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GOVERNOR OF HAWAII



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DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
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ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:SS

CDUA OA-3867

Oceanit Laboratories, Inc.
c/o Cris Takushi, P.E.
828 Fort Street Mall, #600
Honolulu, HI 96813

JAN 29 2021

SUBJECT: Conservation District Use Application (CDUA) OA-3867 for the Waikīkī Seawall Mitigative Improvements Project in the Queen's Beach area of Waikīkī, Honolulu, O'ahu; TMKs: (1) 3-1-030: 001, 003, & 004, and (1) 3-1-031: 004 & 005, and makai of all parcels

Dear Mr. Takushi,

This is to inform you that the Board of Land and Natural Resources (Board) will be asked to consider this matter at its regularly scheduled meeting on Friday, February 12, 2021 at 9:00 AM. The matter will be included on the agenda as Item K-5. During the current COVID-19 pandemic, all Board meetings are currently being held remotely via Zoom.

To participate in the meeting and provide live oral/video testimony during the online meeting, email your request to blnr.testimony@hawaii.gov at least 24 hours in advance, with your name, phone number, email address, computer identification name (check your device settings), and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link via which to testify. You will need a computer with internet access, video camera and microphone to participate. If you require access by phone only, please indicate that in your email request. On the day of the meeting prior to your agenda item, via Zoom, you will be placed in a 'waiting room' until your item comes up.

A copy of the Staff Report for agenda Item K-5 that was submitted to the Board is attached for your information. Should you have any questions regarding this matter, please contact Salvatore Saluga of our office at (808) 798-6147 or via email at salvatore.j.saluga@hawaii.gov.

Sincerely,
Sam Lemmo

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

CC: CCH, DDC

Attachment

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

180-Day Exp. Date: November 7, 2020¹

February 12, 2021

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

REGARDING: Conservation District Use Application (CDUA) OA-3867 for the Waikīkī Seawall Mitigative Improvements Project

**APPLICANT/
LANDOWNER:** City & County of Honolulu, Department of Design & Construction (Applicant)

AGENT: Dayananda Vithanage, Ph.D., P.E., and Cris Takushi, P.E., Oceanit Laboratories, Inc.

LOCATION: Queen's Beach area of Kapi'olani Regional Park in Waikīkī, Honolulu, O'ahu

TMKs: (1) 3-1-030: 001, 003, & 004, and (1) 3-1-031: 004 & 005, and adjacent submerged State land within the Protective & Resource subzones of the Conservation District makai of the subject parcels.

AREA OF PARCELS: Approximately 117.87 acres; Work area roughly 11,500 square feet

SUBZONE: Protective & Resource

DESCRIPTION OF AREA AND CURRENT USE:

The proposed work is a project to repair a section of existing seawall that has been damaged in the Queen's Beach area of Kapi'olani Regional Park within Waikīkī, Honolulu, O'ahu on lands within and makai of TMKs (1) 3-1-030: 001, 003, & 004, and (1) 3-1-031:

¹ In a response to the ongoing COVID-19 pandemic, on April 16, 2020 Governor David Ige signed Executive Order 20-04, invoking the following: The suspension of the following laws, as allowed by federal law, pursuant to section 127A-13(a)(3), Hawai'i Revised Statutes (HRS), in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, HRS: Section 183C-6, HRS, permits and site plan approvals, to the extent necessary to enable the Department of Land and Natural Resources to administer the permitting program for conservation district use permits without the application of provisions providing for automatic approval of permit requests that are not acted upon within 180 days.

004 & 005. The City and County of Honolulu owns these parcels, except for parcel 3-1-030:003, and is obligated by Executive Order 3779 to maintain the seawall on its makai border. During times of high surf, the waves overtop the wall and cause damage and erosion problems behind the wall as well as damage the wall itself.

The seawall between the Queen's Surf groin and the northern edge of the Waikīkī Aquarium (Aquarium) were the two end points of the section of the seawall that was examined for repairs (**Figure 1, below**). This length of seawall totals roughly 1,270 linear feet, and the information provided to our office states that approximately 900 feet of this stretch of seawall was evaluated for repairs or reconstruction. This 900-foot section of seawall shall be referred to herein as the "Waikīkī Seawall" and rises to roughly 10 feet above mean sea level (msl) at its highest point. The heavy development of Waikīkī began in the early 20th century, and the information provided to our office states that portions of the seawall in the Queen's Beach area were constructed during the same time period as major projects in Waikīkī such as the Natatorium and Ala Wai Canal (late 1920's). The lands makai of the shoreline in this area fall under a combination of Resource and Protective subzone designations, with the Protective subzone areas falling within the Waikīkī Marine Life Conservation District.

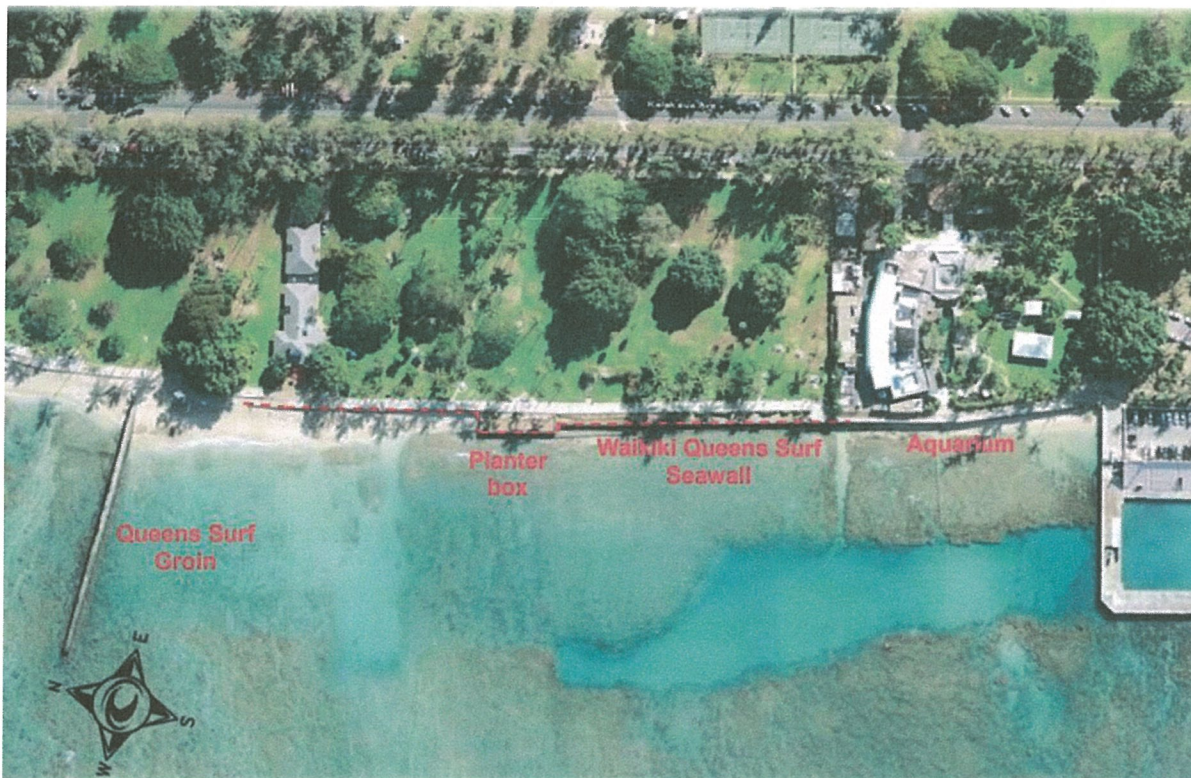


Figure 1 – Location Map of Project, Provided by Applicant

Within the middle portion of this section of the Waikīkī Seawall, there is a concrete planter box that is approximately 98 feet wide and protrudes into the ocean approximately 27 feet from the main seawall alignment on its northern edge and 12 feet from the main seawall alignment on its southern edge. The information provided states that the walls of the planter box appear to be roughly 2-2.5 feet thick, and distinctly different stone sizes, patterns, and layers within the box indicate that it has had numerous repairs over time. The application also notes that the section of seawall extending south from the planter box down to the Aquarium is the section of seawall that has seen the most extensive damage and requires the heaviest repairs.

There is a concrete ramp attached to the subject seawall to the north of the planter box that is intended to lead down to the beach area, but it is heavily damaged. The damaged concrete ramp abuts TMK (1) 4-1-030:003 and was approved for emergency repairs under Emergency CDUP OA 20-18 in August of 2020 (**Exhibit A**). The approved emergency repairs included the demolition and removal of the damaged concrete ramp as well as a concrete rubble masonry wall makai of the ramp, spot repairs to the wall mauka of the existing concrete ramp, and the installing of a safety railing at the end of the walkway before the start of the to-be-removed ramp for safety purposes. The area where work was done on the damaged ramp under Emergency CDUP OA 20-18 was originally intended to be addressed along with the rest of the work in this subject application, but wave and tidal events in summer of 2020 damaged the ramp and warranted an immediate response to address the situation. The other proposed actions of the subject application, CDUA OA-3867, remain the same and are the subject of this report.

The application states that there are no functioning utilities in the area; however, the applicant did note a 24" drainpipe that starts from Kalākaua Avenue and eventually penetrates the seawall. There are electrical poles on the mauka side of the promenade in the area that may be used for staging during the project, but other common utilities are not expected to be affected by the proposed project as they are not within the direct area. Makai of the existing seawall sit two manholes and an abandoned 24" reinforced concrete pipe, but these are no longer in active use. The application states that "existing utilities in the staging area will be protected".

A Draft Environmental Assessment (DEA) for this proposed project was published in the Office of Environmental Quality Control's (OEQC) June 8, 2017 edition of *The Environmental Notice*, with the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) published in the December 8, 2017 edition.

The FEA-FONSI included within the application states that there were defects in the wall deemed to be a public safety hazard based upon field investigations and geotechnical explorations between 2011 and 2016. These defects and damages were considered "required repairs". The "required repairs" are largely centered around voids in the foundation of the wall. These voids appear sporadically along the wall's length but are mostly found in the southern portion of this area of the wall between the planter box and the northern end of the Aquarium. The second "required repair" noted in previous

analyses was the damaged concrete cap. The damaged concrete cap is exposed to the public, and thus presents a public safety hazard that needs to be addressed.

Natural Resources

The area of the proposed project is just south-southeast of the heart of Waikīkī, along the coastline between the Queen's Surf groin and the northern edge of the Waikīkī Aquarium. Waikīkī is a heavily developed area and is dominated by human activity, widely trafficked by both locals and tourists, and is utilized for a variety of activities and functions. The subject seawall rises to roughly 10 feet above mean sea level (msl) at its highest point, and just mauka of the seawall lies a concrete promenade that runs parallel to the subject seawall and the popular Sans Souci recreational area and Kapi'olani Regional Park, with the Aquarium sitting just south of the project site.

A small sandy beach is located between the Queen's Surf groin and the northern end of the planter box, however no sandy beach exists from the planter box extending south to the northern edge of the Aquarium (and the southern edge of the project site). The beach fronting the northern half of the subject seawall is fronted by reef flats and aggregate reef, which, combined with a few sand channels, make up the bottom of the nearshore environment for the project site. The beaches in all of Waikīkī are subject to increased wave heights during south swells but are largely protected from heavy wave activity generated by north swells due to the geographical location of Waikīkī itself.

Flora/Fauna

Flora and fauna in the area consists of commonly found plant and animal species throughout the urban coastal areas of O'ahu. Due to the high level of human activity throughout the decades since Waikīkī has been developed, there is little plant cover in the vicinity of the project area that is not landscaping. Additionally, the planter box that sits roughly in the center of the subject seawall is frequently exposed to wave overtopping and thus has minimal vegetation left. Terrestrial species in the area during the survey consisted of commonly seen bird species such as pigeons and doves, as well as mammals expected to be found in an urban area with high human activity such as rodents and feral cats.

Waters fronting the shoreline in the project area are one of the traditional fisheries of Waikīkī, within the boundaries of the Waikīkī-Diamond Head Shoreline Fisheries Management Area (FMA) and the Waikīkī Marine Life Conservation District. Oceanit, Inc. conducted a marine benthic survey in October of 2011 to document the offshore environment fronting the project site. Algae covers most hard and exposed surfaces of the nearshore marine environment, while oft-seen species of crabs, snails, urchins, sponges, and some small juvenile fish were also noted during surveys for this project. The Final Environmental Assessment also noted that there were no corals greater than 6 inches in size were observed in the area that was surveyed, stated to be 100-200 feet from the beach.

The only endangered or threatened species of flora or fauna known to be seen in the vicinity of the project area are the endangered Hawaiian Monk Seal and the threatened green sea turtle, who occasionally visit the waters of Waikīkī, and potentially the Hawaiian

hoary bat. The Final Environmental Assessment states that the effects of the project on these species can be mitigated by following suggested and proper Best Management Practices (BMPs), which are analyzed further later in this report.

Historic/Cultural

Part of the CDUA process requires that the applicant submit an HRS, 6E form developed by the State Historic Preservation Division (SHPD). Pursuant to HRS, §6E-42, prior to any agency or officer of the State [in this case, the Board] approving any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, artifacts, or a burial site, the agency or office [OCCL] shall advise SHPD prior to any approval and allow SHPD an opportunity to review and comment on the effect of the proposed project on historic properties.

Kapi'olani Park is listed on the State of Hawai'i Register of Historic Places and is eligible for placement on the National Register of Historic Places (NRHP), but it has not been placed on the NRHP list. Information provided within the application shows that the original portions of the seawall were constructed during the same time period as major projects in Waikīkī such as the Natatorium and Ala Wai Canal (late 1920's).

Pacific Consulting Services, Inc. (PCSI) was consulted for evaluation of potential historical and cultural resources in the project area. Pacific Consulting Services completed a cultural impact assessment (CIA, submitted in July 2017), which included a literature review, review of past cultural assessments in the area, written consultations with interested parties, and archaeological reconnaissance surveys done in 2011 and 2017. The project area is composed of largely Beach sands and Jaucas sand subsurface materials within Waikīkī, where there have been numerous discoveries of archaeological sites and human burials. Previous archaeological work near the project area has recorded the discovery of burials and cultural or archaeological artifacts; however, the CIA notes that no surface archaeological sites were encountered during the reconnaissance survey of the project area.

The information provided states that during construction of the promenade along Queen's Surf Beach, just mauka of the seawall and running parallel to it, an archaeological monitor was on-call at all times during all excavation extending 12 inches below the ground surface. Cultural Surveys Hawai'i conducted this archaeological monitoring from July 5 through August 1, 2001. During the archaeological monitoring for the Queen's Surf promenade the only cultural material observed was modern trash. No traditional Hawaiian cultural layers or pre-1950s trash were encountered, nor were there human remains found within the project site.

Pacific Consulting Services, Inc. (PCSI) also prepared an Archaeological Monitoring Plan (AMP) for the proposed project, for which SHPD requested revisions in a response letter dated August 28, 2018. A letter from SHPD to the applicant dated May 1, 2019 acknowledged the receipt of the Chapter 6E-8 submittal form as well as **the acceptance of the revised Archaeological Monitoring Plan, noting that the "project may**

proceed with the implementation of on-site, full-time archaeological monitoring of all ground disturbing work as specified in the SHPD-accepted AMP". (**Exhibit B**).

PROPOSED USE

Site & Site Access

The proposed project is intended to repair a damaged section of existing seawall in the Queen's Beach section of Waikīkī. The project site can be accessed via Kalākaua Avenue; however, the information provided to OCCL states that "the contractor will be required to find his own equipment and staging area and will not be allowed to park his equipment in the on-road parking spaces." While the park area mauka to the promenade walkway and seawall is not part of the proposed project, machinery and equipment will need to transverse this area in order to access the work site.

The application notes that the contractor must have a tree protection plan for any adverse damage that may occur during the staging and transportation of equipment and/or machinery, as well as a Right-of-Entry permit from the Department of Parks and Recreation to access the site. The FEA-FONSI also notes that irrigation heads and grass or other landscaping that is adversely damaged is also to be restored after the demobilization of the machinery and conclusion of construction.

Construction

There are multiple aspects to the proposed seawall repair project. The foremost repairs proposed would consist of repairing the foundational voids and disintegrated concrete within the existing seawall itself. The repair method recommended within the FEA-FEIS is to fill the foundational voids with flowable concrete containing fiber-reinforcement and a washout resistant admixture. The existing seawall's damaged concrete cap will be either repaired or replaced depending on its condition in any given location.

The second portion of work involves the construction of a reinforced concrete form-lined wall to be poured on the makai side of the existing seawall along a length of roughly 460 feet; this work would take place in the southern section of subject seawall in the vicinity of the planter box stretching south to the Aquarium. This wall would vary in thickness from 6 inches to 1 foot and would be finished to be compatible with the adjacent seawall in regard to aesthetics and function.

The third aspect of the project would be work done mauka of the existing seawall that would consist of excavating and shoring an area between the seawall and promenade walkway in order to place a geotextile fabric retaining wall with concrete anchors in order to support the existing seawall. This work would take place between the existing promenade and the mauka edge of the existing seawall, where fine gravel, compacted selected granular backfill, and multiple layers of woven geotextile fabric would be used to shore up the area mauka of the existing wall to form the geotextile fabric retaining wall. The application states that articulating concrete would be installed on top of the geotextile fabric retaining wall mauka of the existing seawall. A cross-section of the proposed work is shown on the next page in **Figure 2**.

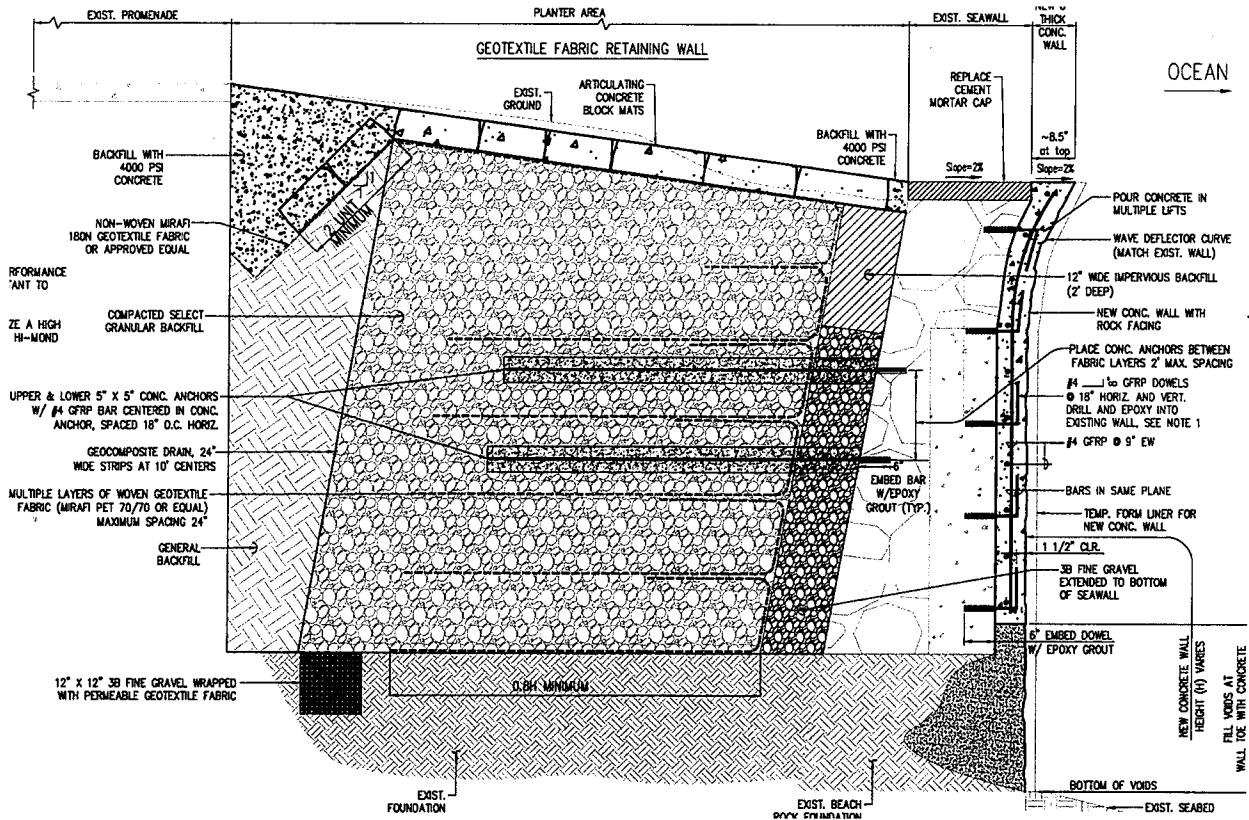


Figure 2 – Cross-Section of Proposed Work, Provided by Applicant

The application provided to OCCL stresses that the form-lined wall that would be poured on the makai side of the existing seawall would be fabricated to follow the shape of the existing wall, with a slight wave deflector at those sections of the wall where a wave deflector exists to help reduce wave overtopping and land side erosion. The surface of the new makai wall would also be constructed to match the look and color of the existing seawall as much as practicable. The mauka repairs to be done consist of multiple parts, as shown above in **Figure 2**. The majority of the excavated area between the existing seawall and the promenade walkway would be filled with ‘compacted select granular backfill’. The area directly mauka of the existing seawall would be filled with fine gravel as well as ‘wide impervious backfill’ towards the top. Within these backfilled areas there would be multiple layers of woven geotextile fabric, between which would be concrete anchors embedded with epoxy grout to support the existing seawall. Upon completion of these mauka repairs, the application states that articulated concrete blocks would be placed on the surface between the existing seawall and the promenade. A general site plan for the proposed project is included on the next page as **Figure 3**.

Expected Mitigative Actions and Practices

Best Management Plans (BMPs), General and Site Specific

The proposed project has been designed to be compatible with standard construction and NOAA BMPs, as well as BMPs related to flora and fauna, access, and erosion/runoff control. Some of these BMPs include, but are not limited to:

- Worksite staging and storage areas will be sited away from any outlets to the ocean;
- Heavy equipment will not be allowed on beach areas and must be operated on the land side of the seawall only;
- Construction vehicle tires shall be cleaned before exiting onto public roadways;
- During the filling of voids at the base of the seawall, boulders may be moved in nearby areas devoid of calcifying organisms but should not be removed from the water to preserve some value as a fish habitat;
- The contractor shall monitor and consider weather and tidal conditions in planning for construction in or near the water;
- Work should be performed during low tides or incoming tides and during low wave and rain conditions;
- All construction should be halted during storm conditions;
- The BMP plan developed for this project shall be included in the contract documents. The selected contractor shall modify the BMP plan to account for his means and methods and once approved shall be mandatory to follow. The contractor's BMP plan shall also include temporary erosion and sediment control procedures.

Public Access

It is noted within the application that the contractor will be required to find his own equipment and staging area and will not be allowed to park his equipment in the on-road parking spaces. During construction, the area will be closed to the public and pedestrian traffic will be rerouted around the work area. This would include the promenade walkway just mauka of the existing seawall. A detour for the promenade with visible signage will be required for public safety.

Erosion Control Plan

The proposed project would utilize a sandbag cofferdam barrier around all in-water work in order to contain any potential runoff into the marine environment. This cofferdam will be composed of large sandbags and geotextile fabric that is placed around active work areas, as turbidity curtains cannot be used at this location due to the shallow water. The information provided states that the cofferdam will surround the in-water work at a 100' maximum length at any given time. In addition, other erosion control measures indicated in the FEA-FONSI as well as the CDUA include, but are not limited to:

- The cofferdam shall be properly sized to effectively isolate portions of the seawall to be repaired and allow relocating of any mobile invertebrates out of the cofferdam footprint immediately preceding in-water work;

- The existing cobbles (at the makai base of the wall) would be removed and stockpiled to limit in-water debris, then put back onto the beach after the makai wall is constructed;
- A silt fence will be installed along the beach north of the coastal planter box to capture any debris, disturbed soil, or rubble generated during the spot repairs in that area;
- During construction, water quality monitoring will be used in conjunction with all BMP plans and conditions required by regulatory permits;

Mitigative Actions for Sea Level Rise

The proposed project design includes consideration of coastal hazards and projected exacerbation by eustatic sea level rise. Historical erosion maps produced by the University of Hawaii Coastal Geology Group illustrate a significant erosional trend featured across the area (**Figures 4 and 5, below**). The red bars on the figure represent areas of erosion, while blue bars depict areas of accretion. Past erosion data show that much of the erosion occurred during the previous century and at this point dry beach area is generally absent Makai of the seawall.

The project area continues to be prone to erosion, which has contributed to subject seawall damages. While the presence of these hard features has mitigated much of the landward progression of the shoreline, the area remains prone to undermining from continued erosional action. Forces that contribute to undermining will likely become more extreme as sea level continues to rise as illustrated by maps featured on the Hawaii Sea Level Rise Viewer, which includes projections of sea level rise exposure area (SLR-XA) (**Figure 6, on page 13**). This premise is reinforced by published state guidance regarding use of the map products which states that, “the coastal erosion model in the SLR-XA is based in part on historical erosion rates tracking the landward movement of the beach toe or low water mark...[t]hus a hardened shoreline fronted by, or formerly fronted by, sandy beach will have a SLR-XA erosion hazard area that is landward of any existing seawalls. The area between the beach and the erosion hazard line may be thought of as the land area exposed to erosion should the seawall fail or be removed. In the long-term, this is not an unreasonable assumption for many coastal areas, as planning and permitting departments receive numerous requests each year to repair or rebuild failing seawalls and fill sinkholes behind undermined seawalls.”²

Sea level rise is expected to heavily impact low-lying coastal areas, including Waikīkī. Such impacts have already been observed in the form of increased erosion, high tide flooding, and wave overtopping. These coastal hazards, coupled with ongoing sea level rise will increasingly impact the area such that structural improvements to the seawall are necessary to ensure intended functionality such that it continues to protect backshore

² Romine, B.M.; Habel, S.; Lemmo, S.J.; Pap, R.A.; Owens, T.M.; Lander, M.; Anderson, T.R. (2020). Guidance for Using the Sea Level Rise Exposure Area in Local Planning and Permitting Decisions. Prepared by the University of Hawaii Sea Grant College Program with the Hawai‘i Department of Land and Natural Resources - Office of Conservation and Coastal Lands for the Hawai‘i Climate Change Mitigation and Adaptation Commission - Climate Ready Hawai‘i Initiative. (Sea Grant Publication TT-20-01). <https://climate.hawaii.gov/wp-content/uploads/2020/12/Guidance-for-Using-the-Sea-Level-Rise-Exposure-Area.pdf#page=37>

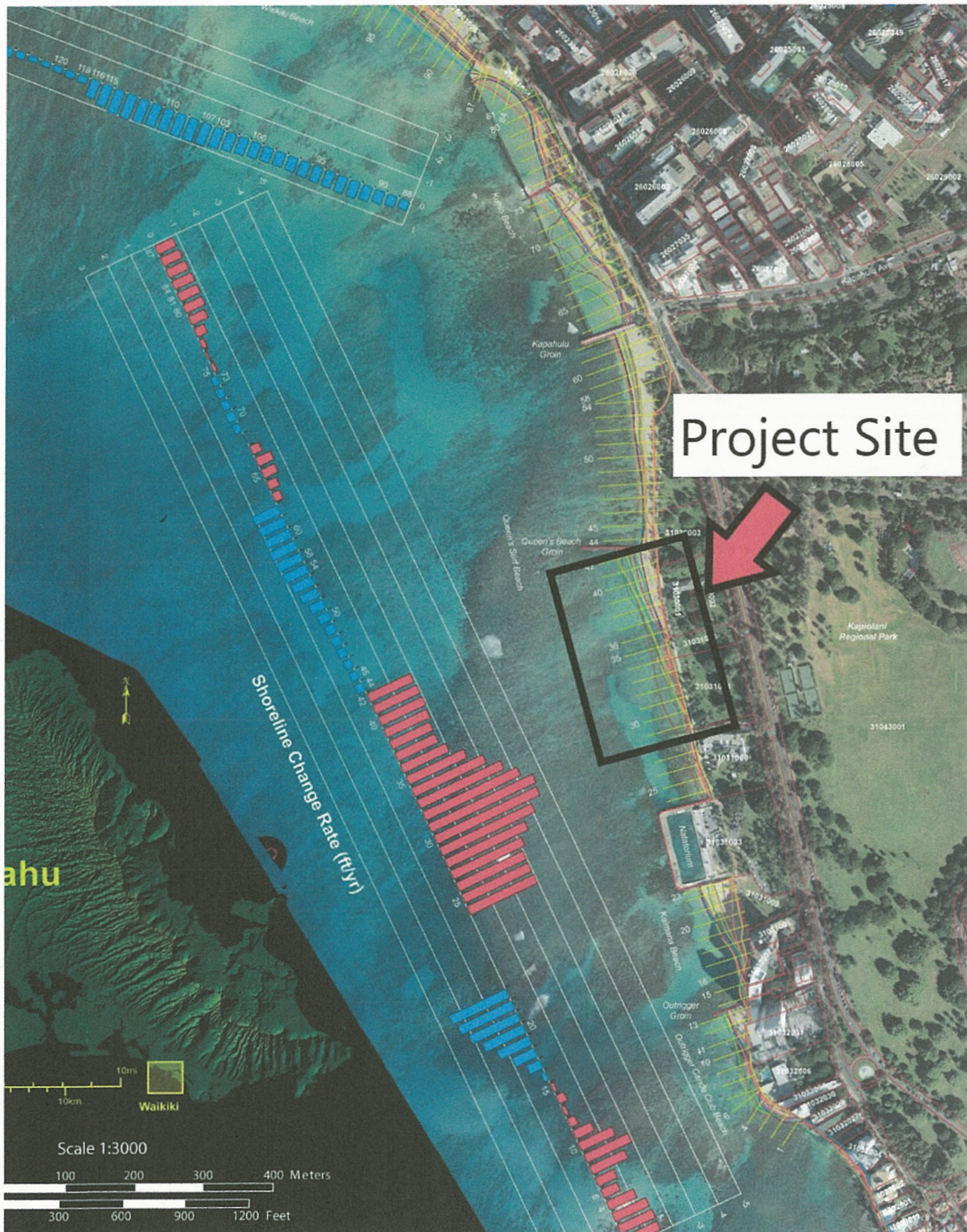


Figure 5 – Inset of Erosion Map Showing Project Site

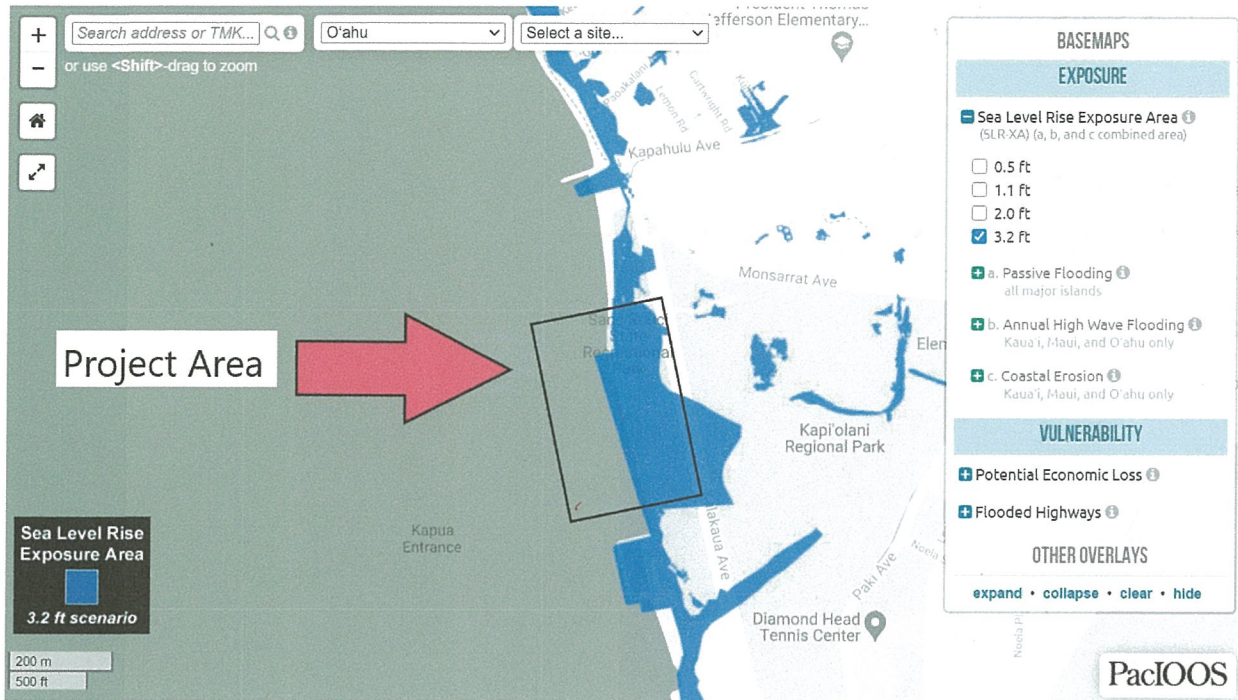


Figure 6 – Sea Level Rise Exposure Area in Vicinity of Project Site

It is noted in the FEA-FONSI that the Waikīkī Beach Improvement District is currently evaluating various alternatives for beach improvements throughout Waikīkī. Although this area is not being actively considered in the design of near to mid-term beach improvements, consideration is ongoing regarding the potential for sand restoration in combination with stabilizing structures or scalloping into the park to create a pocket beach. **It would be beneficial to explore other alternative projects towards addressing ongoing sea level rise and coastal erosion in the project area in the future, if the proposed project is approved by the Board.**

Mitigative actions for endangered species and other flora and fauna:
 It has been noted that Hawaiian monk seals, the Hawaiian hoary bat, and potentially the green sea turtle could at times be present in the vicinity of the project site. Recommended Standard Best Management Practices provided by the U.S. Fish and Wildlife Service, who provided comments for the project that were acknowledged and responded to by the applicant, will be incorporated to protect endangered and/or threatened species, fish and other wildlife resources.

Although there are no designated critical habitats in the vicinity of the project area, the applicant states in a comment response letter within the FEA-FONSI that contract documents shall inform the contractor that Hawaiian hoary bats are known to occur or

transit through the project area, and that the contract documents shall clearly state that threats to the Hawaiian hoary bat such as disturbing, removing or trimming woody plants greater than 15 feet and using barbed wire onsite shall be prohibited. Similarly, prior to repair of the wall and installation of the form-lined makai section of the wall the contractor shall thoroughly inspect the makai area for the presence of any protected fauna or nesting sites.

Due to the location of this project, standard mitigation measures to reduce impacts to protected species will be followed, including, but not limited to:

- Construction activities would not occur if a Hawaiian monk seal or sea turtle is within the vicinity of the construction area. Construction will only begin after the animal voluntarily leaves the area;
- If a Hawaiian monk seal or sea turtle is noticed after work has begun, all mechanical or construction activities would cease immediately until the animal voluntarily leaves the area;
- Any construction-related debris that may impose an entanglement threat to monk seals and sea turtles would be removed from the construction area at the end of each day and at the conclusion of construction;
- To minimize impacts on the Hawaiian hoary bat during construction, work hours will be established to avoid the typical foraging periods at dawn and dusk;
- Workers would not attempt to feed, touch, ride, or otherwise intentionally interact with any listed species;

Mitigative actions for Cultural and Historic Resources:

As stated above, Pacific Consulting Services, Inc. (PCSI) prepared an Archaeological Monitoring Plan (AMP) for the proposed project. The State Historic Preservation Division (SHPD) requested revisions to the proposed AMP in a response letter dated August 28, 2018. This AMP was revised and resubmitted to SHPD, and SHPD responded with a May 1, 2019 letter acknowledging **the acceptance of the revised Archaeological Monitoring Plan** and fulfillment of the Chapter 6E-8 requirement, noting that the “**project may proceed** with the implementation of on-site, full-time archaeological monitoring of all ground disturbing work as specified in the SHPD-accepted AMP”. The full acceptance letter from SHPD is attached at the end of this report as **Exhibit B**. Some stipulations regarding monitoring procedures noted within SHPD’s acceptance letter include, but are not limited to:

- A pre-construction briefing to be conducted prior to construction activities;
- On-site monitoring of all ground disturbing activities within the project area
- The archaeological monitor has the authority to temporarily halt all activity in the area in the event of a potential historic property being identified, or to record archaeological information for cultural deposits;
- In the event that non-burial historic properties are identified, the archaeological

monitor shall protect the find from further disturbance until the find can be adequately assessed and documented in consultation with SHPD, and in accordance with HAR §13-279-5(5)5 and HAR §13-280;

- If human remains are identified, work will cease in the vicinity and the find shall be secured, and provisions outlined within the Hawai'i Revised Statutes (HRS) §6E-43 and HAR §13-300-40, and any SHPD directives, shall be followed; and
- Project materials will be stored temporarily with PCSI; final curation facilities shall be determined in consultation with SHPD and the landowner.

Alternatives

A variety of alternative methods and strategies were explored for the project area within the Final Environmental Assessment. Within these alternatives, there were defects in the wall deemed to be a public safety hazard based upon field investigations and geotechnical explorations between 2011 and 2016. These defects and damages were considered "required repairs". The "required repairs" are largely centered around voids in the foundation of the wall. These voids appear sporadically along the wall's length but are mostly found in the southern portion of this area of the wall between the planter box and the northern end of the Aquarium. The second "required repair" noted in previous analyses was the damaged concrete cap. The damaged concrete cap is exposed to the public, and thus provides a public safety hazard that needs to be addressed.

Each of the alternative options contained these necessary repairs; the differences between the alternatives was the varying means and methods to repair the remaining section of seawall (south of the planter's box) in the Queen's Beach area before it was damaged any further.

There were four different primary alternatives explored to repair the section of seawall from the planter box to the south end of the wall, as well as a 'No Action' option:

- Alternative 1 consisted of reconstructing an entirely new seawall in the subject area. The information provided states that in order to be adequately stable, this new wall would need to be 6.5 feet high with a minimum footing thickness of 1 foot. It was noted that any new seawall would need to contain features that help to prevent scouring or undermining due to wave action, and within the discussion there was also an option for raising the height of the new seawall above 6.5 feet in order to prevent wave overtopping. However, it was determined that increasing the height of the seawall was not feasible due to the possibility of "wall failure due to additional dead weight." Additionally, this alternative was stated to be the most costly and time-consuming of all options considered;
- Alternative 2 was the chosen alternative that is the subject of this application. This consists of a form-lined concrete wall to be built on the makai side of the existing seawall as well as concrete reinforcement for the mauka side of the wall;

- Alternative 3 consisted of injecting a permeation grout material, such as sodium silicate or microfine cement, into appropriate sections of the damaged seawall in order to strengthen the foundation of the wall. Also included within this alternative was backfill material on the mauka side of the wall being reinforced with grouting, with spacing of grouting to be determined; Further, the application notes that due to the high level of fines in the silty sand encountered below the base of the seawall it was concluded that permeation grouting may not be effective as it may not be able to penetrate. Other concerns noted for this alternative were the inability of BMPs to control grout escape into the ocean.
- Alternative 4 consisted of the construction of a rock revetment on the wall's makai side after the filling of the voids within the wall foundation. This option also recommended a concrete or controlled low strength material (CSLM) support structure on the mauka side of the seawall to counterbalance the weight of the revetment. Concerns for this alternative were largely centered around the difficulties in obtaining permissions to construct a coastal hardening project within the Waikīkī Marine Life Conservation District (WMLCD) and the Diamond Head Special District (DHSD)
- Other alternatives considered but rejected for this project included reinforcing the mauka side of the existing seawall with soil, constructing a concrete wall on the mauka side of the existing seawall, and construction of a rock berm at the makai toe of the existing seawall;
- There was a 'No Action' alternative considered for this proposed project. However, the fact that this alternative would lead to continued deterioration and failure of the seawall due to wave action, sea level rise, and ongoing coastal erosion issues deemed this option inefficient.

Staff notes that the City did not evaluate any alternatives that involve removal of the damaged wall and consideration of manage retreat

The recommended alternative for this project was Alternative 2, construction of a form-lined concrete wall on the makai side of the existing seawall as well as concrete support on the land side, in addition to the reconstruction of the concrete cap. The FEA-FONSI included within the application noted that the new makai wall should be designed to provide scour protection for the foundation of the wall as well as "follow the shape and be compatible in appearance with the existing seawall." This new wall should either be supported by vertical reinforcement bars embedded near the wall's foundation, or by being anchored to the concrete support structure on the mauka side of the seawall. It is noted that drainage provisions on the mauka side of the seawall would be included to drain stormwater runoff as well as water from overtopping waves. The estimated cost of construction for the recommended alternative is \$2.04 million.

Public Hearing

A public hearing was held for this project pursuant to HAR §13-5-40 on October 21, 2020 to gauge community feedback on the project. Due to the ongoing COVID-19 pandemic, the public hearing was held remotely via Zoom. There was no public testimony on the project. The public hearing can be found on the OCCL YouTube channel at the following link:

- https://www.youtube.com/watch?v=8ch0IVxIV_I

SUMMARY OF COMMENTS

The application was referred to the following agencies for their review and comment: the **State:** Department of Health; Office of Hawaiian Affairs; Department of Transportation; Department of Land and Natural Resources Divisions of: Aquatic Resources, Boating and Ocean Recreation, Forestry and Wildlife, Historic Preservation, O'ahu District Land Office, Conservation and Resource Enforcement, and State Parks; the **City & County of Honolulu:** Department of Parks & Recreation and Department of Planning; and the **Federal:** National Ocean and Atmospheric Administration (NOAA); the US Army Corps of Engineers; and the US Fish and Wildlife Service. In addition, this application was also sent to the nearest public library, the Waikīkī-Kapahulu Public Library, to make this information readily available to those who may wish to review it. The application was also transmitted to both the Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board and the Waikīkī Neighborhood Board for community and neighborhood feedback.

Responses were received and have been summarized from the following agencies:

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

Aquatic Resources

The Division is supportive of this project with no major objections as the construction plan submitted by the applicant clearly details efforts to minimize impacts on the aquatic environment. With the foundation of the seawall being exposed and degrading there is a clear need for this project for the safety of the public. No long-term impacts to the marine environment are anticipated.

The Division is agreement with the Best Management Practices (BMPs) outlined in the Basis of Design and Project Assessment. If any protected species come ashore during construction DAR requests that they be notified of this event. Should there be any changes to the project plans, DAR requests the opportunity to review and comment on those changes.

Applicant's Response

Oceanit, Inc. acknowledged DAR's request to notify the contractor to contact DAR should any protected species come ashore during construction, as well as if there is any changes to the proposed project plans

Forestry & Wildlife

No comments.

DEPARTMENT OF TRANSPORTATION

No comments.

CITY & COUNTY OF HONOLULU*Department of Planning & Permitting*

There is no Special Management Area (SMA) Use Permit or Shoreline Setback Variance required. Attached as a part of DPP's response was a response letter to the Draft Environmental Assessment for this project dated October 4, 2017 that states, "The majority of the proposed work appears to be makai of that (November 4, 2015) certified shoreline. The area makai of the shoreline is not in the SMA. Therefore, no SMA Permit is required for that work. The Final EA should specify whether the work that is mauka of the regulatory shoreline is considered "development" pursuant to Section 25-1.3(2), ROH. If the work is limited to repair and maintenance of an existing structure, it would not be considered development."

Included as another attachment was a letter from DPP dated August 21, 2019 that confirms that neither a Shoreline Setback Variance nor a Diamond Head Special District Permit are required for this project. This letter also reiterates that the project is exempt from Special Management Area Use Permit requirements because it is makai of the regulatory shoreline established on the November 4, 2015 certified shoreline survey.

Applicant's Response

Oceanit, Inc. acknowledged that neither an SMA Use Permit nor a Shoreline Setback Variance were required for this project.

ANALYSIS

After reviewing the application for the proposed project, the Department has found that:

1. The proposed use is an identified land use in the Protective & Resource subzones of the Conservation District, pursuant to Hawai'i Administrative Rules (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 required³;

³ The definition for "Major Alteration" in Title 13-5-2, HAR means work done to an existing structure that results in more than a 50 percent increase in the size of the structure. Although the work is "major" staff needs to clarify that the project does not substantially increase the size of the seawall, certainly nowhere near 50 percent. In addition, staff processed it as a major permit due to its sensitive location and proximity to the Waikiki Marine Life Conservation District.

2. Pursuant to §13-5-40 of the HAR, a Public Hearing was required for this project. The public hearing was held on October 21, 2020; due to the ongoing COVID-19 pandemic, the public hearing was held remotely via Zoom. There was no public testimony on the project. The public hearing can be found on the OCCL YouTube channel at the following link: https://www.youtube.com/watch?v=8ch0IVxIV_I
3. In conformance with Chapter 343, Hawai'i Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a Draft Environmental Assessment (DEA) for this project was published in the OEQC's June 8, 2017 edition of *The Environmental Notice*, with the Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) published in the December 8, 2017 edition. The City & County of Honolulu, Department of Design and Construction was the approving agency of the Final Environmental Assessment and anticipated Finding of No Significant Impact for the proposed project; and
4. The City & County of Honolulu, Department of Planning and Permitting (DPP) stated in a comment letter dated October 4, 2017 in response to the DEA that, "The majority of the proposed work appears to be makai of that (November 4, 2015) certified shoreline. The area makai of the shoreline is not in the SMA. Therefore, no SMA Permit is required for that work. The Final EA should specify whether the work that is mauka of the regulatory shoreline is considered "development" pursuant to Section 25-1.3(2), ROH. If the work is limited to repair and maintenance of an existing structure, it would not be considered development." Included as another attachment was a letter from DPP dated August 21, 2019 that confirms that neither a Shoreline Setback Variance nor a Diamond Head Special District Permit are required for this project. This letter also reiterates that the project is exempt from Special Management Area Use Permit requirements because it is makai of the regulatory shoreline established on the November 4, 2015 certified shoreline survey. The August 21, 2019 letter confirming that neither an SMA nor an SSV permit are required for this project is attached to this report as **Exhibit C**. Additionally, as shown in the Emergency CDUP OA 20-18 for emergency repairs to the concrete ramp in the project area that is attached to this report as **Exhibit A**, the DLNR, Land Division confirmed that a Right-of-Entry permit is not required from the Land Division, as the area where the project is located is under the jurisdiction of the City & County of Honolulu based on Executive Order 3779.⁴

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

⁴ It should be noted that the shoreline in the subject area has migrated mauka of the existing seawall due to wave overtopping. Thus, the shoreline is mauka of the face of the wall and previously certified locations for the shoreline.

1. *The proposed land use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

The proposed use is an identified land use in the Protective and Resource subzones of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR.

The proposed land use is to perform major repairs to an existing seawall in the Queen's Beach area of Waikīkī. The seawall is in dire need of repair in areas stretching from the Queen's Surf groin south down to the northern edge of the Aquarium property and is in need of attention in order to preserve the coastal environment in the area. The intention of this project is to allow the seawall to maintain its current use along Waikīkī's coastline in the face of inevitable sea level rise, despite the long-term damage from wave events and coastal erosion that it has endured.

Assessments done for the project included a finding of no significant impact (FONSI), published in OEQC's *The Environmental Notice* on December 8, 2017. This document found minimal potential impacts from the proposed action to the natural environment in the area. A number of mitigative practices have been identified within the application and environmental assessments to ensure appropriate management and action shall be implemented to protect natural resources and/or species.

2. *The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.*

Areas below the certified shoreline in Hawai'i fall into the Resource subzone, while a portion of the offshore environment near to the project site falls within the Protective subzone areas within the Waikīkī Marine Life Conservation District. The objective of the Protective Subzone is to protect valuable natural and cultural resources in designated areas such as restricted watersheds, marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcanological features and sites, and other designated unique areas. The objective of the Resource subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas.

The proposed seawall repair project is an identified land use pursuant to the Hawai'i Administrative Rules (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;

State law currently prohibits the construction of seawalls and revetments where they impact sand beaches and public access. However, staff does not believe that this action is prohibited by Chapter 205A as it does not interfere with sand beaches or interfere with existing recreational and waterline activities. The wall supports lateral public shoreline access along the Kapiolani Promenade. There has not been a healthy sand beach in front of the wall for decades.

3. *The proposed land use complies with provisions and guidelines contained in Chapter 205, HRS, entitled "Coastal Zone Management," where applicable.*

The intended purpose of the project is to repair a section of existing seawall in Waikīkī that has been damaged by long term effects of wave action and coastal erosion.

According to the studies included in the application, there would be minimal negative impacts to recreational, scenic, economic, social, cultural, or natural resources outside of the temporary rerouting of the promenade walkway mauka of the seawall during the duration of the work. These access concerns were addressed in the FEA-FONSI. Additionally, the CZM office confirmed in two email messages to Oceanit, Inc. that a CZM Federal Consistency review is not required for the project because the US Army Corps of Engineers has authorized the work under Nationwide Permit no. 3 – Maintenance. This email is attached to this report as **Exhibit D**.

OCCL staff believes that the proposed project fits within the Coastal Zone Management Program's Objectives and Policies. It is imperative that all Best Management Practices (BMPs) are carefully followed in order to minimize any potential negative impacts during construction.

4. *The proposed land use will not cause substantial adverse impacts to existing natural resources within the surrounding area, community, or region.*

The proposed project is intended to repair a damaged historical seawall in Waikīkī in order to allow it to maintain its current use and to preserve the use by the public of both the mauka and makai areas surrounding the seawall, both of which are popularly used natural resources.

Staff believes the proposed land use should not cause substantial adverse impacts to existing natural resources within the surrounding area, community or region provided that mitigative measures are implemented and the applicant shall be required to take measures to eliminate or minimize the interference, nuisance, harm, or hazard that the project may cause. Moreover, the work does not interfere with sand beaches or interfere with existing recreational and waterline activities.

The wall, in fact, supports lateral public shoreline access by protecting the promenade, and there has not been a healthy sand beach in front of the wall for decades.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding area, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

The project is the repair of an existing seawall that is subject to constant wave action and has been heavily damaged in some areas. The proposed seawall repair would consist of improvements to both the mauka side of the existing seawall in the form of drainage improvements as well as the construction of a new makai wall along the makai surface of the existing seawall to protect the existing wall from further impacts due to wave action. The applicant states that the improvements mauka of the wall would include the installation of articulated concrete in the area between the existing seawall and the concrete promenade walkway.

Staff is of the opinion that the proposed project will be compatible with the locality, surrounding areas and land uses, and is appropriate to the physical conditions and capability of the specified parcels. However, the use of articulated concrete in the area mauka of the seawall between the wall and the promenade walkway is of concern to OCCL staff. This concern is further elaborated later in this report.

6. *The existing physical and environmental aspect of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

The proposed project will repair an existing seawall in Waikīkī, one of the most heavily trafficked areas in the state by both locals and tourists alike. The seawall is currently damaged and in need of repair. The application provided to our office stresses that the new makai wall would be constructed to match the aesthetic look of the existing seawall as much as practicable while simultaneously improving both resistance to the impacts of wave action as well as mauka-to-makai water drainage through the wall itself. Repairing the damaged wall would allow for continued use by the public, and the proposed project would not negatively alter the natural beauty and open space characteristics of the land.

7. *Subdivision of the land will not be utilized to increase the intensity of land uses in the Conservation District.*

No subdivision of land is proposed for this project.

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

Staff believes the proposed land use will not be materially detrimental to the public health, safety and welfare as mitigated. It is believed that the proposed action would be a benefit to public health, safety, and welfare as it would ensure the continued existence and functionality of a seawall that is currently damaged. Both the beach and marine areas makai of the existing seawall as well as the promenade and park areas mauka of the seawall are heavily used by the general public, and thus the structural integrity of the long-existing seawall is a priority. With proper BMPs identified and followed correctly, the proposed land use will likely improve public health and welfare in the area.

Cultural Impact Analysis

A series of archaeological and cultural assessments were completed by Pacific Consulting Services, Inc. (PCSI) between 2011 and 2017 that included evaluation of potential historical and cultural resources in the project area. The assessments completed included a literature review, a review of past cultural assessments in the area, written consultations with interested parties, and archaeological reconnaissance surveys done in 2011 and 2017, culminating in the submittal of a Cultural Impact Assessment (CIA) for the proposed project submitted in July 2017. These materials were included in the application.

The CIA concluded that while previous archaeological work near the project area has recorded the discovery of burials and cultural or archaeological artifacts, the CIA notes that no surface archaeological sites were encountered during the reconnaissance survey of the project area. Additionally, the information provided states that during construction of the promenade just mauka of the existing seawall in the summer of 2001 an archaeological monitor (Cultural Surveys Hawai'i) was on-call at all times during all excavation extending 12 inches below the ground surface. During the archaeological monitoring for the Queen's Surf promenade the only cultural material observed was modern refuse. No traditional Hawaiian cultural layers or pre-1950s trash were encountered, nor were there human remains found within the project site.

PSCI also prepared an Archaeological Monitoring Plan (AMP) for the proposed project, for which SHPD requested revisions in a response letter dated August 28, 2018. A letter from SHPD to the applicant dated May 1, 2019 acknowledged the receipt of the Chapter 6E-8 submittal form as well as **the acceptance of the revised Archaeological Monitoring Plan, noting that the "project may proceed** with the implementation of on-site, full-time archaeological monitoring of all ground disturbing work as specified in the SHPD-accepted AMP". This acceptance letter from SHPD is attached to this report as ***Exhibit B***.

Ka Pa'akai O Ka'aina Analysis

The project site is a seawall in Waikīkī located along a manmade beach in an area that is composed of largely Beach sands and Jaucas sand subsurface materials. Staff notes that during the archaeological monitoring for the Queen's Surf promenade the only

cultural material observed was modern refuse - no traditional Hawaiian cultural layers or human remains were found within the project site.

As the project site sits along a highly trafficked coastline, traditional cultural practices that would take place in the project area would include gathering, fishing, diving, and ocean recreational activities. During the proposed work, use of this portion of shoreline area may be prevented for public safety reasons. Upon completion, the project would not curtail these activities.

The proposed action does not appear to affect traditional Hawaiian rights. It is believed that the project will not impair, diminish, or preclude customary or traditional native Hawaiian rights and no action is necessary to protect these rights.

Both the State Historic Preservation Division (SHPD) and the Office of Hawaiian Affairs (OHA) were sent a copy of this CDUA, along with relevant environmental and historical documents, for comments in May 2020. No response was received by SHPD, OHA, or other cultural agencies. However, it appears from prior interaction between SHPD and the applicant (see: **Exhibit B**) that SHPD is in concurrence with the action provided conditional with the implementation of the approved Archaeological Monitoring Plan.

It is recommended that all work on the project include standard Best Management Practices (BMPs) regarding cultural and historic properties in Hawai'i. This includes consultation with the State Historic Preservation Division in accordance with applicable regulations in the event that important archaeological, historical or cultural features are discovered, in addition to immediately stopping all work. The mitigative measures discussed in the assessment should also include extreme caution during any ground disturbance.

DISCUSSION

The proposed land use consists of a multi-faceted repair to a damaged section of existing seawall in the Queen's Beach section of Waikīkī. This repair would include filling of voids in the walls foundation and repairs to the concrete cap of the seawall as well as constructing a form-lined concrete wall along the makai face of the existing seawall between the planter box in the middle of the project site and the northern edge of the Waikīkī Aquarium property just south of the project site. Additionally, work would be done mauka of the existing seawall, between the wall itself and the promenade walkway, in order to improve mauka-to-makai drainage in the area and further mitigate potential future damage to the existing seawall.

The project is intended to allow the existing seawall to continue to function (the wall essentially bolsters/supports the public promenade) despite the damage it has sustained from long term wave action, which could also provide a short-term buffer against the inevitable effects that sea level rise will have in exacerbating coastal erosion and wave overtopping in coming years. The location of the proposed project is in a highly developed area that sees a lot of human activity on both the mauka and makai sides (mostly

swimming and fishing) of the existing seawall, and further damage to the seawall could allow for debris to enter the marine environment and pose a hazard to the public.

The information provided stated that the proposed project would utilize a sandbag cofferdam barrier around all in-water work in order to contain any potential runoff into the marine environment - summarized details of this plan can be found in the *Mitigation* section of this report. This cofferdam will be composed of large sandbags and geotextile fabric that is placed around active work areas and will be removed upon completion of the project. Additionally, a silt fence will be installed along the beach north of the coastal planter box to capture any debris, disturbed soil, or rubble generated during the spot repairs in that area. It will be critically important for the contractor to ensure that no concrete slurry escapes over, underneath or through the wood forms during the pour.

Staff notes that during construction Standard Best Management Practices will be observed for all facets of the project, including, but not limited to, erosion control, water quality control, and concerns regarding threatened or endangered species. Within the Application and the Final Environmental Assessment, the applicant has identified a number of mitigative measures, conditions and practices to ensure that the proposal will have minimal effects on the natural and other resources nearby. These are listed in the "Mitigation" section of this report. As such the following of both standard BMPs as well as these proposed measures, conditions and practices are incorporated into the permit.

In the event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sinkholes are identified during the demolition and/or construction work, all work shall be ceased in the immediate vicinity of the find, the find would be protected from additional disturbance, and SHPD shall be notified immediately.

Staff believes the proposed land use is consistent with the objectives of the Protective and Resource subzones, provided that mitigation and best management practices are adhered to, as it aligns with the parameters of HAR 13-5-22, P-8, STRUCTURES AND LAND USES, EXISTING, (D-1), as the project intends to repair a badly damaged section of seawall in a heavily trafficked area of Waikīkī in order for the seawall to continue to function in the future. The construction of a form-lined concrete wall on the makai face of the existing, damaged seawall will prevent debris from the existing seawall from entering the marine environment as well as helping to provide a short-term buffer to the inevitable effects of sea level rise in coming decades. The project will not impact sand beaches and will ensure that the area in and around the public promenade provide for safe public transiting.

Regarding sea level rise, the project area falls heavily within the sea level rise exposure area, as shown in **Figure 6** on page 13. It is expected that the subject seawall will continue to face increasingly effective wave events over time; therefore, it is recommended that alternative solutions are explored for the subject area in the future to counteract the inevitable future effects of sea level rise and coastal erosion.

Finally, OCCL does have one concern about the intention to use articulated concrete blocks to cover the surface area between the existing seawall and the promenade walkway. The articulated concrete blocks and the gaps between the blocks could be a safety hazard to pedestrians that will inevitably walk on top of the surface regardless of what is put there, especially when the surface becomes wet due to overtopping waves. These concerns were relayed to Oceanit, Inc. and the City & County, Department of Design and Construction (DDC), who informed OCCL that the articulated concrete block surface was chosen as the City & County, Department of Parks and Recreation did not want a surface that required maintenance, such as landscaping of any type. Additionally, OCCL was informed that permits from other agencies related to the proposed project specified the use of articulated concrete blocks and changing that aspect of the project would affect those related permits. This combination of factors led to the selection of the articulated concrete block surface for the area between the existing, damaged seawall and the promenade walkway. While OCCL is understanding of these factors, we highly recommend that an alternative surface is given more serious consideration for this area of the project between the seawall and promenade walkway.

Overall, staff believes that the project will have negligible adverse environmental or ecological effects provided that best management practices and mitigation measures as required by rule or laws are fully implemented. This is especially imperative regarding work on the makai side of the existing seawall, including repairs to the makai seawall face itself.

RECOMMENDATION

Based on the preceding analysis, staff recommends that the Board of Land and Natural Resources **APPROVE** Conservation District Use Application OA-3867 for the Waikīkī Seawall Mitigative Improvements Project located in the Queen's Beach area of Kapi'olani Regional Park in Waikīkī, Honolulu, O'ahu at and makai of TMKs (1) 3-1-030: 001, 003, & 004, and (1) 3-1-031: 004 & 005, **subject to the following conditions:**

1. Before proceeding with any work authorized by the department or the board, the permittee shall submit four copies of the construction plans and specifications to the chairperson or an authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three of the copies will be returned to the permittee. Plan approval by the chairperson does not constitute approval required from other agencies;
2. Unless otherwise authorized, **any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been signed by the chairperson, and shall be completed within three years of the approval of such use;**
3. The permittee shall notify the Office of Conservation and Coastal Lands (OCCL) in writing at least 24 hours prior to the initiation and upon completion of the project;

4. All representations relative to mitigation set forth in the accepted application and environmental assessment or impact statement for the proposed use are incorporated as conditions of the permit;
5. The permittee shall comply with all of the mitigation measures and Best Management Practice representations stated in this document;
6. The applicant shall implement both site-specific and standard Best Management Practices (BMPs), including the ability to contain and minimize silt in nearshore waters and clean up fuel, fluid or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If visible petroleum, persistent turbidity or other unusual substances are observed in the water as a result of the proposed operation, all work must cease immediately to ascertain the source of the substance. These BMPs should be included in the construction plans and specifications submitted to the chairperson prior to the initiation of construction;
7. Any materials that become liberated during construction activities must be immediately removed from the beach or ocean;
8. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
9. All placed material shall be free of contaminants of any kind including: excessive silt, sludge, anoxic or decaying organic matter, turbidity, temperature or abnormal water chemistry, clay, dirt, organic material, oil, floating debris, grease or foam or any other pollutant that would produce an undesirable condition to the beach or water quality;
10. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species which normally migrate through the area;
11. 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;
12. 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 direct 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;
- 13. No night work that requires outdoor lighting during seabird fledging season from September 15 through December 15;**

14. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
15. The applicant shall plan to minimize the amount of dust generating materials and activities. Material transfer points and on-site vehicular traffic routes shall be centralized. Dusty equipment shall be located in areas of least impact. Dust control measures shall be provided during weekends, after hours and prior to daily start-up of project activities. Dust from debris being hauled away from the project site shall be controlled. Landscaping and dust control of cleared areas will be initiated promptly;
16. The permittee shall comply with all applicable Department of Health administrative rules;
17. When provided or required, potable water supply and sanitation facilities shall have the approval of the Department of Health and the City & County Board of Water Supply;
18. Obstruction of public roads, trails, lateral shoreline access, and pathways shall be avoided or minimized. If obstruction is unavoidable, the permittee shall provide alternative roads, trails, lateral beach access, or pathways acceptable to the department;
- 19. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact SHPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;**
20. 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 Hawai'i, and by Hawai'i statutory and case law;
21. 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;
22. The permittee, its successors and assigns, shall indemnify and hold the State of Hawai'i 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;

23. 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;
24. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
25. 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;
26. In issuing the permit, the department and board have relied on the information and data that the permittee has provided in connection with the permit application. If, subsequent to the issuance of the permit such information and data prove to be false, incomplete, or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and the department may, in addition, institute appropriate legal proceedings;
27. The permittee shall obtain necessary county permits for proposed the use prior to final construction plan approval by the department;
28. Any landscaping will shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai`i. The introduction of invasive plant species is prohibited;
29. Other terms and conditions as prescribed by the Chairperson; and
30. Failure to comply with any of these conditions shall render this Conservation District Use Permit void under Chapter 13-5, as determined by the chairperson or board.

Respectfully Submitted,

Salvatore Saluga

Salvatore Saluga, Coastal Lands Program Specialist
Office of Conservation and Coastal Lands

Approved for submittal:

Suzanne D. Case

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



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DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
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 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:SS

Emergency CDUP OA 20-18

AUG 28 2020

City & County of Honolulu,
 Department of Design and Construction
 c/o Robert J. Kroning, P.E.
 650 S. King Street, 11th Floor
 Honolulu, HI 96813

SUBJECT: Request for Emergency Repairs to Seawall in the Queen's Beach Area of Waikiki, Honolulu, Oahu; TMK (1) 4-1-030:003, and seaward

Dear Mr. Kroning:

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your request for emergency authorization to repair a damaged seawall and concrete ramp at the subject property in Waikiki, Honolulu, Oahu. You are requesting to repair a section of the seawall area in the Queen's Beach section of Waikiki, Honolulu, Oahu that has recently failed (*Figure 1, on next page*). These repairs would include the demolition and removal of a damaged concrete ramp as well as a concrete rubble masonry (crm) wall makai of the ramp, spot repairs to the wall mauka of the existing concrete ramp, and the installing of a safety railing at the end of the walkway before the start of the to-be-removed ramp for safety purposes.

This area of Waikiki Beach is heavily armored, with seawalls on each side of the subject work area as well as a groin extending out into the ocean just north of the project site. The subject property, TMK (1) 4-1-030:003, is owned by the State of Hawaii, but the City & County of Honolulu is obligated by an Executive Order to maintain the seawall on the makai border of the parcel. The DLNR understands that the proposed activities will occur on State land, seaward of where the shoreline was determined in a November 2019 survey. However, the area where the project is located is under the jurisdiction of the City & County based on Executive Order 3779. Therefore, no right-of-entry permit would be required from Land Division.

There is a Conservation District Use Application currently being processed by our office for seawall repairs in the vicinity of this project (CDUA OA-3867). The original plans and designs in CDUA OA-3867 included work to be done in the subject property and to the subject area of the seawall. However, due to recent wave and tidal events the situation in the subject area of Queen's Beach has been damaged more rapidly than expected. This recent damage prompted the applicant to request emergency approval to immediately address this damaged section of the seawall and ramp.

Exhibit A: Emergency CDUP OA 20-18 for Emergency Seawall Repairs

Emerg. CDUP OA 20-18



Figure 1 – Damaged Section of Ramp and Seawall, Provided by Applicant

Both seasonal and long-term conditions have resulted in erosion of the shoreline fronting the subject property, creating a safety hazard for this heavily trafficked section of Waikiki. 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.

The information provided states that the project would consist of the demolition and removal of a damaged concrete ramp that leads down to the sandy beach area, as well as the demolition and removal of an adjacent damaged concrete rubble masonry (crm) wall on the makai side of the ramp. The concrete ramp that is intended to be removed is roughly 500 square feet, while the damaged crm wall that is intended to be removed is approximately 45 feet in length, 1 foot thick, and varies in height between 1.5 to 4.5 feet. After the removal of the concrete ramp and crm wall, the applicant intends on performing any necessary spot repairs to the wall on the mauka side of the to-be-removed ramp. Additionally, a safety railing that complies with OSHA Section 1910.29, or similar, is intended to be installed at the end of the walkway before the start of the to-be-removed concrete ramp to serve as a fall barrier. The application states that the damaged concrete and spoils shall be taken to an offsite approved landfill.

Within the application received by our office, Best Management Practices (BMPs) and erosion control measures were included for the proposed work. These BMPs and erosion control measures include, but are not limited to, a silt fence around the project area of roughly 360 linear feet to minimize any potential negative effects of the proposed work. The silt fence and other BMPs will be inspected daily and removed upon the completion of the project, but not before the upslope area has been permanently stabilized.

Emerg. CDUP OA 20-18

The DLNR authorizes the demolition and removal of a damaged concrete ramp as well as a damaged concrete rubble masonry (crm) wall makai of the ramp, spot repairs to the adjacent wall directly mauka of the existing concrete ramp, and the installation of a safety railing at the subject property as described above in an effort to protect public health, welfare, and safety on the subject property under Hawai'i 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 proposed work and repairs may be considered an exempt action under State environmental laws under HAR §11-200.1-15(c), Exemption Class (1): *Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, and DLNR Exemption List 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.* The Office of Conservation and Coastal Lands consulted with the Oahu District Land Office, who has concurred with the Exemption for the proposed project. As previously stated, the area where the project is located is under the jurisdiction of the City & County based on Executive Order 3779, and as such, no right-of-entry permit would be required from Land Division.

The proposed repairs and actions listed in this letter are emergency repairs to a damaged seawall and concrete ramp in the Queen's Beach area of Waikiki. Repairs to the seawall in this area were originally submitted to our office as a part of CDUA OA-3867, but recent wave and tidal events warranted an immediate need to address this area of seawall while the CDUA is being processed. The DLNR requests that you remove and properly dispose of any debris encountered on the beach during the proposed work as described above. Any materials that come loose shall be repaired or discarded as soon as possible so they do not end up in the beach or marine environment.

It is imperative to note that the only work approved under this Emergency CDUP is to the concrete ramp itself and the adjacent crm walls, as well as the proposed safety railing. Any other work proposed to be done to the seawall in the Queen's Beach area of Waikiki not directly described above (such as other portions of the seawall not directly adjacent to the damaged concrete ramp) will be addressed under CDUA OA-3867, which is currently in processing within OCCL, and are not authorized under this Emergency CDUP.

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

Emerg. CDUP OA 20-18

Terms and Conditions

The DLNR has no objections to the emergency repairs to this section of the seawall and concrete ramp in the Queen's Beach section of Waikiki as described above fronting the subject property at Tax Map Key (1) 4-1-030:003, provided that you adhere to the following terms and conditions:

1. It is understood that the approved emergency work is a temporary response to address a safety hazard to the existing walkway and other heavily trafficked lands on the subject property, which is threatened by chronic beach erosion. Subsequent erosion control efforts that call for modifications will require a new application. At the end of the construction period, all work materials shall be removed;
2. The permittee will submit a completion report for the project to the OCCL within ninety (90) days of completion of the proposed project. 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 work done and beach conditions with documentation of any alterations or repairs;
3. 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;
4. 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;
5. 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;
6. The applicant shall implement standard Best Management Practices (BMPs) including the ability to contain and minimize silt in nearshore waters and clean up fuel, fluid, or oil spills immediately for projects authorized by this letter. Equipment must not be refueled in the shoreline area. If 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;
7. Obstruction of lateral shoreline access shall be avoided or minimized;
8. 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;

Emerg. CDUP OA 20-18

9. The activity shall not adversely affect a federally listed, threatened, or endangered species or a species proposed for such designation, or destroy or adversely modify its designated critical habitat;
10. The activity shall not substantially disrupt the movement of those species of aquatic life indigenous to the area, including those species which normally migrate through the area;
11. No contamination of the marine or coastal environment (trash or debris) shall result from project-related activities authorized under this letter;
12. During construction, appropriate mitigation measures shall be implemented to minimize impacts to the aquatic environment, off-site roadways, utilities, and public facilities;
13. Any materials that become liberated during construction activities must be immediately removed from the beach or ocean;
14. 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;
15. The permittee, their successors and assigns, shall indemnify and hold the State of Hawai'i 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;
16. The permittee understands and agrees that the permit does not convey any vested right(s) or exclusive privilege;
17. Transfer of ownership of the subject property includes the responsibility of the new owner to adhere to the terms and conditions of this authorization;
18. The permittee shall comply with all applicable Department of Health Administrative Rules;
19. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the permittee shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;
20. For all landscaped and vegetated areas, landscaping and irrigation shall be contained and maintained within the property, and shall under no circumstances extend seaward of the shoreline as defined in Hawai'i Revised Statutes (HRS) §205A-1;
21. 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;

Emerg. CDUP OA 20-18

22. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawai'i and by Hawai'i statutory and case law;
23. Should historic remains such as artifacts, burials, or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact the State Historic Preservation Division (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
24. The DLNR reserves the right to impose additional terms and conditions on projects authorized under this letter, if it deems them necessary;
25. The permittee shall obtain necessary county permits for proposed the use, as necessary;
26. 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;
27. Other terms and conditions as prescribed by the Chairperson; and
28. Failure to comply with any of these conditions shall render a permit void under Chapter 13-5, as determined by the Chairperson or BLNR.

Please review these Terms and Conditions carefully and return a signed copy to the DLNR. Should you have any questions pertaining to this letter, please contact Salvatore Saluga of our office at (808) 798-6147 or salvatore.j.saluga@hawaii.gov.

Sincerely,

Suzanne D. Case

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

Emerg. CDUP OA 20-18

I concur with the conditions of this letter:

Signature of Applicant or Representative

Date: _____

Print Name & Title

CC: Oceanit Laboratories, Inc.
c/o Cris Takushi, P.E.
ODLO
Dept. of Parks and Recreation
City and County of Honolulu
Planning Department



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 STATE HISTORIC PRESERVATION DIVISION
 KAKUHIBEWA BUILDING
 601 KAMOKILA BLVD, STE 555
 KAPOLEI, HAWAII 96707

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
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 KAHOLAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

May 1, 2019

Elaine Morisato, Project Manager
 Department of Design and Construction
 City and County of Honolulu
 650 South King Street, 11th Floor
 Honolulu, HI 96813
 Email: emorisato@hawaii.gov

IN REPLY REFER TO:
 Log No.: 2018.02222
 Doc. No.: 1905GC01
 Archaeology

Dear Ms. Morisato:

SUBJECT: **Chapter 6E-8 Historic Preservation Review –
 Archaeological Monitoring Plan in Support of
 Proposed Repairs to the Queen’s Surf Seawall in Waikiki
 Waikiki Ahupua’a, Honolulu District, Island of O’ahu
 TMK: (1) 3-1-030:001 and (1) 3-1-032:004 and 005**

This letter provides the State Historic Preservation Division’s (SHPD’s) review of the revised draft plan titled *Archaeological Monitoring Plan in Support of Proposed Repairs to the Queen’s Surf Seawall in Waikiki, Waikiki Ahupua’a, Honolulu District, Island of O’ahu* (Walden and Collins, September 2018). SHPD received this submittal from Pacific Consulting Services, Inc. (PCSI), on behalf of the City and County of Honolulu Department of Design and Construction (DDC) on September 26, 2018. Previously SHPD reviewed the initial draft archaeological monitoring plan (AMP) and requested revisions (August 28, 2018; Log No. 2018.01661, Doc. No. 1808JA04).

The project proponent is the City and County of Honolulu Department of Design and Construction. The project area, totaling 0.2 acre, is located within the boundaries of Kapi’olani Park, in the Kapi’olani Beach/Queen’s Surf recreation area, at the southwest end of Waikiki Beach.

SHPD requested archaeological monitoring for the subject project during consultation with the project proponent’s representative (PCSI) in February 2017. PCSI prepared this AMP in support of the proposed repairs designed to restore the structural integrity of the seawall and adjacent land, including filling voids in the seawall foundation and the replacement of the degraded concrete top cap of the seawall. These repairs are proposed to prevent further erosion of the adjacent land and beach walk. The proposed new construction work will create a concrete wall on the ocean side and a concrete support with drainage provisions on the inland side of the seawall. The new seawall will either be anchored to the land-side concrete structure or supported by vertical reinforcing bars embedded near the wall’s foundation.

The AMP stipulates the following monitoring procedures:

- A pre-construction briefing will be conducted prior to construction activities;
- On-site monitoring of all ground disturbing activities within the project area;
- The archaeological monitor has the authority to temporarily halt all activity in the area in the event of a potential historic property being identified, or to record archaeological information for cultural deposits;

Exhibit B: May 1, 2019 SHPD Approval Letter Regarding Chapter 6E-8 Review & Acceptance of AMP

Elaine Morisato
May 1, 2019
Page 2

- In the event that non-burial historic properties are identified, the archaeological monitor shall protect the find from further disturbance until the find can be adequately assessed and documented in consultation with SHPD, and in accordance with HAR §13-279-5(5)5 and HAR §13-280;
- If human remains are identified, work will cease in the vicinity and the find shall be secured, and provisions outlined within the Hawaii Revised Statutes (HRS) §6E-43 and HAR §13-300-40, and any SHPD directives, shall be followed; and
- Project materials will be stored temporarily with PCSI; final curation facilities shall be determined in consultation with SHPD and the landowner.

Documentation of non-burial cultural deposits may include recording stratigraphy using USDA soil descriptions, GPS point collection, recordation of feature contents through excavation or sampling of features, screening of features, representative scaled profile drawings, photo documentation, and appropriate laboratory analysis of collected samples and artifacts. Any samples suitable for radiocarbon analysis shall be submitted for wood taxa identification prior to radiocarbon dating. Final curation of collected items shall be determined in consultation with the landowner and the SHPD. Any deviation from these provisions shall occur only in consultation with the SHPD.

The plan meets the minimum requirements of HAR §13-279-4. **It is accepted.** Please send one hard copy of the document, clearly marked FINAL, along with a text-searchable PDF version to the Kapolei SHPD office, attention SHPD Library.

SHPD hereby notifies the DDC that construction activities for the present project may proceed with the implementation of on-site, full-time archaeological monitoring of all ground disturbing work as specified in the SHPD-accepted AMP. The permit issuance process may proceed.

SHPD requests written notification at the start of archaeological monitoring. Within 60 days following completion of the archaeological monitoring fieldwork, SHPD looks forward to receiving for review and acceptance an archaeological monitoring report meeting the requirements of HAR §13-279-5.

Please contact Dr. Susan Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for any questions regarding archaeological resources or this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Steve Clark, PCSI steve.clark@pcsihawaii.com



2020 MAY 29
 RECEIVED
 OFFICE OF CONSERVATION AND COASTAL LANDS
 JUN 15 A 11:10
 SUZANNE D. CASE
 CHAIRPERSON
 BOARD OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT
 ROBERT K. MASUDA
 FIRST DEPUTY
 M. KALEO MANDEL
 DEPUTY DIRECTOR - WATER
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 KAHUOLAWE ISLAND RESERVE COMMISSION
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STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 OFFICE OF CONSERVATION AND COASTAL LANDS
 POST OFFICE BOX 621
 HONOLULU, HAWAII 96809

REF:OCCL:SS

CDUA OA-3867

Acceptance Date: May 11, 2020

180 Day Expiration Date: November 7, 2020

SUSPENSE DATE: 21 Days After Stamped Date

MAY 26 2020

MEMORANDUM:

TO:

- State Agencies**
- DLNR - Aquatic Resources
 - DLNR - Engineering
 - DLNR - Forestry & Wildlife
 - DLNR - Historic Preservation
 - DLNR - Oahu District Land Office
 - DLNR - Resource Enforcement
 - DLNR - State Parks
 - DLNR - Boating and Recreation
 - Department of Health
 - Department of Transportation
 - Office of Hawaiian Affairs

- Federal Agencies**
- National Oceanic Atmospheric Admin.
 - US Army Corps of Engineers
 - US Fish and Wildlife Service

- County Agencies**
- C&C Honolulu, Design & Construction
 - C&C Honolulu, Environmental Services
 - C&C Honolulu, Land Management
 - C&C Honolulu, Parks and Recreation
 - C&C Honolulu, Planning Department

FROM: Samuel J. Lemmo, Administrator *SAM LEMMO*
 Office of Conservation and Coastal Lands

SUBJECT: REQUEST FOR COMMENTS
 Conservation District Use Application (CDUA) OA-3867 for the Waikiki Seawall
 Mitigative Improvements Project

APPLICANT: Oceanit Laboratories, Inc., as consultant for City & County of Honolulu, Department of
 Design and Construction

LOCATION: Queen's Beach section of Waikiki, Honolulu, Oahu; TMKs: (1) 3-1-030: 001, 003, and 004,
 and (1) 4-1-031: 004 and 005, and seaward of all parcels

Please find enclosed, a CD with an electronic copy of the subject FEA, CDUA OA-3867, and our notice to the applicant. We would appreciate your agency's review and comment on this application. If no response is received by the suspense date, we will assume there are no comments. The suspense date starts from the date stamp. Please contact Salvatore Saluga at (808) 798-6147, should you have any questions on this matter.

Comments Attached *No SMA Use Permit or Shoreline Setback Variance Required.* *Malyne Simeon*
 Signature
 Malyne Simeon/Planner
 Print Name/Title

No Comments

Attachments Enclosed

Exhibit C: C&C, DPP Letters Confirming that no SMA or SSV Permits are required for this project

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
 650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
 PHONE: (808) 768-8000 • FAX: (808) 768-8041
 DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
 MAYOR



COPY

KATHY K. SOKUGAWA
 ACTING DIRECTOR

TIMOTHY F. T. HIJ
 DEPUTY DIRECTOR

2017/ELOG-1194(EK)

October 4, 2017

Mr. Cris Takushi
 Oceanit Center
 828 Fort Street Mall, Suite 600
 Honolulu, Hawaii 96813

Dear Mr. Takushi:

Subject: Walkiki (Queen's Surf) Seawall Mitigative Improvements
 Draft Environmental Assessment (EA)
 Tax Map Keys 3-1-030: 001 to 005, and 3-1-031: 004 and 005

This is in response to your request, received June 16, 2017, for comments on the Draft EA for the subject Project. We understand the Project will involve the repair of a 900-linear-foot section of the 1,270-foot-long seawall between the area near the Queens Surf Groin and the Aquarium. According to the Draft EA, about a 460-linear-foot section of the seawall will have major repairs, with minor spot repairs to the remaining 440 feet of the seawall. Reconstruction of a 190-linear-foot concrete curb next to the ramp is also proposed.

We have the following comments:

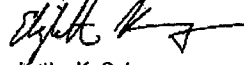
1. Section 7 should include sections on the Land Use Ordinance (Chapter 21, Revised Ordinances of Honolulu (ROH)), the Shoreline Setback Ordinance (Chapter 23, ROH), and the Special Management Area (SMA) Ordinance (Chapter 25, ROH).
2. The Draft EA contains a shoreline survey that was certified by the State Department of Land and Natural Resources Office of Conservation and Coastal Lands (OCCL) on November 5, 2015. The majority of the proposed work appears to be makai of that certified shoreline. The area makai of the shoreline is not in the SMA. Therefore, no SMA Permit is required for that work. The Final EA should specify whether the work that is mauka of the regulatory shoreline is considered "development" pursuant to Section 25-1.3(2), ROH. If the work is limited to repair and maintenance of an existing structure, it would not be considered development.

ATTACHMENT 1

Mr. Cris Takushi
October 4, 2017
Page 2

Should you have any questions, please contact Elizabeth Krueger, of our Zoning Regulations and Permits Branch, at 768-8017.

Very truly yours,



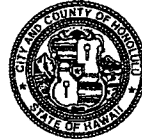
for Kathy K. Sokugawa
Acting Director

ATTACHMENT 1

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honoluluapp.org • CITY WEB SITE: www.honolulu.gov

File

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR
TIMOTHY F. T. HIU
DEPUTY DIRECTOR
EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

COPY

August 21, 2019

2019/ELOG-1405(ST)

Mr. Cris Takushi
Project Manager
Oceanit
828 Fort Street Mall, Suite 600
Honolulu, Hawaii 96813

Dear Mr. Takushi:

Subject: Waikiki (Queen's Surf) Seawall Mitigative Improvements
Department of Design and Construction
Tax Map Keys 3-1-030: 001 to 004, and 3-1-031: 004 and 005

This is in response to your letter, dated July 15, 2019, requesting confirmation that a Shoreline Setback Variance (SV) will not be required for the subject Project. Your letter also included a master application form with attachments and the certified shoreline survey dated November 4, 2015, for an SV and Major Special District Permit. However, the proposed form-lined concrete seawall enhancements, including the engineered backfill, rebar anchors, and articulated block mat additions for the "planter box" portion of the seawall, are makai of the 2015 regulatory shoreline, and are therefore in the State Land Use Conservation District. As such, we confirm that an SV and a Diamond Head Special District Permit are not required.

We note that the Final Environmental Assessment (Section 9), which was published in the Office of Environmental Quality Control's December 8, 2017 issue of The Environmental Notice, listed the SV and Special District Permits as required approvals. However, we confirm these are not required. We also reiterate that the proposed Project is exempt from Special Management Area Use Permit requirements because it is makai of the regulatory shoreline.

Mr. Cris Takushi
August 21, 2019
Page 2

Should you have any questions, please contact Steve Tagawa, of our Zoning Regulations and Permits Branch, at 768-8024.

Very truly yours,



For: Kathy K. Sokugawa
Acting Director

cc: Department of Design and Construction -
Elaine Morisato

From: Nakagawa, John D
To: Cris Takushi
Subject: [External] RE: CZM Federal Consistency Review - Waikiki Seawall Mitigative Improvements
Date: Friday, February 7, 2020 8:29:07 AM
Attachments: 2019-09188 NWP Verification Letter.pdf

Cris:

As previously communicated to you (email July 19, 2019, below), CZM federal consistency review is not required for the Waikiki Seawall Mitigative Improvements Project because the U.S. Army Corps of Engineers has authorized the work under Nationwide Permit no. 3 – Maintenance on February 6, 2020 (verification letter attached). NWP3 was previously issued a general concurrence by the Hawaii CZM Program, therefore, no further review or action by the CZM Program is necessary.

John Nakagawa
Hawaii Coastal Zone Management (CZM) Program
Phone: (808) 587-2878
Email: john.d.nakagawa@hawaii.gov

From: Nakagawa, John D
Sent: Friday, July 19, 2019 1:06 PM
To: Cris Takushi <ctakushi@OCEANIT.COM>
Subject: CZM Federal Consistency Review - Waikiki Seawall Mitigative Improvements

Cris:

This is to confirm, per our phone conversation on July 19, 2019, that the Hawaii CZM Program will "hold" the application for federal consistency review for the Waikiki Seawall Mitigative Improvements until verification from the Army Corps of Engineers (ACOE) is received that the proposal will be authorized under Nationwide Permit (NWP) no. 3. NWP3 was previously issued a general concurrence by the Hawaii CZM Program, therefore, the CZM review will not be required if the ACOE authorizes the project under NWP3. If that is the case, then we will send you and the applicant a letter verifying the CZM Program concurrence for NWP3.

John Nakagawa
Hawaii Coastal Zone Management (CZM) Program

Exhibit D: Hawai'i CZM Program email confirming that no CZM Federal Consistency Review is required for this project