

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
SUZANNE D. CASE
Chairperson

Before the House Committees on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS
and
WATER & LAND

Wednesday, March 23, 2016
10:30 AM

State Capitol, Conference Room 325

In consideration of
HOUSE CONCURRENT RESOLUTION 181
AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE
EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT
PUAMANA, LAHAINA, MAUI, FOR VARIOUS SEAWALL STRUCTURES, A
CONCRETE GROIN, AND RETMENT FOOTINGS OF A HISTORICAL
SWIMMING POOL

House Concurrent Resolution 181 requests the authorization to issue a term, non-exclusive easement for an estimated 5,242 square feet, more or less, located on state submerged lands identified as tax map key (2) 4-6-028: seaward of 001, at Puamana, Lahaina, Maui, for various seawall structures, a concrete groin and revetment footings of a historic swimming pool, pursuant to Section 171-53, Hawaii Revised Statutes (HRS). **The Department of Land and Natural Resources (Department) supports this concurrent resolution.**

The current owner of the abutting landward property, the Puamana Community Association (PCA) is currently working with the Department to resolve the encroachments. The encroachment was identified on state lands located seaward of the shoreline and such area should be considered as submerged lands. As required by Section 171-53, HRS, the Board of Land and Natural Resources (Board) may lease submerged lands "with the prior approval of the Governor and the prior authorization of the Legislature by concurrent resolution". As noted in the resolution, the PCA has already obtained an easement for the various encroachments. However, after the execution of the easement, as a result of a site inspection conducted pursuant to a certified shoreline application, the

shoreline was located further landward than previously identified, increasing the size of the encroachment and necessitating an amendment of the easement area.¹

The Department notes that the shoreline location currently used to determine the easement area was identified in 2014. If the PCA desires a certified shoreline, and the shoreline location is determined to be further landward, the easement may require further revision to account for the increased area. The easement, including its terms and conditions, are subject to approval by the Board. The grantee shall pay the State the fair market value of the easement as consideration for the use of public lands. The amount of consideration shall be determined by an independent appraisal.

Thank you for your consideration of this testimony.

¹ The amended easement expanding the easement area will require Land Board approval which the parties intend to pursue once the new metes and bounds description and maps are approved by the State Surveyor.

Puamana Community Association
Carl Verley, President
34 Puailima Place
Lahaina, Maui, Hawaii 96761
(808)661-3424
carl@puamana.us

BEFORE THE
COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS
&
COMMITTEE ON WATER & LAND
OF THE STATE OF HAWAII

IN THE MATTER OF) HOUSE CONCURRENT RESOLUTION
) NO. HCR181
Authorization for the issuance of a non-))
exclusive easement covering a portion of) **TESTIMONY IN SUPPORT OF HCR181;**
State submerged lands at Puamana, Lahaina,) **EXHIBITS “A” – “C”**
Maui, for various seawall structures, a))
concrete groin, and revetment footings of a))
historic swimming pool.))

TESTIMONY IN SUPPORT OF HCR 181

PUAMANA COMMUNITY ASSOCIATION (“Puamana”) and CARL VERLEY, President of Puamana, an individual and a member of the Puamana Community Association and as interested persons provide the following testimony in support of HCR181 to the Committee on Ocean, Marine Resources, & Hawaiian Affairs and the Committee on Water & Land.

1. IDENTIFICATION AND INTEREST

PUAMANA COMMUNITY ASSOCIATION is a Hawaii non-profit, Public Unit Development formed to act as a community association, whose members consist of 230 family dwellings on 30 acres of land. Puamana owns land located at 34 Puailima Place, Lahaina, Hawaii, further identified by tax map key: (2) 4-6-028:001. Transient vacation rentals are permitted at Puamana resulting in a steady stream of tourists visiting the property and using the facilities there.

CARL VERLEY (“Verley”) is the President of the Association and is also an owner in Puamana.

2. TESTIMONY

Seawall structures, built in the 1930’s, follow along the shoreline and provide stability and necessary coastal protection for the north part of the property. In addition, a concrete groin and revetment footings represent part of a historic swimming pool that was also built in the 1930’s as a part of a former plantation manager’s residence. It has been determined that portions of the seawall structures, the concrete groin and revetment footings of the historic swimming pool encumber a total of 1,895 square feet of state submerged land. Furthermore, the Office of Conservation and Coastal Lands of the Department of Land and Natural Resources determined that the structures are existing and non-conforming, in that they were constructed prior to October 1964.

Puamana obtained a fully executed grant of non-exclusive easement (GL S-6050), dated March 3, 2014 for a total of five (5) shoreline encroachments (identified as Easements “E-1” through “E-5” in the February 2012 Application for Request for State Lands) for the seawall structures, the concrete groin, and the revetment footings of the historic swimming pool, totaling an area of 1,895 square feet (sq. ft.). However, it was later determined by the DLNR that the easements identified in the March 3, 2014 easement agreement (Easements “E-1” through “E-5”) would need to be amended to include additional areas for the seawall and pool structures based on an updated shoreline survey of the property. Easements "E-4" and "E-5" (an area of 423 sq. ft.) in the March 3, 2014 agreement now become Easement "E-3-A" for a total area of 2,899 sq. ft. (an increase of 2,476 sq. ft.). The total combined easement area is now 5,242 sq. ft. including Easement “E-2-A”, Easement “E-3-A”, and the unchanged Easement “E-1” (see EXHIBIT “A”). The amended easements (E-2-A and E-3-A) are subject to approval of lease terms, easement appraisal and lease payment by the Board of Land and Natural Resources.

Structural engineers’ opinions on the conditions of the swimming pool (see EXHIBIT “B”) indicate that “based on the advancement of the erosion along the south side of the pool, we now feel it to be imperative that the foundation repair/reinforcement process (see EXHIBIT “C”) commenced as soon as possible before damage occurs that might make the continued use of the pool impossible. Further delays of a year or more could produce this result.”

For the above reason Puamana requests favorable consideration and recommendation to approve HCR181. This will enable Puamana to work with its surveyor, the State Surveyor and DLNR/BLNR to move forward in an expeditious manner to finalize granting of the amended easements and ultimately a remedy for its deteriorating swimming pool.

DATED: Lahaina, Maui, Hawaii: March 21, 2016

PUAMANA COMMUNITY ASSOCIATION,
CARL VERLEY

Carl A. Verley.

President

EXHIBIT "A"



Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

TO: Reid Siarot, State Land Surveyor
Department of Accounting and General Services
Land Survey Division
1151 Punchbowl Street, Room 210
Honolulu, Hawai'i 96813

Daniel Ornellas, Maui District Land Agent
Department of Land and Natural Resources
55 High Street, Suite 101
Wailuku, Hawai'i 96793

DATE: March 9, 2016
SUBJECT: Puamana Community Association's Request to Amend 55-Year Term, Non-Exclusive Easements for Portions of a Seawall and Pool Structure Encroachment Purposes Located at Puamana, Lahaina, Maui, TMK (2) 4-6-028:001 (por.) (Reference No.: GLS-6050)

Enclosed is/are:

Copies	Date	Description
1	---	Easement Plat Map Showing Easement "E-2-A"
1	---	Metes and Bounds Description of Easement "E-2-A"
1	---	Easement Plat Map Showing Easement "E-3-A"
1	---	Metes and Bounds Description of Easement "E-3-A"
Original	---	(Full-size) Shoreline Survey Map
1 (CD)	---	Easement Plat Maps of Easement "E-2-A" and Easement "E-3-A" (CADD files)
1 (CD)	---	Shoreline Survey Map (CADD files)

For your information
For necessary action
For your review
For your files

X

For your use
As requested
For your signature
Returning

REMARKS: The enclosed are provided, as requested, to enable further processing of Puamana Community Association's Request to Amend 55-Year Term, Non-Exclusive Easements for Portions of a Seawall and Pool Structure Encroachment Purposes Located at Puamana, Lahaina, Maui, TMK (2) 4-6-028:001 (por.).

Reid Siarot, State Land Surveyor
Daniel Ornellas, Maui District Land Agent
March 9, 2016
Page 2

Should you have any ns, please feel free to contact our office at (808) 244-2015.

Signed: 
Erin Mukai
Senior Associate

EM:yp

Copy to:

Bruce Lee, Newcomer – Lee Land Surveyors, Inc. (w/out enclosures)

Carl Verley, Puamana Community Association (w/out enclosures)

Dave Medina, Puamana Community Association (w/out enclosures)

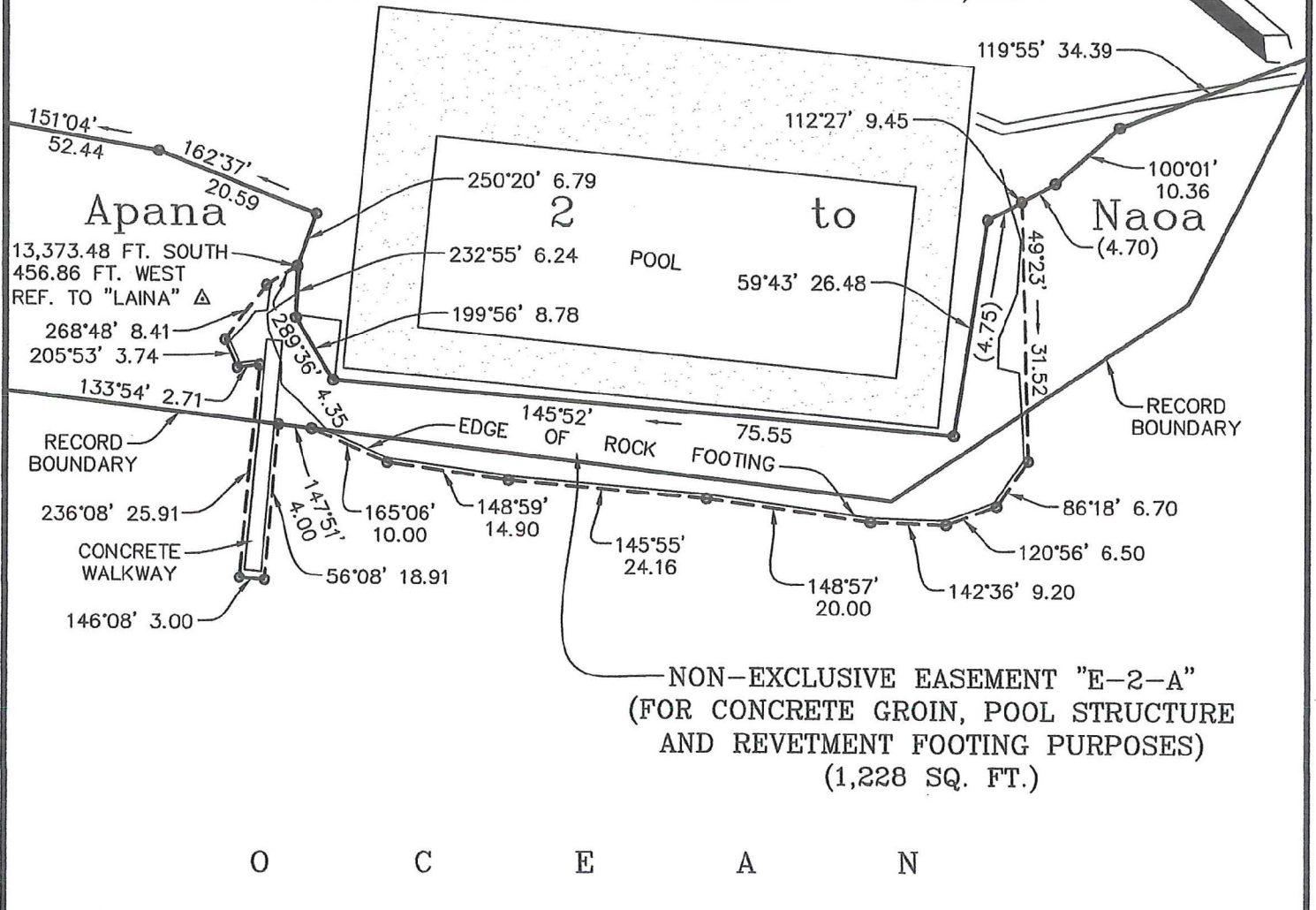
K:\DATA\Puamana\Shoreline\Email\MapstoDAGS.trans.doc

Royal Patent 1112,

LOT "C"
2.662 ACRES

Land Commission Award 10,427

TRUE NORTH
SCALE: 1 INCH = 20 FEET



O C E A N



NON-EXCLUSIVE EASEMENT "E-2-A"
FRONTING LOT "C" OF THE
PUAMANA PLANNED UNIT DEVELOPMENT, UNIT 1,
SECTION "B", FILE PLAN 1056
SITUATED AT PUAMANA-LAHAINA, MAUI, HAWAII

PREPARED FOR:
Puamana Community Association
34 Pualima Place
Lahaina, HI 96761

PREPARED BY:
NEWCOMER - LEE
LAND SURVEYORS, INC.
1498 LOWER MAIN STREET, SUITE D,
WAILUKU, MAUI, HAWAII 96793

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

T.M.K.:(2) 4-6-028: PORTION 001

SCALE: 1 INCH = 20 FEET

DATE: APRIL 23, 2015

DESCRIPTION
NON-EXCLUSIVE EASEMENT "E-2-A"
(FOR CONCRETE GROIN, POOL STRUCTURE AND
REVTMENT FOOTING PURPOSES)
AFFECTING THE GOVERNMENT LAND FRONTING THE
PUAMANA PLANNED UNIT DEVELOPMENT,
UNIT 1, SECTION "B", FILE PLAN 1056

All of that certain easement, being Non-Exclusive Easement "E-2-A" for concrete groin, pool structure and revetment footing purposes over, under and across a portion of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainder of Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea and the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, situated at Puamana, Lahaina, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at the northeast corner of this easement, on the certified shoreline fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being:

13,373.48 Feet South
456.86 Feet West

and running by azimuths measured clockwise from true South:

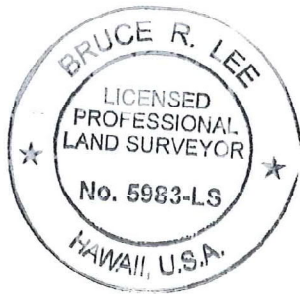
1. 52° 55' 00" 6.24 feet along the certified shoreline fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
2. 19° 56' 00" 8.78 feet along the certified shoreline fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
3. 325° 52' 00" 75.55 feet along the certified shoreline fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;

4. 239° 43' 00" 26.48 feet along the certified shoreline fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
5. 292° 27' 00" 4.75 feet along the certified shoreline fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
6. 49° 23' 00" 31.52 feet along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea and the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
7. 86° 18' 00" 6.70 feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
8. 120° 56' 00" 6.50 feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
9. 142° 36' 00" 9.20 feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
10. 148° 57' 00" 20.00 feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
11. 145° 55' 00" 24.16 feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
12. 148° 59' 00" 14.90 feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;

- | | | | |
|-----|--------------|-------|--|
| 13. | 165° 06' 00" | 10.00 | feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 14. | 147° 51' 00" | 4.00 | feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 15. | 56° 08' 00" | 18.91 | feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 16. | 146° 08' 00" | 3.00 | feet along the remainder of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 17. | 236° 08' 00" | 25.91 | feet along the remainders of the Government Land fronting Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea; |
| 18. | 133° 54' 00" | 2.71 | feet along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea; |
| 19. | 205° 53' 00" | 3.74 | feet along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea; |
| 20. | 268° 48' 00" | 8.41 | feet along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea; |
| 21. | 289° 36' 00" | 4.35 | feet along the remainders of Lot "C" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea to the point of beginning and containing an area of 1,228 Square Feet, more or less. |

Prepared by:

NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation

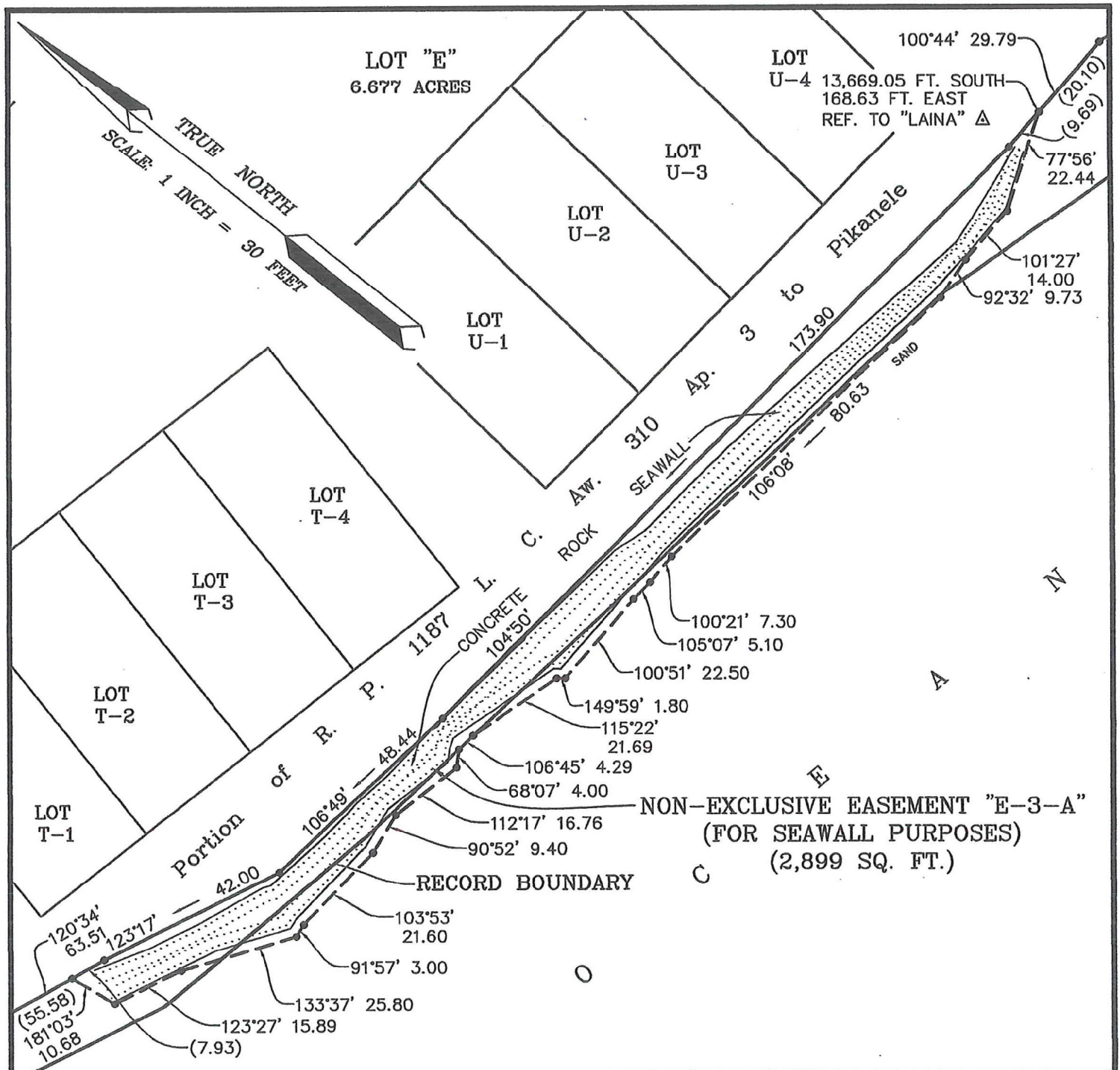


4/23/15
PUAMANA SHORELINE
File 14-9737
14-9737 Puamana Shoreline Ease E-2-A

This description was prepared from a
survey on the ground performed by me or
under my supervision.

A handwritten signature in blue ink that reads "Bruce R. Lee" followed by the date "4/23/15".

BRUCE R. LEE
Licensed Professional Land
Surveyor Certificate No. 5983-LS



THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

T.M.K.:(2) 4-6-028: PORTION 001

NON-EXCLUSIVE EASEMENT "E-3-A"
FRONTING LOT "E" OF THE
PUAMANA PLANNED UNIT DEVELOPMENT, UNIT 1,
SECTION "B", FILE PLAN 1056
SITUATED AT PUAMANA-LAHAINA, MAUI, HAWAII

PREPARED FOR:

Puamana Community Association
34 Pualima Place
Lahaina, HI 96761

PREPARED BY:

NEWCOMER - LEE
LAND SURVEYORS, INC.
1498 LOWER MAIN STREET, SUITE E,
WAILUKU, MAUI, HAWAII 96793

SCALE: 1 INCH = 30 FEET

DATE: APRIL 23, 2015

DESCRIPTION
NON-EXCLUSIVE EASEMENT "E-3-A"
(FOR SEAWALL PURPOSES)
AFFECTING THE GOVERNMENT LAND FRONTING THE
PUAMANA PLANNED UNIT DEVELOPMENT, UNIT 1,
SECTION "B", FILE PLAN 1056

All of that certain easement, being Non-Exclusive Easement "E-3-A" for seawall purposes over, under and across a portion of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, a portion of Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea and a portion of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, situated at Puamana, Lahaina, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at the east corner of this easement, on the certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being:

13,669.05 Feet South
168.63 Feet East

and running by azimuths measured clockwise from true South:

1. 77° 56' 00" 22.44 feet along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;;
2. 101° 27' 00" 14.00 feet along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;;
3. 92° 32' 00" 9.73 feet along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea and the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;;
4. 106° 08' 00" 80.63 feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;

- | | | | |
|-----|--------------|-------|--|
| 5. | 100° 21' 00" | 7.30 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 6. | 105° 07' 00" | 5.10 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 7. | 100° 51' 00" | 22.50 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 8. | 149° 59' 00" | 1.80 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 9. | 115° 22' 00" | 21.69 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 10. | 106° 45' 00" | 4.29 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 11. | 68° 07' 00" | 4.00 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 12. | 112° 17' 00" | 16.76 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 13. | 90° 52' 00" | 9.40 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |
| 14. | 103° 53' 00" | 21.60 | feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056; |

15. 91° 57' 00" 3.00 feet along the remainder of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
16. 133° 37' 00" 25.80 feet along the remainders of the Government Land fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
17. 123° 27' 00" 15.89 feet along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
18. 181° 03' 00" 10.68 feet along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea to a point on the certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056;
19. 300° 34' 00" 7.93 feet along the certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
20. 303° 17' 00" 42.00 feet along the certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
21. 286° 49' 00" 48.44 feet along the certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;

22. 284° 50' 00" 173.90 feet along certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea;
23. 280° 44' 00" 9.69 feet along the certified shoreline fronting Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056, along the remainders of Lot "E" of the Puamana Planned Unit Development, Unit 1, Section "B", File Plan 1056 and Royal Patent 1112, Land Commission Award 10,427, Apana 2 to Naea to the point of beginning and containing an area of 2,899 Square Feet, more or less.

Prepared by:

NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

Bruce R. Lee

BRUCE R. LEE
 Licensed Professional Land
 Surveyor Certificate No. 5983-LS

REVISED: 2/16/16
 PUAMANA SHORELINE
 File 14-9737
 14-9737 Puamana Shoreline Ease E-3-A

EXHIBIT "B"

Walter Vorfeld & Associates
CONSULTING STRUCTURAL ENGINEERS

April 14, 2015

Job No. 98032

Puamana Community Association
34 Puailima Place
Lahaina, HI 96761

Attn: Carl Verley, Board President

Re: Structural Engineering Review Update
Puamana Pool
Puamana, Maui, Hawaii

Dear Mr. Verley:

Per the request of the Association, this letter is to update the opinions and recommendations set forth in our letter of report dated July 10, 2008.

On Wednesday, April 15, 2015, with yourself, other members of the board and representatives of Munikiya-Hiraga's office, we met at the Puamana property to revisit the issue of the swimming pool on the point. The purpose of the meeting was to re-examine the effect(s) continuing shoreline recession is having on the foundations of the above-grade pool wall structures. This progress or deterioration, as the case maybe, has been under observation by our office since we were first consulted regarding the pool deck and structure in 1998. It was re-examined in 2003, 2008 and 2010 in addition to our most recent visit.

In 2008 the effects of shoreline recession on the pool retaining structures foundation had negatively progressed to a point where we felt it was imperative that efforts be made to obtain the necessary permits to proceed with structural reinforcement of the pool foundations. Their continued undermining by shoreline erosion and shifting of boulders beneath the perimeter of the pool walls had, in our opinion, advanced to the point where eventual loss of foundation support and failure of the pool walls would undoubtedly occur in the future if remedial action was not undertaken. How long before this would/will occur is difficult to predict, but it was/is felt to be imminent. Our letter of report of 2008 stated that obtaining the required permits to perform the repairs would likely be lengthy and for that reason beginning as soon as possible was recommended.

Observations made during our recent visit provide evidence that the undermining of the pool retaining structure's foundations has advanced significantly since last observed in 2010. This is especially true along the south-facing side of the pool adjacent to the mouth of Kau'aula Stream where river boulders have been the primary elements supporting the base of the pool walls. The level of the boulders beneath the wall foundation skirt has dropped appreciably since 2008 and 2010, to the point where the mortar and stone foundation apron is breaking away more extensively. Where the boulder level in 2008 was approximately level with the bottom of the foundation apron, it has now dropped well below it, with caverns opening up under the wall that

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were previously not present. Wave energy is now able to directly attack the cut-stone retaining wall buttress elements (similar to Wailuku Bridge stones) of the original 1935 pool construction. The caverns have formed along about 75% of the south pool wall extending down and around the Makai corner. The average level of the boulder array is now approximately 12-18" lower (more in some locations) than it was, and the bases of the original cut-stone buttress are visible where previously they were not. Recent occurrence of high wind events (Flossie in 2013, Iselle, Julio and Ana in 2014) have likely contributed to the observed boulder recession. Images of the south pool wall in 2008 and 2015, included herein, depict the advancement of the erosion beneath the wall foundation apron. Although the shot angles are not identical, match points provided (specific stones in the wall) can be used as points of reference.

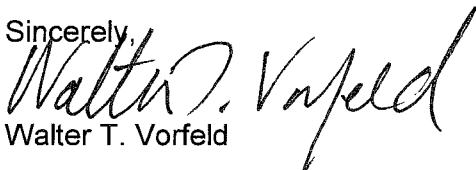
Based on the advancement of the erosion along the south side of the pool, we now feel it to be imperative that the foundation repair/reinforcement process commenced as soon as possible before damage occurs that might make the continued use of the pool impossible. Further delays of a year or more could produce this result. The rate of deterioration since our 2008/2010 observations is quite significant, with the extent of foundation undermining becoming critical.

In 2012 our office prepared preliminary drawings for execution of the foundation reinforcement utilizing a process of injecting urethane foam into the soil/sand/rock material directly beneath the pool and its walls. The material recommended has been used successfully in seawall reinforcement efforts in Hawaii, Florida and other coastal locations in the U.S. that are subject to erosion and shoreline recession. The injected foam material can be used to solidify soil/rock material beneath the wall foundations to a depth of 2-3 feet, resulting in the material being made much more resistant to erosion. The foam essentially cements the rock/soil materials into a solid mass to the depth to which it can be injected.

With your permission, we will be talking to one or more contractors familiar with this foam injection process in an effort to better evaluate the procedures we might use and to attempt to estimate what the associated costs might be.

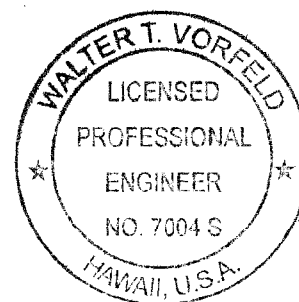
If you have any questions regarding any portion of this letter or require additional information from us please let us know.

Sincerely,



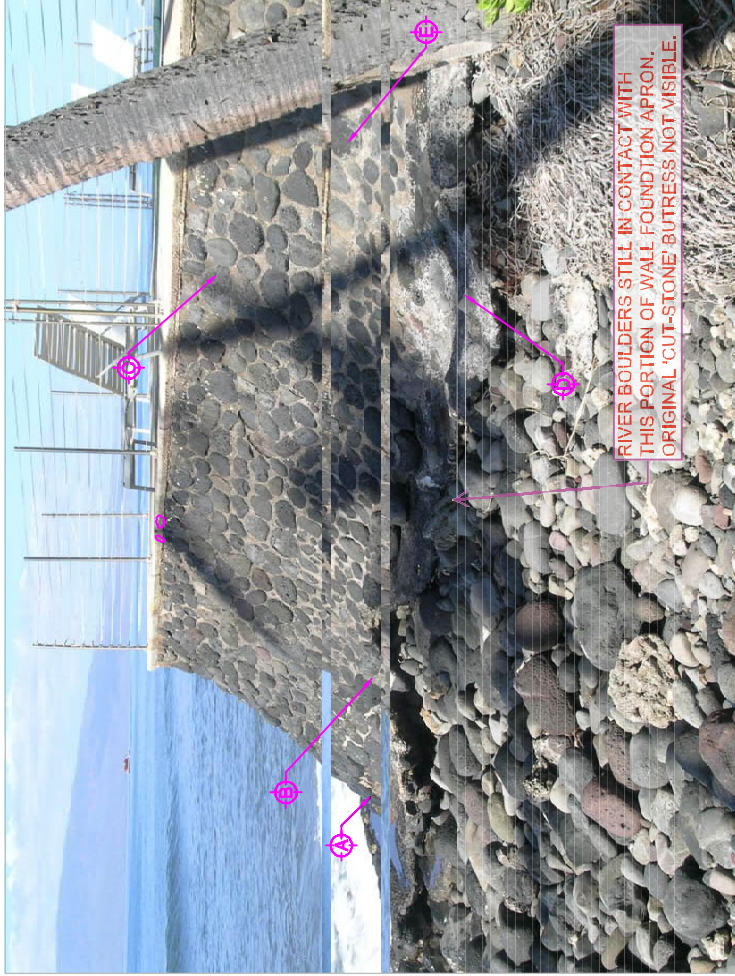
Walter T. Vorfeld

WTV/el
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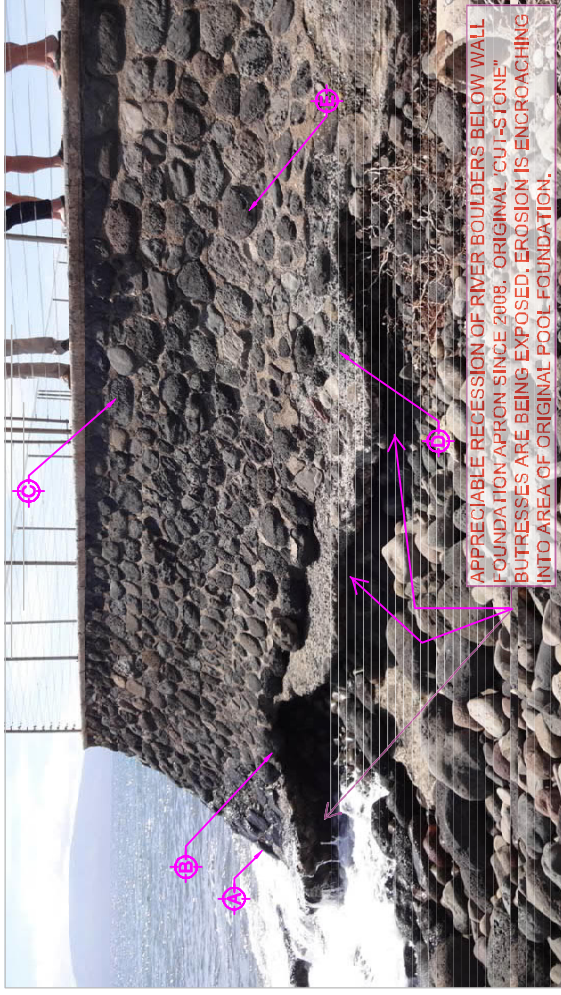
EXPIRES: 4.30.2016

SOUTH FACE OF POOL WALL & FOUNDATION 2008 VS 2015



POOL WALL & FOUNDATION ALONG
KA'AULA STREAM (2008)

WHERE SHOWN THIS DESIGNATES MATCHING POINTS OF ROCK ALONG FACE OF POOL WALL



POOL WALL & FOUNDATION ALONG
KA'AULA STREAM (2015)

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**COMPARATIVE VIEWS
SOUTH FACE OF POOL WALL**

FUAMANA
LAHAINA, MAUI, HAWAII

Job No: 98032

Date: 4/12/2015

SHT-2

EXHIBIT "C"

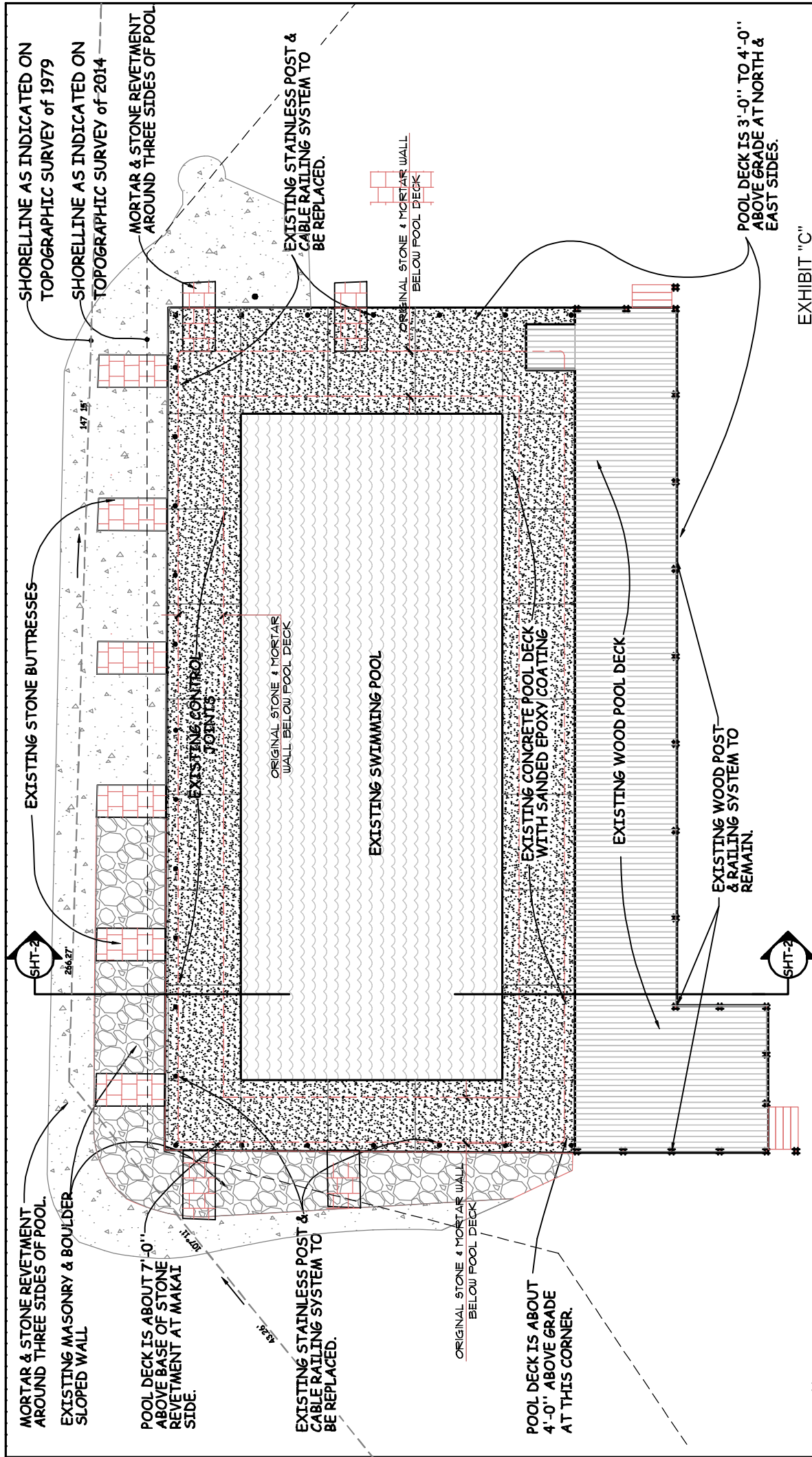
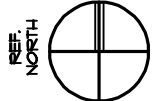


EXHIBIT "C"



EXISTING CONDITIONS @ SWIMMING POOL

SCALE: 1/8" = 1'-0"

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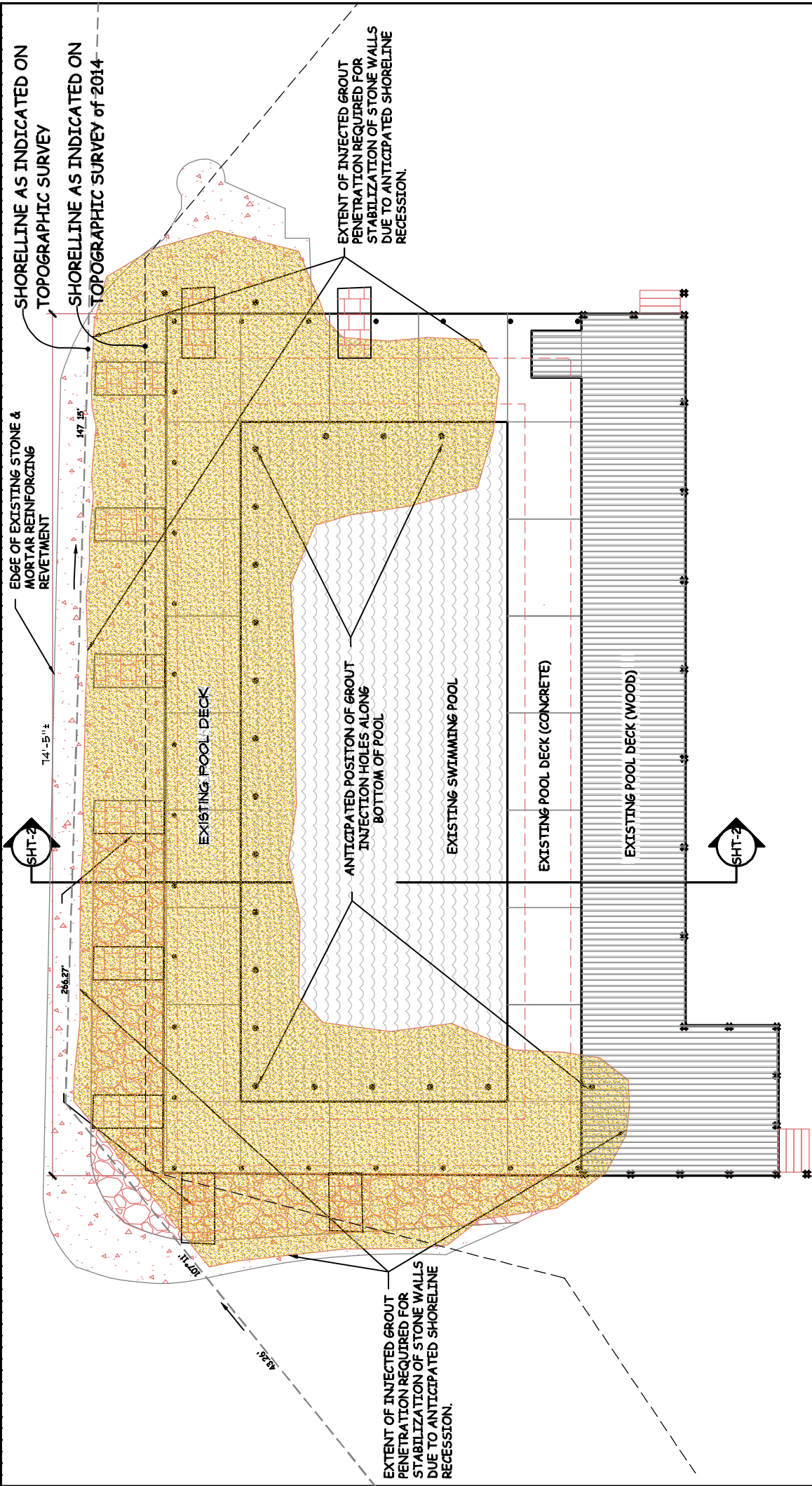
**PROPOSED SHORELINE
POOL IMPROVEMENTS**

PUAMANA
LAHAINA, MAUI, HAWAII

Job No: 98032

Date: 04/13/2015

SHT-1

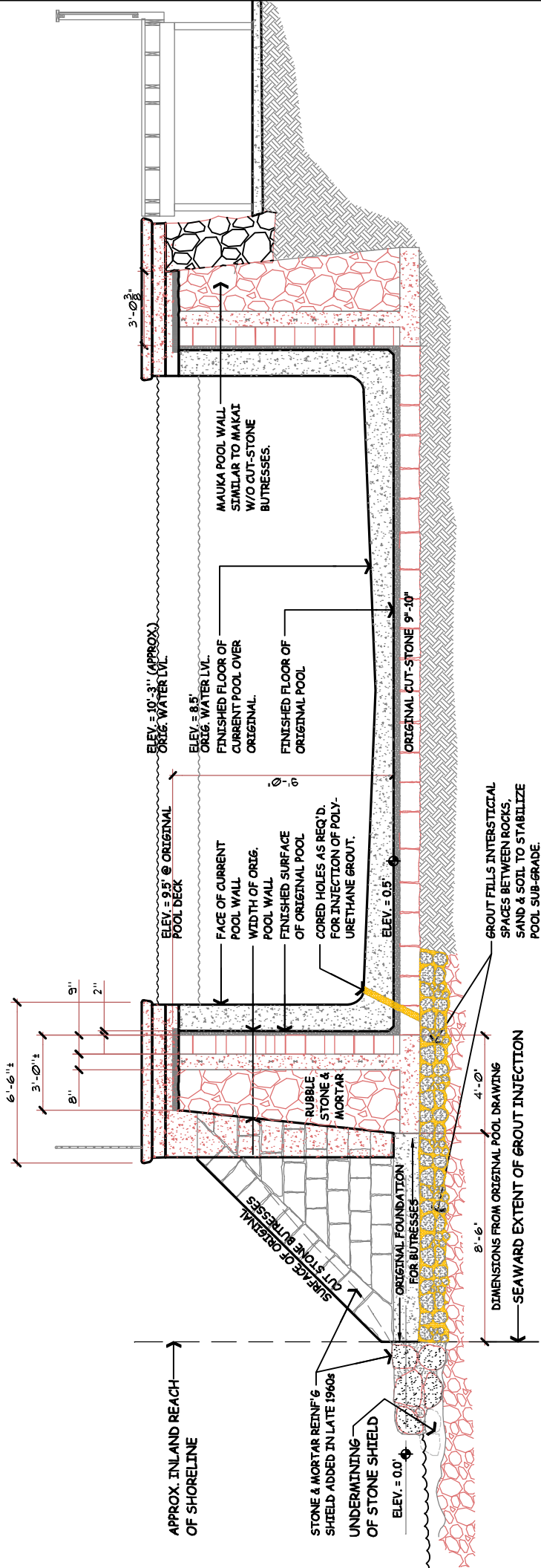


EXTENT OF PROPOSED GROUT INJECTION BELOW POOL
 SCALE: 1/8" = 1'-0"

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PROPOSED SHORELINE
POOL REINFORCEMENT
 PUAMANA
 LAHAINA, MAUI, HAWAII
 Job No: 98032
 Date: 04/13/2015

SHT-2



Walter Vorfeld & Associates CONSULTING STRUCTURAL ENGINEERS 10 Ulana Street Makawao, Maui, HI 96768 (808)572-3535	PROPOSED SHORELINE POOL REINFORCEMENT	Job No: 98032 Date: 04/13/2015
	PUAMANA LAHAINA, MAUI, HAWAII	SHT - 3

CROSS SECTION THRU POOL & SHORELINE LOOKING NORTH

SCALE: 1/4" = 1'-0"