, Tax Map Key: (2) 4-4-013: Seaward of 008

Project Description: HMC Maui LP ("Applicant") is hiring a contractor to replace a damaged erosion protection skirt on the shoreline fronting the Hyatt Regency Maui. The existing erosion protection skirt became torn, in multiple places toward the west end of the structure, between January and October of 2021, and was determined to be damaged beyond repair.

Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with Hawaii Administrative Rules (HAR) Section 11-200.1-16 (a)(1) 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

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

impacts beyond that previously existing;" and Part 2, Item No. 2 that states, "Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features and biological resources."

No, the request is a short-term right-of-entry and revocable permit to repair an existing erosion protection skirt fronting a resort property.

The impact of this project will be to replace a badly torn erosion control skirt to prevent possible property loss upland of the revetment. It is a temporary measure to forestall loss of land mauka of the shoreline until a long-term solution, which is being currently being formulated by Applicant and their consultant, is implemented.

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.

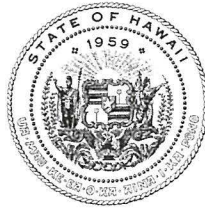
Consulted Parties:

Consulted with the DLNR Divisions of Aquatic Resources (DAR), Boating and Ocean Recreation (DOBOR), Engineering, OCCL; Office of Hawaiian Affairs (OHA), and the County of Maui Department of Planning. DAR had no objections and no comments, Engineering commented that Applicant is responsible to research the Flood Hazard Zone designation for the project, OCCL concurred with the Chapter 343 exemption, County of Maui Planning Department had no comments, and DOBOR and OHA did not respond by the suspense date. With regard to DLNR Engineering's comment, Applicant researched the Flood Hazard Zone designation for the property mauka of the shoreline; however, the proposed project will be makai of the shoreline and a County flood development permit is not required.

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.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

E-CDUP: MA 22-02

HMC Maui LP
c/o W. Justin Ried, Vice President
Development, Design and Construction
Host Hotels & Resorts
4747 Bethesda Avenue, Suite 1300
Bethesda, Maryland 20814

January 31, 2022

SUBJECT: Temporary Emergency Conservation District Use Permit (E-CDUP) MA 22-02
for the Hyatt Regency Maui Resort and Spa Erosion Protection Skirt Located at
200 Nohea Kai Drive, Lāhaina, Maui, Makai of TMK; (2) 4-4-013:008

Dear Mr. Ried:

We are re-issuing this emergency permit under your organization's name. This will help to clarify whom the responsible permittee is and provide consistency regarding the land disposition documentation.

The Department has reviewed your request regarding the subject matter. According to your information, you are requesting authorization to replace the existing Emergency Erosion Protection Skirt (EEPS) fronting the Hyatt Regency Maui that was authorized under Emergency Conservation District Use Permit (E-CDUP) MA 17-09 dated September 9, 2016. The skirt needs to be replaced as a tear has developed along a horizontal seam that is estimated to be 10-15-ft long. The erosion control measure is intended to provide temporary mitigation of shoreline erosion and reduce hazards to the infrastructure on the subject property. Without the skirt replacement, the beach is expected to erode.

The existing EEPS will be removed and disposed of offsite. The proposed EEPS will consist of a geotextile blanket noted as a 315-ft x 27-ft sand-colored fabric, TenCate GT1000MB that would be laid out and anchored over an erosion scarp parallel to the shoreline within the County's Special Management Area and the Conservation District. The EEPS blanket will extend from the top of the erosion scarp to an excavated toe trench. **[Exhibits A & B]**

The blanket will be anchored at the top of the scarp using a 50-ft long, 24-inch diameter water-filled tube (Tiger Dams). Small sandbags approximately 45 pounds will be utilized to anchor the toe in the excavated trench and the ends of the geotextile blanket. The blanket features anchor pockets to hold the bags in place. The bags will be filled on site with the existing beach sand so when the skirt is no longer needed, the sand will be placed back on the beach.

The proposed EEPS is to stabilize the beach resource for the short term. A proposed medium-term solution, the Ka'anapali Beach and Berm Enhancement Project, will hopefully complete the environmental review, so that permit applications may be processed to restore the beach and berm; however, implementation may be more than a year away. Further, Sea Engineering has been monitoring the existing EEPS since June 2017 and has been forwarding monthly reports to the County of Maui and the Office of Conservation and Coastal Lands as part of Maui County's authorization. The monitoring reports reveal that the EEPS has been successful in mitigating further erosion.

ANALYSIS

Portions of the project area lie within the State Land Use Conservation District, Resource subzone. In conformance with Hawaii Revised Statutes, Chapter 343, as amended, and Hawai'i Administrative Rules (HAR) Chapter 11-200.1-16(a)(1), the proposed use falls under **General Exemption Type 1**, which applies to '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 pursuant to the Exemption List for the Department of Land and Natural Resources dated November 10, 2020, specifically: **Part 2, Item #2** Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features,' the proposed use is exempt from the preparation of an environmental assessment. The Maui District Land Office concurred with this exemption.

Based upon records on file with the OCCL, it appears that a right of entry was received from the Division of Boating and Ocean Recreation for the current erosion control blanket and for the future placement of the EEPS under this authorization. The proposed methodology of work will be similar to what was previously implemented under MA 17-09. [Exhibit C]

Emergency Authorization

Pursuant to the Hawai'i Administrative Rules §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.

The Department authorizes Emergency Conservation District Use Permit (E-CDUP) MA 22-02 for the Hyatt Regency Maui Resort and Spa temporary Erosion Protection Skirt located at 200 Nohea Kai Drive, Lāhaina, Maui, makai of TMK; (2) 4-4-013:008 subject but not limited to the following conditions:

1. The Erosion Protection Skirt is **authorized as a temporary erosion control measure for 2 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;

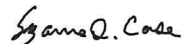
2. The permittee shall continue consultation with the DLNR Division of Boating and Ocean Recreation, Maui District Office (808) 243-5824 and finalize the Right of Entry authorization;
3. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments for projects approved under this authorization and applicable parts of Chapter 13-5, HAR;
4. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii 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;
5. The permittee shall comply with all applicable Department of Health administrative rules;
6. 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;
7. 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;
8. 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;
9. The applicant 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 visible petroleum, 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;
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. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;

12. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
13. In issuing the permit, the Department and the Chairperson have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
14. 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;
15. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the Department;
16. For all landscaped 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 Hawaii Revised Statutes (HRS) §205A-1;
17. 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;
18. 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;
19. When the Chairperson is notified by the permittee or the public that an individual activity deviates from the scope of an application approved by this letter, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
20. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State DLNR that an individual activity or activities authorized by this letter is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
21. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities under this authorization;
22. No motorized construction equipment is to be operated in the water at any time;

23. 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 Hawaii, and by Hawaii statutory and case law;
24. 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;
25. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Chairperson;
26. The Department reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;
27. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the Chairperson or BLNR.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies; retain the original and return the copy to our Office within 30-days. Should you have any questions on any of these conditions or pertaining to this authorization, contact Tiger Mills of the Office of Conservation and Coastal Lands at (808) 587-0382.

Sincerely,



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

I concur with the conditions of this temporary emergency authorization:

Permittee

Date _____

C: MDLO/DOBOR/DOCARE-Maui
County of Maui
-Planning

**Emergency Erosion
Protection Skirt**

Hyatt Regency Maui

ENCLOSURE, BUREAU, HONOLULU

Offshore →

Tiger Dam Water Filled
Tube Adjacent to Erosion
Scarp, Approx. 10,000
lbs per 50 LF

Vertically Aligned Anchor
Pockets Filled with White
Polypropylene Sand Filled
Bags Approx 45 lbs Each

Horizontally Aligned Anchor
Pockets Filled with White
Polypropylene Sand Filled
Bags Approx 45 lbs Each

el. = +8.0mlw

el. = +2.0mlw

Elevation View
(Not to Scale)
(Facing Lohaina Side Boundary)

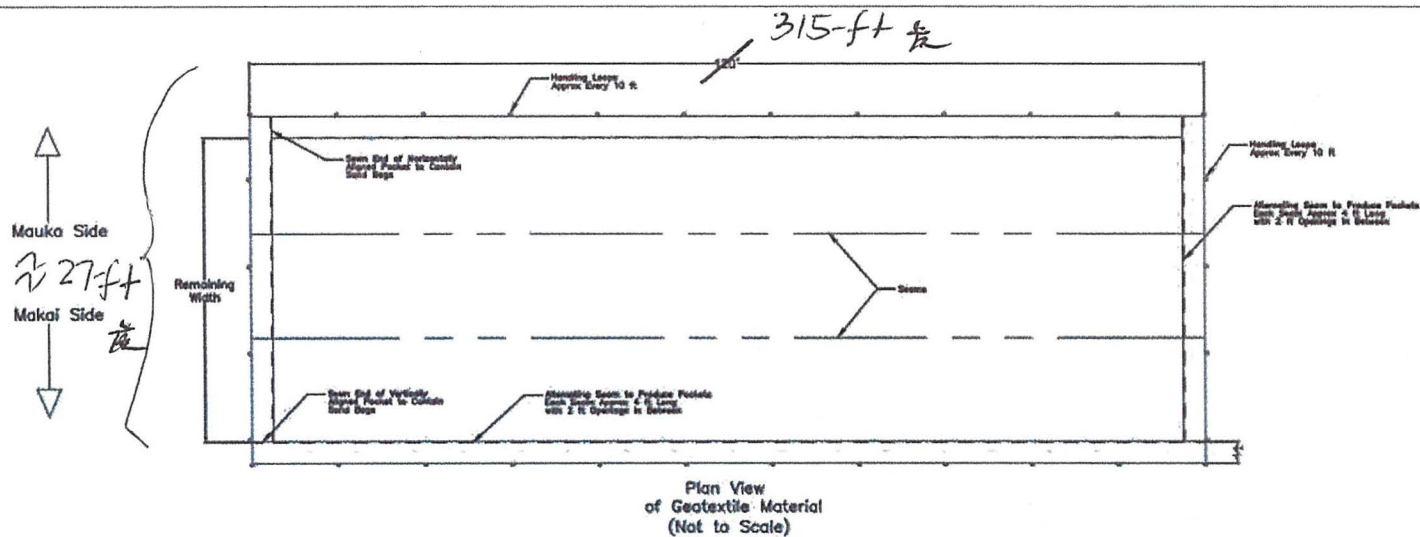


EXHIBIT A

EXHIBIT D -- pg 6



EXHIBIT B

EXHIBIT D -- pg 7

Mills, Kimberly T

From: Mills, Kimberly T
Sent: Monday, November 22, 2021 11:27 AM
To: Mills, Kimberly T
Subject: FW: [EXTERNAL] Fwd: FW: 25475 Right of Entry Request for shoreline fronting the Hyatt Regency Maui, Kaanapali, Maui

Abbreviated E-mail chain with DOBOR ROE and actions to be taken to implement Emergency CDUP MA 17-09 approved on September 9, 2016

~Tiger

K. Tiger Mills, Staff Planner
State of Hawai'i
Department of Land and Natural Resources
Office of Conservation And Coastal Lands
P.O. Box 621
Honolulu, Hawai'i 96809
www.dlnr.hawaii.gov/occl



Chris Conger

Coastal Geologist | Project Manager
Sea Engineering, Inc. | <https://www.seaengineering.com>

A: 41-305 Kalaniana'ole Hwy, Makai Research Pier, Waimanalo, HI 96795

VoIP: [REDACTED] | M: [REDACTED] | E: [REDACTED]

Disclaimer: This email message is intended solely for the person or entity to which it is addressed and should not be opened, read, or utilized by any other party. If you have received this email in error, please contact the sender immediately and delete the material from any computer that has received it.

----- Forwarded message -----

From: Sensano, Paul K <[REDACTED]>
Date: Thu, Oct 21, 2021 at 10:01 AM
Subject: FW: 25475 Right of Entry Request for shoreline fronting the Hyatt Regency Maui, Kaanapali, Maui
To: Chris Conger <[REDACTED]>

Aloha kakahiaka Chris, This email is the best I can offer you to present to OCCL. It was probably a very busy time for me to get you an ROE but know that you did have my approval and permission to start your project. Hope this helps you move forward

From: Chris Conger <[REDACTED]>
Sent: Thursday, November 10, 2016 1:57 PM
To: Sensano, Paul K <[REDACTED]>
Subject: Re: 25475 Right of Entry Request for shoreline fronting the Hyatt Regency Maui, Kaanapali, Maui

EXHIBIT C

EXHIBIT D -- pg 8

Many thanks Paul,

Have a great weekend.

Chris Conger

Sent from my mobile device.

On Nov 10, 2016 6:26 AM, "Sensano, Paul K" <[REDACTED]> wrote:

OK with me.

On Lanai today, off tomorrow.

No problem with your schedule and will try to get the ROE to you via email before monday

From: Chris Conger <[REDACTED]>

Sent: Wednesday, November 9, 2016 5:46:08 PM

To: Sensano, Paul K

Subject: Re: 25475 Right of Entry Request for shoreline fronting the Hyatt Regency Maui, Kaanapali, Maui

Aloha Paul,

We would like to start the install on Monday the 14th, if that works with your schedule.

Please let me know if this is OK with you, and if you need any additional information from us.

I hope all is well,

Chris

On Wed, Oct 26, 2016 at 3:17 PM, Chris Conger <[REDACTED]> wrote:

Aloha Paul,

Thanks for talking this morning. This email is to start our request for a Right of Entry to conduct work inside DOBOR's jurisdiction at Kaanapali Beach, Maui, seaward of TMK (2) 4-4-013:008.

We have been working with Hyatt Regency Maui to stabilize the shoreline next to the Beachwalk and their pool complex. Both OCCL and County of Maui have assisted us with developing the design and permitting for the erosion skirt. Currently, the skirt is deployed along roughly 200 feet of shoreline. This latest round of authorizations is to replace, in-kind, the existing erosion skirt and add another length extending to the southeast.

The skirt consists of:

1. geotextile fabric draped across the erosion scarp

2. small sandbags placed inside a pouch sewn in the toe of the skirt
3. TigerDam water filled tubes on top of the cloth, near the mauka edge
4. steel pipes (strongbacks) inside the sewn pouch at the mauka edge of the skirt
5. buried anchor points, just mauka of the skirt, used for holding the strongbacks and TigerDam tubes

The work will consist of:

1. excavating the toe of the skirt and removing the existing sandbags in the toe pouch
2. draining the TigerDams
3. removing the strongbacks, then the skirt material
4. Prepping the erosion scarp
5. laying out the 3 sections of new skirt and trenching for toe placement
6. backfilling the toe trench after placement, including small sandbags in the toe pouch
7. filling TigerDams, inserting strongbacks, and attaching both to anchor points with nylon straps
8. clean up

Work is to be conducted at lower tides, using typical shoreline BMPs, including no machinery operation in the water.

With appreciation,

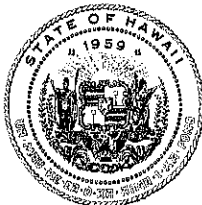
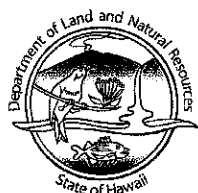
Chris

Chris Conger

Coastal Scientist | Project Manager
Sea Engineering, Inc. | www.seaengineering.com

[REDACTED] | [REDACTED] (cell)
Makai Research Pier | Waimanalo, Hawaii 96795

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

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

REF:OCCL:TM

Time Ext for E-CDUP MA 22-02

HMC Maui LP
c/o W. Justin Ried, Vice President
Development, Design and Construction
Host Hotels & Resorts
4747 Bethesda Avenue, Suite 1300
Bethesda, Maryland 20814

July 29, 2022

SUBJECT: Time Extension for Temporary Emergency Conservation District Use Permit (E-CDUP) MA 22-02 for the Hyatt Regency Maui Resort and Spa Erosion Protection Skirt Located at 200 Nohea Kai Drive, Lāhaina, Maui, Makai of TMK; (2) 4-4-013:008

Dear Mr. Ried:

The Department's Office of Conservation and Coastal Lands is in receipt of a request for a time extension for the temporary Emergency Conservation District Use Permit (E-CDUP) MA 22-02 for an erosion protection skirt on submerged public land. Condition 6 of E-CDUP MA 22-02 requires that work or construction on the land be completed within 180 days of January 31, 2022, which would be July 30, 2022.

According to the submitted information, a Revocable Permit (RP) is required from the Board of Land and Natural Resources. The application for the RP was submitted on February 1, 2022, to the Maui District Land Office and has been undergoing review. It is expected that the Board will be making a determination regarding the RP on August 12, 2022.

Should the Board grant the RP, construction is proposed to be initiated during low tides for Phase 1 of the project on August 22-25, 2022; and for Phase II on September 5-9, 2022. At this time a three-month time extension is requested to complete the project.

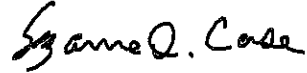
The Department is granting a three-month time extension to E-CDUP MA 22-02. Construction of the erosion protection skirt shall be completed by October 31, 2022. All conditions imposed by the Department under E-CDUP MA 22-02 shall remain in effect.

HMC Maui LP
c/o W. Justin Ried, Vice President

Time Ext for E-CDUP MA 22-02

Should you have any questions regarding this matter, contact Tiger Mills of our Office of Conservation and Coastal Lands staff at (808) 587-0382 or at kimberly.mills@hawaii.gov.

Sincerely,

A handwritten signature in black ink that reads "Suzanne D. Case". The signature is written in a cursive, flowing style.

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

c: MDLO
County of Maui
-Planning



Sea Engineering, Inc.

Makai Research Pier • 41-305 Kalanianaʻole Hwy • Waimanalo, Hawaii 96795-1820
Phone: (808) 460-3436 • E-mail: hi.engineering@seaengineering.com • Website: www.seaengineering.com

December 29, 2021

Daniel Ornellas
Hawaii Department of Land and Natural Resources
Land Division, Maui District Office
130 Mahalani Street
Wailuku, Hawaii 96793

Dear Mr. Ornellas:

SUBJECT: Request for Revocable Permit for Erosion Protection Skirt
Hyatt Regency Maui
200 Nohea Kai Drive, Lahaina, Maui, Hawai'i 96761-1942
Tax Map Key (2) 4-4-013:008

Background

The Hyatt Regency Maui is located at 200 Nohea Kai Drive, Lahaina, Maui, Hawaii, at Tax Map Key (TMK) (2) 4-4-013:008. Fronting the Hyatt is an Erosion Protection Skirt (EPS) that was originally installed in July 2015. This initial installation covered approximately 200 feet of shoreline fronting the Grotto area of the resort. This activity was authorized under CDUA MA-15-4, SM3 2015/0010 and SSA 2015/0039.

The original EPS material was removed and replaced in November 2016, and an additional length of material was added, extending the full EPS length to approximately 315 feet. This activity was authorized under CDUA MA-17-09, SM3 2016/0005 and SSA 2016/0046.

No repairs or modifications have been made since 2016. The EEPS has been effectively mitigating shoreline erosion, particularly in the area of the Grotto, until the beach is widened as part of the Kaanapali Beach Nourishment and Berm Enhancement Project, which we anticipate will be completed in Fall-Winter 2022.

In January of 2021, Hyatt staff reported that a small tear had developed toward the west end of the EEPS. Sea Engineering (SEI), on behalf of the Hyatt, requested authorization from OCCL to repair or replace the damaged portion of the skirt on January 29, 2021. We also consulted with the material distributor and manufacturer who determined that replacement was the only viable option. In September of 2021, two additional tears appeared in the EEPS, all within about 75 feet of the west end and all in the same section of material (the EEPS consists of three 120-ft long panels).

Present Condition

Monthly monitoring reports have been submitted to the County of Maui Planning Department since June 2017 as a permit condition. On October 12, 2021 it was reported that the tears in the EEPS had worsened significantly, the EEPS was damaged beyond repair, and the erosion scarp



was again exposed to wave attack. The situation is now critical and the west panel of the EEPS needs to be replaced immediately.

Proposed Land Use

The Hyatt has selected Sea Engineering, Inc. to assist with obtaining authorizations to replace the skirt. The Hawaii Department of Land and Natural Resources, Office of Conservation and Coastal Lands has authorized this activity through CDUA MA 22-02. This revocable permit application is for authorization to replace the erosion protect skirt in the same location with the same type of materials of the same size.

The estimated cost for a new erosion protection skirt, installation, materials, and labor is \$175,000. The cost for removal of the existing damaged skirt is \$93,229.

Long Term Plan

The erosion skirt is protecting the erosion scarp along a roughly 315-foot reach; however, the actual chronic erosion and beach deflation extends toward Hanakao Point in front of the neighboring Marriott Maui Ocean Club. The intent of the initial emergency request was for the erosion skirt to mitigate the short-term impacts due to impending large waves and elevated water levels; however, this shoreline has continued to regularly experience similar events since the skirt was deployed. Removal of the skirt is expected to result in the continuation of erosion and beach deflation seen at the adjacent, unprotected areas, further undermining the Beachwalk and advancing the threat to public safety. The Beachwalk, which is adjacent to the erosion scarp, shows signs of progressive settling with surface cracks and offsets in the surface of the structure.

Long-term solutions are being actively developed to address this issue. The Kaanapali Beach Restoration and Berm Enhancement project, co-sponsored by DLNR and the Kaanapali Operations Association, is a project that is developing long-term solutions. One goal of this project is to nourish the beach fronting the Hyatt and Marriott resorts. A FEIS for the project has been published. We anticipate, however, that approvals and implementation of a long-term solution are still at least one year away.

We feel that a replacement essential in order to provide continued protection of the vital infrastructure. Should you have any questions or need additional information, please contact Alyssa Agustin at 808-460-3436 or aagustin@seaengineering.com. We are also happy to meet at your convenience to discuss this in more detail. Thank you for your consideration of this request.

Sincerely,

Alyssa Agustin
Sea Engineering, Inc.





Sea Engineering, Inc.

Makai Research Pier
Waimanalo, Hawaii 96795-1820

www.seaengineering.com

Work Plan

DATE: June 8, 2022
TO: Seiko Machida, Maui Land Division Office (MLDO)
FROM: David A. Smith, PhD, PE
PROJECT: Hyatt Regency Maui EEPS Work Plan (SEI Job No. 25475)

**25475 - Hyatt Maui Emergency Shore Protection
Emergency Erosion Protection Skirt Work Plan**

Emergency Erosion Protection Skirt Overview

The Emergency Erosion Protection Skirt (EEPS) will be placed along approximately 315 feet of shoreline that is fronting the Hyatt Regency Maui. The EEPS consist of a geotextile skirt that is laid out and anchored over the erosion scarp (Figure 1, Figure 2, and Figure 3). The geotextile skirt would protect the existing erosion scarp from wave attack during periods of high tides and south swell.

Project elements include:

Geotextile Skirt

The geotextile skirt will extend from the top of the erosion scarp (approx. elevation +8 MLLW) to a toe trench that will be excavated to an elevation of +2 MLLW. The fabric, TenCate GT1000MB, is sand-color and is fabricated offsite. The offshore edge of the skirt has a pocket for sand bags and the inshore edge will contain a 2-inch diameter galvanized pipe that will be a “strongback” as part of the anchoring system.

Small Sandbags

Small sandbags weighing approximately 45 pounds will be used to anchor the toe and the ends of the geotextile skirt. The geotextile skirt will have anchor pockets to hold the sandbags in place. The sandbags will be filled on site with the existing beach sand or by reusing sand from the existing sand bags. Sand bags will also be placed along the Tiger Dams to act as “chock blocks” help keep the Tiger Dams from rolling.

Tiger Dams

Tiger Dams are 50-foot long, 24-inch diameter water-filled tubes that weigh roughly 10,000 pounds each when filled. The dams will be placed on top of the geotextile skirt inshore of the erosion scarp. The Tiger Dams will be held in place with small sand bags to resist rolling, and lifting straps and ratchet straps to connect the dams to the earth anchors.

Earth Anchors

Earth anchors are also used to anchor the skirt and Tiger Dams to resist movement. The existing earth anchors were placed approximately 10 feet apart in holes and then grouted in place in 2015. The anchors have corroded and will be removed and replaced in the same locations at the beginning of the project.

Lifting Straps and Ratchet Straps

Lifting straps will be placed around the Tiger Dams at each anchor location and ratchet straps will be connected to the lifting straps, the strongback, and the earth anchor. In some cases a palm tree will be used instead of an earth anchor. The ratchet straps will be tightened.



Figure 1. Emergency Erosion Protection Skirt deployment area, plan view

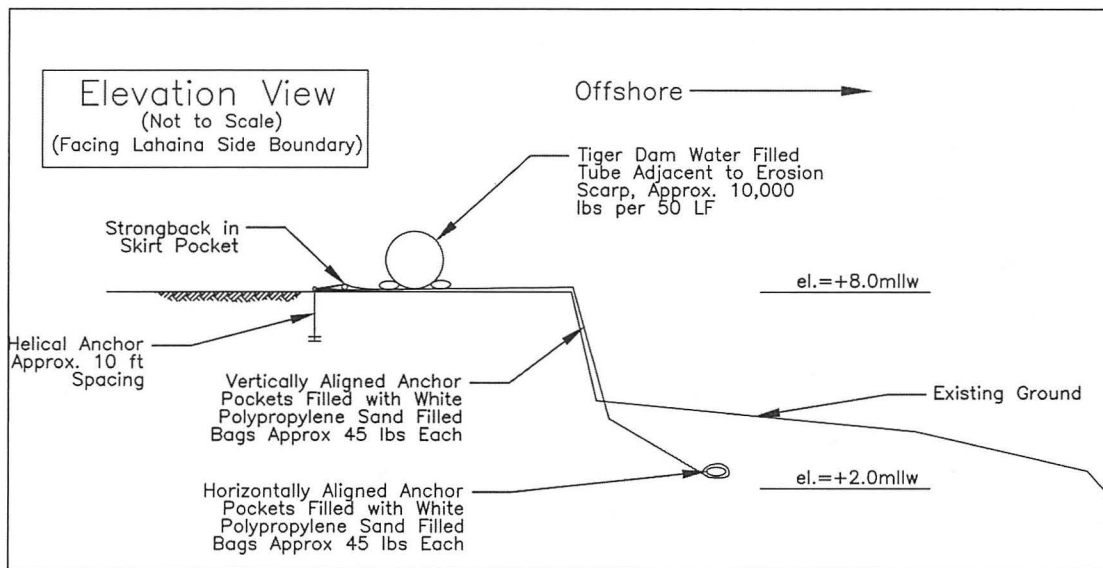


Figure 2. Emergency Erosion Protection Skirt deployment, section view

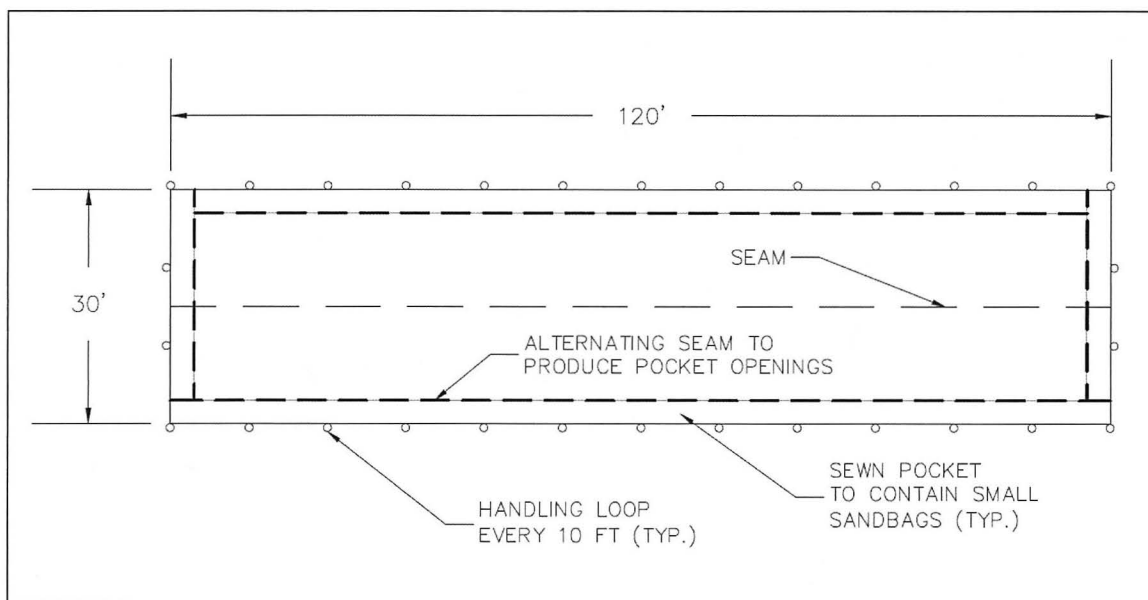


Figure 3. Emergency Erosion Protection Skirt, plan view of geotextile material

Equipment and Materials

- Hand tools – fill sand bags with sand
- Small excavator – excavate and backfill trench
- Trash pump, or fire hydrant access – fill Tiger Dams
- Construction barrier – to be placed mauka of the Tiger Dams; will remain on site for the duration of the construction
- Construction signage – will alert public of construction and direct public to an alternate pathway in areas where the beachwalk is inaccessible
- Any other equipment or materials required to complete the following work tasks

Work Tasks

1. The work will be done in 2 phases. The first phase will be along the west half of the project shoreline. The second phase will be along the east half of the shoreline. The two phases will be separate so the work can be performed with favorable low tides.
2. Access the shoreline from the east (Lahaina) end of the Hyatt property. Excavator will travel to the project site on the upper part of the beach.
3. Remove existing skirt and Tiger Dams, beginning with western half (Phase 1).
4. Remove and install new earth anchors.
5. Excavate toe trench with a small excavator on the beach. Use spoils to begin filling small sandbags if necessary. Push additional sand under areas of overhanging pathway.
6. Remove landscaping and posts by pathway that may impede installation of the erosion skirt.
7. Roll out the first erosion skirt (approximately 120 feet in length), beginning at the west end. Minimize folds in the skirt.
8. Fill toe and side pockets of the skirt with sandbags and embed in toe trench.
9. Roll out the second erosion skirt so that there is a minimum overlap of 20 feet between the two skirts. The skirts shall overlap in a way that allows wash of the waves to flow over the overlapping section (i.e., the “upstream” skirt should be placed on top of the downstream skirt).
10. Fill toe and side pockets of second skirt with sandbags and embed skirt in toe trench.
11. Backfill the toe trench.
12. Smooth skirt to conform and lay against existing slope and scarp. Skirt should not be pulled tight such that it spans across high points. Install strongback into the inshore pocket of the skirt material.
13. Roll out Tiger Dams and place lifting straps around the Tiger Dams at each anchor locations. Fill Tiger Dams with water using a trash pump or a fire hydrant. After a Tiger Dam is full, install chock bags and ratchet straps to attach the Tiger Dams and strongback to the earth anchors.
14. Use excess sandbags to stabilize Tiger Dams if necessary.
15. Demobilize. Exit through beach access on east (Lahaina) side of the Hyatt.
16. Repeat the above procedure for the skirt on the east side of the Grotto (Phase 2).

The following photographs were taken during the 2016 EEPS installation. The present RP application is for an in-kind replacement of that EEPS. The photographs are expected to be representative of the proposed work.



Figure 4. Removing existing erosion skirt (2016)



Figure 5. Digging the toe trench (2016)



Figure 6. Tiger Dam, chock bags, and anchoring installation (2016)



Figure 7. Tiger Dam and strongback anchoring (2016)



Figure 8. Phase 1 (2016) completed erosion skirt

EXCAVATOR ROUTE (WHITE ARROWS)

