

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

File No: CDUA OA-3950  
180-Day Exp. Date: April 6, 2025

March 14, 2025

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

<b>REGARDING</b>	Conservation District Use Application (CDUA) OA-3950, for Public Purpose Use for the Realignment of Kamehameha Highway at Laniakea Beach
<b>APPLICANT</b>	State of Hawaii Department of Transportation, Highway Division
<b>AGENT</b>	Todd Nishioka of WSP USA, Inc.
<b>LOCATION</b>	Kawailoa, Waialua, Oahu
<b>TAX MAP KEY</b>	Seaward of (1) 6-1-009:021, 022, (1) 6-1-010:019, 20
<b>AREA OF USE</b>	Approximately 1.46-acres
<b>SUBZONE</b>	Resource
<b>EXHIBITS</b>	<ol style="list-style-type: none"><li>1. Project Location</li><li>2. Shoreline Certification</li><li>3. Project Area in Conservation</li><li>4. Under Existing Bridge Photo</li><li>5. Project Span</li><li>6. Road Erosion Photos</li><li>7. Sea Level Rise Exposure Area</li><li>8. Flood Hazard Report</li><li>9. Bridge Plans</li><li>10. Landscape Plans</li><li>11. Ms. Antolini Comments and Responses from HDOT</li><li>12. Mr. Doug Meller Comments and Responses from HDOT</li><li>13. "Most Realignment" Alternative</li></ol>

This staff report is available online at [dlnr.hawaii.gov/occl/current-applications](https://dlnr.hawaii.gov/occl/current-applications).

## **SUMMARY**

The State of Hawaii Department of Transportation (HDOT), Highway Division is proposing roadway improvements to address pedestrian safety, shoreline erosion, congestion, and roadway reliability along Kamehameha Highway in the vicinity of Laniakea Beach, Tax Map Keys (TMKs): (1) 6-1-009:021, 022, (1) 6-1-010:019, and 020. (**Exhibit 1**). The Conservation District is makai of the shoreline in the Resource Subzone.

The Shoreline was certified on January 18, 2023, and much of the existing highway was found to be makai of the shoreline. This CDUA will only focus on the Conservation District parts, which include the abandonment of the makai lane of the existing highway, demolition of the mauka lane of the highway, landscaping and the wingwall that will be connected to the new bridge. **Exhibit 2** shows the Certified Shoreline. **Exhibit 3** shows the Conservation area, which is makai of the shoreline.

## **DESCRIPTION OF AREA**

Laniakea Beach is located on the edge of the northwest flank of the Koolau Mountains. A prominent physical feature in the vicinity of the project site is the shoreline, that at one time was a relatively wide sand beach to the southwest fronting a surf spot known as "Laniakea's", then running northeast to a rugged basaltic rocky headland fronting the surf spots known as "Hultin's" and "Jocko's". The intersection between the sandy beach and the rocky point forms a relatively sheltered cove, where sea turtles are known to congregate in large numbers, drawing large crowds of tourists and visitors.

The Lauhulu Stream, also referred to as Laniakea Stream or Kukaiohiki Gulch, is an intermittent stream that runs through the project area roughly east to west, that empties at Laniakea Beach. The streambed is fairly shallow throughout the project area. The beach near the bridge overpass consists of sand. (**Exhibit 4**).

The project span is approximately 1,100-feet in length on Kamehameha Highway (Route 83) and mauka of the highway as the certified shoreline extends mauka of the highway. DOT retains jurisdiction over the highway right-of-way. (**Exhibit 5**). The approximate area in the Conservation District is 1.46-acres.

Kamehameha Highway is a two-lane rural highway. There are two bus stops within the project area and there are 50-60 informal parking spaces on the mauka side of the road within the Conservation and Agricultural State Land Use District. Via a First Circuit Court Declaratory Judgement and Injunction and Emergency CDUP OA 22-01, temporary parking was established just mauka of the highway Right-of-Way (ROW). Motorists park on the mauka side of Kamehameha Highway and cross the highway to get to Laniakea Beach.

Frequent vehicular turns onto and off of Kamehameha Highway, coupled with continuous pedestrian crossings, create additional challenges for traffic flow and safety along this stretch of highway.

## **BACKGROUND**

Kamehameha Highway is the main public throughfare and evacuation route on Oahu's north shore. Long-term, short-term, and seasonal shoreline processes threaten highway operations. During high surf and flooding events this section of the highway has been closed because it is rendered too hazardous to travel.

In 2003, HDOT published the Statewide Highway Shoreline Protection Study, which identified two sections of Kawiloa Beach: a 700-foot section and a 200-foot section of Kamehameha Highway, fronting Laniakea Beach, and Chun's Reef, that are directly exposed to the ocean and have imminent or existing highway damage due to wave attack. At these locations, the highway is protected by a boulder escarpment; however, overtopping waves and stormwater runoff undercut this protection and are undermining the highway.

The proposed project was initiated in 2011 for the purpose of addressing shoreline erosion and roadway reliability. HDOT re-prioritized the project objectives in response to a young boy being hit by a car crossing Kamehameha Highway at Laniakea Beach in August 2019. The North Shore community held protests urging lawmakers and the State to make the area safe, resulting in HDOT shifting their primary purpose of their project to pedestrian safety.

The primary purpose of this project is to improve safety for both pedestrians and motorists utilizing Kamehameha Highway fronting Laniakea Beach. During peak hours, approximately 50-70 cars park on the mauka side of the highway. There are no sidewalks or crosswalks along this section of Kamehameha Highway, yet 200 to 300 pedestrians cross the highway each hour from about 11:00am to 4:00pm.

A secondary purpose of the project is to reduce Kamehameha Highway's vulnerability to climate change, including sea level rise, coastal erosion and inundation, thereby improving the roadway's reliability for service.

## **PHYSICAL GEOGRAPHY AND COASTAL PROCESSES**

### Coastal Hazards

The beaches of North Shore, including Laniakea, are highly dynamic and beach width can vary seasonally. According to the Coastal Research Collaborative's Hawaii Shoreline Study web map, the erosion rate near the project area appears to be approximately 0.0+/- -0.6ft/yr; however, based on historical aerial images and staff site visits to the area, it appears the beach eroded up to this section of Kamehameha Highway many decades ago and has since stabilized in the form of beach loss due to the loose rock revetment that was placed near and along the highway right-of-way to protect it from further potential damage or undermining. (**Exhibit 6**).

Most recent site visits to the area indicate that this portion of Kamehameha Highway continues to be threatened by erosion due to observed failure of portions of the rock revetment and increasingly more over wash due to seasonal high wave events.

Shoreline erosion for many Hawaii coastlines is caused by hurricanes and storm surge, waves, extreme tides and occasionally tsunamis. Additional erosional pressures are likely due to climate change and sea level rise. Laniakea Beach shows large variations in sand distribution, but recent site inspections of the area indicate the beach has deflated, and beach rock is exposed.

### Sea Level Rise

According to the State of Hawaii Sea Level Rise Viewer, modeled sea level rise impacts (passive flooding, annual high wave flooding, and coastal erosion) predict that the project area would be impacted or inundated by 0.5-ft, 1.1-ft, 2.0-ft, and 3.2-ft sea level rise. **(Exhibit 7).**

### Flood and Tsunami Hazard Assessment

The existing Kamehameha Highway is mostly in the VE zone that corresponds to the 100-year coastal floodplains that have additional hazards associated with storm waves (including tsunami runup) and Zone AE (combined zones also in the 100-year flood limits). The current highway has been closed during high surf and flood events because it was too hazardous to travel. **(Exhibit 8).**

### Floral and Fauna

Plant life is dominated by alien species with strands of native and coastal plants such as naupaka and beach heliotrope. Observed wildlife in the area include alien species, such as the Indian mongoose and feral cats. Although not observed during the survey, species of rats and mice are likely to occur within the area.

Majority of the bird species observed within the subject properties are introduced. Indigenous bird species include migratory shorebirds: the Pacific Golden Plover, and the Ruddy Turnstone. Common introduced species in the area include cattle egrets, doves, Japanese white eye, mynas, and bulbuls.

The Hawaiian hoary bat, which is listed as endangered by the U.S. Fish and Wildlife Service and the State of Hawaii, is known to occur nearby and could forage or roost in the project area.

No endangered water birds were observed during the field survey, and no wetland habitat suitable for water birds were identified.

The coastal area of the proposed project consists of Laniakea Beach and residential properties. A basalt rock headland divides the coastline and provides a sheltered cove used by Hawaiian Green Sea Turtles as a grazing area. The cove has become known as "Turtle Beach" and is a popular destination for tourists to observe the endangered species closely.

The Hawaiian green sea turtle or Honu is known to frequent the shoreline near Laniakea Beach and neighboring coastal strands, foraging on near shore reefs, and resting on the sandy beaches. When the Hawaii Tourism Authority funded Malama Na Honu, it became an official turtle viewing spot. The Hawksbill Sea Turtle may also occur in the vicinity of the project site.

Hawaiian Monk Seals may visit the shoreline to haul out and rest.

### Historical & Cultural Resources

The traditional cultural practices that may take place in the vicinity would include gathering, fishing, diving, and ocean recreational activities.

The archaeological inventory survey completed identified two historic properties. The first is Site T-1, which is a modified bedrock outcrop that may have been interpreted to be a possible ceremonial site. The second historic property is the Lauhulu Stream Bridge (Site L-Bridge).

### **PROPOSED USE**

HDOT proposes to move the highway approximately 80-feet inland, slightly mauka of the most recent certified shoreline. Parking on the existing mauka lane of the highway and mauka of the ROW is proposed and the makai side of the existing highway will be repurposed to a 16-foot-wide shared use path for bicycles and pedestrians. The makai lane of the existing highway will be partially demolished and landscaped with coastal plants to naturalize the area. HDOT shall retain jurisdiction what will be left of the existing ROW and new ROW. Portions of these proposed improvements lie within the Conservation District.

Support structures, consisting of a portion of the wing wall on the proposed new bridge, along with a drainage swale, are proposed in the Conservation District. The new bridge span is short enough as to not require the placement of abutments or other structures in the stream beds or any potential wetlands. **(Exhibit 9)**.

The makai half of the existing highway is proposed to be demolished and replaced with vegetation and slope stabilization measures to prevent soil and beach erosion and add natural visual elements. **(Exhibit 10)**. Proposed vegetation consists of pohinahina, milo, naupaka, kou, ananea, akia, and beach heliotrope. Existing vegetation will remain. Temporary irrigation will be provided. According to the plans submitted, a 4-inch layer of imported topsoil will be placed along with a 2-inch layer of mulch. A contractor shall be responsible for maintaining the area for 9-months.

The mauka side of the existing road and the existing bridge will remain as a separate 16-foot-wide shared use path for bicycles and pedestrians. A portion of the parking area also lies within the Conservation District. Grass pavers are proposed to be installed in this area. Spaces to accommodate lifeguards and approximately 50-60 passenger cars are proposed. The bus stops will be relocated and brought into compliance with Americans with Disabilities Act accessibility guidelines.

Laniakea Beach will remain open and accessible to the public throughout the duration of construction. Public access to the City and County Department of Parks and Recreation parking area will be available during construction as coordinated around the contractor's work areas. Parking limitations will be temporary during the duration of construction of up to 24 months. To minimize traffic and access problems on Kamehameha Highway and adjacent side streets, construction phasing and traffic control plans will be developed and implemented. Traffic control signage such as "No Parking" or "Right Turn Only" signs will be installed as needed.

#### **ALTERNATIVES CONSIDERED**

1. No Build Alternative. Maintaining the current road layout with no changes.
2. No Build Settlement Alternative. It involves allowing cars to park on the mauka side of the highway on an unpaved parking area for better public access to Laniakea beach and installing barricades and crosswalks so that visitors might cross the highway in a safer, more orderly fashion.
3. Transportation System Management. (TSM) Alternative. This alternative would entail blocking off the mauka side parking with a permanent guardrail. Parking would be unavailable on the mauka side of the road, and new crosswalks would be established. The TSM Alternative includes shoreline erosion mitigation on an as needed basis.
4. Pedestrian Shift Alternative. (preferred alternative) The Proposed Action is to realign Kamehameha Highway mauka up to 80-feet from its current location from the Haleiwa side of Lauhulu Stream bridge for roughly 1,100-feet.

Staff notes that during initial consultations regarding the proposed realignment of this section of Kamehameha Highway HDOT was considering an alternative identified as "Most Realigned", which would have relocated the highway approximately 400-800-ft from its current location. (Ref: COR: OA 15-170, OA 18-82) OCCL had consistently supported the "Most Realignment" alternative. It appears HDOT did not move forward or ruled this alternative out in its Final EA due to significant impacts on cultural and historical resources, cost, schedule, and effects on Kamehameha Schools' property.

#### **BEST MANAGEMENT PRACTICES**

##### Water Resources

The following mitigation measures will be implemented to avoid and minimize potential impacts to water resources:

- Best Management Practices (BMPs) will be implemented to prevent debris and run-off and erosion during project construction. Landscaping will be mitigated using construction BMPs established and permitted before work begins.

- The project has obtained a Notice of General Permit Coverage (NGPC) from the Hawaii Department of Health (DOH) as part of the National Pollutant Discharge Elimination System (NPDES) program.
- Work area isolation devices, such as diversion dams, will be used.
- Perimeter controls and sediment barriers, such as silt fences, will be used.
- Storm drains inlet and catch basin protection devices will be installed.
- Proper waste management will occur, including separation of recyclable material.
- Minimizing disturbance areas
- HDOT will require the contractor to keep all equipment and materials out of the stream.
- Implementation of permanent BMPs of vegetated swales along the mauka side of the existing road to carry stormwater and to allow infiltration.

### Biological Resources

The following mitigation measures will be implemented to avoid and minimize potential impacts to biological resources:

- Construction lighting will be directed to the ground and shielded to the extent possible to help avoid impacting seabirds and sea turtles.
- During the shearwater nesting season (September 15 through December 15) construction activities will be limited to daylight hours whenever possible.
- Woody vegetation taller than 15-feet will not be cleared during the annual Hawaiian Hoary bat pupping season (June 1 and September 15)
- To control the transfer of invasive plants and animals, HDOT will require the contractor to employ BMPs including:
  - Construction equipment cleaning prior to the equipment arrival at the site and to moving to an offsite location
  - Segregation of stockpiled and spoil material. Excavated soils will be reused to the maximum extent practicable at the site from which it was removed
  - Sediment and erosion control measures to ensure that stockpiled or spoil materials will not result in spread of invasive species from one area to another via storm water run-off.

### Historic, Cultural and Archaeological Resources

An archaeological inventory survey conducted for the proposed project identified two historic properties:

1. SIHP Site L-Bridge: The Lauhulu Stream Bridge, Bridge No. 003000830300339, Site 8080, was previously evaluated as significant under Criterion C "for its association with early developments in concrete bridge construction in Hawaii." Citing it as "a is a good example of a 1930's reinforced concrete bridge that is typical of its period and its use of materials, method of construction, craftsmanship, and design."
2. SIHP Site 08949, T-1: A modified bedrock outcrop that may have been part of the ceremonial cultural landscape that also included Kahokuwelowelo and Iliiikea

heiau along with other related sites. Site T-1 falls outside of the proposed development footprint.

Other than T-1, no cultural resources were identified within the project area. The Archeological Inventory Survey (AIS) Report included pedestrian survey and subsurface testing. Both sites identified within the study corridor will be physically avoided during construction. The Lauhulu Stream Bridge will be converted to pedestrian use, and Site T-1 will remain undisturbed.

The following measures will be implemented to avoid and minimize potential impacts to historic and archaeological resources:

- A qualified archaeological monitor will be present during ground-disturbing activities associated with development of the proposed roadway.
- A monitoring plan compliant with Hawaii Administrative Rules (HAR) §13-279-4 will be prepared prior to construction.
- If undocumented burial, iwi kupuna, or archaeological sites are uncovered during construction, all work shall be halted, and the appropriate authorities, including SHPD and the police, will immediately be notified.
- If previously unidentified non-burial historic properties, or unanticipated effects are discovered, HDOT shall follow HAR Chapter 13-280, "Rules Governing General Procedures for Inadvertent Discoveries of Historic Properties During a Project Covered by the Historic Preservation Review Process".
- The treatment of burials shall be conducted in accordance with HAR §13-300
- Interim protective fencing will be established around Site T-1 and stay in place during the entire course of road construction activity.
- The existing Lauhulu Stream Bridge will not be physically impacted by the proposed development footprint. The proposed mitigation for the bridge is preservation in the form of avoidance and protection.
- Once construction is complete the realigned Kamehameha Highway will be no closer to Site T-1 than it is currently.

#### **SUMMARY OF COMMENTS**

The Office of Conservation and Coastal Lands referred this application to the following agencies for review and comment:

State Agencies:

- DLNR: Engineering Division, Water Resource Management, Commission on Water Resource Management, Oahu District Land Office, Division of Conservation and Resource Enforcement, Division of Forestry and Wildlife, Na Ala Hele, Aha Moku, and Division of Aquatic Resources
- Office of Planning and Sustainable Development
- Office of Hawaiian Affairs
- Department of Health

County Agencies:

- City and County of Honolulu, Department of Planning and Permitting

- Honolulu Fire Department
- Honolulu Police Department

Federal Agencies:

- U.S. Fish and Wildlife
- U.S. Army Corps of Engineers

Other Individuals and Organizations:

- Hawaiian Electric Company, Inc.
- Waialua Public Library
- Hawaii State Library
- North Shore Neighborhood Board No. 27

Additionally, notice of CDUA OA-3950 was published in the October 23, 2024, issue of *The Environmental Notice* and was also available on OCCL's website to make this information readily available for those who may wish to review it.

Comments were received by the following agencies and individuals and summarized by Staff as follows:

Office of Conservation and Coastal Lands

OCCL supports the "Most Realignment" alternative to address modeled and potential effects from sea level rise and associated impacts. We request an overlay of the site plan of proposed work, sea level rise exposure area, and the 2023 certified shoreline.

The frequency and severity of coastal inundation events can be expected to increase with sea level rise in the coming decades and based upon the Sea Level Rise Exposure Area (SLR-XA) and the location of the certified shoreline dated January 18, 2023, the highway and proposed improvements potentially will be inundated. How will the HDOT manage the proposed improvements as the sea level rises and impacts the project area?

Please consider coordinating with other agencies and utility providers regarding the potential removal of existing utilities away from the shoreline or realignment with the relocated highway.

Please include mitigation for the endangered marine species that may frequent the vicinity. The CDUA application states there are no threatened or endangered species observed within the project area, but USFWS and community organizations report that Hawaiian monk seals and Hawaiian sea turtles, both endangered and protected species, are known to haul out, rest, and nest at Laniakea and nearby Papailoa Beach.

Please propose mitigation during construction for traditional cultural practices that may occur on the shoreline.

Applicant's Response

HDOT acknowledges OCCL's support for the "Most Realignment" alternative.

HDOT provided OCCL with figures that illustrate the various Sea Level Rise Scenarios; however, the requested overlay with the site plan of proposed work and the 2023 certified shoreline were not provided.

The design elements of the improvements were incorporated to mitigate the scour effects of wave run up on the proposed roadway and bridge. The design elements include a vegetated buffer, cut-of wall to prevent the new roadway scour, and to dump riprap along the proposed bridge to prevent scour. HDOT continues to coordinate with other State agencies to work on strategies to address future potential effects to its system due to climate change.

HDOT notes that the topography and presence of Kamehameha Highway is at an elevation much higher than the beach and thus mitigates the green sea turtle and Hawaiian monk seal from entering the HDOT right-of-way. The species may be present on the beach, but in locations distinctly removed from the project area and any construction activities, personnel, or equipment.

If night work is needed during the nesting period of the green sea turtle (from May through December), HDOT proposes to implement downward shielded lights with motion detectors, and away from the ocean as much as possible. A trained biological monitor shall conduct surveys each morning during the proposed work. The surveys shall start preferably at least two weeks prior to the start of night work and continue throughout the duration of night work. Any nesting activity shall be reported to DLNR within 24 hours and all work shall not resume until speaking with a DLNR biologist.

The project is occurring entirely within the existing HDOT ROW and will not significantly disturb or disrupt beach use. The HDOT, through the Project's Contract Specifications, is requiring the contractor to maintain a safe and accessible public parking area during the entire project duration. SHPD concurred on a determination of effect, with proposed mitigation commitments, provided that HDOT agrees to implement measures to protect State Inventory of Historic Places Site 50-80-04-08949. HDOT will install a two-meter perimeter of construction tape around the site and provide photographs showing the installed perimeter tape to SHPD prior to the start of work. Archaeological monitoring will be conducted during all ground-disturbing activities.

#### Commission on Water Resource Management

CWRM recommends the use of best management practices for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. As there is potential from ground or surface water degradation/contamination, CWRM recommends approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements relating to water quality.

#### Applicant's Response

HDOT acknowledged CWRM's comments and recommendations and states that permanent BMPs have been included in the design of the project per HDOT's Permanent BMP Design Manual, 2021. Construction BMPs will be installed, monitored, and maintained as needed during the construction of the project per the Stormwater Pollution Prevention Plan as part of the National Pollutant Discharge Elimination System Permit that the HDOT has with the Hawaii Department of Health.

### Division of Forestry and Wildlife:

Permanent lighting should not be installed to avoid attracting seabirds and to preserve seabird flyways and the night sky. Night work should be avoided during the seabird fledging season between September 15 to December 15. If night work is necessary, all lights should be fully shielded to minimize seabird attraction. A qualified biologist should be present to monitor seabird risks.

DOFAW emphasized that nesting season for honu is April through December, and the Hawaiian monk seal can give birth to pups all year round. If either species is detected within 100 feet of the project area all nearby construction operations should cease and not continue until the focal animal has departed the area on its own accord.

DOFAW recommends a qualified biologist conduct surveys during crepuscular hours and walk line transects through the area to detect any active pueo nests. If a pueo nest is discovered, notify DOFAW staff, minimize time spent at the nest, and establish a minimum buffer distance of 100 meters from the nest until chicks are capable of flight.

DOFAW recommends using native plant species for landscaping that are appropriate for the area and not to plant invasive species.

DOFAW recommends consulting with the Oahu Invasive Species Committee to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread. DOFAW also recommended taking action to minimize predator presence by placing bait stations for rodents and mongoose and providing covered trash receptacles.

### Applicant's Response:

The HDOT reviewed their illumination model and need to install streetlights along the realigned roadway to meet the minimum target illumination levels as established by the American Association of State highway and Transportation Officials. There will be 14 new light poles installed along the new highway alignment. The existing lights along the existing Kamehameha Highway will remain in place; however, there will be six lights that will be removed near the northern end tie-in to the existing Kamehameha Highway and three on the southern end tie-end. HDOT reiterates its commitment to safety with a project design which specifies the use of flat lens luminaires that point downward and are shielded to reduce glare.

HDOT ensures the contractor will follow the guidelines and protocols provided by DOFAW regarding the honu, Hawaiian monk seal, and pueo. HDOT will ensure the contractor implements appropriate best practices to mitigate the spread of invasive species. HDOT has retained a licensed landscape architect and will ensure the contractor does not plant invasive species.

### Honolulu Fire Department

Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet from fire department access roads as measured by an approved route around the exterior

of the building or facility. A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and provides access to the interior of the building, and be in accordance with NFPA 1; 2018 Edition, Section 18.2.3.

Applicant's Response

HDOT acknowledged HFD's recommendations related to access roads and shall be in accordance with all applicable provisions of the National Fire Protection Association standards.

Honolulu Police Department

HPD recommends that all necessary signs, lights, barricades, and other safety equipment be installed and maintained by the contractor during the construction phase of the project. Additionally, adequate notification should be made to area businesses and residents prior to possible road closures. HPD recommended a long-term plan to mitigate the tracking of dirt, gravel, and debris to minimize potential environmental impacts from all affected areas.

Applicant's Response

HDOT agreed to have the contractor install and maintain the signs, lights, barricades and other safety equipment during the construction phase of the project. HDOT will notify the businesses and residents prior to any road closures

OCCL also received extensive comments from two community members, Ms. Denise Antolini and Mr. Douglas Meller. The complete comments and DOT responses are included as **Exhibit 11** and **Exhibit 12**.

Denise Antolini

The CDUA requires revision as it lacks an updated plan for the makai parking lot, which is mandated by Condition E of SMA Permit 23-90, CD1, FD1. This condition requires a formal parking lot for at least 50 vehicles, with managed access, to enhance recreational access, traffic flow, and safety while protecting ocean views. However, HDOT's current documentation is inconsistent, referring to the lot as an "open, dirt lot" despite providing grass pavers in the plans to OCCL. Additionally, HDOT has not clarified essential details regarding pedestrian pathways, shoreline access, trash management, and signage.

There are also concerns about environmental protections for endangered species such as honu and Hawaiian monk seals. The site is already eroded, and measures like stairs, boardwalks, and overlooks should be implemented to prevent further degradation.

Furthermore, the CDUA does not address the disposition of three acres of County Beach Park land taken by the highway realignment, raising questions about potential management by the City's Department of Parks and Recreation (DPR).

Applicant's Response

The plans that were provided to the OCCL contain the proposed layout for the informal area available for parking. The cleared area being built was designed with the intent of meeting the SMA Use Permit condition of providing a parking lot in the future. The construction of a formal parking lot is not within the scope of the current project.

Condition E of the SMA only requires that HDOT “plan and design a parking lot.” Construction of a formal parking lot is not within the scope of the current project, although it may be budgeted for in the future. The proposed design of the formal parking lot is currently conceptual.

The agency acknowledges area erosion but does not propose additional infrastructure such as boardwalks or overlooks, as these fall outside its mission..

HDOT is also acquiring a portion of DPR land for the realignment and is in discussions for long-term parking lot management.

### Douglas Meller

There is a jurisdictional issue regarding parking near Laniakea Beach, as the City and County of Honolulu manages the parking mauka of the certified shoreline, while the State (DLNR) oversees the land between the shoreline and the highway ROW. A shoreline certification change placed the shoreline mauka of the highway, creating uncertainty over land ownership and jurisdiction. Neither the City Council nor the Board of Land and Natural Resources (BLNR) has authorized any property transfers at Laniakea Beach.

Properly managed parking is essential for safety, and Honolulu City Council’s Condition E of Resolution 23-90 requires a parking lot for at least 50 vehicles with managed access. However, CDUA OA-3950 lacks provisions for signage authorizing parking, does not include a dedicated access road with HDOT-approved highway intersections, and allows unsafe vehicle maneuvers near the highway.

The legal boundaries of the highway ROW determine where the public can legally park for beach access. State law does not authorize the HDOT to regulate parking outside of the highway ROW.

### Applicant’s Response

HDOT acknowledges jurisdictional concerns and is coordinating with DPR to resolve property rights and land disposition. HDOT asserts that Condition E only requires planning and designing a parking lot, not constructing one, though future funding may allow for it. While HDOT does not plan to authorize parking via signage, it also does not intend to prohibit it and is considering using delineators to prevent left turns into the shoulder area. The landscaping plan will not interfere with potential future parking development.

### **ANALYSIS**

On October 15, 2024, the Department notified the applicant that:

1. The proposed use is an identified land use in the Resource Subzone of the Conservation District, pursuant to the Hawaii Administrative Rules (HAR) §13-5-

22 P-6 PUBLIC PURPOSE USES (D-1) *Not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government, or by an independent nongovernmental entity, except that an independent non-governmental regulated public utility may be considered to be engaged in a public purpose use. Examples of public purpose uses may include but are not limited to public roads, marinas, harbors, airports, trails, water systems and other utilities, energy generation from renewable sources, communication systems, flood or erosion control projects, recreational facilities, community centers, and other public purpose uses, intended to benefit the public in accordance with public policy and the purpose of the conservation district. Please be advised, however, that this finding does not constitute approval of the proposal;*

2. Pursuant to HAR §13-5-40(a), a Public Hearing may not be required. However, the Chairperson has the authority to require a public hearing should the public interest necessitate a public hearing on the application;
3. In conformance with the Hawaii Revised Statutes (HRS), Chapter 343, as amended, and HAR Chapter 11-200.1, the Final Environmental Assessment has been reviewed and accepted by the Hawaii Department of Transportation. The finding of no significant impact (FONSI) was published in the December 23, 2021, issue of *The Environmental Notice*; and,
4. Pertaining to the Special Management Area (SMA) requirements, the Council of the City and County of Honolulu approved SMA Use Permit 2022/SMA-77 (with conditions-Reso 23-90, CD1, FD1) and shoreline setback variance (SV) 2022/SV-4 effective June 7, 2023, to allow roadway and pedestrian safety improvements along Kamehameha Highway in Haleiwa, North Shore.

#### **CONSERVATION CRITERIA**

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

- 1) *The proposed 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 and cultural resources of the State through appropriate management and use to promote their long-term sustainability and public health, safety, and welfare. The proposed project is intended to create a safer roadway and pedestrian environment, improve the reliability of Kamehameha Highway in this location, relieve roadway congestion, and provide pedestrian and bicycle pathways. The roadway needs to be moved to address the expected sea level rise and coastal hazards. Best Management Practices will be observed during work to conserve, protect and preserve the natural resources of the area.

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

The objective of the Resource Subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to the Hawaii Administration Rules (HAR) § 135-22, P-6 PUBLIC PURPOSE USES, not for profit land uses undertaken in support of a public service by an agency of the county, state, or federal government.

As such, it is subject to the regulatory process established in HRS Chapter 183C and detailed further in HAR Chapter 13-5. This process provides for the application of appropriate management tools to protect the relevant resources, including objective analysis and thoughtful decision-making by the Department and Board of Land and Natural Resources.

The proposal includes naturalizing areas that were once a hardscape roadway. The proposed monitoring and management of the area by the DOT shall ensure the sustainable use of the natural resources of the area.

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

**Recreational Resources:** The proposed project will address pedestrian safety in the vicinity of the project and is intended to create a safer roadway and pedestrian environment.

**Historic Resources:** The proposed project will avoid Site T-1, and Lauhulu Stream Bridge will not be directly affected, but the change in use and alteration of surrounding environment will be considered an effect in accordance with HAR §13-275. The project is proposed to have an "Effect with Mitigation" based on identified impacts to Lauhulu Stream Bridge. The proposed mitigation is preservation in the form of avoidance and protection. Archaeological monitoring will be conducted as agreed upon between HDOT and the State Historic Preservation Division (SHPD).

**Scenic and Open Space Resources:** The proposed project will not result in any impacts to the scenic and open space resources in the vicinity.

**Coastal Ecosystems:** The proposed project is intended to address the erosion of Kamehameha Highway that is occurring within the project area. This is intended to stabilize the surrounding environment and minimize the potential for erosion disruption to the coastal environment at this location.

**Economic Uses:** Kamehameha Highway at this location is a key transportation facility for Oahu. Laniakea Beach is highly utilized by pedestrians for viewing turtles, swimming, and surfing. The project will enhance pedestrian safety and improve roadway resilience.

**Coastal Hazards:** The proposed project is intended to address the existing Kamehameha Highway's susceptibility to potential impacts due to coastal erosion, sea level rise, and flood and tsunamic effects.

**Managing Development:** The applicant has stated planning for the proposed project has been ongoing for almost ten years with significant public input. The project area and alternatives have been revised based on budget, input from various groups, and resource agencies.

**Public Participation:** According to the applicant, the HDOT has facilitated public participation in the project's design and consideration of its potential impacts to the surrounding environment through public meetings and outreach efforts.

**Beach and Coastal Dune Protection:** The project will allow for the continued use of Kamehameha Highway and attempts to address beach access for public use and recreation.

**Marine and Coastal Resources:** The stream channel itself is intermittent and appears to have water flow only during heavy rain events. No wetland plant species (Obligate Wetland Species or Facultative Wetland Species) were observed during the site survey. NEED TO ADD MORE ABOUT COASTAL STUFF

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

The proposed project involves roadway improvements to address pedestrian safety and roadway reliability along Kamehameha Highway (Route 83) in the vicinity of Laniakea Beach on the island of Oahu. The proposed project does not appear to involve any activities which could substantially adversely impact the existing natural resources within the surrounding area, community, or region.

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

The road realignment will have no impact to the coastal view plane. The proposed project is compatible with the existing use and the locality and surrounding areas.

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

The proposed project does not change the existing land use and maintains ocean views and the open space characteristics of the area.

- 7) *Describe how subdivision of land will not be utilized to increase the intensity of land 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.*

The proposed project is intended to improve pedestrian safety and the continued safe operation of Kamehameha Highway at this location. The proposed land use most likely will not be materially detrimental to the public health, safety, and welfare.

#### **CULTURAL IMPACT ANALYSIS**

There have been multiple archaeological and cultural studies with findings spanning from pre-contact to early and late Historic eras in the vicinity. The project area has been subject to two previous archaeological studies, one recent study, and interviews with people possessing knowledge related to the project area. Prior cultural studies conducted within and in the vicinity of the current project area identified a cultural concern for encountering burials in sandy portions of the current project area. No such sites were encountered during the subsurface testing that was conducted as part of one of the studies.

A culturally sensitive site lies northeast of the project site along Kamehameha Highway. It is located on bluffs above the highway and overlooks Laniakea Beach. Views of the project from the mauka cultural site will be obscured by existing vegetation landforms and existing vegetation will likely obscure all views of the project site for pedestrian travelers to the cultural site. This site falls outside of the proposed to be a development footprint.

The Lauhulu Stream Bridge was previously determined a significant historic property under Criterion c "for its association with early developments in concrete bridge construction in Hawaii" as "a good example of a 1930's reinforced concrete bridge that is typical of its period in its use of materials, method of construction, craftsmanship, and design". The evaluation conducted as part of this project found the bridge to be in the same condition it was when it was previously evaluated, with no diminished integrity; thus, the Lauhulu Stream Bridge continues to be evaluated as significant under Criterion c.

SHPD concurred with the proposed mitigation for the Lauhulu Stream Bridge. Additionally, SHPD concurred with archaeological monitoring being implemented during the project for identification purposes.

On February 3, 2025, SHPD reviewed the project and notified HDOT that the archaeological inventory survey (AIS) and archaeological monitoring plan (AMP) have been accepted and the project initiation may continue, with the anticipation of the final Historic American Engineering Record (HAER) Report and notification that National Park

Service (NPS) has accepted the report (Project No. 2023PR00721, Doc. No.: 2502NM01).

### **KA PA'AKAI ANALYSIS**

A Ka Pa'akai Analysis is a legal framework used in Hawaii to assess how a proposed land use or development might affect Native Hawaiian traditional and customary rights. It originates from the Ka Pa'akai o ka 'Āina v. Land Use Commission case (2000), in which the Hawaii Supreme Court established a structured method for state and county agencies to evaluate and protect these rights. The three parts of the Ka Pa'akai Analysis are reviewed below:

#### Identification of cultural practices and resources

Several cultural practices do occur in the vicinity of the project area, including surfing, limu picking, subsistence fishing (including with pole and throw net) and diving. Associated traditional aina cultural practices outside of the project area include heiau practices related to solstice/equinox and weather observations, huakai (trips) to archaeological or cultural sites, invasive vegetation removal and site maintenance, observation and education of native birds for navigation purposes, and the restoration and propagation of native plants.

#### Assessment of impacts on these practices

The project is not anticipated to hinder any of the above cultural practices. As the improvements are intended to provide safer access to the shoreline, OCCL believes that there will be a positive impact.

#### Actions needed to protect these practices

OCCL does not believe that specific mitigation measures are needed for this project

### **DISCUSSION**

According to HDOT, the proposed realignment of Kamehameha Highway project was initiated in 2011. At that time, it was called the "Kamehameha Highway Realignment, Vicinity of Laniakea Beach" and its primary purpose was to address shoreline erosion and roadway reliability along this section of the highway. HDOT notes that they re-prioritized this project and its objectives when a young person was hit by a vehicle crossing Kamehameha Highway at Laniakea Beach in August 2019. In response to community concerns to make the area safe, HDOT notes that they elevated pedestrian safety as the primary purpose of the project with secondary purposes to address protection from erosion, maintain roadway reliability, and congestion relief.

HDOT is proposing to realign Kamehameha Highway mauka up to 80-feet from its current location from the Haleiwa side of Lauhulu Stream bridge for roughly 1,100-feet. The makai lane of the existing Kamehameha Highway will be partially demolished, removed, and landscaped with coastal plants to naturalize the area. The mauka lane of the existing Kamehameha Highway will be re-purposed by converting it to a 16-foot-wide shared use

path for bicycles and pedestrians. A parking area with grass pavers will be established on the makai side of the newly realigned Kamehameha Highway.

The application notes that the project may be beneficial to the public as the improvements are intended to:

- Improve safety for pedestrians and all modes of transportation at the section fronting Laniakea Beach.
- Improve reliability for service, as Kamehameha Highway is the main public throughfare and evacuation route, by reducing the vulnerability to climate change, wave inundation, and coastal erosion by realigning the highway inland.
- Relieve congestion by reducing the travel times throughout the project area.
- Provide pedestrian and bicycle facilities to support alternative transportation modes.

Standard BMPs will be followed during construction. Within the Environmental Assessment, the applicant has identified several mitigative measures, conditions, and practices to ensure the proposal will have minimal negative effects on the natural resources of the land. As such, these proposed measures, conditions, and practices will be incorporated into the permit. Additionally, DOFAW, HFD, HPD submitted comments and recommendations regarding the project and possible impacts. Additional proposed conditions have been incorporated below based on comments received from these agencies (see Conditions 20-27).

DLNR acknowledges and shares community concerns that more can be done to improve shoreline and habitat mitigation. The OCCL encourages future HDOT projects to place a greater emphasis on environmental considerations.

The applicant presented a "Most Realignment" project alternative that was considered but eliminated from consideration because of anticipated impacts on cultural and historical resources, cost, schedule, and effects on Kamehameha School's property. (**Exhibit 13**). OCCL has consistently indicated its support for HDOT's "Most Realignment" project alternative during pre-consultation meetings, correspondences, and the processing of this CDUA to address current and anticipated impacts due to coastal hazards and modeled sea level rise.

The OCCL still stands by previous comments in support and recommendation of the "Most Realignment" alternative to address increasing hazards with anticipated sea level rise. With the increasing sea level rise and anomalous sea level events (e.g., king tides, mesoscale eddies, storm surge), it seems reasonable to realign the highway further inland, as the projected location is on the border of the current certified shoreline and may be threatened again by these hazards in the near future.

HDOT has stated that they will retain and maintain their existing ROW, which will be used as a pedestrian and bicycle path. Additionally, the HDOT will be responsible for the proposed improvements or structures outside of HDOT's ROW for the portions of the project within the Conservation District at the subject location.

Staff has some concerns regarding the proposed pedestrian and bicycle path. It appears these proposed improvements may continue to support lateral shoreline access in and to the area; however, they will likely be impacted by coastal hazards and sea level rise as existing improvements are demolished, relocated, or removed. Additionally, it appears there are no existing dedicated pedestrian or bike paths within the vicinity of the project area as Kamehameha Highway, in either direction, is essentially a two-lane highway with unpaved shoulders. HDOT has not indicated that there are plans to create or expand a pedestrian and bike path along this portion of Kamehameha Highway.

HDOT has also stated they will remove the portion of the rocks or erosion control devices that were identified in the 2020 certified shoreline map in the HDOT ROW as part of the proposed project. Removal of the rocks or erosion control devices that were installed to protect the highway should help allow the beach and shoreline area to re-naturalize and potentially migrate landward. This may also provide more habitat for turtles and monk seals to haul out and rest.

Regarding proposed improvements identified in the application and its attachments such as the parking lot, staff seeks and would like further clarification from HDOT. The application notes that there is an existing open dirt parking lot. Construction plans attached to the application indicate that "Grass Pavers" will be installed in this area. In response to community comments and requests for more information regarding the grass pavers, HDOT stated that they do not intend to install grass pavers, and that the parking area will remain an open dirt lot. As submitted construction plans do not match stated proposed improvements, HDOT should clarify if the parking area will be improved or not.

Staff notes that submitted public comments during the processing of the application included the request that HDOT install signs in the project area. Currently the only signage proposed is during the construction phase of the project. Once the project is complete, HDOT has stated they do not have plans to install signage. To address public concerns and possible safety issues, the Board and HDOT may want to consider including the installation of signage, possibly temporary or removable, that indicates at a minimum, lifeguard and emergency vehicular parking area as well as areas for the public to park, and to condition the authorization as such.

According to HDOT's 2003 Statewide Highway Shoreline Protection Study, it appears HDOT assessed the potential relocation of this portion of Kamehameha Highway up to about 100-ft from its current location to address potential threats and undermining to the roadway at that time.<sup>1</sup> HDOT's 2003 study estimated at that time that the proposed relocation of this portion Kamehameha Highway would cost approximately \$9,077,600. Staff notes that the current application states that the HDOT Kamehameha Highway

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<sup>1</sup> Can be found at: <https://hidot.hawaii.gov/highways/library/> and [https://hidot.hawaii.gov/highways/files/2016/05/Statewide-Highway-Shoreline-Protection-Study\\_HWY-C\\_part1.pdf](https://hidot.hawaii.gov/highways/files/2016/05/Statewide-Highway-Shoreline-Protection-Study_HWY-C_part1.pdf)

Drainage & Safety Improvements Project to realign this portion of the roadway 80-feet mauka from its current location is estimated to cost approximately \$21,317,000.

Regarding the current proposal and realignment of Kamehameha Highway, the preferred alternative noted as “the Pedestrian Shift”, and “the Most Realigned” alternative, HDOT is proposing to move the highway 80-ft mauka from its current position; however, approximately 10-18-ft from the 2023 certified shoreline. OCCL remains concerned that this is a short-term fix and that this portion of Kamehameha Highway will continue to be potentially threatened by coastal hazards and sea level rise impacts.

OCCL would like to reiterate its support for a potential long-term solution by moving this portion of Kamehameha Highway as indicated in HDOT’s “Most Realigned” alternative but understands that this is not what is being proposed or before the Board at this time and this alternative would involve lands outside of the Conservation District. Additionally, it is not unreasonable to anticipate that costs to realign or relocate this portion of Kamehameha Highway again in the future will increase significantly.

#### **RECOMMENDATION**

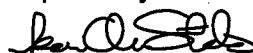
Based on the preceding analysis and discussion, staff recommends that the Board of Land and Natural Resources approve Conservation District Use Permit OA-3950 for the Realignment of Kamehameha Highway at Laniakea Beach located at Kawailoa, Waialua, island of Oahu, Tax Map Key: (1) 6-1-009:021, 022, (1) 6-1-010:019, 20 (seaward) subject to the following standard and special conditions:

1. The permittee shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of HAR Chapter 13-5;
2. The permittee shall comply with all applicable department of health administrative rules;
3. 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. The permittee shall notify the department in writing when construction activity is initiated and when it is completed;
4. All representations relative to mitigation set forth in the accepted environmental assessment for the proposed use are incorporated as conditions of the permit;
5. 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;

6. Provisions for access, parking, drainage, fire protection, safety, signs, lighting, and changes on the landscape shall be provided;
7. 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;
8. 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;
9. Except in case of public highways, access roads shall be limited to a maximum of two lanes;
10. During construction, appropriate mitigation measures shall be implemented to minimize impacts to off-site roadways, utilities, and public facilities;
11. Cleared areas shall be revegetated, in accordance with landscaping guidelines provided in this chapter, within thirty days unless otherwise provided for in a plan on file with and approved by the department;
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 directed to project across property boundaries toward the shoreline and ocean waters, except as may be permitted pursuant to section 205A-71, HRS. Exterior lighting shall be shielded to protect the night sky;
13. The permittee acknowledges that the approved work shall not hamper, impede, or otherwise limit the exercise of traditional, customary, or religious practices of native Hawaiians in the immediate area, to the extent the practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
14. The permittee shall avoid night work during the seabird fledging season between September 15 to December 15. If night work is necessary, all lights shall be fully shielded to minimize seabird attraction and a qualified biologist shall be present to monitor seabird risks;
15. If honu (Hawaiian sea turtle) or Hawaiian monk seal are detected within 100ft of the project area, all nearby construction operations shall cease and shall not continue until the focal animal has departed the area on its own accord;
16. The permittee shall have a qualified biologist conduct surveys during crepuscular hours and walk line transects through the area to detect any active pueo nests. If a pueo nest is discovered, the permittee shall notify DOFAW ((808) 587-0166), minimize time spent at the nest, and establish a minimum buffer distance of 100 meters from the nest until chicks are capable of flight;
17. The permittee shall consult with the Oahu Invasive Species Committee to help plan, design, and construct the project, learn of any high-risk invasive species in the area, and ways to mitigate their spread;

18. The permittee shall take actions to minimize predator presence by placing bait stations for rodents and mongoose and providing covered trash receptacles;
19. The permittee shall be in accordance and follow all applicable provisions of the National Fire Protection Association standards related to access roads;
20. The permittee shall ensure that their agents install and maintain the signs, lights, barricades and other safety equipment during the construction phase of the project;
21. The permittee shall notify the businesses and residents prior to any road closures;
22. Should historic remains such as artifacts, burials or concentration of charcoal be encountered during construction activities, work shall cease immediately in the vicinity of the find, and the find shall be protected from further damage. The contractor shall immediately contact HPD (692-8015), which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary;
23. As a government agency, the permittee shall be responsible to comply with HRS, Chapter 6E-8
24. Interim protective fencing shall be established around Site T-1 and shall remain the entire course of road construction activity;
25. A qualified archaeological monitor shall be present during ground-disturbing activities;
26. HDOT shall be responsible for the repair and maintenance of all existing and new improvements within the Conservation District. Should they interfere with natural shoreline processes, lateral shoreline access, or pose a potential hazard to the public or wildlife that may frequent the area.
27. Other terms and conditions as prescribed by the chairperson.
28. Failure to comply with any of these conditions shall render a permit void under the chapter, as determined by the chairperson or board.

Respectfully Submitted,



Kariann Stark, Staff Planner  
Office of Conservation and Coastal Lands

Approval for submittal:

MC




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DAWN N.S. CHANG, Chairperson  
Board of Land and Natural Resources

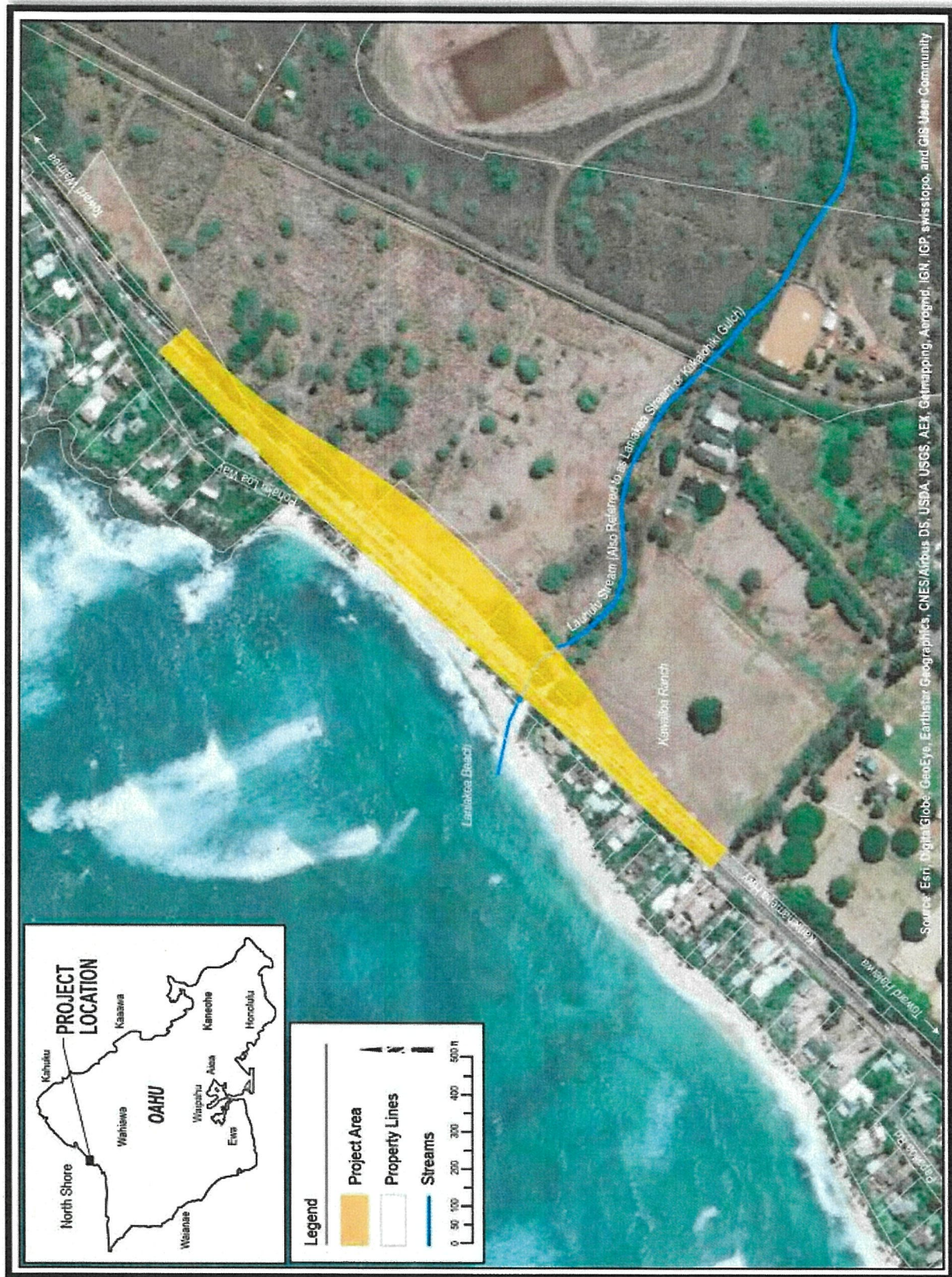


Exhibit 1: Project Location



Exhibit 1: Project Location

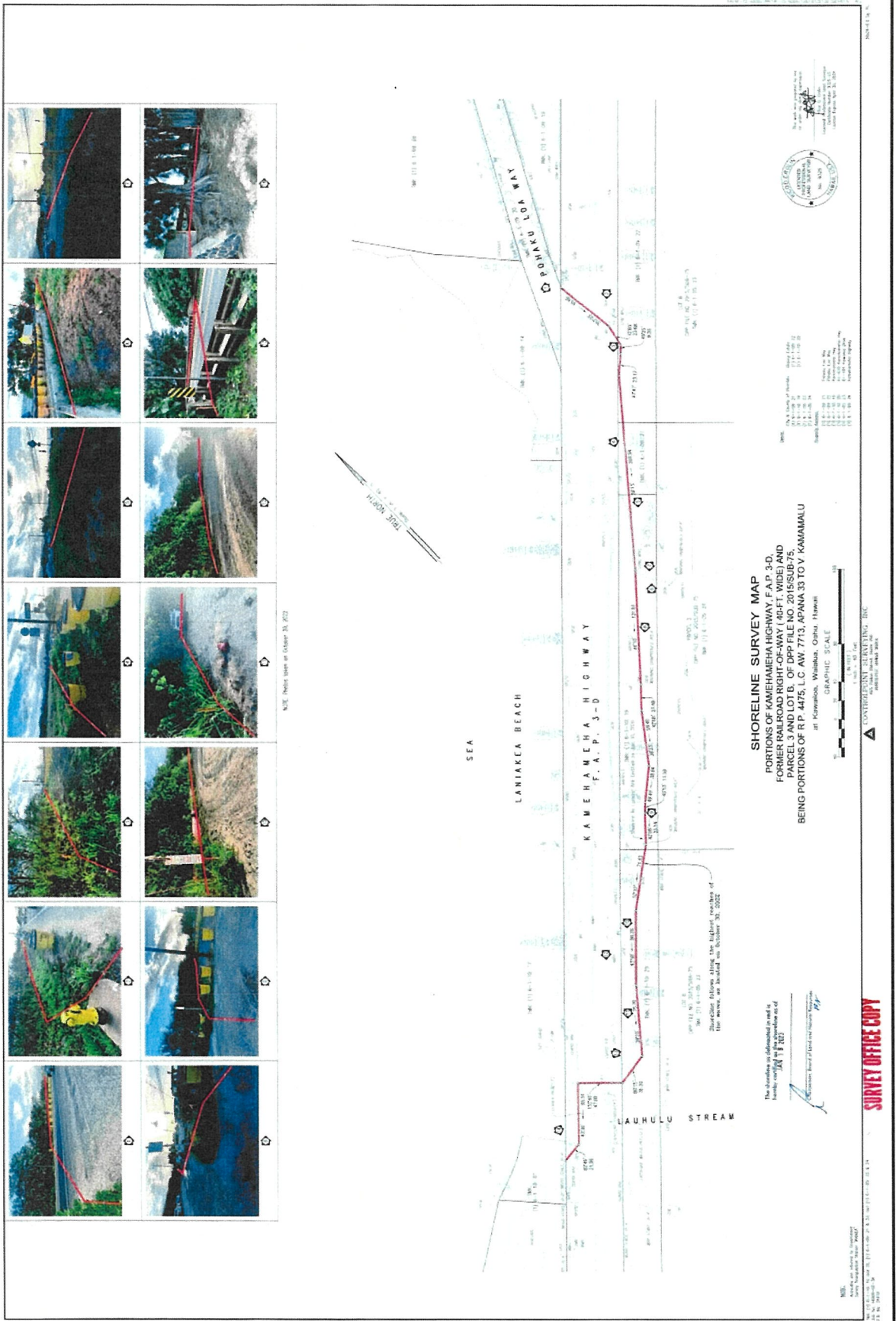


Exhibit 2: Certified Shoreline

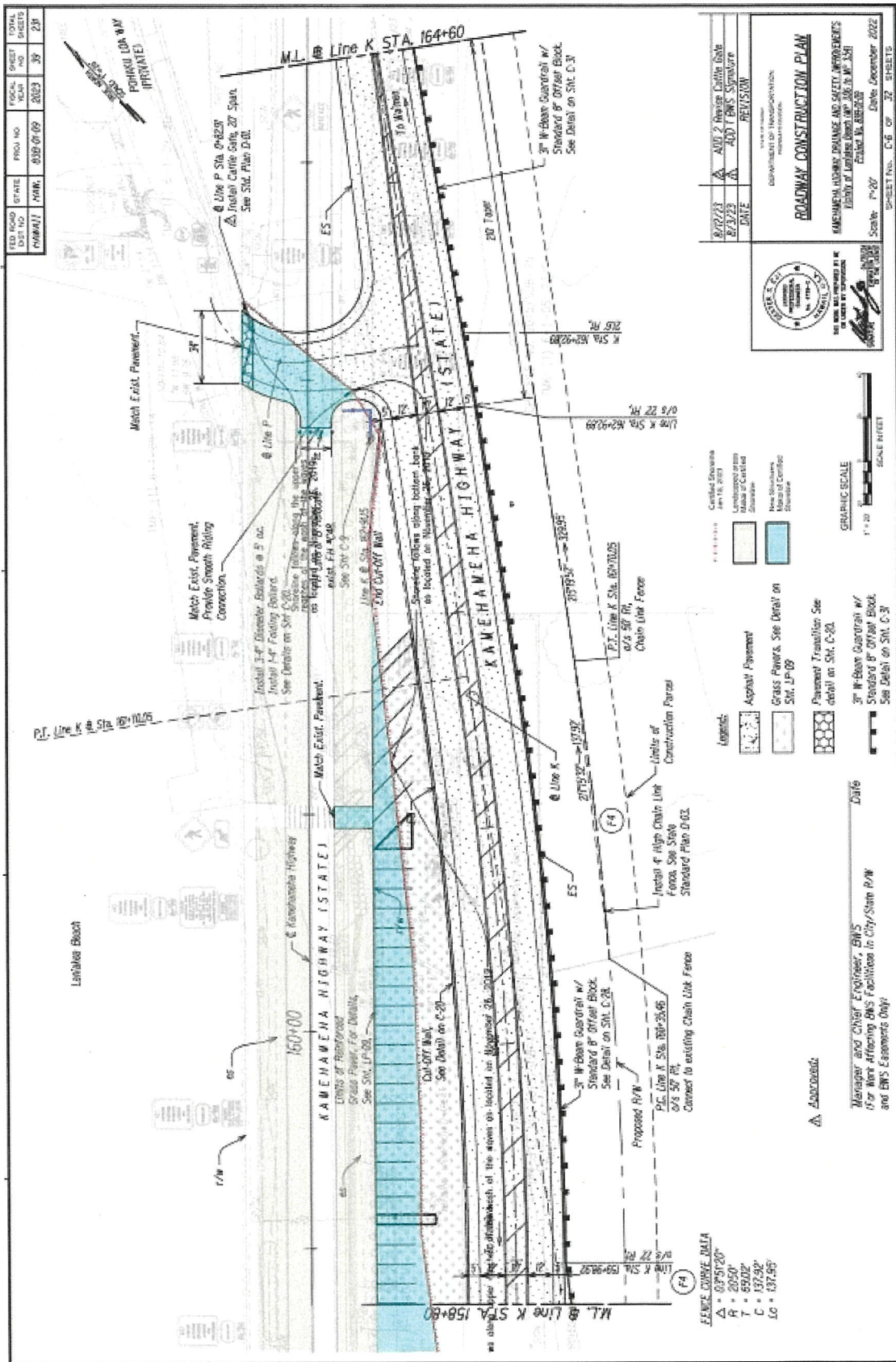


Exhibit 3: Project Area in Conservation, Waimea Side



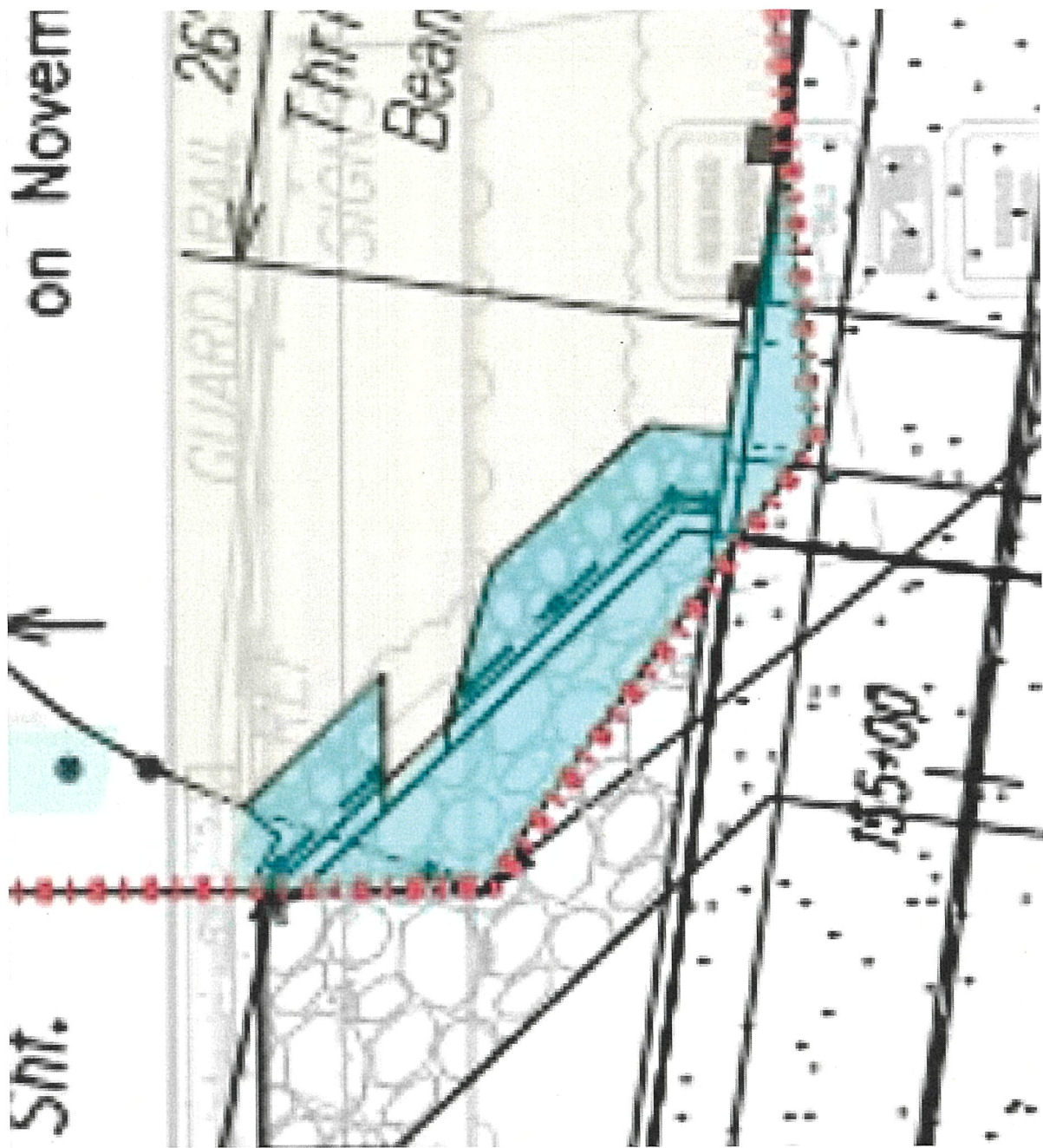


Exhibit 3: Project Area in Conservation, Haleiwa Side

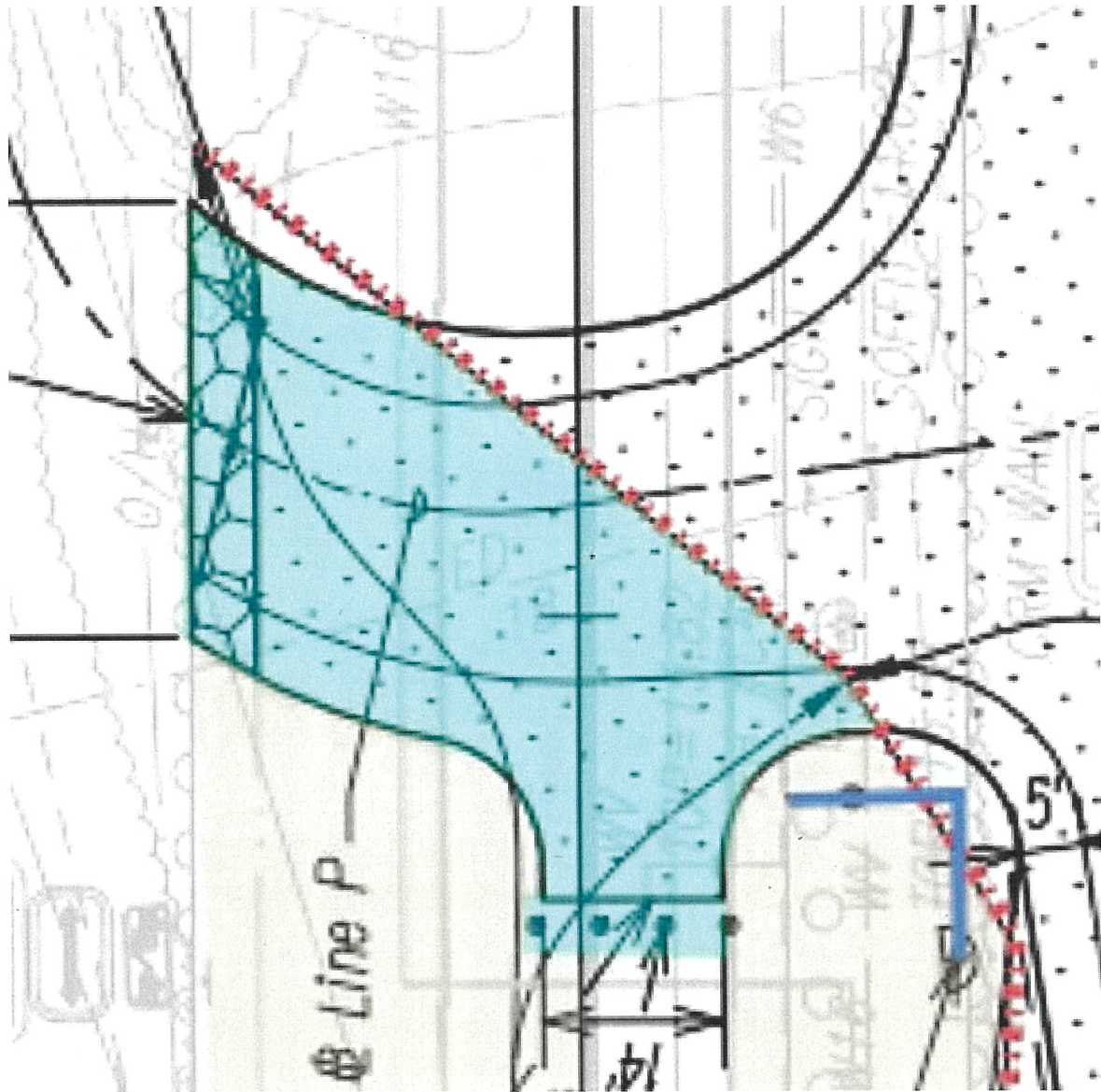


Exhibit 3: Project Area in Conservation, Waimea Side

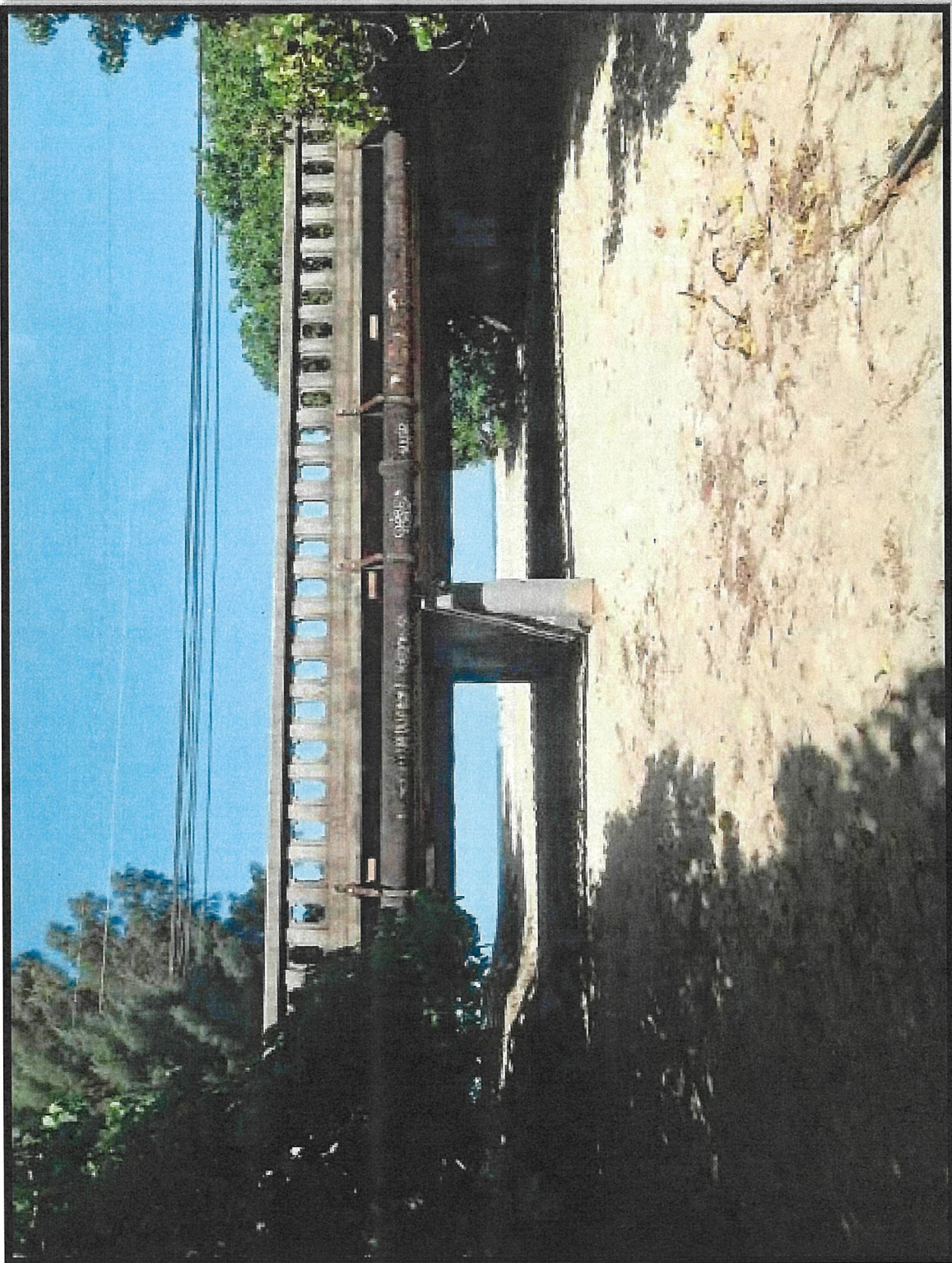


Exhibit 4: Under Existing Bridge



Exhibit 5: Span of Project



Exhibit 6: Road Erosion



Exhibit 6: Road Erosion



Exhibit 6: Road Erosion



(From: [pacioos.hawaii.edu/shoreline/slr-hawaii/](http://pacioos.hawaii.edu/shoreline/slr-hawaii/))

Exhibit 7: Sea Level Rise Exposure Area



## Flood Hazard Assessment Report

www.hawaiiinfo.org

### Property Information

COUNTY: HONOLULU  
 TMK NO: [1] 6-1-005-023  
 WATERSHED: KEAMANA, LOKO EA  
 PARCEL ADDRESS: ADDRESS NOT DETERMINED  
 HALEIWA, HI 96712

### Notes:

### Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 05, 2014  
 LETTER OF MAP CHANGE(S): NONE  
 FEMA FIRM PANEL - EFFECTIVE DATE: 1500300105H - JANUARY 13, 2011  
 1500300110F - SEPTEMBER 30, 2004

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES  
 FOR MORE INFO, VISIT: <http://www.oed.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO  
 FOR MORE INFO, VISIT: <http://dtreng.hawaii.gov/dam/>



*Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.*

*If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.*

### FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend colors not correspond with FEMA)

**SPECIAL FLOOD HAZARD AREAS (SFHA) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AD, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined
	Zone AE: BFE determined
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined
	Zone AD: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined
	Zone AER: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE

**NON-SPECIAL FLOOD HAZARD AREA** - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities:

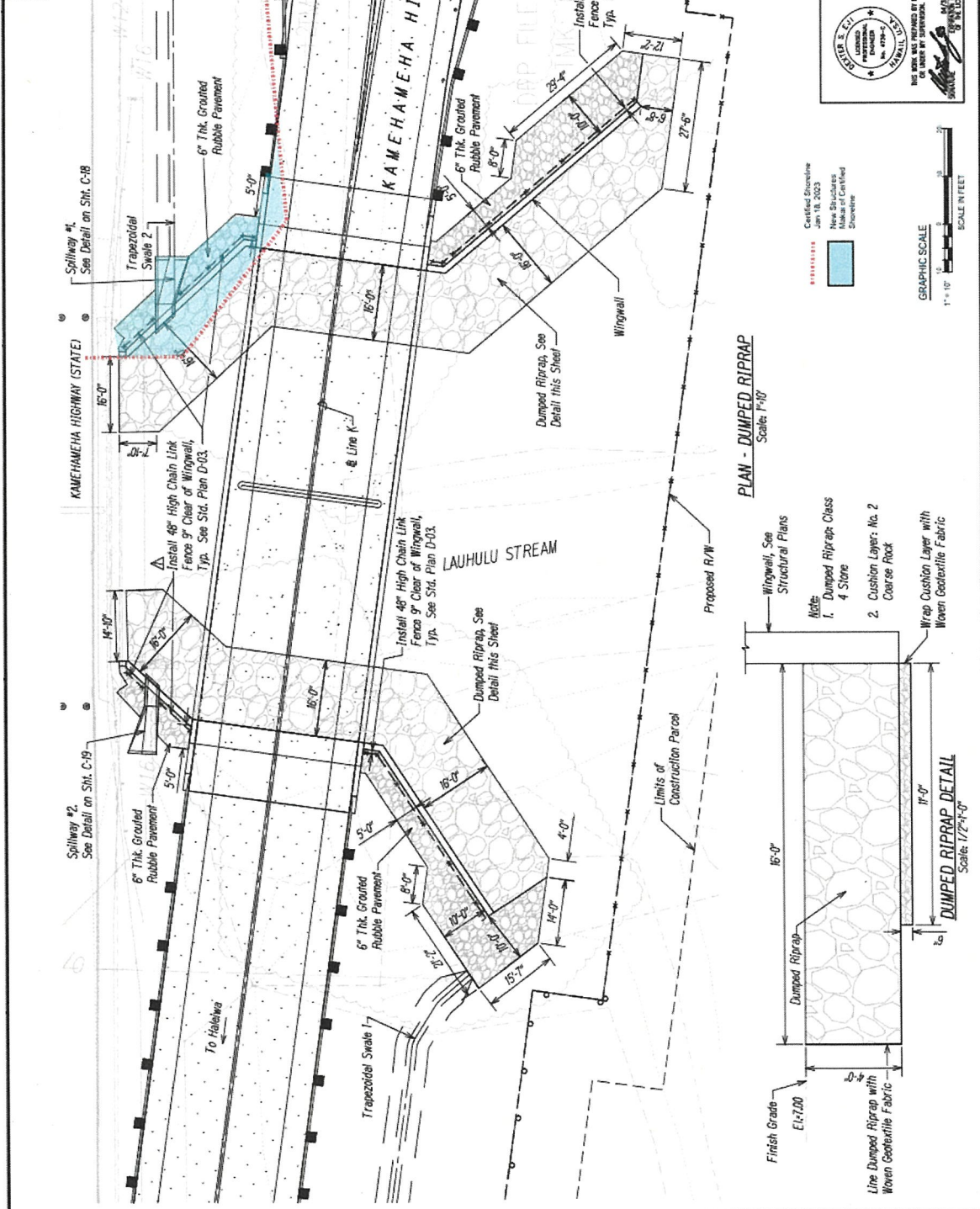
	Zone RS (R shaded): Areas of 0.2% annual chance flood, areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain

### OTHER FLOOD AREAS

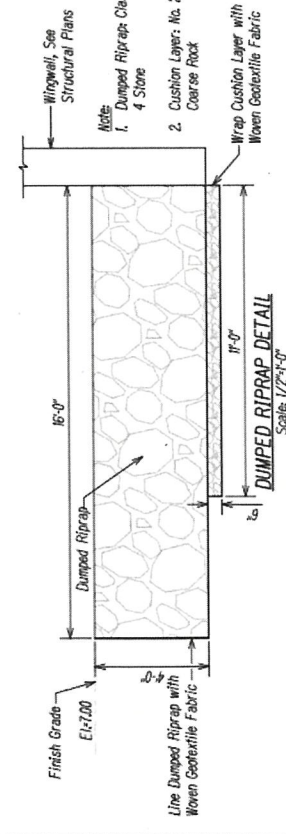
	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
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Exhibit 8: Flood Harzard Assesment Report

FED. ROAD DIST. NO.	STATE	PROJ. NO.	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	63B-01-09	50	231



**PLAN - DUMPED RIPRAP**  
Scale: 1/8"



**DUMPED RIPRAP DETAIL**  
Scale: 1/2"

- Note:
- Dumped Riprap Class 4 Stone
  - Custom Layer: No. 2 Coarse Rock

Certified Showline  
Jan 18, 2023  
New Drawings  
to be Certified  
Showline

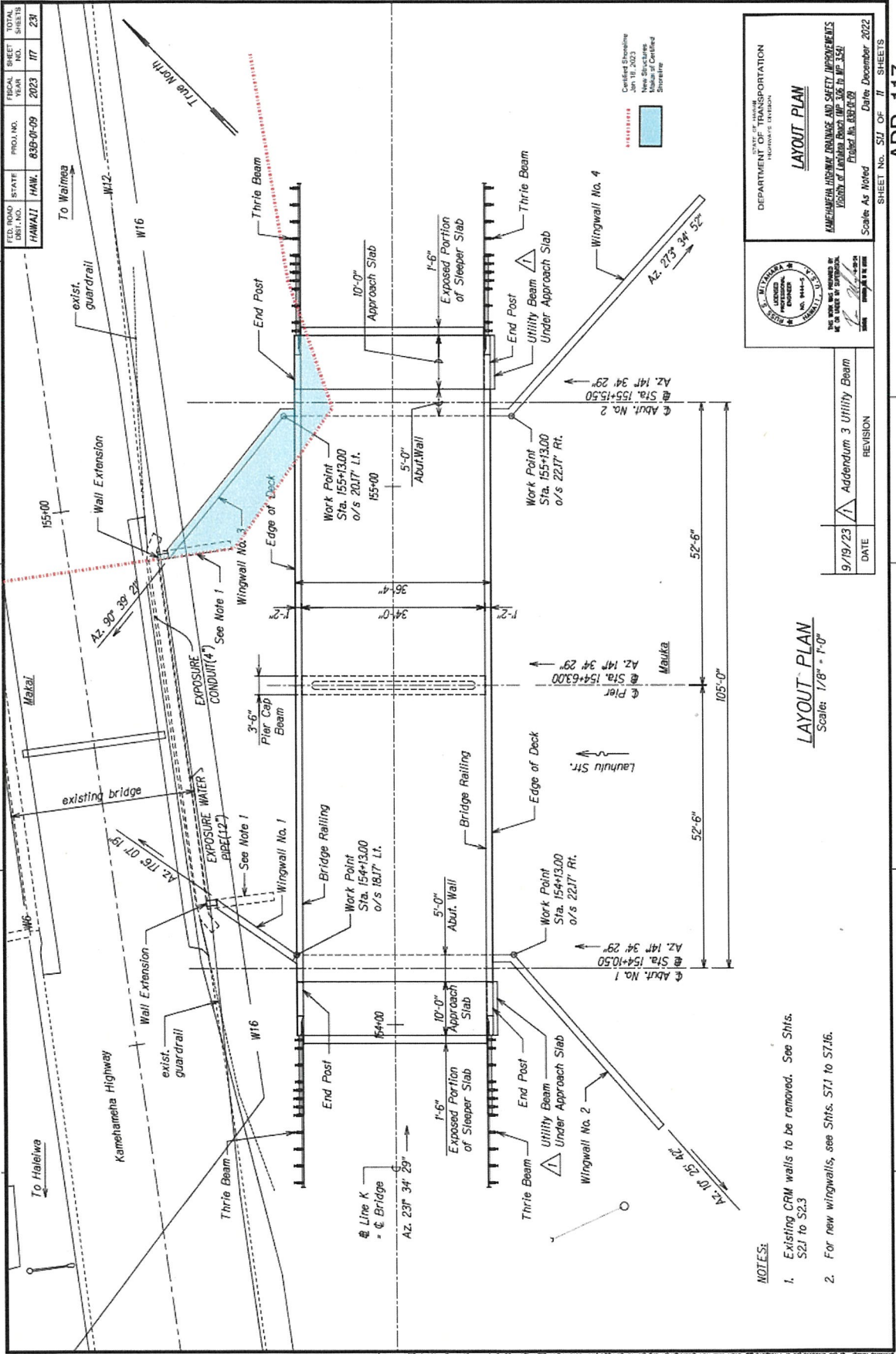


DATE	REVISION
9/17/23	Addendum 2 Revise CLE Callout

KAMEHAMEHA ENGINEERING, INC.  
 DEPARTMENT OF TRANSPORTATION  
 HONOLULU, HAWAII  
**PLAN - DUMPED RIPRAP**  
 KAMEHAMEHA HIGHWAY, BRIDGE AND SAFETY IMPROVEMENTS  
 PORT OF LAHAI, DISTRICT OF HAWAII, HAWAII  
 Scale: 1/8" Date: December 2022  
 SHEET No. C-17 OF 32 SHEETS

Exhibit 9: Bridge Plans





DEPARTMENT OF TRANSPORTATION  
 HAWAII  
**LAYOUT PLAN**  
 KAMEHAMEHA HIGHWAY DRAINAGE AND SAFETY IMPROVEMENTS  
 SOUTH OF LAUNAHU, HAWAII, PROJECT NO. 356 (R.P. 354)  
 Project No. 8830-09  
 Scale As Noted  
 Date: December, 2022  
 SHEET NO. 511 OF 77 SHEETS

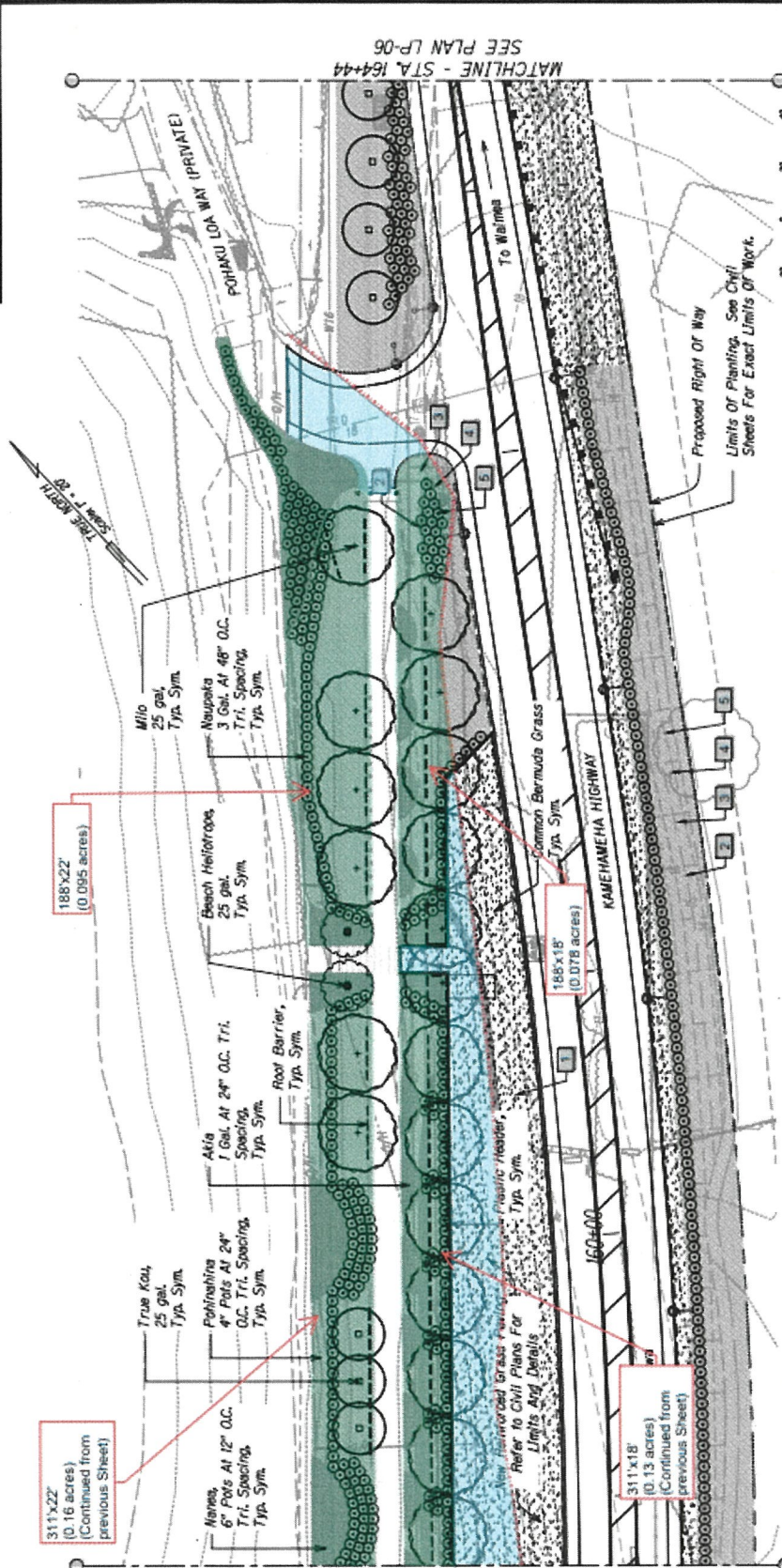
DATE	REVISION
9/19/23	Addendum 3 Utility Beam

**LAYOUT PLAN**  
 Scale: 1/8" = 1'-0"

- NOTES:
- Existing CRM walls to be removed. See Shis. S21 to S23
  - For new wingwalls, see Shis. S71 to S716.

Exhibit 9: Bridge Plans

FED. ROAD DIST. NO.	STATE	PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	619-0-09	2023	196	237



KUMUJONG SUPRIYANTHAKAS, P.E.

DEPARTMENT OF TRANSPORTATION  
 HAWAIIAN DIVISION  
**LANDSCAPE**  
**PLANTING PLAN**  
 KAMEHAMEHA HIGHWAY AND SHEET INTERCHANGES  
 North of Lanikahe Road, IAP 108 LP 15A  
 Project No. 619-0-09  
 Scale: 1" = 20'-0" Date: Jan 2023

Certified Sketcher  
 Jan 18, 2023  
 Landscaped Area  
 Masses of Certified Sketches  
 New Structures  
 Masses of Certified Sketches

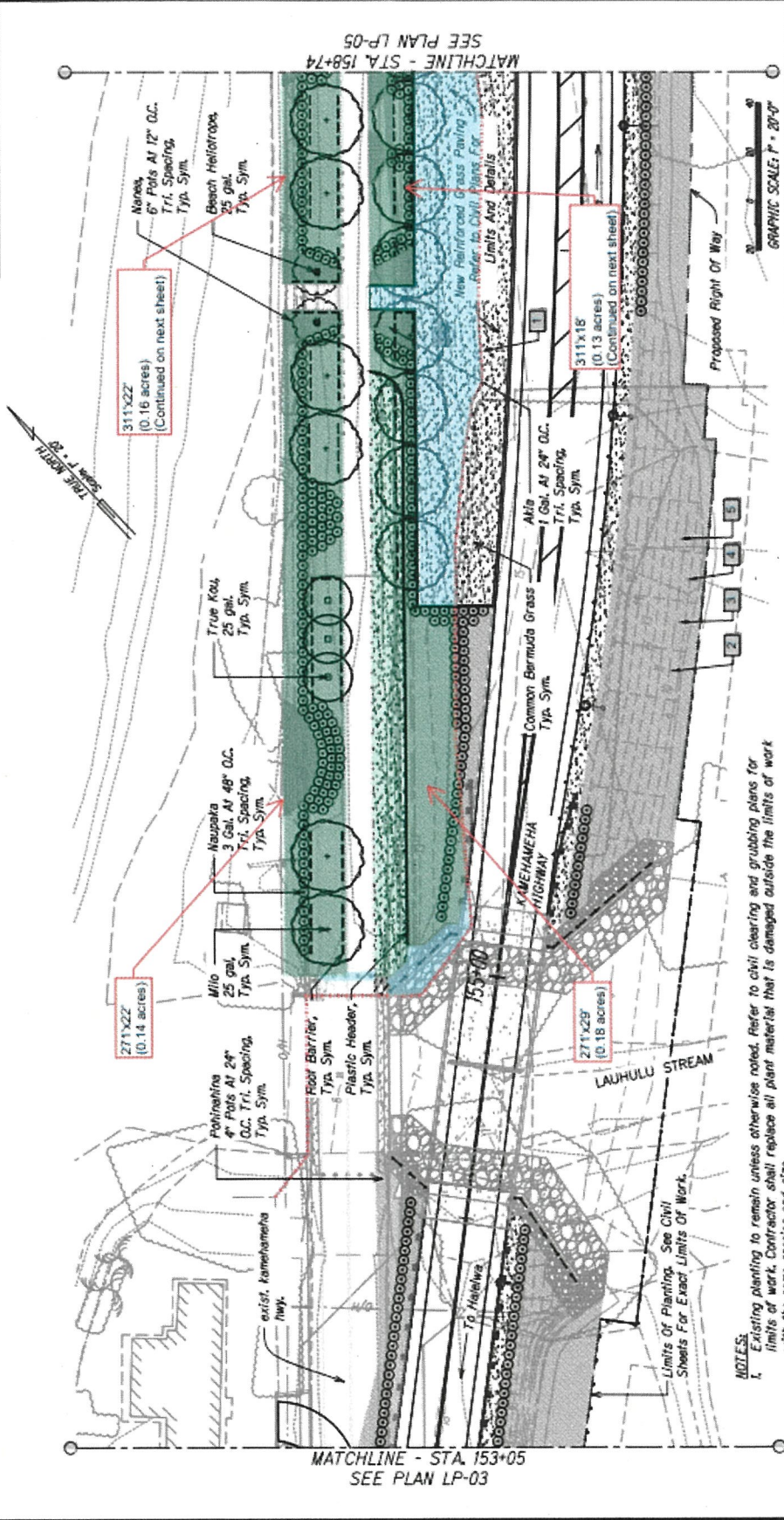
- NOTES:**
- Existing planting to remain unless otherwise noted. Refer to civil clearing and grubbing plans for limits of work.
  - Contractor shall replace all plant material that is damaged outside the limits of paving or underground utilities.
  - Install root barriers for all trees within 10'-feet of paving or underground utilities.
  - Provide an automatic temporary irrigation system for all new planting areas.
  - Plant and material quantities are provided for convenience only. Contractor is responsible for verifying all quantities and dimensions.
  - Install a 4" layer of imported topsoil over all new planting areas.
  - Install a 4" layer of wood chip mulch below all shrub and ground cover areas.
  - Contractor is responsible for mowing, weeding, pruning, watering, fertilizing, and removal of trash from project area throughout the 3-month planting period and 9-month plant establishment period. Contractor shall remove weeds from all planting areas on a weekly basis and shall inform the contracting officer weekly to confirm weeding work has been completed.

MATCHLINE - STA. 158+74  
SEE PLAN LP-04

MATCHLINE - STA. 164+44  
SEE PLAN LP-06

Exhibit 10: Landscape Plan

FED. ROAD DIST. NO.	STATE	PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
HAWAII	HAW.	639-0-09	2023	195	231



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
ROADWAY DIVISION  
**LANDSCAPE PLAN**  
KAMEHAMEHA HIGHWAY AND STREET IMPROVEMENTS  
WYDIA OF LANIKAU BRIDGE, IAP, IAP, IAP, IAP  
Drawing No. 639-0-09  
Scale P = 20'-0"  
Date: Jan 2023  
SHEET NO. 195 OF 20 SHEETS

Certified Drawings  
Jan. 18, 2023  
Landscape Area  
Shrubbery  
New Structures  
Drainage

- NOTES:**
- Existing planting to remain unless otherwise noted. Refer to civil clearing and grubbing plans for limits of work. Contractor shall replace all plant material that is damaged outside the limits of work with the same species and size.
  - Install root barriers for all trees within 10-feet of paving or underground utilities.
  - Provide an automatic temporary irrigation system for all new planting areas.
  - Plant and material quantities are provided for convenience only. Contractor is responsible for verifying all quantities and dimensions.
  - Install a 4" layer of imported topsoil over all new planting areas.
  - Install a 2" layer of wood chip mulch below all shrub and ground cover areas.
  - Contractor is responsible for mowing, weeding, pruning, watering, fertilizing, and removal of trash from project area throughout the 3-month planting period and 9-month plant establishment period. Contractor shall remove weeds from all planting areas on a weekly basis and shall inform the contracting officer weekly to confirm weeding work has been completed.

MATCHLINE - STA. 153+05  
SEE PLAN LP-03

MATCHLINE - STA. 158+74  
SEE PLAN LP-05

Exhibit 10: Landscape Plan

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

DESIGN BRANCH, ROOM 688A  
BRIDGE DESIGN SECTION, ROOM 611  
CADASTRAL DESIGN SECTION, ROOM 600  
ENVIRONMENTAL DESIGN SECTION,  
ROOM 688A  
HIGHWAY DESIGN SECTION, ROOM 636  
HYDRAULIC DESIGN SECTION, ROOM 636  
TECHNICAL DESIGN SECTION, ROOM 688



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
601 KAMOKILA BOULEVARD  
KAPOLÉI, HAWAII 96707

EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'ŌKELE

Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
CURT T. OTAGURO  
ROBIN K. SHISHIDO

IN REPLY REFER TO:

HWY-DD 2.20115

February 24, 2025

[REDACTED]

Dear Ms. Antolini:

Subject: Comments to Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) Conservation District Use Application (CDUA) OA-3950 Laniakea Beach Kamehameha Highway Realignment Project

The State of Hawaii Department of Transportation (HDOT) is in receipt of your comments regarding the State of Hawaii CDUA for the proposed Kamehameha Highway Drainage and Safety Improvements, Vicinity of Laniakea Beach (Milepost 3.06 to Milepost 3.54) project ('Project'), as provided via email to Ms. Kariann Stark (kariann.stark@hawaii.gov), with DLNR-OCCL dated November 25, 2024.

The information below is in response to the five (5) comments you provided, with your comments reproduced and the responses to the comments following each in italics.

**Email Comment 1: Makai Parking Lot**

The CDUA should be revised by HDOT because it does not include the appropriate updated plan for the makai parking lot, as required by Condition E of the Special Management Area (SMA) permit 23-90, CD1, FD1.

Page 2 of the October 15, 2024, OCCL letter to HDOT mentions "a parking area with grass pavers on the existing makai side of Kamehameha Highway in the 60-foot-wide by 400-foot-long space." It appears that HDOT did not provide OCCL with updated plans for the makai parking lot. This is a significant omission and precludes OCCL and the Board (and the public) from conducting the review required.

*Please see Enclosure Item 1. Revised Plan Sheets with additional details provided per the OCCL Comment.*

*Please see Enclosure Item 2. Grassed Paver Plan and Landscaping Planting Plan.*

*The Plans that were provided to the DLNR-OCCL contained the proposed layout for the informal area available for parking.*

*The use of 'informal' in the application is intended to recognize that the area to be made available for parking following completion of the project will not be a formal paved parking lot. The clear area being built was designed with the intent of meeting the SMA Use Permit condition of providing a parking lot in the future. The construction of a formal parking lot is not within the scope of the current Project but it may be budgeted in the future.*

*The use of grassed pavers and the lack of designated handicap stalls in the current design do not comply with the Americans with Disabilities Act (ADA) guidelines for a parking lot. However, the State Department of Health (DOH) Disability and Communication Access Board (DCAB) reviewed the current design (as a clear shoulder) and found it consistent with the applicable ADA requirements for the site.*

*The size and layout of the informal parking area will allow for the future transition to the proposed managed parking area which will include at least two (2) ADA-compliant parking stalls and an ADA-compliant pathway, consisting of a concrete sidewalk and ramps, that will connect to the shared use path (the existing Kamehameha Highway pavement). The future design will be reviewed by the DOH-DCAB as required.*

*Similarly, the "open, dirt lot" description was intended to recognize the current state of the informal area available for parking, as it is not paved, and the grassed pavers are not yet installed. The application, as submitted, attempted to recognize the Project's history and ongoing coordination with the various agencies as part of its commitment to a context sensitive design.*

- a. In May 2023, the Sunset Beach Community Association, North Shore Chamber of Commerce, and the North Shore Neighborhood Board requested that, as part of the realignment project, HDOT design (but not necessarily manage or operate) a makai parking lot with a single ingress and egress, and a minimum of 50 parking spaces (including First Responder/Lifeguard and ADA). See Attachments A, B, and C.

*The area available for parking has been designed to allow for the future construction of a formal parking lot with a single ingress and egress, a minimum 50 parking spaces (including ADA stalls), and three additional parking spaces that will be designated for First Responder/Lifeguard.*

b. The City Council inserted Condition E into the SMA, adopted the community's recommendation that HDOT be required to plan and design the makai parking lot:

**E. The Applicant shall plan and design a parking lot that includes parking for a minimum of 50 vehicles and managed ingress and egress, and that is located on the makai side of Kamehameha Highway in the expanded shoreline area that will be created by relocating the highway further mauka to improve recreational access, traffic along the highway, and pedestrian safety and to protect the area from any further development that may obstruct views of the ocean from the coastal highway.**

Page 2 of the October 15, 2024, OCCL letter to HDOT mentions the SMA generally but does not mention Condition E. OCCL should have been fully informed by HDOT about Condition E.

*The HDOT acknowledges your discussion of the Honolulu City Council's condition for approval of the SMA Use Permit and Shoreline Setback Variance.*

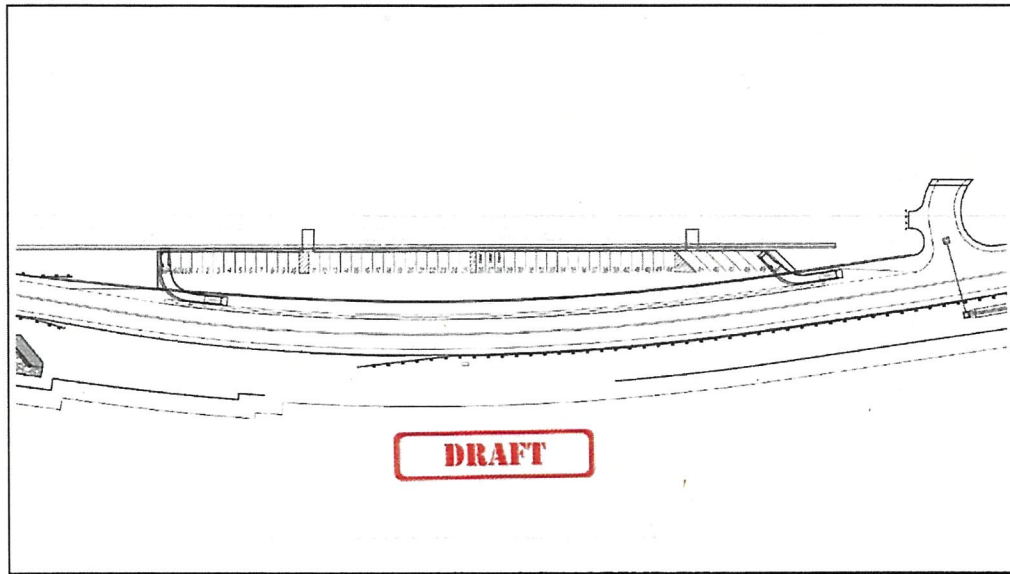
*The HDOT has designed the area available for parking to be able to incorporate all requirements per Condition E of the SMA in the future. The area available for parking contains "parking for a minimum of 50 vehicles and managed ingress and egress."*

*The condition only requires that HDOT "plan and design a parking lot." Construction of a formal parking lot is not within the scope of the current project, although it may be budgeted for in the future. Therefore, the proposed design of the formal parking lot is currently conceptual. When HDOT moves forward with the intent to build the parking lot within its right-of-way (ROW) in the future, it will seek the appropriate reviews and approvals from the various agencies at that time.*

c. In August 2024, Representative Sean Quinlan held a zoom meeting with HDOT, in which some community members participated, about the makai parking lot. During that meeting, HDOT shared preliminary plans and received feedback on the makai parking lot design.

*Your comment is noted.*

d. On November 6, 2024, Robert Sun of HDOT sent this conceptual plan of the makai parking lot to a community member:



*Your comment is noted.*

e. Nowhere in the CDUA does it mention this updated plan or design. The Revised (September 1, 2023) Roadway Construction Plan (ADD. 39) does show that the Certified Shoreline runs right through the parking lot, and therefore this area is of high priority for review under the CDUA.

Confusingly, the CDUA contains drawings of the grass paver parking lot and a low wall (referred to as "Cut-Off Wall") on the mauka side without any direct mention of the Condition E restrictions or requirements for it to have limited ingress/egress and to be "managed." The CDUA drawings are too obscure for the public – and OCCL – to understand how this complies with Condition E and the lack of clarity prevents meaningful public comment.

Please obtain and provide the public with updated HDOT drawings of the makai parking lot including Civil Sheet 20, which has the detail on the Cut-Off Wall.

Also confusing to the public, in the CDUA (July 3, 2024), HDOT refers to the makai parking lot as "50-60 passenger cars in an open, dirt lot" (Page 6). This is not accurate and does not even match the "grass paver" plans provided by HDOT to OCCL after the site visit. This "dirt lot" was the old design, superseded by Condition E and the grass pavers specification.

Later, the CDUA (page 19) refers to “informal parking on the makai side.” This “informal” language also pre-dates Condition E and is confusing.

*Please see Enclosure Item 1. Revised Plan Sheets with additional details provided per the OCCL Comment.*

*Please see Enclosure Item 2. Grassed Paver Plan and Landscaping Planting Plan.*

*Please see Enclosure Item 1. Revised Plan Sheets Sheet C-20 for a detail of the “Cut-Off Wall.”*

*The Plans that were provided to the DLNR-OCCL contained the proposed layout for the informal area available for parking.*

HDOT needs to clarify the CDUA entire package to provide consistent, complete, and accurate information about the makai parking lot plan and design.

*Your comments are noted and as provided in the response to Email Comment 1: Makai Parking Lot, the HDOT has attempted to recognize the Project’s history and ongoing coordination with the various agencies as part of its commitment to a design that minimizes its impact to the area. As mentioned, the formal parking lot design is conceptual but it may be budgeted for in the future. HDOT will route the design for the review and approval by the appropriate agencies when the undertaking is confirmed to move forward.*

*The condition only requires that HDOT “plan and design a parking lot.” Construction of a formal parking lot is not within the scope of the current project, although it may be budgeted for in the future. Therefore, the proposed design of the formal parking lot is currently conceptual. When HDOT moves forward with the intent to build the parking lot within its ROW in the future, it will seek the appropriate reviews and approvals from the various agencies at that time.*

**Email Comment 2: Shoreline Management**

The CDUA does not provide sufficient information about how the makai parking lot, pedestrian/bike path, and access to shoreline areas will be managed.

HDOT has indicated that it will retain ownership of the ROW (July 1, 2024, Letter from HDOT to OCCL, page 4), and therefore HDOT also has the full public trust obligation to manage the area unless or until another agency or entity steps in. Although HDOT provides good landscaping plans, there is no information on the pathways, access to the beach, trash management, and areas for signage.

There appears to be no plan for erosion control or management of people to this very sensitive basking beach for Honu and Monk Seals, both of which are protected by federal and state laws.

See the HDOT response at page 12 of the CDUA (“Laniakea Beach is highly utilized by pedestrians for viewing turtles, swimming and surfing, and the project will enhance pedestrian safety and improve roadway resilience.”). This response just stated the obvious about existing conditions and does not address the wildlife and public beach access management issues. See also page 13 (HDOT gives a very short and vague response regarding public use of the beach and recreation).

The CDUA (page 8) states it “does not propose any mitigation regarding physical geography and coastal processes; the Project’s purpose is to create a safer pedestrian environment to access the beach.” But to be convincing and meet its public trust responsibilities, HDOT must provide some detailed plans to ensure beach access and safety (e.g., boardwalks, overlooks, signage). See also page 11 (compliance with 205A(b)(1)(A) coastal recreational opportunities).

*Please see Enclosure 3. Project Location in Relation to the Conservation District.*

*The HDOT recognizes the authority of the DLNR-OCCL to manage all lands that are makai of the Certified Shoreline. For the areas within the HDOT ROW (including those within the Certified Shoreline), improvements intended to enhance pedestrian usage, safety, and access include clear paths to the beach from the clear shoulder to a shared use path (a repurposing of the existing Kamehameha Highway mauka lane); these items are shown on the plans provided to DLNR-OCCL. Maintenance and management of those features will be in accordance with HDOT’s standard practices for similar facilities within the State.*

OCCL should obtain comments from the Division of Forestry and Wildlife (DOFAW) and Division of Conservation and Resources Enforcement (DOCARE) about the wildlife viewing and interaction issues, and OCCL should require HDOT to develop a concrete management plan with DOFAW, OCCL, DOFAW, and with input from Malama I Na Honu (the non-profit steward for this area for two decades), for resilient and controlled public access, effective educational signage, and clear warnings about wildlife protection laws.

The area is currently highly eroded and when the rocks are removed (see July 1, 2024, letter from HDOT to OCCL, page 4), there should be stairs, boardwalk, and overlooks to prevent further erosion of the dune.

*The HDOT has coordinated with the DLNR DOFAW.*

*Please see Enclosure 4, which contains full copies of the letter to DOFAW, including figures, and email correspondence.*

*The Project proposes various design considerations to mitigate potential affects to species and the environment including those items as found in the Kamehameha Highway Pedestrian Safety, Vicinity of Laniakea Beach, Final Environmental Assessment:*

*Section 3.5.3 – Biological Resources – Avoidance, Minimization, and Mitigation Measures:*

*“Street lights will be on poles every 120 feet and will be designed to employ flat lens fixtures are designed to reduce glare and shield light from migrating birds and sea turtles. These lights will replace existing lights and they will be further from the shoreline and therefore even less likely to disturb turtles.*

*As discussed in Section 3.16 on construction impacts, nighttime construction lighting will be limited when possible to protect seabirds, hoary bats, and sea turtles.”*

*Section 3.16.5 – Construction Impacts – Biological Resources:*

*“Construction lighting will be directed to the ground to the extent possible to help avoid confusing seabirds and sea turtles. During the shearwater nesting season, September 15 until December 15, construction activities will be limited to daylight hours whenever possible, and only lighting that is required for safety and security concerns will be allowed. Any necessary lights will be positioned low to the ground, be motion triggered, when possible, and shielded. On-site staff will be educated about seabird fallout that occurs when birds flying at night are attracted to artificially lighted areas resulting in disorientation and exhaustion.*

*The construction lighting plan will also take sea turtles resting, foraging, and their hatchlings into consideration. Shielded lighting to reduce direct and ambient lighting of beach habitats within and adjacent to the project site will be used. When possible, night work near the beach will be avoided between May 1 and November 1, the sea turtle nesting and hatching season.*

*To minimize the potential for impacts to the Hawaiian hoary bat, woody vegetation taller than 15 feet (4.6 meters) will not be cleared during the annual the bat pupping season between June 1 and September 15.*

*To control the transfer of invasive plants and animals, HDOT will require that the contractor employ measures that include:*

- *Construction equipment cleaning prior to the equipment arrival at the site, and prior to its moving to an offsite location;*

- *Segregation of stockpiled and spoil materials. Excavated soils will be reused to the maximum extent practicable at the site from which it was removed; and*
- *Sediment and erosion control measures to ensure that stockpiled or spoil materials will not result in spread of invasive species from one area to another via storm water runoff."*

*The HDOT recognizes the authority of the DOCARE and will ensure that the Project will coordinate with its officers appropriately for the duration of construction, if and as required.*

*While the HDOT recognizes that there are various issues in the area (including erosion), the primary goal of the subject project is to improve pedestrian safety within its ROW. Realignment the highway more inland and creating a larger clear space makai of the highway increases the users' opportunity for a safer path to the beach, as opposed to the current condition of a very narrow shoulder.*

*The HDOT does not propose to construct improvements such as stairs, boardwalk, or overlooks, as those are not within the HDOT's mission statement or the Project's stated Purpose and Need and would likely need to be located outside of the HDOT ROW.*

OCCL should require HDOT to provide a detailed erosion control plan in collaboration with Sea Grant to provide resilient stairs, boardwalk, and overlooks.

The plans should be integrated with HDOT's landscaping plan. Note that the CDUA page 19 confusingly states "There is no proposed landscaping associated with the realignment of Kamehameha Highway" yet the attachments do provide a landscaping plan, as requested by OCCL.

*The HDOT is proposing roadway improvements to address pedestrian safety, shoreline erosion, congestion, and roadway reliability along Kamehameha Highway (Route 83) in the vicinity of Laniakea Beach on the Island of Oahu. To clarify, there will be no landscaping along the realigned segment of Kamehameha Highway. The landscaping will be entirely within the makai shoulder parking area.*

### **Email Comment 3: Lighting**

I do appreciate that HDOT has committed, as required by law, to limiting the lighting during construction both for seabirds and turtles (CDUA page 22). There is, however, no clear information about the permanent lighting post-construction and how it will be minimized or shielded to prevent seabird fallout and turtle nesting interference.

OCCL should consult with DOFAW and require all construction and permanent lighting to be located on the mauka side of the highway and fully shielded to prevent light being cast toward the beach or skyward. Lighting type should also comply with the latest standards for wildlife protection.

***HDOT Response to Comment 3:***

*As noted above, the Project has coordinated with the DLNR-DOFAW and proposes various design considerations to mitigate potential affects to species and the environment.*

*The Project also includes those items as found in the Kamehameha Highway Pedestrian Safety, Vicinity of Laniakea Beach, Final Environmental Assessment:*

*Section 3.5.3 – Biological Resources – Avoidance, Minimization, and Mitigation Measures:*

*“Street lights will be on poles every 120 feet and will be designed to employ flat lens fixtures are designed to reduce glare and shield light from migrating birds and sea turtles. These lights will replace existing lights and they will be further from the shoreline and therefore even less likely to disturb turtles.”*

*The Project proposes to install new highway lighting on the mauka side of the highway along the new alignment. So, the new lighting is located further away from the beach area than the existing lighting. Meanwhile, except at the Project termini, most of the existing highway lighting along the current alignment will remain in place. In accordance with Hawaii Revised Statutes (HRS) 201-8.5 ‘Night Sky Protection Strategy’, the roadway lighting will be downward-facing and shielded.*

**Email Comment 4: County Property**

The CDUA does not provide info about the disposition of County Beach Park mauka property, about three acres, which will be taken by the realigned highway. This is relevant to OCCL because City Department of Parks and Recreation (DPR) could potentially manage the makai parking lot if HDOT would “swap” the mauka DPR land with the makai “ROW” (Old Highway) areas. Or State Parks could manage the makai parking lots and beach access. The puzzle pieces are still not fully put together.

The CDUA vaguely mentions that DPR could “develop a formal parking area and beach support amenities” (page 18) – but what area is HDOT referring to DPR’s remnant land is mauka and the three acres will largely be “taken” by the realignment; and HDOT has stated it is retaining jurisdiction over the makai land.

Please get clarification and a clear map of the City land overlaid by the HDOT project and indicating what will remain and how the appropriate disposition process or a management plan will be followed.

Please ask State Parks if they would be willing to manage the makai shoreline and wildlife viewing area instead of DPR.

***HDOT Response to Comment 4:***

*Please see Enclosure 5. City and County of Honolulu Department of Parks and Recreation Parcels Overlaid by the Project.*

*HDOT is in the process of acquiring a portion of the existing DPR property. This includes land required for the realignment as well as the current DPR parking area adjacent to the existing Kamehameha Highway. Therefore, following completion of the project, HDOT's property would span from the makai side of the existing Kamehameha Highway alignment to the mauka side of the realignment. The remnant resulting from HDOT's acquisition will be retained by DPR.*

*HDOT intends to complete the pedestrian safety and traffic congestion improvements expeditiously so that they can be conveyed to the public as soon as possible. Therefore, HDOT currently plans to manage and maintain the clear shoulder parking area and public access to the beach. However, HDOT continues to coordinate with DPR for potential long-term arrangements.*

**Email Comment 5: Guardrail Gap**

The "ADD 38" sheet (dated September 1, 2023) has some very confusing detail regarding the mauka boundary. Even though this is outside OCCL jurisdiction, you will see that around "F2," the 31" W-Beam Guardrail has a long gap – and an unmanaged area appears to extend back to an "existing chain link fence." What is the purpose of this open area? If it is for Lifeguards, that would be great – they need the space for vehicles – two spaces are not enough. However, it must be clearly marked and enforced. Otherwise, visitors will assume they can park there.

Please ask HDOT to clarify the intended use of this "gap area," who will manage the area, and who owns this land (City?).

Ms. Denise Antolini  
February 24, 2025  
Page 11

HWY-DD 2.20115

***HDOT Response to Comment 5:***

*The gap in the guardrail occurs on parcel Tax Map Key 6-1-005-026, which is owned by Bernice Pauahi Bishop Trust Estate. The HDOT is in the process of acquiring the portion of this parcel needed for the Project.*

*The gap is to allow stream flood waters from big storm events to pass through the guardrail. The engineering programs used to predict the way water flows during large storm events indicated that a barrier-free section is needed so that the upstream backwater does not rise past the HDOT ROW. The computer models consider guardrails as a barrier to stormwater flow.*

*While there is a gap in the guardrail, pole delineators will be installed to prevent vehicles from parking there.*

**Email Closing: CDUA Submittal**

I greatly appreciate OCCL's careful review of this CDUA and attention to these issues as you prepare the Board submittal.

Please advise me when the CDUA is submitted to the Board of Land and Natural Resources. I would like to testify and ensure that the community is notified of the opportunity for testimony.

***HDOT Response to Email Closing:***

*The HDOT appreciates your interest and participation in the development of this Project.*

If you have any questions or comments, please contact Mr. Robert Sun, Project Manager, of the Design Branch, Highways Design Section via email at robert.sun@hawaii.gov, or by United States Postal Service to State of Hawaii, Department of Transportation, 601 Kamokila Boulevard, Room 609, Kapolei, Hawaii 96707.

Sincerely,

*Henry Kennedy*

HENRY KENNEDY  
Engineering Program Manager  
Design Branch

c: Michael Cain, DLNR-OCCL

Ms. Denise Antolini  
February 24, 2025  
Page 12

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Enclosures

- Enclosure 1. Revised Plan Sheets with additional details provided per OCCL Comment
- Enclosure 2. Grassed Paver Plan and Landscape Planting Plan
- Enclosure 3. Project Location in Relation to the Conservation District
- Enclosure 4. HRS Chapter 195D Consultation with DLNR- DOFAW  
Letter HWY-DD 2.0855 dated February 24, 2023 and Additional Email Correspondence  
dated March 13, 2023 (HDOT – Yishan Li to DLNR-DOFAW – Rubyrosa Terrago)
- Enclosure 5. City and County of Honolulu Department of Parks and Recreation Parcels  
Overlaid by the Project
- Enclosure 6. Comments to OCCL regarding CDUA OA-3950 (November 25, 2024)

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

DESIGN BRANCH, ROOM 688A  
BRIDGE DESIGN SECTION, ROOM 611  
CADASTRAL DESIGN SECTION, ROOM 600  
ENVIRONMENTAL DESIGN SECTION,  
ROOM 688A  
HIGHWAY DESIGN SECTION, ROOM 636  
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TECHNICAL DESIGN SECTION, ROOM 688



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
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CURT T. OTAGURO  
ROBIN K. SHISHIDO

IN REPLY REFER TO:

HWY-DD 2.20112

February 24, 2025



Dear Mr. Meller:

Subject: Comments to Department of Land and Natural Resources (DLNR) Office of Conservation and Coastal Lands (OCCL) Conservation District Use Application (CDUA) OA-3950 Realignment of Kamehameha Highway at Laniakea Beach, Oahu

The State of Hawaii Department of Transportation (HDOT) is in receipt of your comments regarding CDUA OA-3950 for the proposed Kamehameha Highway Drainage and Safety Improvements, Vicinity of Laniakea Beach (Milepost 3.06 to Milepost 3.54) project ('Project'), as provided via email to Ms. Kariann Stark ([kariann.stark@hawaii.gov](mailto:kariann.stark@hawaii.gov)) of OCCL dated December 9, 2024.

The information below is in response to the four (4) comments and two (2) recommendations you provided, with your comments and recommendations reproduced and the HDOT responses following each in italics.



The mauka row of parked cars in the May 7, 2023, aerial drone picture is mauka of the certified shoreline. The makai row of parked cars in the picture are makai of the certified shoreline. The unpaved parking access road in the picture straddles the certified shoreline.

The City Department of Planning and Permitting granted several City permits to authorize development of the parking lot mauka of the certified shoreline. The DLNR granted Emergency Conservation District Use Permit 22-01 to authorize development of the parking lot between the certified shoreline and the highway ROW. The HDOT authorized placement of barrels, jersey barrels, signs, and pavement markings within the highway ROW to channelize vehicular and pedestrian highway access to and from the parking lot.

Regulatory jurisdiction arising from land use laws and rules is not synonymous with management jurisdiction arising from property rights. The City owns and the City Department of Parks and Recreation (DPR) has management jurisdiction for the parking lot mauka of the certified shoreline. The State owns and the DLNR has management jurisdiction for the parking lot between the certified shoreline and the highway ROW. The State owns and the HDOT has management jurisdiction for the highway ROW. The DLNR may also have regulatory and management jurisdiction for parts of the highway ROW makai of the certified shoreline. (See OCCL remarks in the attached October 5, 2021, meeting notes.)

***HDOT Response to Letter Comment 1:***

*The HDOT acknowledges your comment regarding property jurisdiction. HDOT is coordinating with DPR to address this concern.*

**Letter Comment 2:**

During the 1990s the City used eminent domain to acquire about three (3) acres mauka of the highway to accommodate public parking and a comfort station. The City obtained possession/control of the site of the proposed park site by a court order in August 1999. At that time, it was assumed that the shoreline was makai of the highway and that the mauka boundary of the highway ROW was the makai boundary of City property. About two decades later the shoreline was certified mauka of the highway ROW. This relocated the makai boundary of City property and resulted in a strip of State property under DLNR jurisdiction sandwiched between the highway ROW and the certified shoreline.

To date the City Council has not authorized disposition of any City property or property rights at Laniakea Beach. (A DPR right-of-entry which authorizes HDOT improvements

Mr. Douglas Meller  
February 24, 2025  
Page 4

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on City property under DPR jurisdiction does not transfer City property into the highway ROW.) To date the Board of Land and Natural Resources (BLNR) has not authorized transfer of any State property at Laniakea Beach from DLNR jurisdiction into the highway ROW.

***HDOT Response to Letter Comment 2:***

*The HDOT acknowledges your comments regarding land disposition and property rights. HDOT is coordinating with DPR to address this concern.*

**Letter Comment 3:**

The legal boundaries of the highway ROW determine where the public can legally park for beach access. The HDOT is unwilling to place signs which authorize public parking within the State highway ROW at Laniakea Beach. Except where HDOT signs permit public parking, State law authorizes \$235 parking citations in the State highway ROW. On the other hand, State law does not authorize the HDOT to regulate parking outside the highway ROW.

**Hawaii Revised Statutes (HRS) §264-6 State highway not to be disturbed without permit.** No person...shall...do any of the following acts without a written permit from the director of transportation or the director's authorized representative: ...

(2) Place...or store any...motor or other vehicle...wholly or partially within the right-of-way of any state highway...

**HRS §291C-111 Noncompliance with stopping, standing, or parking requirements...**

(c) Any person committing a violation of any law prohibiting or restricting the...parking of vehicles on state highways shall be charged, in addition to any other applicable penalties and fines, a state highway enforcement program surcharge of \$200 to be enforced and collected by the district courts...

***HDOT Response to Letter Comment 3:***

*The HDOT acknowledges your comment regarding legal boundaries and signage.*

*The HDOT acknowledges your comment regarding legal boundaries and HRS §264-6.*

*The HDOT acknowledges your comment regarding noncompliance with stopping, standing, or parking requirements and HRS §291C-111.*

**Letter Comment 4:**

Before the existing parking lot was developed at Laniakea Beach,

- the public parked wherever there was space along a long, narrow, unimproved strip of public and private property mauka of the highway.
- both Kaena-bound and Haleiwa-bound vehicles slowed and made random turns to park mauka of the highway.
- parked vehicles either backed onto the highway or made random turns for highway access.
- unmanaged highway access resulted in significant delays and risk of collisions for both Kaena-bound and Haleiwa-bound through-traffic.

The existing parking lot accommodates about 50 parked vehicles and properly manages vehicular highway access. Vehicles must use the parking access road to exit and enter the highway. Vehicles must use the parking access road to enter and exit the parking lot. Unpredictable conflicting highway turning movements are minimized. Highway traffic is not delayed by drivers slowing to look for a space to park. Vehicles using the parking access road do not queue back and obstruct highway through-traffic. Vehicles exiting the parking lot cannot back onto the highway.

Provision of public parking is highly relevant to HDOT realignment of Kamehameha Highway across City property. Public parking is a prerequisite for adequate public access to Laniakea Beach. Without sufficient parking, the public would have to walk long distances along the highway shoulder to get to Laniakea Beach. The Final Environmental Assessment (FEA) for proposed highway realignment states that public parking will not be allowed mauka of the realigned highway but “may” be allowed between the existing highway ROW and the realigned highway.

Because the road is shifted, there will be no parking on the mauka side...  
However, the makai side of the realigned Highway may accommodate parking...  
With informal...non-designated parking, the number of cars anticipated to use the area would be similar to the No Build...condition.

Management of highway access is also highly relevant to highway realignment. Rather than restricting highway access to properly designed highway intersections with a parking access road, the HDOT's FEA proposes direct vehicular access between the realigned highway and a long, narrow strip makai of the realigned highway.

Preliminary plans submitted for the HDOT's Special Management Area and Shoreline Variance (SMA/SV) permit application would allow left and right turns from, left and right turns onto, and vehicles backing onto more than 200 yards of the realigned highway.

After considering these facts, the Honolulu City Council explicitly required (1) public parking for a minimum of 50 vehicles and (2) management of highway access to public parking as a condition for approval of the HDOT's SMA/SV application. Condition E of Council Resolution 23-90, authorizing a SMA/SV permit for highway realignment, requires:

The Applicant shall plan and design a parking lot that includes parking for a minimum of 50 vehicles and managed ingress and egress...on the makai side of Kamehameha Highway in the expanded shoreline area that will be created by relocating the highway further mauka to improve recreational access, traffic along the highway, and pedestrian safety...

CDUA OA-3950 includes a HDOT schematic which shows there is space makai of the realigned highway for a parking lot which could accommodate 50 parked vehicles. However,

- CDUA OA-3950 does not propose signs to authorize parking makai of the realigned highway.
- CDUA OA-3950 would allow left and right turns from, left and right turns onto, and vehicles backing onto almost 200 yards of the realigned highway.
- CDUA OA-3950 does not propose a parking access road with HDOT-approved highway intersections.
- CDUA OA-3950 proposes a landscaping plan which might conflict with future development of a parking access road.

***HDOT Response to Comment 4:***

*The HDOT acknowledges your summary of various layouts of the space available for parking.*

*The HDOT acknowledges your discussion of the Honolulu City Council's condition for approval of the SMA/SV, that the area available for parking contains "parking for a minimum of 50 vehicles and managed ingress and egress." The HDOT notes your acknowledgement of this. However, the condition only requires that HDOT "plan and design a parking lot." Construction of a formal parking lot is not within the scope of the current project. However, it may be budgeted for the future.*

*Per the four bullet points you present above, please find them copied below and see the following responses for each:*

- CDUA OA-3950 does not propose signs to authorize parking makai of the realigned highway.
  - *The HDOT does not propose signage to authorize parking makai of the realigned highway. However, in accordance with HRS §291C-111, HDOT currently does not anticipate that the stopping, standing, or parking of vehicles in the makai shoulder will be dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic. Therefore, pending changes in circumstances and conditions which may prompt a reevaluation by HDOT, parking on the makai shoulder will not be prohibited.*
- CDUA OA-3950 would allow left and right turns from, left and right turns onto, and vehicles backing onto almost 200 yards of the realigned highway.
  - *The HDOT is considering measures (such as delineators) to bar left turns into the shoulder area.*
- CDUA OA-3950 does not propose a parking access road with HDOT-approved highway intersections.
  - *There is insufficient room to design and construct an intersection that adheres to accepted guidelines for roadway design.*
- CDUA OA-3950 proposes a landscaping plan which might conflict with future development of a parking access road.
  - *The proposed landscaping plan will not interfere with future development of a parking access road.*

#### **Letter Closing: Requests for OCCL Recommendations**

I request that OCCL recommend conditions for BLNR approval of CDUA OA-3950 to ensure that public parking is allowed makai of the realigned highway. The BLNR could require placement of signs to authorize parking. The BLNR also could deny HDOT proposals for transfer of State property from DLNR jurisdiction into the highway ROW.

I also request that OCCL recommend conditions for BLNR approval of CDUA OA-3950 to ensure appropriate management of vehicular access to public parking makai of the realigned highway. The BLNR could explicitly require that HDOT design and reserve space for an access road to public parking makai of the realigned highway. The BLNR also could require that HDOT provide improvements which prevent parked vehicles from backing onto the realigned highway.

Mr. Douglas Meller  
February 24, 2025  
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***HDOT Response to Letter Closing: Requests for OCCL Recommendations***

*The HDOT's primary intent for the project is to improve pedestrian safety in the area. This is achieved by the creation of a clear shoulder area that can accommodate parking makai of the roadway, eliminating the need for pedestrians to cross Kamehameha Highway to visit Laniakea Beach. While there will be no signage that will explicitly identify the area as a parking lot, there will conversely be no signage prohibiting parking. Meanwhile, the HDOT requests usage of State property from DLNR (via easement) to properly ensure safe access to/from the clear shoulder area.*

*Regarding appropriate management of vehicular access to public parking makai of the realigned highway, the HDOT may consider interim measures such as delineators in the median, signage, curbs, etc. in advance of any permanent dedicated parking area configuration. Based on turning movement analysis the dimensions of the proposed clear area, typical passenger vehicles should be able to back without entering the roadway.*

*The HDOT appreciates your interest and participation in the development of this Project.*

If you have any questions or comments, please contact Mr. Robert Sun, Project Manager, of the Design Branch, Highways Design Section via email at [robert.sun@hawaii.gov](mailto:robert.sun@hawaii.gov), or by United States Postal Service to State of Hawaii, Department of Transportation, 601 Kamokila Boulevard, Room 609, Kapolei, Hawaii 96707.

Sincerely,

*Henry Kennedy*

HENRY KENNEDY  
Engineering Program Manager  
Design Branch

c: Michael Cain, DLNR-OCCL



Exhibit 13: "Most Realignment" Alternative