

Benjamin J. Cayetano
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

DEC 14 1994

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KEITH W. AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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JOHN P. KEPPELER, II

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HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT
OD-93-134

Mr. James K. Ikedo
Interim Director
Office of Environmental Quality
Control
220 South King Street
Central Pacific Plaza, 4th floor
Honolulu, HI 96813

Dear Mr. Ikedo:

Subject: Final Environmental Assessment and Negative
Declaration for Issuance of 65 Year Non-Exclusive
Seawall and Landscaping easement to Castlebrook
International, Inc. Kaawa, Oahu TMK: 5-1-12 seaward
of parcel 5.

The State Department of Land and Natural Resources, Land
Management Division, has reviewed the Final Environmental
Assessment for the proposed project.

This Agency has determined that the issuance of a 65 year non-
exclusive Seawall and Landscaping easement, will not have a
significant environmental effect and by this letter of notice,
Department of Land and Natural Resources is issuing a Negative
Declaration.

Please publish the notice in the next available publication
date.

We have enclosed a completed OEQC Bulletin Publication form
and four (4) copies of the Final Environmental Assessment.

Should you have any questions, please contact us at 587-0433.

KEITH W. AHUE

cc: Mr. M. Nekoba
Mr. L. Landgraf

1995-01-08-0A-~~FEA~~-Castlebrook Int'l 65 year JAN 8 1995
nm-~~exclusion~~ seawall and landscaping easement

FINAL ENVIRONMENTAL ASSESSMENT

FOR

CASTLEBROOK INTERNATIONAL, INC.
51-461 KAMEHAMEHA HIGHWAY
KAAAWA, OAHU

TMK: 5-1-12:05

NOVEMBER 1994

GERSON GREKIN WYNHOFF & THIELEN

Pacific Tower, Suite 780
1001 Bishop Street
Honolulu, HI 96813
(808) 524-4800

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- "F": Photographs of the Existing Seawall and Shoreline
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- "H": Coastal View Study, (1987)
- "I": Department of Land and Natural Resources, Hawaii Historic Places Review Board and Response
- "J": Department of Parks and Recreation, City and County of Honolulu and Response

"K": University of Hawaii at Manoa, Environmental Center
and Response

"L": Office of State Planning, State of Hawaii and
Response

"M": Department of Land Utilization and Response

I. APPLICANT

Castlebrook International, Inc.
2524 Waiomao Road
Honolulu, Hawaii 96816

II. APPROVING AGENCY

State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

III. PROJECT DESCRIPTION

The single-family residential parcel, TMK 5-1-12:05, is located makai of Kamehameha Highway, at Kaaawa, on the windward side of Oahu. (See, Exhibit "A", Map of Oahu). Based on a survey completed on April 22, 1994, the parcel contains 13,324 square feet. This square footage includes 49 square feet located on the makai side of the seawall. (See, Exhibit "B", Area Plan; See, Exhibit "C", Plan Showing Seawall Easement with Metes and Bounds Description, dated April 22, 1994). The site is nearly level, slightly sloping toward the ocean, with an elevation of about two to four feet above mean sea level.

Applicant seeks a 65 year non-exclusive term easement from the State of Hawaii for the seawall which is located on State property.

A shoreline survey of the seawall shows that the straight wall has cut off 49 square feet of applicant's property which lies makai of the seawall and includes 318 square feet of State property which lies mauka of the seawall. (See, Exhibit "C"). However, the Department of Land and Natural Resources has determined that the entire seawall rests on State property.

The subject property and the neighboring properties have unique topographical and shoreline characteristics which necessitate the existing seawall. Studies of the area shows that the shoreline for this area suffers from chronic erosion. Presently, almost every property along this shoreline including City and County property, utilizes seawalls for shoreline protection due to the erosion problems. Swanzy Beach Park, located three lots to the north of the subject parcel, is protected by a continuous seawall located along the vegetation line. (See, Exhibit "D", Map of Swanzy Beach Park and Kaaawa). While some of these seawalls failed to obtain the necessary permits and variances, two parcels (TMK 5-1-12:7 and 8) were granted after the fact variances in 1990.

As stated in the Oahu Shoreline Study, Part 2, Management Strategies, (November 1989), the shore protection "continues into the 700 foot long residential area just south of the park. Six of the seven lots in this area are protected by seawalls or revetments". The study concludes that "this

entire area is subject to chronic erosion and is committed to shore protection". (See, Exhibit "E", Table 1, Oahu Shoreline Study, Part 2, Management Strategies, (November 1989)).

The Department of Land Utilization ("DLU") has found that although sloping revetments are in general better than vertical seawalls with respect to retaining their fronting beaches, neither a seawall nor a sloping revetment can prevent the loss of a beach in a case of chronic erosion, such as this area. DLU stated this finding when approving a variance for an after-the-fact seawall for a neighboring property, TMK 5-1-12:8, in 1990.

As the area is subject to chronic erosion, the fact that the subject wall is a vertical seawall rather than a revetment will not create any additional negative impact on the fronting beach. In addition, the existing seawalls on all the neighboring properties are vertical seawalls, several of which were recently approved due to the chronic erosion and the fact that under chronic erosion conditions, the vertical walls would not cause more of an environmental impact than a revetment.

The beach front location of the property also subjects it to shoreline waves which are especially threatening during storms or periods of high surf. Despite the reef structure existing

150 feet to 300 feet offshore, during periods of large northerly swell and storms, the wave action can be significant. See Hawaii Coral Reef Inventory, prepared by AECOS, Inc., for the U.S. Army Engineer District, Honolulu. During these periods the shoreline, particularly applicant's parcel (which was one of the only parcels unprotected by a seawall), suffers erosion from the increased wave action.

After Hurricane Iniki, in September of 1992, the shoreline portion of the subject property, already damaged by the chronic erosion, suffered additional severe damage due to the storm. The Department of Transportation, Maintenance Division verifies that Iniki did cause damage to this shoreline area, thereby necessitating repairs to the area supporting Kamehameha Highway.

The majority of parcels neighboring the subject parcel, as well as Swanzy Beach Park located within three lots of the parcel, were protected by seawalls during Hurricane Iniki. These properties did not sustain shoreline damage from Iniki. In order to prevent further damage to the property, increased erosion, and the undermining of the adjacent properties, applicant constructed a seawall which attached to the seawall and shore protection located on either side of the property.

In order to provide a cohesive tie to the neighbor seawall as

well as continue the design previously used by the neighboring parcels, applicant constructed the seawall in a straight line along the shoreline. (See, Exhibit "F", Photographs of the Existing Seawall and Shoreline).

IV. AGENCIES CONSULTED

Department of Land Utilization
650 South King Street.
Honolulu, Hawaii 96813

City and County of Honolulu
Building Department
650 South King Street
Honolulu, Hawaii 96813

City and County of Honolulu
Department of Parks and Recreation
650 South King Street
Honolulu, Hawaii 96813

City and County of Honolulu
Department of General Planning
650 South King Street
Honolulu, Hawaii 96813

U.S. Army Corps of Engineers
Pacific Ocean Division
Building 230
Fort Shafter, Hawaii 96858-5440

Office of State Planning
Coastal Zone Management
250 South Hotel Street, 4th Floor
Honolulu, Hawaii 96813

State Historic Preservation Division
Department of Land and Natural Resources
33 South King Street, 6th Floor
Honolulu, Hawaii 96813

Tom A. Wok
P.O. Box 17311
Honolulu, Hawaii 96817

Thomas J. and Delana R. Henry
P.O. Box 175
Kaaawa, Hawaii 96730

V. COMMENTS

Comments were received from five of the consulted agencies. They are attached as Exhibits "I" through "M"

VI. GENERAL DESCRIPTION OF PROJECT'S TECHNICAL, ECONOMIC, SOCIAL AND ENVIRONMENTAL CHARACTERISTICS

A. Technical Characteristics

1. Use Characteristics: This property and all surrounding properties are comprised of single family residences.
2. Physical Characteristics: The layout of the property, including lot size, survey, reference datum, can be viewed in Exhibit "C".
3. Construction Characteristics: The structures addressed in this report are existing structures, therefore, no demolition, removal, modification, clearing, grading, or filling will be required. No additional construction is proposed.
4. Technical Characteristics: The subject wall was built directly on top of a solid coral foundation. The wall is composed of extra-large stones (3-4 man stones), and is two feet thick. The height of the wall and the type of facing matches those of the adjacent property, although this wall is shorter than the walls farther away, which reach up to 10 feet in height.

5. Other Pertinent Information: The property has municipal water, electric, sewage and rubbish disposal services. Since no construction is planned for the site, no additional municipal services are required.

B. Economic Characteristics

The rock seawall was constructed in November 1992 at a cost of approximately \$10,000.00. No additional construction is proposed for the site. The seawall has no negative economic impact on the state's tourism economy, as the limited tourists who use the area take advantage of the two local beach parks. As lateral beach access in the area has traditionally been narrow and limited and subject to the adjacent homes' and park's seawalls, the subject wall does not impinge on tourists' existing interests. Consequently, the existing seawall has no economic impact on the community or the State.

C. Social Characteristics

The existing seawall has no social impact on the community or the State. As stated above, the seawall does not create any new impact on beach access or lateral

beach access. Recreational fishing occurs in areas offshore of the site, however, there is adequate beach during low tide to fish on shore. No wetlands, lagoons, tidal lands, fisheries, fishing grounds, or other coastal or natural resources of social significance exist on the property.

D. Environmental Characteristics

The property is located makai of Kamehameha Highway, at Kaaawa, on the windward side of Oahu. The present State Land Use classification of the property is Urban; the present Development Plan Classification is Residential; and the present county zoning is R-5. The views of the existing seawall are shown in the photographs. (See, Exhibit "F").

The present seawall does not restrict existing public access along the shoreline from Swanzy Beach Park. Of note is the fact that the beach in this area was already narrow and during high tides, barely existent.

The seawall does not pose a threat to endangered species, wildlife, birds or other natural resources and is one in a series of seawalls which have been built for shore protection in this area. Since the wall has been built,

naupaka and spiderlilly are growing back on the makai side, and the mauka Kaimani tree is more healthy. Opii, pipipi, crabs, seacucumber, fish and limu remain in the area and are unaffected by the wall.

The parcel is located within the Federal Flood Insurance Rate Map (FIRM) Zone VE. Zone VE is an area of coastal flooding with wave action. The base flood elevations have been determined at 11 feet msl. (See, Exhibit "G", Flood Insurance Rate Map, dated September 4, 1987).

The Coastal View Study, prepared for the City and County of Honolulu in 1987 shows that the view from Swanzy Beach Park is a significant stationary view. As the top of the wall is flush with the rear property, the wall does not interfere with lateral views from the beach park or the highway. (See, Exhibit "H", Coastal View Study, 1987).

E. Historical Characteristics

The State Department of Land And Natural Resources, Hawaii Historic Places Review Board, has found that there are no known historic sites located at this parcel. The Board also stated "[s]ince an approved 65 year non-exclusive term easement for the seawall will not authorize any ground disturbing activities, we believe that there will be 'no effect' on historic sites." (See Section X, infra, for Comments)

VII. MAJOR IMPACTS AND ALTERNATIVES CONSIDERED

The existing seawall is one of a line of seawalls which have been constructed to protect property and buildings from the chronic erosion which effects this area. As has been stated in the Oahu Shoreline Study Part 2 Management Strategies, "in areas where a substantial amount of shore protection has been constructed and there is no other viable alternative, an overall shore protection plan could be prepared and adopted. This plan could establish a general alignment, an acceptable common design and provisions for public access".

In this case, the wall has been constructed in alignment with the neighboring walls which stretch and attach to the seawall at Swanzy Beach Park. In addition, the design is similar to that of the surrounding seawalls and therefore does not interfere with existing lateral beach access or views.

This area is subject to chronic erosion. With chronic erosion, neither a revetment or a vertical seawall can prevent the loss of the fronting beach. Moreover, as essentially all of the neighboring properties, including the Swanzy Beach Park, are protected by vertical seawalls, many of which have been approved within the past four years, protection for the subject property is appropriate. The subject seawall forms a link in a chain of defense against the chronic erosion in the area. Removing the existing seawalls would undermine the

entire series of connecting seawalls and allow the continued erosion of the shoreline properties.

Given the chronic erosion along this portion of the shoreline as well as the connecting line of existing seawalls extending to Swanzy Beach Park, no alternatives have been considered.

VIII. MITIGATION MEASURES

Applicant is requesting a 65 year non-exclusive term easement for the seawall located on State property. Since the seawall construction is complete and there is an absence of potential adverse environmental consequences, no mitigation measures are required.

Continued maintenance and repair of the seawall will insure minimal environmental impact in the future.

IX. DETERMINATION

Based on a review of the factors discussed in this environmental assessment, it is determined that no significant effect on the environment will occur by allowing the existing seawall to remain in place, therefore, a full environmental impact statement is unnecessary.

SEAWALL EASEMENT

LAND SITUATED NORTHEASTERLY OF THE INTERSECTION OF KAMEHAMEHA HIGHWAY AND
HIIAKA ROAD AND NORTHEASTERLY OF LOT 40-A, KAAAWA BEACH LOTS
KAAAWA, KOOLAULOA, OAHU, HAWAII

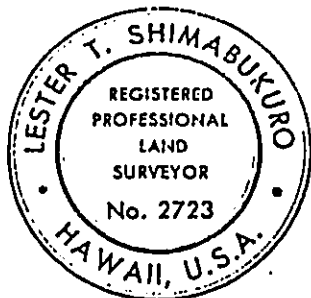
Beginning at the Northwesterly corner of this easement on the seaward face of CRM wall the coordinates of said point of beginning referred to "KAM 44" "+" (marked by a "+" cut in concrete pavement of Kamehameha Highway and as shown on Government Survey Registered Map No. 2815) being 651.94 feet North and 957.02 feet East and running by azimuths measured clockwise from True South:

Thence running along the seaward face of CRM wall the direct azimuth and distance between points being:

1. 310° 34' 10" 66.20 feet;
2. 42° 08' 3.48 feet along the remainder of shoreline;

Thence along Lot 40-A for the next four (4) courses the direct azimuths and distances between points along said Lot 40-A being:

3. 105° 52' 9.91 feet;
4. 154° 02' 9.07 feet;
5. 117° 31' 16.43 feet;
6. 143° 49' 30" 33.67 feet to the point of beginning and containing and Area of 318 Square Feet.



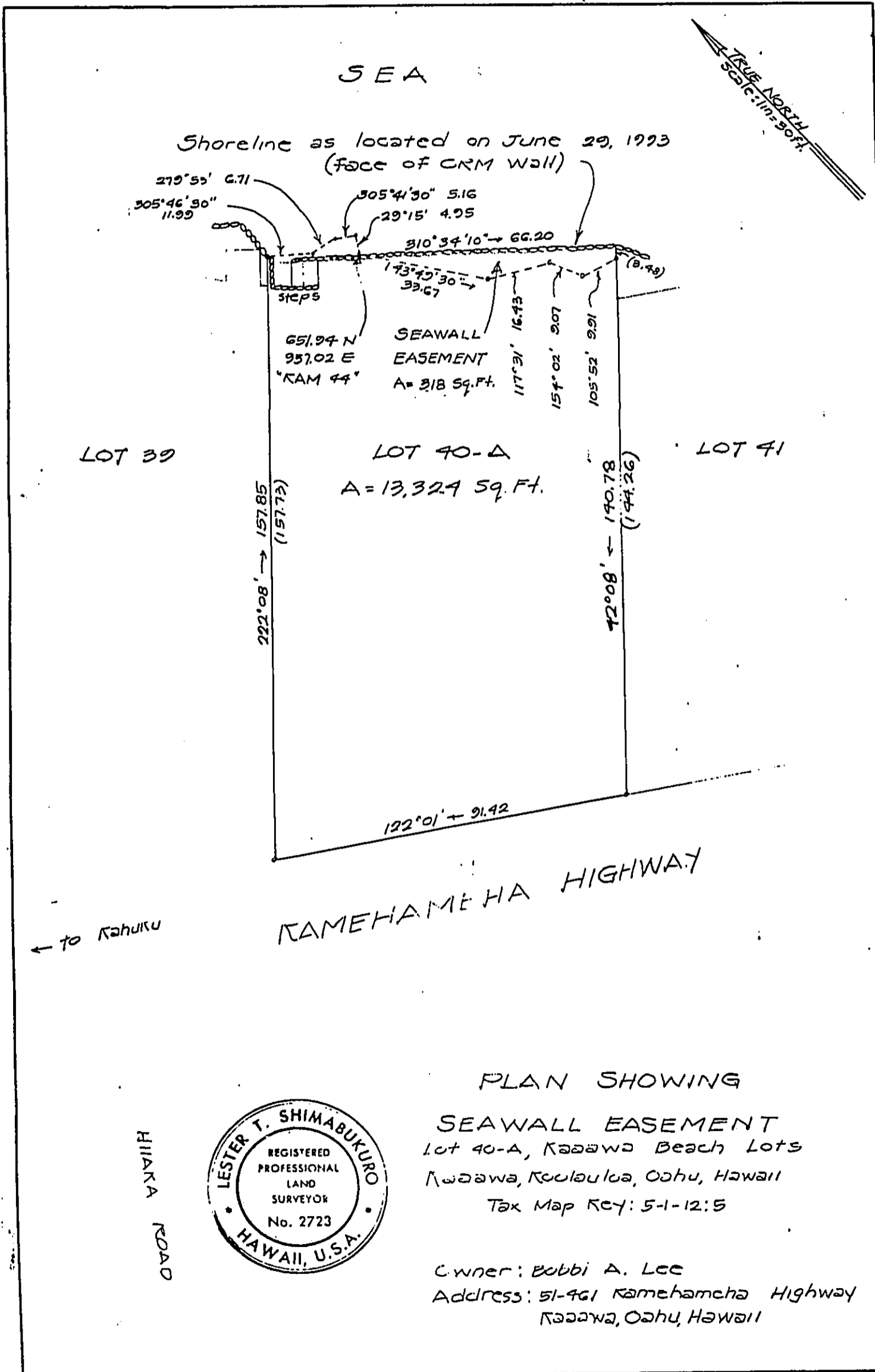
TOWILL, SHIGEOKA & ASSOCIATES, INC.

By Lester T. Shimabukuro
Lester T. Shimabukuro
Registered Professional Surveyor
Certificate Number 2723

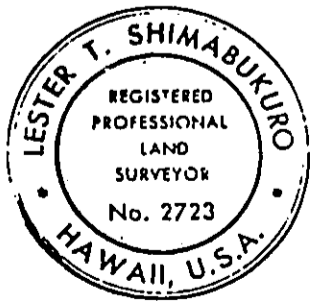
1270 Queen Emma Street, Suite 700
Honolulu, Hawaii 96813
April 22, 1994
Job No. 1842-4

EXHIBIT "C"

TOWILL, SHIGEOKA & ASSOCIATES, INC.
SURVEYORS



HIILAKA ROAD



PLAN SHOWING
SEAWALL EASEMENT
Lot 40-A, Kaawawa Beach Lots
Kaawawa, Koolauloa, Oahu, Hawaii
Tax Map Key: 5-1-12:5

Owner: Bobbi A. Lee
Address: 51-461 Kamehameha Highway
Kaawawa, Oahu, Hawaii

TABLE 1 (continued) Nov. 1989

SECTOR	SECTOR LENGTH (FT)	BACKSHORE	ZONING	BEACH CONDITIONS	LATERAL ACCESS	RECOMMENDED SETBACK	RECOMMENDED MANAGEMENT POLICY
Kaiuanui Beach #1	3,800	Houses/Highway	R-5	Narrow; eroding; shore protection predominates.	Poor	40	Monitor unprotected area; control alignment and design of shore protection if requested.
Kaiuanui Beach #2	1,500	Houses/Apartments	R-5/A-2	Narrow beach, stabilized by Kaupaka plants at north end; eroding at south end.	Good	40	Consider effects on entire sector when evaluating requests for shore protection.
Kaiuanui Beach #3	1,000	Houses	R-5	Narrow; eroding; fully protected except for two lots.	Poor	40	Shore protection.
Punaluu Residential #1	700	Houses	R-5	Narrow; eroding; scarp at vegetation line.	Marginal	40	Monitor beach; once first seawall is built, they will spread to all 7 lots.
Punaluu Residential #2	4,100	Houses	R-5	Narrow to non-existent; extensive protection.	Poor	40	Shore protection.
Swanzy Beach	5,000	Houses/Highway/Park	R-5	Narrow or non-existent; almost continuous shore protection.	Poor	40	Shore protection.
Kaawaka/Kualoa	15,000	Houses/Highway/Parks	R-5	Narrow; extensive shore protection.	Poor/Marginal	40	Shore protection.
Kaliua Beach	13,800	Houses/Park	R-10/P-2	Dynamic; evidence of cyclic patterns of erosion and accretion. High quality recreational beach.	Good	60-RESIDENT 120-PARK	Preservation of beach a top priority.
Lanikai Beach	7,700	Houses	R-10	High quality recreational beach in middle (3,400'); extensive seawalls at each end.	Varies: Poor to Good	60	Monitor unprotected area; limit spread of seawalls; prevent encroachment on accreted land.
Kaimanalo Beach	5,300	Houses/Park	P-2	High quality recreational beach.	Good	100	Maintain existing buffer between homes and ocean; prevent development in buffer zone.
Katona Beach Park	3,000	Park	P-2	Eroding; extensive protection.	Good	100	Shore protection.
Pahonu Fishpond Residential Area	2,300	Houses	R-10	Stable area, modified by the fishpond walls and shore protection.	Poor	40	Shore protection.
Portlock	5,300	Houses	R-10	Narrow beach; eroding; extensive seawalls at one end.	Marginal	60	Monitor ongoing erosion; attempt to prevent spread of seawalls.
Haunalea Bay Beach Park to Kulaouu	3,200	Park	P-2	Partly protected; shoreline varies from coarse sand to mud.	Good	40	Evaluate future changes in light of extensive past modifications.



View of seawall from subject property



View of seawall from beach

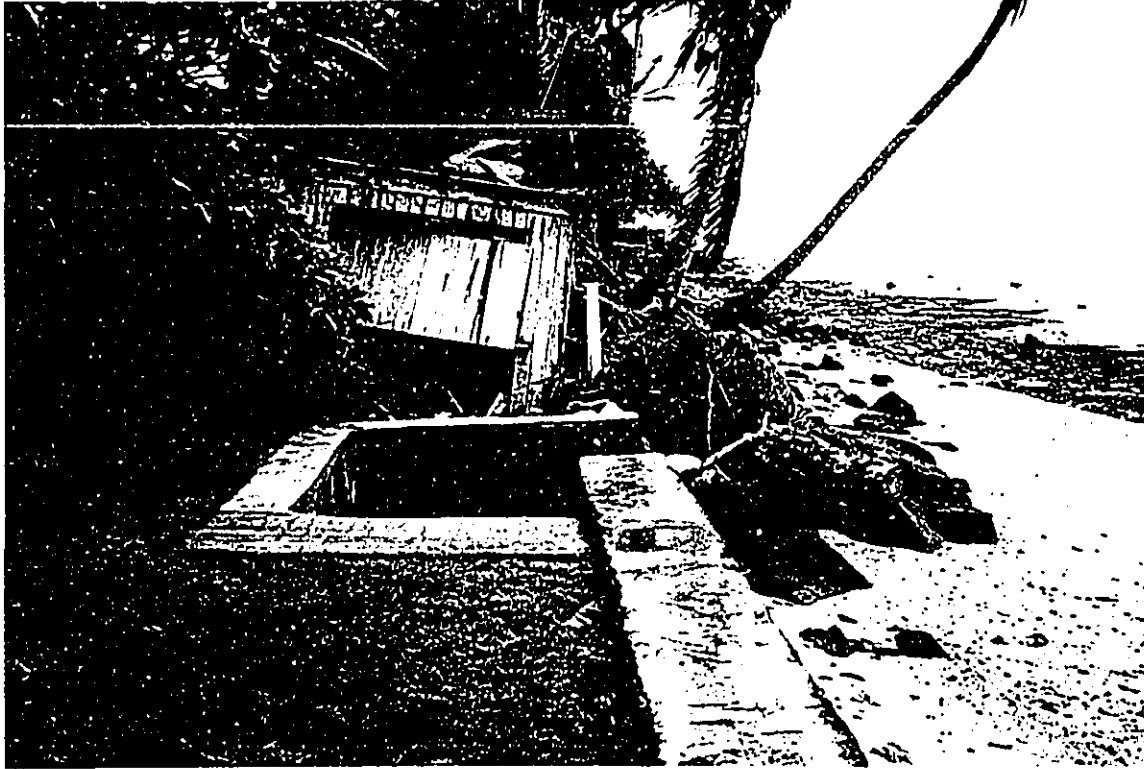
EXHIBIT "F"



View of seawall looking north toward Swanzy Beach



View of seawall
looking south.
Note that the
wall is tied into
the seawall located
on Lot 4



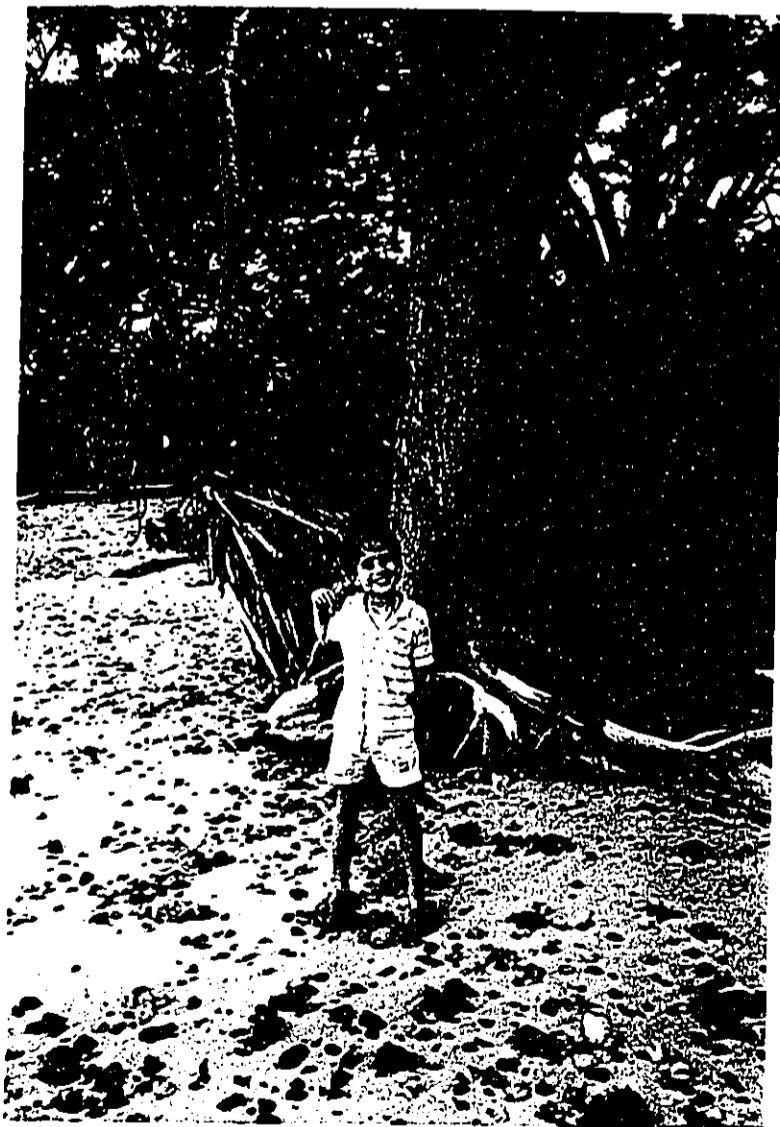
View of seawall and steps onto subject property



View of steps onto subject property



View of beach vegetation taken prior to construction of seawall

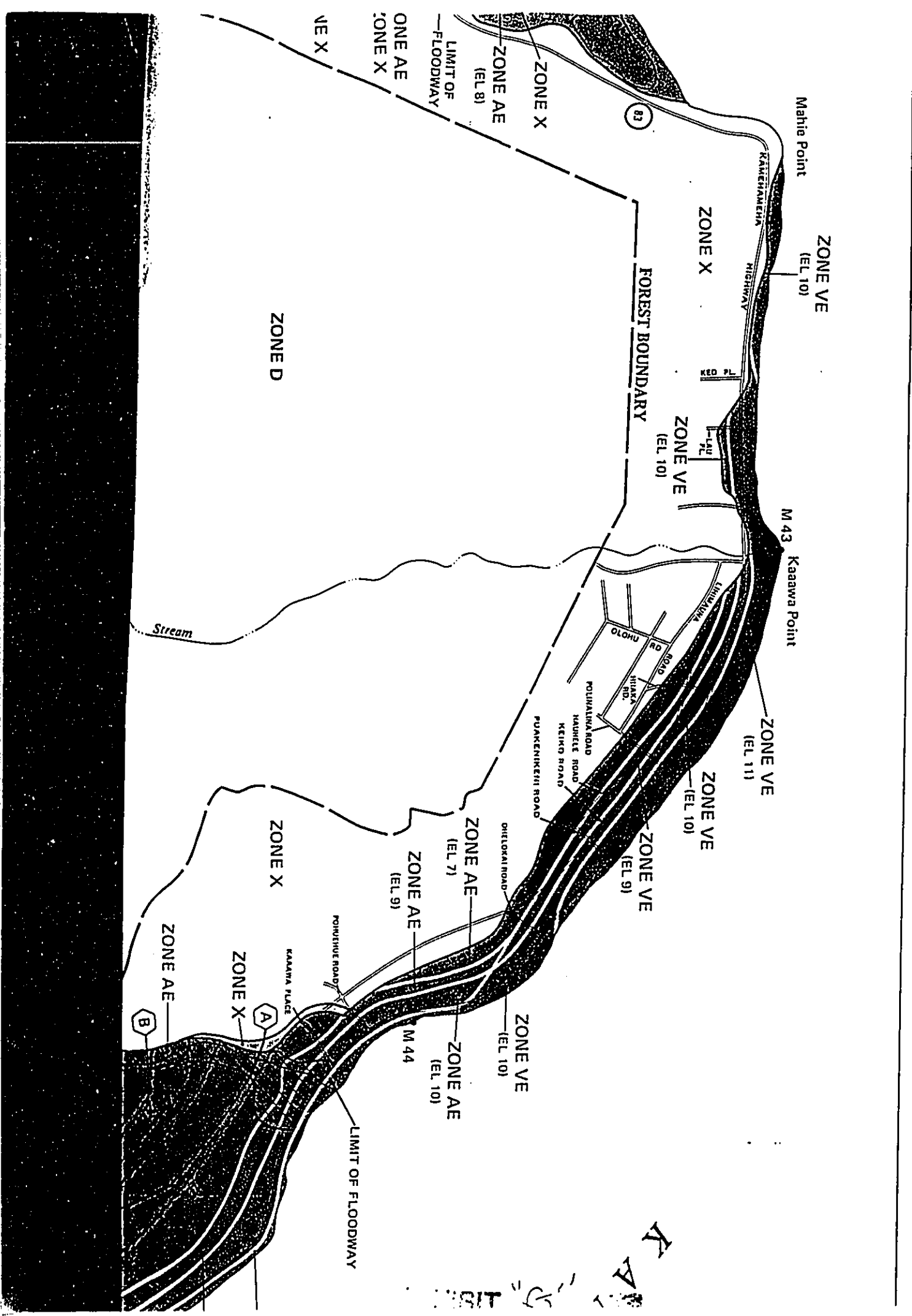




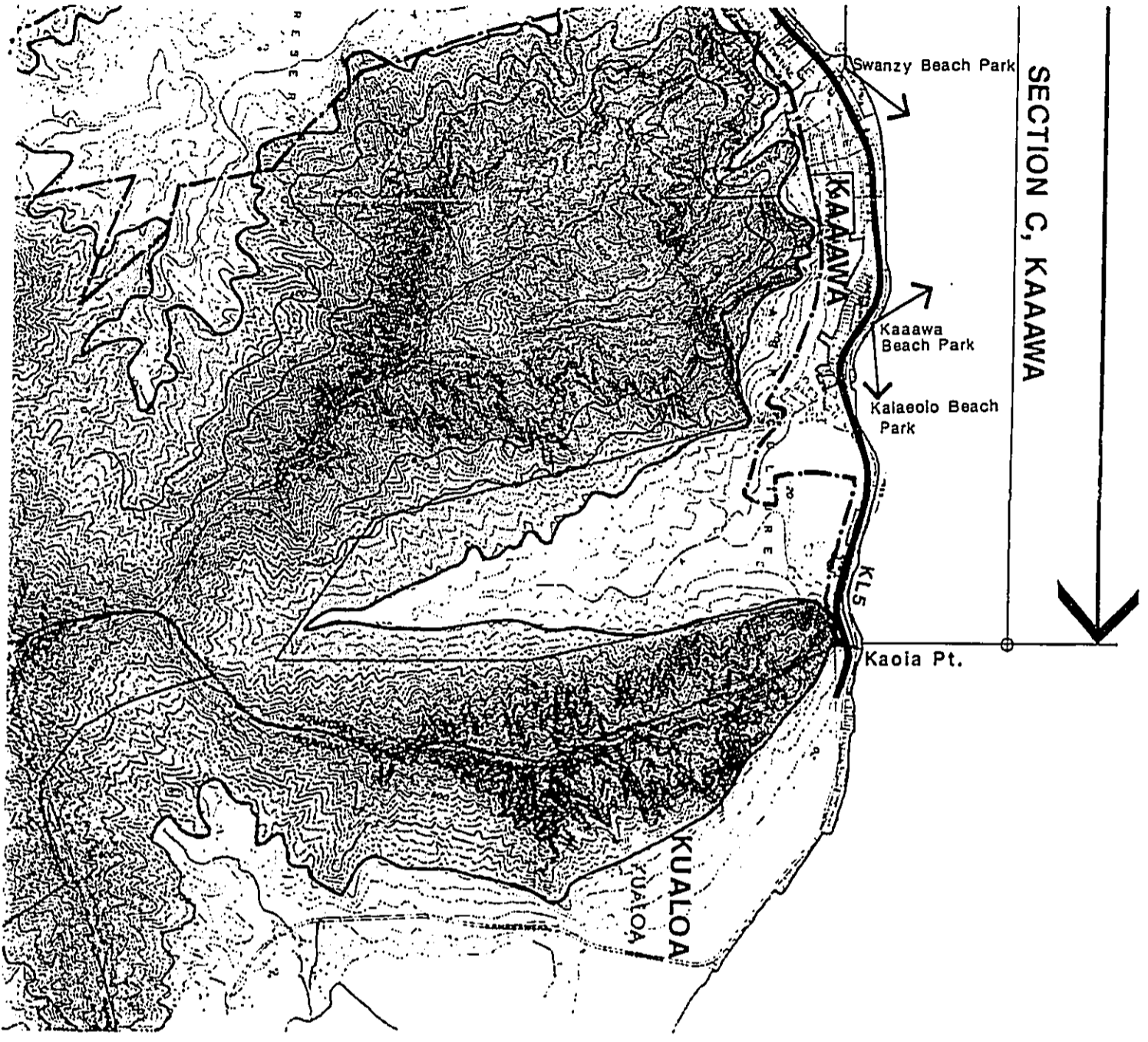
View of beach prior to construction of the seawall. Note that vegetation extends beyond present location of the seawall.




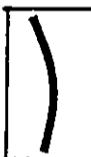




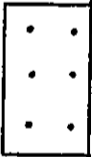
View of beach
vegetation prior to
construction of
seawall

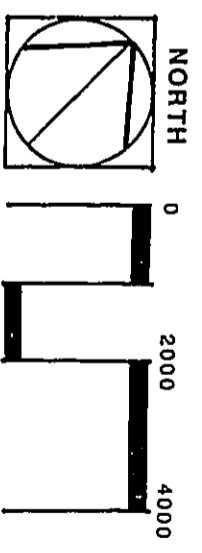


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LEGEND

-  SMA BOUNDARY
-  COASTAL ROAD CONTINUOUS COASTAL VIEWS
-  COASTAL ROADWAY INTERMITTENT COASTAL VIEWS
-  COASTAL ROADWAY
-  SIGNIFICANT STATIONARY VIEW
-  IMPORTANT COASTAL LAND FORM
-  IMPORTANT OPEN SPACE/LANDSCAPE



KOOLAULOA

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HAWAII HISTORIC PLACES REVIEW BOARD
33 SOUTH KING STREET, 8TH FLOOR
HONOLULU, HAWAII 96813

April 14, 1994

Kathleen M. Douglas
Gerson Grekin Wynhoff & Thielen
Pacific Tower, Suite 780
1001 Bishop Street
Honolulu, Hawaii 96813

KEITH W. AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCE

DEPUTIES

JOHN P. KEPPELER, II
DONA L. HANA'IKE

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
DIVISION

LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

LOG NO: 11263 ✓
DOC NO: 9404EJ03

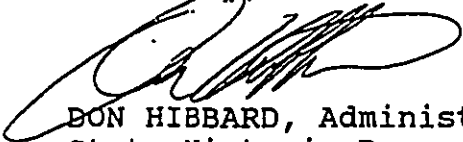
Dear Ms. Douglas:

SUBJECT: Purchase of Easement for Seawall Situated at
Ka'a'awa, Oahu
Ka'a'awa, Ko'olauloa, O'ahu
TMK: 5-1-12:005

A review of our records shows that there are no known historic sites at this parcel. However, the project parcel has not been inventoried for historic sites, so there may be subsurface sites at the parcel. Unmarked human burial sites have been discovered in sand deposits along the coast and mauka of the highway in Ka'a'awa in the past. Since an approved 65 year non-exclusive term easement for the seawall will not authorize any ground disturbing activities, we believe that there will be "no effect" on historic sites.

If you have any questions please call Elaine Jourdane at 587-0015.

Sincerely,


DON HIBBARD, Administrator
State Historic Preservation Division

EJ:jt

EXHIBIT "I"

GERSON GREKIN WYNHOFF & THIELEN

ATTORNEYS AT LAW
A LAW CORPORATION
PACIFIC TOWER, SUITE 780
1001 BISHOP STREET
HONOLULU, HAWAII 96813

AREA CODE 808
TELEPHONE 524-4800
FACSIMILE 537-1420

KATHLEEN M. DOUGLAS
MERVYN S. GERSON
NANCY N. GREKIN
MATTHEW F. KADISH
JODY LYNN KEA
CYNTHIA THIELEN
LAURA THIELEN
WILLIAM J. WYNHOFF

November 21, 1994

Don Hibbard
State Historic Preservation Division
Department of Land and Natural Resources
33 South King Street, 6th Floor
Honolulu, Hawaii 96813

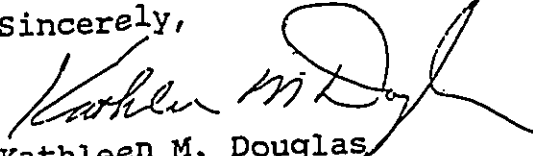
Re: Draft Environmental Assessment (DEA)
Purchase of Easement for Seawall Situated at Kaaawa, Oahu

Dear Mr. Hibbard,

We apologize for the delay in responding to your comments on the Easement DEA. Thank you for your letter of April 14, 1994, in which you stated that no known historic sites exist on the parcel and that a purchase would have no effect on any possible historic sites.

We appreciate your time in reviewing the DEA for the proposed easement purchase.

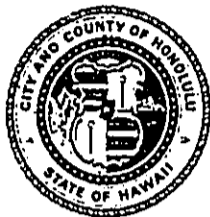
Sincerely,


Kathleen M. Douglas

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR



WALTER M. OZAWA
DIRECTOR

ALVIN K.C. AU
DEPUTY DIRECTOR

July 5, 1994

Ms. Kathleen M. Douglas
Gerson Grekin Wynhoff & Thielen
Pacific Tower, Suite 780
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Ms. Douglas:

Subject: Purchase of Easement for Seawall Situated at Kaaawa, Oahu

Thank you for giving us this opportunity to comment on your proposal to purchase a nonexclusive easement of State land for a vertical seawall.

It is now widely accepted that vertical seawalls accelerate the beach erosion processes, so permits for new vertical walls are no longer granted where they will be subjected to wave action.

Since this wall will contribute to the loss of the beach, long-term, lateral access may have to be assured by an easement mauka of the seawall.

On the other hand, removal or modification of a seawall (as mandated by the Department of Land Utilization in the case of a recent similar Lanikai encroachment) may help to restore the beach.

We hope that your assessment will address both the issues of the loss of public beachfront land and of the probable long-range forfeit of lateral access along the shoreline if the wall remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter M. Ozawa", is written over the word "Sincerely,".

For WALTER M. OZAWA, Director

WMO:ei

cc: Cecil Santos, Department of Land and Natural Resources
Joan Takano, Department of Land Utilization

EXHIBIT

"J"

GERSON GREKIN WYNHOFF & THIELEN

ATTORNEYS AT LAW
A LAW CORPORATION
PACIFIC TOWER, SUITE 780
1001 BISHOP STREET
HONOLULU, HAWAII 96813

AREA CODE 808
TELEPHONE 524-4800
FACSIMILE 537-1420

KATHLEEN M. DOUGLAS
MERVYN S. GERSON
NANCY N. GREKIN
MATTHEW F. KADISH
JODY LYNN KEA
CYNTHIA THIELEN
LAURA THIELEN
WILLIAM J. WYNHOFF

November 21, 1994

Walter M. Ozawa
Department of Parks and Recreation
650 South King Street
Honolulu, Hawaii 96813

Re: Draft Environmental Assessment (DEA)
Purchase of Easement for Seawall Situated at Kaaawa, Oahu
TMK 5-1-12:05

Dear Mr. Ozawa,

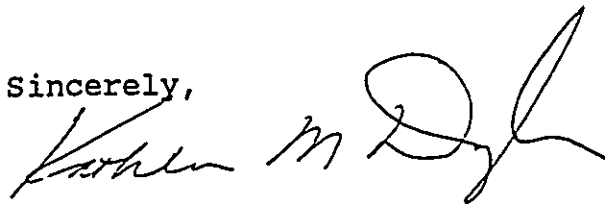
We apologize for the delay in responding to your comments on the Easement DEA. Thank you for your letter of July 5, 1994.

We have taken note of your concerns regarding the acceleration of beach erosion due to vertical seawalls. In this instance, the shoreline is plagued by chronic erosion which necessitates shore protection. See, Oahu Shoreline Study, Part 2, Management Strategies (1989). While studies have shown that sloped revetments are preferable to vertical seawalls, in a case of chronic erosion the Department of Land Utilization has found that neither seawalls nor revetments can prevent the loss of beach. See, DLU Findings of Fact dated June 5, 1990 for TMK 5-1-12:08 located two parcels to the north. Consequently, removal of this seawall will not aid in the restoration of this particular beach area.

As far as public access to this area, Swanzy Beach Park is located three lots to the north of the subject parcel and provides for public access along the existing shoreline. Due to existing seawalls located at Swanzy Beach Park and two neighboring parcels, the subject parcel has constructed its seawall in line with the existing permitted seawalls. Consequently, the requested easement does not further impinge on the public's access to this shoreline area.

We appreciate your time in reviewing the DEA and providing comments.

Sincerely,



Kathleen M. Douglas



University of Hawai'i at Mānoa

Environmental Center

A Unit of Water Resources Research Center

Crawford 317 • 2550 Campus Road • Honolulu, Hawai'i 96822

Telephone: (808) 956-7361 • Facsimile: (808) 956-3980

August 22, 1994

EA:0081

Mr. Cecil Santos
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawaii 96813

Dear Mr. Santos:

Draft Environmental Assessment (DEA)
Seawall - 51-461 Kamehameha Highway
Kaaawa, Oahu

The referenced document is an after-the-fact assessment of a seawall in Kaaawa. Construction of the project was done in such a manner that 49 square feet of the applicants property is makai of the seawall, while 318 square feet of state land is mauka of the seawall. The applicant is requesting a 65 year non-exclusive term easement for those portions of the seawall located on State property.

We have reviewed the DEA with the assistance of Charles Fletcher, Geology and Geophysics; and Chris Welch, Environmental Center.

Our reviewers found that the referenced document does not adequately in meet the requirements of Chapter 343 HRS. Several elements in the document were not satisfactorily addressed. The document also contains omissions, and statements that are not supported. Thus our reviewers would like to see the following areas clarified, amended, or corrected.

III. Project Description

The document states that after Hurricane Iniki "the shoreline portion of the subject property suffered severe damage due to the storm." Since this DEA addresses the need for a seawall, this statement insinuates that ocean processes (i.e. waves), kicked up by the storm, were the culprits in causing the property damage. However, the wave energy from

Mr. Cecil Santos
August 22, 1994
Page 2

Iniki was primarily directed at the southern coastlines of the Hawaiian Islands. Since this statement makes a questionable assertion, it needs to be substantiated by factual evidence (by citing an insurance report, time lapse photography, etc.)

IV. General Description of Projects Technical, Economic, Social, and Environmental Characteristics

A. Technical Characteristics

The description of the project conditions should be included in this section. The design and construction methodology used needs elaboration. For instance, was a toe cloth used in the wall construction? What are the substratum properties underlying the wall? What type of reinforcement was used in the wall structure?

B. Economic Characteristics

This section does well in addressing the past cost of the seawall. However, it fails to explore the value of the beach area with respect to revenue generated by tourism. What is the impact of the seawall on the sand area fronting the wall? Do tourists frequent Swanzy Beach Park and walk down this stretch of beach? What is the value of tourism to the Kaaawa community? In looking at economic characteristics of the project, all variables that are pertinent need to be explored.

C. Social Characteristics

This section is totally inadequate. Seawalls are known for causing the migration of sand from beach-front areas leaving exposed beach scarp. Beaches can have high cultural, social, and religious values. Thus a seawall has the ability to cause substantial disruption to communities that use the beach areas. Did/do people fish in the area fronting the wall? Do any members of the community use the beach for recreational purposes? Has the construction of the adjoining seawalls in any way disrupted use of the beach? Are any special local festivities associated with the beaches in the area?

D. Environmental Characteristics

The chief concern with seawalls, with respect to environmental conditions, is the erosion caused to fronting beaches. In order to assess what potential for erosion exists, a description of the meteorology, geology, soil types, and dominant shoreline processes needs inclusion here. Additionally, an inventory of the flora and fauna should be included with the assessment. Special attention should be given to those plants that serve as inhibitors to shoreline erosion.

Mr. Cecil Santos
August 22, 1994
Page 3

V. Major Impacts and Alternatives Considered

The document states "[g]iven the chronic erosion along this portion of the shoreline as well as the connecting line of existing seawalls extending to Swanzy Beach Park, no alternatives have been considered." Due to the unpermitted nature of the seawall, alternatives to the current structure should be considered. Vertical seawalls are only one type of shore protection. Revetment type shore protection has the benefit of not contributing to shoreline erosion to the same degree as vertical structures. Consideration of a lower profile structure should be included in this document.

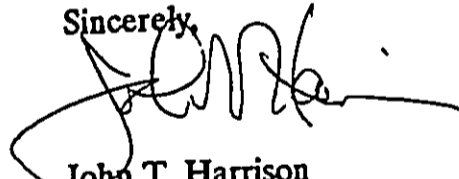
Conclusion

This DEA needs considerable expansion to meet the requirements of Chapter 343 HRS. Besides the needed revisions noted above, the maps need to include a certified shoreline demarcation in order to fully represent the shoreline area with respect to the wall.

Seawalls are a known factor in the destruction of beaches. Due to the social, cultural, and economic value of this public resource, seawall construction has come under severe scrutiny. This particular seawall, although an after-the-fact matter, needs to be exposed to this type of inquiry. Our reviewers suggest that this document be revised and resubmitted.

Thank you for the opportunity to comment on this document.

Sincerely,



John T. Harrison
Environmental Coordinator

cc: OEQC
Castlebrook International, Inc.
Gerson Grekin Wynhoff and Thielen
Roger Fujioka
Charles Fletcher
Chris Welch

GERSON GREKIN WYNHOFF & THIELEN

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WILLIAM J. WYNHOFF

November 21, 1994

John T. Harrison
Environmental Coordinator
University of Hawaii at Manoa
Crawford 317 2550 Campus Road
Honolulu, Hawaii 96822

Re: Draft Environmental Assessment (DEA)
Purchase of Easement for Seawall Situated at Kaaawa, Oahu
TMK 5-1-12:05

Dear Mr. Harrison,

We apologize for the delay in responding to your comments on the Easement DEA. Thank you for your letter of August 22, 1994. We have taken note of your concerns regarding the purchase of an easement for a seawall on the subject property and would like to respond to your concerns.

The property has had a history of erosion problems including storm damage caused by Hurricane Iniki. While the applicants do not have "time lapse" photographs of the storm damage, the existence of chronic erosion in this area has been identified by a study conducted by the Department of Land Utilization entitled Oahu Shoreline Study, Part 2, Management Strategies (1989). As noted in the DEA, this study concluded that shoreline protection was necessary. In addition, the Department of Transportation, Maintenance Division verifies that storm damage in 1992 necessitated repairs to the nearby portion of Kamehameha Highway.

The homeowners constructed the wall with longevity and stability as a goal. The construction consists of large moss rock stones resting on a solid coral rock foundation. The wall is approximately three and a half feet high and two feet thick, wider than a standard rock retaining wall.

A site visit to the subject property would show that since the construction of the wall, the sandy beach area in front of the wall has actually increased. Despite the proximity of the property to

GERSON GREKIN WYNHOFF & THIELEN
ATTORNEYS AT LAW
A LAW CORPORATION

John T. Harrison
Page 2
November 21, 1994

Swanzy Beach Park, the shoreline area in front of the property is rarely used by tourists. In the past, local fishermen have fished from the coral ledges in the water, now fishermen are also able to use the increased beach area. However, in general there is relatively little pedestrian traffic along the entire portion of this shoreline.

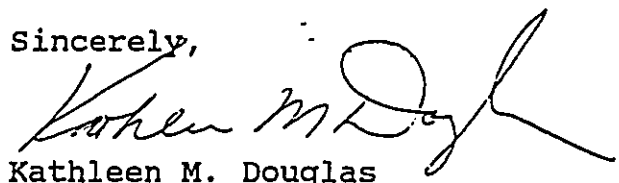
Flora in the immediate beach area includes beach naupaka-kahakai, spiderlilly, and limu which have increased since the construction, the kamani trees have also flourished since the construction. Fauna which have been noted in the area include opii, pipipi, crab, sea cucumber, and reef fish.

While studies have shown that sloped revetments are preferable to vertical seawalls, in a case of chronic erosion the Department of Land Utilization has found that neither seawalls nor revetments can prevent the loss of beach in this particular area. See, DLU Findings of Fact dated June 5, 1990 for TMK 5-1-12:08 located two parcels to the north. Consequently, removal of this seawall will not aid in the restoration of this particular beach area.

Applicants seek to retain a seawall which is similar in construction to permitted shoreline walls erected by the City and County of Honolulu at Swanzy Beach Park as well as two neighboring parcels. In this instance, the nature of the shoreline dictates that shoreline protection is allowed to halt further erosion of the shoreline.

We appreciate your time in reviewing the DEA and providing comments.

Sincerely,


Kathleen M. Douglas

KMD



OFFICE OF STATE PLANNING

Office of the Governor

MAILING ADDRESS: P.O. BOX 3540, HONOLULU, HAWAII 96811-3540
STREET ADDRESS: 290 SOUTH HOTEL STREET, 4TH FLOOR
TELEPHONE: (808) 597-2846, 587-2900

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FAX: Director's Office 587-2848
Planning Division 587-2834

'94 JUL 26 AM 9:05

Ref. No. C-722

DLNR
OCEA

July 14, 1994

MEMORANDUM

TO: The Honorable Keith W. Ahue, Chairperson
Department of Land and Natural Resources

SUBJECT: Draft Environmental Assessment for seawall easement, 51-461
Kamehameha Highway Kaaawa, Oahu, Seward of TMK: 5-1-12: 05

We have reviewed the Draft Environmental Assessment (DEA) for the seawall easement at 51-461 Kamehameha Highway, Kaaawa, Oahu, and have the following comments.

The DEA states that: "The location of the property subjects it to shoreline waves which are especially threatening during storms or periods of high surf. During these periods the shoreline, particularly the applicant's parcel, suffers erosion from the increased wave action". The document does not provide any evidence or further discussion of the accelerated erosion conditions which necessitate the existence of the seawall. In fact, the photographs included in the DEA that were taken prior to the construction of the seawall do not show any indication of erosion; indeed, the vegetation appears to be intact all along the shoreline.

Additionally, the DEA did not include any information about mitigating the adverse effects of seawalls or discuss any alternatives to the vertical seawall. A more appropriate shore protection strategy for the subject property would be the employment of a properly engineered sloped revetment rather than a vertical seawall, since vertical seawalls often end up exacerbating erosion problems. The large lot size and distance that the house is set back from the shoreline appear to provide ample room to construct a gently sloping revetment.

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The Honorable Keith W. Ahue

Page 2

July 14, 1994

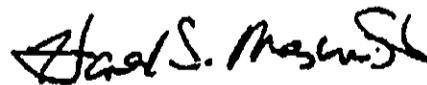
Further, it appears that the subject seawall has been illegally constructed on state land without appropriate permits and is not in compliance with the CZM policy of prohibiting private erosion protection structures. The owner wishes to exchange a portion of her private property that was cut off from her parcel by the seawall for the portion of state land which was encroached upon by the seawall. The proposed land exchange may not justify the after-the-fact request for the easement for the seawall, especially if the natural shoreline process is altered and will generate adverse environmental and ecological impacts.

Although we do not see any apparent benefit to the public trust by the granting of this easement (and any other necessary approvals, such as a Conservation District Use Application), perhaps some public benefit could accrue if the applicant were required to remove the boulders that litter the beach in front of this area. Besides creating a safer and more usable sandy beach area, such an action would provide a greater benefit to the public beyond the meager 49 square feet the applicant is willing to exchange for an easement over six times as large.

In consideration of our comments, applicable Coastal Zone Management (CZM) policy is to: "Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities."

In addition, CZM law also advocates the protection of beaches for public use and recreation. Protection of beaches is enhanced by limiting the construction of shore stabilization structures. This is because building shoreline stabilization structures often involves a tradeoff of public beach resources for the protection of private property. We strongly believe beach front land owners do not have an inherent right to alter natural shoreline processes or resources.

We appreciate very much the opportunity to review the document. If you have any questions, please contact Harold Lao at 587-2883.



Harold S. Masumoto
Director

GERSON GREKIN WYNHOFF & THIELEN

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TELEPHONE 524-4800
FACSIMILE 537-1420

November 21, 1994

Harold S. Masumoto
Office of State Planning
P.O. Box 3540
Honolulu, Hawaii 96811

Re: Draft Environmental Assessment (DEA)
Purchase of Easement for Seawall Situated at Kaaawa, Oahu
TMK 5-1-12:05

Dear Mr. Masumoto,

We apologize for the delay in responding to your comments on the Easement DEA. Thank you for your letter of July 14, 1994. We have taken note of your concerns regarding the purchase of an easement for a seawall on the subject property and would like to respond to your concerns.

The property has had a history of erosion problems including storm damage caused by Hurricane Iniki. While the applicants do not have photographs of the storm damage, the existence of chronic erosion in this area has been identified by a study conducted by the Department of Land Utilization entitled Oahu Shoreline Study, Part 2, Management Strategies (1989). As noted in the DEA, this study concluded that shoreline protection for this area was necessary. In addition, the Department of Transportation, Maintenance Division verifies that storm damage in 1992 necessitated repairs to the nearby section of Kamehameha Highway.

While studies have shown that sloped revetments are preferable to vertical seawalls, in a case of chronic erosion the Department of Land Utilization has found that neither seawalls nor revetments can prevent the loss of beach in this particular area. See, DLU Findings of Fact dated June 5, 1990 for TMK 5-1-12:08 located two parcels to the north. Consequently, removal of this seawall will not aid in the restoration of this particular beach area.

While the seawall was constructed without authorization from the State of Hawaii, applicant now seeks to purchase an easement for the seawall.

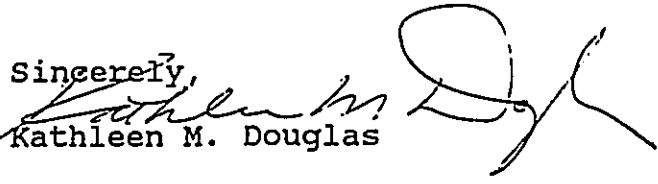
GERSON GREKIN WYNHOFF & THIELEN
ATTORNEYS AT LAW
A LAW CORPORATION

Harold S. Masumoto
Page 2
November 21, 1994

Applicants seek to retain a seawall which is similar in construction to permitted shoreline walls erected by the City and County of Honolulu at Swanzy Beach Park as well as two neighboring parcels. The construction of applicant's wall in line with these other permitted walls does not alter existing beach conditions. In this instance, the nature of the shoreline dictates that shoreline protection is created to protect the applicant's property as well as the adjacent properties.

We appreciate your time in reviewing the DEA and providing comments.

Sincerely,


Kathleen M. Douglas

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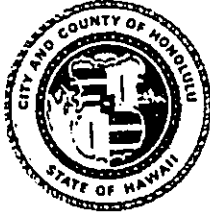
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RECEIVED
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF LAND UTILIZATION
850 SOUTH KING STREET
HONOLULU, HAWAII 96813 • (808) 523-4432

AUG 26 9 47 AM '94

JEREMY HARRIS
MAYOR



DONALD A. CLEGG
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR
94-04160 (JT)
94/EC-Z5

August 23, 1994

The Honorable Keith W. Ahue, Director
Department of Land and
Natural Resources
State of Hawaii
Kalanimoku Building
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Mr. Ahue:

Draft Environmental Assessment (DEA)
Castlebrook International, Inc., Kaaawa, Oahu
Application for a Seawall Easement
Seaward of Tax Map Key: 5-1-12: 05

DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

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We have reviewed the above referenced DEA and have the following comments:

1. We **oppose** granting of the proposed easement. The existing unauthorized seawall should be removed, and the natural shoreline be permitted to establish itself. Construction of a shore protection structure at the site should only be permitted in compliance with the Shoreline Setback Ordinance and Rules.
2. The Environmental Assessment (EA) should accurately describe the scope of the project.

The project description (page 4 of the DEA) states that the applicant "seeks a 65-year non-exclusive easement from the State of Hawaii for a portion of a seawall which is located on State property. In addition, [the] applicant seeks an exchange of her 49 feet located makai of the seawall for the State's property which lies mauka of the existing seawall." (Emphasis added).

On June 17, 1994, our staff met with the representative of the property owner and received a copy of a January 6, 1994, Department of Land and Natural Resources (DLNR) letter regarding a seawall encroachment on the above referenced

EXHIBIT "M"

The Honorable Keith W. Ahue, Director
Page 2
August 23, 1994

property. The DLNR letter states, "the State owns the fee of all submerged land up to the highwater mark even though the beachfront owner's property deed extends out into the submerged lands." DLNR staff has confirmed that the seawall lies entirely on State land. The DEA should address this situation.

3. The EA should accurately describe the existing conditions in the project area. The DEA indicates that the adjoining parcels contain seawalls. DLU staff investigation of the area indicates:
 - a. There is no seawall at parcel 6 (neighboring property towards Kahuku); and
 - b. The neighboring properties toward Kaneohe contain seawalls that have been constructed without shoreline variances and building permits.
4. The section titled "Major Impacts and Alternatives Considered" (page 9) should be revised to address the following:
 - a. The seawall and adjoining seawalls (toward Kaneohe) were built without shoreline variances, precluding government review of their necessity, design, placement, and impacts to coastal processes, access and views.
 - b. The removal of the illegal seawall should be explored as an alternative. The removal of the wall with both the conditions of 1) the other illegal walls remaining; and 2) the illegal walls removed should be considered.
5. If the final Environmental Assessment is to be used to comply with requirements for a shoreline variance to retain the illegal seawall, it must address the criteria for granting a variance as identified in Chapter 23 "Shoreline Setbacks" of the Revised Ordinances of Honolulu.

Thank you for the opportunity to comment on this matter. Should you have any questions, please call Joan Takano of our staff at 527-5038.

Very truly yours,



DONALD A. CLEGG
Director of Land Utilization

DAC:ak

g:deacast1.jht

GERSON GREKIN WYNHOFF & THIELEN

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A LAW CORPORATION
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LAURA THIELEN
WILLIAM J. WYNHOFF

November 21, 1994

Donald Clegg
Department of Land Utilization
650 South King Street
Honolulu, Hawaii 96822

Re: Draft Environmental Assessment (DEA)
Purchase of Easement for Seawall Situated at Kaaawa, Oahu
TMK 5-1-12:05

Dear Mr. Clegg,

We apologize for the delay in responding to your comments on the Easement DEA. Thank you for your letter of August 23, 1994. We have taken note of your concerns regarding the purchase of an easement for a seawall on the subject property and would like to respond to your concerns.

We have corrected the Environmental Assessment which states that applicant seeks to exchange a portion of the property. Originally, applicant sought an exchange of property, however, the Department of Land and Natural Resources has determined that the entire wall rests on state property. The fact that the entire wall is on state property will be included in the Final EA.

Applicant acknowledges that no seawall exists at parcel 6 and will so indicate in the EA. Also note will be made of the fact that some of the other seawalls along the shoreline area do not appear to have variances or permits.

While some of the seawalls along this portion of shoreline did not obtain shoreline variances, two of the neighboring parcels to the north (TMK 5-1-12:8 and 5-1-12:7) did obtain variances in 1990. When those variances were issued the DLU Findings of Fact, Conclusions of Law, Decision stated that a need existed for shoreline structures and that sloping revetments were no more effective than vertical seawalls given the chronic erosion. Specifically, the Findings stated that:

[t]he subject site utilizes a vertical seawall as a shore protection structure. Although sloping revetments are in general better than vertical seawalls with respect to retaining their fronting beaches, neither a seawall nor a sloping revetment can prevent the loss of a beach in a case of chronic erosion, such as in this area.

GERSON GREKIN WYNHOFF & THIELEN

ATTORNEYS AT LAW
A LAW CORPORATION

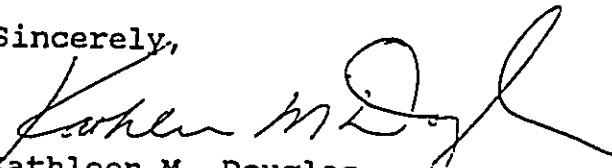
Donald Clegg
Page 2
November 21, 1994

The section of the EA entitled Major Impacts and Alternatives Considered will be revised to include the alternative effect of removing the existing seawalls. Applicants seek to retain a seawall which is similar in construction to permitted shoreline walls erected by the City and County of Honolulu at Swanzy Beach Park as well as two neighboring parcels. In this instance, the nature of the shoreline dictates that shoreline protection is created to protect the applicant's property.

Finally, the EA has been revised to include the criteria necessary for granting a variance for shoreline setbacks as detailed in Chapter 23.

We appreciate your time in reviewing the DEA and providing comments.

Sincerely,



Kathleen M. Douglas