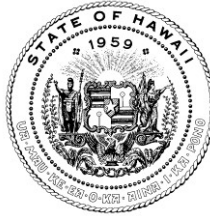


DAVID Y. IGE
GOVERNOR OF
HAWAII



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

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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:RB

CDUP: HA-3880

David Tirrell, Provost
Mail Code 206-31
California Institute of Technology
1200 E. California Street
Pasadena, CA 91125

Jan 18, 2022

SUBJECT: Conservation District Use Permit (CDUP) HA-3880

Dear Mr. Tirrell:

On January 14, 2022, the Board of Land and Natural Resources approved Conservation District Use Application HA-3880 for the decommissioning of the Caltech Submillimeter Observatory within the Mauna Kea Science Reserve at Ka'ōhe, Hāmākua, Hawai'i, Tax Map Key: (3) 4-4-015:009 (por) 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 this chapter;
2. The permittee, its 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;
3. The permittee shall comply with all applicable Department of Health administrative rules;
4. 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;

5. Prior to the start of construction activities, the applicant shall forward to the SHPD, for review and acceptance, the archaeological monitoring plan (AMP);
6. The permittee shall provide the OCCL a yearly site restoration monitoring report for the three (3) years of restoration monitoring;
7. All representations relative to mitigation and Best Management Practices set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
8. The permittee 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;
9. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing prior to the initiation and upon completion of the project;
10. 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 (808-692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
11. The permittee shall utilize Best Management Practices for the proposed project;
12. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
13. 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;
14. 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;
15. Obstruction of public roads, trails, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, or pathways acceptable to the department;

16. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
17. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
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 section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
19. The permittee shall avoid nighttime construction during the seabird fledging period of September 15 through December 15;
20. The permittee shall not use barbed wire for fencing;
21. The permittee shall ensure that all project vehicles, machinery, and equipment shall be cleaned, inspected by its user, and found free of mud, dirt, debris, and invasive species;
22. 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;
23. Other terms and conditions as may be prescribed by the Chairperson; and
24. 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, 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 Rachel Beasley at (808) 798-6481.

Sincerely,

S Michael Cain

Michael Cain, Acting Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:



Permittee's Signature

Date January 24, 2022

c: Chairperson
HDLO
County of Hawaii—Department of Planning