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

October 24, 2025

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

PSF:24OD-021

Oahu

Set Aside to the Department of Transportation for Pedestrian Safety Improvements Purposes, and Issuance of a Construction and Management Right-of-Entry, Kawailoa-Waimea, Waialua, Oahu, Tax Map Key:Seaward of (1) 6-1-009:Pors 021, 022, (1) 6-1-010:Pors. 019, 020.

APPLICANT:

Department of Transportation, Highways Division

LEGAL REFERENCE:

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

LOCATION:

Portion of the lands highlighted in yellow makai of the certified shoreline along Kamehameha Highway in the vicinity of Laniakea Beach, Kawailoa, Waialua, Oahu, identified by Tax Map Key: Seaward of (1) 6-1-009:Pors. 021 022, (1) 6-1-010:Pors. 019, 020, as shown on the attached maps labeled **Exhibit A1 and A2**.

AREA:

13,538 square feet, more or less, subject to review and approval by the Department of Accounting and General Services, Survey Division.

ZONING:

State Land Use District:	Conservation
City & County of Honolulu LUO:	Not Applicable

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Unencumbered

CHARACTER OF USE:

Pedestrian Safety Improvements purposes.

CONSTRUCTION RIGHT-OF-ENTRY COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSTRUCTION RIGHT-OF-ENTRY TERM:

Twelve (12) months, subject to further extensions by the Chairperson.

CONSTRUCTION RIGHT-OF-ENTRY CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment/Finding of No Significant Impacts for the subject project was issued on December 13, 2021 and published in the Environmental Review Program's The Environmental Notice on December 23, 2021.

Further, at its March 14, 2025 meeting, the Board of Land and Natural Resources, under agenda item K-2 (as amended), authorized the issuance Conservation District Use Permit (CDUP) OA-3950 which further analyzed and required mitigation for any potential impacts as a result of the proposed project.

DCCA VERIFICATION:

Not applicable.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1) Provide survey maps and descriptions according to State DAGS

standards and at Applicant's own cost; and

2) Process and obtain subdivision at Applicant's own cost.

REMARKS:

The Applicant is planning to realign the portion of Kamehameha Highway in the vicinity of Laniakea Beach. As an attraction, sea turtles have been seen resting on Laniakea Beach drawing many visitors that park on the mauka side of the Highway and crossing the Highway results with traffic congestion and pedestrian safety concerns. The subject area is a portion of Kamehameha Highway over the years have shown the Highway's exposure to the ocean at Laniakea Beach with narrow, eroding roadway shoulders. Overtopping waves and stormwater run-off had been undercutting the boulder escarpment and beginning to undermine the Highway.

As a result of a shoreline certification dated January 18, 2023, the requested area of Kamehameha Highway was determined to be makai of the certified shoreline. At its meeting on March 14, 2025, Agenda Item K-2[1], the Land Board authorized the issuance of Conservation District Use Permit (CDUP) OA-3950 as attached and labeled as **Exhibit B**. CDUP OA-3950 authorized the realignment of Kamehameha Highway further mauka from the current highway right of way.

As part of the project the existing highway Right-of-Way, along with the area that is subject to this proposed set aside, will be repurposed to a 16-foot-wide shared use path for bicycles and pedestrians and landscaped with coastal plants. The area proposed for set aside is located between the existing highway right of way and the area for the proposed relocated highway. Upon completion of the project and realignment of Kamehameha Highway the Applicant shall retain management responsibility of the current Kamehameha Highway Right-of-Way, as shown in blue on **Exhibit A1**.

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

RECOMMENDATION: That the Board:

1. Issuance of a Construction and Management Right-of-Entry to the Department of Transportation, Highways Division covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

   A. The standard terms and conditions of the most current right-of-entry

[1] Board submittal can be downloaded from https://dlnr.hawaii.gov/wp-content/uploads/2025/03/K-2.pdf

document form, as may be amended from time to time;

B. Terms and Conditions of Conservation District Use Permit OA-3950;

C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and

D. Authorize the Chairperson to issue future right-of-entries to the Department of Transportation, Highways Division in relation to its construction of realignment of a portion of Kamehameha Highway, Safety Improvements purposes.

2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject land to the Department of Transportation under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

A. The standard terms and conditions of the most current executive order document form, as may be amended from time to time;

B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;

C. Review and approval by the Department of the Attorney General; and

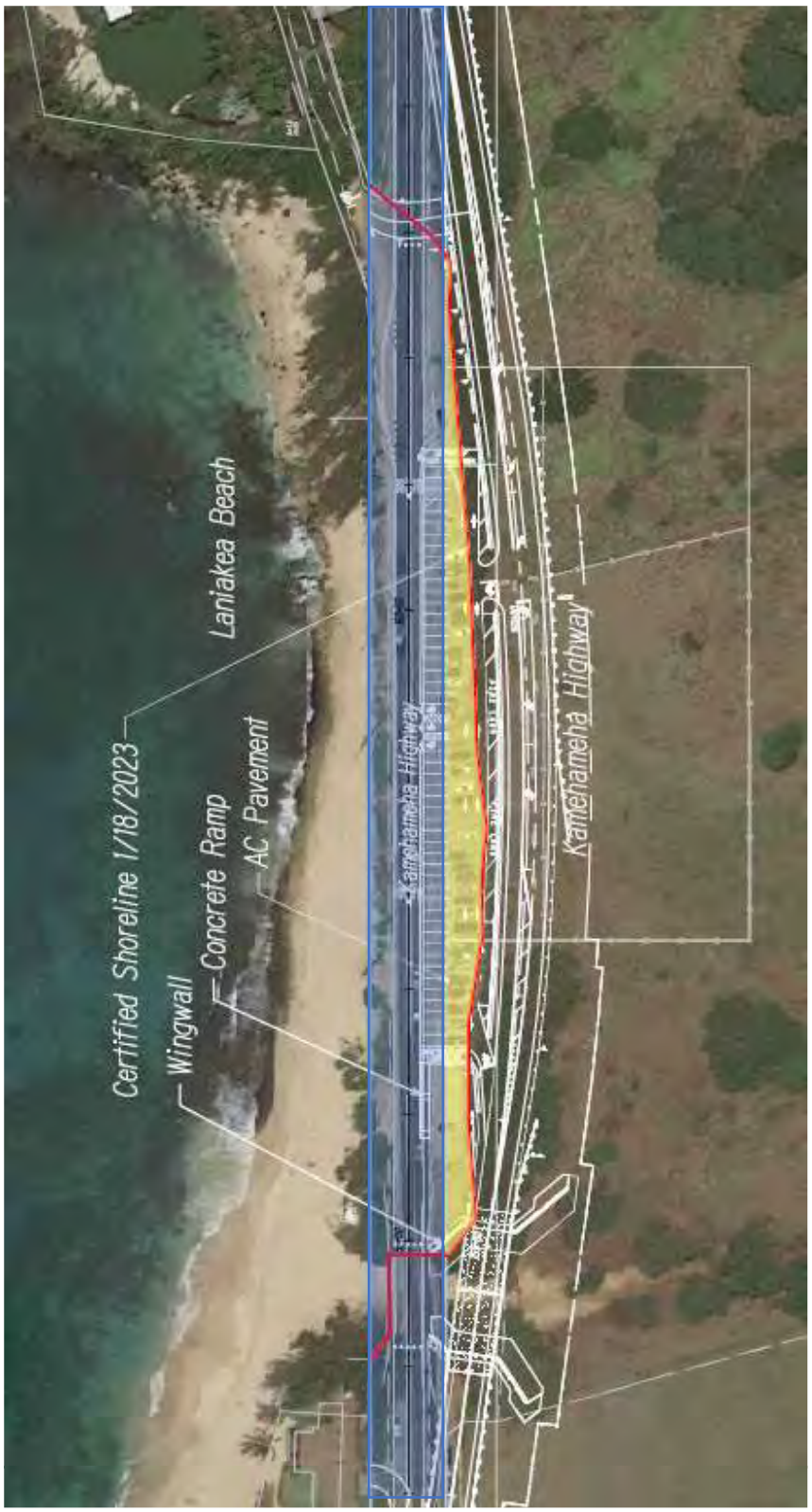
D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

Patti E. Miyashiro
Land Agent

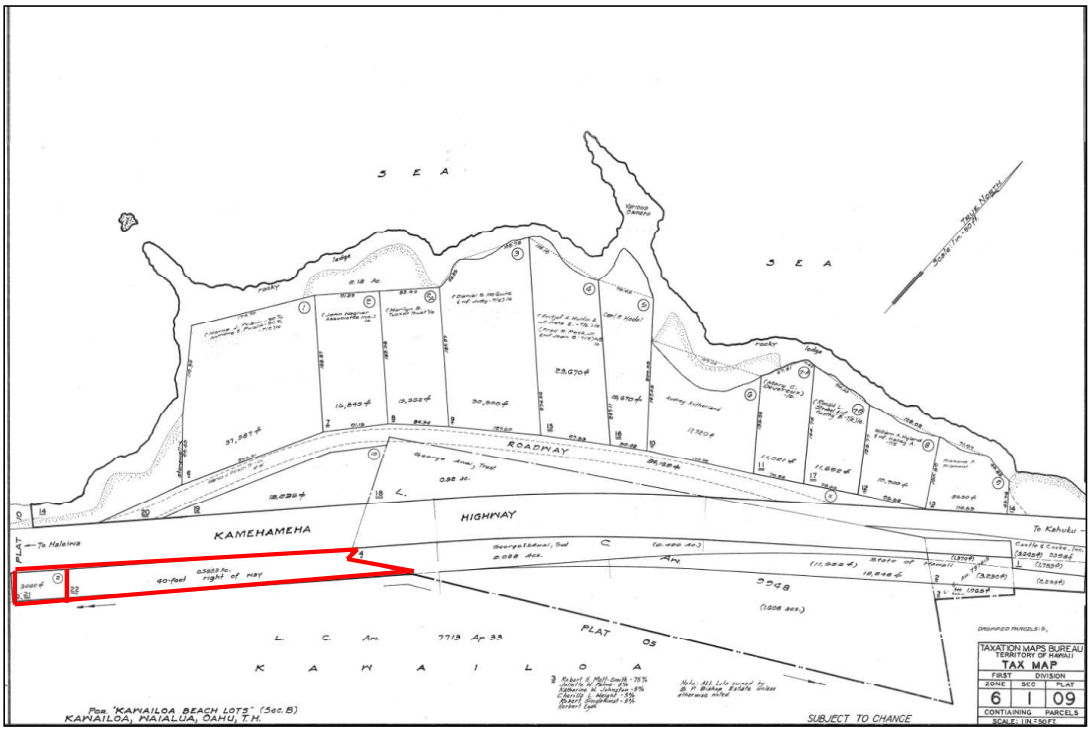
APPROVED FOR SUBMITTAL:

Dawn N. S. Chang, Chairperson

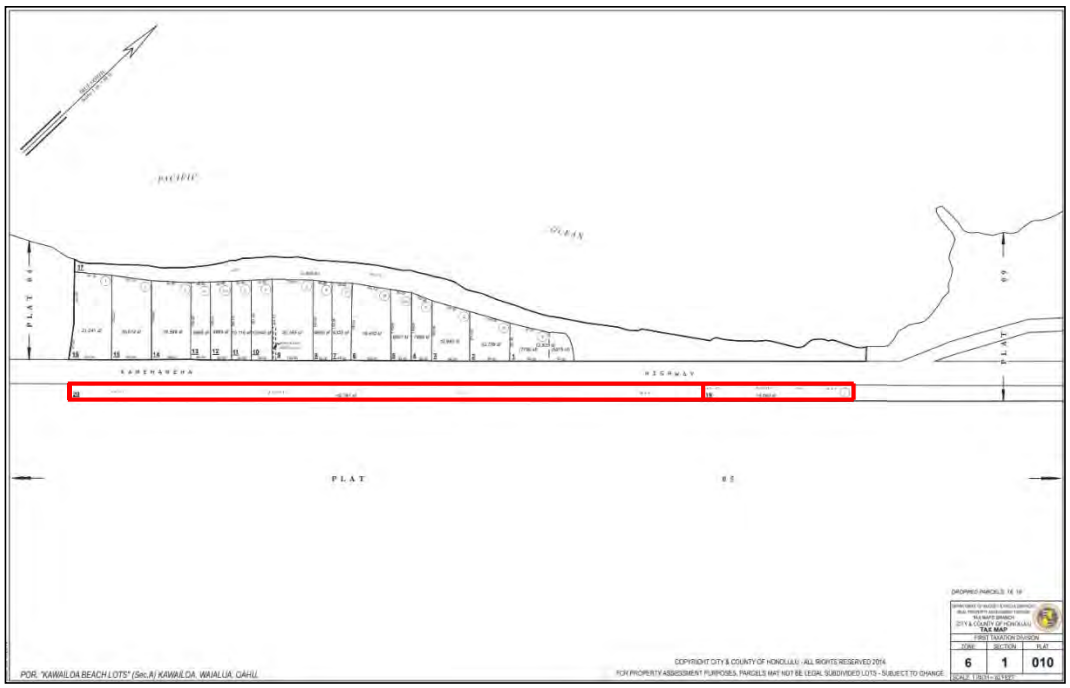


Above is Portion of Kamehameha Highway Drainage and Safety Improvements – Certified Shoreline illustration. Requested area makai of certified shoreline/conservation district highlighted in yellow.

EXHIBIT A1



Tax Map Key: (1) 6-1-009:Pors. 021 & 022



Tax Map Key: (1) 6-1-010:Pors. 019 & 020

EXHIBIT A2

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
Office of Conservation and Coastal Lands
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

CIARA W.K. KAHAHANE
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: KS

CDUP: OA-3950

Mar 19, 2025

Edwin Sniffen, Director
Hawaii State Department of Transportation
869 Punchbowl Street, Room 513
Honolulu, Hawaii 96813

SUBJECT: Conservation District Use Permit (CDUP) OA-3950

Dear Edwin Sniffen:

This is to inform you that on March 14, 2025, the Board of Land and Natural Resources approved Conservation District Use Application (CDUA) OA-3950 by the State of Hawaii Department of Transportation for Public Purpose Use and the Realignment of Kamehameha Highway at Laniakea Beach located at Kawailoa, Waialua, Oahu, Tax Map Keys (TMKs): Seaward of (1) 6-1-009:021, 022, (1) 6-1-010:019, and 020 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 HAR Chapter 13-5;
2. The permittee shall comply with all applicable department of health administrative rules;
3. 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. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
4. All representations relative to mitigation set forth in the accepted environmental assessment for the proposed use are incorporated as conditions of the permit;
5. 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;

EXHIBIT B

Edwin Sniffen, Director
Hawaii State Department of Transportation

CDUP: OA-3950

6. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
7. 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;
8. 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;
9. Except in case of public highways, access roads shall be limited to a maximum of two lanes;
10. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
11. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
12. 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 section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
13. 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 Hawaii, and by Hawaii statutory and case law;
14. The permittee shall avoid night work during the seabird fledging season between September 15 to December 15. If night work is necessary, all lights shall be fully shielded to minimize seabird attraction and a qualified biologist shall be present to monitor seabird risks;
15. If honu (Hawaiian sea turtle) or Hawaiian monk seal are detected within 100ft of the project area, all nearby construction operations shall cease and shall not continue until the focal animal has departed the area on its own accord;
16. The permittee shall have a qualified biologist conduct surveys during crepuscular hours and walk line transects through the area to detect any active pueo nests. If a pueo nest is discovered, the permittee shall notify DOFAW ((808) 587-0166), minimize time spent at the nest, and establish a minimum buffer distance of 100 meters from the nest until chicks are capable of flight;

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17. The permittee shall consult with the Oahu Invasive Species Committee to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread;

18. The permittee shall take actions to minimize predator presence by placing bait stations for rodents and mongoose and providing covered trash receptacles;

19. The permittee shall be in accordance and follow all applicable provisions of the National Fire Protection Association standards related to access roads;

20. The permittee shall ensure that their agents install and maintain the signs, lights, barricades and other safety equipment during the construction phase of the project;

21. The permittee shall notify the businesses and residents prior to any road closures;

22. 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 HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;

23. As a government agency, the permittee shall be responsible to comply with HRS, Chapter 6E-8;

24. Interim protective fencing shall be established around Site T-1 and shall remain the entire course of road construction activity;

25. A qualified archaeological monitor shall be present during ground-disturbing activities;

26. The permittee shall be responsible for the repair and maintenance of all existing and new improvements within the Conservation District. Should they interfere with natural shoreline processes, lateral shoreline access, or pose a potential hazard to the public or wildlife that may frequent the area;

27. The permittee shall provide a detailed plan and design of the makai parking lot showing the system for managed ingress and egress to the Board, OCCL, elected area officials, and the community by April 15, 2025;

28. The permittee shall make presentations to the Sunset Beach Community Association and North Shore Neighborhood Board regarding the project and the makai parking lot by July 15, 2025. The permittee shall include and submit evidence of this public review and feedback on long-term management options in its six-month update to the Board;

29. The permittee shall convene a Laniakea Makai Working Group consisting of the Department of Land and Natural Resources – Land Division, OCCL, and DOFAW, City County of Honolulu Department of Parks and Recreation, City and County of Honolulu Department of Land Management, elected area officials, and community members (including but not limited to the Sunset Beach Community Association and North Shore

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Neighborhood Board) by September 15, 2025, to finalize management authority and plans for the future managed makai parking lot;

30. The permittee shall provide evidence to the Board via OCCL within six months, no later than September 15, 2025, regarding and demonstrating adherence to conditions 27 through 29;

31. Other terms and conditions as prescribed by the chairperson; and,

32. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign and date below. Retain the original for you records and return a copy within thirty (30) days. If you have any questions regarding this matter, please contact Kariann Stark at (808) 587-0380 or kariann.stark@hawaii.gov.

Sincerely,

S Michael Cain

Michael Cain, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:

Applicant's Signature

C: Chairperson
Oahu District Land Division Office
City and County of Honolulu Department of Planning and Permitting