

From: [Donald Fujimoto](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Anderson, Rebecca L](#); [Troy Tanigawa](#); [Michael Foley](#); [Dayan Vithanage](#); [Michael Moule](#)
Subject: [EXTERNAL] BLNR Board Meeting Video Testimony vis ZOOM Item D13
Date: Monday, October 23, 2023 8:54:56 AM
Attachments: [Council Approved CDUP KA-3856.pdf](#)
[CDUA Approv w Condit a DPW Sig 2-15-11.pdf](#)
[Time Extension Request for Con..... Chang Chairperson DLNR.pdf](#)
Importance: High

Honorable members of the Board of Land and Natural Resources,

I respectfully request video Public Testimony via ZOOM on behalf of the County of Kauai, applicant for the Right of Entry for Item D13

D. LAND 13. "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"

The County of Kauai, Department of Public works respectfully request for approval of the required Right of Entry to commence Aliomanu Road Repair and Revetment project.

All of the permits required to start construction of this project has been secured (after over 22 years and four emergency sandbag repairs) EXCEPT for the Right of Entry from DLNR. This permitting process has faced many challenges and a brief history is as follows:

- 1/21/2011 - Initial OCCL CDUP KA-3562 approval for this project issued with 23 conditions.
- 2/8/2018 - Final EA submitted to Office of Environmental Quality Control for publication
- 3/23/2021 - OCCL Issued CDUP KA 3856 Authorizing the Aliomanu Repair Work
- 5/13/2021 - OCCL granted a two year extension due to Permitting delays.
- 8/22/2023 - Notice Proceed Issued to Contractor to commence Construction, but suspended pending DLNR Right of Entry.

Attached are also pictures of the existing area dated 10/13/23. Your prompt approval will be sincerely appreciated.

Donald Fujimoto
Project Manager
County of Kauai, Department of Public Works
4444 Rice Street,
Lihue, Hawaii
dfujimoto@kauai.gov
(808) 214-4083

ENGINEERING DIVISION

DEPARTMENT OF PUBLIC WORKS

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

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

CERTIFIED MAIL

April 13, 2023

Ms. Dawn N.S. Chang, Chairperson
State of Hawaii
Department of Land and Natural Resources
Post Office Box 621
Honolulu, HI 96809

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

Dear Ms. Chang,:

Office of Coastal Land and Natural Resources (OCCL) granted a time extension for Conservation Use Permit (CDUP) KA-3856 for initiation of construction on May 8, 2023 and requires completion of the project before May 8, 2025 (OCCL Letter: Time Extension KA21-21-12/CDUP KA-3856 dated May 13, 2021).

We respectfully request for a 4-month extension to commence construction (which includes contingency for any delays) until September 8, 2023. Recovery efforts of COVID 19 delayed the finalizing of the procurement documents. Funding has been secured and we are currently working on advertising the project for bid.

The delay in commencing construction will not impact the deadline to complete construction by May 8, 2025.

The following is the detailed schedule for this project:

- April 20, 2023 - Finalize Bid Documents
- May 25, 2023 – Bid Opening
- June 15, 2023 – Award Construction Contract
- July 13, 2023 – Execute Contract
- August 10, 2023 – Notice to Proceed
- August 10, 2024 – Construction completed (12-month construction period)
- May 8, 2025 – Current deadline to complete construction

Ms. Dawn N.S. Chang, Chairperson

April 13, 2023

Page 2 of 2

Please contact Donald Fujimoto at (808) 241-4084 or via email at dfujimoto@kauai.gov should you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Troy K. Tarigawa', with a long horizontal flourish extending to the right.

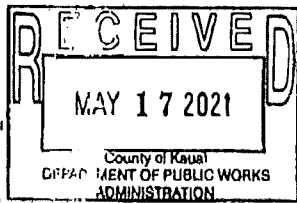
Troy K. Tarigawa, P.E.
County Engineer

DMF

Attachment: DLNR letter to COK DPW dated May 13, 2021 with a copy of letter from Oceanit to DLNR dated April 29, 2021 as Exhibit 1.

xc: Mr. Michael Cain, Administrator, Office of Conservation and Coastal Lands Kalanimoku Building
1151 Punchbowl St., Room 131, Honolulu, HI 96813

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

Time Extension KA 21-12/CDUP KA-3856

MAY 13 2021

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

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."

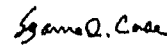
The information provided to our office states that construction was not able to commence within the one-year time frame authorized by Condition #4 due to delays in the permitting process partially caused by both a design change that was requested by the Board in approving the permit as well as the ongoing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

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.



April 29, 2021

Samuel Lemmo, Administrator
Office of Conservation and Coastal Lands
State of Hawaii Department of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street, Room 131
Honolulu, HI 96813

DEPARTMENT OF LAND AND NATURAL RESOURCES

2021 MAY -3 P 12:18

DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

SUBJECT: Request for Time Extension of Conservation District Use Permit
CDUP KA-3856
'Allomanu Road Repair and Revetment Project in Anahola, Kaua'i
TMK: (4) 4-8-018:028 and 029, and seaward

Dear Mr. Lemmo,

On behalf of the County of Kaua'i, we respectfully request a time extension amendment to Condition Four (4) of the above referenced permit, which states that *"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"* Subject authorization was granted May 8, 2020, thus work was required to be initiated by May 8, 2021.

Due to delays in the permitting process for the project partially caused a design change and the global pandemic, construction was not able to commence within the one-year time frame. We are, therefore, requesting an additional time extension of one (1) year to initiate work by May 8, 2022 and complete work by May 8, 2025.

We appreciate your consideration. If you require any additional information, please contact me at (808) 531-3017 or at mfoley@oceanit.com.

Sincerely,

Michael Foley, Ph.D., P.E.
Coastal Engineer

Exhibit 1: Request for Time Extension

Bernard P. Carvalho, Jr.
Mayor



Larry Dill, P.E.
County Engineer

Gary K. Heu
Managing Director

Lyle Tabata
Deputy County Engineer

DEPARTMENT OF PUBLIC WORKS

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

February 8, 2011

State of Hawai'i
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
Post Office Box 621
Honolulu, HI 96809
Attention: Mr. Samuel J. Lemmo, Administrator

SUBJECT: CONSERVATION DISTRICT USE APPLICATION (CDUA) KA-3562 for the
'Aliomanu Road Repair Project TMK: (4) 4-8-019:028 & 029 PW 01.11.133

Gentlemen,

The Department acknowledges receipt of the subject CDUA approval with the conditions as noted in your letter dated January 21, 2011. Enclosed is a signed copy of your letter dated January 21, 2011.

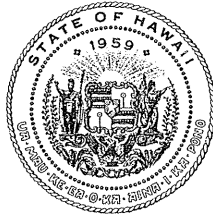
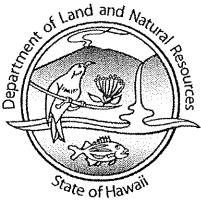
Very Truly Yours,


LARRY DILL, P.E.
County Engineer
WK

JB/WK
Attachment

cc: Oceanit w/attachment
Joseph Blevins w/attachment
Marween Ibanez w/attachment

NEIL ABERCROMBIE
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

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY KAULUKUKUI
INTERIM DEPUTY DIRECTOR

WILLIAM M. TAM
INTERIM 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:AB

CDUA: KA-3562

JAN 21 2011

Warren Bucher, Senior Engineer
Oceanit
828 Fort Street Mall, Suite 600
Honolulu, Hawai'i 96813

SUBJECT: Conservation District Use Application (CDUA) KA-3562 for the 'Aliomanu Road Repair Project, Located at Anahola, Kaua'i, TMKs: (4) 4-8-018:028 and 029

Dear Mr. Bucher:

On January 13, 2011, the Board of Land and Natural Resources approved the Conservation District Use Application (CDUA) KA-3562 for the 'Aliomanu Road Repair Project, Located at Anahola, Kaua'i, TMKs: (4) 4-8-018:028 and 029, subject to the following 23 conditions:

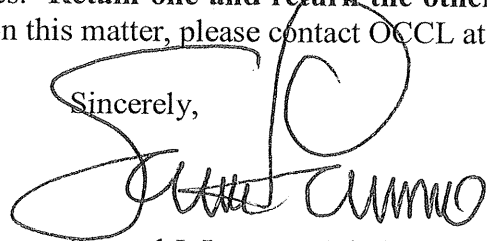
1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State, and County governments, and applicable parts of Chapter 13-5, HAR;
2. The applicant shall obtain an appropriate land disposition approval for the work, i.e., a Right of Entry from the State Land Division Kaua'i District Office (808-274-3491);
3. The applicant, its 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 or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this action or relating to or connected with this action;
4. The applicant shall comply with all applicable Department of Health administrative rules;
5. The applicant shall submit a long-term beach nourishment plan, as required by Condition C of the prior violation order, to the OCCL for review and approval prior to commencement of any work;
6. The applicant shall maintain public access to the shoreline, i.e., by including sufficient area for safe pedestrian access on the road or revetment, and signage along and to the shoreline;

7. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within three (3) years of the approval of such use;
8. All representations relative to mitigation set forth in the accepted environmental assessment for the proposed use are incorporated as conditions of the permit;
9. The applicant understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
10. Work shall be conducted during calm weather periods to the most practical extent possible and no work shall occur if there is high surf or ocean conditions that will create unsafe work or beach conditions;
11. The applicant shall implement Best Management Practices (BMPs) and an approved monitoring and assessment plan to minimize dirt and silt from entering the ocean through silt containment devices or barriers, and to contain and clean up fuel, fluid, or oil spills immediately for this project. Any spill(s) or other contamination(s) that occur at the project site will be reported immediately to the Department of Health and other appropriate agencies;
12. 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;
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;
14. Provisions shall be made if access is cut off for emergency vehicles. If access is compromised, notification to Police Dispatch and local Fire Station should be made;
15. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard within a time frame and manner prescribed by the Chairperson;
16. The project 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 project 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. Should the Chairperson be notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Department, or the public that the proposed action deviates

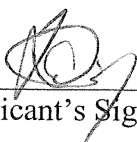
from the scope of the project, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the applicant to undertake corrective measures to address the condition affecting these resources. The applicant must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;

19. The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawai'i, and by Hawai'i statutory and case law;
20. Archaeological monitoring shall be conducted for all ground-altering activities, including removal of sand or fill. An archaeological monitoring plan shall be submitted to SHPD for review and approval prior to the start of any ground-altering activities; and an archaeological monitoring report shall be submitted for review and approval within 180 days of the completion of monitoring;
21. 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 (808-692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
22. Other terms and conditions as prescribed by the Board; and
23. Failure to comply with any of these conditions shall render this Conservation District Use Permit void.

Please acknowledge receipt of this approval, 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 this matter, please contact OCCL at (808) 587-0377.

Sincerely,

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

Receipt acknowledged:



Applicant's Signature

Date 29-11

c: Chairperson/KDLO
Kaua'i Planning Department

DATE _____ MAY 6 2021

PW 05.21.022

<u>TO</u>	<u>INITIAL</u>	<u>DATE</u>		<u>TO</u>	<u>INITIAL</u>	<u>DATE</u>	
X	_____	_____	COUNTY ENGINEER	-	_____	_____	HR
-	_____	_____	DEPUTY COUNTY ENGINEER	-	_____	_____	ROADS
-	_____	_____	SECRETARY	-	_____	_____	SHOP
X	_____	_____	BUILDING	-	_____	_____	SOLID WASTE
-	_____	_____	ENGINEERING	-	_____	_____	WASTEWATER
-	_____	_____	FISCAL	-	_____	_____	

NOTE: Original to Eng.

FOR	_____	INFORMATION	_____	CIRCULATE	_____	POST
	_____	COMMENTS/RECOMMENDATION	_____	DRAFT REPLY	_____	FINAL TYPE
	_____	APPROPRIATE ATTN/ACTION	_____	REVIEW / SIGNATURE	_____	SEE ME

COUNTY COUNCIL

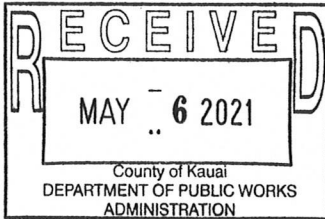
Arryl Kaneshiro, Chair
Mason K. Chock, Vice Chair
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Luke A. Evslin
KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov



Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

LETTER OF TRANSMITTAL

Date: May 5, 2021

TO: Troy K. Tanigawa, Acting County Engineer

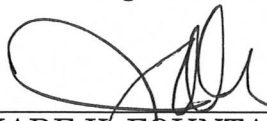
RE: C 2021-110 Communication (04/13/2021) from the Acting County Engineer, requesting Council approval to indemnify the State of Hawai'i as outlined in Condition No. 2 of the State of Hawai'i Department of Land and Natural Resources' (DLNR) Conservation District Use Permit (CDUP) KA-3856 letter for the 'Aliomanu Road Repair and Revetment Project for erosion control along the damaged section of 'Aliomanu Road located in Anahola, Kaua'i, Hawai'i, Tax Map Key (TMK) Nos. (4) 4-8-018:028 and 029, and seaward.

The subject-referenced document is enclosed:

- Conservation Use Permit: One (1) original document.
- | | |
|--|--|
| <input type="checkbox"/> For your information | <input type="checkbox"/> For necessary action |
| <input type="checkbox"/> For your files | <input type="checkbox"/> For signature in BLACK INK and RETURN |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> For signature in BLACK INK and FORWARD TO |
| <input type="checkbox"/> For correction | |
| <input type="checkbox"/> For distribution | |
| <input checked="" type="checkbox"/> Per your request | |
| <input type="checkbox"/> Per our agreement | <input type="checkbox"/> For filing or recording |
| <input type="checkbox"/> Per our conversation | <input checked="" type="checkbox"/> See remarks below. |

REMARKS:

The subject referenced request (received on April 16, 2021) was approved at the May 5, 2021 Council Meeting. This document is being returned to you, signed and sealed, per your request.



JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i

:ks
Enclosure

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

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

ROBERT K. MASUDA
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AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:SS

CDUP KA-3856

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

MAR 23 2021

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;

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;

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;

- 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

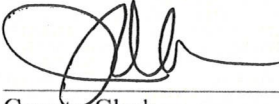
Date: _____

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