LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Ref.:PB:MM

File: OA-3129

RECEIVED
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OFC. OF ENVIRONMENTAL QUALITY CONTROL

MEMORANDUM

TO: Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Dierdre S. Mamiya, Acting Administrator
Office of Conservation and Coastal Lands

SUBJECT: Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for CDUA OA-3129 for a New Pier at 292 Wailupe Circle, Wailupe, Oahu, TMK: (1) 3-6-001:022 in the Resource Subzone of the Conservation District.

The Department of Land and Natural Resources has reviewed the FEA. The DEA was published in OEQC's Environmental Notice on April 23, 2003. We have determined that this project will not have significant environmental effects, and have therefore issued a **FONSI**. Please publish this notice in the August 8, 2003 OEQC Environmental Notice.

We have enclosed four copies of the Final EA for the project. The Department is submitting the OEQC Bulletin Publication Form. Comments on the draft EA were sought from relevant agencies and the public, and were included in the final EA.

It should be noted that acceptance of this EA does not constitute a project approval by the Board of Land and Natural Resources (BLNR). The BLNR has the discretion to approve or deny or modify the project.

Please contact Matthew Myers of our Office of Conservation and Coastal Lands at 587-0382 if you have any questions on this matter.

Enclosures

2003-807-28-04-FEA FILE COPY

PIETSCH PIER AT WAILUPE CIRCLE

FINAL ENVIRONMENTAL ASSESSMENT FOR NEW PIER AT 292 WAILUPE CIRCLE

Prepared for:

Mr. Michael A. Pietsch

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OFC. OF ENVIRONMENTAL QUALITY CONTROL

July 2003

EXECUTIVE SUMMARY

Wailupe Peninsula is located on the southeastern shore of Oahu between Diamond Head and Koko Head. Properties located along the perimeter of the peninsula benefit from full 180-degree ocean views. Shoreline and ocean access is limited due to the hazardous nature of the rock wall built during development of the Peninsula and the rocky reef shelf. Adjacent property owners have improved their access by building short piers that span the distance to the perimeter channel.

Michael Pietsch seeks to build the same such improvement seaward of his property located at 292 Wailupe Circle Drive, TMK 3-6-01:22. This Environmental Assessment for the proposed construction of a wood pier with concrete footing serves to characterize the existing socio-economic, cultural, ocean, coastal, and land environments in the project area. In addition potential impacts to these environments and associated mitigations are discussed.

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I. GENERAL INFORMATION

Applicant:	Mr. Michael A. Pietsch 292 Wailupe Circle Honolulu, HI 96821
Consultant:	Oceanit 1001 Bishop Street Pacific Tower Suite 2970 Honolulu, HI, 96813
Landowner:	Mr. Michael A. Pietsch
Accepting Agency:	Department of Land and Natural Resources, State of Hawaii
Project Location:	Wailupe Peninsula, Oahu, Hawaii
Proposed Action	Construction of a wood/fiber reinforced plastic (FRP) pier and associated concrete footings on the southwest side of aforementioned address.

	Inshore	Offshore
Tax Map Key:	3-6-01:22	N/A
Land Area:	Approximately 25 square feet of bulkhead	Approximately 270 square feet of pier deck.
State Land Use District:	Urban	Conservation
Conservation Subzone:	N/A	Resource (1)
Sustainable Communities Plan:	Urban residential area (1)	Not Specified
Zoning:	R-10 (2)	N/A
Existing Use:	Residential	Recreational
Proposed Use:	Residential	Recreational

Anticipated Determination:	Finding of No Significant Impact (FONSI.)
Triggers:	Use of Conservation Lands, Use of Shoreline Setback [illegible]
Estimated Cost:	
Time Frame:	ocured.
Unresolved Issues:	
Consulted Agencies:	m
Consulted Individuals/ Groups:	

Notes:

(1) See Figure 3 in App

(2) See TMK Map in A

CORRECTION

THE PRECEDING DOCUMENT(S) HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

XEROX COPY WITH NON-REMOVABLE ATTACHMENT

Anticipated Determination:	Finding of No Significant Impact (FONSI.)
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II. DESCRIPTION OF PROPOSED ACTION

A. Introduction

This document is an environmental assessment for the proposed construction of a recreational pier adjacent to the subject property, namely TMK 3-6-01:22. The proposed pier will be similar in size, appearance, and construction to piers previously constructed by adjacent landowners.

1. Background and Description of Project Area

The project area is located on the Wailupe Peninsula, in the East Honolulu Planning Region, on the southeastern shore of O'ahu, Hawaii as shown in Figures 1 and 2 (Appendix A). The subject property, TMK 3-6-01:22 is located on the southeastern corner of the Wailupe Peninsula at 292 Wailupe Circle as depicted on Figure 3 (Appendix A).

The Wailiupe peninsula was artificially formed during the first half of the twentieth century. An existing Hawaiian fishpond was filled with dredged reef material obtained from the perimeter of the fishpond, forming the present day channel. A rock seawall forms the seaward boundary of the project property. In addition, a private concrete walkway extends approximately 5 feet shoreward from the top of the seawall.

At the proposed pier location, a gradually sloping reef shelf extends approximately 20 feet from a small ledge at the base of the seawall. Beyond this point, the slope increases as the depth approaches its maximum in the channel of approximately 20 feet as shown in Figure 4 (Appendix A).

2. Purpose of Document

The purpose of this environmental assessment (EA) is to provide information and analyses that help to determine whether the impacts of the proposed action are significant enough to warrant the preparation of an Environmental Impact Statement (EIS). The EA has been prepared in accordance with the requirements of Chapter 343, Hawaii Revised Statutes (HRS) and the regulations adopted pursuant thereto.

3. Permit Requirements

Anticipated permits and approvals for the proposed action include:

- Department of the Army Corps of Engineers:
  - √ Section 10 Permit
- State of Hawaii Department of Business, Economic Development and Tourism, Office of Planning:
  - √ Coastal Zone Management Federal Consistency
- State of Hawaii Department of Land and Natural Resources
  - √ Conservation District Use Permit
- City and County of Honolulu Department of Planning and Permitting
  - √ Shoreline Setback Variance

B. Design Summary

In general, the pier design consists of transverse wood decking on longitudinal glue lam beams supported on the shoreward and seaward sides. Reduced scale construction drawings of the pier are included in Appendix B.

Pier Surface

The Pier surface will be constructed of transverse 2x6 decking supported by longitudinal glue lam beams running the length of the pier. In addition 6x14's will be used to form benches on each side of the pier running from the shoreward support to the seaward support.

Shoreward Seawall Support

A portion of the existing seawall will be modified to accommodate a reinforced concrete abutment. This abutment will span the width of the pier and will support the four longitudinal glue lam beams. A bent galvanized steel plate will attach the beams to the abutment and will be bolted into the beams and anchored into the abutment.

Seaward Support

The pier will be supported on the seaward side by a concrete T-column with a concrete footing. The 30 square-foot concrete footing will be embedded 8 inches into the reef substrate. The T-column will consist of a 24-inch diameter concrete column and cantilevered concrete beam approximately 14 inches by 24 inches in section. The longitudinal glue lam beams will be attached to the cantilevered concrete beams by means of a galvanized steel plate bolted to the glue lam and anchored into the concrete.

C. Construction Activities

Construction activities will be staged from the Pietsch property and will be limited to the footprint of the pier surface. Construction tasks will include:

- Mobilization
- Modification of seawall necessary for abutment construction
- Minor excavation of reef rubble to accommodate footing embedment
- Construction of T-column with concrete footing
- Construction of glue lam beams, decking, and bench supports
- Site cleanup and restoration

III. CHARACTERIZATION OF AFFECTED ENVIRONMENT

A. Socio-Economic

The General Plan of the City and County of Honolulu is a statement of long-range social, economic, environmental, and design objectives consistent with a future of the Island of Oahu that is desirable and attainable. It is also a guide for government, enterprise, and citizens in eleven areaes of concern. Areas of concern applicable to the proposed project include sections (III) Natural Environment, (VIII) Public Safety, and (X) Culture and Recreation. Pertinent policies within each applicable area of concern are presented in the following paragraphs.

- **Section III Natural Environment, Objective A, Policy 1.** *Protect Oahu's natural environment, especially the shoreline, valleys, and ridges, from incompatible development.* The proposed project will have minimal impact to a significantly altered shoreline area. In addition, the proposed project is compatible with the existing development in the area that includes piers of similar size and configuration, and construction.

- **Section III Natural Environment, Objective B, Policy 2.** *Protect Oahu's scenic views, especially those seen from highly developed and heavily traveled areas.* The proposed project will not adversely affect scenic views due to its location and configuration.

- **Section III Natural Environment, Objective B, Policy 4.** *Provide opportunities for recreational and educational use and physical contact with Oahu's natural environment.* The proposed pier will improve access and therefore enhance opportunities for physical contact with the nearshore environment. The pier will be a publicly accessible structure and therefore will provide beneficial use for both the Pietsch family and the public.

- **Section VIII Public Safety, Objective B, Policy 2.** *Require all developments in areas subject to floods and tsunamis to be located and constructed in a manner that will not create any health or safety hazard.* The residential nature of the project precludes the creation of health or safety hazard. In addition, the satisfaction of The State of Hawaii Department of Health Water Quality Certification requirements will ensure that the construction of the proposed pier does not result in the creation of a public health hazard.

- **Section X Culture and Recreation, Objective B, Policy 2.** *Identify, and to the extent possible, preserve and restore buildings, sites, and areas of social, cultural, historic, and archaeological significance.* The State Historic Preservation Division (SHPD) was contacted regarding the proposed project and its potential impact to the Wailupe Peninsula. As presented in the attached letter in Appendix B, the SHPD does not consider the Wailupe Peninsula to be a significant historic site.

The General Plan of the City and County of Honolulu designates the East Honolulu Development Plan Area shown in Figure 1 (Appendix A) as an urban fringe area to remain predominantly residential with limited population growth. The East Honolulu Sustainable Communities Plan reaffirms East Honolulu's role as intended in the general plan by the stipulation of the following applicable general principles for any future land use and development:

- Limit the development of new housing, and the expansion of commercial centers and associated economic activity to foster growth in the Primary Urban Center, Ewa, and Central Oahu Development Plan Areas.
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Anticipated Determination:	Finding of No Significant Impact (FONSI.)
Triggers:	Use of Conservation Lands, Use of Shoreline Setback Area
Estimated Cost:	$15,000
Time Frame:	It is anticipated that construction will begin in a year, after permits have been granted and a construction contract is procured.
Unresolved Issues:	N/A
Consulted Agencies:	<u>Federal</u> Department of the Army – Corps of Engineers <u>State Agencies</u> Department of Land & Natural Resources o Land Division o State Historic Preservations Office Department of Health o Clean Water Branch Department of Business, Economic Development, and Tourism o Coastal Zone Management Program <u>City and County of Honolulu</u> o Department of Planning and Permitting
Consulted Individuals/ Groups:	Wailupe Community Association

Notes:

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- Maintain low rise, low density residential development characteristic of the area
- Preserve scenic views of ridges, upper valley slopes, and shoreline areas.
- Promote access to mountain and shoreline resources for recreational purposes and traditional hunting, fishing, gathering, religious and cultural practices.

The location, nature and scale of the proposed project limits the scope of the affected socio-economic environment to residential and shoreline considerations. The following is an overview of these two areas.

1. Residential Areas

Residential development in the area began in 1961 with the master planned community of Hawaii Kai. During the 1960's and 1970's, residential development spread to the Kamiloiki and Kalama valleys and to Mariner's Ridge. Subsequent growth of communities at Kamehame Ridge, Hawaii Loa Ridge, and portions of Waialae Iki have resulted in the residential development of most of the ridges and valleys between Kahala and Kalama valleys. In the past two decades, the rate of residential growth has diminished due to the scarcity of sites suitable for development. Table III-1 presents Housing data for the years 1990 and 2000, and predicted total housing units for 2020.

Table III-1, East Honolulu Housing Data

Housing Data Category	East Honolulu 1990	East Honolulu 2000	Change (%)	East Honolulu 2020	Change (%)
Occupied Units	14,746	16,188	9.8	18,788	16.1
Owner Units	12,198	13,036	6.9		
Renter Units	2,548	3,102	21.7		
Median House Value	377,932	431,336	14.1		

Sources: 1) Department of Planning and Permitting, East Honolulu Sustainable Communities Plan, 1999
2) 1990 Census STF1 File; Planning Division, Honolulu Department of Planning and Permitting

2. Shoreline Areas

East Honolulu has a shoreline that extends approximately 13 miles between Waialae and Makapuu. The shoreline provides residents and visitors with significant active and passive recreational value.

East Honolulu has five existing beach parks, defined by the Sustainable Communities Plan as areas and sites along the shoreline that may include facilities and support services for water activities, sunbathing, picnicking, and other passive activities. Table III-2 presents East Honolulu island-based parks and associated acreage. Hanauma Bay is designated by DPR as a nature park. The DPR has no plans currently for development of additional beach parks in East Honolulu.

Table III-2, East Honolulu Shoreline Parks

Shoreline Park Name	Acreage
Maunalua Bay	5.4
Sandy Beach	22.6
Kawaikui	4.1
Kuliouou	3.2
Waialae	4.4
Wailupe	1.2

Source: Department of Planning and Permitting, East Honolulu Sustainable Communities Plan, 1999

There is limited public access to the shoreline in the project area due to residential development along the Kalanianaole Highway and the Wailupe Peninsula. Physical and visual access is limited due to the continuous nature of the residential development and the construction of sound barrier walls to mitigate traffic noise. At the project location, public access to the perimeter walkway is restricted by property boundaries. Public access is limited to the small ledge at the base of the seawall, and the reef shelf.

The nearest public access to the shoreline near Wailupe Peninsula consists of the Wailupe Park and a storm drainage easement, on the west and east sides of the peninsula respectively as depicted in Figure 2 (Appendix A). Surfers and fishermen park along Kalanianaole Highway and walk along the storm drainage easement to access the shoreline. Surfers paddle out to the fringing reef to the south and southeast of the Wailupe Peninsula and fishermen generally cast their lines in the shallows directly east of the drainage easement discharge.

B. Cultural

The most significant cultural consideration in the project area is the former Wailupe fishpond. During the mid 1900's, the fishpond was filled with dredged material from the perimeter channel, and is now known as the Wailupe Peninsula.

Fishponds were a highly important part of Hawaiian culture. Built utilizing a highly labor intensive process often requiring 10,000 laborers to complete, fishponds provided a consistent supply of fish, crabs, and seaweed. Fishponds were usually built in locations where freshwater springs or rivers met the ocean. By regulating the flows of fresh water and salt water in and out of the pond, the Hawaiians were able to maintain salinity of the ponds at optimum levels. Fishponds were incorporated into the complex and efficient farming system that stretched from the mountains to the ocean in each *ahupua'a* or land division.

The former Wailupe fishpond is listed as Historic Site #65 "Wailupe and Wailupe Pua" by the State of Hawaii Historic Preservation Division. Ms. Sara Collins was contacted regarding the disposition of the Wailupe historic site. Based on telephone conversations and the correspondence included in Appendix B, Wailupe is not considered to be a significant historic site due to previous significant impacts, i.e. backfilling of the fishpond.

C. Ocean/Coastal

Diamond Head and Koko Head form the boundaries of Maunalua Bay on the south shore of Oahu. With notable exceptions, the concave shoreline between these two points consists primarily of erosional sediments from the uplands and calcareous sediments from the ocean.

Almost the entire length of this shore is lined by a fringing reef about 1000 feet offshore at the Diamond Head end to over 3000 feet off shore off Hawaii Kai. At the East end of the bay the natural channel at Hawaii Kai interrupts the reef. This reef forms the first layer of defense against erosion from ocean waves. Waves breaking upon this reef have formed a shallow lagoon with sand and reef rubble bottom between the reef and the shoreline.

There are five principle outcroppings into this lagoon that impact currents and sand transport along the shoreline. Black point, at the far western edge of the lagoon is a peninsula formed by

lava flow from the Diamond Head volcano eruption. To the east, adjacent to the Kahala Hilton and the Waialae Golf Course, a groin at the stream mouth and two smaller groins fronting the hotel support a broad calcareous sand beach. Further to the east, near the center of the bay, the Wailupe and then Niu peninsulas are man-made structures, built first as fish ponds by Hawaiians, and then filled as residential developments during the mid 1900's. The Paiko peninsula was also originally constructed as a fishpond but long ago fell into neglect and has caused the accumulation of sand to form spit surrounding a shallow bird sanctuary wetland. East of Paiko, the salt marsh estuary of Hawaii Kai was dredged to form the present day marina and ocean channel to the sea.

1. *Sand Transport and Erosion*

   There are no beach sand resources at the project site or around the perimeter of the Wailupe peninsula. Aerial photographs indicate that the original Wailupe fishpond appears to have interrupted sand transport along the shoreline with the mean current velocity from east to west.

   Visually the shoreline appears to have accreted on the east side of the original fish pond although this area is now covered with homes and this statement would need to be corroborated with borings for confirmation. The impact of the existing channel on sand transport would require more detailed analysis, however it is likely that sand transported down the beach by long shore currents accumulates in the bottom of the dredged channel

2. *Waves*

   Historic data was utilized to summarize typical seasonal wave exposures as illustrated in Figure 5 (Appendix A). The diagram represents the approximate yearly average amount of wave energy that southeast O'ahu is exposed to, expressed as a percentage of the island total. A percentage is posted at the intersection of wave period (colored lines) and wave direction (radial lines with compass headings).

   Waves at the project site are generally trade wind generated, south swell, or Kona Storm waves. The coral reef formation about 600-800 feet offshore prevents large waves from reaching the shoreline. Engineering analysis indicates that the water depth of the fringing reef flat and the inner reef shelf limits near shore wave heights. The maximum probable breaking wave height at the project location is 4.2 feet.

3. *Currents and Circulation*

   Currents and associated circulation in the vicinity of the Wailupe Peninsula are driven by wave setup on the shallow reef flat and the constant trade winds that blow along shore from east to west. Mean velocities observed in the perimeter channel are in the order of 0.5 feet per second from the east to west. A reverse ebb tide flow from west to east was observed during water quality monitoring.

   The Circulation Atlas for Oahu, Hawaii provides maps that depict seasonally varied circulation for different coastal sectors. The S-E sector includes the area offshore of the Wailupe Peninsula and is presented in Figure 6 (Appendix A). The circulation map

confirms the observed circulation patterns and a reverse ebb tide flow approximately one mile offshore.

4. *Water Quality*

Waters off of Wailupe Peninsula are categorized as open coastal class A in the Hawaii Administrative Rules Title 11, Chapter 54 (HAR11-54). Open coastal waters are bounded by the 100-fathom line and the shoreline.

According to the State of Hawaii's 1998 305(b) report, most of the state's water bodies have variable water quality that declines when stormwater runoff carries pollutants into surface waters. The primary pollutants are silts, turbidity, nutrients, hydrocarbons, toxins, pathogens, and pH altering substances from non-point sources.

Oceanit conducted a water quality assessment at the project site on December 9, 2002. During the assessment water quality samples were taken on the reef shelf at the proposed pier footing location and at the east side of the property. In addition, measurements were taken with a conductivity, temperature, and depth-monitoring device (CTD) at the sample locations. Results of the assessment are presented in Table III-3.

Table III-3, Water Quality Assessment Results

Sample Location	pH	Turbidity	Temp (°C)	Salinity (PPT)	TSS
Pier footing	8.2	1.1	22.5	35.1	3.6
East reef shelf	8.2	1.1	22.4	34.9	2.8

5. *Tides*

In Hawaii, tides are mixed semi-diurnal meaning that there are two high tides and two low tides daily. The tidal range from low to high tide is approximately 2 feet. At Wailupe Peninsula, the Mean Higher High Water (MHHW) is 1.95 feet above the Mean Lower Low Water (MLLW).

6. *Marine Biology*

A Benthic Survey was completed on July 31, 2002. At the time of the survey the tide level was rising from 1 foot above mean lower low water (MLLW) and the seawall base was awash in one to two feet of water. The tidal variation between low and high tides on the day of the survey was approximately 0.4 feet. Light easterly trade winds ranging from 5-15 mph appeared to have generated a slight surface current in a side shore westerly direction. Water visibility at the time of the survey was estimated to be 15 feet with significant suspended particulate matter.

The benthic habitat types off the Wailupe peninsula are largely determined by their relationship to the dredged channel. The shallow shelf, 10 to 20 feet wide, fringing the peninsula seawall on the inner edge of the channel constitutes one habitat type. The almost vertical edges of the channel constitute another habitat type, as does the bottom of the dredged channel. The seaward fringe of the channel is similar in some ways to the

inner fringe circling the peninsula, and blends seaward with the reef back and reef face habitats

The rubble and semi-consolidated benthic substrate on the shelf fronting the seawall was covered with benthic algae. The substrate consisted entirely of small to large rubble covered with seaweed. This survey made no attempt to catalogue the numerous species of algae present in this mat, but rather to note the dominant and ecologically significant species. The dominant large macro-algae fronting the project property was *Acanthophora spicifera* (spiny seaweed), however, fronting the adjacent property to the west, a large section of the shelf was dominated by Sargassum polyphyllum (limu). Both of these seaweeds thrive in shallow water and were covered with a film of what is probably a mixture of diatoms and silt. No significant colonies of *ulva*, (sea lettuce), *Dictyospheria* (bubble algae) or *caulerpa* (killer algae) were noted. No corals or large invertebrates were seen on the shelf although a number of small and juvenile reef fish could be seen swimming in this surge zone.

The shelf at the channel edge and the near vertical channel wall take on a character completely different from the shelf top. The edge of the shelf is dominated by *Echinometra matheii* (rock boring urchins) that have eroded the substrate into a variety of shapes providing habitat for other fish, invertebrates, and algae. These urchins erode calcareous substrate through mechanical and chemical means to produce small protective burrows around themselves. Algae growth is limited to substrate between urchin burrows, but is of greater variety than on the top of the ledge. These other seaweeds include *Padina* (Brown Macroalgae), *Amansia*, *Dictyota*, and *Laurencia* (Red Algae). Occasionally, near or just below the rim of the ledge, small isolated colonies of *Pocillopora damicornis* (Lace Coral) are seen. There are no isolated corals within the proposed pier surface footprint. On more vertical substrate over the edge of the ledge and on the underside of rocks the algae disappears between urchin burrows and is replaced by encrusting invertebrates including calcareous algae, sponges, and myriads of hydroids. Substantial colonies of encrusting *Montipora verrucosa* (rice coral) are present in several places along the vertical face of the ledge and have formed boulder-sized colonies on rocks near the base of the ledge on both sides of the channel. At a depth of about 10 feet, a talus slope of sand and debris intersects the ledge. Where large pieces of debris have fallen and protrude above the sand substrate, these have been colonized and sometimes completely covered with Montipora Coral. There are four significant coral colonies, greater than ¼ m^3 along the base of the ledge fronting the project property.

The sand bottom of the dredged channel constitutes the third major habitat type in the vicinity of the project. The channel slopes at a fairly constant angle from the channel edge to a depth of about 20 feet at mid channel. The sand bottom has almost no visible outcroppings that would support long-term marine communities. The algae along the sand bottom consist primarily of *Acanthophora Spicifera* and *Codium Fragile* (Green Sea Fingers). Surprisingly few pieces of anthropogenic debris including one anchor and several metal pipes were seen on the sand bottom. No significant fish populations were seen in the channel.

At the far edge of the channel, the vertical channel edge and shallow ledge mirror the community on the shoreward side with a few differences. The ledge on the ocean side achieves a greater depth of approximately 15 feet before joining the talus slope of the channel bottom. Large colonies of the *Montipora* corals were more common on the ocean side, possibly due to larger quantities of boulder debris on this side of the channel. A few deceased colonies of *Porites Lobata* (Lobe Coral) were also on debris at the bottom of the slope. Near the top of the slope, urchins are present but not as abundant as seen on the shoreward side of the channel. The *Acanthophora* is dominant, and is covered with silt and diatom growth, but the overall density of growth is slightly less than on the shoreward side of the channel.

Within 20 to 50 feet seaward of the channel's outer edge, at a constant depth of about 5 feet, the *Acanthophora* disappears and the reef blends into a mixture of sand pockets, and open reef colonized by a fine algae mat and occasional colonies of other algae including *Halimeda* (Calcareous Algae) *Codium*, *Turbinaria Ornata*, *Galaxaura* (Red Algae) as well as encrusting coralline algae. As one progresses seaward towards the reef face, fleshy seaweeds become less common, the bottom becomes more irregular and live reef corals, coralline algae, and associated fish populations become more common.

D. Land Environment

1. Climate

Climate in the East Honolulu project area is characteristic of the coastal Honolulu area. Daily and seasonal temperatures are equable, with a average daily variation of 12°F and an average seasonal variation of 7°F. Daily maximum temperatures run from the high 70's in winter to the mid-80's in summer, and daily minimums from the mid-60's to the low 70's. Average annual rainfall accumulation is between 20 and 30 inches. Winds are typically of the east-northeasterly trade variety. Their frequency varies from up to 90 percent in the summer and 50 percent in the winter.

2. Land Use

The land associated with the proposed project necessary for tie in of the pier structure consists of the rock seawall associated with the Pietsch property. This seawall is within the City and Count of Honolulu shoreline setback area. The land use of the adjacent property is urban with R-10 county zoning designation.

3. Visual and Open Space

The project area as viewed from the Pietsch residence includes the Pacific Ocean, specifically Maunalua Bay to the east, south, and west. The East Honolulu Sustainable Communities plan depicts 2 panoramic vantage points in the vicinity of the project including mauka views from Aina Haina and Pacific Ocean views via Kawaikui Beach Park. Views from Wailupe Circle Drive are restricted due to residential development on the perimeter of the Peninsula.

4. Flood Hazard/Tsunami/Hurricane

The subject property is within flood zone A, meaning that no flood elevation has been determined for the area. The Flood Rate Insurance Map (FIRM) in the vicinity of the

project is presented in Figure 7 (Appendix A). The base of Wailupe Valley to the east of the project area is designated as flood zone AE with a flood elevation of 5 feet.

Hurricanes are a relatively infrequent threat to the Hawaiian Islands. The most notable storms include Nina (1957), Dot (1959), Iwa (1982), Estelle (1986) and Iniki (1993). No storms in the recorded past have made landfall on Oahu, and damage has been limited to wind and storm surge associated with the storm perimeter. The storm surge and waves accompanying Iniki primarily affected the leeward coast but spot storm surge damage occurred elsewhere. (UHM 1993)

5. *Soils*

   Soils in the Wailupe Peninsula consist of backfill material from previous dredging as discussed previously. The area affected by the pier footing consists of semi-consolidated reef substrate. The tie in location for the pier behind the rock seawall likely consists of small rock and rubble material similar to the seawall itself.

6. *Flora/Fauna*

   Land associated with the project area is limited to the rock seawall. This area offers no habitat for land dwelling mammals or birds. There are no terrestrial plants in the immediate project location. Vegetation in the project vicinity is limited to turf and landscaping on the Pietsch property.

7. *Archaeology*

   As previously discussed in the characterization of existing cultural environment, the Wailupe Peninsula in its current state is not expected to harbor any significant archaeological resources.

8. *Noise*

   The major source of noise in the project vicinity is Kalanianaole Highway, however the Pietsch property in general and specifically at the shoreward boundary is isolated from road noise. Ambient sound at the project location is limited to natural sources such as wind and waves.

9. *Air Quality*

   Winds at the project site are generally side shore from the east and Maunalua Bay. This sideshore/onshore wind condition results in generally good air quality.

10. *Traffic*

    Access to the project location is via Wailupe Circle Drive to the south of Kalanianaole Highway. Kalanianaole Highway is a major arterial into the Honolulu area and can become congested with commuter traffic in the mornings and afternoons. Wailupe Circle Drive serves only local traffic within the Wailupe Peninsula and is not affected by traffic conditions along Kalanianaole Highway.

11. Utilities

The Pietsch Property is served by normal residential utilities including electricity, telephone, water, sewer and gas. Overhead and underground utilities do not exist in the project location.

IV. IMPACTS, ALTERNATIVES AND MITIGATION

A. Socio-Economic Impacts

1. Residential Areas

The proposed pier construction will not impact adjacent residential areas. The structural tie in for the pier will be limited to the rock seawall within the Pietsch property boundaries and the pier surface will exist in the immediate seaward area within the domain of the State of Hawaii. The most significant impact will be to the Pietsch property in the form of increased building value.

2. Shoreline Areas

The shoreline in the project area is primarily accessible by the Pietsch property. Limited public access is obtained from the storm drainage easement to the north of the Wailupe Peninsula or from Wailupe Park to the south. The proposed pier construction will not affect adjacent publicly or privately accessible shoreline areas. It is anticipated that the pier itself will be public property and as such will be utilized to some extent by fisherman that typically walk along the lower seawall ledge. The primary impact to the shoreline will be increased accessibility to the nearshore area from the Pietsch property. This is the principal goal of the project.

3. Cultural Impacts

There are no existing or historical cultural resources in the project area. There will be no cultural impacts associated with the project.

B. Impacts to the Ocean and Coast

1. Sand Transport and Erosion

The construction of submerged features in the nearshore environment can enhance sand transport and erosion at the feature boundary due to increased water velocity and associated scouring. The proposed pier will not affect sand transport or erosion, as the footing will be structurally connected to the reef substrate where sand resources are non-existent.

2. Waves

A vertical impermeable surface constructed perpendicular to the incident wave direction will result in reflection of the wave energy. In the case of large structures, this can result in undesirable wave conditions in adjacent locations. The round shape and relatively small diameter of the concrete piling will not result in significant wave reflection particularly when compared to the existing rubble bulkhead along the perimeter of the Wailupe Peninsula.

3. *Currents and Circulation*

The proposed pier footing and concrete piling are not of sufficient size to affect circulation or alter existing currents.

4. *Water Quality*

During construction of the pier footing, suspended sediment levels may be temporarily elevated in the immediate project vicinity. The construction phase of the concrete footing is expected to be only a few days. Disturbance of the seafloor and associated elevated suspended sediment levels will be limited to this period.

5. *Marine Biology*

Minor short-term impacts to the benthic environment will result from construction-related activities at the project site. The most significant long-term impact on the benthic habitat will occur due to the construction of the footing during which the algae and sea urchin dominated habitat directly in the footprint will be destroyed. The relatively small size (30 square feet) of the concrete footing will minimize the impacted habitat area. No coral reef resources will be impacted. Pier footings and columns can also provide additional habitat for marine biology.

C. Impacts to the Land Environment

1. *Land Use*

Modification to the existing rock seawall within the Shoreline Setback area will be as shown in the design drawings included in Appendix A and will be limited to the replacement of a 30-inch wide strip of concrete walkway with 2X6 decking. A portion of the existing seawall will be removed and replaced with a concrete abutment supporting the longitudinal beams. Impact to the seawall and private walkway will be minimal and it will retain its current appearance and use.

2. *Visual and Open Space*

The proposed pier will not impact visual aspects of the area. There will be an opportunity for increased open space utilization associated with the pier projection over the water surface.

3. *Flood Hazard/Tsunami/Hurricane*

The proposed pier is not designed to withstand the extreme forces associated with rare Hurricane or Tsunami events. Such a structure would be unreasonable expensive to build. Some degree of repair to the pier may be required should severe Hurricane or Tsunami conditions occur.

4. *Soils*

Soils in the immediate project location are non-existent. Therefore, soils in the project vicinity will not be affected.

5. *Flora/Fauna*

Impacts to terrestrial vegetation will be restricted to possible minor disruption to turf and landscaping on the Pietsch property during construction activities. Land dwelling

animals and birds may temporarily avoid construction related noise and activity but will return soon after construction of the pier is complete.

6. *Archaeology*

The construction of the pier will result in insignificant disruption to an environment lacking archaeological significance. As such, impacts to significant archaeological resources are highly unlikely.

7. *Noise*

Elevated noise levels usually accompany construction activities. In the relatively tranquil setting of properties along the Wailupe Peninsula perimeter, additional noise will be discernable. Noise levels will return to existing ambient conditions upon completion of the pier construction.

8. *Air Quality*

The majority of the construction activities will occur underwater or will include working with wood and steel materials. Disruption of earthen materials will be minimal and associated production of fugitive dust will be minimal. As such, air quality will remain unchanged.

9. *Traffic*

During the construction phase, equipment utilized by the contractor will likely be parked along Wailupe Circle Drive in the vicinity of the Pietsch property. Parking of vehicles will not affect traffic but may temporarily limit available street parking.

10. *Utilities*

No disruption of or impact to existing utilities is anticipated.

D. Alternatives

1. *No Action*

The existing near vertical rubble wall face and lower reef shelf are regularly subject to wave action. This configuration is not conducive to safe and enjoyable access to shoreline and nearshore resources via the Pietsch property.

2. Alternate Pier and Footing Design

The proposed pier configuration was selected from alternative conceptual designs that included:

- 2-Pile Support System. This configuration would result in the most simple and stable structure. The primary disadvantage of the design is a larger footing area that would result in increased impact to the marine environment. For this reason, the 2-Pile Support System was not selected for design development.

- Cantilever pier. This concept included the use of steel cables to suspend the pier above the water surface. Columns at the shoreward end of the pier would impart the necessary vertical restraining force. The cables would extend shoreward from

the columns into the Pietsch property. Neither piles nor submerged footing would be required and therefore impacts to the marine environment would not exist. This design would however require substantial modification to the Shoreline Setback Area and would result in significantly increased construction costs and therefore was not selected for the design phase. In addition, this design would not be visually appealing when viewed from the ocean or land.

E. Mitigation

In general, the impacts to the surrounding environments will be minimal. Potential impacts can be further mitigated by the following measures:

1. *Pier footing.* The primary impacts related to the proposed pier result from the construction of the footing. The pier design incorporates the minimal footing size required for the anticipated loading. In addition, construction of the pier footing during low tide conditions may minimize impacts such as increased turbidity and spillage of cast in place concrete.

2. *Modification of Rock Seawall.* The pier design involves minimal use and modification of the Shoreline Setback Area. The rock seawall will be restored to its existing condition with the exception of the 25 square foot strip replaced by pier decking.

3. *Adjacent Property Owners.* Adjacent property owners will be consulted to gather input regarding construction operations. This will most likely be focused on working days and hours and location for staging of construction related equipment to minimize noise and traffic impacts. Construction will be scheduled during daylight hours as regulated by the Department of Health.

V. DETERMINATION, FINDINGS, AND REASONS FOR SUPPORTING DETERMINATION

Based on the information contained in this document, the anticipated determination for the proposed action is a Finding of No Significant Impact (FONSI). In making a FONSI determination, certain "significance criteria" has been established. In most cases, an agency determines that an action may have a significant impact on the environment if it meets any of the following criteria:

(1) **Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;**
The proposed pier footing will disturb a small underwater area primarily inhabited by sea urchins and algae but will involve no destruction of coral. Cultural or historic resources will not be affected by the proposed project.

(2) **Curtails the range of beneficial uses of the environment;**
The construction of the pier will increase accessibility of the shoreline and near shore environment via the Pietsch property.

(3) **Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;**
The proposed project is consistent with Hawaii's State Environmental Policy as established in Chapter 344, Hawaii Revised Statutes (HRS) to encourage maintenance of the shoreline for public use.

(4) **Substantially affects the economic or social welfare of the community or state;**
The residential nature and location of the project precludes substantial impacts to the economic or social welfare of the community or state.

(5) **Substantially affects public health;**
As noted in Chapter IV, Section B of this report, the project will have some impacts on water quality. These impacts will be limited to the construction period of the project and will not substantially affect public health

(6) **Involves substantial secondary impacts, such as population changes or effects on public facilities;**
The proposed pier located will not effect any population changes. While the pier and shoreward support will be located on state property and the shoreline setback area respectively, no facilities are present and none will be impacted.

(7) **Involves a substantial degradation of environmental quality;**
The anticipated environmental impacts are addressed in Section IV. It is not anticipated that the potential impacts will be substantial nor will they include degradation of environmental quality. There will be no long-term environmental impacts.

(8) **Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;**
The proposed project is not expected to have or add to any cumulative effect negative or otherwise on the environment. As with all structures built in the marine environment, periodic inspection and maintenance will be required but will not involve a commitment for larger actions.

(9) **Substantially affects a rare, threatened, or endangered species, or its habitat;**
As discussed in section III of this report, a benthic survey did not detect the presence of rare, threatened, or endangered species or habitat in the project area. In addition, the entirety of the proposed project is located in an area previously impacted by human activities.

(10) **Detrimentally affects air or water quality or ambient noise levels;**
As discussed in Section IV, construction activities will likely result in temporarily increased ambient noise levels and limited impacts to water quality. These impacts will be limited to the construction period.

(11) **Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;**
The proposed pier will not afford protection to existing structures during rare events such as tsunami, hurricane, or flooding. The structure itself is not designed to withstand the environmental forces that occur during rare events.

(12) **Substantially affects scenic vistas and view planes identified in county or state plans or studies; or**
The Sustainable Communities Plan for East Honolulu identifies areas and locations that include scenic vistas and view planes. The proposed project area is not identified as one of these areas and is not expected to effect scenic vistas or view planes.

(13) **Requires substantial energy consumption.**
Energy consumption related to the proposed pier will be limited to the construction period and will remain within levels typical of small construction projects.

(14) **Consistency with the General Plan of the City and County of Honolulu, 1992 Edition**
Chapter III: Natural Environment, Objective B, Policy 4; Provide opportunities for recreational and educational use and physical contact with Oahu's natural environment.

Chapter X: Culture and Recreation, Objective D, Policy 6; Provide convenient access to all beaches and inland recreation areas.

Chapter X: Culture and Recreation, Objective D, Policy 12; Provide for safe and secure use of public parks, beaches, and recreation facilities.

The existing shoreline is rocky and affords limited access for public and private users alike. The proposed pier will provide a convenient means for the property owners to fully enjoy the natural public environment adjacent to their property.

VI. AGENCIES, ORGANIZATIONS, AND INDIVDUALS CONSULTED IN THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT

As part of the preparation of the Draft Environmental Assessment the following agencies, organizations, and individuals were consulted.

Federal
- Department of the Army – Corps of Engineers

State Agencies
- Department of Land and Natural Resources
  - Land Division
  - State Historic Preservations Office
- Department of Health
  - Clean Water Branch

- State of Hawaii Department of Business, Economic Development, and Tourism
  - Coastal Zone Management Program

City and County of Honolulu
- Department of Planning and Permitting

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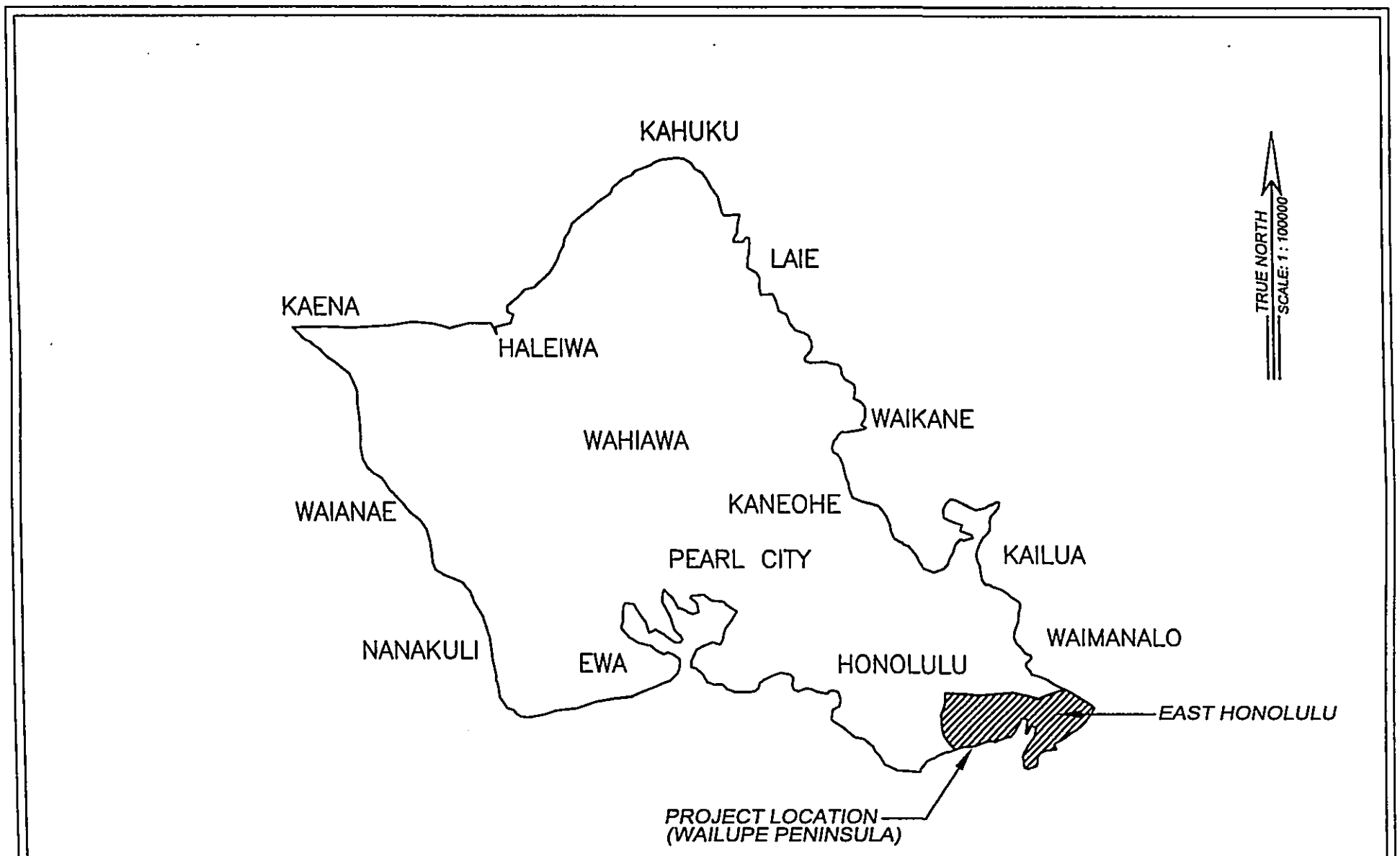
APPENDIX A - FIGURES



NEW PIER AT 292 WAILUPE CIRCLE *ENVIRONMENTAL ASSESSMENT*	Michael A. Pietsch TMK 3-6-01:22 - 292 Wailupe Circle Drive Honolulu, HI, 96821	*FIGURE 1* *VICINITY MAP*

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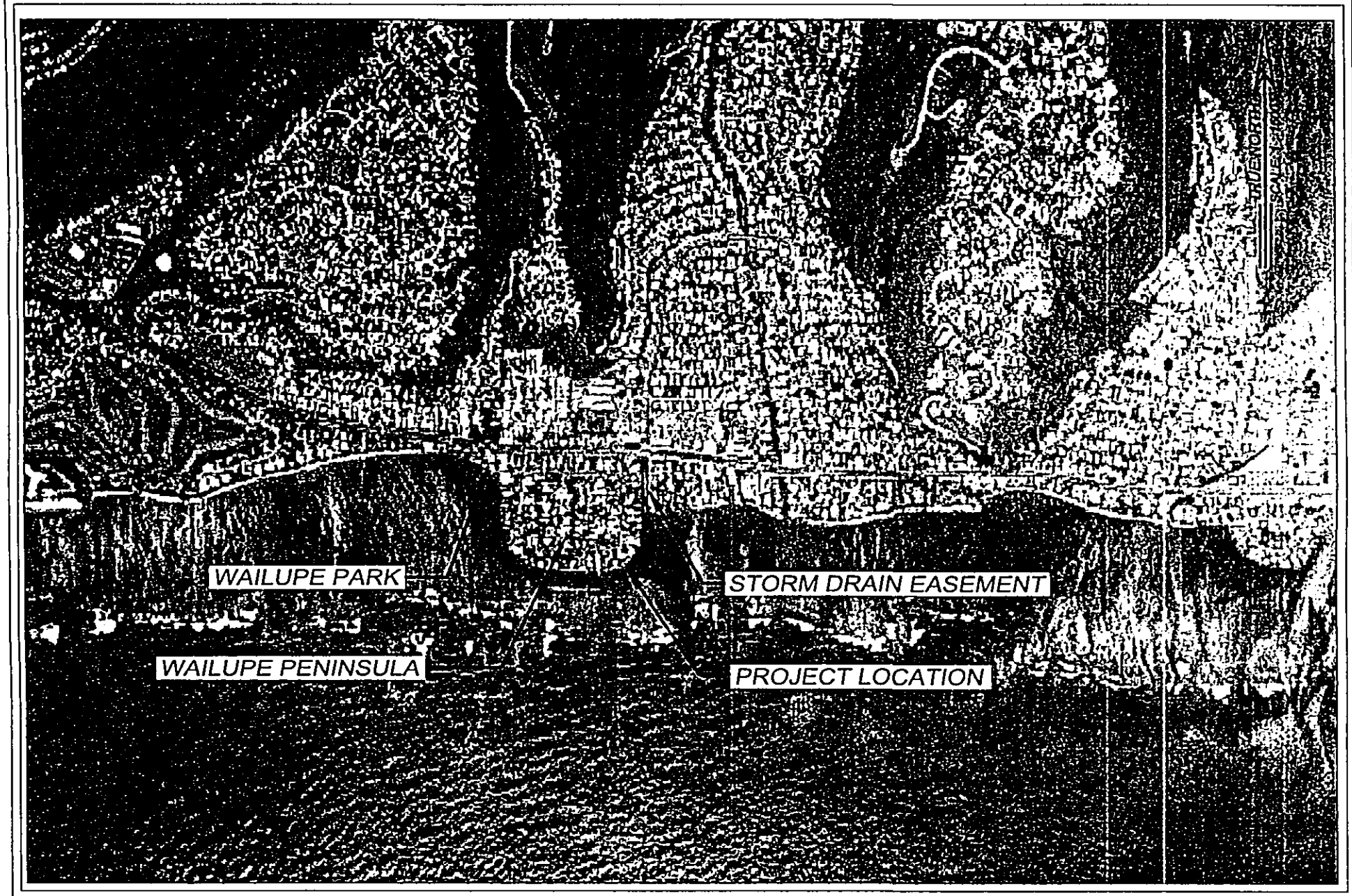

NEW PIER AT 292 WAILUPE CIRCLE *ENVIRONMENTAL ASSESSMENT*	Michael A. Pietsch TMK 3-6-01:22 - 292 Wailupe Circle Drive Honolulu, HI, 96821	*FIGURE 2* *AERIAL PHOTOGRAPH*

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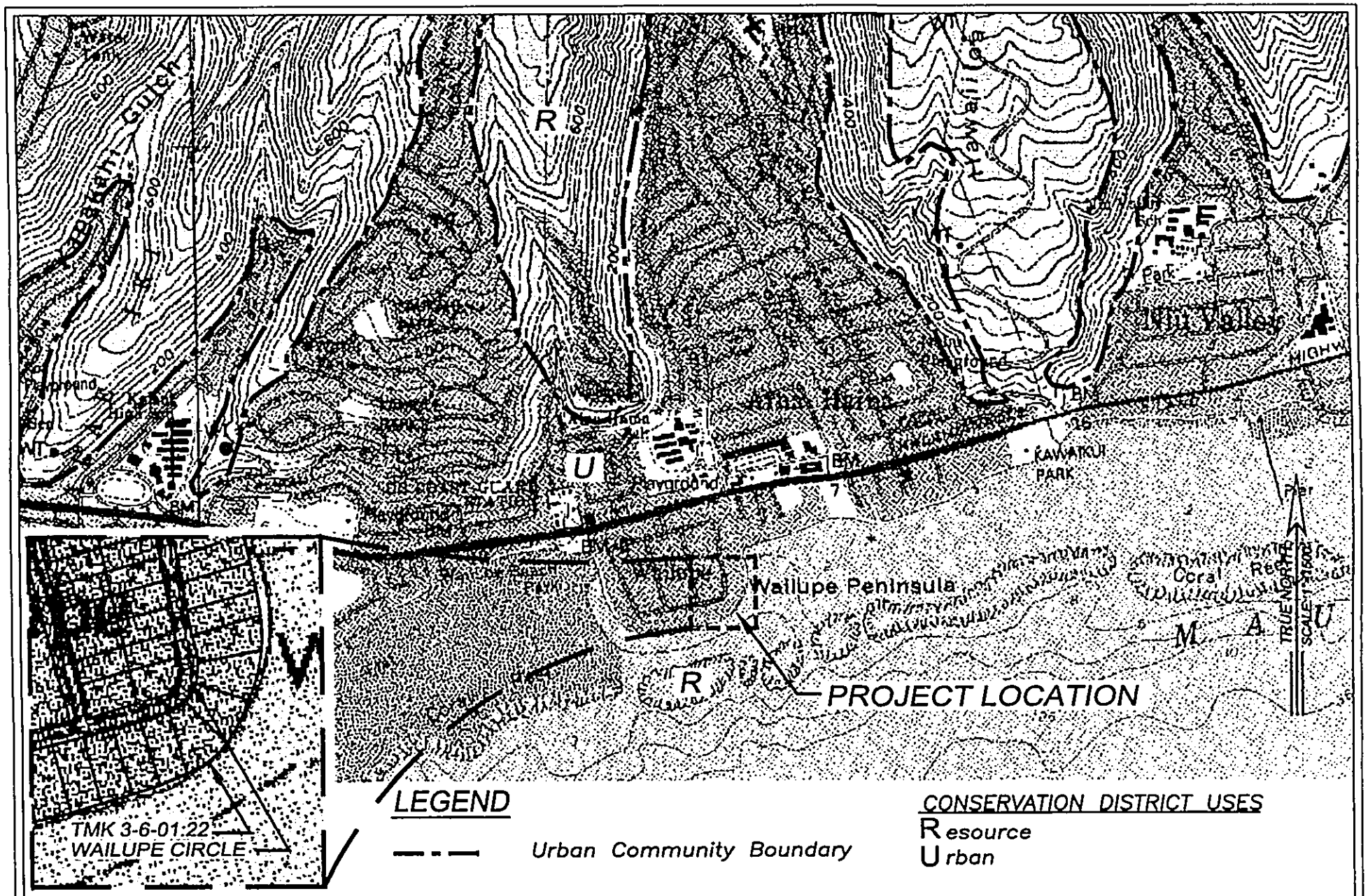
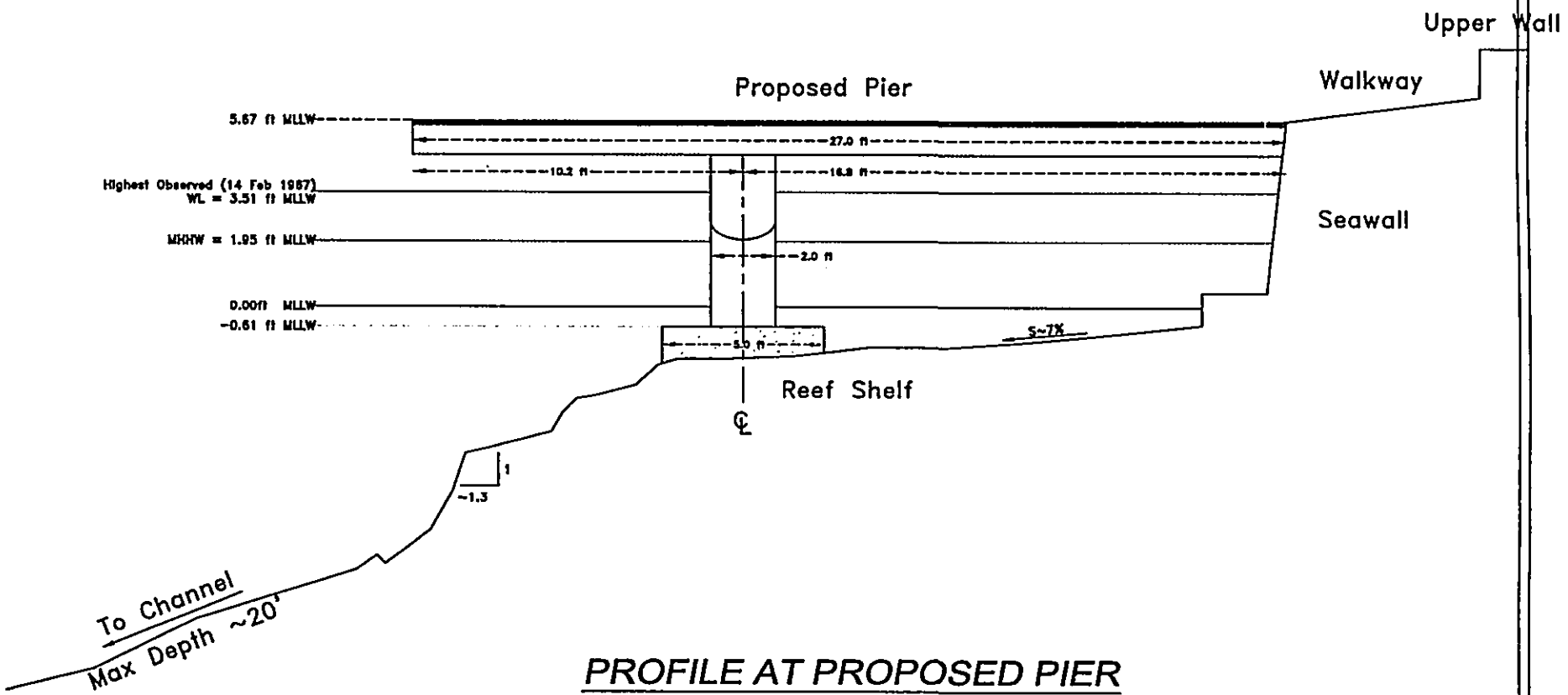


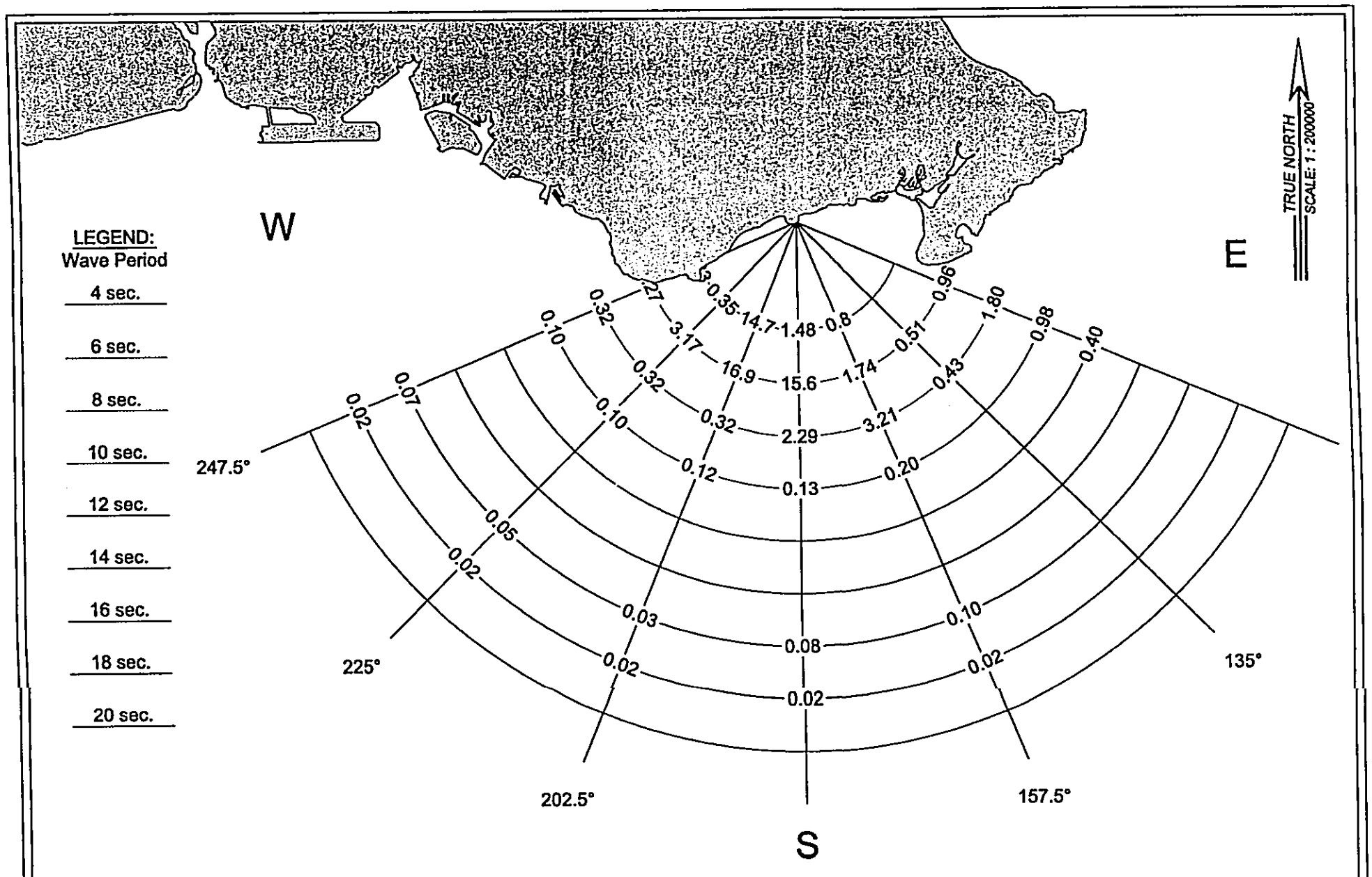
NEW PIER AT 292 WAILUPE CIRCLE *ENVIRONMENTAL ASSESSMENT*	Michael A. Pietsch TMK 3-6-01:22 - 292 Wailupe Circle Drive Honolulu, HI, 96821	*FIGURE 3* *LOCATION MAP*



PROFILE AT PROPOSED PIER

SCALE: 1"= 5.0' H
1"= 5.0' V

NEW PIER AT 292 WAILUPE CIRCLE ENVIRONMENTAL ASSESSMENT	Michael A. Pietsch TMK 3-6-01:22 - 292 Wailupe Circle Drive Honolulu, HI, 96821	FIGURE 4 PROFILE AT PIER



NEW PIER AT 292 WAILUPE CIRCLE *ENVIRONMENTAL ASSESSMENT*	Michael A. Pietsch TMK 3-6-01:22 - 292 Wailupe Circle Drive Honolulu, HI, 96821	*FIGURE 5* *WAVE CLIMATE*

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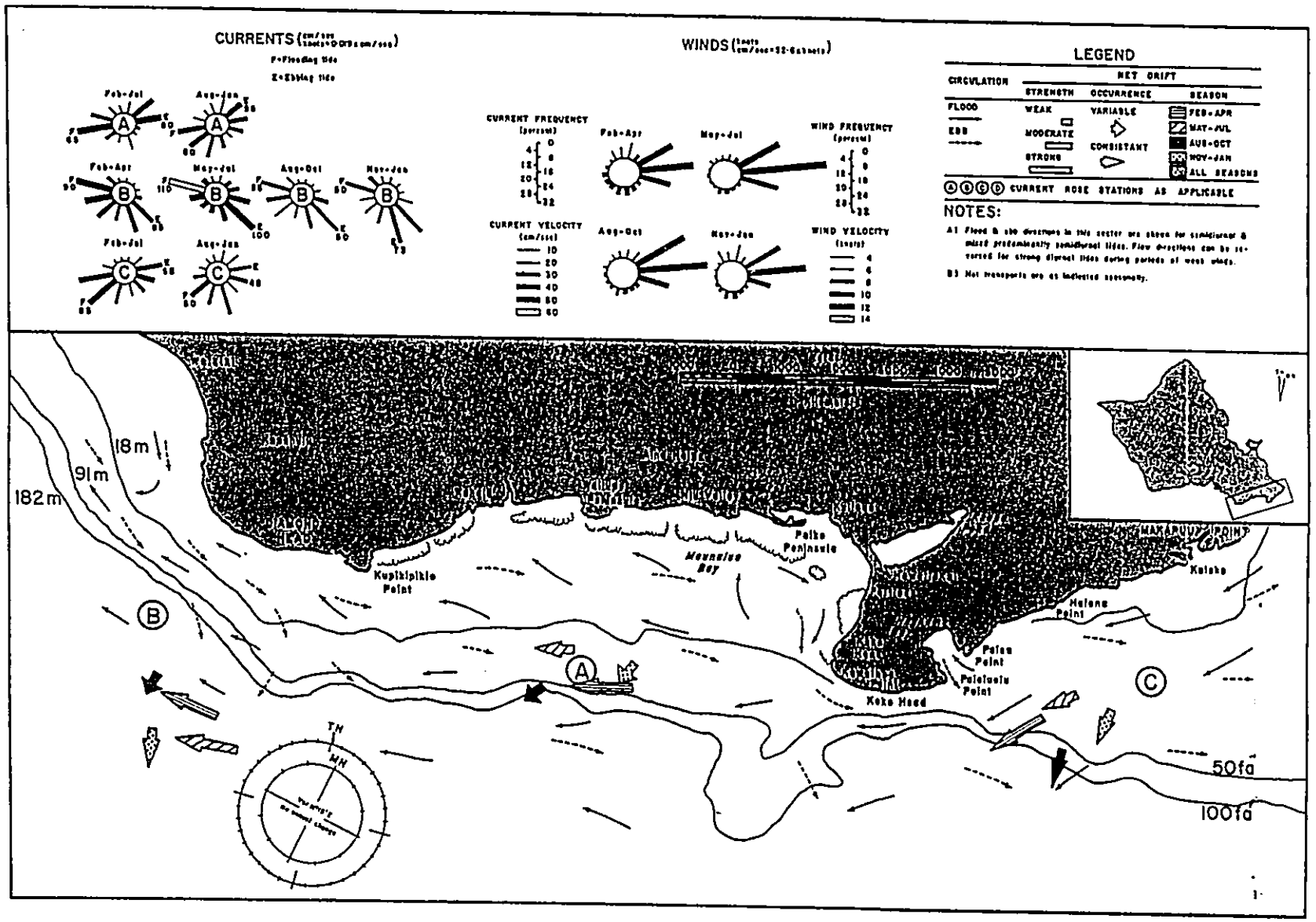

NEW PIER AT 292 WAILUPE CIRCLE ENVIRONMENTAL ASSESSMENT	Michael A. Pietsch TMK 3-6-01:22 - 292 Wailupe Circle Drive Honolulu, HI, 96821	*FIGURE 6* *CURRENTS AND CIRCULATION*

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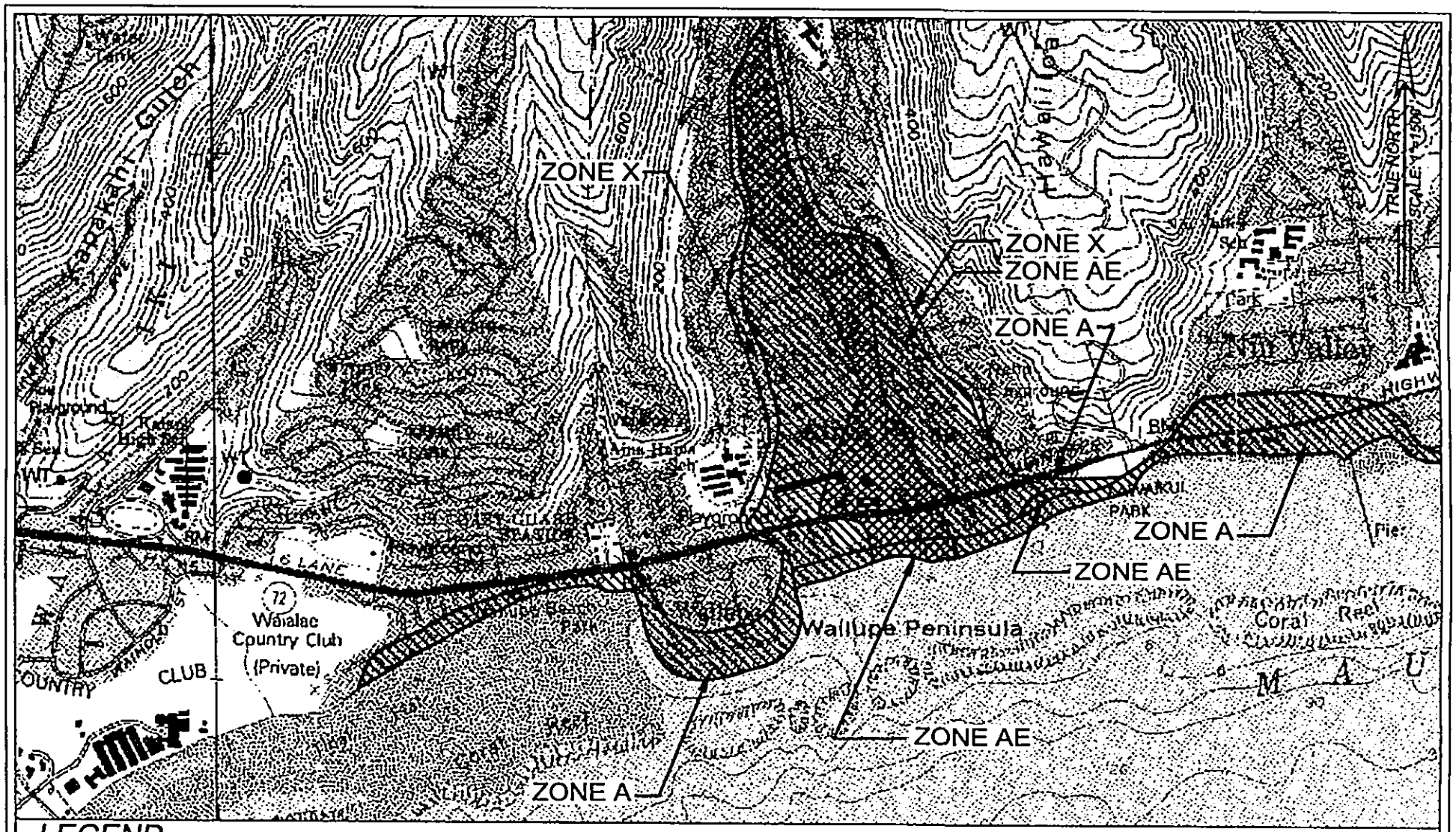

LEGEND

▨ Special Flood Hazard Areas Inundated By 100 Year Flood

▦ Floodway Areas in Zone AE

FLOOD ZONES

A No base flood elevation determined

AE Base flood elevation determined

X Areas of 500–year flood; areas of 100–year flood with average depths of less than one foot or with drainage areas less than 1 square mile; and areas protected by levees from 100–year flood

NEW PIER AT 292 WAILUPE CIRCLE
ENVIRONMENTAL ASSESSMENT

Michael A. Pietsch
TMK 3-6-01:22 - 292 Wailupe Circle Drive
Honolulu, HI, 96821

FIGURE 7
FLOOD INSURANCE RATE MAP

APPENDIX B – MISCELLANEOUS MAPS AND DOCUMENTS

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

GILBERT S. COLOMA-AGARAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTIES
ERIC T. HIRANO
LINNEL NISHIOKA

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

HAWAI'I HISTORIC PRESERVATION DIVISION REVIEW

Log #: 31063
Doc #: 0210EJ30

Applicant/Agency: Demont Hansen, P. E.
Civil Engineer
Address: Oceanit
1001 Bishop Street, Pacific Tower, Suite 2970
Honolulu, Hawaii 96813

SUBJECT: Construct Recreational Pier at Wailupe Peninsula

Ahupua`a: Wailupe
District, Island: Kona, O`ahu
TMK: (1) 3-6-001:022

1. We believe there are no historic properties present, because:

____ a) intensive cultivation has altered the land
____ b) residential development/urbanization has altered the land
____ c) previous grubbing/grading has altered the land
____ d) an acceptable archaeological assessment or inventory survey found no historic properties
✓ e) other: There are no known historic sites located in this offshore location. The project is located adjacent to the previously existing Wailupe fishpond which was in-filled during development of the subdivision.

2. This project has already gone through the historic preservation review process, and mitigation has been completed ___.

✓ Thus, we believe that "no historic properties will be affected" by this undertaking

Staff: Elaine Jourdane Date: 10/31/2002

Title: Elaine Jourdane, Assistant Archaeologist O`ahu Phone (808) 692-8027

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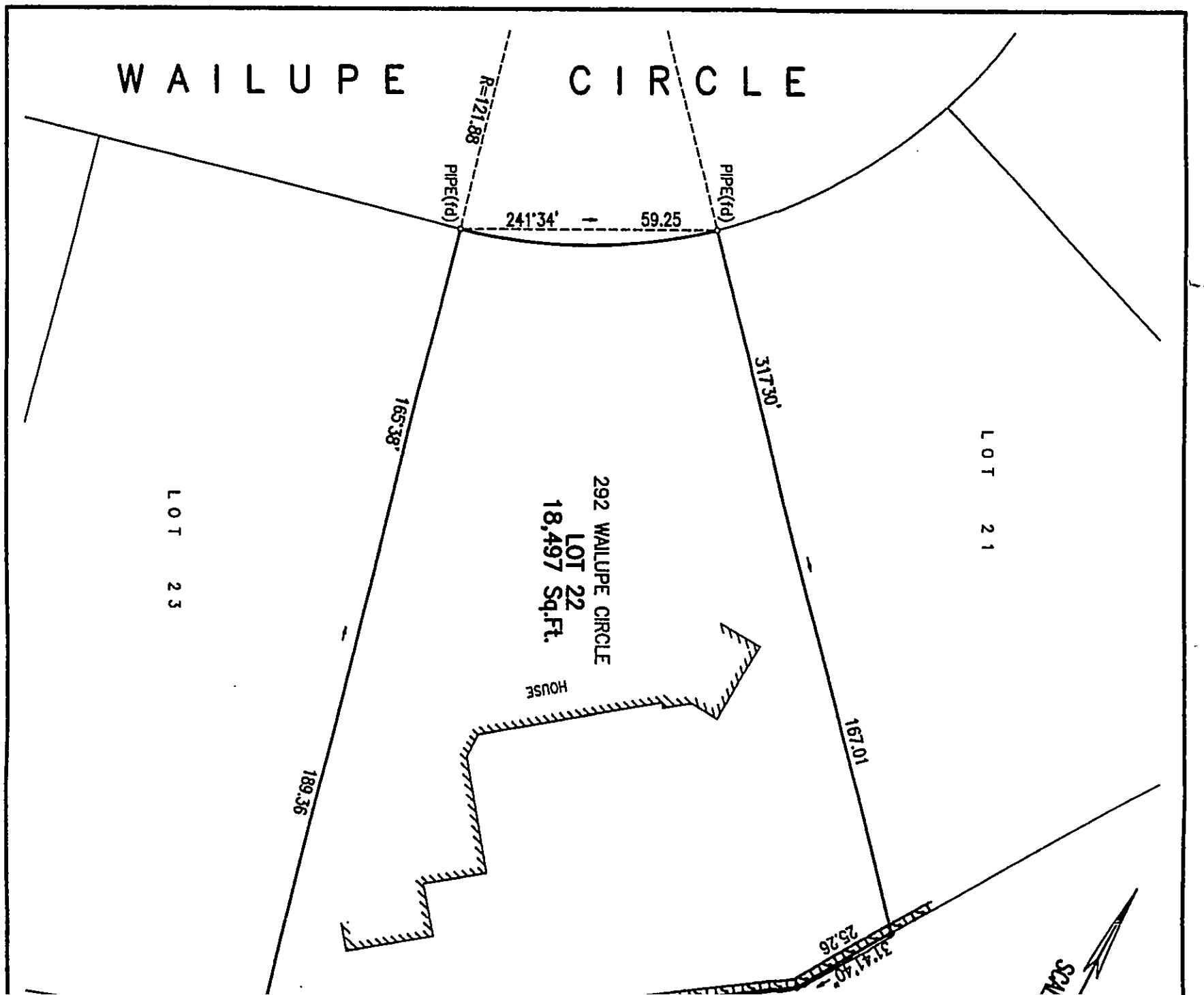
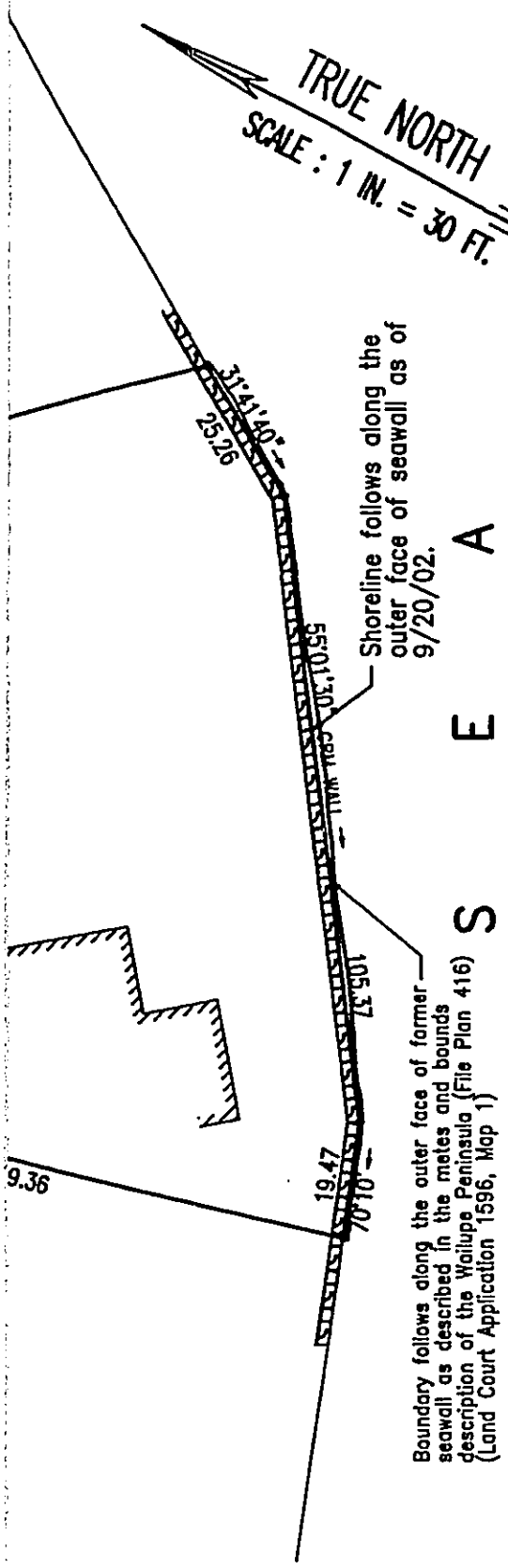
TAX MAP KEY : 3 - 6 - 01 : 22





OWNER: MICHAEL A. PIETSCH
292 WAILUPE CIRCLE
HONOLULU, HI 96821

MAP SHOWING
SHORELINE AFFECTING
LOT 22, LAND COURT APPLICATION 1596
AT WAILUPE, HONOLULU, OAHU, HAWAII

SCALE : 1 IN. = 30 FT.

SEPTEMBER 27, 2002 WALTER P. THOMPSON, INC.

JAMES R. THOMPSON
LICENSED PROFESSIONAL LAND SURVEYOR
No.3627
HAWAII, U.S.A.

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

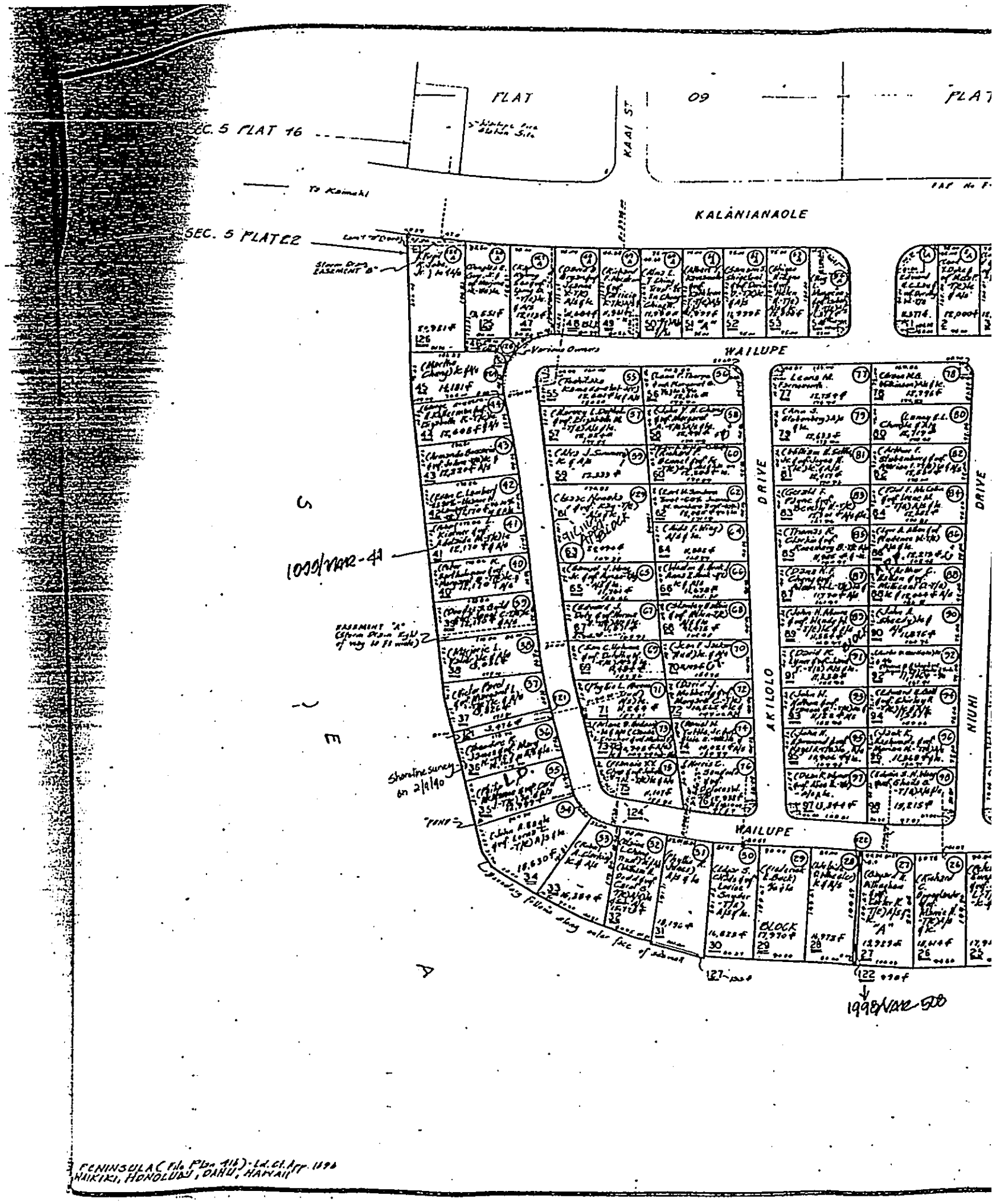
James R. Thompson

The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of DEC 23 2002

Chairman, Board of Land and Natural Resources

10"x 15" = 1.0 Sq.Ft.

DOCUMENT CAPTURED AS RECEIVED



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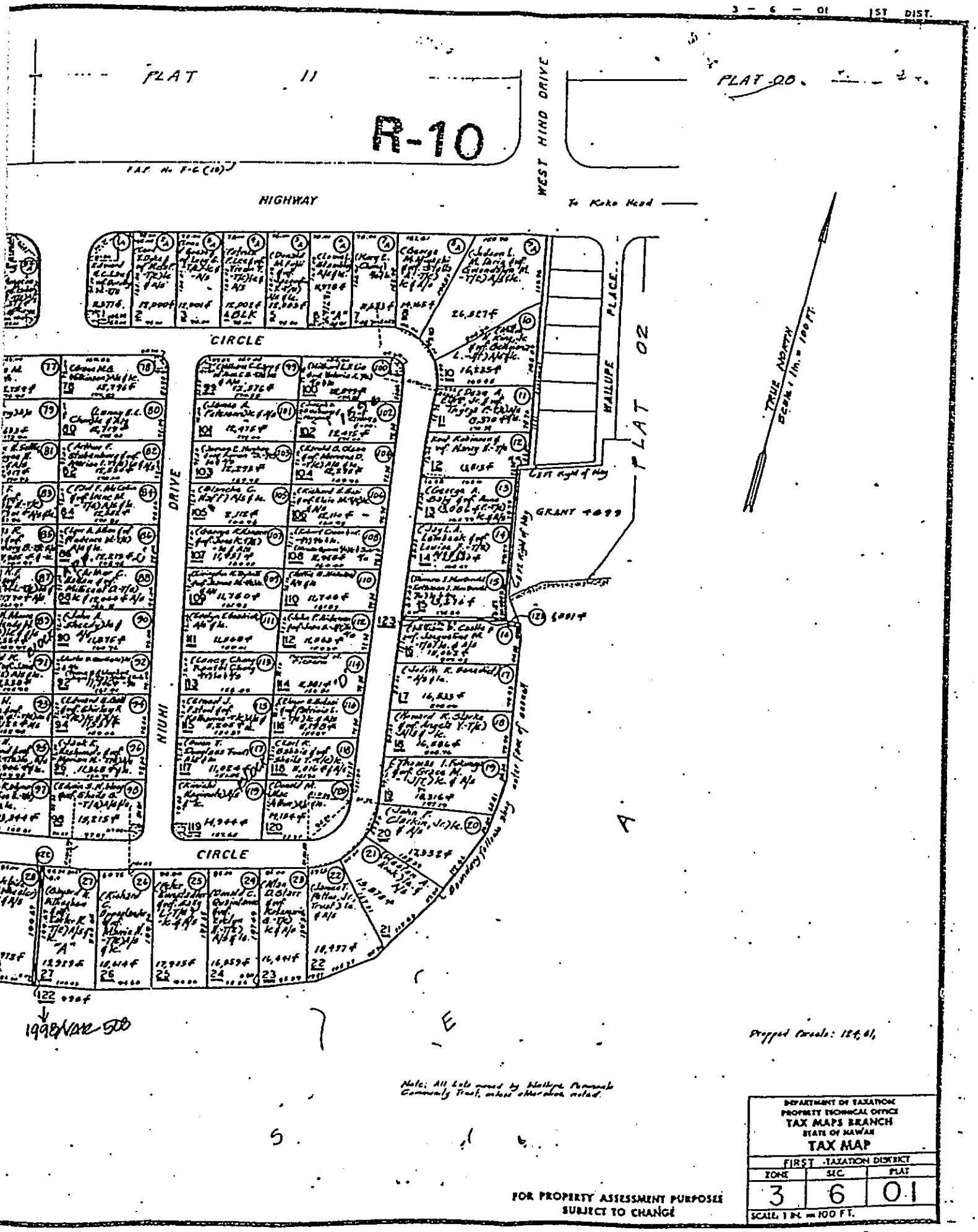
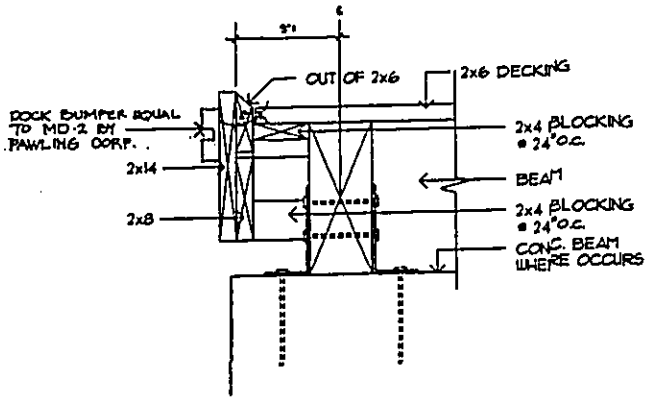
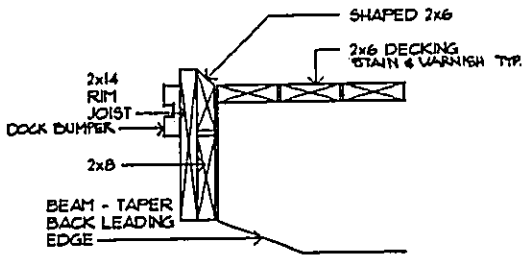


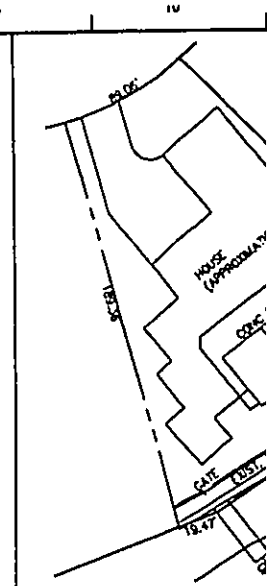
DOCUMENT CAPTURED AS RECEIVED



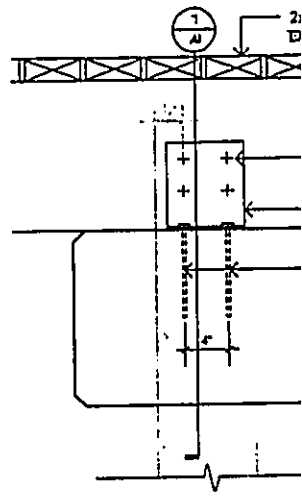
8 / A1 EDGE DETAIL
SCALE: 1½" = 1'-0"

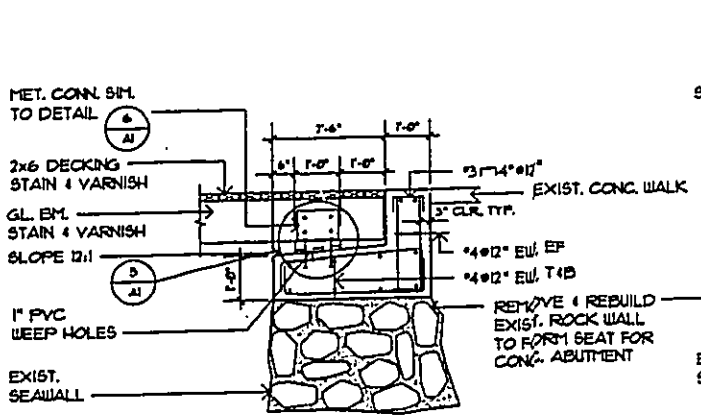


9 / A1 EDGE DETAIL
SCALE: 1½" = 1'-0"

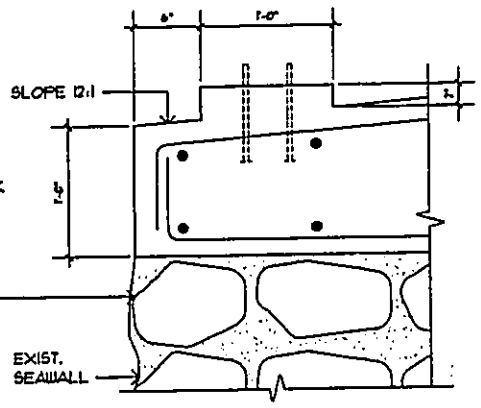


SITE PLAN



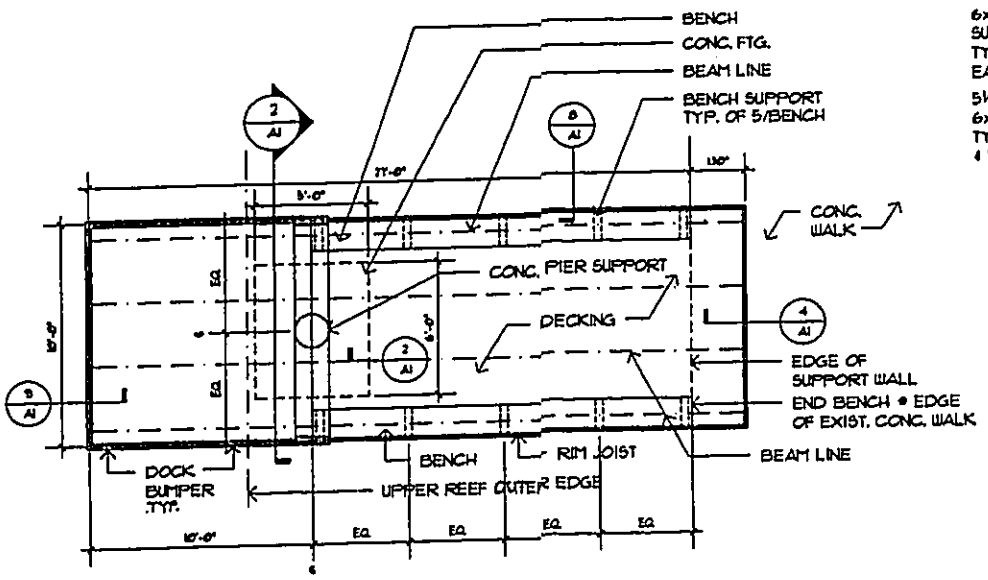


4 / A1 SECTION @ ABUTMENT
SCALE: ½" = 1'-0"

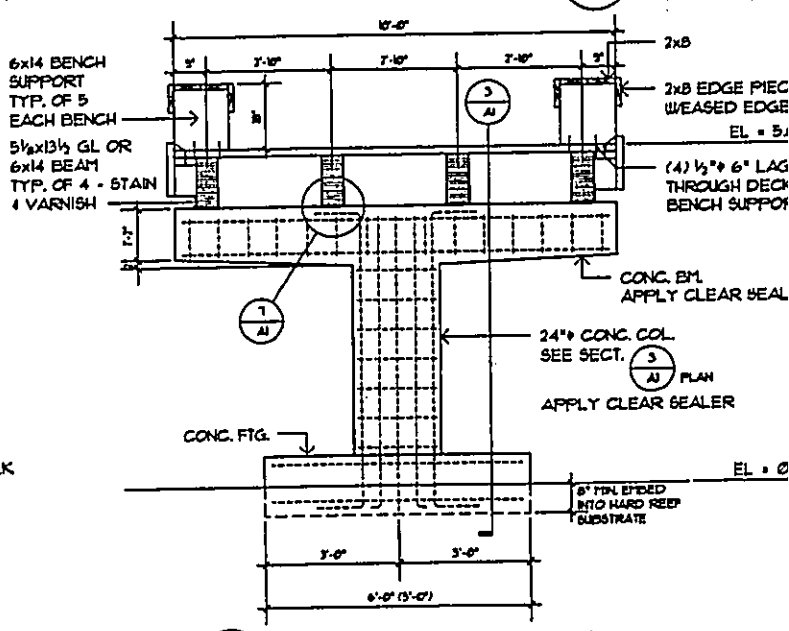


5 / A1 SECTION @ ABUTMENT
SCALE: 1½" = 1'-0"

6 / A1 DETAIL
SCALE: 1½" =



1 / A1 FLOOR PLAN
SCALE: ¼" = 1'-0"



2 / A1 PIER ELEVATION
SCALE: ½" = 1'-0"

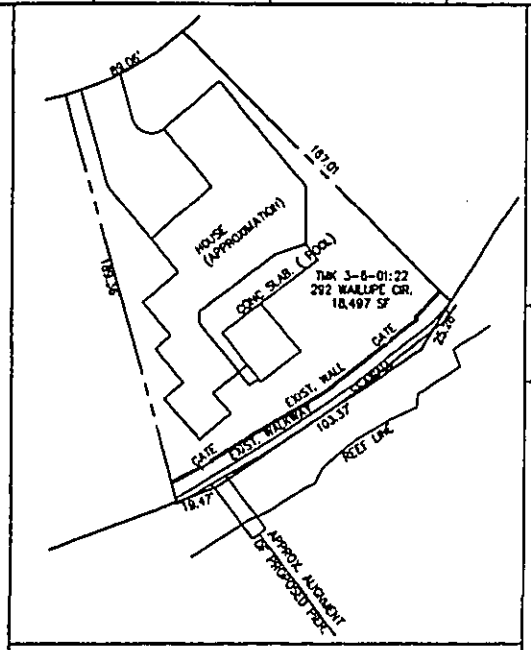
DOCUMENT CAPTURED AS RECEIVED

NEW PIER

292 WAILUPE CIRCLE

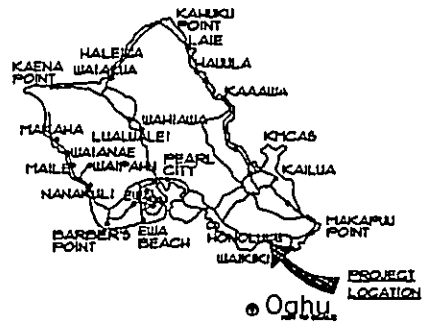
HONOLULU, OAHU, HAWAII

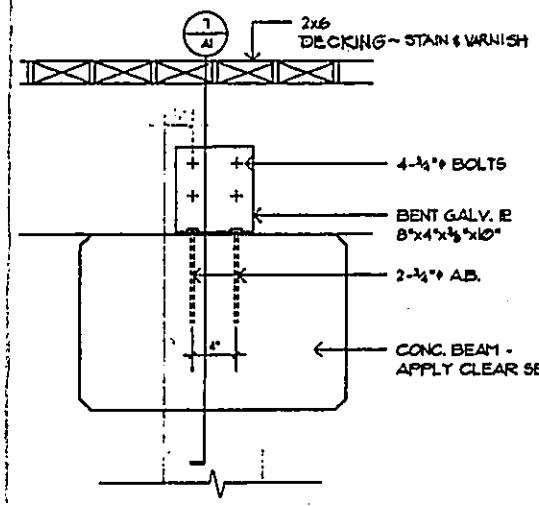
T.M.K.: 3-6-01:22



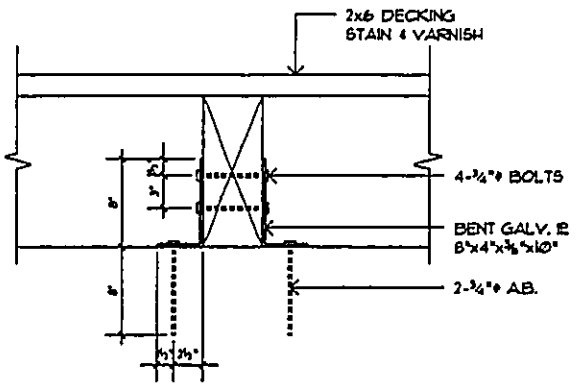
SITE PLAN SCALE: 1" = 40'-0"

VICINITY MAP



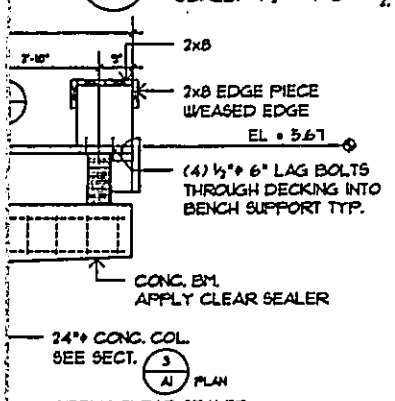


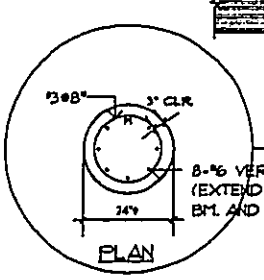
6/A1 DETAIL SCALE: 1½" = 1'-0"

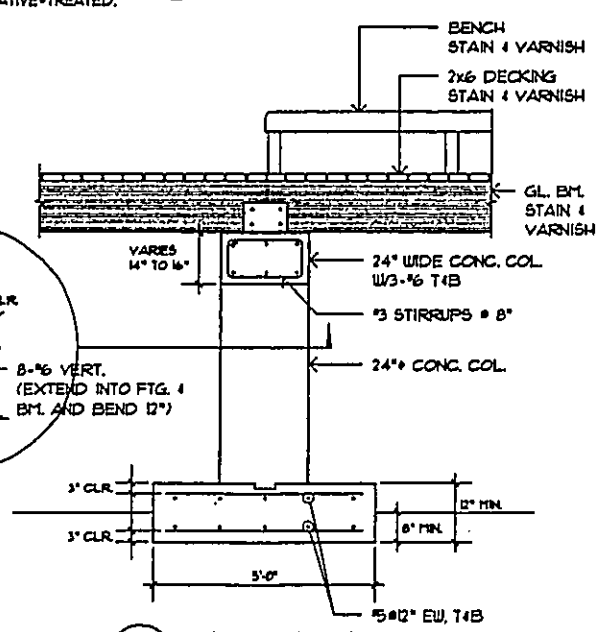


7/A1 SECTION SCALE: 1½" = 1'-0"

NOTE:
1. ALL ∠ & BOLTS TYPE 316 SST.
2. ALL LUMBER PRESERVATIVE-TREATED.







3/A1 SECTION SCALE: ½" = 1'-0"

ATION

AYER ARCHITECTS
Suite 200, 1100 Alakea Street
Honolulu, Hawaii
Telephone 808/531-5967

Project
NEW PIER
292 WAILUPE CIRCLE
HONOLULU, OAHU, HAWAII

No.	Description	Date

Revisions

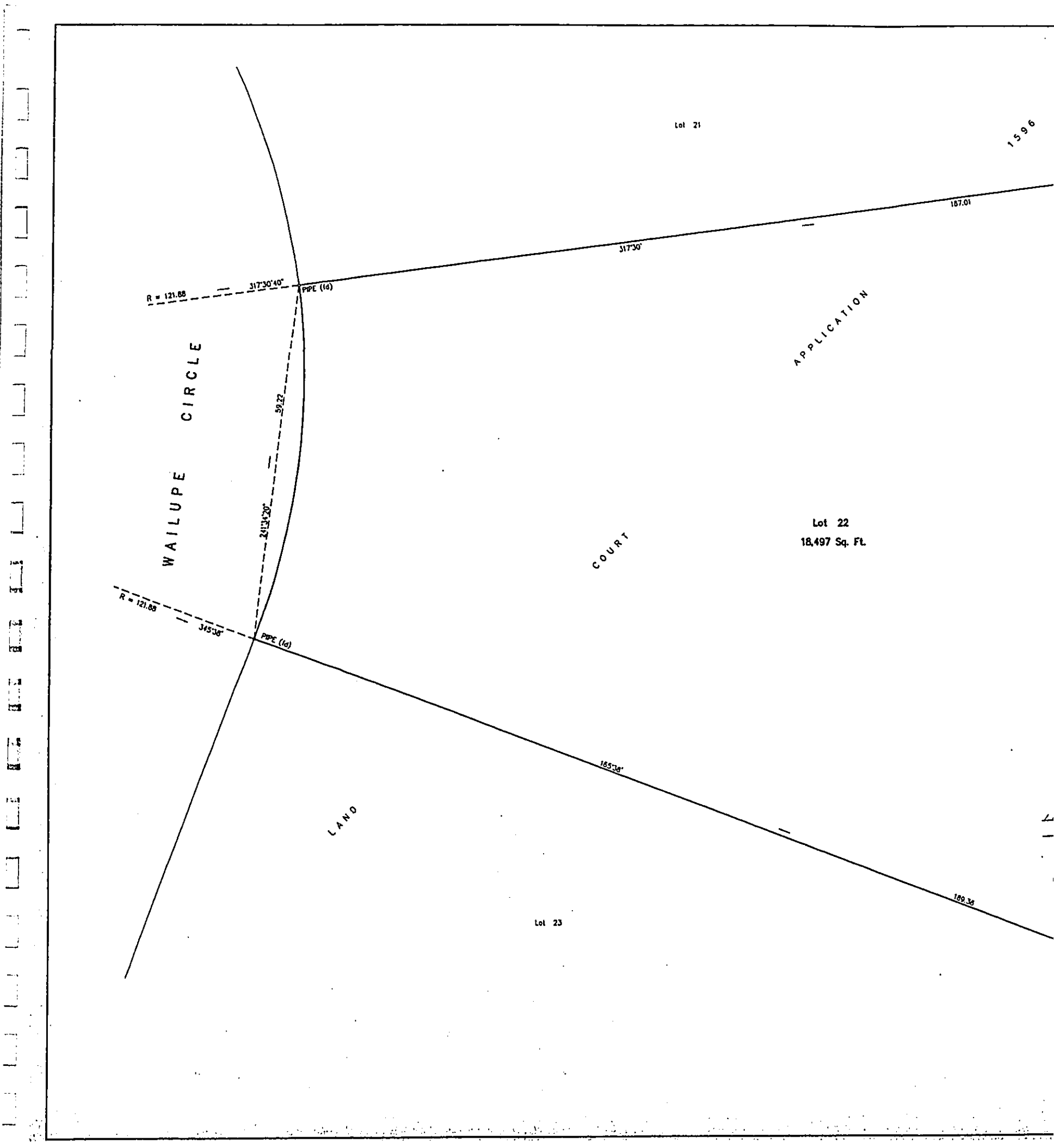
Drawing Title
FLOOR PLAN
ELEVATION & SECTIONS

Date: AUGUST 2002
Approved by: DCA
Project Manager: DCA
Checked by: DCA
Drawn by: BAS
Project No.

DAVID C. AYER LICENSED PROFESSIONAL ARCHITECT No. 4429 HAWAII U.S.A.

Drawing No.
A1

DOCUMENT CAPTURED AS RECEIVED



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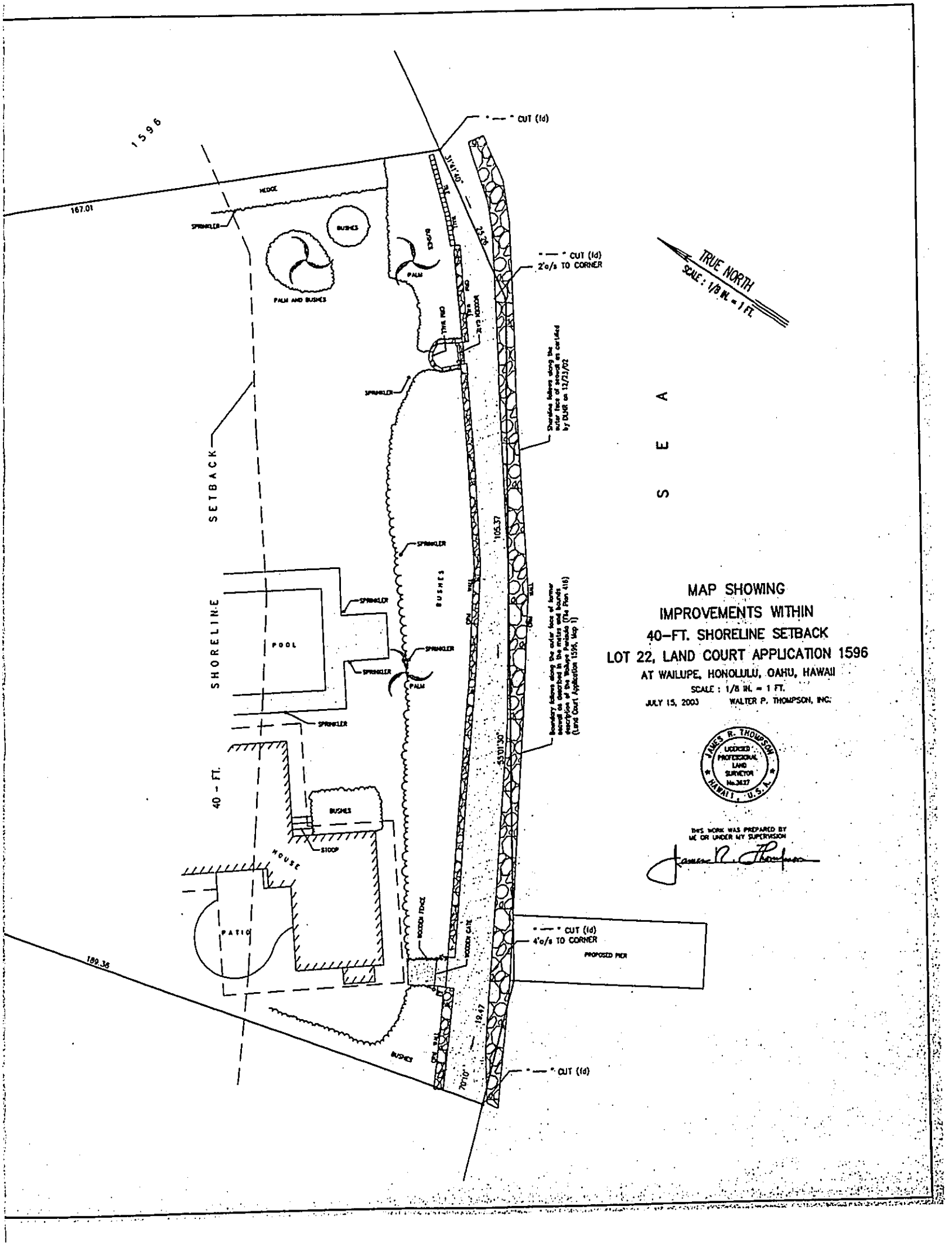

APPENDIX C – DEA COMMENTS AND REPONSES

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
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

REF:PB:MM

MAY 23 2003

File: CDUA OA-3129
Acceptance Date: April 3, 2003
180-Day Expiration Date: September 30, 2003

Michael A. Pietsch
292 Wailupe Circle
Honolulu, HI 96821

Subject: Comment letters for Conservation District Use Application (CDUA) and Draft Environmental Assessment (EA) for the Construction of New Pier at 292 Wailupe Circle, Wailupe, Oahu, TMK: (1) 3-6-001:022

Dear Mr. Pietsch:

Attached to this letter are the comments of substance that the Office of Conservation and Coastal Lands received as of April 3, 2003 the end of the public comment period on your CDUA and draft Environmental Assessment (EA). As you may know, pursuant to the rules EAs (Section 11-200-9.1, Hawaii Administrative Rules), a written response must be prepared (and provided to the commenter) for all comment letters submitted during the public comment period. Further, copies of all comment letters and your responses must be included in the Final EA for the project, along with any modifications to the original draft EA that may be necessary in light of your response to the comment letters.

Please submit six paper copies of the Final EA to us as soon as possible, but at least 60 days prior to your Conservation District Use Application's (CDUA) 180-day expiration date of September 21, 2003. Otherwise, we may not be able to complete our processing of your CDUA, and negative action by the Board of Land and Natural Resources may result. Also include an Office of Environmental Quality Control (OEQC) Publication Form for the Final EA, and if the project summary has changed, a new summary on a diskette. We also request that you include the digital file for the entire CDUA with the Final EA on a diskette (preferably in Microsoft Word 2000) for your submittal.

Should you have any questions, please contact Matthew Myers of our Office of Conservation and Coastal Lands staff at 587-0382.

Aloha,

Dierdre S. Mamiya
Acting Administrator
Office of Conservation and Coastal Lands

Attachments

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
Telephone (808) 586-4185
Facsimile (808) 586-4186
Email: oeqc@health.state.hi.us

May 15, 2003

Mr. Michael A. Pietsch
292 Wailupe Circle
Honolulu, Hawai'i 96821

Mr. Matthew Myers
Department of Land & Natural Resources, Land Division
State of Hawai'i
1151 Punchbowl Street, Room 131
Honolulu, Hawai'i 96813

Dear Messrs. Pietsch and Myers:

We have reviewed the draft environmental assessment (DEA) in support of a conservation district use application (CDUA OA-3129) for a New Pier at 292 Wailupe Circle, Tax Map Key (1) 3-6-001, parcel 22, in the judicial district of Honolulu and submit the following comments for your consideration and response.

1. BIOLOGICAL RESOURCES DISCLOSURE IN THE ENVIRONMENTAL SETTING: Page 16 (Reasons supporting determination) argues that "[t]he proposed pier footing will disturb a small underwater area primarily inhabited by sea urchins and algae but will involve no destruction of coral." We are unclear as to how the inference was drawn as the analysis set forth in the draft environmental assessment on page 9 (marine biology of the affected environment) and page 13 (impacts to the ocean and coast) makes brief mention of a benthic survey being completed on July 31, 2002, but the said analysis discloses no definitive observations on the presence (or lack thereof) of coral species in the project area. Also, please discuss the likelihood of coral planulae settling on benthic substrata in the environmental assessment. If the survey report is available, please append it to the environmental assessment and disclose the name and profession of the person conducting the survey and preparing the report.
2. CLARIFICATIONS CONCERNING SHORT PIERS THAT SPAN THE DISTANCE TO THE PERIMETER CHANNEL: The Executive Summary in the DEA notes that "adjacent property owners have improved their access by building short piers that span the distance to the perimeter channel." [Emphasis supplied] Please clarify whether this access from the sea wall (originally part of the Wailupe Fishpond, since destroyed) to the perimeter channel is for the purpose of recreational boating. Also, to the Department of Land and Natural Resources, please disclose whether adjacent property owners were required to obtain conservation district use applications and shoreline setback variances for their existing piers.
3. CULTURAL IMPACT ASSESSMENT: On October 31, 2002, the archaeologist from the State Historic Preservation Division of the Department of Land and Natural Resources (Log No. 31063, Document No. 0210EJ30) concluded in a memorandum whose subject was entitled "Construct Recreational Pier at Wailupe Peninsula" under the provisions of Chapter 6E, Hawai'i Revised Statutes, that "no historic properties will be affected" by this undertaking. Although Chapter 6E, Hawai'i Revised Statutes addresses historic preservation and archaeological concerns, the area of contemporary cultural practices does not fall within its

2

purview. Act 50, Session Laws of Hawai'i, Regular Session of 2000, amended Chapter 343, Hawai'i Revised Statutes, by requiring the disclosure of a proposed action's impacts to cultural resources or practices. Please see our website at http://www.state.hi.us/health/oeqc/index.html for 1997 guidance on assessing cultural impacts (and guidance on shoreline hardening projects and biological surveys in the context of Chapter 343, Hawai'i Revised Statutes). Please consult with the Office of Hawaiian Affairs, the Neighborhood Boards in the region, and individuals who fish or gather offshore in the regional waters as to whether the proposed action affects cultural resources or practices. Please address the cumulative impact of pier building in the waters offshore of the former Wailupe fishpond on nearshore gathering and fishing.

4. REEF RUBBLE REMOVAL AT PROPOSED PIER: In Figure 4, the proposed construction of the seaward support will require the removal of reef and possible coral planulae colonized rubble, constituting, for the purposes of Chapter 343, Hawai'i Revised Statutes, an "irreversible and irrevocable destruction of a natural or cultural resource" constituting a significant effect under Section 11-200-12, Hawai'i Administrative Rules.

Thank you for the opportunity to review this document. If there are any questions, please call Mr. Leslie Segundo of my staff at (808) 586-4185.

Sincerely,

Genevieve Salmonson

GENEVIEVE SALMONSON
Director

44984

PY

RECEIVED
'03 APR 30 A10:53
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

April 29, 2003

To Whom This May Concern,

Please do NOT grant permission to Pietsch or anyone else for building another pier at Wailupe Circle. The association has a pier for the residences use which is not far from the Pietsches. This is not a repair. There never was another pier at that site. How dare you mold the facts to assist them in getting this permit? As everyone knows, our shoreline and ocean and very fragile environments. We do not need to expose them to additional stress by adding another pier to the area. The house has survived fifty years without one, doesn't seem like it is necessary to put one in now. An interesting observation is that when Mr. and Mrs. Pietsch were informed that building a pier was not an option, they informed us that they had friends at DNLR so the rules didn't apply to them. Should you grant them this permit, it will confirm to the other neighbors that DLNR is a joke and can not be respected.

Again, please do not grant permission to Mr. and Mrs. Pietsch.

Mahalo- A Very Concerned Neighbor

3

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER
COMMISSION ON WATER RESOURCE MANAGEMENT

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

April 15, 2003

MEMORANDUM

LOG NO: 2003.0252
DOC NO: 0304EJ15

To: Dierdre Mamiya, Administrator
Land Division

From: P. Holly McEldowney, Acting Administrator
Historic Preservation

SUBJECT: **Chapter 6E-42 Historic Preservation Review – Construct Recreational Pier at 292 Wailupe Circle Drive, Wailupe Peninsula**
O`ahu CDUA OA-3192B
Wailupe, Kona, O`ahu
TMK: (1) 3-6-001:022

Our previous comments, that we believe there are "no historic properties affected" by this action, are included in the CDUA (SHPD Log 31063Doc No. 0210EJ30, 10/31/2002)

We believe there are no historic properties present, because there are no known historic sites located in this offshore location. The project is located adjacent to the previously existing Wailupe fishpond which was in-filled during development of the subdivision.

Should you have any questions, please feel free to contact Elaine Jourdane at 692-8027 or Sara Collins at 692-8026.

EJ:jk

4

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

2003 APR 16 A 8:19

April 14, 2003

Ms. Dierdre S. Mamiya
Administrator
Land Division
Department of Land and Natural
Resources
P.O. Box 621
Honolulu, HI 96809

SUBJECT: CDUA FOR NEW PIER CONSTRUCTION

Dear Ms. Mamiya:

Thank you for the opportunity to review the above referenced Conservation District Use Application for construction of a wooden deck pier with a concrete footing.

The Office of Hawaiian Affairs (OHA) has no comments at this point in time. If you have any questions, please contact Jerry B. Norris at 594-1847 or email him at jerryn@oha.gov.

Sincerely,

Peter L. Yee
Director
Nationhood and Native Rights Division

5

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division

2003 APR 11 A 10:43

Ref.:PB:MM

File #: CDUA OA-3129B
Acceptance Date: April 3, 2003
180-Day Expiration Date: September 30, 2003
SUSPENSE DATE: 21 Days from stamped date

APR - 3 2003

03APR09 AM07:35 ENGINEERING

MEMORANDUM

TO: Division of Aquatic Resources, Historic Preservation Division, Oahu District Land Agent, Engineering, Division of Conservation and Resource Enforcement

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application (CDUA)
[Board Permit]

APPLICANT: Michael A. Pietsch

FILE NO.: OA-3129B

REQUEST: Conservation District Use Application for New Pier Construction

LOCATION: East Honolulu, Oahu

PUBLIC HEARING: YES __ NO X

Attached please find a copy of the subject CDUA, Draft Environmental Assessment (DEA) and our Department's Notice of Acceptance and Environmental Determination. We would appreciate your review and comment on this CDUA by the suspense date noted above.

Should you require additional information, please call Matthew Myers of our Planning Branch at 587-0382. If no response is received by the suspense date, we will assume there are no comments.

6

Attachment(s)

(X) NO COMMENTS

Signed Andrew M. Monden
for ERIC HIRANO, Chief Engineer

Date 4/10/03

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division

RECEIVED
OFFICE OF THE DIRECTOR
DEPT OF HEALTH
'03 APR 10 A8 :48

Ref.:PB:MM

File #: CDUA OA-3129B
Acceptance Date: April 3, 2003
180-Day Expiration Date: September 30, 2003
SUSPENSE DATE: 21 Days from stamped date

APR -- 3 2003

MEMORANDUM

TO: Dr. Chiyome Fukino, Director
Department of Health

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application (CDUA)
[Board Permit]

APPLICANT: Michael A. Pietsch

FILE NO.: OA-3129B

REQUEST: Conservation District Use Application for New Pier Construction

LOCATION: East Honolulu, Oahu

PUBLIC HEARING: YES __ NO X

Attached please find a copy of the subject CDUA, Draft Environmental Assessment (DEA) and our Department's Notice of Acceptance and Environmental Determination. We would appreciate your review and comment on this CDUA by the suspense date noted above.

Should you require additional information, please call Matthew Myers of our Planning Branch at 587-0382. If no response is received by the suspense date, we will assume there are no comments.

Attachment(s)

1

LINDA LINGLE
GOVERNOR

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DAN DAVIDSON
DEPUTY DIRECTOR FOR LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR FOR
THE COMMISSION ON WATER
RESOURCE MANAGEMENT

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

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

April 22, 2003

MEMORANDUM

TO: Dierdre S. Mamiya, Administrator
ATTN: Sam Lemmo

FROM: Robert M. Ing, Land Agent RI
Land Division

SUBJECT: Request for Comments
(Conservation District Use Application (DCUA) for new pier construction.

COMMENTS:

The Applicant is required to obtain a land disposition from DLNR Land Division upon the approval of the CDUA.

8

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4414 • FAX: (808) 527-6743 • INTERNET: www.co.honolulu.hi.us

JEREMY HARRIS
MAYOR

ERIC G. CRISPIN, AIA
DIRECTOR

BARBARA KIM STANTON
DEPUTY DIRECTOR

2003 APR 24 A 10:55

2003/ELOG-1290(lk)

April 22, 2003

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, Hawaii 96813

Attention: Diedre S. Mamiya, Administrator
Land Division

Dear Mr. Young:

Conservation District Use Application (CDUA OA-3129)
Michael A. Pietsch
292 Wailupe Circle - Wailupe
Tax Map Key 3-6-1: 22

We have reviewed the Conservation District Use Application (CDUA) for a new pier adjacent to the above site and offer the following comments:

Special Management Area (SMA)

A portion of the proposed development is within SMA. The proposed pier is an accessory use to the existing single-family dwelling and is exempt from the provisions of Chapter 25, Revised Ordinances of Honolulu (ROH).

Section III - Characterization of Affected Environment

The section on the City General Plan should describe how the project meets the intent of the General Plan Objectives and Policies. (The information and reference to the East Honolulu Development Plan Area in Figure 1-1 is from the East Honolulu Sustainable Communities Plan.)

9

Shoreline Setback Variance

1. You indicate that the work within the shoreline setback area is limited to removing a portion of the existing CRM seawall to accommodate a reinforced concrete abutment. However, there appear to be structures landward of the shoreline, and within the 40-foot shoreline setback area (including the sidewalk, CRM wall, wood fence/gate and a portion of the dwelling) that are not shown on earlier-dated photos of the site. If the structures do not comply with current regulations related to Chapter 23, ROH, the shoreline ordinance, and/or are not nonconforming (legally constructed prior to June 22, 1970), the shoreline variance request may have to be expanded to include these structures.

2. The information shown on the survey map prepared by George Sumida, the site plan prepared by Ayer Architects, and the certified shoreline survey map are inconsistent. It is not clear where the certified shoreline is located relative to the existing structures and the property line, and what structures are within the shoreline setback area. Plans must clearly identify the property lines, the certified shoreline, and the 40-foot shoreline setback, all existing structures, and the location of the pier.

3. A full-size scalable copy of the site plan, construction plan and certified shoreline survey must be provided.

4. A copy of a previously-certified shoreline survey should be provided.

Thank you for the opportunity to comment. Should you have any questions, please call Lynne Kauer of our staff at 527-6278.

Sincerely yours,

cfr ERIC G. CRISPIN, AIA
Director of Planning and Permitting

EGC:cs
DN 215273

cc: Michael A. Pietsch

DIVISION OF AQUATIC RESOURCES
DIRECTOR
COM FISHERIES
AQ REC/ENV
AQ RES/RN
STAFF SVCS
FISH DEV
STATISTICS
Ref.:PB:MM

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division

File #: CDUA OA-3129B
Acceptance Date: April 3, 2003
180-Day Expiration Date: September 30, 2003
SUSPENSE DATE: 21 Days from stamped date

4/24 APR - 3 2003

MEMORANDUM

TO: Division of Aquatic Resources, Historic Preservation Division, Oahu District Land Agent, Engineering, Division of Conservation and Resource Enforcement

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application (CDUA)
[Board Permit]

APPLICANT: Michael A. Pietsch

FILE NO.: OA-3129B

REQUEST: Conservation District Use Application for New Pier Construction

LOCATION: East Honolulu, Oahu

RECEIVED APR 7 2003 AQUATIC RESOURCES

PUBLIC HEARING: YES _ NO X

Attached please find a copy of the subject CDUA, Draft Environmental Assessment (DEA) and our Department's Notice of Acceptance and Environmental Determination. We would appreciate your review and comment on this CDUA by the suspense date noted above.

Should you require additional information, please call Matthew Myers of our Planning Branch at 587-0382. If no response is received by the suspense date, we will assume there are no comments.

Attachment(s)

10

Comments attached.

Signed: William S. Devick
Administrator

4/22/03

Suspense Date: April 24, 2003

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii

MEMORANDUM

To: William Devick, Administrator
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Permit OA-3129B

Comments Requested By: Dede Mamiya, Land Division

Date of Request: 4/3/03 Date Received: 4/7/03

Summary of Project

Title: New Pier Construction

Proj.: Michael Pietsch

Location: Wailupe, E. Honolulu, Oahu

Brief Description:

The applicant proposes to construct a wooden deck pier with concrete footing on the southeastern corner of Wailupe Circle, Oahu. The pier will be about 27 feet long and 10 feet wide, supported by a rectangular concrete footing embedded into the reef substrate.

Comments:

The activity proposed is not likely to diminish further, aquatic resource values in Wailupe Circle which is in a highly developed and modified area. Some turbidity may occur, but impacts adverse to the existing resident aquatic resource populations should be minimal and temporary.

We also note that lease of submerged lands for pier purposes may require, pursuant to Section 171-36 (a) (9), HRS "a sign or signs be placed on the pier, clearly visible to the public, which indicates the public's right to use of such pier".

Finally, attached (for your information) our previous comments to similar activities in this area (dated 8/25/88 & 8/22/91) remain applicable.

State of Hawaii
Department of Land and Natural Resources
DIVISION OF AQUATIC RESOURCES

Date: August 22, 1991

TO: Paul Kawamoto, Program Manager, Aquatic Resources & Environmental Protection
THROUGH: Richard Sixberry, Aquatic Biologist
FROM: Alton Miyasaka, Aquatic Biologist
SUBJECT: Comments on Environmental Assessment for Boat Dock

Comment Requested by Roger Evans, Office of Conservation and Environmental Affairs
Date of Request 08/01/91
Date Rec'd. 08/02/91

Summary of Proposed Project

Title: Proposed Boat Dock

Project by: Tadashi Okuyama

Location: Wailupe, Honolulu, Oahu

Brief Description:

The applicant proposes to build a boat dock using eight, 50-gallon, concrete-filled, drums as a foundation for eight PVC tubing pillars. The dock would cover about 288 square and be similar in design to eighteen other docks already existing around Wailupe nsula.

Comments:

The proposed dock construction is not expected to adversely impact aquatic resources provided the applicant takes precautions to minimize disturbance to the aquatic environment. These precautions include, to the extent possible, constructing the dock entirely on land before placement in the water and allowing chemical wood preservatives sufficient time to dry to prevent toxic chemical leaching. Finally, placement of a sign on the dock as required by §171-36(a)(9), Hawaii Revised Statutes would protect public use and access to submerged land and the shoreline.

COPY FOR YOUR INFORMATION

12

12/22/87

State of Hawaii
Department of Land and Natural Resources
DIVISION OF AQUATIC RESOURCES

DATE: August 25, 1988

MEMORANDUM
TO: Paul Kawamoto, Program Manager, Aquatic Resources & Environmental Protection
FROM: Alton Miyasaka, Aquatic Biologist
SUBJECT: Comments on X 1. Conservation District Use Application OA-2183
___ 2. _____

Comment Requested by Roger Evans, Office of Conservation and Environmental Affairs
Date of Request 08/08/88
Date Rec'd 08/09/88

Summary of Proposed Project

Title: Pier Construction

Project by: Ross Rastegar

Location: Aina Haina, Oahu

Brief Description:

The applicant proposes to construct a T-shaped, 12' x 24' pier on submerged State lands offshore of his property at Wailupe Circle, Oahu.

Comments:

The proposed project is expected to cause temporary impacts to aquatic resources such as increased water turbidity and destruction of bottom habitat around the pier's foundation. To minimize these potentially harmful impacts, precautions should be taken to prevent construction debris (fuel, oil, scrap building materials, etc.) from entering the ocean. Also, to the extent possible, the pier should be assembled on land for placement in the water.

The proposed pier should be made available for public use and the public notified with a sign posted on the pier. Finally, since the shoreline area may be included in the Department of Transportation's Ocean Recreation Management Plans, that agency should be consulted on the proposal.

COPY FOR YOUR INFORMATION

ALTON K. MIYASAKA, Aquatic Biologist

13

Michael A. Pietsch
292 Wailupe Circle
Honolulu, Hawaii 96821
373-3021 (H)
521-0259 (Ofc)

July 11, 2003

Ms. Genevieve Salmonson, Director
State of Hawaii Office of Environmental
Quality Control
235 So. Beretania Street, Suite 702
Honolulu, HI 96813

Re: Pier Project at 292 Wailupe Circle

Dear Ms. Salmonson:

I am responding to your letter dated 5/15/03 regarding my application for a Pier at 292 Wailupe Circle and for convenience, will reply by your item numbers:

1) Biological Resources Disclosure in the Environmental Setting
2) Clarifications Concerning Short Piers That Span The Distance To The Perimeter Channel
4) Reef Rubble Removal at Proposed Pier

At my request Oceanit's environmental scientist, Mr. Robert Bourke, performed a detailed underwater study of the marine environment adjacent to the proposed pier. Please refer to Mr. Bucher's letter dated 6/25/03 (enclosed), which will provide you with Mr. Bourke's findings. The findings of Mr. Bourke state "that this project is not a threat to coral reefs or other living marine resources."

3) Cultural Impact Assessment: Please refer to attached letter from Peter Yee of the Office of Hawaiian Affairs, dated 7/7/03 in which he refers to the Cultural Impact Assessment which was prepared by John Clark, Ocean Recreation Consultant. Mr. Lee states that the assessment was well done and that the pier is unlikely to affect Native Hawaiian cultural practices in the area.

I have recently met and spoken with Bernie Boltz, who is the President of the Wailupe Community Association and a member of the local Neighborhood Board. I gave Mr. Boltz a copy of the Draft Environmental Assessment for the New Pier at 292 Wailupe Circle, a copy of the Cultural Impact Assessment prepared by John Clark, and a copy of a letter dated 6/13/03 from Mr. Richard Grigg (Professor of Oceanography). Mr. Boltz is very familiar with this area and is in complete concurrence with the opinions of Mr. Clark and Mr. Grigg and supports the construction of the proposed pier.

I am a "local boy," born and raised in Hawaii and am part Hawaiian. I love my state and am committed to preserving its beauty and natural resources. I would not construct a pier that would in any way damage or have any negative impact on our fragile environment. I have sought the advice of the "experts" in this area who have done their "homework," and I am convinced that this proposed pier will not adversely affect the marine environment in the Wailupe area.

On the contrary, the pier will provide a home for "shade-loving fish and corals" and it would provide additional safety for local fishermen, swimmers, kayakers and surfers who frequent this area.

Thank you very much for your consideration. Please feel free to call me at 521-0259 should you have any further questions.

With aloha,

Michael A. Pietsch

cc: Matthew Myers

RC: Items 1, 2 #4

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June 25, 2003

Mr. Michael A. Pietsch
292 Wailupe Circle
Honolulu, HI 96821.

Subject: Response to State of Hawaii Office of Environmental Quality Control (OEQC) comments regarding CDUA OA-3129 and associated Draft Environmental Assessment (DEA)

Dear Mr. Pietsch:

We received the subject letters regarding biological resources disclosure in the environmental setting and reef rubble removal at the proposed pier and submit the following additional information and clarification.

1. BIOLOGICAL RESOURCES DISCLOSURE IN THE ENVIRONMENTAL SETTING:

Mr. Robert Bourke, Oceanit's environmental scientist, performed the qualitative benthic survey. Mr. Bourke is a trained marine biologist and environmental professional with a MS degree from the University of Hawaii. Mr. Bourke has performed numerous marine biological surveys over the past 28 years in Hawaii and is familiar with various qualitative and quantitative survey methods in standard use in Hawaii. For the purpose of an environmental assessment it is typically deemed sufficient to perform a qualitative survey.

Methodical observation by a trained and experienced professional can effectively describe an environment with sufficient detail to predict probable impacts from proposed projects. This is particularly true when, as in the present situation, the project impact will be small and the impacted environment is neither pristine nor of critical environmental importance. Observation can be expected to identify the presence of critical habitats, endangered, threatened, or otherwise important species, and provide a general description of the habitat types at and near the project. A qualitative survey will focus on the proposed project site, but will also make observations in adjacent areas that could receive secondary impacts. Typically, documentation of the survey is through photographs and field notes.

In the case of the proposed pier project site, the qualitative survey was conducted using mask and snorkel and a 35mm Nikonos camera with strobe to document observed field conditions. About half of this effort was spent directly in front of the Pietsch property observing the benthic substrate at the base of the seawall, along the face of the dredge channel, and at the base of the talus slope along the edge of the channel. The balance of the time was spent swimming along the edge of the channel directly in front of the Pietsch property and the distance of two properties on each side of the Pietsch property to ascertain that the observations made at the project site

1001 BISHOP STREET • PACIFIC TOWER • SUITE 2970 • HONOLULU, HAWAII 96813
Tel: (808) 531-3017 • Fax: (808) 531-3177 • Email: oceanit@oceanit.com • URL: http://www.oceanit.com

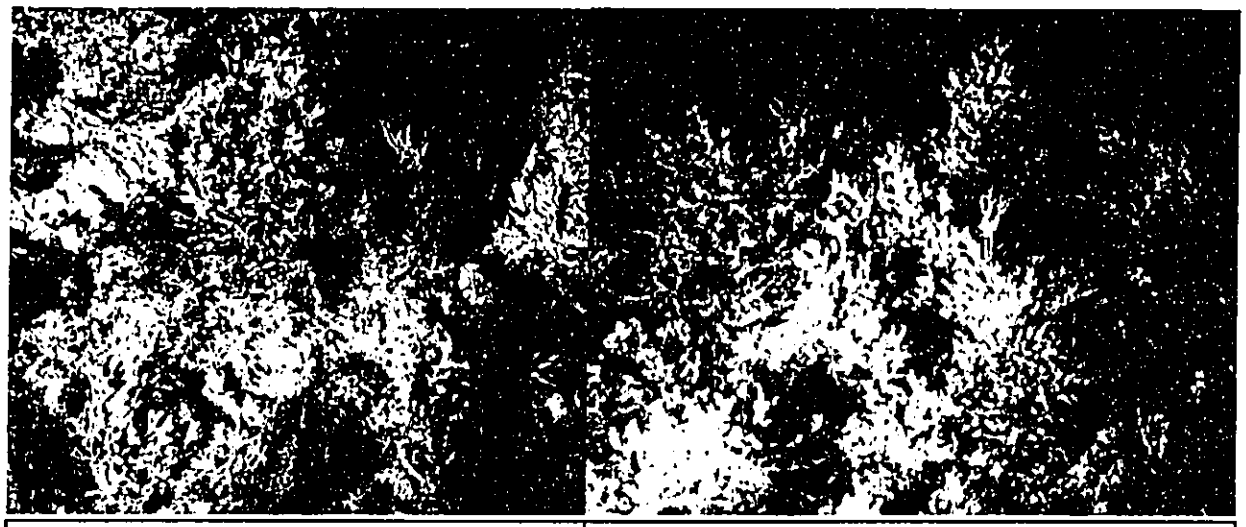
were consistent with adjacent areas. This also afforded the opportunity to observe the nature of benthic communities beneath adjacent piers. The observer then swam across the dredged channel, along the inner face of the back-reef area and about half way out to the reef face, and then returned across the channel to complete the survey of adjacent areas.

Mr. Robert Bourke offers the following responses to your specific questions:

Your question states, in part that the benthic survey - - "*analyses discloses no definitive observations on the presence (or lack thereof) of coral species in the project area.*" With respect to the actual shelf adjacent to the seawall, where direct construction impacts will be confined, the DEA states on page 9, paragraph 3 "*The rubble and semi-consolidated benthic substrate on the shelf fronting the seawall was covered with benthic algae. The substrate consisted entirely of small to large rubble covered with seaweed.*" For clarity, the closing sentence of the paragraph states "*No corals or large invertebrates were seen on the shelf....*" Also for clarity, in the following paragraph where coral communities are discussed, it is stated that "*There are no isolated corals within the proposed pier surface footprint.*"

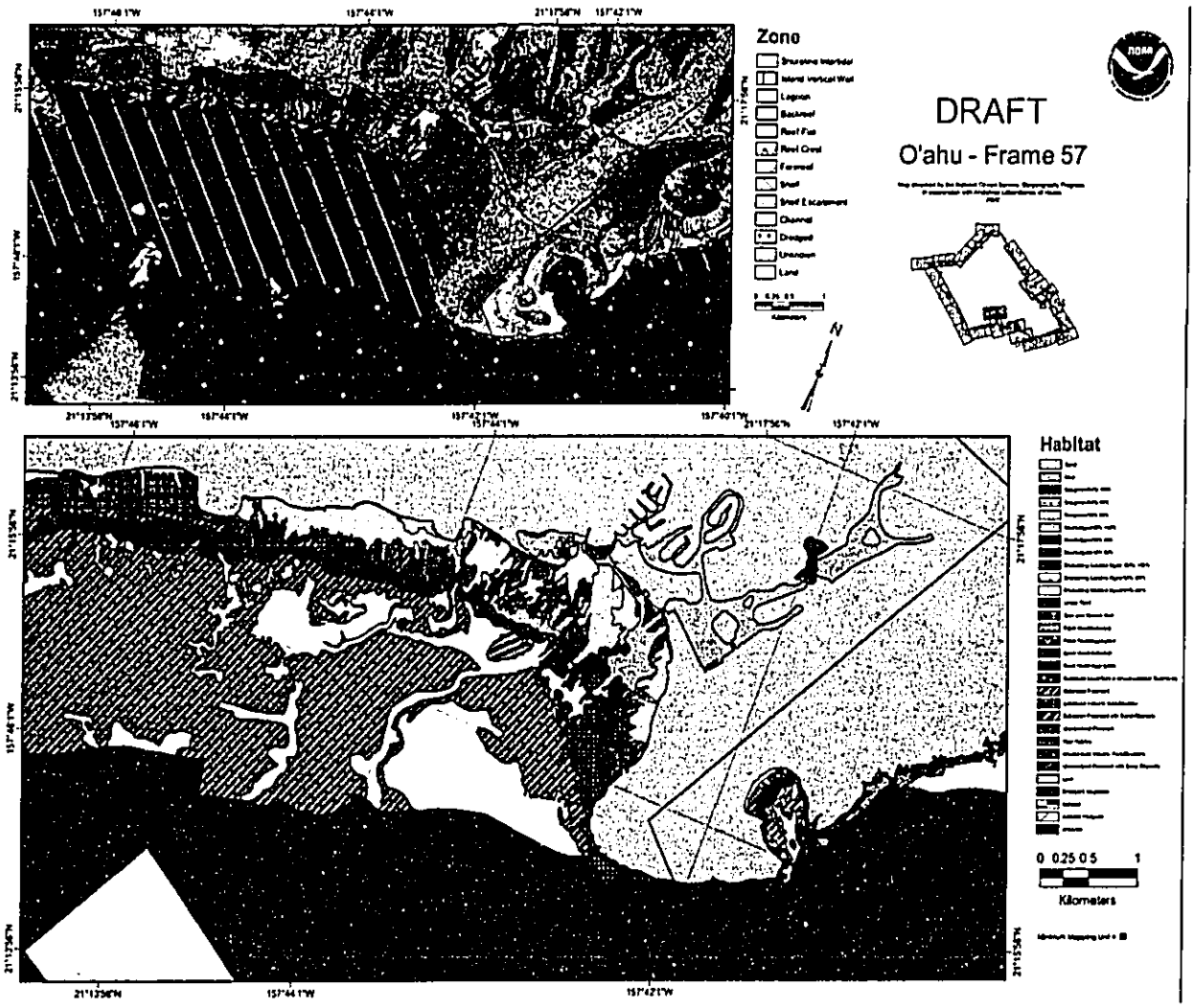
With respect to corals in the vicinity of the project, the DEA clearly defines the coral communities on the escarpment of the dredged face of the canal in paragraph 4 of page 9 "*Occasionally, near or just below the rim of the ledge, small isolated colonies of Pocillopora damicornis (Lace Coral) are seen.*" And further "*Substantial colonies of encrusting Montopora verrucosa (rice coral) are present in several places along the vertical face of the ledge and have formed boulder-sized colonies on rocks near the base of the ledge on both sides of the channel.*" On page 10, paragraphs 3 and 4 we further discuss corals observed on the makai side of the channel including Pocillopora and Porites species at the edge of the back-reef area.

Two photographs showing the character of the shelf in the area of the proposed footprint are shown below.



Above photo shows mixed algae habitat at the edge of the ledge fronting the dredged channel fronting the project site.	Above photo shows typical algae (Acanthophora spicifera, and Sargassum sp.) dominated rubble habitat on top of shelf at location of proposed pier footing.

Due to the importance of coral reefs to our State, significant funds have been expended to ascertain the location of coral reefs. In the map (reproduced below) produced by the State and Federal funded Coral Reef Task Force, the position of the reef can be clearly seen to be offshore of the Wailupe Circle project site as a stippled green area denoting 50-90% Macro Algae Habitat.



"Please discuss the likelihood of coral planulae settling on benthic substrata in the environmental assessment."

There has been an increased awareness and appreciation of coral reefs during the past 20 years. This appreciation has led to the implementation of regulations and policies protecting coral reefs. The primary Federal regulation and policy documents clearly state the necessity of protecting "coral reefs" which are functionally and geomorphologically distinct from coral colonies, polyps, or planulae. A coral reef is a distinctly defined habitat structure. The habitat fronting the Pietsch residence is a back-reef lagoon area, permanently separated from the reef by a dredged channel. In Hawaii it has been against the law to harvest coral colonies for over twenty years, but new state laws have added additional protection. The recently

amended Hawaii state law HRS §188-68 (signed 2002) goes beyond the federal law by providing protection for all stony corals. State law prohibits the "intentional breaking or damaging, with crowbar, chisel or any other implement, any live stony coral from the waters of Hawaii, including any live reef or mushroom coral". Stony corals are further defined as "...any of a variety of invertebrate species belonging to the order Scleratinia characterized by having a hard, calcareous skeleton...". It is unclear if this law extends to gametes or larval forms that do not have calcareous skeletons. However, if the regulation is determined to extend to gametes and larval forms, it would be the intent primarily to provide a means to protect the spawning activity of corals where populations could be subject to damage. Primary spawning events for corals of the genus Montipora and Porites occur two days following the full and new moons during June and July. It would therefore be rational to control activities that could adversely impact planulae during these brief periods of time. However, the universal applications of this law to all coral life stages at all places and at all times of the year has the potential to inappropriately impact or prohibit literally any marine activity.

To answer the question directly; it is highly likely that coral planulae will settle on the benthic substrata near, around, and on the project area, as well as upon the newly constructed footing. However, the existing character of the shelf at the base of the seawall is clearly defined as low intertidal algae dominated rubble habitat. It is, therefore, highly unlikely that any of these planulae would survive and develop into a coral colony, much less a coral reef.

Planulae are formed by the millions as the fertilized coelenterate gametes morph from the sterogastrula stage to that of the ciliated, free-swimming planula larva. This planula stage may last for hours or days until it either settles, or more commonly, dies. Planulae larvae are formed by thousands of non-coral species within the coelenterate phylum, and differentiation between the specific larval forms is clearly an advanced specialty that far exceeds the requirements of an environmental assessment. The spawning periods of the coral species present near the project site the spawning periods are usually during June and July either at new or full moons. Therefore by avoiding construction during the months of June or July for a period of one week following the full moon, the concerns of the OEQC would seem to be satisfied.

2. CLARIFICATIONS CONCERNING SHORT PIERS THAT SPAN THE DISTANCE TO THE PERIMETER CHANNEL:

"Please clarify whether this access from the sea wall...to the perimeter channel is for the purpose of recreational boating"

The nearshore environment shoreward of the perimeter channel is typically marked by somewhat choppy surface conditions. As such, the proposed pier will not be regularly suitable for recreational boating. The primary uses of the proposed pier are expected to be fishing, surfing, and swimming access.

3. CULTURAL IMPACT ASSESSMENT

It is our understanding that you will be consulting with appropriate persons and agencies to clarify impacts to current cultural resources or practices such as gathering and fishing.

4. REEF RUBBLE REMOVAL AT PROPOSED PIER.

"Construction of the pier will require the removal of reef and possible coral planulae colonized rubble, constituting an "irreversible and irrevocable destruction of a natural or cultural resource" constituting a significant effect... ".

Mr. Robert Bourke offers the following response to the OEQC comment:

> As stated in answer to the above question, we believe that the OEQC is misinterpreting the definition of both "coral reef" and the significance of "coral planulae" in the review of the DEA. Clearly, the misapplication of the new state "stony coral protection" law could effectively stop any marine activity, and this is not the intent of the legislation. Our opinion is that this project is not a threat to coral reefs or other living marine resources. The attached review and comment on this DEA by the State Division of Aquatic Resources (DAR) does not offer any concern about adverse impacts from this proposed project. The OEQC may want to consult with DAR to obtain their opinion.

I hope that the preceding discussion and additional information clarifies the issues of concern to the OEQC. Please feel free to give Monte Hansen or myself a call at 531-3017 if you have any questions.

Sincerely,

Warren E. Bucher

Warren E. Bucher, Ph.D., P.E.
Senior Ocean Engineer

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...innovation through engineering and scientific excellence...

Re: Item #3

PHONE (808) 594-1888

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

FAX (808) 594-1865

HRD03/1011

July 7, 2003

Michael Pietsch
292 Wailupe Circle
Honolulu, Hi 96821

RE: New Pier at 292 Wailupe Circle

Dear Mr. Pietsch,

Thank you for hand-delivering the cultural impact assessment and environmental assessment for the above referenced project. The cultural impact assessment was well done and shows that pier is unlikely to affect Native Hawaiian cultural practices in the area.

OHA has no further comments. If you have further questions, please contact Pua Aiu at 594-1931 or e-mail her at paiu@oha.org.

Thank you for the opportunity to review this project.

Sincerely,

Peter L. Yee
Director
Nationhood and Native Rights

Re: Item #3

Cultural Impact Assessment
for
New Pier at 292 Wailupe Circle

Prepared for

Michael Pietsch
292 Wailupe Circle
Honolulu, Hawaii 96821

Prepared by

John Clark, Ocean Recreation Consultant
P.O. Box 25277
Honolulu, Hawaii 96825

June 2003

1.0 CULTURAL AND RECREATIONAL USES

1.1 Purpose.

This cultural impact assessment was prepared to provide information to the State of Hawaii's Office of Environmental Quality Control (OEQC) in regard to the construction of a new pier at 292 Wailupe Circle, Honolulu, Hawaii, 96821, TMK 3-6-001:022. In a letter dated May 15, 2003 to Mr. Michael Pietsch, owner of the subject property, OEQC Director Genevieve Salmonson recommended that Mr. Pietsch provide a cultural impact assessment that includes consulting with "individuals who fish or gather offshore in the regional waters as to whether the proposed action affects cultural resources or practices" and that Mr. Pietsch "address the cumulative impact of pier building in the waters offshore of the former Wailupe fishpond on nearshore gathering and fishing."

1.2. Project Description.

The owner of the subject property is proposing to build a wooden deck pier with a concrete footing across a shallow reef shelf adjoining the seawall that defines the southeast boundary of his property. The pier will be approximately 27 feet long and 10 feet wide. The top of the wooden deck will be approximately 5.6 feet above mean sea level (MSL). The deck will be supported by a concrete piling on a rectangular concrete footing embedded a minimum of 8 inches into the reef substrate. The existing seawall along the seaward boundary of the property will also support the deck.

1.3 Project location.

The subject property is located on Wailupe Peninsula, a residential community on the shore of Wailupe Valley, also known as Aina Haina, in East Honolulu. The subject property, TKM 3-6-01:22, is located on the ocean in the southeastern corner of Wailupe Peninsula at 292 Wailupe Circle.

1.4 Scope.

The scope of work included:

1. Observing ocean activities, including fishing and gathering practices, at the subject property, at Wailupe Peninsula, and in the nearshore regional waters adjacent to Wailupe Peninsula, hereafter known as "the subject area."

2. Interviewing nearshore and offshore ocean users who practice fishing and gathering activities in the subject area.

3. Identifying nearshore cultural resources in the subject area.

3. Identifying potential impacts of the new pier on ocean activities, including fishing and gathering practices, and determining whether the proposed action affects cultural resources or practices.

1.5 Report methodology.

Information for this report was gathered from site visits to the subject property and from interviews with people familiar with the shore and offshore waters of Wailupe Peninsula. The most recent site visits and interviews were conducted in June 2003.

In addition, the consultant who authored this report has personal and professional knowledge of this area. He first surfed off Wailupe Peninsula in 1960 and has surfed there regularly approximately twice a month for the past 15 years. During the past 43 years, he has observed all the ocean activities, including fishing and gathering practices, which occur in the subject area. He also knows several members of the group of long-time fishers and gathers that frequent Wailupe Beach Park and has spoken to them on many occasions regarding their fishing and gathering activities.

In addition, as the author of the beaches of Hawaii series published by the University of Hawaii Press, a series of books that inventory all of the beaches on the eight major Hawaiian Islands, he has interviewed many individuals, including long-time residents of Wailupe Peninsula, Aina Haina, and other areas of East Honolulu and other informants who are long-time users of the subject area.

The information is this cultural impact assessment is a summary of the information provided by all of the informants identified above.

2.0 PHYSICAL CONDITIONS

2.1 Historic Site Description.

Wailupe Peninsula was one of three historic fishponds that were built on the shore of Maunalua Bay. The others were located at Niu, now Niu Peninsula, and at Hawaii Kai, now Hawaii Kai Marina. The historic Wailupe fishpond was described by J. Gilbert McAllister in Archaeology of Oahu (Bernice P. Bishop Museum Bulletin 104, Bishop Museum Press, Honolulu, 1933) as follows:

Site 56. Wailupe fishpond, adjacent to the land of the same name.

The pond is 41 acres in area. The wall is approximately 2500 feet long. The west side is a broad sandy area, at least 50 feet wide, through which the four outlets (makaha) now pass. The remainder of the wall is 12 feet wide, with waterworn basalt faced higher on the outside than within. The central part is of dirt and sand fill.

In 1947, Robert Hind, Ltd., began developing Wailupe Valley as the residential community of Aina Haina. In 1948, in conjunction with the development of the valley, the Hawaiian Dredging Company, the owner of the historic fishpond, converted it into a

residential subdivision known today as Wailupe Peninsula. The reclamation project included pumping more than one-half million cubic yards of coral into the pond at a cost of $750,000. The coral fill came from dredging operations to create the perimeter boat channel that surrounds the peninsula and that also cuts through the reef to the open ocean.

2.2 Present Site Description

When Hawaiian Dredging filled in the historic Wailupe fishpond and created the Wailupe Peninsula subdivision, many of the perimeter lots were approximately five feet or more above mean sea level (MSL). This is the situation for the subject property. In addition, when Hawaiian Dredging dredged the perimeter boat channel surrounding the peninsula, they left a narrow margin of shallow reef between the perimeter seawall and the boat channel. The reef margin varies in width from approximately 10 to 20 feet around the entire peninsula, except one section on the west side where it was dredged completely to accommodate a private launch ramp for peninsula residents.

In order to access the deep waters of the perimeter boat channel from the seawall, property owners along the seawall have built short piers that span the shallow reef margin to the edge of the perimeter boat channel. The subject property does not have a pier.

3.0 OCEAN ACTIVITIES

The shore of Wailupe Peninsula, including the shore of the subject property, is a narrow margin of shallow reef approximately 10 to 20 feet wide between the peninsula's seawall and its perimeter boat channel. No public access is permitted to the reef margin through the peninsula's private boat ramp or its two private beach rights-of-way. The public gains access to the reef margin primarily from two sites, Wailupe Beach Park (TMK 3-5-022:023) on the west side of the peninsula and the public right-of-way from Kalanianaole Highway on the east side (TMK 3-7-001:020). The Kalanianaole right-of-way is a portion of a 10-foot wide storm drain easement. The public may also access the reef margin from the ocean.

Use of the reef margin by Wailupe Peninsula residents and non-residents is minimal. The reef margin is not regarded as a productive area for fishing or gathering activities. It is also not emergent, even during the lowest low tides of the year, and is awash during high tides, often with small waves surging into the seawall during periods of moderate to high surf. These conditions discourage most fishers and gathers, so the few activities that occur on the reef margin usually occur during periods of low tides and low surf.

3.1 Specific Activities on the Reef Margin

The shallow reef margin that borders the perimeter seawall of Wailupe Peninsula is used primarily by pole fishers during periods of low tides and low surf. They access the site either from Wailupe Beach Park or from the Kalanianaole public right-of way. The only other activities that occur on the reef margin are landings and launchings, primarily by

kayakers and surfers. The kayakers and surfers are usually residents of Wailupe Peninsula or their guests who are accessing either the perimeter boat channel or the offshore surf sites. They land on the reef margin to reach the ladders that are built into most of the small piers.

Fishing. Pole fishing is the most prominent activity on the reef margin with several groups of fishers who use it to fish in the deep waters of the perimeter boat channel. One small group of mullet fishers, approximately six in total, fish on the west side of the peninsula between the boat ramp and the southwest point of the peninsula. They feed the fish in one particular spot in the boat channel and have conditioned the fish to frequent this spot. Mullet catches are sparse, the best catch to date in 2003 being five two-pound mullet in one day by one person. Pualu, a larger and more aggressive fish than mullet, are also attracted to the same spot by the feeding activities and are caught there, too.

The mullet fishers on the west side of the peninsula do not fish on the east side and are not aware of other mullet fishers who do. The ocean conditions on the east side of the peninsula are normally rougher with the prevailing trade winds, and they prefer to fish in the protected lee of peninsula. The west side of the peninsula is also close to the beach park, which offers park amenities such as paved parking, showers, and restrooms, which the public right-of-way on west side does not.

Thrownet fishing for mullet and other schooling species does not occur on the reef margin. Schooling fish that are usually the target of thrownet fishers normally do not frequent the reef margin and the boat channel is too deep for thrownet fishing. Thrownet fishers in the subject area prefer a natural channel through the reef to the west of Wailupe Beach Park where schools of fish such as mullet and weke are found. Most of the fish found on the reef margin are few in numbers and small in size, juveniles of their species.

In addition to the mullet pole fishers, other pole fishers use the reef margin for whipping into the boat channel, primarily for papio. These fishers are usually found between Wailupe Beach Park and the southwest point of the peninsula, but may occasionally be found anywhere on the reef margin. They, too, usually fish only during periods of low tides and low surf.

Gathering.

Traditional gathering activities on the shores of the subject area once included harvesting two popular edible species of seaweed, limu manauea and limu eleele. However, few seaweed grounds in the subject area today include these species, and they are not found on the reef margin. Seaweed harvesting activities in the subject area occur primarily on the reef flat to the west of Wailupe Beach Park.

The boulder seawall bordering the peninsula, including the seawall fronting the subject property, supports some populations of edible shellfish, specifically pipipi, and crabs, specifically aama. No gathering of these species, however, has been reported or observed

at the subject property or along the reef margin. The shellfish and crab populations are small in number and size. No opihi were observed or reported on the seawall.

3.2 Specific Activities Off the Reef Margin

Boating.
Boating, an occasional activity in the perimeter boat channel, is usually limited to residents of Wailupe Peninsula. The channel through the reef and the perimeter boat channel are unmarked and unlighted and normally not used by non-resident boaters. The small piers on the reef margin are usually not used to secure motorized boats. Residents who own motorized boats bring them into the boat channel and anchor them off their homes. In general, this activity takes place off the homes in the lee of the peninsula or on its south side, and infrequently on its windward side.

Although the residents of Wailupe Peninsula have access to a private boat ramp on the west side of the peninsula, use of the ramp is infrequent. The ramp is narrow and steep and can only accommodate small boats on small trailers.

Non-motorized boats such as surf skis (racing kayaks) and ocean kayaks (recreational kayaks) are launched and landed from residents' piers or from the private rights-of-way, including the boat ramp, and kayakers use to reef margin in this process.

Surfing.
Surfers probably comprise the largest group of ocean users around in the subject area. The popular surf sites off the peninsula from east to west include Lefts, Suicides, Bones, and Wailupe. All of these sites break on the shallow reefs on the seaward side of the perimeter boat channel. Resident surfers use the reef margin to access the surf sites and return to shore, but the majority of the surfers are non-residents and use the perimeter boat channel to access the surf sites, entering the channel from Wailupe Beach Park and the Kalanianaole public right-of-way.

Swimming.
Some ocean swimming occurs in the perimeter boat channel, usually by residents who swim in front of their homes. They use the reef margin to enter and exit the water or to access the ladders on their piers, if they have piers.

Spear Fishing.
Spear fishing usually does not occur on the reef margin or in the perimeter boat channel. Spear fishers usually walk across the reef flat fronting Wailupe Beach Park and dive outside the reef and the surf sites. Spear fishing for octopus, or "squidding", also usually does not occur on the reef margin. Octopus fishers prefer the wide, shallow reef flat to the west of Wailupe Beach Park.

Public Safety.
The small piers on the reef margin occasionally provide a public safety function. The surf sites off the peninsula all break on shallow reefs, and occasionally surfers are injured,

sometimes seriously. In the event of serious injuries or reported drownings, surfers may use the piers as emergency exits from the ocean to extricate victims and call for emergency assistance. The piers are much closer to the surf sites than the usual points of exit, Wailupe Beach Park and the Kalanianaole public right-of way.

5.0 IMPACTS ON OCEAN ACTIVITIES

The impact on ocean activities, including fishing and gathering practices, by the construction of a new pier at the subject property will be insignificant.

The historic Wailupe fishpond was destroyed by the construction of the Wailupe Peninsula subdivision. All fishpond operations and associated activities ended when the fishpond Hawaiian Dredging filled in the fishpond.

The narrow reef margin between the base of the Wailupe Peninsula seawall and the perimeter boat channel is used primarily by pole fishers. The construction of one additional pier on the reef margin will not interfere with their access to the reef margin or their activities on it. Their fishing activities are concentrated in the perimeter boat channel and not on the reef margin.

Opportunities for gathering activities such as for shellfish and seaweed are minimal to non-existent on the reef margin and on the perimeter seawall. Neither the reef margin nor the seawall is regarded as a productive gathering site by long-timer users of the area, and no gathering activities were observed or reported.

Other uses of the reef margin are primarily transitory with swimmers, surfers, and kayakers crossing it to enter and exit the perimeter boat channel. One additional pier on the reef margin will not interfere with their access to the reef margin or their activities on it.

In summary, the proposed action, the construction of a new pier at 292 Wailupe Circle, will not have an impact on cultural resources or practices, including nearshore gathering and fishing, in the subject area. In addition, the construction of a new pier will not contribute to a cumulative impact of pier building in the waters offshore of the former Wailupe fishpond on nearshore gathering and fishing.

CTR from Richard Grigg

University of Hawai'i at Mānoa

Department of Oceanography

MEMORANDUM

6-13-03

Office of Environmental Quality Control
Hawaii State Department of Health
235 S. Beretania St., Suite 702
Honolulu, Hawaii 96813

This letter is written in support of an application by Michael Pietsch to construct a new pier fronting his oceanfront residence at 292 Wailupe Circle in east Honolulu.

Having lived in Hawaii permanently since 1970 and worked at the University of Hawaii as a Marine Biologist and Oceanographer for over 30 years, and being a specialist in coral reef ecology and having published over 100 scientific papers on this subject, many of which deal directly with impacts of coastal zone activities, such as artificial reefs, jetties and piers on coral reef ecosystems, and having studied the effects of pollution and over-fishing on Hawaii's coral reef resources throughout the Hawaiian Islands, and having conducted a snorkeling survey of the piers fronting the Wailupe Peninsula, I would like to offer the following observations and opinions regarding the design and construction of the new pier.

First, I have reviewed the design, construction plans and the dimensions of the planned pier (27 feet long, 10 feet wide, and 5.6 feet high built on a concrete piling and footing on a shallow limestone shelf that fronts the property), and I believe that an additional pier of this design and scale constructed on the southeast corner of the Wailupe Peninsula will enhance the ecology of the overall area. As it now stands, the other piers on the peninsula serve as good models of what ecological conditions will be created by the addition of an additional pier. The ecosystems associated with the piers (including fish), are more diverse and abundant under and next to the piers than on the flat ocean shelf in front of the peninsula in places where piers are lacking. Building a new pier can be viewed as enhancing the ecology (albeit on a small scale) of the otherwise relatively barren seawall and shallow reef margin that border the entire peninsula. The piers serve to increase the biodiversity of this habitat by increasing the number of species of algae, invertebrates and fish by providing shelter and a shaded environment where shade-loving species can attach and increase in abundance. Piers also provide more surface area for all benthic (attached) species than the existing 20-foot shallow shelf margin now does.

An Equal Opportunity/Affirmative Action Institution

As for impacts on the shelf itself associated with the construction of a new pier, these should be minor and temporary. The shelf is relatively shallow and narrow (20 feet wide) and is heavily scoured by wave surge during moderate to high wave conditions. Benthic species that now exist on the shelf are primarily several species of macro-algae and sparsely distributed sea urchins and miscellaneous and inconspicuous invertebrates. I observed no coral on the shallow shelf itself. Placement of a concrete footing on the limestone bottom would not replace any species that would not readily resettle and grow on the footing itself. Therefore, I would anticipate no negative impacts on existing bottom communities. As mentioned above, water column species including fish and species that would thrive in a shaded environment would be enhanced. Shade loving benthic species including ahermatypic corals might settle on the shaded portions of the piling. In this way the biodiversity of the area would probably increase.

Safety is another issue. Having served as a member of the Governor's Task Force on Beach and Water Safety in Hawaii for seven years and being familiar with various hazards and dangers common in nearshore waters of Hawaii, a new pier fronting the Pietsch property would provide an additional emergency exit point for surfers who might be injured surfing the 4 popular breaks fronting the peninsula, as well as for other ocean users, such as spear fishermen, swimmers or kayakers. A gap with no pier now exits on the southeast corner of the peninsula, and this new pier would improve egress as well as access to nearshore waters.

In conclusion, and for all of the reasons listed above, I strongly support the application of Michael Pietsch to build a new pier at 292 Wailupe Circle on the Wailupe Peninsula. Thank you for considering this information and my views.

Yours sincerely,

Richard Grigg

Richard Grigg
Professor of Oceanography

Michael A. Pietsch
292 Wailupe Circle
Honolulu, Hawaii 96821
Ph: 521-0259 (Ofc.)
Ph. 373-3021 (H)

June 17, 2003

To Whom It May Concern:

I am responding to a neighbor's letter (dated 4/29/03) regarding the proposed pier at my home, which is located at 292 Wailupe Circle.

For the record, my wife and myself do not consider the DLNR, nor any other regulatory office in the State of Hawaii to be a "joke". We are diligently following all the required processes and have submitted the following items to the appropriate agencies:

1) Draft Environmental Assessment, QEQC Bulletin Publication Form, Conservation Use Application, Project Summary were submitted to the **DLNR.**

2) Draft Environmental Assessment, QEQC Publication Form were submitted to the **Office of Environmental Quality Control.**

3) Department of the Army Permit Application was sent to the **Army Corp of Engineers.**

I have requested numerous studies and opinions by the following experts: Oceanit Engineering, Richard Grigg, Professor of Oceanography, and a Cultural Impact Assessment has been provided by John Clark, Ocean Recreation Consultant. These studies have been submitted to the above agencies for their review/comment.

All of the studies/assessments have basically reached the same conclusion; the pier will have no adverse impact on the marine environment; to the contrary "it will provide shade to "shade loving fish and coral"* and " will provide additional safety for fishermen, swimmer, kayakers, and surfers who use this area."*

I am a "local boy", born and raised in Hawaii. I too am concerned about our fragile environment and would not construct a pier that would do any damage either above or below the water. It is my intent to construct a legal pier, which will be an asset to the Wailupe Community.

Sincerely,

Michael A. Pietsch

* Letter of Richard Grigg dated 6/13/03

Michael A. Pietsch
292 Wailupe Circle
Honolulu, Hawaii 96821
373-3021 (H)
521-0259 (Ofc)

July 11, 2003

Mr. Eric A. Crispin, AIA
Director of Planning and Permitting
City & County of Honolulu
650 South King Street
Honolulu, HI 96813

Re: Pier Project at 292 Wailupe Circle

Dear Mr. Crispin:

I am responding to your letter dated 4/22/03 regarding the Conservation District Use Application for a new pier located at 292 Wailupe Circle.

Enclosed please find a letter from Warren Bucher of Oceanit dated 6/25/03, in which he responds to your comments on Section III – Characterization of Affected Environment. Additionally, Mr. Bucher addresses your comments/questions with regard to the Shoreline Setback Variance. Also enclosed for your review/information is a Map showing improvements within the 40-Ft. Shoreline Setback, Lot 22, Land Court Application 1596; this map is dated 7/15/03 and has been prepared by James R. Thompson. If any of these improvements as shown do not comply with Chapter 23 of the Revised Ordinances of the State of Hawaii, then the SSV (Shoreline Setback Variance) will be expanded to include these structures.

Please note that Mr. Thompson's map also states the following:

> **"Shoreline follows along the outer face of seawall as certified by DLNR on 12/23/02"; and**
>
> **"Boundary follows along the outer face of former seawall as described in the metes and bounds description of the Wailupe Peninsula (File Plan 416 (Land Court Application 1596, Map 1)"**

I look forward to hearing from you soon regarding the status of the CDUA Application for the proposed Pier Project at 292 Wailupe Circle. Thank you for your consideration.

With aloha,

Michael A. Pietsch
encls. (3)

W. D. PURNELL & ASSOCIATES, INC., Bellingham, WA. 4 -91 to 12-91
Project Engineer - Civil / Structural and Geotechnical engineering for industrial, commercial, and private projects. Supervised 5 engineering technicians and geologists while managing and performing detailed engineering of multiple projects. Typical detailed engineering included geotechnical explorations, soil testing and evaluation, rockeries, block walls, soldier pile retaining structures shoring systems, bulkheads, pile foundations, concrete foundations and retaining walls, surface and subsurface hydrologic analysis, and FEMA no-rise analysis.

CHRISTENSON ENGINEERING CORPORATION, Bellingham, WA 12-88 to 4-91
Senior Engineer - Civil / Structural engineering for industrial, marine, municipal, and commercial projects. Supervised design engineers and performed detailed engineering involving soils engineering, topography, pile foundations, concrete foundations, site boundary and topographical surveying, sheet and soldier pile tied back and cantilevered bulkheads, retaining structures, shoring systems, structural analysis, and hazardous waste containment. Major projects involved upgrading refinery and related POL pipeline structures and marine bulkhead structures. Was a cost and scheduling engineer, contract administrator and field engineer for the Arco 1989-spring turnaround.

MILTON J. WOOD COMPANY, Jacksonville, FLA. 3-87 to 8-88
Project Manager - Heavy civil, marine and industrial construction management and engineering. Was on site project manager for heavy marine construction projects consisting of all phases of the Jacksonville Electric Authority Coal Unloading terminal (Dock and Trestle, Upland Foundations, and Site improvements). Estimated, bid, and was awarded these projects and managed them through to completion, including union negotiations, contract negotiations and significant extra work change orders. Projects were completed ahead of schedule and under budget. Additional project work included estimating and assistance with construction strategy and as-built for the Celetex Pier Expansion in Jacksonville Fla. and the Georgia Pacific Effluent Line in Palatka, Fla.

METRIC CONST. / J.A. JONES CONSTRUCTION CO., Charlotte, NC. 9-81 to 3-87
Project Engineer - Heavy civil, marine, mechanical, and industrial construction engineering.
Projects and positions assigned and completed:
4-86 to 3-87 Roll Wrap System, Georgia Pacific Corporation, Palatka, FLA- Civil and mechanical construction of an automated paper roll wrapping system. Was responsible for cost, schedule, and management of project and performed hands on layout of all structural and mechanical construction, machine, and equipment setting. Project cost appx. $800,000.
10-85 to 4-86 Cogeneration Plant, Brooksville, FLA- Was responsible for reassembly of disassembled 1945 boiler and advised field staff on documentation of contract changes. Project cost appx. $116,000,000.
11-84 to 10-85 Utility Tunnel, Tenneco Corporation, Newport News, VA- Cut and cover utility tunnel 900 feet long by approximately 15 ft. by 12 ft. for serving nuclear powered submarines in dry-dock. Was responsible for cost, schedule, and construction of entire project. Hands on layout of tunnel for construction was included in field duties. Project cost appx $6,000,000.
4-84 to 11-84 Steam Generator Replacement, South Carolina Power & Light, H.B. Robinson Nuclear Plant- Contract Administration of multiple subcontractors for support of steam generator replacement in operational nuclear power plant. Project cost appx $100,000,000.
Field Engineer I - Heavy civil, marine, industrial
8-83 to 4-84 Ammunition Pier, Hampton, VA- Detailed layout and outfitting of offshore piling and structures, design of templates, jet probe, and construction aides. Diving inspection and retrieval of overboard tools and equipment. Supervised field engineer and survey crew. Project cost approx. $6,000,000.
11-82 to 8-83 Elizabeth River Tunnel, Portsmouth, VA- Supervised two field engineers and three survey crews and performed hands on layout of all phases of tunnel, cut and cover sections, and ventilation building. Responsible for layout, outfitting, and placement of tunnel tubes, cut and cover sections, and vent building, piling and form work on marginal wharf and box culvert. Project cost appx. $96,000,000.
Field Engineer II - Heavy civil, marine, industrial.
9-82 to 11-82 Hanford WNP-1, Richland, WA- Verified documentation and installation of small bore piping and hangers.
11-81 to 9-82 Hood Canal Floating Bridge, Tacoma, WA- Supervised two survey crews and performed hands on layout for outfitting of pontoons, anchors, and superstructures. Performed diving inspection of existing and new structure and retrieved miscellaneous tools. Project cost approx. $86,000,000.
9-81 to 11-81 WNP-3 Containment, Elma, WA- Wrote and implemented field changes and documentation of same as well as supervising five survey crews.

MC SQUARED ENGINEERING CO. 1980 to 1981
Engineer - Part time engineer performing drafting of structures and details, surveying and checking calculations.

THURSTON COUNTY PUBLIC WORKS DEPARTMENT 1979 to 1980

Oceanit.
...innovation through engineering and scientific excellence...

June 25, 2003

Mr. Michael A. Pietsch
292 Wailupe Circle
Honolulu, HI 96821

Subject: Response to City and County of Honolulu (CCH) Department of Planning and Permitting (DPP) letter dated April 22, 2003 regarding CDUA OA-3129, Shoreline Setback Variance Application, and associated Draft Environmental Assessment (DEA)

Dear Mr. Pietsch:

The following are Oceanit's responses to comments from the City and County of Honolulu Department of Planning and Permitting on the subject documents:

Section III (DEA) – Characterization of the Affected Environment

"The section on the City General Plan should describe how the project meets the intent of the General Plan Objectives and Policies."

The socio-economic characterization of the affected environment in the DEA focuses on the consistency of the proposed project with the intent of the East Honolulu Sustainable Communities Plan. A section including discussion of how the proposed project meets the intent of the General Plan objectives and policies will be included in the Final EA Section III (A).

Shoreline Setback Variance

1. The CCH comments regarding the Shoreline Setback Variance (SSV) Application are for the most part related to clarification of existing conditions at the project site as portrayed on the survey map, site plan, and certified shoreline map. It is our understanding that you will coordinate the update of the aforementioned maps.

2. The CCH have also raised concerns regarding the compliance status of existing structures landward of the shoreline. If they do not comply with Chapter 23 of the Revised Ordinances of Hawaii, the shoreline ordinance, and/or are not conforming, the SSV may need to be expanded to include these structures. Please provide information pertaining to the disposition of these structures required to modify the SSV.

3. Please verify the requirements of providing a full-size scalable copy of the site plan, construction plan, and certified shoreline survey are met.

1001 BISHOP STREET • PACIFIC TOWER • SUITE 2970 • HONOLULU, HAWAII 96813
Tel: (808) 531-3017 • Fax: (808) 531-3177 • Email: oceanit@oceanit.com • URL: http://www.oceanit.com

4. The State of Hawaii Department of Accounting and General Services (DAGS) Survey Division was contacted regarding the existence of any previously certified shoreline survey. They have no record of such a survey.

I hope that the preceding discussion and additional information helps to clarify the issues of concern to the CCH DPP. Please feel free to give Monte Hansen or myself a call at 531-3017 if you have any questions.

Sincerely,

Warren E. Bucher

Warren E. Bucher, Ph.D., P.E.
Senior Ocean Engineer

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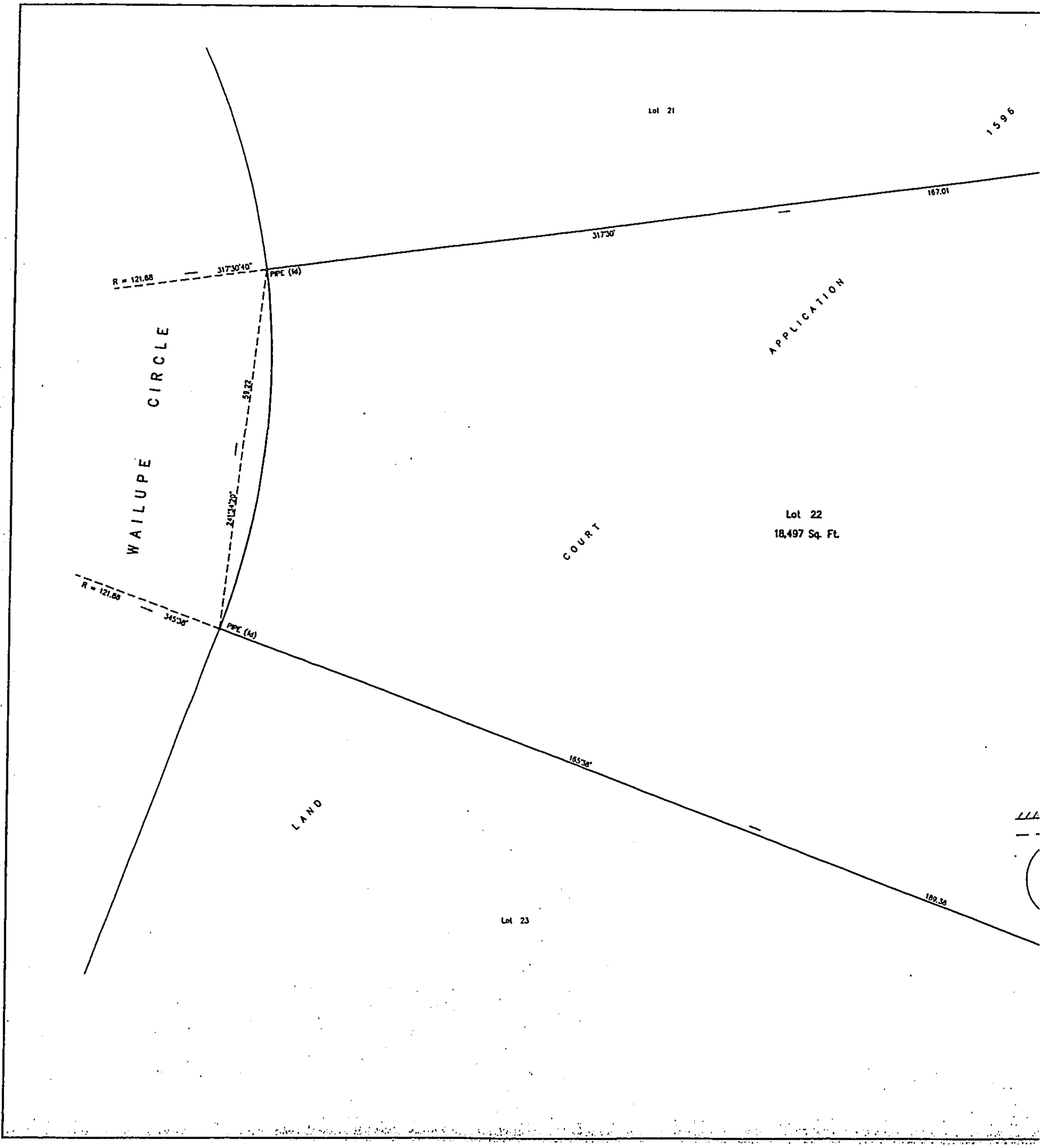
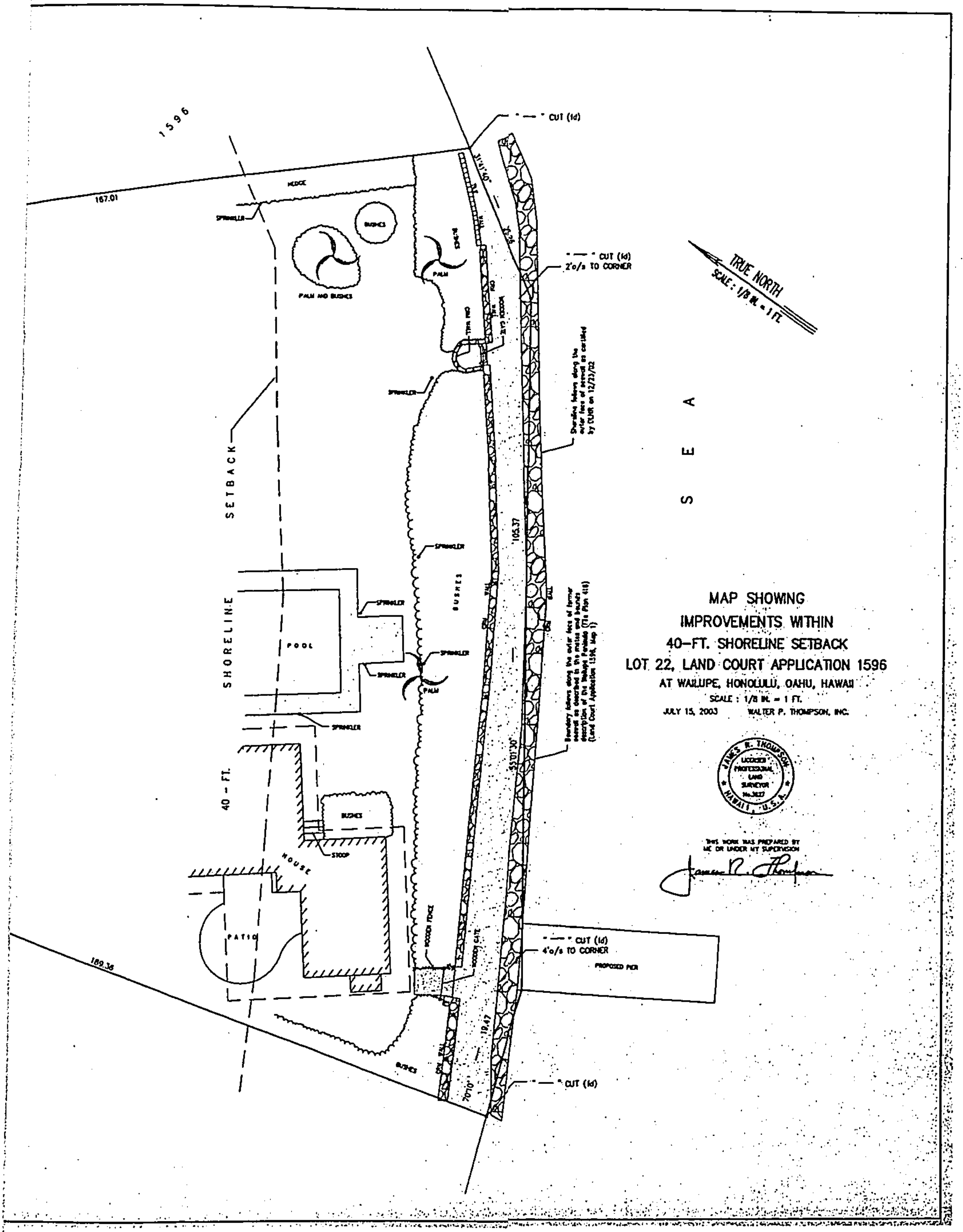


Lot 21
1596
167.01
317°30'
R = 121.88
317°30'40"
PIPE (fd)
APPLICATION
WAILUPE CIRCLE
59.22
241°34'20"
Lot 22
18,497 Sq. Ft.
COURT
R = 121.88
345°38'
PIPE (fd)
165°38'
LAND
189.38
Lot 23



1596
167.01
HEDGE
SPRINKLER
BUSHES
PALM AND BUSHES
PALM
SHORELINE SETBACK
40 - FT.
POOL
HOUSE
STOOP
PATIO
WOODEN FENCE
WOODEN GATE
189.36
105.37
19.47
CUT (Id)
2'o/s TO CORNER
CUT (Id)
4'o/s TO CORNER
PROPOSED PIER
CUT (Id)
TRUE NORTH
SCALE : 1/8 IN. = 1 FT.
SEA
MAP SHOWING
IMPROVEMENTS WITHIN
40-FT. SHORELINE SETBACK
LOT 22, LAND COURT APPLICATION 1596
AT WAILUPE, HONOLULU, OAHU, HAWAII
SCALE : 1/8 IN. = 1 FT.
JULY 15, 2003
WALTER P. THOMPSON, INC.
JAMES R. THOMPSON
LICENSED PROFESSIONAL LAND SURVEYOR
HAWAII, U.S.A.
THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION