



April 30, 2024

Mr. Michael Cain, Administrator
Office of Conservation and Coastal Lands (OCCL)
Department of Land and Natural Resources (DLNR)
Kalanimoku Building
1151 Punchbowl St., Room 131
Honolulu, HI 96813

ATTN: Amy Wirts, Coastal Lands Program Coordinator

SUBMITTED VIA DELIVERY TO ABOVE ADDRESS AND EMAIL TO: michael.cain@hawaii.gov;
amy.e.wirts@hawaii.gov

**RE: Request for a Conservation District Use Permit (CDUP) for North Kawaihae Small Boat Harbor Improvements Located in Kawaihae, Hawai'i 96743
Tax Map Key (3) 6-1-003:023, 045**

Dear Mr. Cain:

On behalf of the State of Hawai'i DLNR Division of Boating and Ocean Recreation (DOBOR), Oceanit is respectfully seeking a Conservation District Use Permit (CDUP) for the repair of a significantly damaged breakwater at the North Kawaihae Small Boat Harbor (NKSBH). The project area is in the Conservation Resource Subzone and the identified land use is Marine Construction (D-1) Dredging filling or construction on submerged lands. NKSBH is located on the west facing shoreline on the Island of Hawai'i at Kawaihae at the north end of the Kawaihae Deep Draft Harbor. Access to the site is via Kawaihae-Māhukona Road, which intersects with 'Akoni Pule Highway designated as Hawai'i Route 270 (Figure 1).



Figure 1: Project site map Kawaihae, North Kohala, Hawai'i Island

The NKSBH basin is protected from wave action by the breakwater that is in need of repair. Damage analysis showed that the breakwater cannot withstand the high winter swells and frequent severe wave damage. Large swells from a storm event between December 31, 2019, and January 1, 2020, repeatedly overtopped NKSBH's main breakwater, causing an approximately 40-foot breach in the breakwater and drastically reducing usability. Figure 2 contains photographs showing extensive damage.

The proposed project is to repair the damaged breakwater with a design to mitigate the fifty year return period wave. With the breakwater's current damaged condition, the harbor basin is exposed to large winter swells that come over and through the gap in the breakwater. To utilize the facility efficiently, calmer conditions are required within the harbor. This can be achieved by strengthening the breakwater and raising the top from the current six (6) feet Mean Lower Low Water (MLLW) to ten (10) feet MLLW. The proposed breakwater elevation will reduce over topping and related breakwater damage. Further, the Proposed Action will protect the harbor piers and moorings and the boats that use them. In the past, the high waves and surges in the harbor have damaged the harbor piers and moorings making them unsafe and unusable. .



(a) May 2018. Concrete boat ramp with accreted sand.



(b) January 2020. Breached section of Main Breakwater.



(c) January 2020. Incoming waves hit underside of marginal wooden wharf and damaged structure. Wharf was condemned.



(d) January 2015. Parking lot during storm conditions. Waves can be seen overtopping main breakwater, resulting in flooding of parking lot.

(Photo credit: J. Newton)

Figure 2: Photographs showing damaged or compromised areas and flooding at NKSBH

Thank you for your consideration. If we can provide any additional information or should you have any questions, please contact me via telephone at (808) 945-4221 or by email at bsenelly@oceanit.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Berna Senelly".

Berna Senelly
Senior Regulatory Lead

Cc: Finn McCall, DLNR DOBOR



CONSERVATION DISTRICT USE APPLICATION (CDUA)

All permit applications shall be prepared pursuant to HAR 13-5-31

File No.:

Acceptance Date:

180-Day Expiration Date:

Assigned Planner:

for DLNR Use

PROJECT NAME North Kawaihae Small Boat Harbor Improvements

Conservation District Subzone: Resource Subzone

Identified Land Use: Marine Construction (D-1) Dredging filling or construction on submerged lands
(Identified Land Uses are found in Hawai'i Administrative Rules (HAR) §13-5-22 through §13-5-25)

Project Address: North Kawaihae Small Boat Harbor (Kawaihae-Mahukona Road, which intersects with 'Akoni Pule Highway designated as Hawai'i Route 270)

Kawaihae, Hawai'i Island, Hawai'i 96743

Tax Map Key(s): (3) 6-1-003:023, 045

Ahupua'a: Kawaihae 1 Ahupua'a

District: North Kohala

County: Hawai'i

Island: Hawai'i

Proposed Commencement Date: February 2025

Proposed Completion Date: November 2025

Estimated Project Cost: \$5 million

TYPE OF PERMIT SOUGHT **Board Permit** **Departmental Permit**

ATTACHMENTS

\$ Exempt Application Fee. 2.5% of project cost for Board Permits, but no less than \$250, up to a maximum of \$2500; \$250 for Departmental Permits (ref §13-5-32 through 34).

\$ \$250 Public Hearing Fee (\$250 plus publication costs; ref §13-5-40)

- 20 copies of CDUA (5 hard + 15 hard or digital copies)
- Draft / Final Environmental Assessment (EA) or Draft / Final Environmental Impact Statement (EIS) or Statement of Exemption
- State Historic Preservation Division HRS 6E Submittal Form (dlnr.hawaii.gov/shpd/review-compliance/forms)
- Management Plan or Comprehensive Management Plan (ref §13-5-39) if required
- Special Management Area Determination (ref Hawai'i Revised Statutes 205A)
- Shoreline Certification (ref §13-5-31(a)(8)) if land use is subject to coastal hazards.
- Kuleana documentation (ref §13-5-31(f)) if applying for a non-conforming kuleana use.

Boundary Determination (ref §13-5-17) if land use lies within 50 feet of a subzone boundary.

REQUIRED SIGNATURES

Applicant

Name: Edward R. Underwood

Title; Agency: Administrator, Division of Boating & Ocean Recreation, DLNR

Mailing Address: 4 Sand Island Access Road
Honolulu, Hawaii 96819

Contact Person & Title: Finn McCall, Engineering Branch Head, Division of Boating & Ocean Recreation

Phone: (808) 587-3250

Email: finn.d.mccall@hawaii.gov

Interest in Property: Owner

Signature:  Date: Apr 26, 2024

Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization

Landowner (if different than the applicant)

Name:

Title; Agency:

Mailing Address:

Phone:

Email:

Signature: _____ Date: _____

For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.

Agent or Consultant

Agency: Oceanit

Contact Person & Title: Berna Senelly, Regulatory Lead

Mailing Address: 828 Fort Street Mall, Suite 600_
Honolulu, Hawai'i 96813

Phone: (808) 954-4221

Email: bsenelly@oceanit.com


Signature:  Date: Apr 29, 2024

For DLNR Managed Lands

State of Hawai'i

Chairperson, Board of Land and Natural Resources

State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809-0621

Signature:  _____ **Date:** Apr 29, 2024

PROPOSED USE

Total size/area of proposed use (indicate in acres or sq. ft.): 22,700 sq. ft.

Please provide a detailed description of the proposed land use(s) in its entirety. Information should describe what the proposed use is; the need and purpose for the proposed use; the size of the proposed use (provide dimensions and quantities of materials); and how the work for the proposed use will be done (methodology). If there are multiple components to a project, please answer the above for each component. Also include information regarding secondary improvements including, but not limited to, grading and grubbing, placement of accessory equipment, installation of utilities, roads, driveways, fences, landscaping, etc.

Attach any and all associated plans such as a location map, site plan, floor plan, elevations, and landscaping plans drawn to scale (*ref §13-5-31*).

ATTACHMENT A contains the Final Environmental Assessment (EA) for the North Kawaihae Small Boat Harbor Breakwater Improvements.

PURPOSE AND NEED

The North Kawaihae Small Boat Harbor (NKSBH) basin is protected from wave action by the breakwater that is in need of repair. Figure 2-1 of the Final EA depicts Project Location. During the past few years, the breakwater was repaired several times after storm damage. Damage analysis showed that the breakwater cannot withstand the high winter swells and frequent severe wave damage. Large swells from a storm event between December 31, 2019, and January 1, 2020, repeatedly overtopped NKSBH's main breakwater, causing an approximately 40-foot breach in the breakwater and drastically reducing usability. Figure 2-2 of the Final EA contains photographs showing extensive damage.

The proposed project is to repair the damaged breakwater with a design to mitigate the fifty year return period wave. With the breakwater's current damaged condition, the harbor basin is exposed to large winter swells that come over and through the gap in the breakwater. Boats using the harbor are moved to alternate sites when heavy wave climate is expected. Fishing boats and tourist servicing vessels can operate from the harbor basin only during very calm conditions.

To utilize the facility efficiently, calmer conditions are required within the harbor. This can be achieved by strengthening the breakwater and raising the top from the current six (6) feet Mean Lower Low Water (MLLW) to ten (10) feet MLLW. The proposed breakwater elevation will reduce over topping and related breakwater damage. The proposed repairs will strengthen the structure and minimize the level and frequency of damage.

PROPOSED ACTION

The full length of the breakwater will be repaired to withstand the 50-year return period waves for the area. The height of the structure will be increased by four (4) feet, from six (6) to ten (10) feet MLLW. The breakwater section will be ten (10) feet wide at its crest with 1.5H:1V side slopes. The bottom width of the structure will be below the waterline and vary from about 40 to 60 feet. A concrete cap with a width of six

(6) feet and thickness of six (6) inches will be installed along the breakwater to provide access for inspection. Figure 2-3 of the Final EA illustrates the Proposed Action.

The proposed breakwater consists of graded rocks that form a rubble mound structure with a trapezoidal shape. The breakwater cross section has underlayer stones as core and armor stones outside. Underlayer stone weighs 800 to 1,350 pounds. Primary armor will consist of two layers of 4 to 6.75 ton quarry rock. This armor layer will provide main protection to the breakwater and will adjust in shape when damage occurs from heavy waves. The damage will be repaired as soon as possible. Rubble mound structure is selected as they can undergo partial damage from storm waves and can be repaired relatively easily. The breakwater will sit on existing hard bottom and a portion of the structure will be under MHHW line.

The proposed discharge will be mainly natural rock materials that will provide primary protection from waves. The structure will be constructed with natural volcanic rocks quarried from the Island of Hawai'i, and some of the material from the existing breakwater will be used to supplement imported materials. Figure 2-6 of the Final EA provides typical cross section details for the modified breakwater.

Construction Best Management Practices (BMPs) include full-depth silt curtains around the in-water work area and biosocks, silt fences, and covering material stockpiles on the land side to prevent dispersion by wind and rainfall. In addition, stormwater runoff will be minimized and controlled and there will be ongoing monitoring and avoidance of impacts on protected marine life.

ATTACHMENT B contains a letter from the County of Hawai'i Planning Department Planning Director that no Special Management Area approval or permitting is required for the proposed project as it is considered an exempt action.

EXISTING CONDITIONS

Please describe the following, and attach maps, site plans, topo maps, colored photos, and biological or archaeological surveys as appropriate:

Existing access to site:

The NKSBH is located on the west facing shoreline on the Island of Hawai'i at Kawaihae at the north end of the Kawaihae Deep Draft Harbor. Access to the site is via Kawaihae-Māhukona Road, which intersects with 'Akoni Pule Highway designated as Hawai'i Route 270.

Existing buildings/structures:

The project site contains the existing breakwater that is significantly damaged and in need of repair.

Existing utilities (electrical, communication, gas, drainage, water & wastewater):

Existing utilities near the project area include overhead electric, cable, telephone and other utilities located landside of the NKSBH.

Physiography (geology, topography, & soils):

The terrestrial soil in the NKSBH is "Dump" or fill land, 0-3% slopes and well drained. The fill beneath the NKSBH is likely dredged coralline spoil material from construction of the deep draft harbor. The soil immediately mauka of the NKSBH fill land is Kawaihae Very Cobbly Very Fine Sandy Loam, 6-12% slopes. Kawaihae soils are formed from weathered basic volcanic ash fields on pahoehoe lava flows. The topsoil layers are underlain by lithic bedrock approximately 20-40 inches below the surface. These soils are well-drained and have low runoff. The proposed project does not require significant excavation except for moving some rocks embedded in sand underneath the existing breakwater to create the foundation or moving displaced rocks into the modified structure. Construction of the landward extension of the breakwater may also involve excavating at the backshore. No short- or long-term adverse impacts to the soils are anticipated. Sections 3.1.2 and 3.1.3 discusses, respectively Topography / Bathymetry and Geology / Soils.

Hydrology (surface water, groundwater, coastal waters, & wetlands):

Kawaihae Bay has a wave exposure window of approximately 210 degrees from the north to approximately 350 degrees. Waves and swells in this sector are driven by winter storms in the North Pacific that have heights up to 30 feet and periods in excess of 15 seconds. Waves partially intercepted by the main Kawaihae Harbor breakwater diffract before reaching the NKSBH breakwater and the adjacent shoreline with little attenuation. The large waves impact the NKSBH breakwater, overtop it, and penetrate into the harbor basin, when deep water wave heights exceed ten feet. The side slopes of the modified breakwater are designed be less steep than the existing slopes. Reducing the slope of the outer face from 1H:1V to 1.5H:1V will reduce wave reflection intensity. This results in a better wave climate in the entrance channel to the deep draft harbor. No adverse impacts on the wave climate are anticipated from the proposed project.

Regarding ocean currents, the project site is partially within the shelter of the deep draft harbor breakwater and abuts the shoreline. The currents are basically driven by the breaking waves. The main harbor basin filling and emptying currents are very weak and will not be adversely affected by the project. No impacts on the circulation in the area is anticipated and no mitigation measures are

required.

Section 3.1.4 of the Final EA discusses Oceanic and Coastal Environment, and Section 3.1.5 presents a discussion of Currents and Conditions.

Kawaihae Bay is classified as Class A marine waters that are to be protected for recreational purposes and aesthetic enjoyment, and propagation of fish, shellfish, and wildlife. These waters are not to receive any discharges that have not received the highest degree of treatment or control compatible with the criteria established for this class. Kawaihae harbor is currently listed on the State's Final 2004 List of Impaired Waters in Hawaii prepared under the Clean Water Act §303 (d) for turbidity. Construction activities will temporarily affect the water quality in the nearshore area adjacent to the breakwater and the neighboring beach to the west. Removal of scattered materials from the existing breakwater, excavation at the footprint of the modified structure and rock placement below water level will increase the turbidity in the area.

The turbidity levels will revert to pre-construction levels once the construction work is completed. To prevent or minimize degradation of water quality, the construction contractor is required to install appropriate Best Management Practices (BMPs), such as full-depth silt curtains around the in-water work area and biosocks, silt fences, and covering material stockpiles on the land side to satisfy Hawai'i Department of Health administered Clean Water Act requirements. The contractor will employ appropriate construction methods to minimize pollutant generation and use adequate BMPs to prevent contamination of water adjacent to the project site. Fill materials stored onshore will be covered with suitable material to prevent dispersion by wind and rainfall.

Marine Water Quality is discussed in Section 3.1.6 of the Final EA.

Flora & fauna (indicate if rare or endangered plants and/or animals are present):

Scattered corals were observed on the breakwater section near the shore and the surrounding loose boulders and urchins are common on the breakwater. In the area at the breach of the breakwater (approximately 256 ft from the shore), boulders and broken slabs of concrete and other breakwater material are scattered on the seafloor. Mostly small corals occur on the boulders and debris in this area, and a school of yellowfin goatfish was observed here during a benthic survey. Seaward of the damaged breakwater location, corals are abundant on the breakwater and boulders surrounding the breakwater. Cucumbers were also commonly observed surrounding the breakwater. Fishes associated with the breakwater and surrounding area include surgeonfish, sergeants, butterflyfishes, and wrasses. .

All corals occurring on the breakwater structure and the surrounding area would be directly impacted by the Proposed Action. Impacts to corals could be minimized by relocating suitable coral heads that occur in the project area. Before the start of the project, a coral response and rescue team will be formed to remove corals, as practicable, from the project area and transplant them to another site. For the corals that are not suitable candidates for relocation, their loss may be mitigated by taking a sample of these corals to the DLNR Division of Aquatic Resources' Coral Nursery, propagating them into larger corals, and transplanting them back onto the new breakwater structure. It is anticipated, however, that the new breakwater structure will provide a larger and better habitat for corals to grow. Therefore, in the long-term view, the Proposed Action will provide increased habitat area and positive impacts to the resources of biological assemblage at the project area.

The Proposed Action includes work in and above marine waters where ESA-listed species, such as sea turtles, may be directly exposed to project activities. Because sea turtles and marine mammals typically avoid human activity, the expected effect of this interaction would be an avoidance behavior leading to an exposed animal leaving the project area without injury. The likelihood of interaction will

be reduced through a BMP of watching for and avoiding protected marine life before commencing work and by postponing certain activities when protected species are within 50 yards of that activity. The Proposed Action is expected to have no long-term effect on the foraging characteristics or upon the quality or quantity of monk seal prey. Appendix B of the Final EA contains the Marine Biological Survey.

Natural hazards (erosion, flooding, tsunamis, seismic, etc.):

Coastal flooding at the project site can occur from storms in the watershed, tsunamis generated by subsurface earthquakes, or storm surges generated by passing hurricanes. The project site is located in Zone VE that identifies coastal high flood hazard areas inundated by the 1 percent-annual-chance flood event with additional hazards due to storm-induced water velocity from waves. These areas are subject to high velocity waters including coastal inundation from storm surges, tides and tsunamis.

The proposed breakwater repair and modification for preventing siltation of the boat ramp will not change the flood zone or elevation and will be designed to make the small boat harbor more resilient to flood events. The increased height and footprint of the modified breakwater is designed to reduce wave action into the harbor and wave overtopping, which will decrease flooding in the parking lot area during high wave storm events. Once in place, the breakwater extension will redirect uprush from the backshore from flowing down and depositing sediment in the concrete boat ramp so that it can be kept unobstructed with less maintenance for continued use. The project will not incur any adverse impacts on the flood zone, and therefore no mitigation is required. Section 3.1.9 of the Final EA contains a discussion of Floods and Tsunamis.

Historic & cultural resources:

Previous archaeological investigations conducted on the harbor property south of the NKSBH encountered fill during subsurface testing, and no historic properties have been recorded at Kawaihae Harbor. Less than 100 meters north of the NKSBH, subsurface testing did not encounter any intact cultural deposits and the surface survey noted the area was previously disturbed by storms and modern rubbish was present. Additionally, the current project area is seaward of the former coastline and underlain by up to 13.0 ft of fill, which is material dredged from the bay during construction of the harbor facility in the late 1950s. Consequently, it is extremely unlikely that any traditional Hawaiian cultural deposits, human burials, or buried post contact historic properties are present in the project area. Further, in that there were no human skeletal remains identified within the project area, human burials are not anticipated.

The Archaeological Literature Review is contained in Appendix C in the Final EA.

ATTACHMENT B contains the State Historic Preservation Division HRS 6E Submittal Form.

Further, as part of the Cultural Impact Assessment, several entities and individuals were contacted to solicit information about historic properties, cultural resources, traditional cultural properties, and traditional and customary practices potentially within the current project area. A Ka Pa'akai Analysis was also conducted to further assess project impacts on cultural resources and practices. Two responses were received in regards to cultural consultation. One was to receive further information and another was a request to have the Kawaihae Canoe Club (KCC) considered as an historic site or Traditional Cultural Property (TCP). Additional meetings between KCC and project cultural consultants are underway. The Cultural Impact Assessment conducted for this project is included to the Final EA as Appendix D.

EVALUATION CRITERIA

The Department or Board will evaluate the merits of a proposed land use based upon the following eight criteria (*ref §13-5-30(c)*)

1. The purpose of the Conservation District is to conserve, protect, and preserve the important natural and cultural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare. (*ref §13-5-1*) How is the proposed land use consistent with the purpose of the conservation district?

The Proposed Action is supportive of objectives to conserve, protect and preserve important natural and cultural resources in the long term time frame. Repair of the NKSBH breakwater will have short term negative impacts on marine water quality, marine biota and recreational resources.

Long term impacts, however, fully support the purpose of the Conservation District. For ocean water quality, turbidity levels will revert to pre-construction levels once the construction work is completed. As a recreational venue, the NKSBH is an important socio-cultural resource. The new breakwater will result in better wave climate at the entrance to the deep draft harbor. That will make it easier for small recreational and other craft to make the sharp turn into the harbor. Further, the Proposed Action will protect the harbor piers and moorings and the boats that use them. In the past, the high waves and surges in the harbor have damaged the harbor piers and moorings making them unsafe and unusable. .

Long term impacts on corals could be minimized by relocating suitable coral heads that occur in the project area, and a coral response and rescue team will be formed to remove corals, as practicable. It is anticipated that the new breakwater structure will provide a larger and better habitat for corals to grow. Therefore, in long-term view, the Proposed Action will provide increased habitat area and positive impacts to the resources of biological assemblage at the project area.

2. How is the proposed use consistent with the objectives of the subzone of the land on which the land use will occur? (*ref §13-5-11 through §13-5-15*)

The Proposed Action is located in the protected Resource Subzone as defined by HAR §13-5-13. The objective of the Resource Subzone is to "ensure, with proper management, the sustainable use of natural resources in the area." The Proposed Action is to repair the damaged breakwater with a design to mitigate the fifty year return period wave. Given the breakwater's current damaged condition, the harbor basin is exposed to large winter swells that come over and through the gap in the breakwater. Boats using the harbor are moved to alternate sites when heavy wave climate is expected. Fishing boats and tourist servicing vessels could operate from the harbor basin only during very calm conditions. To utilize the facility efficiently, calmer conditions are required within the harbor. Proposed repairs will reduce over topping and related breakwater damage. The Proposed Action will strengthen the structure and minimize the level and frequency of damage, thereby ensuring, with proper management, the sustainable use of natural resources in the area.

3. Describe how the proposed land use complies with the provisions and guidelines contained in chapter 205A, HRS, entitled "Coastal Zone Management" (*see 205A objectives on p. 9*).

The proposed land use directly addresses the following specific Coastal Zone Management (CZM) objectives outlined in Chapter 205A, HRS.

- (1) Recreational Resources: The Proposed Action complies with Recreational Resources objectives in that the new breakwater will result in better wave climate in the entrance to the deep draft harbor, thereby making it easier for small recreational and other craft to make the sharp turn into the harbor.

- (2) Historic resources: No historic resources were found at NKSBH. The Proposed Action will not impact historic resources.
- (3) Scenic and open space resources: By restoring the structural integrity of the severely damaged breakwater, the Proposed Action will improve the visual environment of the harbor. The Proposed Action will not impact mauka - makai views or affect open space resources.
- (4) Coastal ecosystem: The new breakwater structure will provide a larger and better habitat for corals to grow. The Proposed Action will provide increased habitat area and positive impacts to the resources of biological assemblage at the project area.
- (5) Economic uses: The Proposed Action supports continued operations at the existing NKSBH facility for recreational and commercial activities.
- (6) Coastal hazards: The purpose of the Proposed Action is to improve safety conditions within NKSBH, restore its functionality and increase its resilience to coastal hazards such as sea level rise (SLR) and storm events.
- (8) Public participation: Community pre-consultation meeting were held on March 31 and April 1, 2023, at NKSBH, where participants were asked to comment on the concept designs for breakwater repair and extension. Based on the community meeting, many alternatives were not further considered, and the Proposed Action was revised and finalized. A public information meeting on the Draft EA was held on November 13, 2023. The purpose of that meeting was to clarify project information and assist the public in providing comments on the Draft EA.
- (10) Marine and coastal resources: The Proposed Action combines supporting water-dependent uses (e.g., canoeing, boating, fishing) in coastal areas that are well-suited to their continued operation with improving benthic habitat for marine life as well as the visual aesthetics of the harbor.

4. Describe how the proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

Proposed improvements to the NKSBH will not substantially and adversely impact natural resources. Rather, the Proposed Action will allow for calmer conditions within the harbor by reducing over topping and related breakwater damage. The proposed repairs will strengthen the structure and minimize the level and frequency of damage, thereby ensuring, with proper management, the sustainable use of natural resources in the area. The new breakwater structure will provide a larger and better habitat for corals to grow, and provide increased habitat area and positive impacts to the resources of biological assemblage at the project area.

5. Describe how the proposed land use, including buildings, structures and facilities, is compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.

The Proposed Action involves the repair of an existing breakwater. It is compatible with nearby uses including the Kawaihae Deep Draft Harbor and supports the Kawaihae Canoe Club that is based mauka of the NKSBH.

6. Describe how the existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon.

Currently, the severely damaged breakwater is unsightly and has a negative visual impact on the natural beauty and open space characteristics of the area. The Proposed Action will improve the visual landscape by restoring the orderliness of this manmade structure.

7. If applicable, describe how subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.

The Proposed Action does not involve subdivision of land.

8. Describe how the proposed land use will not be materially detrimental to the public health, safety and welfare.

The Proposed Action will improve conditions related to public health, safety and welfare by achieving calmer conditions in the harbor that will allow fishing boats and tourist servicing vessels continued operation in the harbor basin.

CULTURAL IMPACTS

Articles IX and XII of the State Constitution, other state laws, and the courts of the State, require government agencies to promote and preserve cultural beliefs, practices, and resources of Native Hawaiians and other ethnic groups.

Please provide the identity and scope of cultural, historical, and natural resources in which traditional and customary native Hawaiian rights are exercised in the area.

Several entities and individuals were contacted as part of the Cultural Impact Assessment to solicit information about historic properties, cultural resources, traditional cultural properties, and traditional and customary practices potentially within the current project area. A Ka Pa'akai Analysis was also conducted to further assess project impacts on cultural resources and practices. Two responses were received. One was to receive further information and another was a request to have the Kawaihae Canoe Club (KCC), located adjacent to and user of the NKSBH, considered as an historic site or Traditional Cultural Property (TCP).

Identify the extent to which those resources, including traditional and customary Native Hawaiian rights, will be affected or impaired by the proposed action.

In meetings and other communications with representatives of the KCC, the height of the new breakwater was of concern. The initial Preferred Alternative featured a breakwater crest elevation of twelve (12) feet above Mean Low Low Water (MLLW). Canoe club representatives preferred a lower elevation of ten (10) feet because they were concerned that, while standing on the beach, the canoe paddling coach may not be able to maintain visual contact with the paddlers while canoes were in the KDDH channel. The Proposed Action was subsequently revised to address their concerns.

What feasible action, if any, could be taken by the Board of Land and Natural Resources in regards to your application to reasonably protect Native Hawai'i rights?

Concerns raised in cultural consultations have been identified and addressed. In addition, KCC expressed a desire to have the club considered as a historic site or traditional cultural property (TCP). KCC occupies an adjacent property and has used NKSBH consistently for more than 50 years (KCC was founded in 1972) to conduct canoeing and community-related events. Additional meetings between Pacific Consulting Services, Inc. (PCSI) and KCC are planned to gather information to assist in evaluating the potential for KCC to be considered a TCP..

OTHER IMPACTS

Does the proposed land use have an effect (positive/negative) on public access to and along the shoreline or along any public trail?

The Proposed Action includes an extension of the breakwater approximately 80 feet landwards past the top of the boat ramp to prevent sand intrusion onto the boat ramp. The extended portion of the breakwater will have the same dimensions as the main breakwater. Public access will not be altered due to this feature.

Does the proposed use have an effect (positive/negative) on beach processes?

The Proposed Action will have a positive impact on beach processes by preventing sand intrusion onto the boat ramp and retaining sand along the beach.

Will the proposed use cause increased sedimentation?

During construction, appropriate silt containment devices will be installed, monitored and maintained to minimize sedimentation. The Proposed Action will not increase sedimentation in the long term time frame.

Will the proposed use cause any visual impact on any individual or community?

Currently, the severely damaged breakwater is unsightly and has a negative visual impact on the natural beauty and open space characteristics of the area. The Proposed Action will improve the visual landscape by restoring the quality of this manmade structure.

Please describe any sustainable design elements that will be incorporated into the proposed land use (*e.g. the use of efficient ventilation and cooling systems; renewable energy generation; sustainable building materials; permeable paving materials; efficient energy and water systems; efficient waste management systems; etc.*).

Implementation of the Proposed Action will not require design elements other than the repair and restoration of the NKSBH breakwater.

If the project involves landscaping, please describe how the landscaping is appropriate to the Conservation District (*e.g. use of indigenous and endemic species; xeriscaping in dry areas; minimizing ground disturbance; maintenance or restoration of the canopy; removal of invasive species; habitat preservation and restoration; etc.*)

The Proposed Action does not involve landscaping.

Please describe Best Management Practices that will be used during construction and implementation of the proposed land use.

Best Management Practices (BMPs) include full-depth silt curtains around the in-water work area and biosocks, silt fences, and covering material stockpiles on the land side to prevent dispersion by wind and rainfall. In addition, stormwater runoff will be minimized and controlled and there will be ongoing monitoring and avoidance of impacts on protected marine life.

Please describe the measures that will be taken to mitigate the proposed land use's environmental

and cultural impacts.

Environmental impacts resulting from the Proposed Action are temporary and construction-related. These impacts will be mitigated by employing construction BMPs to eliminate or minimize impacts to maximum extent practicable, limiting activities to daytime hours, curtailing construction activities to avoid impacts on terrestrial and marine biological resources, coordinating with public agencies, and monitoring by qualified professionals, such as an archaeologist.

In terms of cultural impacts, the project was redesigned to address breakwater height concerns raised in community meetings. In addition, the KCC expressed a desire to have the club considered as a historic site or traditional cultural property (TCP). Additional meetings between Pacific Consulting Services, Inc. (PCSI) and KCC are planned to gather information to assist in evaluating the potential for KCC to be considered a TCP.

SINGLE FAMILY RESIDENTIAL STANDARDS

Single Family Residences must comply with the standards outlined in HAR Chapter 13-5, Exhibit 4. Please provide preliminary architectural renderings (e.g. building foot print, exterior plan view, elevation drawings; floor plan, etc.) drawn to scale.

SIZE OF LOT

	Existing	Proposed	Total
Proposed building footprint			
Paved areas/ impermeable surfaces			
Landscaped areas			
Unimproved areas			

SETBACKS Front: Side: Back:

SHORELINE PROPERTIES

Average Lot Depth (ALD): Average annual coastal erosion rate:

Minimum shoreline setback based on Exhibit 4:

Actual shoreline setback or proposed structure:

MAXIMUM DEVELOPABLE AREA

The Maximum Developable Area includes all floor areas under roof, including first, second, and third stories, decks, pools, saunas, garage or carport, and other above ground structures.

Maximum Developable Area based on Exhibit 4:

Actual Developable Area of proposed residence:

Actual height of the proposed building envelope as defined in Exhibit 4:

COMPATIBILITY

Provide justification for any propose deviation from the established residential standards.

How is the design of the residence compatible with the surrounding area?

If grading is proposed, include a grading plan which provides the amount of cut and fill. Has grading or contouring been kept to a minimum?

CHAPTER 205A – COASTAL ZONE MANAGEMENT

Land uses are required to comply with the provisions and guidelines contained in Chapter 205A, Hawai'i Revised Statutes (HRS), entitled "Coastal Zone Management," as described below:

- **Recreational resources:** Provide coastal recreational opportunities accessible to the public.
- **Historic resources:** Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- **Scenic and open space resources:** Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- **Coastal ecosystems:** Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- **Economic uses:** Provide public or private facilities and improvements important to the State's economy in suitable locations.
- **Coastal hazards:** Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
- **Managing development:** Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- **Public participation:** Stimulate public awareness, education, and participation in coastal management.
- **Beach protection:** Protect beaches for public use and recreation.
- **Marine resources:** Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

CERTIFICATION

I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attachments and exhibits is complete and correct. I understand that the failure to provide any requested information or misstatements submitted in support of the application shall be grounds for either refusing to accept this application, for denying the permit, or for suspending or revoking a permit issued on the basis of such misrepresentations, or for seeking of such further relief as may seem proper to the Land Board.

I hereby authorize representatives of the Department of Land and Natural Resources to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 a.m. and 4:30 p.m.

Signature of authorized agent(s) or if no agent, signature of applicant

AUTHORIZATION OF AGENT

I hereby authorize _____ to act as my representative and to bind me in all matters concerning this application.

Signature of applicant(s)