

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
HONOLULU, HAWAII**

February 27, 2015

**BOARD OF LAND AND
NATURAL RESOURCES
STATE OF HAWAII
HONOLULU, HAWAII**

REGARDING: AFTER-THE-FACT CONSERVATION DISTRICT USE APPLICATION (CDUA)
OA-3711 FOR EXISTING ROCK SEAWALL

APPLICANT: August J. and Veronica Q. Monge
54-001 Ahinalu Place, Hau'ula, HI 96717

AGENT: The Limtiaco Consulting Group

LOCATION: Ko'olau Loa District, Island of Oahu

LANDOWNER: State of Hawaii, Unencumbered Lands

Tax Map Key: (1) 5-4-003:035

AREA OF PARCELS: 7,600 square feet

AREA OF USE: ~350 square feet

SUBZONE: Resource

DESCRIPTION OF AREA AND CURRENT USE:

The current landowners (August and Veronica Monge) purchased the subject property located along the coast of Hau'ula, Island of Oahu in 2001 (**Exhibit 1**); at that time the development included an existing seawall structure located along the seaward (*makai*) property boundary (**Exhibit 2, 2a**). The seawall was eventually determined to be unpermitted, and therefore was constructed without the necessary approval or authorization sometime after 1975. On October 1, 2002, the landowners were found in violation of Conservation District rules for the unpermitted seawall, and were fined \$600 for the unauthorized construction. This After-The-Fact (ATF) Conservation District Use Application (CDUA) is being proposed as part of the resolution requirements of Enforcement Case (ENF) OA-03-14 regarding the unauthorized construction of a rock seawall.

The subject area is located along on the shore south of Kokololio Beach Park, Ko'olauloa District, Island of Oahu, on TMK: (1) 5-4-003:035. The northeast-facing narrow beach consists of a mix

of minimal sand, with a majority being gravel, cobble, and small boulder sized sediments (**Exhibit 3**). The property is located in the State Land Use Urban District down to the shoreline (*i.e., highest wash of the waves during a normal high tide*). For reference all lands sited seaward (makai) of the shoreline are considered to be within the State Land Use Conservation District, Resource Subzone.

The U.S. Geological Survey's *Atlas of Natural Hazards in the Hawaiian Coastal Zone* (Atlas) publication describes this area as a *Developed Coast* (D) and notes the subject area has an overall high hazard assessment rating of 5 on a scale of 1 to 7. Chronic erosion and beach loss south of Laie Beach Park is responsible for the moderate to high (5) hazard rating for the subject area. Flash floods and overflowing streams in this region are also common. The *Atlas* also suggests that coastal erosion is significantly greater near Hau'ula and Punalu'u where shore-hardening structures, installed to stop coastal erosion, have exacerbated beach loss. Reflected waves off seawalls, revetments, and groins along Hau'ula and Punalu'u often splash up onto the seaside properties and the coastal road at high tide, removing what little sand remains.

The shoreline adjacent to the subject area includes a shallow reef located at about 4-feet below mean sea level extending approximately 600-1200 feet seaward of the beach (**Exhibit 4**). This location is heavily influenced by strong northern swells common in the winter months, although typically waves break offshore, along the outer reef edge. The applicant's property appears to be protected, to a limited degree, by the shallow reef immediately offshore.

The existing rock seawall is not actively impounding any significant sand resource; it is serving as a wave reflective surface which is most likely having a negative impact on what is left of the beach. The beach fronting the existing seawall structure includes areas of exposed reef rock along the shoreline (**Exhibit 5**). Erosion maps produced by the *University of Hawaii – Coastal Geology Group* report an average annual erosion rate of about 0.15 to 0.20 feet per year in this area. A storm drain channel at the north end of the property acts as a coastal "groin" and therefore impounds some of the littoral sand moving along the shoreline from the north (**Exhibit 6**).

AFTER THE FACT USE:

The applicant/landowner is seeking an ATF Conservation District Use Permit (CDUP) for an existing seawall. The seawall seems to have been constructed after 1975 as it does not appear to be present when the shoreline was certified in 1975 (**Exhibit 7**). It was stated by the current landowner/applicant that the seawall is approximately 20+ years old, although no evidence of a construction date was found, and no as-built drawings were provided. It appears that the wall was constructed within the original property metes and bounds.

A composite survey map indicates the location of the present wall, the location of the seaward property boundary, the location of the 1975 certified shoreline, the 2014 shoreline location, and other related features (**Exhibit 8**); the 1975 certified shoreline location more than likely served as the benchmark for the placement of the seawall structure. **Exhibit 8** indicates that the face of the existing seawall roughly follows the 1975 shoreline position, although the seaward portion of the seawall appears to be slightly seaward of the 1975 certified shoreline. This small seaward encroachment was the basis of the violation that OCCL processed as mentioned on page one (1) of this report.

A shoreline delineation was performed in 2014. As shown on the composite survey map (**Exhibit 8**), the majority of the structure is currently seaward of the shoreline. Thus for the purpose of this report, this ATF CDUA will encompass the entire wall, which is currently seaward of the shoreline.

The existing seawall is located along the entire seaward boundary of the applicants parcel, standing approximately 5-6 feet high above the current beach substrate. The top of the seawall is comprised of small rocks and is approximately 2-3 feet wide at its apex tapering outward to a base width of approximately 7.5 feet (**Exhibit 9**). The 86-feet long by 4-feet wide seawall is considered a "gravity" wall, in that the structure is entirely comprised of loose rocks with no cement or shotcrete used to stabilize the structure.

The existing wall consists of un-grouted rock, which includes larger stones at the base for support (**Exhibit 10**). The existing seawall appears to be built on a hard substrate foundation due to the lack of obvious movement, collapse, or undermining. A beach access corridor demarcates the southeastern boundary of the applicant's property, and includes steps constructed by the City and County of Honolulu at the makai end of the access lane for public beach access (**Exhibit 11**).

COASTAL EROSION MANAGEMENT PLAN:

In 1999, the Board of Land and Natural Resources (BLNR) adopted the Hawaii Coastal Erosion Management Plan (COEMAP) and approved specific criteria to guide DLNR staff in the prosecution of cases involving unauthorized shoreline structures. In assessing cases involving unauthorized shoreline structures, specific criteria are as follows:

1. Protect/preserve/enhance public shoreline access;
2. Protect/preserve/enhance public beach areas;
3. Protect adjacent properties;
4. Protect property and important facilities/structures from erosion damages; and
5. Implement a "no tolerance" policy for recent or new unauthorized shoreline structures.

The Department considers each case based on its specific circumstances/history. For instance, the age of the unauthorized structure, the quality of the surrounding beach resources, the nature of the surrounding development, and the risk to persons or property are all evaluated to help formulate a position with respect to the disposition of the existing use.

When staff presented this matter to the BLNR as a violation, staff recommended that the seawall and stairs be removed or alternatively, that the landowner apply for an after-the-fact CDUP since the construction of the seawall occurred prior to the Board's adoption of the "No Tolerance Policy" towards illegal shoreline structures.

IMPACT ON COASTAL LANDS:

Many beaches in Hawaii have been degraded or lost due to coastal armoring. In *Romine and Fletcher, (2012)*¹ it was shown that 70 percent (70%) of all beaches measured in the Hawaiian Islands (244 km) indicated an erosion trend. More than 21 km or 9 percent (9%) of the total length of the beaches studied were lost to erosion. In nearly all cases, the beaches were replaced

with seawalls or other erosion control structures. This is evident by the numerous seawalls and revetments located in the vicinity of the subject area (**Exhibit 12**).

¹Romine, B.M. and Fletcher, C.H. 2012, *Armoring on Eroding Coasts Leads to Beach Narrowing and Loss on Oahu, Hawaii, in Pitfalls of Shoreline Stabilization: Selected Case Studies*, J.A.G. Cooper, G. Andrew and O.H. Pilkey (eds.), Coastal Research Library 3, DOI 10.1007/978-94-007-4123-2_10, Springer Science and Business Media, Dordrecht, Netherlands

SUMMARY OF COMMENTS:

The application was referred to the following agencies for review and comment; The Department of Land and Natural Resources (DLNR): Oahu District Land Office (ODLO), the State Historic Preservation Division (SHPD), DLNR - Engineering Division, the Commission on Water Resource Management (CWRM) and the Division of Aquatic Resources (DAR). Additionally the application was sent to the State Department of Health – Clean Water Branch, the City and County of Honolulu - Department of Planning and Permitting, the City and County of Honolulu - Division of Environmental Quality (i.e., DPW), along with the Kahuku Public Library and Neighborhood Board #28 (Ko'olaupia) in order to make this information readily available to those who may wish to review it.

A summary of the comments received is listed below:

DLNR – Oahu District Land Office (ODLO)

Pursuant to the shoreline survey completed on January 2, 2014, the shoreline was proposed to be located mauka of the seawall. As such, portions of the seawall makai of the shoreline will constitute an encroachment upon state lands. Any proposed area of the encroachment will be subject to review and approval by the State Surveyor. Further, a disposition from the Board could be in the form of an easement.

Applicant Response:

Based on previous discussions with the OCCL, it is our understanding that the Monge's will be required to purchase an easement from the State for any part of the seawall encroaching into the Conservation District. It is our understanding that an easement for such an encroachment can be pursued upon approval of the CDUA [sic].

State Historic Preservation Division (SHPD)

Our records [further] indicate that in 2003, the [SHPD] made the determination that no historic properties will be affected by CDUA OA-3170 (i.e., previous application for ATF approval) because the seawall already exists and no new ground disturbance is proposed. We have received no new information to change this earlier determination. No new ground disturbance is proposed under CDUA OA-3711; therefore we believe no historic properties will be affected by CDUA OA-3711. However, we request the opportunity to review and future building permit application involving ground-disturbing activities on this property.

Applicant Response:

We acknowledge the State Historic Preservation Division comment that no historic properties will be affected based on the fact that no new ground disturbance is proposed.

DLNR – Engineering Division

Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone AE. The National Flood Insurance Program regulates developments within Zone AE; and

Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinator.

Applicant Response:

We acknowledge that the project site is located within Flood Zone AE with an 8-foot flood elevation. A building permit application for the seawall will be filed with the City and County of Honolulu, Department of Planning and Permitting (DPP) pending approval of the Conservation District Use Permit. The DPP will review the seawall for adherence to National Flood Insurance Program standards as part of the building permit process.

State Department of Health – Clean Water Branch (DOH-CWB)

OCCL Staff note: please be aware that the comments provided by the DOH are standard comments issued for every ATF permit application. No project-specific or site-specific comments relating to this proposed ATF approval were provided.

1. We do not condone the issuance of an ATF approval or permit;
2. There is insufficient information to assess whether the construction activities have complied with the State Water Quality Standards (WQS), as specified in Hawaii Administrative Rules, Chapter 11-54;
3. You applicant must be informed that Hawaii Revised Statutes, Subsection 342D-50(a), requires that “[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director.

Applicant Response:

We have read the Clean Water Branch standard comments provided on the Department of Health Environmental Planning Office website and do not believe that the existing seawall violates the State anti-degradation policy, threaten designated uses, or results in discharges that would affect water quality. Permitting of the existing seawall does not result in any activities that would require a Section 401 Water Quality Certification. No activities are proposed that would require National Pollutant Discharge Elimination System (NPDES) permit coverage.

While we recognize that there is insufficient information to assess whether past seawall construction activities complied with the State Water Quality Standards, construction of the seawall was completed more than 25 years ago by a previous homeowner (sometime between the years 1975 and 1989). The existing seawall does not have any ongoing detrimental impacts to

water quality. In fact, the coastal evaluation included as part of the CDUA stated that removal of the seawall would result in immediate erosion of the applicant's property and neighboring property. The erosion that would result from the removal of the seawall may have adverse impacts on water quality in the vicinity of the seawall. Because of this, we believe that leaving the existing seawall in place is more beneficial to water quality than removal of the seawall.

City and County of Honolulu – Department of Planning and Permitting

The Department of Planning and Permitting (DPP) is now processing a Shoreline Setback Variance (DPP File No. 2014/SV-6) to allow (retain) a wooden fence, and enclosed lanai, a concrete driveway, and a tile walkway in the 40-foot Shoreline Setback Area on the subject property. It is our understanding that the seawall on the site is located entirely in the State Land Use Conservation District, and is thus under the jurisdiction of the Department of Land and Natural Resources.

Applicant Response:

We concur that the seawall is located entirely in the State Land Use Conservation District, and is thus under the jurisdiction of the Department of Land and Natural Resources.

ANALYSIS:

Following review and acceptance for processing, the Applicant's Agent was notified, by letter dated September 9, 2014 that:

1. When found to be necessary, a seawall structure is an identified land use within the Conservation District Resource Subzone, pursuant to Hawai'i Administrative Rules (HAR) §13-5-22, P-15 **SHORELINE EROSION CONTROL (D-1) Seawall, revetment, groin, or other coastal erosion control device, including sand placement, to control erosion of land or inland area by coastal waters, provided that (1) the applicant would be deprived of all reasonable use of the land or building without a permit; (2) the use would not adversely affect beach processes or lateral public access along the shoreline, without adequately compensating the State for its loss; or (3) public facilities (e.g., public road) critical to public health, safety and welfare would be severely damaged or destroyed without a shoreline erosion control structure, and there are no reasonable alternatives (e.g., relocation). Requires a shoreline certification.** The final decision as to whether to grant, modify, or deny the application lies with the Board of Land and Natural Resources (BLNR).
2. Pursuant to HAR §13-5-40 *Hearings*, no public hearing will be required.
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, the Final Environmental Assessment Finding of No Significant Impact (FEA-FONSI) has been accepted by the City and County of Honolulu and notice of the FEA-FONSI was published in the August 23, 2014 issue of the Office of Environmental Quality Control (OEQC) publication the *Environmental Notice*.
4. OCCL will submit a copy of the CDUA for publication in the next available edition of OEQCs *Environmental Notice*.

Notice of this Conservation District Use Application (CDUA) **OA-3711** for ATF approval of an existing rock seawall was published in the *November 23, 2014* issue of the Office of Environmental Quality Control (OEQC) publication the *Environmental Notice*.

§13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in HAR §13-5-30.

- 1) *The proposed use is consistent with the purpose of the Conservation District. The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.*

The seawall has been in place for 20+ years, built by a previous landowner sometime after 1975. Staff believes that removal of any portion of the seawall structure would have no significant effects on beach processes in this area. While removal could potentially result in minor accretion of beach sediments, there are some potential downsides. The main concern is the potential for the flanking of the neighboring parcels, specifically the natural shoreline located immediately north of the subject area. Hardened structures, including the public beach access along the southern boundary of the subject parcel, could also be affected.

In addition, it is likely the area landward of the seawall is composed of a substrate not suitable for beach material (i.e., *Mokuleia Loam - Ms*), and therefore may provide little benefit to the current beach composition; however, there has been no geotechnical study to confirm or deny the specific composition of the upland substrate. Allowing the structure to remain via an ATF CDUP will result in a continuance of the status quo – i.e., a rocky beach that is undergoing long term erosion. Requiring removal would not change the overall long-term trend of beach erosion.

- 2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

Pursuant to Hawaii Administrative Rules (HAR) §13-5-13, the objective of the *resource subzone* is “to ensure, with proper management, the sustainable use of the natural resources of those areas”. Removing the portion of the wall that is the subject of this report would not improve the shoreline resources along the section of coastline fronting the subject parcel.

- 3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable. The Coastal Zone Management Program recognizes a number of objectives and policies to monitor when determining potential impacts to the coastal zone area. While not all of the objectives and policies are relevant to each project, some objectives have the potential to be influenced by the proposed project.*

It is a Coastal Zone Management policy to prohibit construction of private erosion-protection structures seaward of the shoreline, except where they result in improved aesthetic and engineering solutions to erosion and do not interfere with existing recreational and waterline activities.

It is not abundantly clear whether the current seawall represents a significantly inferior aesthetic or engineering solution to erosion along this section of coastline. Whether the structure represents a "improvement" or "detriment" could be argued either way based on the surrounding facts (e.g. - it is very likely that the underlying substrate is some relict coral/coralline bench or other hard substrate, and erosion of the beach will continue whether or not the seawall is permitted).

Staff believes that the seawall structure does not significantly interfere with existing recreational and waterline activities, nor does it impact the lateral shoreline access corridor. In the absence of the wall, sediment (of an undetermined composition) would most likely be deposited on the existing beach. Natural erosion of this beach appears to be unavoidable given sea level rise projections with or without coastal armoring. Thus, our analysis of whether this project meets the prohibition test, or results in *improved aesthetic and engineering solutions to erosion*, is difficult to conclude either way, under the present or projected conditions at the project area.

- 4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

The existing seawall was constructed sometime between 1975 and 1989, and is similar in design and area as the neighboring properties shoreline erosion control structures. Staff does not believe that the effects of allowing the wall to remain would rise to the level of "adverse."

- 5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The existing seawall is situated along a rocky-sandy beach, which includes a fringing reef located immediately offshore. The upland portion of the applicants parcel, and surrounding area, is developed with numerous residential structures, including two (2) new large residential homes recently constructed on the parcel immediately north of the applicant's property. Aerial photographs indicate that the majority of the hardened shoreline structures occur south of the project site, where no beach exists.

Given the developed nature of this neighborhood, the question of whether the existing seawall is compatible with the locality, or appropriate to the physical conditions or capabilities of the parcel, is subjective. In this case, the wall has been in existence for 20+ years, and therefore has become part of the landscape, along with the other hardened shoreline erosion control structures nearby. Allowing the existing seawall to remain by approving this CDUA would maintain the status quo as it has been for the past 20+ years. Denial of this CDUA, and subsequent removal of the seawall, would not substantially

change the status quo, but would affirm the Departments general aversion to shoreline hardening.

It is our opinion that the primary threats to the beach in this location are the inappropriate siting of the residences and associated structures within the shoreline setback area, and accelerated sea level rise due to global climate change.

As the siting of this subdivision, and subsequent construction and development of this area occurred some time ago, it does not appear that any governmental or non-governmental agency considered coastal processes, or hazards in the design review of the seawall. The major consequence of this oversight is that the majority of the shoreline in this area is lined with seawall structures. While government is learning from these mistakes (e.g., new construction setbacks based on local erosion rates), there are many beaches around the Hawaiian Islands that have already been lost, or that are severely threatened by inappropriate development and climate change. As noted in *Fletcher and Romine (2012)*¹, "In nearly all cases [beach loss and narrowing], the beaches were replaced with seawalls or other coastal structures." Staff notes that this destructive cycle can be avoided in many cases when coastal structures are located an appropriate distance from the shoreline, or all residential structures are sited as far mauka (landward) as the property allows.

Additionally, to state that this structure is "appropriate to the physical conditions of the site" may be called into question. This wall is considered a "dry stacked" rock wall with no cement or concrete needed to hold the wall together. As such, it calls into question the necessity of such a large structure if it has remained undamaged, unrepaired, and unaltered for over 20+ years. While erosion is constant in this area, such a large structure could be considered a detriment to coastal processes if it is not considered a necessary protection strategy.

- 6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The primary goal of this After-the-Fact application was to resolve an enforcement action brought against the landowner in regards to a portion of an unpermitted seawall structure. As the current property owner did not construct the seawall they are requesting that it remain in place, as it has for the past 20+ years, to minimize the impacts from future coastal erosion.

Under the enforcement agreement, in order to allow the seawall to remain the applicant was required to obtain an ATF CDUP and other appropriate City and County of Honolulu approvals.

Drainage pipe "groins" that flank the subject property, which are integrated into the seawall and beach access structures, also work to impound sand along the shoreline fronting this property, allowing portions of the beach in this area to remain inflated; although long term effects of these "groins" has yet to be established.

- 7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

- 8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The existing rock seawall was designed and built to prevent coastal erosion from impacting the residential structure and property. As this structure has existed for 20+ years, and no alteration to the property has occurred since the new owners purchased it in 2001, staff believes this ATF approval may be warranted and will not be materially detrimental to public health, safety, and welfare. The impacts of removing this structure would most likely involve the public access point, not the residence.

CULTURAL AND HISTORICAL IMPACT REVIEW:

The proposed project is located in a highly altered rural/residential environment. There are no known archeological sites identified within the subject property or in the vicinity of the existing seawall. No written records were found indicating that culturally significant resources or traditional and cultural practices occur within the project area. Access to the beach and ocean has not been affected by the existence of the seawall and will continue unchanged if the seawall remains. Based on the application review and submitted Environmental Assessment (EA), it is reasonable to conclude that, pursuant to Act 50, the exercise of native Hawaiian rights, or any ethnic group, related to traditional cultural practices would not be impacted by the existing seawall.

DISCUSSION:

According to the information provided, the existing un-grouted, rock seawall was constructed by a previous owner of the subject parcel sometime after 1975. The existing seawall has a low profile appearance, and runs along the seaward (*makai*) boundary of the applicant's property. As the structure has been in existence for approximately 20+ years without incident, staff believes that the seawall structure is not a threat, or detriment to the public's use of the area, or public access along the shoreline seaward of the wall.

It was determined, based on the applicants engineering analysis, that the seawall helps to not only protect the applicant's parcel, but aids in preventing erosion of the neighboring properties and adjacent County managed public beach access. It was further stated by the applicants engineer that removal of the seawall at this time may undermine other shoreline erosion control structures in the area, and possibly exacerbate coastal erosion at this site. It should be noted that the majority of the shoreline residences have seawalls, revetments, or other hard erosion control devices located along the seaward boundaries. While not ideal, the seawalls provide protection for these small coastal parcels that include development within the *Shoreline Setback Area*. In this location, however, it is unclear what role the dry stacked rock wall plays in preventing large scale erosion as it is evident that the structure has not been influenced by waves, wave action, tides or storms over the past 20+ years.

Each year the OCCL reviews a number of cases which relate to unregulated shoreline erosion control structures and other encroaching coastal appurtenances. In order to resolve these cases the OCCL employs a variety of options, including, but not limited to, mitigation, after-the-fact permitting, removal, and fines.

The OCCL reviews each and every coastal project, whether approved or not, in terms of site-specificity. This is accomplished by observing and documenting the unique circumstances, effects, physical environment, and existing conditions of each site. The necessity and influences of every shoreline structure are considered based on the merits and needs at that specific site.

In this case there is no developed upland dune system that could provide an immediate sand source which would necessitate a recommendation for removal of the seawall structure. It should be noted, however, that each recommendation the OCCL provides will differ from site to site, and will always consider the specific circumstances surrounding each case. Staff reiterates the notion that this office integrates a variety of guiding principles into our review process (i.e., in conformance with our "no-tolerance" policy with regards to new shoreline erosion control structures), ultimately attempting to discourage shoreline hardening as a long-term protection strategy.

Staff, therefore, recommends as follows:

RECOMMENDATION:

Based on the preceding analysis, staff is of the opinion that the proposed project meets the Conservation District criteria established in HAR §13-5-30.

Staff recommends that the Board of Land and Natural Resources **APPROVE** this After-the-Fact application for a rock seawall, located in the Ko'olauloa District, Island of Oahu, seaward of Tax Map Key: (1) 5-4-003:035 subject to the following conditions pursuant to HAR §13-5-42:

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 Hawaii 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 obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
4. The permittee shall comply with all applicable department of health administrative rules;
5. The permittee shall provide documentation (e.g., book and page or document number) that the permit approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;

6. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
7. All representations relative to mitigation set forth in the accepted environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
8. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
9. 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;
10. When provided or required, potable water supply and sanitation facilities shall have the approval of the department of health and the county department of water supply;
11. 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;
12. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
13. Use of the area shall conform with the program of appropriate soil and water conservation district or plan approved by and on file with the department, where applicable;
14. The permittee shall obtain a county building or grading permit or both for the use prior to final construction plan approval by the department;
15. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;
16. 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;
17. Where applicable, provisions for protection of beaches and the primary coastal dune shall be established by the permittee, to the satisfaction of the department, including but not limited to avoidance, relocation, or other best management practices;

18. 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 Hawaii, and by Hawaii statutory and case law; and
19. Other terms and conditions as prescribed by the chairperson.

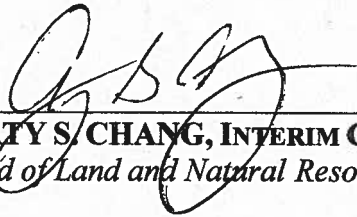
Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully submitted,



ALEX J. ROY, M.Sc., STAFF PLANNER
Office of Conservation and Coastal Lands

Approved for submittal:



CARTY S. CHANG, INTERIM CHAIRPERSON
Board of Land and Natural Resources



Monge Residence
54-001 Ahinalu Place
Hauula, HI 96717
TMK: 5-4-003:35

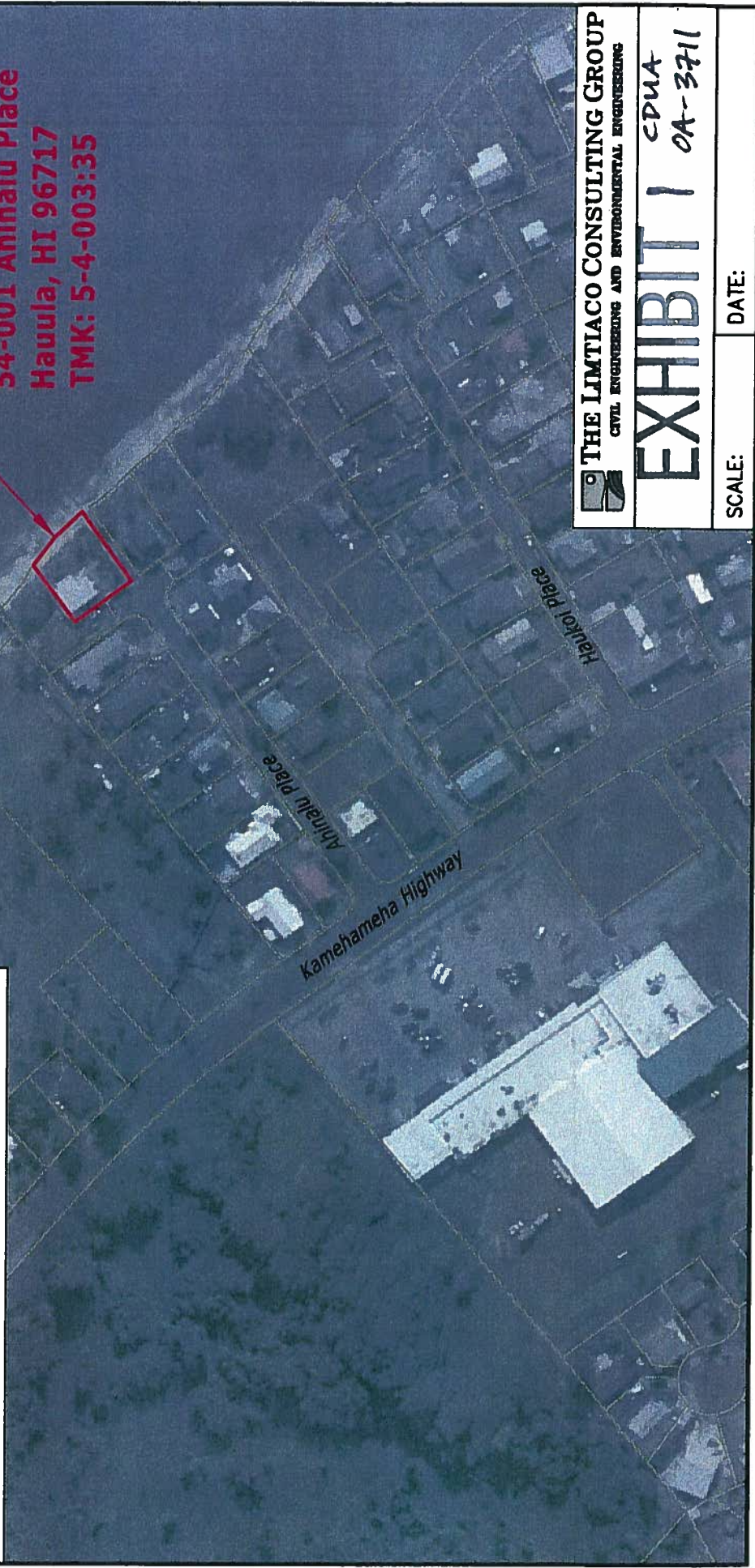
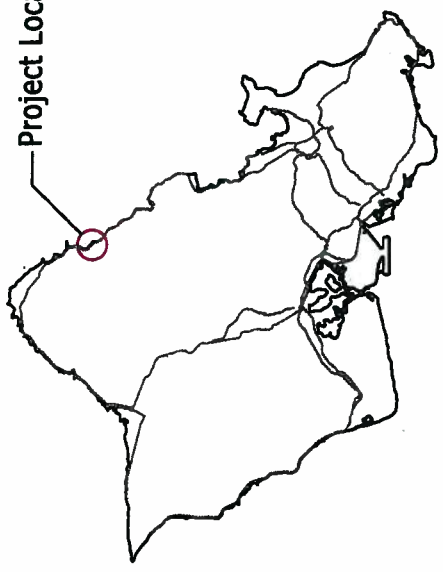
 **THE LMTACO CONSULTING GROUP**
CIVIL ENGINEERING AND ENVIRONMENTAL ENGINEERING

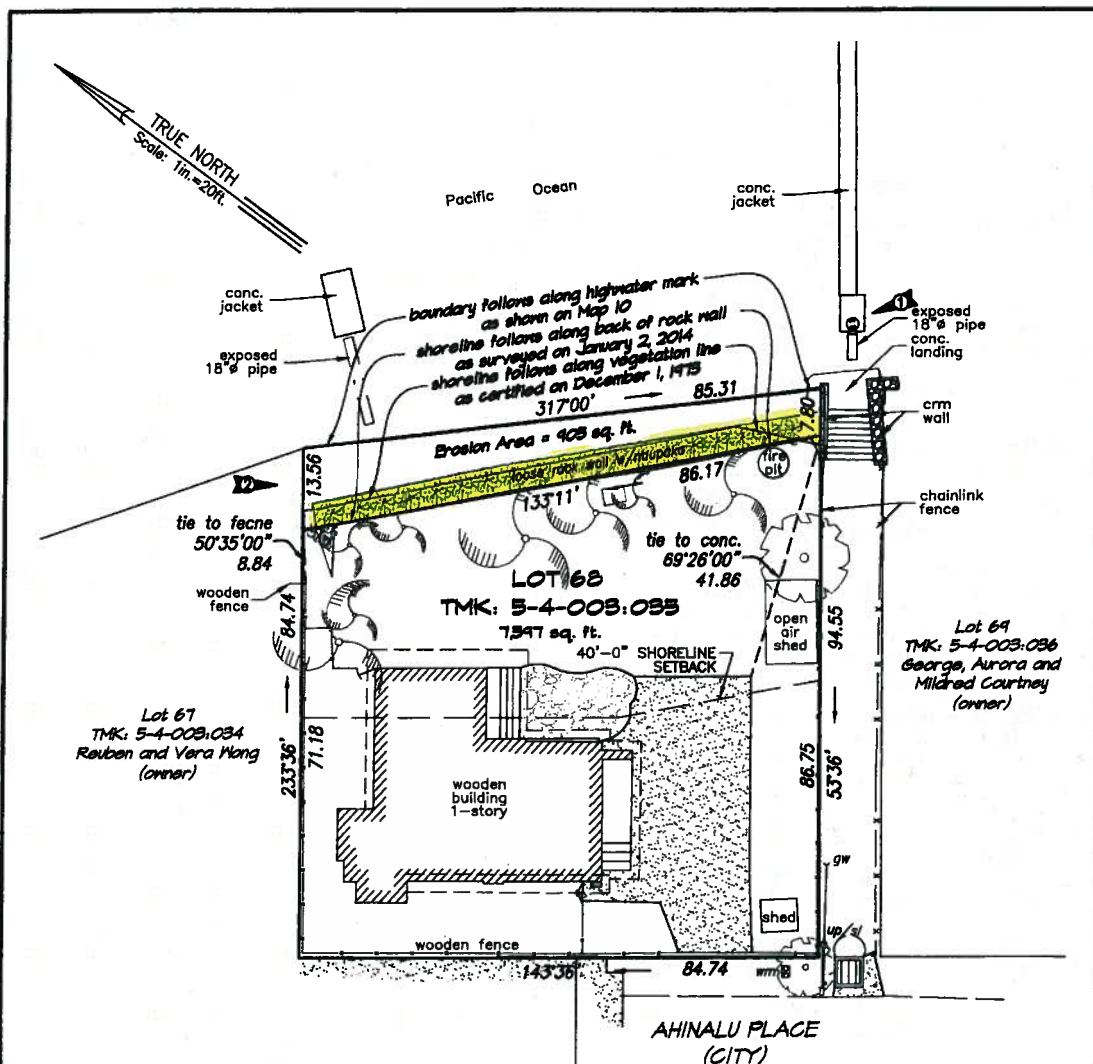
EXHIBIT 1 *CDUA*
OA-3711

SCALE:

DATE:

Project Location





AUSTIN, TSUTSUMI, & ASSOCIATES INC.
501 SUMNER STREET, SUITE 521
HONOLULU, HI 96817, (808) 533-3646

THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION.

Erik S. Kaneshiro 1/20/14

ERIK S. KANESHIRO
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 9828



SHORELINE CERTIFICATION MAP OF 54-001 AHIALU PLACE BEING LOT 68 (MAP 10) OF LAND COURT CONSOLIDATION 23 AT KAIPAPAU, KOOLAULO, OAHU, HAWAII TMK: (1) 5-4-003: 035

SITE ADDRESS: 54-001 AHIALU PLACE
HAUULA, HAWAII 96717
OWNER: AUGUST J. AND VERONICA Q. MONGE

NOTES

1. Azimuths and record coordinates shown on this map are referred to Government Survey Triangulation Station "KAIPAPAU" Δ .
2. Names of adjoining property owners were taken from Tax Map Key Records.
3. Shoreline certification is for permitting purposes.
4. \blacktriangle Denotes photo number and direction.
5. Map is based on a field survey on January 2, 2012.

JANUARY 20, 2014

FILE: 11\2012\12-015\DWG\12-015-REV.DWG
JOB NO.: D-12-015.1

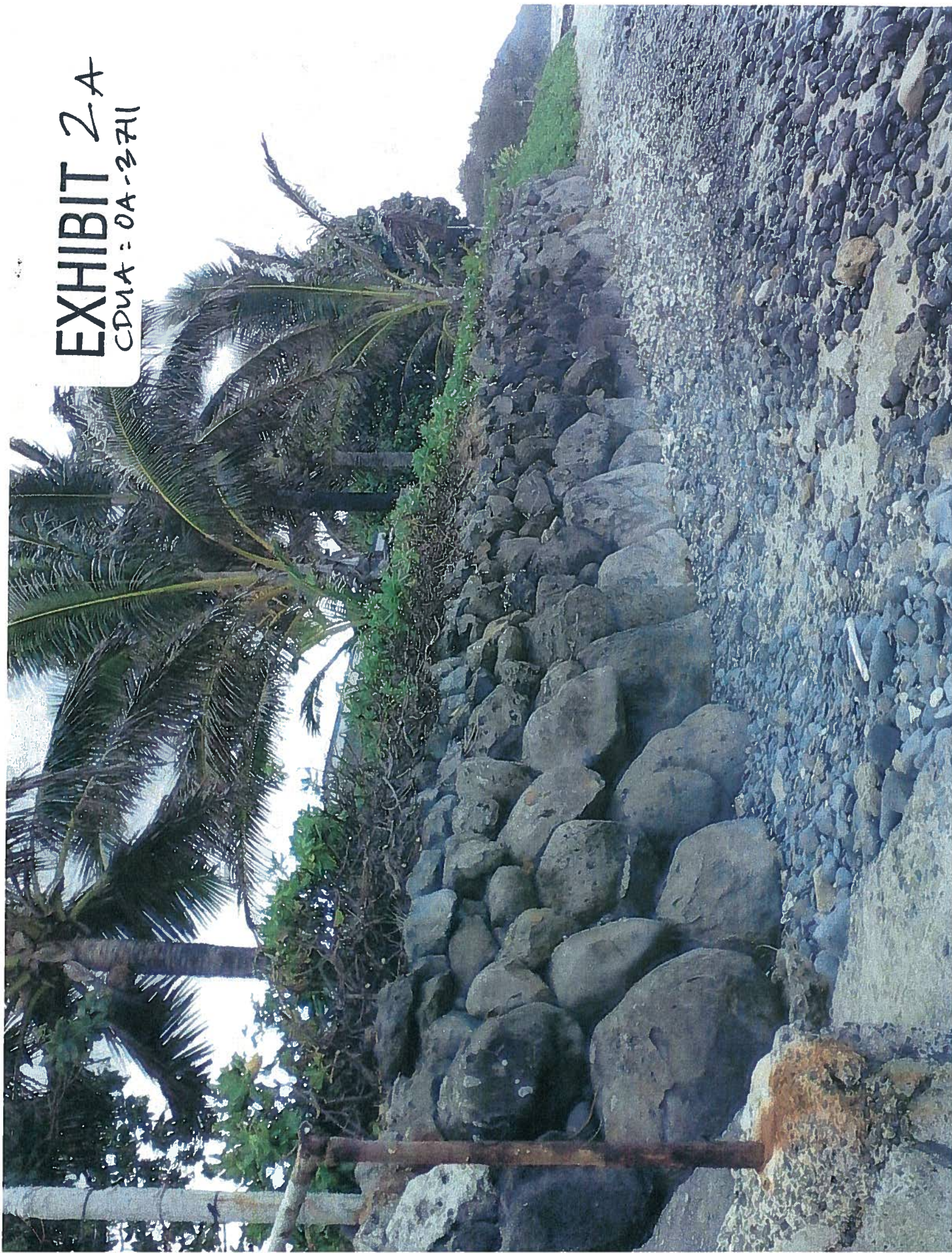
ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
ENGINEERS, SURVEYORS • HONOLULU, WAILUKU, HAWAII

10" X 15" = 1.04 SQ. FT.

CPMA: 0A-3711
EXHIBIT 2

EXHIBIT 2-A

CDMA: 0A-371



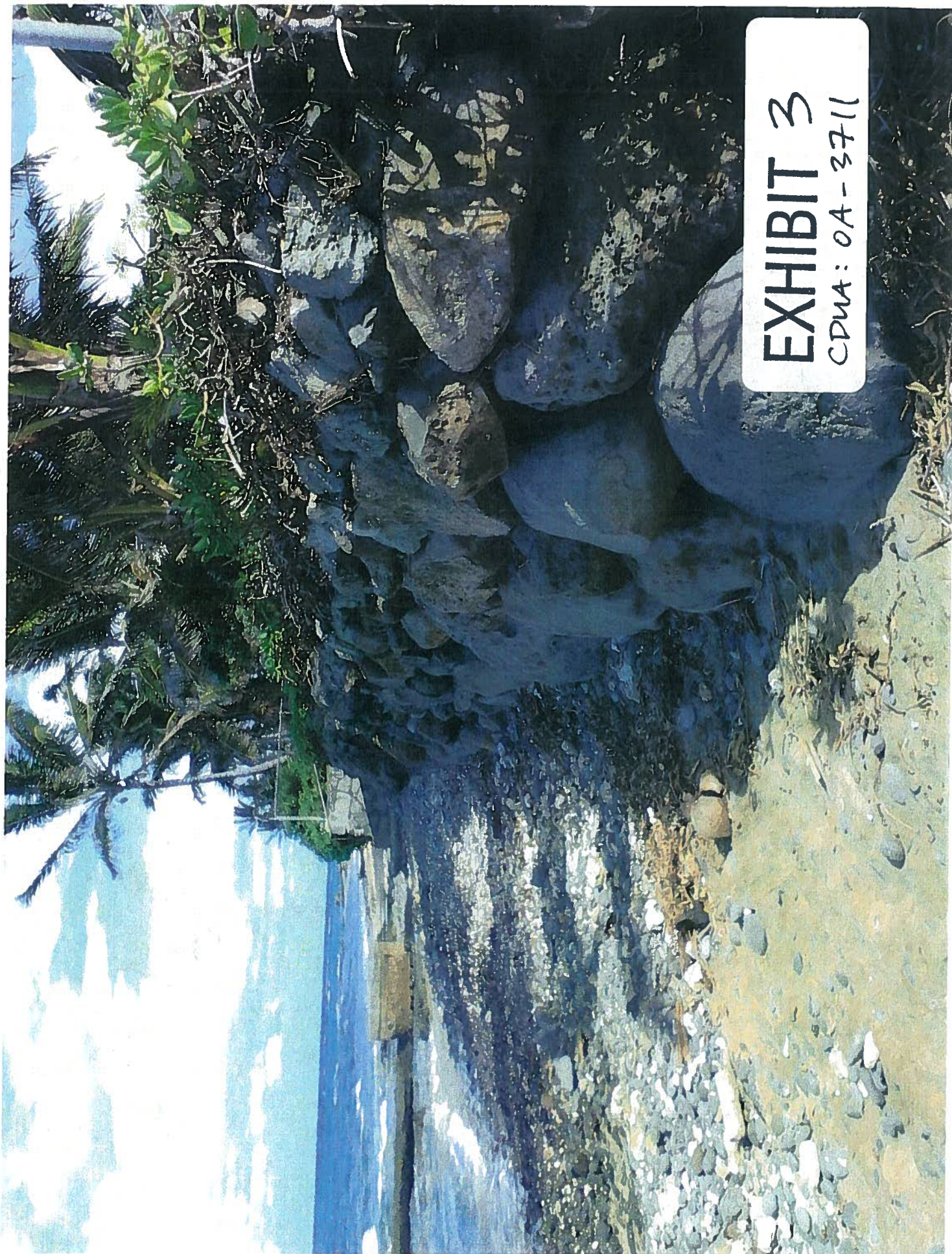
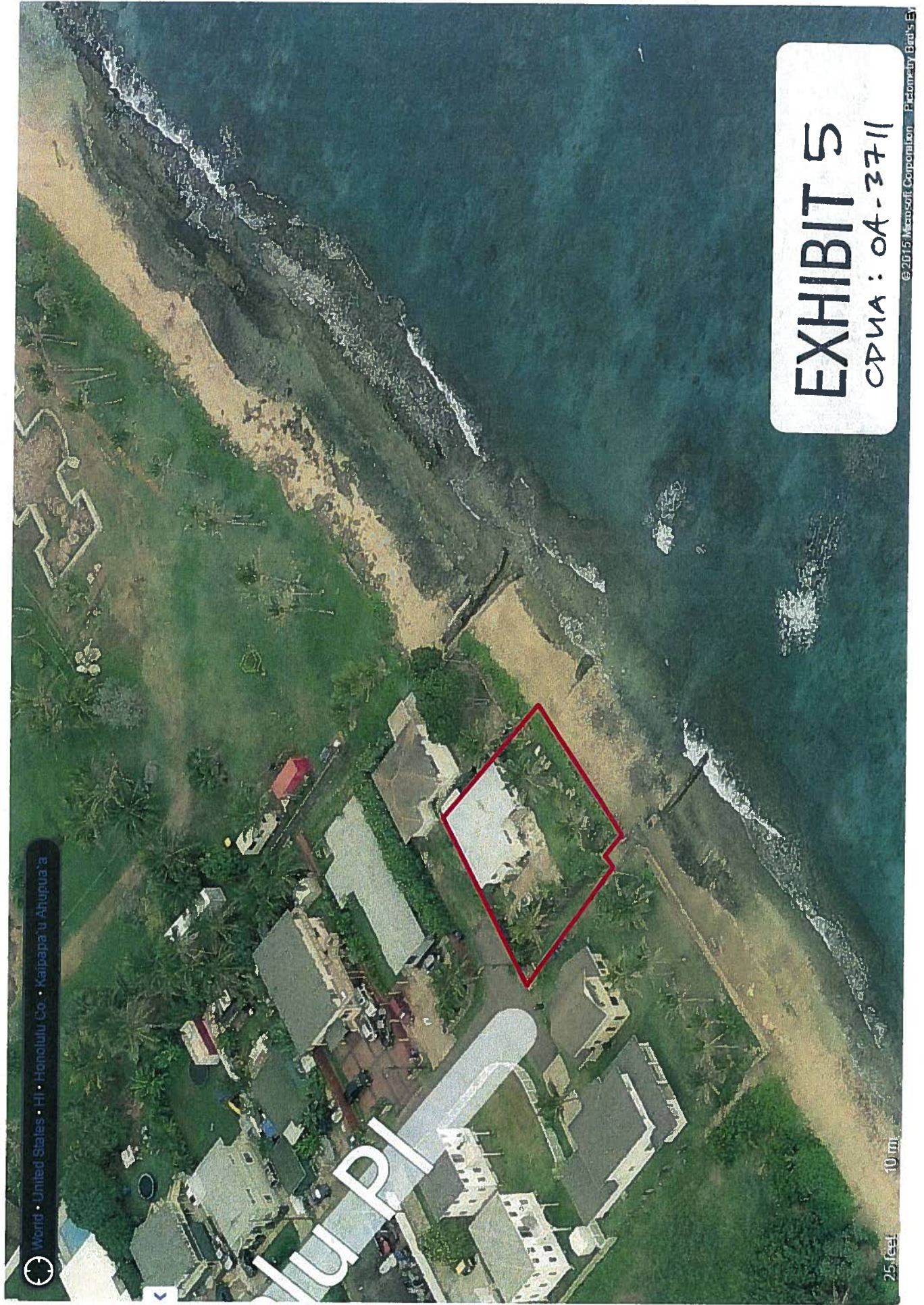


EXHIBIT 3

CDUA: OA-3711



EXHIBIT 4
CDMA: OA-3711



World • United States • HI • Honolulu Co • Kaipapa'u Ahupua'a

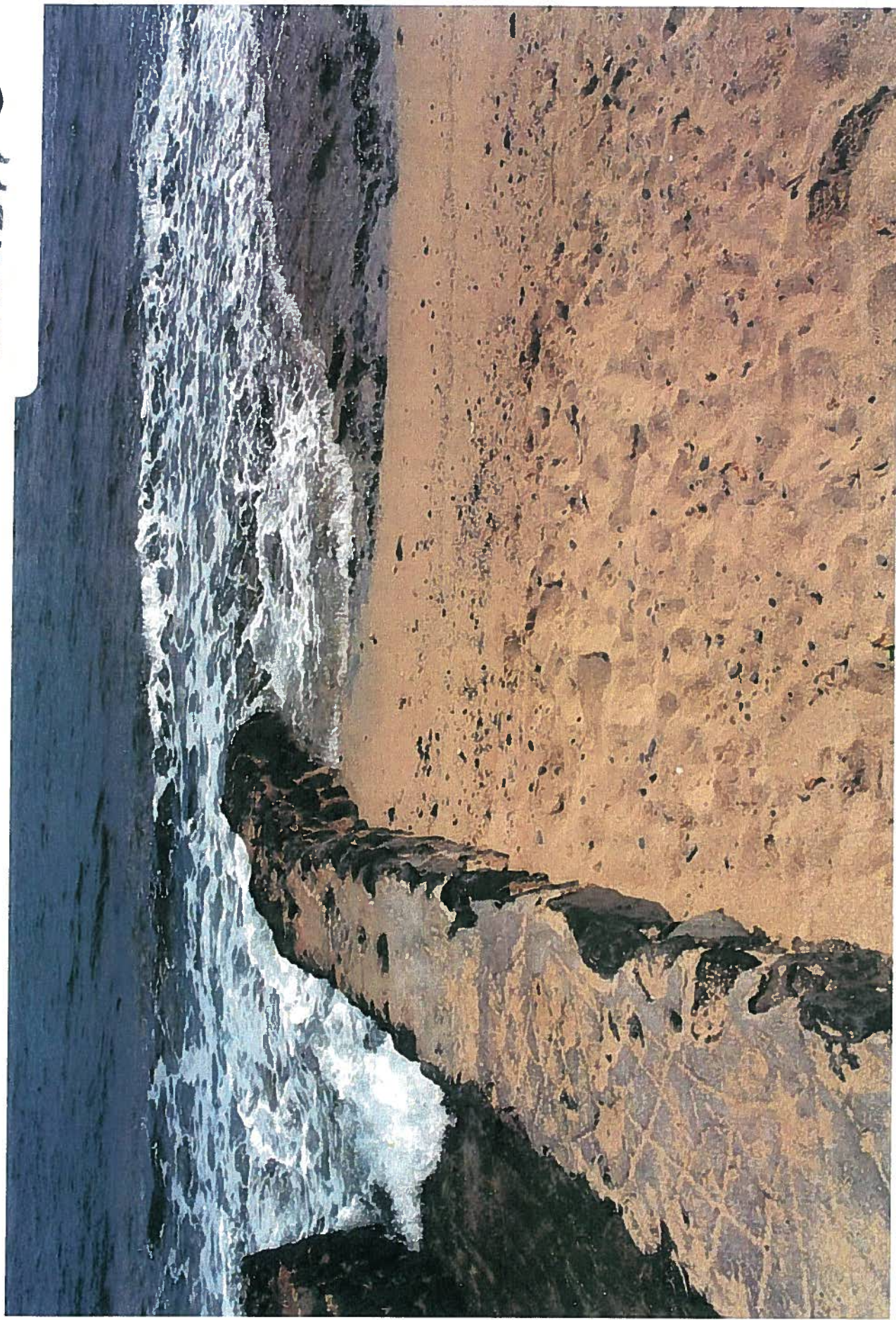
EXHIBIT 5
CDMA: OA-3711

25 feet
10 feet
10 feet

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CDMA: 0A-3711

EXHIBIT 6



Sand Trapped by Wall of Storm Drain Channel to the North

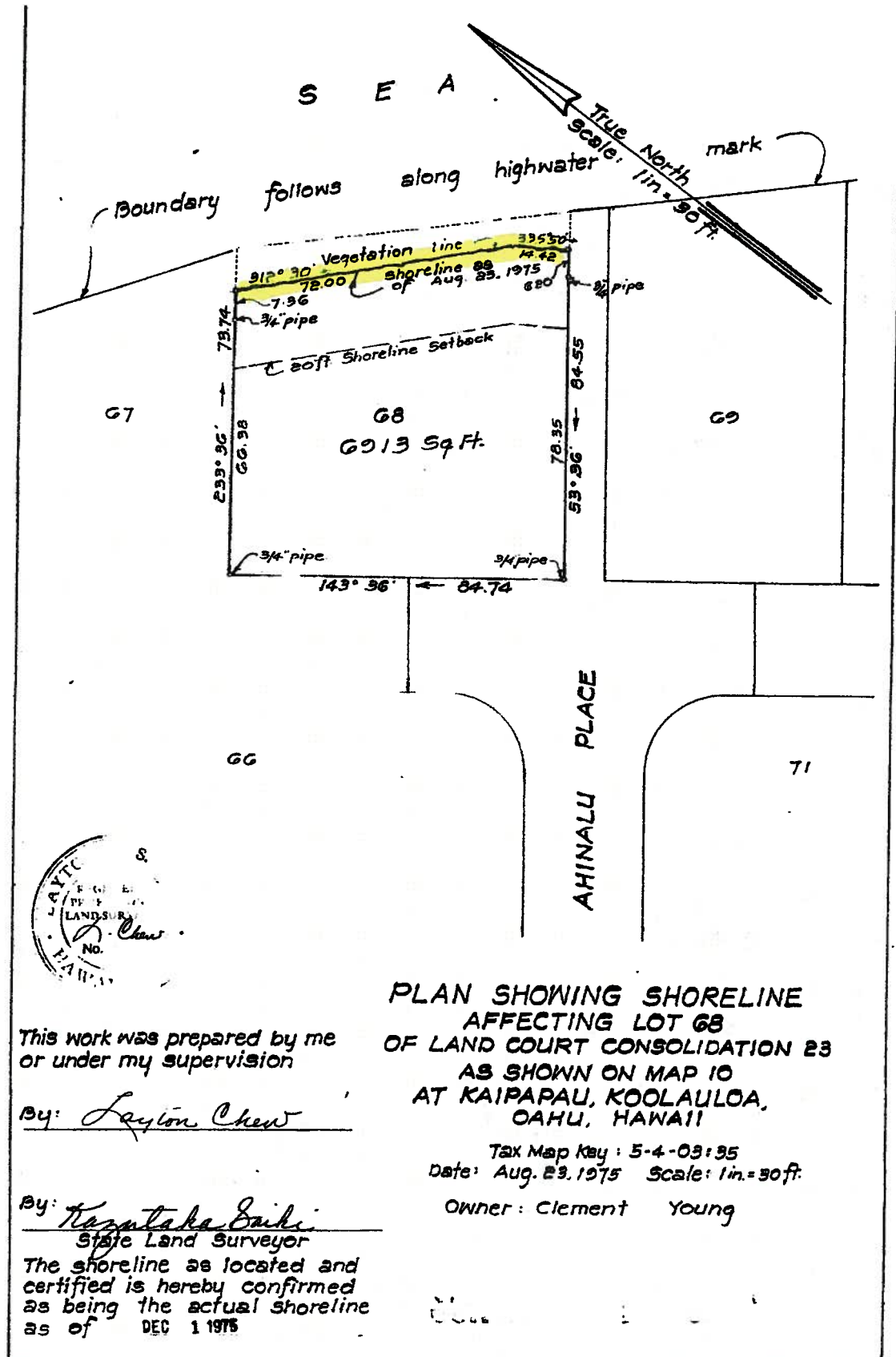
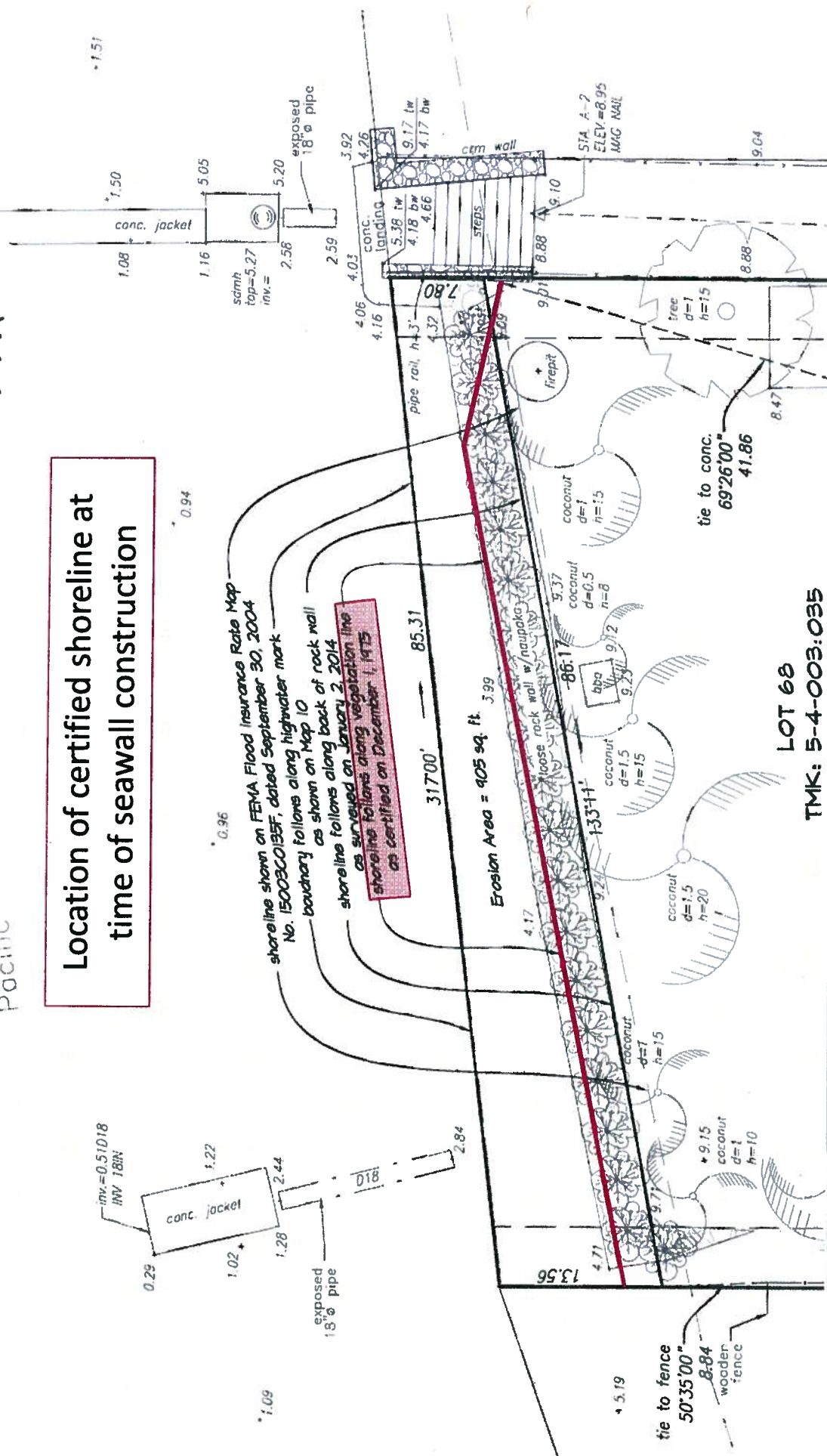


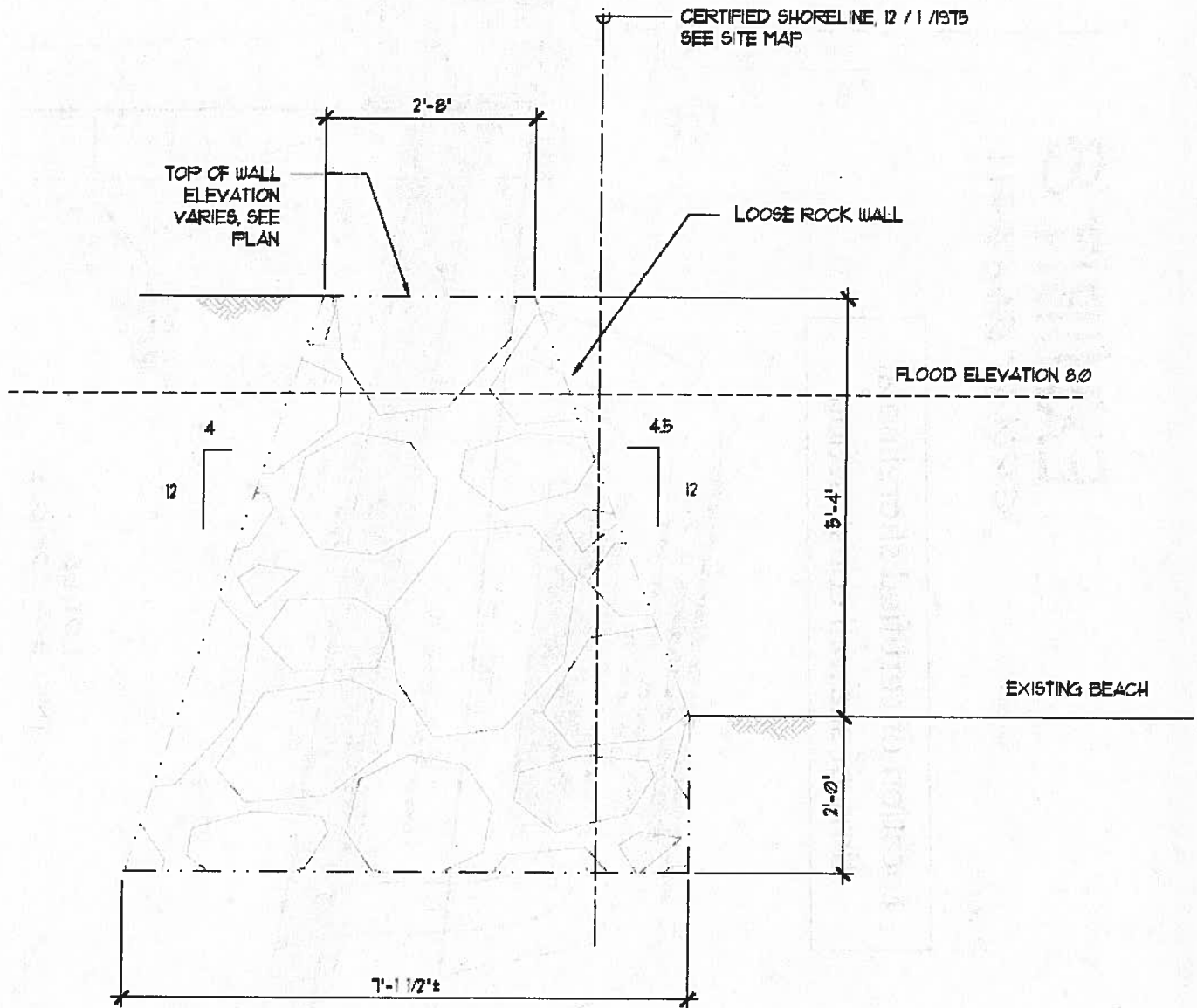
EXHIBIT 7

CDUA: OA-3711

Pacific

**Location of certified shoreline at
time of seawall construction**





SECTION THROUGH EXISTING ROCK WALL

B
5001

EXHIBIT 9

CDUA: 0A-3711



CDUA:
0A-3711

EXHIBIT 10





EXHIBIT 11

CDUA: OA-3711



EXHIBIT 12

CDWA: OA-3711

Project Site Seawall

Existing Seawalls

50 feet 25 m

