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GOVERNOR OF HAWAII

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DEPT. OF PLANNING
COUNTY OF MAUI



W. Y. THOMPSON, Chairman
BOARD OF LAND & NATURAL RESOURCES

EDGAR A. HAMASU
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

DIVISIONS:
CONVEYANCES
FISH AND GAME
FORESTRY
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

October 16, 1978

File No.: MA-8/2/78-1077
180-Day Exp. Date: 1/29/79

Mr. Michael S. Downing
Kahana Sunset Association
Maui Professional Center #310
P. O. Box 607
Wailuku, Maui, HI 96793

Dear Mr. Downing:

Conservation District Use Application
for Shoreline Erosion Protection System
at Alaeloa, Lahaina, Maui

We are pleased to inform you that the Board of Land and Natural Resources at its meeting of October 13, 1978, under agenda Item H-8, approved your application subject to the following conditions:

1. The applicant shall comply with applicable provisions of Section 6 of Departmental Regulation No. 4;
2. Inclusion of hold harmless condition for all work to be awarded by contract;
3. The applicant shall obtain appropriate authorization through the Division of Land Management, DLNR, for the use of State lands since this approval is for the use of conservation lands only;
4. In the event unanticipated historical or archaeological remains are encountered by the effectuation of the proposed use, the applicant shall immediately contact the Historic Preservation Office at 548-6408;
5. Precautionary measures shall be taken to prevent pollution of coastal waters by accidental spillage of petroleum products, debris, or other construction related products during construction;

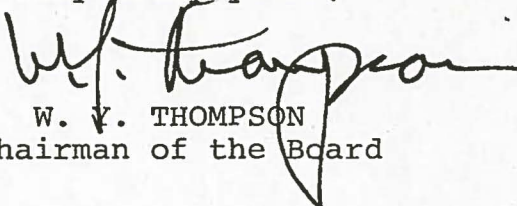


Mr. Michael S. Downing
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6. No materials shall be placed on or taken from conservation districts outside the project area;
7. All areas disturbed by work and work related activities shall be restored to acceptable conditions; and
8. Appropriate measures shall be taken to minimize inconveniences and hazards to neighboring residences and the public in general.

Should you have questions on any of these conditions, please contact our Planning Office at 548-7837.

Very truly yours,



W. V. THOMPSON
Chairman of the Board

cc: Maui Board Member
Maui District Land Agent
U. S. Fish & Wildlife Service
U. S. Corps of Engineers
Department of Health
Office of Environmental
Quality Control
Environmental Quality Commission
COM/Planning Department

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Yoshikazu "Zuke" Matsui
Deputy Planning Director

COUNTY OF MAUI
PLANNING DEPARTMENT

200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793

August 31, 1978

Mr. Michael S. Downing
Downing & Associates Engineers
Maui Professional Center, Suite 310
2180 Main Street
Wailuku, Maui 96793

Dear Mr. Downing:

Re: Shoreline Setback Application (Mr. Michael S. Downing, Engineer on behalf of Kahana Sunset) - proposed erosion control project - placement of approximately 65 cubic yards of concrete in the face of an existing 18 ft. high bank as a method of controlling the undermining of same at the Kahana Sunset residential condominium project, TMK 4-3-03:15 Alaeloa, Lahaina, Maui

Please be advised that those portions of the proposed erosion control project landward of the shoreline certified on June 23, 1978, and in accordance with plans dated June 16, 1978, as transmitted by letter dated August 9, 1978, are hereby exempt from the State of Hawaii Environmental Impact Regulations pursuant to Section 1:33, and approved for construction in accordance with Section 13(a) of the County of Maui Shoreline Setback Rules and Regulations subject to the following conditions:

1. That full compliance shall be rendered with the conditions established in granting a Minor Permit pursuant to Section 12A of the Interim Coastal Zone Management Rules and Regulations of the County of Maui.
2. That for this permit no construction, operation of equipment, storage of materials, excavation or deposition of excavated material shall occur seaward of the certified shoreline.
3. That all proposals for work seaward of the certified shoreline shall be submitted to the State of Hawaii Department of Land and Natural Resources and the U.S. Army Corps of Engineers for appropriate review and action.

9/6/78 \$350 check returned to Mike Downing

Mr. Michael S. Downing - 2
August 31, 1978

4. That any and all construction including grading and paving within the required forty (40) ft. shoreline setback shall be prohibited

5. That the existing grade and groundcover at the top of the bank shall be maintained.

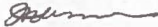
6. That the applicant, its successors and assigns, shall defend, indemnify and hold the County of Maui harmless from and against any loss, liability, claim or ~~land~~ arising out of this permit.

7. That full compliance with all Federal State and County requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact this office.

Yours very truly,

TOSH ISHIKAWA
Planning Director


WAYNE UEMAE
Director of Public Works

cc EQC
cc U.S. Army Corps of Engineers
cc Mr. W. Y. Thompson, DLR
cc Mr. A. Haake
cc Mr. W. Uemae
cc Mr. E. Kagehiro
cc Mr. R. Figueiroa
cc Mr. C. Hart

3170 Noela Drive
Honolulu, Hawaii 96815

September 7, 1978

Mr. Robert Tom
U. S. Army Engineer District, Honolulu
Building 230
Ft. Shafter, Hawaii 96858

Dear Mr. Tom:

I am writing to express my grave concern in regard to the application to your office from the Kahana Sunset Condominium Association regarding coast-line construction described in public notice no. PODCO-O 1466-S. I have owned property adjacent to the area where Kahana Sunset is now situated for the past six years and have been familiar with the area through conversations with the previous property owners whose experience in Alaeloa vicinity extends back over twenty years.

As a professional marine scientist and an adjacent property owner, I would like to comment on the application. There is an erosion problem at Kahana Sunset, but this problem is not described nor addressed in the application to your office. The erosion problem which I recognize consists of the falling of topsoil from planted areas surrounding the building described on the plan accompanying the permit application. The erosion problem did not exist prior to the building of Kahana Sunset and is probably due in my estimation to over-watering, over-planting, over-irrigation, rain run-off from the lanai building, and additional fill made during the construction of the project. There are leaking sprinklers in the area adjacent to the cliff edge which create a constantly wet condition visible in the cross-section of the cliff. This erosion problem is in desperate need of a solution because large amounts of topsoil are falling onto the beach from the 35-40' high cliff. An additional erosion problem not addressed in the application is that created seasonally by a 36" diameter storm drain which flows directly onto the sandy beach to the south of the area described on the plan accompanying the permit. In my opinion, this affects beach sedimentation as well as presenting a threat to the coastline underlying the lanai building on the drawing.

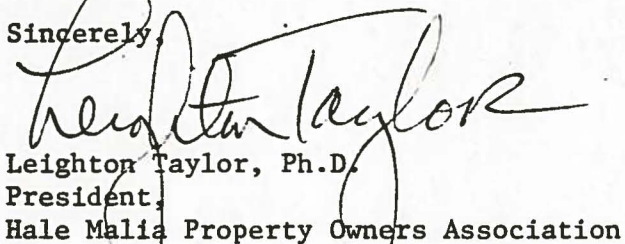
The applicant's specific shoreline erosion protection system involves filling natural sea caves with large quantities of rock rubble and concrete reinforced with steel bars. In my experience with the property and the experience of the former property owners, these sea caves are not increasing in size, and in fact are a natural feature of the Maui coastline which gives it much of its scenic charm. These caves predate the existence of the applicant's condominium project and both the architect and the contractor of the project must have been aware of their existence when the project was conceived. My overriding concern is that the shoreline erosion protection system which the applicant proposes is: 1) not necessary (I would appreciate seeing evidence to the contrary provided by either a soils engineer or a marine geologist), 2) the project as described could have deleterious effects on the

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surrounding coastline due to wave reflection and could actually create more problems, 3) the scenic beauty of the coastline of Maui and its sea caves would be greatly lessened by the construction of concrete walls, and 4) the applicant some three years ago engaged in an illegal construction project which has never been removed. This was done without County of Maui approval or Corps of Engineer approval and resulted in a large concrete footing which now has lengths of rusty rebar extending from it. This concrete footing is not noted on the plan provided with the application, but is shown in detail on the engineering drawings prepared by Downing and Associates.

In summary, I would like to say that the applicant's proposed project addresses a non-existent problem, or at least one for which no evidence has been provided, while choosing to ignore a serious problem of eroding topsoil on the property overlying the cliffs. I would urge the Corps to inspect this project in much greater detail than can be possible with the very sketchy diagrams and scale-less drawings provided. Thank you for this opportunity to comment. If you would like me to provide further information including aerial photographs of the property and pictures of the sea cliffs taken over six years ago, I will be happy to make them available. I can be reached at 923-5335 during working hours.

Sincerely,



Leighton Taylor, Ph.D.
President,
Hale Malia Property Owners Association

P. S. I have polled the members of the Association,
all of whom share my concern expressed above.

LT:fc

September 8, 1978

Department of the Army
Honolulu District, Corps of Engineers
Building 230
Fort Shafter, Hawaii 96858

Subject: Public Notice No. PODCO-0 1466-S

Gentlemen:

This letter is in reference to Paragraph 5 of your memo dated August 4, 1978, regarding the above public notice:

1. The undersigned lives adjacent to and north of the subject property.
2. Although the proposed construction would appear that it would not affect our property directly, I would like to be assured that bilateral wave action caused by the construction will not endanger the cliff in front of my house especially as it relates to existing caves at sea level.
3. It is the opinion that the Kahana Sunset Condominium should also be concerned with erosion on the north side of their property at the top of the ocean side cliff. For the past year, there has been seepage from their surface irrigation system which is still visible from the ocean side. This has caused a recent break off at the top of their cliff of approximately 3 to 5 feet laterally. The rubble from this break off is still lying at the base of the cliff next to the shoreline. Continued break off of this top soil will cross my property line and cause the loss of the top portion of my cliff. Kahana Sunset was notified of this condition before the break off occurred.
4. In 1976, before we bought our property, unauthorized construction was started by the Kahana Sunset on a "gull wing" shaped sea wall. It is my understanding that work was stopped by government agencies, however, the existing footings were not removed as required by law. As the result of the position and shape of this footing, the incoming wave action is diverted towards the base of my cliff and according to Mr. Dawling's engineering drawings for this work, an existing cave on my property has been enlarged. In reference to this, I would like this unauthorized sea wall footing removed but this will not relieve the Kahana Sunset of any occurred damages.
5. As you stated in your letter, Kahana Sunset Condominium Association received permission from you on July 18, 1977 (Permit No. PODCO-0 12645). The reason stated for this construction was for the loss of their cliff side. As expressed in the past to them by my architect and consulting engineer (see enclosed letter), this erosion was caused by the removal of vegetation on top cliff and the protection of the then existing root systems; the weight of the condominium structure an approximate 4' of top soil; and the collection and concentration of rain water on the condominium roofs, lanais and the adjacent parking lot. This caused excessive drainage of water on the makai side of the

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September 8, 1978

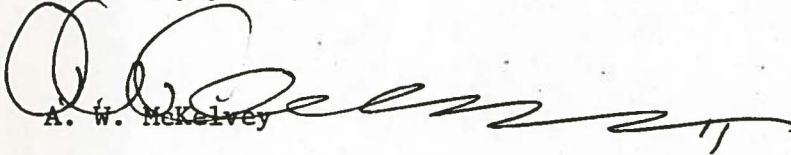
5. (continued)

apartment building and were the major reasons for the loss of their cliff on or about February 18, 1974.

6. It is our considered opinion that unless we can be assured by the Corps of Engineers and the Kahana Sunset Condominium that no further deterioration of our cliff side will occur, we will hold both parties legally responsible for loss of values and other related matters.

I would appreciate your acknowledging receipt of this letter.

Sincerely yours,



A. W. McKelvey

P. O. Box 733
Lahaina, Maui, Hawaii 96761

AWM/lsr

Enclosure: Nesbit letter dated, 3/20/75

cc: Mr. Nelson Christianson, Attorney at Law

Spectra Projects
P.O. Box 501
Freeland, Washington 98249

March 20, 1975

In any case, these solutions are very feasible.
meet with approval with the abovementioned

Mr. Joseph W. Hall
2910 West Crockett
Seattle, Washington

Dear Mr. Hall:

I recently returned from Maui, Hawaii, where I am in the process of designing a residence for Mr. A. W. McKelvey. His property is adjacent and north of your Kahana Sunset Project. Mr. McKelvey is concerned about your attempt to retain the bank from further erosion and the methods of doing such. With this concern in mind, I researched the problem carefully and here are my findings.

Mr. Jimmy Shaw, Land and Natural Resources, will allow your erosion caves to be filled as long as all fill material will remain within your property, with NO fill spilling onto the beach area which belongs to the State of Hawaii.

Mr. Chris Hart, Maui County Planning Department, will back up Jimmy Shaw; plus the strong recommendation of controlling storm runoff water.

Mr. Ernest Robello and Mr. Gary Kim, State Agriculture and Land Management also strongly suggest storm runoff water control and planting of stronger ground cover with a better root system.

I also had three on site meetings with your contractor, Mr. Paul Akiona. He seems to grasp the problems and offered some helpful advise.

Conclusion: Instead of tearing up your makai lawn with a 10 ton crane and overloading an already weak bank structure; instead of attempting to lower boulders down to the beach and forcing them to stay within your property line, we propose to you to stack beach rock into walls at the entrance to the caves and pump concrete in behind until caves are full. It would be far less time consuming and environment ally more suitable. Plus, I am sure longer lasting and more economical to construct. Of far more importance though,

is your collection of roof, deck, and parking lot water runoff. Currently your drains, downspouts, etc., all dump onto the makai lawn, thus imposing a terrific surload on the bank structure. It is most important that you take immediate action to collect ALL this excess water into a collection system and pipe it over the bank and down to the ocean. This could easily be done with plastic drain pipe and a series of French drains.

In any case, these solutions are very feasible and seemed to meet with approval with the abovementioned officials and Paul Akiona.

If you have any questions or if I can be of service to you, please call me at 1-206-321-4928 or write me in care of Spectra Projects.

Sincerely yours,

Sid H. Nesbit, Licensed General Contractor, State of Hawaii
Licensed General Contractor, State of Washington
Architectural Desinger, State of Washington

Mr. Chris Hunt, Manager of the...
at the... water.

Mr. Ernest Rosello and Mr. Gary Kim, State...
Management also strongly support...
planting of stronger trees... cover with a...
plastic.

I also had a... with your...
akiona. He seems to... problems and...
advise.

Conclusion: Instead of... your...
crane and overloading... bank...
of attempting... to the...
to stay... property... propose...

Sid H. Nesbit
Spectra Projects

and environment...
and more...

April 15, 1975

Mr. Norman Saito
Civil Engineer
Kahului Building, Suite 35D
P.O. Box 1887
Kahului, Maui 96732

Dear Mr. Saito:

Re: Request for approval of plans to construct a concrete sea/retaining wall at the Kahana Sunset Condominium, TMK 4-3-03:15, Alaeloa, Lahaina, Maui.

Please be advised that your plan for the above sea/retaining wall received on April 8, 1975, is hereby approved in accordance with Section 13(a) of the County of Maui Shoreline Setback Rules and Regulations, and subject to the following conditions:

1. That said approval is for construction within the Shoreline Setback, only, and that all construction seaward of the shoreline as verified on November 15, 1974 shall be subject to review and approval by other appropriate governmental agencies.

2. That specific measures shall be taken to stabilize the shoreline by diverting storm runoff from both the ground surface and the adjacent building.

3. That full compliance with all Federal, State and County requirements shall be rendered.

Please be advised that the proposed retaining wall may not be a satisfactory and permanent solution to the existing situation. However, due to the immediate hazards created by the existing problem, we are approving the subject request. We recommend that an appropriate solution be found.

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Thank you for your cooperation. If additional clarification is required, please contact Mr. Chris Hart of the Planning Department staff.

Yours very truly,

HOWARD K. NAKAMURA
Planning Director

cc Mr. J. Shaw
cc Mr. S. Goshi
cc Mr. S. Eastman