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GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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ref:OCCL:MC

Extension HA-20-04

Bonnie D. Irwin, Chancellor
Office of the Chancellor
University of Hawai'i at Hilo
200 W. Kāwili Street
Hilo, HI 96720-4091

JUL 30 2019

Dear Ms. Irwin,

SUBJECT: EXTENSION OF PROCESSING DEADLINES: Conservation District Use Permit (CDUP) HA-3568
Thirty Meter Telescope (TMT)
Mauna Kea Science Reserve, Ka'ōhe Mauka, Hāmākua District, Hawai'i
Tax Map Key (TMK) parcel (3) 4-4-015:009

The Department of Land and Natural Resources (DLNR) has reviewed your request for a two-year extension on the construction deadlines contained in Conservation District Use Permit (CDUP) HA-3568 regarding the Thirty Meter Telescope on the above subject parcel.

The permit was approved by the Board of Land and Natural Resources via a Decision and Order on September 27, 2017. Pursuant to General Condition 4 of the CDUP:

Any work done or construction to be done on the land shall be initiated within two (2) years of the approval of such use, in accordance with construction plans that have been signed by the Chairperson, and, unless otherwise authorized, shall be completed within twelve (12) years of the approval. The UH Hilo shall notify the Department in writing when construction activity is initiated and when it is completed.

On June 19, 2019 DLNR's Office of Conservation and Coastal Lands (OCCL) approved the Civil Package construction plans, and the Department issued TMT a Notice to Proceed with construction.

On July 30, 2019 the University notified the Department that the following work has been conducted since the Notice to Proceed was issued:

- On June 25, 2019 contractors met at the project site to test GPS equipment and to verify the benchmark locations and coordinates with the existing site survey.
- On the same date a partial survey of the access road was completed.
- On July 12, 2019 contractors met with representatives from the Smithsonian Submillimeter Array (SMA) to locate and survey the SMA fiber optics and electric lines in order to mitigate the risk of damage to the cables when heavy equipment is mobilized at the site.

- During the week of July 15, 2019, the permittee attempted to move construction equipment to the project site; however, the permittee was unable to access the site due to on-going demonstrations along the Daniel K. Inouye Highway and the Mauana Kea Access Road.

The University is requesting a two-year extension to the initiation deadline contained in CDUP HA-3568 for two reasons:

1. Construction was delayed for thirteen months after the Board issued their Decision and Order while the permit went through the appellate process; the permit was finally upheld by the Supreme Court of the State of Hawai'i on October 30, 2018; and
2. Demonstrations along the access road to the summit of Mauna Kea have prevented construction crews from accessing the site.

Extension Request

A two year-extension of the permit conditions would give a new initiation deadline of September 26, 2021.

Discussion

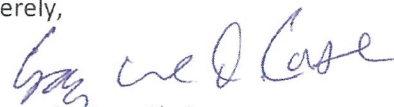
The authority to grant time extensions on this permit lies with the Chair of the Board of Land and Natural Resources, pursuant to Hawai'i Administrative Rules (HAR) § 13-5-43 Time Extensions (a) *Permittees may request time extensions for the purpose of extending the period of time to comply with the conditions of the permit, and (b) Time extensions may be granted as determined by the chairperson on all departmental permits and on the first request for an extension of a board permit of up to two years to imitate or complete a project, based on supportive documentation from the applicant.*

The University has submitted documentation that shows that they have made a good faith effort to comply with the deadlines contained in the permit, and the Department has no objections to issuing the requested time extension.

Decision

The deadline to initiate construction set forth in General Condition 4 of Conservation District Use Permit (CDUP) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohē Mauka, Hāmākua District, Hawai'i, TMK (3) 4-4-015:009 is extended to September 26, 2021.

Sincerely,



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources