

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

June 28, 2024

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

RP S-7950
ECDUP MA 21-10

Maui

Amend Revocable Permit No. S-7950, by Amending the Removal Date for the Temporary Structure from May 11, 2024, to the Amended Expiration Date of Emergency Conservation District Use Permit MA 21-10; Mantokuji Mission of Paia, Maui, Lessee; Lower Paia, Maui; Tax Map Key: (2) 2-6-008: seaward of 013.

The purpose of this amendment is to amend the date by which the temporary erosion control structure fronting Mantokuji Mission of Paia must be removed to conform to the May 30, 2026, amended expiration date of Emergency Conservation District Use Permit MA 21-10 for the structure, as approved by the Chairperson on May 12, 2024.

APPLICANT:

Mantokuji Mission of Paia, Maui, a domestic nonprofit corporation.

LEGAL REFERENCE:

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

LOCATION:

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

AREA:

784 square feet, more or less.

ZONING:

State Land Use District:	Conservation
County Zoning District:	P-1/ Public/ Quasi-Public (for abutting property)

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:

Encumbered with encroachments.

CHARACTER OF USE:

Temporary erosion control structure to stabilize the shoreline during implementation of long-term structural mitigation, structural relocation, and beach restoration pursuant to Emergency Conservation District Use Permit MA-21-10, as amended.

COMMENCEMENT DATE:

To be determined by the Chairperson.

TERM:

Month-to-month, subject to annual renewal, until termination, to run concurrently with Emergency Conservation District Use Permit MA-21-10, as amended.

MONTHLY RENTAL FOR REVOCABLE PERMIT:

\$40.00, as approved by the Board at its meeting on April 8, 2022, under agenda item D-2.

REMOVAL BOND:

Applicant currently maintains a removal bond, effective as of August 15, 2022, in the amount of \$78,271.00, pursuant to ROE 4516/ RP S-7950, as approved by the Board at its meeting on April 8, 2022, under agenda item D-2.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

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 minor expansion or minor change of use beyond that previously existing." Specifically, the subject request is exempt under Part 1, Item 39, which exempts "[p]ermits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing." The subject request is a de minimis action that is expected to have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment.

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) Conservation District Use Permit MA 21-10 dated May 12, 2021, as amended. **(Exhibit B)**
2. Maintain a removal bond, effective as of August 15, 2022, in the amount of \$78,271.00, pursuant to RP S-7950, as approved by the Board at its meeting on April 8, 2022, under agenda item D-2, to cover the cost of removing the temporary erosion control structure in the event that Applicant fails to remove the structure prior to expiration of Conservation District Use Permit MA-21-10 dated May 12, 2021, as amended.
3. Pay a monthly rental amount of \$40.00, as approved by the Board at its meeting on April 8, 2022, under Agenda Item D-2, for the duration of the Revocable Permit.
4. Obtain all required State or County permits prior to commencing any work on the site.

REMARKS:

The purpose of this submittal is to amend a condition in Mantokuji Mission's (Applicant) Revocable Permit for placement of a temporary erosion control structure to accord with the conditions of its Emergency Conservation District Use Permit for development and implementation of a long-term erosion mitigation plan at its shoreline property. The requested amendment will enable the Applicant to continue implementation of its long-term plan and reads as follows:

- “18. The Permittee shall post a removal bond in the amount of SEVENTY EIGHT THOUSAND TWO HUNDRED SEVENTY ONE AND NO/100 DOLLARS (\$78,271.00) to cover the cost of the removal of the erosion protection structure located on State submerged lands in the event Permittee does not remove it by May 11, 2024, the date specified in Emergency Conservation District Use Permit MA 21-10, as amended.”

The project site is located along the shoreline fronting the Mantokuji Mission or Paia Maui, a Soto Zen Buddhist temple founded in 1906 in Lower Paia, Maui. Structures on the site include a temple with attached residence, bell tower, columbarium, and graveyard. At least a half-acre of land has been lost to erosion since the property was first developed by the Applicant. Due to its history of sand mining and natural disaster as well as present sea level rise, it is unlikely that the beach system will ever naturally recover from erosion.

Beach erosion over the past one-hundred-eighteen years has exposed a now-disused concrete crematory oven that was originally subgrade, threatens the historic temple building, and has displaced headstones and other features from the graveyard. It has also exposed an old dumping site with significant amounts of rubbish including car parts and other potentially hazardous debris. Erosion in this area was likely accelerated by both human-induced and natural events. In 1933, the County of Maui mined large quantities of beach sand from the site for use in building roads and other public infrastructure. Later, the 1946 April Fools' Day tsunami inundated the area and may have caused additional significant sediment loss from the local beach system. Sea level rise continues to exacerbate erosion in this fragile shoreline area.

The Office of Conservation and Coastal Lands (OCCL) issued Emergency Conservation District Use Permit (CDUP) MA-21-10 to the Applicant for temporary shoreline protection at the subject property on May 12, 2021. (**Exhibit B**) Subsequently, at its meeting on April 8, 2022, under Agenda Item D-2, the Board approved a construction Right-of-Entry permit and Revocable Permit (RP) for installation and maintenance of a temporary erosion control structure fronting the Mantokuji Mission property. RP No. S-7950 was executed effective

September 16, 2022, and was renewed by the Board at its meeting on October 13, 2023, under agenda item D-5. RP No. S-7950 is now effective through December 31, 2024. It is currently unknown whether the Applicant will request further renewals of RP No. S-7950 to accommodate ongoing erosion mitigation efforts.

The Applicant submitted Mitigation Report For Adaptation Pathways for Mantokuji Mission of Paia to OCCL on April 12, 2023. OCCL found, based on that report, that the Applicant is making progress toward a longer-term solution to erosion and needs additional time to implement the structural and beach restorations outlined in the report. Delays in implementation have been caused by the lengthy permitting processes for historically and culturally significant properties as well as the fragile, termite-damaged condition of the historic wooden temple which makes total relocation of that structure on or off of the property unlikely to be successful. OCCL recognized that the Applicant is making progress and has shifted the focus of its erosion mitigation plans from total relocation to structural mitigation, relocation of a portion of the temple building, and beach restoration. The Applicant is also exploring federal assistance opportunities.

Because of these challenges, OCCL has extended the expiration date of Emergency CDUP MA 21-10 to May 30, 2026. **(Exhibit C)** However, Condition B 18 of RP No. S-7950 requires removal of the erosion protection structure by the original expiration date of CDUP MA 21-10, which was May 11, 2024. Since the Applicant's efforts are on-going and in compliance with CDUP MA 21-10, as amended, the temporary erosion structure is still required at the site to prevent further damage to the property and to enable continued implementation of the Applicant's long-term plan.

If the Applicant is not able to complete implementation of its long-term erosion mitigation plans by May 30, 2026, the terms of CDUP MA 21-10, as amended, require that any further extension be considered and approved by the Board. Since the proposed amendment to RP S-7950 specifies that the temporary structure must be removed upon expiration of CDUP MA 21-10, as amended, no further amendment to RP S-7950 would be required at that time.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and §§11-200.1-15 and -16, HAR, this project is expected to 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. Authorize amendment of condition B 18. of RP No. S-7950 to read as follows:

“18. The Permittee shall post a removal bond in the amount of SEVENTY EIGHT THOUSAND TWO HUNDRED SEVENTY ONE AND NO/100 DOLLARS (\$78,271.00) to cover the cost of the removal of the erosion protection structure located on State submerged lands in the event Permittee does not remove it by May 11, 2024. the date specified in Emergency Conservation District Use Permit MA 21-10, as amended.”

Respectfully Submitted,



Rebecca L. Anderson
Shoreline Specialist

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson

KAM

RET

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



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
FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
NATIONAL RESOURCES
STATE OF HAWAII
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:SS

Emerg. CDUP-MA 21-10

Mantokuji Mission Board of Directors
c/o Eric Moto, President
253 Hāna Highway
Pā'ia, HI 96779

MAY 12 2021

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

Dear Mantokuji Mission Board of Directors:

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

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

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

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

2021 JUN 21 P 12
NATIONAL RESOURCES
STATE OF HAWAII

EXHIBIT B

Emerg. CDUP MA 21-10



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

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

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

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

Emerg. CDUP MA 21-10

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

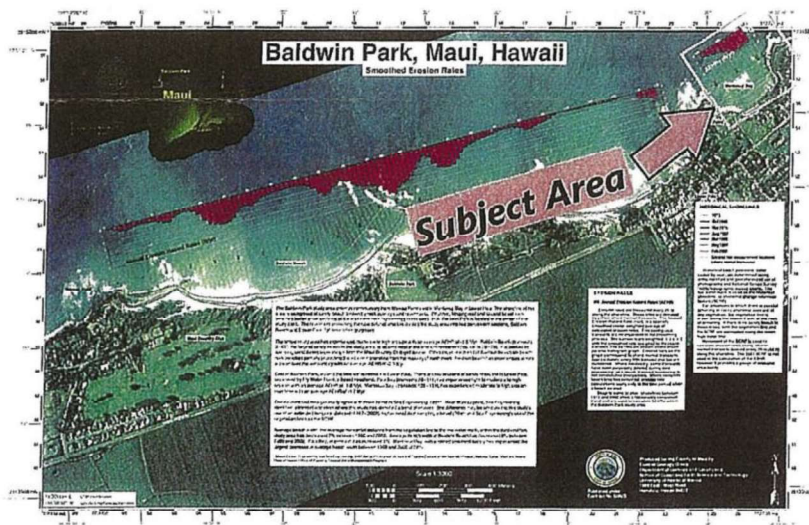


Figure 2- Erosion map for subject area; Subject property highlighted

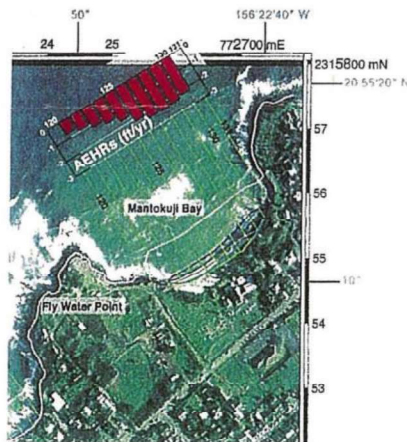


Figure 3 – Inset of map in Figure 2, Showing subject property

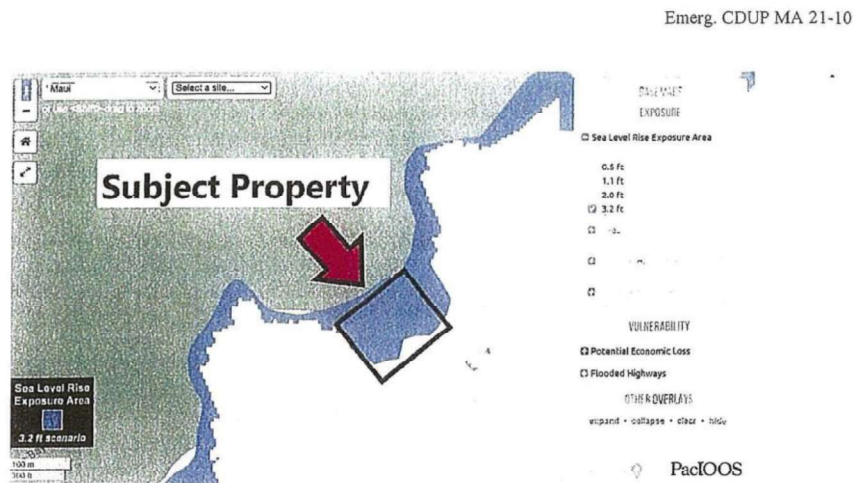


Figure 4 -Sea Level Rise Exposure Area in subject property

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

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

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

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

Emerg. CDUP MA 21-10

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

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

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

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

Both seasonal and long-term conditions have resulted in erosion of the shoreline fronting the subject property, encroaching on the structures of the subject property and exposing debris that creates a safety hazard for this section of beach. After much consideration on the potential impacts of the proposed structure, as well as the feasibility of other designs to adequately protect the structures from imminent loss due to very high erosion rates, our office has decided to approve the proposed design for emergency temporary erosion control while a long-term solution to the chronic erosion problem at the subject property is formed.

However, this authorization is temporary. The Mantokuji Mission must develop a longer-term plan to move the coastal structures landward of the advancing escarpment. This emergency authorization will include a condition that requires them to do this.

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

Emerg. CDUP MA 21-10

removal methods, estimates for duration of the activity, and future response plans if required by the department."

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

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

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

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

Terms and Conditions

The DLNR has no objections to the emergency temporary erosion control as described above fronting the subject property at 23 Hāna Highway, Pā'ia, Maui, Tax Map Key (2) 2-6-008:013, provided that you adhere to the following terms and conditions:

1. It is understood that the emergency temporary shoreline protection is a temporary response to address chronic beach erosion that is a safety hazard to both the existing temple structures on the subject property as well as the beach area itself, as the erosion has exposed previously covered rubbish, junk, and debris that could be released into the marine area. **The material is authorized as a temporary erosion control measure for three (3) years** from the date of issuance of this letter. Subsequent erosion control efforts that call for modification, other than routine maintenance of the proposed structure, will require a new application. At the end of the authorization period, the materials shall be removed;
2. Unless otherwise authorized, any work or construction to be done on the land shall be completed within 180 days of the approval of such use. The permittee shall notify the department in writing at least 24 hours prior to initiating construction and when it is completed;
3. The permittee will submit a completion report for the project to the OCCL within ninety (90) days of completion of construction of the temporary structure. It will summarize the construction and detail any deviation from the proposed plans as well as provide a summary of the beach conditions since installation. The report will also include a photo

Emerg. CDUP MA 21-10

summary of the temporary structure and beach conditions with documentation of any alterations or repairs;

4. **A plan for the relocation of the threatened structures must be submitted to the OCCL within two (2) years of the date of issuance of this emergency permit. The plan must include timeframes for implementation;**
5. The permittee must secure a Land Disposition from the Maui District Land Office prior to initiating any construction or work on State land for the proposed project;
6. Any use of outside sand within the geotextile bags must be pre-approved by OCCL before use
7. The permittee shall obtain other necessary State and County permits for proposed the use prior to the initiation of construction, as necessary;
8. The permittee shall implement standard Best Management Practices (BMPs) including the ability to contain and minimize silt in nearshore waters and clean up fuel, fluid, or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance;
9. Work shall be conducted at low tide to the most practical extent possible and no work shall occur during high surf or ocean conditions that will create unsafe work or beach conditions;
10. All placed material shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;
11. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
12. Any materials that become liberated from the structure must be immediately removed from the beach or ocean;
13. Appropriate safety and notification procedures shall be carried out. This shall include high visibility safety fencing, tape or barriers to keep people away from the active construction site and a notification to the public informing them of the project. All barriers shall be removed once the project is complete to allow full public access laterally along the beach and alongshore walkway;
14. Obstruction of lateral shoreline access shall be avoided or minimized;
15. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
16. The activity shall not adversely affect a federally listed, threatened, or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;

Emerg. CDUP MA 21-10

17. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species which normally migrate through the area;
18. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to HRS §205A-71. All exterior lighting shall be shielded to protect the night sky;
19. No night work that requires outdoor lighting during seabird fledging season from September 15 through December 15;
20. For any and all landscaped and vegetated areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in Hawai'i Revised Statutes (HRS) §205A-1;
21. Any landscaping will shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i. The introduction of invasive plant species is prohibited;
22. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
23. The permittee, their successors and assigns, shall indemnify and hold the State of Hawai'i harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
24. The permittee shall comply with all applicable Department of Health Administrative Rules;
25. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
26. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
27. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
28. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i and by Hawai'i statutory and case law;
29. Should historic remains such as artifacts, burials, or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact the State Historic Preservation Division (692-8015), which will

Emerg. CDUP MA 21-10

assess the significance of the find and recommend an appropriate mitigation measure, if necessary;

30. In issuing the permit, the Department and the Chairperson have relied on the information and data that the permittees have provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
31. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;
32. Other terms and conditions as prescribed by the Chairperson; and
33. Failure to comply with any of these conditions shall render a permit void under Chapter 13-5, as determined by the Chairperson or BLNR.

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

Sincerely,

Suzanne D. Case

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

I concur with the conditions of this letter:

E. Moto

Signature of Applicant or Representative

Date: 06/08/2021

Eric Moto President - Mantokuji Kyodan

Print Name & Title

CC: Oceanit Laboratories, Inc.
c/o Michael Foley, Ph.D., P.E.
MDLO
County of Maui, Planning Department

Emerg. CDUP MA 21-10

TAKE 2-6-08
Mantokuji Mission
Revisions to take
said from
Paia

KNOW ALL MEN BY THESE PRESENTS, that MONTOKUJI MISSION of Paia, County of Maui, Territory of Hawaii, hereinafter referred to as the grantor which expression shall and will include its successors and assigns where the context so permits or requires for and in consideration of the sum of ONE HUNDRED (\$100.00) Dollars, lawful money of the United States to it in hand paid by and on behalf of the County of Maui, hereinafter referred to as the grantee, which expression shall and will include its successors and assigns where the context so permits or requires, the receipt whereof is hereby acknowledged does ^{and} give/grant unto the grantee a perpetual easement for a right-of-way over, through and across its property at Paia, being a portion of Lot 7 to Ahuna of Section 2, of the second partition of the Hamakua-poko-Hui Lands, district of Hamakua-poko, County of Maui, Territory of Hawaii, said right-of-way being described as follows:

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

- 7139.5 feet North
- 5983.2 feet East and running thence by true azimuths from the point of beginning measured clockwise from true South:
- 1. Along the center line of present 10 foot roadway, the direct azimuth and distance being 70° 06', 244.00 feet, thence
- 2. 143° 20', 410.00 feet along the centerline of present 10 foot roadway to edge of Sand Pit at High water mark.

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

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

Emerg. CDUP MA 21-10

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

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

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

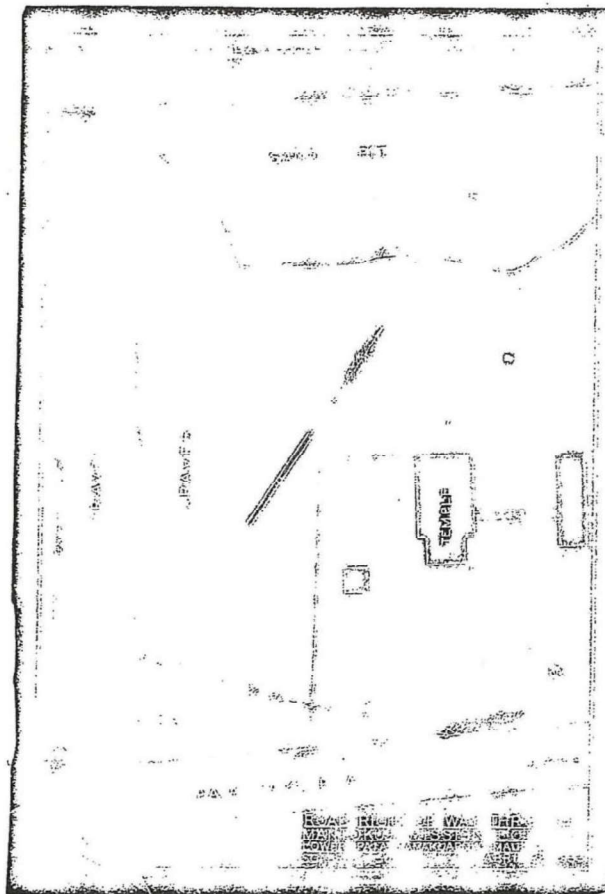
MOHTOKUJI MISSION.
BY (Sgd) Rev. S. Ueoka
Its (Minister)

TERRITORY OF HAWAII)
)SS
County of Maui.)

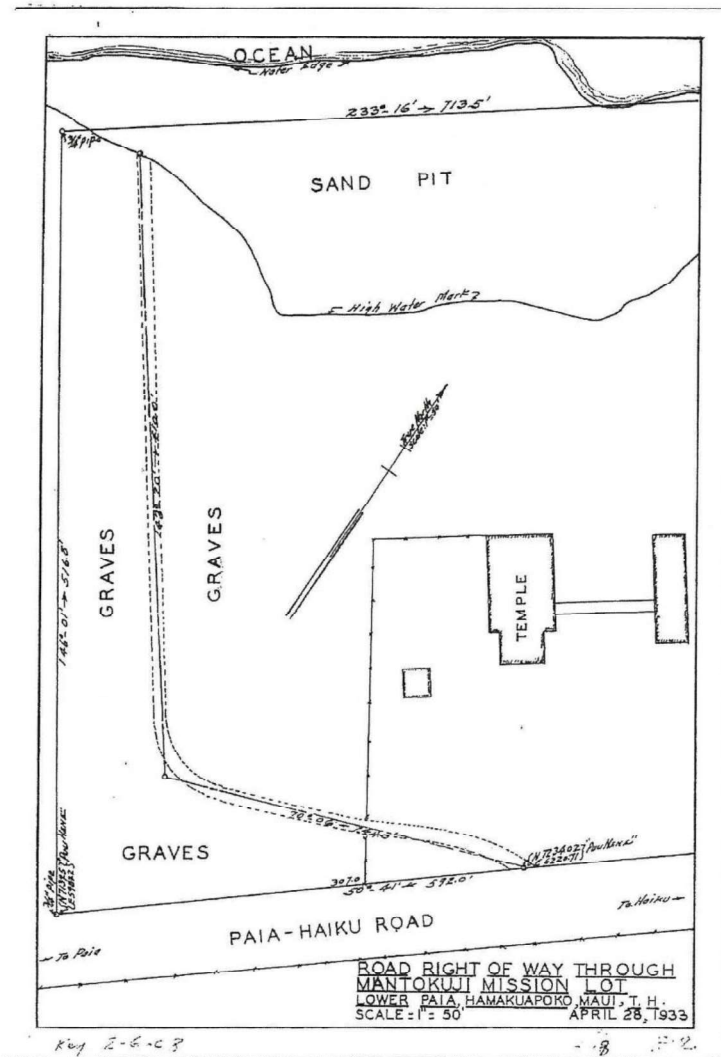
On this 16th day of May 1933 before me personally appeared Rev. S. Ueoka who being first duly sworn did say that he is the Minister of the Montokuji Mission of Paia, County of Maui, a Hawaiian Corporation; that the said Corporation has no official seal; that the foregoing instrument was signed on behalf of said Corporation by authority of its board of trustees and the said Rev. S. Ueoka acknowledged said instrument to be the free act and deed of said corporation.

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

Emerg. CDUP MA 21-10



Emerg. CDUP MA 21-10



JOSH GREEN, M.D.
GOVERNOR | KE KIA'AINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'AINA



RECEIVED
LAND DIVISION

2024 MAR 14 AM 9:53



DEPT. OF LAND &
NATURAL RESOURCES | STATE OF HAWAII | KA MOKU'AINA 'O HAWAII'
STATE DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'AINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:AW

Emergency CDUP MA-21-10

Mar 12, 2024

Eric Moto
President, Board of Directors
Mantokuji Mission of Paia
PO Box 790207
Paia, HI 96779

SUBJECT: RE: Emergency Conservation District Use Permit MA 21-10 for Temporary Shoreline Protection Seaward of the Mantokuji Mission at 253 Hana Highway, Paia, Maui Task Map Key (TMK): (2) 2-6-008:013 (seaward)

Dear Mr. Moto:

The Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter requesting clarification of the expiration date of Emergency Permit MA-21-10. The permit was issued on 12 May 2021 for the temporary placement of an erosion control structure to stabilize the shoreline fronting the Mantokuji Mission temple building and grounds while long term relocation and mitigation measures are explored.

The permit and subsequent documentation authorized the use of Elco-Rock containers to withstand the winter wave conditions. Condition 1 of the permit states:

"1. It is understood that the emergency temporary shoreline protection is a temporary response to address chronic beach erosion that is a safety hazard to both the existing temple structures on the subject property as well as the beach area itself, as the erosion has exposed previously covered rubbish, junk, and debris that could be released into the marine area. **The material is authorized as a temporary erosion control measure for three (3) years** from the date of issuance of this letter. Subsequent erosion control efforts that call for modification, other than routine maintenance of the proposed structure, will require a new application. At the end of the authorization period, the materials shall be removed;"

The expiration of Emergency CDUP MA-21-10 is 12 May 2024.

EXHIBIT C

Eric H. Moto
President, Board of Directors
Mantokuji Mission of Pā`ia, Maui

ECDUP MA-21-10

DLNR recognizes that the historical and cultural significance of the subject site necessitated longer than average lead times for obtaining additional permits. The Revocable Permit (RP) for occupancy of state submerged lands was approved by the Board of Land and Natural Resources (BLNR) on 08 April 2022 and executed on 16 Sep 2022. You commenced work on the temporary structure on 02 Sep 2022. As a result of the unique conditions at the project site, the temporary structure will be in place for approximately 18 months when the Emergency CDUP expires. The RP was renewed for an additional one-year term at the 13 Oct 2023 Board of Land and Natural Resources meeting.

In accordance with Condition 4 of your emergency permit, you submitted a Mitigation Report For Adaptation Pathways for Mantokuji Mission of Pā`ia (Report) on 12 April 2023. According to the Report, the temple building is fragile due to age and termite damage and unlikely to be successfully located on or off the property. Included in the long-term planning are building structural mitigation, relocation of a portion of the building, and beach restoration. The DLNR is aware that you are also exploring federal funding opportunities for relocation of the historic temple building.

The DLNR recognizes that you are making progress towards a longer-term solution to the erosion threat and need time to implement the structural and beach restorations outlined in your plan submitted to OCCL. As such, this letter represents an extension of one year and 18 days from the original expiration date. **Emergency CDUP MA-21-10 is amended to expire on 30 May 2026.** This new expiration date reflects the seasonal dynamics of the shoreline in Pā`ia, so that removal will be better timed to correspond with the generally calmer summer season on the north shore of Maui. Any future extension of this permit will require consideration by the BLNR.

Your request has also been reviewed by the DLNR Land Division. Land Division will submit a request to the Board to amend Additional Condition 18 of Revocable Permit S-7950 to read as follows:

"18. The Permittee shall post a removal bond in the amount of SEVENTY EIGHT THOUSAND TOW HUNDRED SEVENTY ONE AND NO/100 DOLLARS (\$78,271.00) to cover the cost of the removal of the erosion protection structure located on State submerged lands in the event the Permittee does not remove it by May 11, 2024, the date specified in Emergency Conservation District Use Permit MA-21-10, as amended."

This Emergency CDUP extension is contingent on BLNR approval of the amendment to RP S-7950.

Eric H. Moto
President, Board of Directors
Mantokuji Mission of Pā`ia, Maui

Emergency CDUP MA-21-10

Should you have any questions on the matter, please feel free to contact Amy Wirts, Hawai`i Sea Grant Extension Agent in the DLNR Office of Conservation and Coastal Lands at (808) 587-0376 or via email at awirts@hawaii.edu. For questions regarding the Revocable Permit, please contact Rebecca L. Anderson, Shoreline Specialist, at rebecca.l.anderson@hawaii.gov.

Sincerely,



Dawn Chang, Chairperson
Board of Land and Natural Resources

CC: Michael Foley, Oceanit Inc
Maui County Planning Department, CZM
Maui Land Division Office
DLNR Land Division
Tara Owens, Hawai`i Sea Grant (via email)