



May 7, 2026

Re: Request for Approval of Time Extension for Emergency Conservation District Use Permit MA 21-10 for temporary shoreline protection seaward of Mantokuji Mission in Paia, Maui, seaward of Tax Map Key No. (2) 2-6-008:013.
Hearing: Board of Land and Natural Resources Meeting, Friday May 8, 2026 9AM

To: Chair Kanaka'ole and Members of the Board,

The Surfrider Foundation Maui Chapter respectfully offers comments regarding the requested extension of Emergency Conservation District Use Permit (ECDUP) MA 21-10.

Surfrider Foundation is a grassroots non-profit dedicated to the protection and enjoyment of our oceans, waves, and beaches. The Maui Chapter is actively engaged in coastal management and shoreline adaptation issues across the island, including promotion of nature-based coastal resilience strategies, protection of public trust resources, dune restoration, and long-term planning for sea level rise and chronic coastal erosion.

We recognize the historical and cultural significance of the Mantokuji Mission, the importance of protecting the temple and surrounding cultural resources, and the chronic long-term erosion issues affecting the site, which are tied in part to a documented history of sand mining. We also support aspects of the proposed long-term beach restoration vision, including dune restoration, living shoreline approaches, and restoration of natural shoreline processes.

However, we have a few concerns regarding the requested extension:

1. The Current Planning Direction Appears Inconsistent with the Original Condition 4 Framework

The original ECDUP and authorization for 112 linear ft of ElcoRock® containers was issued in May 2021 as a temporary, three-year emergency authorization intended to provide time for development of a long-term adaptation strategy. An important safeguard of that authorization was Condition 4, which required "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."

While a 2023 Mitigation Report for Adaptation Pathways was submitted, the current record does not demonstrate meaningful progress toward an implementable relocation plan with clear timelines as required under Condition 4, despite more than four years under emergency authorization and a prior extension granted in 2024. This raises concerns regarding compliance with the original conditions of the permit.

OCCL's 2024 extension documentation stated that long-term planning still included "building structural mitigation" and beach restoration, and further acknowledged that the applicant was exploring federal funding opportunities for relocation of the historic temple building. Yet the current conceptual plans appear to move even further away from direct adaptation/relocation of the historic structure itself and increasingly toward large-scale shoreline engineering concepts including nourishment and a proposed offshore hybrid reef breakwater.

2. The Current Conceptual Plans Remain Highly Uncertain and Far From Implementation

The long-term planning direction, focused on conceptual shoreline engineering proposals, appears far from implementation. For example, the 2023 report identified offshore sand near Kahului Harbor as a potential nourishment source, yet OCCL notes that the current conceptual plans still do not provide additional information "regarding sand compatibility, available volume, or cost estimates for offshore sand recovery."

Similarly, the current materials introduce a conceptual offshore hybrid reef breakwater with little substantive information regarding how the structure would function at this highly dynamic site. Furthermore, as referenced in a 2022 Heliyon study on breakwaters, these structures can create significant and unintended changes to coastal systems.¹ As OCCL notes, these concepts would still require extensive environmental review, permitting, and additional technical analysis. Given the scale and uncertainty of the proposal, it remains unclear whether these concepts are realistically implementable within the requested extension timeframe.

Beyond the significant environmental review requirements and associated timelines tied to the current conceptual plans, the limited progress made over the past several years raises a significant question as to whether the applicant will realistically be able to implement any acceptable long-term conceptual plan within the requested extension period.

Relocation was previously rejected in part because it was estimated at approximately \$2 million. However, OCCL now notes that similar offshore nourishment and breakwater projects may exceed \$20 million — several times greater than the cost of relocation. Given the requested permit extension timeline, relocation and direct structural adaptation remain the most feasible and implementable long-term strategies currently identified in

¹ 2022 *Heliyon review study on breakwaters and coastal impacts*:
<https://www.sciencedirect.com/science/article/pii/S2405844022039147>

the record, and are more closely aligned with the original intent and conditions of the permit.

3. Repeated Extensions Raise Broader Concerns Regarding the Role of the ECDUP Process

This extension raises broader concerns regarding the continued use of the ECDUP process for long-term shoreline planning and the enforceability of core permit conditions. The State has already provided substantial time and flexibility for long-term planning under this emergency authorization framework. If applicants are permitted to obtain repeated emergency permit extensions while making limited progress toward core permit conditions and viable long-term implementation strategies, while simultaneously shifting toward entirely different long-term concepts, the emergency permit process risks deviating from its original intent.

HAR §13-5-35 frames ECDUPs as tools for addressing imminent emergency conditions and temporary threats. Continued reliance on emergency permit extensions in this context risks shifting the ECDUP process into a long-term planning mechanism for chronic shoreline erosion rather than a temporary authorization tied to clear permit conditions.

Given the conceptual and far-off nature of the proposed long-term plans, along with statements within the 2023 report indicating an intent to retain the temporary ElcoRock® shoreline protections as part of a buried backstop protection, an important question remains as to whether an ECDUP remains appropriate for this project.

If the Board elects to grant an additional extension, we respectfully request:

1. That the extension be conditioned on demonstrated progress toward compliance with Condition 4, including coordination with the County of Maui Department of Planning Coastal Zone Management Division to develop relocation planning timelines and pursue applicable permits and applications; and
2. That any future requests for continued shoreline protection beyond the current authorization period proceed through a full Conservation District Use Permit process with HRS §343 environmental review and opportunity for public comment.

Mahalo for the opportunity to provide testimony on this important measure.

Sincerely,

Hanna Lilley
Hawai'i Regional Manager
Surfrider Foundation