

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

March 28, 2014

CDUP: MO-3537

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

REGARDING: Time Extension Requests for Conservation District Use Permit (CDUP) MO-3537 for the Kawela Stream Bridge Replacement Project

APPLICANT: Department of Transportation-Highways

LANDOWNER: Fred and Pamela Parker

LOCATION: Kawela, Moloka'i

TMK: (2 5-4-001:027

AREA OF USE: 0.78-Acres

SUBZONE: Limited

BACKGROUND (Exhibit 1 & 2)

On May 13, 2010, the Board approved CDUP MO-3537 for the proposed Kawela Bridge detour project subject to 13 conditions of which condition 4 stated that work would be completed within three years of approval. A time extension was requested due to contract specifications related to number of work days to complete the project. The time extension was granted on September 30, 2011 to complete the project by March 2, 2014.

TIME EXTENSION REQUEST (Exhibit 3)

On February 20, 2014, the Office of Conservation and Coastal Lands (OCCL) received correspondence from the project engineers requesting a five month time extension due to a 6-month delay in regards to matters pertaining to the Section 401 Water Quality certification. It is anticipated that the contractor will complete all work by July 30, 2014.

Based upon this information, Staff believes construction is very near completion.

AUTHORITY FOR GRANTING TIME EXTENSIONS:

The authority for the granting of time extensions is provided in Section 13-5-43, Hawaii Administrative Rules (HAR) that allows for permittees to request time extensions for the purpose of extending the period of time to comply with the conditions of a permit.

Additionally, §13-5-43(c), HAR, states: "time extensions may be granted by the board upon the second or subsequent request for a time extension on a bonded permit, based on supportive documentation from the applicant."

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. Moreover, the Permittee should be able to demonstrate that the hardship or delay has not been self-imposed and that some good faith effort has been made to undertake the project.

DISCUSSION:

In the present case, none of these factors suggest any reason to deny the request. The Permittee has submitted all the required documents to obtain permits and approvals for project construction. Although work is anticipated to be completed by July 30, 2014, Staff is recommending additional time to complete the project. Approval of the time extension request shall hopefully provide the time needed to complete the Kawela Bridge replacement.

RECOMENDATION:

That the Board of Land and Natural Resources **APPROVE** an extension to complete the Kawela Bridge project by December 1, 2014 subject to the following conditions:

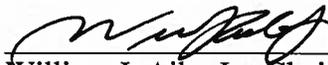
1. That condition #4 of CDUP MO-3537 is amended to provide that the Permittee has until December 1, 2014 to complete construction; and
2. That all other conditions imposed by the Board under CDUP MO-3537, as amended, shall remain in effect.

Respectfully submitted,



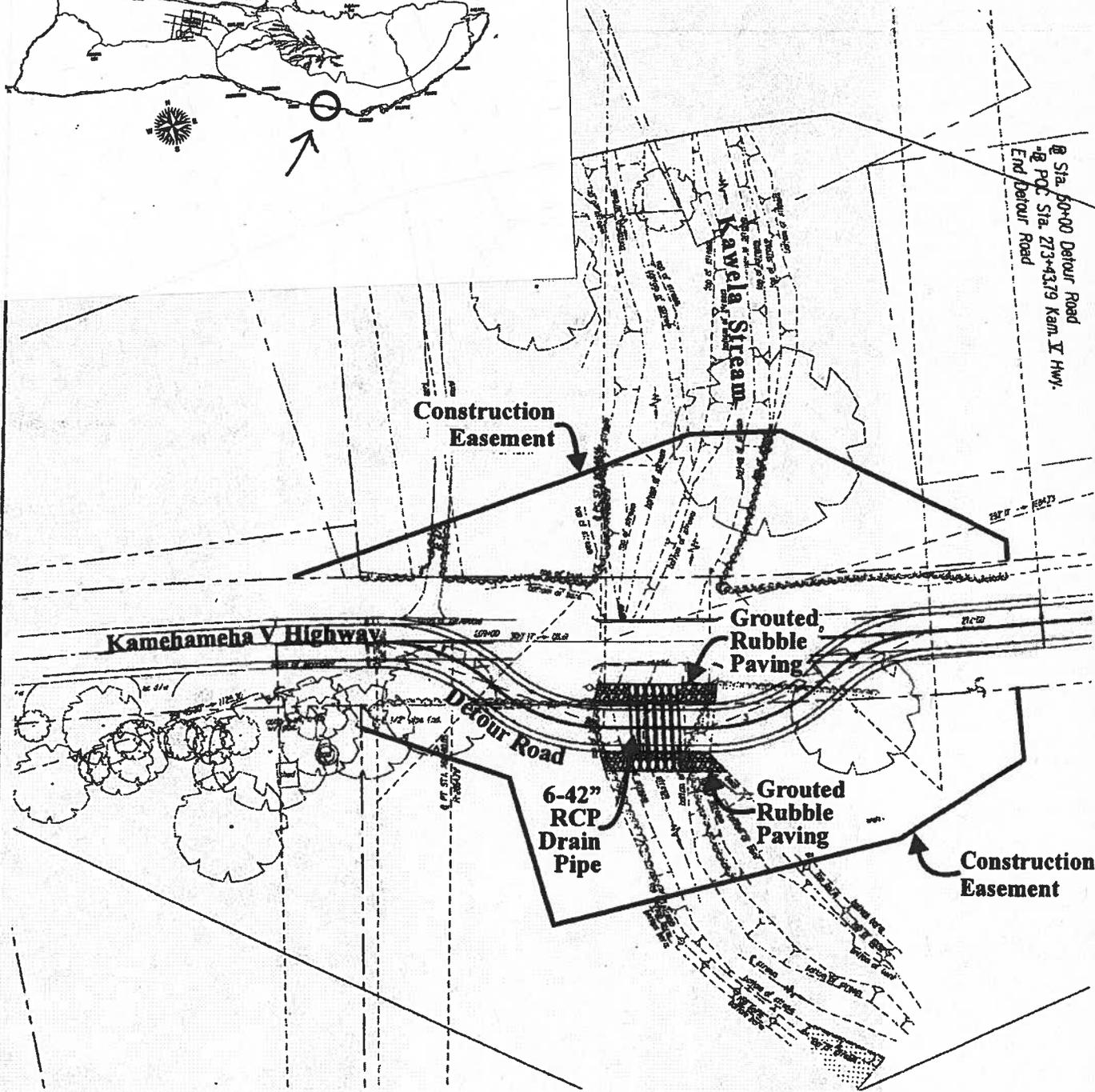
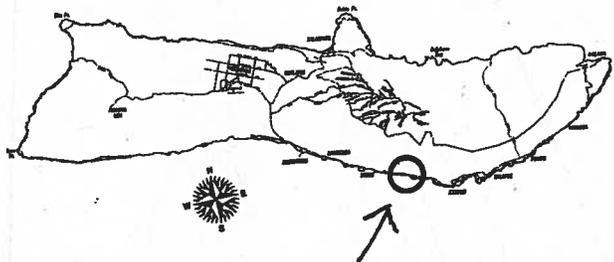
K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

MOLOKAI



Source: KAI Hawaii

**Proposed Kawela Bridge
Replacement
Detour Route Plan**

NOT TO SCALE

EXHIBIT |



MAY 18 2010

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
JUN 7 2010

RUSSELL Y. TSUI
FIRST DEPUTY

JOHN C. KAWAHARA
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
KAWAII 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:DH

CDUA: MO-3537

Acceptance Date: March 2, 2010
180-Day Exp. Date: August 30, 2010

MAY 17 2010

Mich Hirano, AICP, Principal
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano,

This letter is to inform you that on May 13, 2010, the Board of Land and Natural Resources (BLNR), pursuant to Chapter 13-5 Hawaii Administrative Rules (HAR) approved Conservation District Use Application (CDUA) MO-3537 for the Department of Transportation's Kawela Bridge project, subject to the following terms and conditions:

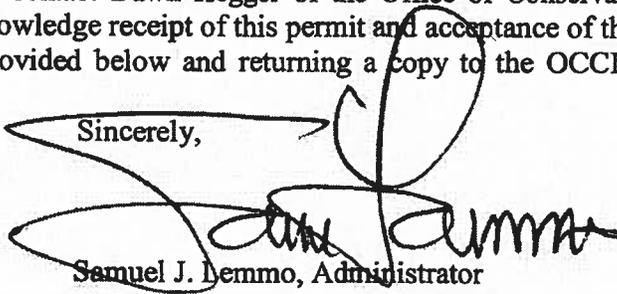
- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;
- 2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or 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) The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control;"
- 4) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 5) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;

EXHIBIT 2

- 6) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this 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/or the Department may, in addition, institute appropriate legal proceedings;
- 7) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 8) Where any polluted run-off, 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 polluted run-off, interference, nuisance, harm, or hazard;
- 9) 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 Hawaii, and by Hawaii statutory and case law;
- 10) During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
- 11) That upon completion of the proposed project the land will be restored back to its original condition;
- 12) Other terms and conditions as may be prescribed by the Chairperson; and
- 13) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

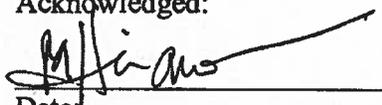
Should you have any questions please contact Dawn Hegger of the Office of Conservation and Coastal Lands at 587-0380. Please acknowledge receipt of this permit and acceptance of the above conditions by signing in the space provided below and returning a copy to the OCCL within thirty (30) days.

Sincerely,



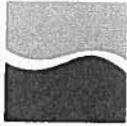
Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Acknowledged:



Date:
6.4.10

c: MDLO
County of Maui Planning Department



KAI HAWAII
STRUCTURAL & FORENSIC ENGINEERS

Ken K. Hayashida, P.E.
Michael P. Hunnemann, P.E.

February 20, 2014

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

DEPT. OF LAND & NATURAL RESOURCES
 OFFICE OF CONSERVATION & COASTAL LANDS
 STATE OF HAWAII
 2014 FEB 20 PM 2:43

Subject: Time Extension for the Completion of Construction for Conservation District Use Permit **MO-3537**
Replacement of Kawela Stream Bridge
Island of Molokai, Hawaii
Federal Aid Project No. BR-0450(8)
TMK: (2) 5-4-001:027

Attention: Mr. William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

Dear Mr. Aila:

On March 2, 2010, the Board of Land and Natural Resources approved Conservation District Use Application MO-3537 for the subject project. The terms and conditions of the CDUA approval stipulate that the work must be completed within three (3) years from the date of the permit approval.

On September 30, 2011 the Department granted a one-year time extension to CDUP MO-3537, noting that construction should be completed by March 2, 2014. A delay in the work of approximately 6 months occurred due to complications with the State Department of Health, Section 401 Water Quality Certification. It is anticipated that the contractor will complete all work by July 30, 2014. We respectfully request a time extension until August 1, 2014.

We understand that all other conditions imposed by the Board under CDUP MO-3537 shall remain in effect. Enclosed please see the previous time extension letter.

Thank you very much for your consideration. Please contact me if you have any questions or comments.

Aloha,

Michael Hunnemann
KAI Hawaii, Inc.

EXHIBIT 3