

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

October 27, 2023

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

PSF No. 23OD-080

Kauai

Set Aside Portions of State Lands Along Aliomanu Road to the County of Kauai for Erosion Protection and Beach Restoration Purposes and Issuance of Immediate Management Right-of-Entry Permit; Aliomanu Road, Anahola, Kauai, Tax Map Keys: (4) 4-8-018:028 and 029, and seaward of 028 and 029.

APPLICANT:

County of Kauai, Department of Public Works.

LEGAL REFERENCE:

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

LOCATION:

Portions of State lands situated makai of Aliomanu Road, Anahola, Kauai, identified as Tax Map Key: (4) 4-8-018:028 and 029, and seaward of 028 and 029. (**Exhibits A-1 and A-2**)

AREA:

TMK (4) 4-8-018:028	12,632 square feet
TMK (4) 4-8-018:029	3,049 square feet
Total	15,681 square feet

ZONING:

State Land Use District: Urban
County of Kauai LUO: Open

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 with encroachments.

CHARACTER OF USE:

Rock revetment backed by concrete rubble masonry wall for shoreline erosion protection of State highway.

TERM OF RIGHT-OF-ENTRY PERMIT (ROE):

The management right-of-entry permit shall be effective for one year from date of issuance or until the Executive Order is finalized, whichever occurs first, provided that the Chairperson may approve renewal of the right-of-entry permit for periods not to exceed one year in accordance with section 171-55, HRS, for good cause shown.

COMMENCEMENT DATE OF ROE:

To be determined by the Chairperson.

RENTAL:

Gratis. Applicant is a government agency and the requested use is non-commercial.

COLLATERAL SECURITY DEPOSIT:

None. The Applicant is a government agency and the present submittal anticipates that the Applicant will be taking management authority over the subject land through Executive Order.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The County published an initial Environmental Assessment of the road repair and revetment project in the Office of Environmental Quality Control's publication, *The*

Environmental Notice, on October 8, 2009, a Final Environmental Assessment on March 8, 2018, and a second Final Environmental Assessment (accounting for additional agency comments) on March 23, 2018. The County’s Environmental Assessment process resulted in a Finding of No Significant impact (FONSI) by the County’s Department of Public Works. **(Exhibit B)**

In accordance with Hawaii Administrative Rules (HAR) §§11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, which applies to “[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.” Specifically, the subject request is exempt under Part I, Item 36, which exempts “[t]ransfer of management authority over state-owned land, such as setting aside of state lands to or from other government agencies through a Governor’s executive order.” The subject request is expected to have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of §11-200.1-17, HAR, as a de minimis activity.

DCCA VERIFICATION:

Not applicable. Applicant is a government agency.

APPLICANT REQUIREMENTS:

Applicant shall be required to provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The purpose of the present submittal is to authorize the transfer via Executive Order of two parcels of State shoreline and submerged land, identified as TMK (4) 4-8-018:028 and TMK (4) 4-8-018:029 and seaward of 028 and 029, from the Department of Land and Natural Resources (Department) to the County of Kauai (County) for purposes of mitigating erosion damage caused by wave action occurring on the two parcels to a section of Aliomanu Road. **(Exhibit C)** The County intends to construct a permanent boulder rock revetment backed by a concrete rubble masonry (CRM) wall on the subject land to replace a series of temporary erosion control structures that have been in place for many years to protect the road and utility infrastructure at that location. This submittal also requests that the Board approve an immediate management right-of-entry as an interim measure to allow the County to continue its erosion mitigation work and assume management responsibilities without delay for the two parcels of land and the revetment while final execution of the Executive Order is pending.

The relevant section of Aliomanu Road runs from Kuhio Highway along Anahola Street

and north along the shoreline, ending at a small residential subdivision that contains around two-dozen properties. Aliomanu Road is the sole transit route available to the residents of the subdivision. This section of Aliomanu Road has been affected by erosion and undermining for almost two decades and has been supported by temporary erosion mitigation measures on the abutting State land that is the subject of the present submittal. **(Exhibit D)** By 2015, even with the temporary measures in place, erosion had exposed a buried waterline and caused the collapse of a supporting embankment on the subject State land.

The County placed a temporary sandbag structure on the State land at issue in the present submittal around 2004 under permits from the Office of Conservation and Coastal Lands (OCCL) and has continually reapplied to and received approval from OCCL for installation and maintenance of successive temporary structures since that time. Concurrently, the County has also pursued a long-term solution that consists of rebuilding the damaged road section and installing a supporting rock revetment backed by a CRM wall on the makai side of the road to protect the road from long term erosion and prevent soil run-off from contaminating the ocean.

The County received approval from the Board to construct the permanent boulder rock revetment and CRM wall on the State land at issue at its meeting on May 8, 2020, under Agenda Item K-1. Accordingly, OCCL issued CDUP KA-3856, authorizing the County's project for road repair and construction of a 390-foot-long rock revetment backed by a CRM wall on the subject State land makai of the roadway. CDUP KA-3856 required the County to begin work within one year of issuance and to complete the work within three years. **(Exhibit E)**

On April 29, 2021, the County requested an extension of CDUP KA-3856, citing delays caused by the global pandemic and by a change to the original project design that was requested by the Board. OCCL granted this extension effective May 13, 2021.¹ **(Exhibit F)** The County submitted a request to Land Division for a ROE to install and maintain the approved rock revetment on June 21, 2023. This 2023 request to Land Division triggered the present submittal.

Upon review of the County's request for a right-of-entry for the subject State land parcels, Land Division found that, due to the length of the projected life span of the rock revetment to be placed on the subject State land and the likelihood of continuing maintenance of Aliomanu Road, the revetment, and the shoreline lands abutting the road, a permanent land disposition is appropriate in this instance. The County has already made use of the subject State land for over twenty years to place and maintain its temporary erosion control structures and the planned boulder rock revetment is designed to have a life span of fifty years. The County anticipates that the abutting section of repaired roadway will require maintenance roughly every fifteen years and that the revetment will likely require maintenance at some point during its life cycle. The County is also planning to conduct

¹ Please note that none of the CDUPs issued by OCCL specifically state that the County is required to obtain a land disposition from Land Division.

beach nourishment at the subject land for purposes of further erosion mitigation and is currently pursuing plans and authorizations for that purpose outside of the present submittal.

Land Division notes that, although there is currently no certified shoreline for the subject land, the highest wash of the wave reaches the makai side of Aliomanu Road at this location, meaning that the parcels in question are likely at least partially submerged land. It is Land Division's position that there is a compelling public purpose to support the transfer of management jurisdiction for this State shoreline and submerged land to the County. Since the County has undertaken its long-term road repair and erosion mitigation project for this section of Aliomanu Road, the County is already exercising de facto management of the subject land.

The Board approved the County's proposed use of the subject land when it approved the County's CDUA under Agenda Item K-1 at its May 8, 2020, meeting. At that time, OCCL submitted extensive documentation of the County's proposed actions, alternatives that were considered, impacts on community and cultural uses of the land, impacts on historic and cultural resources in the area, and impacts on native species found in the area. OCCL recommended approval of the application and the Board agreed. Since the Board has already made its decision on the proposed use of the subject land, that question is not presented in the present submittal.

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

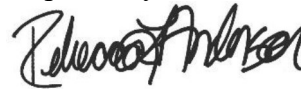
There are no other pertinent issues or concerns. Staff has no objections to the request for a Governor's Executive Order and recommends the issuance of an immediate management ROE permit to the County pending the issuance of the executive order.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and sections 1-200.1-15 and -16, HAR, this transfer of management authority will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis activity.
2. Approve and recommend that the Governor issue an Executive Order setting aside the subject lands to the County of Kauai under the terms and conditions cited above, which are hereby incorporated and subject further to the following:
 - a. The standard terms and conditions of the most recent executive order form, as may be amended from time to time;
 - b. Disapproval by the Legislature by two-thirds majority vote of either the House of Representatives or the Senate, or a simple majority vote by both chambers,

- in any regular or special session next following the date of this setting aside;
- c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Grant an immediate management right-of-entry to the County of Kauai, its consultants, contractors, and/or persons acting for or on its behalf, onto the subject property to maintain and manage the property, under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
- a. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time;
 - b. Authorization and issuance of all relevant State and County permits before any work is undertaken on the subject lands;
 - c. Authorize the Chairperson to renew or continue the right-of-entry for additional one-year periods for good cause shown; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Rebecca L. Anderson
Shoreline Specialist

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

KEM

et

**TMK (4) 4-8-018:028 and 029
and seaward of 028 and 029.**




**TMK (4) 4-8-018:028 and 029
and seaward of 028 and 029**



March 23, 2018 The Environmental Notice

KAUAI (CONTINUED)

Aliomanu Road Repair--2nd Final EA (FONSI)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area	
District(s)	Kawaihau	
TMK(s)	(4) 4-8-18: 028, 029	
Permit(s)	various (see document)	
Proposing/ Determining Agency	Department of Public Works, County of Kauai Donald Fujimoto, (808) 241-4882, dfujimoto@kauai.gov 4444 Rice Street, Suite 175, Lihu'e, HI 96766	
Consultant	Oceanit Dayan Vithanage, (808) 531-3017, dvithanage@oceanit.com 828 Fort Street Mall, Suite 600 Honolulu, HI 96813	
Status	Finding of No Significant Impact (FONSI) determination.	

This Final Environmental Assessment (FEA) was prepared to update a 2009 EA published for the repair of Aliomanu Road. The subject road is located along the shoreline in Anahola Bay. Wave induced erosion has severely undermined the road and has caused collapse of a portion of the pavement into the ocean. The FEA describes the potential impact of projected sea level rise on the proposed road repair project and evaluates alternative means for re-establishing a safe and reliable vehicular access. The proposed repair includes rebuilding the damaged road section into a two-lane road, with a supporting rock revetment on the makai side to protect the road from long term erosion and prevent soil erosion from running off and contaminating the ocean. The revetment design consists of boulder rocks and a CRM curb wall along the roadway. The design retains the rocky nature of the existing shoreline and the contractor may use boulders that exist on the project footprint for the revetment structure. Two agency comment letters and responses to these agencies, which were not included in the initial [Final EA published March 8, 2018](#), were added to the Appendix at the end of this 2nd Final EA.

PREVIOUSLY PUBLISHED DOCUMENTS OPEN FOR COMMENT

Status: Public review and comment period for these projects began previously. Comments are due **April 9, 2018** unless specified otherwise. Please send comments to the relevant agency and copy any relevant applicant and/or consultant.

HAWAII

[South Point Resources Management Plan--Draft EA \(AFNSI\)](#) **Comments due March 27, 2018**

[Land Authorizations for Long-Term Continuation of Astronomy on Maunakea--\(ESPN\)](#)

[HELCO Wailuku River Long-term Water Lease--Draft EA \(AFNSI\)](#)

[Kealahou Bay State Historical Park Master Plan Improvements--Draft EIS](#) **Comments due April 23, 2018**

MAUI

[Central Maui Landfill Facilities--Draft EA \(AFNSI\)](#)

[266 Dickenson Street 8-Unit Apartment Building--Draft EA \(AFNSI\)](#)

MOLOKAI

[Molokai Library Improvements--Draft EA \(AFNSI\)](#)

O'AHU

[Waipilopilo Stream Bridge Replacement--Draft EA \(AFNSI\)](#)

[Kawaihoa Road Drainage Improvements--Draft EA \(AFNSI\)](#)

EXHIBIT B

DEPARTMENT OF PUBLIC WORKS

TROY K. TANIGAWA, P.E., COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

October 10, 2023

DAWN N.S. CHANG, CHAIRPERSON
STATE OF HAWAII' I KA MOKU'AINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'AINA
P.O. BOX 621
HONOLULU, HAWAII 96809

Subject: Request for Executive Order for a portion of TMK: (4)4-8-018:028 & 029
Aliomanu Road

Dear Ms. Chang:

The County of Kauai respectfully requests for an executive order to use portion of state lands on TMK (4)4-8-018:028 & 029 to support our public roadway for the access to lands to the north (which would be land locked without this access).

Aliomanu Road has been plagued with coastal erosion since 2005 and we have finally received all permits (including Office of Coastal Conservation Lands) for the permanent repair which will restore a one lane road (instead of the historic two lanes) and include shoreline revetment to protect against future damage. The Executive Order (EO) is for a perpetual easement to the County for the roadway and revetment, future maintenance and repair of Aliomanu Road.

Attached is a map of the affected area of state land (between the highlighted red and blue lines).

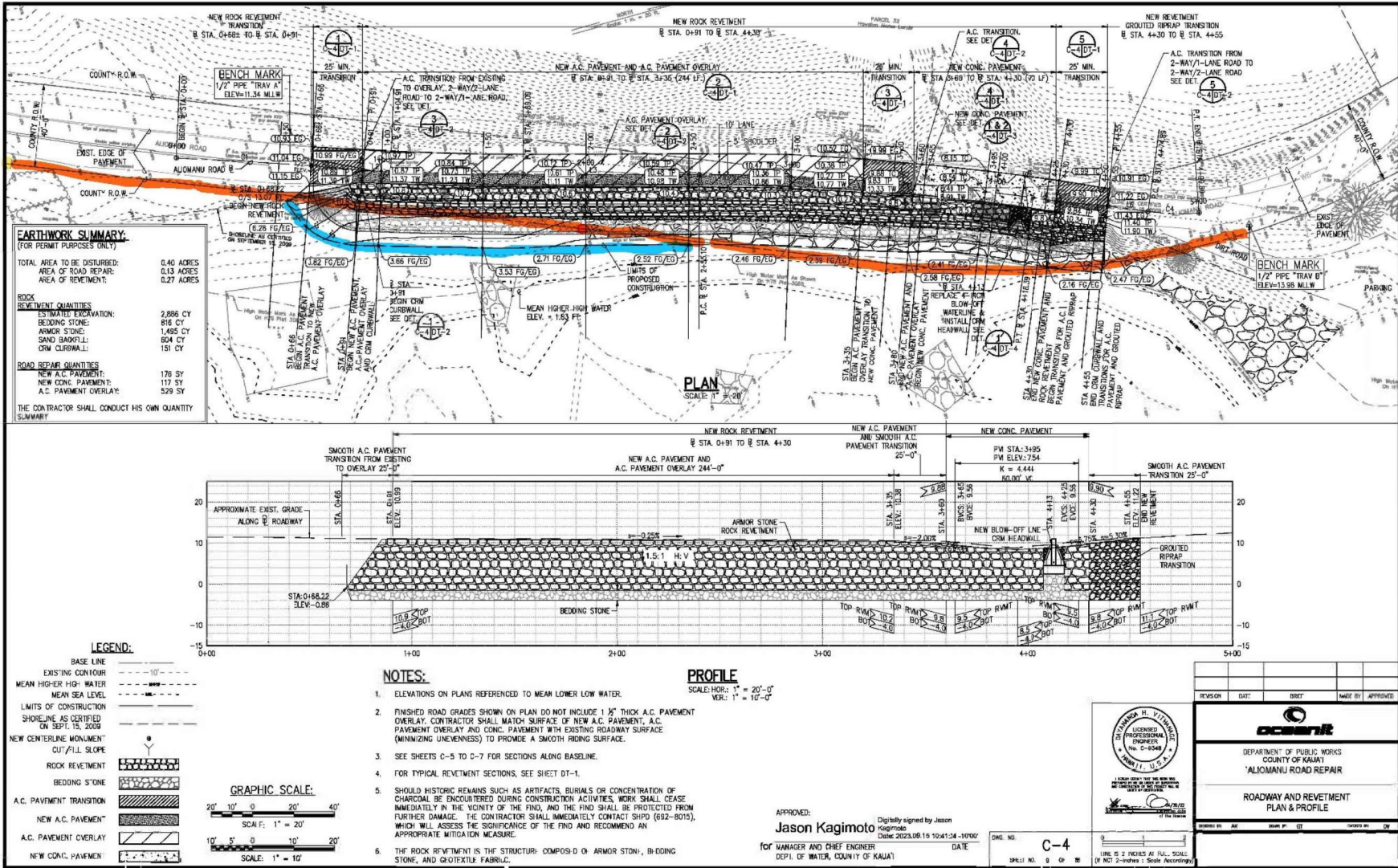
Please feel free to contact Donald Fujimoto at (808) 241-4083 or via email at dfujimoto@kauai.gov.

Sincerely,

Troy Tanigawa

Troy Tanigawa (Oct 12, 2023 14:52 HST)

Troy K. Tanigawa, P.E.
County Engineer





**Current condition of revetment
project site: TMK (4) 4-8-018:028**
Photograph submitted by County of
Kauai, Department of Public Works

EXHIBIT D



**Current condition of revetment
project site: TMK (4) 4-8-018:028**
Photograph submitted by County of
Kauai, Department of Public Works



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

CDUP KA-3856

MAR 23 2021

REF:OCCL:SS

Troy Tanigawa, Acting County Engineer
County of Kauai - Department of Public Works
4444 Rice Street, Suite 275
Lihue HI 96766

SUBJECT: Conservation District Use Permit (CDUP) KA-3856 for the 'Aliomanu Road
Repair and Revetment Project in Anahola, Kaua'i; Tax Map Keys (4) 4-8-018:
028 and 029, and seaward

Dear Mr. Tanigawa:

This is to inform you that on Friday, May 8, 2020, the Board of Land and Natural Resources approved Conservation District Use Application KA-3856 for the 'Aliomanu Road Repair and Revetment Project in Anahola, Kaua'i at Tax Map Keys (4) 4-8-018: 028 and 029, and seaward, subject to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
2. The permittee, its successors and assigns, shall indemnify and hold the State of 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;
3. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
4. Unless otherwise authorized, **any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use;**

EXHIBIT E

CDUP KA-3856

5. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing at least 24 hours prior to the initiation and upon completion of the project;
6. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
7. The permittee shall comply with all of the mitigation and Best Management Practice representations and conditions stated in this staff report;
8. The permittee shall comply with all applicable Department of Health administrative rules;
9. 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;
10. The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
- 11. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;**
12. The applicant shall implement both site-specific and 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;
13. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
14. When provided or required, potable water supply and sanitation facilities shall have the approval of the Department of Health and the City & County Board of Water Supply;
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;

CDUP KA-3856

16. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
17. 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 direct 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;
- 18. No night work that requires outdoor lighting during seabird fledging season from September 15 through December 15;**
19. 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;
20. 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;
21. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
22. 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;
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 Hawai'i, and by Hawai'i statutory and case law;
24. If the revetment results in significant flank erosion the County will be required to correct the problem in consultation with the OCCL;
25. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
26. 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;
27. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;

CDUP KA-3856

- 28. The permittee shall obtain necessary county permits for proposed the use prior to final construction plan approval by the department;
- 29. 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;
- 30. The reconstructed road remains as a single-lane road in order to minimize the footprint extending into the shoreline area and Conservation District;**
- 31. Other terms and conditions as prescribed by the Chairperson; and
- 32. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Please acknowledge receipt of this approval for Conservation District Use Application KA-3856 and for the 'Aliomanu Road Repair and Revetment Project, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, contact Salvatore Saluga at (808) 798-6147.

Sincerely,

Signature: *SAM LEMMO*

Email: sam.j.lemmo@hawaii.gov

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

Receipt acknowledged:

(See Page 5)

Permittee's Signature

Date _____

c: Chairperson
ODLO
County of Kaua'i
Department of Public Works
Department of Planning
Ruby Pap

Conservation District Use Permit (CDUP) KA-3856 for 'Aliomanu Road Repair and Revetment
Project in Anahola, Kaua'i; Tax Map Keys (4)-4-8-018:028 and 029, and Seaward

Receipt acknowledged:

Troy Tanigawa Digitally signed by Troy Tanigawa
Date: 2021.03.30 16:01:26 -10'00'
Acting County Engineer

Date: _____

Form and Legality:

 Digitally signed by Mark Ishmael
Date: 2021.03.24 10:02:02 -10'00'
County Attorney

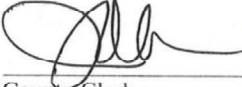
Date: _____

Permittee:

Reiko Matsuyama Digitally signed by Reiko
Matsuyama
Date: 2021.03.30 16:16:39 -10'00'
Director of Finance

Date: _____

Approved:


County Clerk

Date: May 5, 2021



REF:OCCL:SS

Time Extension KA 21-12/CDUP KA-3856

County of Kaua'i,
Dept. of Public Works
4444 Rice Street, Suite 275
Lihue, HI 96766
Attn: Mr. Troy Tanigawa, Acting County Engineer

MAY 13 2021

SUBJECT: Time Extension Request for Conservation District Use Permit (CDUP) KA-3856
Regarding the 'Aliomanu Road Repair and Revetment Project in Anahola,
Kaua'i; TMKs: (4) 4-8-018:028 & (4) 4-8-018:029, and seaward

Dear Mr. Tanigawa:

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of a letter from your consultant, dated April 29, 2021, regarding the subject request. According to the information, you are requesting a one-year time extension for the initiation and completion of the project that was previously approved under CDUP KA-3856.

CDUP KA-3856 was approved by the Board of Land and Natural Resources on Friday, May 8, 2020 for a Conservation District Use Permit to allow for the repair of the damaged section of 'Aliomanu Road and the construction of a rock revetment on the makai side of the road subject to thirty-two (32) terms and conditions. Condition #4 states: "Any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and unless otherwise authorized be completed within three years of the approval of such use."

Pursuant to the Hawai'i Administrative Rules (HAR), §13-5-43, TIME EXTENSIONS (b), "time extension may be granted as determined by the Chairperson on all departmental permits and on the first request for extension of a board permit of up to two years to initiate or complete a project, based on supportive documentation from the applicant."

The information provided to our office states that construction was not able to commence within the one-year time frame authorized by Condition #4 due to delays in the permitting process partially caused by both a design change that was requested by the Board in approving the permit as well as the ongoing global pandemic (**Exhibit 1**).

Our office acknowledges that the proposed project was unable to be initiated due to the effects of the global pandemic as well as a design change for the project that was requested by the Board in approving the permit. The DLNR has no objections to issuing the requested time extension.

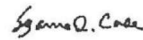
EXHIBIT F

Time Extension KA 21-12/CDUP KA-3856

The DLNR is granting a two-year time extension to initiate and complete construction for the proposed road repair and rock revetment alongside 'Aliomanu Road in Anahola, Kaua'i, originally authorized as CDUP KA-3856 on May 8, 2020. Thus, the new deadline for initiation of construction is May 8, 2023, and requires completion of the project before May 8, 2025. All other conditions imposed by the Board under CDUP KA-3856 shall remain in effect. The applicant needs to initiate compliance and carry out the conditions of the permit.

Should you have any questions regarding this correspondence, contact Salvatore Saluga of our Office of Conservation and Coastal Lands staff at (808) 798-6147.

Sincerely,



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

c: KDLO
County of Kaua'i, Dept. of Planning
Oceanit, Inc., c/o Mike Foley, Ph.D., P.E.