

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

April 25, 2025

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

REGARDING: Second Time Extension Request for Conservation District Use Permit (CDUP) OA-3858 for the Ala Moana Park Beach Restoration Project

PERMITTEE: City & County of Honolulu, Dept. of Design & Construction

LOCATION: Ala Moana Regional Park, Honolulu, Hawaii

TMK: At & makai of (1) 2-3-037:001 & 025

AREA OF USE: 606,100 sq ft (13.9 acres)

SUBZONE: Resource

EXHIBITS: **Exhibit 1:** CDUP OA-3858

Exhibit 2: Site Photos

Exhibit 3: First Time Extension Approval

Exhibit 4: Second Time Extension Request

The staff report for CDUP OA-3858 is available online at:
dlnr.hawaii.gov/occl/current-applications/

BACKGROUND

On February 12, 2021, the Board of Land and Natural Resources approved Conservation District Use Permit (CDUP) OA-3858 to the City and County of Honolulu, Department of Design & Construction for a beach restoration project at Ala Moana Park (**Exhibit 1**). The project includes beach nourishment and berm enhancement intended to mitigate the ongoing erosion problem at Ala Moana Regional Park. The permittee plans to dredge offshore sand to be placed in the beach area. Approximately 65,700 cubic yards of dredged sand will be used in the beach nourishment portion of the project while roughly 2,500 cubic yards of dredged sand will be provided for the berm enhancement for every 1-foot elevation increase above +6 feet mean sea level (MSL). This project will use a total of

ITEM K-1

approximately 68,200 cubic yards of dredged sand to cover roughly 4,500 feet of linear shoreline and a cross-shore beach width of 130 to 270 feet in which the dry beach would be increased by 10 to 80 feet **(Exhibit 2)**.

On February 24, 2022, the Chairperson approved a two-year time extension to initiate and complete construction. Construction was to be initiated by February 12, 2024, and completed by February 11, 2026. **(Exhibit 3)**.

SECOND TIME EXTENSION REQUEST (Exhibit 4)

Condition No 2. Of CDUP OA-3858 states *“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”*

By correspondence dated January 30, 2025, the permittee is now requesting a second time extension to complete work. According to the submitted information, the City continues to seek funding for the project. The permittee is requesting a time extension to allow adequate time to secure project funding and proceed with construction.

AUTHORITY FOR GRANTING TIME EXTENSIONS

The authority for granting of time extension is provided in the Hawai'i Administrative Rules (HAR) §13-5-43, which allow for a permittee to request time extensions for the purpose of extending the period of time to comply with the conditions of a permit.

HAR §13-5-43 Time extensions. (a) Permittees may request time extensions for the purpose of extending the period of time to comply with the conditions of a permit.

(c) Time extensions may be granted by the board upon the second or subsequent request for a time extension on a board permit, based on supportive documentation from the applicant.

As this is the permittee's second time extension request, this request is being forwarded to the Board of Land and Natural Resources pursuant to HAR §13-5-43(c)

BASIS FOR TIME EXTENSIONS

A time extension may be sought when a permittee is unable to initiate or complete a project within the stipulated time frame. The Board grants time extensions when a permittee demonstrates some sort of hardship or delay in initiating work on a particular project. The permittee should be able to demonstrate that the hardship or delay was not self-imposed and that a good faith effort had been made to undertake the project.

DISCUSSION

The OCCL acknowledges that the proposed project is unable to be initiated until project funding is secured in order to proceed with construction. Staff understands

that the applicant is exploring the possibility of partnering with the State for joint funding of the project.

Staff therefore recommends the following:

RECOMMENDATION

That the Board of Land and Natural Resources approve the second time extension of CDUP OA-3858 to complete the Ala Moana Park Beach Restoration project subject to the following conditions;

1. That condition No. 2 of CDUP OA-3858 is amended to provide that the Permittee has until February 11, 2030, to complete any work or construction to be done; and
2. That all other conditions imposed by the Board under CDUP OA-3858 as amended, shall remain in effect.

Respectfully submitted,

Alyssa Accardo

Alyssa Accardo, Staff Planner
Office of Conservation and Coastal Lands *mc*

Approved for submittal:



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources

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

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

CDUP OA-3858

City & County of Honolulu,
Department of Design and Construction
c/o Robert J. Kroning, P.E.
650 S. King Street, 11th Floor
Honolulu, HI 96813

FEB 25 2021

SUBJECT: Conservation District Use Permit OA-3858 for the Ala Moana Park Beach
Restoration Project Located in Honolulu, O'ahu;
TMKs: (1) 2-3-037:001, and (1) 2-3-037:025 and makai of both parcels

Dear Mr. Kroning,

This is to inform you that on Friday, February 12, 2021, the Board of Land and Natural Resources (Board) approved Conservation District Use Application OA-3858 for the Ala Moana Park Beach Restoration Project at Honolulu, O'ahu seaward of Tax Map Keys (1) 2-3-037:001 and (1) 2-3-037:025, subject to the following conditions:

1. 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;
2. 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;**
3. 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;
4. Authorization of the sand use and placement is contingent upon review and approval of the sand by the Department. The sand shall meet the following State quality standards:
 - a. The proposed fill sand shall not contain more than six (6) percent fines, defined as the #200 sieve (0.074 mm);
 - b. The proposed beach fill sand shall not contain more than ten (10) percent coarse sediment, defined as the #4 sieve (4.76 mm) and shall be screened to remove any non-beach compatible material and rubble;

- c. No more than 50 percent of the fill sand shall have a grain diameter less than 0.125mm as measured by #120 Standard Sieve Mesh;
 - d. Beach fill shall be dominantly composed of naturally occurring carbonate beach or dune sand. Crushed limestone or other man-made, or non-carbonate sands are unacceptable;
- 5. Sand used for beach maintenance shall be screened for coarse material (rocks) and any non-beach compatible material;
 - 6. All representations relative to mitigation set forth in the accepted environmental 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 document;
 - 8. The applicant shall implement both site-specific and standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters through silt containment devices or barriers and to clean up fuel, fluid or oil spills immediately for projects authorized by this permit. 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. Any spills or other contamination that occur at the project site will be reported immediately to the Department of Health and other appropriate agencies;
 - 9. Any materials that become liberated during construction activities must be immediately removed from the beach or ocean;
 - 10. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
 - 11. 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;
 - 12. 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 and beach conditions;
 - 13. 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;
 - 14. 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;

15. 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;
- 16. No night work that requires outdoor lighting during seabird fledging season from September 15 through December 15;**
17. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
18. 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;
19. The permittee shall comply with all applicable Department of Health administrative rules;
20. 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;
21. 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;
22. Appropriate safety and notification procedures shall be carried out. This should 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;
- 23. 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;**
24. 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;
25. The permittee 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;

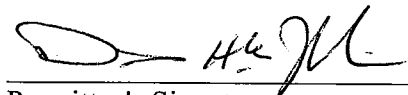
26. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
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 within a timeframe and manner prescribed by the Chairperson;
28. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
29. 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;
30. The permittee shall obtain necessary county permits for proposed the use prior to final construction plan approval by the department;
31. 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;
32. Other terms and conditions as prescribed by the Chairperson; and
33. 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 OA-3858 and for the Ala Moana Park Beach Restoration 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,
Sam Lemmo

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

Receipt acknowledged:


Permittee's Signature *ejh*

Alex Kozlov, P.E.

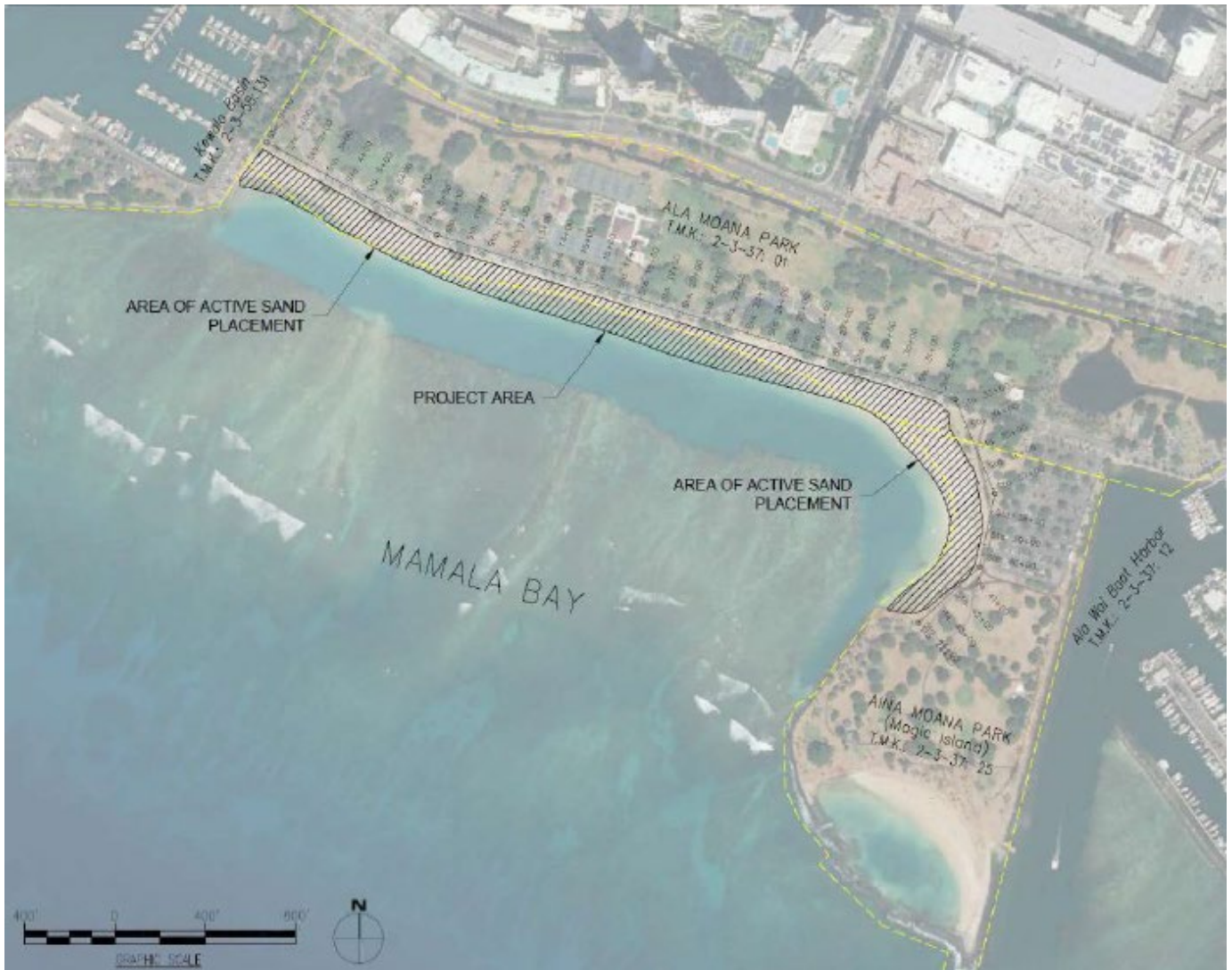
Print Name

3/15/2021
Date

City & County of Honolulu
Director, Dept. of Design & Construction

Title

c: Sea Engineering, Inc.
c/o Dave Smith, Ph.D., P.E.
Chairperson
ODLO
City & County of Honolulu
Department of Planning









DAVID Y. IGE
GOVERNOR OF HAWAII



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

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STATE OF HAWAII 2022 MAR 11 A 10:06
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:SS

Time Ext. (CDUA): OA 22-6

City & County of Honolulu,
Department of Design and Construction
c/o Elaine Morisato
650 S. King Street, 11th Floor
Honolulu, HI 96813

FEB 24 2022

SUBJECT: Time Extension Request regarding Conservation District Use Permit (CDUP) OA-3858 for the Ala Moana Park Beach Restoration Project located in Honolulu, O'ahu;
TMKs: (1) 2-3-037:001, and (1) 2-3-037:025, and makai of both parcels

Dear Mrs. Morisato,

The Department is in receipt of a letter from Sea Engineering Inc. on behalf of the City & County of Honolulu (C&C), Department of Design & Construction (DDC), dated February 7, 2022, regarding the subject request regarding the previously approved CDUP OA-3858 for the Ala Moana Park Beach Restoration Project. The letter is a request for a time extension to comply with Condition 2 of the 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".

CDUP OA-3858 was approved by the Board of Land and Natural Resources on February 12, 2021 for a Conservation District Use Permit to allow for the proposed beach restoration project to take place at Ala Moana Regional Park in Honolulu, O'ahu. The nourishment work approved as part of this project consisted of the dredging and placement of approximately 68,200 cubic yards of offshore sand within the beach area of Ala Moana Park. The information provided in the application for the project noted that approximately 65,700 cubic yards of sand would be used in the beach nourishment portion of the project while roughly 2,500 cubic yards of sand would be provided for the berm enhancement for every 1-foot elevation increase above +6 feet mean sea level (MSL), which would take place in the eastern beach area of the park adjacent to the Magic Island parking lots. The 68,200 cubic yards of dredged sand to be used for this beach nourishment project would cover roughly 4,500 feet of linear shoreline and a cross-shore beach width of 130 to 270 feet in which the dry beach would be increased by 10 to 80 ft. This beach nourishment project is a part of a master plan to produce improvements to all of Ala Moana Regional Park

Pursuant to the Hawaii Administrative Rules (HAR), §13-5-43, TIME EXTENSIONS (b), "time extension may be granted as determined by the Chairperson on all departmental

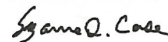
permits and on the first request for extension of a board permit of up to two years to initiate or complete a project, based on supportive documentation from the applicant."

Our office acknowledges that the proposed project was unable to be initiated until project funding was secured in order to proceed with construction. The Department has no objections to issuing the requested time extension.

The Department of Land and Natural Resources is granting a two-year time extension to initiate and complete construction for the proposed nourishment of Ala Moana Beach with approximately 68,200 cubic yards of dredged sand as approved under CDUP OA-3858. Thus, the new deadline for initiation of construction is February 12, 2024, and requires completion of the project by February 11, 2026. **All other conditions imposed by the Board of Land and Natural Resources under CDUP OA-3858 shall remain in effect. The applicant needs to initiate compliance and carry out the conditions of the permit.**

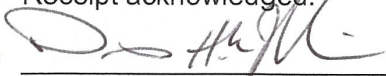
Please acknowledge receipt of this approval for a OCCL Time Extension OA 22-6, regarding Conservation District Use Application OA-3858 for the Ala Moana Park Beach Restoration Project in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions regarding this correspondence, contact Salvatore Saluga of our Office of Conservation and Coastal Lands staff in writing at salvatore.j.saluga@hawaii.gov.

Sincerely,



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

Receipt acknowledged:



Permittee's Signature



Date



Alex Kozlov, P.E.

Print Name

Director

Title

c: Sea Engineering, Inc., c/o Dave Smith, Ph.D., P.E.
ODLO
SHPD
City & County of Honolulu
Department of Planning
Department of Parks and Recreation



Sea Engineering, Inc.

Makai Research Pier • 41-305 Kalanianaʻole Hwy • Waimanalo, Hawaii 96795-1820
Phone: (808) 460-3434 • E-mail: dsmith@seaengineering.com • Website: www.seaengineering.com

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

T-14 + OA-25-9
Re: CDUP OA-3858

January 29, 2025

2025 JAN 30 P 2:53

Mr. Michael Cain
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

SUBJECT: Request for Time Extension of CDUP OA-3858
Ala Moana Regional Park, Honolulu, Oahu, Hawaii
TMKs (1) 2-3-037:001 and (1) 2-3-037:025 and makai of both parcels

Dear Mr. Cain:

Sea Engineering, Inc. (SEI) is acting as agent for our client (Applicant) the City and County of Honolulu Department of Design and Construction for their beach nourishment project located at Ala Moana Regional Park, Honolulu, Oahu Hawaii; TMKs (1) 2-3-037:001 and (1) 2-3-037:025. The project was authorized by the Department of Land and Natural Resources on February 25, 2021 (CDUP OA-3858).

Condition 2 of CDUP OA-3858 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". Due to the continued impacts of COVID-19 on budgets and schedules, the Applicant was unable to comply with Condition 2 and a time extension was granted by DLNR on February 24, 2022.

The City continues to seek funding for the project. We respectfully request that CDUP OA-3858 be again extended to allow adequate time for the Applicant to secure project funding and proceed with construction.

Should you have any questions or need additional information, please contact me at (808) 460-3434 or dsmith@seaengineering.com.

Sincerely,

David A. Smith, PhD, PE
Senior Coastal Engineer

EXHIBITS:

- A. CDUP OA-3858 (February 25, 2021)
- B. CDUP OA-3858 Time Extension (February 24, 2022)

cc: Elaine Morisato, City and County of Honolulu, Department of Design and Construction