

JOANN A. YUKIMURA
MAYOR



PETER A. NAKAMURA
PLANNING DIRECTOR

ROLAND D. SAGUM, III
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

91 FEB 20 P 1:45

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

February 14, 1991

Dr. Bruce Anderson, Director
Office of Environmental Quality Control
465 South King Street, No. 115
Honolulu, Hawaii 96813

Subject: Negative Declaration
for Wayne E. Ellis
TMK: 5-9-02:33
Haena, Kauai

We are hereby filing a Negative Declaration for Wayne E. Ellis to construct a 175-foot-long seawall along the shoreline of the subject property.


PETER A. NAKAMURA
Planning Director

Enclosures

307A

1991-03-08- KA - FBA Ellis Construction of Concrete / Lock
Seawall in Haena

FILE COPY

PLANNING DEPARTMENT - COUNTY OF KAUAI

NOTICE OF DETERMINATION

RECEIVED

APPLICANT: WAYNE E. ELLIS
P.O. BOX 1729
LILUOKE, KAUAI HI. 96746

'91 FEB 20 P1MS

TAX MAP KEY: 5.9.02:33

DEC. OF THE
COUNTY

LOCATION: HAENA, KAUAI
(see attached map)

APPROVING AGENCY: PLANNING DEPARTMENT, COUNTY OF KAUAI

AGENCIES CONSULTED:

County: PUBLIC WORKS State: HEALTH
WATER DLNR

A. DESCRIPTION OF PROPOSED ACTION & STATEMENT OF OBJECTIVES:

THE OWNER'S PROPOSE TO CONSTRUCT A 174 FT
LONG SEAWALL ALONG THE SHORELINE OF THE
PROPERTY TO PREVENT FURTHER EROSION

B. DESCRIPTION OF ACTION'S TECHNICAL, ECONOMIC, SOCIAL & ENVIRONMENTAL CHARACTERISTICS:
(see attached)

C. SUMMARY DESCRIPTION OF AFFECTED ENVIRONMENT:

THE SUBJECT PROPERTY ADJUTS THE
SHORELINE & HAS 2 SINGLE FAMILY RESIDENTIAL
UNITS ON IT.

D. DISCUSSION OF THE ASSESSMENT PROCESS:

1. Identification and Evaluation of Potential Impacts:

THE AREA IS ONE OF HIGH TO MODERATE
CULTURAL SENSITIVITY. THERE IS A KNOWN
CULTURAL DEPOSIT ON THE ADJUTING PROPERTY (ZIMMERMAN)
THIS PROPERTY SHOULD BE ARCHEOLOGICALLY
SURVEYED TO DETERMINE THE EXTENT OF THE
DEPOSIT.

2. Areas Requiring Further Study:

ARCHEOLOGICAL SURVEY WITH SCOPE & METHODOLOGY
REVIEWED & APPROVED BY DEPARTMENT OF LAND & NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION SHALL BE CONDUCTED
PRIOR TO ANY GROUND ALTERING ACTIVITIES ON THE
PARCEL.

E. IDENTIFICATION AND SUMMARY OF MAJOR IMPACTS AND ALTERNATIVES CONSIDERED:

NONE / ADJOINING PROPERTIES HAVE SEAWALLS

F. PROPOSED MITIGATION MEASURES IF ANY:

MITIGATION OF ANY ARCHEOLOGICAL FINDINGS SHALL BE
REVIEWED AND APPROVED BY THE DEPARTMENT OF LAND
& NATURAL RESOURCES - STATE HISTORIC PRESERVATION
DIVISION AND OTHER COUNTY / STATE AGENCIES

G. DETERMINATION:

IT IS HEREBY DETERMINED THAT AN ENVIRONMENTAL IMPACT STATEMENT IS:

NOT REQUIRED; THIS DETERMINATION IS THEREFORE A NEGATIVE DECLARATION;

/ REQUIRED;

BASED ON THE FOLLOWING FINDINGS & REASONS:

P. A. Naka
Authorized Signature

PLANNING DIRECTOR
Title

2/7/91
Date

V. APPENDIX A

ENVIRONMENTAL ASSESSMENT/DETERMINATION

OWNERS: Wayne E. and Helen R. Ellis
Michael L. Ellis
Helen K. Ellis

APPLICANT: Avery H. Youn, Architect
3016 Umi Street, Suite 211-B
Lihue, Kauai, Hawaii 96766

LOCATION: Situated at Haena, Island of Kauai, State of Hawaii, containing an area of 34,405 sq.ft., more or less, further identified as Kauai Tax Map Key 5-9-02: 33, Lot 16.

REQUEST: State Conservation District Use Application (CDUA), County Special Management Area (Minor) Use Permit and Shoreline Setback Variance Permit, for the construction of a concret/rock seawall connecting to the seawall approved by DLNR for the Zimmerman property (TMK 5-9-02: 34).

APPROVING AGENCY: Department of Land and Natural Resources

AGENCIES CONSULTED: Kauai Planning Department, and Public Works Department

I. PROPOSED ACTION

The owners propose to construct a 174 ft. long seawall along the shoreline of the property to prevent further erosion. The seawall proposed will consist of a concrete wall faced with a heavy rock rubble front at a slight camber, with a concrete footing (See Exhibit 4). The appearance of the rock-faced wall is to achieve a natural look compatible with the area, which would be less obtrusive and more effective than a vertical concret wall. Excavation for the wall will occur such that the foundation can sit on beach rock or the coral shelf beneath the sand. The height of the wall will match the seawall previously approved by DLNR for the abutting Zimmerman property. The exposed height should not exceed eight (8) feet.

II. TECHNICAL CHARACTERISTICS

- a. The subject property has a single family residential unit, and is grassed, bordered with mature vegetation consisting of coconut palms, banyan, kamani, papaya and ironwood.
- b. The land closest to the shoreline is the highest portion of the lot, approximately 18 ft above MSL, and forms a natural beach berm. The

land gently slopes inland to approximately 15 feet above MSL at its lowest point, approximating less than 1% slope.

- c. The ironwood and kamani trees along the shoreline are in danger of collapsing due to the root systems being undermined and exposed.
- d. The provision of a seawall should not adversely impact the existing drainage pattern of the property in any manner, as the shoreline area is the higher portion of the lot. Should rainfall occur of a sufficient magnitude to create a surface runoff, drainage would be towards the inland boundary of the lot. Flooding problems from surface runoff are not anticipated.
- e. Utilizing the County's Cultural Sensitivity Maps, the entire Haena area is designated as having a moderate degree of sensitivity. However, no specific sites of historical or archaeological significance are located on the subject property. However, if during site preparation for the construction of the seawall/revetment any sites, features, or remains are discovered, the County Planning Department, the State of Hawaii Preservation Officer, and a qualified archaeologist shall be contacted immediately. All work will be halted until a determination of the significance of the discovery can be assessed, and an appropriate course of action can be established.
- f. The proposed seawall will not result in any adverse effects. It should not interfere in any manner with the public's right to use the beach, since the existing beach fronting the wall is approximately 35 feet in width.

III. ECONOMIC CHARACTERISTICS

The construction of a seawall would not generate any significant beneficial or adverse economic effects, other than create short-term employment benefits during the course of construction.

IV. SOCIAL CHARACTERISTICS

No adverse social impacts are anticipated with the construction of a seawall to prevent further erosion of the property. Lateral beach access as it currently exists will not be affected.

V. ENVIRONMENTAL CHARACTERISTICS

The purpose of the seawall is to prevent further erosion to the property. Approximately 15,560 sq.ft. of land area has already been eroded. In addition, adjacent properties are experiencing severe erosion also. Two properties to the south and west (Murcia-Toro, Inc. and Zimmerman) have been approved by the Land Board for the construction of seawalls. It is these three properties that are being most heavily eroded along this section of Haena Point.

In a Coastal Engineering Evaluation Report prepared by Field Services Hawaii, Inc. for the property owned by Murcia-Toro, Inc. (parcel 35, 2 properties south) it identifies the erosion that is occurring on that

property and an additional 200 ft. of shoreline between that property and Haena Point. The area being referred to is the site of the Zimmerman and Ellis properties.

The report further points out several factors which may be contributing to the erosion problems along this short stretch of shoreline. In viewing the off-shore reef formation, there is a discontinuity of the shallow off-shore reef west of Haena Point and fronting this property. The depression, or channel, parallels the shore and terminates at the beach fronting these three properties. The beach rock or limestone reef platform is also discontinuous along this short 400 feet stretch of beach.

Because of the channel, a convergence of currents occur during large northwesterly swell conditions, from waves breaking across the outer shallow reef and from waves breaking along the southwest shore. This convergence increases the water elevation fronting the project site and drives the flow out through the break in the reef. The increased water levels allow waves to cause erosion at higher elevations on the beach. High tide conditions will further encourage the erosion process. The discontinuous beach rock at the water's edge does not afford beach toe stability. The vertical backshore escarpment increases scouring action of the waves on the beach, and the off-shore currents through the channel carries out all eroded sediments thus preventing it from settling in the immediate vicinity.

The report continues to state that the vegetation line appears to have receded 30 feet over a 32 year period, based on aerial photos taken from 1950 to 1983. It further states that the present high vertical escarpment along this shoreline reach can accelerate the rate of erosion because of scouring and undermining of the bank. It is not unreasonable to assume that erosion of vegetated land along this site will continue.

VI. SUMMARY DESCRIPTION OF AFFECTED ENVIRONMENT

Relative to the seawall, its rock facing will act as a revetment which will dissipate wave energy and is not expected to cause scouring at the toe of the wall, nor loss of beach sand to the extent that a vertical wall would. The wall would be placed along the existing escarpment and inland of the certified shoreline or vegetation line; therefore it will not create a barrier to longshore transport of sediment moving past the revetment, or interfere with coastal processes.

VII. IDENTIFICATION AND SUMMARY OF MAJOR IMPACT(S) AND ALTERNATIVES CONSIDERED

As identified above, the major impact is related to the seawall in that such would cause scouring on the adjacent properties during periods of high surf.

A secondary impact may be the visual aesthetics of the wall, however, using a rock rubble facing at a camber should make the wall more compatible with the beach setting.

There are alternatives to consider which are as follows:

No Action: This action will result in continued erosion due to the configuration of the present shoreline and the outlying reef formation and channel.

Beach Nourishment: As identified in the Coastal Engineering Evaluation Report, the reef formation, the channel, the discontinuous beach rock at the shoreline, and the steep escarpment all contribute to the erosion problem. Beach nourishment would only provide a temporary solution since the above factors would still exist and the erosion processes would still continue.

Offshore Structures: This alternative would not be desirable at all in the Haena area and would probably conflict with the ongoing recreational activities occurring there now. Furthermore, it will directly impact the coastal processes by affecting currents and sediment flow, which may also cause erosion elsewhere along the shoreline. This alternative most likely will receive the most public objection.

VIII. MITIGATION MEASURES

It is fortunate for this application adjoining property owners to the south and west are also constructing seawalls, which would resolve the scouring problem that would be created on those properties by this wall should it have been constructed by itself. It is also fortunate for this application that the Coastal Engineering Evaluation Report for the Murcia-Toro Inc. project similarly evaluated the Zimmerman and Ellis properties and potential impacts.

Said properties which have received County and State approvals for the construction of seawalls are:

1. TMK 5-9-02: 35, Murcia-Toro, Inc.
2. TMK 5-9-02: 34, Zimmerman

IX. DETERMINATION

An environmental impact statement is not required since no major adverse environmental impacts are anticipated from this project, in that the adjoining properties are also constructing seawalls, a rock face revetment will be used, and all backfill will be of crushed rock or coral to minimize any chance of turbidity during periods of high surf. The seawall will be constructed to be similar to those walls already approved.

APPENDIX B

INFORMATION REQUIRED FOR ALL USES

I.. DESCRIPTION OF PARCEL

a. General Description

The subject property is on the shoreline of Haena, Island Of Kauai, State of Hawaii. The property previously contained 49,965 sq.ft. of land. However, an October 1989 survey shows an area of 34,405 sq.ft. It is identified as Kauai Tax Map Key 5-9-02: 33, Lot 16. Exhibit 1 is the project site location in Haena, Hanalei, Kauai. Exhibit 2 is the property location on TMK 5-9-02. Exhibit 3 is a copy of the shoreline certification map.

b. Existing Structures/Use

There are presently two residential structures on the property that were constructed in 1948. One structure is approximately 1,438 sq.ft., and the other is approximately 300 sq.ft. The balance of the property is lawn and landscaping.

c. Existing Utilities

Water, electric and telephone services exist on-site. One cesspool exists on site, approximately 10 feet north of the main dwelling unit, and approximately 60 feet from the northerly (side) property line. No direct drainage flows to the ocean since the topography slopes inland due to the raised sand berm which fronts the shoreline.

d. Existing Access

The lot is located at the end of a private unpaved 30 ft. wide roadway which services this lot and the nine neighboring lots within this subdivision. Ownership of the roadway belongs to all those owners of lots abutting this roadway. This roadway connects to Kuhio Highway, which is approximately 1,100 feet away.

e. Vegetation/Fauna

Existing mature vegetation lies within and along the perimeter of the property, and consists of palms, banyan, kamani, papaya, ironwood, etc. There are no known rare or endangered species of flora or fauna found on the property given the long residential use of the property.

f. Topography

The site is relatively flat, sloping inland from the beach berm. The berm, at its highest point is approximately 18 ft. above MSL, sloping inland to approximately 15 feet above MSL at its lowest point. The average slope would be in the 1% range.

wave energy to prevent further erosion and scouring of the toe of the wall. Backfill material will be of crushed rock or coral.

No rocks, coral or sand shall be removed from the area seaward of the shoreline for use in construction of the seawall unless authorization and approval is obtained from the Department of Land and Natural Resources.

The proposed seawall/revetment will be constructed to match the approved seawall/revetment on the abutting Zimmerman (5-9-02: 34) and Murcia-Toro, Inc. (5-9-02: 35) properties. SEE Exhibit 2 for location of these properties.

III. COMMENCEMENT AND COMPLETION DATES

Construction is proposed to commence as soon as all required State and County permits are secured. Completion is expected within 1-2 months provided adverse weather conditions do not affect the construction timetable.

ADDITIONAL INFORMATION

1. Compliance with County requirements

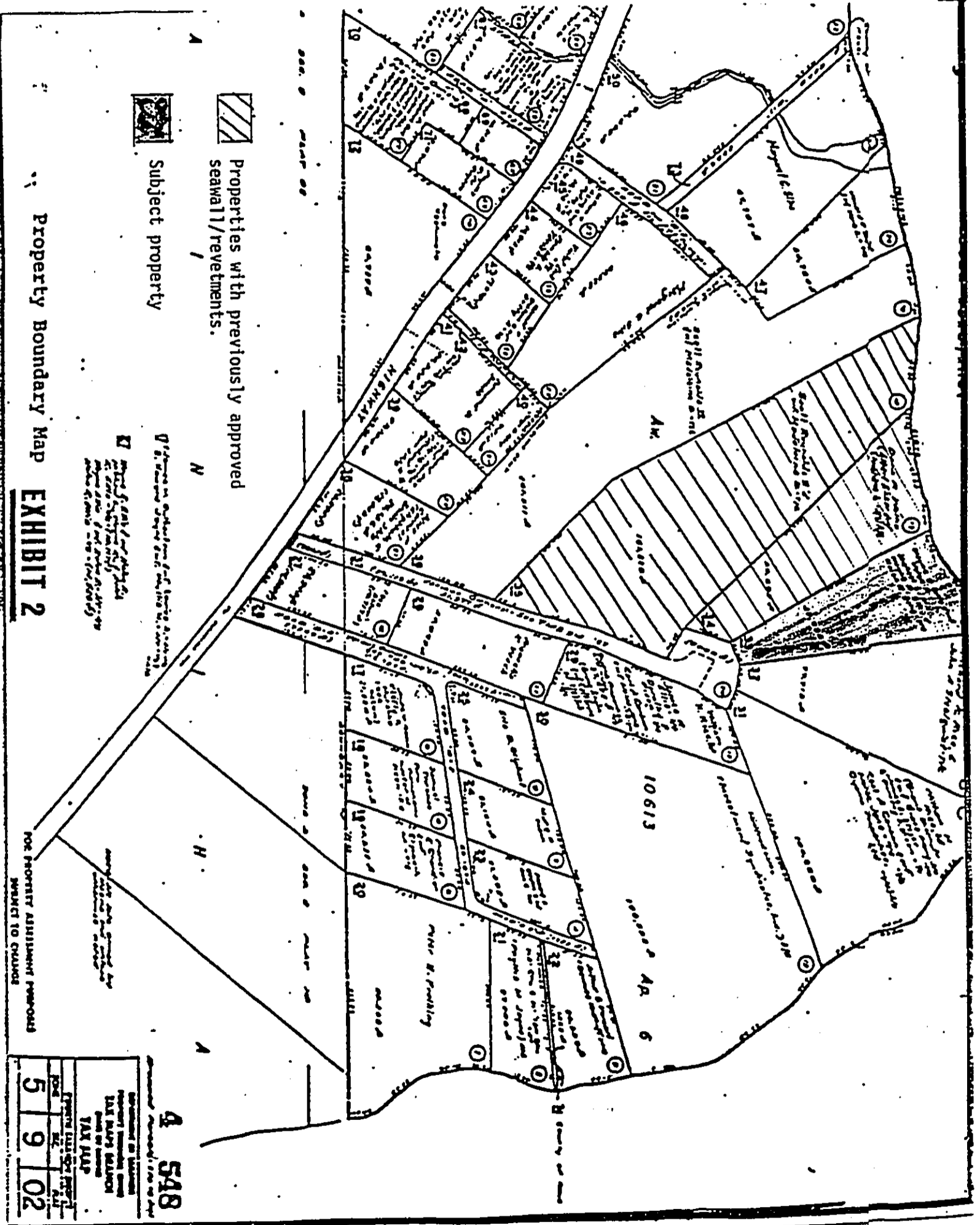
The proposed seawall/revetment will comply with the Shoreline Management Area (SMA) Rules and Regulations as administered by the County of Kauai Planning Department.

2. Justification for Proposed Use

The environmental assessment concludes that no significant adverse environmental impacts will be generated by this project. The impact of the seawall relative to creating scouring of adjacent properties can or is being mitigated in that the adjoining property owners to the south and west are in the process of similarly constructing seawalls also.

The proposed wall will not interfere with the public usage of the beach in that it will be built inland of the certified shoreline and the existing 35 ft. wide beach fronting the property will remain intact.

The seawall is the best alternative to consider in that it will offer maximum protection of the property and will not interfere with the coastal processes. The sloped rock rubble facing will make the wall blend better with the existing beach setting, will help dissipate wave action, and will prevent scouring of the foundation.



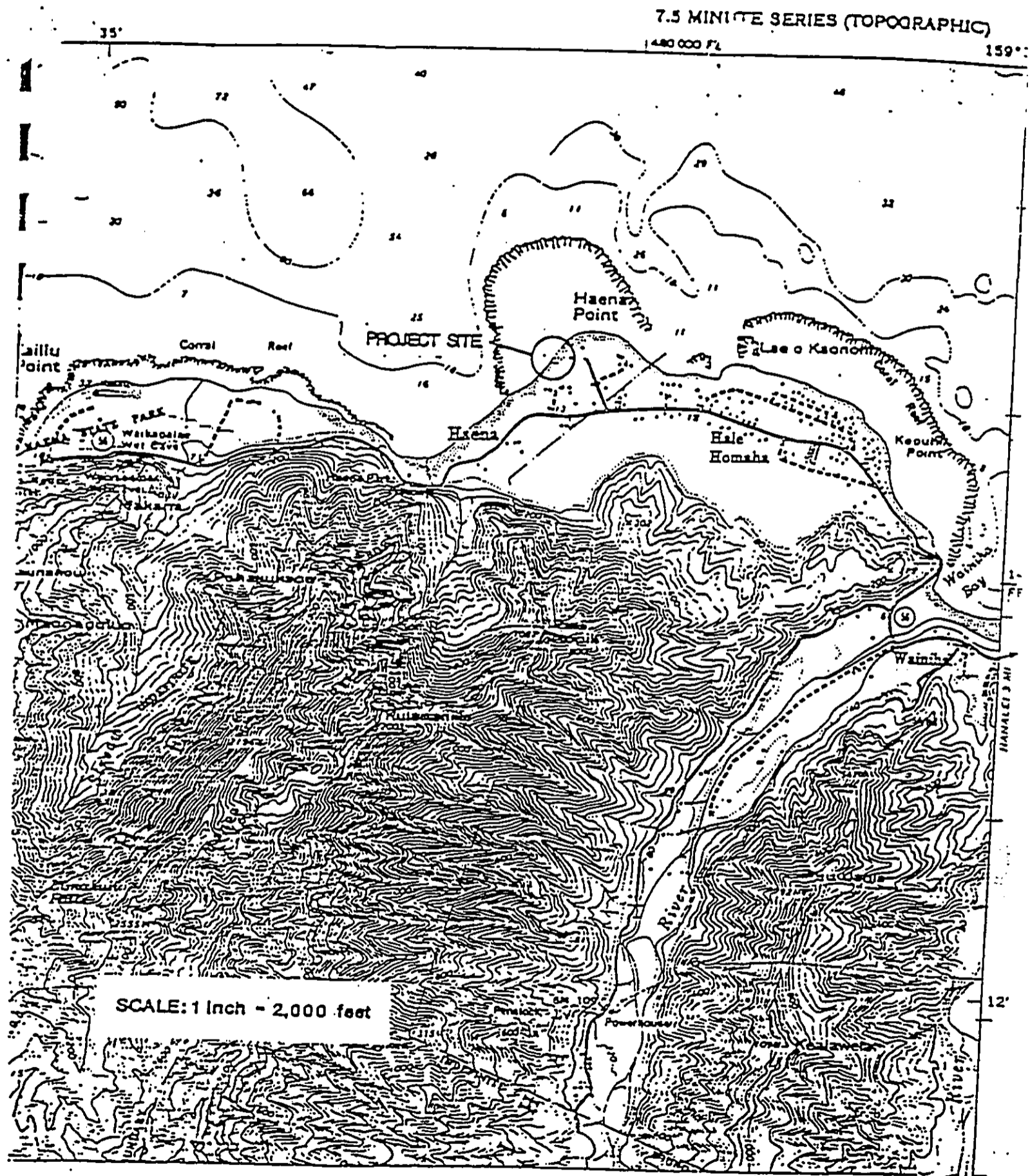
Property Boundary Map **EXHIBIT 2**

FOR PROPERTY ALIGNMENT PURPOSES
 SUBJECT TO CHANGE

4 548

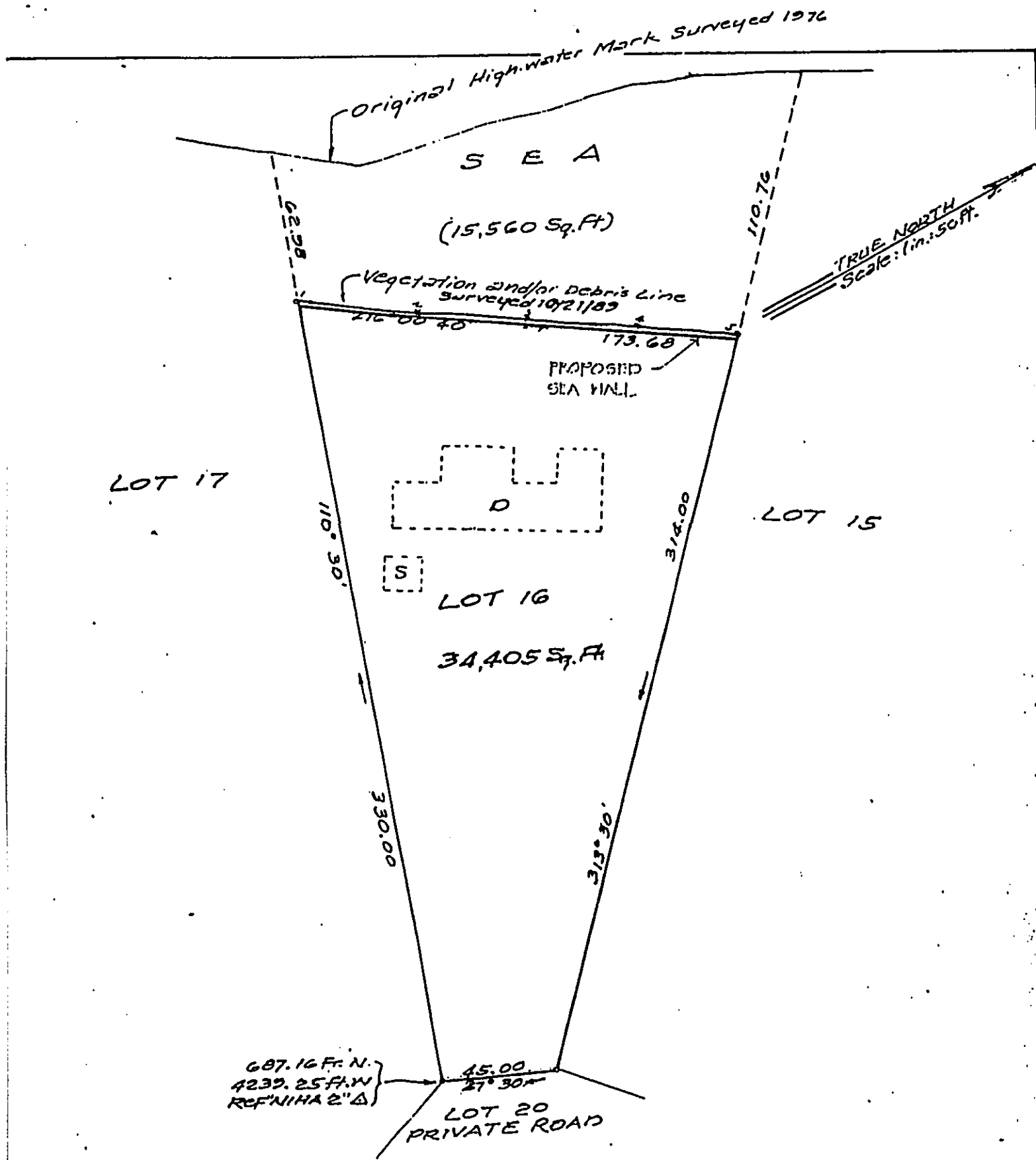
PROPERTY TAX MAP
 FOR THE CITY OF
 PORTLAND, OREGON
 TAX MAP NO. 5902

5	9	02
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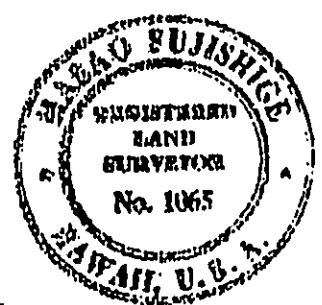
Project Site Location Map, Haena, Kauai

EXHIBIT 1



SHORELINE CERTIFICATION
OF LOT 16 HAENA HUI LANDS
AT HAENA, HANAIEI, KAUAI, HAWAII

OWNERS:
Wayne Ellis &
Mrs. Helen R.
Rick Ellis
Michael Ellis



This work was prepared by me
or under my supervision 10/21/89
10AM.
Masao Fujishige
Registered Land Surveyor 1065
Puhii Kaula, Hawaii
Ph. 245-6388

EXHIBIT 3

Tax Map Key: (4th DIV.) S-9-02:33

DOCUMENT CAPTURED AS RECEIVED

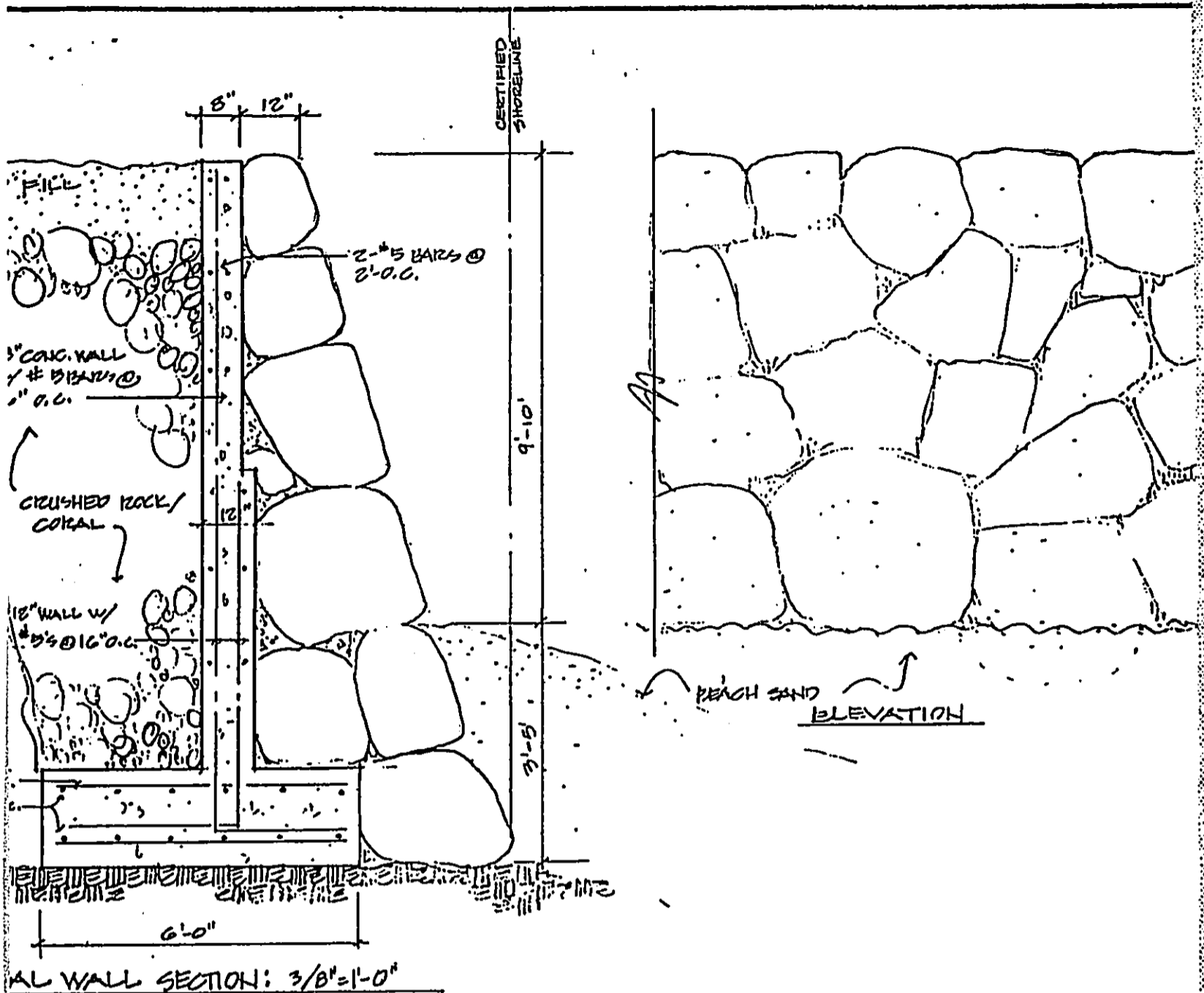


EXHIBIT 4