

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**OFFICE OF CONSERVATION AND COASTAL LANDS**  
**Honolulu, Hawai`i**

FILE NO.: SSBN KA-25-03

**Chairperson's Office**  
**Department of Land and Natural Resources**  
**State of Hawaii**  
**Honolulu, Hawaii**

**REGARDING:** Small Scale Beach Nourishment Category II Application for Niulani Road, Kapa'a, HI 96746 Tax Map Keys (TMK) (4) 4-3-009:003, (4) 4-3-009:002, (4) 4-3-009:028, (4) 4-3-009:027 and (4) 4-3-009:026 (seaward)

**APPLICANT:** Niulani Road Hui

**LANDOWNERS:** Bal Family Trust (Dileep G. Bal and Muktha Bal)  
3960 Aloha Holding LLC (Rohit Kurup and Nomita Paul)  
Dale, Donald L. & Cheryl A. Revocable Living Trust  
Tazuko Ota and Susan Hayakawa  
Gay Wallin

**LOCATION:** 968 Nuilani Rd., Kapa'a, HI 96746 (4) 4-3-009:002 (seaward);  
960 Nuilani Rd., UNIT 1. Kapa'a, HI 96746 (4) 4-3-009:003 (seaward);  
950 Nuilani Rd., Kapa'a, HI 96746 (4) 4-3-009:028 (seaward);  
946 Nuilani Rd., Kapa'a, HI 96746 (4) 4-3-009:027 (seaward);  
938 Nuilani Rd., Kapa'a, HI 96746 (4) 4-3-009:026 (seaward);

**AREA OF USE:** 21,200 ft<sup>2</sup> placement site

**SUBZONE:** Resource Subzone

**BACKGROUND**

Oceanit, Inc. on behalf of the Niulani Road Hui is proposing a Category II Small-Scale Beach Nourishment (SSBN) project for shoreline fronting 938, 946, 950, 960, and 968 Niulani Road, located in Kapa'a on the east side of the island of Kaua'i (Exhibits 1 and 2). The subject landowners formed the Niulani Road Hui to combine resources and propose a long-term multi-property solution to the erosion, rather than parcel-by-parcel mitigation.

The proposal project includes removal of approximately 1,300 linear feet of geotextile sandbags currently placed along the shoreline, construction of three rock groins designed to stabilize the shoreline and retain sand and the placement of approximately 10,000 cubic yards of compatible sand over a 15-year period to restore the beach profile. The proposed initial and placement of approximately 2,000 cubic yards (cy) of sand will be followed by periodic placement of approximately 500 cy each, for a total estimated placement of up to 10,000 cy of sand.

The proposed project was developed in response to chronic shoreline erosion affecting approximately 390 linear feet of unarmored shoreline along a naturally perched beach situated on a submerged limestone reef platform between existing shoreline armoring structures (Exhibit 3). Erosion accelerated by seasonal wave run-up, shoreline retreat, and flanking from a CRM seawall to the north and a revetment to the south has led to the narrowing and loss of beach area, creating hazardous conditions for the existing residences at the subject TMKs.

Three of the five subject properties installed temporary geotextile fabric and sandbag structures to address coastal erosion between 2013 to 2021, as summarized below.

**TMK (4) 4-3-009:003 (960 Niulani Road):** Emergency CDUP KA-14-05 for temporary erosion control structure was issued on August 7, 2013. DLNR subsequently granted four one-year extensions for the authorized sandbags while the landowner worked with adjacent property owners to pursue a long-term solution. The final extension expired on August 7, 2020.

**TMK (4) 4-3-009:002 (968 Niulani Road):** CDUP KA-18-03 for temporary erosion control measures was issued on September 14, 2017. The authorization expired on September 14, 2020.

**TMK (4) 4-3-009:028 (950 Niulani Road):** CDUP KA-20-15 was issued in 2020 for temporary erosion control but expired after work was delayed due to COVID-19 impacts. CDUP KA-21-09 was subsequently issued on April 16, 2021 and later extended under Time Extension CDUP KA-22-02. During permitted work on December 9, 2021, iwi kūpuna were inadvertently discovered (SIHP #50-30-08-02419). Construction of the temporary shoreline protection structure was completed on January 19, 2022, and the authorization expired in May 2025. Iwi kūpuna remain onsite behind the temporary erosion control structure, and a burial treatment or mitigation plan has been requested.

The OCCL did not pursue enforcement for the expired temporary erosion control structures on the three TMKs listed above because the property owners were engaged in on-going long-term planning for mitigation of the erosion at their properties. The proposed SSBN project is intended to stabilize the shoreline, protect cultural resources and enable the removal of the existing erosion control structures.

**DESCRIPTION OF AREA**

The proposed project site is located in Kapa'a, seaward of (5) properties at 938, 946, 950, 960, and 968 Niulani Road, makai of Kuhio Highway, on the east side of the island of Kaua'i, fronting TMK: 4-3-009:002, 4-3-009:003 and 4-3-009:028, and 4-3-009:027, and 4-3-009:026 (EXHIBIT 1). The project area is located along a low-lying, naturally perched beach situated on a submerged limestone reef platform on the makai side of Niulani Road in Kapa'a, Kaua'i. The surrounding land use is predominantly residential, consisting of single-family homes along the shoreline with limited commercial uses farther inland near Kūhiō Highway. The shoreline in this area is characterized by a narrow sand beach overlying the reef platform, which becomes seasonally inundated during high tides and larger wave events (EXHIBIT 2). Erosion has been documented in the area at rates ranging from 0.43 to 0.52 feet per year. Average erosion of 0.47 feet per year contributes to chronically reduced beach width and exposure of shoreline properties to wave impacts.

The shoreline is armored to the north and south of the project site. To the north, the adjoining property is fronted by a concrete rubble masonry (CRM) seawall originally constructed on private property. To the south, the neighboring parcel is fronted by an undocumented rock revetment extending seaward of the apparent shoreline. These armoring structures have contributed to flanking and localized erosion along the subject properties' unarmored shoreline.

Public access to the shoreline in this vicinity is limited and constrained by existing coastal structures. The nearest County-maintained Beach Right-of-Way (BROW) is located approximately 156 feet to the south of the project area. An informal roadside access point exists approximately 95 feet to the north. However, due to the presence of a the CRM seawall and rock revetment at the properties on either side of the project area, access to the shoreline segment is limited. Lateral access is further restricted by the narrow reef-fronted beach, which is frequently submerged during high tide and wave events. Consequently, public recreational use of the shoreline is low. The county beach park located 1,033.68 feet/0.2 miles away serves as the primary source of safe and practical beach access. Restoration may improve lateral beach access and create conditions more favorable for public recreation

The proposed sand source site within the Waipouli Drainage Canal hosts accreted sand that extends from the beach to approximately 600 ft upstream of the canal mouth. The drainage canal is periodically dredged for maintenance, and recovery of sand from this location is not expected to cause additional impact to the area.

**DESCRIPTION OF PROPOSED ACTION**

The proposed project consists of two phases occurring over approximately fifteen years; the initial phase would include sand placement, groin construction, removal of existing sandbag erosion control structures and a vegetated sand berm. The second phase would include periodic sand placement projects. (EXHIBIT 3)

Three short groins would be constructed of boulder stones placed over the existing substrate to help stabilize the beach by offsetting the impact of the adjacent seawalls. Approximately 500 cu. yd. of basalt stone would be used to construct the groins. The structures are intended to stabilize and retain nourished sand for at least 15 years and will be monitored for effectiveness and impacts. The final groin design following Department of the Army review shall be reviewed and approved by OCCL prior to construction.

The project proposes demolition and removal of approximately 1,300 linear feet of existing temporary erosion control structures along the shoreline at TMKs (4) 4-3-009:002, (4) 4-3-009:003, and (4) 4-3-009:028. The structures at TMK (4) 4-3-009:003 are documented to contain beach quality sand which will be tested and confirmed by OCCL prior to placement. The sand within the structures at TMK (4) 4-3-009:002 is unknown and will be analyzed upon removal of the structures. Any beach-quality sand contained within the sandbags may be reused for nourishment, subject to OCCL approval. The sand contained in the structures at TMK 4-3-009:028 will be removed offsite, as prior sand analysis and documentation confirmed it does not meet OCCL standards. Any tested sand that does not meet beach-quality standards will be removed and disposed of offsite, and all geotextile fabric, soil anchors, ties, and other structural materials will be removed for offsite disposal.

Following completion of the groins and removal of the existing sandbag structures approximately 2,000 cubic yards of beach quality sand would be placed and graded using a front-end loader beginning at the shoreline and extend seaward. The 2,000 cy of beach quality sand would be sourced from Waipouli Drainage Canal, approximately 0.4 miles south of the project site. 500 cu. yd. of sand currently available for use and stockpiled at a nearby site, Estrella Enterprises' baseyard. This 500 cy of excess sand was previously dredged from the mouth of the Waipouli Drainage Canal as part of the 2023 Kauai Kailani Beach Restoration project. The remaining estimated 1,500 cu. yd. of sand needed for nourishment is intended to be recovered from the same canal via mechanical dredging during the Niulani Beach Restoration project. This sand has been evaluated and overall meets applicable DLNR standards for beach-quality material. The remaining sand clearing and recovery will be recovered at the canal mouth via mechanical dredging in accordance with Best Management Practices (BMPs).

An archeological monitor will observe the sand extraction activity under an approved monitoring plan. Dredged materials, including the sand to be recovered from the canal for initial nourishment, will also be analyzed for grain size distribution and composition to confirm it meets the standards for beach quality material, with analysis results submitted to OCCL for review and approval prior to placement on the beach. Equipment and vehicles, such as dump trucks, loaders, excavators, or similar machines, will enter Niulani Road through a temporary construction access way within TMK 4-3-009:027.

Archaeological protection for existing iwi kupuna will be implemented according to a Burial Treatment Plan approved by the State Historic Preservation Division (SHPD). The groins would be partially buried within the nourished beach profile. A vegetated sand berm will be established along the backshore of the nourished area and planted with native coastal species, including vines, grasses, and shrubs. This dune feature will assist in stabilizing the restored shoreline, capturing windblown sand, and providing habitat to enhance coastal ecosystem function

Phase two consists of future nourishment events as required over the proposed project monitoring period of 15 years. Maintenance nourishment would occur approximately every three to five years following the preliminary nourishment, or when 25 % (500 cy) of the nourished sand volume has eroded as determined by monitoring data from field cameras and site visit documentation. Each re-nourishment event will utilize approximately 500 cy of sand sourced from the Waipouli Drainage Canal, with the total sand volume placed over the life of the project not to exceed 10,000 cy.

Sand present from the canal mouth to 200 ft upstream is similar in color, composition and size distribution to sand present at the nourishment site. Results of sand analyses indicate an acceptable match to existing beach sand at the project site based on OCCL SSBN grain size analysis guidelines.

#### **SUMMARY OF COMMENTS**

The application referred to the following agencies for their review and comment:

- DLNR Division of Boating and Ocean Recreation (DOBOR)
- DLNR Division of Aquatic Resources (DAR)
- DLNR State Historic Preservation Division (SHPD)
- DLNR Land Division
- Kaua'i County Planning Department
- DOH Clean Water Branch
- Office of Planning and Sustainable Development (OPSD) Coastal Zone Management (CZM) Program
- US Army Corps of Engineers
- US Fish and Wildlife Service
- National Marine Fisheries Service
- Office of Hawaiian Affairs (OHA)

The following comments were received:

- Kaua'i County Planning Department
- OPSD CZM
- OHA

Agency comments and applicant responses are summarized below:

Kaua'i County Planning Department

**Comment 1: Shoreline Setback and Encroachment**

The application indicates that some construction activities and stockpile areas will be partially located within the shoreline setback area. Please clarify the extent of encroachment, show the certified shoreline on the site plan, and identify measures to minimize disturbance.

**Comment 2: Consistency with SMA Objectives**

The project should demonstrate consistency with the objectives of the SMA, including protection of coastal resources, preservation of public access and recreational opportunities, and avoidance of adverse impacts to scenic and natural resources.

**Comment 3: Environmental and Biological Impacts**

Additional information is requested on potential impacts to nearshore resources, including benthic habitat and water quality. Best Management Practices should be clearly outlined for turbidity, sedimentation, and monitoring during construction.

**Comment 4: Erosion and Littoral Transport**

The proposed groins will alter coastal processes. Please provide analysis on potential effects to adjacent properties and long-term sand retention, as well as contingency measures if erosion occurs more quickly than anticipated.

**Comment 5: Sand Source and Compatibility**

Confirm that the proposed sand sources are compatible with the existing beach profile and grain size and address potential impacts of dredging material from the Waipouli Canal.

**Comment 6: Cultural and Historic Resources**

Given the presence of known burials near the site, monitoring protocols and SHPD consultation should be in place prior to removal of sandbags or excavation activities.

**Comment 7: Public Access and Recreation**

Clarify how public access will be maintained during construction. Post-construction, identify how lateral access will be preserved and any safety considerations associated with the groins.

**Comment 8: Visual and Aesthetic Considerations**

Provide information on the visual impact of groins, particularly during low tide, and evaluate any effect on scenic view corridors.

**Comment 9: Operations, Maintenance, and Monitoring**

A detailed monitoring plan should be included, specifying reporting intervals, performance measures, and long-term maintenance responsibilities.

Comment 10: Sea Level Rise and Climate Considerations- The project should consider the effects of sea level rise and increased storm events on the performance and longevity of the nourishment and groins.

Comment 11: Construction Access and Staging- Identify staging areas, access routes, and erosion control measures to minimize impacts on existing vegetation, soils, and adjacent properties.

Applicant's Response:

*Response to Comment 1: Construction access and material stockpiles will be located within the Special Management Area (SMA). See Niulani Beach Restoration SSBN application, Appendix D, Figure F for proposed extent of encroachment. Best Management Practices (BMPs) will be used to minimize impacts, as detailed in the Niulani Beach Restoration SSBN application, item 10. We anticipate future consultations with the County of Kaua'i Planning Department to confirm and comply with permitting requirements.*

*Response to Comment 2: The proposed project is consistent with the objectives of the SMA. A thorough assessment of the project's consistency with the objectives of the SMA will be conducted in future consultations with the County of Kaua'i Planning Department*

*Response to Comment 3: Work will remain above the Mean Lower-Low Water (MLLW) line and is not expected to impact subtidal marine habitat. BMPs will be implemented, and environmental impacts will be monitored in accordance with the Applicable Monitoring and Assessment Plan (AMAP) in Appendix G of the Niulani Beach Restoration SSBN application.*

*Response to Comment 4: The shoreline will be monitored pre-, during and post-construction to evaluate the efficacy of the groins. The data is expected to confirm that the design is effective at partially stabilizing the erosion without causing negative impacts. In the unlikely event the groins are found to be ineffective or cause unanticipated impacts to the area, they will be removed.*

*Response to Comment 5: Analysis results for the 500 cubic yards (cu. yd.) of sand currently stockpiled in Estrella Enterprises' baseyard are attached to the Niulani Beach Restoration SSBN application as Appendix F. Per item 7f of the application, analysis results of future dredged materials for both the 1) remaining 1,500 cu. yd. of sand needed for initial nourishment and 2) the 500 cu. yd. of sand needed for each maintenance nourishment event will be submitted to the Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) for review and approval. In addition, required permits and approvals (e.g., from the County of Kaua'i) for sand excavation from the canal will be obtained prior to dredging the Waipouli Drainage Canal for beach sand extraction. The canal requires periodic clearance to ensure its efficacy as a drainage canal and reduce*

*flood risks. It was last dredged in 2023, so existing material within the canal is recently accreted. BMPs, including a sand plug in the canal and geotextile separation fabric under the sand stockpiles, will be implemented to minimize risk to water quality.*

*Response to Comment 6: The protection of cultural, historical, and natural resources and practices in the project area is critical. To help maintain cultural integrity and foster respectful stewardship of the site, we will consult with the State Historic Preservation Division (SHPD) in accordance with Hawai'i Revised Statutes (HRS) Chapter 6E and U.S. National Historic Preservation Act (NHPA) Section 106, as well as with the Aha Moku, the Kaua'i Island Burial Council and recognized Native Hawaiian descendants affiliated with the area.*

*Response to Comment 7: The project will temporarily limit existing recreational activities at the site since pedestrians will not be allowed to enter the area during construction activities. Long-term project effects on lateral shoreline access will increase opportunities for recreational use. The groins have a low crest elevation and will be entirely buried in the nourished beach at their mauka (landward) ends, meaning they will be largely hidden from site and will not negatively impact existing lateral shoreline access.*

*Response to Comment 8: The project will widen the sandy beach along the shoreline and will not alter view planes and mauka-makai lines of sight. The crest elevation of the proposed groins (7 feet above MLLW) is well below grade elevations of the residential backyard area (12 feet above MLLW on average), meaning the groins will not be visible from Niulani Road.*

*Response to Comment 9: Oceanit developed iBeach, a new computer vision technology that monitors the beach size with a high degree of temporal resolution. A detailed plan to monitor the project's environmental impacts can be found in the AMAP, included as Appendix G of the Niulani Beach Restoration SSBN application.*

*Response to Comment 10: The purpose of this project is to extend the beach to dissipate wave energy, prevent wave run-up from flooding and damaging habitable dwellings, and reduce the impact of storms and rising sea levels on inland areas.*

*Response to Comment 11: A BMP plan, which depicts staging areas, access routes and erosion control measures, is provided in the Niulani Beach Restoration SSBN application, Appendix D, Figure F. Additional standard BMPs that will be implemented are detailed in item 10 of the application. The BMP plan will be developed further during future consultations with pertinent regulatory agencies.*

#### OPDS CZM

Comment 1: It is noted that the proposed SSBN project will construct three rock groins on state submerged lands seaward of the private lands. If federal permits are required, then the subject project may be subject to National Coastal Zone Management Act (CZMA)

federal consistency review. OPSD is the lead state agency with the authority to conduct CZMA federal consistency determinations. Please contact OPSD on the applicable rules and regulations related to federal consistency reviews.

Comment 2: The applicant shall confirm with the County of Kaua'i Planning Department any requirements of Special Management Area (SMA) use or shoreline setbacks if related beach nourishment action including staging will occur within the county designated SMA or further in the shoreline area as defined in Hawai'i Revised Statutes § 205A-41.

*Applicant's Response:*

*Response to Comment 1: We anticipate future consultations with the U.S. Army Corps of Engineers (USACE) to pursue a Nationwide Permit (NWP) or Individual Permit. In conjunction, we will apply for a CZMA federal consistency review with OPSD.*

*Response to Comment 2: We will consult with the County of Kaua'i Planning Department to confirm permitting requirements related to construction access and staging and other activities within the SMA and shoreline setback.*

Office of Hawaiian Affairs

*Comment 1: "Minor" Sand retention Structures & Rock Groin Permanence:* The comments explain that under Hawai'i Administrative Rules §13-5-22, only small-scale, temporary sand retention structures—such as sandbags or geotextile groins—qualify for streamlined permitting through the SSBN program. These temporary devices are designed to be easily removed, monitored, and adjusted if they prove ineffective or harmful. In contrast, the proposed 70-foot rock groins are substantial, permanent structures that would significantly alter coastal processes and require heavy equipment for removal. Because of their size and permanence, such rock groins do not qualify as "minor" structures under the SSBN program. Suggested the project instead undergo the full Conservation District Use Permit (CDUP) process, environmental review under HRS Chapter 343, and obtain additional necessary permits from the U.S. Army Corps of Engineers and the County for activities within the SMA.

*Comment 2: Shoreline and Public Trust Boundaries:* The comment notes that some project plans show the proposed vegetated berm and plantings extending makai of the current natural shoreline, yet the application lacks up-to-date certified shoreline maps. Under Hawai'i law, the legal shoreline is determined by the natural high wash of the waves—not by artificial barriers or new vegetation—which means that planting or constructing features seaward of that line could unlawfully encroach on public trust lands. The OHA emphasizes that the shoreline must remain natural to protect public access and traditional cultural practices such as fishing and gathering, which are active in the area, as well as to preserve habitat for species like honu. Therefore, OHA recommends that before any berm construction or planting occurs, each parcel obtain a current certified shoreline

map, and that the OCCL verify that proposed vegetation will not shift the legal shoreline seaward.

*Comment 3: Archaeological Resources & Burials:* Burials have been found near both the beach nourishment and sand extraction sites, including preserved iwi kūpuna at TMK:028 (SIHP 50-30-08-02419). Because of the area's high cultural and archaeological sensitivity, OHA recommends consulting with the State Historic Preservation Division, confirming any existing Burial Treatment Plan, conducting archaeological surveys and monitoring before and during construction, and ensuring protective measures and buffers are in place before removing sandbags covering preserved burials.

*Closing Remarks:* OHA notes that the Niulani shoreline is highly erosive and vulnerable to sea-level rise. While OHA supports short-term, removable erosion control under the SSBN program, the proposed rock groins are too permanent and could harm the environment, shoreline access, and cultural practices. OHA recommends requiring a full CDUP, coordination with the USACE and County for any long-term structures, ensuring shoreline certification for berm and planting work, and consulting with SHPD to protect known burials with archaeological review and monitoring.

*Applicant's Response:*

*Response to Comment 1: Rock groins do fit within the constraints of the SSBN program. Per the original SSBN guidelines, "the following activities could be potentially considered for approval: ...small scale sand retention devices such as sand filled bags or rocks would be permissible under certain situations."<sup>1</sup> The proposed groins are short and only extend seaward up to the Mean Sea Level (MSL) line, have a low crest elevation, and will consist of layers of ungrouted boulder stones for easy removal, if needed. In our experience, it requires roughly the same effort and heavy equipment to place/remove boulder stones as it does large sandbags. Moreover, if the groins are proven to be effective at stabilizing the erosion without causing negative impacts, then the Niulani Road Hui may seek approval for the groins to remain in place, which will be less disruptive to the surrounding environment than replacing sandbags with boulder stones in the future. Not having to remove the temporary groin structures and replace them with permanent structures would also decrease the risk of exposure and disturbance of known burials in the area. Please note that in addition to pursuing a SSBN permit for the project, we will convene future consultations with the USACE to pursue a Nationwide Permit (NWP) or Individual Permit, as well as with the County of Kaua'i Planning Department to confirm permitting requirements, which may include a SMA permit and a shoreline setback related permit.*

*Response to Comment 2: A shoreline delineation was included in the Niulani Beach Restoration SSBN application in Appendix C, in accordance with Instruction 5c of the Instructions for General Application, Category II, Small Scale Beach Nourishment Projects that says, "a professional shoreline delineation is required at minimum" for SSBN applications. Moreover, per Article V, Term 2 of the Instructions for General Application,*

*Category II, Small Scale Beach Nourishment Projects, “no activities or work authorized under [a SSBN] permit shall be used to increase the private property boundary or move the certified shoreline makai (seaward).” We will comply with this term.*

*Response to Comment 3: Your recommendations are well received. It is critical to protect cultural, historical, and natural resources and practices in the project area. We will consult with the State Historic Preservation Division (SHPD) in accordance with Hawai'i Revised Statutes (HRS) Chapter 6E and U.S. National Historic Preservation Act (NHPA) Section 106, as well as with the Aha Moku, the Kaua'i Island Burial Council and recognized Native Hawaiian descendants affiliated with the area, to help maintain cultural integrity and foster respectful stewardship of the site.*

#### OCCL Response

Due to the comments reference to appropriate permitting level and appropriateness, OCCL also responded directly to OHA. OCCL's reply to OHA outlined the applicability of SSBN permitting for the proposed rock groins and OCCL's assessment that given the known existence of cultural resources in the area, rock groins may be more appropriate to minimize disturbance to the area. OHA also expressed concern regarding the lack of a certified shoreline. OCCL identified that a certified shoreline is not a requirement for SSBN projects and that such a requirement would potentially expose the known burials to further erosion. OCCL also confirms that documentation of the current location of the upper reach of the high wash of the waves will be utilized in any future shoreline certifications and that the shoreline will not be located further makai of the current location in accordance with the SSBN permitting guidelines.

The application was also made available for 30-day public review and comment in The Environmental Review Program (ERP) Environmental Notice (TEN) on September 23<sup>rd</sup>, 2025<sup>1</sup>. Comments were received from one member of the public:

#### Douglas Meller

As a condition for approval of this application, Mr. Meller requests the DLNR to require the applicant(s), and future owners and occupants of their shoreline properties, not to apply for certification of the regulatory shoreline makai of the existing preconstruction (May 2025) certified shoreline, consistent with the attached 7/9/21 BLNR minutes for agenda item K-2.

#### Applicant's Response:

*We appreciate your support of the application. Your requested condition that the applicant does not apply for certification of the regulatory shoreline makai of the existing preconstruction shoreline is consistent with Article V, Term 2 of the Instructions for General*

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<sup>1</sup> Office of Environmental Quality Control (October 23, 2025). The Environmental Notice. [https://files.hawaii.gov/dbedt/erp/The\\_Environmental\\_Notice/2025-09-23-TEN.pdf](https://files.hawaii.gov/dbedt/erp/The_Environmental_Notice/2025-09-23-TEN.pdf)

*Application, Category II, Small Scale Beach Nourishment Projects, which states that “no activities or work authorized under [a SSBN] permit shall be used to increase the private property boundary or move the certified shoreline makai (seaward).”<sup>1</sup> We will comply with this term.*

## **ANALYSIS**

After reviewing the application, the Department finds that:

1. The proposed activities are identified land uses within the Resource subzone of the Conservation District, according to Hawaii Administrative Rules (HAR) §13-5-22 (P-16) *Beach Restoration*.
2. The project is consistent with the purpose of the Conservation District and consistent with the goals and objectives of the Hawaii Coastal Erosion Management Plan (COEMAP) adopted by the Board of Land and Natural Resources in 1999. It is a major goal of COEMAP to promote appropriate erosion control and beach restoration efforts such as this.
3. The beach restoration approach proposed presents an effective design with the smallest environmental and community “footprint” possible and follows the SSBN and COEMAP guidelines and policies.
4. The project is consistent with the Environmental Assessment and Statewide Conservation District Use Permit (CDUP ST-3000) for Small-Scale Beach Nourishment projects in Hawaii. A Finding of No Significant Impact (FONSI) for the Final Environmental Assessment supporting the Statewide CDUP and State Program General Permit for Small Scale Beach Nourishment Projects in the Hawaiian Islands was issued by DLNR in May, 2000.

## **DISCUSSION:**

The proposed project is intended to restore the beach located seaward of Niulani Road by placing up to 10,000 cy of beach-quality sand on the shoreline located seaward of the subject properties over a 15-year period. The project would utilize beach quality sand to 1) provide an erodible buffer to the Nuilani Road Hui, and 2) improve lateral access and safety for beachgoers. The project would take place over a 15-year period in which groin construction and an initial nourishment effort using 2,000 cy of beach quality material would take place over the first four to six months of the project; this initial project phase would be followed by periodic nourishment efforts of approximately 500 cy of beach-quality material to be undertaken every three to four years as indicated by monitoring.

The project would include construction of three shore-perpendicular groins, proposed as approximately 180 ft. on center, comprised of 500 cu. yd. of un-grouted boulder basalt stone and with an overall footprint of 72 x 24 feet. The structures will extend from the shoreline fronting the properties to the 0 ft. Mean Sea Level (MSL) line and have a low crest

elevation above Mean Lower-Low Water (MLLW). The three groins will have a 1V:1.5 H side-slopes and 1V:2H end slopes. The two terminal groins are designed to intercept wave energy reflected from adjacent seawalls, in efforts to reduce erosion and refraction and flanking from adjacent armored shorelines. The structures are designed to stabilize and retain nourished sand for at least 15 years and will be monitored for effectiveness and impacts. If successful, the Niulani Road Hui will apply for permanent approval; otherwise, the groins will be removed. Final review and approval of the groin design by OCCL will be required prior to construction.

The proposed sand source for use in nourishment and groin construction is extracted from Waipouli Drainage Canal, approximately 0.4 miles south of the project site. 500 cy of sand from the 2023 Kauai Kailani Beach Restoration project stockpiled at the Estrella Enterprise baseyard is currently available for use. The remaining estimated 1,500 cu. yd. of sand needed for nourishment is intended to be recovered from the same canal via mechanical dredging during the Niulani Beach Restoration project.

Comments regarding this project were received from the Kaua'i County Planning Department, OPSD CZM, OHA and Mr. Doug Meller. The comments were addressed by the applicant and OCCL. The project must undergo Special Management Area (SMA) and shoreline setback permitting process with the Kaua'i County Planning Department and permitting with the Department of the Army for any activities within their jurisdictions prior to commencing construction.

The stockpiled sand meets applicable DLNR grain size requirements. No more than 50 percent of the sand is less than 0.125 mm, as measured by the #120 standard mesh sieve. The percentage of fine sediment (less than 0.075 mm) is less than 2 percent, and the percentage of coarse sediment (more than 4.75 mm) is less than 2 percent. The overall the grain size distribution shows that the proposed fill sand is generally coarser than the native Niulani Beach sand, making it more difficult to move by wave action. In addition, the sand is 93 percent calcium carbonate (CaCO<sub>3</sub>). Full grain size distribution results for the stockpiled sand are attached (Exhibit 4).

There are no open violation cases for the five TMKs involved in this proposal as they work towards a long-term collective solution in place of parcel-by-parcel measures. The proposed SSBN project will facilitate the removal of the existing temporary erosion control structures while protecting known cultural resources.

As such, Staff recommends the following:

#### **RECOMMENDATION**

Based on the preceding analysis, Staff recommends that the Chair of the Board of Land and Natural Resources approve the Category II Small Scale Beach Nourishment Application for (SSBN) application KA-25-03 for the Niulani Hui Project, at Kapa'a Kaua'i:

fronting TMK's (4) 4-3-009:003, (4) 4-3-009:002, (4) 4-3-009:028, (4) 4-3-009:027 and (4) 4-3-009:026 with the following terms and conditions.

**TERMS AND CONDITIONS:**

This project is subject to the following Special Terms and Conditions:

1. A State Historic Preservation Division approved Burial Site Component to a Preservation Plan and Archeological Data Recovery Plan as required upon the inadvertent discovery of remains in December 2021 must be submitted to OCCL prior to final approval to commence construction.
2. Final groin design will be submitted to OCCL for approval following the Department of the Army review and permitting process.

The project is subject to the following General Terms and Conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State, and County governments, and applicable parts of Chapter 13- 5, HAR;
2. The applicant shall comply with all applicable Department of Health administrative rules;
3. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, in accordance with the materials submitted to the Department;
4. The applicant shall submit a summary report to the DLNR within 90 days of the completion of the project describing the status of the fill, what maintenance actions took place and include photographic or other quantitative evidence (beach profiles or volume calculations) of the beach condition.
5. The applicant understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
6. Work shall be conducted at low tide during minimal rainfall and calm weather periods to the most practical extent possible and no work shall occur if there is high surf or ocean conditions that will create unsafe work or beach conditions;
7. Authorization of the sand use and placement, including sand currently contained in erosion control structures, is contingent upon review and approval of the sand by the Department. The sand shall meet the following State quality standards:
  - a. The proposed fill sand shall not contain more than six (6) percent fines, defined as the #200 sieve (0.074 mm);

- b. The proposed beach fill sand shall not contain more than ten (10) percent coarse sediment, defined as the #4 sieve (4.76 mm) and shall be screened to remove any non-beach compatible material and rubble;
  - c. No more than 50 (fifty) percent of the fill sand shall have a grain diameter less than 0.125 mm as measured by #120 Standard Sieve Mesh;
  - d. Beach fill shall be dominantly composed of naturally occurring carbonate beach or dune sand. Crushed limestone or other man-made or non-carbonate sands are unacceptable;
8. Sand used for beach maintenance shall be screened of course material (rocks) and any non-beach compatible material;
9. All placed material shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;
10. To avoid encroachments upon the area, the applicant shall not use artificially accreted areas due to nourishment as indicators of the shoreline. The information provided with this application should be included in future review if a certified shoreline is requested;
11. The applicant shall implement Best Management Practices (BMPs) to minimize dirt and silt from entering the ocean and the ability to contain and clean up fuel, fluid, or oil spills immediately for projects authorized under this authorization and immediately report any spill(s) or other contamination(s) that occurs at the project site to the Department of Health and other appropriate agencies;
12. The applicant shall ensure that excessive siltation and turbidity is contained or otherwise minimized to the satisfaction of all appropriate agencies, through silt containment devices or barriers, high sand quality and selective sand placement;
13. Appropriate safety and notification procedures shall be carried out. This shall include high visibility safety fencing, tape or barriers to keep people away from the active construction site and a notification to the public informing them of the project;
14. A survey of the project area shall be conducted prior to commencement of the proposed activities to ensure no protected marine species are in the project area. If protected species are detected activities shall be postponed until the animal(s) voluntarily leave the area. All on-site personnel shall be apprised of the status of any protected species;

15. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Chairperson;
16. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
17. The permittee shall obtain appropriate authorization from the department for the occupancy of state lands, if applicable;
18. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
19. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
20. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
21. For all landscaped areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in section 205A-1, HRS;
22. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. All exterior lighting shall be shielded to protect the night sky;
23. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided

for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;

24. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
25. Other terms and conditions as prescribed by the Chairperson;
26. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully submitted,

*S Michael Cain*

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S. MICHAEL CAIN, Administrator  
Office of Conservation and Coastal Lands (OCCL).

Under the authority of §13-5-22 (P-16), Hawai`i Administrative Rules, this request for a Departmental Permit for SSBN HA-23-01 is hereby:

Approved

Disapproved

Dated at Honolulu, Hawai`i \_\_\_March 20, 2026\_\_



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**RYAN KANAKAOLE**, Acting Chairperson  
Board of Land and Natural Resources

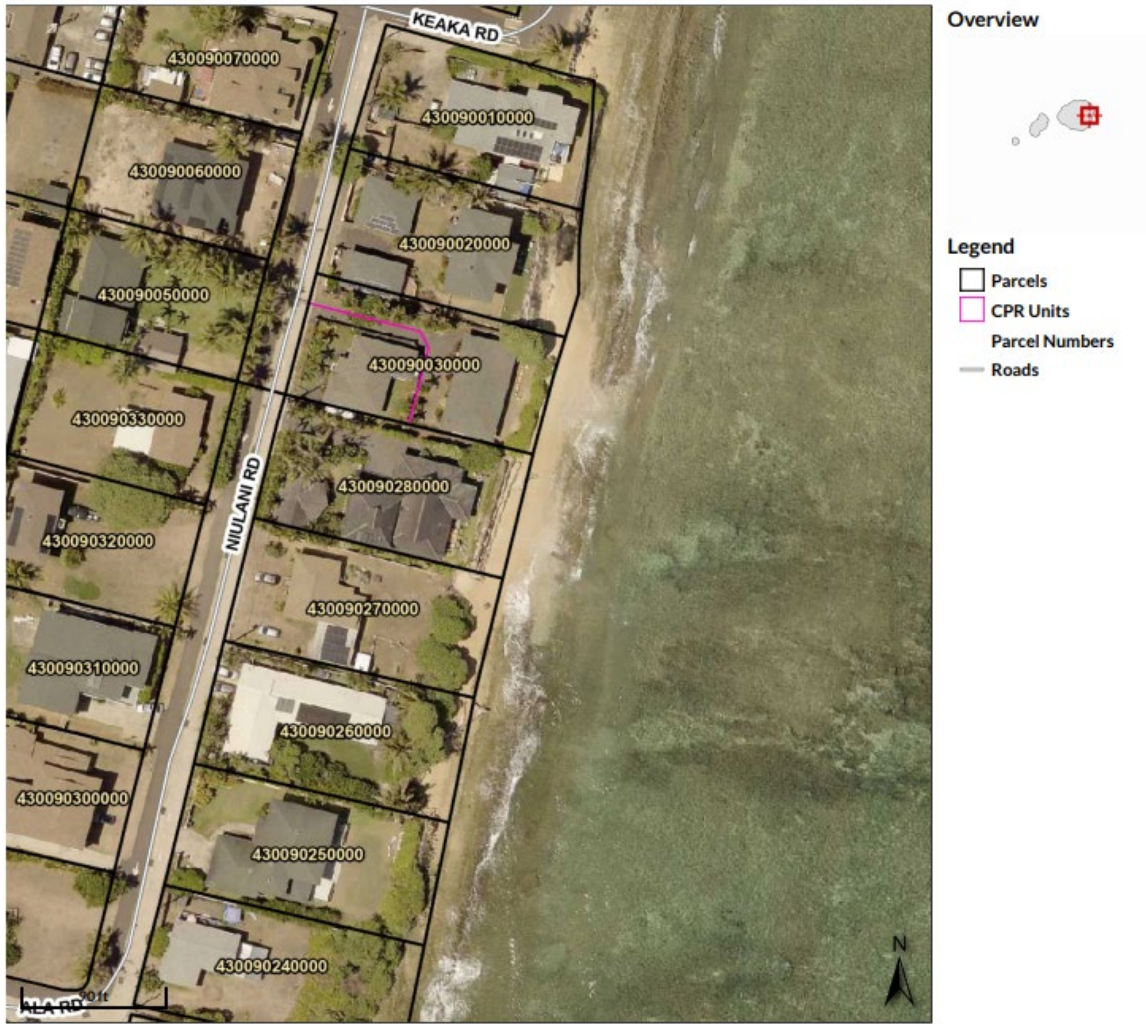


EXHIBIT 1: Project Location



**Photograph 1.** Fronting the property of TMK 4-3-009:026, looking south



**Photograph 2.** Fronting the property of TMK 4-3-009:026, looking west at the property



**Photograph 3.** Fronting the property of TMK 4-3-009:026, looking north



**Photograph 4.** Fronting the property of TMK 4-3-009:027, looking north



**Photograph 5.** Fronting the property of TMK 4-3-009:028, looking south



**Photograph 6.** Fronting the property of TMK 4-3-009:028, looking north



**Photograph 7.** Fronting the property of TMK 4-3-009:003, looking south



**Photograph 8.** At property boundary of TMKs 4-3-009:003 & :002, looking south



**Photograph 9.** Fronting the properties of TMKs 4-3-009:003 & :002, looking west to shore



**Photograph 10.** Fronting the property of TMK 4-3-009:002, looking north

EXHIBIT 2: Existing Beach Conditions

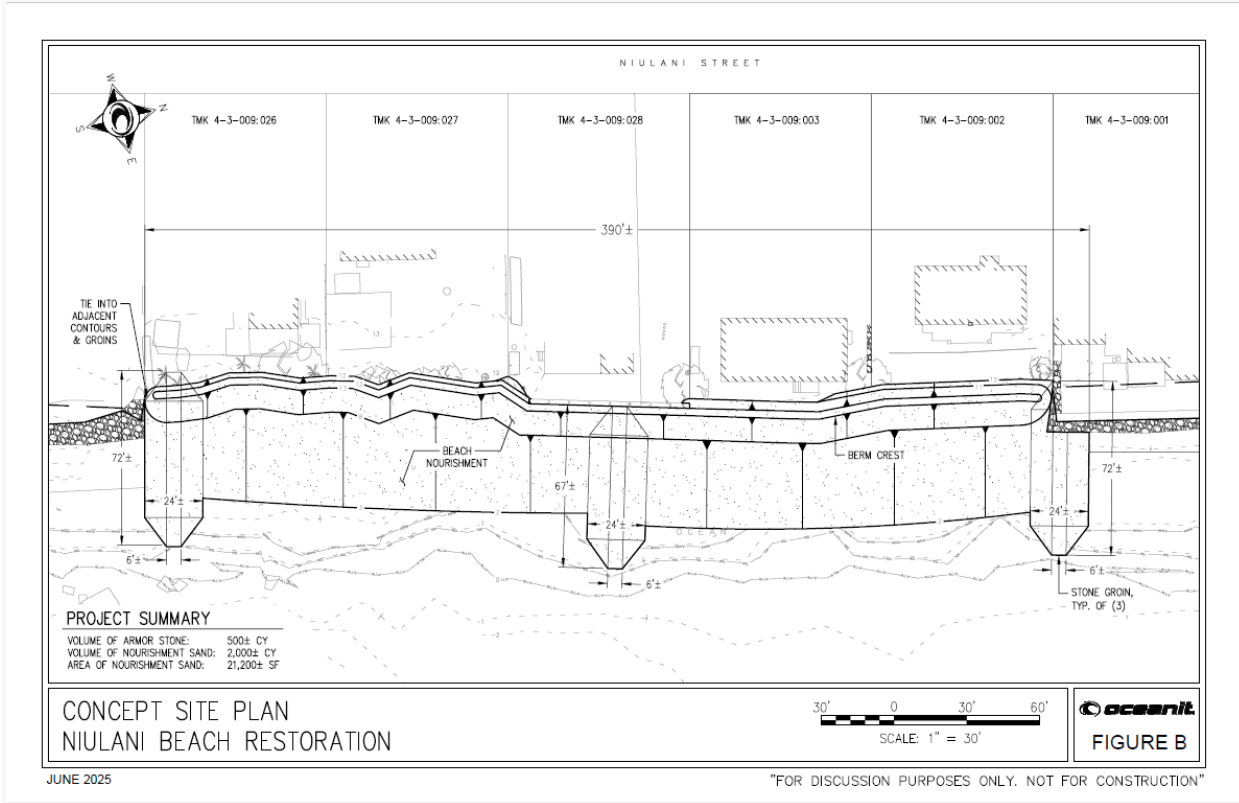


EXHIBIT 3: Conceptual design of beach nourishment fill and small retention structures

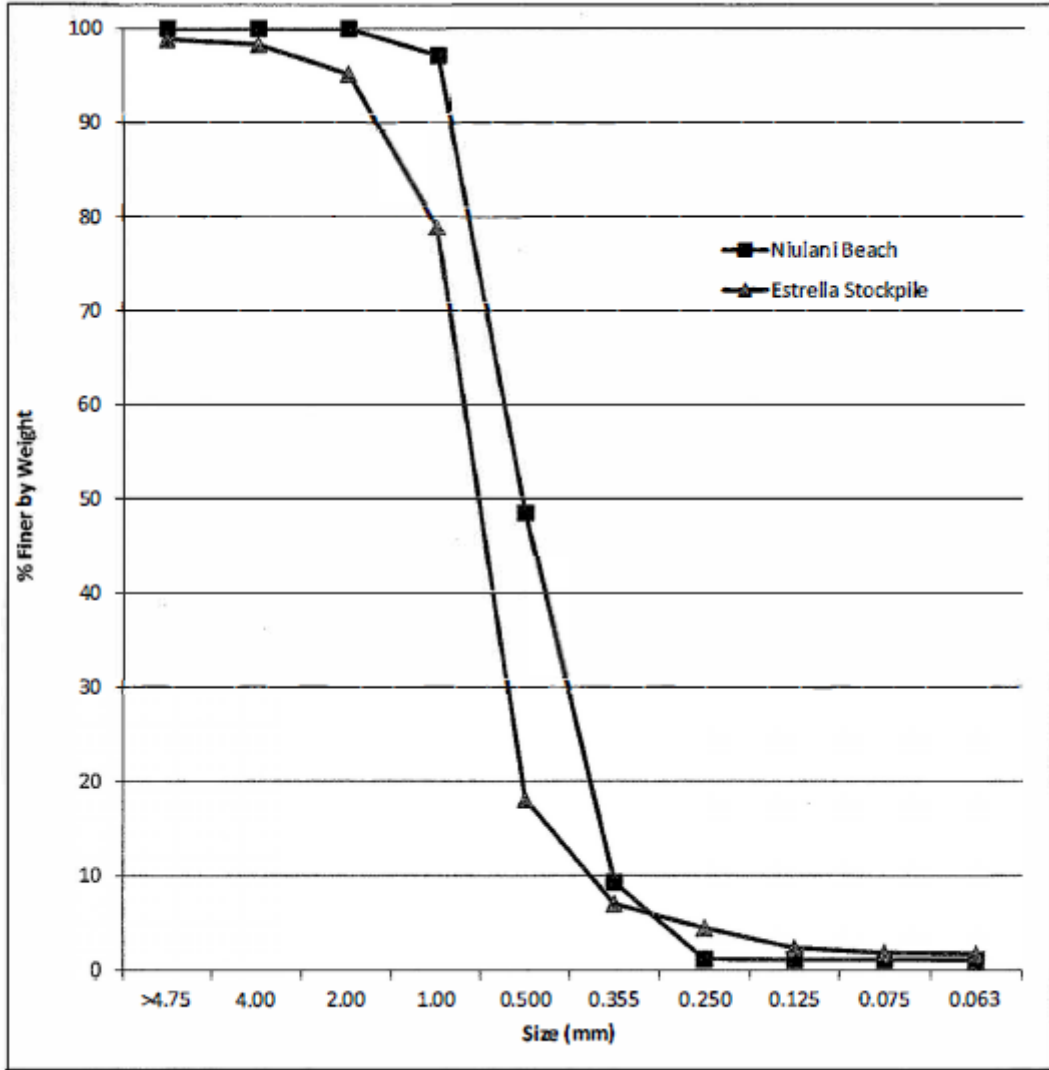


EXHIBIT 4: Sand Analysis