

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

August 13, 2021

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

REGARDING: Conservation District Enforcement Case OA 20-38 Regarding the Alleged Unauthorized Modification to an Emergency Erosion Control Structure, Noncompliance with an Emergency Permit, and Encroachment Upon State Land Located Within the Conservation District at Punalu'u, O'ahu

BY: COZY AT PUNALUU LLC (Douglas W Johnson and Marie E Kramer, Managers)

LOCATION: Seaward of 53-223 Kamehameha Highway, Punalu'u, Ko'olaupua, O'ahu

TAX MAP KEY: (1) 5-3-002:035 (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) 5-3-002:035 (*see Exhibit 1*). Most 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. The most recent delineated shoreline was certified on October 3, 2019 and the certified shoreline followed along the top of sandbags as located on July 30, 2018 (*see Exhibit 2*).

The subject shoreline property contains a single-family residence with residential properties located to the north, south, and west of the property across Kamehameha Highway. The Pacific Ocean is to the northeast/east. 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. 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 this area have trended towards chronic erosion (approximately -0.81 feet per year with an uncertainty of +/-1.17 ft – **Exhibit 3**). 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.

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 wave run-up. 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.

BACKGROUND:

The subject property has a history of being impacted by chronic and seasonal coastal erosion. Former and current landowners have attempted to manage the erosion affecting this stretch of Punalu'u coast. The current landowners have been the subject of two previous enforcement actions (ENF: OA 13-27 and OA 15-14) for the unauthorized installation of erosion control materials. In both cases, the landowners chose to pay a Civil Resource Violation (CRVS) fine and seek after-the-fact approval for the unauthorized land uses.

According to the City and County of Honolulu Real Property's website, the fee owner of TMK: (1) 5-3-002:035 is COZY AT PUNALUU LLC. The State of Hawai'i Department of Commerce and Consumer Affairs' (DCCA) website indicates that COZY AT PUNALUU LLC is an "active" domestic limited liability company for "accommodation rental" purposes whose managers are Douglas W Johnson and Marie E Kramer (**see Exhibit 4**).

In reviewing this case, Douglas W Johnson (Dr. Johnson) has initiated emails, correspondences, and applications with staff regarding these matters. Additionally, it appears that Dr. Johnson engaged G70 and Jeff Overton to act on the landowners' behalf. The most recent application submitted by the landowners and the Department's emergency authorization for a temporary shoreline structure is outlined below:

October 29, 2019: On behalf of landowner Dr. Johnson, Jeff Overton of G70 submitted a Site Plan Approval (SPA) application for proposed maintenance of an existing temporary erosion control structure. The landowners' previous authorization (SPA OA 13-55) had expired on June 26, 2018. The purpose of the request was to extend the use

of the temporary erosion control measures while they awaited a decision from the City and County regarding their Shoreline Setback Variance¹ and long-term plan.

According to the application, the landowners were proposing to conduct minor repairs to the structure that included like-to-like replacement of deteriorated materials. The proposed scope of work included the placement of approximately 20 cubic yards of sand purchased from Makai Ranch against the erosion scarp to restore the 2 to 1 dune face slope. Additionally, a new SEABlanket backed with Mirafy 1120 N geotextile fabric would be placed on top of the restored dune slope and replace the old SEABlanket. At the base of the blanket and structure, the landowners were proposing to replace of three (3) rows of SEAbags. The like-to-like replacement of deteriorated erosion control materials and reconstructed structure was to follow the same design as the previously authorized structure (*see Exhibit 5*). The application noted that no additional materials or structures would be implemented as part of the proposed minor repairs.

November 18, 2019: Emergency authorization (Emergency CDUA OA 20-8) for the temporary erosion control structure and the proposed repairs was issued by the Department. The authorization letter noted that the landowners had applied for Site Plan Approval, but the OCCL decided to process the matter as an emergency authorization. The Department authorized the temporary structure for three (3) years. Additionally, the Oahu District Land Division Office issued the landowners a land disposition for the work and temporary erosion control structure in tandem with the emergency authorization. The OCCL hoped that this would allow the landowners the time to pursue their Shoreline Setback Variance with the City and County while setting a deadline for the removal of the temporary erosion control structure (*see Exhibit 6*).

SUBJECT ALLEGED VIOLATION & IMMEDIATE BACKGROUND:

COZY AT PUNALUU LLC, managed by Douglas W Johnson and Marie E Kramer, constructed an erosion control structure beyond what was authorized by the Department. The following chronological documentation discusses the matter and provides evidence of the alleged unauthorized land use and actions taken in an attempt to bring the structure into compliance and resolve the matter:

May 29, 2020: OCCL staff conducted a site inspection of the area after receiving a complaint about unauthorized work being conducted in the shoreline area. A drone was utilized to document the land use. Staff observed what appeared to be additional rows of sandbags that protruded into the ocean blocking shoreline access and exceeding the height and length of what was approved (*see Exhibit 7 & Figures 1 to 8*).

¹ The Final Environmental Assessment for the Shoreline Setback Variance can be viewed at: http://oegc2.doh.hawaii.gov/EA_EIS_Library/2018-01-23-OA-FEA-Punaluu-Beach-Homes-Shoreline-Protection.pdf. Staff understands that the application appears to have been denied by the City and County and may be the subject of an appeal filed by the landowners and their neighbors.

- June 19, 2020:** A Notice of Alleged Violation & Order was issued to landowner, Douglas Johnson. The Notice noted that the structure appeared to include several rows of SEAbags and other materials which significantly exceeded authorized specifications (***Exhibit 8***).
- July 2, 2020:** A site inspection was conducted with Dr. Johnson, his agents, and OCCL staff. During the site inspection, the landowner and their contractor stated that the structure had been placed at a greater distance out onto the public beach and included the use of two (2) rows of 2.5-ton Elcorock sandbags². The landowners' contractor also noted that the structures overall footprint had been increased. No authorization was issued by the Department for this work (***see Exhibit 9***).
- July 20, 2020:** The landowners emailed OCCL their response to the Notice of Alleged Violation & Order letter stating that they believed the structure was compliant with the emergency authorization. The landowners noted in the letter that the structure installed was approximately 60 feet across, 20 feet deep by 9 feet high. The landowners also requested that the structure be approved until they and their neighbors could have their appeal hearing with the City and County regarding their Shoreline Setback Variance. Additionally, the landowners stated they wanted to add a temporary stub groin to the unauthorized erosion control structure (***see Exhibit 10***).
- July 21, 2020:** The OCCL sent the landowners a letter pointing out that the use of 2.5-ton Elcorock sandbags in the first two (2) rows of the structure was not authorized. The OCCL noted in the letter that the use of Elcorock sandbags in temporary shoreline structures has routinely been denied as their use often results in a permanent structure which is not the intent of the temporary approvals that are routinely granted. The OCCL urged the landowners to remove the unauthorized erosion control structure including the Elcorock sandbags and reconstruct the structure according to approved specifications. The OCCL offered to supervise these activities to ensure all unauthorized materials would be removed and that the structure would be reconstructed in compliance with the emergency authorization (***see Exhibit 11***).
- August 27, 2020:** The landowners stated that they would comply with OCCL's request to remove and rebuild their temporary erosion control structure (***see Exhibit 12***). Following the landowners' statement that they would comply with the OCCL's request, extensive communications took

² Elcorock bags are one of the heaviest gage sand retention structure available. Although the Department allowed a handful of these in the past, it quickly became apparent that such bags would likely not be removed and should only be permitted through the normal CDUA process with accompanying Chapter 343 compliance.

place between the landowners and OCCL staff in an attempt to resolve this matter. These communications were centered around the landowners' belief that the unauthorized erosion control structure was compliant with the approval and therefore it should remain as is.

After approximately seven (7) months had passed with little to no steps being taken by the landowners towards compliance, staff re-evaluated Emergency CDUA OA 20-8 and noted pursuant to Condition #6 the 180 day construction deadline had passed; and pursuant to Condition #3 the landowners did not submit a completion report for the project within ninety (90) days of completion. Further, regarding Condition #2 of the Right-of-Entry Terms and Conditions, the landowners' failed to provide proof of liability insurance after their previous policy expired in December of 2020. Based on the above, the OCCL decided to bring this matter before the Board of Land and Natural Resources.

April 12, 2021: The OCCL sent the landowners a letter noting that approximately seven (7) months had passed since they stated that they would bring their structure into compliance. Additionally, it had appeared that the landowners had not taken any meaningful actions towards bringing their structure into compliance. The OCCL notified the landowners that staff intended to bring this matter before the Board of Land and Natural Resources for final disposition (*see Exhibit 13*).

May 10, 2021: The OCCL received a letter from Dr. Johnson stating that it was clear that the OCCL was requesting removal and reconstruction of their temporary erosion control structure. Dr. Johnson noted that OCCL's request was tied to the use of Elcorock geotextile bags. Dr. Johnson reiterated that they wanted the structure to last until their appeal for their Shoreline Setback Variance could be heard. He repeated that they believed their current structure was in the same place as the previous structure. The letter noted the landowners' reluctance to shrink or move the structure 10ft landward. Additionally, Dr. Johnson submitted a sample of Tencate GT 1000MB as an alternative material to use in the structure for OCCL's review. In the letter, the landowners included the drawing of the proposed structure that was authorized under Emergency CDUA OA 20-8 for like-to-like replacement. The landowners also restated their timeframe for the proposed removal and reconstruction of the temporary erosion control structure was May, July, and August. As alternatives to the violation, the landowners stated in the letter that they were interested in exploring a beach nourishment and sandbag groin(s) project as well as the possibility of the Department purchasing their property (*see Exhibit 14*).

ALLEGED UNAUTHORIZED LAND USE IN THE CONSERVATION DISTRICT:

The Department and Board of Land and Natural Resources has jurisdiction over land lying makai (seaward) of the shoreline. The alleged unauthorized land uses occurred

within the Conservation District, Resource Subzone based upon the location of the erosion control structure and materials seaward of the subject property (**see Exhibit 2**). The OCCL believes there is sufficient cause to bring this matter to the Board since it is evident that the unauthorized land use is within the Conservation District pursuant to the Hawai'i 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.

HAR, Chapter 13-5 and Hawai'i Revised Statutes (HRS), Chapter 183C 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*

Emergency CDUA OA 20-8 authorized the landowners to conduct like-to-like replacement of deteriorated materials and install a temporary erosion control structure with an approximate height and length of 5-6 feet by 9-12 feet that consisted of the installation of a new SEABlanket backed with Mirafy 1120 N fabric, the replacement of up to three (3) rows of SEABags at the base of the SEABlanket, and the placement of roughly 20 cubic yards of sand purchased from Makai Ranch to restore the 2 to 1 dune face slope. The unauthorized work that was conducted consists of two (2) rows of Elcorock sandbags as well as several additional rows sandbags (for an approximate total of 10-12 rows of sandbags) and erosion control materials. These unauthorized modifications have resulted in the structure approximately doubling in height and length (**see Exhibit 5 & Exhibit 7 - Figures 6 & 8**).

HRS, §183C-7 **Penalty for violation** notes (a) The department shall prescribe administrative procedures as it deems necessary for the enforcement of this chapter and (b) Any person violating this chapter or any rule adopted in accordance with this chapter

shall be fined not more than \$15,000 per violation in addition to administrative costs, costs associated with land or habitat restoration, and damages to public land or natural resources, or any combination thereof. After written or verbal notification from the department, willful violation of this chapter or any rule adopted in accordance with this chapter may incur an additional fine of up to \$15,000 per day per violation for each day in which the violation persists.

The board may set, charge, and collect the fine based on the value of the natural resource that is damaged, the market value of the natural resource damaged, and any other factor it deems appropriate, such as the loss of the natural resource to its natural habitat and environment and the cost of restoration or replacement. The remedies provided for in this subsection are cumulative and in addition to any other remedies allowed by law.

Staff has assessed the closest identified land use that the alleged unauthorized action appears to conform to and it is HAR, §13-5-22 P-8 STRUCTURES AND LAND USES, EXISTING (D-1) *Major alteration of existing structures, facilities, uses, and equipment, or topographical features which are different from the original use or different from what was allowed under the original permit. When county permit(s) are required for the associated plan(s), the department's approval shall also be required.* This would require a Board Permit.

Pursuant to HAR, §13-5-6 Penalty. (a) Any person, firm, government agency, or corporation violating any of the provision of Chapter 13-5 or permits issued pursuant thereto shall be punished as provided in chapter 183C, HRS. Based on the *Conservation District Violation Penalties Schedule Guidelines and Assessment of Damages to Public Land or Natural Resources*, the unauthorized land use is considered a "Major" unauthorized land use since the closest identified land use appears to require a Board permit. This violation follows a penalty range of \$10,000 to \$15,000.

The alleged unauthorized land use occurred in the Conservation District without approval and therefore allegedly violated the above referenced chapters and rules.

ENCROACHMENT UPON STATE LAND

HRS, §171-6 (12) states the Board may "[b]ring such actions as may be necessary to remove or remedy encroachments upon public lands. Any person causing an encroachment upon public land shall:

- (A) Be fined not more than \$1,000 a day for the first offense;
- (B) Be fined not less than \$1,000 nor more than \$4,000 per day upon the second offense and thereafter;
- (C) If required by the board, restore the land to its original condition if altered and assume the costs thereof;
- (D) Assume such costs as may result from adverse effects from such restoration; and
- (E) Be liable for administrative costs incurred by the department and for payment of damages...

The structure that was constructed is not compliant with the authorized specifications and further encroaches on public lands as well as interferes with lateral shoreline access by forcing people to walk in the water regardless of tide and surf conditions (**see Exhibit 7 & Figures 1 to 8**). A person could walkover the sandbags; however, the sandbags become slippery over time thus posing a hazard. Based on the above, the unauthorized erosion control structure blocks the beach transit corridor and violates the above referenced statute.

The temporary erosion control structure that was authorized under Emergency Cдуа OA 20-8 was intended to provide the landowners a temporary solution to the erosion plaguing this stretch of Punalu'u shoreline while they pursued their long-term solution with the City and County provided that they adhere to the representations they made to OCCL and the terms and conditions of the emergency authorization. The OCCL believes the landowners have failed to adhere to the representations they have made to OCCL as well as the terms and conditions of their authorization. The temporary erosion control structure that currently fronts the subject property was not what was approved by the Department and is not in compliance with Emergency Cдуа OA 20-8 as alleged by the landowners.

DISCUSSION:

The OCCL has worked with the landowners of the subject property as well as their neighbors the past several years to address the progressively damaging chronic and seasonal erosion concerns plaguing this stretch of the Punalu'u coastline. The Department may allow "soft" erosion measures as a temporary solution so that longer-term options can be developed by the affected landowners. Requests for these "soft" erosion measures have become commonplace to the extent that this particular stretch of the Punalu'u coast have had geotextile tarps and sandbags fronting their properties for the last several years.³

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 landowners purchased the coastal property and while doing so assumed the risk that comes along with owning residences near dynamic environments like the shoreline. Climate change and its effects on sea level rise and coastal erosion are expected to increase the risk associated with owning coastal properties and structures located near 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.

³ 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.

The OCCL has attempted to balance the security needs of the homeowners with protection of the public resource that is the sandy beach. Without intervention with temporary soft erosion control measures, many homes would have already been gone, yet many homeowners have installed, and continue to install, systems without consent or authorization.

Based on the presented evidence, the temporary erosion control structure is not in compliance with the Department's authorization. Based on the previous correspondences, authorizations, and violations, the landowners are fully aware of the need to consult with the Department prior to conducting modifications to their temporary erosion control structure but has failed to do so.

FINDINGS:

1. That COZY AT PUNALUU LLC, managed by Douglas W Johnson and Marie E Kramer, did in fact cause:
 - The alleged unauthorized placement of erosion control materials on State owned land for more than thirty (30) days;
 - The alleged unauthorized major alteration/modification of the temporary erosion control structure;
 - An encroachment on public land;
 - The obstruction of lateral shoreline access;
 - The construction of an erosion control structure that is not in compliance with Emergency CDUA OA 20-8; and,
 - The failure to maintain their land disposition to occupy or use State owned/managed land(s).
2. That the alleged unauthorized land uses occurred within the State Land Use Conservation District upon fast and submerged lands within the Resource Subzone.

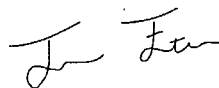
AS SUCH, STAFF RECOMMENDS:

That the Board find that Douglas W Johnson and Marie E Kramer Managers of COZ AT PUNALUU LLC are in violation of HAR, §13-5-24 and HRS, §171-6 (12) due to noncompliance with Emergency CDUA OA 20-8 and by performing unauthorized alterations to their temporary erosion control structure located along the coastline of Punalu'u in the Ko'olauloa area of O'ahu's east shore subject to the following:

1. That the landowners are fined \$15,000.00 for violating the provisions of HAR, §13-5-24 for performing major alterations/modifications to the temporary erosion control structure within the Conservation District, Resource Subzone prior to obtaining the appropriate approvals;

2. That the landowners are fined \$1,000.00 for violating the provisions of HRS, §171-6 (12) for an unauthorized encroachment on public lands;
3. That the landowners are fined an additional \$2,000.00 for administrative costs associated with the subject violations;
4. That the landowners shall pay all designated fines and administrative costs (\$18,000.00) within sixty (60) days from the date of the Board's action;
5. That the landowners shall submit a plan for the demolition and disposal of the unauthorized erosion control structure as well as a request for temporary erosion control within sixty (60) days;
6. That the landowners shall remove the unauthorized erosion control structure as well as its associated materials within ninety (90) days of the order of the Board;
7. That in the event of failure of the landowner to comply with any order herein, the landowner shall be fined an additional \$16,000.00 per day (pursuant to HRS, §171-6 (15) and HRS, §183C-7) until the order is complied with;
8. That all fines and directions apply to COZY AT PUNALUU LLC, Douglas W Johnson, and Marie E Kramer individually, jointly and severally; and,
9. That in the event of failure of COZY AT PUNALUU LLC, Douglas W Johnson, and Marie E Kramer to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

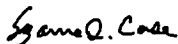
Respectfully submitted,



Trevor Fitzpatrick, Staff Planner
Office of Conservation and Coastal Lands

SMC

Approved for submittal:



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

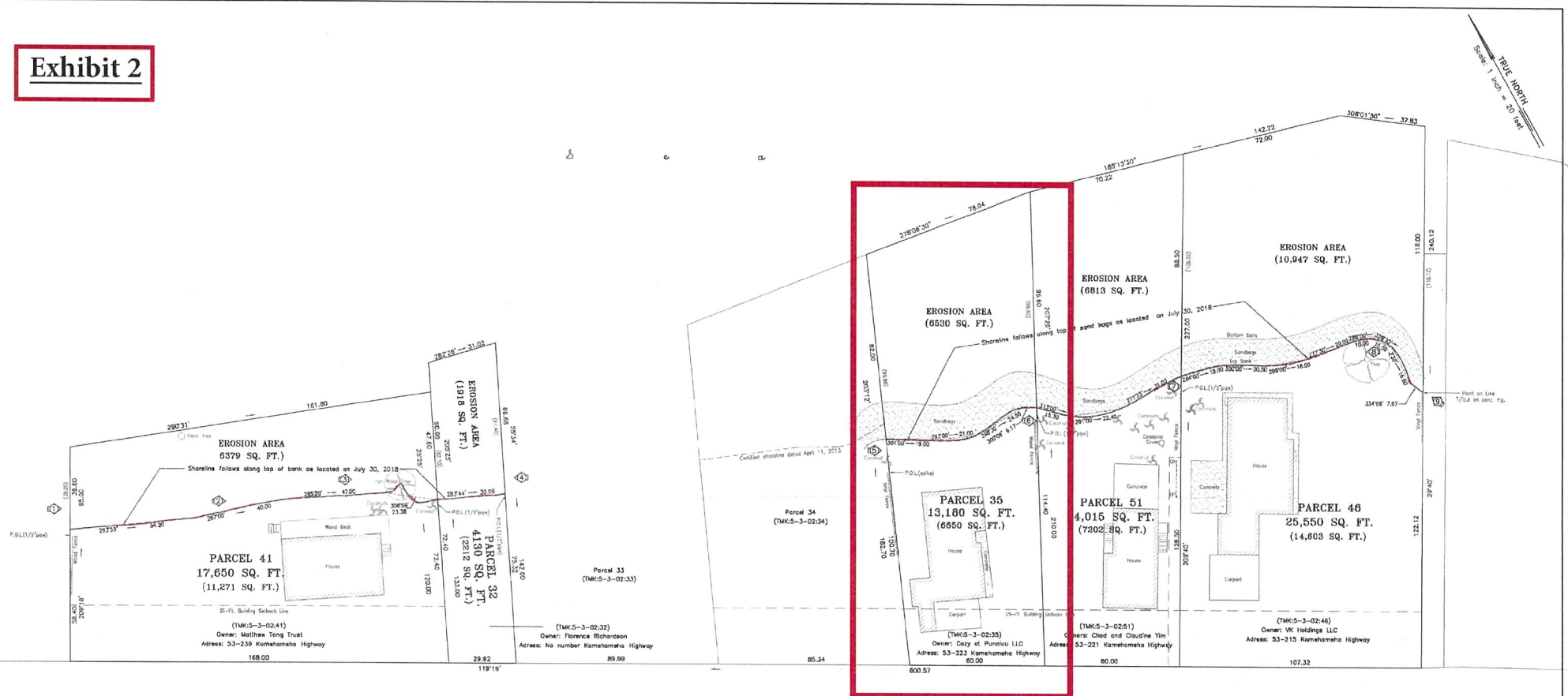
Exhibit List For Item K-1

- Exhibit 1: Location Map
- Exhibit 2: 2018 Certified Shoreline
- Exhibit 3: UH Coastal Geology Group Erosion Rate Map (Source: <https://www.soest.hawaii.edu/coasts/index.php/resources/hawaii-shoreline-study-web-map/>)
- Exhibit 4: TMK: (1) 5-3-002:035 & COZY AT PUNALUU LLC
- Exhibit 5: Landowners' Site Plan Approval application for Erosion Control Measures
- Exhibit 6: Emergency CDUA OA 20-8
- Exhibit 7: OCCL Photos & Elevation Model of Alleged Unauthorized Structure - Figures 1 to 8
- Exhibit 8: Notice of Alleged Violation & Order Letter
- Exhibit 9: Shoreline Restoration LLC Statement
- Exhibit 10: Dr. Johnson's July 20, 2020 Response
- Exhibit 11: OCCL's Site Visit Followup Letter
- Exhibit 12: Dr. Johnson's Compliance Statement/Email
- Exhibit 13: OCCL's April 12, 2021 Letter
- Exhibit 14: Dr. Johnson's May 10, 2021 Letter



Exhibit 1: Location Map

Exhibit 2



The shoreline as delineated in red is hereby certified as the shoreline as of

OCT 03 2018

Engineer, Board of Land and Natural Resources

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

SHORELINE SURVEY MAP
PARCELS 41, 32, 35, 51 AND 46
 Being portions of Royal Patent 7804,
 Land Commission Award 99-000005 to W. P. Leleihaku
 Punahoa, Kapiolani, Ulu, Hawaii
 Tax Map Key: 5-3-02, 41, 32, 35, 51 and 46
 Scale: 1 inch = 20 feet
 Date: August 29, 2018



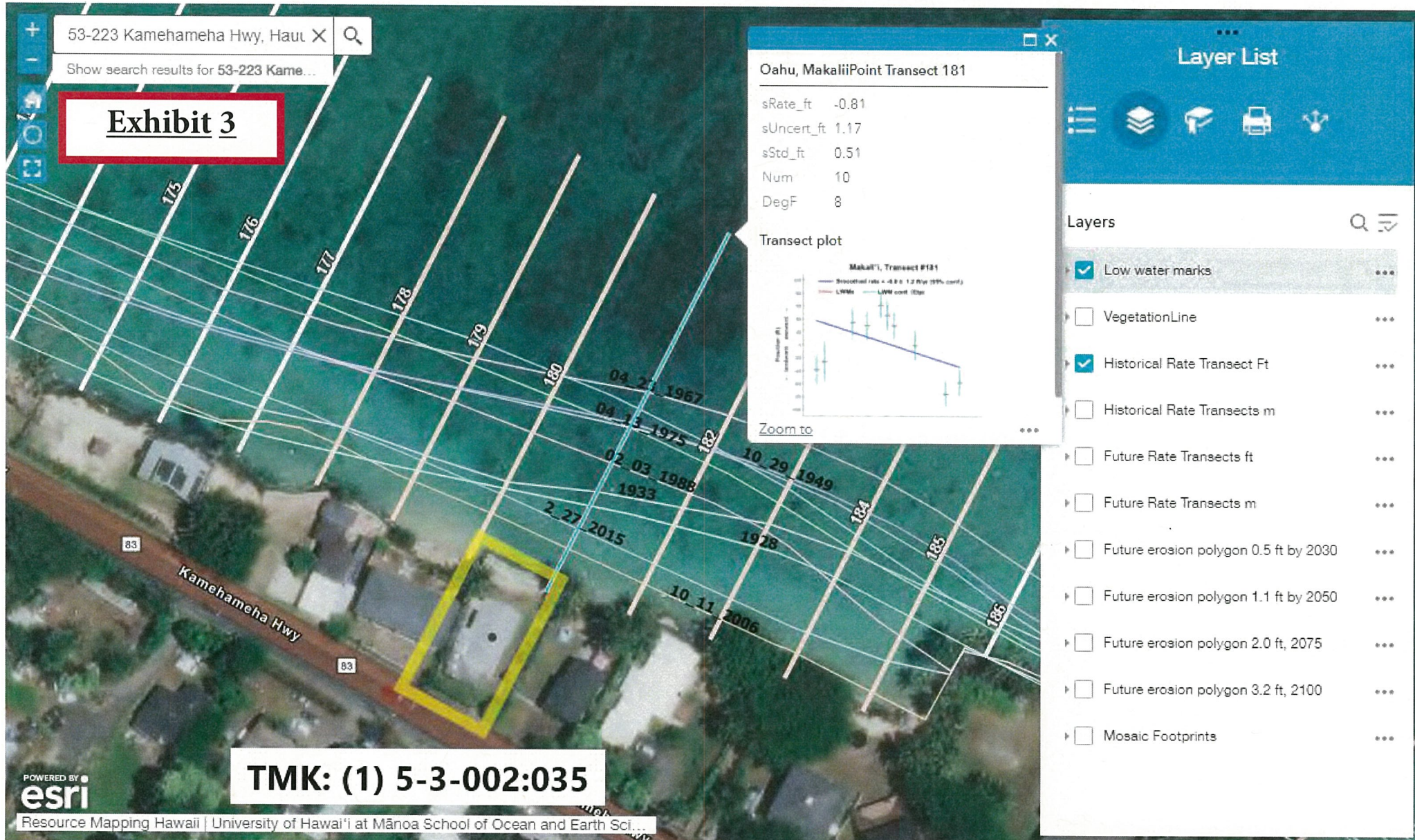
exp. 4/30/20
 This work was prepared by me or under my direct supervision.

NOTES
 1. Only improvements shown were located.
 2. Circles number and direction of photographs.

SURVEY OFFICE COPY



Exhibit 3



7/16/2021

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CITY AND COUNTY OF HONOLULU
Department of Budget and Fiscal Services
Real Property Assessment Division

Exhibit 4

Parcel Information

Parcel Number 530020350000
Location Address 53-223 KAMEHAMEHA HWY
Project Name
Legal Information LOT 64 POR RP 7804, LCAW 9971:25 13,180 SF DES
Property Class RESIDENTIAL
Land Area (approximate sq ft) 13,180
Land Area (acres) 0.3025

[Plat Map PDF](#) [GIS Parcel Map](#)

Email us at hfsr@mailbox@honolulu.gov regarding Supplemental Plat Map PDFs.

Owner Information

Owner Names
COZY AT PUNALUU LLC Fee Owner

Assessment Information

[Show Historical Assessments](#)

Assessment Year	Property Class	Assessed Land Value	Dedicated Use Value	Land Exemption	Net Taxable Land Value	Assessed Building Value	Building Exemption	Net Taxable Building Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2021	RESIDENTIAL	\$806,400	\$0	\$0	\$806,400	\$1,300	\$0	\$1,300	\$807,700	\$0	\$807,700

2021 amended values not to be posted until new tax rates are processed on or after July 20.

[How to calculate real property taxes](#)

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
RESIDENTIAL	10,225	0.2347	
RESIDENTIAL	2,955	0.0678	

[Department of Planning and Permitting \(DPP\)](#)

Residential Improvement Information

Building Number	1	Living Area	894
Occupancy	SINGLE-FAMILY	Bedrooms	3
Framing	WOOD/SINGLE WALL	Full Bath	1
Year Built	1944	Half Bath	0
Eff Year Built	1972		

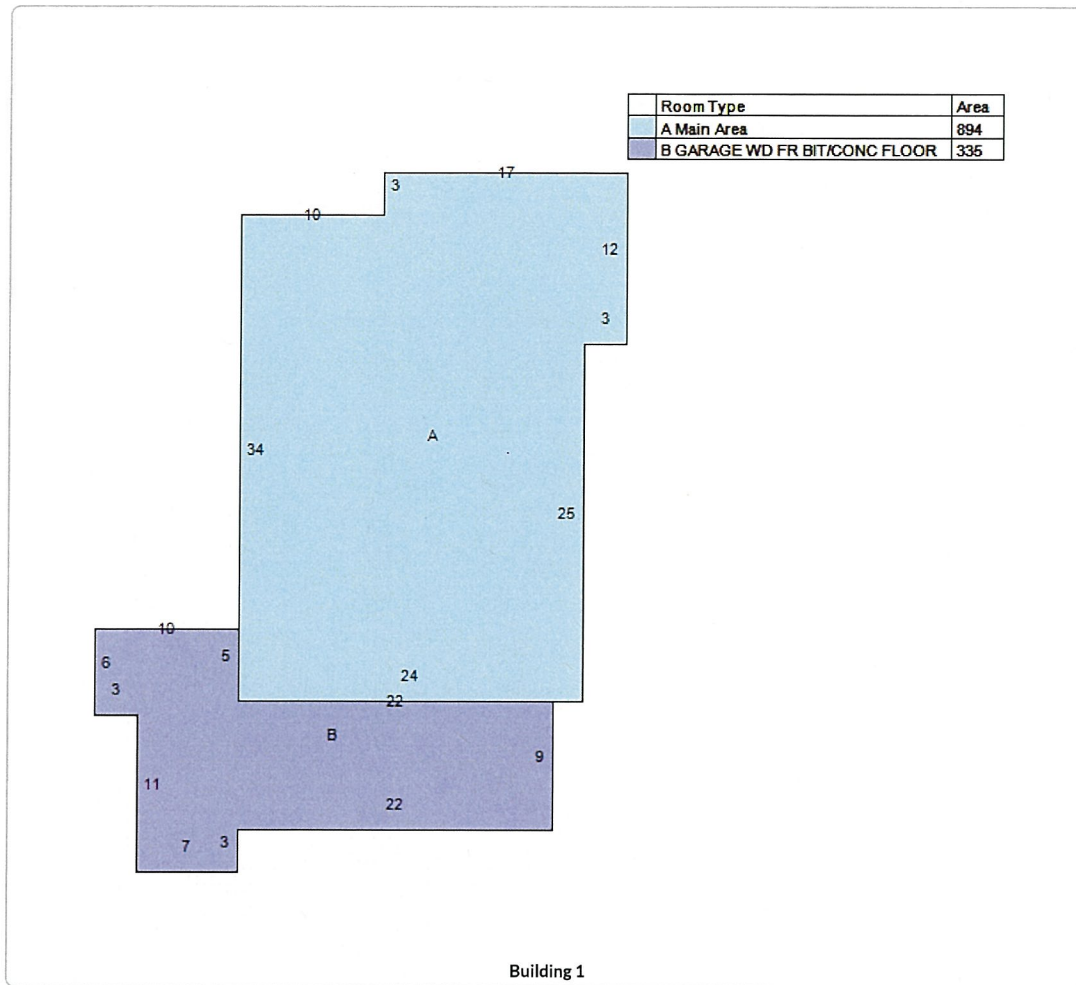
Residential Additions

Card	Line	Lower	First	Second	Third	Area
1	0					894
1	1		GARAGE WD FR BIT/CONC FLOOR			335

Sketches

7/16/2021

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Click on sketch to enlarge

Permit Information

Date	Permit Number	Reason	Permit Amount
6/14/2013	725400	ELECTRICAL	\$1,500

[Department of Planning and Permitting \(DPP\)](#)

Sales Information

Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date of Recording	Land Court Document Number	Cert #	Book/Page
02/18/2015	\$655,400	A55350526	FEE CONVEYANCE	Deed	02/26/2015			
10/26/2012	\$500,000	A46890496	FEE CONVEYANCE	Deed	11/02/2012			
08/04/2006	\$61,853	2006-153724	LEASE	Assignment lease, sub lease etc.	08/22/2006			

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2021-1	Property Tax	08/23/2021	\$1,413.48	\$0.00	\$1,413.48	\$0.00	\$0.00	\$0.00	\$1,413.48
2021-2	Property Tax	02/22/2022	\$1,413.47	\$0.00	\$1,413.47	\$0.00	\$0.00	\$0.00	\$1,413.47
Tax Bill with Interest computed through 07/31/2021			\$2,826.95	\$0.00	\$2,826.95	\$0.00	\$0.00	\$0.00	\$2,826.95

[Treasury Division](#)Pay online at www.hnlpay.comOther Payment Options [Click Here](#)

Taxes might not be up to date due to volume of payments. Please call Treasury Division at (808)768-3980 if you have a question on your balance.

Historical Tax Information

Year	Tax	Payments and Credits	Penalty	Interest	Other	Amount Due
2021	\$2,826.95	\$0.00	\$0.00	\$0.00	\$0.00	\$2,826.95

7/16/2021

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2020	\$3,360.70	(\$3,360.70)	\$0.00	\$0.00	\$0.00	\$0.00
2019	\$3,215.45	(\$3,215.45)	\$0.00	\$0.00	\$0.00	\$0.00
2018	\$2,797.90	(\$2,797.90)	\$0.00	\$0.00	\$0.00	\$0.00
2017	\$2,856.35	(\$2,856.35)	\$0.00	\$0.00	\$0.00	\$0.00
2016	\$2,488.85	(\$2,488.85)	\$0.00	\$0.00	\$0.00	\$0.00
2015	\$2,291.45	(\$2,291.45)	\$0.00	\$0.00	\$0.00	\$0.00
2014	\$2,293.90	(\$2,293.90)	\$0.00	\$0.00	\$0.00	\$0.00
2013	\$2,311.40	(\$2,311.40)	\$0.00	\$0.00	\$0.00	\$0.00
2012	\$2,303.70	(\$2,303.70)	(\$69.11)	(\$24.42)	\$0.00	\$0.00
2011	\$2,788.10	(\$2,788.10)	\$0.00	\$0.00	\$0.00	\$0.00
2010	\$3,420.34	(\$3,420.34)	\$0.00	\$0.00	\$0.00	\$0.00
2009	\$3,441.89	(\$3,441.89)	\$0.00	\$0.00	\$0.00	\$0.00
2008	\$3,464.04	(\$3,464.04)	\$0.00	\$0.00	\$0.00	\$0.00
2007	\$4,023.34	(\$4,023.34)	\$0.00	\$0.00	\$0.00	\$0.00
2006	\$3,267.26	(\$3,267.26)	(\$163.36)	(\$35.94)	\$0.00	\$0.00
2005	\$2,547.00	(\$2,547.00)	\$0.00	\$0.00	\$0.00	\$0.00
2004	\$2,013.38	(\$2,013.38)	\$0.00	\$0.00	\$0.00	\$0.00
2003	\$1,579.50	(\$1,579.50)	\$0.00	\$0.00	\$0.00	\$0.00
2002	\$1,623.89	(\$1,623.89)	\$0.00	\$0.00	\$0.00	\$0.00
2001	\$1,293.20	(\$1,293.20)	\$0.00	\$0.00	\$0.00	\$0.00

[Treasury Division](#)
[How to calculate real property taxes](#)

Email us at bfstreasmailbox@honolulu.gov regarding historical tax data questions.

Map



No data available for the following modules: Condominium/Apartment Unit Information, Appeal Information, Agricultural Assessment Information, Commercial Improvement Information, Other Building and Yard Improvements.

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 GEOSPATIAL

Version 2.3.131

BREG DCCA

Hawaii Business Express

Start, manage, and learn about Hawaii businesses

COVID-19
What's new!

DOCUMENTS CART:

0 Items



\$0.00

(/documents/order.html)

COZY AT PUNALUU LLC[Back to search results](#)

Domestic Limited Liability Company (llc)

Begins with... ▼

[Search](#)[All Company Info](#)[Forms](#)[Buy Available Docs](#)**General Info**You can purchase a *Certificate of Good Standing* for this business.☐  Digital (PDF) for \$7.50☐  Printed for \$7.50[Add to Cart](#)[!\[\]\(a25a22d88c5882f4a20f36103df86562_img.jpg\) Download company info as PDF \(/documents/business.pdf?fileNumber=126620C5\)](/documents/business.pdf?fileNumber=126620C5)[!\[\]\(06b7456efb47d301bca6298603e7f4fc_img.jpg\) Receive Reminders / Alerts \(/documents/notifyLogin?fileNumber=126620C5\)](/documents/notifyLogin?fileNumber=126620C5)[!\[\]\(2885535958616e9ec6b97903614c334b_img.jpg\) Receive Annual Report Reminders \(/documents/notifyLogin?fileNumber=126620C5\)](/documents/notifyLogin?fileNumber=126620C5)**MASTER NAME**

COZY AT PUNALUU LLC

BUSINESS TYPE

Domestic Limited Liability Company (LLC)

[Privacy](#) - [Terms](#)

7/16/2021

Hawaii Business Express | BREG DCCA

FILE NUMBER

126620 C5

STATUS

Active

PURPOSE

ACCOMMODATION RENTAL

PLACE INCORPORATED

Hawaii UNITED STATES

REGISTRATION DATE

Feb 19, 2015

MAILING ADDRESS**MANAGED BY**

MANAGER(S)

AGENT NAME

MARIE E KRAMER

AGENT ADDRESS

Annual Filings

Filing Year	Date Received	Status
2021	Apr 30, 2021	Processed
2020	Jan 30, 2020	Processed
2019	Jan 4, 2019	Processed
2018	Jan 30, 2018	Processed
2017	Jan 24, 2017	Processed
2016	Feb 1, 2016	Processed

Member/MGR

Name	⇅ Office [More info]	⇅ Date	⇅
JOHNSON,DOUGLAS W	MGR	Feb 19, 2015	
KRAMER,MARIE E	MGR	Feb 19, 2015	

Other Filings

Date	⇅ Description	⇅ Remarks	⇅
Feb 19, 2015	Articles of Organization	Articles of Organization	

Note: Transactions may be available for purchase. Please see the **Buy Available Docs** tab for additional information.

BREG DCCA | [Contact us](http://cca.hawaii.gov/breg/contact/) (http://cca.hawaii.gov/breg/contact/).

King Kalakaua Building
335 Merchant St Rm 201
Honolulu, Hawaii 96813

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[Accessibility](https://portal.ehawaii.gov/page/accessibility) (https://portal.ehawaii.gov/page/accessibility). [Feedback](#)

[Privacy](https://portal.ehawaii.gov/page/privacy-policy) (https://portal.ehawaii.gov/page/privacy-policy). [Stay Connected](http://stayconnected.hawaii.gov) (http://stayconnected.hawaii.gov).

[Terms](https://portal.ehawaii.gov/page/terms-of-use) (https://portal.ehawaii.gov/page/terms-of-use).

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Oahu, Hawaii, United States of America

Check-in

Check-out

Guests

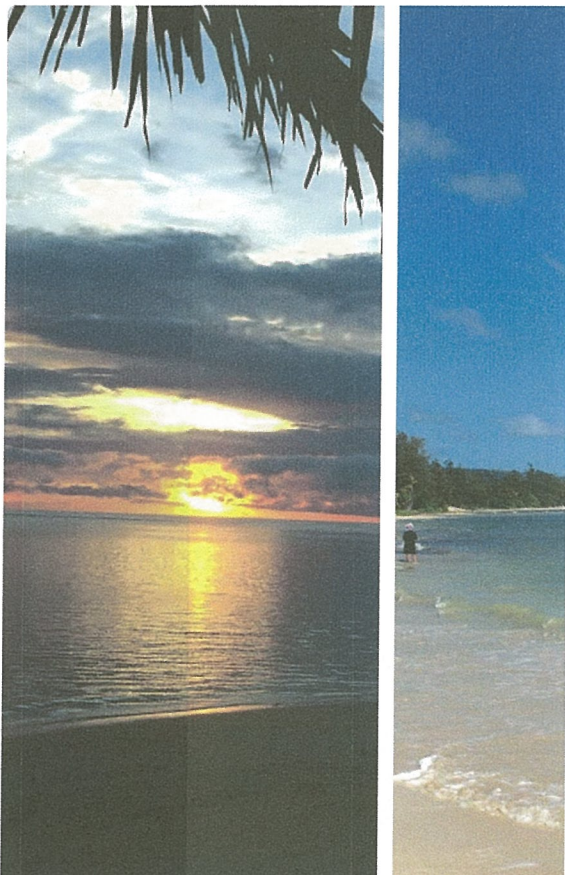
Search

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Good Vibrations Beachfront

Save

Share



\$132 avg/night

[53 Reviews](#)

Wonderful! 4.8/5

Enter dates for accurate pricing

Check In

Check Out

Guests

Request to Book



Free cancellation up to **30 days before check-in**

Contact host

Property # 571773

7/20/2021

Good Vibrations Beachfront - Hauula



About this rental

House

1600 sq. ft

3 bedrooms

4 beds · Sleeps 6

2 bathrooms

1 full bath · 1 half bath

Spaces

Kitchen · Living Room · Deck/Patio

Beachfront 3BR/1.5Bath

Waiting for you on the Windward side of beautiful Oahu is your own personal retreat. Just 45 minutes from Honolulu/Waikiki/Honolulu International Airport, surrounded by sea and mountains you will feel as if you are in paradise – and you are.

View more

Registration Number: W62436433-01,
W62436433-01









Hosted by Marie Kramer
Premier Host

Still have questions?

Get a fast response about property amenities, check-in times, and general questions.

Chat now

Amenities


Washer & Dryer	
TV	
No Smoking	
Satellite or cable	
Children Welcome	
Internet	
Air Conditioning	
Parking	
Accessible	

View all 80 amenities

Policies

Cancellation Policy

100% refund if you cancel at least 30 days before check-in.

 *If you have upcoming trips, you can mark them as non-refundable or cancel your booking.*

7/20/2021

Good Vibrations Beachfront - Hauula

50% refund (minus the service fee) if you cancel at least 14 days before check-in.

in your traveler account.

[View upcoming travel](#)
[\(https://vrbo.com/traveler/th/booking\)](#)

No refund if you cancel less than 14 days before check-in.

Learn more about [cancellation policies](#).

<https://help.vrbo.com/articles/What-is-the-cancellation-policy>.

100% refund 50% refund No refund



30 days before check-in 14 days before check-in Check in

Damage and Incidentals

You will be responsible for any damage to the rental property caused by you or your party during your stay.

House Rules

 **Check in after:** 3:30 PM 

Check out before: 10:00 AM

- Children allowed
- No pets
- No events
- No smoking
- Max guests: **6**
- Minimum age of primary renter: **25**

View more

7/20/2021

Good Vibrations Beachfront - Hauula

Cleaning practices

- Cleaned with disinfectant
- Minimum 3-day vacancy between guest stays
- Check in and check out with no person-to-person contact

53 Reviews

Wonderful! 4.8/5

Lovely house in a great spot

5/5

Stayed Jan 2021

Cortney J. Mountain Green, UT

We very much enjoyed our stay. In the future we will try to stay here again. It was so beautiful and centrally located to everything we want to do.

Published Mar 18, 2021

Beautiful property

5/5

Stayed Jan 2020

Tammy R.

This was just the perfect beach house. The pictures were spot on. So many times the pictures look better than the property. Not the case here. The sunrises were beautiful. Our vacation was very relaxing. Except for the constant traffic on kamahele

7/20/2021

Good Vibrations Beachfront - Hauula

highway, this place was perfect. The traffic is hard to get away from on Oahu. We would definitely choose to stay here again.

Published Feb 20, 2020

Aloha heaven

5/5

Stayed Oct 2019

Jody M.

We loved this house. The views are stunning, location is prime and the house was extremely comfortable. It had everything we needed. my only wish was the house had a beach in front of it, instead erosion has taken it's toll and you cannot walk out to swim. The neighboring beach just north of the house was also pretty badly eroded but that is mother nature! Just know this when booking. Otherwise 5 stars for this beautiful house and location!! We will definitely be back!

Published Nov 18, 2019

Perfect vacation

5/5

Stayed Jun 2019

Jose G.

The property was as listed. Everything you need from a home and easy access to many beaches and attractions. We made many meals in the house and went out to eat in several places just a short drive away. Grocery, restaurants and nice shopping in the area and North Shore. Beautiful and fun beaches very near, and excellent beach for

7/20/2021

Good Vibrations Beachfront - Hauula

kayaking, paddle boarding and snorkeling right behind home. Saw coral, many many fish, octopus, large crabs, turtles and even a monk seal. Lots of stuff to do in the area but spent many hours just relaxing and enjoying the nice lawn in the back yard facing the beach and view of nice mountains in front of home.

Published Jul 30, 2019

Sunrise Beauty!

5/5

Stayed Jun 2019

Ronald S.

We enjoyed early morning sunrises and the amazing views from the lawn. We saw turtles! It was fun watching the tides go in and out and tracking them for our time in the water and on the beach. It was wonderful having the outdoor shower and half bath to keep the sand/moisture outside. I enjoyed the clothes line!

Published Jul 12, 2019

Owner's Response:

Mahalo for staying. The morning sunrises are special and peaceful. Gets you ready for your day!! So glad you enjoyed the outside shower.

Aloha,

Marie

Rates & Availability

July 2021

August

2021

S M T W T F S

1 2 3

S M T W T F S

< 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 >

Taxes and fees are additional

Additional information about rental rates

Cleaning Fee	\$275
Property Damage Insurance	\$79

Map

Hauula, Hawaii, United States of America

Detailed location provided after booking

What's nearby

1. Polynesian Cultural Center 5.2 mi
2. Kualoa Beach Park 5.1 mi
3. Turtle Bay Beach 11.6 mi

7/20/2021

Good Vibrations Beachfront - Hauula

4. Kaluanui Beach 1.7 mi
5. Brigham Young Universit... 5.5 mi
6. Ka'a'awa Beach Park 2.7 mi

1
-
< 6 >
of
12

Hosted by Marie Kramer

Member Since 2014

Marie Kramer is a Premier

Host · They consistently provide great
experiences for their guests



Languages: English

Contact host

**It's easy to contact
hosts and keep
track of all your
messages when you**

7/20/2021

Good Vibrations Beachfront - Hauula

have a Vrbo
account.

Sign up | Log in



Rooms & beds

Bedrooms: 3 (Sleeps: 6)

Bedroom 3
queen



Bathrooms: 1, Half Baths: 1

Bathroom 2
Toilet · Outdoor shower



Spaces

Kitchen

Living Room

Deck/Patio

Dining

Seating for 6 people

7/20/2021

Good Vibrations Beachfront - Hauula

Lawn/Garden

[View all rooms & beds details](#)**You might like these similar properties**[\(/search/keywords:oahu-hawaii-united-states-of-america?petIncluded=false\)](/search/keywords:oahu-hawaii-united-states-of-america?petIncluded=false)**2BR · 1BA · Sleeps****6**[Newly Built North ...
Hauula, HI, US](#)**\$185** avg/night
(52)[\(/912788?](/912788?)[unitId=1460729&noI](#)**2BR · 1BA · Sleeps****6**[North Shore \(Newl...
Hauula, HI, US](#)**\$185** avg/night
(44)[\(/912349?](/912349?)[unitId=1460290&noI](#)**3BR · 3BA · Sleeps****10**[Laie Palms/Oahu - ...
Laie, HI, US](#)**\$220** avg/night
(42)[\(/29388?](/29388?)[unitId=29388&noDa](#)**3BR · 2BA · Sleeps****6**[Oceanfront, Simpl...
Hauula, HI, US](#)**⚡ \$350** avg/night
(156)[\(/133080ha?](/133080ha?)[unitId=361099&noD;](#)[Home \(https://www.vrbo.com/vacation-rentals\)](https://www.vrbo.com/vacation-rentals) >[United States \(https://www.vrbo.com/vacation-rentals/usa\)](https://www.vrbo.com/vacation-rentals/usa) >[Hawaii \(https://www.vrbo.com/vacation-rentals/usa/hawaii\)](https://www.vrbo.com/vacation-rentals/usa/hawaii) >[Honolulu County \(https://www.vrbo.com/vacation-rentals/usa/hawaii/honolulu-county\)](https://www.vrbo.com/vacation-rentals/usa/hawaii/honolulu-county) >[Hauula \(https://www.vrbo.com/vacation-rentals/usa/hawaii/oahu/north-shore/hauula\)](https://www.vrbo.com/vacation-rentals/usa/hawaii/oahu/north-shore/hauula)**More vacation ideas****Rental Ideas**[Beachfront rentals Oahu \(https://www.vrbo.com/vacation-rentals/beachfront/usa/hawaii/oahu\)](https://www.vrbo.com/vacation-rentals/beachfront/usa/hawaii/oahu) |[Beach rentals Oahu \(https://www.vrbo.com/vacation-rentals/beach/usa/hawaii/oahu\)](https://www.vrbo.com/vacation-rentals/beach/usa/hawaii/oahu) |[Cheap apartments Oahu \(https://www.vrbo.com/search/keywords:oahu-hawaii-united-states-of-america/filter:92/filter:1008\)](https://www.vrbo.com/search/keywords:oahu-hawaii-united-states-of-america/filter:92/filter:1008) |[Oahu villas \(https://www.vrbo.com/vacation-rentals/villas/usa/hawaii/oahu\)](https://www.vrbo.com/vacation-rentals/villas/usa/hawaii/oahu) |

[!\[\]\(8af806fb1314382d09bc5ec5b767526c_img.jpg\) COVID-19: City Information and Latest Updates](#) [!\[\]\(e640e0608cc7d5ca49cf1ad6b9b82bbd_img.jpg\) COVID-19 Vaccine Information](#)

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[Approved STRs](#)

[Information for Hosts](#)

[Information for Neighbors](#)

[Information for Visitors](#)

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[Report a Violation](#)

[FAQs](#)

Approved Short-Term Rentals

Search and sort approved short-term rentals. If the property you are searching for does not appear on this list, it is highly likely that the property is not a legal short-term rental, and we ask for your kokua (help) in submitting a [report of violation](#).

Nonconforming Use Certificate (NUC) List

Legal short-term rentals have either a Nonconforming Use Certificate (NUC), or are located in the resort area. STRs must renew their NUC every even-numbered year. Below is a searchable table of legal STRs that have NUCs. [Click here to download the entire list.](#) [GO TO TOP](#)

Type Search word into the filter box to filter by any field:

5-3-002:035

Tax Map Key ◆	File No. ◆	Conv. ID no. ◆	NUC Expiration ◆	Building and Apt No. ◆	Property Address ◆

Last Updated: 18 June 2021

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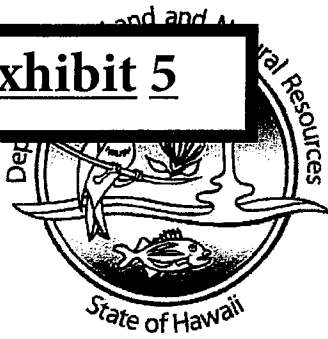
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Exhibit 5



**SITE PLAN APPROVAL APPLICATION
(SPA)**

File No:

Acceptance Date:

30-Day Expiration Date:

Assigned Planner:

for DLNR Use

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS
2019 OCT 29 PM 2:09
DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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: Temp. Shoreline Protection, Johnson 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: 53-223 Kamehameha Highway, Punaluu, Oahu, HI 96717

Tax Map Key(s): (1) 5-3-02:035

Ahupua`a: Punaluu

District: Koolauloa

Island: Oahu

Proposed Commencement Date: November 1, 2019

Proposed Completion Date: December 15, 2019

Estimated Project Cost: \$10,000

Total size / area of proposed use: approximately 1,200 SF (20 ft width x 60 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.

REQUIRED SIGNATURES**Applicant**

Name / Agency: Jeff Overton, Principal, G70

Street Address: 111 S. King Street, Suite 170

Honolulu, HI 96813

Contact Person & Title: Jeff Overton

Phone: 808-351-4200

Fax: 808-523-5874

Email: jeff@g70.design

Interest in Property: Agent

Signature: _____ Date: XX/XX/XXX

*Signed by an authorized officer if for a Corporation, Partnership, Agency or Organization***Landowner (if different than the applicant)**

Name: Doug Johnson

Title; Agency: Landowner

Mailing Address: 

Phone:

Fax:

Email:

Signature: _____ Date: XX/XX/XXXX

*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: 111 S. King Street, Suite 170

Honolulu, HI 96813

Phone: 808-351-4200

Fax: 808-523-5874

Email: jeff@g70.design

Signature: _____ Date: XX/XX/XXXX

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: XX/XX/XXXX

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 area are seeking a renewal to Site Plan Approval (OA 13-55) with minor repairs to provide shoreline protection throughout the entire year and to advance the shoreline certification process.

To prevent further erosion, the owner is seeking to renew the authorization of the temporary shoreline protection structure located on parcel 5-3-02:035 with minor repairs. Minor repairs to the structure include the like-to-like replacement of deteriorated materials in the temporary shoreline protection structure. The like-to-like replacements will bring the structure back to its authorized design providing shoreline protection for the property throughout the entire year. Refer to the attached site plan and section exhibits which consist of the following:

The 2 to 1 dune face slope currently placed against the scarp will need approximately 20 cubic yards of sand purchased from Makai Ranch to properly restore the 2 to 1 slope authorized in SPA OA 13-55. Sand that has been previously used to form the 2 to 1 slope will be re-used in the re-construction of a 2 to 1 dune face slope. Previously, sand from Makai Ranch has been authorized in the construction of the temporary shoreline protection structure.

A new SEAbblanket backed with Mirafy 1120 N fabric will be placed on top of the slope replacing the current SEAbblanket. At the base of the blanket, the SEAbags used to form the three rows will be replaced with new SEAbags following the same design of three rows. Replacing deflated SEAbags with new SEAbags will hold the SEAbblanket in place and provide proper protection.

The minor repairs to the existing temporary shoreline protection structure are intended to replace the damaged sections of the structure continuing to provide protection for the property throughout the entire year. No additional materials or structures that were not approved in SPA OA 13-55 will be implemented with the minor repairs.

Minor repairs to the existing temporary shoreline protection structure will not require the use of large machinery. Replacements and removal will all be done by hand implementing Typical Best Management Practices as followed.

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. Work to remove and replace deteriorated materials will be done during low tides and necessary care will be taken to not discharge any materials or liquids into the ocean.

The top of the structure sits within 20-feet from the residence line.

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.

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.

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 20 feet of the residence structure. The existing protection of the property with SEABlankets and SEAbags was approved by the DLNR in 2013 (SPA OA-13-55). At that time an After-The-Fact permit was authorized to the residence after receiving A Notice of Alleged Violation and Order (DLNR Ref. Violation OA-13-27) of a coir sandbag structure. In 2014, the residence was fined with A Notice of Alleged Violation and Order (DLNR Ref. Violation OA-15-14) for unauthorized structures that differed from the approved plan. Unauthorized SEAbag structures were placed to form an additional third row as a response to high tide and high wave movements that occur throughout the winter season. The residence paid the fine to allow the additional third row of SEAbags to protect their property.

The structure has significantly degraded with a deteriorated SEABlanket and deflated SEAbags. The degradation is due to increasing higher tides and wave moments that have taken a large toll on the structure. The entire structure needs minor repair work to provide proper protection for the property.

The adjoining property to the north (Tablit) has a DLNR permitted erosion protection structure. The adjoining property to the south (Yim) is also seeking to renew their temporary shoreline protection structure to protect their property.

The purpose of this project is to continue use of a temporary erosion control structure to prevent further erosion at the subject property (Johnson) and neighbors (Yim and Tablit). Minor repairs with like-to-like replacements will bring the structure back to its standing authorized design in SPA OA 13-55 providing shoreline protection throughout the entire year.

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 over wash.

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.

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)

The following photos show the conditions of the temporary shoreline protection structure.



Johnson shoreline facing North 10-26-18



Johnson shoreline facing South 10-26-18

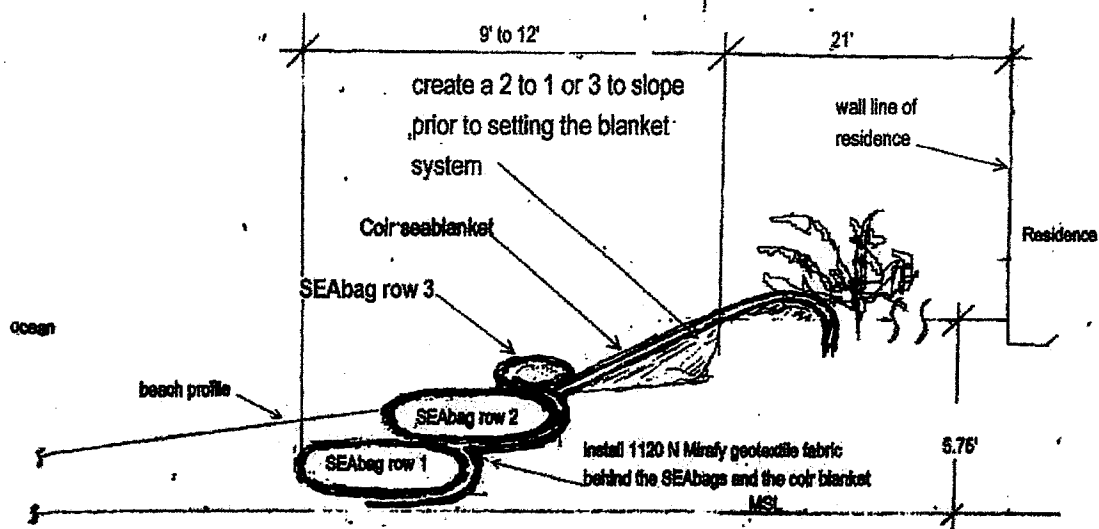


Johnson shoreline structure deflating and coming apart 06-28-19



Johnson shoreline protection structure deflating and coming apart 10-26-18

RL: SPA: OA 13-55



Section view of shoreline protection structure with combination of SEAbags and coir blanket

scale: 1/2" = 1' or dimensions as noted

Johnson shoreline erosion control structure
dimensions as noted

Johnson Residence Shoreline Erosion Control Structure Detail of Structure

EXHIBIT A₂

Exhibit 6

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. GASE
 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
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 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 KAHOLAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

REF:OCCL:SS

Emerg. CDUA OA 20-8

NOV 18 2019

G70
 c/o Jeff Overton, Principal
 111 S. King Street, Suite 170
 Honolulu, HI 96813

SUBJECT: Request for Temporary Emergency Erosion Control Fronting the Johnson Residence at 53-223 Kamehameha Highway, Punaluu, Oahu; Seaward of TMK (1) 5-3-002:035

Dear Mr. Overton,

The Department of Land and Natural Resources, Office of Conservation and Coastal Lands (OCCL), has reviewed your request to utilize temporary emergency erosion control measures in the form of a geotextile blanket, SEAbags, and the placement of approximately 20 cubic yards of sand along the entire shoreline fronting 53-223 Kamehameha Highway in Punaluu, Oahu, Tax Map Key (1) 5-3-002:035.

Both seasonal and long-term conditions have resulted in erosion of the shoreline fronting the subject property, creating a safety hazard for the single-family residence that sits on the lot. Oahu Shoreline Study Erosion Maps developed by the Coastal Geology Group at the University of Hawaii indicate that the beach fronting the subject property is undergoing long-term erosion (**Exhibit A**). Staff of the DLNR, Office of Conservation and Coastal Lands have monitored the beach conditions in this area closely, particularly over the last several years.

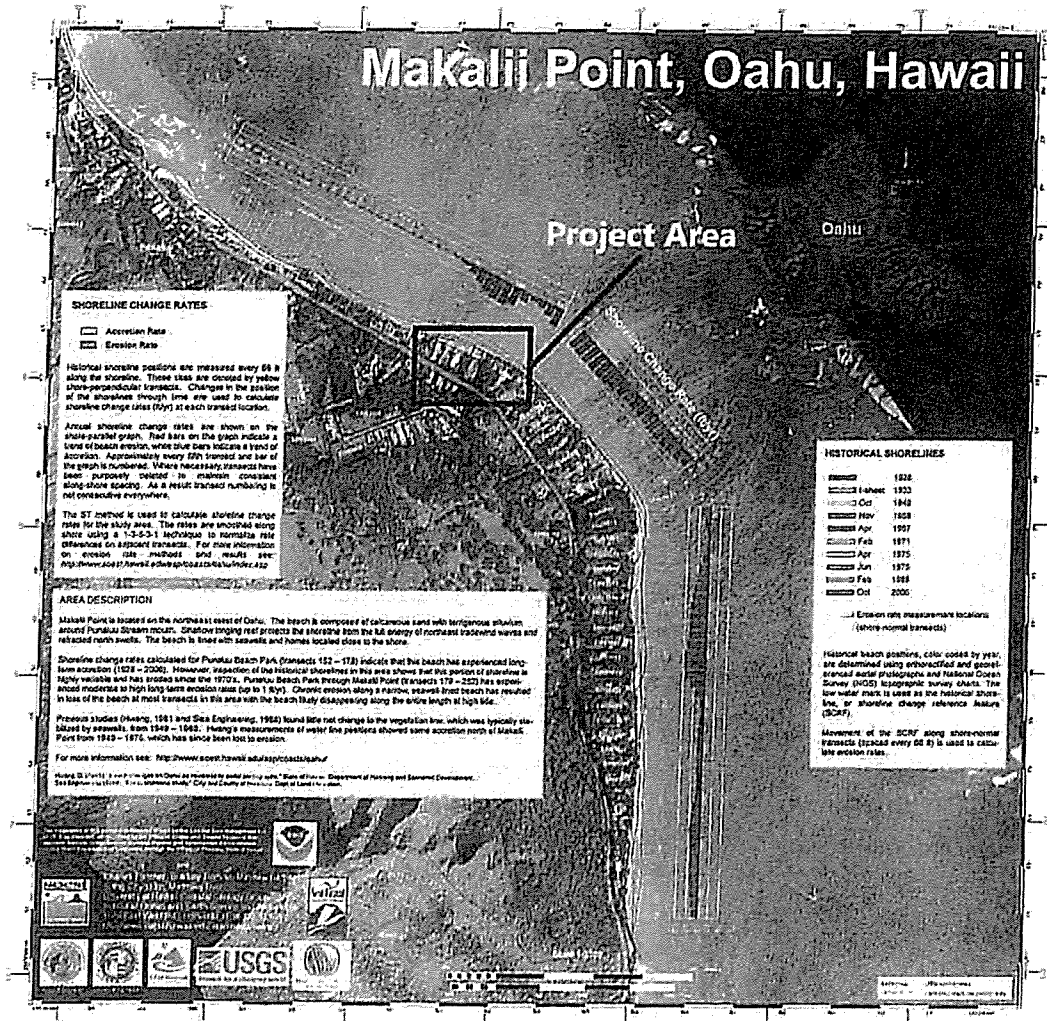


Exhibit A

The DLNR understands that the proposed activities will occur on State land, seaward of where the shoreline would likely be determined based on HAR §13-222 *Shoreline Certifications*. You are proposing like-to-like replacements of previously authorized shoreline erosion control structures. This work would include the like-to-like replacement of deteriorated materials within the structure, installation of a new SEAbanket backed with Mirafly 1120 N fabric, the replacement of the SEAbags at the base of the SEAbanket, and the placement of roughly 20 cubic yards of sand purchased from Makai Ranch to restore the temporary erosion control system authorized in previous approvals for erosion control at the subject property. The work will be done by hand and will be done during low tides to avoid discharge of any materials or liquids into the ocean.

You have applied for a Site Plan Approval to perform the proposed work, but our office has decided to issue an emergency authorization for the temporary structure.

The DLNR authorizes the temporary emergency erosion control measures as described above for three (3) years along the shoreline fronting the subject property while the applicant develops long-term options in an effort to protect public health, welfare, and safety on the subject property 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 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."*

In addition, the temporary structure 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 1: 1. Mitigation of any hazardous conditions that present imminent danger as determined by the Department Director and that are necessary to protect public health, safety, welfare, or public trust resources; and 2. Upon determination by the Department Director that an emergency exists, emergency mitigation and restoration work to prevent damage from continuing to occur and to restore the topographical features and biological resources.* The Office of Conservation and Coastal Lands consulted with the Oahu District Land Office, who has concurred with the Exemption for the proposed project. A Right-of-Entry Permit is required from the Oahu District Land Office, which is attached herein as **Exhibit B**.

The erosion control measures are intended to provide temporary mitigation of the erosion problem and reduce hazards to the subject property while you pursue a long-term strategy. The DLNR requests that you remove and properly dispose of any debris encountered on the beach during the installation of the erosion control measures. Any materials that come loose from the temporary erosion control measures shall be repaired or discarded as soon as possible so they do not end up in the beach or marine environment.

Please review the following Terms and Conditions carefully and return a signed copy to the DLNR.

Terms and Conditions

The DLNR has no objections to the Emergency Temporary Shoreline Protection as described above fronting the subject property, at Tax Map Key (1) 5-3-002:035, provided that you adhere to the following terms and conditions:

1. It is understood that the Emergency Temporary Shoreline Protection is a temporary response to address a safety hazard to the existing single-family residence on the subject property, which is threatened by chronic beach erosion. **The material is authorized as a temporary erosion control measure for three (3) years from the date of issuance of**

this letter. Subsequent erosion control efforts that call for modification, other than maintenance of the proposed structure, will require a new application. At the end of the authorization period, the materials shall be removed;

2. The terms and conditions of the Right-of-Entry Permit pertaining to the subject approval as shown on the attached **Exhibit B**;
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 as well as 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 comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
5. The permittee, their 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;
6. Unless otherwise authorized, any work or construction to be done on the land shall be completed within 180 days of the approval of such use. The permittee shall notify the department in writing at least 24 hours prior to initiating construction and when it is completed;
7. 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;
8. 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;
9. The permittee shall implement standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters. If 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;
10. 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;

11. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
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. In issuing the permit, the Department and the Chairperson have relied on the information and data that the permittees have 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;
14. 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;
15. Obstruction of lateral shoreline access shall be avoided or minimized;
16. For all landscaped area, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in Hawaii Revised Statutes (HRS) §205A-1;
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. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
20. Artificial light from exterior lighting fixtures, including but not limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes, shall be prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to HRS §205A-71. All exterior lighting shall be shielded to protect the night sky;
21. 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;
22. 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

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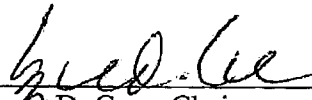
immediately contact the State Historic Preservation Division (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;

23. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;

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

Should you have any questions pertaining to this letter, please contact Salvatore Saluga of our office at (808) 587-0399.


Sincerely,



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

CC: Land Division
✓ City & County of Honolulu
-Planning Department

I concur with the conditions of this letter:


Applicant (Owner: 53-223 Kamehameha Hwy)

Date:

11/22/19

Right-of-Entry Terms and Conditions

1. This right-of-entry permit shall commence upon acceptance of the terms and conditions herein and provision of liability insurance mentioned in paragraph 2 and will run concurrently with this CDUP.
2. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall procure, at their own cost and expense, and maintain during the entire period of this right-of-entry, from an insurance company or companies licensed or authorized to do business in the State of Hawaii with an AM Best rating of not less than "A-VIII" or other comparable and equivalent industry rating, a policy or policies of general liability insurance or its equivalent, in an amount of at least \$1,000,000 for each occurrence and \$2,000,000 aggregate, and with coverage terms acceptable to the Chairperson of the Board. The policy or policies of insurance shall name the State of Hawaii as an additional insured and a copy shall be filed with the State of Hawaii, Department of Land and Natural Resources. The insurance shall cover the entire premises, including all buildings, improvements, and grounds and all roadways or sidewalks on or adjacent to the premises in the use or control of Applicant and its consultants, contractors and/or persons acting for or on its behalf. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall furnish the Department with a certificate(s) showing the policy(s) to be initially in force, keep certificate(s) on deposit during the entire period and furnish a like certificate(s) upon each renewal of the policy(s). This insurance shall not be cancelled, limited to scope of coverage, or nonrenewed until written notice has been given to the Department. The Department shall retain the right at any time to review the coverage, form, and amount of the insurance required. If, in the opinion of the Department, the insurance provisions in this right-of-entry do not provide adequate protection for the Department, the Department may require Applicant, its consultants, contractors and/or persons acting for or on its behalf to obtain insurance sufficient in coverage, form, and amount to provide adequate protection. The Department's requirements shall be reasonable but be designed to assure protection for and against the kind and extent of the risks which exist at the time a change in insurance is required. The Department shall notify Applicant in writing of changes in the insurance requirements and Applicant, its consultants, contractors and/or persons acting for or on its behalf shall deposit copies of acceptable insurance policy(s) or certificate(s) thereof, with the Department incorporating the changes within receipt of the notice. The procuring of the required policy(s) of insurance shall not be construed to limit Applicant, its consultants, contractors and/or persons acting for or on its behalf, liability under this right-of-entry nor to release or relieve the Applicant, its consultants, contractors and/or persons acting for or on its behalf of the indemnification provisions and requirements of this right-of-entry. Notwithstanding the policy(s) of insurance, Applicant, its consultants, contractors and/or persons acting for or on its behalf shall be obligated for the full and total amount of any damage, injury, or loss caused by Applicant's consultants, contractors and/or persons acting for or on its behalf negligence or neglect connected with this right-of-entry.

Exhibit B

3. At all times herein, Applicant, its consultants, contractors and/or persons acting for or on its behalf shall keep the right-of-entry area or premises in a strictly clean, sanitary and orderly condition.
4. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall be responsible for cleaning and restoring the area or premises to its original condition or a condition satisfactory to the Department of Land and Natural Resources upon termination of the right-of-entry permit. All trash shall be removed from the area or premises.
5. Applicant, its consultants, contractors and/or persons acting for or on its behalf comply with all of the requirements of all municipal, state, and federal authorities and observe all municipal, state and federal laws applicable to the right-of-entry area or premises, now in force or which may be in force.
6. Applicant, its consultants, contractors and/or persons acting for or on its behalf indemnify, defend, and hold the State of Hawaii, Department of Land and Natural Resources harmless from and against any claim or demand for loss, liability, or damage, including claims for bodily injury, wrongful death, or property damage, arising out of or resulting from: (1) any act or omission on the part of Applicant, its consultants, contractors and/or persons acting for or on its behalf relating to Applicant, its consultants, contractors and/or persons acting for or on its behalf use, occupancy, maintenance, or enjoyment of the right-of-entry area or premises; (2) any failure on the part of Applicant, its consultants, contractors and/or persons acting for or on its behalf to maintain the right-of-entry area or premises and areas adjacent thereto in Applicant, its consultants, contractors and/or persons acting for or on its behalf use and control, and including any accident, fire or nuisance, growing out of or caused by any failure on the part of Applicant, its consultants, contractors and/or persons acting for or on its behalf to maintain the area or premises in a safe condition; and (3) from and against all actions, suits, damages, and claims by whomsoever brought or made by reason of Applicant, its consultants, contractors and/or persons acting for or on its behalf non-observance or non-performance of any of the terms, covenants, and conditions of this right-of-entry or the rules, regulations, ordinances, and laws of the federal, state, municipal or county governments.
7. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall not cause or permit the escape, disposal or release of any hazardous materials except as permitted by law. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the right-of-entry area or premises any such materials except to use in the ordinary course of Applicant, its consultants, contractors and/or persons acting for or on its behalf business, and then only after written notice is given to the State of Hawaii, Department of Land and Natural Resources of the identity of such materials and upon the
* Department's consent which consent may be withheld at the Department's sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by Applicant, its consultants, contractors and/or persons acting for or on its behalf, then the Applicant, its consultants, contractors and/or persons acting for or on its behalf shall be responsible for the cost thereof. In addition, Applicant, its consultants, contractors and/or persons acting for or

on its behalf shall execute affidavits, representations and the like from time to time at the Department's request concerning Applicant, its consultants, contractors and/or persons acting for or on its behalf best knowledge and belief regarding the presence of hazardous materials on the right-of-entry area or premises placed or released by Applicant, its consultants, contractors and/or persons acting for or on its behalf.

8. Applicant, its consultants, contractors and/or persons acting for or on its behalf agree to indemnify, defend and hold the State of Hawaii, Department of Land and Natural Resources harmless, from any damages and claims resulting from the release of hazardous materials on the right-of-entry area or premises occurring while Applicant, its consultants, contractors and/or persons acting for or on its behalf is/are in possession, or elsewhere if caused by Applicant, its consultants, contractors and/or persons acting for or on its behalf. These covenants shall survive the expiration or earlier termination of this right-of-entry.

For purposes of this right-of-entry, "hazardous material" shall mean any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, the Federal Clean Water Act, or any other federal, state, or local environmental law, regulation, ordinance, rule, or by-law, whether existing as of the date hereof, previously enforced, or subsequently enacted.

9. Applicant, its consultants, contractors and/or persons acting for or on its behalf in the exercise of this right-of-entry shall use appropriate precautions and measures to minimize inconveniences to surrounding residents, landowners, and the public in general.
10. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall not store any personal belongings in the right-of-entry area or premises during the effective period of this right-of-entry
11. All costs associated with the construction within the right-of-entry area or premises shall be the sole responsibility of Applicant, its consultants, contractors and/or persons acting for or on its behalf
12. Applicant, its consultants, contractors and/or persons acting for or on its behalf shall maintain and employ debris, pollution and contamination control measures, safeguards and techniques to prevent debris, pollution or contamination to the ocean waters, streams or waterways resulting from Applicant, its consultants, contractors and/or persons acting for or on its behalf use, maintenance, repair and operation of the right-of-entry area or premises, and shall take immediate corrective action in the event of such pollution or contamination to immediately remove the cause of such pollution or contamination, and shall immediately clean the right-of-entry area or premises and its surrounding waters of such pollutant or contaminant and restore to the State of Hawaii, Department of Land and Natural Resources satisfaction the areas affected by such pollution or contamination, all at Applicant, its consultants, contractors and/or persons acting for or on its behalf own cost and expense.

Entry, CDUA OA 20-38

13. Excavated material (sand) shall be placed on the shoreline and not removed from the shoreline.
14. Best management practices shall be employed to avoid having silt or dirt enter the ocean.
15. In the event any unanticipated sites or remains such as bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls are encountered Applicant, its consultants, contractors, and/or persons acting for or on its behalf shall stop work and contact the State Historic Preservations Division in Kapolei at (808) 692-8015 immediately.
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 this CDUP.
20. Applicant shall provide an additional signed copy of this CDUP to the respective district land office:

District Land Offices Contact Information

County	Address	Tel.	Fax
Honolulu	1151 Punchbowl St., Room 220, Honolulu, HI 96813	(808) 587-0433	(808) 312-6357
Maui	54 High St., Room 101, Wailuku, HI 96793	(808) 984-8103	(808) 984-8115
Hawaii	75 Aupuni St., Room 204, Hilo, HI 96720	(808) 961-9590	(808) 961-9599
Kauai	3060 Eiwa St., Room 208, Lihue, HI 96766	(808) 274-3491	(808) 241-3535

Exhibit 7

Figure 1: May 29, 2020 OCCL Photo of Property's Unauthorized Shoreline Structure & Other Erosion Control Materials



Figure 2: May 29, 2020 OCCL Photo of Property's Shoreline Structure & It's Positioning Out on the Public Beach



Figure 3: May 29, 2020 OCCL Photo Showing the Installation of Unauthorized Erosion Control Materials



Figure 4: June 8, 2020 OCCL Photo of the Property's Completed Unauthorized Shoreline Structure & Interference with Lateral Shoreline Access

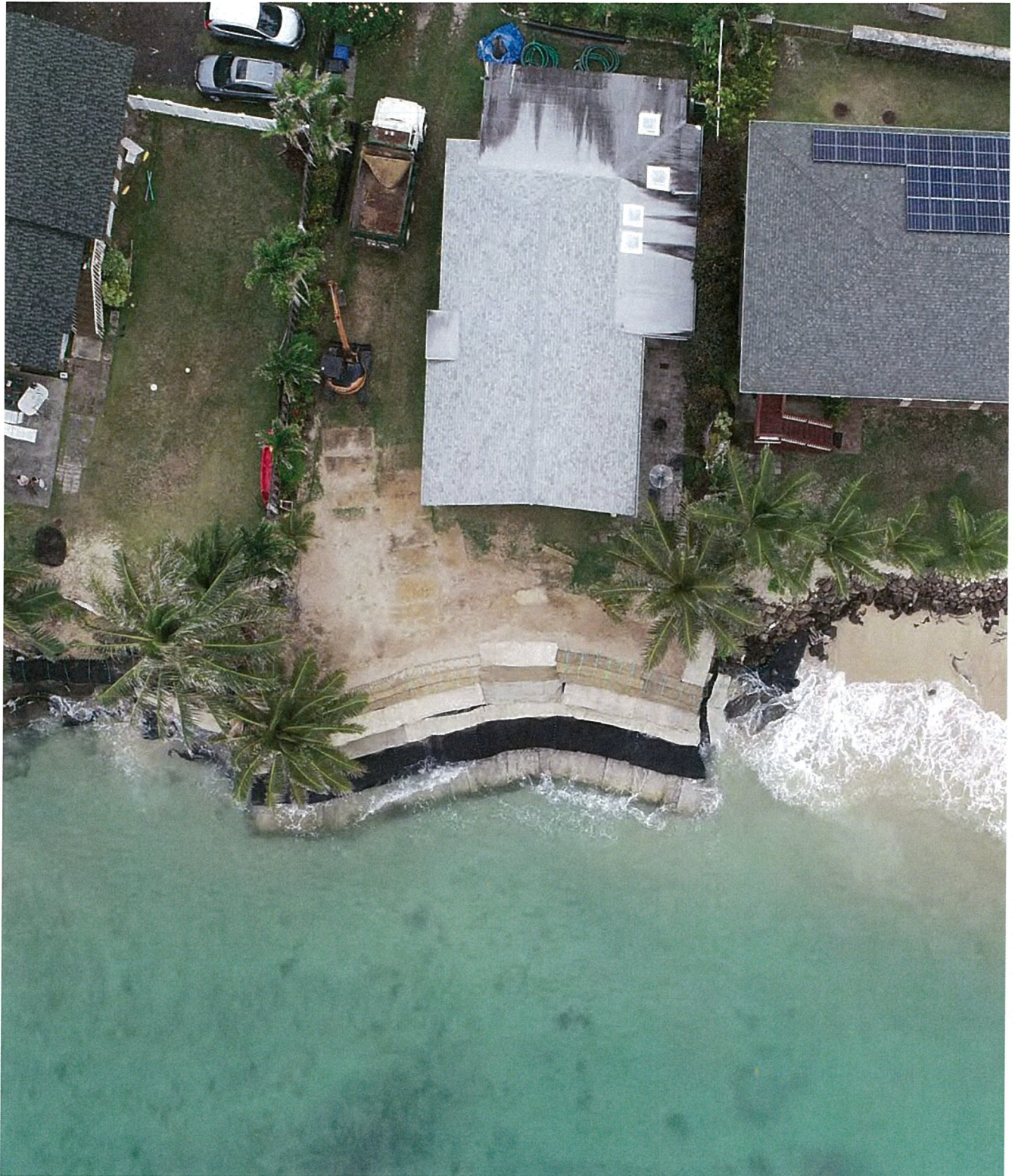


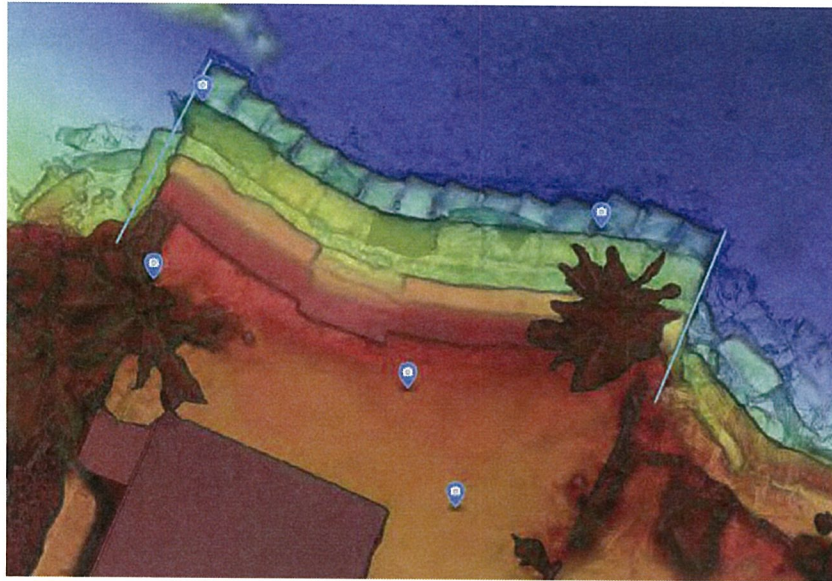
Figure 5: June 8, 2020 OCCL Photo Showing Property's Unauthorized Shoreline Structure



Figure 6: March 17, 2021 OCCL Photo Showing Property's Shoreline Structure Consisting of Several Rows of Unauthorized Erosion Control Materials



Figure 7: March 17, 2021 OCCL Photo of Property's Overbuilt Shoreline Structure in Relation to OCCL Staff Member



Elevation Profile

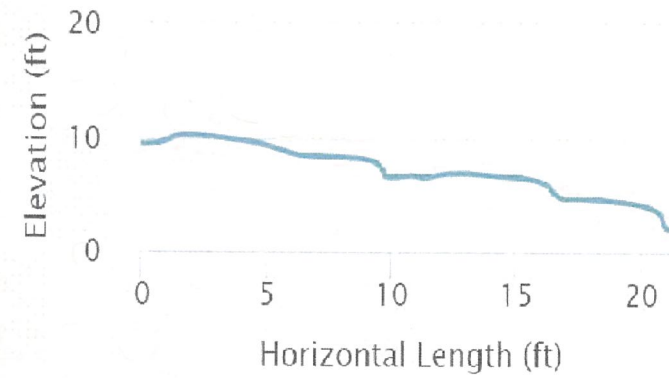


Figure 8: OCCL Elevation Model of Unauthorized Structure. It Appears to be Approximately 8-9ft Tall and 24-27ft from the Shoreline onto Submerged Lands Exceeding Authorized Specifications.

Exhibit 8

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
 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
 KAHOO LAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

REF: OCCL: TF

Vio. OA 20-38

NOTICE OF ALLEGED VIOLATION & ORDER

JUN 19 2020

CERTIFIED MAIL/RETURN RECEIPT
 7019 0700 OCC1 4008 9361

Douglas Johnson
 53-223 Kamehameha Hwy
 Punaluu, HI 96717

SUBJECT: Alleged Unauthorized Land Use Within the Conservation District Located Makai (seaward) of 53-223 Kamehameha Hwy, Punaluu, Koolauloa Oahu, HI 96717
 Tax Map Key: (1) 5-3-002:035

Dear Mr. Johnson:

It has come to the attention of the Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) 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 the placement of erosion control material in excess of what has been authorized by the DLNR (*Exhibit 1a, taken 05/29/2020, 1b taken 06/08/2020, 1c taken 05/05/2020*).



Mr. Douglas Johnson

Vio. OA 20-38



Exhibit 1 a,b,c

According to OCCL files, the landowner was authorized to perform like-to-like replacement of deteriorated materials to restore a previously approved temporary erosion control system. Components of the authorized like-to-like replacement and repair of materials of the temporary erosion control system included the following:

- 20-yds³ of sand placed against the scarp to create a 2 to 1 sloped beach face;
- SEAbblanket backed with Mirafy 1120 N fabric placed against the dune face slope;

Mr. Douglas Johnson

Vio. OA 20-38

- Two rows of SEAbags placed along the bottom of the SEABlanket to anchor down and a SEAtube placed at the top of the slope to hold down the SEABlanket from above.

The structure observed by OCCL staff on 05/29/2020 and 06/8/2020 appears to include several rows of SEAbags and other material which significantly exceeds authorized specifications (*see Exhibit 1a*). Additionally, material appears to have been placed an excessive distance out onto the public beach and does not appear to meet specifications regarding its placement. This is evidenced by *Exhibit 1c* which shows construction of the structure excessively seaward of the shoreline boundary.

The OCCL notes that the alleged unauthorized work and unauthorized placement of erosion control material in excess of what has been authorized as shown in *Exhibit 1a, 1b, and 1c* appears to have been placed makai (seaward) of the shoreline. 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 unauthorized placement of erosion control material in excess of what has been authorized as shown in *Exhibit 1a, 1b, and 1c* on the lands makai of the shoreline of the parcel with the TMK: (1) 5-3-002:035 has occurred within the Resource Subzone of State Land Use Conservation District. According to OCCL files, it appears that this work and land use was not authorized by the Department.

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 excessive work, erosion control material, and structure has taken place on the public sandy beach seaward of TMK: (1) 5-3-002:035 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*

Mr. Douglas Johnson

Vio. OA 20-38

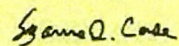
deprived of all reasonable use of the land or building without the permit; (2) the use would not adversely affect beach processes or lateral public access along the shoreline, without adequately compensating the State for its loss; or (3) public facilities (e.g., public roads) critical to public health, 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 work and land use were not authorized by the Department of Land and Natural Resources under Chapter 13-5, HAR; and
4. The work and land use have 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 excessive erosion control material and other structures within the shoreline area within 30 days of receipt of this order. Additionally, the OCCL requests that any removal activities associated with the unauthorized land use and structures be coordinated with the Department to ensure proper removal. Pursuant to 183C-7(b), HRS, the Board of Land and Natural Resources (Board) may subject you to fines of not more than \$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 pertaining to this letter, 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, Chairperson
Board of Land and Natural Resources



CC: Oahu Board Member
DOCARE (Oahu)
ODLO
City & County of Honolulu, Department of Planning and Permitting
Jeff Overton, G70, 111 S. King St. Suite 170, Honolulu HI 96813
Douglas Johnson, [REDACTED]

Exhibit 9

Shoreline Restoration of Hawaii, LLC
PO Box 188
Waimanalo, HI 96795
Ph. 808-228-9391 or email correa.joe@gmail.com

7-2-20

To Whom it may concern

Re: Johnson shoreline protection structure
53-223 Kamehameha Hwy.
Punaluu, HI 96717
Tmk: (1) 5-3-002-035

The Need for a Robust Shoreline and Beach Protection Structure

History:

Over the many years that we have been providing shoreline protection for the Punaluu Beach Lots and the Punaluu Beach Park, we have been experiencing and continue to experience stronger prevailing east to west currents, higher tides, king tides, stronger wave surges, regular overtopping of the shoreline protection structure, greater wave scour at front, back and sides of structure.

The Problem:

All of these stronger forces lead to the scouring out of the sand in the near shore, down to hard pan, during the summer, fall and winter seasons, which in turn allows an even greater volume of destructive waterborne kinetic energy to move in, out and along the coast.

The Solution:

- A. In order to mitigate this destructive waterborne kinetic energy,
- 1) we must envision and implement means and methods to conserve and retain the beach sand along the coast.
 - 2) We must develop inland sand sources to use strictly for beach restoration and beach nourishment projects.
 - 3) We must develop and test shoreline protection structures that better absorb wave energy and carefully deflect the long shore current away from downstream beaches.

- B. In order to improve recreation and cultural uses of the shoreline:
 - 1 We must develop shoreline protection structures that allow for better physical accessibility along the shoreline, the beach and nearshore for recreational, physical exercise and cultural use.
- C. In order to improve the nearshore environment and water quality:
 - 1. We must develop shoreline protection structures that seal and stop the migration of dirt and sand fines into the nearshore ecosystem to protect coral reef and algae seabeds.

The current shoreline protection structure recently installed at the Johnson residence at Punaluu takes into consideration all of the above. But in order for the structure to work, the footprint needs to be stretched out to create a gradual transition from -1' below mean seal level, to the top of dune elevation.

Furthermore, there must be a greater distance between the top of the shoreline protection structure and the habitable structure to allow for wave overtopping during the highest tides and wave events of the year. The Johnson yard elevation is a mere 6.5' above msl, allowing for greater wave overtopping and runup damage to the habitable structure during high tide and wave events.

Please test Joe Correa at 808-228-9391 to comment.

Thanks for your time.

Joe Correa

Exhibit 10

From: [Douglas Johnson](#)
To: [Fitzpatrick, Trevor J](#)
Cc: [Douglas Johnson](#)
Subject: [EXTERNAL] Letter in response TSP
Date: Monday, July 20, 2020 8:29:27 PM
Attachments: [PunaluuLetter to Dr.Case.docx](#)

Trevor,
Mailing this letter to Dr. Case with copy to you tomorrow.
Let me know what you think, please.
Doug Johnson

Douglas W. Johnson


 RECEIVED
 OFFICE OF CONSERVATION
 LAND AND NATURAL RESOURCES

2020 JUL 28 A 9:42

 ST. JOHN
 HAWAII
 ST. JOHN

Dear Dr. Case,

This letter is in response to your letter of June 30, 2020 regarding Alleged Unauthorized Land Use Within the Conservation District Located Makai (seaward) of 53-223 Kamehameha Hwy, Punaluu, Koolauloa Oahu, HI, 9817

Tax Map Key: (1) 5-3-002: 035

According to OCCL files, I was authorized to perform like to like replacement of deteriorated materials to restore previously approved temporary erosion control system. This included two rows of seabags and 20 yards of sand against the scarp to create a 2-1 sloped beach face with Mirafi fabric against the slope.

The structure in place consists of 2 rows of sand filled fabric bags placed in the same position as the previous bags that were removed because of severe damage. These bags are in line with the neighbors deteriorated bags. The rest of the structure is composed of sand in Mirafi blanket creating a 2-1 slope as requested. The entire structure measures 60 feet across, 20 feet deep by 9 feet high. Above the row of bags is an 18 inch walk way on the bags to allow for beachgoers access to the next shoreline at high tide.

We would like to keep this current structure in place until we have a permanent structure approved by the City and County. We have application for a shoreline variance which was initially rejected by the City and County with a hold on the appeals hearing because of the COVID 19 shutdown.

It will take some time to complete the permit and the current structure built will likely deteriorate before the expiration of the temporary permit as all previous temporary structures have. These structures of fabric and sand last no more than one year or less from my experience of placing or repairing 4 structures in the last 8 years.

I have the right to protect my property from damage from natural causes and request that this temporary structure be permitted to protect my house until the hearing for the shoreline variance is settled. It will be removed when the new permanent structure is in place.

In the meantime, we request permission for a permit to install a temporary stub groin at the north end of my property which should result in sand accumulation on the beach and protection of the adjacent properties.

Please contact me with your decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Johnson".

Doug Johnson

Exhibit 11

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
 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
 KAHOLAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

REF: OCCL: TF

Dr. Douglas Johnson



Vio. OA 20-38

JUL 21 2020

SUBJECT: Alleged Unauthorized Land Use Within the Conservation District Located Makai (seaward) of 53-223 Kamehameha Hwy, Punaluu, Koolauloa Oahu, HI 96717
 Tax Map Key: (1) 5-3-002:035

Dear Dr. Johnson:

The Office of Conservation and Coastal Lands (OCCL) thanks you for meeting and allowing staff to conduct a site visit on the subject property regarding our Notice Of Alleged Violation & Order letter sent to you on June 30th, 2020 and the alleged unauthorized work and land uses that have been conducted in the Conservation District. After meeting with you and your contractor on Thursday July 2nd, 2020 to discuss this matter, it is clear to us that there has been work done in the shoreline area that includes the placement of erosion control material in excess of what has been authorized by the Department of Land and Natural Resources (DLNR).

According to OCCL files, the landowner was authorized to perform like-to-like replacement of deteriorated materials to restore a previously approved temporary erosion control system with Emergency CDUA OA 20-8. Components of the authorized like-to-like replacement and repair of materials of the temporary erosion control system included the following:

- 20-yds³ of sand placed against the scarp to create a 2 to 1 sloped beach face;
- SEABlanket backed with Mirafy 1120 N fabric placed against the dune face slope;
- Two rows of SEAbags placed along the bottom of the SEABlanket to anchor down and a SEAtube placed at the top of the slope to hold down the SEABlanket from above.

The structure observed by OCCL staff on 05/29/2020, 06/8/2020, and 07/02/2020 appears to include several rows of SEAbags and other material which significantly exceeds authorized specifications. Based on the information you and your contractor provided staff during the 07/02/2020 site visit, you and your contractor used 2.5 ton Elcorock sandbags for the first two rows of the alleged unauthorized structure which was not authorized by OCCL. Installation of these large fortified Elcorock sandbags is tantamount to constructing a permanent shoreline structure. For your information, the OCCL has denied past requests to use such sandbags as temporary erosion control structures because they result in semi-permanent shoreline structures which is not the intent of the temporary approvals we routinely grant. The Elcorock sandbags

Dr. Douglas Johnson

Vio. OA 20-38

fronting your property will have to be removed. In addition to the use of prohibited materials, your alleged unauthorized erosion control structure also appears to have been placed an excessive distance out onto State lands and does not appear to meet specifications regarding its placement.

According to OCCL files, it appears that you as the landowner of the property with the TMK: (1) 5-3-002:035 have been the subject of two previous violation cases. Vio OA 13-27 was issued to you on February 13th, 2013 for the unauthorized placement of an erosion control structure on state lands in the Conservation District for which you chose to pay an administrative fine and apply for an After-the-Fact permit for the structure. On October 31st, 2014, you were issued Vio OA 15-14 after a site inspection revealed that the temporary erosion control structure differed from what was previously authorized. You chose to pay an administrative penalty and keep the structure. These previously unapproved actions and structures coupled with the current issues observed and documented by staff in the Notice Of Alleged Violation & Order sent to you on June 30th, 2020 suggest a repeated pattern by the landowner and their contractor/agent of performing excessive work and conducting unauthorized land uses in the Conservation District.

Pursuant to 183C-7(b), HRS, the Board of Land and Natural Resources (Board) may subject you to fines of not more than \$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.

The OCCL urges you to remove the alleged unauthorized materials and erosion control structure within 30 days of the date of this letter and reconstruct the structure under our supervision and in accordance with what was approved by Emergency CDUA OA 20-8. The OCCL requests that any removal activities associated with the unauthorized materials, land use, and structures be coordinated with OCCL and the Department to ensure proper removal and re-installation. 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 pertaining to this letter, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 798-6660 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
Chairperson

Exhibit 12

Fitzpatrick, Trevor J

From: Douglas Johnson [REDACTED]
Sent: Thursday, August 27, 2020 10:05 PM
To: Fitzpatrick, Trevor J
Subject: Re: [EXTERNAL] Violation

Trevor,
 Thanks for responding.
 This is adequate for me.
 Doug J.

On Thu, Aug 27, 2020 at 1:29 PM Fitzpatrick, Trevor J <trevor.j.fitzpatrick@hawaii.gov> wrote:

Good afternoon Dr Johnson –

We would like you to remove the alleged unauthorized erosion control structure and have it rebuilt in accordance with what was authorized. We would like you to coordinate these activities with the Department and have them supervised.

Should you have further questions, feel free to contact me.

Regards,

Trevor Fitzpatrick

From: Douglas Johnson [REDACTED]
Sent: Thursday, August 27, 2020 12:17 PM
To: Fitzpatrick, Trevor J <trevor.j.fitzpatrick@hawaii.gov>
Subject: [EXTERNAL] Violation

Trevor,

Just to recap our last conversation. My offer to remove the elcorock bags and replace with burritos was not sufficient.

Entire structure to be removed under DLNR supervision and rebuilt under DLNR supervision at my expense with a contractor of my choice.

Doug J

Exhibit 13DAVID 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
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 CONSERVATION AND RESOURCES ENFORCEMENT
 ENGINEERING
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 KAHOLAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

REF: OCCL: TF

Dr. Douglas Johnson

Vio. OA 20-38

APR 12 2021

SUBJECT: Alleged Unauthorized Land Use Within the Conservation District Located Makai
 (seaward) of 53-223 Kamehameha Hwy, Punaluu, Koolauloa Oahu, HI 96717
 Tax Map Key: (1) 5-3-002:035

Dear Dr. Johnson:

The Office of Conservation and Coastal Lands (OCCL) has reviewed enforcement file Vio. OA 20-38 and your previous letter dated March 5, 2021. On August 27, 2020, you indicated to OCCL that you were willing to work with our office to bring your temporary erosion control structure into compliance. Approximately seven (7) months have passed since you stated that you would remove the unauthorized structure and associated unauthorized materials, and reconstruct it in compliance with the Emergency CDUA OA 20-8. Additionally, you have not provided OCCL with the requested information nor taken meaningful actions to bring the structure into compliance.

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 BLNR meeting in the future.

Should you have any questions pertaining to this letter, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Lands at (808) 798-6660 or trevor.j.fitzpatrick@hawaii.gov.

Sincerely,

Sam Lemmo

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

CC: Chairperson
 Oahu Board Member
 ODLO
 City & County of Honolulu, Department of Planning and Permitting

Exhibit 14Douglas W Johnson


May 3, 2021

Mr. Sam Lemmo, Administrator
 Office of Conservation and Coastal Lands
 State of Hawaii, Dept of Land and Natural Resources
 1151 Punchbowl St., Rm 131; P.O. Box 621
 Honolulu, HI 96809-0621

OFFICE OF CONSERVATION AND COASTAL LANDS

2021 MAY 10 A 11:49

DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII**Subject: Unauthorized land use within the conservation district, Punaluu**

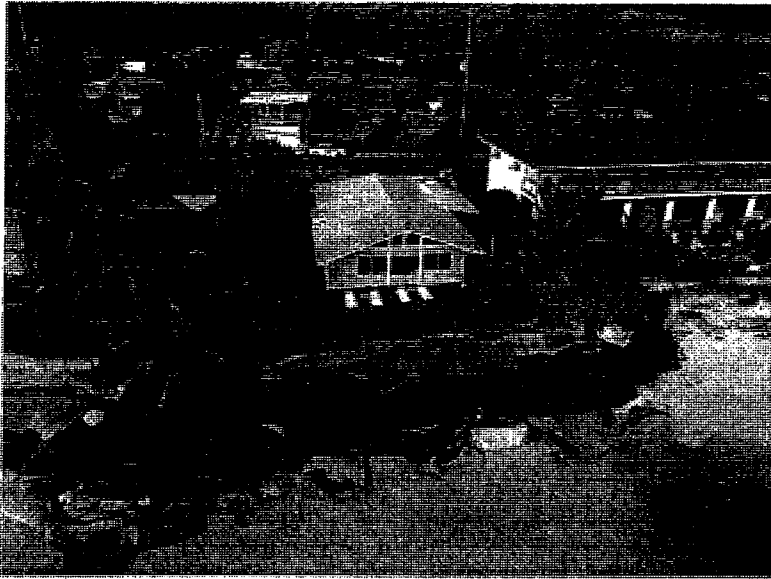
Dear Mr. Lemmo,

Thank you for your letter dated March 16th in response to my phone call and letter of March 5, 2021 and your letter dated April 12, 2021. Please note that we receive your letters 10-14 days after the date posted on the letterhead. We truly appreciate the patience of the State to work through the issues necessary to address shoreline protection at our Punaluu property.

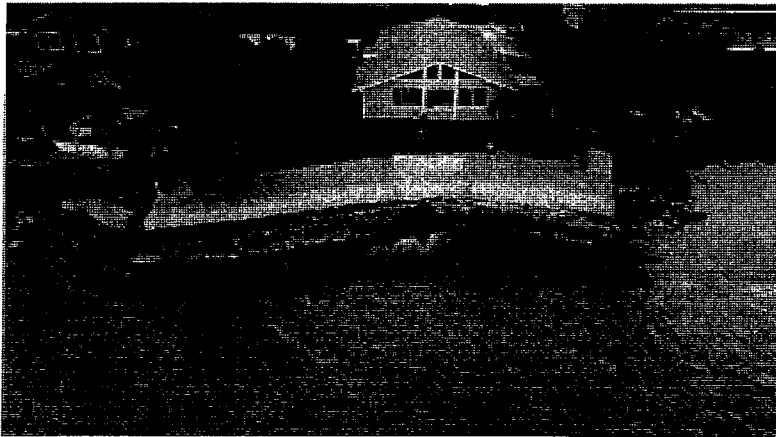
It is clear from your correspondence that the OCCL is requesting the removal of the entire temporary structure fronting our property, with direction to reconstruct a smaller scale protection with different materials under OCCL supervision. The purpose of the State's request is tied to our use of Elcorock geotextile bags. We reiterate that the materials we used were the only geotextile bags available at the time of repair last year. This structure is to hold us until we get a permanent solution with the city. We have been working on a Shoreline Variance for 6 years. Because of COVID-19, there has been a delay in our appeal with no hearing scheduled. We are contacting the city for an update

The other issue raised by the State is the claim by the State that the replacement geotextile bags are positioned more seaward than necessary. The site plan approval permit issued for our property is for like-like replacement of the previous structure. Aerial photos provided to the State clearly show the repaired structure to be in the same position as the prior structure. These photos show the neighboring protective structures have collapsed with one property on the north side replacing his burritos with rocks. The other property to the south has a site plan approval but has not finished repairs to his protective structure. With challenges we are having with the current violation, this neighbor has not proceeded.

First photo April 2019 permitted structure with loss of two rows geotextile bags



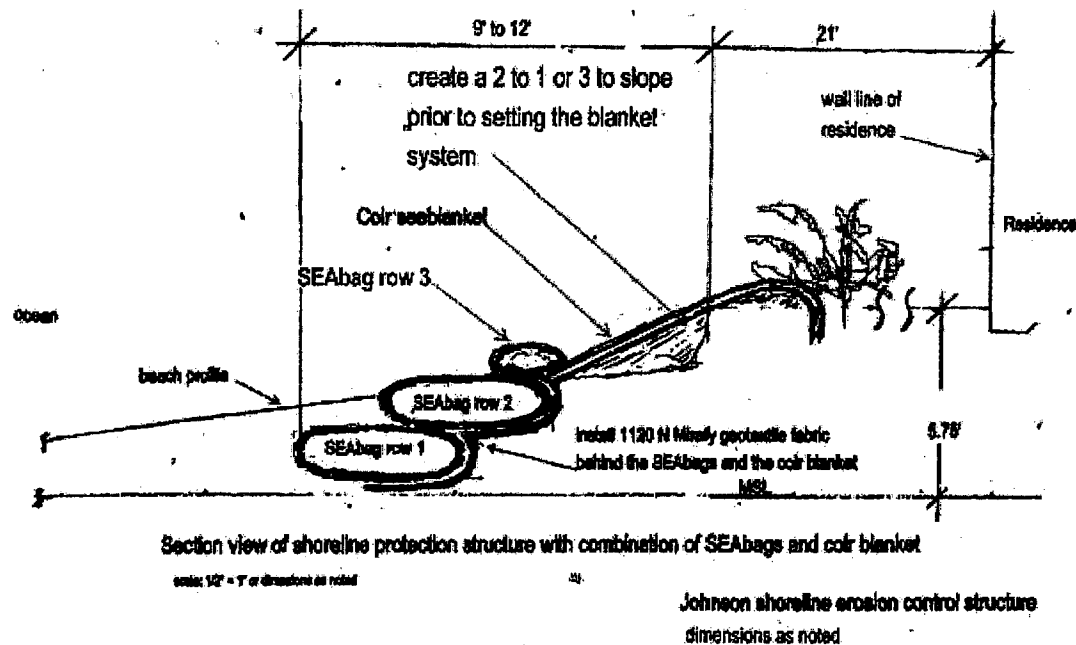
Second photo April 2021, structure in violation



Both of the neighboring homes are positioned at a greater distance from the shoreline than my home. If we allowed the shoreline scarp to progress inland on our property and it aligned with their land, our home would now be on the edge of the ocean. We have maintained our shoreline protection because our home is closer to the scarp. We have been asked to shrink the new structure 10 feet landward. I am reluctant to move the structure landward 10 feet as our shoreline is pounded by winter surf during high tide and storms and it will put my home in danger of damage. My yard is 6-7 feet above MSL and we need the buffer to absorb wave runup. Moving the structure back will likely result in costly maintenance to the structure and home. It will also eliminate the pedestrian access across the structure that we have created.

As you requested, we have secured the geotextile material from Tencate called Geotube. We would like to replace the Elcorock geotextile bags with Geotube, rather than using a Mirafy blanket. The new structure is to be 10 feet landward which will make it much smaller than the

current and previous structure approved in 2013 and would result in a one to one slope with and unstable structure and potential for significant erosion. We are not utilizing the home for the months of May, July and August to complete the revision. However, from your last letter it is not clear if we should proceed with the rebuild. Should we await the decision of the board before proceeding? Please advise on our plan to proceed with the construction and the use of the Geotube. The new structure would have 1 or 2 Geotubes at the base but could we make it 5 feet landward instead of 10 with loss of the pedestrian access? It takes 6 weeks to receive the geotubes after ordering.

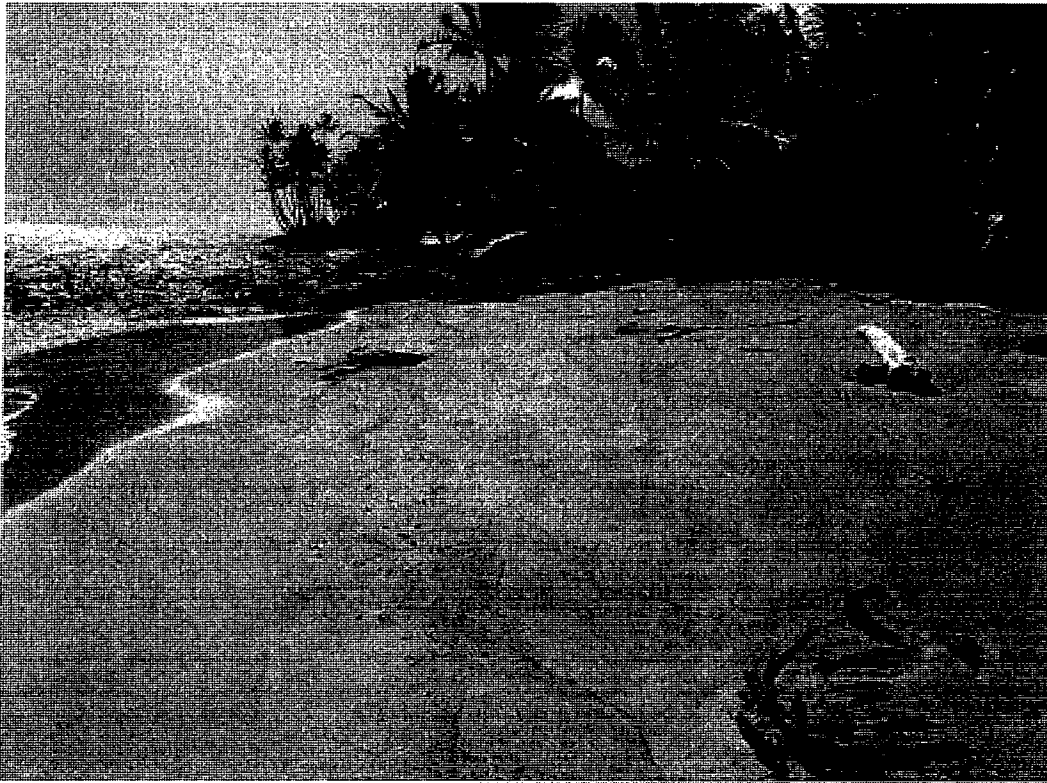


We asked Trevor Fitzpatrick at OCCL to provide the name of contractors that will be comfortable with the DLNR monitoring progress during removal and reconstruction. We provided a copy of the second letter requesting documentation of dismantling and rebuilding of the new structure to the contractors. We requested quotes from Gundaker and Shoreline Restoration for removal and rebuilding of the structure with documentation, as outlined in your last letter. Both Gundaker Works and Shoreline Restoration have again declined to respond with a quote. In our recent phone call with Trevor, we asked for contractors that have worked within the parameters you outlined. We are waiting to hear from Trevor which contractor has been used in this capacity. We enclosed a sample of the Tencate GT 1000MB from Geotech Solutions for rebuilding my structure when we find a contractor. Troy from Geotech solutions had no one else to suggest for the project. Please have Trevor contact us with an interested contractor.

Our intent is to comply with the request from the DLNR. The best window of time for the work remains May, July and August of this summer season. Work done outside this window will be difficult because of winter swells. If the structure is replaced, will the current permit for it

expire November of 2022 with structure to be removed at that time? We are currently applying for a right of entry permit as you suggested.

Because of longshore drift from the Kaneohe side the existing structure has resulting in significant accumulation of sand on the beach on the Prchal property to the north. It has not impacted the beach on the Yim side to the south. There has been no evidence of flanking and some evidence of stabilization. Neither owner is requesting removal of my structure. We have requested them to respond to your request for removal of my protection structure, and the potential impact it could have on their shoreline. Moving the structure back will likely result in some loss of the beach.



We also understand Prchal is going through a contested case hearing regarding his shoreline protection. His shoreline protection is important in protecting my home and we need to know what legal protection is going to be in place before we design and build my repair structure.

An alternative would be to spend the money to replace our structure with a beach nourishment project. We could extend the north end of the current structure with a sandbag stub groin and take advantage of the longshore drift to see if more beach accumulates. We can guarantee pedestrian access across our current structure. We are also interested in installing a temporary sandbag groin between Yim and Bruciaga, Tang and Punaluu Beach Park. This would be an effort to stabilize/enhance the beaches and homes simultaneously. We are working on a beach nourishment application with an engineer for the 7 homes and will forward this to you as an

alternative. It would be advantageous to develop a shoreline protection/beach nourishment hybrid that works for everyone.

At one time your office offered to purchase our property. I would be interested in exploring that option as this violation has taken away all value of the property. Please let me know the approximate date of the meeting with the land board so I can arrange in my schedule to be there.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Johnson", with a large, stylized initial "D" and "J".

Doug Johnson

cc. Suzanne Case, chairperson, Greg Kugle, Jeff Overton, Trevor Fitzpatrick