

**STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i**

January 22, 2021

**Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i**

REGARDING: Conservation District Enforcement Case OA 20-37 Regarding an Unauthorized Structure Located Along the Shoreline Within the Conservation District at Punalu'u, O'ahu

BY: Zdenek "Don" Prchal
91-351 Ewa Beach Road
Ewa Beach, HI 96706

LOCATION: 53-227 Kamehameha Highway, Punalu'u, Ko'olauloa, O'ahu

TAX MAP KEY: (1) 5-3-002:034 (Seaward)

SUBZONE: Resource

DESCRIPTION OF AREA:

The subject area is located on O'ahu's east shore, just south/east of Punalu'u Beach Park and seaward of TMK: (1) 5-3-002:034 (**Figures 1-3**). All lands in Hawai'i that are seaward of the shoreline are located in the Resource Subzone of the State Land Use Conservation District and are owned by the State.



Figure 1: Map of O'ahu & Site



Figure 2: Map of Punaluu - O'ahu & Site Location



Figure 3: Map of Property Location in Punalu'u Area

The subject shoreline property, which contains a two-family residence, is approximately three lots east of Punalu'u Beach Park and approximately 1.5 miles west of Kahana Bay Beach Park. Residential properties are located to the north, west, and south of the subject area and the Pacific Ocean is to the northeast/east. Lands seaward of where the shoreline would be determined, based on Hawai'i Revised Statutes (HRS) §205A-1 and Hawai'i Administrative Rules (HAR) §13-222 *Shoreline Certifications*, are located in the Conservation District Resource Subzone and would be considered State of Hawai'i submerged land.

Punalu'u and its white sandy beaches are on the east or windward side of O'ahu. It is primarily subject to waves driven from northeasterly trade winds all year-round with the dominant direction of sediment transport being from south to north. This pattern of sediment transport appears to reverse when there is a dramatic decrease in the northeasterly trade winds coupled with a dramatic increase in the frequency and magnitude of the North Pacific swell which tends to happen during the winter months. Under a dramatic decrease in northeasterly trade winds and more frequent and bigger North Pacific swell conditions, typical local sediment transport reverses resulting in the net movement of sediment from north to south.

The Punalu'u coastline is characterized by long narrow sand beaches and an offshore fringing reef. The shallow fringing reef protects the shoreline from the full energy of northeast tradewind waves and refracted north swells. The beach along this portion of Punalu'u is primarily carbonate sediment with lobes of clay-rich outwash deposits interbedded amongst the sand and is composed of calcareous sand with terrigenous alluvium around Punalu'u Stream mouth. No modern frontal dune is evident along this portion of the Punalu'u shoreline indicating that either the seaward edge of the coastal dune has eroded or that it has been graded and leveled for development. Landward of the beach and its erosion scarp consists of a low-lying sandy coastal plain.

Long-term shoreline change rates in the vicinity of the subject property have trended towards chronic erosion (approximately 0.6 to 0.9 feet per year - **Figure 4**). In addition to the long-term erosional trends are large seasonal fluctuations in beach width and shoreline position generated by sediment exchange among the northern and southern segments of the sediment cell due to the seasonal variability in wave and wind patterns.

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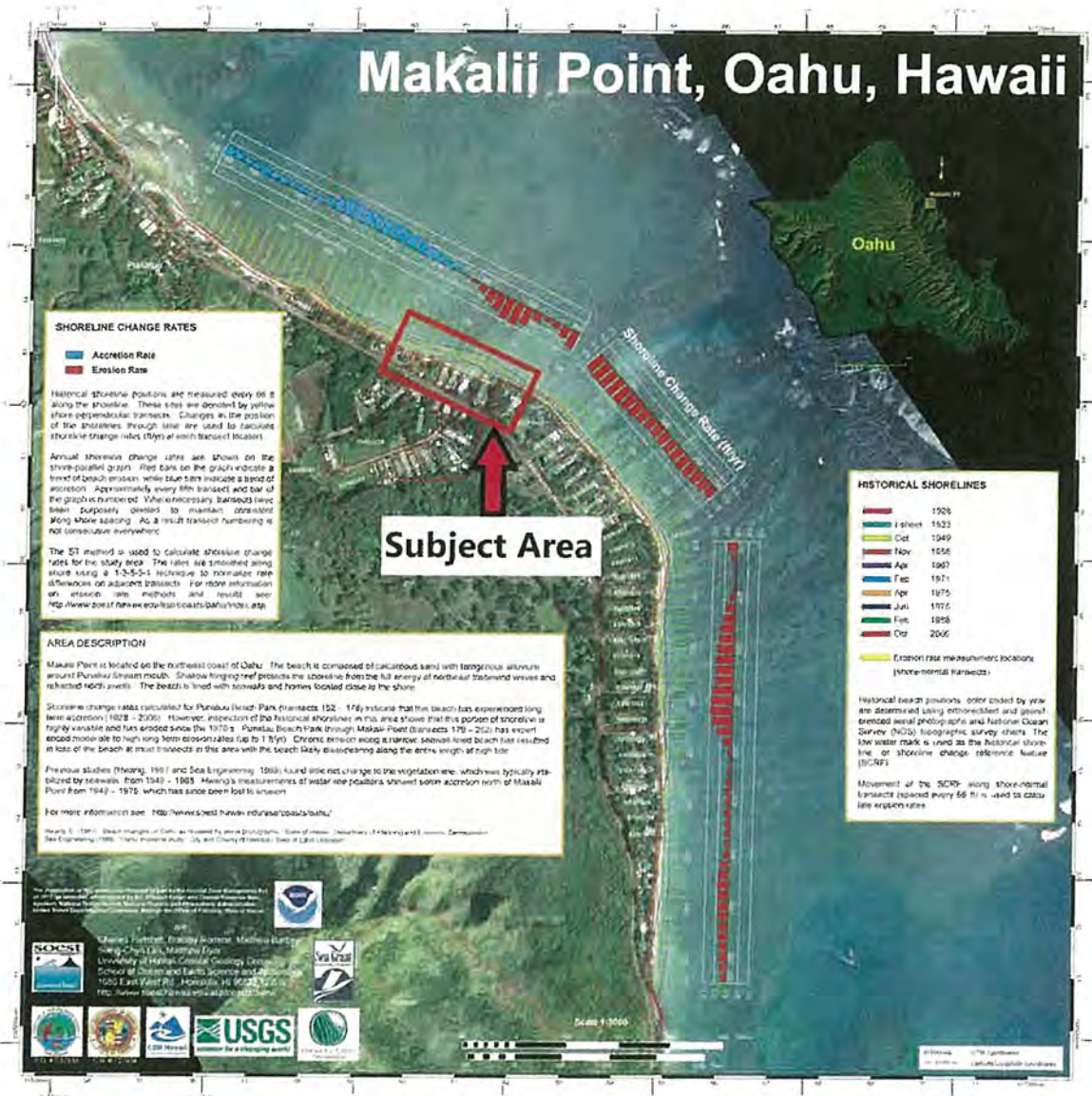


Figure 4: Map Showing Trend of Shoreline Change in Makali'i Point - Punalu'u Area (<http://www.soest.hawaii.edu/coasts/erosion/oahu/>)

The combination of long-term chronic and episodic seasonal erosion as well as the low-lying coastal plain is producing increasingly hazardous conditions for beach-front homes in the area owing to rapid sand loss and run-up by large waves. This region is extensively developed with residential structures fronted by narrow beaches suffering from chronic erosion, lack of modern frontal sand dunes, and the low-lying coastal plain offer less protection with more wave energy coupled with higher water levels. Consequently,

homes in the subject area – including the subject property - have a long history of problems with coastal erosion.

PROPERTY HISTORY - PHOTOS:



Figure 5: 2005 Photo Showing Property's Previous Structure & Shoreline

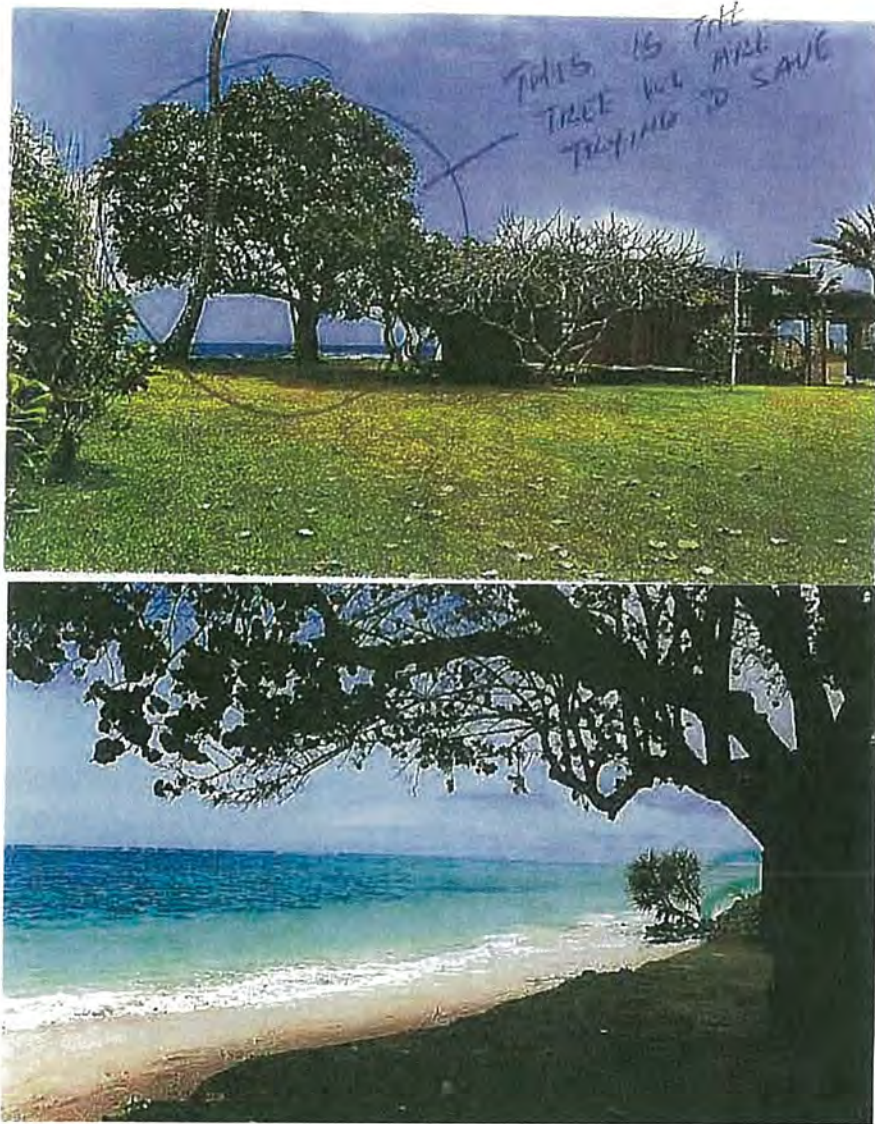


Figure 6: August 2012 Photo Showing Property's Previous Structure & Shoreline



Figure 7: December 2012 Photo Showing Property's Previous Structure Being Threatened by Erosion



Figure 8: January 9, 2013 Photo Showing Removal of Property's Previous Residence & Shoreline Area



Figure 9: July 2014 Photo Showing Property's New Residence & Erosion Scarp



Figure 10: August 8, 2014 Photo Showing Erosion Scarp After Hurricane Iselle



Figure 11: September 2014 Photo Showing Property's Current Residence & Failed Temporary Erosion Control Measures

SHORELINE PROTECTION FOR PUNALU'U HOMES
PHOTO SET – TMK (1) 5-3-002:034 (DON PRCHAL & VIOLETA TABLIT)



Shoreline erosion control blankets (and encroachments) along shoreline (December 29, 2016)

Figure 12: December 2016 Photo Showing Property's Shoreline Structure from SPA Application OA 18-08



Figure 13: March 30, 2017 Photo Showing Property's Shoreline



Figure 14: April 18, 2017 OCCL Photo Showing Property's Shoreline



Figure 15: June 27, 2017 OCCL Photo Showing Property's Shoreline & Failed Temporary Erosion Control Structure



Completed Structure (Prchal) – View To South
(NOTE: small sandbags and wooden rail to be removed)

Figure 16: June 5, 2018 Photo from SPA OA 17-31 Completion Report

PROPERTY HISTORY – OCCL MATTERS

According to OCCL files, there have been several correspondence letters, approvals, and alleged violations regarding this parcel and work in the shoreline area. This history includes the following:

May 16th, 2005: The landowner, Kamehameha Schools, submitted to the OCCL a request to install a sandbag shore protection structure as a temporary measure to address erosion issues while the landowner researched and pursued a long-term solution. On August 10th, 2020, the landowner submitted to the OCCL a preliminary long-term plan for erosion control along five (5) properties on the Punalu'u coastline including the subject property. The proposal included a beach nourishment project coupled with groins or breakwaters as needed and reiterated their request to use sandbags as an interim protection measure (**see Exhibit A**).

October 26th, 2005: The landowner, Kamehameha Schools, was authorized to install emergency erosion control in the form of approximately 68 sandbags stacked three (3) high in a sloping revetment on a 1.5:1 slope with Emergency CDUA OA 05-09. Emergency CDUA OA 05-09 was authorized subject to twenty-eight (28) conditions and for a period of five (5) years from the date of acceptance. The applicant noted at the time that they were working on the proposed beach nourishment project as a potential long-term solution to the chronic erosion experienced along this stretch of shoreline. Based on OCCL records, no action was taken by the landowner to install the temporary emergency protection under Emergency CDUA OA 05-09 (**see Exhibit B**).

February 11th, 2011: The OCCL sent the property owner, Kamehameha Schools, a "no objections" letter (Correspondence: OA 11-155) for the removal of twelve (12) coconut trees for public safety purposes along three properties (TMK: (1) 5-3-002:034, 035, & 051) on this stretch of Punalu'u coastline that included the subject parcel (**see Exhibit C**).

October 27th, 2012: The landowner, Mr. and Mrs. Patrick and Freda Field, sent a request to the OCCL to obtain a temporary erosion control permit to install a temporary erosion control structure consisting of coir sandbags and blankets similar to a neighboring structure. The landowners indicated to OCCL staff that they had purchased the property in August 2012. The landowners also stated that the erosion problems plaguing the property were greater than they had anticipated and caused the landowners to tear down the existing dwelling December 23rd, 2012 (**see Figure 7 & 8 above**). Additionally, the landowners noted that the erosion was causing them difficulties in obtaining a shoreline certification for the purposes of constructing a new residential structure on the property despite the severe erosion plaguing this stretch of the Punalu'u coastline and subject lot (**see pages 1 to 37 in Exhibit D**).

February 13th, 2013: The OCCL authorized the landowners, Mr. and Mrs. Patrick and Freda Field, to install temporary erosion control using biodegradable "coir" sandbags in the shoreline area fronting TMK: (1) 5-3-002:034 with SPA OA 13-32. This temporary erosion control authorization was subject to twenty-seven (27) conditions and required

that the landowners remove the temporary structure and materials within two (2) years. This authorization also required that the landowners develop a long-term plan for the erosion issues and the property. SPA OA 13-32 also noted that subsequent erosion control efforts that called for modification, other than maintenance of the proposed structure, would require a new application (**see pages 38 to 43 in Exhibit D**).

February 22nd, 2013: The landowners, Mr. and Mrs. Patrick and Freda Field, sent the OCCL a request to modify SPA OA 13-32. After requesting and being authorized to use coir netting in their temporary erosion control structure, the landowners stated that they were having difficulties obtaining the coir material. Additionally, their letter noted that Joe Correa was the only person selling the coir material and that Mr. Correa would only sell the material to the landowner if they hired Mr. Correa's company for the installation of the temporary erosion control structure. The landowners stated that they could not afford Mr. Correa's prices. As an alternative to the use coir materials, the landowners were proposing and requesting permission to use Elcorock sandbags (**see pages 7 to 10 in Exhibit E**).

February 26th, 2013: The OCCL informed the landowners, Mr. and Mrs. Patrick and Freda Field, by "Correspondence: SPA OA 13-32" that the DLNR was unable to grant the landowners' request to install geotextile (Elcorock) sandbags under SPA OA 13-32. The letter stated that the DLNR's authorization for temporary erosion control using biodegradable materials remained valid (**see pages 11 to 12 in Exhibit E**).

July 31st, 2014: The landowners, Mr. and Mrs. Patrick and Freda Field, submitted another request to install an emergency temporary erosion control structure using different materials than what had been previously approved. This request involved installing small poly sandbags filled with clean calcium carbonate sand wrapped with Mirafy 180 N geofabric with coir netting sewn against the exposed surface of the structure. By this time, the beach shack had been replaced by the two-story two-family residential structure that currently occupies the property (**see Figure 9 & pages 1 to 11 in Exhibit F**).

August 11th, 2014: The landowners, Mr. and Mrs. Patrick and Freda Field, were denied Emergency CDUA OA 15-06 and their request to install emergency temporary shore protection consisting of a 75-foot long sloping revetment made up of poly sandbags, geotextile fabric, and clean calcium carbonate sand. The denial letter noted that the situation did not constitute an "emergency" as defined in Hawaii Administrative Rules (HAR) §13-5-2 because the erosion scarp was approximately fifty (50) feet from the front of the two-story dwelling on the property. The OCCL suggested that the landowners submit a SPA application for temporary erosion control under a revised project plan (**see pages 12 to 13 in Exhibit F**).

September 10th, 2014: The landowners, Mr. and Mrs. Patrick and Freda Field, were issued violation letter OA 15-04 after staff had conducted site visits in the area on August 19th, 2014 and noticed additional erosion control structures being implemented in the shoreline area fronting the subject property. These additional erosion control structures consisted of sandbags made of synthetic material rather than the biodegradable material

bags that were approved by SPA OA 13-32. The violation letter OA 15-04 requested that the landowners provide OCCL with a detailed description and explanation of the erosion control measures that had been installed. The letter also suggested that the landowners propose a resolution for the unauthorized erosion control structures as well (**see Figure 11 & Exhibit G**).

September 29th, 2014: The landowners, Mr. and Mrs. Patrick and Freda Field, responded to OCCL's Violation OA 15-04 letter and reiterated their request for temporary erosion control fronting the property using more "robust" materials and a revised plan (**see Exhibit H**).

November 6th, 2014: The landowners, Mr. and Mrs. Patrick and Freda Field, were denied Emergency CDUA OA 15-08 and their request to install emergency temporary shore protection as conveyed in Emergency CDUA OA 15-06. The landowners indicated that the "brand new residence" was now imminently threatened after Hurricanes Iselle and Julio had passed above Hawai'i and the shoreline had moved landward within twenty (20) feet of the structure. The denial letter highlighted that the landowners on multiple occasions had not complied with the terms and conditions of previous DLNR authorizations for emergency control structures. The letter also pointed to noncompliance with the terms and conditions of previous authorizations which included installing structures that were not consistent with the descriptions and design plans provided with applications; completion reports were not provided to DLNR as required for previously authorized and completed projects; and, the installation of erosion control measures without prior or proper authorization (**see Exhibit I**).

March 20th, 2017: The new landowner, Ms. Violeta Tablit, was issued violation letter Vio: OA 17-31 for the alleged installation of an unauthorized shoreline protection structure along the shoreline of the subject property in August 2016. This unauthorized shoreline protection structure appeared to consist of erosion control blankets with boulders stacked on top. The landowner was instructed to remove the shoreline structure and boulders from the shoreline in their entirety or pay an administrative fee of \$2,000.00, remove the boulders, and apply for an after-the-fact permit for the shoreline structure (**see Figure 12 & Exhibit J**).

April 17th, 2017: The landowner, Ms. Violeta Tablit, responded to DLNR and the OCCL's violation letter OA 17-31 stating that the unauthorized shoreline protection structure had been installed by the previous owner and that they were unaware of its existence when they purchased the property. Additionally, the landowner noted that a close associate of Ms. Violeta Tablit had found rocks from the shoreline and placed them on top of the structure. The Ms. Violeta Tablit indicated to DLNR and the OCCL that Mr. Zdenek Prchal was managing the property on her behalf and was Cc'd on the letter (**see Exhibit K**).

April 20th, 2017: The OCCL received a request from the City and County of Honolulu Department of Planning and Permitting for comments on a Draft Environmental Assessment (DEA) for a Shoreline Setback Variance and the construction of a 643-foot-long continuous concrete rubble masonry shoreline protection structure along seven (7)

residential lots along the Punalu'u coastline including the subject property (**see page 1 in Exhibit L**). This permit was denied by the County and may currently be the subject of an appeal.

May 4th, 2017: The OCCL sent the landowner, Ms. Violeta Tablit, a response to their letter (Vio. OA-17-31 dated May 04 2017). The OCCL suggested that the landowner apply for an After-The-Fact Site Plan Approval for the existing temporary erosion structure that was the subject of Vio: OA 17-31 provided that the landowner removed the boulders and log from the shoreline area (**see Exhibit M**).

May 4th, 2017: The OCCL provided comments on the Draft Environmental Assessment (DEA) for the Proposed Punalu'u Beach Homes Shoreline Protection Project that involved constructing a continuous sloping rock revetment fronting seven properties including the subject property along approximately 643 linear feet of the shoreline in correspondence letter OA 17-190. In summary of the DEA comments provided in OA 17-190, the OCCL found the DEA lacking needed and required details, insufficient, and had concerns that the proposed sloping rock revetment would lead to beach narrowing and loss in the area (**refer back to pages 2 to 4 in Exhibit L**). As mentioned above, this permit was denied by the County.

June 20th, 2017: The OCCL received an After-the-fact SPA application SPA OA 17-75 from the landowner, Ms. Violeta Tablit, and their consultant as part of resolving Vio. OA 17-31 for the unauthorized installation of a shoreline erosion blanket. A site inspection conducted by OCCL on June 27th, 2017 revealed that the unauthorized shoreline erosion blanket was compromised and no longer offering protection. The landowners were instructed to remove the derelict structure and boulders and submit a new SPA application for a new temporary erosion control structure (**see Exhibit N**).

August 9th, 2017: The landowner was issued SPA OA 18-08 for a new temporary erosion control structure seaward of the property with the TMK: (1) 5-3-002:034 and consisting of six (6) to seven (7) 15-foot-wide sections of erosion control blanket material along the existing erosion control scarp. The blankets were to be connected by 3/8-inch polypropylene rope and will be tied into the neighboring temporary shoreline structures. Along the top of the erosion scarp, a 2 by 6-inch header board would be installed and the blankets would be tied at 2-foot intervals. The toe of the blanket would be buried approximately 2 feet below the sand level on the beach to hold it in place. SPA OA 18-08 notes that the landowner was removing all unauthorized land uses related to Vio OA 17-31 and appeared to bring the structure into compliance. SPA OA 18-08 authorized the installation of the proposed temporary erosion control structure subject to twenty-six (26) conditions for a period of three (3) years from the date of the letter. Staff notes that Mr. Zdenek Prchal signed SPA OA 18-08 concurring with the terms and conditions of the approval (**see Exhibit O**).

February 5th, 2019: The OCCL submitted written testimony with correspondence letter OA 19-111 to the City and County of Honolulu Department of Planning and Permitting for the public hearing regarding the Shoreline Setback Variance for the Punalu'u Beach

Homes Shoreline Armoring Project which included the subject property. In its testimony, OCCL stated that it had concerns about the project's potential to negatively impact lateral shoreline access for the public as well as leading to beach narrowing and loss and flanking erosion on beaches adjacent to the proposed structure. The OCCL recommended that the applicants and the City and County of Honolulu give serious consideration to a regional beach restoration project instead of the proposed rock revetment. The OCCL notes that the proposed Punalu'u Beach Homes Shoreline Armoring Project involving the construction of a continuous sloping rock revetment was denied by the City and County of Honolulu Department of Planning and Permitting (*see Exhibit P*).

SUBJECT VIOLATION & IMMEDIATE BACKGROUND

On May 29th, 2020, OCCL staff visited the Punalu'u area after receiving a complaint about unauthorized work being conducted in the shoreline area. OCCL staff used a drone to document any unauthorized work or land uses. During this site visit, OCCL staff documented the alleged unauthorized erosion control structure which appeared to be the rock revetment and a sandbag burrito groin (*see Figure 17 below*).



Figure 17: May 29, 2020 OCCL Photo of Alleged Unauthorized Rock Revetment & Sandbag Burrito Groin

On June 17th, 2020, the OCCL issued the landowner, Mr. Zdenek Prchal, a Notice Of Alleged Violation & Order letter regarding the alleged unauthorized work involving the placement of erosion control in the form of a rock revetment and a shore-perpendicular sandbag groin (*see Exhibit Q*). A corrected Notice Of Alleged Violation & Order letter was sent to the landowner on June 18th, 2020 noting the corrected location of the alleged unauthorized land use(s) being located makai (seaward) of 53-227 Kamehameha Hwy, Punaluu, Koolauloa, Oahu, HI (*see Exhibit R*). Approximately two weeks later, OCCL staff conducted a site visit on the adjacent property on July 2nd, 2020, and further noticed that it appeared that the erosion control structure associated with SPA OA 18-08 had been abandoned and that the unauthorized rock revetment had been constructed in its place. Additionally, it appeared that the materials from the abandoned erosion control structure associated with SPA OA 18-08 had become liberated from the structure and are now posing a nuisance and hazard to the nearshore environment. Based on the **Figure 18** and **Figure 19** below, it is clear to OCCL staff that an unauthorized permanent rock revetment was constructed in the shoreline area fronting the subject property.

On October 1st, 2020, OCCL staff spoke with the landowner, Mr. Zdenek Prchal, via phone regarding a number of returned letters the OCCL had sent him at his listed and stated addresses as well as the alleged violations. The landowner indicated to staff that the rocks fronting the subject property must have been there previously and were exposed by erosion. He also stated that any erosion control materials in the shoreline area fronting the subject property were from the neighboring structures.

On October 12th, 2020, the landowner, Mr. Zdenek Prchal, acknowledged receipt of the DLNR's Notice Of Alleged Violation & Order letter outlining the alleged unauthorized work and land use(s) via phone call with OCCL staff. The landowner maintained that the rocks fronting the subject property were buried on the property and were exposed by erosion, and that any erosion control materials in the shoreline area fronting the subject property were from the neighboring structures.

On October 13th, 2020, the OCCL received a letter dated October 5th, 2020, from the landowner alleging that the rocks that are fronting his property were exposed by erosion and the liberated erosion control materials were from neighboring structures (*see Exhibit S*).

On October 21st, 2020, the OCCL issued the landowner a letter notifying him of OCCL's intention to bring the alleged violation(s) before the Board of Land and Natural Resources (BLNR) for final disposition (*see Exhibit T*).



Figure 18: July 2, 2020 OCCL Photo of Alleged Unauthorized Rock Revetment

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Figure 19: July 2, 2020 OCCL Photo of Alleged Unauthorized Rock Revetment & Erosion Control Materials

ALLEGED UNAUTHORIZED LAND USE IN THE CONSERVATION DISTRICT:

The Department and Board of Land and Natural Resources has jurisdiction over the land lying makai (seaward) of the shoreline as evidenced by the upper reaches of the wash of the waves other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or upper limits of debris left by the wash of the waves, pursuant to §205A-1, Hawaii Revised Statutes (HRS).

Staff believes the unauthorized land uses occurred within the Conservation District based upon the location of the rock revetment seaward of the subject property. The OCCL believes there is sufficient cause to bring this matter to the Board since it is evident that the unauthorized land uses are within the Conservation District pursuant to the Hawaii Administrative Rules (HAR), §15-15-20 Standards for determining "C" Conservation District boundaries:

It shall include lands having an elevation below the shoreline as stated by §205A-1, HRS, marine waters, fishponds, and tidepools of the State, and accreted

portions of lands pursuant to §501-3, HRS, unless otherwise designated on the district maps. All offshore and outlying islands of the State are classified conservation unless otherwise designated on the land use district maps.

Chapter 13-5, HAR and Chapter 183C, HRS regulate land uses in the Conservation District by identifying a list of uses that may be allowed by a Conservation District Use Permit (CDUP). The chapters also provide for penalties, collection of administrative costs and damages to state land for uses that are not allowed or for which no permit has been obtained. HAR §13-5-2 defines “land use” as follows:

- (1) the placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;*
- (2) the grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;*
- (3) the subdivision of land; or*
- (4) the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land*

The work that was conducted at the subject property appeared to consist of the placement of an unauthorized rock revetment in the Conservation District for use as an erosion control structure that was not authorized under Hawaii Administrative Rules (HAR) 13-5-22, P-15 SHORELINE EROSION CONTROL (D-1) *Seawall, revetment, groin, or other coastal erosion control structure or device, including sand placement, to control erosion of land or inland area by coastal waters, provided that the applicant shows that (1) the applicant would be deprived of all reasonable use of the land or building without the permit; (2) the use would not adversely affect beach processes or lateral public access along the shoreline, without adequately compensating the State for its loss; or (3) public facilities (e.g., public roads) critical to public health, safety, and welfare would be severely damaged or destroyed without a shoreline erosion control structure, and there are no reasonable alternatives (e.g., relocation). Requires a shoreline certification.*

The OCCL firmly believes that the placement of the unauthorized rock revetment at the subject property violates the above referenced Administrative Rules. The “Property History” and “Subject Violation” sections above demonstrates the history of the subject property’s shoreline area as well as past and present landowners’ authorized and unauthorized attempts to manage the erosion problems plaguing this stretch of the Punalu’u coast. It is clear that the rocks were not buried in the sand and did not appear as a result of coastal erosion as alleged by the landowner (**refer back Exhibit O and S**). Instead, the OCCL contends that the rocks are the result of the construction and placement of an erosion control structure in the form of a rock revetment in its entirety within the shoreline area which is State-owned land.

DISCUSSION:

The beaches of Hawai'i are held in trust by the State for the benefit of present and future generations. The State should be involved when individuals need to temporarily use beach areas for construction purposes and there should be consequences when an individual unilaterally and willfully acts in such a way that endangers a public trust resource

The beaches of O'ahu are some the state's most valued natural resources and are a key tourism attraction for East O'ahu as well as an important recreational amenity for the Punalu'u community. This stretch of the Punalu'u coastline has been experiencing severe beach loss over the past century and sandy beaches in the region are far and few in-between. People in the area can be witnessed fishing and swimming in areas that still have beaches and shoreline access.

Many of the shorefront homes in this area, such as the subject property, have been built on the low-lying sandy coastal plain, may have graded or leveled any modern frontal dunes, and placed development near the shoreline, and thus vulnerable to the effects of both chronic and seasonal coastal erosion. Coastal erosion occurs as a result of the following phenomena:

- (1) Seasonal changes in waves and currents that moves sand alongshore or across the shore, adjusting the beach profile;
- (2) Long-term (chronic) deficiencies in natural sand supply and/or fluctuations in meteorological or oceanographic processes such as storms and seas level rise; and
- (3) Human impacts to sand availability through sand impoundment and supply disruption from development and coastal engineering.

The beach in the subject area is narrow and subject to both long-term and episodic erosion, and many of the shorefront properties in the area, including the subject property, are at risk. During the last several years, beach erosion in this area appears to have intensified significantly. While such erosion could be attributed to decadal scale fluctuations in beach morphology (normal accretion and erosion cycles), it is more likely that the erosion has become chronic and permanent and as a result of acceleration in sea level rise this century. Thermal expansion of the oceans and melting glaciers and ice fields is causing sea level rise resulting in the landward migration of the active beach. Over the past century, local tide gauges have measured approximately 0.5 ft of rise in sea levels among the islands such that it should be no surprise that resulting impacts are occurring.

The OCCL has worked with the landowner of the subject property as well as his neighbors the past several years to address the progressively damaging chronic and seasonal erosion concerns plaguing this stretch of the Punalu'u coastline. The OCCL allows these "soft" erosion measures as a temporary solution so that longer-term options can be developed by the subject landowners. Requests for these "soft" erosion measures have become commonplace to the extent that this particular stretch of the Punalu'u coast and these shoreline properties have had geotextile tarps and sandbags fronting their properties for the last several years.¹ Staff admits that the situation is challenging for the homeowners, but the OCCL is also challenged by the lack of compliance and continued violations.

The subject property's history is emblematic of the complex problem the OCCL faces with balancing the protection of the public resource and coastal development. The previous residential structure that had occupied the lot was threatened by the erosion plaguing this stretch of the Punalu'u coast and appeared to have reached the end of its structural life cycle (*see Figures 5, 6, & 7*). This resulted in the structure being demolished. Despite clear indications that the property was experiencing severe coastal erosion, the former landowner constructed a two-family residential structure in its place, and now the current landowner has taken it upon himself to unilaterally armor the shoreline.

The OCCL has been significantly challenged by the events along this stretch of the Punalu'u coast as well as on other parts of O'ahu's shorelines over the last several years. The OCCL has been trying to balance the security needs of the homeowners with protection of the public resource that is the sandy beach. Without intervention by this office with temporary soft erosion control measures, many homes would have already been gone, yet many homeowners have installed, and continue to install, systems without our consent or authorization.

CONCLUSION:

Based on the information gathered for the most recent violation – the construction of a rock revetment and permit noncompliance – as well as the information retrieved and compiled from previous correspondences regarding the subject property, it is clear that a shoreline erosion control structure was built within the shoreline area without authorization from the Department. Additionally, it is also clear that the landowner has failed to comply with the terms and conditions of previous authorizations and stopped maintaining the temporary erosion control structure that fronted the subject property.

As noted in this report, due to the previous correspondences, authorizations, and violations in the short time since the landowner, Mr. Zdenek Prchal, has managed or

¹ The OCCL notes that while, soft measures are currently mildly effective at protecting beachfront development, it is understood that sea level rise will render these temporary measures increasingly ineffective. For this reason, the OCCL encourages beachfront homeowners living on chronically eroding shorelines to take proactive measures, such as decreasing their building footprint and relocating structures to the extreme landward extent of their property boundaries.

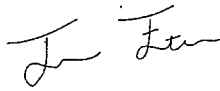
owned the subject property, the OCCL had informed the landowner of the need to either maintain the temporary erosion control structure fronting the property or remove it in its entirety, and that the landowner was not able to perform unauthorized construction or place unauthorized materials within the Conservation District without prior approval. Mr. Prchal's previous experience managing the property and signature on SPA OA 18-08 indicated to OCCL that he understood this. Despite the previous correspondences, authorizations, and violations, the temporary erosion control structure fronting the property was left unmaintained and a rock revetment was constructed in its place. For these reasons, DLNR staff believes that enforcement action needs to be taken.

AS SUCH, STAFF RECOMMENDS:

That the Board find that the landowner of TMK: (1) 5-3-002:034, who is Zdenek "Don" Prchal, constructed an unauthorized rock revetment located along the coastline of Punalu'u in the Ko'olauloa area of O'ahu's east shore in violation of Chapter 183-7, HRS and Chapter 13-5-6, HAR, subject to the following:

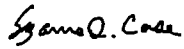
1. That the landowner is fined \$15,000.00 for the placement/construction of an unauthorized rock revetment in the Conservation District pursuant to Chapter 183C-7, HRS;
2. That the landowner is fined an additional \$2,000.00 for administrative costs associated with the subject violations;
3. That the landowner shall pay all designated fines and administrative costs (\$17,000.00) within sixty (60) days from the date of the Board's action;
4. That the landowner shall remove the unauthorized rock revetment and the temporary erosion control structure as well as their associated materials from the shoreline area that fronts the parcel with the TMK: (1) 5-3-002:034 in their entirety within ninety (90) days of the order of the Board;
5. That in the event of failure of the landowner to comply with any order herein, the landowner shall be fined an additional \$15,000.00 per day until the order is complied with;
6. That all fines and directions apply to Zdenek "Don" Prchal individually, jointly and severally; and,
7. That in the event of failure of the landowner to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

Respectfully submitted,



Trevor Fitzpatrick, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



Suzanne D. Case, Chairperson
Board of Land and Natural Resources



Attachment for 2 Properties

*EMERGENCY
04-25-09*

Exhibit A
Page 1 of 35

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
005 MAY 18 A 8:43
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

May 16, 2005

Mr. Sam Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Subject: Sandbag Shore Protection for Kamehameha Schools Property at Punalu'u, Oahu

Dear Mr. Lemmo:

5 Properties

Oceanit is assisting Kamehameha Schools with coastal erosion on five properties at Punalu'u on the windward side of Oahu (TMK 5-3-002:46,51,35,34,41). The shorelines on these properties moved in steadily during the high winter waves of 2004/2005 and the erosion escarpment is less than 20 feet from houses in many locations. A number of coconut trees have been lost and other vegetation washed into the water. The properties are not protected by erosion control structures. The problem continues through the City and County's Punalu'u Beach Park to the north, where shoreline erosion has been observed for several years. Photographs of the eroded embankment on each property are attached.

Oceanit surveyed the location of the eroded embankment and recommended to Kamehameha Schools that they should temporarily protect the embankment with large sandbags until a longer-term solution can be determined. Although we have not done any detailed studies of the coastal processes and availability of offshore sand, we believe that beach nourishment with groins or offshore breakwaters should be considered as a potential long-term alternative.

How long will it last? Long-term plans?

Our recommended sandbag design in plan and cross section views is attached for your consideration. The homes survived the winter waves of 2004/2005, but some may not avoid damage in the future the next winter. We believe the bags should be installed before the next winter season.

*Meeting 6/15/05.
Long term*

- Beach nourishment w/ Bag groins.

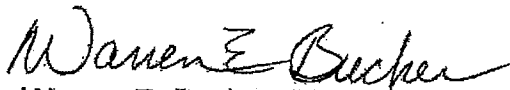
- 1. Put Bags maska of SL.*
- 2. only County jurisdiction.*
- 3. 3 homes qualify for state but will need to be maska at shoreline.*
- 4. Lot 46 can be seaward.*

K-5

OCCL
May 16, 2005
Page 2 of 2

We would be happy to discuss the plans at your convenience or accompany you on a site visit. Please let us know if sandbags are acceptable as an interim shore protection system.

Sincerely,



Warren E. Bucher, Ph.D., P.E.
Senior Engineer

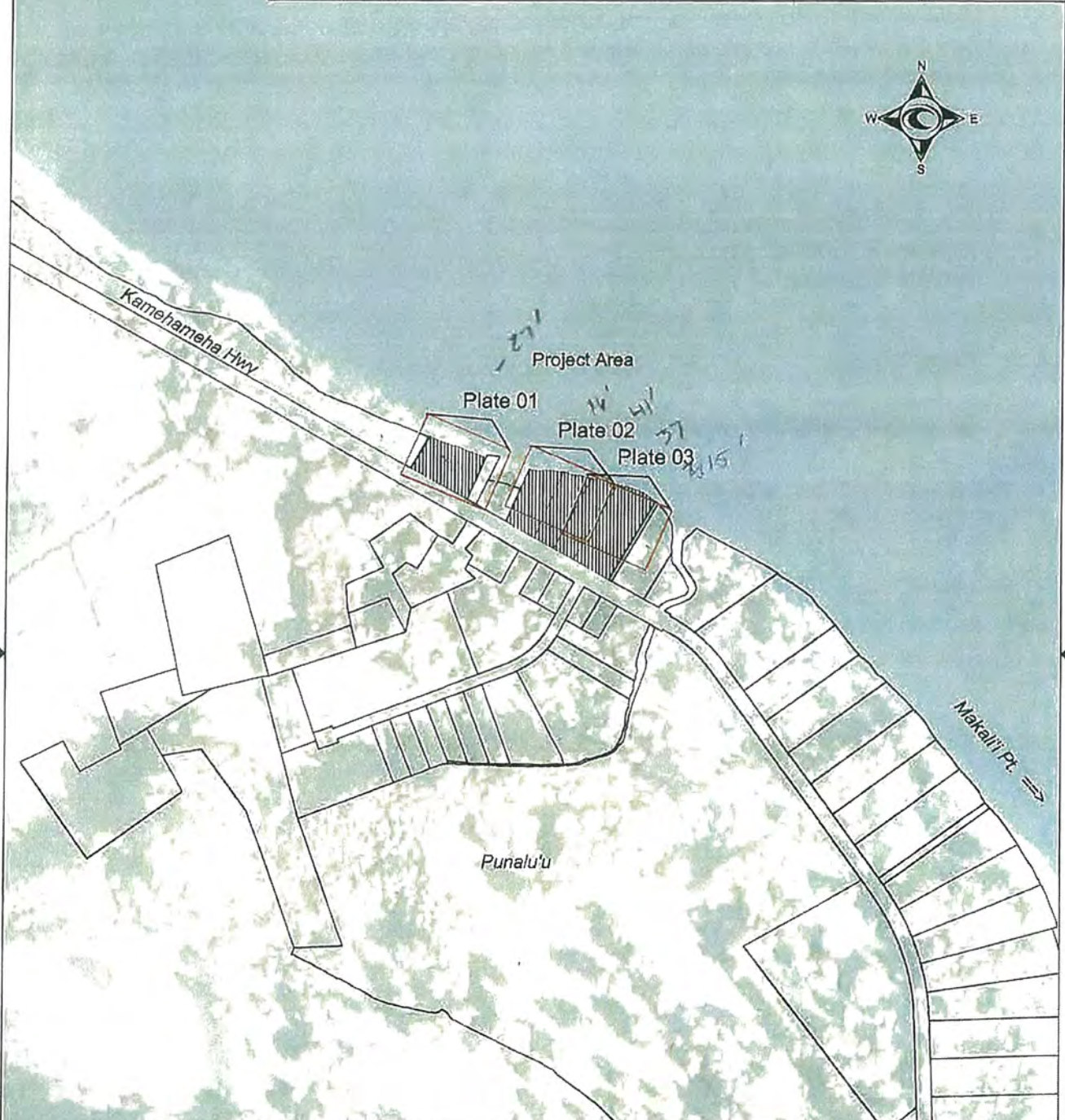
Attachments

cc: Kamehameha Schools

Exhibit A

Page 2 of 35

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED




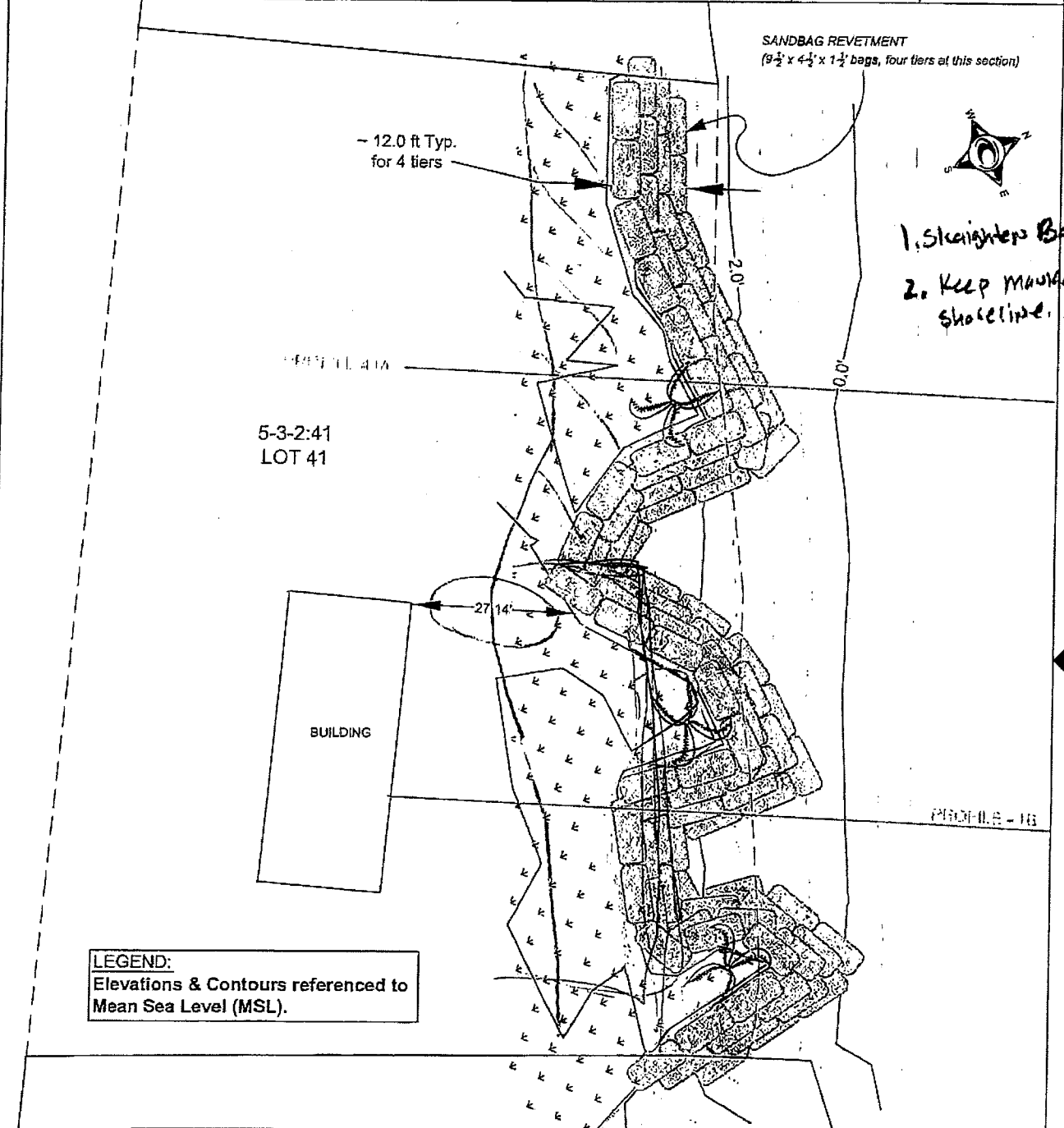
 <p>oceanit innovation through engineering & scientific excellence</p>	<p>Sandbag Revetment Design -- Key Map --</p>		
	<p>Kamehameha Schools Punalu'u Properties Punalu'u, O</p>		
<p>1001 Bishop St., ASB Tower Suite 2970 Honolulu, HI 96813</p>	<p>tel +1 808 531 3017 fax +1 808 531 3177</p>	<p>SIZE A</p>	<p>DRAWN BY CCG</p>
<p>SCALE 1/8" = 12'</p>		<p>DWG NO.</p>	<p>31 Mar 2005</p>

Exhibit A
 Page 3 of 35

K-5

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



LEGEND:
Elevations & Contours referenced to Mean Sea Level (MSL).



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Innovation through engineering & scientific practice

1001 Bishop St., ASB Tower
Suite 2970
Honolulu, HI 96813

tel +1 808 531 3017
fax +1 808 531 3177

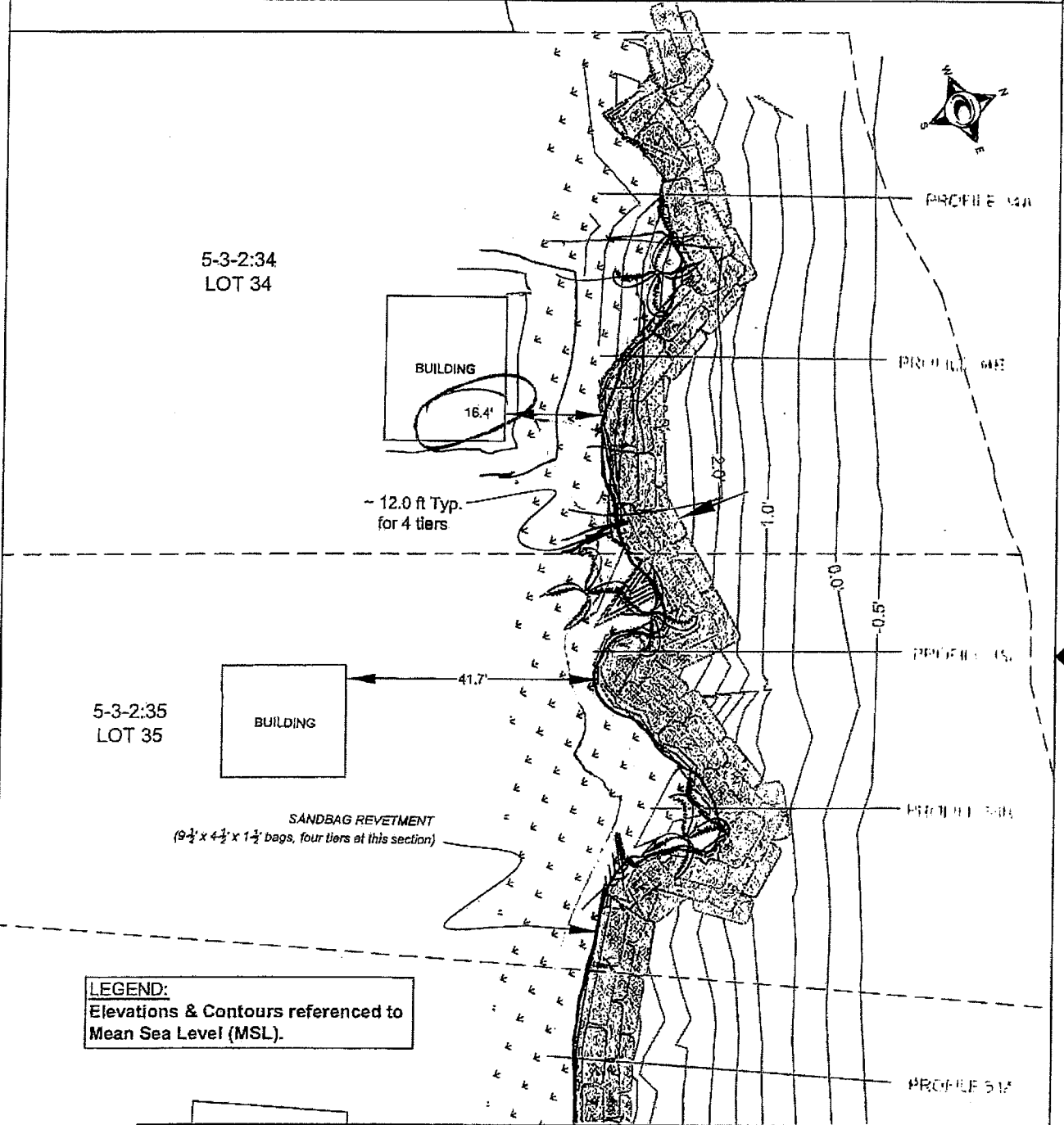
Sandbag Revetment Design
-- Plate 01 (Lot 41 Plan) --

Kamehameha Schools Punalu'u Properties
Punalu'u, O

SIZE A	DRAWN BY CCG	DWG NO.
SCALE 1/8" = 3'		31 Mar 2005

Exhibit A
Page 4 of 35

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



LEGEND:
Elevations & Contours referenced to Mean Sea Level (MSL).

Sandbag Revetment Design
- Plate 02 (Lots 34 & 35 Plan) -

Kamehameha Schools Punalu'u Properties
Punalu'u, O

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kaohala through engineering & scientific excellence

1001 Bishop SL, ASB Tower
Suite 297D
Honolulu, HI 96813

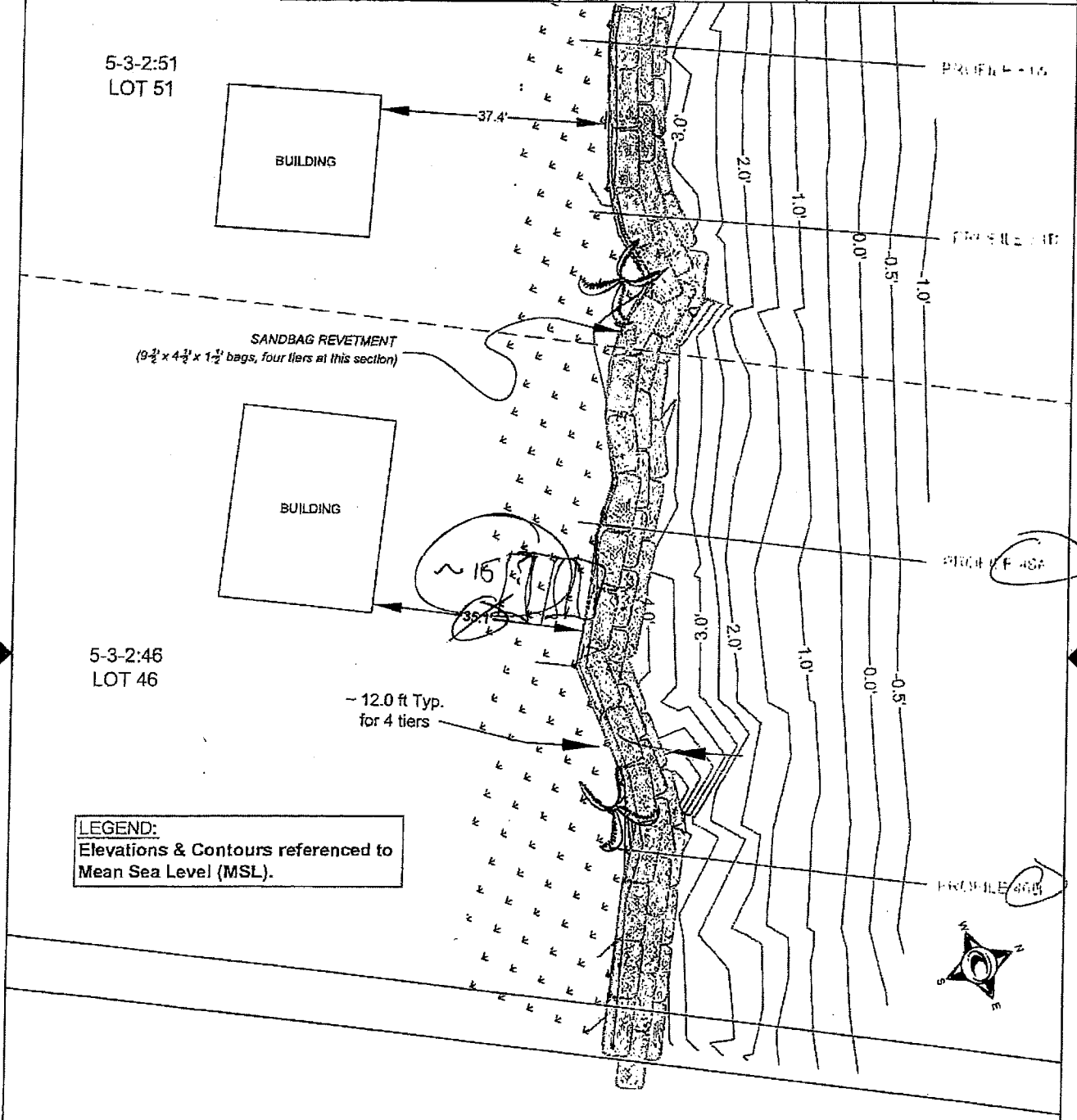
tel -1 808 531 3017
fax -1 808 531 3177

SIZE A	DRAWN BY CCG	DWG NO.
SCALE $\frac{1}{8}'' = 3'$		31 Mar 2005


Exhibit A
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REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



LEGEND:
Elevations & Contours referenced to Mean Sea Level (MSL).



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1001 Bishop St., ASB Tower
Suite 2970
Honolulu, HI 96813

tel +1 808 531 2017
fax +1 808 531 3177

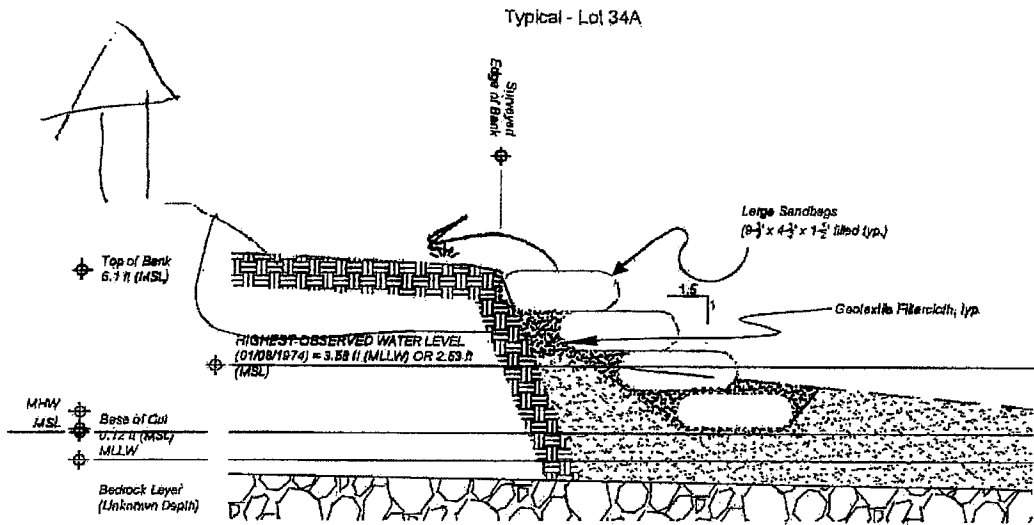
Sandbag Revetment Design
-- Plate 03 (Lots 51 & 46 Plan) --
Kamehameha Schools Punalu'u Properties
Punalu'u, Oahu, Hawaii

SIZE A	DRAWN BY CCG	DWG NO.
SCALE $\frac{1}{8}'' = 3'$	31 Mar 2005	

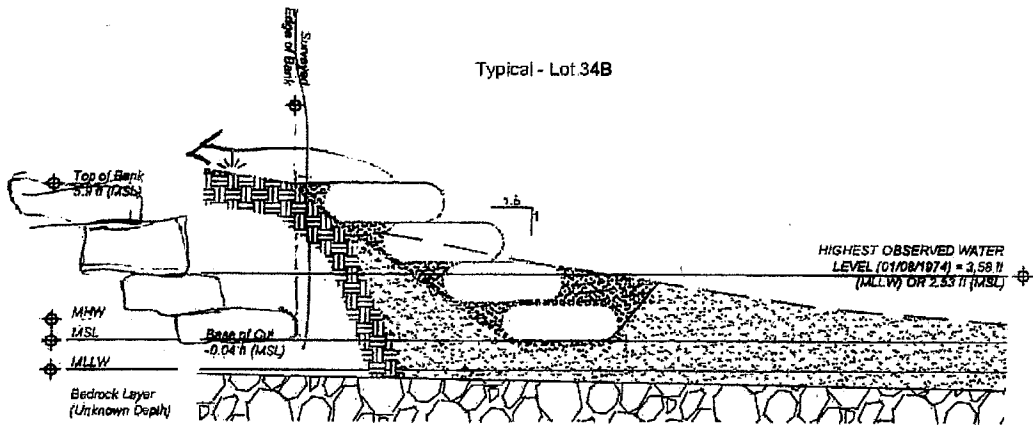
Exhibit A
Page 6 of 35

K-5

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



MOKE MOUKA



oceanit.
Innovation through engineering & scientific excellence

1001 Bishop St., 45B Tower
Suite 2970
Honolulu, HI 96813

tel -1 808 531 3017
fax -1 808 531 3177

Sandbag Revetment Design
-- Lots 34A & 34B Elevation --

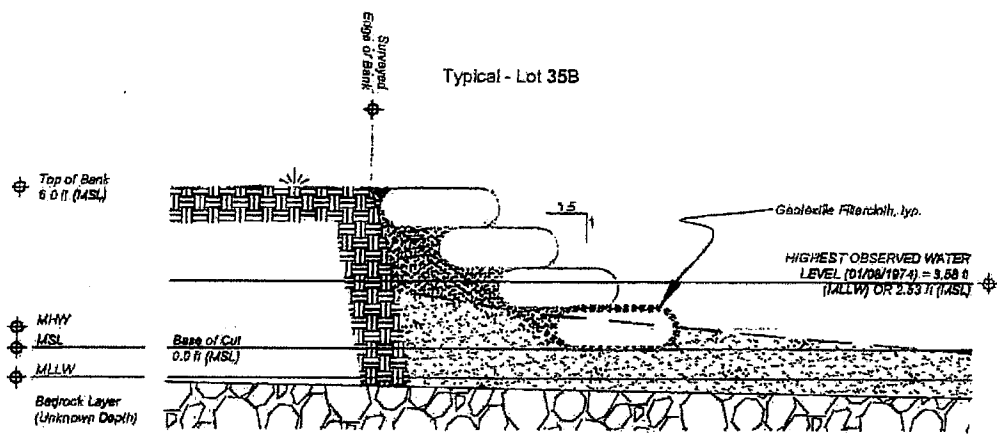
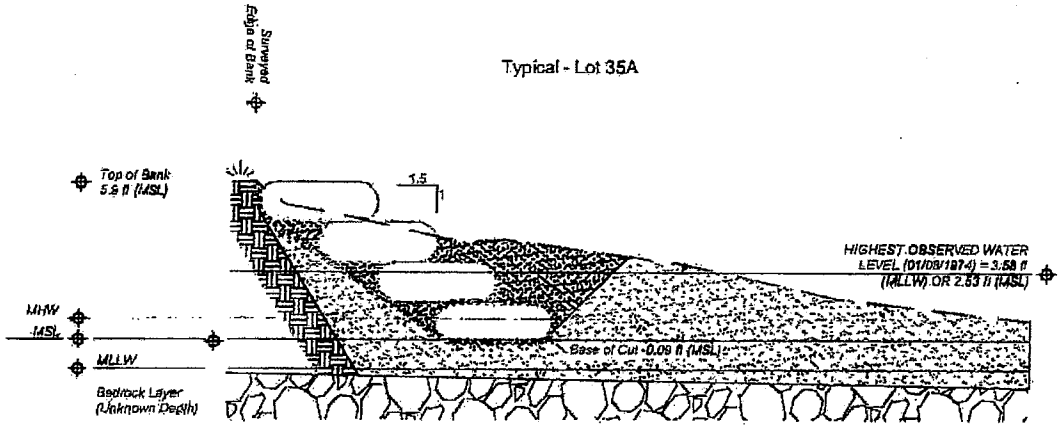
Kamehameha Schools Punalu'u Properties
Punalu'u, O

SIZE A	DRAWN BY CCG	DWG NO.
SCALE 3/4" = 5'	31 Mar 2005	

Exhibit A
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REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED



oceanit.
Innovative through engineering & scientific existence

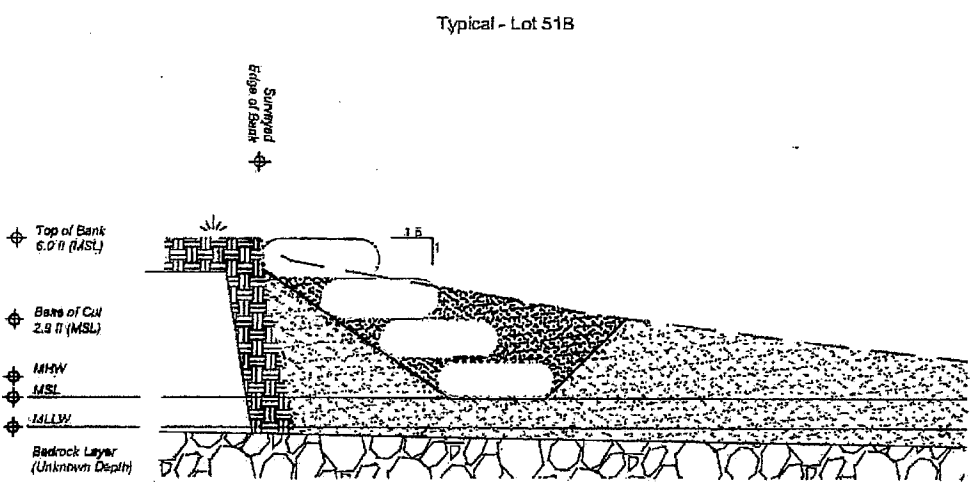
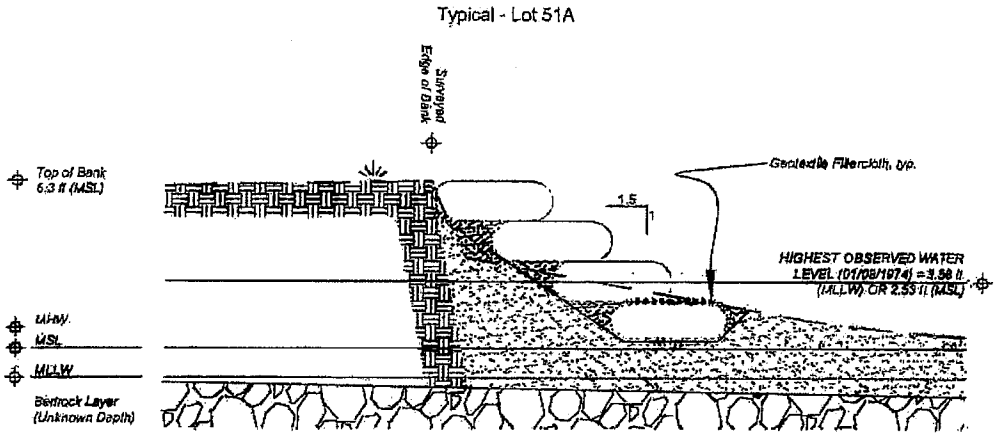
1001 Bishop St., ASB Tower
Suite 2870 Honolulu, HI 96813
Tel: +1 808 531 3017
Fax: +1 808 531 3177

Sandbag Revetment Design
-- Lots 35A & 35B Elevation --
Kamehameha Schools Punalu'u Properties
Punalu'u, Oahu

SIZE A	DRAWN BY CCG	DWG NO.
SCALE 3/4" = 5'		31 Mar 2005

Exhibit A
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REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED




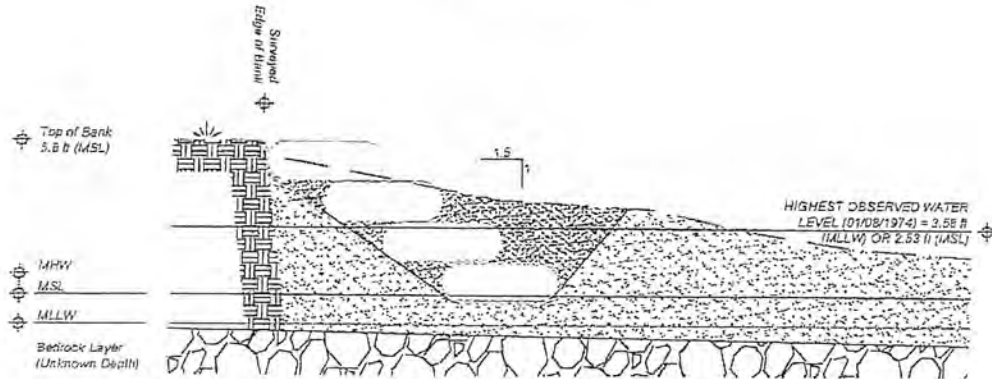
 <p>oceanit Innovation through engineering to scientific standards</p>	<p>Sandbag Revetment Design - Lots 51A & 51B Elevation -</p>		
	<p>Kamehameha Schools Punalu'u Properties Punalu'u, O</p>		
<p>1001 Bishop St., ASB Tower Suite 297B Honolulu, HI 96813</p>	<p>tel -1 808 531 3017 fax -1 808 531 3177</p>	<p>SIZE A</p>	<p>DRAWN BY CCG</p>
<p>SCALE $\frac{3}{4}'' = 5'$</p>		<p>DWG NO. 31 Mar 2005</p>	

Exhibit A
Page 9 of 35

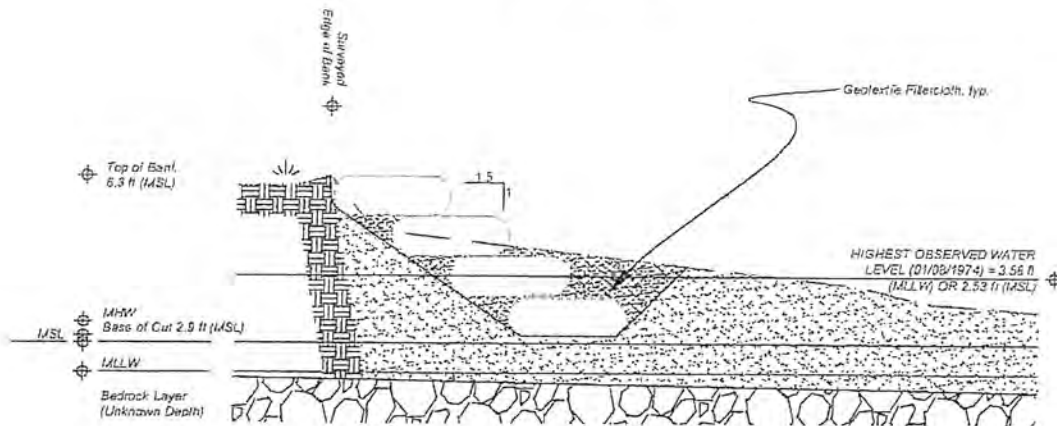
REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED

Typical - Lot 46A



~ 9.5' x 4.5' x 1.5' (fill)

Typical - Lot 46B




	Sandbag Revetment Design		
	-- Lots 46A & 46B Elevation --		
Kamehameha Schools Punalu'u Properties			
Punalu'u, O			
oceanit. <small>Innovates through engineering & scientific excellence</small>	SIZE	DRAWN BY	DWG NO.
	A	CCG	
1001 Bishop St., ASB Tower Suite 297D Honolulu, HI 96813	1el - 1 808 531 3017 fax - 1 808 531 3177	SCALE	31 Mar 2005
	3/4" = 5'		

Exhibit A
Page 10 of 35

K-5



Punalu`u Beach Park, TMK 5-3-002:031



27'

Looking South from TMK 5-3-002:041

P-1

Exhibit A
Page 11 of 35



116

TMK 5-3-002:034



117

TMK 5-3-002:035



37'

TMK 5-3-002:051



dist.
10

TMK 5-3-002:046

P-3

Exhibit A
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Beach Access Between TMK 5-3-002:046 and 5-3-002:037

Exhibit A

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P-4

K-5



Exhibit A
Page 15 of 35



Exhibit A
Page 16 of 35

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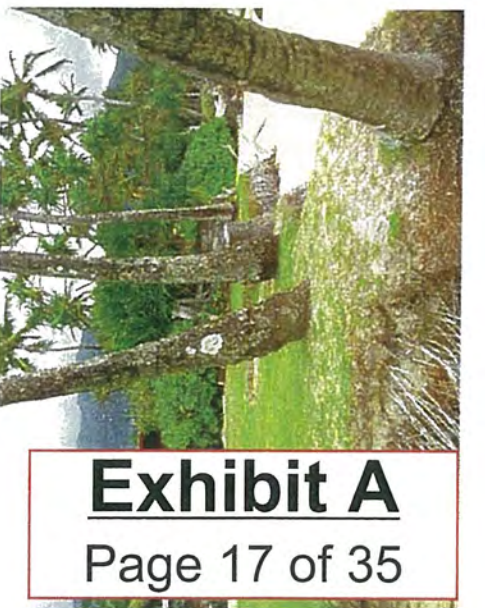


Exhibit A
Page 17 of 35

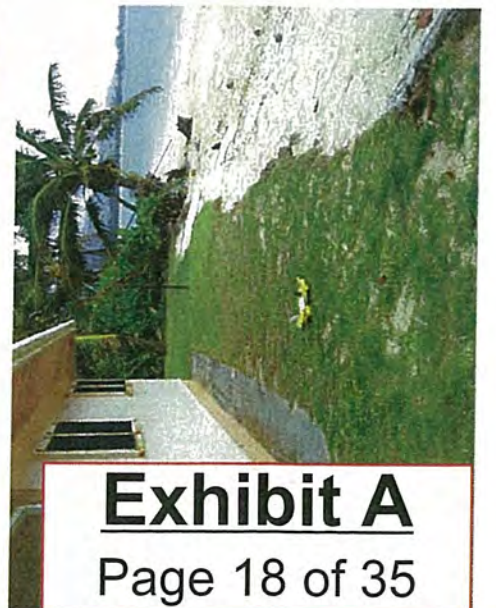


Exhibit A
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Exhibit A
Page 19 of 35

K-5



Exhibit A
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K-5

Exhibit A

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K-5

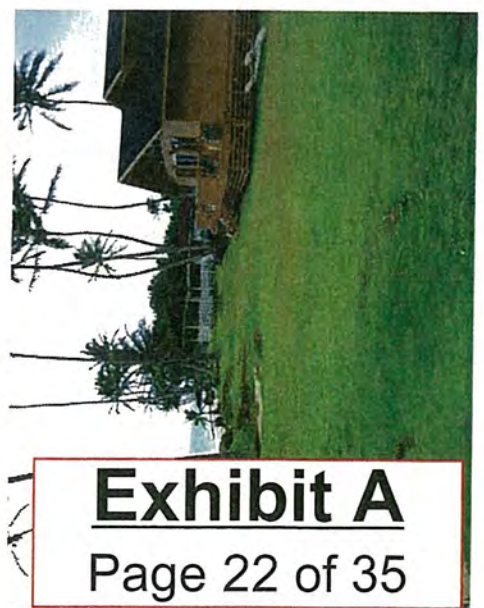


Exhibit A
Page 22 of 35

K-5



Exhibit A

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K-5



0A-05-09

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2005 AUG 15 A 8:53

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

August 10, 2005

Mr. Sam Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Subject: Sandbag Shore Protection for Kamehameha Schools Property at
Punalu`u, Oahu, Revised Plans

Dear Mr. Lemmo:

On May 16, 2005, Oceanit sent design plans for placing large sandbags on five properties at Punalu`u on the windward side of Oahu (TMK 5-3-002:46,51,35,34,41). We discussed the plans in a meeting on June 15, 2005. Your recommendations were that sandbags could be placed only on three properties (lots 34, 41, and 46), that only the houses could be protected, and that the bags should be moved mauka onto the properties as much as possible. Based on the June 15 meeting, Oceanit revised the plans (copies attached). Also as requested, we prepared a preliminary long-term plan for shore protection at the Punalu`u lots (attached). We propose to use beach nourishment with groins or breakwaters as needed. No studies or design for beach nourishment have been done yet.

We would appreciate your review and comment on the revised plans. If they are acceptable, Kamehameha Schools will find a contractor to fill and place the bags. If further changes are required, please let us know.

Exhibit A

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OCCL
August 10, 2005
Page 2 of 2

Thank you for assisting us with finding a solution to the beach erosion at Punalu'u.

Sincerely,



Warren E. Bucher, Ph.D., P.E.
Senior Engineer

Attachments

cc: Kamehameha Schools

Exhibit A

Page 25 of 35

PLANNING AND DESIGN
FOR LONG-TERM SHORE PROTECTION
AT PUNALU`U BEACH LOTS
TMK: 5-3-002:034, 035, 041, 046 AND 051

INTRODUCTION

Five shoreline properties owned by Kamehameha Schools in Punalu`u, Oahu, TMK: 5-3-002:034, 035, 041, 046, and 051, are experiencing beach erosion that has caused loss of land area such that homes are threatened by future high waves. At one of these properties, the top of the sand beach is less than 10 feet from the seaward house wall. (See attached photos.)

In the short-term, Kamehameha Schools proposes to protect three of these properties with large sandbags. Sandbags are not usually considered permanent; therefore, a long-term solution is necessary to protect the homes on the eroded properties. There are three shore protection methods that are typically used to stop or slow erosion of sand beaches. These include seawalls, revetments, and beach nourishment with sand control structures.

State and county regulatory agencies are generally opposed to the use of seawalls and revetments for private landowners, and permits for such structures are often denied. However, beach nourishment is encouraged by some agencies, and a new Small Scale Beach Nourishment (SSBN) permit has been authorized by the Department of Land and Natural Resources (DLNR). Under the SSBN permit, up to 10,000 cubic yards of sand may be placed and, if approved, sandbag groins and breakwaters are allowed as sand control systems.

Beach nourishment has risk because it is difficult to predict where and how fast the newly placed sand will move. Therefore, it is good practice to study the ocean environment; including waves, currents, depths, and sand grain size; and to design sand control structures before sand is placed.

BEACH NOURISHMENT DESIGN

There are four design steps for placing nourishment sand at Punalu`u, (1) Historical and background research, (2) Field studies, (3) Model studies, (4) Sand retention structure design. When sufficient information is obtained, the SSBN permit application will be submitted. Details of the proposed studies and design are as follows:

1. Available information and environmental data will be collected from library and on-line sources.
2. Field studies include measuring or obtaining water depth data (bathymetry) in the study area, using drogues or meters to measure

Exhibit A

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- currents, obtaining good quality aerial photographs of the nearshore area, taking representative sand samples, and locating potential offshore sand sources. Wave data will be obtained for available sources such as the National Data Buoy Center.
3. Coastal numerical models will be used to study sand transport and changes in beach configuration caused by coastal structures such as breakwaters and groins.
 4. Coastal sandbag structures identified by the model studies and the beach nourishment layout will be designed and plans and specifications made.

CERTIFIED SHORELINE

The shoreline will be surveyed by a registered surveyor and submitted to DLNR for certification.

SMALL-SCALE BEACH NOURISHMENT (SSBN) PERMIT

When sufficient information is found from the field and model studies, a SSBN application will be completed and submitted to the DLNR/Office of Conservation and Coastal Lands (OCCL). Background information on the coastal environment, erosion causes, water quality, recreation, and history will be collected. A Site-Specific Best Management Practices (BMP) Plan and a Monitoring and Assessment Plan will be written. The background information together with the model results and the sandbag design will be provided to OCCL for review.

CITY AND COUNTY OF HONOLULU PERMITS

A City and County permit might be required if either structures or sand are placed above the surveyed shoreline. Coastal engineering consultants will meet with the Department of Planning and Permitting to determine permit requirements, and permit applications will be submitted.

ENVIRONMENTAL ASSESSMENT (EA)

If a Shoreline Setback Variance is required by the county, an EA will be written that accompanies the variance application.

CONSTRUCTION

When the SSBN permit and county permit are granted, Kamehameha Schools will send out the plans and specifications for contractor bids. Oceanit, the

Exhibit A

Page 27 of 35

Innovation through engineering & scientific excellence

K-5

coastal consultant, will inspect the selected contractor's work, answer design questions, and report status to Kamehameha Schools.

POST CONSTRUCTION MONITORING

After sand is placed and retaining structures are built, beach profiles, sand grain size, and response of the beach to the structures will be monitored for a period of one year. If the system is working properly, a proposal to replace the sandbag structures with permanent structures will be discussed with OCCL.

SCHEDULE

A proposed schedule for design and planning tasks is attached.

Exhibit A

Page 28 of 35

K-5



Punalu`u Beach Lot 46 – 9 Feet from House



Punalu`u Beach Lot 34 – 16 Feet from House

Exhibit A

Page 29 of 35

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innovation through engineering & science

K-5



Punalu`u Beach Lot 41 – Approx 22 Feet from House

Exhibit A

Page 30 of 35

K-5

RECEIVED
OK - 08-19



RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

LETTER OF TRANSMITTAL

2005 AUG 17 A 8: 31

Date: 8/15/05

Time:

Project: Punalu'u Sandbag Revetment Plans

To: Mr. Sam Lemmo, Administrator Office of Conservation and Coastal Lands Dept of Land and Natural Resources P.O. Box 621 Honolulu, HI 96809	From: Warren E. Bucher, Ph.D., P.E. Title: Senior Engineer
---	---

WE ARE TRANSMITTING: Attached Under Separate Cover

VIA: Mail Delivery Pick-up Fax No.

<input type="checkbox"/> Prints	<input type="checkbox"/> Reports	<input type="checkbox"/> Slides
<input type="checkbox"/> Originals	<input type="checkbox"/> Samples	<input type="checkbox"/> Photographs
<input type="checkbox"/> Reproducibles	<input type="checkbox"/> Copy of Letter	<input type="checkbox"/> Presentation Boards
<input checked="" type="checkbox"/> Sandbag Revetment Drawing		

TRANSMITTAL ACTION:

<input checked="" type="checkbox"/> As Requested	<input type="checkbox"/> For Approval	<input type="checkbox"/> For Review & Comment
<input checked="" type="checkbox"/> For your Information	<input type="checkbox"/> For Signature & Return	<input type="checkbox"/> For Signature as Noted Below
<input type="checkbox"/> Other		

COPIES	SETS	DATE	DESCRIPTION
1		8/10/05	Sandbag Revetment Dwgs, Lots 34, 41, & 46

REMARKS:

Sam - I believe the drawings might not have been included with the copy of the DLNR letter sent on 8/12/05.

Warren Bucher

Exhibit A
Page 31 of 35

K-5

NO.	DATE	DESCRIPTION



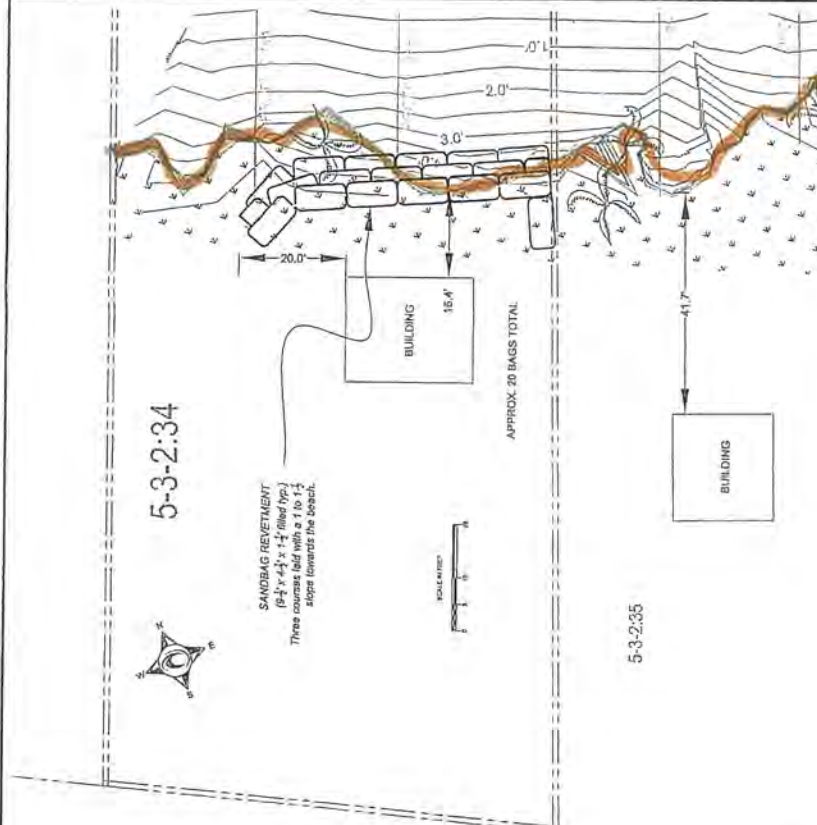
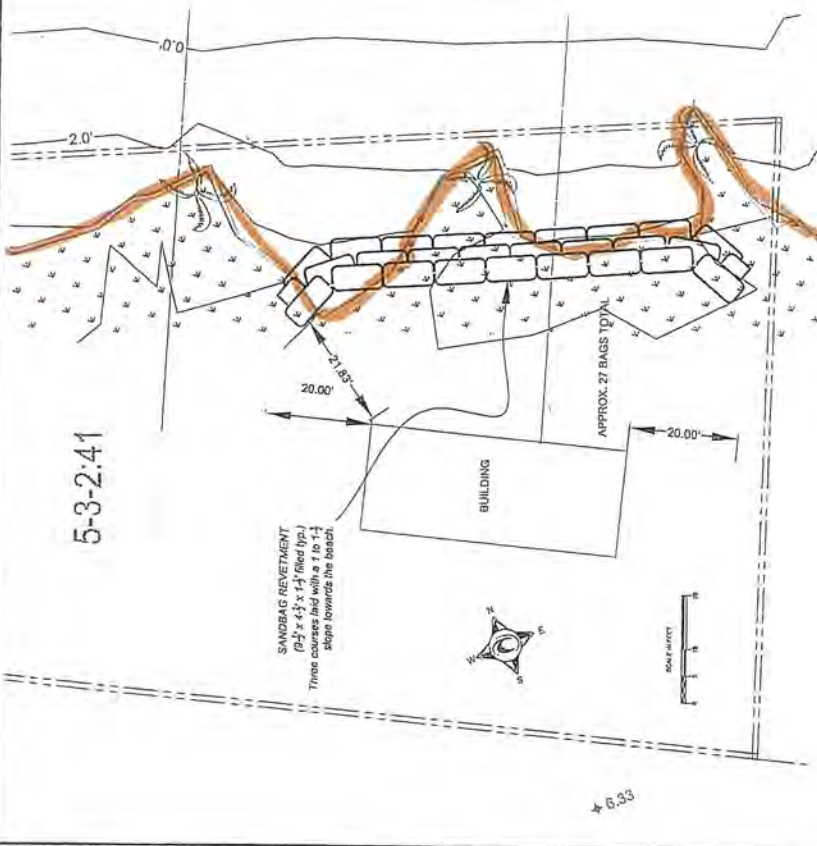
PUNALUU
PROPERTIES
SANDBAG
SHORE
PROTECTION

PUNALUU
MAY 2008
KAMAHAMUA SCHOOLS BOARD
SANDBAG DESIGN

Exhibit A

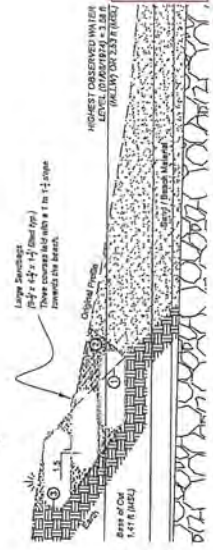
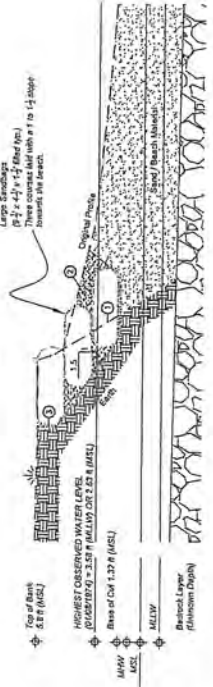
Page 33 of 35

K-5



Typical - Lot 41 Profile B

Typical - Lot 34 Profile B



DRAWING DATE: 1/22/2008 BY: CAMPAIGN/CAMPAIGN/1/23/2008 PROJECT: K-5 COASTAL SUPPORT - 5' 40' ALONG DOT NO. 09-11-06, 6.6 PM EARTH BY: MUELLER

Exhibit A

Page 34 of 35

SPECIFICATIONS:

1. Bags shall be placed in a staggered pattern with the adjacent bags overlapping by 1/2" on all sides. The maximum number of bags shall be 1 (1) bag to support the lower sandbag bag wall.
2. Bagging shall be placed in 1' x 1' x 1' bags with the adjacent bags staggered by 1/2" on all sides. The maximum number of bags shall be 1 (1) bag to support the lower sandbag bag wall.
3. Contractors shall place the bags in a staggered pattern with the adjacent bags overlapping by 1/2" on all sides. The maximum number of bags shall be 1 (1) bag to support the lower sandbag bag wall.

Other: Sandbags shall be S.E.A. Bags produced by Blakes or equivalent. Bags shall be filled with beach sand to a depth of 2.2 cubic yards. Bags shall be laid out in a staggered pattern. Bags shall be filled with beach sand from the placement excavation and be filled in place where possible.

Environment:

- Contractors shall not disturb the water.
- Contractors shall not disturb the beach.
- Contractors shall not disturb the adjacent on or near the beach.
- Contractors shall ensure all tools for cleanup of top and so spills.
- Contractors shall ensure all equipment is cleaned and stored in a nearby in seawatch waters.

NOTES:

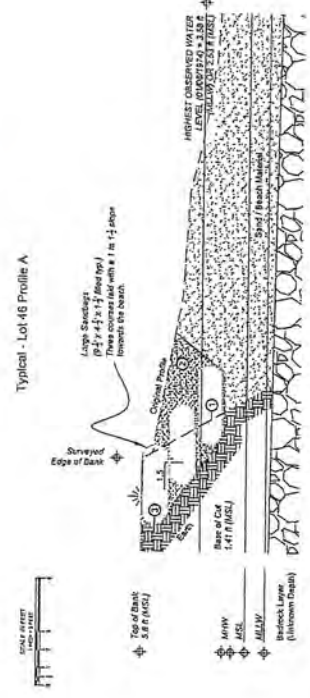
Elevations & Depths based on MGS T&A Station: 1612480

Name: Mokuiake (Crowned Island), HI

Unit: Feet

Point	1612480	1612480	Reference
MHW	4.72	4.58	0.14
STL	3.28	3.87	0.59
MRL	3.37	3.87	0.50
MLLW	2.72	2.86	0.14
OT	2.12	2.14	-0.02
OT	1.52	1.52	0.00
OT	0.92	0.92	0.00
OT	0.31	0.31	-0.61

Maximum Water Level: 1.46 ft. above MHW
Minimum Water Level: -1.42 ft. below MLLW



4-6-07: 100
46-037
IPuka st.

Emerg. OA-05-09



"Warren Bucher"
<wbucher@OCEANIT.COM>
09/28/2005 02:12 PM

To "Sam Lemmo" <sam.j.lemmo@hawaii.gov>,
<Dolan.Eversole@hawaii.gov>

cc

bcc

Subject Sandbags for Punaluu

Sam -

We have run into a problem with the county (DPP) on placing sandbags at Punaluu. The latest design we sent you has sandbags that extend into both state and county jurisdiction (as you requested). I sent the plans over to DPP (Steve Tagawa) for comment. The DPP response is that this is not an emergency, they have no provisions for emergency sandbags, and they want a Shoreline Setback Variance (SV) and an EA. They are saying that Punaluu has been eroding for many years, and they ask why the problem wasn't addressed years ago. My response is quite simple: the erosion didn't reach the houses until this past year. I'm wondering if you have seen this response previously and if there was any compromise solution with DPP. Is it possible for us to move the bags back out of county jurisdiction and put them seaward of the erosion scarp? Can DLNR and DPP establish some kind of agreement on the use of sandbags?

This response leaves us with no relatively quick temporary way to use the bags until we get permits for beach nourishment. The county, for some reason, does not think we will get any permits for nourishment even though we gave them the long-term plan that we wrote for you.

Anyway, any advice or suggestions would be much appreciated.

Thanks,

Warren

Warren E. Bucher, Ph.D., P.E.
Senior Engineer

Phone: (808) 531-3017

FAX: (808) 531-3017

wbucher@oceanit.com

Oceanit

...innovation through engineering and scientific excellence...

Exhibit A

Page 35 of 35

K-5

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref.:OCCL:DE

October 26, 2005

File No.: Emergency-OA-05-09

Mr. Warren Bucher, Senior Engineer
Oceanit
1001 Bishop Street ASB Tower 2970
Honolulu Hawaii 96813

Dear Mr. Bucher:

Subject: Proposed Emergency Erosion Control Project (Sandbags), Punaluu Beach, Oahu.
Seaward of TMKs: (1)-5-3-002:34,41,46.

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) has reviewed your August 10 and 15, 2005 correspondence regarding installation of emergency sandbags fronting the subject properties at Punaluu Beach, Oahu. This project is a short-term emergency response to chronic erosion that has continued in this area and now threatens three existing dwellings with erosion as close as 9, 16 & 21 feet from the dwellings on Parcels 46, 34 & 41, respectfully. Based on the recent increase in the rate of erosion and the distance from the dwellings, the erosion hazard presents an imminent threat to the dwellings and justifies a temporary emergency response.

According to the submitted plans, the sandbags are to be stacked three high in a sloping revetment on a 1.5:1 slope. The bags consist of tan color, 10' X 5' synthetic S.E.A Bag or equivalent with a volume of 2.3 yd³ each. One side will have a fabric armor to reduce abrasion. The sandbags are to be installed so that the seaward edge of the top course aligns with the berm crest as shown in drawings C-1 and C-2 of the application request. The local shoreline bank will be excavated to a depth of +1.32 to +1.41 feet (MSL) in order to construct the sandbag revetment. The existing top of bank is approximately 5.9 feet (MSL). A geotextile cloth layer will be placed under the sandbags and wrapped completely around the bottom course to secure. The geotextile cloth will be overlapped by 3 feet laterally. The area landward of the bags will be backfilled with the excavated material (if available) to produce roughly the same beach profile before construction.

Exhibit B

Page 1 of 9

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Based on information provided, the project includes the installation of approximately 68 sandbags and may require roughly 150 yd³ of sand to fill. The sandbags will be filled with the excavated sand from the shoreline bank and supplemented with imported beach-quality fill sand as necessary. It is unknown how much additional sand, if any, will be required to achieve the fill volume. **No sand shall be extracted (removed) from the active beach (seaward of the existing berm) fronting the properties for any purpose.**

Long-Term Plan

It is understood that the sandbags are a temporary response to prevent the loss of three existing dwellings that are threatened by chronic erosion. The proposed sandbag project shall be reviewed by DLNR staff for consistency and accuracy to the plans after completion. The sandbags are intended to be a temporary measure to control the chronic erosion until a long-term plan can be implemented at which time reevaluation of the need for sandbags will be made.

The applicant has proposed beach nourishment as a long-term response to the chronic erosion. While the long-term beach nourishment plan is still in the research and design stage, it is understood the beach nourishment may consist of providing sand fill to the beach along the affected properties possibly in conjunction with some temporary sand retention structures (sandbag groins) to stabilize the placed sand. It is anticipated the beach nourishment plan may be initiated through the new state Small-Scale Beach Nourishment (SSBN) permit and could be implemented within the next year.

Mitigation Measures (Best Management Practices)

Typical Best Management Practices shall be implemented to ensure that water quality and marine resources are protected and preserved. Mitigation measures involve the use of sand that is free of contaminants and low in silt content (in this case local beach sand). The applicant proposes to place the sandbags above of Mean High Water (MHW) and will ensure silt is contained during construction activities. Excessive silt and turbidity shall be contained or otherwise minimized through the use of silt containment devices and barriers. Silt containment should be practiced for the duration of construction activities. The sandbag installation should occur during low tide to ensure activities do not discharge silt into state waters. Visual monitoring of the nearshore water quality condition should be practiced during sand placement; and if excessive turbidity occurs, sand placement shall stop and more effective silt containment measures utilized.

A completion report of the sandbag project will be carried out by the applicant summarizing the construction and describing any deviation from the proposed plans. A follow-up *annual* summary report of the sandbag revetment and status of the long-term plan shall be submitted for review by the DLNR. The report shall outline the condition of the sandbags, any repair or replacement that occurred and provide a summary of the beach conditions including an overview of the shoreline behavior trend since installation. The report will also include a photo summary

of the sandbags and beach conditions with documentation of any alterations or repairs to the sandbag revetment.

Sand Quality

Due to the use of existing dune sand, Best Management Practices, low silt content, limited duration of exposure and the high rate of flushing and circulation at the site, potential turbidity impacts from the proposed activities are estimated to be negligible. Near-shore turbidity associated with the use of this sand is not expected to impact marine life and will be quite short-lived in the nearshore waters and is not expected to exceed existing background levels.

Based on the information provided, the Department has made the following determinations:

1. There is an imminent threat to the existing dwellings with an active erosion berm within 9 to 21 feet of the structure.
2. This berm is approximately defined by the active scarping and fallen coconut trees and appears to have accelerated landward recently.
3. Sandbags will provide temporary protection to the threatened structures until a long-term plan can be implemented.
4. The applicant is developing a long-term plan for erosion control that may include beach nourishment and stabilizing structures.
5. A shoreline *delineation* (licensed surveyor mapped shoreline but not certified by DLNR) is required in order to establish the jurisdiction of the subject shoreline(s).

It will be the responsibility of the owner to ensure all necessary Federal, State and County permits are obtained prior to starting work activities, including a right-of-entry from the State of Hawaii, Land Division, to access the shoreline. You can reach the Land Division at (808) 587-0414. The applicant will be responsible for obtaining the necessary permits for possible discharges into state waters from the Department of Health and the Army Corps of Engineers as well as any other regulatory agencies.

DEPARTMENT ACTION

Terms and Conditions

The Chairperson of the Department of Land and Natural Resources hereby approves your emergency request for an emergency sandbag installation at Punaluu Beach, Oahu, including, but not limited to the following terms and conditions:

1. The project includes the installation of approximately 68 sandbags and may require roughly 150 yd³ of sand to fill. Sand utilized for the project will be excavated from the bank area for the sandbags and supplemented with approved commercial sand. No sand shall be extracted from the beach fronting the property for any purpose.

Kamehameha Schools: Emergency Shore Protection Sandbags
Punaluu Beach, Oahu

2. The sandbags shall be covered with sand at all times. The annual report shall reflect the amount of sand utilized to cover the bags.
3. Any additional (imported) fill sand required shall be reviewed and regulated by the OCCL and meet minimum requirements including no more than 6% fine material (#200 sieve) and a grain size compatibility with the existing beach sand. More detail of sand specifications can be found at: <http://www.hawaii.gov/dlnr/occl/nourishment.php>
4. Any work or construction authorized by this letter shall be initiated within six (6) months of the approval of such use, and, unless otherwise authorized, shall be completed within twelve (12) months of the approval of such use. The applicant shall notify the Department before construction activity is initiated and when it is completed;
5. This authorization is valid for five (5) years from the date of acceptance, at which time, the authorization shall be reevaluated for renewal;
6. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
7. This action is temporary to alleviate the emergency until long-term measures can be implemented. The DLNR reserves the right to terminate this authorization if it is determined the structure is having an adverse impact on the environment or if other shore protection alternatives are available;
8. At the conclusion of work, the area shall be clean of all construction material, and the site shall be restored to a condition acceptable to the Chairperson.
9. The activity shall not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
10. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
11. When the Chairperson is notified by the applicant or the public that an individual activity deviates from the scope of an application approved by this letter, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee(s) to undertake corrective measures to address the condition affecting these resources. The permittee(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;

12. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State DLNR that an individual activity or activities authorized by this letter is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee(s) to undertake corrective measures to address the condition affecting these resources. The permittee(s) must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
13. To avoid encroachments upon the area, the permittee shall not use artificially accreted areas due to nourishment or hardening as indicators of the shoreline. To facilitate any future applications for shoreline certifications, the applicant shall conduct a shoreline delineation to be reviewed by the OCCL before initiation of the project;
14. Where any interference, nuisance, or harm may be caused, or hazard established by the activities authorized under this permit, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
15. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this permit;
16. No motorized construction equipment is to be operated in the water at any time;
17. In the event there is any petroleum spill on the sand, the operator shall promptly remove the contaminated sand from the beach and immediately contact the DLNR/OCCL staff at 587-0377, to conduct a visual inspection and to provide appropriate guidance;
18. For projects authorized by this letter, 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 projects authorized under this permit;
19. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;
20. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments for projects authorized under this letter;
21. In the event that historic sites, including human burials are uncovered during construction activities, all work in the vicinity must stop immediately and contact the State Historic Preservation Division at 692-8015;

Kamehameha Schools: Emergency Shore Protection Sandbar
Punaluu Beach, Oahu

Exhibit B

Page 5 of 9

22. The applicant shall obtain a right-of-entry permit or other land disposition approval from the State of Hawaii, Land Division prior to the inception of project work;
23. The permittee shall ensure that excessive siltation and turbidity is contained or otherwise minimized to the satisfaction of the DLNR, DOH and City and County of Honolulu Department of Planning and Permitting, through silt containment devices or barriers, high sand quality and selective sand placement;
24. Failure on the part of the permittee to comply with any conditions imposed under this permit shall render the permit null and void;
25. The permittee shall take measures to ensure that the public is adequately informed of the project work once it is initiated and the need to avoid the project area during the operation and shall notify all abutting property owners and community organizations that may be affected by the proposed action;
26. The applicant shall implement standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters and clean up fuel; fluid or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance. The DLNR/OCCL staff shall be contacted immediately at 587-0377, to conduct a visual inspection and to provide appropriate guidance;

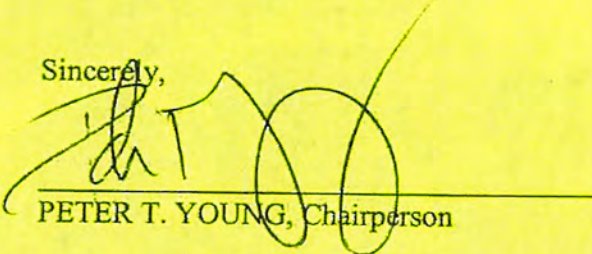
Additional Monitoring:

27. The permittee must submit a written completion report to the OCCL within two months of completion of the project. The completion report must include, as appropriate, descriptions of the construction activities, discussion(s) of any deviations from the proposed project design and the cause of these deviations, results of any environmental monitoring (primarily sand movement observations and turbidity observations), discussion(s) of any necessary corrective action(s), and photographs documenting the progress of the permitted work before, during and after sand placement;
28. As a temporary emergency project, the applicant shall provide an initial completion report and follow-up summary reports *annually* to the Department for five (5) years from the date of installation describing the condition of the sandbags and any impacts to the local nearshore processes.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Please notify the OCCL in advance of the anticipated construction dates and notify the OCCL immediately if any changes to the scope or schedule are anticipated.

Should you have any questions on any of these conditions, please feel free to contact Sam Lemmo of our Planning Branch at 587-0377, or Dolan Eversole of the University of Hawaii Sea Grant Program at 587-0321.

Sincerely,



PETER T. YOUNG, Chairperson

Attachments:

- Figure 1 Site Conditions
- Figure 2. Sandbag Design

cc: Chairperson
Oahu Board Member
DAR/HPD
City and County of Honolulu Dept. Planning and Permitting
OHA/DOH, Clean Water
USFWS/NMFS/USACE

I concur with the conditions of this letter:

Permittee's Signature

Date _____

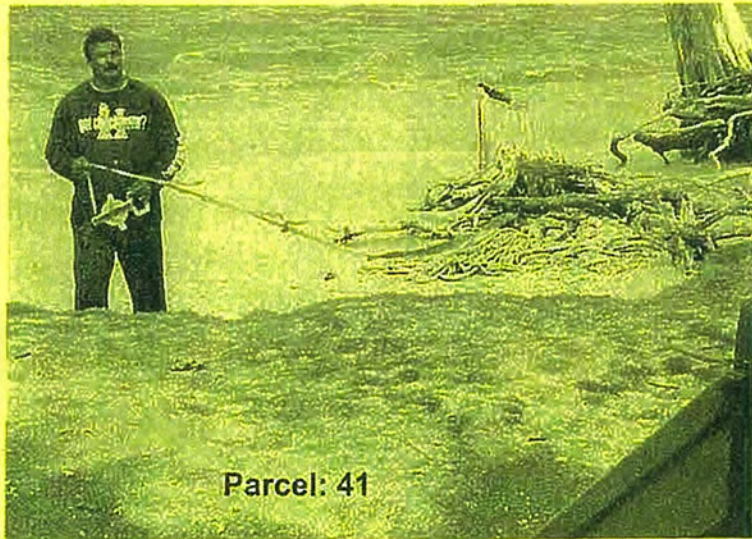
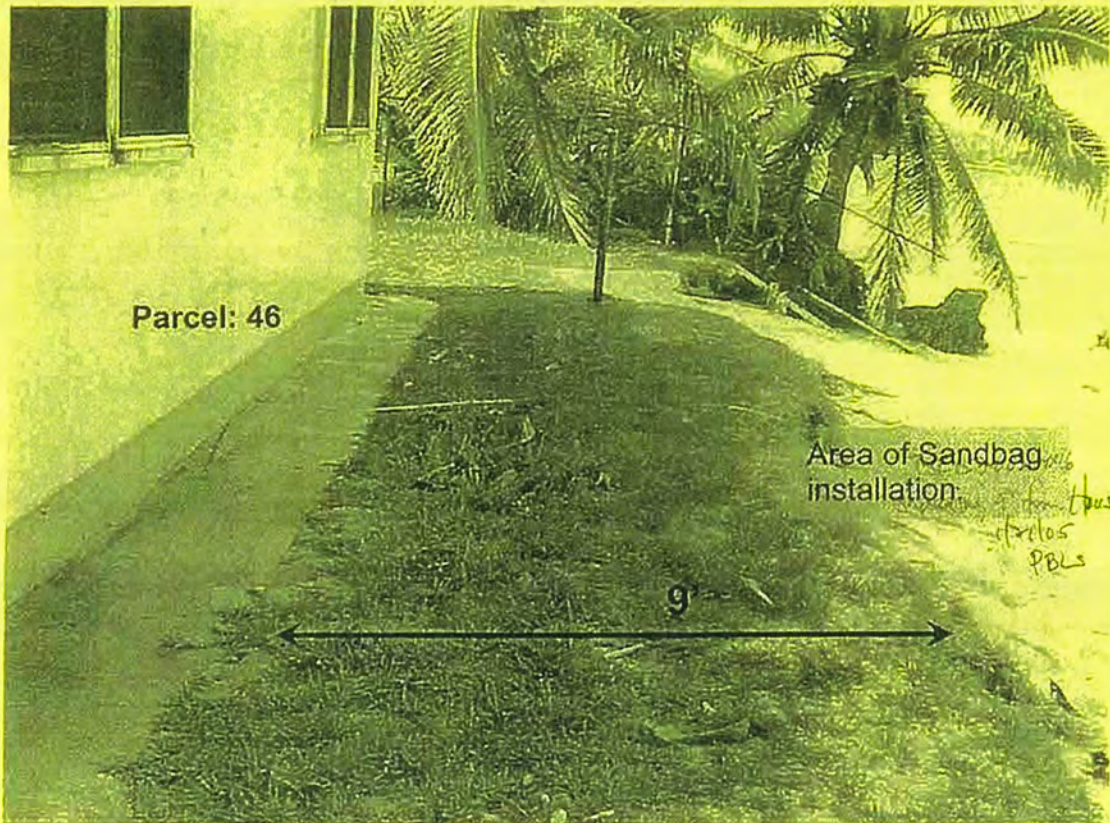
Note: transfer of ownership (Title) conveys all terms and conditions of this authorization to the new owner.

Kamehameha Schools: Emergency Shore Protection Sandbagging
Punaluu Beach, Oahu

Exhibit B

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Figure 1. Site Conditions



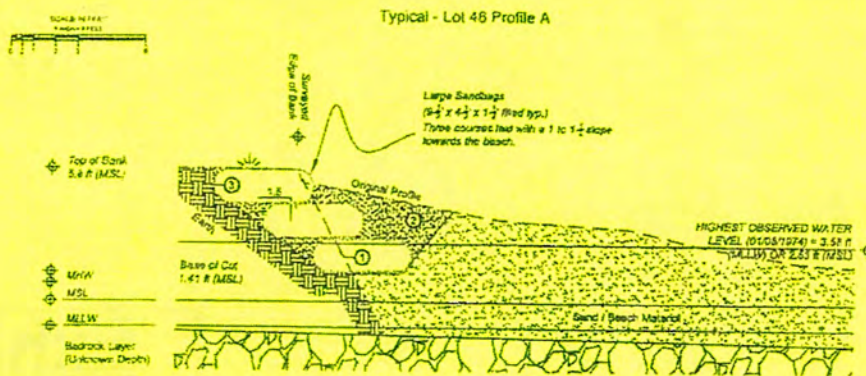
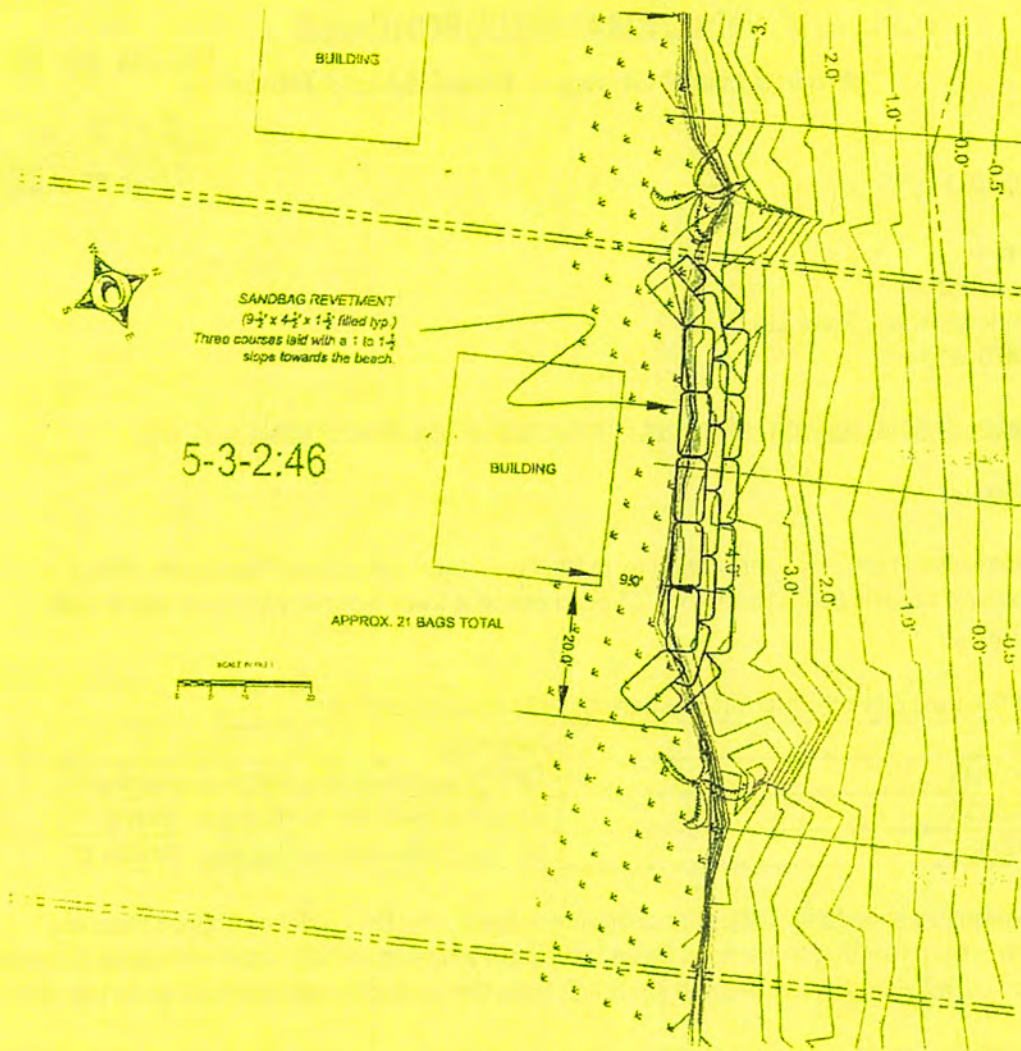
Kamehameha Schools: Emergency Shore Protection Sandbag Installation
Punaluu Beach, Oahu

Exhibit B

Page 8 of 9

K-5

Figure 2. Typical Sandbag Design



Kamehameha Schools: Emergency Shore Protection Sandbag
Punaluu Beach, Oahu

Exhibit B

Page 9 of 9

64 07A-11-155



KAMEHAMEHA SCHOOLS
Endowment Group ~ Land Assets Division

DEPT. OF LAND & NATURAL RESOURCES
CONSERVATION AND COASTAL LANDS

2011 JAN 24 A 9:01

DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

January 20, 2011

Samuel Lemmo
OCCL Administrator
1151 Punchbowl Street, Suite 131
Honolulu, HI 96813

Re: Removal of 12 dead coconut trees from 3 beachfront properties in Punalu'u, O'ahu

Dear Mr. Lemmo,

Kamehameha Schools requests permission from the Department of Natural Resources, Office of Conservation and Coastal Lands to remove 12 dead coconut trees from three properties located in Punalu'u, O'ahu.

Following is the property information of where the 12 trees are located:

	TMK:	Address:
1	153-002-034	53-227 Kamehameha Highway, Hauula HI
2	153-002-035	53-223 Kamehameha Highway, Hauula HI
2	153-002-051	53-221 Kamehameha Highway, Hauula HI

The three properties have been subject to shoreline erosion, and the 12 dead coconut trees are currently in the sand fronting the ocean. These trees pose a hazard to individuals who walk along the shoreline and to individuals accessing the shoreline from the subject properties (see attached pictures).

Please confirm if the OCCL is agreeable to Kamehameha Schools removing the 12 trees. If you have any questions, or need any additional information, feel free to contact me at 534-8189.

Sincerely,

Kawika K. Burgess
Land Asset Manager

Attachment

Exhibit C
Page 1 of 7

Dead coconut trees, Punalu'u, O'ahu

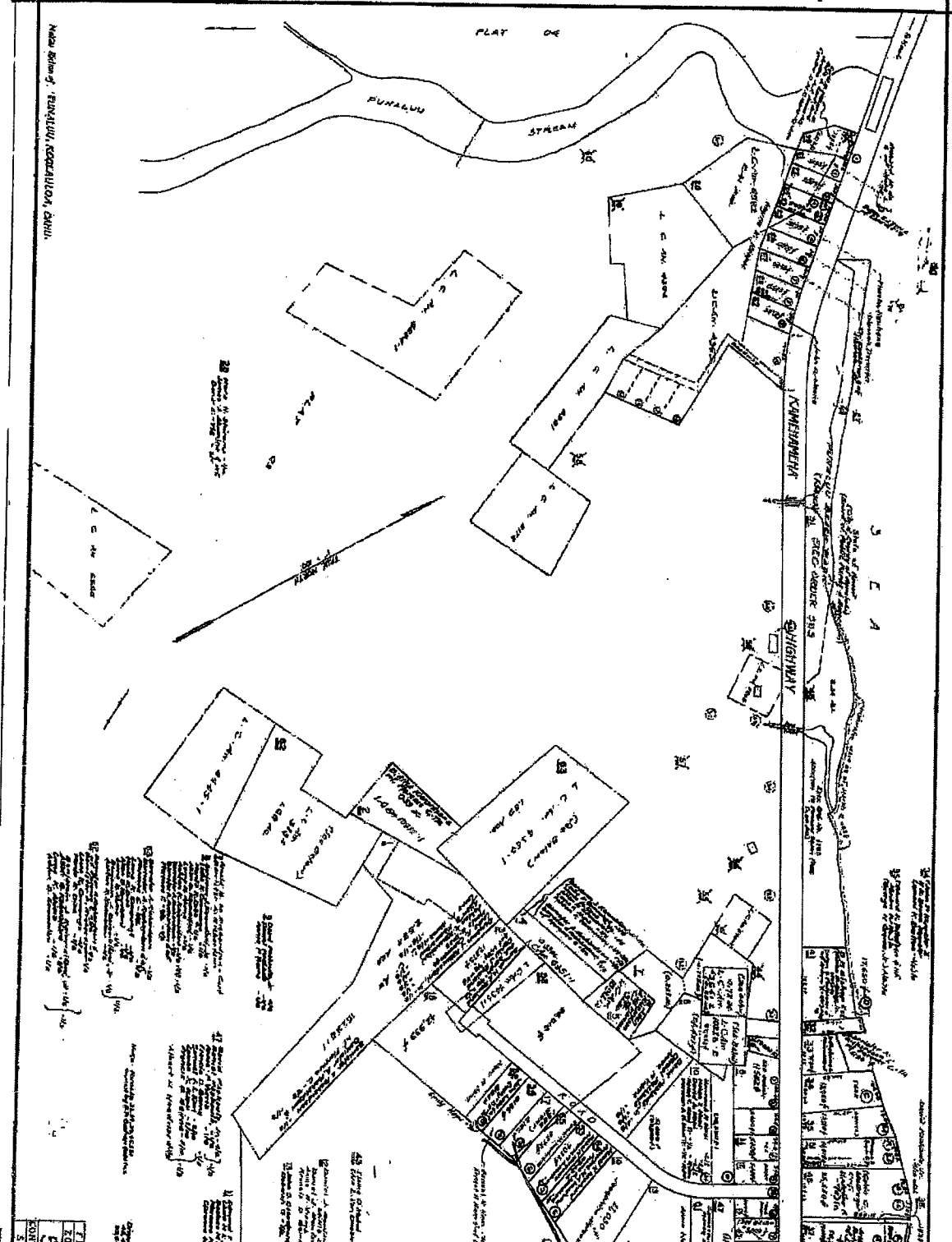


Exhibit C

Page 2 of 7

K-5

Date: 1958
 By: [Signature]
 Office: [Signature]



42. [Text]
 43. [Text]
 44. [Text]
 45. [Text]

5	3	02
STANDING PARCELS		
DIVISION		
ZONE SEC PLAT		
PRINTED		

Exhibit C
Page 3 of 7

K-5

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY H. KAULUKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:DH

Correspondence: OA-11-155

Kawika K. Burgess
Land Asset Manager
Kamehameha Schools
567 South King Street
Honolulu, Hawaii, 96813

FEB 16 2011

Dear Mr. Chang,

SUBJECT: Regarding the Removal of Dead Coconut Trees on Subject Parcels TMKs: (1) 5-3-002:034, 035, and 051, Punaluu, Koolauloa, Island of Oahu

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is responding to your letter, dated January 24, 2011, regarding the removal of twelve dead coconut trees, Punaluu, Island of Oahu, Subject Parcels TMKs: (1) 5-3-002:034, 035, and 051.

According to your information, Kamehameha Schools (KS) is requesting to remove twelve coconut trees located at the above subject parcels. The trees pose a hazard to individuals who walk along the shoreline, and who access the shoreline from the adjacent subject parcels.

The OCCL notes the coconut trees lie appear to lie within the State Land Use (SLU) Conservation District, Resource Subzone.

The OCCL has reviewed the information and has no objections to the removal of the twelve coconut trees which pose a public safety hazard and/or damage to property. Tree removal is an identified land use, pursuant to the Hawaii Administrative Rules (HAR), Section 13-5-22, P-12, TREE REMOVAL, A-2, which notes "removal of trees which pose a hazard to public safety; provided, however, that the landowner shall be required to provide documentation for the need to remove the tree if it was six inches or greater in diameter measured at ground level." Furthermore, the proposed project is minor in scope and may be considered an exempt action under State environmental laws under HAR, Section 11-200-8 (4), "minor alteration in the conditions of land, water, or vegetation."

The OCCL has no objections to the proposed project, provided that the following terms and conditions are adhered to:

Exhibit C

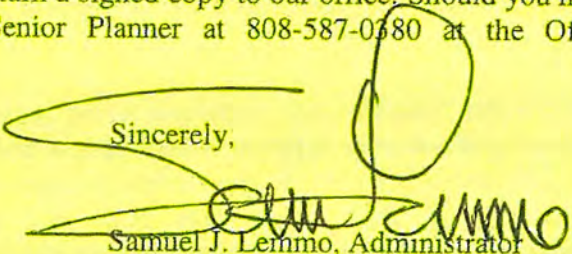
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K-5

1. That in issuing this letter, the Department of Land and Natural Resources and/or Board of Land and Natural Resources has relied on the information and data that the applicant(s) has provided in connection with this letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked, in whole or in part, and/or the Department of Land and Natural Resources may, in addition, institute appropriate legal proceedings;
2. The applicant(s), 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(s), its successors, assigns, officers, employees, contractors, and agents under projects authorized under this letter;
3. The applicant(s) shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments for authorized projects;
4. At the conclusion of work, the area shall be cleaned of all construction material and the site shall be restored to a condition acceptable to the Chairperson;
5. Where any interference, nuisance, or harm may be caused, or hazard established by the authorized activities/uses, the applicant(s) shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
6. The applicant(s) shall take measures to ensure that the public is adequately informed of the project activities/work once it is initiated and the need to avoid the project area during the operation; and
7. The applicant(s) shall implement standard Best Management Practices (BMPs)

Please sign this letter, retain a copy, and return a signed copy to our office. Should you have any questions, please call Dawn Hegger, Senior Planner at 808-587-0380 at the Office of Conservation and Coastal Lands.

Sincerely,


 Samuel J. Lemmo, Administrator
 Office of Conservation and Coastal Lands

I concur with the conditions of this letter:

 Applicant

Date _____

c: ODLO
 City and County of Honolulu
 Planning and Permitting Department

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
CONSERVATION
COASTAL LANDS
2011 MAR 31 A 9:11
WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
GUY H. KAULOKUKUI
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOIOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:DH

Correspondence: OA-11-155

Kawika K. Burgess
Land Asset Manager
Kamehameha Schools
567 South King Street
Honolulu, Hawaii, 96813

FEB 16 2011

Dear Mr. Chang,

SUBJECT: Regarding the Removal of Dead Coconut Trees on Subject Parcels TMKs: (1) 5-3-002:034, 035, and 051, Punaluu, Koolauloa, Island of Oahu

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According to your information, Kamehameha Schools (KS) is requesting to remove twelve coconut trees located at the above subject parcels. The trees pose a hazard to individuals who walk along the shoreline, and who access the shoreline from the adjacent subject parcels.

The OCCL notes the coconut trees lie appear to lie within the State Land Use (SLU) Conservation District, Resource Subzone.

The OCCL has reviewed the information and has no objections to the removal of the twelve coconut trees which pose a public safety hazard and/or damage to property. Tree removal is an identified land use, pursuant to the Hawaii Administrative Rules (HAR), Section 13-5-22, P-12, TREE REMOVAL, A-2, which notes "removal of trees which pose a hazard to public safety; provided, however, that the landowner shall be required to provide documentation for the need to remove the tree if it was six inches or greater in diameter measured at ground level." Furthermore, the proposed project is minor in scope and may be considered an exempt action under State environmental laws under HAR, Section 11-200-8 (4), "minor alteration in the conditions of land, water, or vegetation."

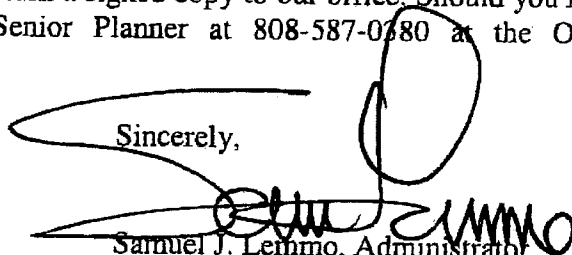
The OCCL has no objections to the proposed project, provided that the following terms and conditions are adhered to:

Exhibit C
Page 6 of 7


K-5

1. That in issuing this letter, the Department of Land and Natural Resources and/or Board of Land and Natural Resources has relied on the information and data that the applicant(s) has provided in connection with this letter. If, subsequent to this letter, such information and data prove to be false, incomplete or inaccurate, this letter may be modified, suspended or revoked, in whole or in part, and/or the Department of Land and Natural Resources may, in addition, institute appropriate legal proceedings;
2. The applicant(s), 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(s), its successors, assigns, officers, employees, contractors, and agents under projects authorized under this letter;
3. The applicant(s) shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments for authorized projects;
4. At the conclusion of work, the area shall be cleaned of all construction material and the site shall be restored to a condition acceptable to the Chairperson;
5. Where any interference, nuisance, or harm may be caused, or hazard established by the authorized activities/uses, the applicant(s) shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
6. The applicant(s) shall take measures to ensure that the public is adequately informed of the project activities/work once it is initiated and the need to avoid the project area during the operation; and
7. The applicant(s) shall implement standard Best Management Practices (BMPs)

Please sign this letter, retain a copy, and return a signed copy to our office. Should you have any questions, please call Dawn Hegger, Senior Planner at 808-587-0580 at the Office of Conservation and Coastal Lands.

Sincerely,

 Samuel J. Lehmo, Administrator
 Office of Conservation and Coastal Lands

I concur with the conditions of this letter:


 Applicant

Date 3/29/11

c: ODLO
 City and County of Honolulu
 Planning and Permitting Department

Exhibit C
 Page 7 of 7

EMFAC
OA-13-4

From: Patrick and Freda Field
Aloha Signs and Graphics
98-101 Hila Pl. Pearl City 96782
Ph: (808) 486-4614
Fax (808) 484-5345
Email: alohasign1@aol.com

To: Samuel Lemmo
Kalanimoku Building
1151 Punchbowl St., Room 131
Honolulu, HI 96813
Ph: (808) 587-0377
Fax: (808) 587-0322
Email: dlnc.occl@hawaii.gov

cc: City and County Dept. of Planning & Permitting
David K. Tanoue, Director
Jiro A. Sumada, Deputy Director
650 S. King Street, 7th Floor
Honolulu, HI 96813
(808) 768-8000 Fax (808) 768-8063

Re: Temporary Emergency Erosion Control Permit and Shore-line Certification for 53-227 Kamehameha Hwy. Punaluu TMK 1-5-3-002:034

2012 DEC 21 A 10:45
DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII
RECEIVED
PERMITTING AND SHORELANDS

Aloha,

I am requesting permission to obtain a temporary erosion control permit to slow the erosion of my property located at 53-227 Kamehameha Hwy. in Punaluu (TMK 1-5-3-002:034). I purchased the property in August of 2012, in hopes of having a vacation home for my family, and in the past few months erosion has been taking a greater toll on the property that I had initially anticipated. In 4 months erosion has caused me to tear down the existing dwelling, in fear of it falling into the ocean. It also has been inhibiting me from getting a shore-line certification which is required to build a new dwelling. We are trying to comply with State, C&C, and DLNR, requirements, but are very worried that the erosion will eat away at the property faster then the shore-line can be approved so I can build a new dwelling. We are humbly asking for DLNR's assistance with helping us properly find and validate a temporary solution.

For a temporary solution, we have been doing research, and found that making tears of sand bags made of "coir", and laying blankets of "coir", will reduce the erosion and prolong the decay of the property. Our neighbors have already done such solutions which seem to help "them", but at the same time has adversely impacted our property. We currently seem to be receiving the "brunt of the force" being the only property without shore-line protection.

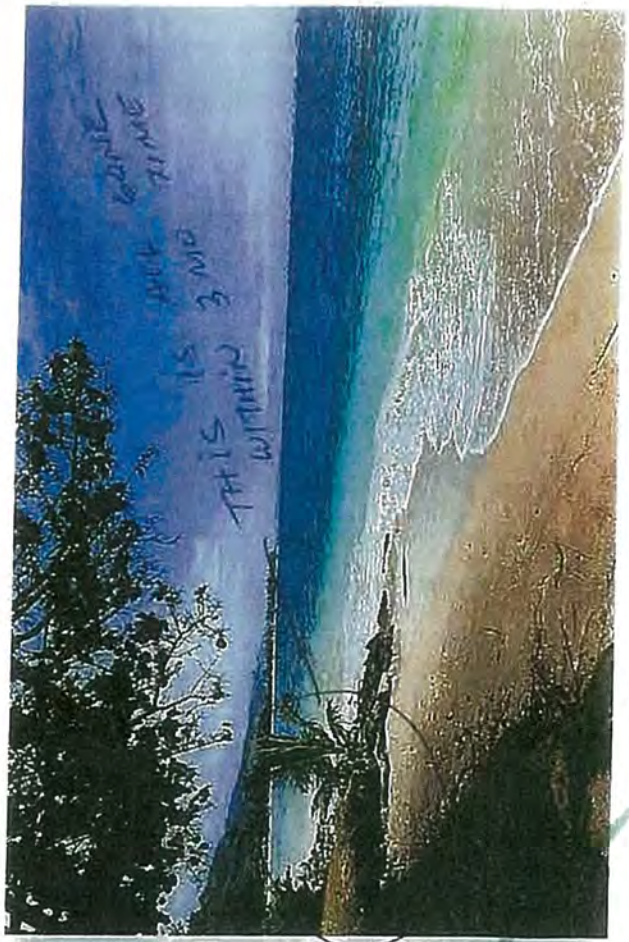
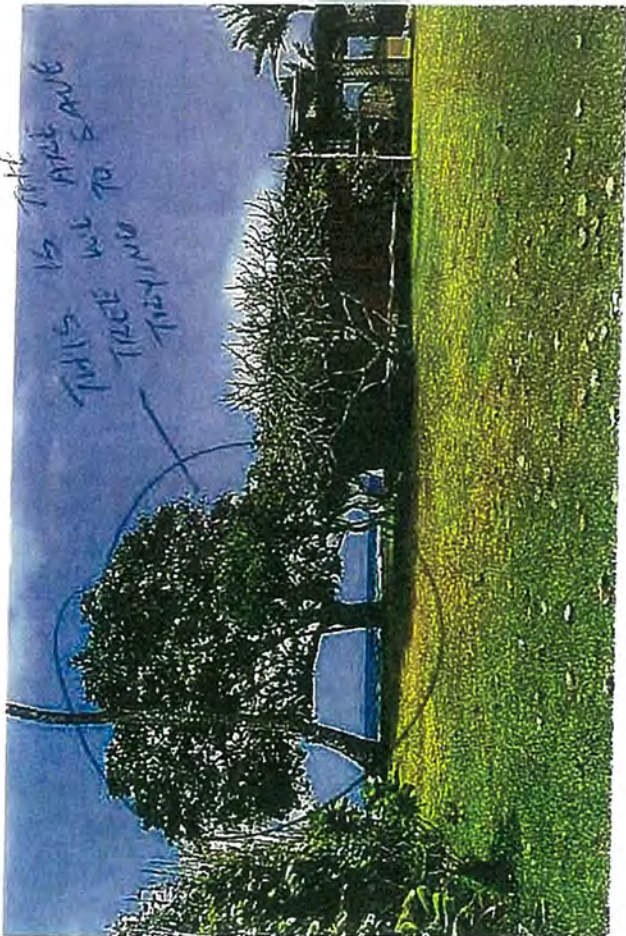
I have attached the shore-line certification survey (File No.: OA-1500) and the request from DLNR to clean up debris left from the previous owners, and cut back vegetation (Naupaka) that is protruding from land. I have already cleaned the debris, but would like to ask to leave the vegetation on the sides which seem to be the only natural barrier that is left to help us with the erosion. There is a concrete slab that was left to protect a tree, which I will remove once we receive a temporary permit to help reduce the erosion. It is simply there for the time being, to help protect the tree from falling into the ocean. I would also like to request that I be notified and met on-site with the surveyor so that I can immediately remedy whatever need be, to expedite the process in a timely matter. I understand your department is very busy, but getting my shore-line approved, and having a house built within the one year allotted, seems to be nearly impossible with a constantly eroding shore-line and a response that initially took 2 months to get.

I have attached photos to show the progress of erosion over the past few months, along with my shore-line application and pictures of solutions to temporarily slow down the erosions process. Please give me a call if there any questions or concerns with my request. We anxiously await your response.

Thank You, Patrick Field

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K-5



August 19, 2012

Place note location of house
TKK 1-5-3-007:034

ON DEC, 23rd WE TORE DOWN THE HOUSE, BECAUSE WE WERE AFRAID IT WAS GOING TO FALL IN THE WATER.

PLEASE MAY WE KEEP THE PLANTS.



DECEMBER 23, 2012

! WE WILL REMOVE THIS ASAP, IT IS JUST TO TRY AND SAVE THE TREE

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TMK 1-5-3-002.034



1.5m x 1.5m 100gsm

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K-5



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 8, 2012

File No.: OA-1500

Jaime F. Alimboyoguen
92-324 Kewai Place
Kapolei, Hawaii 96707

Dear Applicant:

Subject: Accepted Application for Shoreline Certification
Owner(s): Patrick Field
Tax Map Key: (1) 5-3-002:034

Your application for shoreline certification of the subject property has been accepted for processing. The commencement date for application processing is **October 8, 2012** and the completion date is **January 5, 2013**.

The file number assigned to this application for shoreline certification is **OA-1500**.

We have submitted your application for publication in the **October 8, 2012** OEQC Environmental Notice to allow public comment. We have also transmitted your application to the Department of Accounting and General Services (DAGS) Survey Division for their review and action. Upon receipt of the State Land Surveyor's recommendation, we will schedule another public notice in the next available OEQC Environmental Notice.

If you have any questions, please feel free to contact us at (808) 587-0420 or DAGS Survey Division at (808) 586-0380. Thank you.

Sincerely,

Ian Hirokawa
Project Development Specialist

Exhibit D

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NEIL ABERCROMBIE
GOVERNOR



DEC 06 REC'D

DEAN H. SEKI
COMPTROLLER
MARIA E. ZIELINSKI
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Response refer to:
O-222(12)
OA-1500

December 4, 2012

Mr. Jaime F. Alimboyoguen
92-324 Kewai Place
Kapolei, Hawaii 96707

Dear Mr. Alimboyoguen:

Subject: Shoreline Certification Application
TMK 5-3-02; 34
Owner: Patrick Field
Punalu'u, Ko'olauloa, O'ahu, Hawai'i

This shoreline was inspected on the ground on October 8, 2012 and as a result, the shoreline was determined to be further mauka than delineated on your map. Also several encroachments on State land were identified. Before we can proceed, DLNR's Hawaii Administrative Rules require;

1. 13-222-10(b): Revise the shoreline (map and photos) to the upper reaches of the wash of the waves along the bottom bank from the P.O.L ½ " pipe on the west end of the shoreline to the east makai corner of the house and along the top of bank from the east makai corner of the house to the P.O.L ½" pipe on the east end of the shoreline.
2. 13-222-9(e)(2): Show the original source of title for the subject property.
3. 13-222-10(b): Leave a blank space of at least 2" x 3" on the map for the certification stamp.
4. 13-222-19: CRM, CMU, and woody debris on the upper beach face, CMU steps with wooden railing, and a portion of the house were found encroaching onto State land. Please contact the Oahu District Branch of the Department of Land and Natural Resources Land Division at 587-0433 to resolve these encroachments.
5. 13-222-19: Resolve shoreline encroachment into the beach transit corridor (Hawaii Revised Statutes §115-5) by removing the vegetation seaward of the shoreline.

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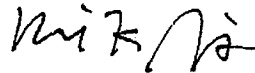
K-5

Mr. Jaime F. Alimboyoguen
December 4, 2012
Page 2

After completion of the above, please submit a minimum of seven (7) copies of the revised map (including a minimum of two (2) photo index maps), three (3) copies of the revised photos, and confirmation of the resolution of the encroachments so that the certification process can be completed.

Should you have any questions on this application, please call me at 586-0390.

Very truly yours,



REID K. SIAROT
State Land Surveyor

Enclosure

cc: Oahu District Land Office, DLNR
Andy Bohlander
Ian Hirokawa

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EROSION AREA (5720 SQ. FT.)

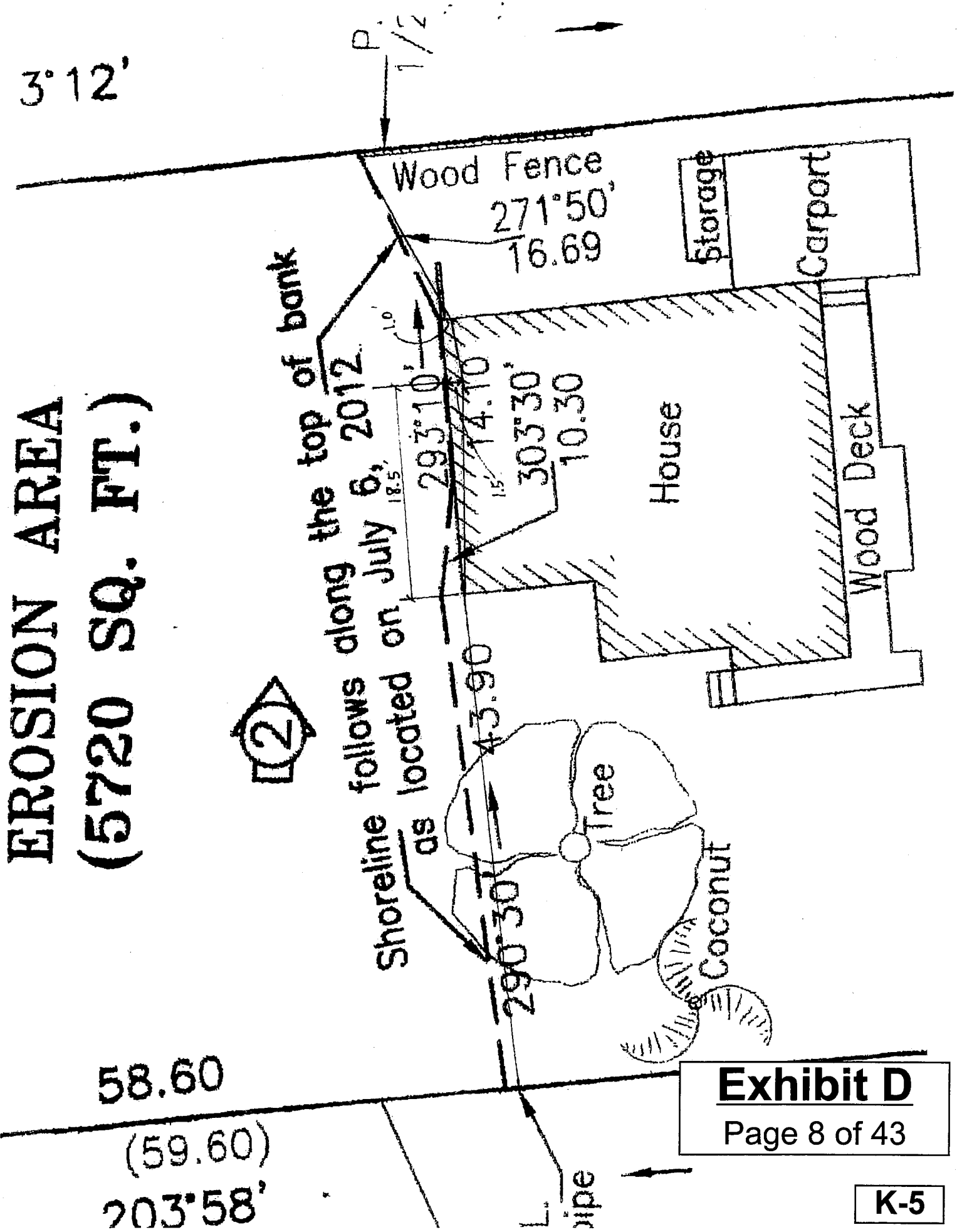


Exhibit D

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Timeline

SPA OA-13-32

Shoreline Survey before purchase: July 31, 2012

Purchased Property: August 29, 2012

Shoreline Survey:: September 12, 2012

Flood Elevation Survey: October 13, 2012

Submit to DLNR for Shoreline Cert. October 08, 2012

Response from DLNR: December 04, 2012

House Demolition: December 23, 2012

Submit Letter & Photos to
DLNR / Sam Lemmo OCCL: December 27, 2012
Hand Delivered to DLNR office

Response from DLNR / Sam Lemmo: January 4, 2013
Phone Call January 4, 2013

Septic Tank Install: January 7, 2013

TAX MAP KEY: **(1) 5-3-002:034**

ADDRESS: **53-227 KAMEHAMEHA HWY.**

SHORELINE APPLICATION NO: **OA-1500**

C&C PERMIT APPLICATION: **A-2012-12-2894**

OWNERS:
 PATRICK & FREDA FIELD
 98-101 HILA PLACE PEARL CITY
 486.4614 OFF 590-6715 CELL
 ALOHASIGN1@AOL.COM EMAIL

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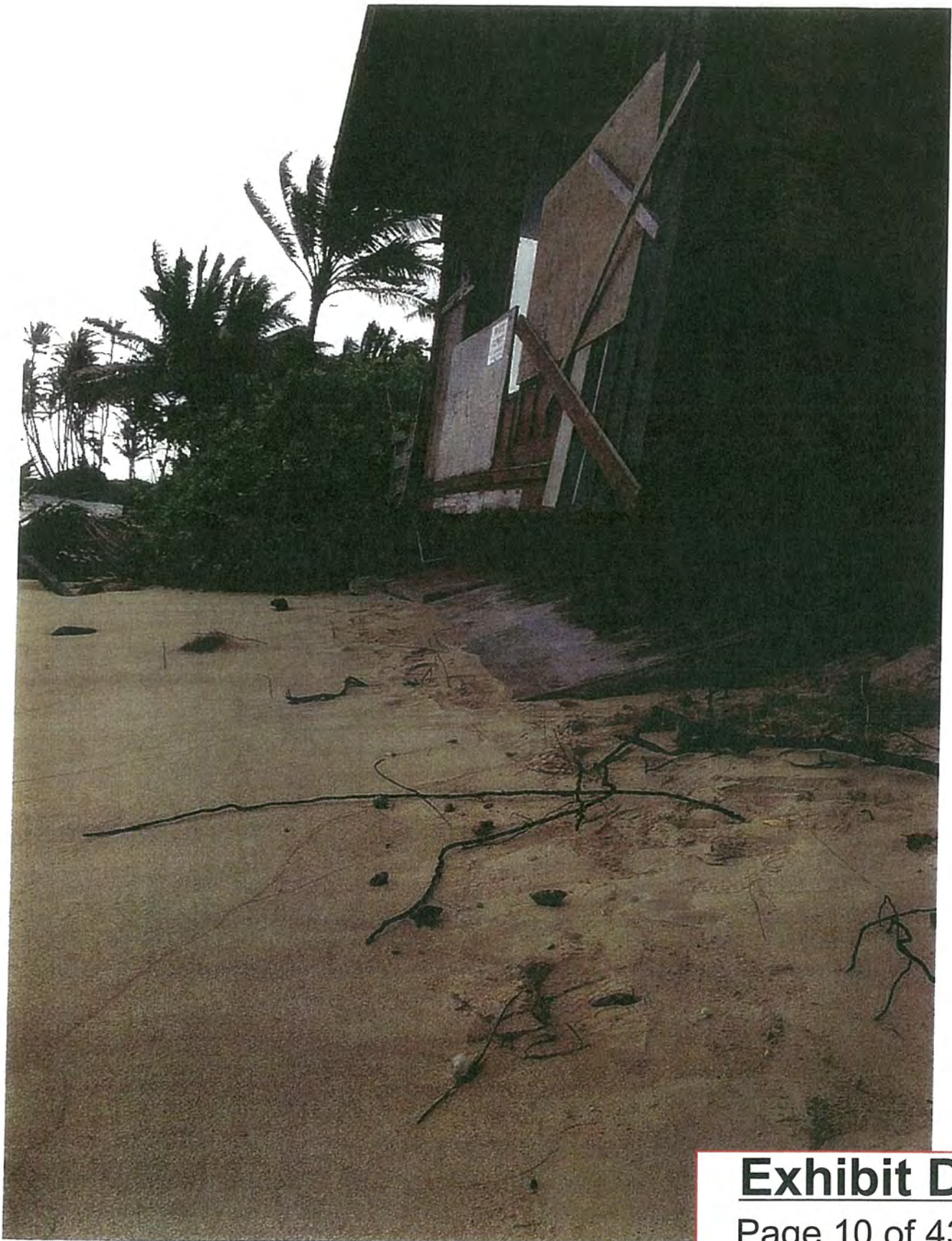


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K-5

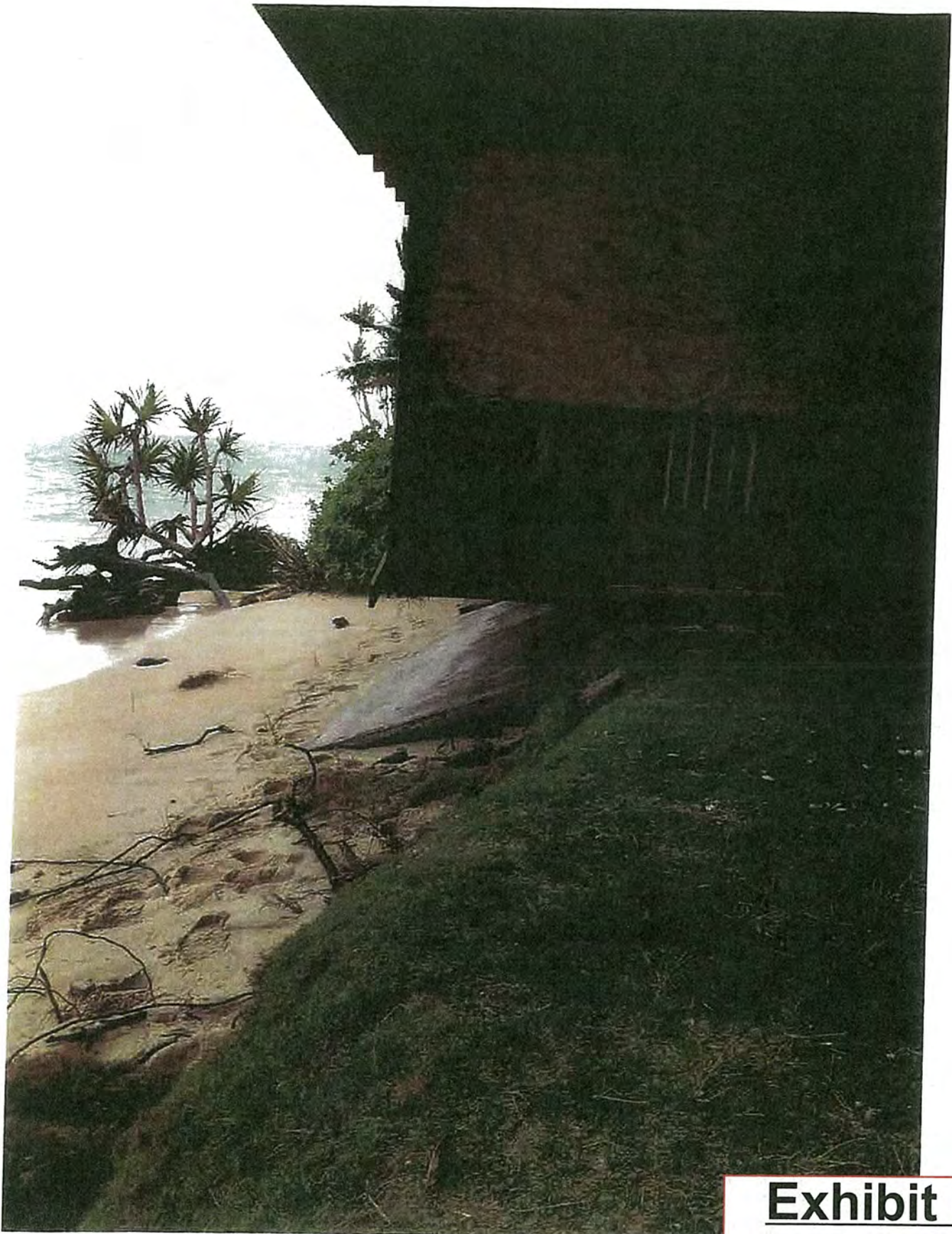


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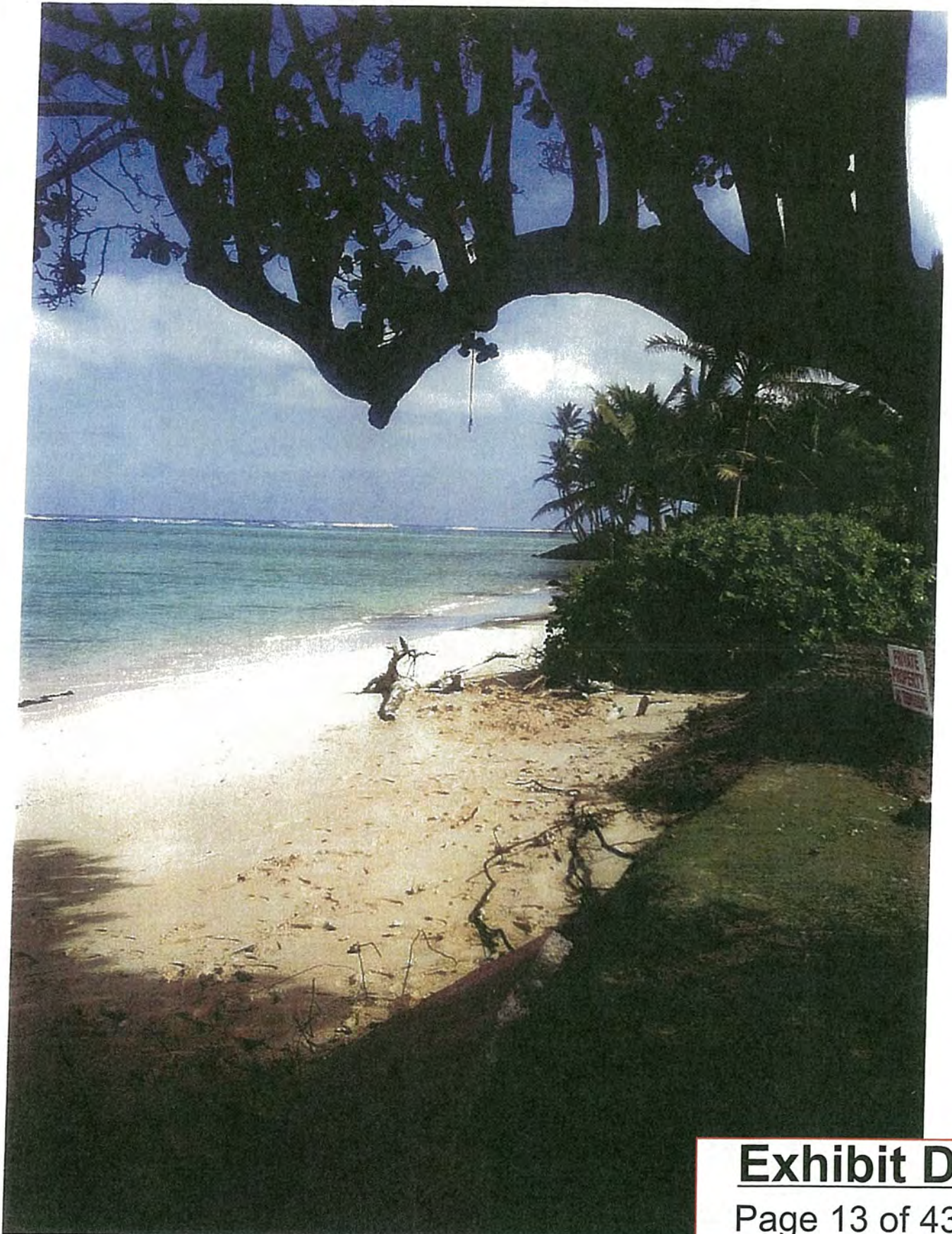


Exhibit D

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ON DEC, 23rd WE TORE DOWN THE HOUSE, BECAUSE WE WERE AFRAID IT WAS GOING TO FALL IN THE WATER.

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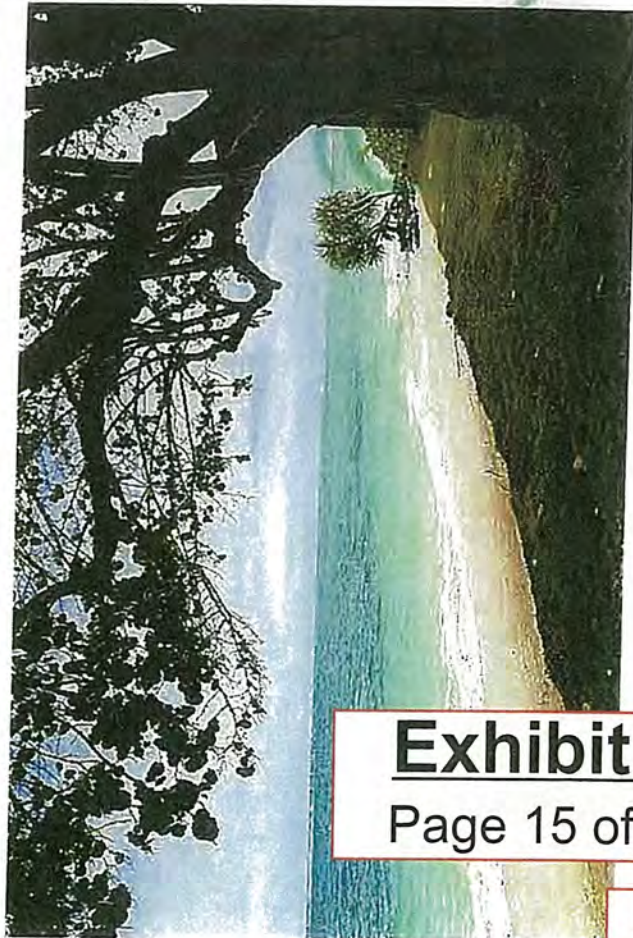
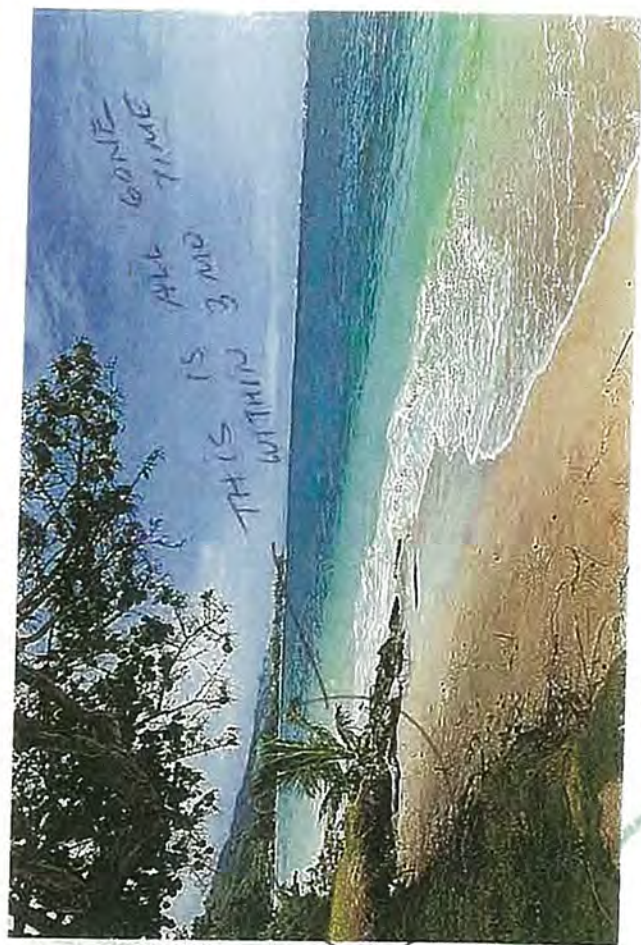
DECEMBER 23, 2012

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TAK 1-5-3-002 034



August 13, 2017

Place note location of house

TAK 1-5-2-007 02,1

Exhibit D



ALUMINUM COIR MATTING

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 8, 2012

File No.: OA-1500

Jaime F. Alimboyoguen
92-324 Kewai Place
Kapolei, Hawaii 96707

Dear Applicant:

Subject: Accepted Application for Shoreline Certification
Owner(s): Patrick Field
Tax Map Key: (1) 5-3-002:034

Your application for shoreline certification of the subject property has been accepted for processing. The commencement date for application processing is **October 8, 2012** and the completion date is **January 5, 2013**.

The file number assigned to this application for shoreline certification is **OA-1500**.

We have submitted your application for publication in the **October 8, 2012** OEQC Environmental Notice to allow public comment. We have also transmitted your application to the Department of Accounting and General Services (DAGS) Survey Division for their review and action. Upon receipt of the State Land Surveyor's recommendation, we will schedule another public notice in the next available OEQC Environmental Notice.

If you have any questions, please feel free to contact us at (808) 587-0420 or DAGS Survey Division at (808) 586-0380. Thank you.

Sincerely,

Ian Hirokawa
Project Development Specialist

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NEIL ABERCROMBIE
GOVERNOR



DEC 06 REC'D

DEAN H. SEKI
COMPTROLLER

MARIA E. ZIELINSKI
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Response refer to:
O-222(12)
OA-1500

December 4, 2012

Mr. Jaime F. Alimboyoguen
92-324 Kewai Place
Kapolei, Hawaii 96707

Dear Mr. Alimboyoguen:

Subject: Shoreline Certification Application
TMK 5-3-02: 34
Owner: Patrick Field
Punalu'u, Ko'olauloa, O'ahu, Hawai'i

This shoreline was inspected on the ground on October 8, 2012 and as a result, the shoreline was determined to be further mauka than delineated on your map. Also several encroachments on State land were identified. Before we can proceed, DLNR's Hawaii Administrative Rules require:

1. 13-222-10(b): Revise the shoreline (map and photos) to the upper reaches of the wash of the waves along the bottom bank from the P.O.L ½ " pipe on the west end of the shoreline to the east makai corner of the house and along the top of bank from the east makai corner of the house to the P.O.L ½" pipe on the east end of the shoreline.
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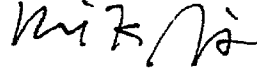
K-5

Mr. Jaime F. Alimboyoguen
December 4, 2012
Page 2

After completion of the above, please submit a minimum of seven (7) copies of the revised map (including a minimum of two (2) photo index maps), three (3) copies of the revised photos, and confirmation of the resolution of the encroachments so that the certification process can be completed.

Should you have any questions on this application, please call me at 586-0390.

Very truly yours,



REID K. SIAROT
State Land Surveyor

Enclosure

cc: Oahu District Land Office, DLNR
Andy Bohlander
Ian Hirokawa

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 2, 2013

Ref: OA-1500

Jaime F. Alimboyoguen
92-324 Kewai Place
Kapolei, Hawaii 96707

Dear Applicant:

Subject: Extension of Time to Process Shoreline Certification
Owner: Patrick Field
Tax Map Key: (1) 5-3-002:034

We write to follow-up on the subject shoreline application.

Pursuant to §13-222-7(j), Hawaii Administrative Rules, the Department finds that due to time constraints, it is necessary to extend the time period for processing this application for shoreline certification. The completion date for processing this application for shoreline certification is therefore extended to July 4, 2013.

If you have any questions, please feel free to contact us at (808) 587-0420 or DAGS Survey Division at (808) 586-0380. Thank you.

Sincerely,

Ian Hirokawa
Project Development Specialist

Wj. Aila

cc: DAGS

*Sam Lemo
Coastal Lands*

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EROSION AREA (5720 SQ. FT.)

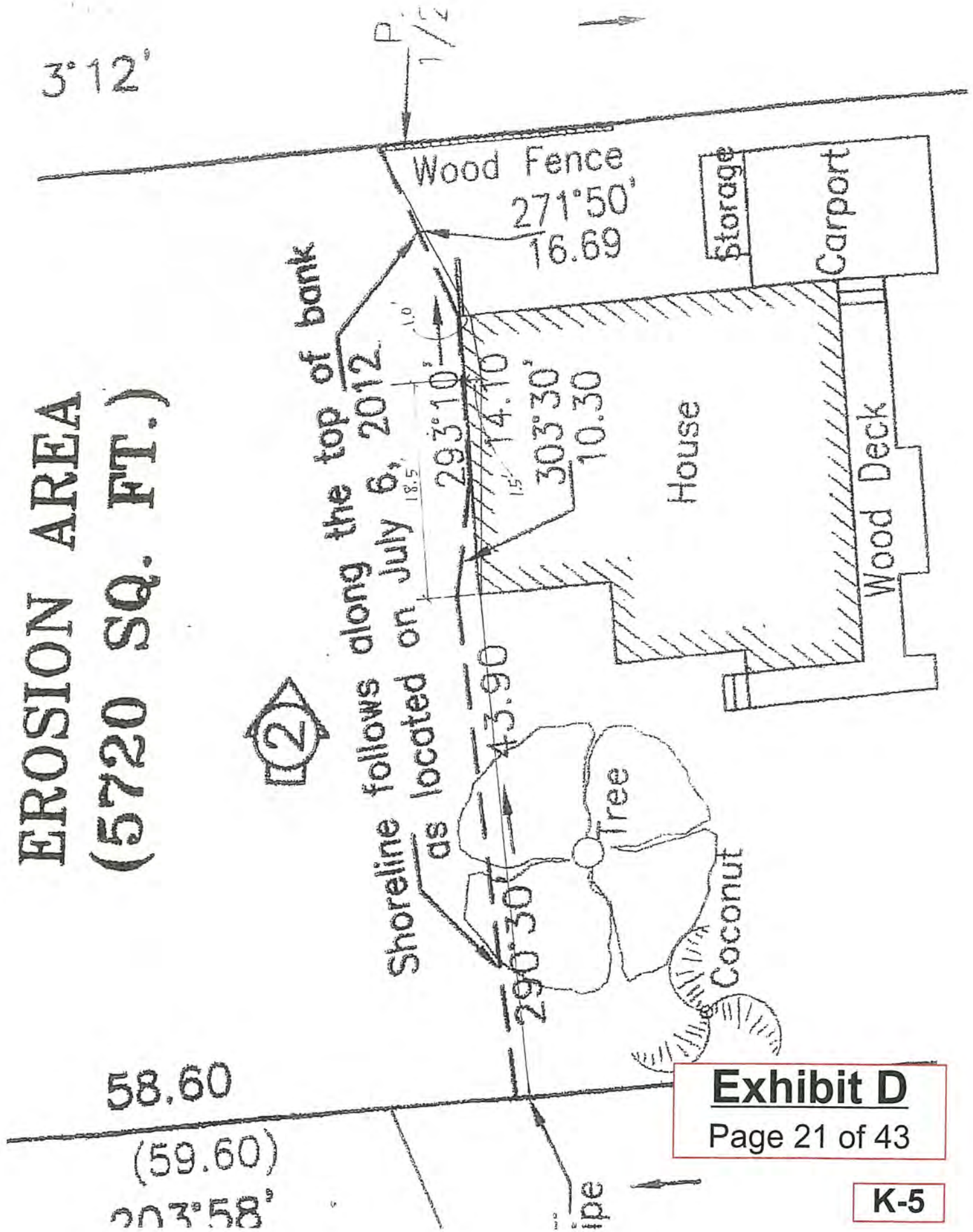


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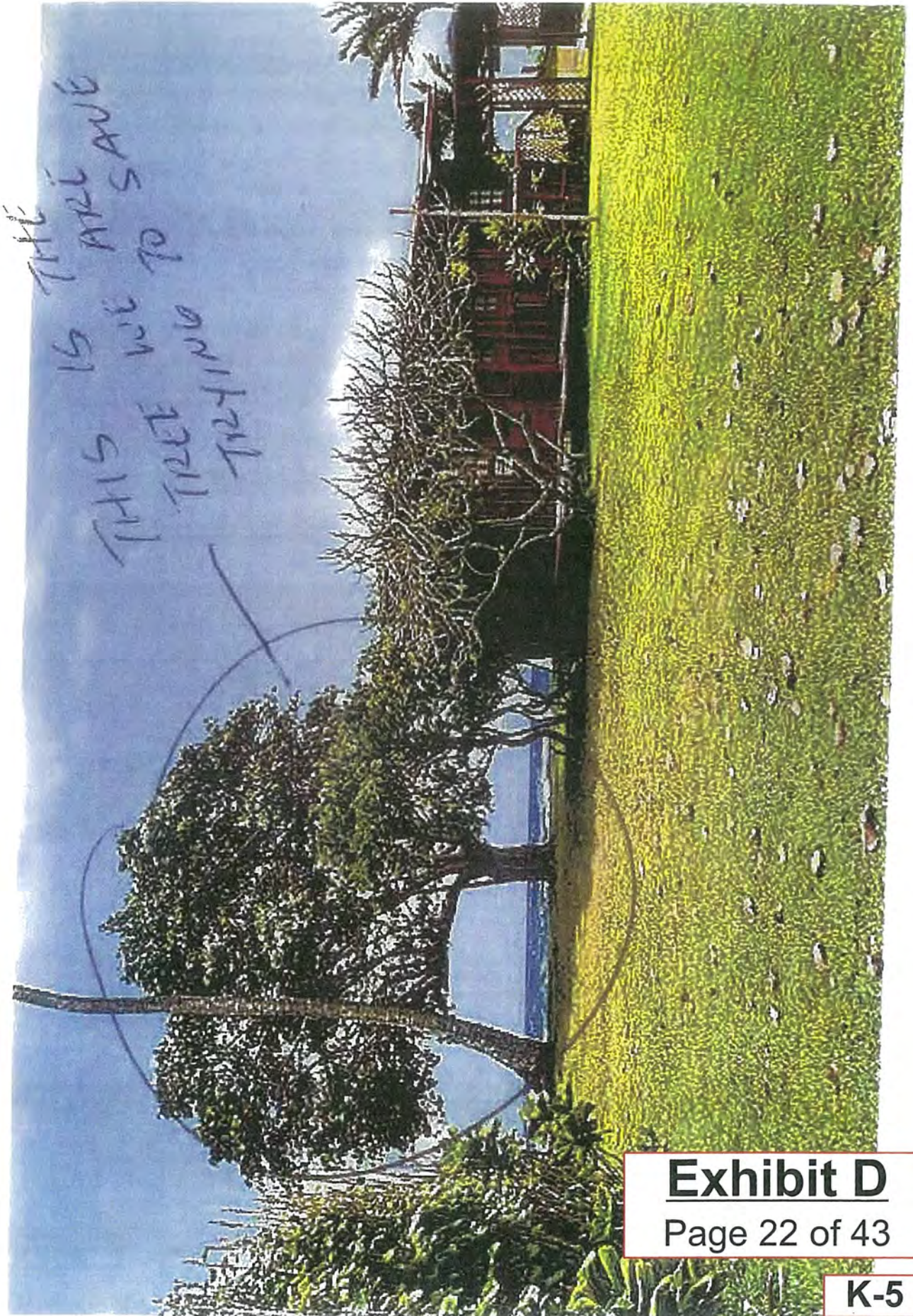


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DEC 20 2017

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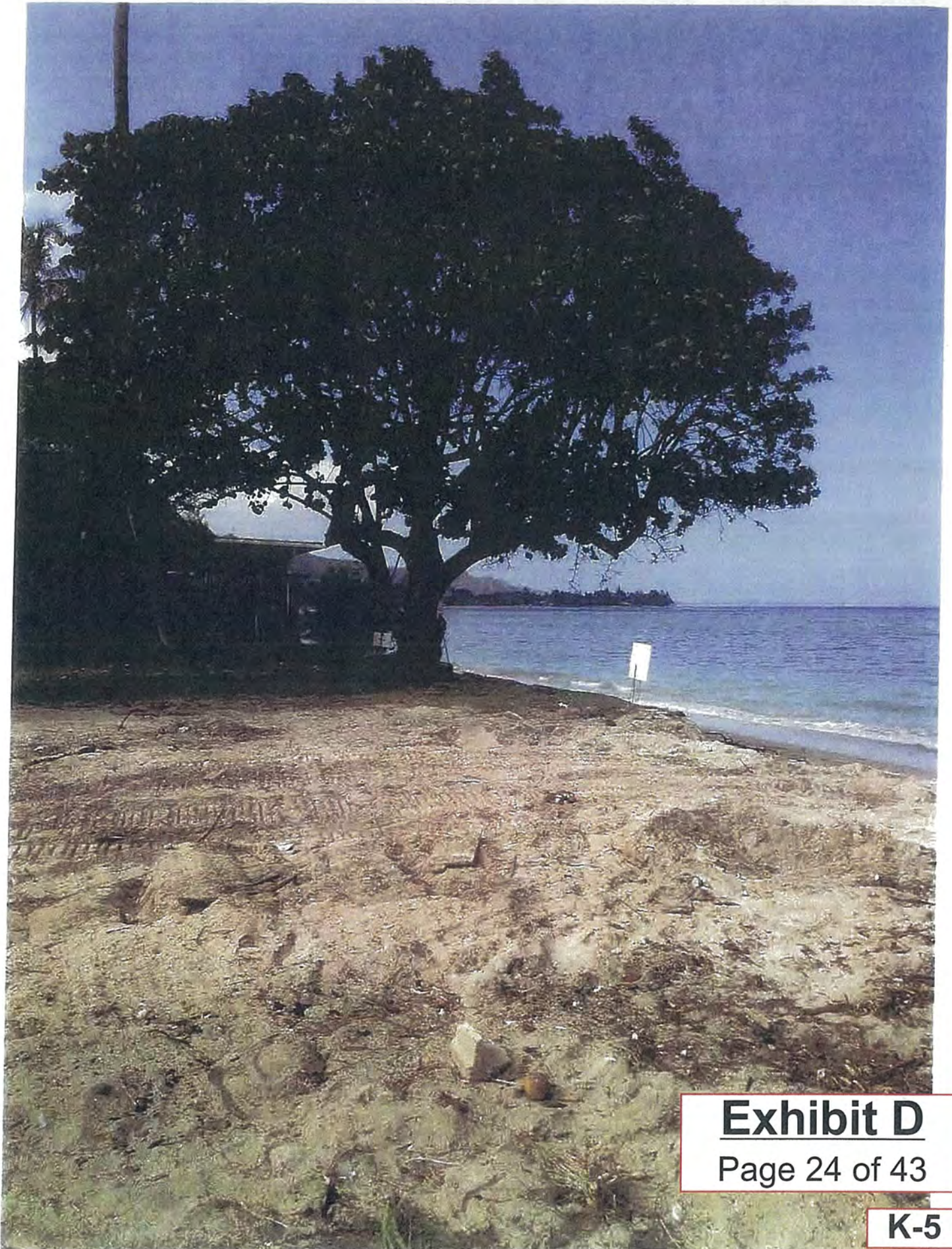


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APR 11 2017



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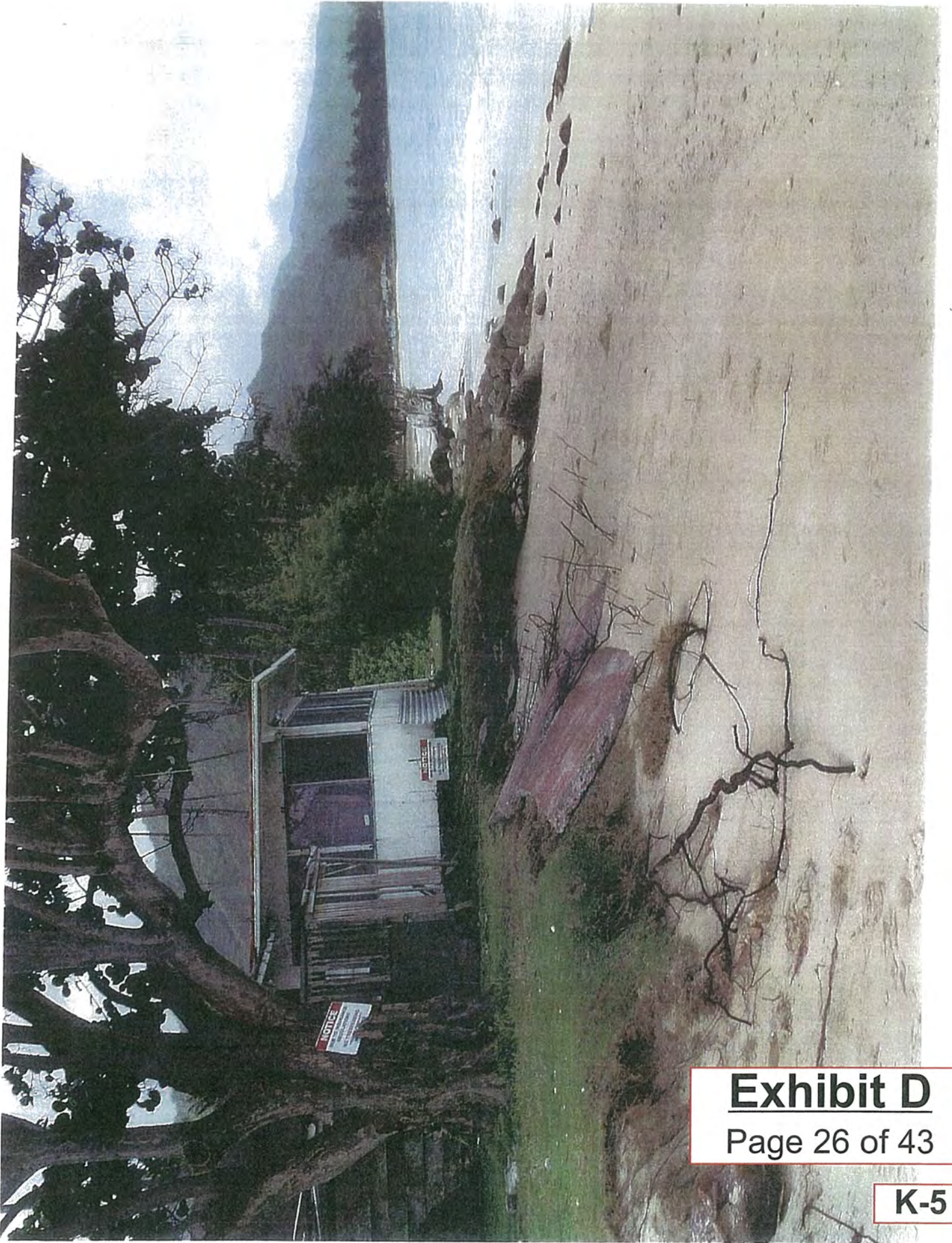


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Exhibit D

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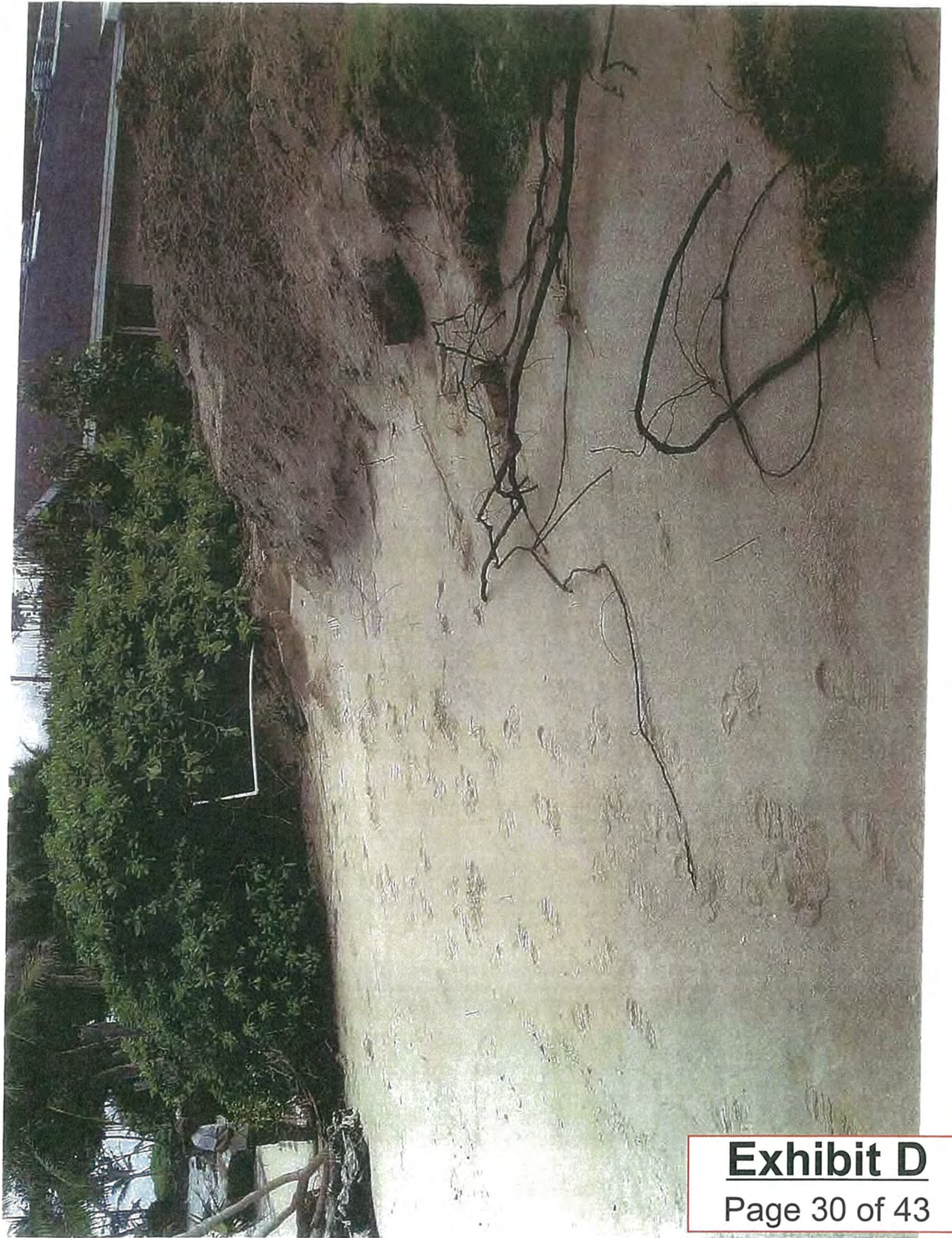


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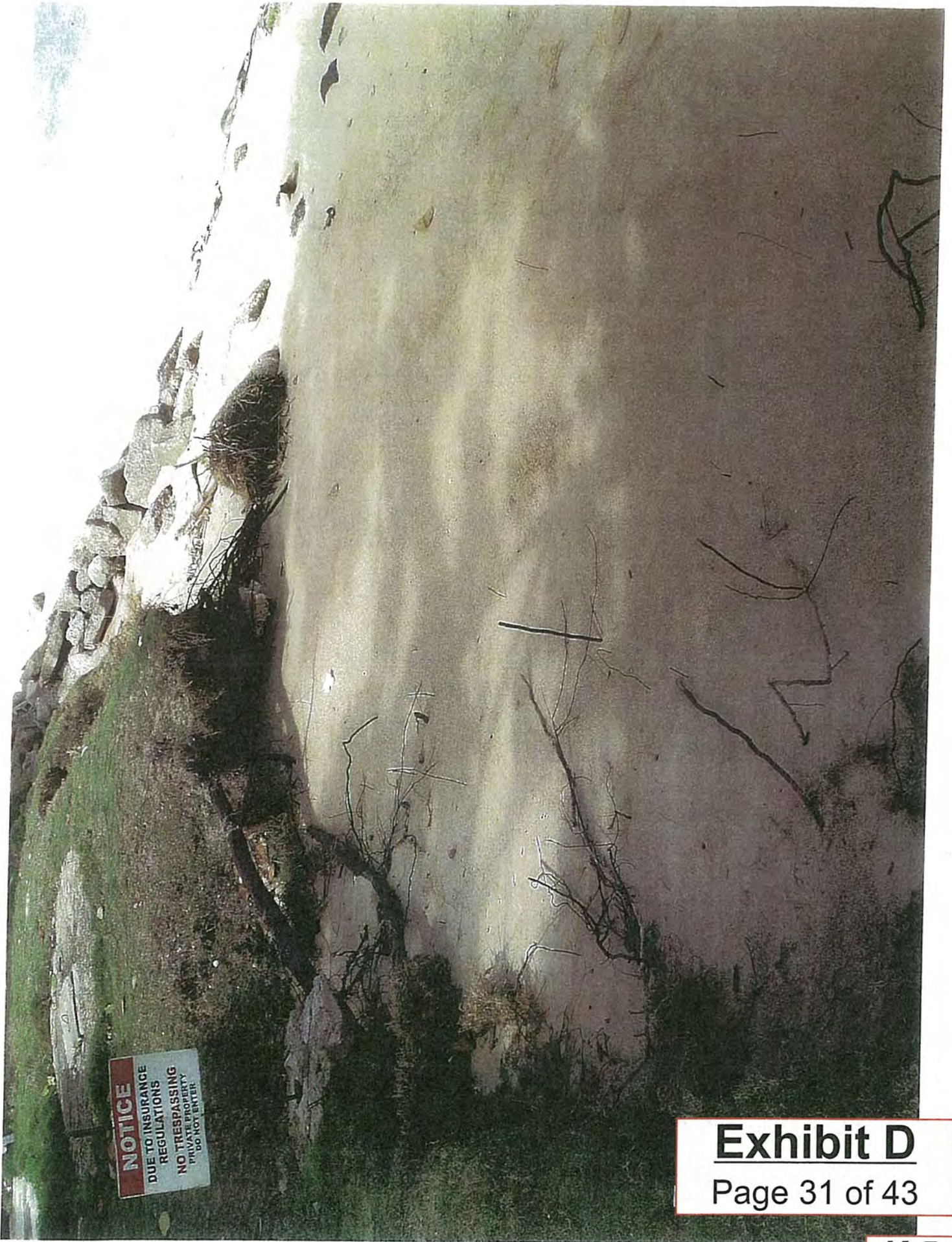


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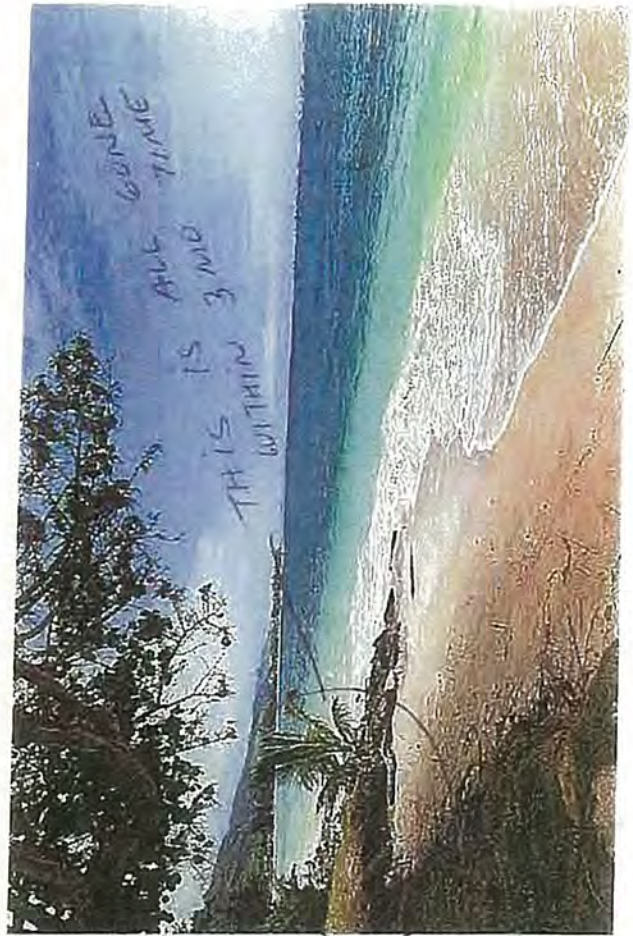
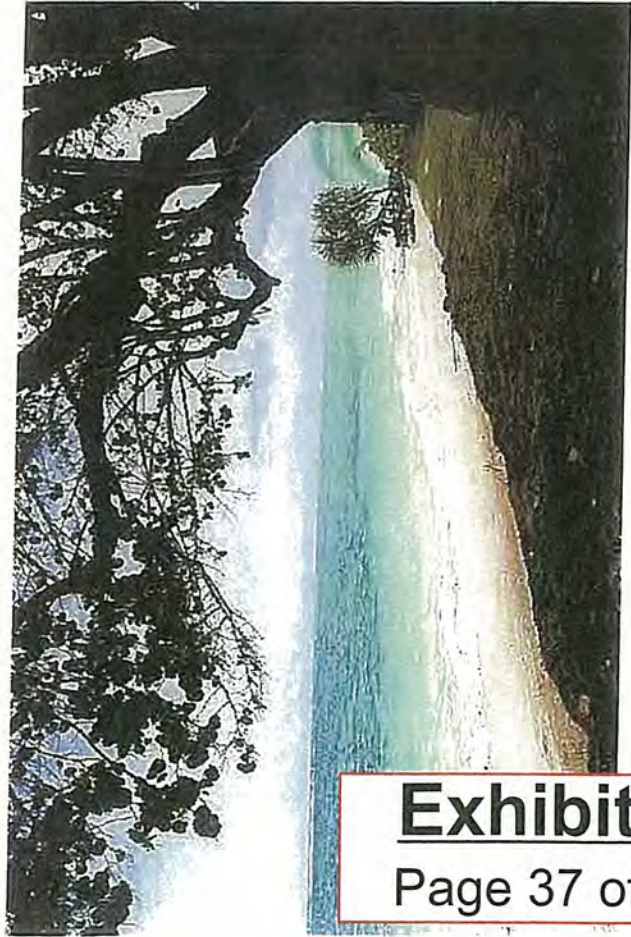
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August 13, 2017

Photo notes caption of photos

TRK 1-5-3 002.034

Exhibit D

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIAAINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL:SL

SPA OA-13-32

Patrick and Freda Field
Aloha Signs and Graphics
98-101 Hila Pl.
Pearl City HI, 96782

FEB 19 2013

Dear Mr. /Mrs. Field,

Subject: **Notice of Site Plan Approval OA-13-32
Temporary Shoreline Erosion Control Using Biodegradable "Coir"
Sandbags at Punaluu, Island Of Oahu - TMK (1) 5-3-002:034**

The DLNR, Office of Conservation and Coastal Lands (OCCL) has reviewed your December letter requesting a temporary shoreline erosion control. The purpose of the proposed project is to provide a temporary erosion control structure that may prevent further erosion of the property. Adjacent landowners have installed erosion control systems without the authorization of the Department of Land and Natural Resources (DLNR) and these cases are currently under investigation. You indicate that these actions have negatively affected your property.

The request was evaluated for potential negative impact to the local nearshore ecosystem and recreational uses of the beach and dune area. It appears the area has experienced localized seasonal and chronic (long-term) erosion fronting the property. The proposed activities are intended to provide temporary relief to seasonal wave run up erosion.

The development of a long-term erosion control plan is critical since the acceptance of repeated site plan approvals for temporary erosion control is limited to episodic events (rather than annual requests) and is justified as a means to provide temporary relief while a long-term plan is being developed.

Installation plans shall be reviewed by the DLNR prior to installation.

Authorization Expiration

It is understood that the sand bags are a temporary response to prevent further erosion. If DLNR staff is satisfied with the installation, the project will be authorized as a temporary erosion control measure for two (2) years from the date of acceptance of this authorization by the landowner. Subsequent erosion control efforts that call for modification, other than maintenance

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of the proposed structure will require a new application. At the end of the two (2) years, the materials shall be removed.

Mitigation Measures (Best Management Practices)

Typical Best Management Practices shall be implemented to ensure that water quality and marine resources are protected and preserved. Mitigation measures involve the use of sand that is free of contaminants and low in silt content. Excessive silt and turbidity shall be contained or otherwise minimized through the use of silt containment devices and barriers as necessary. Silt and dust containment devices should be implemented for the duration of construction activities. Visual monitoring of the nearshore water quality condition should be practiced during sandbag (coir) placement; and if excessive turbidity occurs, work shall cease and more effective silt containment measures shall be utilized.

The applicant will prepare a completion report for the project. It will summarize the construction and detail any deviation from the proposed plans within 30 days of completion of the project. The report will also include a photo summary of the bank and beach conditions after the project is completed.

Sand Quality

Due to the use of native beach sand from an adjacent section of beach and best management practices, potential turbidity impacts from the proposed activities are expected to be negligible. Near-shore turbidity associated with the use of this sand is not expected to impact marine life and is not expected to exceed existing background levels.

Your request for temporary placement of biodegradable sand bags (coir) fronting the subject property is approved as a site plan approval SPA MA-13-32. We have determined that this project constitutes a Site Plan Approval pursuant to Section 13-5-22, *Structures and Land Uses, Existing* (B-1), "Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment" and is in accordance with Section 13-5-38 *Site Plan Approvals*.

The proposed work is minor in scope and may be considered an exempt action under State environmental laws under Hawaii Administrative Rules (HAR), §11-200-8 *Exempt Classes of Action*. The following list represents the exempt classes of actions for this project based on the information provided:

1. "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;"
2. "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;"
3. "Minor alterations in the conditions of land, water, or vegetation."

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TERMS AND CONDITIONS:

After careful review of the proposed project, DLNR gives Site Plan Approval for temporary biodegradable sand bag (coir) placement at Punaluu, Oahu, in the shoreline area of TMK (1) 5-3-002:034, subject but not limited to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State, and County governments for projects approved under this authorization and applicable parts of Chapter 13-5, HAR including obtaining an appropriate land disposition such as a right of entry. Department authorization of the proposed project does not eliminate this responsibility;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the permittee, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. In issuing this approval, the Department has relied on the information and data that the permittee has provided in connection with this approval application. If, subsequent to the issuance of the approval such information and data prove to be false, incomplete, or inaccurate, this approval may be modified, suspended, or revoked, in whole, or in part, and the department may, in addition, institute appropriate legal proceedings;
4. All activities authorized shall be initiated within 6 months of this authorization and completed within 12 months of this authorization;
5. After completion of the project the materials shall be removed within two (2) years;
6. The concrete slab that protects the large tree on the seaward side of the property shall be removed;
7. **Plans for the coir system shall be reviewed and approved by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands prior to installation;**
8. The permittee shall comply with all applicable Department of Health administrative rules;
9. Work shall be conducted at low tide to the most practical extent possible and no work shall occur during high surf or ocean conditions that will create unsafe work or beach conditions;

10. 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. All barriers shall be removed once the project is complete to allow full public access laterally along the beach and above the dune;
11. The permittee shall submit a summary report to the DLNR within 30 days of the completion of the project describing what maintenance actions took place and include photographic or other quantitative evidence of the beach conditions;
12. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
13. The permittee shall take measures to ensure that the public is adequately informed of the project work once it is initiated and the need to avoid the project area during the operation;
14. The permittee shall implement standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters and clean up fuel; fluid or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance;
15. 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;
16. Where any interference, nuisance, or harm may be caused, or hazard established by the proposed measures, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
17. The activity shall not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
18. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
19. When the Chairperson is notified by the permittee or the public that an individual activity deviates from the scope of an application approved by this letter, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;

20. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State DLNR that an individual activity or activities authorized by this letter is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
21. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
22. No motorized construction equipment is to be operated in the water at any time;
- 23. The permittee shall obtain a Right-of-Entry permit from the Department of Land and Natural Resources, Land Division (587-0430);**
24. In the event that historic sites, including human burials are uncovered during construction activities, all work in the vicinity must stop immediately and contact the State Historic Preservation Division at (808) 692-8015;
25. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Chairperson;
26. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this authorization, if it deems them necessary;
27. Failure on the part of the permittee to comply with any conditions imposed under this letter shall render the letter null and void.

Shoreline Certification:

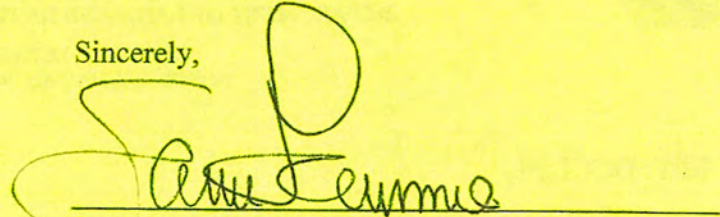
We recommend that you remove the concrete slab and trim the encroaching vegetation and then commence with the shoreline certification process prior to installing the coir system.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Also, please remit a check (State of Hawaii) to this office for \$50.00 which is the fee for the Site Plan Approval. Please notify the OCCL immediately if any changes to the scope or schedule are anticipated.

Exhibit D
Page 42 of 43

Should you have any questions on any of these conditions, please contact the DLNR Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

I concur with the conditions of this letter:

Applicant's Name (Print)

Applicant's Signature

Date _____

- Cc: Chairperson
- City and County of Honolulu, Department of Planning and Permitting
- DLNR, Land Division (Oahu)
- DLNR, DOCARE (Oahu)

Exhibit D

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RECEIVED
DEPARTMENT OF CONSERVATION
& COASTAL LANDS

2013 FEB 20 A 8:19

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES &
NATURAL RESOURCES
POST OFFICE BOX 621 HONOLULU, HAWAII 96809
STATE OF HAWAII

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIAAINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KABOOLAWI ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL:SL

SPA OA-13-32

FEB 13 2013

Patrick and Freda Field
Aloha Signs and Graphics
98-101 Hila Pl.
Pearl City HI, 96782

Dear Mr. /Mrs. Field,

Subject: **Notice of Site Plan Approval OA-13-32
Temporary Shoreline Erosion Control Using Biodegradable "Coir"
Sandbags at Punaluu, Island Of Oahu - TMK (1) 5-3-002:034**

The DLNR, Office of Conservation and Coastal Lands (OCCL) has reviewed your December letter requesting a temporary shoreline erosion control. The purpose of the proposed project is to provide a temporary erosion control structure that may prevent further erosion of the property. Adjacent landowners have installed erosion control systems without the authorization of the Department of Land and Natural Resources (DLNR) and these cases are currently under investigation. You indicate that these actions have negatively affected your property.

The request was evaluated for potential negative impact to the local nearshore ecosystem and recreational uses of the beach and dune area. It appears the area has experienced localized seasonal and chronic (long-term) erosion fronting the property. The proposed activities are intended to provide temporary relief to seasonal wave run up erosion.

The development of a long-term erosion control plan is critical since the acceptance of repeated site plan approvals for temporary erosion control is limited to episodic events (rather than annual requests) and is justified as a means to provide temporary relief while a long-term plan is being developed.

Installation plans shall be reviewed by the DLNR prior to installation.

Authorization Expiration

It is understood that the sand bags are a temporary response to prevent further erosion. If DLNR staff is satisfied with the installation, the project will be authorized as a temporary erosion control measure for two (2) years from the date of acceptance of this authorization by the landowner. Subsequent erosion control efforts that call for modification, other than maintenance

Exhibit E
Page 1 of 13

of the proposed structure will require a new application. At the end of the two (2) years, the materials shall be removed.

Mitigation Measures (Best Management Practices)

Typical Best Management Practices shall be implemented to ensure that water quality and marine resources are protected and preserved. Mitigation measures involve the use of sand that is free of contaminants and low in silt content. Excessive silt and turbidity shall be contained or otherwise minimized through the use of silt containment devices and barriers as necessary. Silt and dust containment devices should be implemented for the duration of construction activities. Visual monitoring of the nearshore water quality condition should be practiced during sandbag (coir) placement; and if excessive turbidity occurs, work shall cease and more effective silt containment measures shall be utilized.

The applicant will prepare a completion report for the project. It will summarize the construction and detail any deviation from the proposed plans within 30 days of completion of the project. The report will also include a photo summary of the bank and beach conditions after the project is completed.

Sand Quality

Due to the use of native beach sand from an adjacent section of beach and best management practices, potential turbidity impacts from the proposed activities are expected to be negligible. Near-shore turbidity associated with the use of this sand is not expected to impact marine life and is not expected to exceed existing background levels.

Your request for temporary placement of biodegradable sand bags (coir) fronting the subject property is approved as a site plan approval SPA MA-13-32. We have determined that this project constitutes a Site Plan Approval pursuant to Section 13-5-22, *Structures and Land Uses, Existing (B-1)*, "Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment" and is in accordance with Section 13-5-38 *Site Plan Approvals*.

The proposed work is minor in scope and may be considered an exempt action under State environmental laws under Hawaii Administrative Rules (HAR), §11-200-8 *Exempt Classes of Action*. The following list represents the exempt classes of actions for this project based on the information provided:

1. "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;"
2. "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;"
3. "Minor alterations in the conditions of land, water, or vegetation."

Exhibit E

Page 2 of 13

TERMS AND CONDITIONS:

After careful review of the proposed project, DLNR gives Site Plan Approval for temporary biodegradable sand bag (coir) placement at Punaluu, Oahu, in the shoreline area of TMK (1) 5-3-002:034, subject but not limited to the following conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the Federal, State, and County governments for projects approved under this authorization and applicable parts of Chapter 13-5, HAR including obtaining an appropriate land disposition such as a right of entry. Department authorization of the proposed project does not eliminate this responsibility;
2. The permittee, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the permittee, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. In issuing this approval, the Department has relied on the information and data that the permittee has provided in connection with this approval application. If, subsequent to the issuance of the approval such information and data prove to be false, incomplete, or inaccurate, this approval may be modified, suspended, or revoked, in whole, or in part, and the department may, in addition, institute appropriate legal proceedings;
4. All activities authorized shall be initiated within 6 months of this authorization and completed within 12 months of this authorization;
5. After completion of the project the materials shall be removed within two (2) years;
6. The concrete slab that protects the large tree on the seaward side of the property shall be removed;
7. **Plans for the coir system shall be reviewed and approved by the Department of Land and Natural Resources, Office of Conservation and Coastal Lands prior to installation;**
8. The permittee shall comply with all applicable Department of Health administrative rules;
9. Work shall be conducted at low tide to the most practical extent possible and no work shall occur during high surf or ocean conditions that will create unsafe work or beach conditions;

Exhibit E

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10. 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. All barriers shall be removed once the project is complete to allow full public access laterally along the beach and above the dune;
11. The permittee shall submit a summary report to the DLNR within 30 days of the completion of the project describing what maintenance actions took place and include photographic or other quantitative evidence of the beach conditions;
12. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
13. The permittee shall take measures to ensure that the public is adequately informed of the project work once it is initiated and the need to avoid the project area during the operation;
14. The permittee shall implement standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters and clean up fuel; fluid or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance;
15. 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;
16. Where any interference, nuisance, or harm may be caused, or hazard established by the proposed measures, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm or hazard;
17. The activity shall not adversely affect a Federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
18. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
19. When the Chairperson is notified by the permittee or the public that an individual activity deviates from the scope of an application approved by this letter, or activities are adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;

20. When the Chairperson is notified by the U.S. Fish and Wildlife Service, the National Marine Fisheries Service or the State DLNR that an individual activity or activities authorized by this letter is adversely affecting fish or wildlife resources or their harvest, the Chairperson will direct the permittee to undertake corrective measures to address the condition affecting these resources. The permittee must suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect;
21. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
22. No motorized construction equipment is to be operated in the water at any time;
- 23. The permittee shall obtain a Right-of-Entry permit from the Department of Land and Natural Resources, Land Division (587-0430);**
24. In the event that historic sites, including human burials are uncovered during construction activities, all work in the vicinity must stop immediately and contact the State Historic Preservation Division at (808) 692-8015;
25. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Chairperson;
26. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this authorization, if it deems them necessary;
27. Failure on the part of the permittee to comply with any conditions imposed under this letter shall render the letter null and void.

Shoreline Certification:

We recommend that you remove the concrete slab and trim the encroaching vegetation and then commence with the shoreline certification process prior to installing the coir system.

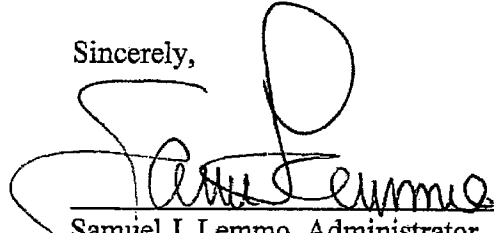
Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within thirty (30) days. Also, please remit a check (State of Hawaii) to this office for \$50.00 which is the fee for the Site Plan Approval. Please notify the OCCL immediately if any changes to the scope or schedule are anticipated.

Exhibit E

Page 5 of 13

Should you have any questions on any of these conditions, please contact the DLNR Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377.

Sincerely,

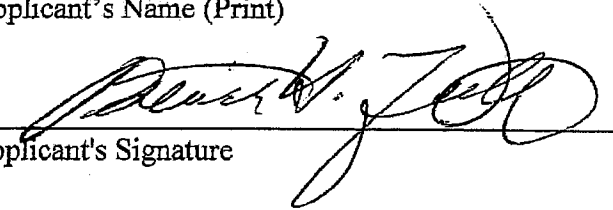


 Samuel J. Lemmo, Administrator
 Office of Conservation and Coastal Lands

I concur with the conditions of this letter:

Patrick Field

Applicant's Name (Print)



Applicant's Signature

Date 2.15.13

Cc: Chairperson
 City and County of Honolulu, Department of Planning and Permitting
 DLNR, Land Division (Oahu)
 DLNR, DOCARE (Oahu)

Exhibit E
 Page 6 of 13

DEPARTMENT OF LAND & NATURAL RESOURCES
SAMUEL J. LEMMO, ADMINISTRATOR: OCCL
P.O. BOX 621
HONOLULU, HAWAII 96809

*BOND
Let's discuss
Monday*

PATRICK & FREDA FIELD
98-101 HILA PLACE
PEARL CITY, HI 96782

RECEIVED
REGISTRATION
GENERAL LANDS

2013 FEB 22 P 12: 14

DEPARTMENT OF
NATURAL RESOURCES
STATE OF HAWAII

FEBRUARY 22, 2013

RE: SITE PLAN APPROVAL OA-13-32 TEMPORARY SHORELINE PROTECTION FOR 53-227 KAMEHAMEHA HWY TMK: (1) 5-3-002:034

DEAR MR. LEMMO:

WE ARE IN RECEIPT OF YOUR SITE PLAN APPROVAL LETTER OA-13-32 DATED 2/13/13. WE APPRECIATE THE TIME & EFFORT THE DLNR HAS DONE TO HELP US WITH OUR TEMPORARY SHORELINE PERMIT. WE HAVE ATTACHED 2 DRAWINGS SHOWING OUR INTENTIONS ON OUR TEMPORARY SHORELINE EROSION CONTROL.

YOUR LETTER HAS ASKED FOR "COIR" NETTING HOWEVER, THERE IS A PROBLEM WITH OBTAINING THAT MATERIAL HERE ON OAHU. AFTER FURTHER RESEARCH, JOE CORREA IS THE ONLY PERSON ON THE ISLAND WHO CAN SELL THIS MATERIAL, AND HE WILL NOT SELL TO US UNLESS WE USE HIS COMPANY FOR THE INSTALLATION ON OUR PROPERTY, AND WE REALLY CAN'T AFFORD HIS PRICES. WE HAVE RESEARCHED HOW TO ORDER THIS FROM THE MAINLAND HOWEVER, IT WILL NOT PASS AGRICULTURE AS WE DO NOT HAVE AN IMPORT LICENSE

WE CONTACTED GEOTECH SOLUTIONS, INC. LOCATED IN WAIPAHU AND SPOKE WITH THEIR EXPERTS AND THEY RECOMMENDED A "ELCOROCK BAG" WHICH THEY HAVE EXPLAINED TO US IS WHAT IS CURRENTLY BEING USED IN WAIKIKI TO STABILIZE THE ROYAL HAWAIIAN HOTELS BEACH EROSION.

FYI, WE WILL REMOVE THE CONCRETE SLAB AND DISPOSE ONCE WE GET OUR SANDBAGS IN PLACE AND THE PLANTS WILL BE TRIMMED BACK DURING THE SANDBAG INSTALLATION.

THE SAND BAGS ARE 3' X 5' X 18" THICK AND WILL BE FILLED WITH THE SAND FROM OUR PROPERTY. WE HAVE EXTRA SAND FROM OUR LAND BECAUSE WE HAD A 1500 GALLON SEPTIC TANK AND LEACH FIELD INSTALLED AND WE CAN USE THAT SAND TO FILL AND SET THE BAGS.

THE INSTALLATION OF THE SANDBAGS WILL BE INSTALLED BY OUR CONTRACTOR : OZZY'S CONSTRUCTION. HE HAS A STATE OF HAWAII ABC LICENSE AND IS AWARE OF ALL THE STATE, CITY, & DLNR. REQUIREMENTS.

PLEASE LET US KNOW IF YOU HAVE ANY FURTHER QUESTIONS OR CONCERNS. WE ANXIOUSLY AWAIT YOUR RESPONSE.

THANK YOU,

PATRICK & FREDA FIELD



TAX MAP KEY: (1) 5-3-002:034

ADDRESS: **53-227 KAMEHAMEHA HWY.**

SHORELINE APPLICATION NO: **OA-1500**

SITE PLAN APPROVAL: **OA-13-32**

C&C PERMIT APPLICATION: **A-2012-12-2894**

Exhibit E

Page 7 of 13

CC: Chairperson

98-480-4614 OFF 950-0713 CELL
ALOHA SIGN1@AOL.COM EMAIL

K-5

TAX MAP KEY: (1) 5-3-002:034

ADDRESS: 53-227 KAMEHAMEHA HWY.



SHORELINE APPLICATION NO: OA-1500

SITE PLAN APPROVAL: OA-13-32

C&C PERMIT APPLICATION: A-2012-12-2894

OWNERS:
PATRICK & FREDA FIELD
98-101 HILA PLACE PEARL CITY
486.4614 OFF 590-6715 CELL
ALOHASIGN1@AOL.COM EMAIL

KEY

-  Sand Bags 36"x60"x18"
-  Beach Sand Fill from our property

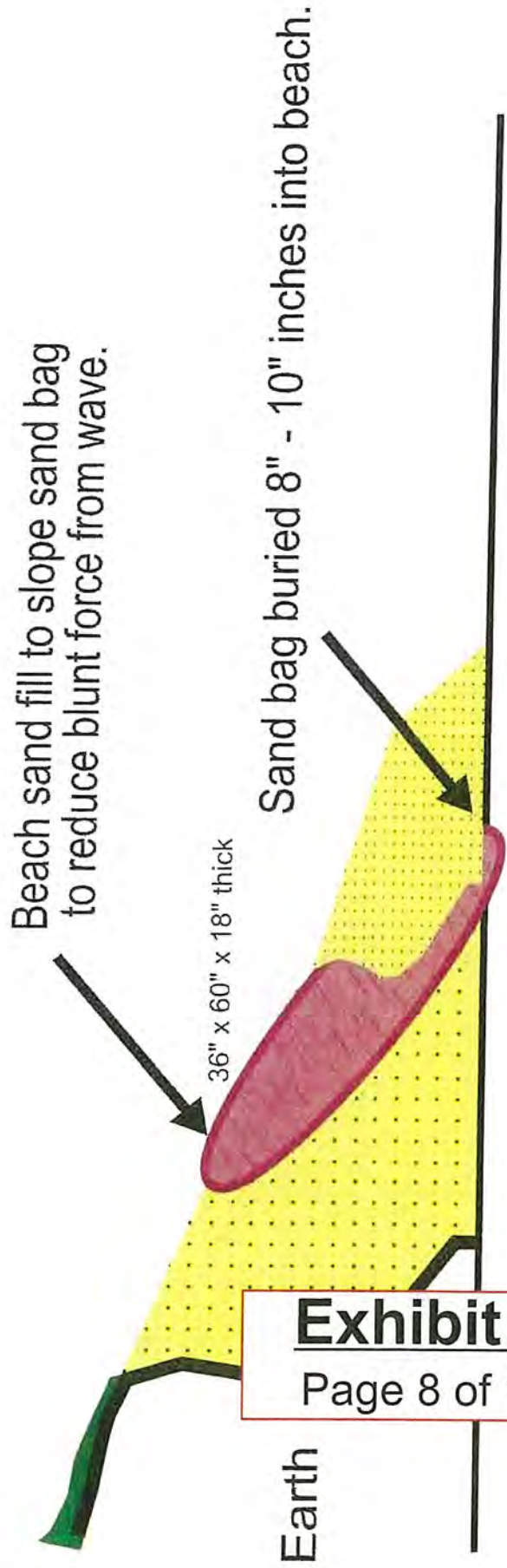
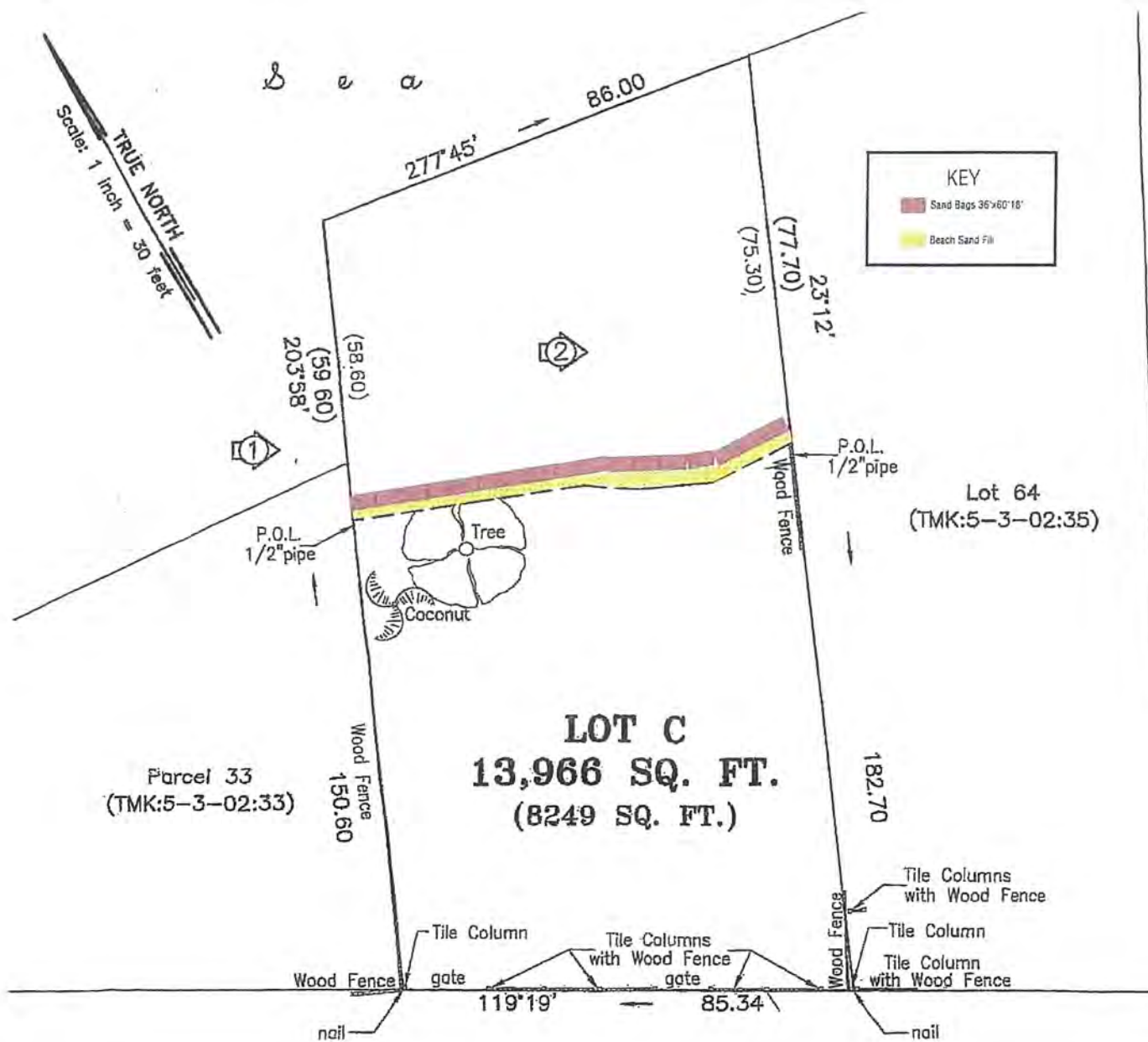


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K A M E H A M E H A

H I G H W A Y

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TAX MAP KEY: (1) 5-3-002:034

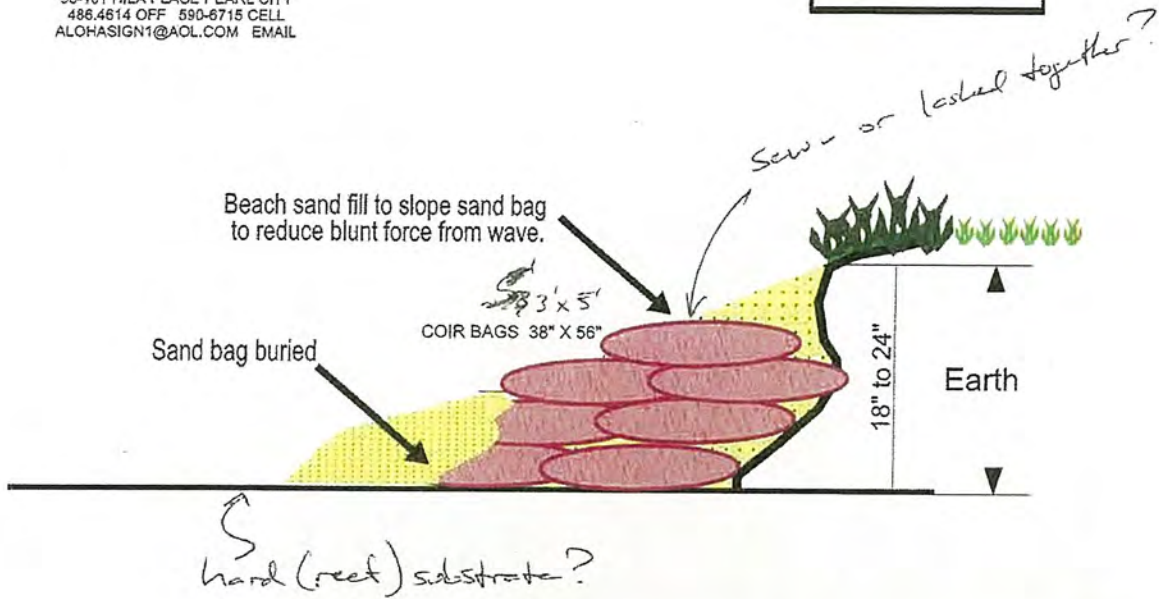
ADDRESS: 53-227 KAMEHAMEHA HWY.

SHORELINE APPLICATION NO: OA-1500

SITE PLAN APPROVAL: OA-13-32

C&C PERMIT APPLICATION: A-2012-12-2894

OWNERS:
PATRICK & FREDA FIELD
98-101 HILA PLACE PEARL CITY
486.4614 OFF 590-6715 CELL
ALOHASIGN1@AOL.COM EMAIL



NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIAAINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL:SL

Correspondence: SPA OA-13-32

Patrick and Freda Field
Aloha Signs and Graphics
98-101 Hila Pl.
Pearl City HI, 96782

FEB 26 2013

Exhibit E

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Dear Mr. and Mrs. Field,

Subject: **Response to Your February 22, 2013 Email Inquiry Regarding Site Plan Approval OA-13-32 for Temporary Shoreline Erosion Control at Punaluu, Island Of Oahu; TMK (1) 5-3-002:034**

The DLNR, Office of Conservation and Coastal Lands (OCCL) has reviewed your February 22, 2013 email inquiry (letter) regarding temporary shoreline erosion control at TMK (1) 5-3-002:034. Your letter notified DLNR of your intentions to install a temporary erosion control structure using "Elcorock" geotextile sand bags.

DLNR's February, 2013 Site Plan Approval (SPA OA-13-32) provided authorization for temporary placement of biodegradable sand bags ("Coir" coconut material or similar biodegradable product) fronting the subject property. The Site Plan Approval was authorized pursuant to Section 13-5-22, *Structures and Land Uses, Existing* (B-1), "Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment" and in accordance with Section 13-5-38 *Site Plan Approvals*. The biodegradable sand bags are authorized by DLNR as a temporary erosion control measure for two (2) years.

The biodegradable sand bag structure is authorized under a Site Plan Approval because the applicants' request for shoreline erosion control does not meet the qualifications for an emergency authorization under Subsection 13-5-35 *Emergency Permits*. An Emergency Permit requires that an inhabited structure is *Imminently Threatened* by coastal erosion, defined in Section 13-5-2 as "a distance of twenty feet or less from an actively eroding shoreline or erosion that will threaten the structure in less than six months." There is no major structure on the vacant property and, consequently, no Imminent Threat exists.

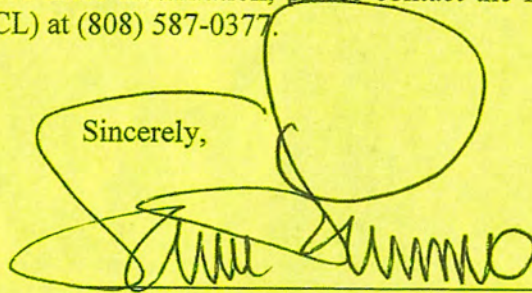
Construction of a geotextile sand bag revetment does not qualify as a "minor alteration of existing structures, facilities, land, and equipment" pursuant to Section 13-5-22. Authorization for an erosion control structure using geotextile sand bags without an Emergency Permit requires a Conservation District Use Application (CDUA) authorized by the Board of Land and Natural Resources (BLNR) pursuant to Section 13-5-22, *Shoreline Erosion Control* (D-1), in accordance with Section 13-5-34 *Board Permits*.

K-5

The DLNR is unable to grant approval for the installation of geotextile (Elcorock) sand bags under SPA OA-13-32. DLNR's authorization for temporary erosion control using biodegradable materials remains valid. As stated in Site Plan Approval OA-13-32, plans for an erosion control system shall be reviewed and approved by DLNR prior to installation.

Should you have any questions or need more information, please contact the DLNR Office of Conservation and Coastal Lands (OCCL) at (808) 587-0377.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

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K-5

0A-15-6

Shoreline Restoration of Hawaii

PO Box 188
Waimanalo, HI 96795
ph. 808-228-9391
email: correa.joe@gmail.com

2014 JUL 31 A 9: 15

OFFICE OF CONSERVATION AND COASTAL LANDS

KES

7-22-2014

Sam Lemmo
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Site Plan Request to install temporary and emergency shoreline protection
Pat and Freda Fields
53-227 Kamehameha Hwy.
Punaluu, HI 96717
TMK: 5-3-002:034

On behalf of Pat and Freda Fields, we request permission to install a temporary, emergency shoreline protection structure seaward of the erosion scarp as shown on the accompanying plans.

Seasonal erosion has been a problem in this area for many years especially when the trade winds are strong and the tides high. Over the last 30 years or so the beach has slowly moved landward and this lack of beach protection is allowing the ocean and its processes to reach further landward and now threatens habitable structures and enjoyment of the beach.

The strong trade winds, during summer, fall and early winter create an east to west rip current, which causes the sand in the near shore to move towards the west. The current deflates the beach in this area, causing scarping of the dune. These effects are now happening at the Fields shoreline and temporary, emergency shoreline protection is needed to hold the line during this cycle.

Strong winter weather events from the north and west, if the conditions are right, return sand to the beach and near shore but usually not enough to offset what is lost during summer and fall.

The Fields property is located at the center of eight properties known as the Punaluu Beach Lots. Seven of the property owners, including the Fields have gotten together to discuss long term beach management for this area. A long term plan to re-nourish the beach and to build beach retention groins has been floated. The City is looking at options to re-nourish the Punaluu Beach Park and the Punaluu Beach Lots property owners want to work in conjunction with what the City plans to do.

It is the intent and hope of the Fields and the Punaluu Beach Lots property owners to find a way to save and protect the beach and their properties simultaneously.

Sincerely, Joe Correa

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Page 1 of 13

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Fields Residence
Request to install a temporary shoreline protection structure

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Page 1: Introduction

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Page 5: Shoreline map

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Page 7: Profile of shoreline protection structure

Page 8: Description and sequence of work and material quantities

Page 9, 10 Sand grain analysis

Page 11: Photos of shoreline conditions

Shoreline Restoration of Hawaii
PO Box 188
Waimanaka, HI 96795
ph. 808-228-9391
email: correa.ios@gmail.com

7-22-2014

Sam Lerman
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Letter of Agent Authorization to process a
Site Plan Request to install temporary and emergency shoreline protection
Pat and Freda Fields
53-227 Kamehameha Hwy.
Punalua, HI 96717
TNC 5-3-002-054

Freda and Pat Fields hereby authorize Joe Correa of Shoreline Restoration of Hawaii to process and
procure the necessary permits to install shoreline protection at our residence as shown above.

Sincerely,



Pat and/or Freda Fields

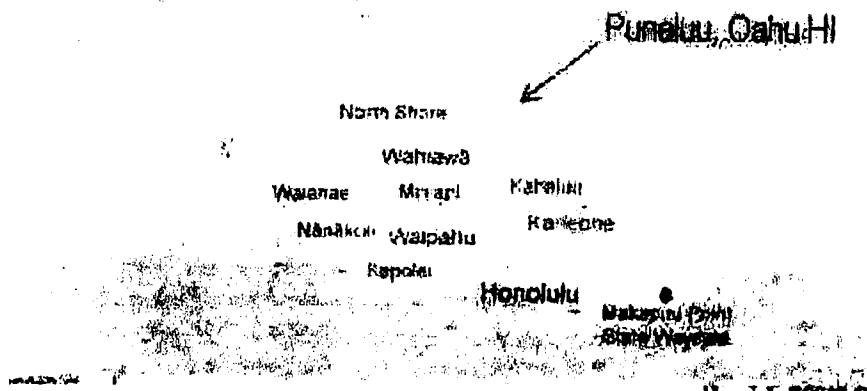
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Exhibit F

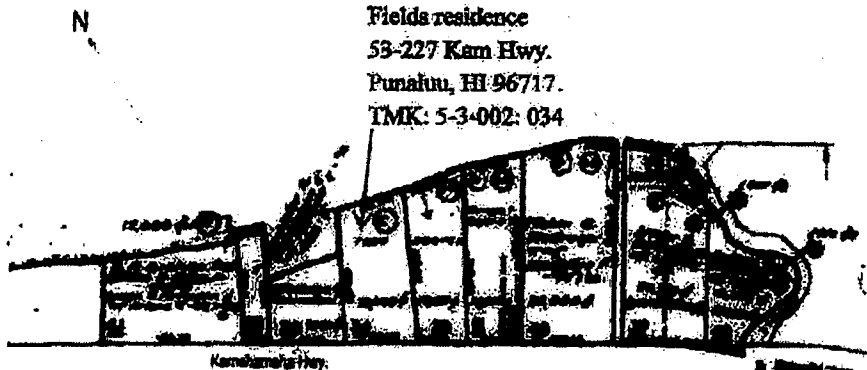
Page 3 of 13

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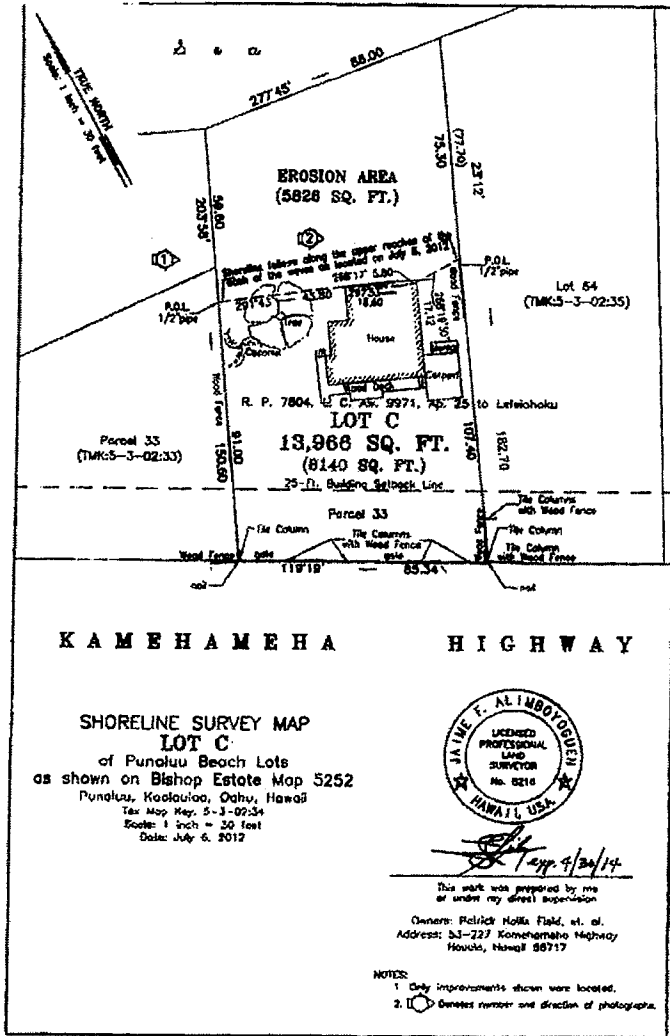
Vicinity Map



Location Map

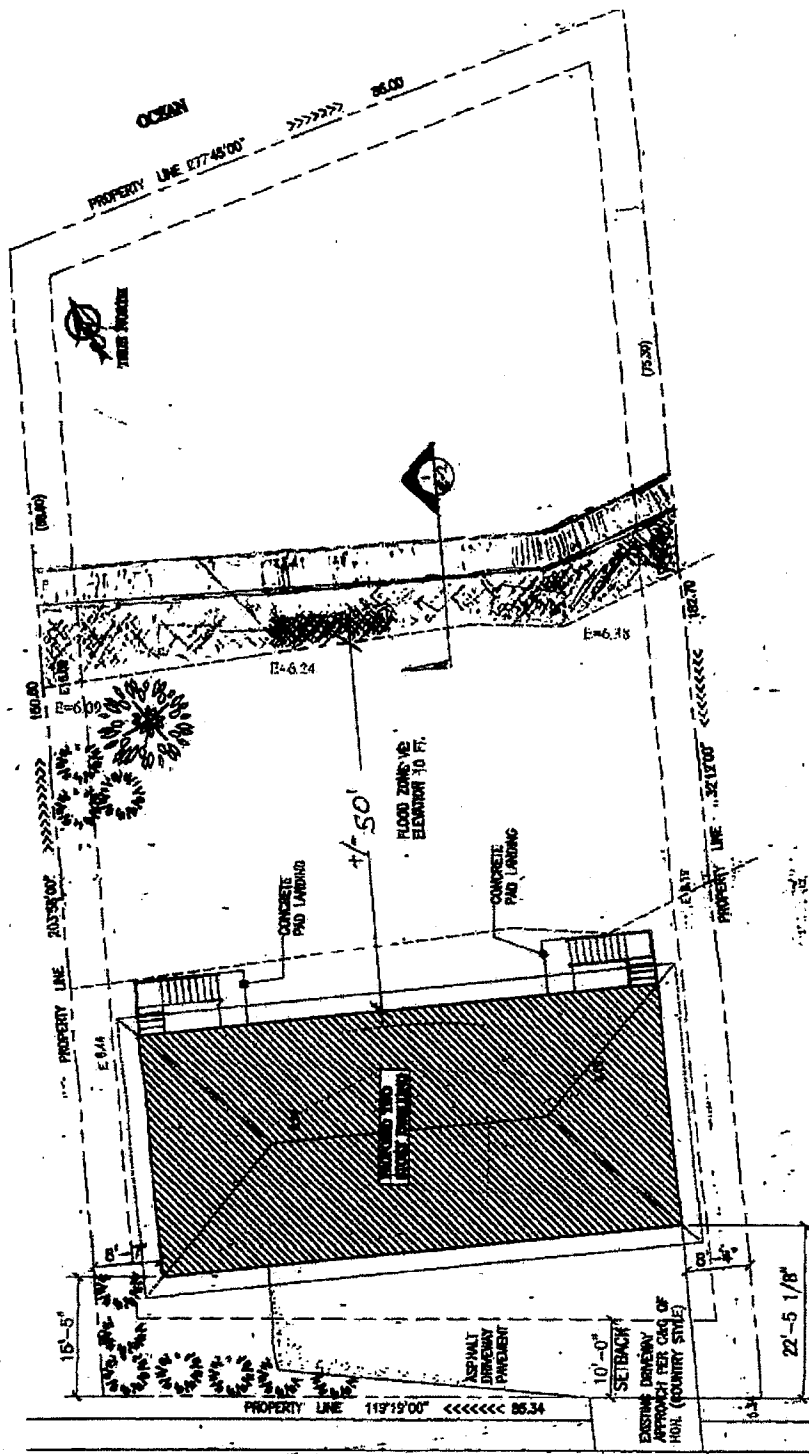
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Fields shoreline certification 4-30-2014

Exhibit F
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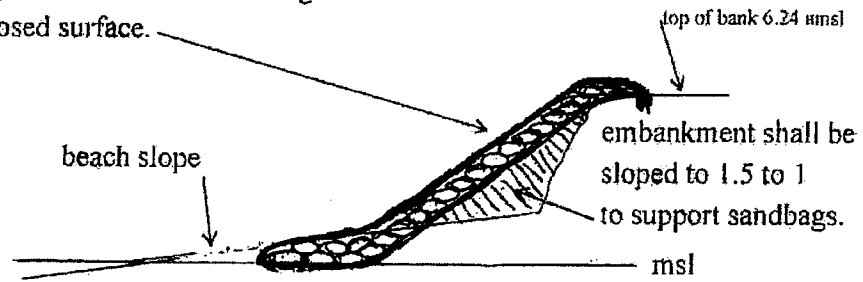
KAMAHAMEHA HIGHWAY
 Plot Plan for the Fields Shoreline Protection Structure
 Dimensions as noted

Pat and Freda Fields
 53-227 Kani Hwy
 Punaluu, HI 96717
 FMK 5-3-02 14

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 Page 6 of 13

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The temporary shoreline protection structure shall be made up of small poly sandbags filled with clean calcium carbonate sand. The sandbags shall be wrapped with Mirafy 180 N geo fabric with coir netting sewn against the exposed surface.



C-2: Profile of shoreline protection structure

Dimensions as noted

Pat and Freda Fields
53-227 Kam Hwy,
Punaluu, HI 96717
TMK: 5-3-002:034

Description and sequence of work and quantities of materials required.

- A. The work to install the shoreline protection structure includes:
 - 1. The placement of 15 yards of clean calcium carbonate sand against the scarp to create a 1.5 to 1 slope against the seaward face of the scarp.
 - 2. The placement of a SEABlanket against the re-sloped scarp made up of small poly sandbags wrapped with Mirafy 180 N fabric to contain the sandbags and keep them from getting out onto the beach. The SEABlanket shall be covered with a coir netting face.

- B. Material quantities:
 - 1. Beach quality calcium carbonate sand,
 - a. 15 yards to re-slope the dune face.
 - b. 30 yards of sand to fill the small poly sandbagsTotal calcium carbonate sand required = 45 yards.
 - 2. 1,500 small poly sandbags.
 - 3. 450 square yards of Mirafy 180 N geotextile fabric.
 - 4. 1200 lineal feet of poly rope.
 - 5. 130 square yards of coir netting.
 - 6. 8 rolls of 6 mil coir twine.

- C. Calcium carbonate sand for this project shall be purchased from Makai Ranch, taken to our Punaluu yard and rinsed. See the attached sand sieve analysis.

- D. No machinery and shall be required for the installation of the shoreline protection structure.

- E. No excavation into the dune shall be necessary for this installation.

Exhibit F

Page 8 of 13

Client: Makai Ranch, LLC	Lab #: 2005
Sample Name: Sample for Sand	Job #:
Date Sampled: 3/2/13	Date Received: 3/1/13
Comments: 3-10 to 3-27 CL, DCL, DC, DM	

Size Fraction Data Sheet

Size (mm)	<#10	40-200	200-425	425-600	600-850	850-1180	1180-1600	1600-2120	2120-2800	>2800	Total
(µ)	2	4	8	16	30	60	125	250	500	1000	Per
1A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	100.00%
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
1B	0.24	0.14	0.09	0.05	0.03	0.02	0.01	0.01	0.01	0.01	47.71
	0.50%	0.27%	0.19%	0.10%	0.06%	0.04%	0.02%	0.01%	0.01%	0.01%	100.00%
2A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	34.70
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
2B	0.16	0.10	0.06	0.04	0.02	0.01	0.01	0.01	0.01	0.01	62.50
	0.34%	0.21%	0.13%	0.08%	0.04%	0.02%	0.01%	0.01%	0.01%	0.01%	100.00%
3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51.47
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30.25
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
5	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18.11
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
5A	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	10.00
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
6B	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	66.61
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
7	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26.40
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
8	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15.51
	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%

Notes: (Flow line not usually included in the data report) Samples not retained with 0.075 mm sieve.
 Fine Fraction dried at 105.0 C

Makai Ranch Sand grain analysis, page 1

Exhibit F
Page 9 of 13

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Client: Makai Farm LLC		Job #: 2002									
SITK: Mike Decker		Job #:									
Date Sampled: 2013	Date Received: 2013	Order/Invoice: 3-13 to 3-17	CL, DCM, DC, BM								
Silt Fraction Data Sheet											
Size (mm)	14.00	4.75-4.25	2.00-4.25	1.00-0.75	0.50-0.25	0.25-0.20	0.15-0.075	0.075-0.04	0.04	Pass	Yield
0#	2	3	4	5	6	7	8	9	10	11	
0.1	1.60	1.87	18.84	31.41	9.46	3.34	2.20	0.80	0.20	0.01	62.57
	2.88%	2.67%	17.20%	20.72%	16.12%	5.24%	2.52%	1.42%	0.40%	1.45%	262.00%
0.25	0.87	1.70	13.52	16.08	8.15	2.46	1.63	0.54	0.04	0.01	48.38
	1.27%	2.41%	24.08%	20.02%	11.17%	4.02%	2.68%	0.42%	0.07%	1.69%	202.00%
SPW 0.4	4.81	1.23	12.78	18.31	10.26	2.30	1.17	0.32	0.07	1.17	161.88
	4.40%	1.20%	22.44%	20.02%	10.27%	2.27%	1.14%	0.31%	0.09%	1.16%	202.00%
SPW 0.5	0.88	1.41	8.26	10.42	12.88	3.24	1.88	0.84	0.21	1.34	16.10
	0.54%	1.07%	7.38%	6.72%	11.26%	4.09%	2.07%	0.89%	0.27%	1.27%	202.00%
SPW 0.75	0.87	0.52	15.87	26.70	26.26	1.81	1.25	0.52	0.13	1.63	112.00
	0.82%	0.28%	14.28%	21.12%	9.15%	1.75%	1.25%	0.47%	0.22%	1.42%	102.00%
SPW 0.84	0.42	0.70	12.78	18.31	7.87	1.31	0.80	0.30	0.10	1.00	85.00
	0.40%	0.67%	14.38%	18.72%	8.18%	1.53%	1.16%	0.44%	0.22%	1.07%	102.00%
SPW 0.875	0.88	1.10	0.55	18.17	8.69	1.28	0.37	1.27	0.11	1.29	44.40
	1.02%	2.28%	14.22%	20.04%	11.20%	2.54%	2.28%	1.28%	0.22%	2.77%	102.00%
SPW 0.84-16	4.04	1.88	6.20	25.26	9.32	1.98	2.29	1.15	0.28	1.77	47.32
	0.82%	4.12%	11.47%	20.02%	11.17%	3.07%	4.07%	2.47%	0.79%	2.72%	102.00%
Coarse Fra	2.24	4.02	8.12	13.89	3.18	1.83	2.31	1.22	0.28	2.74	41.89
	12.82%	20.02%	12.07%	23.08%	7.28%	6.62%	8.06%	3.28%	0.67%	6.17%	102.00%
Percent	0.10	0.10	2.07	30.26	8.16	1.00	0.10	0.10	0.10	0.10	98.14
	0.32%	1.22%	14.67%	29.25%	12.43%	1.87%	0.27%	0.60%	0.67%	0.92%	102.00%
Notes: (These are not exactly accurate to the data report) - Percentages not summed with 0.075 mm sieve											
Fine Fraction dried at 25.0 C											

Makai Ranch sand grain analysis, page 2

Exhibit F
Page 10 of 13



Fields erosion scarp at east side of shoreline July, 2014



Fields erosion scarp at center of property July, 2014



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:SL

Emergency OA-15-06

Joe Correa
Shoreline Restoration of Hawaii
PO Box 188
Waimanalo, HI 96795

AUG 11 2014

Dear Mr. Correa,

SUBJECT: Request for Emergency Temporary Shore Protection at 53-227 Kamehameha Hwy, Punaluu, Oahu; TMK (1) 5-3-002:034 (Owners: Pat and Freda Fields).

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) has received your July 22, 2014 letter requesting to install a temporary emergency shoreline protection structure using poly sandbags, geotextile fabric, and clean calcium carbonate sand along approximately 75 feet of the shoreline as temporary erosion control at TMK (1) 5-3-002:034 on behalf of the property owners Pat and Freda Fields.

The request was evaluated for potential negative impact to the local nearshore ecosystem and recreational uses of the beach and dune area. A long-term trend of chronic erosion¹ has resulted in erosion of the frontal dune leaving a steep scarp (bank) fronting the subject property. According to a site plan provided by the applicant, the erosion scarp is approximately fifty (50) feet from the front of the two-story dwelling on the property. The proposed activities are intended to provide temporary relief to seasonal wave run up erosion.

The request is to place poly sandbags filled with clean calcium carbonate sand stacked in an overlapping, stepped configuration against the existing scarp in an approximately 1.5 to 1 slope and wrapped in Mirafy® 180 N geo fabric. Clean calcium carbonate sand shall be used to create a sloped embankment to support the sand bags. The total height of the proposed structure will be approximately 6 feet above mean sea level.

Under Hawaii Administrative Rules (HAR) §13-5-35, Emergency Permits (a) "Notwithstanding any provision of this chapter, the chairperson or deputy director of the department in the absence of the chairperson may authorize through an emergency permit any land use deemed to be essential to alleviate any emergency that is a threat to public health, safety, and welfare, including natural resources, and for any land use that is imminently threatened by natural hazards. These actions shall be temporary in nature to the extent that the threat to public health, safety, and welfare, including natural resources, is alleviated (e.g., erosion control, rockfall

¹ University of Hawaii Coastal Geology Group (2011), Oahu Shoreline
<http://www.soest.hawaii.edu/coasts/erosion/oahu/>

Exhibit F
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mitigation). The emergency action shall include contingencies for removal methods, estimates for duration of the activity, and future response plans if required by the department.”

DLNR does not authorize the placement of the proposed emergency erosion control structure fronting the subject property, as described above, under Hawaii Administrative Rules §13-5-35, Emergency Permits due to the following:

- The present situation does not constitute an “Emergency” pursuant to HAR §13-5-2 “Emergency” means an imminently dangerous situation that poses a substantial threat to public health, safety, and welfare... For coastal erosion, “imminently threatened” shall mean a distance of twenty feet or less from an actively eroding shoreline or erosion that will threaten the structure in less than six months. According to a site plan provided by the applicant, the erosion scarp is approximately fifty (50) feet from the front of the two-story dwelling on the property.

If you choose, you may submit a Site Plan Approval (SPA) Application to DLNR for temporary erosion control pursuant to Section 13-5-22, *Structures and Land Uses, Existing (B-1)*, “Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment” and in accordance with Section 13-5-38 *Site Plan Approvals*.

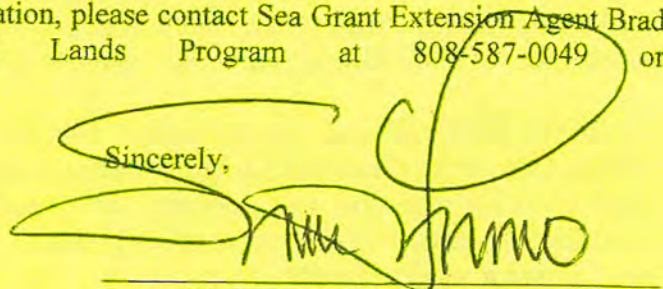
Under a SPA, sand used for the project may not exceed 50 cubic yards and must be compatible with the existing beach and meet State quality standards, which may be found in the Small Scale Beach Restoration Guide at <http://dlnr.hawaii.gov/occl/forms-2/>. Any additional materials used must be biodegradable (e.g., coconut fiber) and limited to a single layer of porous cloth for slope stabilization. Limited biodegradable sand bags may be approved to anchor or stabilize the cloth. Induced or cultivated vegetation seaward of the shoreline may not be approved following Hawaii Revised Statutes (HRS) §115-5 *Duty to maintain access within beach transit corridors*.

This letter does not constitute approval of a revised site plan. Please submit an SPA application with the required information. Additional approvals, such as a right of entry and/or County authorization, may also be required.

A DLNR SPA Application form may be downloaded at <http://dlnr.hawaii.gov/occl/forms-2/> or you may supply the required information on your own letterhead. Please provide all the information required in the SPA Application form, including site plans, photographs, maps, and construction plans. The application fee for SPA is \$50.

If you have questions or need more information, please contact Sea Grant Extension Agent Brad Romine at the OCCL Coastal Lands Program at 808-587-0049 or Bradley.M.Romine@hawaii.gov.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
JESSE K. SOUKI
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:LY

Violation: OA 15-04

CERTIFIED MAIL /RETURN RECEIPT
7013 0600 0001 9170 1868

SEP 10 2014

Patrick and Freda Field
Aloha Signs and Graphics
98-101 Hila Place
Pearl City, Hawaii 96782

SUBJECT: Temporary Shoreline Erosion Control at Punalu'u, O'ahu, Hawaii
Tax Map Key: (1) 5-3-002:034

Dear Mr./Mrs. Field:

On February 13, 2013, the Office of Conservation and Coastal Lands (OCCL) granted a Site Plan Approval (SPA OA-13-32) to you for temporary shoreline erosion control using biodegradable "coir" sandbags at the subject property.

On August 19, 2014, staff was conducting various site inspections in the area and noticed that there were additional erosion control measures being employed on your property that were not a part of the original SPA. In addition, the sand bags being used appear to be constructed of synthetic material rather than the biodegradable material bags that were approved in the SPA. Therefore, there appears to be an alleged Conservation District use violation.

Please be aware, pursuant to 183C-7, Hawaii Revised Statutes (HRS), the Board of Land and Natural Resources may subject parties to fines of up to \$15,000.00 per violation in addition to administrative costs for unauthorized land uses in the Conservation District. After written or verbal notification from the Department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

Should you have evidence of authorization for the noted use, please forward that information to our Office. Otherwise, please submit to our Office a detailed description and explanation regarding the erosion control measures you currently have employed. In addition, you may wish to propose resolutions to resolve the alleged unauthorized use. However, please note any information provided may be used in civil proceedings.

For more information regarding the Conservation District and for a copy of our rules (Hawaii Administrative Rules (HAR) Chapter 13-5), please visit our website at dlnr.hawaii.gov/occl.

Exhibit G

Page 1 of 4

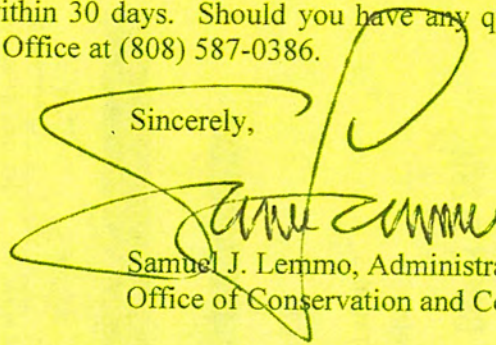
K-5

Patrick and Freda Field

Violation: 15-04

Please respond to this correspondence within 30 days. Should you have any questions regarding this matter, contact Lauren Yasaka of our Office at (808) 587-0386.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

C: APO

Exhibit G

Page 2 of 4

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

0900 0276 1000 0090 0001 0000 0000 0000 0000 0000

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark Here
SEP 10 2014 LY

Patrick & Freda Field
Aloha Signs and Graphics
98-101 Hila Place
Pearl City, HI. 96782

PS Form 3800, August 2005 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Patrick & Freda Field
Aloha Signs and Graphics
98-101 Hila Place
Pearl City, HI. 96782

Vio.: OA 15-04

2. Article Number
(transfer from service label)
7013 0600 0001 9170 1868

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Patrick Field

B. Received by (Printed Name) *PAT FIELD* C. Date of Delivery *9/11*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

Exhibit G

Page 3 of 4

K-5

New
violation
OA 15-4

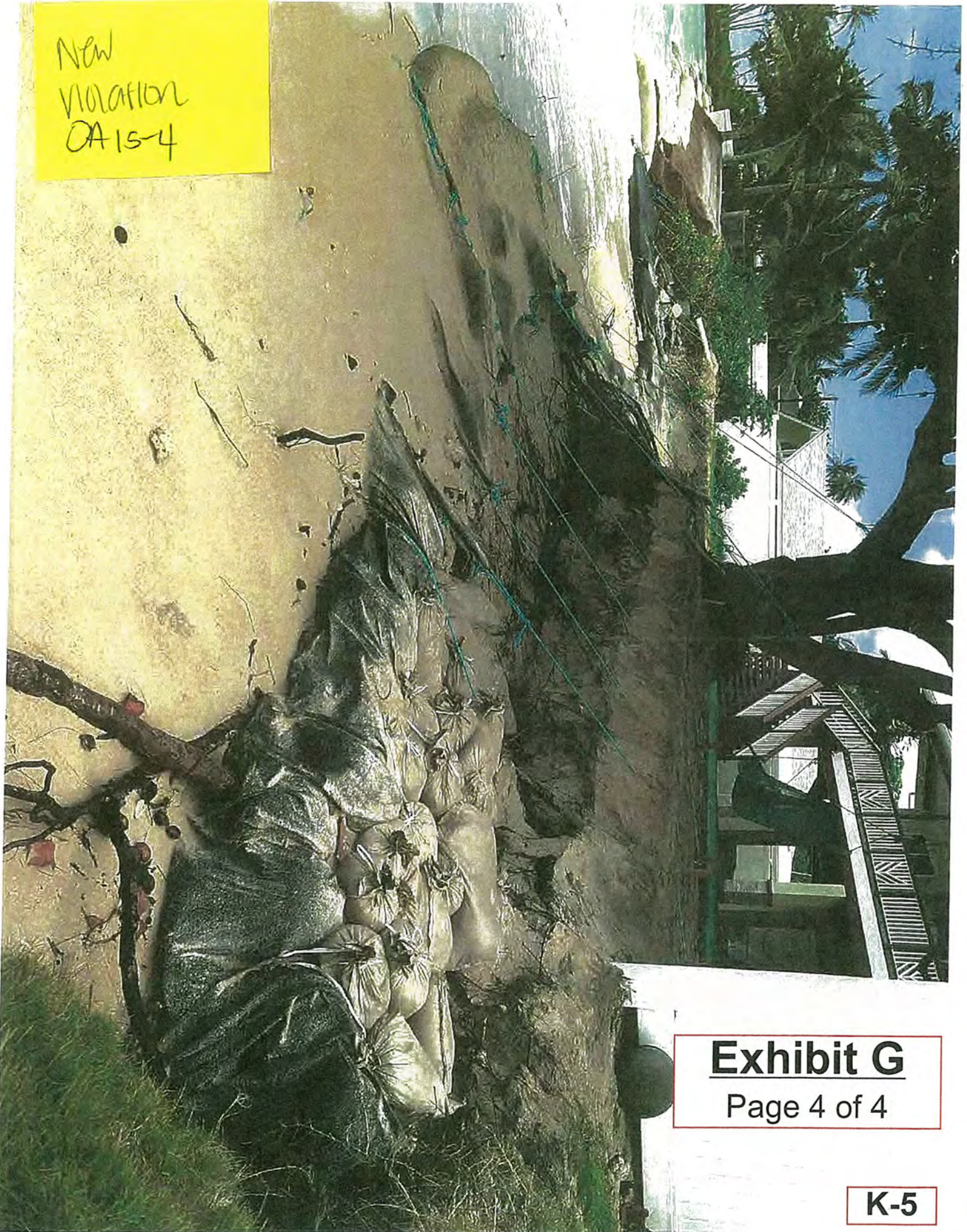


Exhibit G

Page 4 of 4

K-5

From: Patrick & Freda Field
Aloha Signs & Graphics, Inc.
98-101 Hila Pl. Pearl City, HI 96782
Ph: (808) 486-4614
Fax: (808) 484-5345
Cell: (808) 590-6716
email: alohasign1@aol.com

To: Samuel Lemmo
Kalanimoku Building
1151 Punchbowl St., Room 131
Honolulu, Hawaii 96813
Ph: (808) 587-0377
Fax: (808) 587-0322

cc: City and County Dept. of Planning & Permitting
Land Use Permits
Ardis Shokin / Steve Tagawa
650 South King Street
Honolulu, Hawaii 96813
Ph: (808) 768-8024
Fax: (808) 768-6743

September 29, 2014

Exhibit H
Page 1 of 28

Re: Temporary Shoreline Erosion Control at 53-227 Kamehameha Hwy. FIELD RESIDENCE
Tax Map Key: (1) 5-3-002:034

Dear Mr. Lemmo:

We recieved your letter dated Sept. 10, 2014 asking us to explain the shoreline protection we have in place on our property located at 53-227 Kam. Hwy. I wanted to respond to you also, I know Mr. Correa is also sending you a more detailed response on our behalf.

On Feb 13, 2013 your office granted us the use of "coir" sand bags on a temporary basis. We did in fact use the bags but they did not last for more than 3-4 months. We then went without any shoreline protection for almost 13 months. When the waves started to get a bit stronger and the neighbors got sandbags installed on their properties, we noticed our beach front was getting hit really hard.

On July 22, 2014 Mr. Correa sent a request in to your office on our behalf to put something in place. (I have attached a copy for you just in case).
The request was denied.

On August 9, 2014 Mr Corra sent another request in to your office on our behalf to put something in place and also to do adjustments that your office requested.
(I have attached a copy for you just in case).
The request was denied again.

Right now, Mr. Correa is again writing your office another request on our behalf to keep our cloth in place.

Right before the two Hurrricanes came "Julio & Izel" I was so worried about losing more land and also the 50 year old tree in our property and the mess that that tree would cause if it got up rooted and fell into the ocean and also on the beach that I had the black cloth mesh put in front of the tree and the eroding scarp. (I have attached pictures for you)

I spoke with you on the phone and you explained to me that I needed to talk to the City & County, and you asked me to also contact Sea Engineering. I did both of these things as you requested.

The City would require me to obtain another "Shoreline Certification" which we will do, but I was wondering how that would affect the neighbors?

Sea Engineering does not work with "coir" they would like to use more "robust" materials.

These two things you instructed me to do did not get any resolve to the ongoing erosion problem.

I also met with Brad and Lauren from your office at our property on Wed. 9/24/14 and they actually took photos and also explained to me how I need to write everything down and explain "why" I need to put something in place at our property.

K-5

Here are our reasons "why" we would like to protect our property.

We bought this property for our family, we did not know at the time erosion was a big problem at the time. I learned that 3 months after we bought the property, I understand now why you said, "why do you think Kamehameha Schools sold it" I get it now. It's a ongoing problem.

We have lost more than 20' of land since the purchase in November of 2012. Most of the erosion was not from natural causes it was mostly from hurricane Julio and Izel.

We understand that DLNR is here to help protect the beach, and we do feel the same and do want the public to have the access to the beach. But if you take into consideration that on the right of us is 4 homes with sandbags and a very well protected beachfront the public cant walk on the beach anyway and on the left of us the Cummings property beach front is covered with rocks, cement pillars, rusted iron rods, rusted metal pipes, old trees, and various trash. A exposed septic tank, and a black pipe from the tank that lets out poop. There is no beach access from the left or the right. We are the only one with a clean beach front out of all the house on that strip with no shoreline protection at all. Everyone's home is protected except ours. We take the worst hit out of all the houses. When I asked you, "why does everyone else,(my neighbors) get approved for sand bags, you tell me "does it matter?" Yes, Mr. Lemmo it does matter to me and my family. I feel that it is unfair that they all have shoreline protection from this winter swell and I'm not allowed. I just want to be able to protect our home. I'm sure if this was your home you would want to do the same.

We have spent 650k for the land, 400k for the home and we also did some landscaping (grass) and we are in jeopardy of losing our house. We are now at 17' from our stairs to the ocean. I know your letter stated it needed to be 20' from the habitable structure. But our home is upstairs and if you say it needs to be at the foundation, that means I need to lose another 6' before I can obtain a emergency shoreline protection permit. If the stairs don't matter, how would I get access to my home? I know that you are trying to follow all the rules. But I need to clarify if the DLNR can look and measure it out at our house to see what would be considered 20'.

The 20' that we have lost already has been very costly to us as we can't bring any heavy equipment in to help fix the erosion. Everything has to be done by manual labor.

Mr. Lemmo, I have been very respectful of all the DLNR rules and requirements. I have also followed every City & County requirement for this property. All I am asking is to have the permission to protect the property that my husband and I purchased. We are not wealthy people Mr. Lemmo and we can't keep up with paying for "Coir" it breaks down so quickly.

We are humbly asking that you look over the 3rd request from Mr. Correa for temporary shoreline protection at our home and please, please, grant us approval to leave the black cloth on the scarp to protect what little land we have left.

I know the tree is not your main concern, but please, it is over 50 years old and if you have us remove the black cloth. We will lose the tree in the ocean and have a gaping hole in our yard and a very costly clean up which we can't afford. If we can keep the cloth in place it will save our land, the tree, and money.

Please, Mr. Lemmo we have done everything that you have asked and we are really in dire straights here.

Thank you for your time and attention to our home,

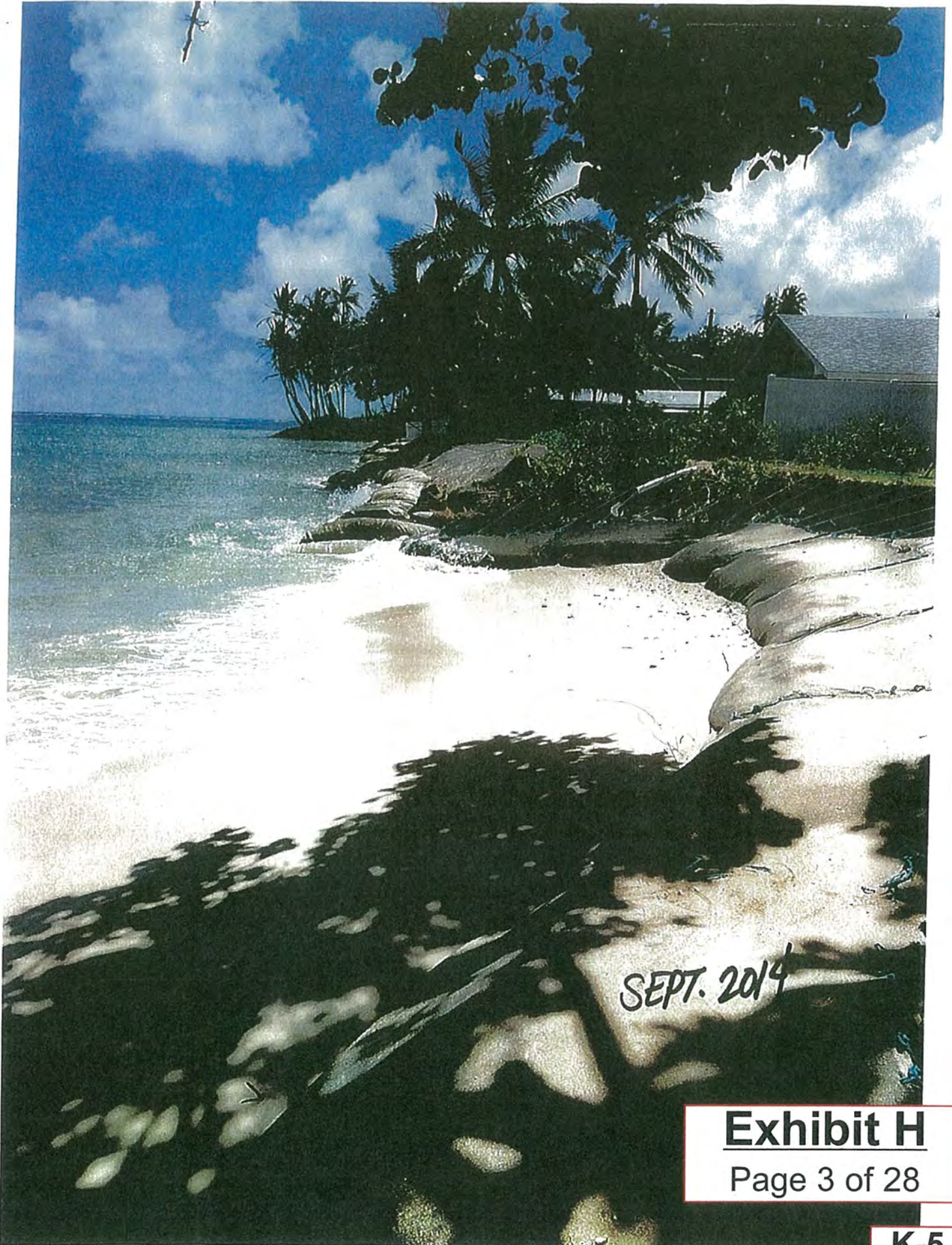


Freda & Patrick Field

Exhibit H

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SEPT. 2014

Exhibit H
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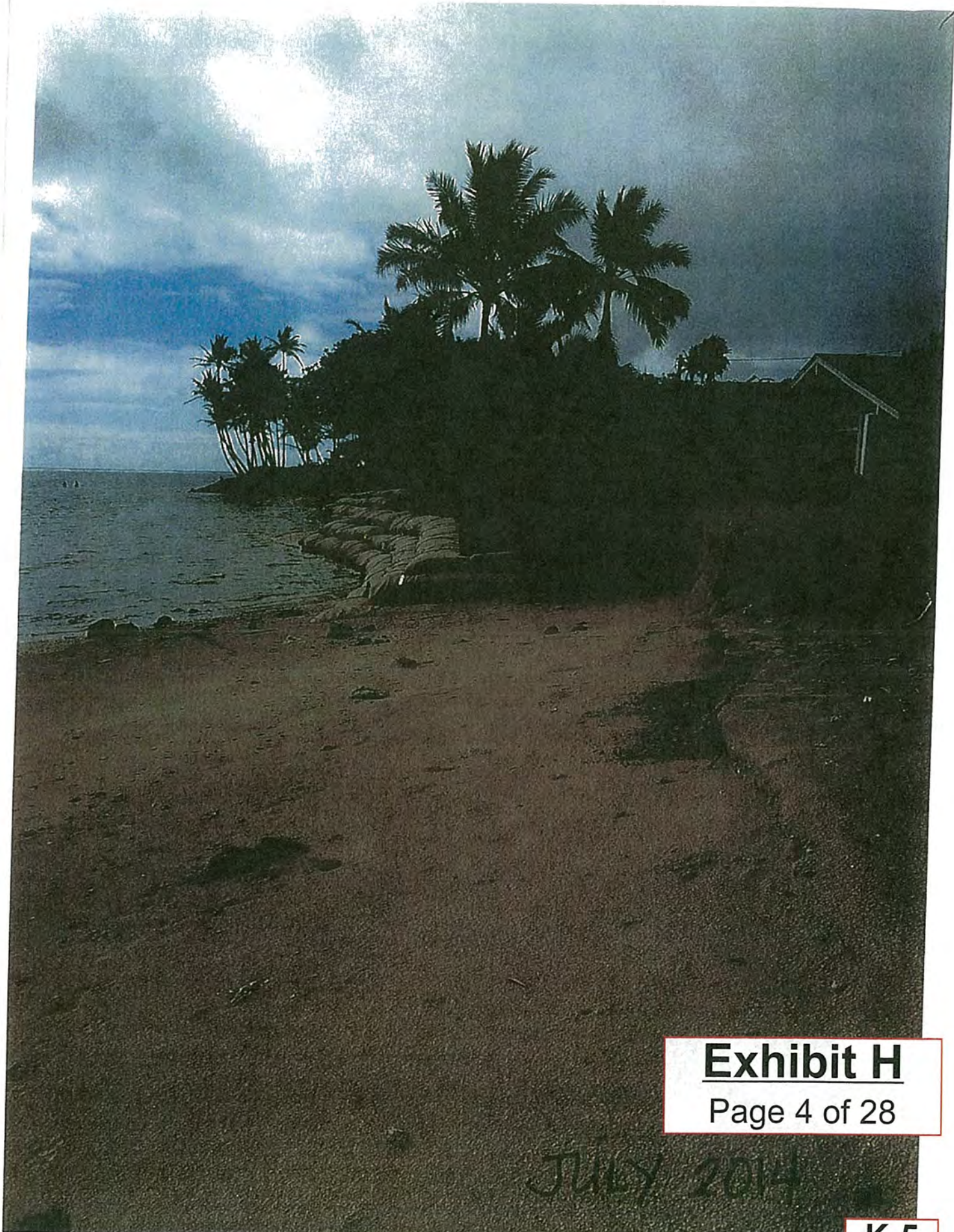
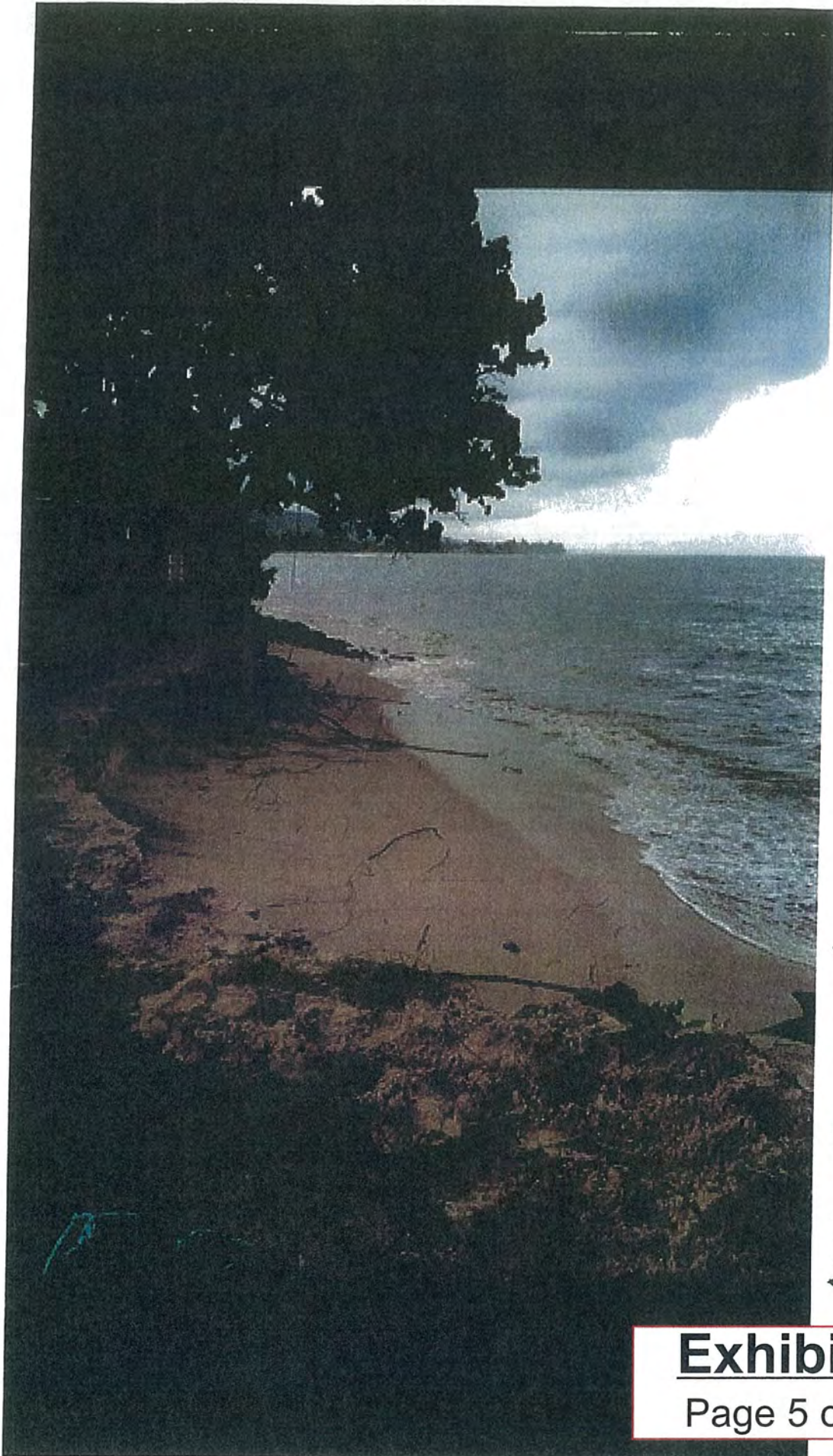


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JULY 2014

K-5



AUGUST 2014

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Shoreline Restoration of Hawaii

PO Box 188
Waimanalo, HI 96795
ph. 808-228-9391
email: correa.joe@gmail.com

7-22-2014

Sam Lemmo
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Site Plan Request to install temporary and emergency shoreline protection
Pat and Freda Fields
53-227 Kamehameha Hwy.
Punaluu, HI 96717
TMK: 5-3-002:034

On behalf of Pat and Freda Fields, we request permission to install a temporary, emergency shoreline protection structure seaward of the erosion scarp as shown on the accompanying plans.

Seasonal erosion has been a problem in this area for many years especially when the trade winds are strong and the tides high. Over the last 30 years or so the beach has slowly moved landward and this lack of beach protection is allowing the ocean and its processes to reach further landward and now threatens habitable structures and enjoyment of the beach.

The strong trade winds, during summer, fall and early winter create an east to west rip current, which causes the sand in the near shore to move towards the west. The current deflates the beach in this area, causing scarping of the dune. These effects are now happening at the Fields shoreline and temporary, emergency shoreline protection is needed to hold the line during this cycle.

Strong winter weather events from the north and west, if the conditions are right, return sand to the beach and near shore but usually not enough to offset what is lost during summer and fall.

The Fields property is located at the center of eight properties known as the Punaluu Beach Lots. Seven of the property owners, including the Fields have gotten together to discuss long term beach management for this area. A long term plan to re-nourish the beach and to build beach retention groins has been floated. The City is looking at options to re-nourish the Punaluu Beach Park and the Punaluu Beach Lots property owners want to work in conjunction with what the City plans to do.

It is the intent and hope of the Fields and the Punaluu Beach Lots property owners to find a way to save and protect the beach and their properties simultaneously.

Sincerely, Joe Correa

Fields Residence
Request to install a temporary shoreline protection structure

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Shoreline Restoration of Hawaii
PO Box 188
Waimanalo, HI 96795
ph. 808-226-5391
email: correa.joe@gmail.com

7-22-2014

Sam Limmo
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Letter of Agent Authorization to process a
Site Plan Request to install temporary and emergency shoreline protection.
Pat and Freda Fields
53-227 Kamehameha Hwy.
Punahoa, HI 96717
TMC: 5-3-002-034

Freda and Pat Fields hereby authorize Joe Correa of Shoreline Restoration of Hawaii to process and
procure the necessary permits to install shoreline protection at our residence as shown above.

Sincerely, 

Pat and or Freda Fields

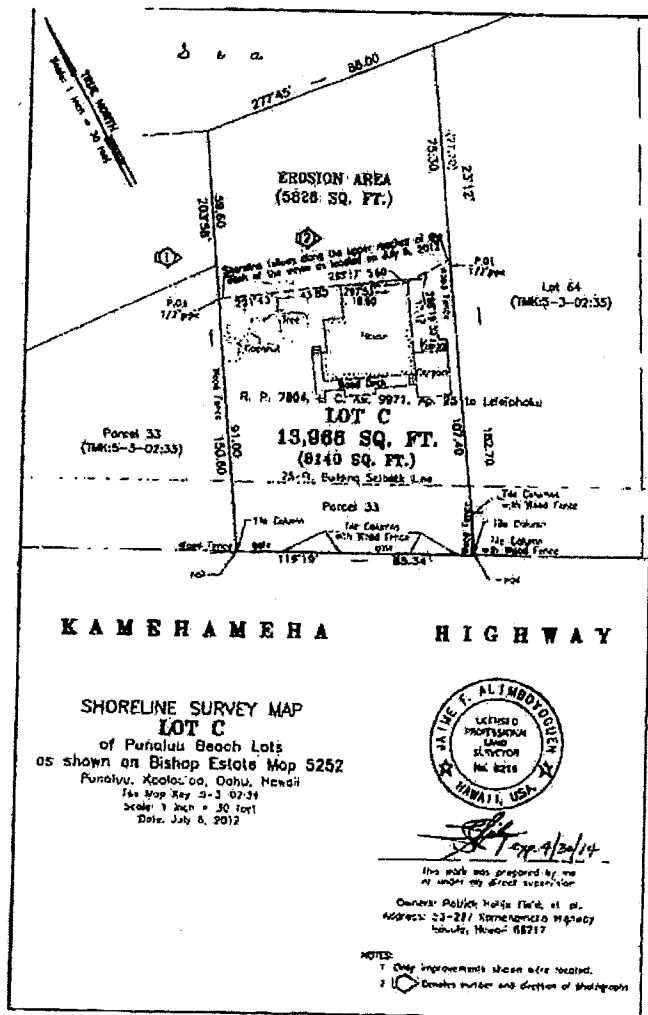
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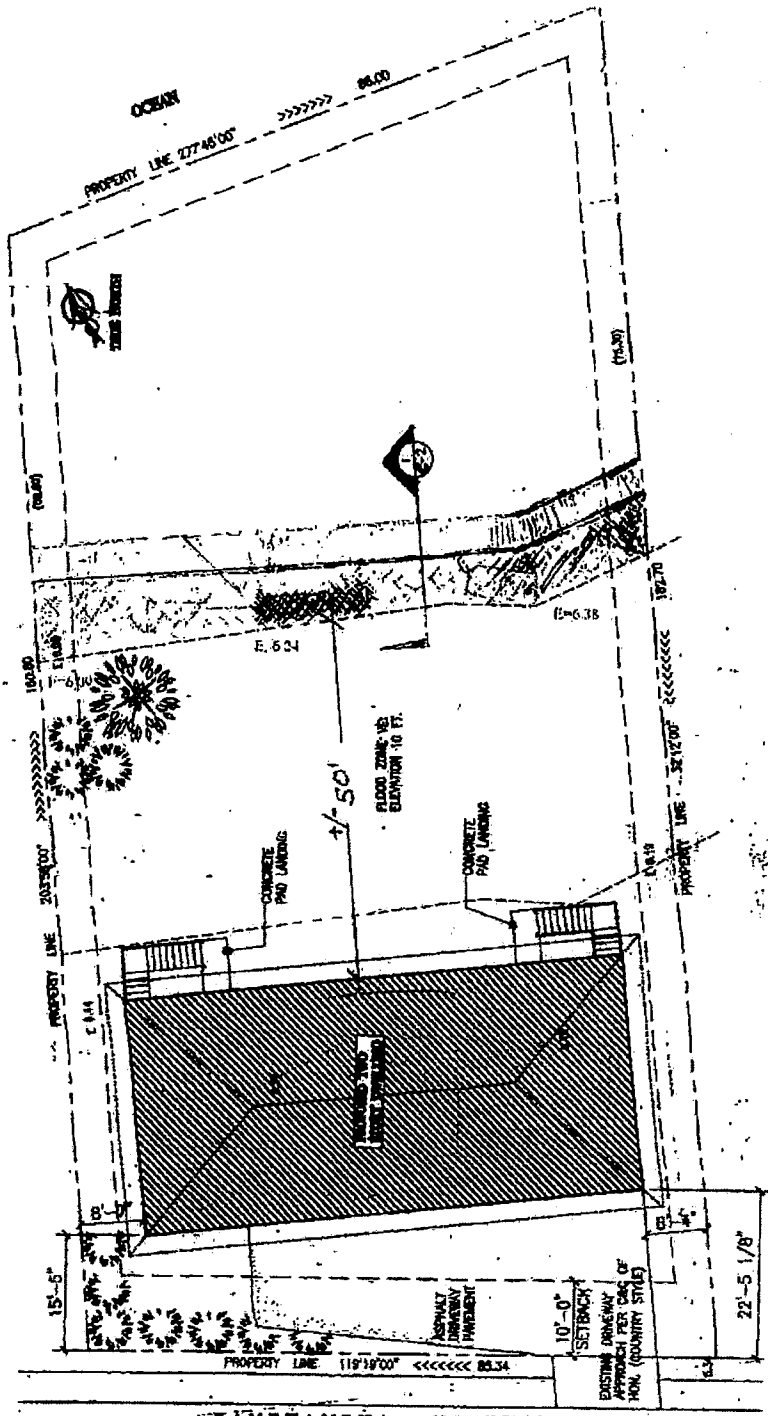
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K-5



Fields shoreline certification 4-30-2014

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KAMBHAMBHA HIGHWAY

Plot Plan for the Fields Shoreline Protection Structure

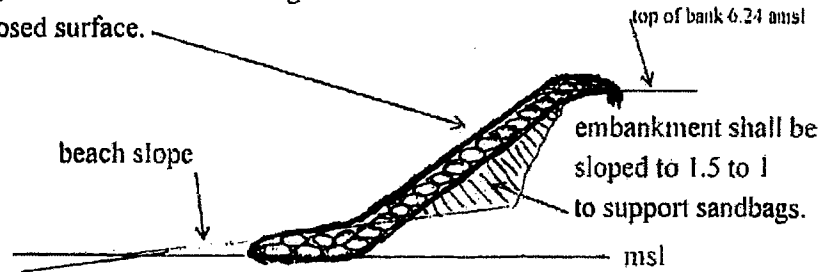
Dimensions as noted

Pat and Freda Fields
 53-227 Kam Hwy
 Punalou, HI 96717
 TJK. 5-3-02 34

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The temporary shoreline protection structure shall be made up of small poly sandbags filled with clean calcium carbonate sand. The sandbags shall be wrapped with Mirafy 180 N geo fabric with coir netting sewn against the exposed surface.



C-2: Profile of shoreline protection structure

Dimensions as noted

Pat and Freda Fields
53-227 Kam Hwy.
Punaluu, HI 96717
TMK: 5-3-002:034

Description and sequence of work and quantities of materials required.

- A. The work to install the shoreline protection structure includes:
1. The placement of 15 yards of clean calcium carbonate sand against the scarp to create a 1.5 to 1 slope against the seaward face of the scarp.
 2. The placement of a SEABlanket against the re-sloped scarp made up of small poly sandbags wrapped with Mirafy 180 N fabric to contain the sandbags and keep them from getting out onto the beach. The SEABlanket shall be covered with a coir netting face.
- B. Material quantities:
1. Beach quality calcium carbonate sand,
 - a. 15 yards to re-slope the dune face.
 - b. 30 yards of sand to fill the small poly sandbagsTotal calcium carbonate sand required = 45 yards.
 2. 1,500 small poly sandbags.
 3. 450 square yards of Mirafy 180 N geotextile fabric.
 4. 1200 lineal feet of poly rope.
 5. 130 square yards of coir netting.
 6. 8 rolls of 6 mil coir twine.
- C. Calcium carbonate sand for this project shall be purchased from Makai Ranch, taken to our Punaluu yard and rinsed. See the attached sand sieve analysis.
- D. No machinery and shall be required for the installation of the shoreline protection structure.
- E. No excavation into the dune shall be necessary for this installation.

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Fields erosion scarp at east side of shoreline July, 2014



Fields erosion scarp at center of property July, 2014

Shoreline Restoration of Hawaii

PO Box 188
Waimanalo, HI 96795
ph. 808-228-9391
email: correa.joe@gmail.com

8-9-2014

Sam Lemmo
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Emergency OA-15-06, Request to reconsider the "imminent threat" requirement for,
The Site Plan Request to install temporary and emergency shoreline protection at:
Pat and Freda Fields Residence
53-227 Kamehameha Hwy.
Punaluu, HI 96717
TMK: 5-3-002:034

On behalf of Pat and Freda Fields, we request permission to install an *Emergency and Temporary* shoreline protection structures made from polyester and polypropylene materials, seaward of the erosion scarp as shown on the accompanying plans. The further deflation of the beach and the advance of the erosion cannot be adequately mitigated with the addition of difficult to find and costly sand to restore the dune slope and the use of biodegradable materials to help to retain the dune sand.

At this time, in order to protect the property adequately, we request to use a polyester SEAbag structure, similar to what is currently used to protect the Voigtritter-Kiley property, the Yim property and the adjacent Johnson property. This SEAbag structure shall tie into and butt up against the Johnson's SEAbag structure on the east.

A SEAbag structure will take approximately five to six weeks to fabricate and ship to Hawaii. So in the meantime, we request to use an interim polypropylene SEAbag filled with small polypropylene sandbags (see attached drawings) to hold the line while we finalize the SEAbag structure request to the DLNR-OCCL.

The following paragraphs shall explain the "imminent threat" requirement to install adequate shoreline protection for the Fields property.

Seasonal erosion has been a problem in this area for many years especially when the trade winds are strong and the tides high. Over the last 30 years or so the beach has slowly moved inland and the lack of beach protection during the erosion cycle now threatens habitable structures and enjoyment of the beach.

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The high tides during July 22nd through July 24th, 2014 coupled with the trade winds lowered the beach profile and ate into the Fields yard. These high tides triggered the first request for a shoreline protection structure made from polypropylene fabric. But this request was denied because the distance shown on the request was greater than 20' from habitable structure. It was later pointed out to us that we could qualify if we show that the erosion is within 20' of the stairway to the second floor. After hurricane Iselle and Julio went north, the current erosion is now within 17' of the stairway.

The wave and tidal surges of Hurricane Iselle and Julio deflated the beach further and ate into the Fields yard another 5'. These events have set the stage for continued erosion of the beach and yard during the fall and winter season. For this reason a temporary, emergency shoreline erosion structure strong enough to protect the Fields property, through the fall and winter months, is needed.

Today, Sept. 9th, 2014, the tide and surges are high and strong and the scarping is going under the tree further.

If the Fields do not protect their property adequately, the erosion scarp may advance into the neighboring property along the west property line, exposing the cesspool further and undermining the front of the neighbors house. The Fields erosion on the west side of the property is within 20' of the neighboring Cummings residence at 53-231 Kamehameha Hwy.

Strong winter weather events from the north and west, if the conditions are right, return sand to the beach and near shore but usually not enough to offset what is lost during summer and fall.

The Fields property is located at the center of eight properties known as the Punaluu Beach Lots. Seven of the property owners, including the Fields have gotten together to discuss long term beach management for this area. A long term plan to re-nourish the beach and to build beach retention groins has been floated. The City is looking at options to re-nourish the Punaluu Beach Park and the Punaluu Beach Lots property owners want to work in conjunction with what the City plans to do.

It is the intent and hope of the Fields and the Punaluu Beach Lots property owners to find a way to save and protect the beach and their properties simultaneously. But in the meantime, the Fields need to stop the erosion from advancing further into the property.

Sincerely,

Joe Correa

Fields Residence
Request to install a temporary shoreline protection structure

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Shoreline Restoration of Hawaii

PO Box 188
Waimanalo, HI 96795
ph. 808-228-9391
email: correa.joe@gmail.com

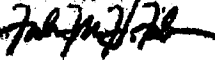
7-22-2018

Sern Lemmo
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Letter of Agent Authorization to process a
Site Plan Request to install temporary and emergency shoreline protection
Pat and Freda Fields
59-227 Kamehameha Hwy.
Punahoa, HI 96717
TMK: 5-3-002-034

Freda and Pat Fields hereby authorize Joe Correa of Shoreline Restoration of Hawaii to process and
procure the necessary permits to install shoreline protection at our residence as shown above.

Sincerely,



Pat and/or Freda Fields

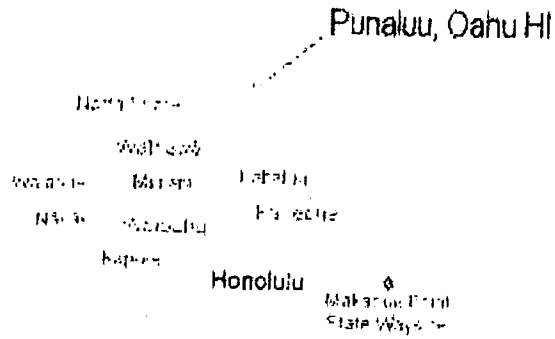
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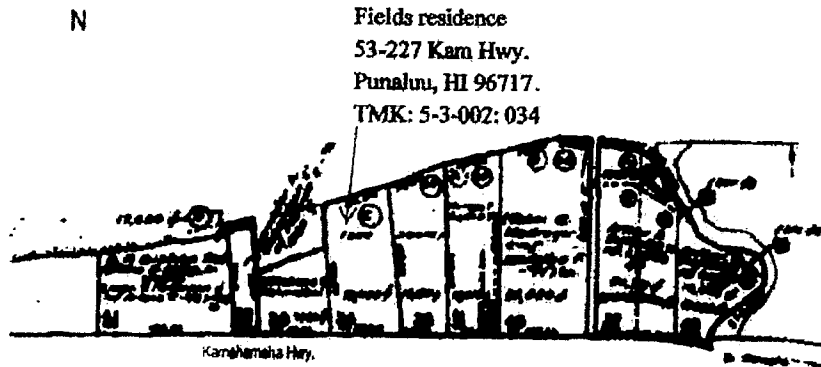
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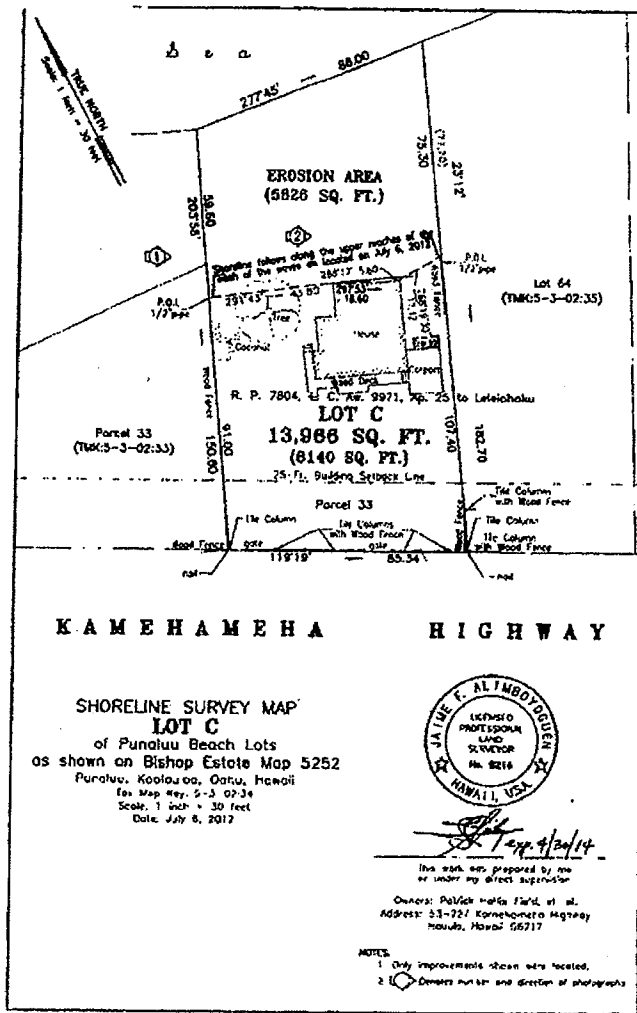


Vicinity Map



Location Map

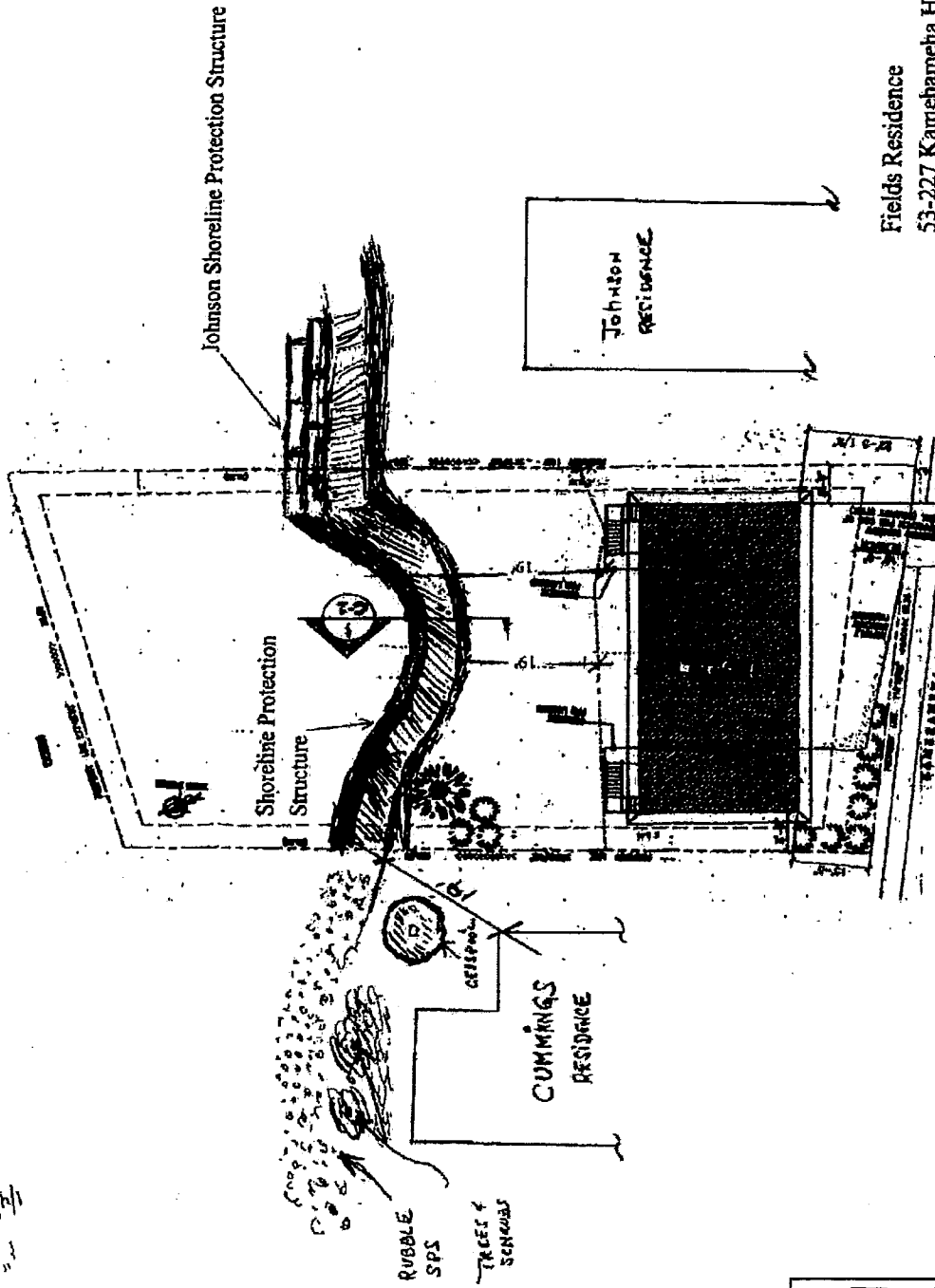
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Fields shoreline certification 4-30-2014

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5/2/11
11/2/11



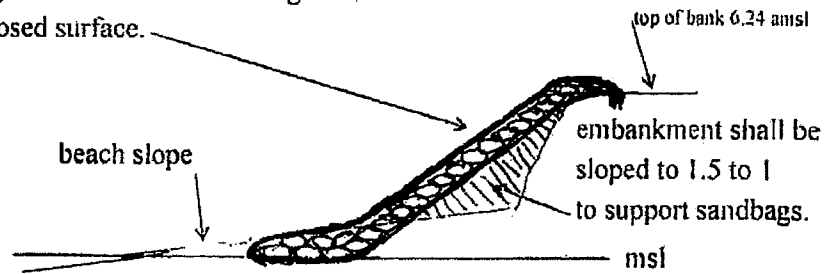
Fields Residence
 53-227 Kanehameha Hwy.
 Punahou, HI 96717
 tmk: 5-3-002:034

Plan View of Temporary Emergency Shoreline Protection Structure
 dimensions as noted

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The temporary shoreline protection structure shall be made up of small poly sandbags filled with clean calcium carbonate sand. The sandbags shall be wrapped with Mirafy 180 N geo fabric with coir netting sewn against the exposed surface.



C-2: Profile of shoreline protection structure

Dimensions as noted

Pat and Freda Fields
53-227 Kam Hwy.
Punaluu, HI 96717
TMK: 5-3-002:034

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Description and sequence of work and quantities of materials required.

- A. The work to install the shoreline protection structure includes:
1. The placement of 25 yards of clean calcium carbonate sand against the scarp to create a 1.5 to 1 slope against the seaward face of the scarp.
 2. The placement of a SEABlanket against the re-sloped scarp made up of small poly sandbags wrapped with Mirafy 180 N fabric to contain the sandbags and keep them from getting out onto the beach. The SEABlanket shall be covered with a coir netting face.
- B. Material quantities:
1. Beach quality calcium carbonate sand,
 - a. 25 yards to re-slope the dune face.
 - b. 30 yards of sand to fill the small poly sandbagsTotal calcium carbonate sand required = 55 yards.
 2. 1,500 small poly sandbags.
 3. 450 square yards of Mirafy 180 N geotextile fabric.
 4. 1200 lineal feet of poly rope.
 5. 130 square yards of coir netting.
 6. 8 rolls of 6 mil coir twine.
- C. Calcium carbonate sand for this project shall be purchased from Makai Ranch, taken to our Punaluu yard and rinsed. See the attached sand sieve analysis.
- D. No machinery and shall be required for the installation of the shoreline protection structure.
- E. No excavation into the dune shall be necessary for this installation.



Fields erosion the day after Hurricane Iselle went north from the Big Island, 8-8-14

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:SL

Emergency OA-15-08

Joe Correa
Shoreline Restoration of Hawaii
PO Box 188
Waimanalo, HI 96795

NOV - 6 2014

Dear Mr. Correa,

SUBJECT: Request for Emergency Temporary Shore Protection at 53-227 Kamehameha Hwy, Punaluu, Oahu; TMK (1) 5-3-002:034 (Owners: Freda and Pat Field).

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) has received your September 29, 2014 letter requesting to install a temporary emergency shoreline protection structure using polypropylene geotextile fabric, biodegradable burlap sand bags, and clean calcium carbonate sand along approximately 75 feet of the shoreline as temporary erosion control at TMK (1) 5-3-002:034 on behalf of the property owners Freda and Pat Fields.

The request was evaluated for potential negative impact to the local nearshore ecosystem and recreational uses of the beach and dune area. A long-term trend of chronic erosion¹ has resulted in erosion of the beach and shoreline leaving a steep scarp (bank) fronting the subject property. According to a site plan provided by the applicant, the erosion scarp is approximately nineteen (19) feet from the access stairs to the front of the two-story dwelling on the property. The proposed activities are intended to provide temporary relief to seasonal erosion and wave run up.

The request is to place burlap sandbags filled with clean calcium carbonate sand stacked in an overlapping, stepped configuration against the existing scarp in an approximately 1.5 to 1 slope and wrapped in Mirafy[®] 180 N geotextile fabric. Clean calcium carbonate sand shall be used to create a sloped embankment to support the sand bags. The total height of the proposed structure will be approximately 6 feet above mean sea level.

Under Hawaii Administrative Rules (HAR) §13-5-35, Emergency Permits (a) "Notwithstanding any provision of this chapter, the chairperson or deputy director of the department in the absence of the chairperson may authorize through an emergency permit any land use deemed to be essential to alleviate any emergency that is a threat to public health, safety, and welfare, including natural resources, and for any land use that is imminently threatened by natural

¹ University of Hawaii Coastal Geology Group (2011), Oahu Shoreline
<http://www.soest.hawaii.edu/coasts/erosion/oahu/>

Exhibit I

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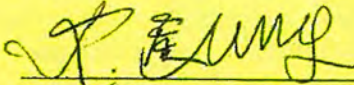
hazards. These actions shall be temporary in nature to the extent that the threat to public health, safety, and welfare, including natural resources, is alleviated (e.g., erosion control, rockfall mitigation). The emergency action shall include contingencies for removal methods, estimates for duration of the activity, and future response plans if required by the department.”

DLNR has no objections, in concept, to the placement of the proposed temporary emergency shoreline protection structure. However, DLNR has documented on multiple occasions that you have not complied with Terms and Conditions of DLNR authorizations for emergency erosion control structures. This includes installing structures that were not consistent with descriptions and design plans provided with applications, including DLNR Site Plan Approvals (SPA) OA-13-55 and SPA OA-13-56 at two properties adjacent to the subject property. In addition you have not provided completion reports as required for completed projects, including DLNR Emergency Authorizations OA-14-168, OA-14-56, and the two SPAs reference above. Further, you have installed erosion control structures without proper authorization from DLNR, including at the subject property (DLNR Violation OA-15-4).

This letter does not constitute authorization for the proposed temporary emergency control structure. DLNR asks that you reply to the Department regarding the matters referenced above and provide completion reports for temporary emergency shoreline protections structures authorized by the DLNR that you have constructed in the past year. Upon receiving satisfactory response regarding authorization compliance, DLNR will give further consideration to your September 29, 2014 request for the Field Residence.

Should you have any questions, please contact Sam Lemmo, OCCL Administrator at (808) 587-0377 or Sam.J.Lemmo@hawaii.gov.

Sincerely,



for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Cc. Freda and Pat Field

Exhibit I

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EMERGENCY
OA-13-32
Pat & Freda

Shoreline Restoration of Hawaii

PO Box 188
Waimanalo, HI 96795
ph. 808-228-9391
email: correa.joe@gmail.com

9-29-2014

Sam Lemmo
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Emergency SPA OA-13-32, Request to modify the SPA to include soft, synthetic materials capable of offering adequate protection to protect the residence from the "imminent threat" of damage or loss.
Pat and Freda Field Residence
53-227 Kamehameha Hwy.
Punaluu, HI 96717
TMK: 5-3-002:034

As Hurricane Iselle and Julio passed above Hawaii in early August, strong surges and waves ate into the Field's shoreline property to within 20' of their brand new residence, creating an "imminent" threat to their habitable structure. In response to this fast retreat of the shoreline, Pat and Freda Field had a simple, soft polypropylene blanket system installed in front of the scarp to stabilize the shoreline and minimize the mauka advance of the erosion. This action prompted the DLNR-OCCL to issue violation OA 15-04.

Sam Lemmo of DLNR-OCCL requested that the Field family talk to the City DPP about permitting the emergency shoreline protection structure. The result of the meeting was that the City would require a new shoreline certification or a mutually agreed shoreline determination with the DLNR-OCCL to start the permit process. This process along, without the use of emergency shoreline protection, would "imminently" threaten their habitable structure.

Sam also recommended that the Field family talk to a coastal engineer for advice. Freda Field asked a planner at Sea Engineering if they could design a temporary, emergency shoreline protection structure using coir for their property. The answer was that they would not use coir as an engineered solution but a more robust temporary, emergency structure using perhaps gabions and geotextile containers. This solution would take time to design and implement, leaving the property unprotected, and therefore was not considered by the Field family as the way to go at this time.

Therefore, on behalf of Pat and Freda Field, with the intent to clear violation OA 15-04, we request permission to Amend SPA- OA-13-32 to include:

1. the use of polypropylene geotextile fabric to encapsulate biodegradable burlap sandbags that shall be used to create the form and shape of the shoreline protection structure.

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2. the placement of 50 yards of imported calcium carbonate sand from Makai Ranch, which shall be rinsed to meet State requirements

We strongly urge the DLNR-OCCL to consider that at this stage of "imminent threat" to the habitable structure, the deflation of the beach and the mauka advance of the erosion cannot be adequately mitigated with the sole use of biodegradable coir sandbags, fabrics and blankets. From experience, biodegradables will not last through an erosion cycle if it has to hold against weakened hurricane surges and constantly absorb the ravages of wave energy, side sweeping currents, high tides, occasional strong weather events and debris laden water. Once damaged, biodegradables will unravel and quickly release expensive and hard to get "State approved" calcium carbonate sand that is placed with the expectation of restoring the dune slope long enough to protect the habitable structure for three to four months or for the duration of the erosion cycle.

Furthermore, permanent rock and temporary synthetic shore protection structures have been installed to the east of the Fields residence. During the yearly erosion cycle, these structures act together to accelerate, amplify and direct the east to west, trade wind driven, long shore currents and occasional rip currents towards the unprotected sandy beaches on the downstream and downwind side of these structures. These currents coupled with wave action swiftly liquefy, shave, scour, suspend and shift sand and sediment and quickly push the unprotected beaches including the Field's beach towards the west.

Under these unnatural conditions, the notion that the sand naturally scoured out, reflected and moved from unprotected shoreline properties will help to restore the starved beach cell is ludicrous and chaotic. It's too late. The huge amount of existing shore protection won't let that happen. To prevent certain chaos and loss of private and public land, the Field family wants to adequately protect what is left of their property first, then join with the public and private initiative to concentrate on restoring, renourishing and retaining the beach and near shore.

During early July, 2014, the Field's beach eroded down and back about 10' and the biodegradable shore protection that the Fields put out near the certified shoreline to protect against shoreline retreat failed and washed away.

The high tides during July 22nd through July 24th, 2014 coupled with the trade winds further lowered the beach profile and ate into the Field's yard another 5'. These high tides triggered the first request for a shoreline protection structure made from more robust polypropylene fabric. But this request was denied because the distance shown on the request was greater than 20' from foundation of the habitable structure. It was later pointed out to us that we could qualify for stronger shoreline protection if and when the erosion advanced to within 20' of the east stairway to the second floor of the habitable structure.

After hurricanes Iselle and Julio passed the Islands, and ate into the Fields yard another 5' to within 19' of the habitable structure, an SPS using polypropylene geotextile fabric as a bmp to encapsulate the sandbags to prevent their discharge into State waters was installed. This SPS immediately protected the shoreline and stopped the advance of the erosion which if left unchecked would have, with great certainty, continued to eat the yard back and "imminently" threaten the habitable structure. Currently the erosion is within 17' of the east side stairway to the 2nd floor. So that puts the erosion rate at approximately 10' per month. Again, if the erosion is left unchecked, there is a possibility that the

erosion could reach the habitable structure by January, 2015, especially if high tides coupled with winter storms come ashore.

These early events have set the stage for the anticipated and continuing erosion of the beach and yard during the coming fall and winter season. For this reason the Field family needs a temporary, emergency shoreline erosion structure strong enough to 1) protect the dwelling from the "imminent threat" of damage and loss through the fall and winter months and 2) prevent discharges of the components of the shore protection structure from entering State waters.

Seasonal erosion has been a problem in this area for many years especially when the trade winds are strong and the tides high. Over the last 30 years or so the beach has slowly moved inland and the lack of beach protection during the erosion cycle now threatens habitable structures and enjoyment of the beach.

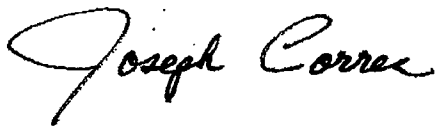
If the Field family does not protect their property adequately, the erosion scarp may also advance into the side of the neighboring property along the west property line, knocking the new vinyl fence down, exposing the neighbor's cesspool further and undermining the side and front of the neighbor's house. The erosion at the west common property line with the neighbor is within 15' of the neighbor's residence at 53-231 Kamehameha Hwy.

Every year, when the winter swell from the north and west arrive, sand returns to the beach and near shore but usually not enough to offset what is lost during summer and fall. But the shoreline structure needs to be strong and durable enough during this period to absorb these beach building north and west swells and weather events.

The Fields property is located at the center of eight properties known as the Punaluu Beach Lots. Seven of the property owners, including the Fields have gotten together to discuss long term beach management for this area. A long term plan to re-nourish the beach and to build beach retention groins has been discussed. The City is looking at options to re-nourish the Punaluu Beach Park and the Punaluu Beach Lots property owners desire to work along with what the City plans to do.

It is the intent and hope of the Fields and the Punaluu Beach Lots property owners to find a way to save and protect the beach and their properties simultaneously. But in the meantime, the Fields need to stop the erosion from advancing further into their property which is "imminently" threatening their habitable structure during this 2014 erosion cycle.

Sincerely,



Joe Correa

Exhibit I

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Fields Residence
Request to install a temporary shoreline protection structure

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Page 7:	Certified Shoreline Survey Map
Page 8:	Plan view of shoreline protection structure
Page 9:	Profile of shoreline protection structure
Page 10:	Description and sequence of work and material quantities
Page 11 & 12:	Sand grain analysis
Page 13 & 14:	Photos of shoreline conditions

Shoreline Restoration of Hawaii
PO Box 188
Waimanalo, HI 96795
ph: 808-228-6881
email: joecorrea@smail.com

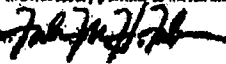
7-22-2014

Sam Lentino
State of Hawaii, Department of Land and Natural Resources
Office of Conservation and Coastal Lands
PO Box 621
Honolulu, HI 96795

Subject: Letter of Agent Authorization to process a
Site Plan Request to install temporary and emergency shoreline protection
Pat and Freda Fields
58-227 Kamehameha Hwy.
Punaluu, HI 96717
TMK: 5-3-002-094

Freda and Pat Fields hereby authorize Joe Correa of Shoreline Restoration of Hawaii to process and
procure the necessary permits to install shoreline protection at our residence as shown above.

Sincerely,



Pat and or Freda Fields

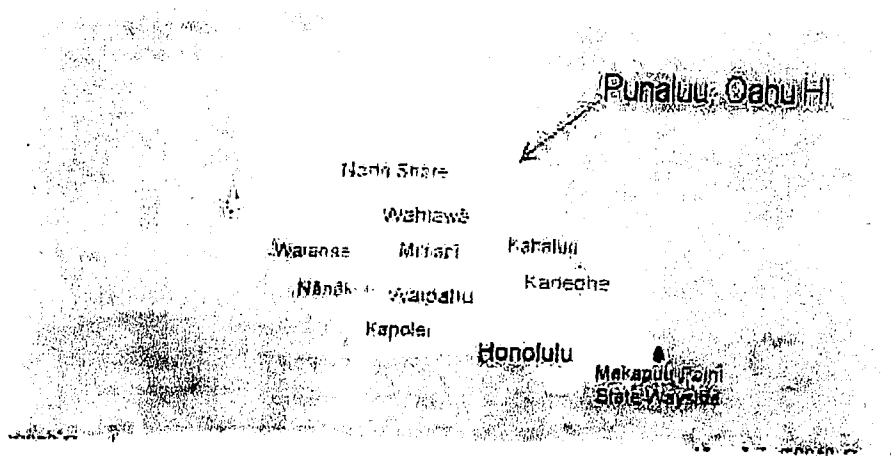
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5

Exhibit I

Page 7 of 16

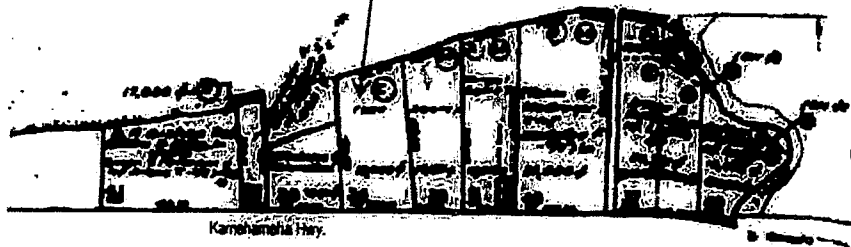
K-5



Vicinity Map

N

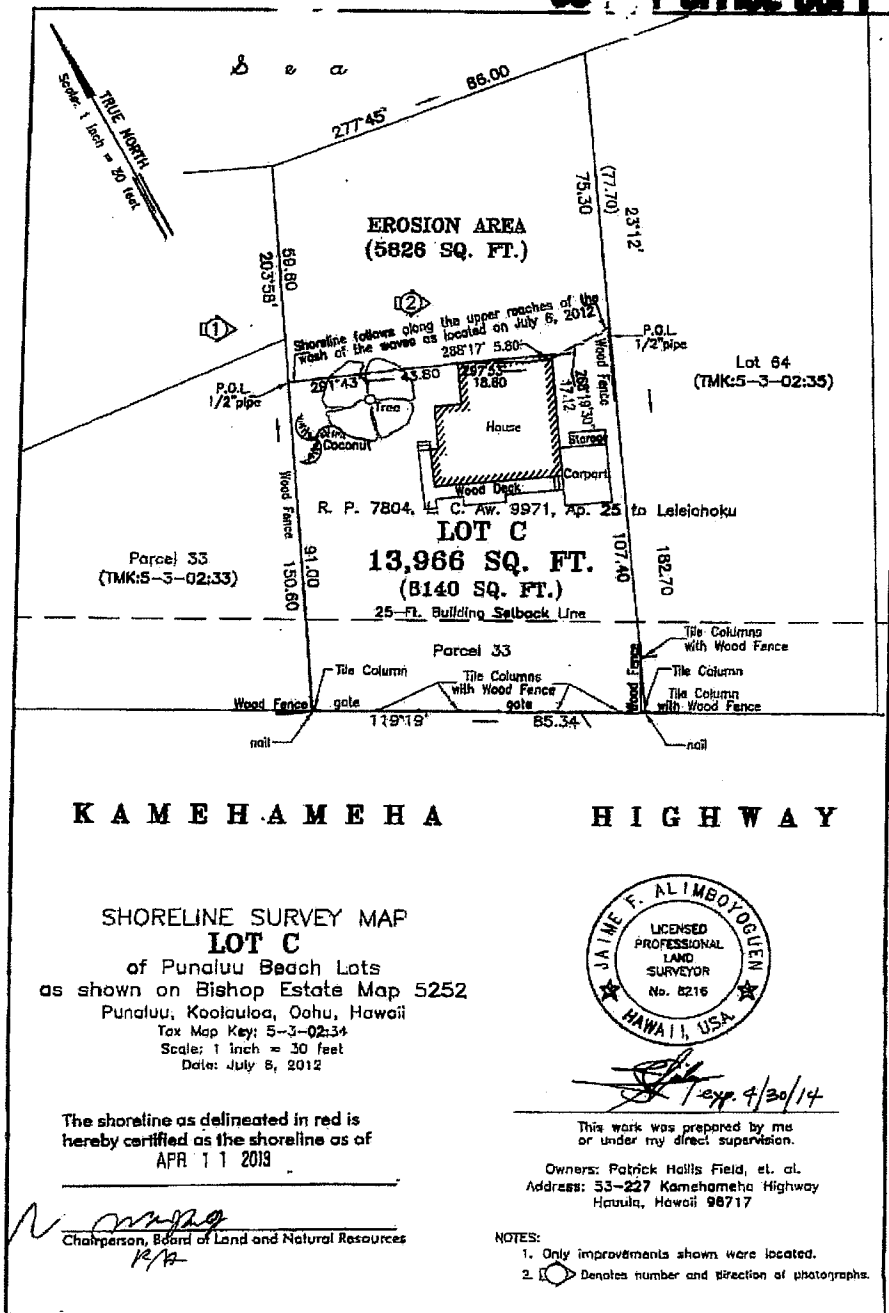
Fields residence
 53-227 Kam Hwy.
 Punaluu, HI 96717.
 TMK: 5-3-002: 034



Location Map

Exhibit I
 Page 8 of 16

SURVEY OFFICE COPY



KAMEHAMEHA HIGHWAY

SHORELINE SURVEY MAP
LOT C
 of Punaluu Beach Lots
 as shown on Bishop Estate Map 5252
 Punaluu, Koolauloa, Oahu, Hawaii
 Tax Map Key: 5-3-02:34
 Scale: 1 inch = 30 feet
 Date: July 8, 2012



The shoreline as delineated in red is
 hereby certified as the shoreline as of
APR 11 2013

[Signature]
 Chairperson, Board of Land and Natural Resources
12/12

[Signature] exp. 4/30/14

This work was prepared by me
 or under my direct supervision.

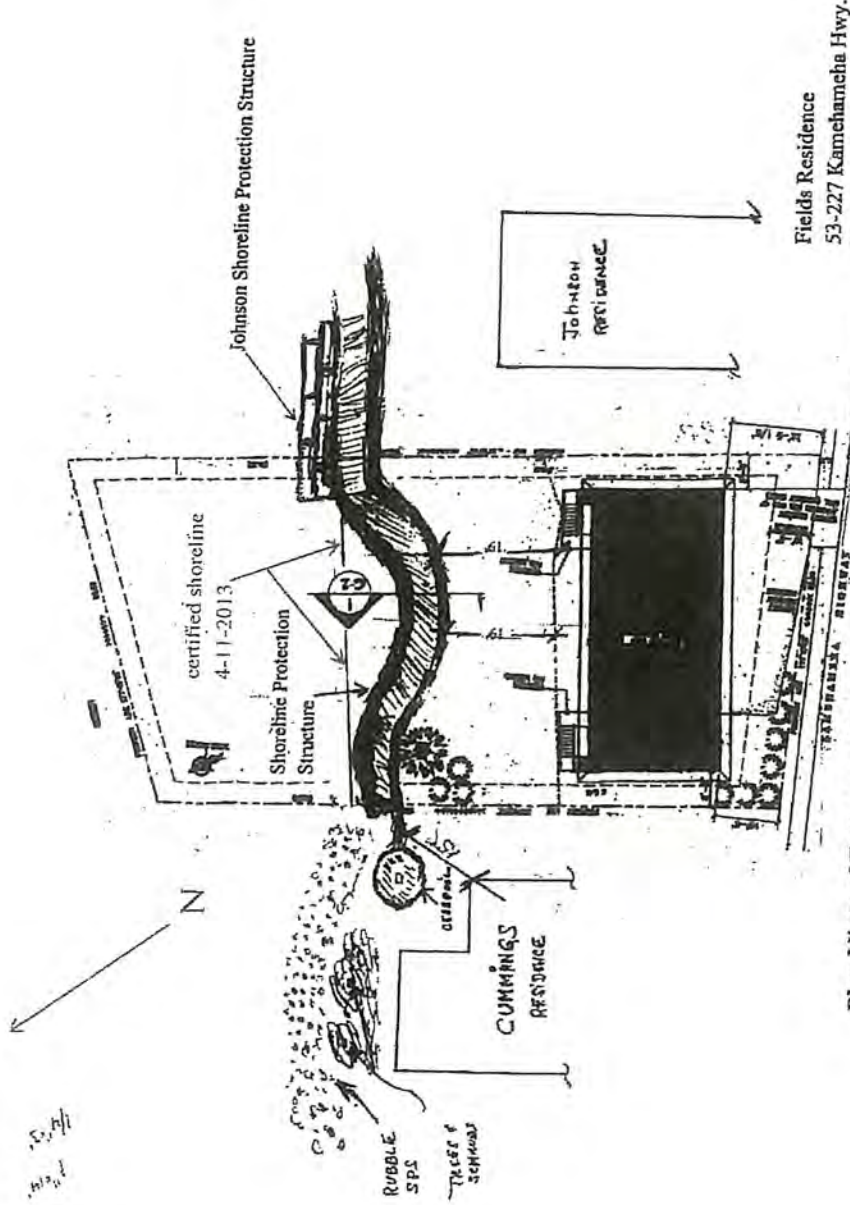
Owners: Patrick Hall's Field, et. al.
 Address: 53-227 Kamehameha Highway
 Hauula, Hawaii 96717

- NOTES:
1. Only improvements shown were located.
 2. Denotes number and direction of photographs.

Certified Shoreline Map, April 11, 2013

Exhibit I
 Page 9 of 16

K-5



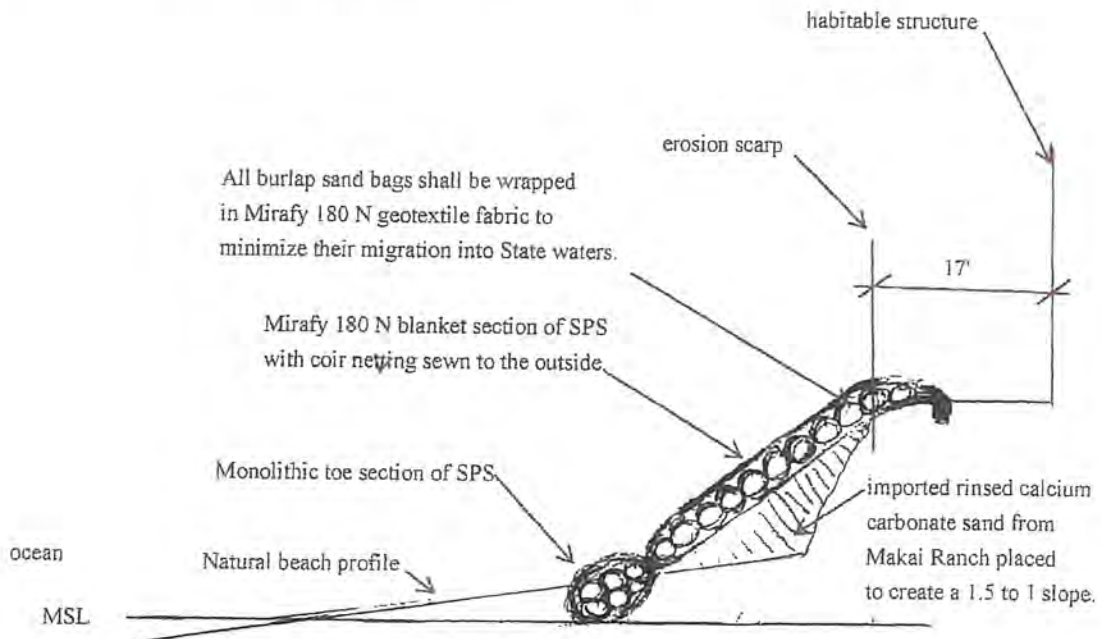
Fields Residence
 53-227 Kamehameha Hwy.
 Punahou, HI 96717
 tmk: 5-3-002:034

Plan View of Temporary Emergency Shoreline Protection Structure
 dimensions as noted

Exhibit I
 Page 10 of 16

K-5

The temporary emergency shoreline protection structure shall be made up of small 70 lb. burlap sandbags filled with calcium carbonate sand. The sandbags shall be wrapped with Mirafy 180 N geotextile fabric to act as a bmp to minimize the opportunity for their discharge into State waters. Coir netting shall be sewn onto the face of the 180-N geotextile fabric to allow the SPS to blend into the natural environment.



1, C-2: Profile of shoreline protection structure

Dimensions as noted

Fields Residence
 53-227 Kam Hwy.
 Punaluu, HI 96717
 TMK: 5-3-002:034

Exhibit I
 Page 11 of 16

Description and sequence of work and quantities of materials required.

- A. The work to install the shoreline protection structure includes:
1. The placement of 20 yards of clean calcium carbonate sand against the scarp to create a 1.5 to 1 slope against the seaward face of the scarp.
 2. The placement of a SEAbanket against the re-sloped scarp made up of small burlap sandbags wrapped with Mirafy 180 N fabric to contain the sandbags and keep them from getting out onto the beach. The SEAbanket shall be covered with a coir netting face to blend the SPS into the natural environment.
- B. Material quantities:
1. Beach quality calcium carbonate sand,
 - a. 20 yards to re-slope the dune face.
 - b. 30 yards of sand to fill the small burlap sandbagsTotal calcium carbonate sand required = 50 yards.
 2. 1,000 small burlap sandbags encapsulated in the Mirafy 180 N fabric..
 3. 450 square yards of Mirafy 180 N geotextile fabric.
 4. 1200 lineal feet of poly rope to hold the Mirafy 180 N blanket in place.
 5. 130 square yards of coir netting.
 6. 8 rolls of 6 mil coir twine.
- C. Calcium carbonate sand for this project shall be purchased from Makai Ranch, taken to our Punaluu yard and rinsed. See the attached sand sieve analysis.
- D. No machinery shall be required for the installation of the SEAbanket shoreline protection structure.
- E. No excavation into the dune shall be necessary for this installation.
- F. Maintenance Required. High tides coupled with high waves and strong currents shall cause the blanket to shift, move and/or settle to a point of equilibrium with suspended, liquefied sand at the base of the structure. It shall be necessary to reset tie downs and repair open sections of the blanket on an as needed basis when this occurs.

Exhibit I

Page 12 of 16

Makai Ranch, LLC		Job #: 2009									
26 Mile District		Job #:									
Date Sampled: 3/2/13	Date Received: 3/4/13	Description: 3-2 to 3-27 C, D, E, G, H									
Size Fraction Data Sheet											
Size (mm)	<4.00	4.00-2.00	2.00-1.00	1.00-500	500-250	250-125	125-62.5	62.5-31.5	<0.075	Total	
µm	2	4	10	50	250	125	62.5	31.5	75		
1A	0.00	0.10	3.30	20.04	4.92	1.01	0.50	0.25	0.44	1.03	42.04
	0.00%	0.42%	7.87%	71.02%	21.40%	2.53%	1.55%	0.77%	1.02%	2.42%	100.00%
1B	0.24	0.13	0.01	24.92	0.03	0.00	0.00	0.00	0.00	0.76	42.71
	0.02%	0.05%	0.00%	71.01%	0.00%	0.00%	0.00%	0.00%	0.00%	1.99%	100.00%
2A	0.00	0.00	2.34	31.26	4.20	0.01	0.24	0.00	0.00	0.21	38.70
	0.00%	0.00%	6.26%	78.79%	12.20%	0.00%	0.20%	0.00%	0.00%	0.53%	100.00%
2B	0.00	0.00	0.00	37.41	0.71	0.00	0.04	0.14	0.00	0.53	42.88
	0.00%	0.00%	0.00%	71.00%	0.00%	0.00%	0.00%	0.00%	0.00%	1.07%	100.00%
3	0.00	0.25	0.00	30.10	4.20	0.00	0.17	0.07	0.00	0.24	41.47
	0.00%	2.09%	0.00%	69.07%	8.20%	0.00%	0.50%	0.16%	0.00%	0.60%	100.00%
4	0.00	0.01	0.00	44.70	0.51	0.43	0.24	0.15	0.00	0.42	50.45
	0.00%	0.02%	0.00%	78.35%	0.77%	0.43%	0.27%	0.05%	0.00%	0.72%	100.00%
5	0.00	0.00	0.01	20.00	20.00	0.00	0.14	0.14	0.01	0.14	60.31
	0.00%	0.00%	0.00%	70.59%	65.22%	0.00%	0.20%	0.00%	0.00%	0.20%	100.00%
6A	0.00	0.17	1.07	44.22	12.00	1.00	0.20	0.07	0.00	0.57	60.20
	0.00%	0.28%	3.00%	72.00%	20.20%	1.00%	0.50%	0.12%	0.00%	0.20%	100.00%
6B	0.00	0.00	0.00	44.00	12.00	2.00	1.00	0.00	0.00	0.00	69.00
	0.00%	0.00%	0.00%	69.00%	18.00%	3.00%	1.50%	0.00%	0.00%	0.00%	100.00%
7	0.00	1.20	11.57	31.00	0.00	0.00	0.00	0.00	0.00	0.00	42.77
	0.00%	2.80%	27.00%	69.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%
8	0.00	0.00	13.40	31.00	0.00	1.00	0.75	0.27	0.00	0.00	46.43
	0.00%	0.00%	24.10%	69.00%	0.00%	1.00%	0.00%	0.00%	0.00%	0.00%	100.00%
Notes: (1) These are not standard test data. (2) Data subject to change. (3) Sample size should be 100g or more.											
Printed on: 3/2/13 at 10:00 AM											

Makai Ranch Sand grain analysis, page 1

Exhibit I
Page 13 of 16

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Chart: Makai Farm, LLC		Lot #	20025	
ATTN: Mike Dembrow		Sample Type: Sand	Job #	
Date Sampled:	2017	Date Received:	2/1/17	Calibration: 3-13 to 3-27 CL DMU TC, SW

Size (mm)	<4.0	4.00-20.0	20.0-4.0	100-500	600-300	300-200	200-100	100-75	75-60	60-40	<0.075	Total
Wt	0	0	0	1	2	3	4	4	4	4	4	100
P.A.	1.00	1.57	10.81	31.41	9.46	3.34	2.20	0.89	0.30	0.01	0.01	62.57
	2.65%	2.5%	17.22%	30.20%	15.02%	3.34%	3.32%	1.40%	0.48%	1.42%	1.42%	100.00%
W.B.	0.17	1.78	13.32	38.07	8.15	2.60	1.83	0.74	0.54	0.60	0.60	55.36
	1.27%	3.27%	24.02%	50.62%	11.17%	4.60%	2.68%	0.42%	0.57%	1.44%	1.02%	100.00%
SFE #1-4	4.51	1.33	12.78	61.51	15.59	2.33	1.17	0.32	0.07	1.17	1.62	100.00%
	4.48%	1.20%	12.44%	58.80%	15.13%	2.27%	1.14%	0.27%	0.07%	1.14%	1.62%	100.00%
SFE #5+	8.82	1.41	6.78	58.47	19.50	3.24	1.86	0.84	0.32	1.14	0.30	100.00%
	9.54%	1.51%	7.28%	62.74%	11.30%	3.42%	2.02%	0.88%	0.21%	1.22%	1.00%	100.00%
SPW #1-4	0.00	0.59	15.87	79.71	10.25	1.91	1.35	0.83	0.13	1.63	1.12	100.00%
	0.00%	0.50%	14.20%	71.12%	9.19%	1.79%	1.20%	0.72%	0.12%	1.48%	1.00%	100.00%
SPW #5-6	0.40	0.78	12.72	59.55	7.67	1.31	0.89	0.59	0.10	1.63	0.57	100.00%
	0.40%	0.82%	14.88%	60.51%	9.18%	1.33%	1.38%	0.44%	0.12%	1.90%	1.00%	100.00%
SPW #9-10	0.85	1.02	6.50	26.17	8.02	1.26	0.97	1.37	0.11	1.23	44.40	100.00%
	1.92%	2.30%	14.78%	59.84%	11.52%	2.84%	2.19%	3.09%	0.25%	2.77%	100.00%	
SPW #14-15	4.08	1.60	6.46	21.36	6.32	1.86	2.25	1.15	0.26	1.77	47.60	100.00%
	8.56%	4.12%	11.47%	49.00%	11.77%	3.81%	4.87%	2.47%	0.78%	3.22%	100.00%	
Others Pts	7.22	4.02	6.42	13.67	3.00	1.62	2.51	1.29	0.38	2.15	41.59	100.00%
	17.65%	10.18%	12.07%	33.62%	7.38%	3.62%	6.04%	3.29%	0.87%	5.71%	100.00%	
Notes												
Procedure	0.15	0.03	7.81	39.25	0.20	1.02	0.15	0.04	0.03	0.03	56.14	100.00%
	0.32%	1.02%	14.02%	69.82%	12.43%	1.62%	0.27%	2.09%	0.06%	0.06%	100.00%	

Notes: (These are not necessarily included in the data report.) - Samples wet sieved with 0.075 mm sieve.
 Five fraction sizes at 35.0°C

Makai Ranch sand grain analysis, page 2

Exhibit I
 Page 14 of 16

K-5



Fields erosion the day after Hurricane Iselle went north from the Big Island, 8-8-14



Fields shoreline looking west on 9-24-14



Photo of Fields shoreline looking east 9-24-14

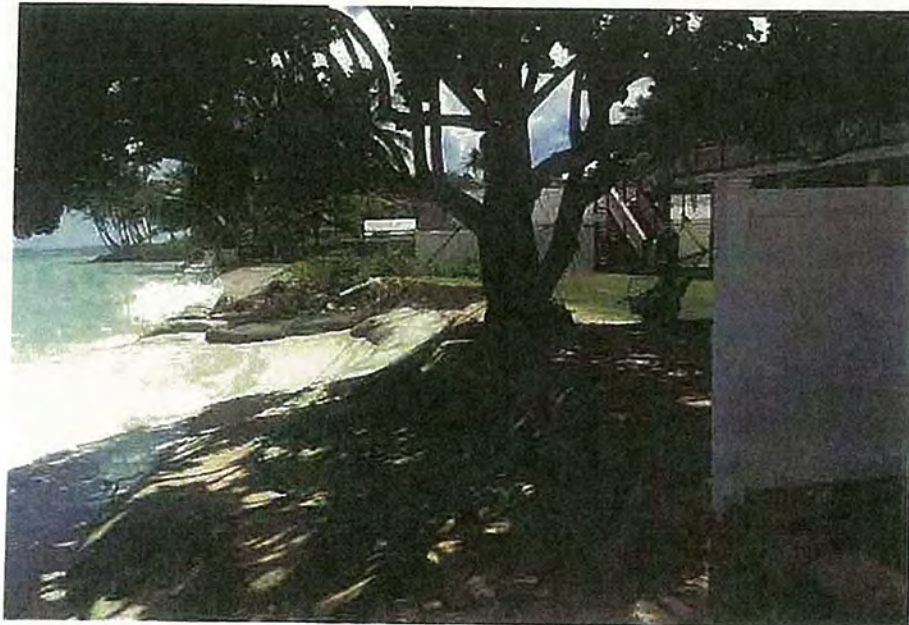


Photo of the Fields shoreline structure looking east along the shoreline 9-28-14



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:NF

Vio: OA-17-31

NOTICE OF ALLEGED VIOLATION AND ORDER

MAR 20 2017

CERTIFIED MAIL RETURN RECEIPT

7014 2120 0003 1908 2314

Violeta Tablit

P.O. Box 63169

Ewa Beach, HI 96706

SUBJECT: Alleged Unauthorized Shoreline Protection Structure Located Along the Shoreline of 53-227 Kamehameha Highway, Punaluu, Oahu, Tax Map Key: (1) 5-3-002:034

NOTICE IS HEREBY GIVEN that you may be in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled Conservation District providing for land uses within the State Land Use Conservation District, enacted pursuant to the Hawaii Revised Statutes (HRS), Chapter 183C.

The Department of Land and Natural Resources (DLNR) has determined that:

1. The location of the alleged unauthorized land use is located seaward of the shoreline in the Conservation District, Resource Subzone;
2. A site inspection conducted by the Department's Office of Conservation and Coastal Lands staff on September 21, 2016 a shoreline structure, consisting of sandbags and black fabric, and boulders on the beach fronting your property; [EXHIBIT 1]
3. Pursuant to §13-5-2, HAR, the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land has been defined as a land use; and
4. The placement of the shoreline structure and boulders was not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR.

Pursuant to 183C-7, HRS, the Board of Land and Natural Resources may subject you to fines of up to \$15,000.00 per violation in addition to administrative costs. Should you fail to cease such activity after written or verbal notification from the Department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

Exhibit J

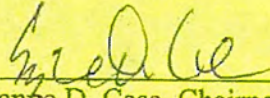
Page 1 of 4

K-5

To resolve the matter, you need to remove the shoreline structure and the boulders from the shoreline in its entirety or pay an administrative penalty of \$2,000.00, remove the boulders, and apply for an after-the-fact permit for the shoreline structure.

Please respond to this Notice within thirty (30) days. Should you have any questions, please feel free to contact Natalie Farinholt in the Office of Conservation and Coastal Lands at (808) 587-0399 or via email at Natalie.A.Farinholt@hawaii.gov.

Sincerely,



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Cc: ODLO
DOCARE-Oahu
CCH - DPP

Exhibit J

Page 2 of 4

K-5



Exhibit J

Page 3 of 4

EXHIBIT 1

K-5

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
MAR 20 2017

Total Postage

Violeta Tablit
 P.O. Box 63169
 Ewa Beach, HI. 96706

PS Form 3800, July 2014 See Reverse for Instructions

7021 0212 0000 0001 0001 0001

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, on the front if space permits.

Violeta Tablit
 P.O. Box 63169
 Ewa Beach, HI. 96706

VIO.: OA-17-31



9590 9403 0636 5183 7435 35

2. Article Number (Transfer from service label)

7014 2120 0003 1906 2314

PS Form 3817, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

Signature
 Violeta Tablit
 Received by (Printed Name)
 Violeta Tablit
 Date of Delivery
 3-23-17
 Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

- 35 Service Type
- Add'l Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Mail Restricted Delivery
 - Mail Restricted Delivery (PSN 7530-02-000-9053)
- Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

Domestic Return Receipt

Exhibit J

Page 4 of 4

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RECEIVED
COMMISSION ON WATER
RESOURCE MANAGEMENT

2017 APR 20 AM 11:12

Suzanne D. Case
Chairperson Board of Land Natural Resources
Commission on Water Resource Management
P. O. Box 621
Honolulu, HI 96809

RE: OCCL: NF/VIO:OA-17-31

April 17, 2017

Dear Suzanne;

I, Violeta Tablit, purchased the property located at 53-227
Kamehameha Hwy. Punaluu, Oahu, Tax Map Key: (1) 5-3-002:034

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII
2017 APR 21 A 9:11
OFFICE OF THE ATTORNEY GENERAL
AND COUNTY CLERK

Last August 24, 2017 when I purchased this property, the shoreline sand was still up at that time. Real estate salesman told us the shoreline sands move in and out. In September the following month after I purchased this property the sands was gone and start losing the shoreline in my backyard and start falling out in the ocean; from my backyard and the net start showing up and shoreline 8 ft. deep.

My boyfriend picked up the rocks that came to my backyard and he lined it up to the shoreline on the top of the sand bags from the previous owner. Since the black fabric sand bags was there long time ago, the previous owner didn't informed me but I'm not sure if they have knowledge for it. The broken nets I removed it and didn't do any protection and I let the grass grow. I can send you by email the pictures of the current image of the backyard if you are interested.

I would like the have after fact permit for temporary when the G70 (Group70) Jeffrey H. Overton, CICP, LEED AP PRINCIPAL to be able to finish the shoreline survey, to have a permit for seawall they are working on it.

In your letter you attached a picture of the shoreline that there is existing look like electric pole floating came from the ocean. Right now is landed in my property shoreline and my neighbor shoreline. Also rubbishes and branches brought from the ocean, I was able to clean it or

Exhibit K

Page 1 of 5

K-5

removed it. I wonder who is responsible to remove the electric pole or log items that ocean brought to my shoreline. Or if the big boat came to your shoreline (like for example the TITANIC/QUEEN MARY BOAT) should I be responsible for it?

When my boyfriend called Natalie A. Farinholt someone told him Natalie was in vacation and he called again for second time the person who answer the phone Natalie was sick, I was informed that I should direct to you my respond. Please call me at 808-636-5776 to discuss all this matter.

Very truly yours,
Violeta Tablit
Violeta Tablit
P. O. Box 63169
Ewa Beach, HI 96706

CC: ZDENEK PRCHAL phone: #808-636-5347 feel free to contact him, he's managing my property. VT

Exhibit K

Page 2 of 5

K-5

17062 - SIMR PLENK

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
KEKOA KALUHIWA
FIRST DEPUTY
JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:NF

Vio: OA-17-31

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MAR 20 2017

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7014 2120 0003 1908 2314

Violeta Tablit

P.O. Box 63169

Ewa Beach, HI 96706

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The Department of Land and Natural Resources (DLNR) has determined that:

1. The location of the alleged unauthorized land use is located seaward of the shoreline in the Conservation District, Resource Subzone;
2. A site inspection conducted by the Department's Office of Conservation and Coastal Lands staff on September 21, 2016 a shoreline structure, consisting of sandbags and black fabric, and boulders on the beach fronting your property; [EXHIBIT 1]
3. Pursuant to §13-5-2, HAR, the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land has been defined as a land use; and
4. The placement of the shoreline structure and boulders was not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR.

Pursuant to 183C-7, HRS, the Board of Land and Natural Resources may subject you to fines of up to \$15,000.00 per violation in addition to administrative costs. Should you fail to cease such activity after written or verbal notification from the Department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists.

Exhibit K

Page 3 of 5

K-5

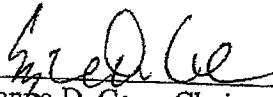
Violeta Tablit

Vio: OA-17-31

To resolve the matter, you need to remove the shoreline structure and the boulders from the shoreline in its entirety or pay an administrative penalty of \$2,000.00, remove the boulders, and apply for an after-the-fact permit for the shoreline structure.

Please respond to this Notice within thirty (30) days. Should you have any questions, please feel free to contact Natalie Farinholt in the Office of Conservation and Coastal Lands at (808) 587-0399 or via email at Natalie.A.Farinholt@hawaii.gov.

Sincerely,



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Cc: ODLO
DOCARE-Oahu
CCH - DPP

Exhibit K

Page 4 of 5

K-5

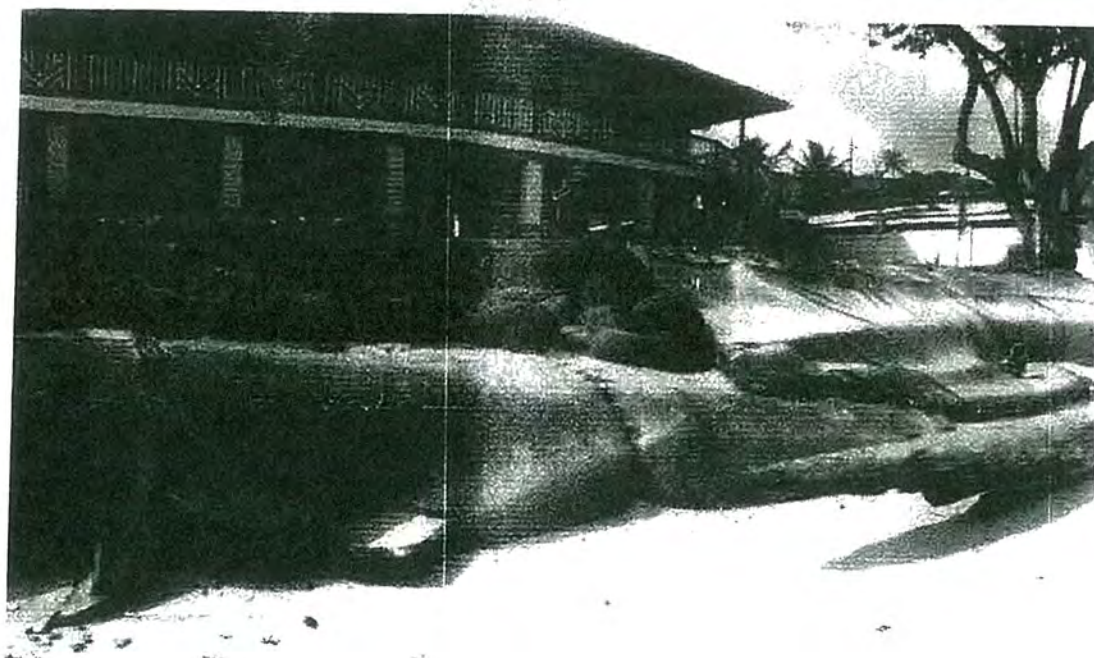
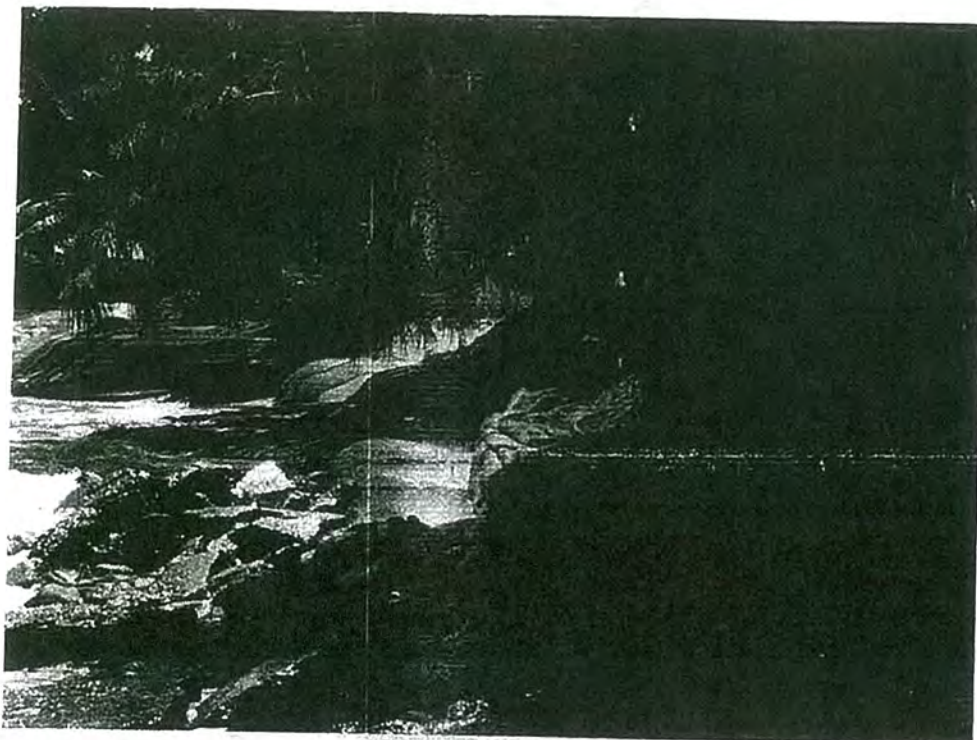


Exhibit K

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EXHIBIT 1

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OA-17-190

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT WEB SITE www.honoluluodpp.org • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

April 19, 2017

2017/ED-4(ST)
APR 20 11:12
OFFICE OF CONSERVATION
AND COASTAL LANDS
DEPT. OF PLANNING AND PERMITTING
NATURAL RESOURCES
STATE OF HAWAII

Dear Participant:

SUBJECT: Draft Environmental Assessment (DEA)
Chapter 343, Hawaii Revised Statutes

Project: Punaluu Beach Homes Shoreline Protection Project
Applicant: Punaluu Beach Lots Business Management Association
Agent: G70 (fka Group 70 International, Inc.) (Jeffery Overton)
Location: 52-215, 53-221, 53-223, 53-227, 53-231, 53-239 Kamehameha Highway - Punaluu
Tax Map Keys: 5-3-002:032, 033, 034, 035, 041, 046 and 051
Request: Shoreline Setback Variance (SV)
Proposal: Construction of a 643-foot-long continuous concrete rubble masonry (CRM) shoreline protection structure along seven residential lots.

Enclosed for your review and comment is the DEA prepared for the above Project. We would appreciate any comments you may have regarding the impacts of the proposal on the shoreline, as well as any other concerns you identify.

Under Chapter 343, Hawaii Revised Statutes, the Department of Planning and Permitting (DPP) must determine whether the impacts of the Project are significant enough to warrant preparation of an Environmental Impact Statement (EIS). Please send us your comments, with a copy to the Applicant's agent no later than **May 8, 2017**:

G70
Attention: Jeffery Overton
925 Bethel Street, Fifth Floor
Honolulu, Hawaii 96813

Based on the information currently available, the DPP anticipates issuing a Finding of No Significant Impact for this Project (no EIS required). Following the completion of the Environmental Assessment phase, the Applicant will submit an application for an SV for the Project, which requires that the DPP hold a Public Hearing. Should you have any questions, please contact Steve Tagawa of our staff at 768-8024.

Very truly yours,

Kathy K. Sokugawa
Acting Director

Exhibit L
Page 1 of 1

Enclosure: CD Material

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DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:NF

Correspondence OA-17-190

MAY 04 2017

Kathy Sokugawa
650 South King St, 7th Floor
Honolulu, HI 96813

SUBJECT: Comments on the Draft Environmental Assessment for the Proposed Punaluu Beach Homes Shoreline Protection Project Located at 53-215, 53-221, 53-223, 53-227, 53-231 and 53-239 Kamehameha Highway, Punaluu, Oahu; Tax Map Keys: (1) 5-3-002:032, 033, 034, 035, 041, 046 and 051

Dear Ms. Sokugawa,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter dated April 19, 2017 regarding the draft Environmental Assessment (DEA) for the proposed Punaluu Beach Homes Shoreline Protection project located at Tax Map Keys: (1) 5-3-002:032, 033, 034, 035, 041, 046 and 051. The applicant, Punaluu Beach Lots Business Management Association, is proposing to construct a continuous sloping rock revetment fronting seven properties along approximately 643 linear feet of the shoreline.

The OCCL has reviewed the DEA for the proposed project and offers the following comments. The DEA fails to provide a consistent overview of the permitting status of the temporary structures fronting the subject properties. These issues should be represented consistently throughout the DEA.

The OCCL would like to note that a certified shoreline has not been completed for the subject properties.

In *Section 2.1 Project Location and Characteristics*, the applicant notes that each parcel contains an existing single-family home. We would like to clarify that Parcel 032 is an empty lot that does not have a single-family home.

In *Section 2.3 Description of Project*, the applicant notes that Figure 2-8 refers to a typical section view of the revetment. However, Figure 2-8 refers to a photo of the shoreline fronting Parcel 032, not a section view of the proposed revetment. We suggest that more detail be included in this section, including details of the grout that is proposed to be used, how much of the structure would be grouted, the size and weight of armor and underlayer stones proposed, the approximate area of the proposed structure and what the toe scour protection would consist of. The applicant also notes

Exhibit L

Page 2 of 4

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that granular backfill material wrapped in filter fabric would be placed landward of the proposed revetment. We suggest the applicant provides specifics on what granular backfill material consists of. The OCCL suggests the applicant includes more details in *Section 2.5 Construction Characteristics* including construction methodology and sequence, details of equipment and material staging areas and estimated construction period.

We recommend the applicant expands the discussion of existing conditions and anticipated impacts in multiple sections of *Section 3.0 Description of the Environmental Setting, Potential Impacts, and Mitigation Measures*. This section should discuss in detail the potential loss of public areas and how the proposed project would significantly affect public shoreline access and recreational activities taking place seaward of the project area and to the north at Punaluu Beach Park. In *Section 3.6 Ocean Water and Marine Resources*, the applicant refers to the coastal assessment completed by Sea Engineering, Inc. that includes a detailed description of the existing shoreline and coastal processes, historical shoreline erosion rates, site maps, oceanographic setting, coastal hazards and alternatives. These detailed descriptions should be discussed in the body of the DEA. In *Section 3.13.2 Cultural Resources*, the applicant notes that public access to the shoreline area would be maintained and enhanced. Please describe how the public access would be enhanced by the proposed project. The OCCL would like to note that public access is available at Punaluu Beach Park and lateral shoreline access exists in front of the parcels. We suggest the applicant includes a discussion of storms waves under *Section 3.4 Natural Hazards*. Also, we recommend the applicant clarifies if the revetment would be designed and constructed to withstand sea level rise projections.

In *Section 3.5 Biological Resources*, the applicant notes that due to the site's location, some threatened or endangered marine species may be present on the site or in the vicinity of the site. The OCCL suggests that the applicant includes a more detailed discussion of possible marine species that may be present in the vicinity of the project site and how they may be affected.

We recommend that the applicant identifies as many mitigation measures in the DEA as possible, such as best management practices and environmental protection measures, to be implemented during revetment construction and a marine species protection plan for possible encounters with endangered species.

The alternatives presented in the DEA should be thoroughly discussed and given serious consideration. The channel fronting the Punaluu Beach Park appears to be a good source for beach sand. Engineering solutions, such as sand stabilization structures, should be considered as a possibility to restore the coastal resources and recreational opportunities fronting the subject properties and Punaluu Beach Park.

Under the *Section 5.1 Hawaii State Plan*, the OCCL suggests the applicant includes a discussion of how the proposed project preserves and maintains the marine and shoreline resources of the State. The discussion of *Section 5.3 Hawaii Coastal Zone Management Program* should be expanded upon and include a discussion of how the proposed project would protect coastal resources that provide recreational opportunities; aims to preserve, maintain, improve and restore the shoreline open space and scenic resources; protects valuable coastal ecosystems; and protects public beaches for public use and recreation. The discussion in *Section 5.4 City and County of*

Exhibit L

Page 3 of 4

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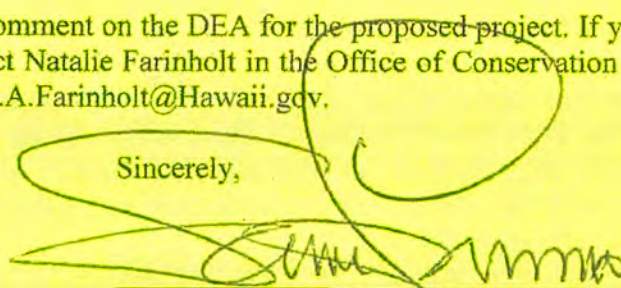
Honolulu General Plan should go into more detail regarding how the project is consistent with the objectives and policies of the plan.

In *Section 5.7 Special Management Area* under guidelines (1) and (3), the applicant notes that the proposed project would not have adverse impacts to public beaches. Recent studies by researchers at the University of Hawaii and the United States Geological Survey find the majority, or 70%, of Hawaii's beaches are chronically eroding. Over 13 miles of Hawaii's beaches were completely lost to erosion over the past century. Nearly the entire extent of beach that was lost was fronting seawalls or other coastal armoring, which was installed to protect development and infrastructure from land loss and flooding. When beaches erode, shoreline access is lost, recreation and cultural activities are limited, coastal habitat is impacted, and our visitor economy suffers.

Construction of the proposed revetment would certainly lead to beach loss and loss of public areas fronting the subject properties, even if the proposed revetment is located landward of the shoreline, given the chronic erosion documented by the University of Hawaii Coastal Geology Group in their Historical Erosion Rate Maps for the area¹. The applicant notes in multiple sections of the DEA that the placement of the proposed structure is not anticipated to cause adverse effects to the shoreline of adjoining properties. Coastal armoring constructed on Hawaii beaches in response to coastal erosion has been shown to lead to beach narrowing and loss, as well as increased rates of "flanking" erosion on beaches adjacent to the structures^{2,3}. Flanking erosion from installation of the proposed revetment is inevitable at the Punaluu Beach Park and the unprotected property to the south of the subject properties. Over the past decade, beach erosion has been documented along the shoreline fronting the beach park. In April 2016, the DLNR authorized an emergency protection structure (DLNR Ref. Emergency CDUA OA-16-10) to protect the park's comfort station that was within approximately 3 feet or less of an erosion scarp. The OCCL suggests the City and County of Honolulu carefully considers the effects and impacts the proposed project could have on the adjoining properties, including Punaluu Beach Park, and the coastal resources present in the area to determine if the proposed action warrants the preparation of an Environmental Impact Statement as outlined in HAR §11-200 *Environmental Impact Statement Rules*.

Thank you for the opportunity to comment on the DEA for the proposed project. If you have any questions, please feel free to contact Natalie Farinholt in the Office of Conservation and Coastal Lands at (808) 587-0399 or Natalie.A.Farinholt@Hawaii.gov.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Cc: C&C, Parks & Rec
LAND

¹ University of Hawaii Coastal Geology Group, Hawaii Coastal Erosion Website: <http://www.soest.hawaii.edu/coasts/erosion/oahu/>

² Fletcher, C.H., *et al.* (1997) Beach loss along armored shorelines on Oahu, Hawaiian Islands

³ B.M. Romine and C.H. Fletcher (2012), Armoring on Eroding Coasts Leads to Beach Narrowing and Loss on Oahu, Hawaii

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DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
KEKOA KALUHIWA
FIRST DEPUTY
JEFFREY T. PEARSON P.E.
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
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CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLOLAWI AND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:NF

Vio. OA-17-31
MAY 04 2017

Violeta Tablit
P.O. Box 63169
Ewa Beach, HI 96706

SUBJECT: Alleged Unauthorized Shoreline Protection Structure Located Along the Shoreline of 53-227 Kamehameha Highway, Punaluu, Oahu, Tax Map Key: (1) 5-3-002:034

Dear Ms. Tablit,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands is in receipt of your letter dated April 17, 2017 regarding the alleged unauthorized shoreline protection structure fronting your property located at 53-227 Kamehameha Highway. Previous correspondence from our office dated March 20, 2017 informed you that to resolve the matter of the alleged unauthorized shoreline protection structure, you need to remove the structure and the boulders from the shoreline in its entirety or pay an administrative penalty of \$2,000.00, remove the boulders, and apply for an after-the-fact permit for the structure.

According to your letter, you purchased the property in August 2017 and the shoreline protection structure was constructed by the previous property owner. You note your boyfriend placed the boulders on top of the sandbag structure. You would like to apply for an after-the-fact permit for the unauthorized structure. All of the boulders must be removed from the shoreline. Since it appears the structure was constructed by the previous property owners, you are not required to pay an administrative penalty at this time. If any other information becomes available contrary to this belief, the Department may reconsider the administrative penalty.

We recommend you apply for an After-The-Fact Site Plan Approval pursuant to Hawaii Administrative Rules §13-5-38 *Site Plan Approvals*. Please provide us with more details regarding the shoreline structure including a description of the erosion situation, a detailed description of the structure, how many sand bags and how much sand was used, an as-built site plan, and photos of the structure.

In regards to your inquiry about the log fronting your property, you may wish to remove it from the shoreline area.

The boulders placed in the shoreline area need to be removed and you need to apply for an After-the-Fact permit for the existing structure. Failure to comply with our request could result in an enforcement action.

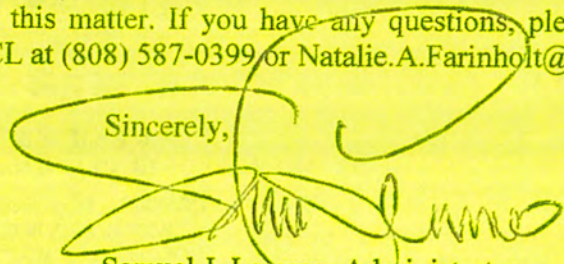
Exhibit M

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Thank you for your cooperation in this matter. If you have any questions, please feel free to contact Natalie Farinholt in the OCCL at (808) 587-0399 or Natalie.A.Farinholt@hawaii.gov.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Cc: C&C, DPP
LAND
Chairperson

Exhibit M

Page 2 of 2



SPA OA-17-75

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2017 JUN 20 P 3:34

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

925 Bethel Street June 19, 2017
5th Floor (revised from June 7, 2017)
Honolulu, HI 96813
808.523.5866
www.g70.design

Mr. Samuel J. Lemmo, Administrator
State of Hawai'i
Dept. of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Suite 131
Honolulu, HI 96813

**Subject: Application for After-the-Fact Site Plan Approval
Temporary Shoreline Protection Structure
Makai of 53-227 Kamehameha Highway, Punalu'u, O'ahu, HI
TMK: (1) 5-3-02:034 (Violeta Tablit)**

Dear Mr. Lemmo:

As planning consultant to landowner Violeta Tablit, G70 is submitting this application to DLNR OCCL for emergency permit approval for a shoreline protection structure located makai of the subject property. This area has experienced localized seasonal erosion and chronic (long-term) erosion fronting the property. There was also a recent notice of alleged violation and order from DLNR reference Violation: OA-17-31 dated March 20, 2017.

Project Need

The existing residence is being threatened by advancing shoreline erosion, with the shoreline edge closing to within 25 feet of the existing residence structure. The purpose of this project is to provide a temporary erosion control structure that may prevent further erosion of the property. A long-term plan for erosion control is being coordinated with the neighbors. Sea Engineering (August 2016) found this section of the Punaluu shoreline is particularly susceptible to both erosion and wave overwash. Under typical conditions, a continuous erosion scarp is present along the entire shoreline. This scarp begins in Punaluu Beach Park to the north and becomes progressively steeper and higher toward the subject properties. Beach width is subject to rapid and dramatic change. Recent photos of the property with the erosion protection blanket are attached.

Proposal

Encroachments in the shoreline are being removed to satisfy the violation order and to advance the shoreline certification process. To protect the property after the shoreline is certified, the owners installed a shoreline erosion blanket in 2017 along approximately 80 feet of the subject property frontage, consisting of the following:

- Four 15 ft wide sections of erosion control blanket material, will be joined as a continuous series, laid across the existing dune face, scarp and makai lawn edge.
- Blankets are connected by 3/8" Polypropylene rope to tie the folds of the blanket.
- The erosion control blankets are staked at 2' intervals to hold the blanket in place, with the toe of the blanket buried approximately 2' below the sand level on the beach.

Letter to Sam Lemmo, Administrator; DLNR OCCL
Shoreline Protection Structure, TMK: (1) 5-3-02:034, Punalu'u, O'ahu, HI
June 19, 2017 (revised from June 7, 2017)
Page 2 of 2

- Along the top of the embankment, a 2" x 6" header board is installed to tie the blanket to at 2' intervals. The header board is held in place with earth anchors at 2' intervals.
- There is no requirement anticipated to imported sand for this project.
- No machinery or excavation is anticipated to be required for the installation of the erosion protection structure.

The applicant requests approval pursuant to HAR Sect 13-5-22, P-8 LAND USES, EXISTING (B-1) Demolition, removal or minor alteration of existing structures, facilities, land and equipment, in accordance with HAR, Sect 13-5-38 Site Plan Approval.

Mitigation Measures

Typical Best Management Practices will be implemented to protect ocean water quality and marine resources. Silt and turbidity will be contained or otherwise minimized during the construction period by use of silt containment devices, as necessary. A completion report will be prepared within 30 days following completion, which will summarize the construction of the proposed plans, including before and after photographs.

We acknowledge that DLNR will impose specific Terms and Conditions on this temporary shoreline protection project. Please contact me at 351-4200 if you have questions regarding the subject application or require additional information.

Sincerely,

GROUP 70 INTERNATIONAL, INC. (dba G70)



Jeffrey H. Overton, AICP, LEED-AP
Principal Planner

cc: Violata Tablit

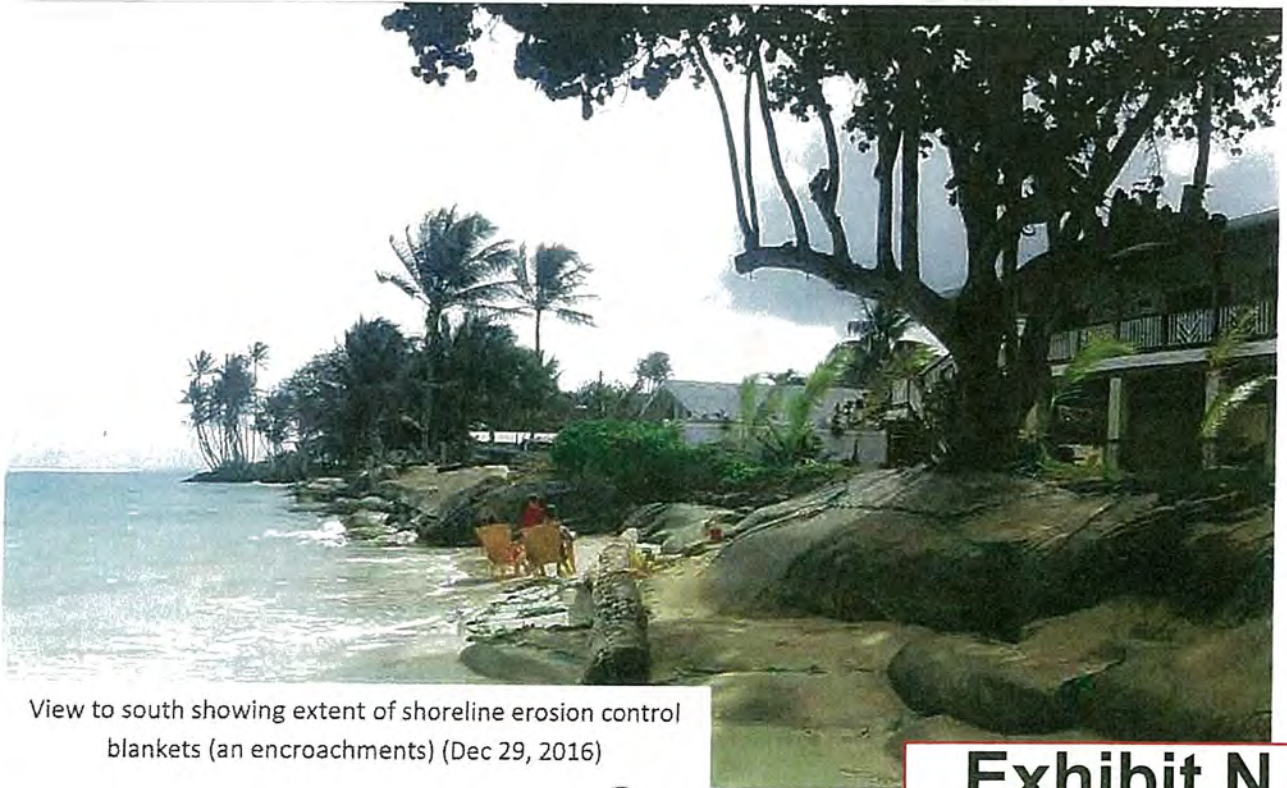
Exhibit N

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SHORELINE PROTECTION FOR PUNALU'U HOMES
PHOTO SET – TMK (1) 5-3-002:034 (DON PRCHAL & VIOLETA TABLIT)



Shoreline erosion control blankets (and encroachments) along shoreline (December 29, 2016)



View to south showing extent of shoreline erosion control blankets (an encroachments) (Dec 29, 2016)

Exhibit N

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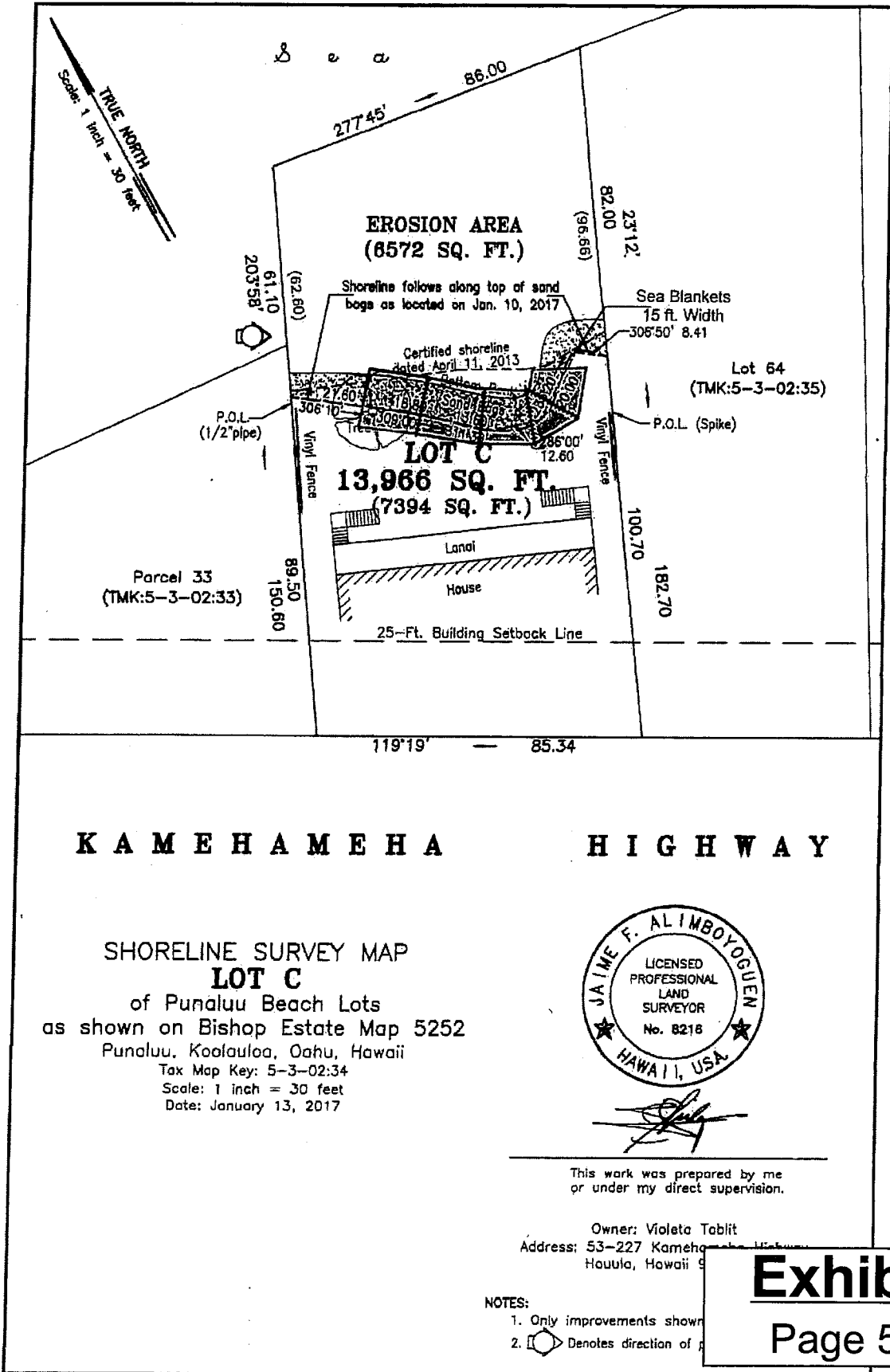


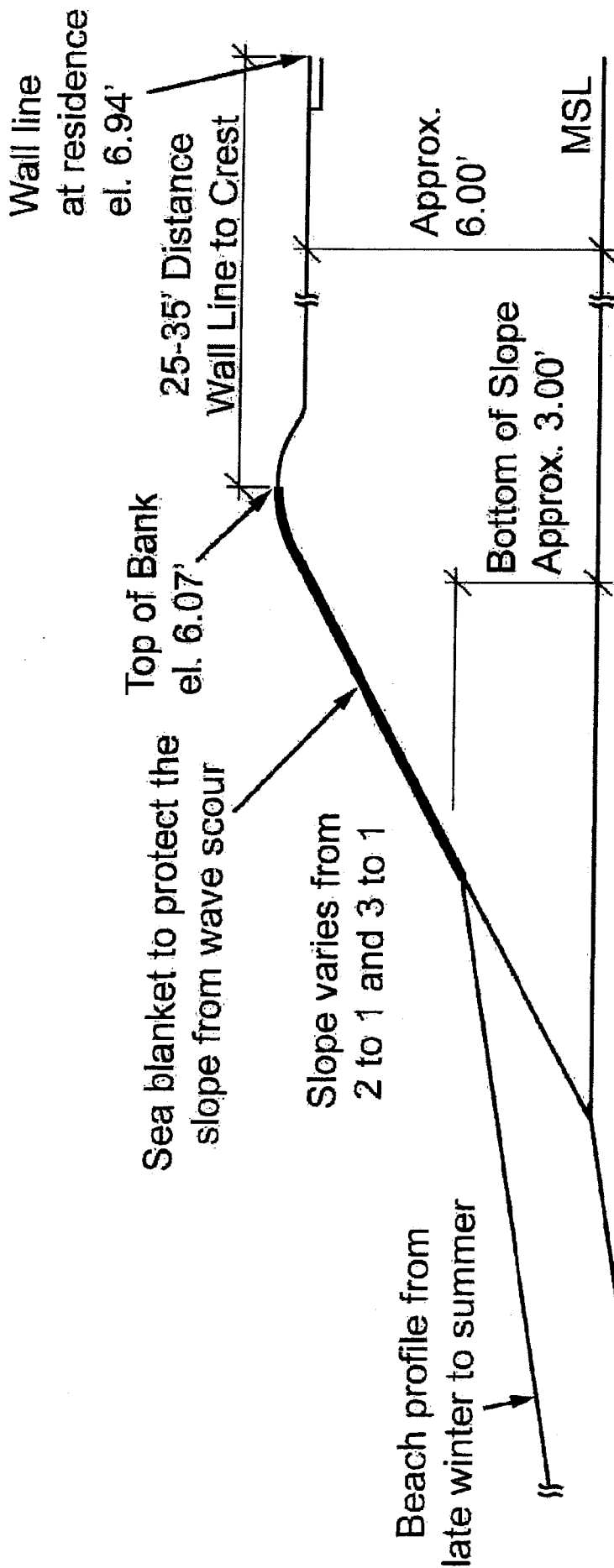
Accreted spring season beach with sand covering the existing shoreline erosion control blankets (March 30, 2017)

Exhibit N

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Tablit Residence
 53-223 Kamehameha Hwy.
 Punaluu, HI 96717
 TMK: (1) 5-3-2:035

Section View: Existing Erosion Protection Structure

Exhibit N

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DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
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ROBERT K. MASUDA
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DLNR:OCCL:NF

SPA OA-18-08

Jeffrey Overton
G70
925 Bethel St, 5th Floor
Honolulu, HI 96813

AUG 09 2017

SUBJECT: Site Plan Approval for Temporary Shoreline Erosion Control Structure
Seaward of 53-227 Kamehameha Highway, Punaluu, Oahu; Tax Map Key (1)
5-3-002:034

Dear Mr. Overton,

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) received your site plan approval request for a temporary erosion control structure seaward of the property located at 53-227 Kamehameha Highway. The proposed plan includes installing shoreline erosion blankets over the existing erosion scarp along approximately 86 feet of shoreline. The purpose of the proposed project is to provide temporary erosion control that may prevent further erosion of the subject property. You note a long-term plan is being coordinated with the neighbors.

Property History

A Notice of Alleged Violation and Order (DLNR Ref. Violation OA-17-31) was issued on March 20, 2017 regarding the alleged unauthorized boulders and erosion control structure consisting of black fabric and rope fronting the subject property. We recommended the landowner remove the boulders and apply for an after-the-fact Site Plan Approval for the erosion control structure. An after-the-fact Site Plan Approval application was submitted to our office on June 20, 2017. A site inspection conducted by OCCL staff on June 27, 2017 revealed that the erosion control structure fronting the subject property was compromised and no longer protecting the property. We requested that the derelict structure and the boulders be removed to resolve the violation and recommended a Site Plan Approval application for a new structure be submitted to our office. You note in your letter that all unauthorized land uses are being removed.

Project Need

According to your request, a continuous erosion scarp is present along the entire shoreline in the area, beginning at Punaluu Beach Park to the north and becoming progressively steeper and

Exhibit O

Page 1 of 28

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higher toward the subject property. You note this section of the Punaluu shoreline is susceptible to both erosion and wave overwash. The erosion scarp is located approximately 25 feet from the residence on the subject property. You note the adjacent properties to the north and south have installed temporary shoreline protection structures approved by the DLNR. The proposed structure is intended to provide temporary erosion control to prevent further erosion of the subject property while a long-term plan is developed.

Proposed Project

The DLNR understands that the proposed activities will occur in the Conservation District Resource Subzone on State land, seaward of where the shoreline would likely be determined based on Hawaii Administrative Rules (HAR) §13-222 *Shoreline Certifications*. You are proposing to place six to seven 15-foot-wide sections of erosion control blanket material along the existing erosion scarp. The blankets would be connected by 3/8-inch polypropylene rope and will be tied into the neighboring temporary shoreline structures. Along the top of the erosion scarp, a 2 by 6-inch header board would be installed and the blankets would be tied at 2 foot intervals. The toe of the blanket would be buried approximately 2 feet below the sand level on the beach to hold it in place.

Mitigation Measures (Best Management Practices)

Typical Best Management Practices (BMPs) shall be implemented to ensure that water quality and coastal resources are protected and preserved during project work. All work should be conducted at low tide. No work should occur below the high-water mark and all activities must be conducted so as to avoid contact with marine waters. No equipment shall be operated in the water at any time. Other BMPs include daily inspection of equipment for conditions that could cause spills or leaks; cleaning of equipment prior to operation near the water; the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses; and implementation of adequate spill response procedures, stormy weather preparation plans, and the use of silt curtains and other containment devices as necessary. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance.

Analysis

The proposed project is intended to reduce the erosion of the subject property while a long-term plan is developed. Prior to the placement of the proposed structure as described above, the property owner must remove the alleged unauthorized materials located seaward of the shoreline, including the compromised erosion control structure and boulders. The proposed structure is an identified land use in the Conservation District Resource Subzone pursuant to HAR §13-5-22 P-8 *Structures and Land Uses, Existing, (B-1) Demolition, removal, or minor alteration of existing structures, facilities, land, and equipment*. We have determined that this project is in accordance with HAR §13-5-38 *Site Plan Approvals*.

Exhibit O

Page 2 of 28

In addition, the proposed project is minor in scope and may be considered an exempt action under State environmental laws under HAR §11-200-8 and as provided in the approved Exemption List for the DLNR, *Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation*. The Office of Conservation and Coastal Lands consulted with the Oahu District Land Office, who has concurred with the EA exemption for the proposed project.

Therefore, your request for the temporary erosion control structure fronting the subject property is approved as a site plan approval and is subject to the following conditions:

1. The remains of the unauthorized erosion control structure and boulders shall be removed before the placement of the temporary shoreline structure. The permittee will submit photographs and a summary report of the removal of the alleged unauthorized land uses to the DLNR Office of Conservation and Coastal Lands (OCCL) within thirty (30) days of removal;
2. It is understood that the material is a temporary response to address the chronic erosion along the shoreline fronting the subject property. **The material is authorized as a temporary erosion control measure for three (3) years** from the date of issuance of this letter. Subsequent efforts that call for modification, other than maintenance of the proposed structure, will require a new application. At the end of 3 years the materials shall be removed;
3. The permittee will submit a completion report for the project to the OCCL within ninety (90) days of completion of construction of the temporary structure. It will summarize the construction and detail any deviation from the proposed plans and provide a summary of the beach conditions since installation. The report will also include a photo summary of the temporary structure and beach conditions with documentation of any alterations or repairs;
4. The permittee shall contact DLNR Land Division at (808) 587-0419 and secure a Right of Entry Permit incorporating the most current terms and conditions for the use of State lands, prior to entering onto State lands for this project;
5. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
6. 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;
7. The permittee shall comply with all applicable Department of Health administrative rules;
8. The permittee shall notify the Department in writing at least 24 hours prior to initiating construction and once it is completed;
9. Work shall be conducted at low tide to the most practical extent possible and no work shall occur during high surf or ocean conditions that will create unsafe work or beach conditions;

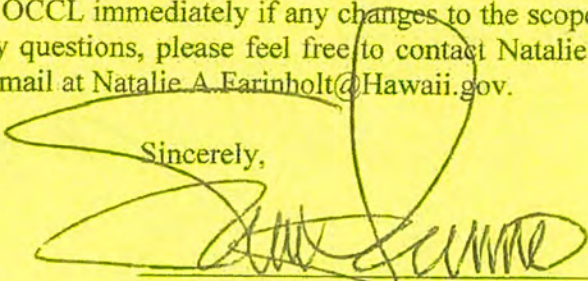
10. Appropriate safety and notification procedures shall be carried out. This shall include high visibility safety fencing, tape or barriers to keep people away from the active construction site and a notification to the public informing them of the project. All barriers shall be removed once the project is complete to allow full public access laterally along the beach and alongshore walkway;
11. The applicant shall implement standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters and clean up fuel; fluid or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance;
12. 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;
13. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
14. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
15. In issuing the permit, the Department has 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;
16. 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;
17. 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;
18. The activity shall not adversely affect a federally listed threatened or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
19. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species, which normally migrate through the area;
20. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
21. No motorized construction equipment is to be operated in the water at any time;
22. 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;

- 23. 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 the State Historic Preservation Division (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 24. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Department;
- 25. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary and;
- 26. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the Chairperson or Board of Land and Natural Resources.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. **Please sign two copies; retain one copy and return the other copy to this office within thirty (30) days.** Please notify the OCCL in advance of the anticipated construction dates and notify the OCCL immediately if any changes to the scope or schedule are anticipated. Should you have any questions, please feel free to contact Natalie Farinholt in the OCCL at (808) 587-0399 or via email at Natalie.A.Farinholt@Hawaii.gov.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

I concur with the conditions of this letter:

Applicant's Name (Print)

Applicant's Signature

Date _____

Cc: Chairperson
LAND
C&C, DPP

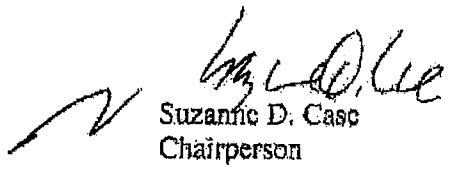
Exhibit O
Page 5 of 28

- 16. This right-of-entry or any rights hereunder shall not be sold, assigned, conveyed, leased, let, mortgaged or otherwise transferred or disposed.
- 17. All disputes or questions arising under this right-of-entry shall be referred to the Chairperson of the Board of Land and Natural Resources for a determination and resolution of the dispute or question. The Chairperson's decision shall be final and binding on the parties herein.
- 18. The Department of Land and Natural Resources reserves the right to impose additional, but responsible terms and conditions as it deems necessary while this right-of-entry permit is in force.
- 19. Applicant, its consultants, contractors and/or persons acting for, or on its behalf, shall follow all terms and conditions listed in the August 9, 2017 letter from OCCL.

Should you have no objections to the above terms and conditions, kindly submit a copy of the signed acceptance and the required insurance to the Oahu District Land Office.

If you have any questions, please contact Mr. Cal Miyahara of Oahu District Land Office at 587-0424.

Sincerely,


Suzanne D. Case
Chairperson

Enclosure

cc: OCCL
ACCEPT:


Zdenek Prochal

Print and Sign
Date: _____

From ODLO

Exhibit O
Page 6 of 28

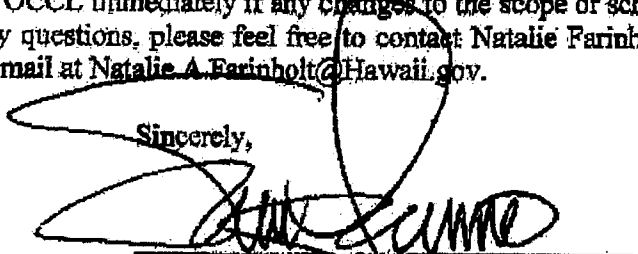
K-5

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;

- 23. 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 the State Historic Preservation Division (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
- 24. At the conclusion of work, the applicant shall clean and restore the site to a condition acceptable to the Department;
- 25. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary and;
- 26. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the Chairperson or Board of Land and Natural Resources.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided below. Please sign two copies; retain one copy and return the other copy to this office within thirty (30) days. Please notify the OCCL in advance of the anticipated construction dates and notify the OCCL immediately if any changes to the scope or schedule are anticipated. Should you have any questions, please feel free to contact Natalie Farinholt in the OCCL at (808) 587-0399 or via email at Natalie.A.Farinholt@Hawaii.gov.

Sincerely,



Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

I concur with the conditions of this letter:

Zdenek Prchal
Applicant's Name (Print)

[Handwritten Signature]
Applicant's Signature

Date _____

Cc: Chairperson
LAND
C&C, DPP

Exhibit O
Page 7 of 28



111 S. King Street June 13, 2017
Suite 170

Honolulu, HI 96813 Mr. Samuel J. Lemmo, Administrator
808.523.0866 State of Hawai'i, Dept. of Land and Natural Resources
www.g70.design Office of Conservation and Coastal Lands
1151 Punchbowl Street, Suite 131
Honolulu, HI 96813

Subject: SPA OA-17-31: Completion Report for Encroachments Removal and Installation of Shoreline Protection Structure, Makai of 53-227 Kamehameha Hwy, Punalu'u, O'ahu, HI TMK: (1) 5-3-02:034 (Prchal)

Dear Mr. Lemmo:

As planning consultant to the landowners, G70 provides this completion report to DLNR OCCL for the installation of a shoreline protection structure located makai of the subject property.

Site Plan Approval SPA OA-17-31 was issued on August 9, 2017 pursuant to HAR Sect 13-5-22, P-8 LAND USES, EXISTING (B-1) Demolition, removal or minor alteration of existing structures, facilities, land and equipment, in accordance with HAR, Sect 13-5-38 Site Plan Approval. The encroachments removal and shoreline protection structure at the subject property were completed during May 2018. Encroachments in the shoreline were removed to satisfy a violation order and to advance the shoreline certification process.

To protect the property, the owners installed a shoreline erosion blanket along approximately 80 feet of the subject property frontage, consisting of the following:

- Four 15 ft wide sections of erosion control blanket material, joined as a continuous series, laid across the existing dune face, scarp and makai lawn edge.
- Blankets are connected by 3/8" polypropylene rope to tie the folds of the blanket.
- The erosion control blankets are staked at 2 ft intervals to hold the blanket in place, with the toe of the blanket buried approximately 2 ft below the sand level on the beach.
- Along the top of the embankment, a 2" x 6" header board is installed to tie the blanket to at 2 ft intervals. The header board is held in place with earth anchors at 2 ft intervals.
- Roughly 40 CY of imported sand was utilized from the Makai Ranch property in Kahaku.
- Attached drawing/photographs of the built condition of the shoreline protection structure.

We look forward to ongoing coordination with DLNR regarding the subject property. Please contact me at 351-4200 if you have questions or require additional information.

Sincerely,

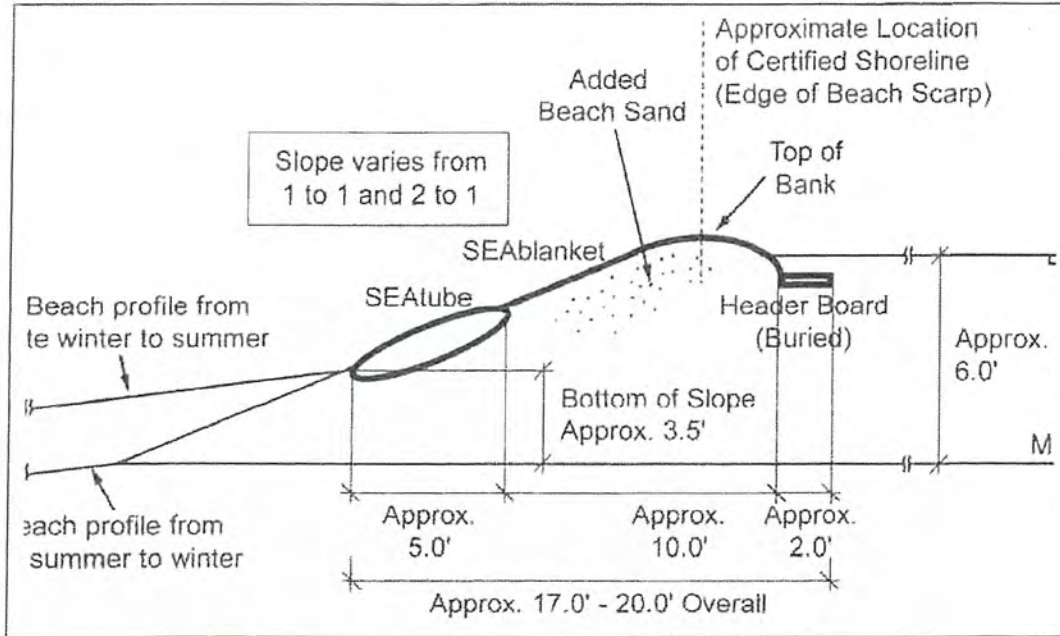
GROUP 70 INTERNATIONAL, INC. (dba G70)

Jeffrey H. Overton, AICP, LEED-AP
Principal Planner

cc: Zdenek (Don) Prchal

Exhibit O

Page 8 of 28



Section View of Temporary Shoreline Protection Structure



Completed Structure (Prchal) – View To South
(NOTE: small sandbags and wooden rail to be removed)

Exhibit O

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Completed Structure (Prchal) – View To South
(NOTE: small sandbags and wooden rail to be removed)



Completed Structure (Prchal) – View To North
(NOTE: small sandbags and wooden rail to be removed)

Exhibit O

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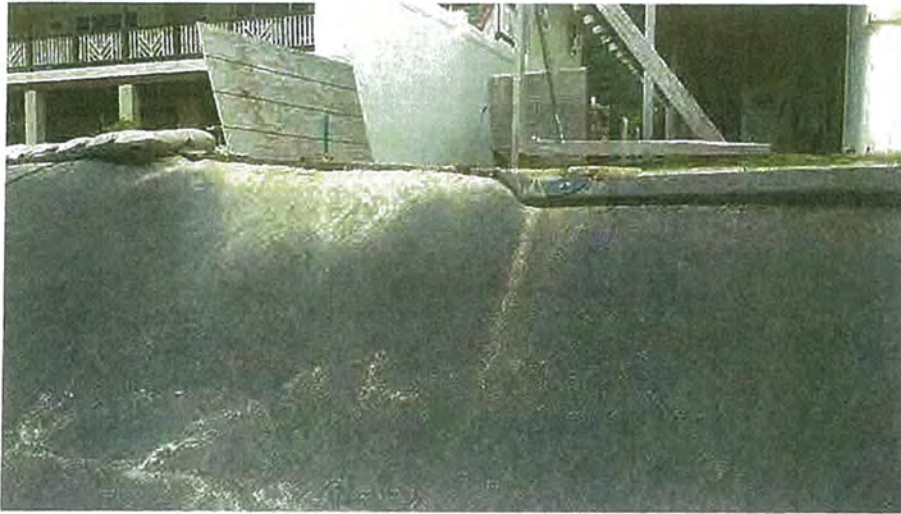
Pre-Construction Photos (Prchal) (2017)



Exhibit O

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K-5



TMK: (1)5-3-002:034

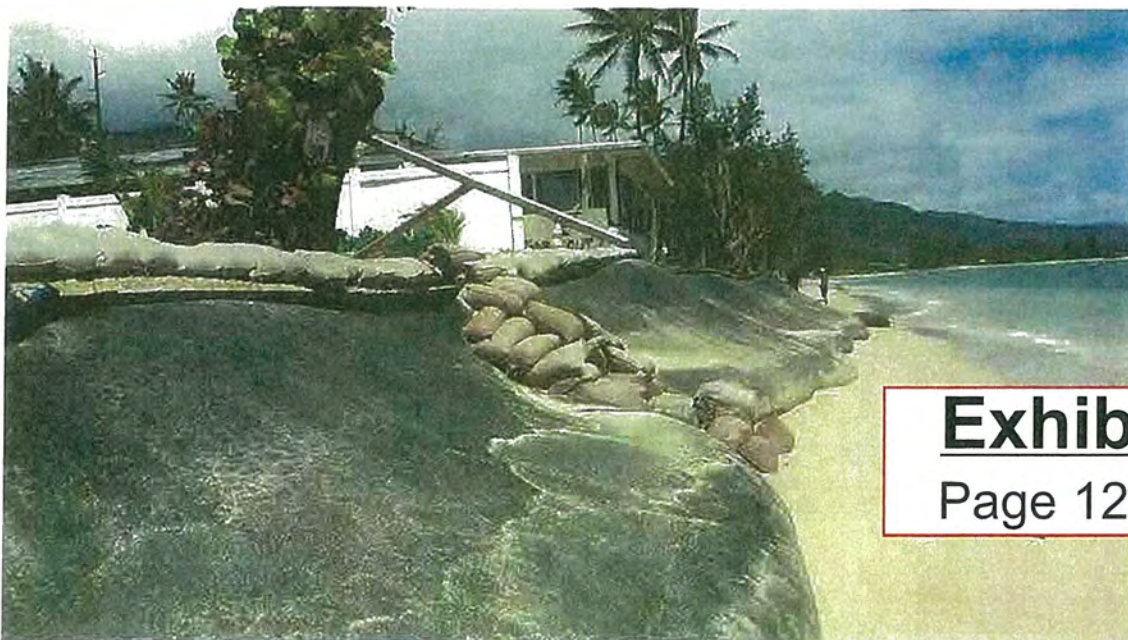


Exhibit O
Page 12 of 28

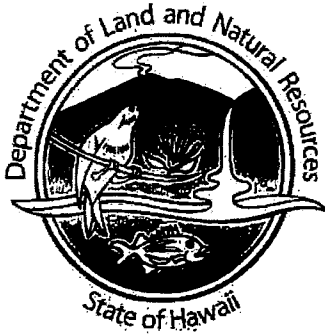
June 5, 2018

K-5

SPA

CA-18-8

SITE PLAN APPROVAL APPLICATION (SPA)



File No:	
Acceptance Date:	30-Day Expiration Date:
Assigned Planner:	

for DLNR Use

DEPT. OF LAND AND NATURAL RESOURCES STATE OF HAWAII

2017 JUL 31 A 11:45

OFFICE OF CONSULTATION AND COORDINATION

Pursuant to Hawai'i Administrative Rules (HAR) §§13-5-22 through 24, identified land uses beginning with letter (B) require a site plan approval by the department.

PROJECT NAME: Temporary Shoreline Protection, Tablit Residence

Conservation District Subzone: Resource

Identified Land Use: P-8 Structures and Uses, Existing
(Identified Land Uses are found in HAR §13-5-22 through §13-5-25)

Project Address: 53-227 Kamehameha Highway, Punaluu, Oahu, HI 96717

Tax Map Key(s): (1) 5-3-02:034

Ahupua'a: Punaluu

District: Koolauloa

Island: Oahu

Proposed Commencement Date: August 15, 2017

Proposed Completion Date: August 30, 2017

Estimated Project Cost: \$5,000

Total size / area of proposed use: approximately 1,300 SF (15 ft width x 86 ft length)

ATTACHMENTS

- \$50 application fee (ref §13-5-32 through 34)
- Location map
- Site plan
- Construction, grading, site restoration, landscaping, or fire buffer plans, as applicable

Note: The application fee for State projects is waived pursuant to HAR §13-5-32.

Exhibit O
Page 13 of 28

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REQUIRED SIGNATURES

Applicant

Name / Agency: Violeta Tablit
Street Address: 91-351 Ewa Beach Road
Ewa Beach, HI 96706
Contact Person & Title: Don Prchal
Phone: 808-636-5347
Email: tablit@att.net
Interest in Property: Owner

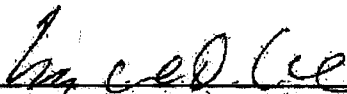
Fax:

Signature: _____ Date: 7/20/17
Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization

Landowner (if different than the applicant)

Name:
Title, Agency:
Mailing Address:

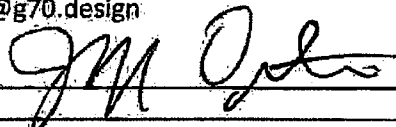
Phone: _____ Fax:
Email:

Signature:  Date: 8/8/17
For State and public lands, the State of Hawai'i or government entity with management control over the parcel shall sign as landowner.

Agent

Agency: G70
Contact Person & Title: Jeff Overton, Principal
Mailing Address: 925 Bethel Street, 5th Floor
Honolulu, HI 96813
Phone: 8080-351-4200
Email: jeff@g70.design

Fax: 808-523-5874

Signature:  Date: 7/20/17

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: 8/8/17

Exhibit O
Page 14 of 28

REQUIRED SIGNATURES

Applicant

Name / Agency: Violeta Tablit
Street Address: 91-351 Ewa Beach Road
Ewa Beach, HI 96706

Contact Person & Title: Don Prchal

Phone: 808-536-5347

Fax:

Email: tablit@att.net

Interest in Property: Owner

Signature: *Violeta Tablit*

Date: 7/20/17

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:

Fax:

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.

523

5874

eff Overton, Principal
rthel Street, 5th Floor
ulu, HI 96813

Fax: 808-523-5874

Signature: _____ Date: 7/20/17

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: _____

PROPOSED USE

Please provide a detailed description of the proposed land use. Please 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. Description of project should include dimensions and quantities of materials as applicable.

Encroachments in the shoreline are being removed to satisfy the violation order and to advance the shoreline certification process.

To protect the property after the shoreline is certified, the owners will install a shoreline erosion blanket in along approximately 86 feet of the subject property frontage. Refer to the attached site plan and section exhibits, showing the structure which consists of the following:

- Six to seven 15 ft wide sections of erosion control blanket material, will be joined as a continuous series, laid across the existing dune face, scarp and makai lawn edge, joined with neighbor's sea blankets.
- Blankets are connected by 3/8" Polypropylene rope to tie the folds of the blanket.
- The erosion control blankets are staked at 2' intervals to hold the blanket in place, with the toe of the blanket buried approximately 2' below the sand level on the beach.
- Along the top of the embankment, a 2" x 6" header board is installed to tie the blanket to at 2' intervals. The header board is held in place with earth anchors at 2' intervals.
- There is no requirement anticipated to imported sand for this project.
- No machinery or excavation is anticipated to be required for the installation of the erosion protection structure.

The applicant requests approval pursuant to HAR Sect 13-5-22, P-8 LAND USES, EXISTING (B-1) Demolition, removal or minor alteration of existing structures, facilities, land and equipment, in accordance with HAR, Sect 13-5-38 Site Plan Approval.

Typical Best Management Practices will be implemented to protect ocean water quality and marine resources. Silt and turbidity will be contained or otherwise minimized during the construction period by use of silt containment devices, as necessary.

A completion report will be prepared within 30 days following completion, which will summarize the construction of the proposed plans, including before and after photographs.

We acknowledge that DLNR will impose specific Terms and Conditions on this temporary shoreline protection project.

Exhibit O

Page 16 of 28

EXISTING CONDITIONS

Please describe existing conditions on the parcel (geology, ecology, cultural and recreational resources, historic resources, structures, landscaping, etc). Provide information regarding existing buildings and structures as well as infrastructure and utilities as applicable.

The existing residence is being threatened by advancing shoreline erosion, with the shoreline edge closing to within 25 feet of the existing residence structure. The purpose of this project is to provide a temporary erosion control structure that may prevent further erosion of the property.

A long-term plan for erosion control is being coordinated with the neighbors. Sea Engineering (August 2016) found this section of the Punaluu shoreline is particularly susceptible to both erosion and wave overwash.

The adjoining properties to the south (Johnson) and north (Waahila Ridge) have DLNR permitted erosion protection structures.

Under typical conditions, a continuous erosion scarp is present along the entire shoreline. This scarp begins in Punaluu Beach Park to the north and becomes progressively steeper and higher toward the subject properties. Beach width is subject to rapid and dramatic change.

Recent photos of the property with remnants of a previous erosion control structure are attached. The remnant structure and rocks will be removed.

Exhibit O

Page 17 of 28

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?

Stabilization of the shoreline through temporary erosion protection will allow for retention of upland soils and debris in the upland portion of this property, avoiding soil erosion and silt runoff into the beach area and nearshore ocean waters.

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 objective of this subzone is to ensure, with proper management, the sustainable use of the natural resources in the area. Temporary erosion protection will help avoid degradation of the beach and nearshore waters.

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. 8*).

Placement of the temporary erosion control structure will minimize the loss of nearshore upland soils and vegetation. The project complies with CZM objectives and policies in Ch 205A HRS. There will be no adverse effects to recreational resources, historic resources, scenic and open spaces, coastal ecosystems.

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

Temporary erosion control will not affect natural resources of upland flora and fauna at the property. Nearshore ocean waters will be protected by minimizing soil erosion.

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 property will be compatible with the adjacent residential properties that have approved shoreline protection structures installed.

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.

The temporary structure will conform to the upper beach slope and not affect natural beauty and preserve lateral access to beach/open space.

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

N/A

Exhibit O

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

Temporary erosion protection will help avoid degradation of the beach and nearshore waters, and maintain lateral shoreline access by structure placement conforming to the slope of the beach.

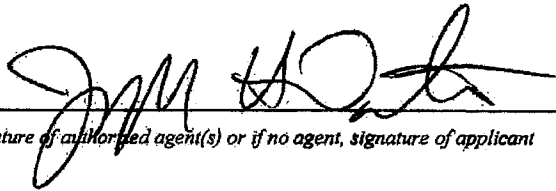
Exhibit O

Page 19 of 28

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 _____ G70 Jeff Overton _____ to act as my representative and to bind me in all matters concerning this application.

Signature of applicant(s)

Exhibit O
Page 20 of 28

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 G70 Jeff Overton to act as my representative and to bind me in all matters concerning this application.

Violeta Sablit 7-25-17
Signature of applicant(s)

SHORELINE PROTECTION FOR PUNALU'U HOMES
Draft Environmental Assessment

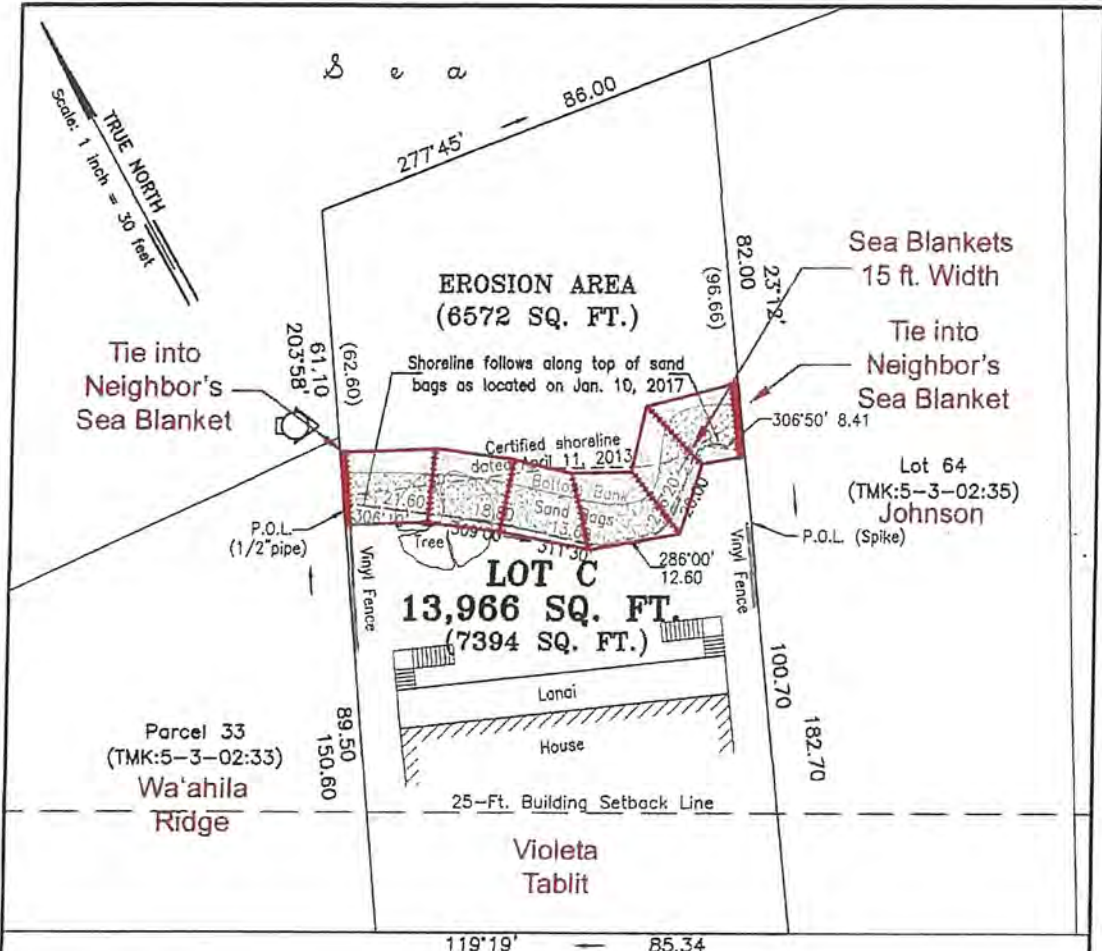


PROJECT LOCATION AND TMK PARCELS

Figure 1-1

Exhibit O
Page 22 of 28

K-5



K A M E H A M E H A H I G H W A Y

SHORELINE SURVEY MAP
LOT C
 of Punaluu Beach Lots
 as shown on Bishop Estate Map 5252
 Punaluu, Koolauloa, Oahu, Hawaii
 Tax Map Key: 5-3-02:34
 Scale: 1 inch = 30 feet
 Date: January 13, 2017



[Signature]

This work was prepared by me or under my direct supervision.

Owner: Violeta Tablit
 Address: 53-227 Kamehameha Highway
 Hauula, Hawaii 96717

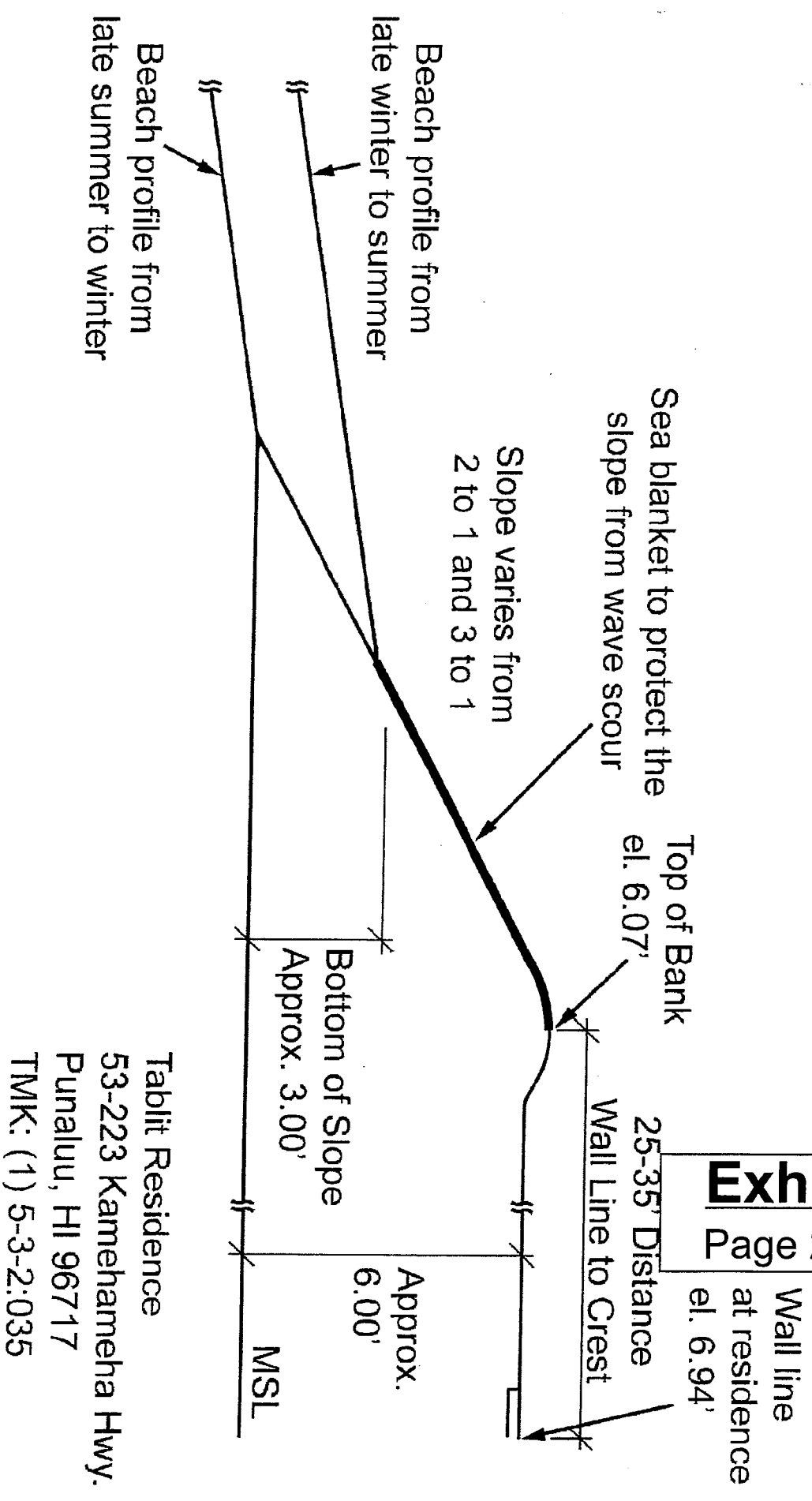
Plan View of Proposed Sea Blanket

7/25/2017

- NOTES:
 1. Only improvements shown
 2. Denotes direction of ph

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K-5



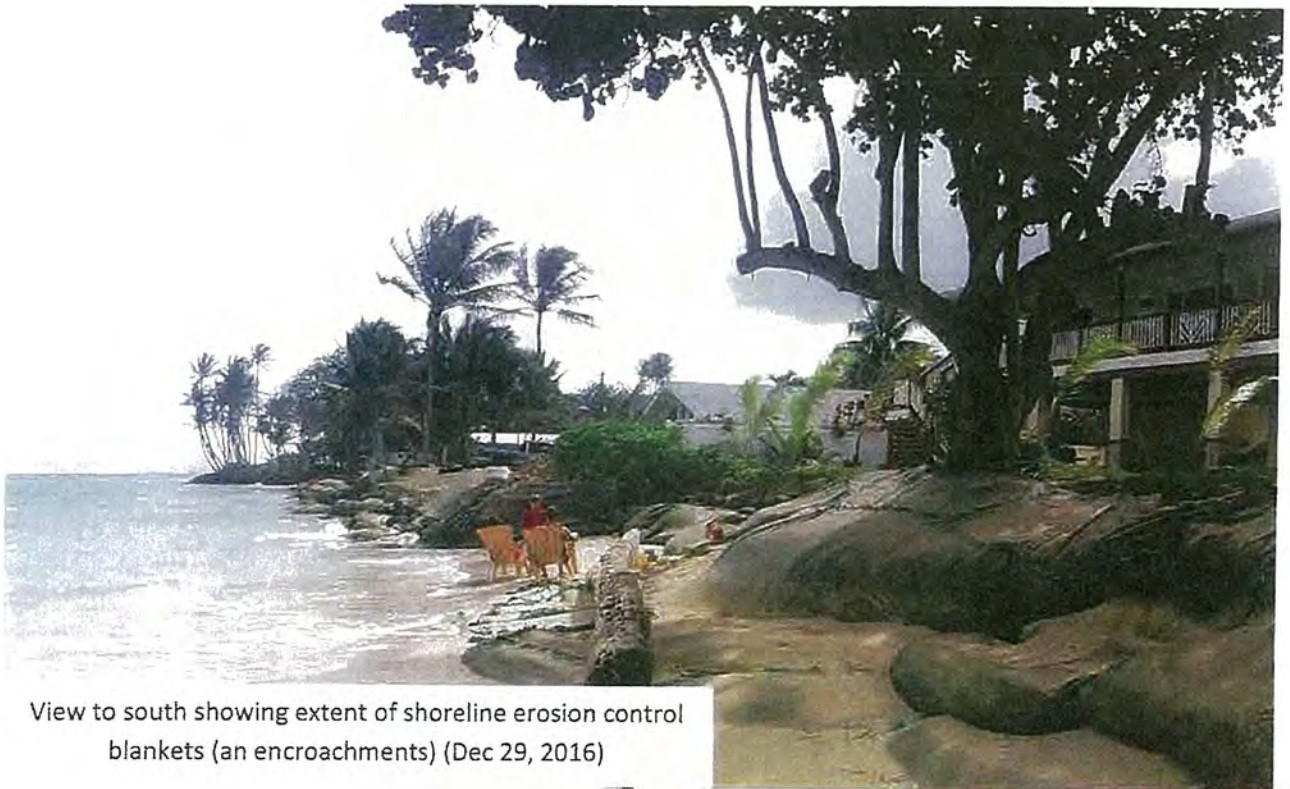
Section View: Existing Erosion Protection Structure

Tablit Residence
53-223 Kamehameha Hwy.
Punaluu, HI 96717
TMK: (1) 5-3-2:035

SHORELINE PROTECTION FOR PUNALU'U HOMES
PHOTO SET – TMK (1) 5-3-002:034 (DON PRCHAL & VIOLETA TABLIT)



Shoreline erosion control blankets (and encroachments) along shoreline (December 29, 2016)



View to south showing extent of shoreline erosion control blankets (an encroachments) (Dec 29, 2016)

Exhibit O

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K-5



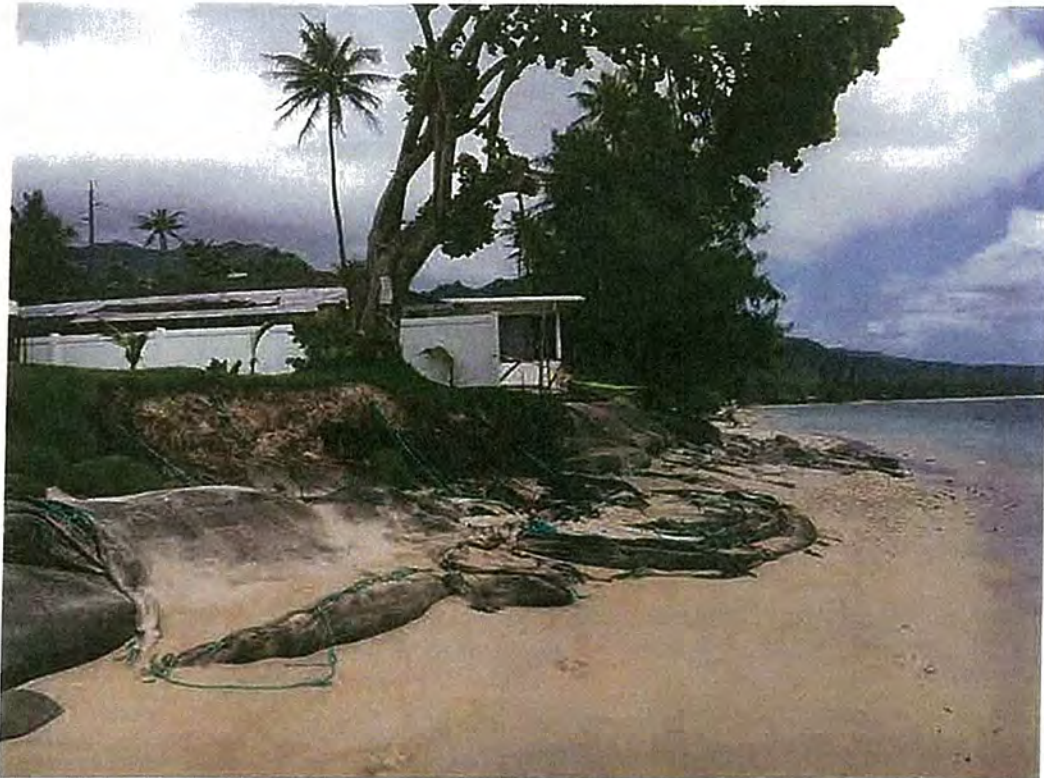
Accreted spring season beach with sand covering the existing shoreline erosion control blankets (March 30, 2017)

DLNR OCCL Site Photos 062717



Exhibit O
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K-5

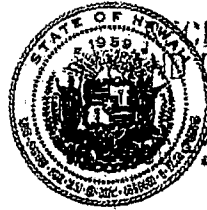


SEABags covered with black SEABlanket in disrepair



SEABags and rock encroachments

DAVID Y. IGE
GOVERNOR OF HAWAII



RECEIVED
DIVISION
2 AM 10:35

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

CARTY S. CHANG, P.E.
INTERIM FIRST DEPUTY
JEFFREY T. PEARSON P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KURE, MIDWAY ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DEPT. OF LAND AND NATURAL RESOURCES
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2017 AUG -4 P 12:30

REF:OCCL:NF

SPA OA-18-08

MEMORANDUM

FR: TO:

Russel Y. Tsuji, Administrator
Land Division

AUG 01 2017

TO: FROM:

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

SUBJECT: Request for Comments for Site Plan Approval Application OA-18-08 for a Temporary Shoreline Erosion Control Structure Seaward of 53-227 Kamehameha Highway, Punaluu, Oahu; Tax Map Key (1) 5-3-002:034

Please find attached the Site Plan Approval application OA-18-08 for a temporary shoreline erosion control structure located seaward of 53-227 Kamehameha Highway. The proposed plan includes placing six to seven 15-foot-wide sections of erosion control blanket material along approximately 86 feet of the shoreline fronting the subject property. The purpose of the proposed project is to provide temporary shoreline protection to prevent further erosion of the subject property after unauthorized materials are removed. The existing residence on the property is within 25 feet of the erosion scarp.

We would appreciate your review and comment on this application. We are also seeking a Hawaii Administrative Rules (HAR) 11-200-8 exemption concurrence from your Division prior to approving the application. The proposed project is minor in scope and may be considered an exempt action under State environmental laws under HAR §11-200-8 and as provided in the approved Exemption List for the DLNR, *Exemption Class 4: Minor alteration in the conditions of land, water, or vegetation.*

Please respond by **Monday, August 14, 2017** so that we can process the application in a timely manner. Should you have any questions, please contact Natalie Farinholt in our office at 587-0399 or natalie.a.farinholt@hawaii.gov.

- Comments Attached
- No Comments
- No Objections to HAR §11-200-8 Exemption

Attachment

Signature/Print name
CARL MIYAHARA

Exhibit O
Page 28 of 28

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DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:SS

Kathy K. Sokugawa
Dept. of Planning, C&C Honolulu
650 S. King Street, 7th Floor
Honolulu, HI 96813

FEB - 5 2019

SUBJECT: Office of Conservation and Coastal Lands Testimony on Punaluu Beach Homes Shoreline Armoring Project

The Department of Land and Natural Resources, Office of Conservation and Coastal Lands (OCCL) is opposed to the proposed Punaluu Beach Homes Shoreline Protection Project. The project consists of a 643-foot-long rock revetment within the shoreline area fronting seven homes adjacent to Punaluu Beach Park. Over the past decade, significant beach erosion has been documented along the shoreline fronting the beach park. The erosion was significant enough to warrant the Department of Land and Natural Resources (DLNR) to previously authorize emergency temporary erosion protection structures for the properties in question. During the processes for both the emergency erosion protection as well as the subject revetment, OCCL consistently suggested that all parties carefully consider the effects and impacts the proposed project could have on the adjoining properties, including Punaluu Beach Park, and the coastal resources present in the area.

While the Environmental Assessment states that the project is "anticipated to improve lateral shoreline access for the public" on page 57, it is difficult to envision a rock revetment that is stated to be 12-14 feet wide and consisting of large boulders each 2-3 feet in diameter improving shoreline access. Coastal armoring constructed on Hawaii beaches in response to coastal erosion has been shown to lead to beach narrowing and loss, as well as increased rates of "flanking" erosion on beaches adjacent to the structures. Flanking erosion from installation of the proposed revetment is inevitable at the Punaluu Beach Park and other parcels adjacent to the subject properties. Construction of the revetment will almost certainly lead to beach loss and loss of public areas fronting the subject properties, as well as along Punaluu Beach park due to flanking erosion.

We recommend giving serious consideration to a regional beach restoration project which could involve the City and County of Honolulu, Department of Parks and Recreation (Punaluu Beach Park). Experts in coastal geology from the OCCL believe that the project area has ideal conditions to support a beach restoration project. If such a project is pursued, it would protect the private property, Punaluu Beach Park and Kamehameha Highway from erosion damages. If the City and County of Honolulu were willing and able to work in concert with the homeowners

Exhibit P

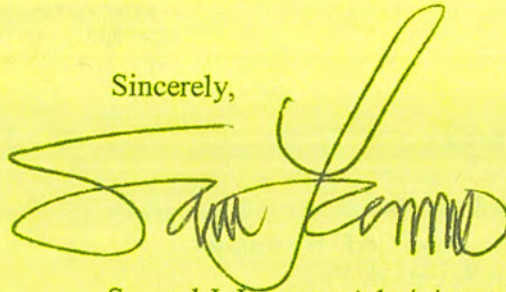
Page 1 of 2

K-5

on a regional beach restoration project such as effort would benefit the overall community. The OCCL has offered to assist the Parks Department with sand exploration and extraction.

Thank you for the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel J. Lemmo". The signature is fluid and cursive, with a large initial "S" and "L".

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Exhibit P

Page 2 of 2

K-5

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: TF

ENF: OA 20-37

NOTICE OF ALLEGED VIOLATION & ORDER

JUN 17 2020

CERTIFIED MAIL/RETURN RECEIPT
7019 6700 0000 4008 9347

Zdenek Prchal
91-351 Ewa Beach Rd
Ewa Beach, HI 96706

SUBJECT: Alleged Unauthorized Land Use(s) Within the Conservation District Located Makai (seaward) of 53-227 Kamehameha Hwy, Kailua, HI 96734
Tax Map Key: (1) 5-3-002:034

Dear Mr. Prchal:

It has come to the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands' (OCCL) attention that there has been work done within the Conservation District without authorization. It appears that there has been work done in the shoreline area that includes placement of erosion control in the form of a rock revetment and a shore-perpendicular sandbag groin (*Exhibit 1, taken 05/29/2020*).



Exhibit 1

Exhibit Q
Page 1 of 3

K-5

Based on the City and County of Honolulu's Real Property Records Search website, it appears that the single-family residence that currently occupies the property as depicted in *Exhibit 1* was built in 2013.

The OCCL notes that the alleged unauthorized work and placement of the erosion control structures in the form of a rock revetment and a shore-perpendicular sandbag groin as shown in *Exhibit 1* appear to have been placed makai (seaward) of the shoreline. According to OCCL files, there appears to be no authorizations for these land uses. Pursuant to Hawaii Administrative Rules (HAR) §13-5-2, "land use" is defined as (1) the placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs; (2) the grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land; (3) the subdivision of land; or (4) the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land. Additionally, pursuant to HAR §13-5-2, the "Shoreline" is defined as the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves, or as otherwise defined in section 205A-1, Hawaii Revised Statutes (HRS)". Lands makai of the shoreline are under the jurisdiction of the State of Hawaii DLNR and its OCCL and are protected by common law rights for the public. Based on the above, it appears that the alleged unauthorized work and placement of the erosion control structures in the form of a rock revetment and shore-perpendicular sandbag groin on the lands makai of the shoreline of the parcel with the TMK: (1) 5-3-002:034 has occurred within the Resource Subzone of State Land Use Conservation District.

NOTICE IS HEREBY GIVEN that you may be in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled Conservation District providing for land uses within the Conservation District, enacted pursuant to the Hawaii Revised Statutes (HRS), Chapter 183C.

The Department of Land and Natural Resources (DLNR) has reason to believe that:

1. The placement of a rock revetment and shore-perpendicular sandbag groin has taken place on the public sandy beach seaward of TMK: (1) 5-3-002:034 located within the State Land Use Conservation District, Resource Subzone;
2. Pursuant to §13-5-22 P-15 (D-1), HAR, "Shoreline Erosion Control " is a regulated land use as stated below:
 - a. *Seawall, revetment, groin, or other coastal erosion control structure or device, including sand placement, to control erosion of land or inland area by coastal waters, provided that the applicant shows that (1) the applicant would be deprived of all reasonable use of the land or building without the permit; (2) the use would not adversely affect beach processes or lateral public access along the shoreline, without adequately compensating the State for its loss; or (3) public facilities (e.g., public roads) critical to public health, safety, and welfare would be severely damaged or destroyed without a shoreline erosion control structure, and*

there are no reasonable alternatives (e.g., relocation). Requires a shoreline certification;

- 3. This land use was not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR; and
- 4. The land use has occurred on public land owned by the State without authorization or permission from the State as landowner.

We recommend that you stop all work and remove the unauthorized structures that includes the unauthorized sandbag groin and rock revetment located within the shoreline area within 30 days of receipt of this order. Pursuant to 183C-7(b), HRS, the Board of Land and Natural Resources (Board) may subject you to fines of up to \$15,000.00 per violation in addition to administrative costs and costs associated with land or habitat restoration, or both, if required, and damages to state land. Should you fail to immediately cease such activity after written or verbal notification from the department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists. Failure to comply with any part of the letter mentioned above will result in the matter being forwarded to the Board for formal action.

Should you have any questions regarding this matter, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 587-0373 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,

Suzanne D. Case

Suzanne D. Case, Chairperson
Board of Land and Natural Resources

SL

- CC: ✓ Oahu Board Member
- ✓ DOCARE (Oahu)
- ✓ ODLO
- ✓ City & County of Honolulu, Department of Planning and Permitting

Exhibit Q

Page 3 of 3

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
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LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

REF: OCCL: TF

ENF: OA 20-37

NOTICE OF ALLEGED VIOLATION & ORDER

JUN 18 2020

Zdenek Prchal
91-351 Ewa Beach Rd
Ewa Beach, HI 96706

SUBJECT: Alleged Unauthorized Land Use(s) Within the Conservation District Located Makai (seaward) of 53-227 Kamehameha Hwy, Punaluu, Koolauloa, Oahu, HI
Tax Map Key: (1) 5-3-002:034

Dear Mr. Prchal:

This is a corrected Notice of Alleged Violation & Order letter with the corrected location of the alleged unauthorized land use(s) being located makai of 53-227 Kamehameha Hwy, Punaluu, Koolauloa, Oahu, HI. This letter replaces the previously letter sent certified mail. It has come to the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands' (OCCL) attention that there has been work done within the Conservation District without authorization. It appears that there has been work done in the shoreline area that includes placement of erosion control in the form of a rock revetment and a shore-perpendicular sandbag groin (*Exhibit 1, taken 05/29/2020*).



Exhibit 1

Exhibit R

Page 1 of 3

K-5

Based on the City and County of Honolulu's Real Property Records Search website, it appears that the single-family residence that currently occupies the property as depicted in *Exhibit 1* was built in 2013.

The OCCL notes that the alleged unauthorized work and placement of the erosion control structures in the form of a rock revetment and a shore-perpendicular sandbag groin as shown in *Exhibit 1* appear to have been placed makai (seaward) of the shoreline. According to OCCL files, there appears to be no authorizations for these land uses. Pursuant to Hawaii Administrative Rules (HAR) §13-5-2, "land use" is defined as (1) *the placement or erection of any solid material on land if that material remains on the land more than thirty days, or which causes a permanent change in the land area on which it occurs;* (2) *the grading, removing, harvesting, dredging, mining, or extraction of any material or natural resource on land;* (3) *the subdivision of land;* or (4) *the construction, reconstruction, demolition, or alteration of any structure, building, or facility on land.* Additionally, pursuant to HAR §13-5-2, the "Shoreline" is defined as *the upper reaches of the wash of the waves, other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by the wash of the waves, or as otherwise defined in section 205A-1, Hawaii Revised Statutes (HRS)*". Lands makai of the shoreline are under the jurisdiction of the State of Hawaii DLNR and its OCCL and are protected by common law rights for the public. Based on the above, it appears that the alleged unauthorized work and placement of the erosion control structures in the form of a rock revetment and shore-perpendicular sandbag groin on the lands makai of the shoreline of the parcel with the TMK: (1) 5-3-002:034 has occurred within the Resource Subzone of State Land Use Conservation District.

NOTICE IS HEREBY GIVEN that you may be in violation of Hawaii Administrative Rules (HAR) Title 13, Chapter 5, entitled Conservation District providing for land uses within the Conservation District, enacted pursuant to the Hawaii Revised Statutes (HRS), Chapter 183C.

The Department of Land and Natural Resources (DLNR) has reason to believe that:

1. The placement of a rock revetment and shore-perpendicular sandbag groin has taken place on the public sandy beach seaward of TMK: (1) 5-3-002:034 located within the State Land Use Conservation District, Resource Subzone;
2. Pursuant to §13-5-22 P-15 (D-1), HAR, "Shoreline Erosion Control " is a regulated land use as stated below:
 - a. *Seawall, revetment, groin, or other coastal erosion control structure or device, including sand placement, to control erosion of land or inland area by coastal waters, provided that the applicant shows that (1) the applicant would be deprived of all reasonable use of the land or building without the permit; (2) the use would not adversely affect beach processes or lateral public access along the shoreline, without adequately compensating the State for its loss; or (3) public facilities (e.g., public roads) critical to public health, safety, and welfare would be severely damaged or destroyed without a shoreline erosion control structure, and*

there are no reasonable alternatives (e.g., relocation). Requires a shoreline certification;

3. This land use was not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR; and
4. The land use has occurred on public land owned by the State without authorization or permission from the State as landowner.

We recommend that you stop all work and remove the unauthorized structures that includes the unauthorized sandbag groin and rock revetment located within the shoreline area within 30 days of receipt of this order. Pursuant to 183C-7(b), HRS, the Board of Land and Natural Resources (Board) may subject you to fines of up to \$15,000.00 per violation in addition to administrative costs and costs associated with land or habitat restoration, or both, if required, and damages to state land. Should you fail to immediately cease such activity after written or verbal notification from the department, willful violation may incur an additional fine of up to \$15,000.00 per day per violation for each day in which the violation persists. Failure to comply with any part of the letter mentioned above will result in the matter being forwarded to the Board for formal action.

Should you have any questions regarding this matter, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 587-0373 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,

Suzanne D. Case

Suzanne D. Case, Chairperson
Board of Land and Natural Resources

SL

CC: ✓ Oahu Board Member
✓ DOCARE (Oahu)
✓ ODLO
✓ City & County of Honolulu, Department of Planning and Permitting

Exhibit R

Page 3 of 3

TF

**Mr. Samuel J. Lemmo
Administrator State of Hawaii
Department of Land and Natural Resources
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Suite 131
Honolulu, HI 96813**

OFFICE OF CONSERVATION
AND COASTAL LANDS

2020 OCT 13 A 11:05

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

October 5th, 2020

Attn: to Mr. Samuel Lemmo and to whom it may concern

Dear Mr. Samuel J. Lemmo,

As we spoke over the phone on 10/1/2020 at 11:00 am. I still have not received any paperwork or documents/letter regarding the Shoreline issues or any kind of notice of alleged violation & order. I've been busy and often out of town paying attention and solving issues connected to my property in California and the massive fires in California.

I'm planning to be back and stay home towards the end of this or the next month. I asked my girlfriend to go and pick up my mail, however the office clerk doesn't want to release it because it was not designated to her name. I'm asking my girlfriend to send out this letter to you via certified mail as you've requested to send you a letter regarding the Shoreline rocks.

Those rocks you were referring to in our phone call were buried under the sand and some of those were perhaps mixed up with the sand under the blankets. The erosion has exposed all those when the Ocean took away the blankets and sandbags. I've lost +10ft or more of my shoreline/my backyard in less then 2 years due to the continuing Erosion. The Rocks exposed by the erosion were there since the old structure of the old dwelling collapsed, perhaps there must have a man-made old sea wall a long time ago. No unauthorized work or placement of erosion control structures was done on my property ever. I don't think I'm responsible for removing any rocks, lumber logs and debris, or any kind of other rubbish that the Ocean is constantly bringing, including those items broken bags, pieces of torn blankets with dead turtles and

Exhibit S

Page 1 of 4

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other Marine Life in it. It did make me quite sick and sad to have to dispose of those remains of the Protected Marine Life in a Garbage Can as the results of applying the Bags & Blankets (I strongly suggest to the City and County to revise the Shoreline Policies especially the Blankets & Sand Bags Temporary solutions which hurt protected Marine Life). I'm seriously considering to take a photo of the Dead Turtles and other Marine Life wrapped in the Blankets and torn Sand Bags and share with public on Facebook and other Social Medias to get other people's opinions on this subject.

The Erosion Continuously keeps damaging the Sand Bags & Protective Blankets and as the result, those are not only completely ineffective but also create a deadly hazard to Marine Life, to people enjoying the Ocean Activities as well, it also unnecessary pollute the ocean as well. One would expect that the Department of Natural Resources and Office of Conservation and Coastal Lands would be interested in protecting our Shorelines and Marine Life property instead of creating additional hazards for the Land, Habitat and Marine Life in Hawaii.

I'm reasonably sure that the Rocks were already there since 2013 when the permit to build the house was issued however the rocks and other remains and building debris were buried under the sand and never removed. When they tore down the house they should have removed the Rocks at the time instead of choosing the easier way of leaving it behind and under. Because of those facts mentioned above the accusations that I put those Rocks, there are untrue and baseless.

I'm attaching the pictures of the old House that was the subject of replacement for the new permitted dwelling. Should you have any questions regarding this matter, please fee free to contact me at 808-636-5347 or my girlfriend Violeta.

Sincerely yours,

*Violeta Deleted for
Zdenek Prchal*
Zdenek Prchal

Exhibit S

Page 2 of 4

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Picture in year 2012

Exhibit S

Page 3 of 4

K-5



picture in year 2012

Exhibit S

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DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

ENF: OA 20-37

OCT 21 2020

REF: OCCL: TF

Zdenek Prchal
91-351 Ewa Beach Rd
Ewa Beach, HI 96706

SUBJECT: Alleged Unauthorized Land Use(s) Within the Conservation District Located Makai (seaward) of 53-227 Kamehameha Hwy, Punaluu, Koolauloa, Oahu, HI
Tax Map Key: (1) 5-3-002:034

Dear Mr. Prchal:

The Office of Conservation and Coastal Lands (OCCL) thanks you for your letter dated October 5th, 2020 regarding the subject matter. The letter states that you had not yet received the Department of Land and Natural Resources' Notice of Alleged Violation & Order letter. The letter also notes that you believe that rocks fronting your property are from the previous structure that occupied the property or from an old sea wall exposed by erosion, and that the sand bags and protective blankets associated with your temporary erosion control structure (SPA OA 18-8) are ineffective. The letter states that you feel that you should not be held responsible for removing the rocks and temporary erosion control debris fronting your property.

Staff notes that the landowner, Zdenek "Don" Prchal, acknowledged receipt of the Department's Notice of Alleged Violation & Order letter via phone call on October 12th, 2020. The OCCL intends to schedule this matter before the Board of Land and Natural Resources (BLNR) for final disposition. You will be notified of the time and place/forum for this Board meeting in the future. In the meantime, if you wish to resolve this matter ahead of final disposition in front of the BLNR, you may put your proposed resolution in a letter addressed to the Administrator, Sam Lemmo, and mail it to: 1151 Punchbowl St, Room 131, Honolulu, HI 96813.

Should you have any questions regarding this matter, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 587-0373 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,

Sam Lemmo

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

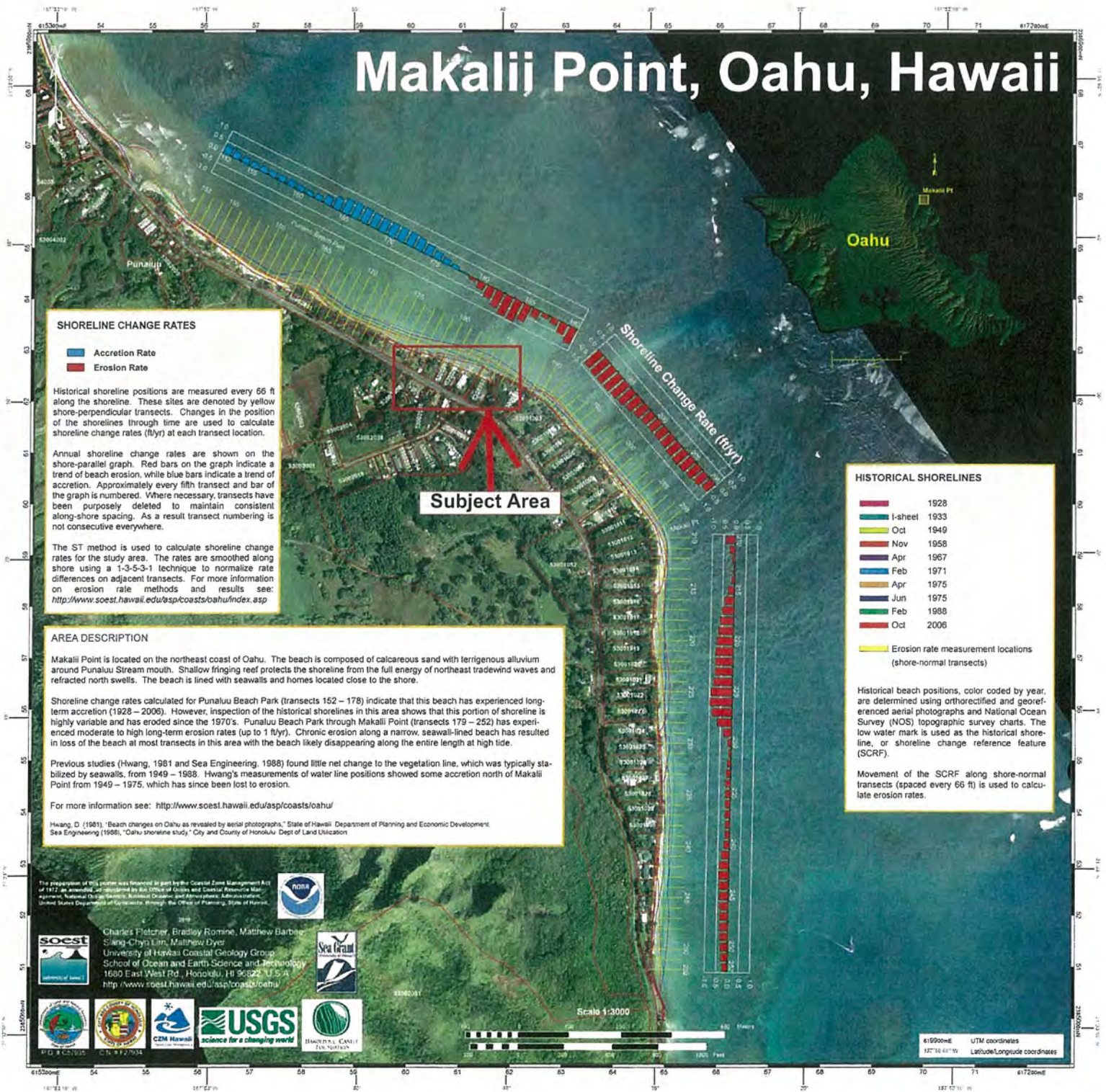
CC: Oahu Board Member
DOCARE (Oahu)
ODLO
City & County of Honolulu, Department of Planning and Permitting

Exhibit T

Page 1 of 1

K-5

Makali'i Point, Oahu, Hawaii



SHORELINE CHANGE RATES

- █ Accretion Rate
- █ Erosion Rate

Historical shoreline positions are measured every 66 ft along the shoreline. These sites are denoted by yellow shore-perpendicular transects. Changes in the position of the shorelines through time are used to calculate shoreline change rates (ft/yr) at each transect location.

Annual shoreline change rates are shown on the shore-parallel graph. Red bars on the graph indicate a trend of beach erosion, while blue bars indicate a trend of accretion. Approximately every fifth transect and bar of the graph is numbered. Where necessary, transects have been purposely deleted to maintain consistent along-shore spacing. As a result transect numbering is not consecutive everywhere.

The ST method is used to calculate shoreline change rates for the study area. The rates are smoothed along shore using a 1-3-5-3-1 technique to normalize rate differences on adjacent transects. For more information on erosion rate methods and results see: <http://www.soest.hawaii.edu/asp/coasts/ohau/index.asp>

Subject Area

HISTORICAL SHORELINES

- █ 1928
- █ i-sheet 1933
- █ Oct 1949
- █ Nov 1958
- █ Apr 1967
- █ Feb 1971
- █ Apr 1975
- █ Jun 1975
- █ Feb 1988
- █ Oct 2006

█ Erosion rate measurement locations (shore-normal transects)

Historical beach positions, color coded by year, are determined using orthorectified and georeferenced aerial photographs and National Ocean Survey (NOS) topographic survey charts. The low water mark is used as the historical shoreline, or shoreline change reference feature (SCRF).

Movement of the SCRF along shore-normal transects (spaced every 66 ft) is used to calculate erosion rates.

AREA DESCRIPTION

Makali'i Point is located on the northeast coast of Oahu. The beach is composed of calcareous sand with terrigenous alluvium around Punaluu Stream mouth. Shallow fringing reef protects the shoreline from the full energy of northeast tradewind waves and refracted north swells. The beach is lined with seawalls and homes located close to the shore.

Shoreline change rates calculated for Punaluu Beach Park (transects 152 – 178) indicate that this beach has experienced long-term accretion (1928 – 2006). However, inspection of the historical shorelines in this area shows that this portion of shoreline is highly variable and has eroded since the 1970's. Punaluu Beach Park through Makali'i Point (transects 179 – 252) has experienced moderate to high long-term erosion rates (up to 1 ft/yr). Chronic erosion along a narrow, seawall-lined beach has resulted in loss of the beach at most transects in this area with the beach likely disappearing along the entire length at high tide.

Previous studies (Hwang, 1981 and Sea Engineering, 1988) found little net change to the vegetation line, which was typically stabilized by seawalls, from 1949 – 1988. Hwang's measurements of water line positions showed some accretion north of Makali'i Point from 1949 – 1975, which has since been lost to erosion.

For more information see: <http://www.soest.hawaii.edu/asp/coasts/ohau/>

Hwang, D. (1981). "Beach changes on Oahu as revealed by aerial photographs." State of Hawaii, Department of Planning and Economic Development. Sea Engineering (1988). "Oahu shoreline study." City and County of Honolulu, Dept of Land Utilization

The preparation of this product was financed in part by the Coastal Zone Management Act of 1972 as amended, and authorized by the Chief of Ocean and Coastal Resources Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce through the Chief of Planning, State of Hawaii.



Charles Fletcher, Bradley Romine, Matthew Barbo, Siang-Chyn Lim, Matthew Dyer
University of Hawaii Coastal Geology Group
School of Ocean and Earth Science and Technology
1680 East West Rd., Honolulu, HI 96822 U.S.A.
<http://www.soest.hawaii.edu/asp/coasts/ohau/>



619000E UTM coordinates
19750 4417N Latitude/Longitude coordinates