

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 11, 2024

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

PSF No.: 24OD-101

Oahu

Grant of Term, Non-Exclusive Easement, Immediate Right-of-Entry and Revocable Permit to Soichiro Fukutake, Trustee of That Certain Unrecorded Soichiro Fukutake Revocable Living Trust Dated October 6, 2006, for Seawall Footing, Waikiki, Honolulu, Oahu, Tax Map Key: (1) 3-1-041: seaward of 024.

APPLICANT:

Soichiro Fukutake, Trustee of That Certain Unrecorded Soichiro Fukutake Revocable Living Trust Dated October 6, 2006.

LEGAL REFERENCE:

Sections 171-17, 53 and 55, Hawaii Revised Statutes (HRS), as amended.
Section 13-222-7, Hawaii Administrative Rules (HAR).

LOCATION:

Portion of State land located in Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 3-1-041: seaward of 024, as shown on **Exhibits A-1** and **A-2**.

AREA:

279 square feet, more or less, to be reviewed and approved by the Department of Accounting and General Services, Survey Division.

ZONING:

| | |
|--------------------------|---------------------------------------|
| State Land Use District: | Conservation |
| County Zoning District: | R 7.5 (for abutting private property) |

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Unencumbered with encroachments.

TERM, NON-EXCLUSIVE EASEMENT:

CHARACTER OF USE:

Right, privilege and authority to use, maintain, and repair existing seawall over, under, and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson

CONSIDERATION:

One-time payment to be determined by independent appraisal establishing fair market value, subject to review and approval by the Chairperson.

TERM:

Twenty-five (25) years.

The Land Division has reduced the term for which shoreline easements are granted from 55 to 25 years in response to sea level rise projections disclosed in the Hawaii Sea Level Rise Vulnerability and Adaptation Report adopted by the State Climate Change Mitigation and Adaptation Commission and pursuant to the recommendation of the Office of Conservation and Coastal Lands. Landward migration of the shoreline is currently occurring as a direct result of sea level rise. This will progressively expose immobile shoreline structures to an evolving combination of destructive effects from erosion, chronic flooding, and wave

inundation. The intention of the term reduction is two-fold: (1) to reduce the potential for accidents and liabilities resulting from dysfunctional shoreline structures by more frequently reviewing and managing shoreline structures and (2) to facilitate a general process of managed retreat from the shoreline.

MONTHLY RENTAL FOR RIGHT-OF-ENTRY AND REVOCABLE PERMIT:

Monthly rental amount \$293 for right-of-entry and revocable permit has been calculated by staff and has been reviewed and approved by the Chairperson.
(Exhibit B)

REMOVAL BOND:

Applicant shall be required to post a removal bond in an amount of \$39,131 as determined by Land Division in consultation with Engineering Division, subject to approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") §§11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources, reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an Environmental Assessment pursuant to General Exemption Type 1, which applies to "[o]perations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing." Specifically, the subject request is exempt under Part 1, Item 39, which exempts the "[c]reation or termination of easement, covenants, or other rights in structures or land." The subject request is a de minimis action that is expected to have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment.

DCCA VERIFICATION:

Not applicable. Applicant is a trust and is not required to register with the Department of Commerce and Consumer Affairs for this purpose.

APPLICANT REQUIREMENTS: Applicant shall be required to:

1. Provide survey maps and descriptions according to State DAGS standards at Applicant's own cost;

2. Provide liability insurance with minimum coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate, with the State of Hawaii Department of Land and Natural Resources named as an additional insured, for the easement area for the entire, successive terms of the requested right-of-entry permit, revocable permit, and easement;
3. Pay for an appraisal to determine one-time payment in consideration of the easement; and
4. Obtain the prior concurrence of the Legislature and approval of the Governor through a Concurrent Resolution pursuant to §171-53(c), HRS.

JUSTIFICATION FOR REVOCABLE PERMIT:

The land disposition presented to the Board in this matter is an orderly process that uses a series of permits structured to allow for immediate use and occupancy and proceed on a direct course to a to a long-term lease, subject to conditions that benefit the State. The land disposition requested in the present submittal is a three-stage process encompassing:

1. Issuance of a right-of-entry permit for a period of up to six months. This allows the Applicant to immediately legitimize occupancy of the public land in question, begin repair and maintenance of the shoreline protection structure without undue delay and without cost to the State, and begin preparations for the Applicant's obligations under future land dispositions.¹ The right-of-entry permit includes requirements for payment of monthly rent, provision to the Department of a removal bond or equivalent securitized funds, indemnification of the State, and provision of liability insurance by the Applicant. The purpose of the removal bond is to ensure that there are funds available to remove the encroachment from State land in the event that the Legislature or Governor does not approve the easement authorized by the Board.
2. Issuance of a revocable permit for no longer than one year. This allows Land Division time to complete the administrative processes that underlie the grant of easement including approval of the easement contract by the Department of the Attorney General, completion of the appraisal (at the Applicant's cost) to determine the lump-sum payment for value of the

¹ The Applicant's obligations under a right-of-entry and revocable permit include obtaining a survey to confirm the size of the disposition area, obtaining a cost estimate for removing the shoreline protection structure which determines the amount of the removal bond, and procurement through Land Division of an appraisal to determine the lump-sum value of the easement.

easement, and approval of the Legislature and Governor of the easement while the Applicant maintains the same obligations for rent payments, removal costs, indemnification, and provision of liability insurance.

3. Issuance of an easement. This final step cannot be executed without prior completion of the prerequisites stated above. Therefore, the interim disposition through revocable permit is necessary.

The interim revocable permit step is limited in its duration and essential in its utility. While the revocable permit is in effect, the Applicant assumes the costs of maintaining the subject parcel of State land and the liability for any damages caused on or by the Applicant's use of the land during the often-lengthy process of consummating the easement.

REMARKS:

The Applicant is the owner of the private property identified as Tax Map Key: (1) 3-1-041:024. In July of 2023, the Applicant submitted a shoreline certification application, which was rejected due to lack of documentation for a seawall that artificially fixes the shoreline. This seawall is shown in the photographs in **Exhibit C**, which are the land surveyor's photographs submitted with the application package. Section 13-222-7(b)(14), HAR, states, "[i]f the shoreline is being located at the base of a manmade structure, a copy of all documents supporting that the structure has been approved by the appropriate government agencies or is exempt from such approval" must be included with the application for shoreline certification. Additionally, there was an unresolved encroachment consisting of the seawall's footing and collapsed basalt rocks on state submerged land. This encroachment was brought to the attention of Land Division and the Applicant's local representative by the licensed land surveyor who produced the shoreline survey map and submitted the shoreline certification application on behalf of the Applicant. Section 13-222-19, HAR, prohibits certification of a shoreline while unresolved encroachments are present.

In a well-intentioned but misguided attempt to remove the encroachment, a caretaker of the private property independently attempted to remove concrete masonry remnants from the seawall and the shoreline and was cited by the Division of Conservation and Resources Enforcement (DOCARE) for unpermitted work on the shoreline after a community complaint. In consideration of the caretaker's cooperation with DOCARE's direction to immediately cease work on the shoreline and Land Division's direction to pursue appropriate remedies for the encroachment, Land Division declined to pursue any enforcement action against the caretaker or the Applicant. Land Division does not consider this unpermitted work to be a disqualifying factor for proper disposition of the encroachment.

Pursuant to Land Division's direction, the Applicant submitted a Shoreline Encroachment Information Sheet to Land Division and requested an easement disposition for the encroachments. The Applicant also later submitted a survey map of the property that identifies the encroachment area. **(Exhibit D)**

Staff from Land Division and the Department of Accounting and General Services' Survey Division conducted a site visit to the property on November 14, 2023. The site visit confirmed the following: the seawall is located within the private property boundaries; the shoreline runs along the makai side of the seawall; and the seawall's footing along with materials that have become detached from the seawall constitute an encroachment on state submerged land. The seawall is composed of concrete rubble masonry (CRM) consisting of basalt rocks and concrete masonry. While the seawall is largely intact and appears to be structurally sound, some basalt material and concrete masonry remnants have become detached from the seawall face and footing and have fallen onto state submerged land. Some of the detached basalt material contains concrete masonry remnants.

Land Division staff forwarded the Applicant's Shoreline Encroachment Information Sheet and photographs from the site visit to the Office of Conservation and Coastal Lands (OCCL) for further analysis of the shoreline conditions and recommendation for disposition by a Sea Grant Extension Agent. OCCL determined, based on a review of documentation including past building permits and historical aerial photographs, that the seawall and footing are allowable nonconforming land use pursuant to chapter 183C, HRS. **(Exhibit E)** OCCL's analysis and determination of nonconforming status constitutes documentation to satisfy the requirements of section 13-222-7(b)(14), HAR, that the structure is exempt from approval by the appropriate government agency and allowed Land Division to proceed with the present submittal.

OCCL's analysis found that the seawall and intact CRM footing do not appear to have an impact to shoreline processes or sediment transport in the area and, therefore, removal of the intact footing would not result in substantial improvement to beach resources fronting the property. OCCL's analysis further found that the basalt material of the seawall and footing is similar to the basalt cliffs and boulders that constitute the natural rocky headlands of the surrounding coastal area and can remain along the coastline with no negative effects to public access. Staff notes that OCCL recommended removal of non-basalt material, such as concrete masonry, that is no longer a functional part of the seawall or footing from the shoreline to improve the natural character and public safety of the shoreline. Land Division Staff concurs with OCCL's removal recommendation, provided that concrete masonry remnants that are attached to basalt rocks need not be detached from the rocks and removed. **(Exhibit E)**

The properties surrounding the subject property are similarly developed with single-family homes and all of the surrounding properties also have seawalls. The coastline in the area is rocky headland characterized by basalt cliffs and boulders. OCCL's analysis found that there is no evidence of a sandy beach at the location to be affected by erosion. Public shoreline access is available approximately 250 feet to the west of the subject property. The rocky shoreline fronting the subject property and neighboring properties is traversable at typical wave and tide conditions. OCCL's analysis stated that removal of the encroaching footing would not improve beach resources or public access and would not improve the coastline for adjacent properties. Removal of the footing may have a negative effect on the existing seawall. **(Exhibit E)**

Based on its determination that the seawall and encroaching footing are a non-conforming land use and its analysis that they have no impact on beach resources, public access, or adjacent properties, OCCL determined that the standards articulated in chapters 205A and 183C, HRS, and OCCL's evaluation criteria support a twenty-five-year easement disposition for. Land Division staff concurs with this analysis and recommendation.

The Board of Water Supply of the City & County of Honolulu has no objections to the present submittal and concurs with the proposed EA exemption. **(Exhibit F-1)** The Department of Planning & Permitting of the City & County of Honolulu has no objection to the proposed EA exemption or the proposed 25-year easement and notes, "The subject property appears to be bounded on the makai side by a rocky shoreline, and therefore the retention of the wall is not likely to result in adverse impacts to protected shoreline or Special Management Area resources in the near future." **(Exhibit F-2)**

The Departments of Parks & Recreation and Facilities Maintenance of the City and County of Honolulu and the Office of Hawaiian Affairs did not submit comments timely for inclusion in the present submittal.

The Office of Conservation and Coastal Lands has no comment on this submittal and concurs with the proposed EA exemption.

The Applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed

disposition as provided by Chapter 343, HRS, and §§11-200.1-15 and -16, HAR, this project is expected to have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis activity.

2. Assess a fine of \$500 for the unauthorized encroachment pursuant to the criteria adopted by the Board at its meeting of June 28, 2002, under agenda item D-17.
3. Authorize the continued applicability of the subject requests in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 3-1-041:024, provided that the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
4. Authorize the issuance of a right-of-entry permit to Soichiro Fukutake, Trustee of That Certain Unrecorded Soichiro Fukutake Revocable Living Trust Dated October 6, 2006, covering the subject area for encroachment purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Posting of a removal bond during the effective period of the right-of-entry permit;
 - C. Removal of the subject encroachment, if required, within the period determined by the Chairperson;
 - D. Commencement of the right-of-entry on the Board date, for a term of one year or until the issuance of the revocable permit described in recommendation 5 below, whichever is sooner; provided that the Chairperson may extend the right-of-entry for additional one-year periods for good cause shown; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
5. Authorize the issuance to Soichiro Fukutake, Trustee of That Certain Unrecorded Soichiro Fukutake Revocable Living Trust Dated October 6, 2006, of a revocable permit covering the subject area for encroachment purposes, under the terms and conditions cited above, which are by this

reference incorporated herein and further subject to the following:

- A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - B. Posting of a removal bond during the effective period of the revocable permit;
 - C. Removal of the subject encroachment, if required, within the period determined by the Chairperson;
 - D. Review and approval by the Department of the Attorney General; and
 - E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
6. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the issuance to Soichiro Fukutake, Trustee of That Certain Unrecorded Soichiro Fukutake Revocable Living Trust Dated October 6, 2006, of a 25-year term, non-exclusive easement covering the subject area for encroachment purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
- A. The standard terms and conditions of the most current term shoreline encroachment easement document form, as may be amended from time to time;
 - B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: (1) 3-1-041:024, provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the State, as Grantor, of such transaction in writing, and shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from the easement document;
 - C. Prior concurrence of the Legislature and approval of the Governor through a Concurrent Resolution pursuant to §171-53(c), HRS.;
 - D. Review and approval by the Department of the Attorney General;

- E. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State; and
- F. Any shoreline hardening policy that may be adopted by the Board prior to execution of the grant of easement.

Respectfully Submitted,



Rebecca L. Anderson
Shoreline Specialist

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson



TMK (1) 3-1-041:seaward of 024



TMK (1) 3-1-041:seaward of 024



JOSH GREEN, M.D.
GOVERNOR | IE KIAĀINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809


DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

To: Dawn N. S. Chang, Chairperson
Through: Russell Y. Tsuji, Administrator
From: Land Division, Appraisal Section
Date: August 28, 2024
Subject: Fukutake Revocable Living Trust Shoreline Revocable Permit

A shoreline revocable permit valuation was prepared for the property below and is summarized as follows:

Reference: PSF No. 24OD-101
Applicant: Soichiro Fukutake, Trustee of That Certain Unrecorded Soichiro Fukutake Revocable Living Trust Dated October 6, 2006
TMK: (1) 3-1-041: seaward of 024
Area: 279 square feet, more or less
Effective Date: Upon Board Approval
Recommended Value: **\$293 per month**

The undersigned finds that the valuation was completed in accordance with the assignment.


Dawn N. S. Chang, Chairperson

Aug 28, 2024
Date

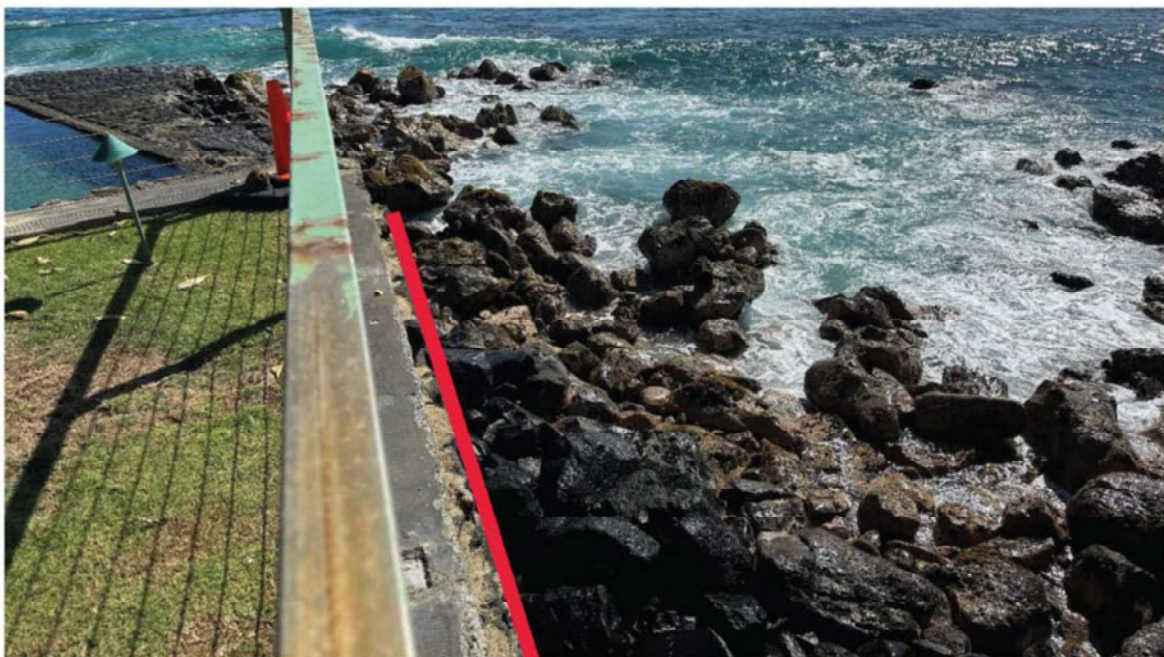
| | |
|------------------------------|----------------------------|
| TMK | (1) 3-1-041:seaward of 024 |
| Assessed Land Value (\$) | 6,234,400 |
| Land Area (sf) | 9,910 |
| Unit Rate Land Value (\$/sf) | 629.1019 |
| 50% Off For Submerged Lands | 314.551 |
| Encroachment Area (sf) | 279 |
| Encroachment Land Value (\$) | 87759.72 |
| Annual Rent @ 4 to 8% | 0.04 |
| Recommended Annual Value | 3510.389 |
| Monthly Value | 292.5324 |

TMK (1) 3-1-041:seaward of 024



Picture 1: Facing Northwest

Taken January 12, 2023



Picture 2: Facing Southeast

Taken January 12, 2023

Please note: Photos provided by Applicant with rejected shoreline application. Red line represents Applicant's proposed shoreline location which has not yet been certified.

MAP SHOWING
DESIGNATION OF
EASEMENT A
AFFECTING
LOT 22
LAND COURT APPLICATION 1059
AT KAALAWAI, KAPAHULU, HONOLULU, OAHU, HAWAII

SCALE: 1 IN. = 30 FT.
NOVEMBER 28, 2023 WALTER P. THOMPSON, INC.

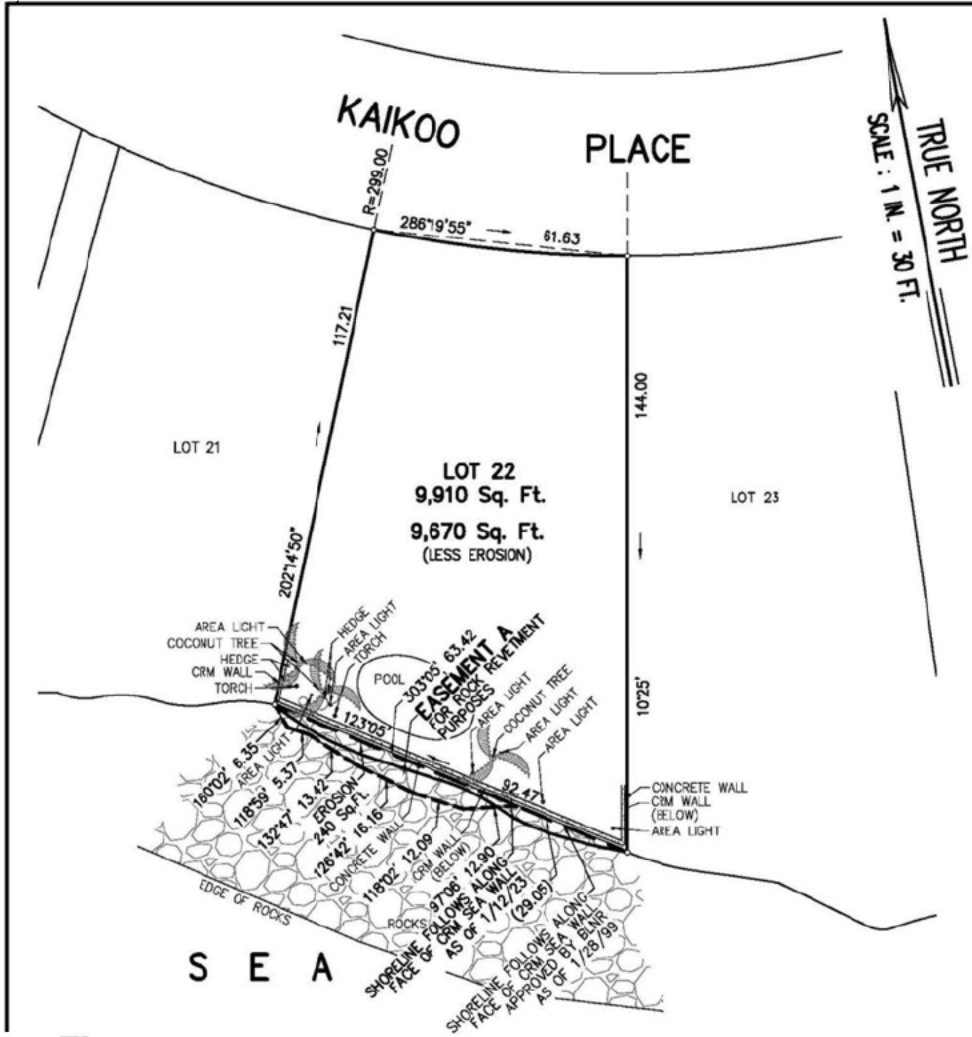


THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION

John R. K. Akima
Exp. 04/30/24



P.O. BOX 3351 HONOLULU, HI 96801
PH. (808) 536-2705 FX. (808) 599-4032



- TES:
1. EASEMENT A = 297 Sq. Ft.
2. PROPERTY OWNER: SOICHIRO FUKUTAKE TRUST

AP KEY : 3 - 1 - 041 : 024

10"x 15" = 1.04 Sq.Ft.

SEMENT.dwg/1/20230127

EXHIBIT D

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HŌPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
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MANAGEMENT
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FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF: OCCL: AW
MEMORANDUM

Encroachment: OA-24-5
Dec 5, 2023

TO: Russell Y. Tsuji, Administrator
Land Division Administrator

FROM: Michael Cain, Administrator *S Michael Cain*
Office of Conservation and Coastal Lands (OCCL)

SUBJECT: Grant of a 25-Year Term, Non-Exclusive Easement at [REDACTED] seaward
of Tax Map Key: (1) 3-1-041:024

This memo is in response to your request for review and comment regarding a proposed 25-Year Term, Non-Exclusive Easement for a seawall at [REDACTED] seaward of Tax Map Key: (1) 3-1-041:024. According to the shoreline survey and photographs, there appears to be approximately 85 ft of seawall on the property shoreline. The encroachment consists of a concrete rubble masonry (CRM) footing which extends seaward of the subject property boundary onto State lands along the base of the seawall.

The subject property is located on Kaikoo Place along the coastline of Kūpikipiki'ō Point. The point is fully developed with homes and seawalls along the rocky coastline. Documentation provided with your request indicates that the original seawall was permitted and built in 1960 during construction of a swimming pool on the property. Given the available documentation and historical aerial photographs, the seawall appears to be a non-conforming land use pursuant to Hawaii Revised Statutes, Chapter 183C.

The Board of Land and Natural Resources (BLNR) established a policy to allow the disposition of shoreline encroachments by either removal or issuance of an easement. In carrying-out this policy, OCCL established criteria to guide decision-making on specific cases. The criteria are:

1. Protect/preserve/enhance public shoreline access;
2. Protect/preserve/enhance public beach areas;
3. Protect adjacent properties;
4. Protect property and important facilities/structures from erosion damages; and
5. Apply "no tolerance" policy for recent or new unauthorized shoreline structures

Encroachment: OA-24-5

In addition, OCCL developed a "Shoreline Encroachment Information Sheet" that is intended to provide the State with additional information to guide OCCL's recommendations on the disposition of shoreline encroachments.

Surrounding Land Uses: *The properties surrounding the subject property are similarly developed with single family homes. Several of the adjacent properties have seawalls fronting the properties.*

Beach Resources: *The coastline fronting the seawall is a rocky headland characterized by basalt cliffs and boulders. There is no historical evidence of a beach at this location to be impacted by erosion.*

Public Access: *Public shoreline access is available about 250 feet west of the subject property from Kaikoo Place. The rocky shoreline fronting the subject and neighboring seawalls is traversable during typical wave and tide conditions.*

Effect of Removing the Encroachment on:

Beach Resources:

The seawall and existing intact CRM footing do not appear to have an impact to shoreline processes or sediment transport in the area. Therefore, removal of the encroachment (intact footing) would not result in a substantial improvement to beach resources fronting the property. Basalt rocks from the failed portion of the footing in the rocky intertidal area can remain with no negative effects to natural processes. Removal of the non-basalt materials from the failed portion of the footing would improve the natural character and public safety along the coastline.

Public Access:

OCCL staff has determined that no improvement would be gained by removing the encroaching footing because there are similar seawalls neighboring the property. Basalt rocks from the failed portion of the footing can remain along the coastline with no negative effects to public access. Non-basalt remnant materials, such as cement, which are no longer a functional part of the footing should be removed from the shoreline for public safety.

Effect on Adjacent Properties:

There is no apparent impact on the neighboring properties or on lateral access from the intact footing as all properties are similarly armored along this rocky headland. Removal of the encroaching footing would not improve the coastline for the adjacent properties and may have a negative impact on the existing seawall.

Additional information and analysis of the potential impact of the subject encroachment is included in Attachment 1.

It has been a general policy and practice of OCCL to support disposition requests that have no discernable effect on beach and recreational resources, and do not act as a detriment to public access. In cases where the encroachment serves as primary erosion control for potentially threatened structures, impacts to the adjacent and upland developments must also be considered.

Encroachment: OA-24-5

Upon review and careful consideration of the information gathered on this case, OCCL has determined that the requirements stated in HRS § 205A, HRS § 183C, and in OCCL's evaluation criteria would support a 25-year disposition request being processed for the subject shoreline encroachment.

Please feel free to contact Coastal Lands Program Coordinator, Sea Grant Extension Agent Amy Wirts at awirts@hawaii.edu should you have any questions pertaining to this memorandum.

-- Seawall Analysis (1)3-1-041:024

The seawall and footing are on a rocky headland characterized by basalt cliffs and boulders. There is no historical evidence of a beach at this location to be impacted by erosion. The seawall and exiting CRM footing do not appear to have an impact to shoreline processes or sediment transport in the area. The rocky shoreline fronting the subject and neighboring seawalls is traversable during typical wave and tide conditions.



The seawall footing appears to be nonconforming and not negatively impacting the natural sediment transport or wave action. The basalt remnant wall materials in the rocky intertidal area can remain, as the material matches the existing natural shoreline. Any remnant cement pieces from the CRM wall should be removed and the area returned to a natural state.

Sea level rise will impact the shoreline fronting this property. At present the conditions along the shoreline and the location of the seawall mauka of the shoreline supports a short-term (25-year) easement for the intact CRM footing. Based on SLR-XA data and the projected range of 0.7 to 1.5 ft of sea level rise by 2050¹, 25 years appears to be an appropriate timeframe to provide an easement. Within 25 years, the wall will have more frequent interaction with the waves.



SLR-XA for 1.1ft sea level rise

¹ Sweet, W.V., B.D. Hamlington, R.E. Kopp, C.P. Weaver, P.L. Barnard, D. Bekaert, W. Brooks, M. Craghan, G. Dusek, T. Frederikse, G. Garner, A.S. Genz, J.P. Krasting, E. Larour, D. Maroy, J.J. Marra, J. Obeyesekera, M. Osler, M. Pendleton, D. Roman, L. Schmied, W. Veatch, K.D. White, and C. Zuzak, 2022: Global and Regional Sea Level Rise Scenarios for the United States: Updated Mean Projections and Extreme Water Level Probabilities Along U.S. Coastlines. NOAA Technical Report NOS 01. National Oceanic and Atmospheric Administration, National Ocean Service, Silver Spring, MD, 111 pp. <https://oceanservice.noaa.gov/hazards/sealevelrise/noaa-nostechrpt01-global-regional-SLR-scenarios-US.pdf>

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA
SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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LAND DIVISION

2024 SEP 13 PM 2:22

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STATE OF HAWAII
STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION



P.O. BOX 621
HONOLULU, HAWAII 96809

August 30, 2024

240814

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Dup
land*

DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

LN-1701
Cora- 9/6/24
Duc- 7/13/24

RECEIVED
BOARD OF WATER SUPPLY
SEP 05 2024

Ref. No.: 24OD-101

MEMORANDUM

TO:

State Agencies:

- Dept. of Education
- DLNR-State Parks
- DLNR-Aquatic Resources
- DLNR-Forestry & Wildlife
- DOT - Highways Division

Federal Agencies:

- Corps of Engineers
- NRCS

County Agencies:

- Planning & Permitting
- Parks & Recreation
- Dept. of Transportation Services
- Board of Water Supply
- Dept. of Facilities Maintenance

Other Agencies:

- Office of Hawaiian Affairs

FROM: Rebecca L. Anderson, Shoreline Specialist
 SUBJECT: Request for Comments: Twenty-five Year Term Seawall Easement
 LOCATION: Waikiki, Honolulu, Oahu
 APPLICANT: Soichiro Fukutake, Trustee of Soichiro Fukutake Revocable Living Trust

Transmitted for your review and comment is a copy of the above referenced request involving State lands. We would appreciate your comments on this application. Please submit any comments by September 20, 2024. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact me at 808-587-0424 or rebecca.l.anderson@hawaii.gov. Thank you.

Attachments

- (X) We have no objections/ comments and concur to the proposed EA exemption.
- () Comments are attached.

Signed: *Ernest Y. W. Lau*
 Date: September 11, 2024

fw ERNEST Y. W. LAU, P.E.
 Manager and Chief Engineer
 Board of Water Supply

cc: Central Files
 District Files

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA
LAND DIVISION

P.O. BOX 621
HONOLULU, HAWAII 96809

August 30, 2024

2024 | BLNR - 11007

DAWN N. S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

2024 SEP -3 PM 7:37

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Ref. No.: 24OD-101

MEMORANDUM

TO: **State Agencies:**
 Dept. of Education
 DLNR-State Parks
 DLNR-Aquatic Resources
 DLNR-Forestry & Wildlife
 DOT – Highways Division

County Agencies:
 Planning & Permitting
 Parks & Recreation
 Dept. of Transportation Services
 Board of Water Supply
 Dept. of Facilities Maintenance

Federal Agencies:
 Corps of Engineers
 NRCS

Other Agencies:
 Office of Hawaiian Affairs

FROM: Rebecca L. Anderson, Shoreline Specialist
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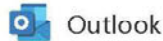
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Attachments

- We have no objections/ comments and concur to the proposed EA exemption.
- Comments are attached.

Signed: Jordan O'Leary
Date: 9/20/24

cc: Central Files
District Files



Re: DPP Comments on EA Exemption for Easement File No. 24OD-101 (Fukutake)

From: Anderson, Rebecca L <rebecca.l.anderson@hawaii.gov>

Date: Fri 9/20/2024 1:53 PM

To: Christina Keller <c.keller@honolulu.gov>

Thank you, Christi. And thank you for pointing out the zoning designation.

RLA

From: Keller, Christina K <c.keller@honolulu.gov>

Sent: Friday, September 20, 2024 1:48 PM

To: Anderson, Rebecca L <rebecca.l.anderson@hawaii.gov>

Subject: [EXTERNAL] DPP Comments on EA Exemption for Easement File No. 24OD-101 (Fukutake)

Aloha Rebecca,

The Department of Planning and Permitting (DPP) has no objection to exemption of the proposed seawall easement from the requirements under Hawaii Revised Statutes Section 343 to prepare an Environmental Assessment, or to the Board of Land and Natural Resources granting said 25-year "Term, Non-Exclusive, Immediate Right-of-Entry and Revocable Permit" to the Applicant. The subject property appears to be bounded on the makai side by a rocky shoreline, and therefore retention of the wall is not likely to result in adverse impacts to protected shoreline or Special Management Area resources in the near future.

We do note, however, that Page 2 of the Draft Easement currently refers to the County Zoning District as "Residential A." This designation may reflect a use category for tax or other purposes, but is not a zoning district utilized for land use purposes by the DPP. According to our records, the site is located in the R-7.5 Residential District. If appropriate for your purposes, please revise your draft accordingly.

The cover form is attached. Thank you for the opportunity to provide comments.

*Christi Keller, Planner VI
City and County of Honolulu
DPP – LUPD – LUAB
808.768.8087
c.keller@honolulu.gov*