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DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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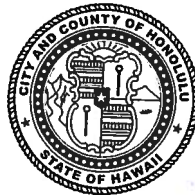
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DEPT. OF LAND  
& NATURAL RESOURCES  
STATE OF HAWAII

DAVID K. TANOUE  
DIRECTOR

ROBERT M. SUMITOMO  
DEPUTY DIRECTOR



MUFU HANNEMANN  
MAYOR

October 19, 2009

The Honorable Todd K. Apo, Chair  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Apo and Councilmembers:

Subject: Applications for Special Management Area (SMA) Use Permit No. 2009/SMA-44  
and Shoreline Setback Variance No. 2009/SV-9

Recorded Owner: State of Hawaii  
Applicant: State of Hawaii Department of Land and Natural Resources  
Location: Ka'ena Point Natural Area Reserve – Ka'ena and Keawaula  
Tax Map Key: 6-9-1: 30; 6-9-2: 4, 9 and 13; 8-1-1: 6 and 22  
Acceptance Date: August 7, 2009

We recommend approval of the concurrent applications for an SMA Use Permit and Shoreline Setback Variance for a predator fence, subject to standard conditions.

Attached for your consideration are: 1) our report and recommendation, and draft resolution; and 2) the transcript of the public hearing held on October 5, 2009. The hearing was attended by about 37 members of the public and 10 representatives of the Department of Land and Natural Resources (DLNR).

Pursuant to Chapter 25, Revised Ordinances of Honolulu, the City Council must act within 60 calendar days after receipt of our findings and recommendation; however, the City Council may extend this period of time upon receipt of a request from the applicant for an extension. The extension is not automatic and thus, if an extension of time is not requested in a timely manner, the application may be filed due to the Council's time deadline.

The Honorable Todd K. Apo, Chair  
and Members  
October 19, 2009  
Page 2

Should you have any questions, please contact Elizabeth Krueger of our staff at 768-8019.

Very truly yours,

A handwritten signature in black ink, appearing to read 'David K. Tanoue', with a horizontal line drawn through the middle of the signature.

David K. Tanoue, Director  
Department of Planning and Permitting

DKT:cs

Attachments

cc: ✓ DLNR  
U.S. Fish and Wildlife Service  
Kirk W. Caldwell, Managing Director  
Mufi Hannemann, Mayor  
Corporation Counsel  
Hearings Reporter

DEPARTMENT OF PLANNING AND PERMITTING  
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION	)	FILE NOS. 2009/SMA-44
	)	2009/SV-9
BY	)	(EK)
	)	
THE STATE OF HAWAII DEPARTMENT OF	)	
LAND AND NATURAL RESOURCES	)	
	)	
FOR A	)	
	)	
SPECIAL MANAGEMENT AREA	)	
USE PERMIT AND SHORELINE	)	
SETBACK VARIANCE	)	

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FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDATION

I. GENERAL INFORMATION

A. Basic Information:

APPLICANT:	State of Hawaii Department of Land and Natural Resources (DLNR)
LANDOWNER:	State of Hawaii
LOCATION:	Ka'ena Point Natural Area Reserve – Ka'ena and Keawaula (Exhibit A)
TAX MAP KEY:	6-9-1: 30; 6-9-2: 4, 9 and 13; 8-1-1: 6 and 22
LAND AREA:	59 Acres (approximately)
SURROUNDING LAND USES:	State Park and Natural Area Reserve
EXISTING ZONING:	P-1 Restricted Preservation District (Exhibit B)
STATE LAND USE DISTRICT:	Conservation District (Exhibit C)

- B. Proposal: The project involves the installation of a predator fence at Ka'ena Point. See Exhibit E. The proposed development will include a 2,133-foot long, 6.5-foot tall fine-mesh fence with a rolled hood and mesh skirt, and 3 gates. See Exhibit I. The purpose of the fence is to keep nonnative predatory animals, such as dogs, cats, mongoose, and rodents, from entering into approximately 59 acres of coastal habitat within the Ka'ena Point Natural Area Reserve (NAR). The enclosure will allow native plant and animal populations to recover and flourish. While the DLNR currently conducts predator control measures, the project is essential to completely remove predators from the area.

The fence base will be made of anodized aluminum posts and stays, placed 9.8 feet apart, with stainless steel wires and fastenings. See Exhibit J. Two-thirds of the 9.75-foot long posts will be above ground, while the lower third will be drilled and cemented into the ground. Welded fine mesh, designed to keep small animals from passing through the fence, will be tacked to the posts. A "skirt," designed to prevent animals from digging or burrowing under the fence, will be buried or pinned to the ground, extending approximately 15 inches perpendicular to the fence. On top of the fence, a one-foot long, angled sheet steel hood will act as a one-way barrier to prevent predator entry into, but allow exit out of the reserve.

Each of the three points of entry into the reserve will involve a rectangular structure consisting of an enclosed pedestrian gate with two doors. See Exhibit K. The two-door design will require that one door closes before the other will open. An emergency override button will be incorporated into the design within the pedestrian gate structures, so individuals will not be trapped inside if someone props open an outside door. The 6.5 x 9.8-foot wide gates will have a 3-foot-wide door on either end. The structures will be seven feet tall at the edges, and eight feet tall at the highest point.

Construction is anticipated to take roughly four to five weeks, at a cost of approximately \$250,000-\$300,000. The fence has a 25-year life span. During construction, a container will be temporarily placed on-site to act as an on-site base of operations and provide storage for materials, tools, and equipment. Fence crews will work during weekdays to avoid the majority of foot traffic that occurs on weekends. Only soil and rock from within (makai of) the planned fence corridor will be utilized for any required grading work; no earthen material is to be imported from off-site. The project cost includes materials to perform repairs throughout the life of the fence.

The fencing alignment follows a fairly level World War II-era roadbed with little vegetation which skirts the bottom of the hill behind Ka'ena Point. On the Waianae (Keawaula) side, the fencing will leave the roadbed and follow a relatively steep decline along a loose rock slope, across an old railway easement, and extend to the shoreline along a rocky outcrop. On the Mokulē'ia side the alignment will run along the roadbed and extend to the shoreline along a rocky outcropping near the existing boulder barricade. Both ends of the fence will extend 40 feet into the 40-foot shoreline setback. See Exhibits F, G, and H.

The removal of predatory animals at Ka'ena Point is anticipated to result in an increase in the existing population of nesting seabirds, encourage new seabird species to nest at Ka'ena Point, enhance regeneration of native plants, and benefit monk seals by reducing the risk of disease transmission. Despite ongoing predator control, the rates of predation are too high to allow the long-term recovery of the existing seabird populations in the project area. The fencing will make it feasible to remove all nonnative predatory

animals from makai of the fenced unit, and to focus control efforts on two entry points along the shoreline rather than across the entire peninsula.

## II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

### A. Location:

1. Site: Ka'ena Point is a triangular rocky coastline area, largely composed of dunes overlying fossil reefs and lava flows. See Exhibit A. The elevation in the project area ranges from sea level to approximately 100 feet above mean sea level. The project area is relatively dry. The Ka'ena Point NAR is accessible to the public by foot or bicycle, and its primary uses include recreation, hiking, nature study, education, and the observation of wildlife. Shore fishing, spear fishing, and gathering of marine resources have traditionally been important uses on the Ka'ena coast. There is no infrastructure on the site. The U.S. Coast Guard (USCG) maintains a lighthouse located at the tip of the point.
2. Surrounding Uses: The project site is within the Ka'ena Point NAR, except for a small portion at the southern end which crosses into the Ka'ena Point State Park, which adjoins the site. On the Mokulē'ia side, the nearest establishments include day camps, the Dillingham Airfield, a ranch, and intermittent dwellings. On the Waianae side, undeveloped areas owned by the State and Federal governments extend for miles. Some military installations are located on the top of the ridge above Ka'ena Point.
3. Site Soils: Soils in the project area are primarily characterized as beach and rock land. Beaches are sandy, gravelly, or cobbly areas washed by ocean waves. Rock lands are characterized as areas where exposed rock covers 25-90 percent of the surface, with rock outcrops of basalt, andesite, and shallow soils.
4. Hydrology: Drainage occurs naturally in the project area as there is no plumbing or wastewater infrastructure. Limited grading along the fence alignment will be used to minimize the potential for erosion, facilitate drainage, and ensure that rainwater does not pool at the fence site. The DLNR does not anticipate any project-related changes to normal patterns of runoff or percolation beyond the construction period. Available information does not show any intermittent or perennial streams in the project area. Groundwater beneath the project area is generally unconfined basal water within a sedimentary type aquifer, or freshwater in contact with seawater that is not confined under pressure beneath relatively impermeable rocks or soil.
5. Zoning: The site is in the State Land Use Conservation District, which corresponds to the county zoning P-1 Restricted Preservation District. See Exhibits B and C.
6. Coastal Zone Management: Ka'ena Point includes an important habitat for several native plant and animal species. It is also an important coastal recreation

and open space area, used by recreational fisherman, hikers, and divers. The near shore water quality is considered "pristine" by State agencies.

The 1987 Coastal View Study identifies the Ka'ena section of the "North Shore Viewshed" from the tip of Ka'ena Point to Crozier Drive as a Type 1 Viewshed, and a "Coastal Road Continuous Coastal View" from YMCA Camp Erdman to approximately the point of the stone barricade. The study also identifies a Mākua viewshed from Ka'ena Point to Kepuhi Point on the Waianae side as a Type I Viewshed, meaning the views are highly intact. The ridge above the point, and the higher areas of the point, are considered an "Important Coastal Land Form." The coastline around Ka'ena Point is considered an "Important Open Space/Landscape."

- B. Environmental Compliance: The project is located on State-owned land, in the Conservation District, and it involves public funding. Therefore, it is subject to the environmental impact statement requirements of Chapter 343, Hawaii Revised Statutes (HRS). The applicant completed a Final Environmental Assessment (FEA) for the project, and issued a Finding of No Significant Impact (FONSI) on May 22, 2009. The FONSI was published by the Office of Environmental Quality Control (OEQC) in its publication, "The Environmental Notice," on June 23, 2009.
- C. Special Management Area (SMA) and Shoreline Setback: The site is located within the SMA. See Exhibit A. The certified shoreline for the site, dated August 20, 2008, indicates that the fence will encroach 40 feet into the 40-foot shoreline setback area on both ends of the fence. See Exhibits G and H.
- D. Flood District: The federal Flood Insurance Rate Map (FIRM) No. 15003C0075F, revised June 2, 2005, indicates that the project site is within Zone D, meaning the area has possible but undetermined flood hazards. See Exhibit D. Much of Ka'ena Point is within the Tsunami Evacuation Zone. While both ends of the fence and all three gates are within the evacuation zone, most of the fence alignment will be outside the zone.
- E. Historic Places: Five historic Native Hawaiian properties have been documented at Ka'ena Point. Together they form the Ka'ena Complex, which was listed in the Hawai'i Register of Historic Places in 1988. Of these historic sites, two stone platforms and Leina a ka 'Uhane (Soul's Leap) are near the proposed fence alignment. The stone platforms will be outside (mauka) of the fence, while Leina a ka 'Uhane will be on the inside (makai) of the fence.
- F. Consistency with County Plans:
  - 1. General Plan: Section 3 of the City and County of Honolulu General Plan sets goals and policies for maintaining O'ahu's natural environment. Objective A, Policy 8 seeks to, "Protect plants, birds, and other animals that are unique to the State of Hawaii and the Island of Oahu." Other stated goals include protecting Oahu's natural environment, restoring environmentally damaged areas, increasing public awareness and appreciation of natural resources, protecting plants, protecting scenic views, and provide opportunities for recreational and educational use.

2. Sustainable Community Plans: The Wai'anae and North Shore Sustainable Communities Plans both identify the protection and preservation of scenic views as a priority, but make no specific mention of Ka'ena Point. The North Shore plan specifically identifies stationary views from the shoreline between Ka'ena Point and Makaleha Beach as views to be preserved.

3. Land Use Ordinance (LUO): Since the site is located in the State Land Use Conservation District, it is classified as P-1 Restricted Preservation District for county zoning purposes. Lands in the P-1 District are not regulated by the LUO; rather, development is subject to regulation by the DLNR.

G. Agency Comments: The following agencies commented on the project:

1. Federal: U.S. Coast Guard (USCG); U.S. Department of the Interior, Fish and Wildlife Service.
2. State: Natural Area Reserves System Commission (NARSC); State Historic Preservation Division (SHPD), and Office of Hawaiian Affairs (OHA).

Agency comments are discussed in the ANALYSIS section of this report.

H. Other Permits and Approvals: A grading permit will be required for the project. Depending on the amount of disturbed area, an NPDES permit from the State Department of Health may be required. According to the applicant, a new Conservation District Use Permit will not be required. A building permit is not required, since this is a government project not involving a "building."

I. Public Hearing and Community Comments: On October 5, 2009, the DPP held an administrative public hearing concerning the SMA Use Permit application at the Waialua District Park. Ten representatives of the DLNR were present. Approximately 37 members of the public attended. Fourteen people testified in favor of the project, and one testified against it.

Written testimonies supporting the project were also submitted by a broad range of individuals, environmental organizations, community associations, native Hawaiian organizations, educational associations, teachers, and students. Written testimony against the project was submitted by one individual. In all, 39 letters to the DPP were submitted.

The main points from proponents of the project can be summarized as follows:

- Endangered plants and animals found at Ka'ena Point must be protected.
- Current efforts to control invasive species are difficult, costly, and not as effective as the fence is expected to be.
- Similar fences in New Zealand have been extremely effective.
- The project involves cutting edge technology, and other areas will look to this project as an example.

- The State has cut the budget for agricultural inspectors, so the fence is particularly needed.
- Funding is coming from the U.S. Fish and Wildlife Service.
- The fence will be a great tool for conservation education and awareness.
- The project will be beneficial for future generations.
- Enhanced preservation of Ka'ena Point will give Oahu residents an opportunity to see "how the Northwestern Hawaiian Islands look."
- The project will protect a sand dune ecosystem, providing a vital area for birds; especially in light of sea level rise.
- The fence is culturally appropriate because the predator behavior is "kapu" (forbidden).
- The fence will protect burial grounds within the NAR.

The main points from opponents of the project included:

- A fence, as "fortress conservation" is culturally inappropriate, as it separates the people from a spiritually significant place.
- View planes should not be altered.
- Maintenance of the fence will be costly, and the life of the fence is only 15 to 25 years.
- The gaps at the two shoreline ends will still require additional predator control measures.
- The fence will not stop people from bringing their dogs into the fenced area, as they do now.
- Preparation for construction might cause changes in the natural runoff patterns.
- The current ecosystem could be thrown out of balance if the seabird populations significantly rise.
- Laysan albatross may be less vulnerable than previously thought.
- The construction and fence may ruin a pristine area.
- Restoration should come with less human intervention, not more.

On August 1, 2006, the Waianae Coast Neighborhood Board No. 24 voted unanimously to support the project. On October 24, 2007, the North Shore Neighborhood Board



No. 27 voted unanimously to support the project. And, on September 15, 2009, the Nanakuli-Ma'ili Neighborhood Board No. 36 voted unanimously to support the project. City Councilmember Donovan Dela Cruz also submitted a letter in support of the project.

### III. ANALYSIS

A. Coastal Hazards: The project will not restrict or modify the natural wash of the waves or otherwise modify beach processes, because the fence will be anchored to naturally occurring rocky shoreline features. It will not increase hazards from coastal floods, since any changes to natural drainage patterns will only be to facilitate runoff, rather than prevent or divert it. Due to phased construction of the fence, the beach and rock land soil characteristics, the lack of streams, and the generally arid nature of the project area, the applicant does not anticipate that the proposed improvements will have any impact on coastal hazard conditions.

B. Shoreline Setback Variance: Pursuant to Revised Ordinances of Honolulu (ROH) Section 23-1.8(b), a shoreline variance may be granted for the project under the "public interest standard."

1. A variance may be granted for an activity or structure which is undertaken by a public agency. The DLNR is an agency of the State.
2. A variance may be granted for an activity or structure which is clearly in the public interest. The project involves clear public interest, since it will help protect and enhance threatened, endangered, and vulnerable species of plants and animals. Furthermore, the project will help restore a natural habitat, and allow residents and visitors to experience the way Oahu looked before the introduction of invasive species and widespread development. The project has received considerable public support, with limited objections.
3. A variance may be granted for an activity or structure, provided that the proposal is the most practicable alternative which best conforms to the purposes of ROH Chapter 23 and the shoreline setback rules. The predator fence is the best practicable alternative because it involves the most effective option for controlling predators, and is the most cost-effective option. Predator eradication efforts without the fence will not reduce predation enough to allow seabird populations to fully recover. The cost of the fence, plus maintenance costs, will be lower in the long run than the estimated \$32,000 per year it currently costs for eradication efforts alone. Furthermore, the predator fence represents the best alternative because it involves cutting-edge, proven technology that has been very effective in New Zealand, where it was developed. This will be the first fence of its kind in the United States, and will be watched around the state and the country as a potential solution for other areas.

The fence enters the shoreline area perpendicular to the wave action, so it will not adversely affect beach processes. The fence will be designed such that the public will have to enter the reserve through gates located outside of the shoreline setback. Current dedicated paths for hikers providing shoreline access will not be adversely affected. And, the fence will not reduce shoreline open space.

- C. Alteration to Landforms: There will be minimal alteration to natural landforms. Limited grading work will be required to level areas to accommodate the alignment of the fence, particularly as the fence approaches the shoreline. Boulders larger than one or two feet in diameter may need to be moved to prevent predators from leaping over the fence. The location of the fence alignment was chosen specifically to avoid beach dunes, seabird nesting areas, areas with significant vegetation, and areas where monk seals come on shore. Furthermore, no outside soils or other materials will be brought in for grading purposes; therefore, the existing rock lands and beach area will not be impacted. The fence will not restrict or modify the natural wash of the waves or modify beach processes.
- D. Drainage: No permanent changes to normal patterns of runoff or percolation are expected. To minimize the potential for erosion at locations along the fence line where natural drainage channels exist or where surface water is likely to collect, the ground will be prepared to move water away from the fence; therefore, it will not adversely impact near shore water quality.
- E. Solid and Liquid Waste Disposal: The project will not generate solid or liquid waste.
- F. Water Resources: No adverse impacts on water resources are anticipated as a result of the fence.
- G. Nearshore Water Quality: The only aspect of the project which may affect nearshore water quality will be during construction. The applicant will need a grading permit for the project. Since the applicant will be required to implement best management practices as part of its grading permit, the SMA Use Permit does not need to be conditioned to address nearshore water quality.
- H. Coastal Ecosystems: The project will help preserve and enhance the natural coastal ecosystem of the Ka'ena Point NAR.
1. Flora: The project is anticipated to improve the health and function of the coastal strand plant community in the NAR, and improve the natural regeneration of the plant populations historically found at Ka'ena Point. Eleven endangered plant species have been recorded at Ka'ena Point, and the area is designated as a critical habitat for seven of those species. Nonnative predators currently eat plants and their seeds.
  2. Fauna: Anticipated benefits of the project include increases in the breeding Laysan albatross and wedge-tailed shearwater populations, the establishment of new seabird breeding populations, and the reduced risk of disease transfer to basking monk seals. Ka'ena Point is one of only three communities of Laysan albatross in the main Hawaiian Islands. Currently, approximately 60 pairs of Laysan albatross nest at Ka'ena Point, along with over 1,500 pairs of wedge-tailed shearwaters. Construction will be scheduled to avoid the Laysan albatross and wedge-tailed shearwater nesting seasons. The reserve also acts as a refuge for the endangered Hawaiian monk seal and the threatened honu, or green sea turtle. The U.S. Fish and Wildlife Service supports and funds the project for the protection of this valuable habitat. The primary motivation for the

project is to prevent further nonnative predators from moving into the reserve, including feral dogs and cats, rats, mice, and mongoose.

- I. Recreational Resources and Shoreline Access: Public access is not anticipated to change significantly due to the installation of the fence. Three pedestrian access gates will be incorporated into the fence system at locations where the fence will intersect with primary trails into and out of Ka'ena Point, from both the Mokulē'ia and Wai'anae sides. The gates will be large enough that up to nine people may enter between the doors at the same time. Also, people will be able to enter the gates with a bicycle, fishing or diving gear. On rare occasions, visitors do access Ka'ena Point from old military bunkers along a ridge trail; and, access for these visitors will be preserved by maintaining a clear path along the outside of the fence alignment to any of the three pedestrian access gates.

The USCG commented that they service the Ka'ena Point Lighthouse, located inside the project area. They requested that gates be designed and maintained to allow its response teams access to the area. Currently vehicular access is prohibited in the NAR, so the nature of their access to the lighthouse will not change; and, the "24-7" gate access designed into the fence system complies with their needs.

- J. Historic and Cultural Resources: Construction of the fence will primarily be on top of the existing gravel road (constructed in the 1940s for military purposes), thus minimizing impact to archaeological resources in the project area. The position of this road on the slope of the ridge avoids area sand dunes and sandy soils, within which subsurface cultural deposits and burials are a high probability. The SHPD commented that they reviewed the applicant's restoration plan and determined that no historic properties will be affected by the fence installation, provided that archaeological monitoring is conducted by staff archaeologists. Therefore, archaeological monitoring by staff should be required as a condition of approval.

The OHA requested that work cease and the appropriate agencies be contacted if Native Hawaiian cultural or traditional deposits are found during construction. This is a standard condition of approval. The OHA also suggested that the alignment of the fence exclude Leina a ka 'Uhane, citing concerns from members of the Hawaiian community that the fence could disturb the spiritual atmosphere surrounding that sacred site. The DLNR also consulted with leaders in the Hawaiian community to ensure that the fence project would not interfere with these sites, which are considered spiritual and holy. They determined that a third gate near Leina a ka 'Uhane would allow spirits to move freely around the site, and would allow access to the stone platforms on the outside of the fence; and, testimony provided at the DPP public hearing supported this position.

- K. Scenic and Open Space Resources: Both of the opponents of the project cited potentially adverse visual impacts due to the proposed fence. However, by following the track at the base of the slope where the fence will be located, the alignment places the fence along the least visually intrusive area of Ka'ena Point. The fence will have a visual impact only for those who are standing near the fence within the reserve, and are looking toward Mokulē'ia or Waianae, or looking toward Ka'ena Point from the path outside of the fence. On the Mokulē'ia side, looking toward the point, the fence will be so close to the stone barricade that there will only be a short distance where the view is disturbed. A person standing at the tip of the point looking toward Waianae would barely see the fence due to natural contours of the land. Looking toward the Mokulē'ia side,

the fence will be discernable, but not greatly detrimental to the panoramic view. The fence will not extend above existing ridgelines nor create silhouettes against the horizon, and will not be visible from the coastal highway. The benefits of the coastal restoration to be achieved by constructing the fence outweigh the minimal potential impacts to viewplanes for people hiking within the reserve.

- L. Consistency with Land Use Plans and Zoning: The project is consistent with City land use policies, objectives, and goals for environmental restoration and protection. It is particularly appropriate with regard to the goal of protecting unique plants and birds. While the fence may slightly interfere with views from certain vantage points at Ka'ena Point, it is not overtly inconsistent with the objectives and policies that protect views. The project is in the State Land Use Conservation District, which corresponds to the City P-1 Restricted Preservation District. LUO Section 21-3.40-1(a) states, "Within the P-1 restricted preservation district, all uses, structures and development standards shall be governed by the appropriate state agencies." Therefore, the development of the fence is not subject to the LUO.

#### IV. CONCLUSIONS OF LAW

- A. The proposed development was reviewed under the provisions of ROH Chapter 25 and HRS Chapter 205A, and found to be consistent with the objectives, policies, and guidelines established in the SMA Ordinance. Based on the analysis, the proposed predator-proof fence will not adversely impact SMA resources.
- B. The proposed development was also reviewed under the provisions of ROH Chapter 23. Pursuant to ROH Section 23-1.8(b)(2), a variance can be granted under the "public benefit standard," since the project will be undertaken by a public agency. It is clearly in the public interest and the proposal is the practicable alternative which best conforms to the purpose of ROH Chapter 23 and the shoreline setback rules.

#### V. RECOMMENDATION

It is recommended that the applications for a Special Management Area Use Permit (SMP) and Shoreline Setback Variance (SSV) be APPROVED, subject to the following conditions:

- A. Construction shall be in general conformity with the plans attached hereto as Exhibits A through K. Any changes in the size or nature of the project which have a significant effect on coastal resources addressed in Revised Ordinances of Honolulu Chapter 25 and Hawaii Revised Statutes Chapter 205A shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this resolution, upon review and approval of the Director of the Department of Planning and Permitting.
- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the applicant shall stop work and contact the State of Hawaii Department of Land and Natural Resources (DLNR), Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until SHPD is able to assess the impact and make further recommendations for mitigative action.

The applicant shall employ DLNR staff archaeologists to monitor the fence construction and installation to ensure that no historically or culturally significant resources are adversely affected.

- C. Approval of this SMP and SSV does not constitute compliance with other governmental requirements, including building and/or grading permit approvals. These are subject to separate review and approval. The applicant shall be responsible for insuring that the final plans for the project approved under this permit comply with all other applicable governmental provisions and requirements.

Dated at Honolulu, Hawaii, this 19th day of October, 2009.

Department of Planning and Permitting  
City and County of Honolulu  
State of Hawaii

By



David K. Tanoue, Director

DKT:cs

Attachments

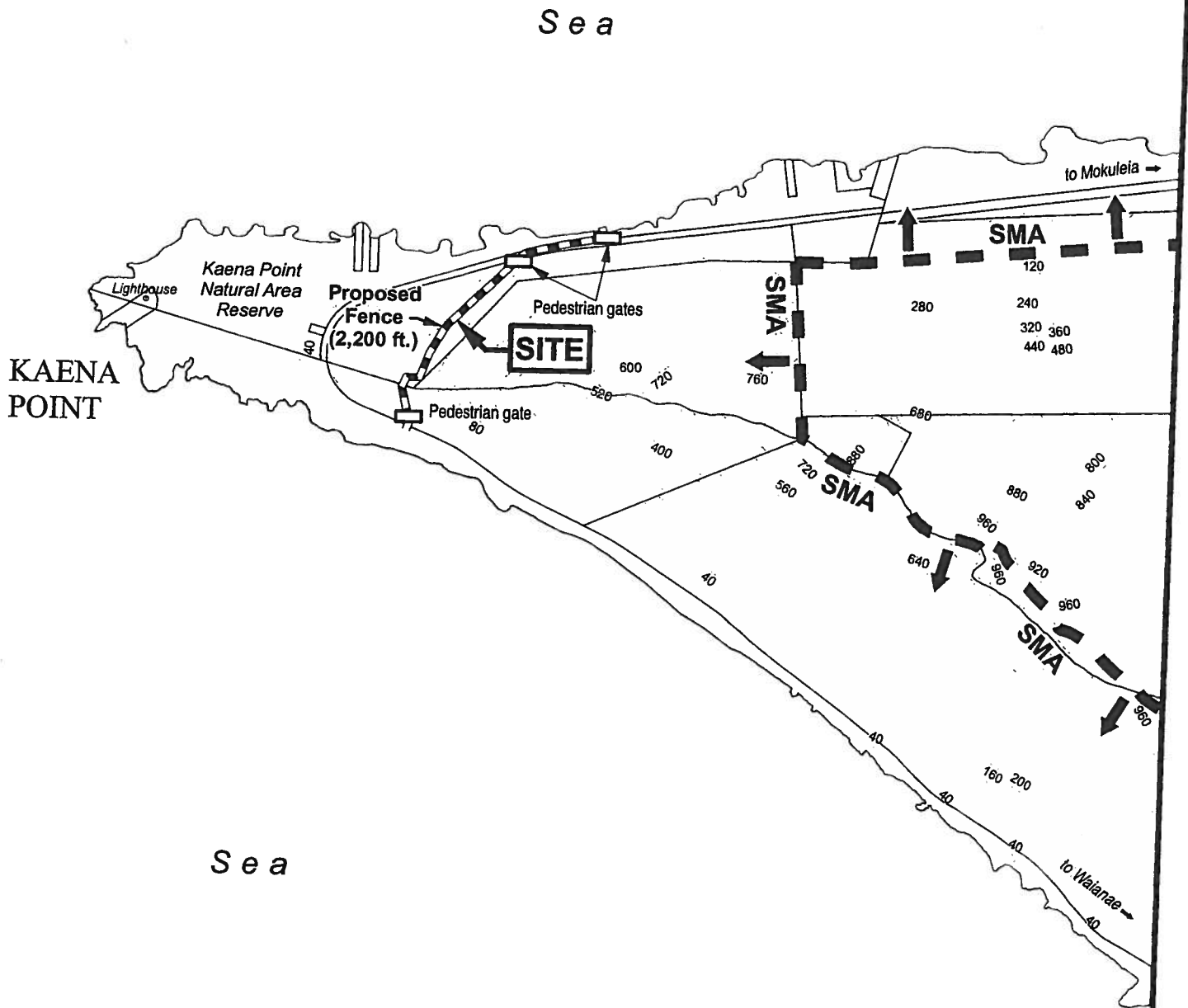
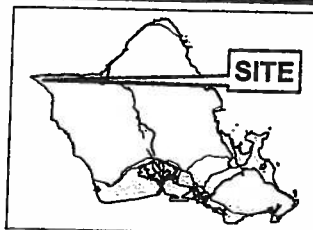
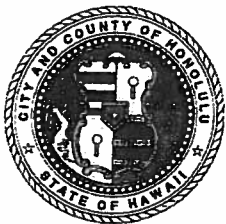
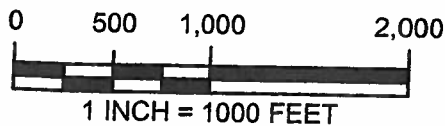


EXHIBIT A



VICINITY MAP



## LOCATION MAP

Kaena Point-Waianae and Mokuleia, Oahu

--- IN SPECIAL MANAGEMENT AREA (SMA)

TAX MAP KEY(S): 8-1-001: 006 & 022;

6-9-001: 030;

6-9-002: 004, 009 & 013

FILE NO.: 2009/SV-9 and 2009/SMA-44

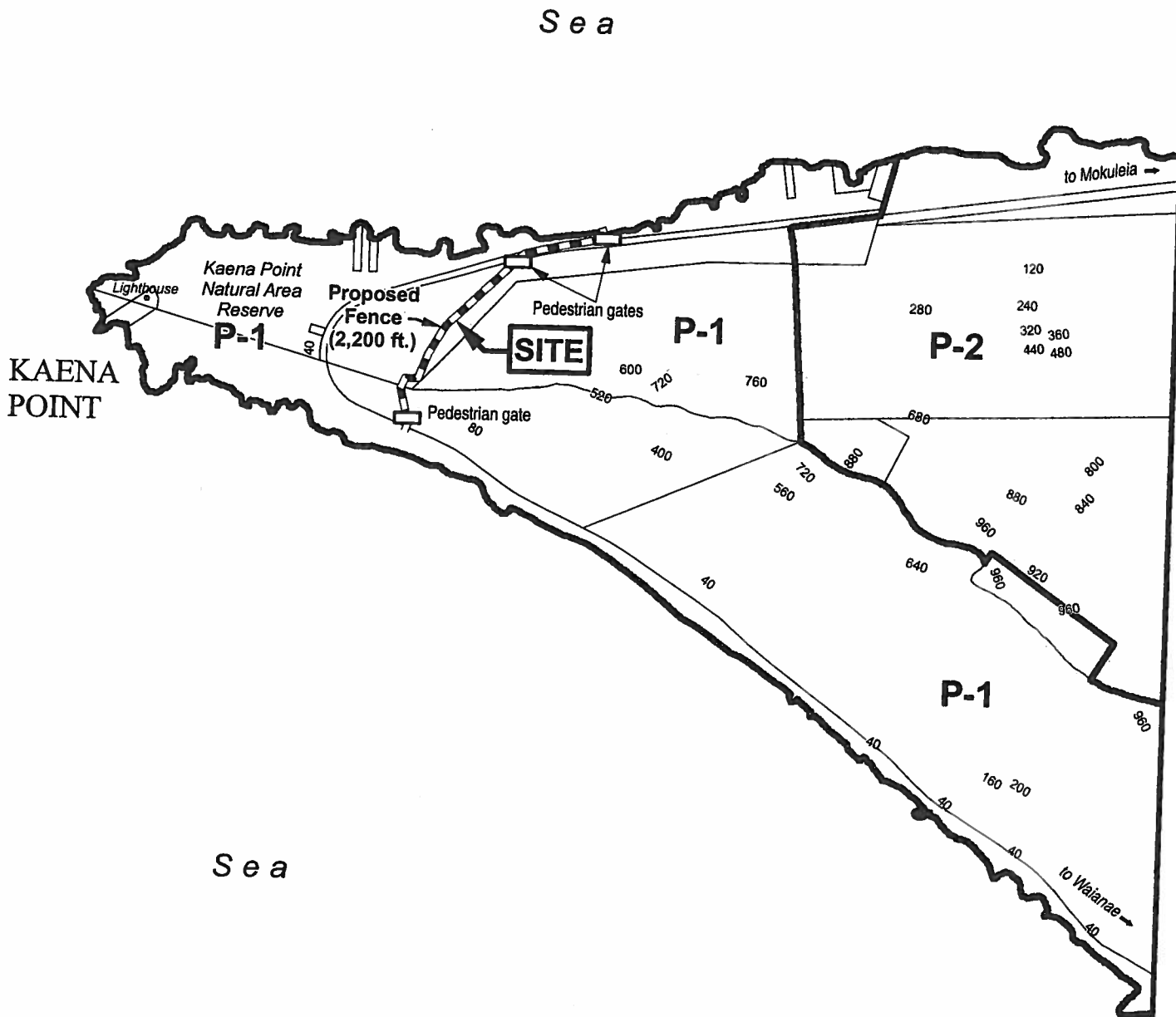
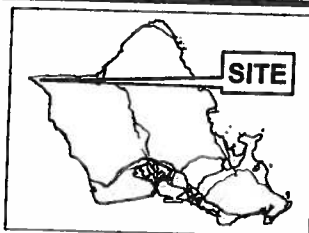
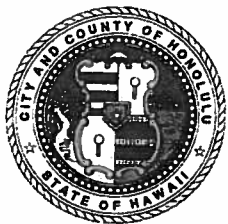


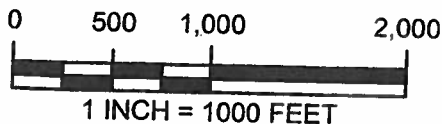
EXHIBIT B



## PORTION OF EXISTING ZONING MAP #16 (MAKUA-KAENA)

TAX MAP KEY(S): 8-1-001: 006 & 022;  
6-9-001: 030;  
6-9-002: 004, 009 & 013

FILE NO.: 2009/SV-9 and 2009/SMA-44



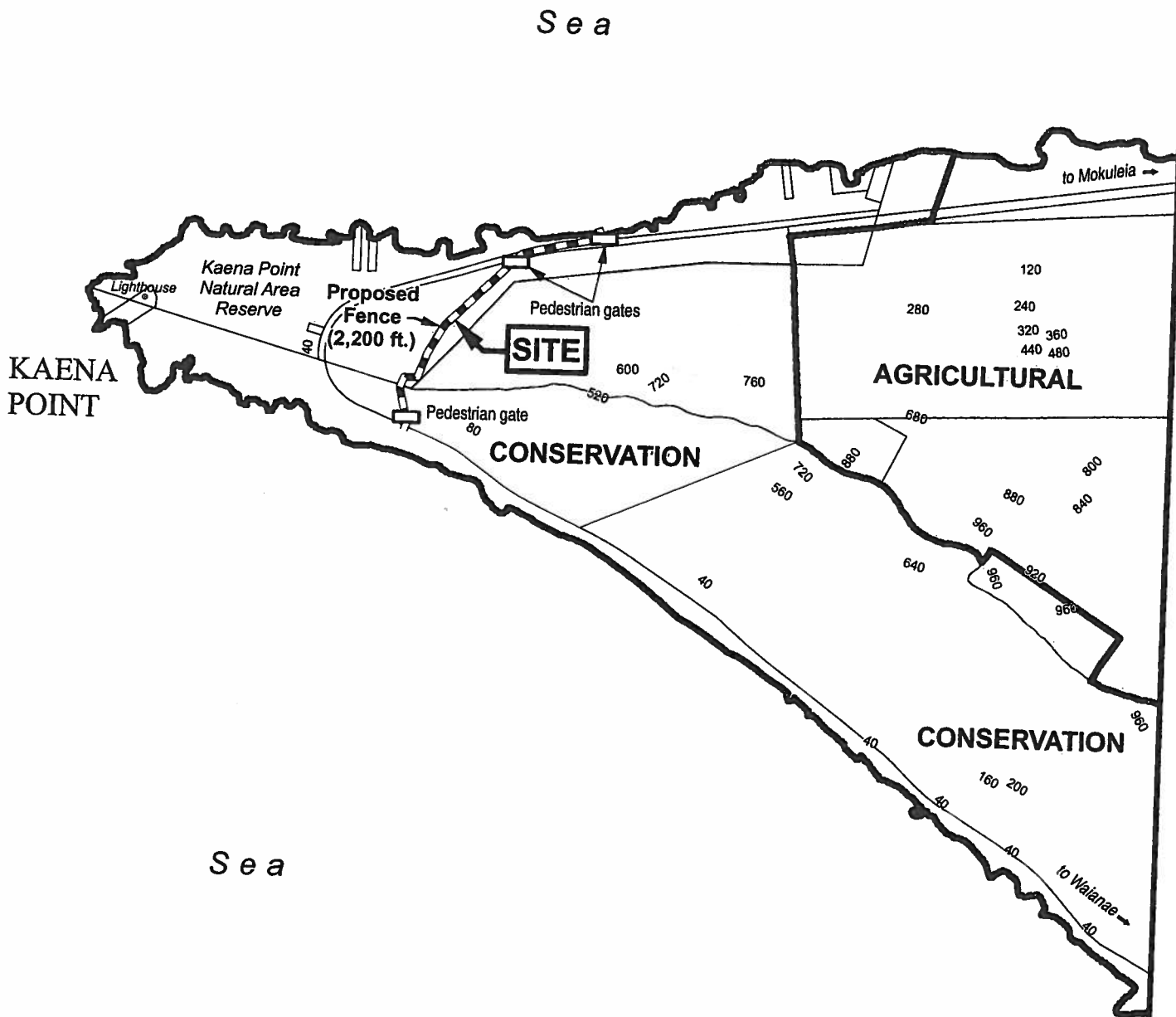
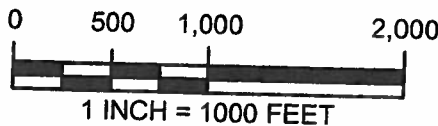
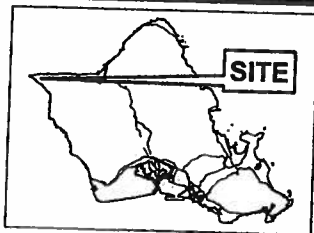
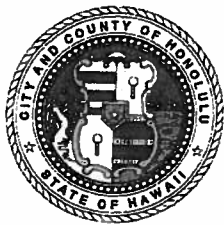


EXHIBIT C



## STATE LAND USE MAP KAENA

TAX MAP KEY(S): 8-1-001: 006 & 022;  
6-9-001: 030;  
6-9-002: 004, 009 & 013

FILE NO.: 2009/SV-9 and 2009/SMA-44



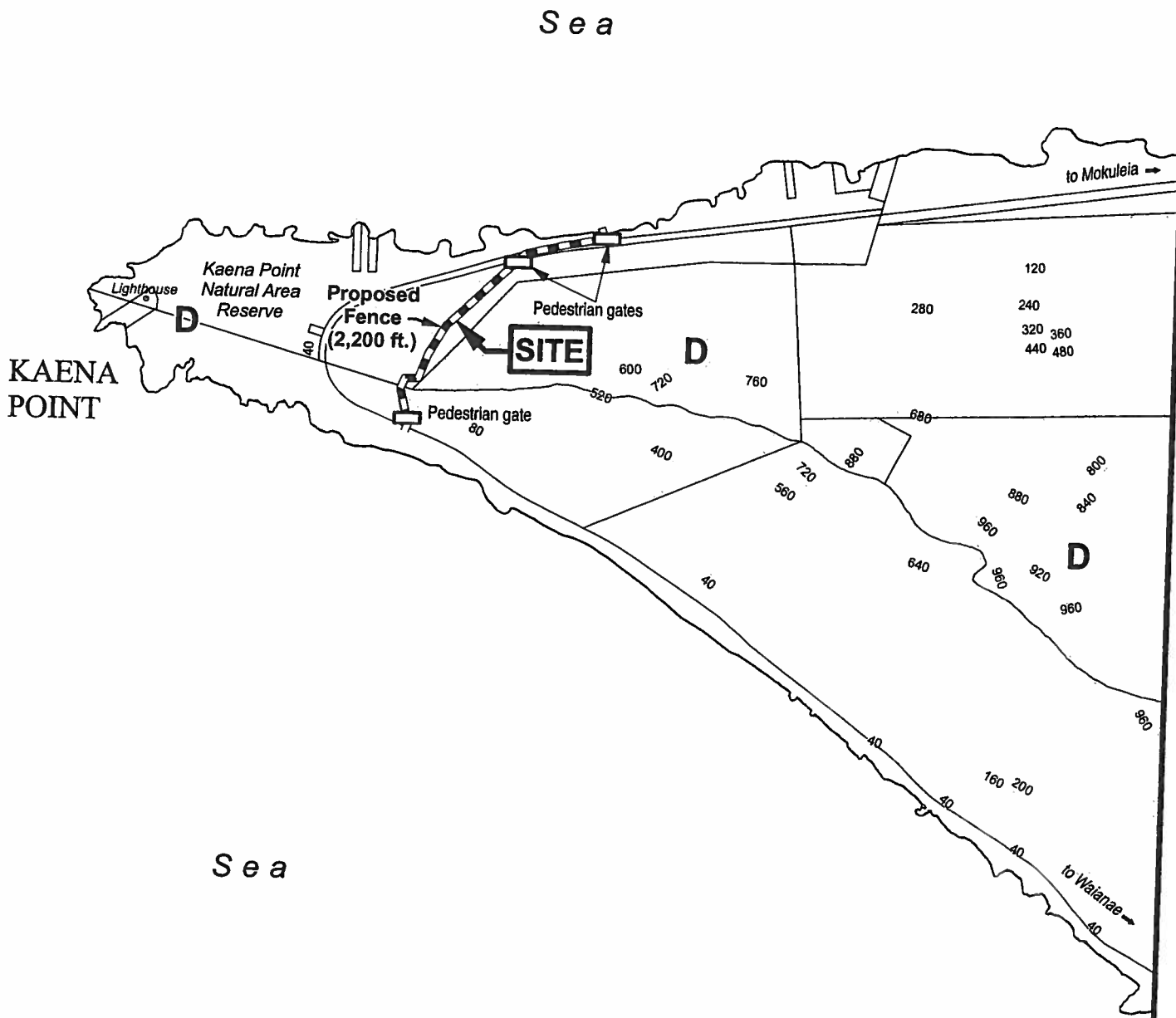
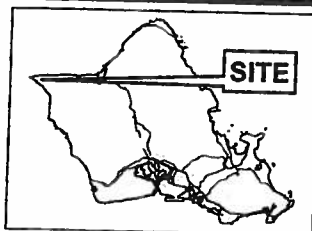
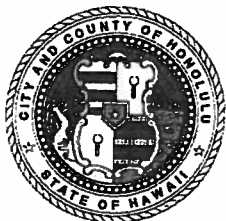
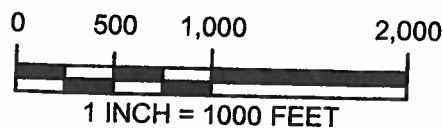


EXHIBIT D



VICINITY MAP



## FLOOD HAZARD MAP KAENA

### LEGEND

ZONE D: Areas in which flood hazards are undetermined, but possible.

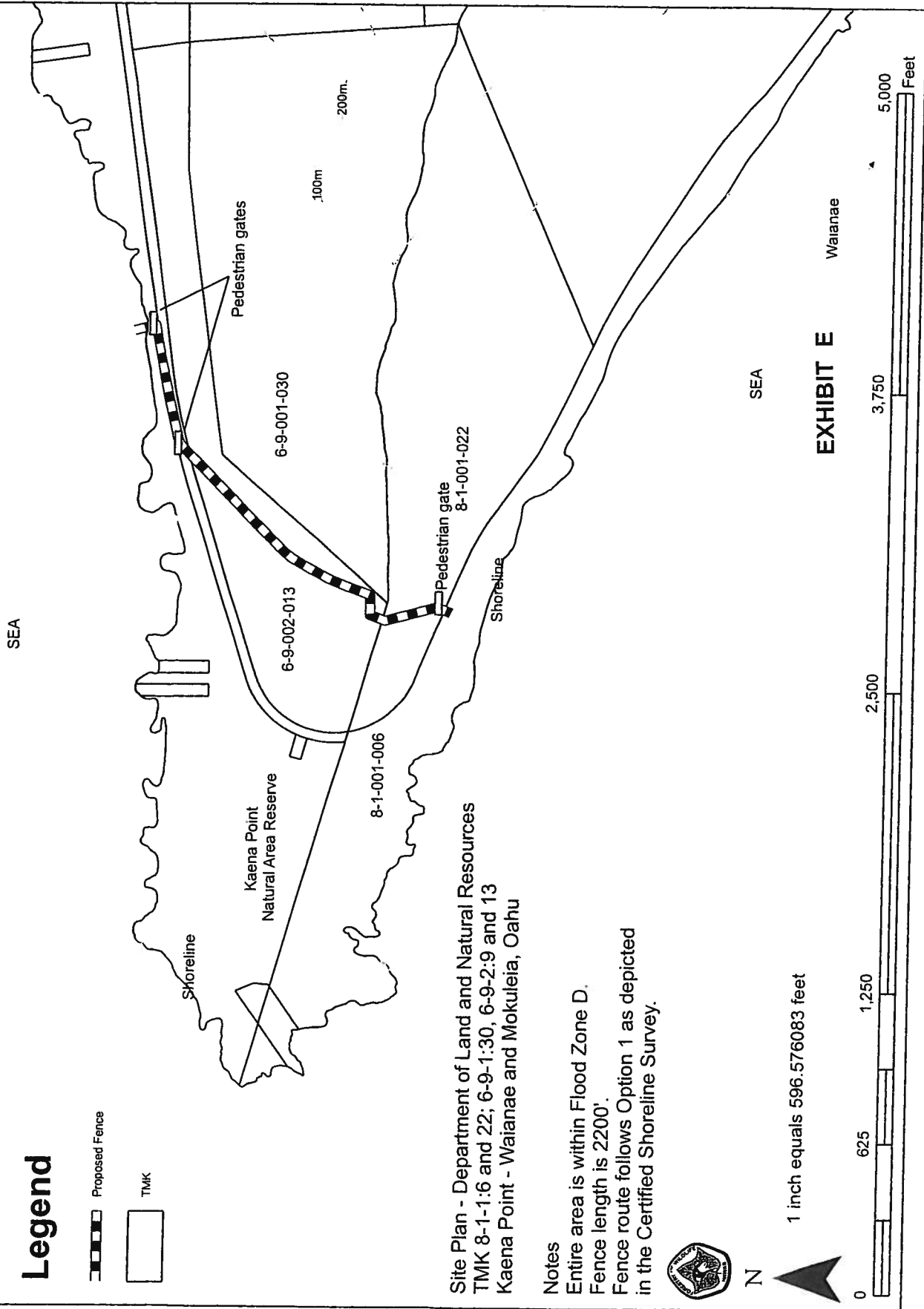
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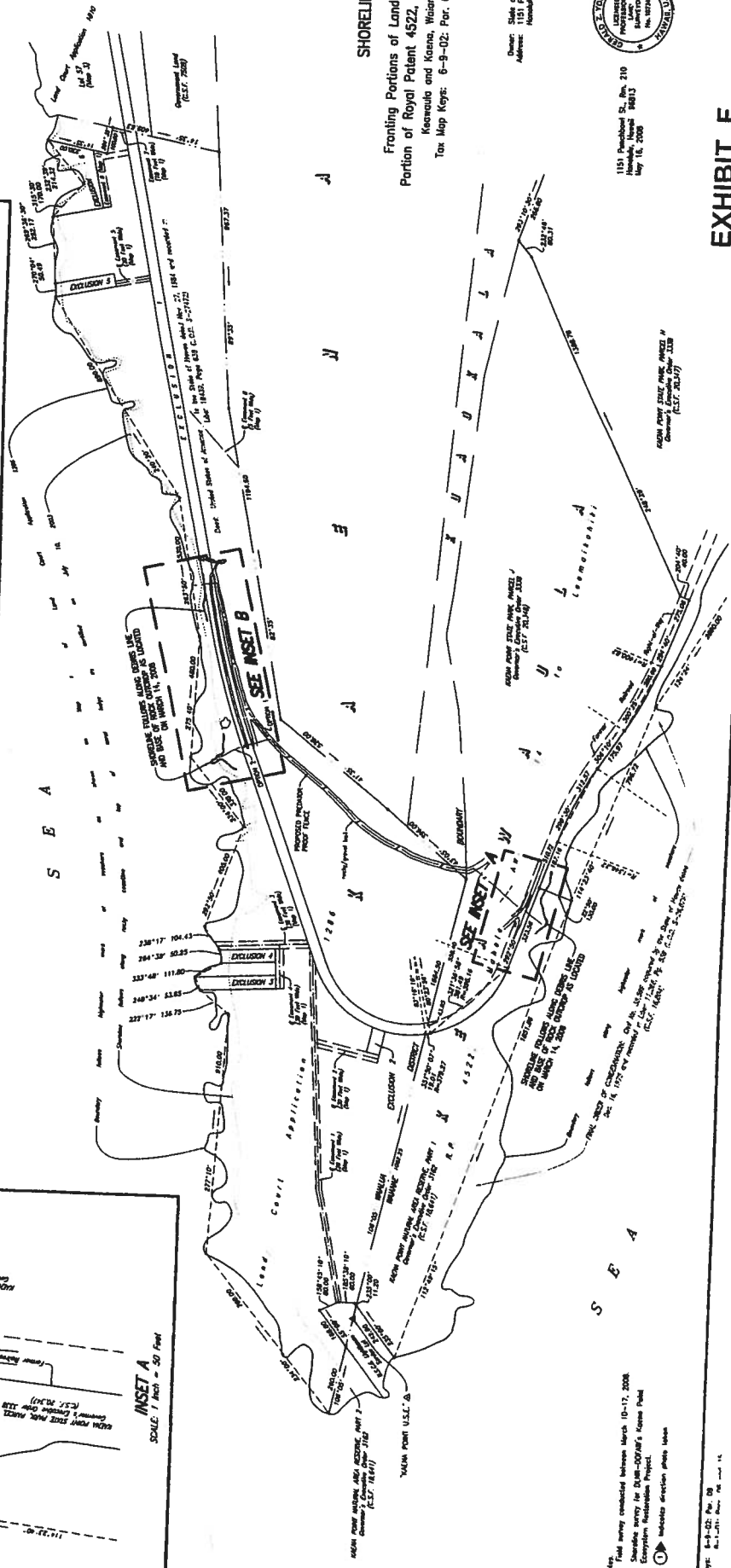
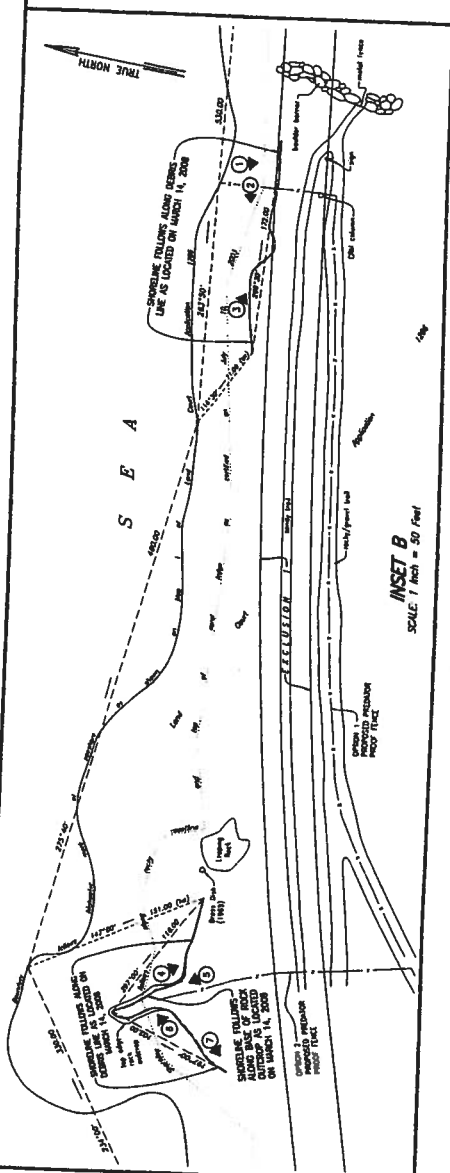
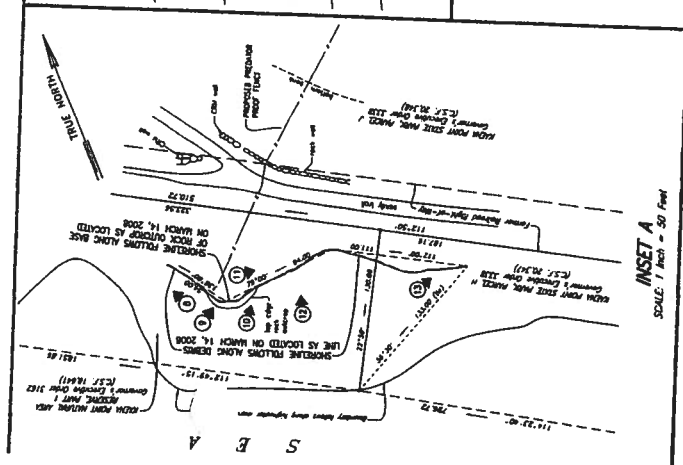
6-9-001: 030;

6-9-002: 004, 009 & 013

FILE NO.: 2009/SV-9 and 2009/SMA-44

# KAENA POINT ECOSYSTEM RESTORATION PROJECT





The shoreline as delineated in re  
herby certified as the shoreline:

8/10/08

[Signature]  
[Name], [Title]

TRUE NORTH  
SCALE: 1 in. = 200 ft.

## SHORELINE SURVEY

Fronting Portions of Land Court Application 1286 and  
Portion of Royal Patent 4522, Mahele Award 14 to Laamahi  
Keoaulo and Kaena, Waiānae and Waialea, Oahu, Hawaii  
Tax Map Keys: 6-9-02: Per. 09 and 8-1-01: Pers. 06 and 15

Donor: State of Hawaii  
Address: 1151 Punchbowl St., Rm 220  
Honolulu, HI 96813

1151 Punchbowl St., Rm. 210  
Honolulu, Hawaii 96813  
Mar 16, 2008

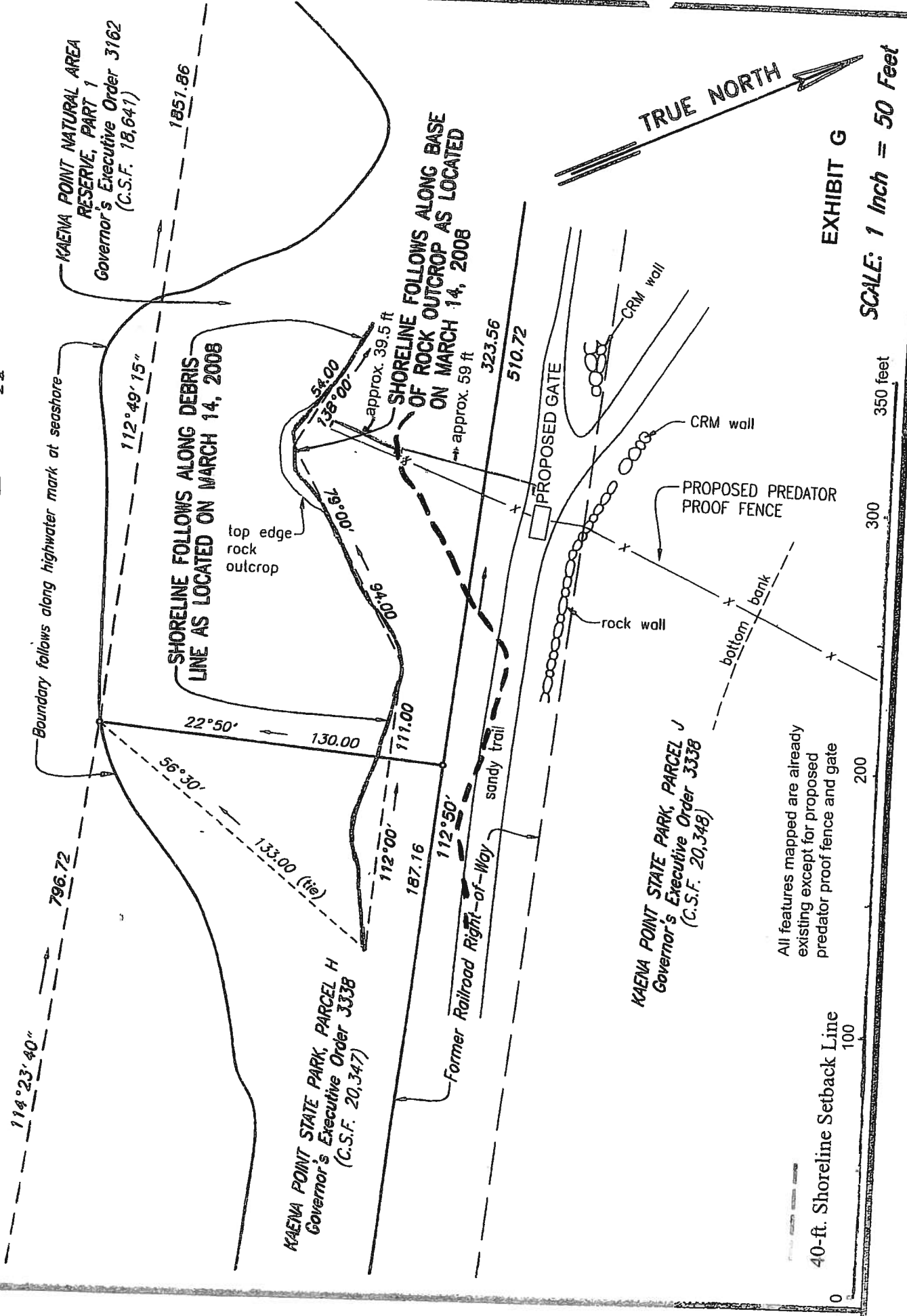
**Notes.**

- 1 Field survey conducted between March 10–17, 2008.
- 2 Satellite survey for DMS–DO/NR's Korean Field Ecosystem Restoration Project.
- 3 ① indicates direction photo taken

Key: 8-8-02: PW. 09  
8-8-02: PW. 09

# South: Waianae Shoreline Map

S E A



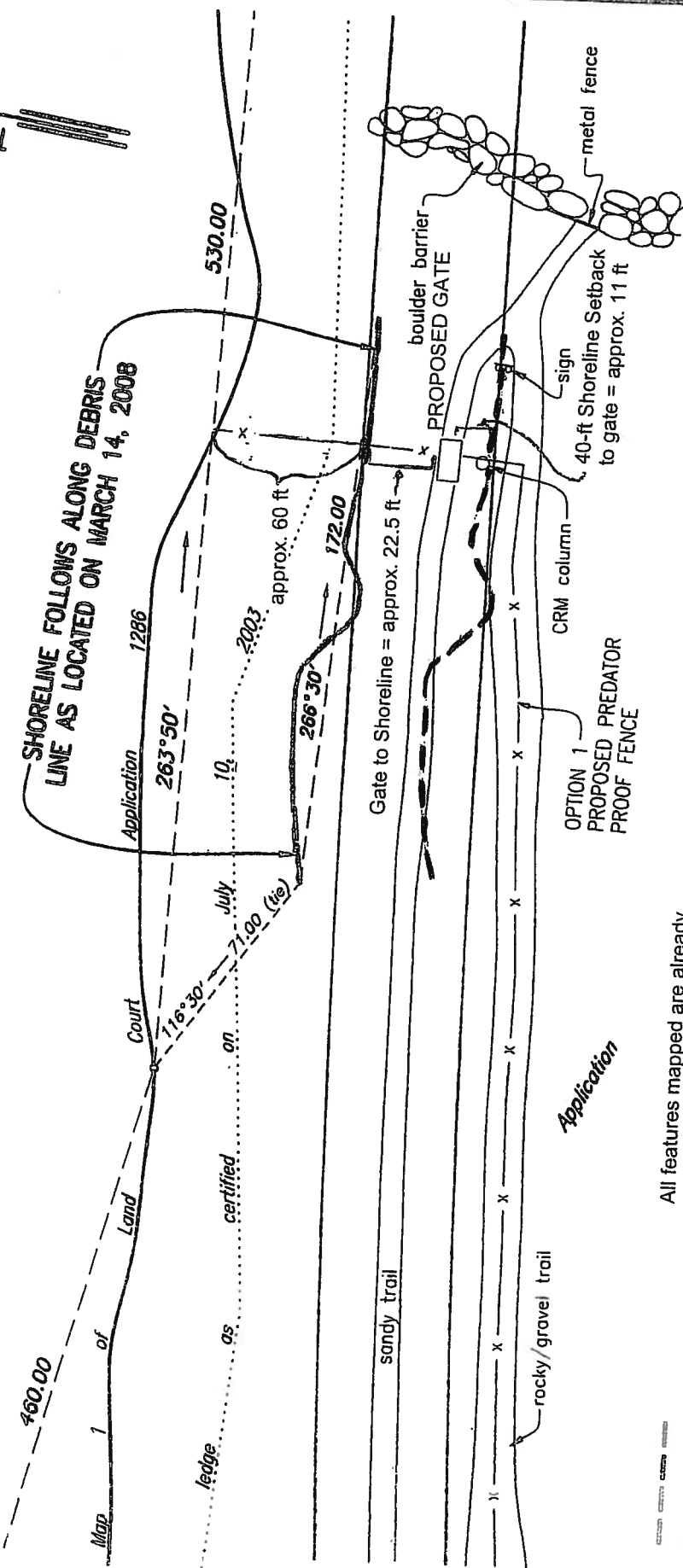
All features mapped are already existing except for proposed predator proof fence and gate

# North: Waialua Shoreline Map

S E A



SHORELINE FOLLOWS ALONG DEBRIS  
LINE AS LOCATED ON MARCH 14, 2008



All features mapped are already  
existing except for proposed  
predator proof fence and gate

40-ft. Shoreline Setback Line

EXHIBIT H

SCALE: 1 Inch = 50 Feet

1286

0 100 200 300 350 feet

# KAENA POINT ECOSYSTEM RESTORATION PROJECT

## Site Plan

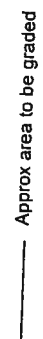
Department of Land and Natural Resources  
 TMK 8-1-1:6 and 22; 6-9-1:30, 6-9-2:9 and 13  
 Kaena Point - Waianae and Mokuia, Oahu

## Notes

Entire area is within Flood Zone D.  
 Fence length is 2132'.  
 Fence route follows Option 1 as depicted  
 in the Certified Shoreline Survey.  
 1 inch equals 215.768694 feet



## Legend



## FENCE SECTORS

- A: Fence end to existing road platform approx. 113 ft  
No grading in this sector
- B: Fence follows existing road platform approx. 1526 ft  
Approx 330-392 cu. yard of materials repositioned in sector along  
approx 600 ft
- C: Fence exits road platform to base of stockpiled rock approx. 214 ft  
Approx 130-260 cu. yard of materials repositioned in sector along  
approx 214 ft
- D: Fence crosses gentle slope to trail approx. 175 ft  
Approx 105 cu. yard of materials repositioned in sector along  
approx 175 ft
- E and F: Fence from trail to end approx. 105 ft  
740 No grading in these sectors, 110

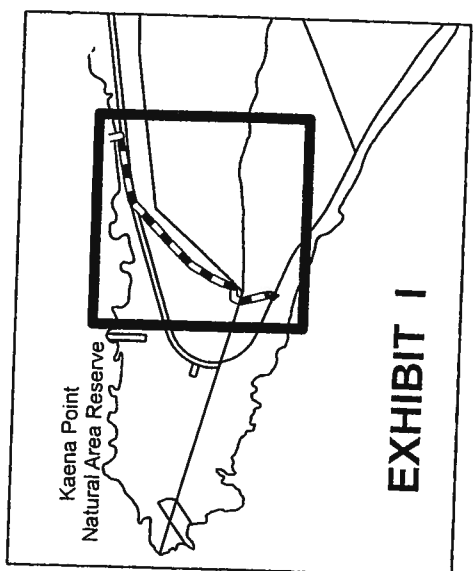
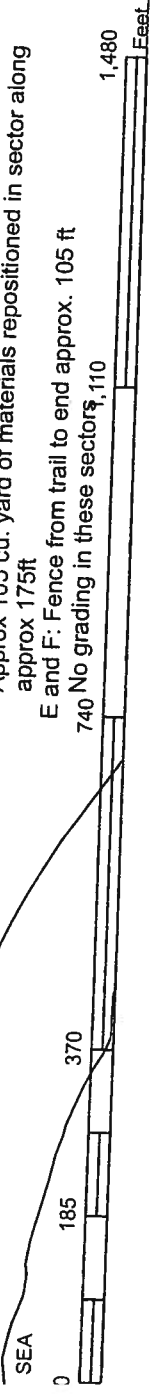
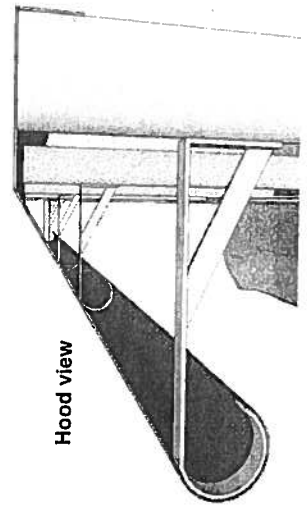
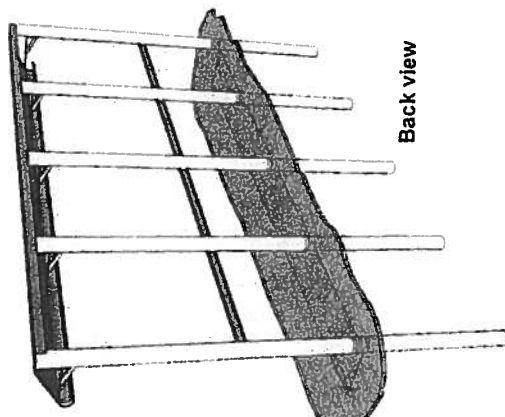
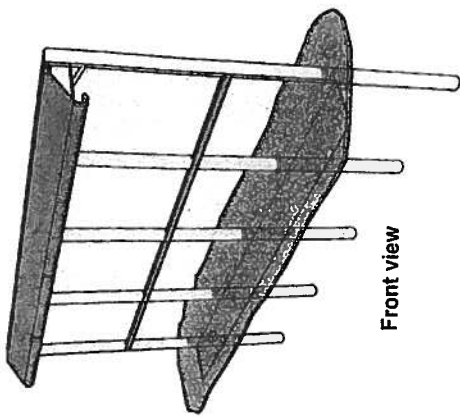
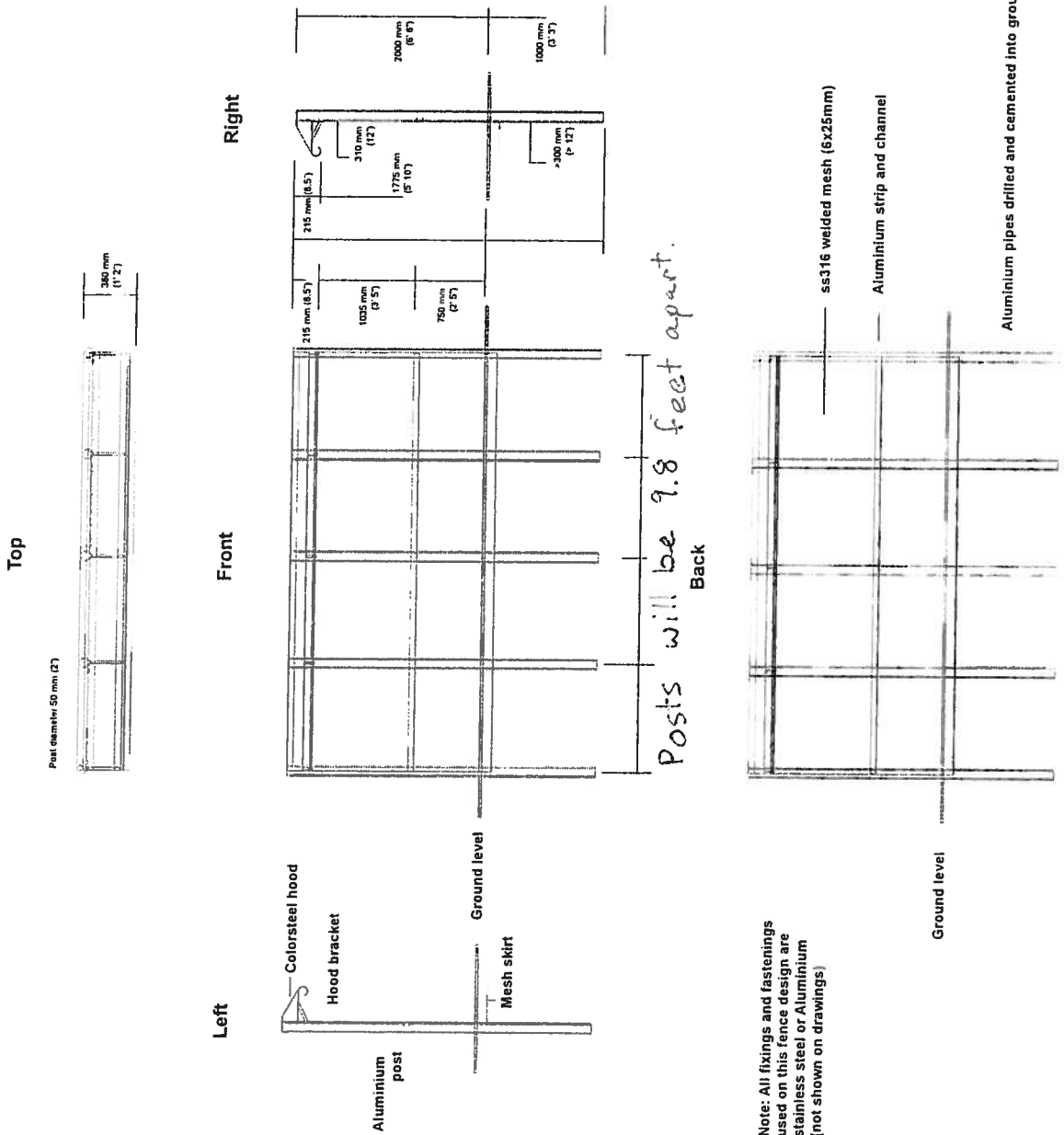
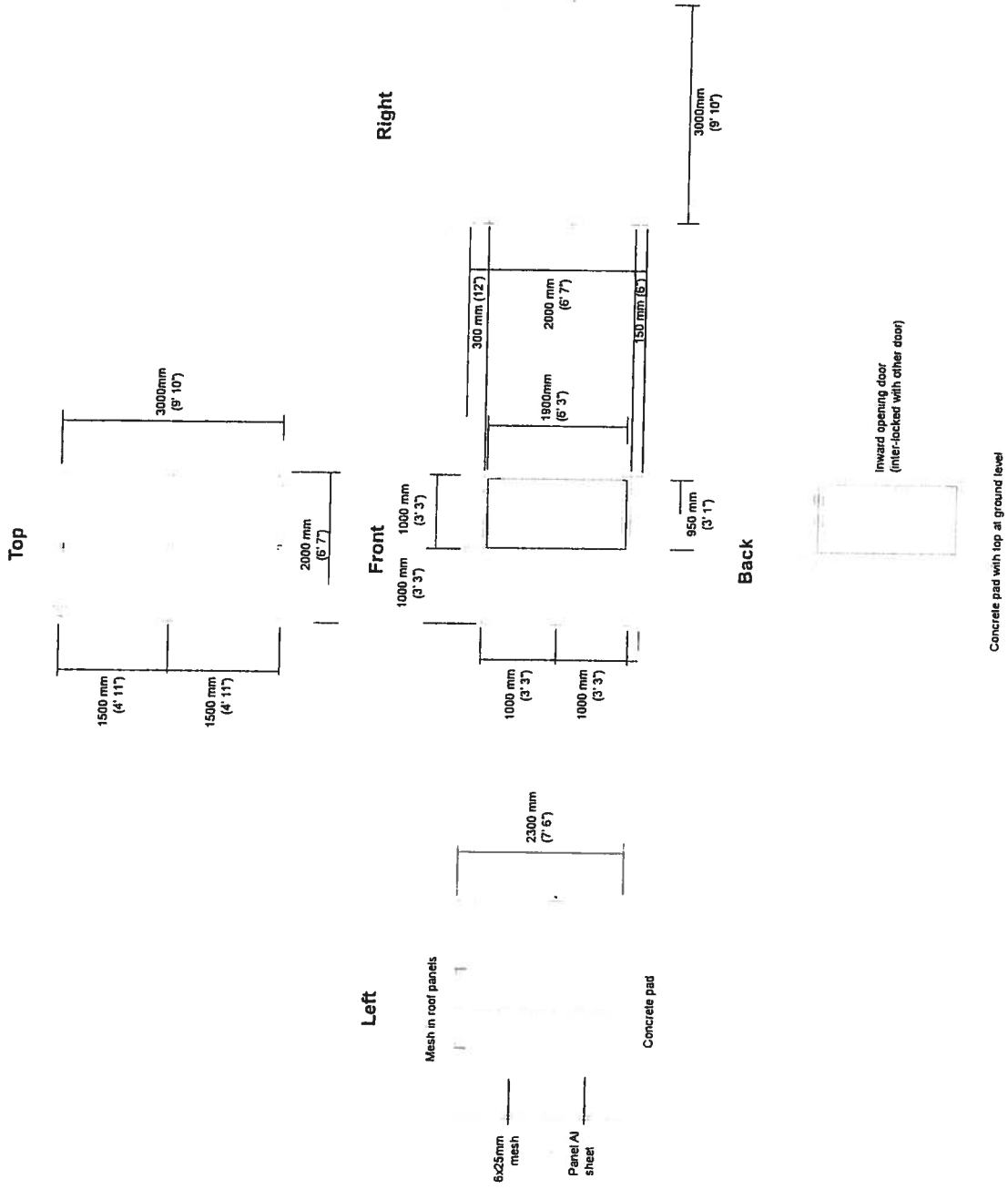


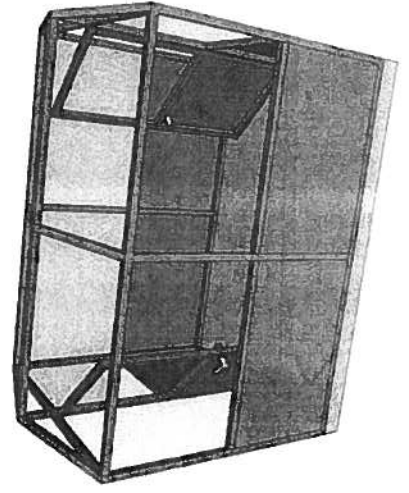
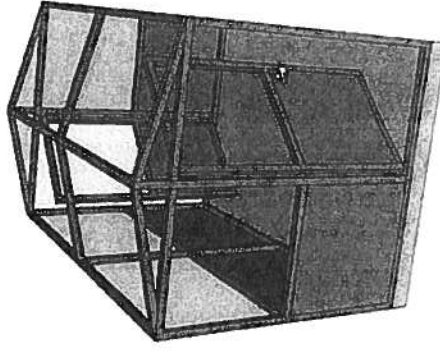
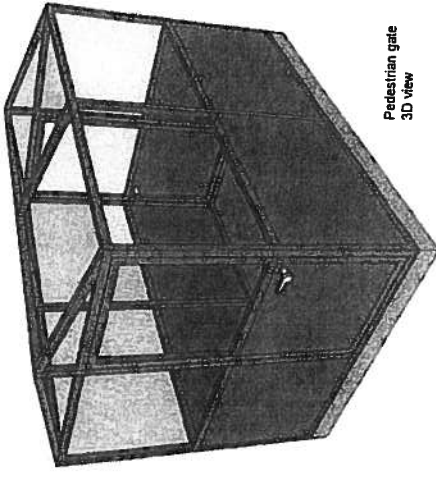
EXHIBIT I





## EXHIBIT K

DRAWINGS NOT TO SCALE







## RESOLUTION

### GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT AND SHORELINE SETBACK VARIANCE FOR DEVELOPMENT OF A PREDATOR FENCE

WHEREAS, the Department of Planning and Permitting (DPP) on August 7, 2009 accepted the applications (File Nos. 2009/SMA-44 and 2009/SV-9) from the State of Hawaii Department of Land and Natural Resources (DLNR) (herein referred to as the "Applicant"), for a Special Management Area Use Permit (SMP) and Shoreline Setback Variance (SSV), for construction of a predator fence at Ka'ena Point, O'ahu, and identified as Tax Map Keys 6-9-1:30; 6-9-2: 4, 9 and 13; and 8-1-1: 6 and 22; and

WHEREAS, on October 5, 2009 the DPP held a public hearing which was attended by approximately 37 members of the public and 10 representatives of the Applicant; and

WHEREAS, on October 19, 2009 within 10 working days after the close of the public hearing, the DPP having duly considered all evidence and the review guidelines as established in Sections 23-1.11, 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), completed its report and transmitted its findings and recommendation of approval to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on \_\_\_\_\_, and at its meeting of \_\_\_\_\_, having duly considered all of the findings and reports on the matter, approved the subject applications for an SMP and SSV with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMP and SSV be issued to the Applicant under the following conditions:

1. Construction shall be in general conformity with the plans attached hereto as Exhibits A through K. Any changes in the size or nature of the project which have a significant effect on coastal resources addressed in Revised Ordinances of Honolulu Chapter 25 and Hawaii Revised Statutes Chapter 205A shall require a new application. Any changes which do not have a significant effect on coastal resources shall be considered a minor modification and therefore permitted under this resolution, upon review and approval of the Director of the Department of Planning and Permitting.



## RESOLUTION

---

2. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the applicant shall stop work and contact the State of Hawaii Department of Land and Natural Resources (DLNR), Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative action. The applicant shall employ DLNR staff archaeologists to monitor the fence construction and installation to ensure that no historically or culturally significant resources are adversely affected.
3. Approval of this SMP and SSV does not constitute compliance with other governmental requirements, including building and/or grading permit approval. These are subject to separate review and approval. The applicant will be responsible for insuring that the final plans for the project approved under this permit comply with all other applicable governmental provisions and requirements.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. \_\_\_\_\_

---

## RESOLUTION

---

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be and is directed to transmit copies of this resolution to David K. Tanoue, Director of the Department of Planning and Permitting; Laura H. Thielen, Chairperson, Board of Land and Natural Resources, Room 130, State of Hawaii, 1151 Punchbowl Street, Honolulu, Hawaii 96813; Loyal Mehrhoff, U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, Room 3-122, Box 50088, Honolulu, Hawaii 96850.

INTRODUCED BY:

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DATE OF INTRODUCTION:

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

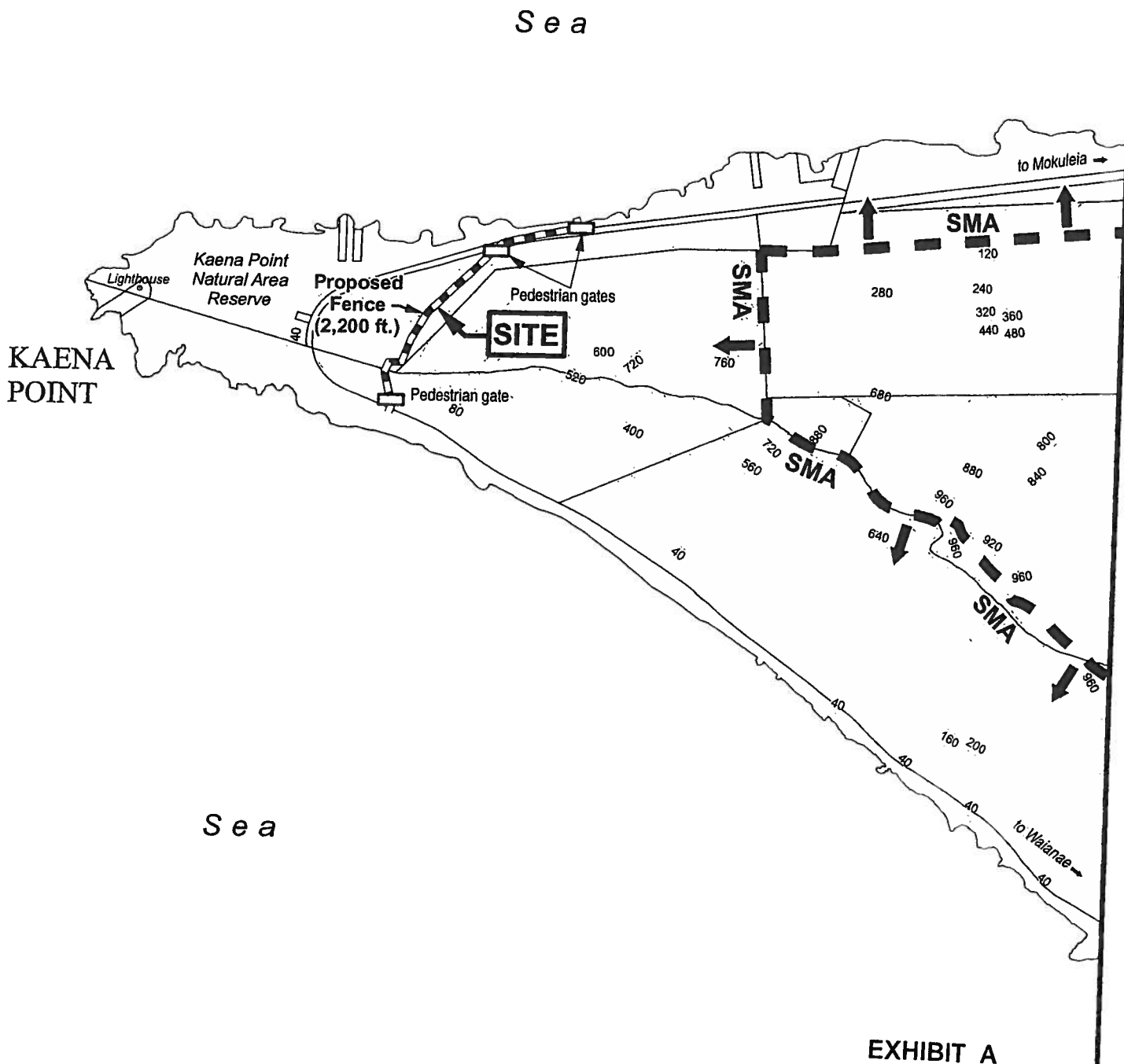
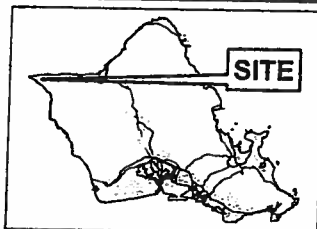
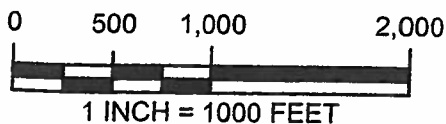
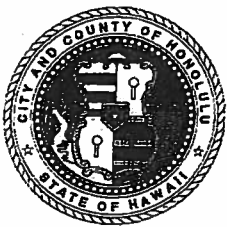


EXHIBIT A



VICINITY MAP



## LOCATION MAP

Kaena Point-Waianae and Mokuleia, Oahu

--- IN SPECIAL MANAGEMENT AREA (SMA)

TAX MAP KEY(S): 8-1-001: 006 & 022;

6-9-001: 030;

6-9-002: 004, 009 & 013

FILE NO.: 2009/SV-9 and 2009/SMA-44

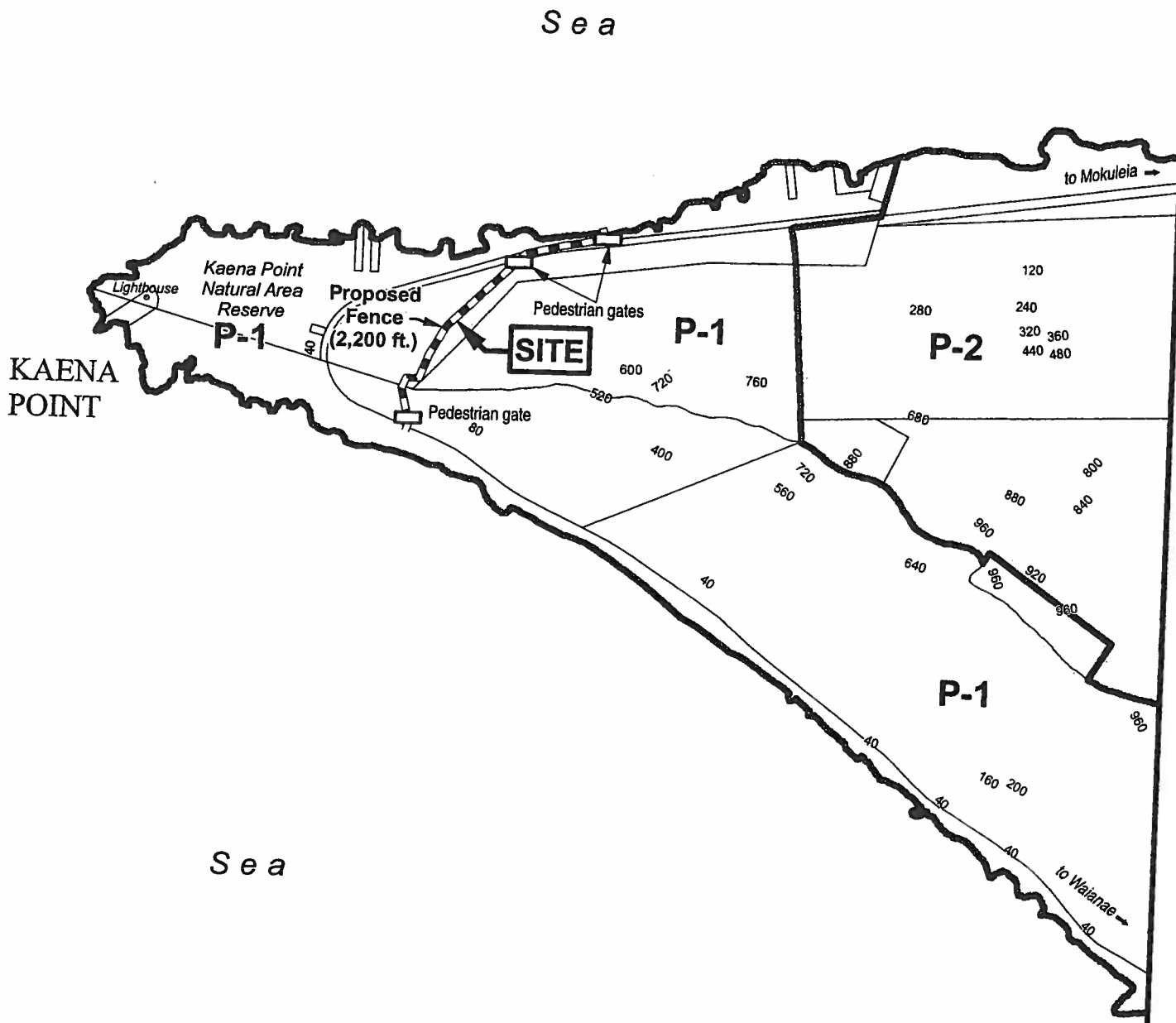
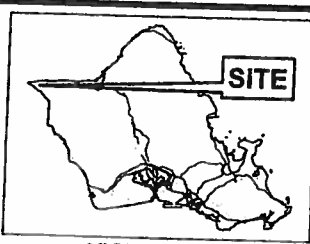
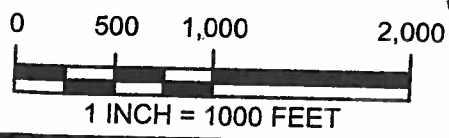
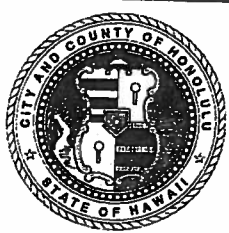


EXHIBIT B



VICINITY MAP



# **PORTION OF EXISTING ZONING MAP #16 (MAKUA-KAENA)**

**TAX MAP KEY(S):** 8-1-001: 006 & 022;  
6-9-001: 030;  
6-9-002: 004, 009 & 013

**FILE NO.:** 2009/SV-9 and 2009/SMA-44

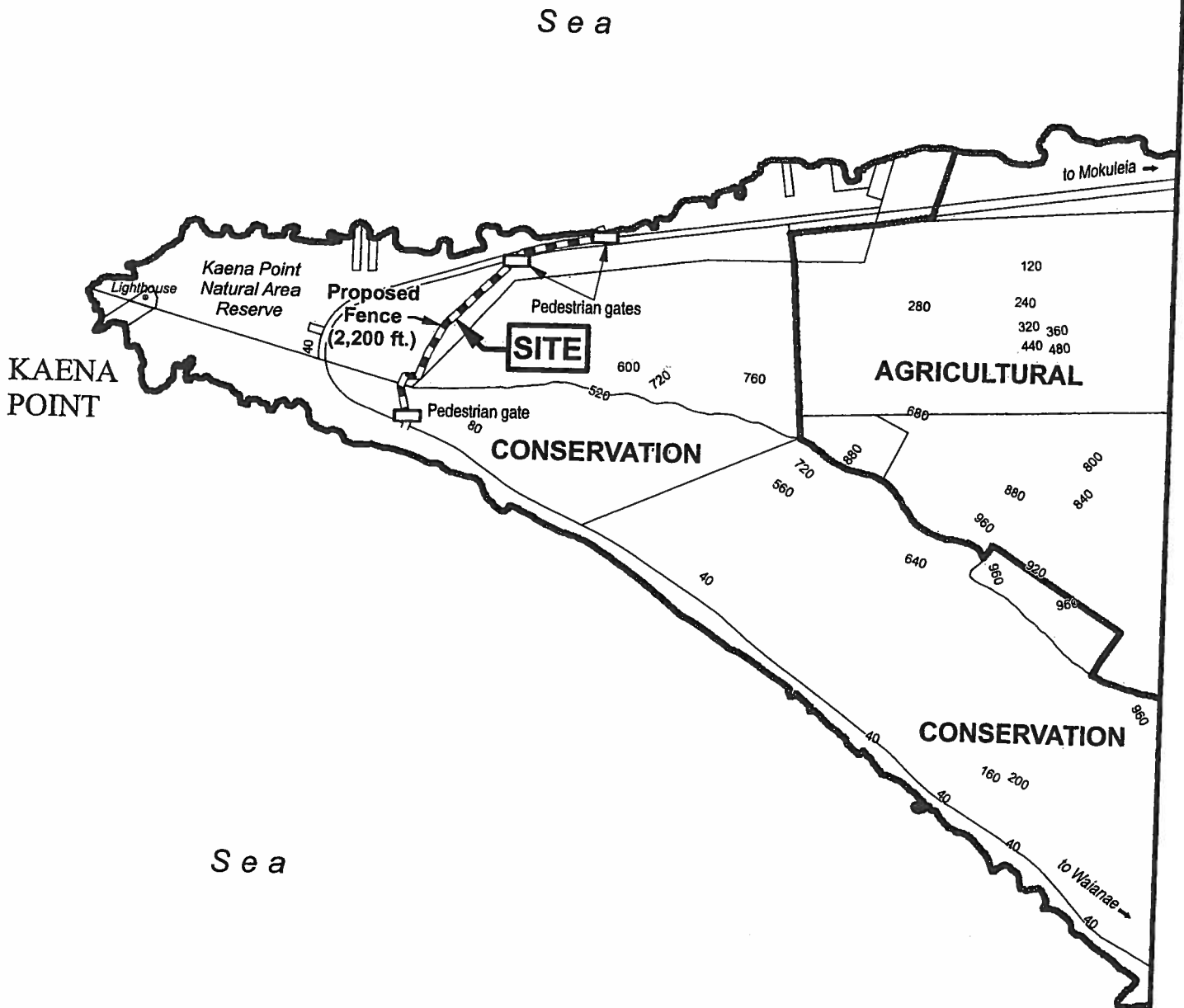
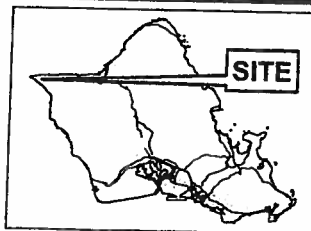
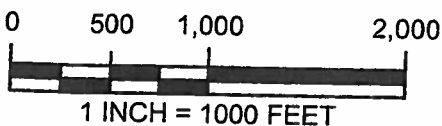
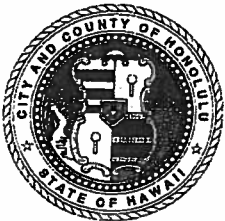


EXHIBIT C



## STATE LAND USE MAP KAENA

TAX MAP KEY(S): 8-1-001: 006 & 022;  
6-9-001: 030;  
6-9-002: 004, 009 & 013

FILE NO.: 2009/SV-9 and 2009/SMA-44

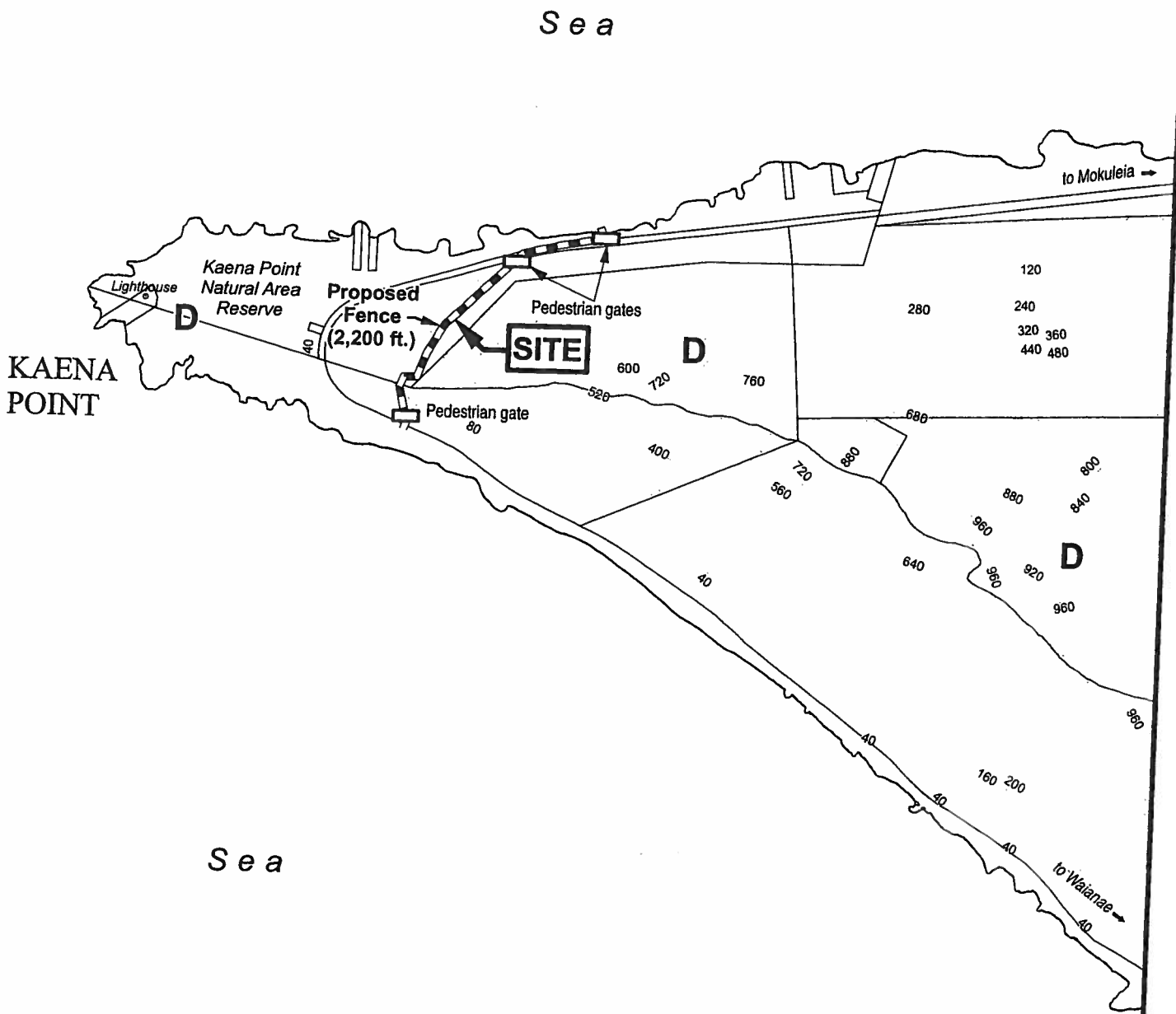
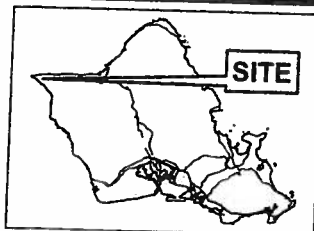
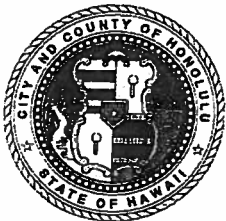
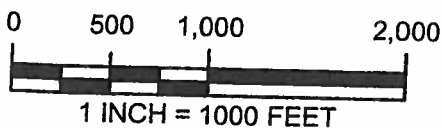


EXHIBIT D



VICINITY MAP



## FLOOD HAZARD MAP KAENA

### LEGEND


ZONE D: Areas in which flood hazards are undetermined, but possible.

**TAX MAP KEY(S):** 8-1-001: 006 & 022;  
6-9-001: 030;  
6-9-002: 004, 009 & 013

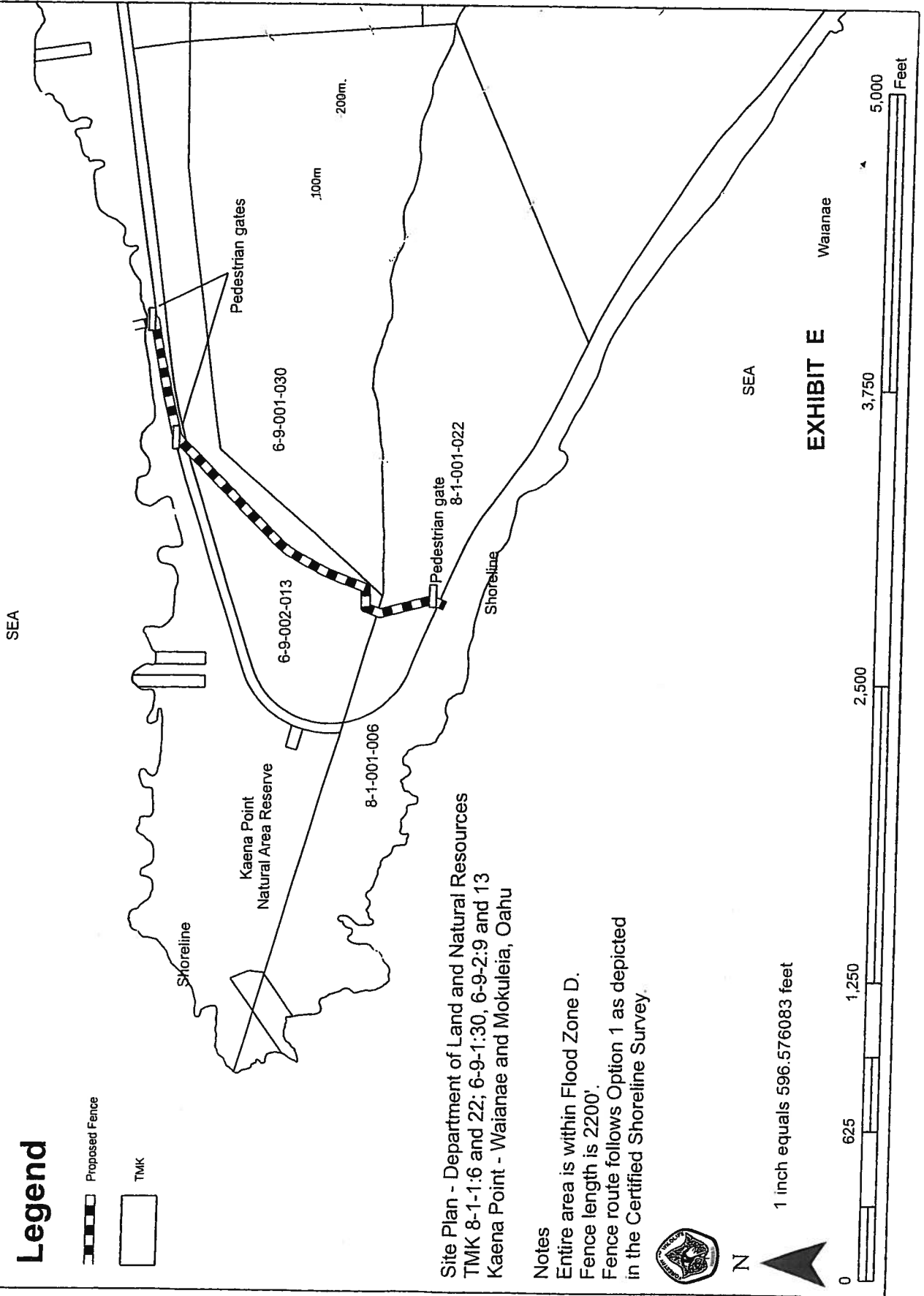
**FILE NO.:** 2009/SV-9 and 2009/SMA-44

# KAENA POINT ECOSYSTEM RESTORATION PROJECT

## Legend

 Proposed Fence

 TMK



Site Plan - Department of Land and Natural Resources  
TMK 8-1-1:6 and 22; 6-9-1:30, 6-9-2:9 and 13  
Kaena Point - Waianae and Mokuleia, Oahu

## Notes

Entire area is within Flood Zone D.  
Fence length is 2200'.  
Fence route follows Option 1 as depicted in the Certified Shoreline Survey.



N

1 inch equals 596.576083 feet



EXHIBIT E

SEA

Waianae

Mokuleia

100m

200m

Shoreline

Kaena Point  
Natural Area Reserve

Pedestrian gates

Pedestrian gate

8-1-001-022

8-1-001-006

6-9-002-013

6-9-001-030

5,000

3,750

2,500

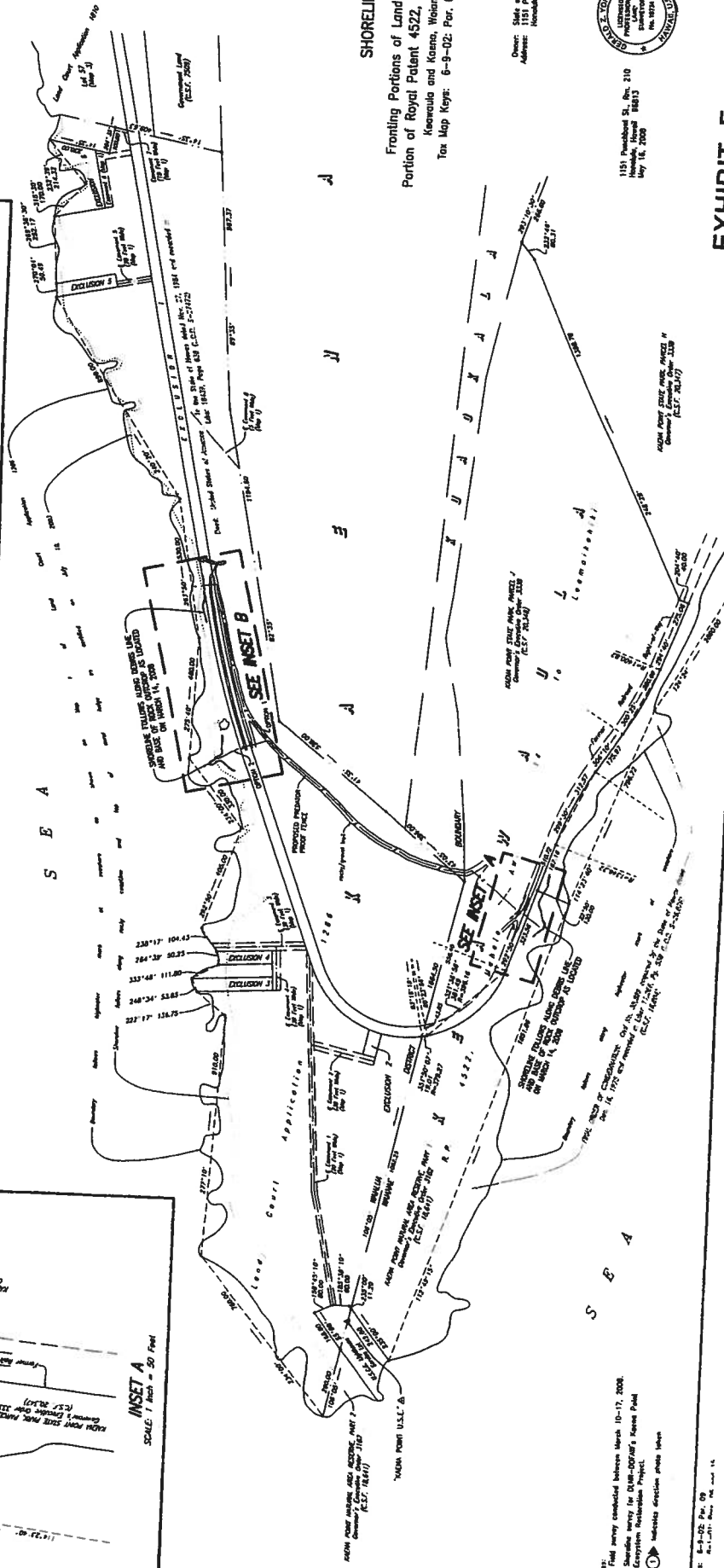
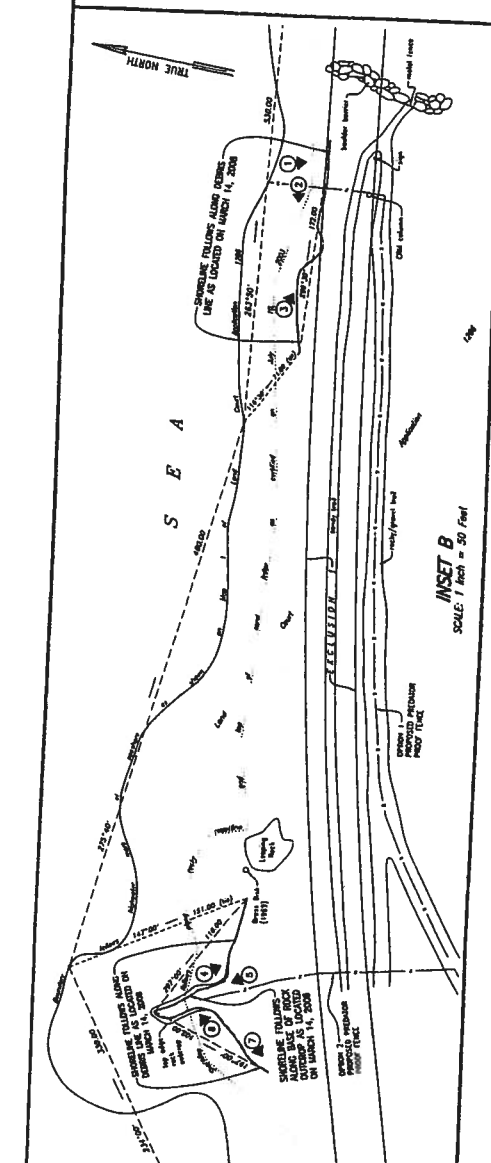
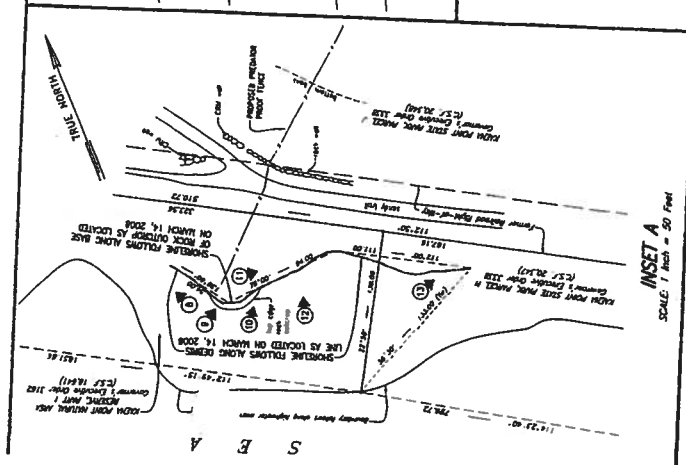
1,250

625

0

Feet





SHORELINE SURVEY  
Fronting Portions of Land Court Application 1286 and  
Portion of Royal Patent 4522, Mahele Award 14 to Luama  
Kaevala and Kaana, Weanoo and Weikuu, Oahu, Hawaii  
Tax Map Keys: 6-9-02; Par. 09 and 8-1-01; Pars. 06 and 1

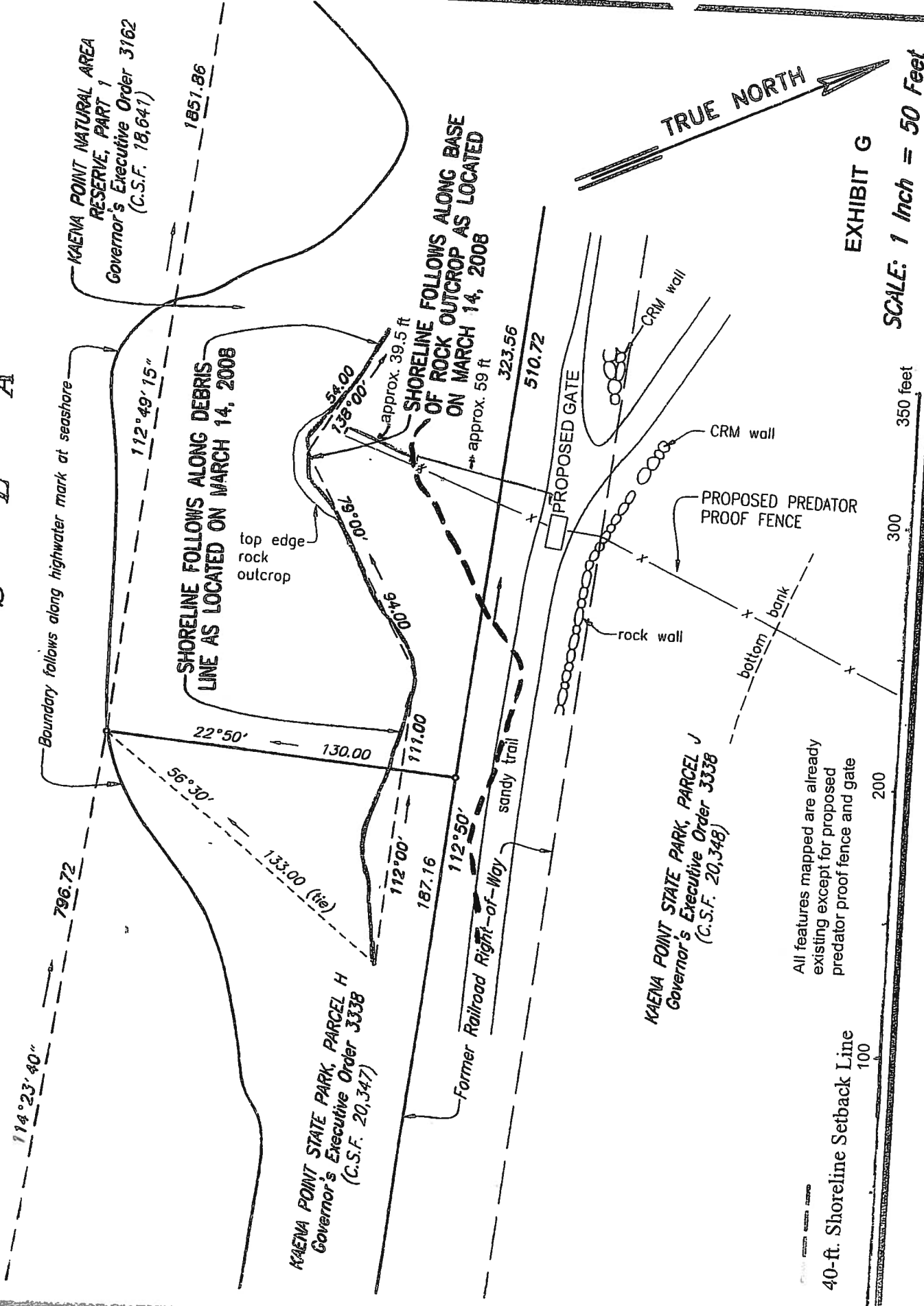
Owner: State of Hawaii  
Address: 1151 Punchbowl St., Rm. 210  
Honolulu, HI 96813

This work was prepared by me or  
under my direct supervision.  
Surveyor  
1151 Punchbowl St., Rm. 210  
Honolulu, Hawaii 96813  
May 14, 2008  
Certificate No. 10024

EXHIBIT C

# South: Waianae Shoreline Map

S E A



All features mapped are already existing except for proposed predator proof fence and gate

# North: Waialua Shoreline Map

S E A



SHORELINE FOLLOWS ALONG DEBRIS LINE AS LOCATED ON MARCH 14, 2008

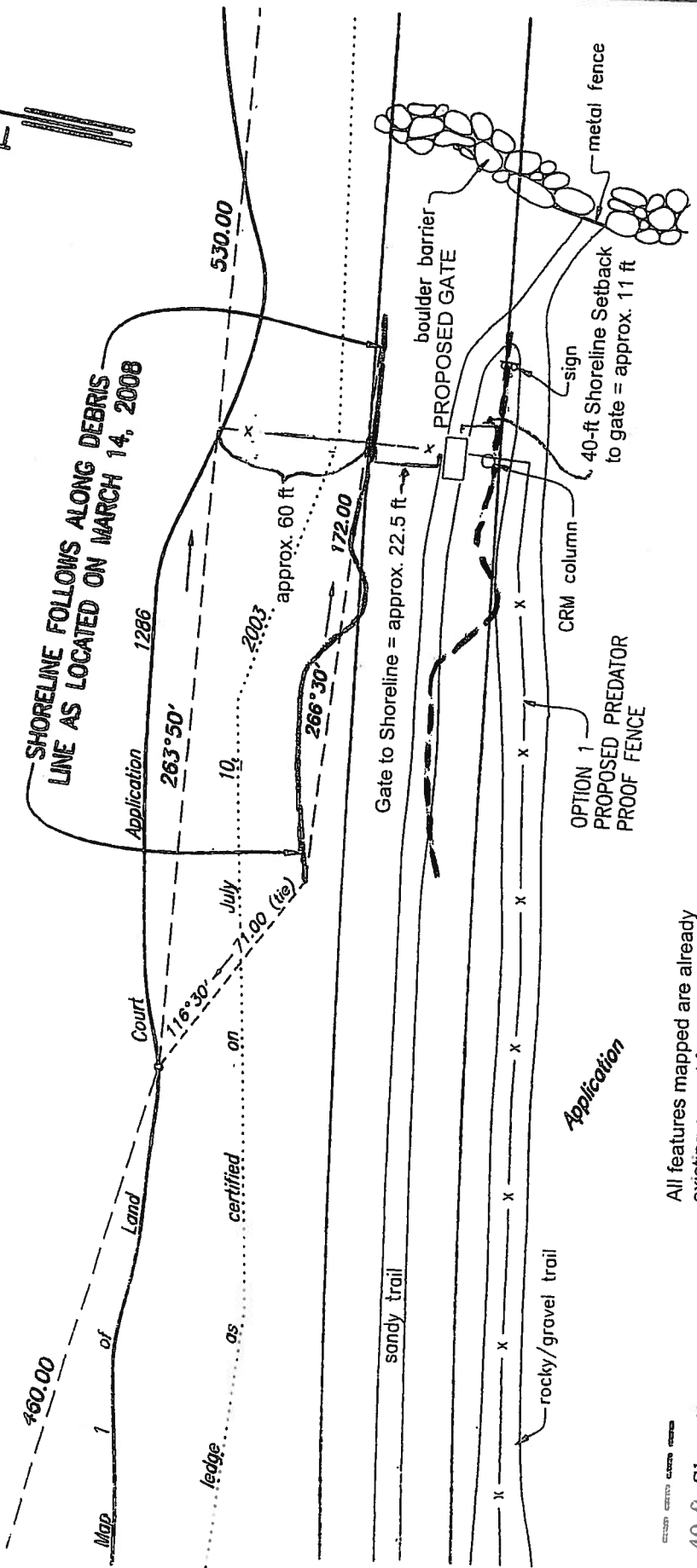


EXHIBIT H

SCALE: 1 Inch = 50 Feet

1286

All features mapped are already existing except for proposed predator proof fence and gate

40-ft. Shoreline Setback Line

100

200

300

350 feet

1286

Application

OPTION 1  
PROPOSED PREDATOR  
PROOF FENCE

40-ft Shoreline Setback  
to gate = approx. 11 ft

CRM column

sign

boulder barrier

PROPOSED GATE

sandy trail

rocky/gravel trail

Gate to Shoreline = approx. 22.5 ft

approx. 60 ft

2003

172.00

266°30'

10

263°50'

1286

530.00

10

July

116°30'

1286

Map

1 of

Land

Court

ledge

as

certified

on

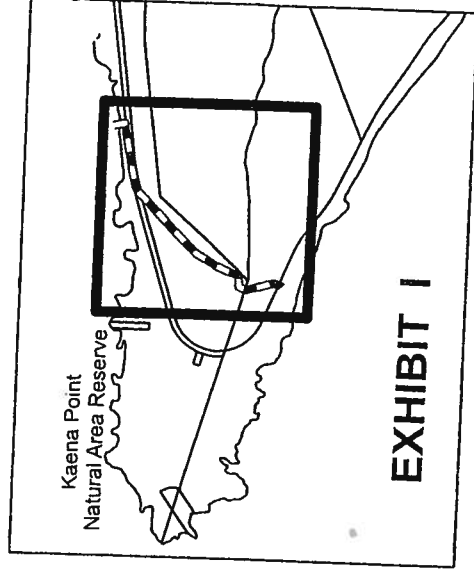
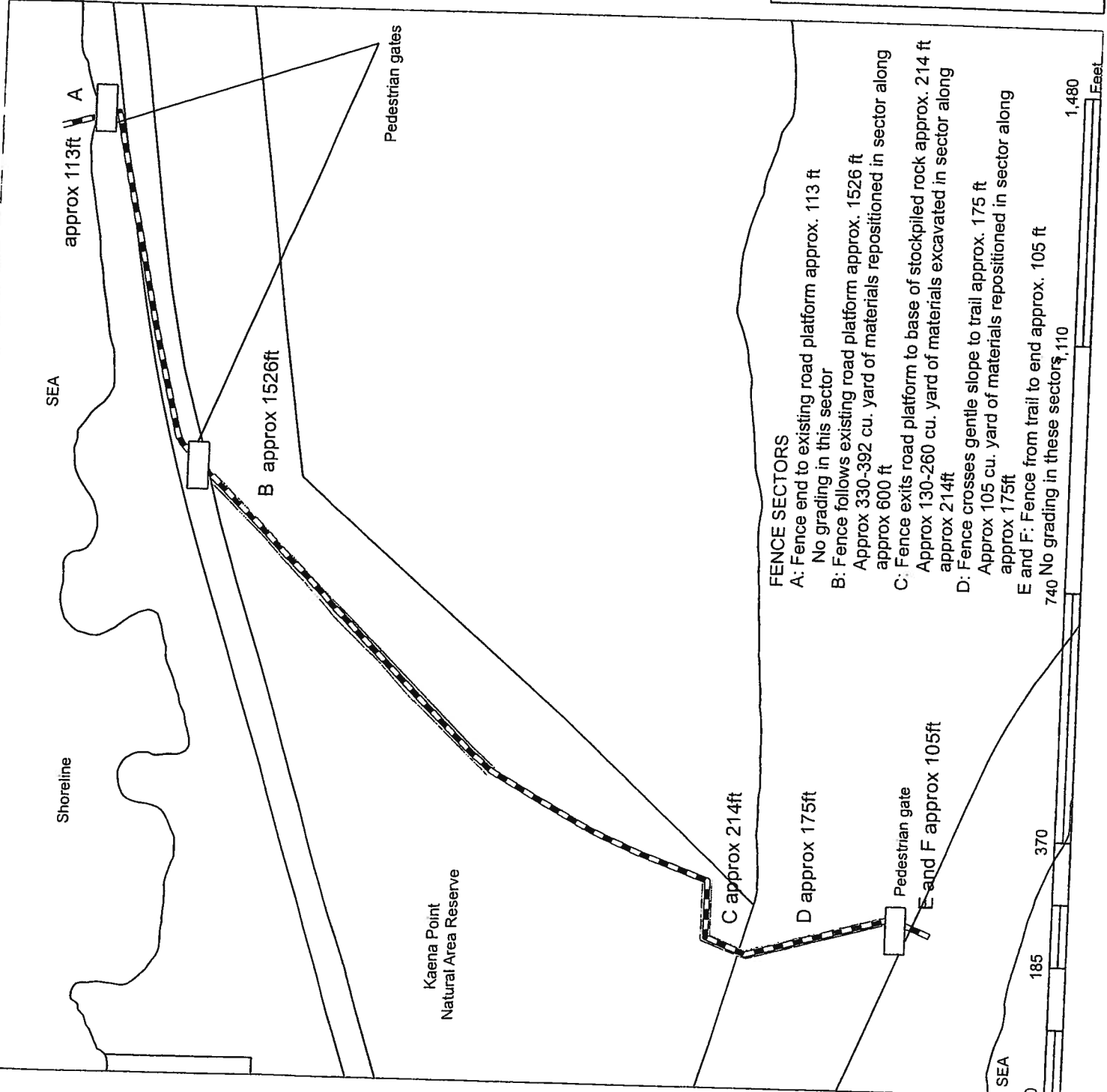
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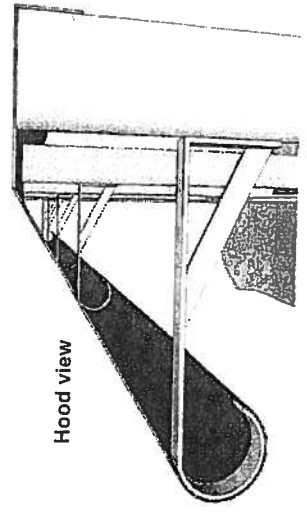
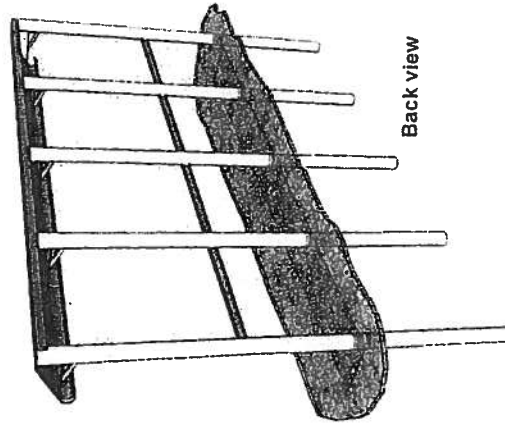
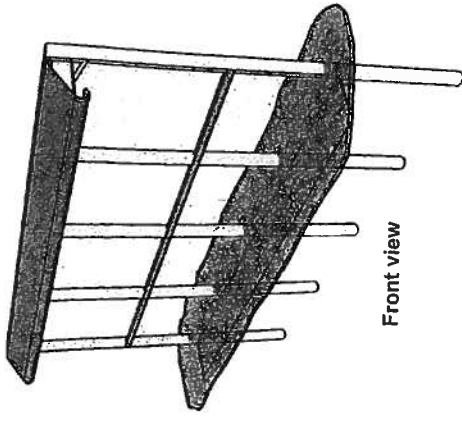
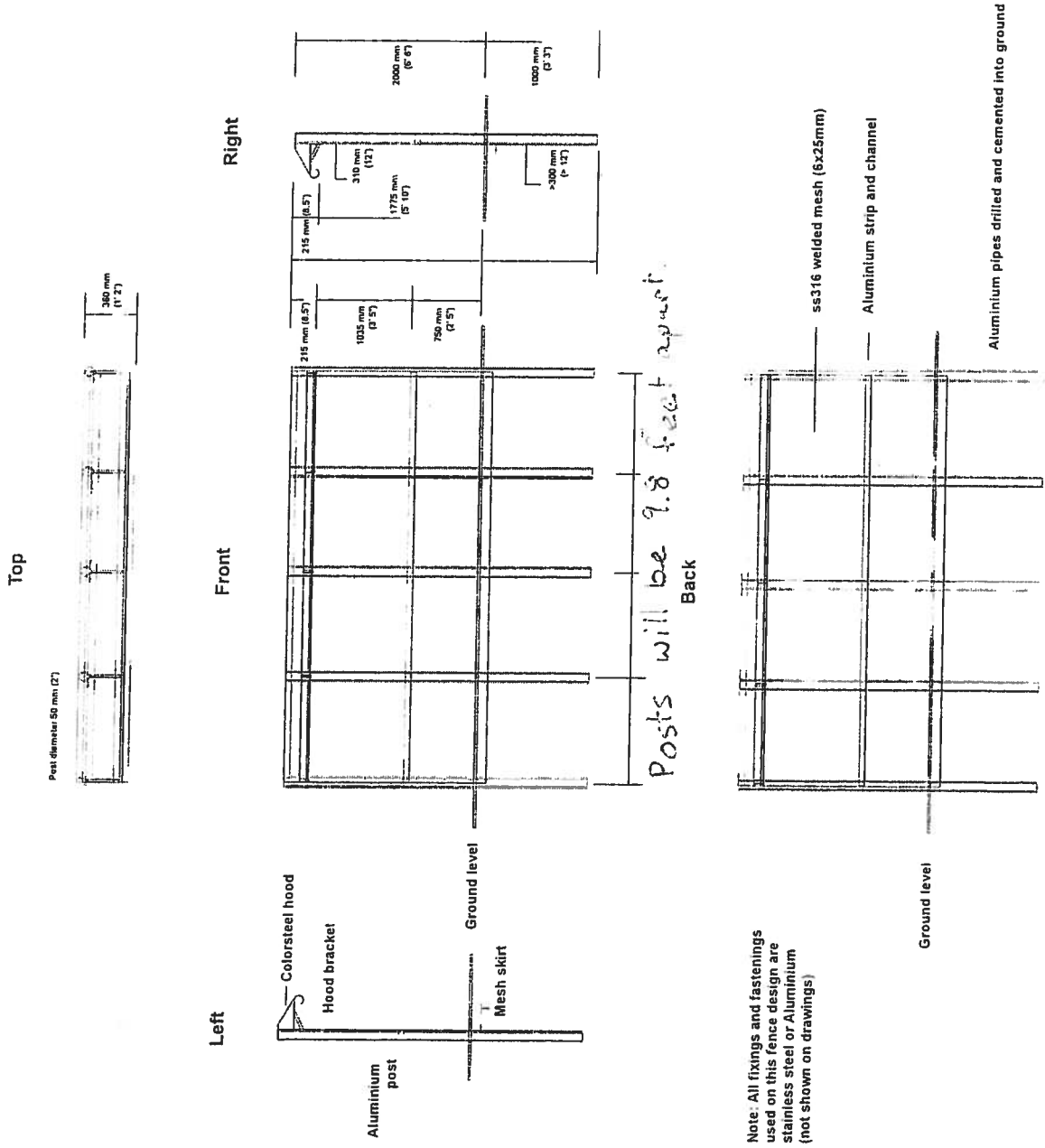
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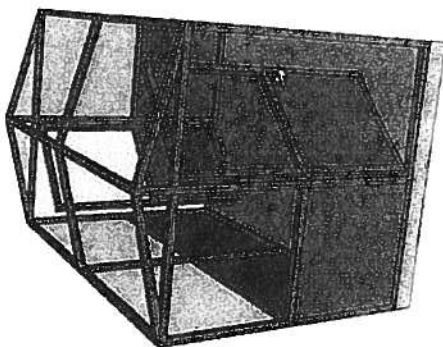
1286

Map

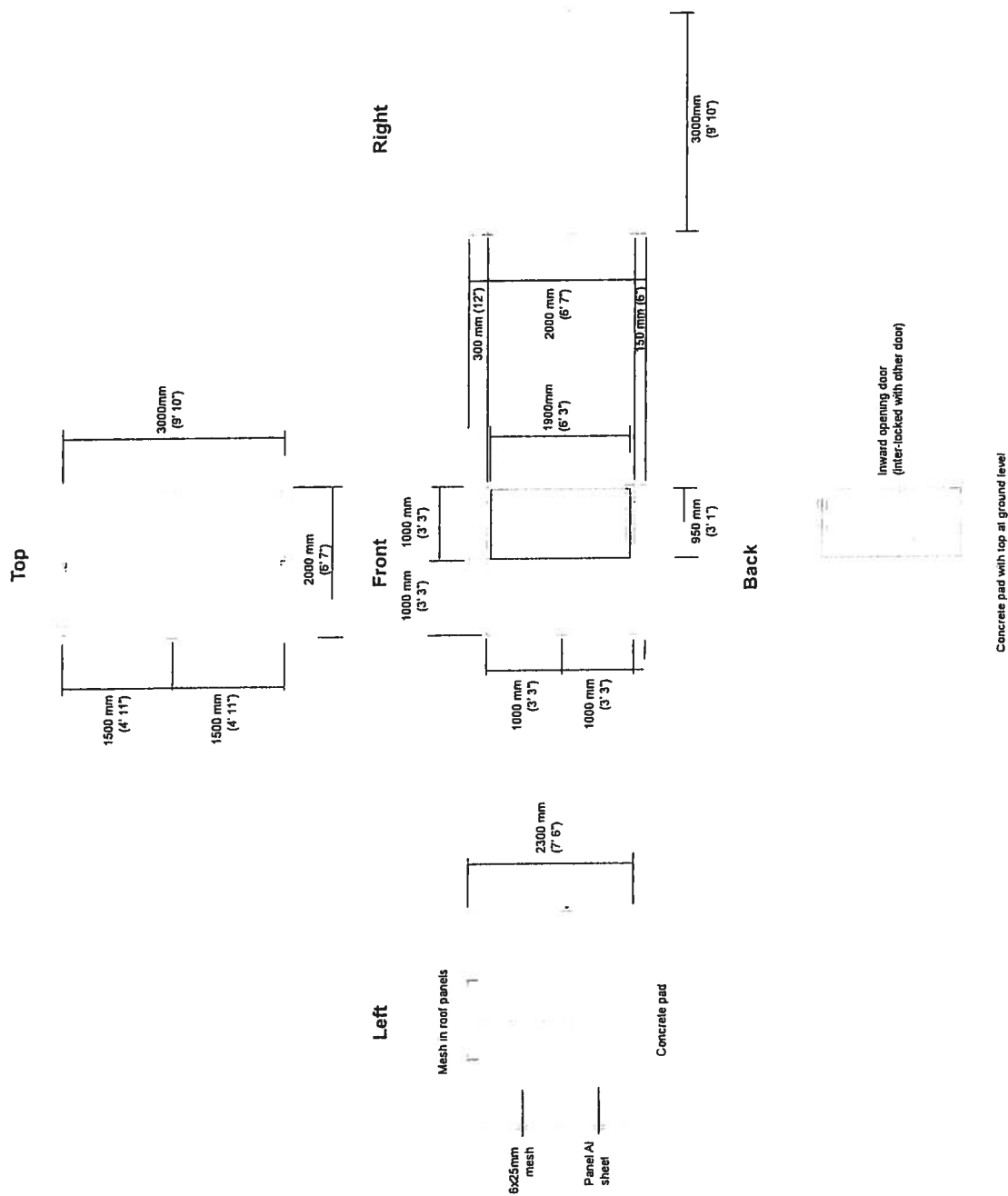
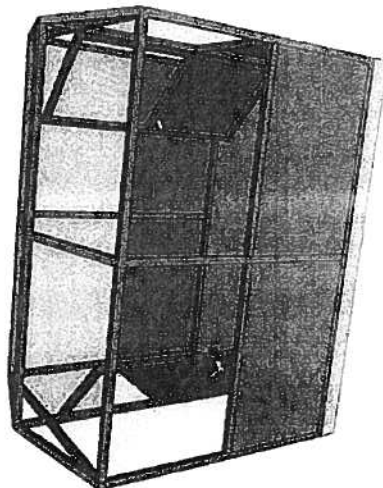
# KAENA PUN I ECOSYSTEM RESTORATION PROJECT







### Views of Gate with Doors Open



**EXHIBIT K**

5 August 2009: Copyright © Xcluder Pest Proof Fencing Ltd

DRAWINGS NOT TO SCALE