

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 51
HONOLULU, HAWAII 96805
90 DEC 20 10 16

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

DEC 19 1990

FILE: OA-10/4/90-2433
DOC.: 9447E

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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CONSERVATION AND
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

REF: OCEA: JN

MEMORANDUM

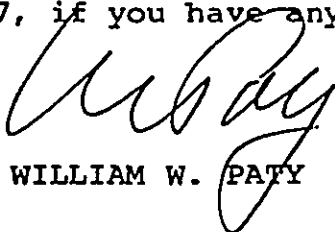
TO: Office of Environmental Quality Control

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources

SUBJECT: DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN -
ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE
APPLICATION OA-2433 for an after-the-fact seawall and
other improvements that encroach or State land at
Kaalaea, Oahu; TMK 4-7-16: 60

The above mentioned Chapter 343 Document was reviewed and a
negative declaration was declared based upon the environmental
assessment provided with the CDUA.

Please call me or Cathy Tilton of our Office of Conservation and
Environmental Affairs, at 8-7837, if you have any questions.


WILLIAM W. PATY

Enclosure

186

1991-01-08-DAFED - Gregory after the
Fact CDUA for renewal and
encroachment

FILE COPY

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

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/File No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____
Well No. _____

DEPARTMENT MASTER APPLICATION FORM

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
(If State land, to be filled
in by Government Agency in
control of property)

Name JAMES F. GREGORY
Address 47-247 Mio Mio Loop
Kaneohe, Hawaii 96744

Telephone No. 239-6991

SIGNATURE

Date

James F. Gregory
4/3/90

II. APPLICANT (Water Use, omit if applicant
is landowner)

Name _____

Address _____

Telephone No. _____

Interest in Property _____

(Indicate interest in property; submit
written evidence of this interest)

*SIGNATURE _____

Date _____

*If for a Corporation, Partnership,
Agency or Organization, must be signed
by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

- (X) A. State Lands
After-the-Fact
- (X) B. Conservation District Use
- () C. Withdraw Water From A Ground
Water Control Area
- () D. Supply Water From A Ground
Water Control Area
- () E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Koolaupoko

Island Oahu

County Honolulu

Tax Map Key 4-7-16:60

Area of Parcel 6,370 square feet
(Indicate in acres or
sq. ft.)

Term (if lease) _____

2433

V. Environmental Requirements

Environmental Assessment. See Exhibit A.

INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

A. Existing Structures/Use

The property is located makai of Kamehameha Highway, on the shores of Kaneohe Bay, at Kaalea on the Windward Side of Oahu. The parcel is identified as TMK 4-7-16: 60. Based on a survey of January 25, 1972, the parcel contained 6,370 square feet. It further included 2,581 square feet of accretion behind a seawall. Including the accretion, total land area the area is 8,951 square feet. See Exhibit B.

The parcel contains a single family residence and a workshop. See Exhibit C.

B. Existing Utilities

Utilities for the residence are provided through connections with lines in the right-of-way alongside Kamehameha Highway.

C. Existing Access

Access to the parcel is via a driveway onto the dirt shoulder of Kamehameha Highway.

D. Vegetation

Vegetation on the parcel consists of grassy lawn, coconut tress and various landscape shrubs. See Exhibit D. No endangered species of flora or fauna are known to be present at the site.

E. Topography

The parcel is relatively flat and lies approximately four feet above the high tide mark on the seawall.

F. Shoreline

The shoreline beyond the seawall is muddy sand littered with basalt and coralline rocks and accumulated trash.

The neighboring parcel to the south is protected by a seawall that extends approximately six feet landward of the applicant's seawall.

During high tide, the shorefronts of the applicant's parcel and of the neighboring parcel are inundated, precluding pedestrian access along the shoreline except in the water, which is relatively shallow. During low tide, the tidal area seaward of the shoreline structures is exposed and traversed on foot.

G. Existing Covenants, Easements, Restrictions

None.

H. Historic Sites Affected

None.

II. Description

Based on the January 25, 1972 survey, the vegetation line lies approximately 15 to 20 feet landward of the seawall, within the accretion area. The area behind the seawall was filled and landscaped as a lawn by the previous owner of the property. The former vegetation line is no longer evident. Structures encroaching seaward of the previously identified vegetation line include the seawall and a portion of a garage/workshop. The applicant proposes to maintain the seawall. However, the applicant's present construction plans for the subject property include a complete demolition of the workshop structure. See Exhibit E.

III. Commencement Date:

The seawall was built by the previous owner of the property sometime between 1968 and 1972.

The garage was constructed by the previous owner of the property sometime between 1972 and 1985. The garage was subsequently converted into a workshop by the applicant after his purchase of the subject property in 1985.

IV. Type of Use Requested:

Conditional Use: Subzone R.

Area of Proposed Use: Based on a survey conducted on January 25, 1972, the area lying makai of the accretion

area, which includes the vegetation line, encompasses 2,581 square feet.

Name & Distance of Nearest Town: Kahaluu lies approximately one mile to the south. The urban center of Kaneohe is approximately five miles to the south.

Conservation District Subzone: The seaward side of the shoreline is within the Resource Subzone.

County General Plan Designation: The landward side of the shoreline is designated residential.

V. Filing Fee:

A filing fee of \$50.00 is remitted. No public notary fee is required as the proposed use is not a commercial use.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

I. Plans

- A. Area Plan: The property is located among a single row of residences between Kamehameha Highway and Kaneohe Bay. Immediately adjoining neighbor is:

4-7-16: 61 Gabriel Baltazar
P. O. Box 4841
Kaneohe, Hawaii 96744

- B. Site Plan: See Exhibit C.

- C. Construction Plan: Exhibit B contains plans for the seawall. Exhibit E contains plans for demolition of the workshop structure.

- D. Maintenance Plan: The seawall shall be maintained by the property owner as required to assure its structural integrity.

- E. Management Plan: No use of animal, plant, or mineral resources is proposed.

- F. Historical or Archaeological Site Plan: The site contains no historic or archaeological site on the State or Federal Register.

II. Subzone Objective:

The objective of the Resource Subzone is "to develop, with proper management, areas to ensure sustained use of the natural resources of those areas." (Section 13-2-12 Administrative Rules of the Department of Land and Natural Resources).

Proposed as a Conditional Use of the Resource Subzone, the seawall is of a relatively small scale in relation to the park land, outdoor recreational and coastal resources of the region and will not detract in any substantial manner from the development and proper management of those resources. With regard to public access along the shoreline, the existing shoreline structure along this stretch of shorefront currently impedes public access on either side of the applicant's property. No appreciable improvement in public access could be achieved through removal, realignment, or modification of the existing seawall.

The area behind the seawall was filled to a level roughly equivalent to that of the existing yard and house foundation. The fill area has been landscaped with grass and coconut trees.

Construction subsequent to the seawall and fill included construction of a garage structure and its later conversion into a workshop.

Environment

The subject property is located on the shoreline of Kaneohe Bay. The shoreline area fronting the subject property is exposed at low tide, revealing a muddy/sandy bottom littered with basalt and coralline rocks. During high tide, the sea extends up the seawall.

The neighboring parcel to the south is protected by a seawall that extends approximately six feet landward of the subject wall.

Within the parcel all vegetation is comprised of landscaping, including lawn grasses, coconut trees and a variety of shrubs, as well as weed species. No endangered species of flora or fauna are known or likely to inhabit the site. Archaeological materials are unlikely to be present on the site due to prior disturbance of the ground when the residence was built by the previous owner of the property.

Social

The subject parcel is zoned R-10, residential, as is the neighboring residence. The Koolaupoko Development Plan Land Use Map designates the area as "Residential."

The existing seawall does not have a significant impact on the shoreline access in this area as the neighboring parcel is fronted by shore protection structures which impede alongshore access, particularly during high tide. Moreover, due to the height and location of neighboring seawalls, it is unlikely that stairs, sidewalks or other structures could facilitate access atop the seawalls.

ALTERNATIVES

Alternatives to the existing seawall do not offer reasonable solutions for the landowner's hardships nor would they significantly advance the public interest. If the seawall were to be removed, the landowner and neighboring resident would continue to be plagued by the visual blight, odors and vectors, and erosion would progressively threaten the existing structures, including the shoreline protection

structures of neighboring property owners.

Alternative realignment of the seawall further landward could continue to provide protection against erosion. However, the cost of realignment to the landowner would be enormous in relation to the insignificant degree of public interest which would be served by such an action. Public access along the shoreline would not be enhanced since erosion would eventually result in similar conditions as presently occurs during high tide.

Alternative shore protection structures, such as a sloping revetment could reduce the deflection of wave energy during high tide and facilitate public access. Such benefits would be minimal inasmuch as the flanking properties currently hamper alongshore public access in this vicinity and the benefits of wave energy absorption to reduce erosion would not benefit neighboring properties which are already protected. Moreover, a sloping structure would require commitment of more land area and may be subject to the accumulation of trash which initially prompted construction of the seawall.

EXHIBIT A

ENVIRONMENTAL ASSESSMENT

EXISTING SEAWALL AND OTHER IMPROVEMENTS
FOR SINGLE-FAMILY RESIDENCE
AT KAALEA, KOOLAUPOKO, OAHU

APPLICANT: James F. Gregory
47-247 Mio Mio Loop
Kaneohe, Hawaii 96744

APPROVING AGENCY: Department of Land and Natural Resources,
State of Hawaii

This environmental assessment is prepared pursuant to Chapter 343, Hawaii Revised Statutes (HRS) and Chapter 200 of Title 11, Administrative Rules, Department of Health (DOH), State of Hawaii. Specifically, the Chapter 343, HRS requires assessment of several classes of action, including two which apply to the applicant's request:

1. Any use within any land classified as conservation district by the state land use commission under HRS Chapter 205;
2. Any use within the shoreline area as defined in HRS Section 205-31.

AGENCIES CONSULTED:

Agencies consulted in the course of addressing alleged violations committed when the seawall on the property was constructed include:

1. State Department of Health, Environmental Health Division;
2. Department of Land and Natural Resources, State of Hawaii;
3. Building Department, City and County of Honolulu

PROJECT DESCRIPTION:

Location

The project site is a single family residence located Kaalea, makai of Kamehameha Highway, on the shores of Kaneohe Bay, Oahu. See Exhibit B. The parcel is identified as TMK 4-7-16: 60.

Objective

A concrete rubble masonry seawall along the ocean front of the parcel was constructed by the previous owner of the property sometime between 1968 and 1972 without required

governmental permits or approvals. The seawall extends beyond the vegetation line.

The seawall was constructed to alleviate a problem of accumulating litter deposited by waves and tides along the shoreline and to stabilize the eroding shoreline. The litter had resulted in severe problem of odors, visual blight and proliferation of vectors, including rats, mice, flies and roaches which affected the residence and neighbors. Erosion progressed to such an extent that the structural integrity of the residence was threatened by imminent undermining.

After the seawall was constructed, the area behind the seawall was filled and landscaped. Improvements which followed included the construction of a garage and its later conversion into a workshop. Present plans call for the complete demolition of the workshop structure. Since the seawall was constructed without required permits, the State Surveyor has refrained from certifying a shoreline survey required to obtain the requisite permits for the subsequent construction. Therefore, all improvements subsequent to the seawall have not been reviewed and approved through the various permit processes.

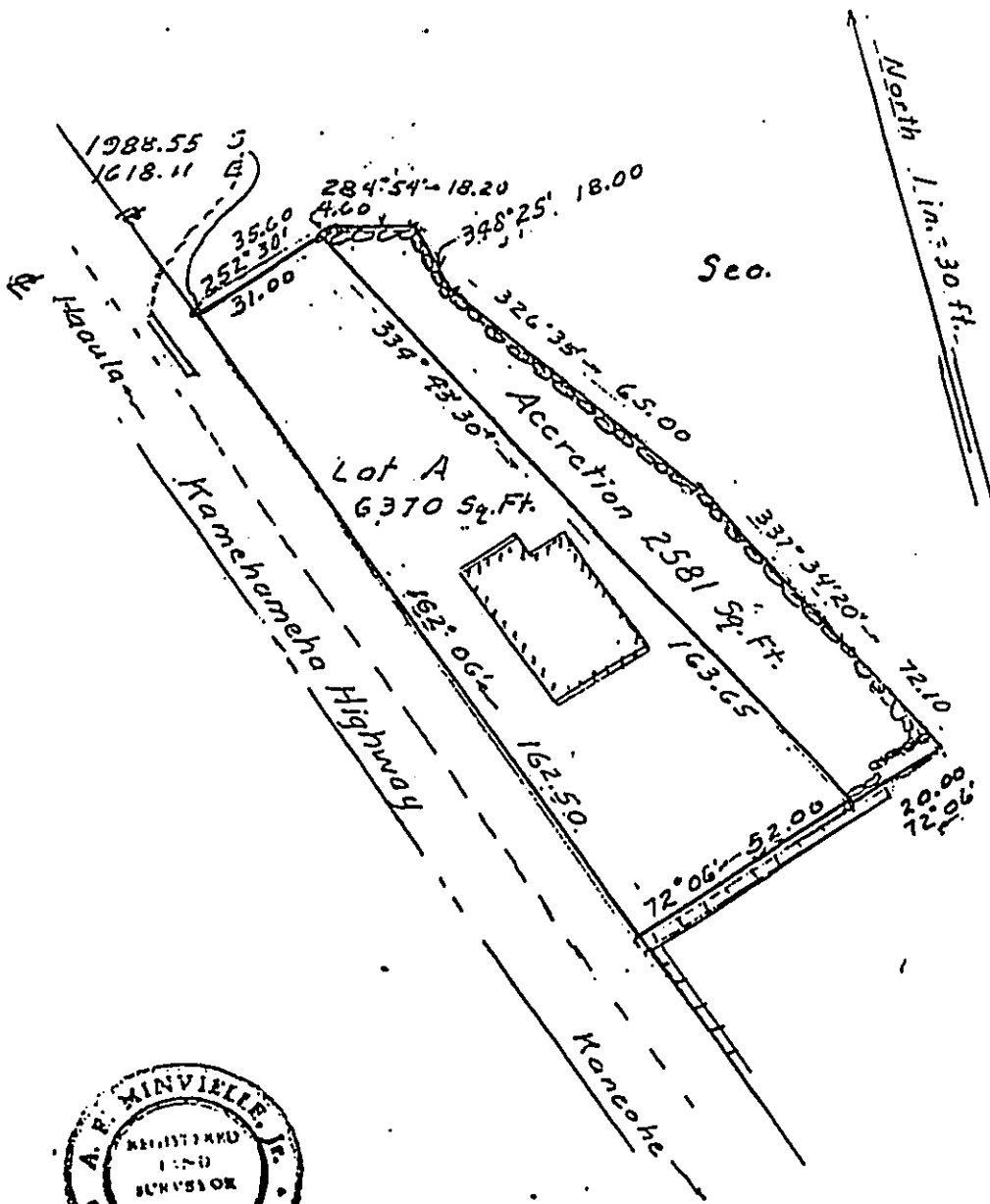
The applicant seeks after-the-fact permits and approvals of the seawall, backfill, and subsequently constructed structures. Required permits and approvals include State Conservation District Use Permit, Federal Department of Army Permit, City and County Shoreline Setback Variance and various building permits.

Technical Characteristics

The subject property contains a single family residence and garage/workshop. The parcel is accessible through a driveway directly fronting the dirt shoulder of Kamehameha Highway. Utilities for the residence are provided through connections with lines in the right-of-way alongside the highway.

The seawall was constructed of masonry rubble and concrete by the previous owner of the subject property sometime between 1968 and 1972. Its base lies in the sandy/mud bottom of the bay which is exposed along the shoreline during low tide. From its base, the wall stands between three feet to four feet tall along its length of 137.10 feet across the seaward face of the property and its 20 foot and 18.20 foot tiebacks on the southern and northern property boundaries, respectively.

EXHIBIT B



Lot A
 Por L.C. Av. 7707 Ap. 5 to Kahale R. P. 2117
 At Kaalaea, Kooloupeko, Oahu, HAWAII
 Showing Accretion

Refer to State Survey Div. CFS. Jan. 25 1972.
 Coords. Refer to Pku Kauai A.
 Apr. 10, 1988. Scale 1 in. = 30 ft.

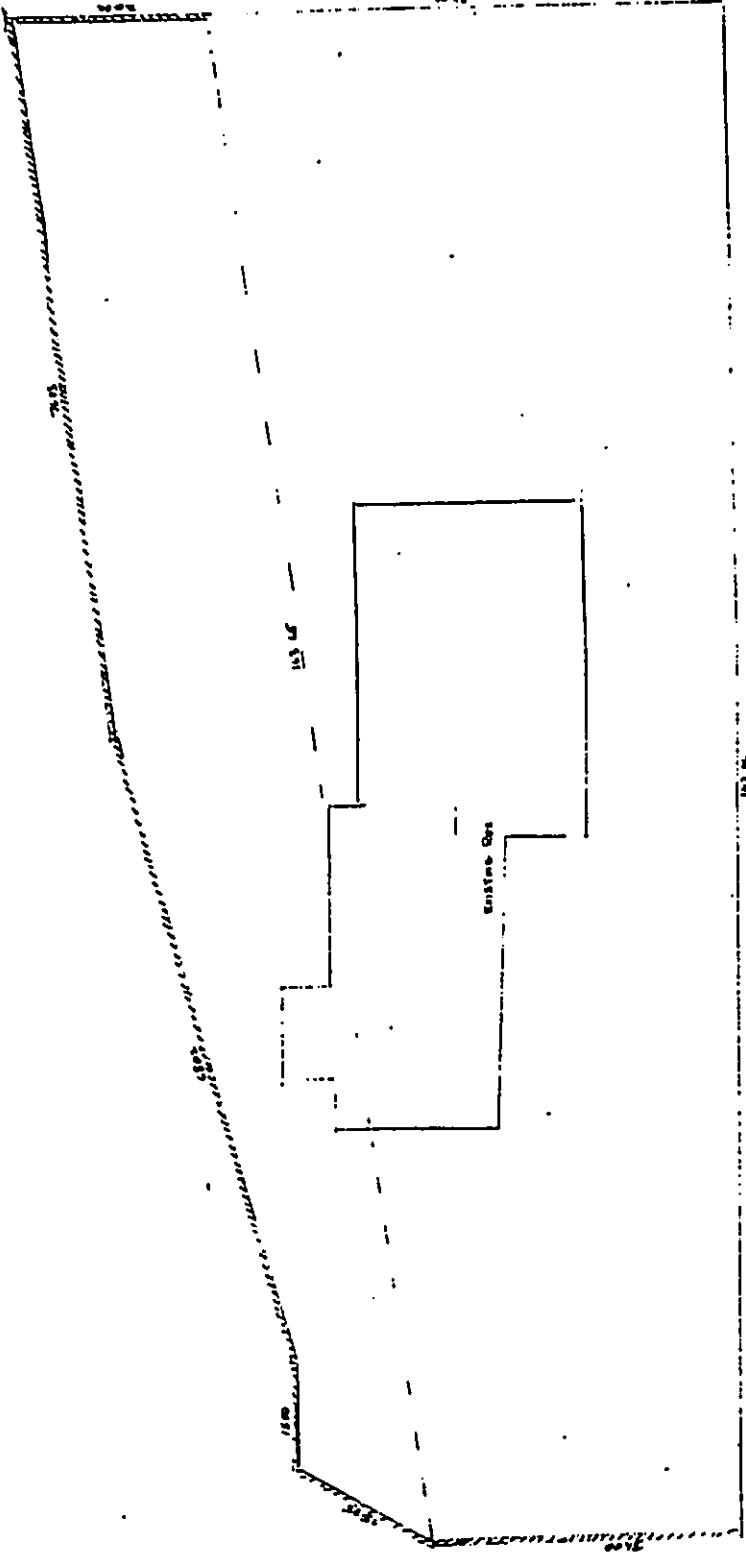
TAX KEY 7-16:60



Recorded in Book 14875 P 763 A. E. MINVIELLE, JR.
 ENGINEER-LAND SURVEYOR
 HONOLULU, HAWAII

EXHIBIT C

DOCUMENT CAPTURED AS RECEIVED



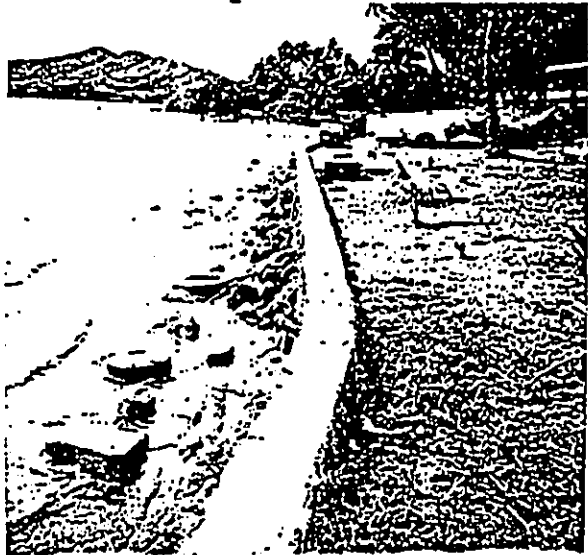
Plot Plan For Mikes Tire Company	
Scale: 1/4" = 1'-0"	
Drawn: [unclear]	
Checked: [unclear]	
Approved: [unclear]	
Kim Hwang	
TMK 4-7-16-60	

EXHIBIT D

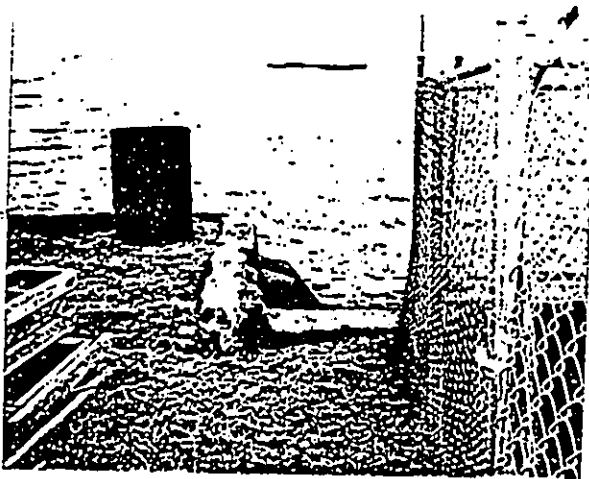
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A1



A2



A3

EXHIBIT E

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