

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCE**  
**OFFICE OF CONSERVATION AND COASTAL LANDS**  
**Honolulu, Hawaii**

180-Day Exp. Date: August 14, 2023

May 26, 2023

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

REGARDING: Informational Briefing for Conservation District Use Application (CDUA) OA-3913  
Non-Action Item: *Diamond Head Breakwater Safety Project*

APPLICANT: State of Hawaii, Department of Land and Natural Resources (Department), Land Division

LOCATION: Ka'alawai, Honolulu, O'ahu

OWNERSHIP: State-owned submerged lands

TMK: (1) 3-1-041:seaward of 005

AREA OF USE: 0.77 acres

SUBZONE: Protective

On-line: <https://dlnr.hawaii.gov/occl/current-applications/>

**PROJECT BACKGROUND AND SUMMARY**

The Diamond Head Breakwater is makai of the 4.921-acre parcel known as the Shangri La property, which is owned by the Doris Duke Foundation for Islamic Arts (DDFIA). The submerged lands, totaling .77 acres, were conveyed to the former property owner, Doris Duke Cromwell, by way of an Exchange Deed in 1938. At the same time the landowner established a perpetual easement for the Territory of Hawaii consisting of a four-foot-wide pedestrian right-of-way along the shoreline. The purpose of the privately owned submerged land was to develop a private boat basin (see **Exhibit 1**).

Over time the public began using the boat basin as a recreational area for picnicking, swimming, and snorkeling. Serious injuries have resulted from people engaging in unsafe recreational behavior such as jumping or diving from the rocks. To discourage injurious behavioral activities DDFIA proposed to dismantle the breakwater and use the boulders to construct a natural looking revetment structure along the basin's seawall.

The following chronology discusses the progress of the proposed dismantling:

- June 23, 2017: A Final Environmental Assessment/Findings of No Significant Impact (FEA/FONSI) was published in the The Environmental Notice for the Shangri La Breakwater Safety Initiative and Shoreline Stabilization Project.
- Dec. 15, 2017: The Department accepted Conservation District Use Application (CDUA) OA-3809 from the DDFIA to dismantle the Diamond Head breakwater and use the boulders to reinforce an existing seawall adjacent to the shoreline. The reinforcement was to be in the form of an engineered rock revetment along the entire length of the basin that would mimic a more natural rocky sloped shoreline. DDFIA stated that the project would serve to mitigate a public safety hazard, as serious injuries (paraplegia and quadriplegia) have resulted from high-risk public behaviors; and, to minimize overtopping of the seawall from waves during large wave events.
- April 27, 2018: The Board of Land and Natural Resources (Board) denied Conservation District Use Application (CDUA) OA-3809 after public testimony in opposition. DDFIA requested a contested case.
- May 25, 2018: As a result of confusion regarding the Board's vote at the April 27 meeting the Board was asked to rescind its prior denial of CDUA OA-3809. Rather, the Board affirmed its denial of the application.
- June 14, 2018: DDFIA submitted to the Department an offer to convey to the state, by quitclaim deed, the submerged lands and improvements thereon that were the subject of the CDUA. DDFIA also withdrew its request for the contested case hearing.
- Sept. 28, 2018: The Board accepted DDFIA's conveyance offer at a regularly scheduled meeting.
- Sept. 23, 2020: The transfer of property (submerged lands) was completed. In addition, the State entered a Memorandum of Agreement with DDFIA in which DDFIA would pay up to 1 million dollars towards the dismantle of the breakwater and construction of the revetment along the seawall.

- Feb. 23, 2021: Land Division submitted CDUA OA-3875 on behalf of the Department to dismantle the Diamond Head Breakwater and use the boulders to construct a revetment along existing seawall fronting DDFIA shoreline walkway. The application was substantively similar to DDFIA's previous application. A Hawaii Revised Statutes, Chapter 6E determination from the State of Hawaii Historic Preservation Division (SHPD) was not completed in time for a Board decision, and the CDUA was withdrawn.
- Dec. 23, 2022: Land Division received SHPD's Chapter 6E review. SHPD concurred with the project's proposal and submitted notification that the CDUA permitting process may continue. Land Division submitted CDUA OA-3913 for the project. The 180-day expiration date will expire on August 14, 2023.
- April 5, 2023: A public hearing was held at the Wesley United Methodist Church in Kahala. Oral testimonies in support of the project were given by two DDFIA representatives.

## RECOMMENDATION

This informational briefing is a "non-action" item on the Board's Agenda. A representative from Land Division is present to provide an update to the Board regarding the project. CDUA 3913 can be found online at <https://dlnr.hawaii.gov/occl/current-applications/>. The OCCL proposes to make a recommendation to the Board by or prior to August 11, 2023.

Respectfully submitted,

*Calen Miyahara*

Cal Miyahara  
Coastal Land Program Specialist

Approved for submittal:

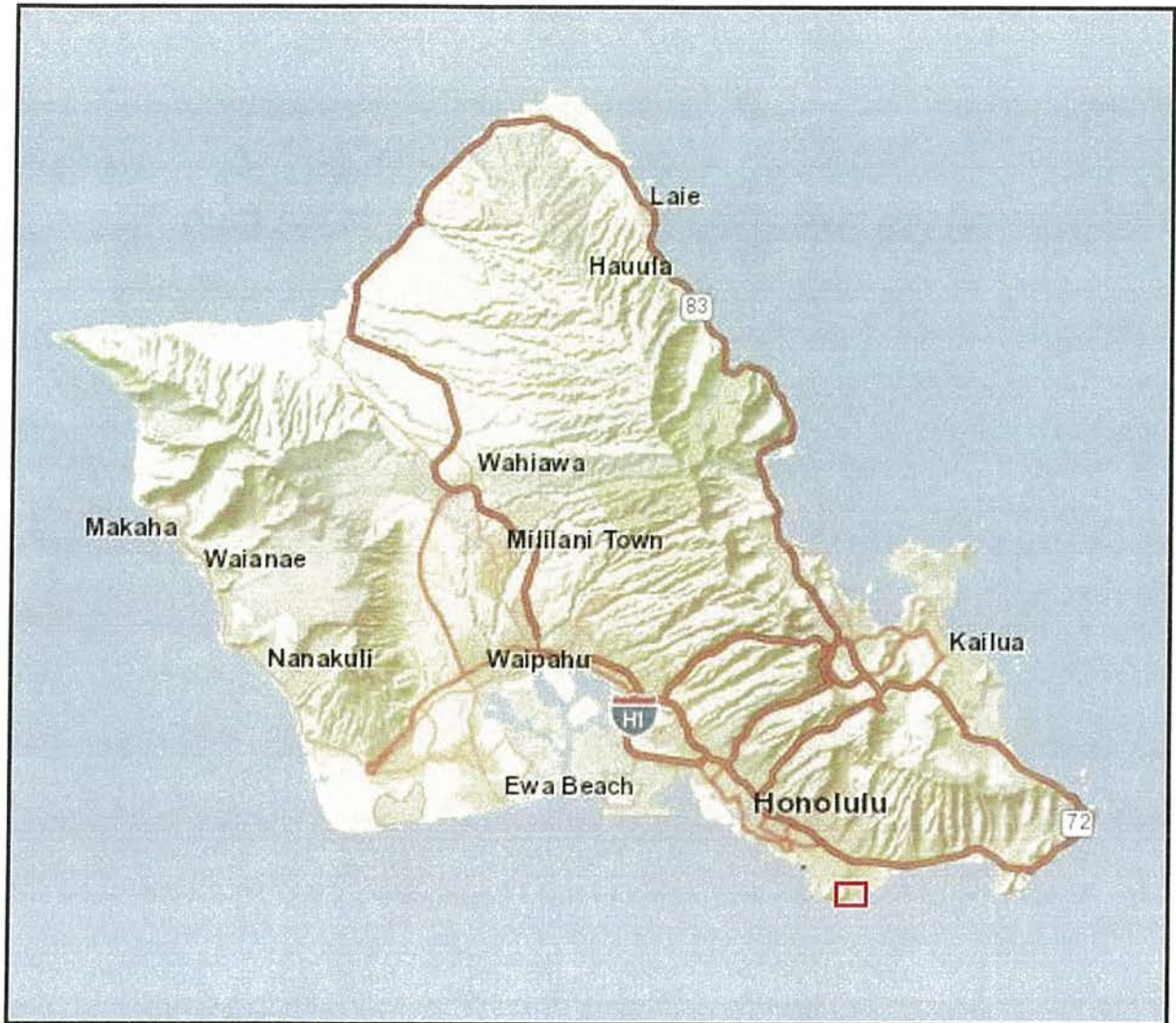


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Dawn N.S. Chang, Chairperson  
Board of Land and Natural Resources

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Note: Aerial view of boat basin and Diamond Head breakwater. TMK: (1) 3-1-041:seaward of 005.



Note: Views of boat basin being used by the public. TMK: (1) 3-1-041:seaward of 005.

**Exhibit 1**





Note: Views of the seawall. TMK: (1) 3-1-041:seaward of 005.



Note: Unsafe public behavior. TMK: (1) 3-1-041:seaward of 005





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