DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
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DIRECTOR

BARBARA KIM STANTON
DEPUTY DIRECTOR

2003/ED-6(ST)

November 12, 2004

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
State of Hawaii
State Office Tower, Room 702
235 South Beretania Street
Honolulu, Hawaii 96813-2437

Dear Ms. Salmonson:

FINAL ENVIRONMENTAL ASSESSMENT
CHAPTER 343, HAWAII REVISED STATUTES (HRS)
Environmental Assessment (EA)/Determination
Finding of No Significant Impact (FONSI)

Recorded Owner/ Applicant	:	Donald A. Caindec
Agent	:	Donald A. Caindec
Location	:	47-745C Kamehameha Highway - Kaneohe
Tax Map Key	:	4-7-17: 11
Request	:	After-the-fact Shoreline Setback Variance (SV)
Proposal	:	To retain an at-grade 8'x 11' concrete slab, 3-foot wide, 40 foot long slate walkway and a construction of a 10'x 12' wood deck within the 40-foot shoreline setback.

Attached and incorporated by reference is the Final EA prepared by the applicant for the above project pursuant to Chapter 343, HRS. We have determined that the preparation of an Environmental Impact Statement (EIS) is not required. Enclosed is a 3-1/2" Floppy Disk with a "Summary" of the subject project, Publication Form, and four copies of the Final Environmental Assessment. We request publication of a notice of this document in The Environmental Notice.

If you have any questions, please contact Steve Tagawa of our staff at 523-4817.

Sincerely yours,

ERIC G. CRISPIN, AIA
Director of Planning and Permitting

EGC:nt

Attachments
G:\SteveT\FONSIcaindec.004

2004-12-08 FONSI
CAINDEC AFTER-THE-FACT CONCRETE SLAB,
WOOD DECK & STONE WALKWAY

FINAL

ENVIRONMENTAL ASSESSMENT (FEA)

FOR

Shoreline Setback Variance (SV) Application

Submitted by:

Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

Submitted to:

The Department of Planning and Permitting
City and County of Honolulu

February 29, 2004

TABLE OF CONTENTS

LIST OF EXHIBITS

BASIC INFORMATION

Applicant, Owner and Property Information:

Applicant Name:	Donald A. Caindec
Address:	P.O. Box 6123 Kaneohe, HI 96744-9169
Phone Number:	(808) 239-5885
Recorded Fee Owner:	Donald A. Caindec
Address:	P.O. Box 6123 Kaneohe, HI 96744-9169
Phone Number:	(808) 239-5885
Agent:	None
Tax Map Key:	4-7-017-011 Lot 24
Lot Area:	5,247 sq. ft.

Accepting Authority:
Pursuant to State of Hawaii EIS Regulations Title 11, Chapter 200, Hawaii Administrative Rules (HAR) and Chapter 343, Hawaii Revised Statutes (HRS), the Accepting Authority in this matter is the:

Department of Planning and Permitting
City and County of Honolulu

Agencies Consulted in Making Assessment:
Development of the Draft Environment Assessment (DEA) and Final Environmental Assessment (FEA) was made in consultation with Mr. Steve Tagawa, Land Use Approvals Branch, Department of Planning and Permitting, City and County of Honolulu.

Inasmuch as the proposed projects are very small, straightforward, and simple, no other groups, individuals or organizations were consulted in the development of the DEA and FEA except for neighbors adjacent to the project site.

However, extensive use was made of the internet to obtain regulatory documents, OEQC guidelines, zoning and FIRM data, Oahu Civil Defense Agency tsunami and flooding information, USDA soils reports, ROH, LUO, etc., which were helpful in completing the DEA/FEA.

Anticipated Determination:
A Finding of No Significant Impact (FONSI) is anticipated.

DESCRIPTION OF THE PROPOSED ACTION

I. General Description

1. Brief Narrative

There are three projects proposed; all are located within the 40 ft. shoreline setback area for the property.

a. Concrete Pad

An 8' x 10' concrete pad is to be built at the north end of the property near the water. The pad is needed to store and secure up to two kayaks. No other convenient secure storage space is available on the property except within the shoreline setback area.

b. Slate Walkway

A double curved walkway, approximately 40' long by 36" wide, is to run from the back steps of the house to the edge of the property near the water. It will be made entirely of natural stone slate. No concrete or grout will be used for the walkway. Grass will be grown in the open spaces between the sections of slate.

c. Wooden Deck

Also proposed for construction is a 10' x 12' wooden deck raised approximately 18" above ground. The structure will be at the south side of the property, near the water. It is to be used for sitting, resting and dining. The structure will not have a roof.

Actually, by error on the part of the applicant, both the concrete pad and the slate walkway have already been built. As for the wooden deck, eight concrete foundation posts and bases have been installed thus far. Because these structures were constructed before approval of a Shoreline Setback Variance (SV), after-the-fact approval to retain these structures is being requested. No further work has been done on the proposed projects pending approval of this FEA and the application for a Shoreline Setback Variance (SV).

2. Relationship of Parcel to Shoreline Setback

The property's size is 5,247 sq. ft. The lot is narrow, being only 40 feet wide and approximately 130' long. The 40' shoreline setback area is 1,600 sq. ft., which represents 30.5 percent of the entire property.

All of the projects are situated within the shoreline setback area. They occupy a total of 408 sq. ft. which is 25.5 % of the shoreline setback area or 7.8 % of the entire property.

3. Location Map

Two maps showing the location of the property on the island of Oahu are attached as ***Exhibit A***.

4. Land Use Approval Necessary

By state law, sections of land fronting the seashores of Hawaii are protected from indiscriminate building in order to protect and preserve the natural beauty of the environment for the continued enjoyment of the public. These protected lands, called Shoreline Setbacks, usually include the area 40 to 60 feet back from the natural shoreline of the location.

Pursuant to the Revised Ordinances of Honolulu (ROH) 23-1.5 and 23-1.8, because these projects are situated within a designated shoreline setback area, a Shoreline Setback Variance and a Building Permit from the Department of Planning and Permitting, City and County of Honolulu must be obtained.

II. Technical Characteristics

1. Use Characteristics

The subject property is a single family residence. The dwelling is a two story, five bedroom house with a two-car garage. Living area is 2,200 sq. ft. and the two-car garage is 600 sq. ft. The house is situated approximately 18 feet from the front (mauka) property line and has a foot print of approximately 66 feet x 24 feet. Construction of the home began in April 2001 and was finished in March 2002.

The rear of the house faces the ocean (makai), overlooking a mudflat beach. The Ka'alaea Stream is located approximately 75 yards south of the property, towards Kaneohe. The stream is important to the area because it is the source of the alluvium from which the mudflat was produced.

The proposed 8' x 10' concrete pad is located in the makai-Waihole corner of the lot. It was built at ground level for convenience of lifting and storing up to two kayaks. The walkway is located in the middle of the backyard and the surface of the slab is at the same elevation as the lawn.

A 10' x 12' raised wooden deck is to be installed at the makai-Kaneohe corner of the lot. As mentioned on page 2, it is already partially built. The deck will be used for sitting, resting and dining. It will be built approximately 18" above the ground so as not to disturb natural beach and seawater processes.

2. Physical Characteristics

A map showing the boundaries of the property, shoreline, setback line, and the location of the three projects is attached as ***Exhibit B***. The kamani trees shown on the western boundary and in the back porch of the house were removed during construction of the house.

The backyard, which lies almost entirely within the shoreline setback area, has been planted with Seashore Paspalum, a saltwater resistant grass. The Kaneohe side of the lawn has been planted with tropical plants. The other side is adjacent to an undeveloped lot, filled with natural growth. To access the beach from the house, a slate walkway was also installed at the time the grass was planted.

As part of ***Exhibit B***, there is also a copy of the shoreline certification for the property which was approved by the Department of Planning and Permitting on October 13, 1998. (Note: A new shoreline certification is currently being obtained by Technical Field Data Services, Inc., Land Surveyors. It will be forwarded to DPP as soon as received. Because the shore does not appear to have

changed much since 1998, no significant difference in the position of the shoreline is expected.)

Exhibit B also includes pertinent court documents related to the granting of accretion rights for the subject property. These documents are the:

> Finding of Fact and Decision dated February 17, 1994, and the Decree granting the accretion, also dated February 17, 1994.

3. Construction Characteristics

   a. Concrete Pad

      As shown on the drawing in ***Exhibit B***, the hole for the 8' x 10' concrete slab was first filled with four inches of compact fill (1" crushed blue rock). Then, approximately 32 cu. ft. of concrete was poured into the hole over 6" x 6" #10/#10 wire mesh and finished to a thickness of 4 inches. The slab was then cured for approximately three days.

   b. Slate Walkway

      The slate walkway, also shown on ***Exhibit B***, consists of natural stone slate, approximately 12" x 12" and 12" x 24" in size, laid out in a random pattern and spaced about 1 to 2 inches apart. The slate slabs are roughly 1 to 2 inches thick and were laid directly onto a mixture of soil compost and coral sand. Grass was planted between the sections of slate to give the path a more natural look. No concrete or grout was used to secure the slate to the ground. Excavation was very minimal.

   c. Concrete Deck

      Per ***Exhibit B***, the foundations for the **wooden deck** consist of eight concrete columns, each 8" in diameter, approximately 24" tall, with at least 2 - #4 reinforcement bars placed vertically within the column. The concrete base of these columns are 24" square and 12" thick with 3 - #4 reinforcement bars placed in each direction.

      The floor of the 10' x 12' wooden deck will be built using Trex, a composition material made of a mixture of wood and synthetic fiber. This material is known for ease of maintenance and durability. The deck will consist of 2" x 6" planks, spaced 1/8" apart, and placed on top of 2" x 6" treated wood joists which will be centered 12" apart. The joists will be

attached to the concrete columns by the metal fasteners which were embedded into the foundation columns at the time of construction.

For safety reasons, there will be a 36" high hand railing installed around the deck. Wooden pickets and posts are to be spaced 6" apart. There is also a 3" opening between the deck and the bottom of the railing. Steps will be installed on one side of the deck. The structure will not have a roof.

Vegetation removed from the areas of the proposed projects were primarily weeds, grasses, hau bushes, and small mangrove trees. Approximately 1.5 cubic yards of dirt (mud and sand) were removed and spread over the backyard. Seashore Paspalum grass was planted as a lawn to help control soil erosion.

4. Notice of Violation and Notice of Order

As stated in Page 2, construction of the concrete slab, slate walkway and foundations for the wooden deck was completed in error by the applicant before obtaining the necessary FEA and SV approvals. As a result, the applicant was issued a Notice of Violation (File No.: 2002/NOV-01-048) on August 23, 2002, and a Notice of Order (File No.: 2002/NOO-12-223) on January 17, 2003 for the premature construction of the proposed structures and removal thereof. Action on these notices have been held in abeyance pending final disposition of this FEA and SV.

On January 31, 2002, a fine of $500.00 was paid for the NOV. Also, a payment of $400.00 was made for the Shoreline Setback Variance Application.

III. Affected Environment

1. Description of Site and Surrounding Area

a. General

The specific location of the property is Ka`alaea, a small residential community in Kahalu`u, which is approximately 5 miles north of the town of Kaneohe on the Windward side of Oahu. More specifically, the property is about one-half mile beyond the Hygienic Store in Kahalu`u and is situated on the ocean side of Kamehameha Highway.

The property measures approximately 130' long x 40' wide, with the shorter side facing the water. The part near the water is approximately 1.9 feet above mean sea level (msl) and the front of the lot (near Kamehameha Highway) is 4.1 feet above msl. The elevation at the site of the proposed concrete slab, as well as that of the wooden deck, is approximately 2.0 feet above msl. The highest point of the slate walkway, i.e. nearest the house, is less than 3.0 feet above msl.

The beach at this location is *muddy*, that is, there is no "white sand" and no coral shelves. There is only gray brown mud and a few volcanic rocks. The "mud" is composed of alluvium runoff from the Ka`alaea Valley, which is known for its taro farms. During heavy rainstorms, large volumes of debris, vegetation and alluvium are washed down the Ka`alaea Stream and collect on the mud beach in front of the property.

b. Information on Soil

According to a soil survey by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA), the beach area at Ka`alaea is regarded as a Pearl Harbor clay (Ph). Ph clay consists of very poorly drained soils and is usually found on nearly level coastal plains on the island of Oahu. Per the USDA, these soils are developed in alluvium overlying organic material. Ph clay is found at elevations ranging from nearly sea level to 5 feet above msl. Annual rainfall in areas of Ph clay is usually 18 to 40 inches. Natural vegetation consist of cattails, mangrove trees, California grass, and sedges.

In representative profile, the surface layer is very dark gray, mottled clay about 12 inches thick. The subsoil, about 19 inches thick, is a very dark gray and very dark grayish-brown mottled clay that has angular and sub-

angular blocky structure. The substratum is muck or peat. The soil is neutral in the surface layer and mildly to moderately alkaline in the subsoil.

Permeability of the soil is slow. Runoff is very slow to ponded, and the erosion hazard is no more than slight. The available water capacity is about 1.4 inches per foot in the surface layer and subsoil. In places, roots penetrate to a depth of 2 to 4 feet. Workability of the clay is very difficult.

c. Description of Beach

The beach at the subject property curves off to the right (Kaneohe side) forming a small protective land mass at the mouth of a small waterway known as the Ka`alaea Stream. Because of the natural protective formation of this beach, tidal movements tend to wash ocean debris, vegetation, and other matter into the "cul-de-sac" like area directly in front of the subject property.

Another phenomena that occurs is that silt or alluvium runoff from the Ka`alaea Valley tends to also collect at the "cul de sac," which, over long periods of time such as 30 to 50 years or more, forms an extended portion of the existing land mass. This land growth phenomenon is known as accretion. As a result of the accretion, owners of this short section of beach property have been able to claim ownership of their "new" or extended land through the courts (see para. "d" below).

d. Acquisition and Accretion of Subject Property

The subject property was acquired by the applicant through inheritance. According to available records, the recorded size of the property at that time of purchase by the applicant's parents was 2,545 sq. ft.. Property tax records show that, on September 12, 1919, the shoreline was near the seaward boundary of the lot when it was 2,545 sq. ft.

The property boundary line at the seaward end, however, did not coincide with that shown on current tax maps, therefore, advice of a land attorney (Ashford & Wriston) was sought. Action for Petition for Accretion of the extended land began in September 1991 and was granted under Land Court Order No. 115643 on February 25, 1994. The court gave its approval to extend the property by 2,702 sq. ft.

A few months later, on April 13, 2000, the Department of Planning and Permitting granted the consolidation of the two pieces of property into a

single lot measuring 5,247 sq. ft. Attached is ***Exhibit C*** which is a copy of the consolidation map approved by DPP on April 13, 2000. The map shows the original parcel as Lot 10 as well as the accretion area. The consolidated lot was named Lot 24. The drawing also shows the certified shoreline (10/13/98) as well as the 40' setback line. A copy of the DPP letter approving consolidation of the lots is also included in ***Exhibit C***.

e. Unique Features of the Site

This particular location on the island of Oahu is very unique because of the fact that the land is still growing. Natural land and sea forces combine to deposit silt and vegetation along the shoreline. Over long periods of time, the mud beach grows, moving farther and farther toward the sea. Vegetation eventually flourishes on the muddy shore, stabilizing it, thereby, enlarging the livable area along the coast. This phenomenon is known as accretion.

Another unique feature of the site is fishing. The waters off Ka`alaea have long been noted for good fishing (mostly mullet and papio) and crabbing. In addition, seaweed (ogo), small stingrays, baby hammer-head sharks, and barracuda (kaku) are always present. A moderate number of birds also visit the shore in search of food ... usually small fish, sand crabs or nutrients in the mud. Green sea turtles are also frequently seen nearby.

f. Land Use, Zoning and Population.

Currently, the Land Use designation of the subject property is Urban District (U). Zoning is R-5, Improved Residential. See ***Exhibit D***.

Population in the area is minimal. According to the Economic Development Property Locator produced by the City and County of Honolulu, in 2003, there were less than 10,000 residents within a 2 mile radius of the property. Additional demographic data are shown in ***Exhibit E***.

2. Hazardous Land Conditions

a. Flooding

Like many beach properties in Hawaii, this property is situated in a Federal Insurance Rate Map (FIRM) Zone.

Pertinent FIRM information is as follows:

Community No.	150001
Panel No.	255
Date of FIRM	Nov. 20, 200
FIRM Zone Designation	AE
Reg. Flood Elev.	5 ft. (100 year flood)

(See ***Exhibit F*** which also includes the Flood Fringe District Certification)

Although the property is in a flood zone, the proposed structures are not expected to be affected by flood action. The 8' x 10' concrete slab was constructed so that the top of the slab is at ground level. Thus, tidal flow or flood movement should pass over the structure without harmful effect. Similarly, the slate walkway, which is constructed of heavy slate, is at ground level. Grass planted within the spaces between the sections of slate help to hold the slate down.

As for the wooden deck, use of "Trex," which is slightly heavier than wood and less buoyant, lessens the possibility of flotation. In addition, since the deck is attached directly to the concrete foundation columns via the metal fasteners embedded into the columns at the time of construction, the deck is expected to be stable during a flood.

It is believed that, by virtue of the above, all three projects comply with the flood hazard regulations promulgated in Section 21-9.10 of Land Use Ordinance (LUO) of the City and County of Honolulu. All will resist flotation or movement through natural or constructed means.

b. Tsunami Inundation

The Oahu Civil Defense Agency (CD) has determined that all coastal areas on Oahu are subject to Tsunami inundation. To promote orderly conduct, CD developed Tsunami response guidelines, evacuation maps, and evacuation procedures for 19 coastal locations surrounding the island.

Exhibit G is an enlarged copy of the Oahu Tsunami Evacuation Map Index found in the Verizon Hawaii telephone book of August 2003. Examination of the map shows that the Civil Defense Agency does not feel that the coastal sections of Kaneohe Bay, of which Ka'alaea is a part, will be seriously threatened by tsunamis. This observation is supported by the fact that an evacuation map for the area between Kaneohe Marine Corps Air Station (KMCAS) and Kualoa Point (near Chinaman Hat

norm can be understood by reading the notation on Tsunami Evacuation Map No. 8 - "Kaneohe Bay to Kahana Bay" (also under ***Exhibit G***) which states:

> "Between Kaneohe MCAS and Kualoa Point, waves should not exceed 4 feet above MSL. Therefore, evacuation is not considered necessary. Do secure vessels because of the probability of strong currents and wave action."

In the early 1950's, the applicant personally witnessed tsunami action at the proposed project site. Over a period of about two hours, water at the shoreline receded gently halfway to the edge of the first reef and returned gently to the shore. No shoreline damage occurred.

While the occurrence of tsunami inundation could take place in Kaneohe Bay, in particular at the project site, serious impact on the proposed projects or damage due to the projects, is highly unlikely because tsunami action would beminimal.

c. On-site Drainage

The site of the proposed projects is relatively flat, ranging from 1.9 feet above mean sea level (msl) at the seaward end of the property to 3.0 feet above msl at the start of the slate walkway and 4.1 feet above msl at the front end of the lot (nearest Kamehameha Highway). (Refer to ***Exhibit B***)

Drainage during periods of heavy rains is accomplished by sheet flow over the property. The same holds true for adjacent properties. So far, no problems have been encountered as rainwater flows freely to the shore.

For very large amounts of rain, the Ka`alaea Stream furnishes natural drainage of the area mauka of the property. A City drainage ditch is also located 60 yards north of the property.

The location of Ka`alaea Stream in relation to the property can be seen in ***Exhibit A***.

3. Coastal Views

The view from Kamehameha Highway of the coast at the location of the proposed projects is typical of that with houses along the coast. Trees, shrubs, and houses tend to shield the view, leaving only a limited glimpse of the seashore. That view

will not be changed because of the projects since all of the proposed structures are either at or near ground level. Similarly, the view from the houses on the hillside across the highway will not change.

Photographs showing the coastal view from Kamehameha Highway as well as the hillside are contained in ***Exhibit H.***

From the beach fronting the subject property, there is a southern view of Chinaman's Hat (Mokoli'i Island). Small vertical pipes that dot the water near the shore have been used by local fisherman to secure their boats or as markers for navigating safely out to the marine channel in Kaneohe Bay.

Photographs of the views of Chinaman Hat and Kaneohe Bay from the mud beach as well as the beach itself are shown in ***Exhibit H.*** The concrete deck, slate walkway and the foundations for the deck can also be seen in one of the photos.

4. *Miscellaneous Information*

The following additional information may be of interest in this matter:

- The beach is in a secluded area that the public does not normally access except through a friend's yard or from the water.
- The City has undertaken a large project to build a beach park in Kahalu'u, approximately one-third of a mile south of the location of the proposed projects; eventually the park will attract more people to the area. The new park will probably be completed in three or four years, however, it is not expected that visitors to the beach at the project site will increase measurably.
- Kualoa Beach Park, a large, sandy, city beach, is situated about 2 miles north of Ka'alaea.
- Shorebirds frequently visit Ka'alaea beach for feeding. Nesting has not been observed.
- Small fish come daily to feed on the nutrients in the mud.
- Some fishing and crabbing is done near the shore.
- Tidal movement is very noticeable. The mud section in front of the house is exposed for about 100 feet during very low tides.
- Keeping the beach and shoreline area clean so that sea life and shore birds can thrive is very important to us.

IV. Project Impacts

1. General

As stated earlier, prior approval is required from the Department of Planning and Permitting, City and County of Honolulu, in order to build any structure within the shoreline setback area (ROH 23-1.5 and ROH 23-1.8.).

The applicant notes that in the introductory section of the Revised Ordinances of Honolulu, Chapter 23, it is stated that the "primary policy of the city is to protect and preserve the natural shoreline, especially sandy beaches" ... (underline inserted by applicant). Further, Chapter 23 authorizes the DLNR to adopt rules "which generally prohibit within the shoreline area any construction or activity which may adversely affect beach processes, public access along the shoreline, or shoreline open spaces." (Underline inserted by applicant.)

2. Possible Effects

a. Beach Processes

Both the concrete slab and slate walkway were built to be virtually at ground level, therefore, they represent no obstruction to tidal action. The wooden deck will be approximately 18" above grade, thus, water can move freely under it except for the foundation columns. There seawater can easily flow around the foundation columns.

With regard to the forces of accretion, the phenomenon will continue regardless of the proposed projects. As the seasons change, some erosion of the beach will naturally occur, however, as always, the supply of soil is soon replenished through the process of accretion. Over the years, more soil accumulates than erodes, thereby, ever extending the land seaward. Unlike hardened structures that alter the flow and forces of nature, the projects are not expected to impede the land building processes.

As a matter of interest, two enforcement officers from DLNR visited the project site on two different occasions and verbally acknowledged that they had no objections to the projects. After taking some measurements, stated that, in their opinion, the projects would not adversely affect beach processes. One inspector's name was John Silberstein (See page 21); the other's name is unknown.

With regard to possible impact on sea life, the feeding needs of the shore

birds, fish, and crabs will not be disrupted by the proposed projects since the projects are located away from their feeding zones.

b. Lateral Access to Beach

The beach at the subject property is very isolated and is usually accessed by the public through a friend's yard or by water. Once on the beach, visitors (including neighbors) can walk laterally past the subject property to only one more house. At that point, the beach curves outward, forming the "cul-de-sac" described on Page 8. The proposed projects are located well above the shoreline and will not block lateral access to the beach even during normal high tides.

c. Shoreline Open Space

Existing open spaces and views along the coast are not likely to be affected by the proposed projects. The general public passing the property along Kamehameha Highway will not observe any change in their view of the coast. Because their view is already obstructed by the house and overgrown vegetation in the adjoining undeveloped lot, passers-by will continue to have a very limited view of the beach.

Views from the backyard will not be affected either since the proposed projects are situated at or near the ground.

Typical photographs of views of the coast from the highway and backyard can be seen in ***Exhibit H.***

3. Other Design Options

Alternate possibilities for accomplishing what has been proposed include:

a. Concrete Pad

- **no concrete pad**: The kayaks could simply be placed on the ground somewhere and tied down. Unfortunately, the area would look unsightly and would not be very secure. It is well known that Kahalu'u has a serious "ice" problem. Theft of the kayaks could occur. During construction of the house, outdoor audio speakers were stolen from the patio. A few months ago, all of my fishing gear were stolen. Neighbors have also had items stolen. The proposed concrete pad has built-in cleats that can be used to "lock down" the kayaks. While the kayaks could be stored in the garage if one of the cars was left out, retrieval would be difficult and

injury could result.

- **relocate the concrete pad elsewhere**: Because the lot is narrow, the entire buildable area on the property has already been taken up. Other possible locations for the concrete pad are all within the shoreline setback area. The most convenient location is near the water.

b. Slate Walkway

- **no slate walkway**: Because the space between the house and the shore consists of the entire shoreline setback area, the slate walkway from the house to the beach must be built within it. It is possible to access the beach from the house by simply walking on the grass, however, repeated walking on the grass will only create an unattractive "trail"across the lawn. In addition, a lawn does not provide a safe path for walking while carrying items because of its uneven surface. The slate walkway provides a firm, flat surface and a safer path for walking or carrying heavy objects.

c. Wooden Deck

- **no wooden deck**: Without a deck, the proposed area could be left open and filled with rocks, sand or other fill material. However, it would not be safe for setting up picnic tables and chairs. Also, the introduction of a large quantity of foreign material near the beach could affect the natural environment and beach processes by the mixing in of those materials with the native mud and soil. Like the concrete pad and the walkway, the only available area for a deck is within the shoreline setback area.

V. Mitigation Measures

The applicant considers it mandatory that the beautiful environment that already exists at this location not be disturbed or changed. With this in mind, the proposed projects were designed to ensure that there would be:

- no adverse affect on the beach processes,
- no adverse effect on public access along the shoreline,
- no adverse effect on shoreline space, and
- no adverse effect on coastal views.

Consequently, the concrete slab was purposely designed to be at ground level so that seawater could flow over it during abnormally high tides without any disruption. Normal high tides do not come up to the concrete slab.

Similarly, the slate walkway was constructed to be at ground level. The walkway ends before the start of the beach, therefore, high tide does not normally touch it. Should there be an extremely high tide, the seawater will simply flow over the walkway undisturbed and similarly return to sea.

The wooden deck was designed so that water could flow under, around and through it without restriction. Like the concrete slab and slate walkway, the location of the deck is well away from normal high tide levels. The design and weight of the concrete foundation helps to keep the deck structure stable and secure. The elevation of the grade under the deck is approximately 2 feet above msl.

VI. Miscellaneous Items

1. Agencies Commenting on the DEA

In late March 2003, pursuant to the EIS regulations, Section 11-200-20, HAR, the Draft Environmental Assessment (DEA) was sent to the following agencies for comment and their responses are hereby summarized:

Federal:	
U.S. Army Corps of Engineers (COE)	No response
State of Hawaii:	
Department of Health (DOH)	No comments
Land and Natural Resources (DLNR)	
- Aquatic Resources	No objection
- Forestry and Wildlife	No comments
- State Parks	No comments
- Boating and Ocean Recreation	No response
- Engineering Division	No comments
- Water Resources Management	No comments
- Land-Planning and Technical Services	No response
- Land-Oahu District Land Office	No comments
Business and Economic Development and Tourism (DBEDT)	No response
U. H. Environmental Center	No response
Office of Hawaiian affairs (OHA)	No response
County:	
Department of Planning and Permitting	See comments below
Community Organizations:	
Kaneohe Neighborhood Board, No. 30	No response

Exhibit J is a collection of the above letters and the responses by the applicant.

a. Comments by Department of Planning and Permitting (DPP)

After reviewing the DEA, on April 2, 2003, a large number of suggestions were recommended by the DPP for inclusion and improvement into the FEA. The applicant and his spouse met with Mr. Steve Tagawa of the

DPP on April 9, 2003 to review and discuss each item. All of the comments from DPP were subsequently incorporated into the Final Environmental Assessment. Research on regulatory matters, where needed, was accomplished over the internet.

A table summarizing actions taken by the applicant to address the comments by the DPP is also contained in ***Exhibit J***.

b. Comments by Office of Environmental Quality Control

The DPP also forwarded a copy of their April 2, 2003 comments along, with the DEA, to the Office of Environmental Quality Control (OEQC), State of Hawaii. On April 7, 2003, the OEQC made the following recommendations:

- review and address Shoreline Hardening Policy and Environmental Assessment Guidelines, as appropriate;

[*Applicant's Response*: After carefully reviewing the Shoreline Hardening Policy and Environmental Assessment Guidelines, the applicant has concluded that the proposed projects do not actually fit the criteria for shoreline hardening, such as seawalls, groins and revetments. Construction of the concrete slab, slate walkway and wooden deck will not abate the natural erosion (or accretion) process of the beach, even through seasonal tide and wave periods. Historically, the subject property has tended to accrete rather than erode.]

- obtain a current map of the "certified shoreline" from the State Surveyor's office, assess relationship of the shoreline with the after-the-fact improvements, and determine whether a conservation district use permit is needed for use of subsurface lands;

[*Applicant's Response*: ***Exhibit B*** contains a copy of the Shoreline Certification approved by the DLNR on October 13, 1998. A notation on the Consolidation Map in ***Exhibit C*** indicates that the shoreline as of February 1, 2000 was identical to that on October 13, 1998. It is unlikely that the present shoreline is any different from that in 1998 and 2000, nonetheless, a new Shoreline Certification is being undertaken by the applicant. It is understood and agreed

that erosion and accretion forces at Ka`alaea could cause the shoreline location to move from time to time.

With regard to the possible need for a conservation district use permit, the positions of the concrete pad, slate walkway and wooden deck as shown on ***Exhibit B*** relative to the Certified Shoreline approved in October 1998 are clearly above that mark. No subsurface lands are used or affected, therefore, it does not appear that a permit is required.]

- consider the use of native, indigenous and polynesian introduced plants in restorative landscaping.

[*Applicant's Response*: This has already been done. Landscaping of the backyard where all three projects are located include the following tropical garden plants: laua`e fern (mini), red and green ti leaves, plumeria, hibiscus (several varieties), monstera, gingers (flowering), manila palm, etc. The grass is Seashore Paspalum, which is salt water tolerant.]

2. Significance Criteria

As indicated on the Basic Information page, a Finding of No Significant Impact (FONSI) is anticipated for this FEA. Pursuant to Section 11-200-12 of the Hawaii Administrative Rules (HAR), in deciding on a FONSI, the effects on the quality of the environment, as well as the overall and cumulative effects that a proposed action might have on the environment must be considered.

To aid in the determination of a FONSI, the HAR lists 13 Significance Criteria that must be reviewed and analyzed beforehand. If it is found that a proposed action could have a <u>significant</u> effect on the environment (primary or secondary), the FONSI cannot be awarded.

The applicant believes that the proposed projects do not represent a significant threat to the environment, particularly at the subject site. The following is a review and analyses of the 13 Significant Criteria points as they relate to the proposed projects.

(1) *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource.*

The natural resource in this area is considered to be the alluvium mudflats, fishing and crabbing, ogo (seaweed), mangrove trees, hau bushes, various grasses, and the Ka`alaea Stream.

Culturally, native foods such as banana, taro, coconuts, papaya, and ti leaf are plentiful in Kahalu`u. Because of high rainfall levels, growth is prolific even along the shores of the area.

The proposed projects (concrete slab, slate walkway and wooden deck) are a very minute part of the Ka`alaea area and do not obstruct any of the processes that affect available natural or cultural resources. Since the projects are not in the water per se, the public will continue to access and enjoy their fishing and crabbing. Rain and seawater will pass over the projects freely, flow onto the beach and will have no impact or change to current beach processes. No loss or destruction of natural or cultural resources will result from these projects.

A copy of the DEA was reviewed by the Office of Hawaiian Affairs (OHA). They did not respond, therefore, it can be assumed that there were no issues that concerned them. Also, the Department of Forestry and Wildlife had no comment.

(2) *Curtails the range of beneficial uses of environment.*

Beneficial uses of the environment in this area range from simply marveling at the beautiful view of the coast to enjoying a wonderful meal of freshly caught fish or crab (and occasionally tako (squid) or spiny lobster) and a variety of fresh tropical fruit. The projects do not affect public access to the area because the structures are out of the normal pathway. Enjoyment of the environment can continue unabated. In reality, however, very few people actually come to this area.

(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 state's general policy is to do whatever it can to preserve and protect the environment so that people can continue to enjoy the

natural beauty of this state. Chapter 344, HRS, clearly outlines what should be done by Hawaii's citizens to enhance their quality of life (e.g. population limits, more opportunities, community pride, preservation of resources and energy, etc.). The proposed projects are very low key and support the state policy to conserve natural resources and enhance the quality of life, as expressed in (1) above, by having little to no effect on the current environment. It is felt that the aesthetic values of the proposed projects tend to support rather than conflict with Chapter 344.

(4) *Has substantial effect on economic welfare, social welfare, and cultural practices of the community or State.*

The projects are very small and private, and thus, will have no effect on the economic or social welfare of the community or state. It is a small, individual matter involving one residence.

(5) *Substantially affects public health.*

The proposed projects are simple concrete, slate or wooden structures that do not generate any pollution, chemical products or foul odors. Public health will not be affected or threatened by the proposed projects since no health related matters are involved. The Department of Health, State of Hawaii, after reviewing the SSV Application, had no comments on the proposal.

(6) *Involves substantial secondary impacts, such as population changes or effects on public facilities.*

The projects are minuscule and private and provide no additional living accommodations that would cause a change in population. The projects are confined to a small area of a back yard which is located on an isolated muddy beachfront. Any change in the population of Ka`alaea would not be attributed to these projects.

The nearest public facilities are approximately one-half mile toward Kaneohe. Like typical home improvement projects, the proposed projects will not attract more visitors to the area, therefore, public facilities usage will not increase.

DLNR's Division of State Parks reviewed the DEA and had no comments.

(7) *Involves substantial degradation of environmental quality.*

The proposed projects consist of three small structures; two of them are at ground level; the other is only 18" above grade. Their designs are simple. Environmental quality will remain the same or improve somewhat because of the aesthetic qualities of the projects.

(8) *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.*

The projects are limited to a small residential property on a muddy beachfront. The neighbors are long time residents who are already set in the design of their backyard facilities. This is an individual effort only, not connected to any group or association. It is a one time request which does not involve a commitment for larger projects, therefore, no threat to the environment is anticipated.

(9) *Substantially affects a rare, threatened, or endangered species, or its habitat.*

Rare, threatened, or endangered species (fish or fowl) are not seen in this area. Shorebirds do come to the beach for feeding from time to time but do not seem to nest here. Seabirds come by occasionally, also. Green sea turtles often feed offshore.

The DEA was reviewed by DLNR's Division of Aquatic Resources and the Department of Forestry and Wildlife. Aquatic Resources response was "Significant long-term impacts adverse to aquatic resources are not expected from the proposed shoreline setback variance."

Forestry and Wildlife had no comments.

(10) *Detrimentally affects air or water quality or ambient noise levels.*

The projects (concrete slab, slate walkway, and wooden deck) are essentially static. They are located above the certified shoreline and are not in the water. They do not generate any noise. Also, they do not produce any air pollutants. It does not appear that these projects would be detrimental to air or water quality nor ambient noise level at the proposed site.

(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.*

As noted on Page 9 of this document, the site of the projects is located in a FIRM flood zone designated as AE. In addition, since the subject property is on the beach, it is also subject to tsunami inundation. The Ka'alaea Stream is only 75 yards south of the subject property.

AE zones are subject to inundation by the "100 year flood" making flood insurance mandatory. Unlike wave action, flooding tends to move by sheet flow. The concrete pad and slate walkway are solid and at ground level and should not move as water passes over them. It is unlikely that the pad and walkway would be carried away by a flood particularly since the structures are very dense and quite heavy.

As for the wooden deck, it is anchored into the ground by eight concrete columns attached to concrete bases. The deck is near the seashore. If flood waters were to appraoch it, they would flow under or over it. The level of the flood would become lower as it approaches the deck and flows into the ocean. Therefore, it is unlikely that the deck would be seriously damaged.

As for tsunamis, as pointed out on page 11, the Civil Defense authorities advised that:

> "Between Kaneohe MCAS and Kualoa Point, waves should not exceed 4 feet above MSL."

Ka'alaea, the location of the subject property, lies between those two points. Tsunami action in the Kaneohe Bay area tends to act more like a gradually receding and rising tide rather than a gigantic wave. Impact on the proposed structures should be similar to that of a flood, therefore, little to no damage is expected to the proposed structures.

Although the Kaalaea Stream is only 75 yards to the South of the subject property, there are at least two homes, a large mangrove forest, and hau bushes between the stream and the proposed structures. Additionally, accretion has formed a small promontory

at the mouth of the stream that has extended out about 100 yards. Therefore, high volumes of water issuing from the stream during heavy rainstorms simply drain into the sea, far away from the subject property. No damage to the proposed structures is expected from the Ka`alaea Stream.

(12) *Substantially affects scenic vistas and viewplanes identified in county or state plans or studies.*

A study conducted by the City and County of Honolulu titled "Koolaupoko Sustainable Communities Plan - July 2000" discusses long range concerns and plans covering the geographic area from Waimanalo to Kualoa. Kahalu`u and Ka`alaea lie within that zone. ***Exhibit K***, which is taken from that study, displays the Significant Scenic Features and Viewplanes in Koolaupoko.

Scenic vistas of interest in that study include a view of the ancient Kahalu`u fishpond near the Kahalu`u bridge and that of Kaneohe Bay and Chinaman Hat from an open spot on Kamehameha Highway near Pulama Road in Ka`alaea (both about one-mile from the subject property but in opposite directions). In addition, of course, there is the spectacular view of the Koolau Mountains from the waters Kaneohe Bay.

Looking at ***Exhibit K***, it can be seen that the subject property is just out of the viewplane in Ka`alaea. As noted on Page 14, the subject property is quite isolated and not easily accessible by the public. Being rather small, the proposed projects would be barely discernable from the Ka`alaea vista or from the sea. Therefore, it is believed that current vistas and viewplanes will not be affected by the proposed projects, particularly since they are to be built at or near ground level.

(13) *Requires substantial energy consumption.*

All three projects are very straightforward and simple, requiring no consumption of energy, except for a very small amount during construction. The concrete pad, slate walkway and wooden deck do not have electrical outlets. There is no anticipation of any type of energy requirement that will be needed for the future use of the proposed structures, except possibly for some tiki torches at the deck on occasional evenings.

3. Shoreline Variance Criteria and Hardship Standards

Pursuant to Section 23-1.8, ROH, the Director of DPP may grant a Shoreline Setback Variance under hardship grounds if the applicant meets all three of the hardship standards listed in the ROH. Those standards are repeated here, followed by an explanation of why the applicant believes he qualifies for a variance under the hardship rules.

a. *The applicant would be deprived of* ***reasonable*** *use of the land if required to fully comply with the shoreline setback ordinance and the shoreline setback rules.*

The proposed structures are intended for storage of kayaks, safe walking and outdoor relaxation. It seems reasonable that a small section of the setback area could be used for the proposed structures, particularly since those structures neither disturb the environment nor detract from the beauty of the location.

The applicant presently pays property taxes which includes the area in question, namely the shoreline setback. He diligently clean all the debris that collects here and takes great pride in keeping the shoreline clean. Neighbors will attest to this. Applicant is seeking permission to use a reasonable amount of space of this area and it would certainly be a hardship if this request were denied. There would be no convenient pad to store and secure kayaks. Absence of a walkway would not provide a safe and even surface for accessing the beach or carrying heavy objects across the lawn. There would be no deck with built-in benches near the water to sit and enjoy the environment. Picnic tables and benches could be set up on the grass and removed after each use, but this would cause a hardship on two elderly senior citizens who enjoy social activities with friends and family. The projects do not appear to be in non-compliance with any of the statutes that control and preserve the natural environment of the area.

Other agencies that reviewed the DEA had no adverse comments about the projects in question.

b. *The applicant's proposal is due to* ***unique circumstances*** *and does not draw into question the reasonableness of this chapter and the shoreline setback rules.*

The subject property has been in the applicant's family for over 60 years. His father lived here for nearly 45 years, most of it alone, surviving as a

fisherman. Working as a professional in the oil industry, the applicant and his family traveled to different areas of the world, fulfilling work assignments. Having lived away for over 27 years, the applicant was unaware of shoreline setback regulations in Hawaii and the numerous restrictions attached thereto.

Several years after retirement on the mainland, the applicant returned to Hawaii (1999) to live out his declining years, building his home in the same area where he grew up. The Ka`alaea shoreline affords one of the best areas for enjoyment of the ocean and related activities, particularly within the shoreline setback. The applicant fully understands the purposes and goals of Section 23 of the ROH and undeniably supports the need to protect and preserve the environment.

The applicant also feels that his close ties to this aina, his love of the place, his memories of childhood activities with his father, enjoyment of all the wonderful experiences of growing up here and his desire to share all of this with his children and grandchildren are typical of the Hawaiian cultural value, "Ho'omana'o", sharing memories. He especially wants them to learn to love and respect the seashore like he himself did as a child. This in itself is quite unique and it would be befitting to be able to sit on the deck at the water's edge relating stories of the land and sea. No harmful or detrimental effects of any significance is likely to occur if these projects were allowed to proceed, but the impact of not being able to ho`omanao, overlooking the ocean near the shore, would certainly deprive our children and grandchildren of a priceless lesson.

c. *The proposal is the practicable alternative which* ***best conforms to purpose of this chapter*** *and the shoreline setback rules.*

Since we are on the "beach", recreational focus naturally leans toward water activities. This beach, however, is not a white sand beach, nor is it a swimming beach. It is very muddy and walking in the water can be unstable. The real beauty of the area, however, lies not in the mud but in the overall surroundings: the view of Chinaman's Hat, the fishing, crabbing, boating, kayaking, etc. The proposed projects are "low key", i.e. they are either at ground level or not very high, and, therefore, do not detract from the natural beauty of the surroundings. The proposed projects are not gaudy or ostentatious. They blend into the surroundings and will not be an eyesore. Care has been taken to landscape the areas adjoining the projects and in totality, the entire area is aesthetically beautiful. Although the subject property is in a private and isolated section of Ka`alaea, it will still be accessible to the general public. As mentioned

previously, no change in population is anticipated due to these projects, nor will the natural processes of the ocean and vegetation be affected. Because of the forethought taken in designing the projects, it is felt that they do not adversely affect or contradict the purposes of Sect. 23, ROH.

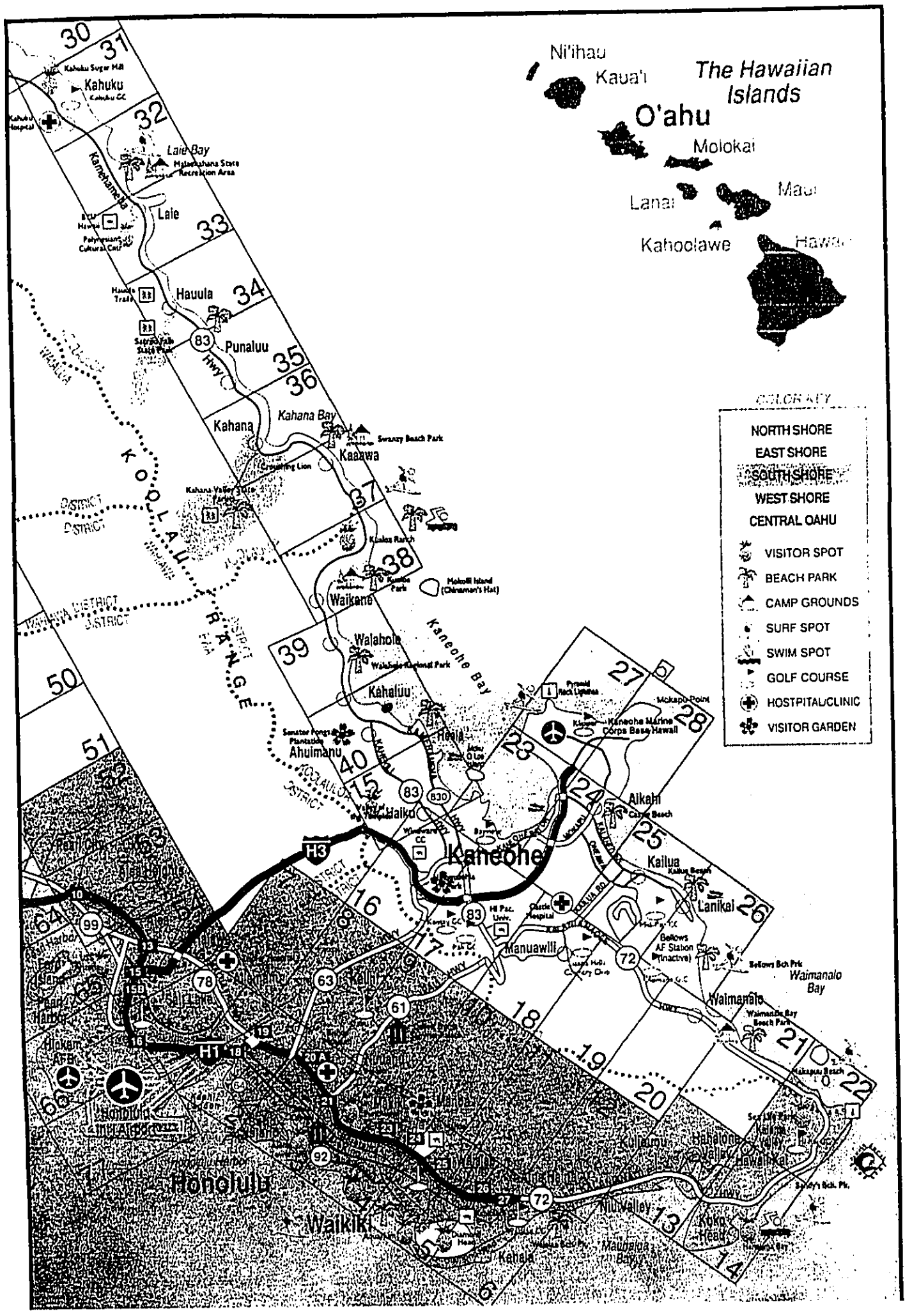
Attached to this FEA as ***Exhibit L*** is an excerpt from the "Addendum to Application for Shoreline Setback Variance" which was submitted to DPP on January 31, 2003. The excerpt addresses the hardship standards, also.

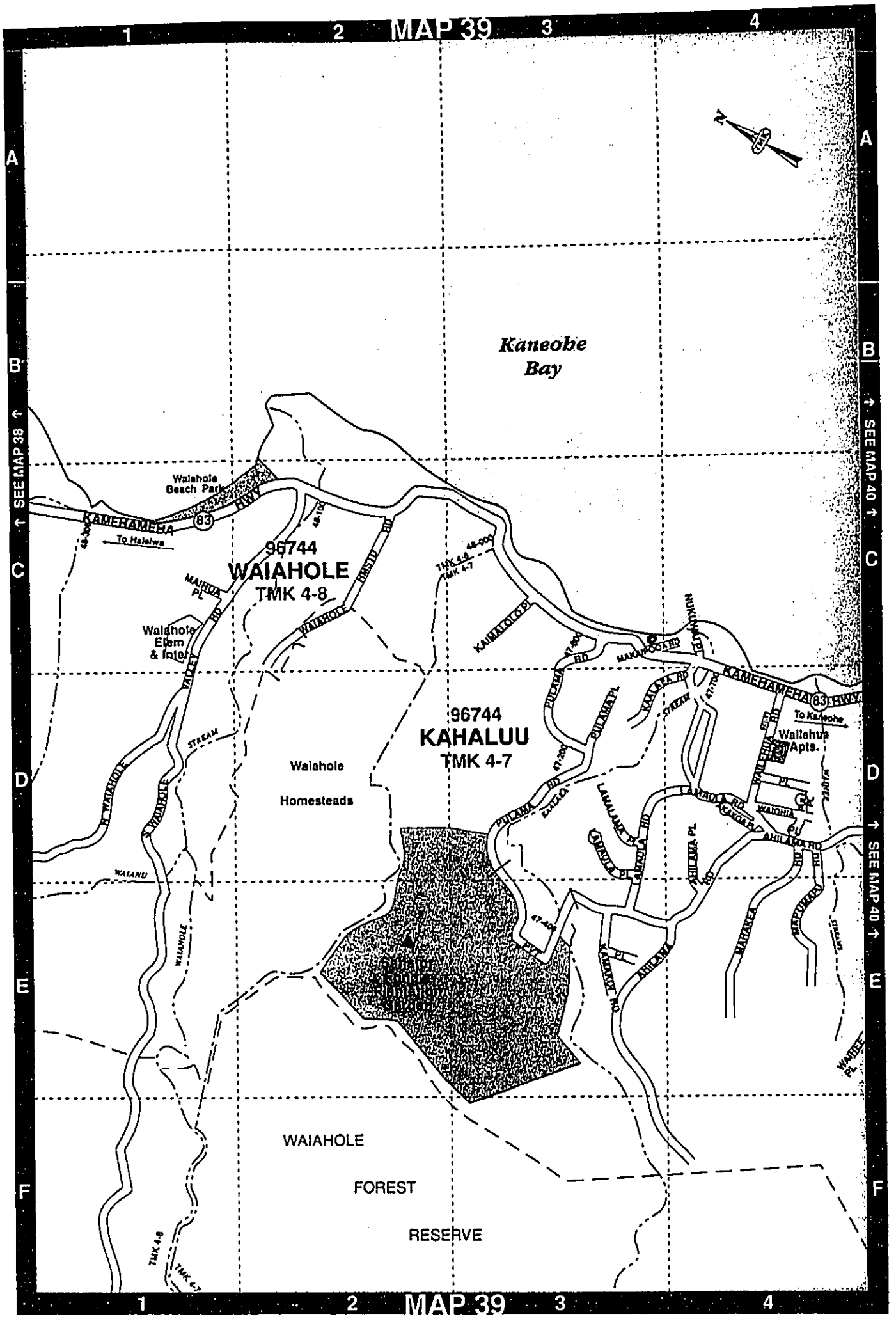
4. Site Inspection by Enforcement Division, DLNR

On August 9, 2002, Officer John Silberstein of the Enforcement Division, Department of Land and Natural Resources, State of Hawaii, visited the project site. He discussed the proposed projects with the applicant and took photographs of the area. After inspecting the location, he indicated that he felt that there was no threat to the beach processes or public access to the beach. He informed us that he would discuss the matter in his office and call me if there was any adverse reaction. Officer Silberstein did not call, therefore, we assume that the proposed projects were acceptable to his office.

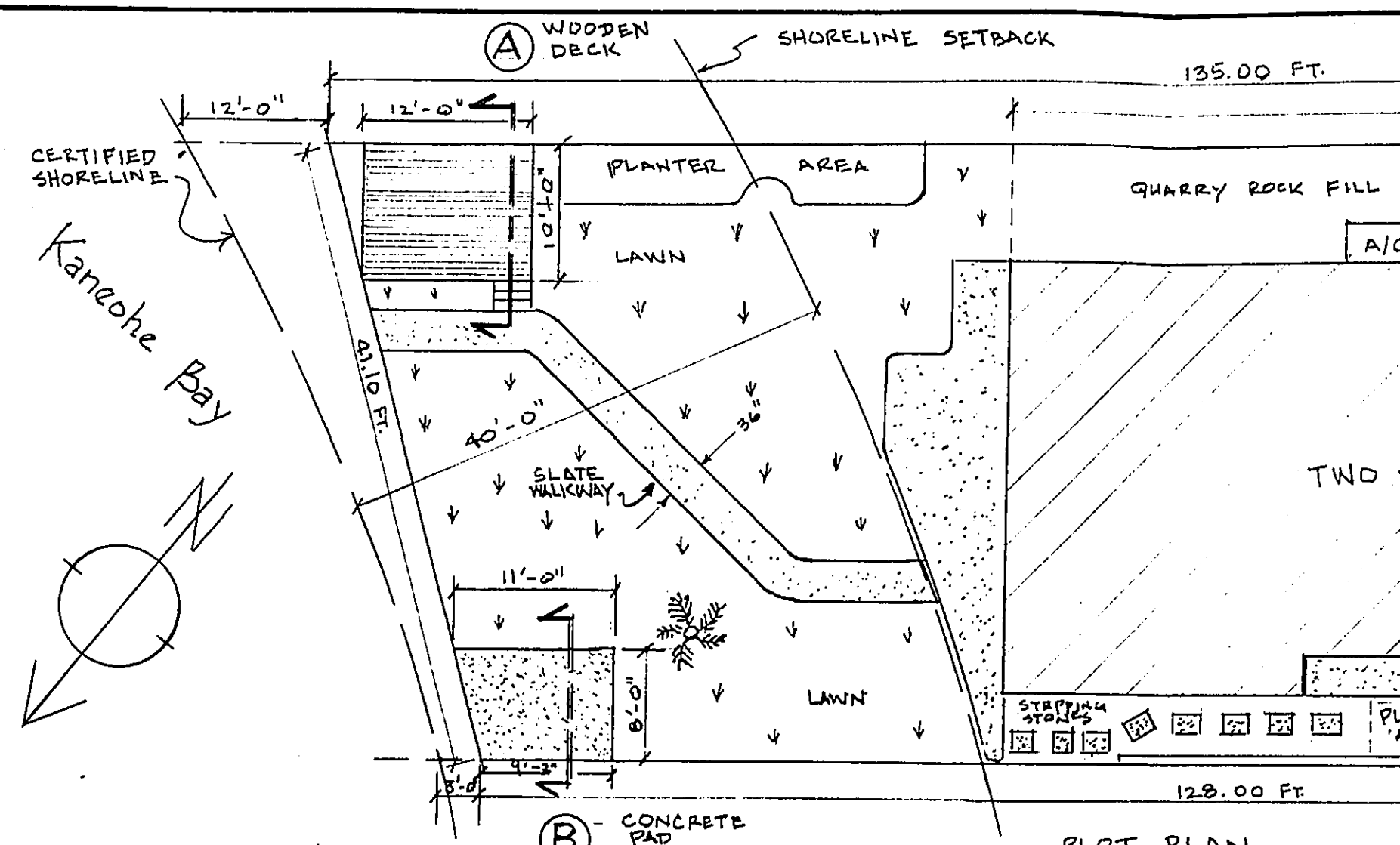
Officer Silberstein also made a follow-up visit to the project site in October, 2002. At that time he was accompanied by an assistant (name unknown). Officer Silberstein took some measurements of the property and again felt that the projects posed no threat to the shoreline and/or beach. He indicated that he would send us a written report, however, we never received it. Officer John Silberstein's phone number is 587-0077.

A

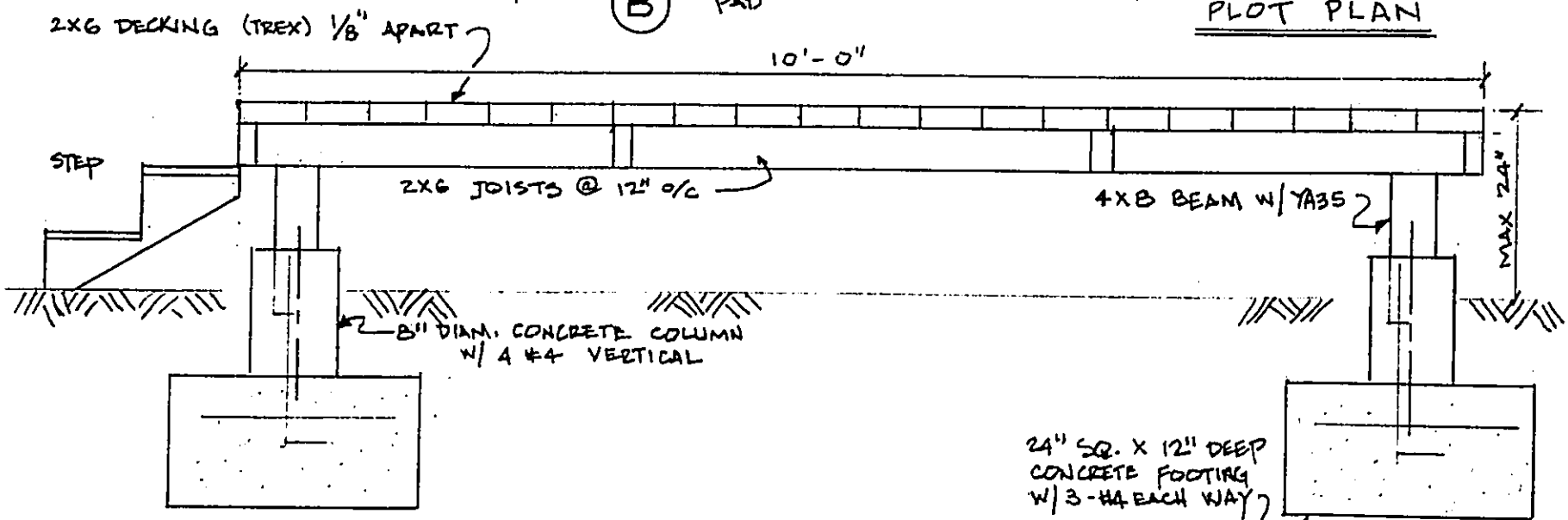

The Hawaiian Islands
Ni'ihau
Kaua'i
O'ahu
Molokai
Lanai
Maui
Kahoolawe
Hawaii
COLOR KEY
NORTH SHORE
EAST SHORE
SOUTH SHORE
WEST SHORE
CENTRAL OAHU
VISITOR SPOT
BEACH PARK
CAMP GROUNDS
SURF SPOT
SWIM SPOT
GOLF COURSE
HOSTPITAL/CLINIC
VISITOR GARDEN
Kahuku
Laie Bay
Laie
Hauula
Punaluu
Kahana Bay
Kahana
Kaaawa
Waikane
Waiahole
Kahaluu
Ahuimanu
Kaneohe
Kailua
Lanikai
Waimanalo Bay
Waimanalo
Manuawili
Aikahi
Honolulu
Waikiki
Koko Head
Hanauma Bay
Makapuu Point
Mokoli'i Island (Chinaman's Hat)
Kaneohe Bay
Kamehameha Hwy
Pali Hwy
H1
H3
83
99
61
63
72
78
92


MAP 39
Kaneohe Bay
SEE MAP 38
SEE MAP 40
Waiahole Beach Park
KAMEHAMEHA HWY
83
To Haleiwa
96744
WAIAHOLE
TMK 4-8
Waiahole Elem & Inter
VALLEY RD
WAIAHOLE
STREAM
96744
KAHALUU
TMK 4-7
Waiahole
Homesteads
To Kaneohe
Waiahua Apts.
WAIANU
WAIAHOLE
FOREST
RESERVE

B

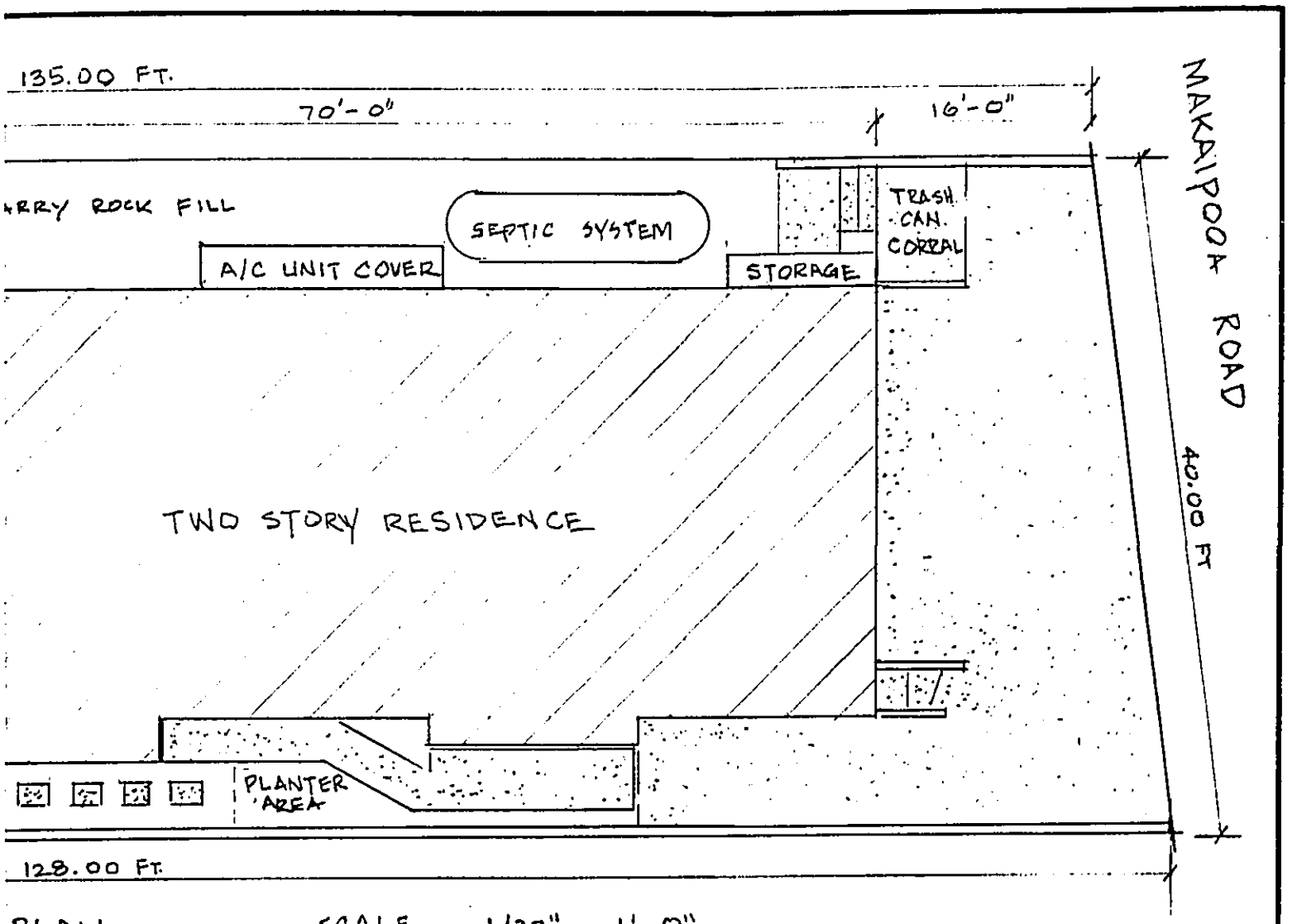


PLOT PLAN

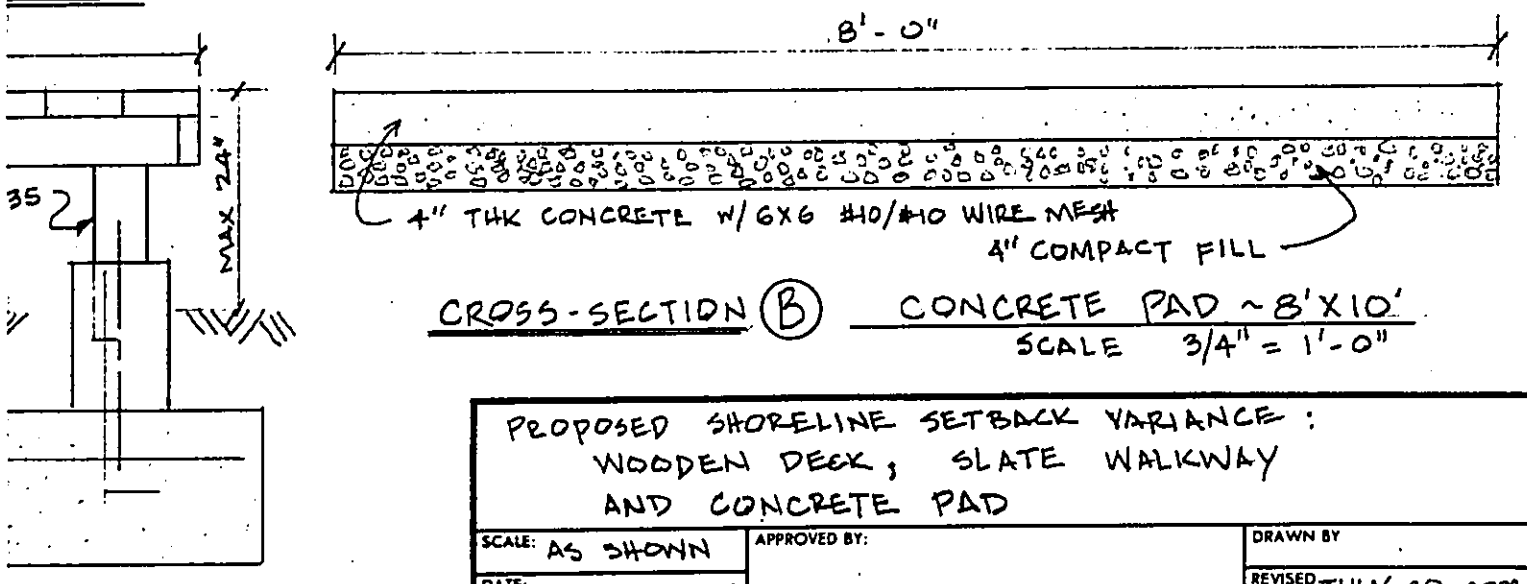


CROSS-SECTION A WOODEN DECK 10'X 12'

SCALE 3/4" = 1'-0"



PLAN SCALE 1/32" = 1'-0"



CROSS-SECTION (B) CONCRETE PAD ~ 8'X10'
SCALE 3/4" = 1'-0"

PROPOSED SHORELINE SETBACK VARIANCE :
WOODEN DECK, SLATE WALKWAY
AND CONCRETE PAD

SCALE: AS SHOWN	APPROVED BY:	DRAWN BY
DATE: FEB. 29, 2004		REVISED JULY 29, 2004

MR. AND MRS. DONALD A. CAINDEC
47-745 C KAMEHAMEHA HWY., KAHALUU

TMK 4-7-17-11 LOT # 24	DRAWING NUMBER

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

October 25, 2004

Mr. Steve Tagawa
Land Use Permits Division
Department of Planning and Permitting
City and County of Honolulu
950 So. King Street, 7th Floor
Honolulu, HI 96813

Subject: Final Environmental Assessment (FEA)
After-the-Fact Shoreline Setback variance (SV)
47-745 C Kamehameha Highway, Kahaluu, Hawaii
Tax Map Key 4-7-17: 11 (Lot24)

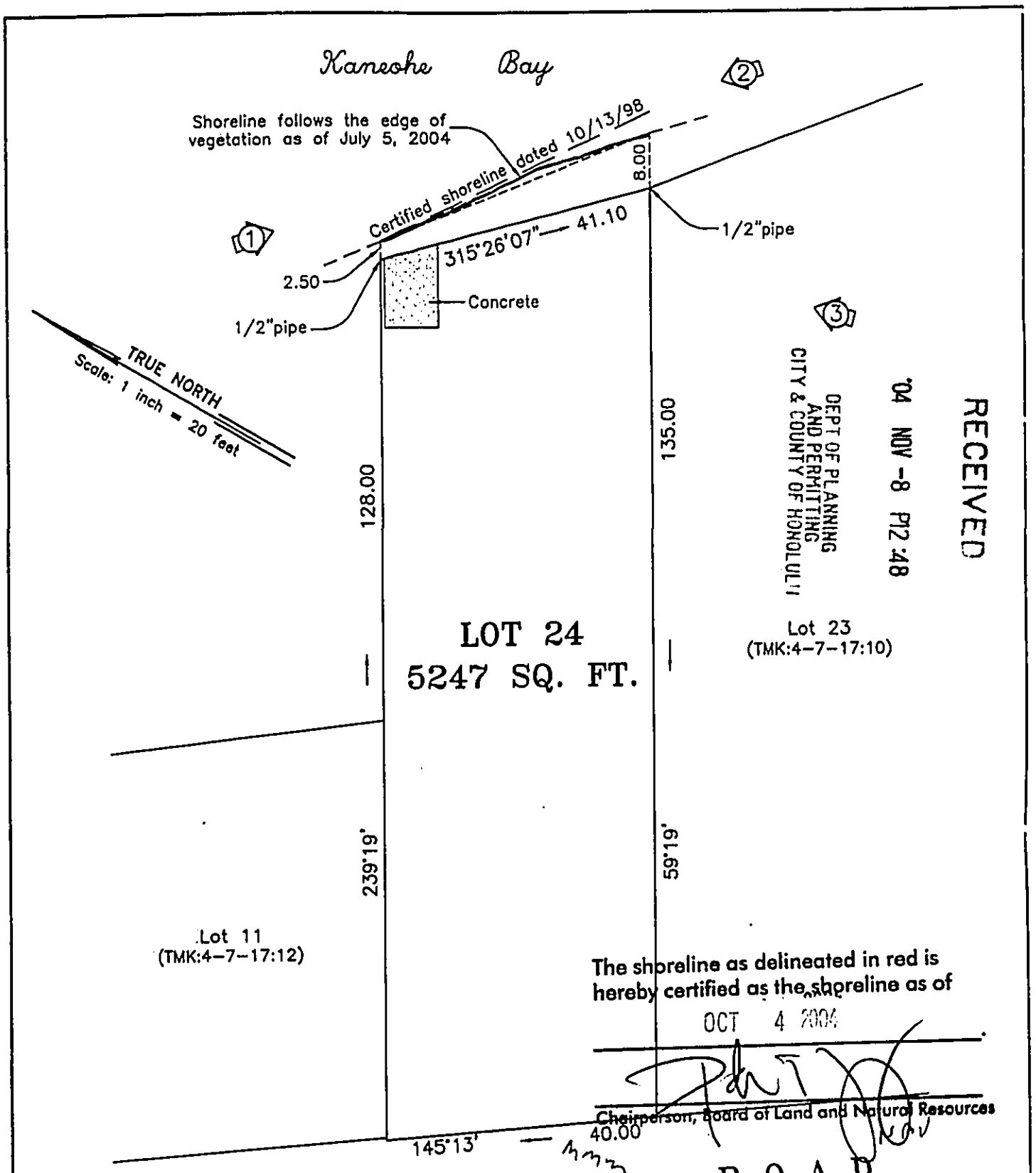
Dear Mr. Tagawa:

Attached, for your use and disposition, are six (6) copies of the Shoreline Certification Survey which was recently approved by the Department of Land and Natural Resources, State of Hawaii.

If you require additional information on the matter, please do not hesitate to contact me by phone at 239-5885 or 754-1155.

Sincerely,

Donald A. Caindec



RECEIVED
'04 NOV -8 P12:48
DEPT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

The shoreline as delineated in red is hereby certified as the shoreline as of
OCT 4 2004

Chairperson, Board of Land and Natural Resources

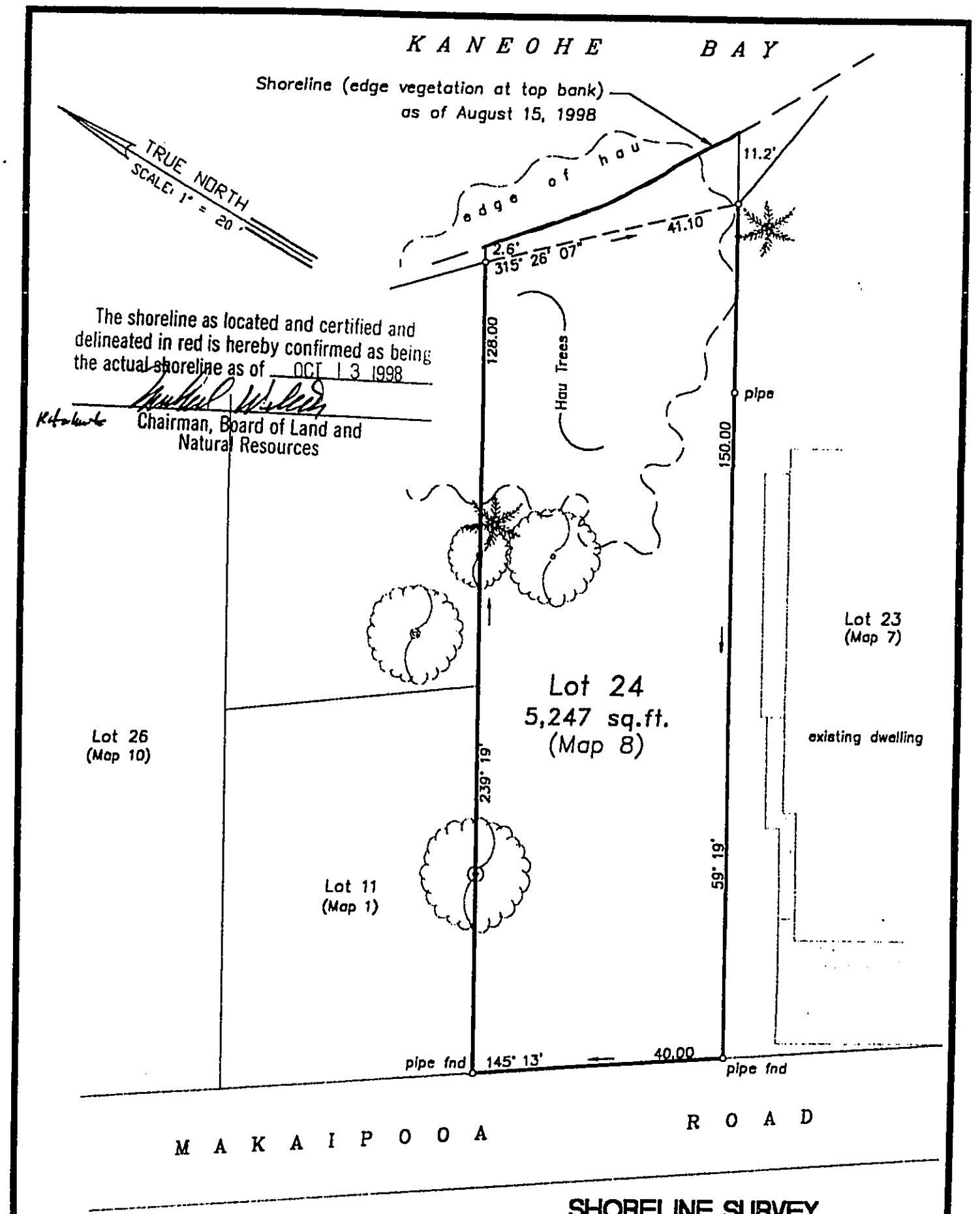
SHORELINE SURVEY MAP
LOT 24
as shown on Map 8
of Land Court Application 446
Kaalaea, Koolaupoko, Oahu, Hawaii
Tax Map Key: 4-7-17:11
Scale: 1 inch = 20 feet
Date: July 7, 2004

Owner: Donald Caindec
Mailing Adress: 47-745C Kamehameha Highway
Kaneohe, Hawaii 96744

JAIME F. ALIMBOYOGUEN
LICENSED PROFESSIONAL LAND SURVEYOR
No. 8216
HAWAII, USA

This work was prepared by me or under my direct supervision.

NOTES:
1. Only improvements shown were located.
2. Denotes number and direction of photographs.



The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of OCT 13 1998

Chairman, Board of Land and Natural Resources

SHORELINE SURVEY
LOT 24
AS SHOWN ON MAP 8 OF
L.D. CT. APP. 446
at Kaalaea, Koolaupoko, Oahu, Hawaii
TMK (1)4-7-17: 11

PATRICK M. CUMMINS
LICENSED PROFESSIONAL LAND SURVEYOR
No. 5078
HAWAII, U.S.A.

This work was prepared by me or under my direct supervision.

Patrick M. Cummins
Licensed Professional Land Surveyor
Certificate No. 5078

Rev. August 15, 1998

98-21/9821shor.dwg/hlc7 HAWAII LAND CONSULTANTS May 25, 1998

Of Counsel:
ASHFORD & WRISTON

ROBERT BRUCE GRAHAM, JR.
Alii Place, Suite 1400
1099 Alakea Street
Honolulu, HI 96813
Telephone No. 539-0400

Attorney for Petitioner
DONALD ADOLPH CAINDEC

#1305-0

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application of HARRY LIVINGSTONE KERR, to register title to real property, situate at Kaalaea, District of Koolaupoko, City and County of Honolulu, State of Hawaii.	APPLICATION NO. 446 (Map 8 - Accretion) FINDINGS OF FACT AND DECISION

FINDINGS OF FACT AND DECISION

This matter came on regularly for hearing before the Land Court of the State of Hawaii on July 23, 1993, at 9:00 a.m.

The Court, having heard and considered the evidence adduced at the hearing, having read and considered the record and files herein, being fully advised in the premises, and good cause appearing therefor, makes the following Findings of Fact And Decision:

1. The records show that the Petition of DONALD ADOLPH CAINDEC, husband of Puanani Jeanne Akaka Caindec, for registration

RBG/0056499.02

of title to accretion to Lot 10, as shown on Map 1, of this Application 446, being the lot described in and covered by Transfer Certificate of Title No. 303,208 issued to Petitioner was filed herein on April 29, 1992, and it, together with a map showing accretion to said Lot 10, was duly referred to the State Land Surveyor for verification, check on the ground if necessary and report.

2. The State Land Surveyor has approved said map and found the accretion to be natural.

3. Due notices were served on the STATE OF HAWAII through its Attorney General and the adjoining owners and all other interested parties as required by law and the rules of this Court.

4. No answers have been filed or appearances noted except as follows:

a. Respondent CITY AND COUNTY OF HONOLULU filed its Answer and Disclaimer herein on July 22, 1993, disclaiming any continuing interest in the action.

b. Respondent STATE OF HAWAII filed its Answer herein on June 9, 1993. By its Answer, the STATE OF HAWAII left Petitioner to its proof and asserted various claims affecting the alleged accretion.

Upon the record and files herein and the evidence adduced at hearing, the Court finds as follows:

1. The high-water mark which is the shoreline boundary of said Lot 10 as of February 18, 1992, the date of the map filed with

said petition, is as shown on said map, and that together with said accretion has been designated as new Lot 24 as shown on Map 8 of this Application 446.

2. The change in the location of the seaward boundary has been due entirely to natural accretion to said original lot on the seaward side.

3. There is no evidence of any man-made or artificial inducement to the accretion.

4. The accretion is natural and permanent and has been in existence for at least twenty (20) years as of February 18, 1992.

5. Petitioner DONALD ADOLPH CAINDEC, husband of Puanani Jeanne Akaka Caindec, is the owner of said new LOT 24.

6. The State of Hawaii reserves and owns all minerals and metallic mines, including all geothermal resources, of every kind and description.

7. The State of Hawaii reserves all rights of native tenants.

8. The State reserves all right, title, interest or claim to waters having their source upon or flowing over or under the parcel.

A decree shall be entered in conformity herewith and the Assistant Registrar of this Court is authorized and directed to

endorse on said Transfer Certificate of Title a reference to said decree.

DATED, Honolulu, Hawaii, _____, 1994.

Wilfred K. Watanabe

Judge of the Land Court of the State of Hawaii

APPROVED AS TO FORM:

William M. Tam 2/2/94

WILLIAM M. TAM
Deputy Attorney General
Attorneys for STATE OF HAWAII

ROBERT BRUCE GRAHAM, JR.
Attorney for Petitioner
DONALD ADOLPH CAINDEC

Of Counsel:
ASHFORD & WRISTON

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Alii Place, Suite 1400
1099 Alakea Street
Honolulu, HI 96813
Telephone No. 539-0400

#1305-0

Attorney for Petitioner
DONALD ADOLPH CAINDEC

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application of HARRY LIVINGSTONE KERR, to register title to real property, situate at Kaalaea, District of Koolaupoko, City and County of Honolulu, State of Hawaii.	APPLICATION NO. 446 (Map 8 - Accretion) DECREE

DECREE

In conformity with the Decision entered herein on FEB 17 1994, 1994, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The map of new Lot 24 be and the same is hereby approved as Map 8 of this Application 446.

2. The high-water mark, being the seaward boundary of said new Lot 24, as of February 18, 1992, is as shown on said Map 8.

RBG/0056499.02

3. Petitioner DONALD ADOLPH CAINDEC, husband of Puanani Jeanne Akaka Caindec, is the owner of said new Lot 24 as shown on said Map 8.

4. The Assistant Registrar of the Land Court is hereby authorized and directed to endorse on said Transfer Certificate of Title a reference to this decree and said Map 8.

5. The State of Hawaii reserves and owns all minerals and metallic mines, including all geothermal resources, of every kind and description.

6. The State of Hawaii reserves all rights of native tenants.

7. The State reserves all right, title, interest or claim to waters having their source upon or flowing over or under the parcel.

DATED, Honolulu, Hawaii, FEB 17 1994, 1994.

BARBARA E. WRIGHT

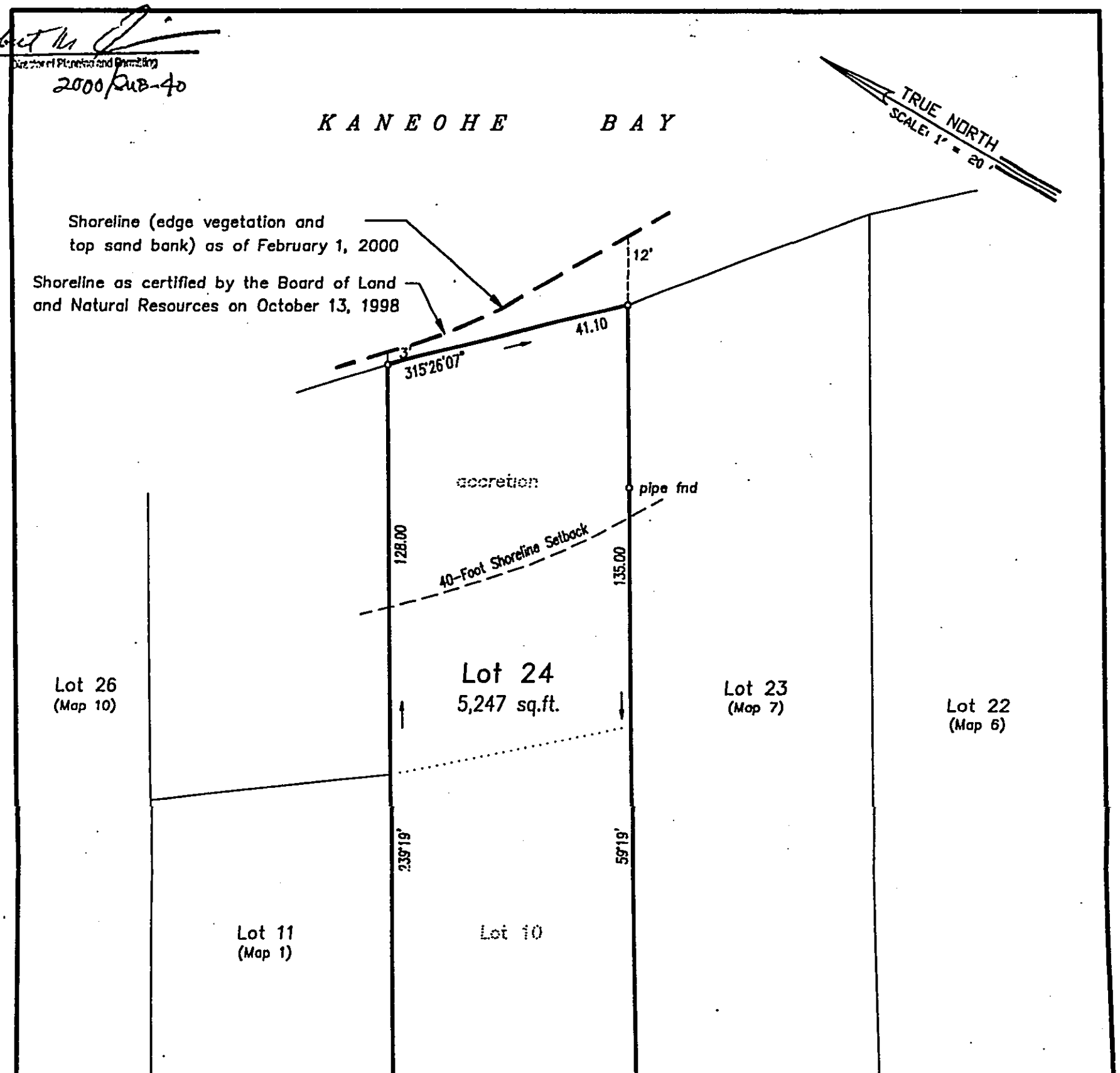
Registrar of the Land Court

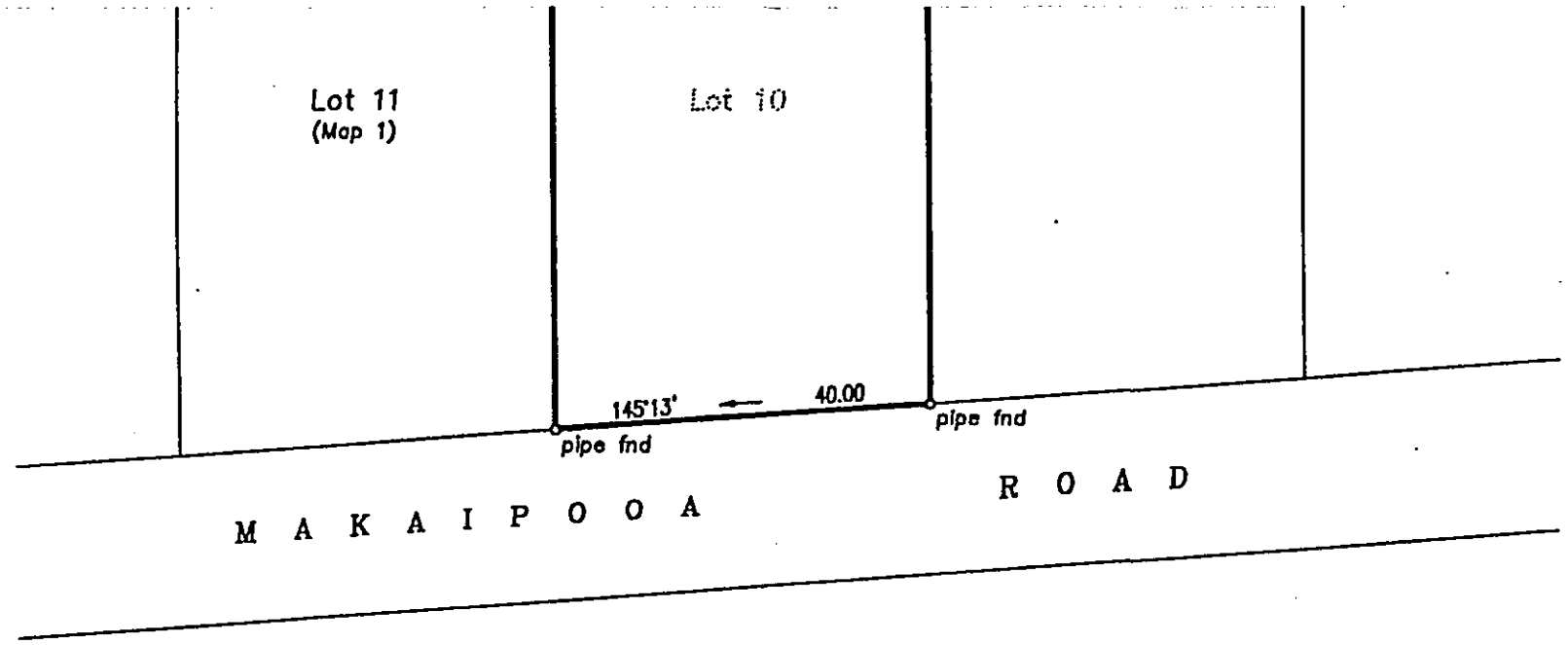
APPROVED
DEPARTMENT OF PLANNING AND PERMITTING
City and County of Honolulu

Date APR 13 2000

Director of Planning and Permitting

For 2000/SUB-40





PATRICK M. CUMMINS
LICENSED PROFESSIONAL LAND SURVEYOR
No. 5078
HAWAII, U.S.A.

This work was prepared by me or under my direct supervision.

Patrick M. Cummins
Licensed Professional
Land Surveyor
Certificate No. 5078

CONSOLIDATION OF LOT 10 AS SHOWN ON MAP 1 OF LD. CT. APP. 446 WITH ACCRETION INTO LOT 24 AS SHOWN ON MAP 8 OF SAID LD. CT. APP. 446 at Kaalaea, Koolaupoko, Oahu, Hawaii

TMK 4-7-17: 11

Owner: Donald Adolph Caindec

Note:
1. Total area = 5,247 sq.ft.
2. Zoning = R-5
3. Flood Zone AE

Rev. March 24, 2000
Rev. February 1, 2000
December 24, 1999

99-66/9966shor.dwg(9821shor.dwg)

HAWAII LAND CONSULTANTS
P.O. Box 5282, Kaneohe, HI 96744

10"x 15"= 1.04 sq.ft.

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

JEREMY HARRIS
MAYOR

RANDALL K. FUJIKI, AIA
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

2000/SUB-40(RM)

April 13, 2000

RECEIVED APR 1 4 2000

Mr. Patrick M. Cummins
Hawaii Land Consultants
P. O. Box 5282
Kaneohe, Hawaii 96744

Dear Mr. Cummins:

Proposed Consolidation:	Kaalaea--Makaipooa Road
Tax Map Key:	4-7-17: 11
Owner:	Donald A. Caidec
Surveyor:	Hawaii Land Consultants
Zoning:	R-5 Residential District

APPROVAL was granted on April 13, 2000, to the proposed consolidation of Lot 10 as shown on Map 1 of Land Court Application 446 with accretion into Lot 24 as shown on Map 8 of said Land Court Application 446 of 5,247 square feet.

The accretion of Lot 10 was recorded in the Land Court as Map 8 of Land Court Application 446 on May 26, 1993.

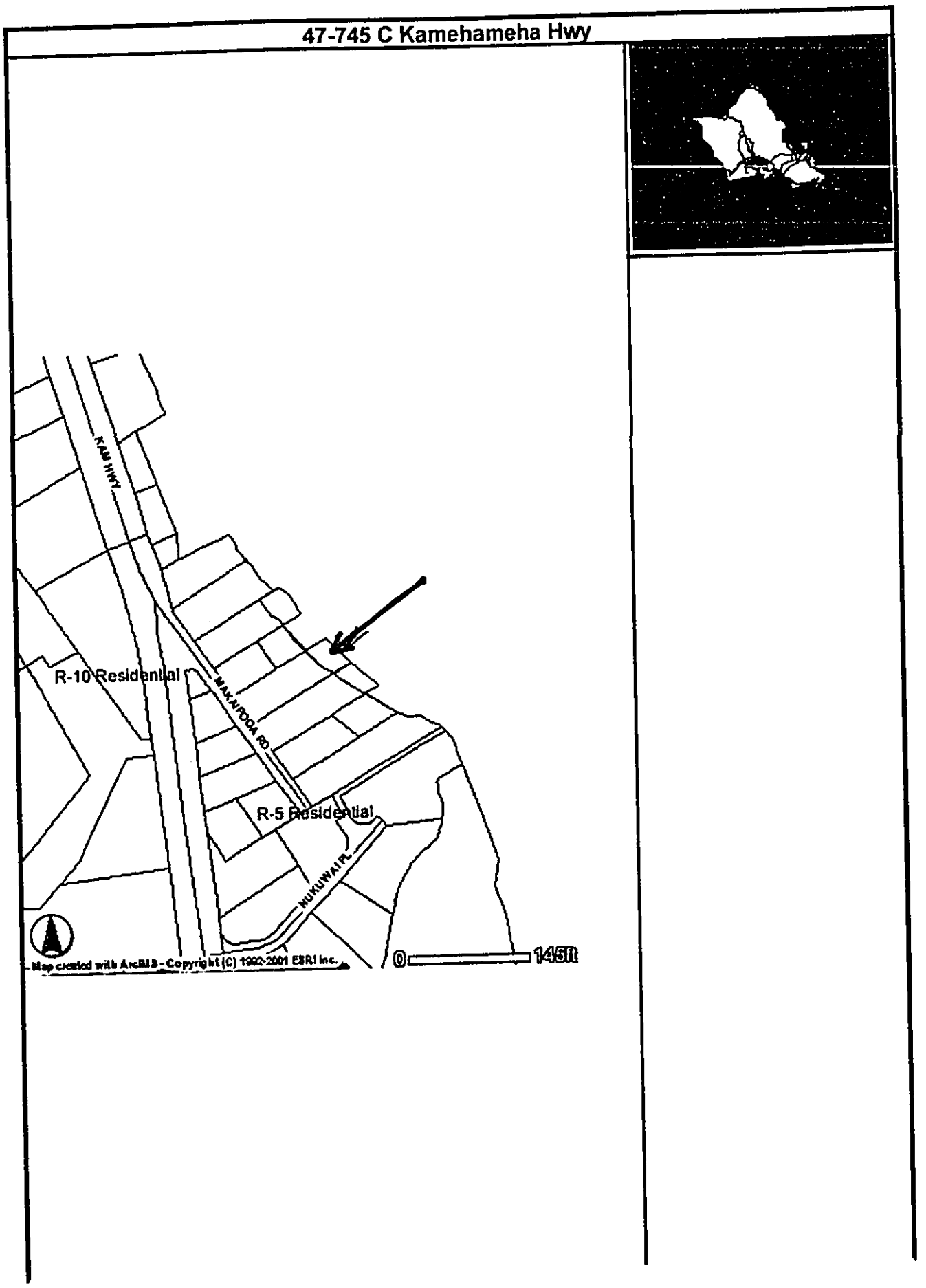
Copies of the final survey map bearing the stamp of approval are enclosed.

Sincerely yours,

for RANDALL K. FUJIKI, AIA
Director of Planning and Permitting

RKF:ram
33225rev1
Enclosure

cc: Hawaiian Telephone Co.


47-745 C Kamehameha Hwy
KAM HWY
R-10 Residential
MAKAIPOOA RD
R-5 Residential
HUKUWAI PL
Map created with ArcIMS - Copyright (C) 1992-2001 ESRI Inc.
0
1450ft

Site Report Business Reports		
New Demographic Report		
Demographic Report		
Center:	47017011	
Distance:	2 miles	
Population (2003)		
	Total	**%**
2003 Population	9,588	
Sex (2003)		
	Total	**%**
Male	4,799	50.1%
Female	4,789	49.9%
Age Distribution (2003)		
	Total	**%**
0-4	686	7.2%
5-9	689	7.2%
10-19	1,496	15.6%
20-29	1,085	11.3%
30-39	1,249	13.0%
40-49	1,627	17.0%
50-59	1,442	15.0%
60-64	442	4.6%
65+	872	9.1%
Race Distribution (2003)		
	Total	**%**
White	2,008	20.9%
Black	48	0.5%
American Indian	16	0.2%
Asian	2,649	27.6%
Pacific Islander	1,453	15.2%
Other	105	1.1%
Multirace	3,309	34.5%
Hispanic	792	8.3%
2003 Total Households		
	Total	**%**
Households	2,852	
Families	2,276	79.8%

2003 Household Income Distribution		
	Total	%
<$10 K	127	4.5%
$10-$20K	140	4.9%
$20-$30K	185	6.5%
$30-$40K	245	8.6%
$40-$50K	222	7.8%
$50-$60K	266	9.3%
$60-$75K	458	16.1%
$75-$100K	557	19.5%
> $100K	652	22.9%
2003 Household Net Worth		
	Total	%
$0 or Less	278	9.7%
$1-$5000	310	10.9%
$5000-$10000	176	6.2%
$10000-$25000	326	11.4%
$25000-$50000	369	12.9%
$50000-$100000	464	16.3%
$100000-$250000	560	19.6%
$250000-$500000	233	8.2%
$500000	136	4.8%
2003 Labor Force Status		
	Total	%
Labor Force	7,275	
Employed	4,414	60.7%
Unemployed	284	3.9%
In Armed Forces	153	
Not In Labor Force	2,424	
2003 Total Number of Housing		
	Total	%
Total Dwellings	2,972	
Owner-Occupied Dwellings	1,883	66.0%
Renter-Occupied Dwellings	969	34.0%
Housing Units Occupied	2,852	96.0%
2003 Education Attainment		
	Total	%

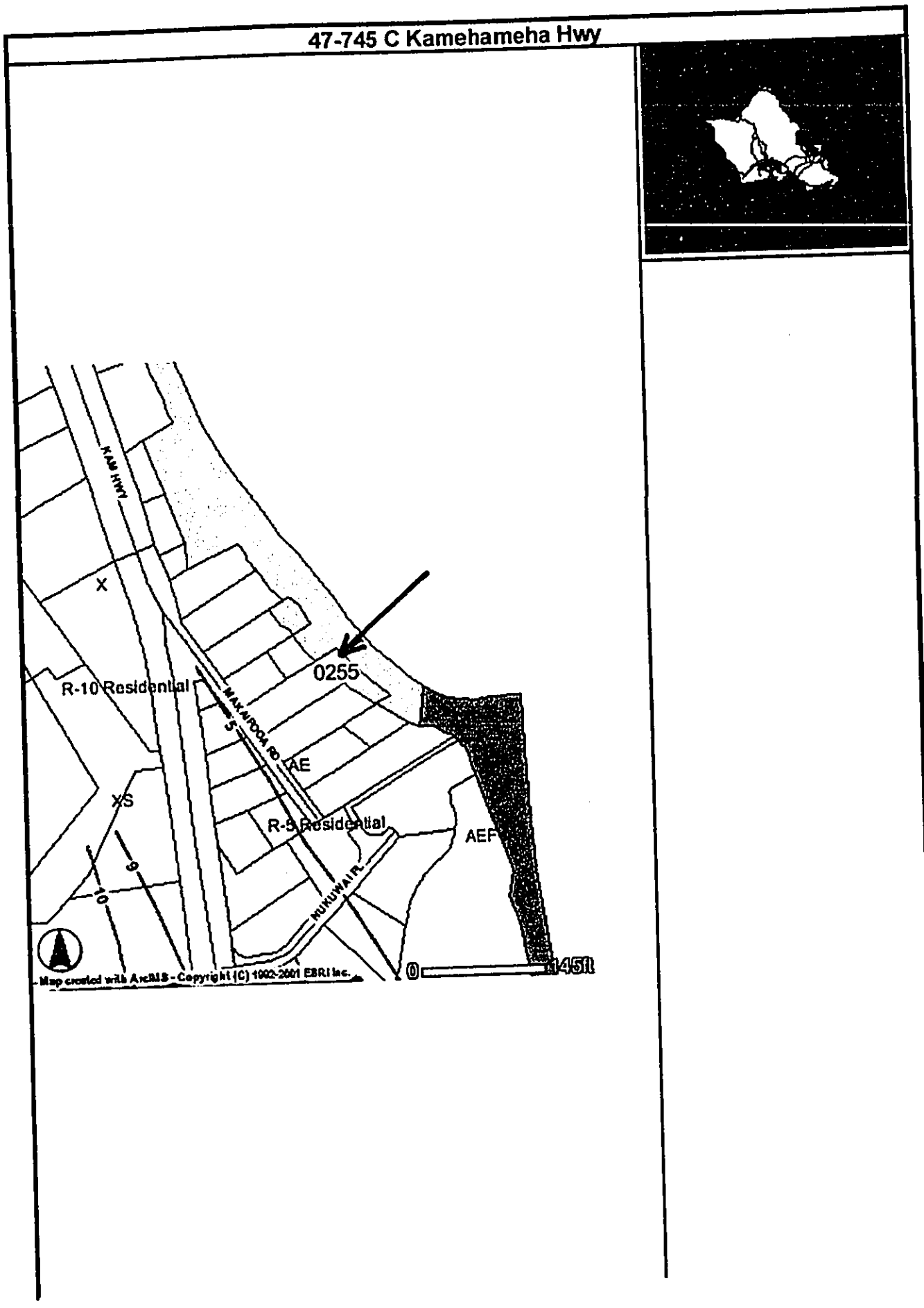
RECEIVED AS FOLLOWS

Population Age 25+	6,233	
< Gr 9	269	4.3%
Gr 9-12	495	7.9%
High School	1,996	32.0%
Some College	1,365	21.9%
Assoc Degree	393	6.3%
Bach Degree	1,191	19.1%
Grad Degree	524	8.4%
2003 Size of Household		
	Total	%
1 Person	370	13.0%
2 Person	763	26.8%
3 Person	564	19.8%
4 Person	545	19.1%
5 Person	256	9.0%
6+ Person	182	6.4%

demographics are calculated based on 2000 block groups*Source: Applied Geographic Solutions, Thousand Oaks, CA*

Site Report
Business Reports

Map Output


47-745 C Kamehameha Hwy
KAM HWY
X
R-10 Residential
0255
MAKAIPOA RD
5
AE
XS
R-5 Residential
AEF
9
10
NUKUWAI PL
0
145ft
Map created with ArcIMS - Copyright (C) 1992-2001 ESRI Inc.

FLOOD FRINGE DISTRICT CERTIFICATION

(Pursuant to Section 7.10 of the Land Use Ordinance)

New Projects, Developments and Substantial Improvements

Project Description: RESIDENCE FOR DONALD A. CAINOFF

Address: _____ City _____ State _____ Zip _____

Tax Map Key: 4-7-17-1 LOT 24

Section I - Flood Insurance Rate Map Information

COMMUNITY NO.	PANEL NO	SUFFIX	DATE OF FIRM	FIRM ZONE	REGULATORY FLOOD ELEV (in AO Zone use depth)	COMMUNITY ESTIMATED REG. FLOOD ELEVATION ESTABLISHED FOR ZONE A IF AVAILABLE
150001	0055	B	Sept 4 1987	AE	5	

Section II - Elevation Information

1. Elevation of Lowest Floor..... 6.5 ft.
2. Regulatory Flood Elevation..... 5.0 ft.
3. Depth Number..... 5.0 ft.
4. Elevation of Highest Adjacent Grade..... 3.0 ft.
5. Elevation of Lowest Adjacent Grade..... 5.17 ft.
6. Elevation to Which Structures are Floodproofed..... ft.

Section III - Standard Certification Statement

The plans, specifications and methods of construction for the proposed project are in accordance with accepted standards of practice for meeting the provisions of the Flood Hazard Districts, and:

1) comply with the standards and requirements of the Flood Hazard District Regulations of the Land Use Ordinance;

2) conform to the flood elevations of the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM); and

3) are adequate to resist the regulatory flood forces; do not adversely increase flood elevations; and do not adversely affect flooding on surrounding properties;

Section IV - AE, AH, AO and A Zones Certification Statement

I certify that based upon development and/or review of structural design, specifications, and plans for construction that the design and methods of construction are in accordance with accepted standards of practice for meeting the following provisions:

1.) Residential structures (a) in AE and AH Zones, have the lowest floor (including basement) elevated to or above the regulatory flood level; and (b) in AO Zone have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM;

2.) Non-residential structures (a) in AE and AH Zones, have the lowest floor (including basement) elevated to or above the regulatory base flood level; and in AO Zone have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number; or, (b) together with attendant utility and sanitary facilities, is designed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of bouyancy; and

S12384

8/29/00

RECEIVED AS FOLLOWS

011 P01 000 00 '00 03:00

3.) Fully enclosed areas below the regulatory flood level shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Section V - Certification

Project plans and specifications include:

1) the location of flood hazard boundaries;

2) existing and proposed elevations of the property in relation to the elevation reference marks on the Federal Flood Maps;

3) the flood elevations, velocity and other data from the Federal Flood Maps and study;

4) existing and proposed structures, utilities and improvements; and

5) proposed flood proofing measures and improvements.

This certification is conditioned upon the actual construction of the project being in strict accordance with the plans and specifications as stamped and signed by me.

Certifier's Name ARCHIBALD E.F. WUNG
(print or type)

Title PRESIDENT

Company Name A.E.F. Wung, Engineers, Inc.

Street Address 1529 Hala St

City Honolulu State HI Zip 96819

Signature [signature] Date OCT 6, 1999

Affix Seal Below

LICENSED PROFESSIONAL ENGINEER
No. 1469-S
HAWAII, U.S.A.

Engineer or Architect

CS470.wpy

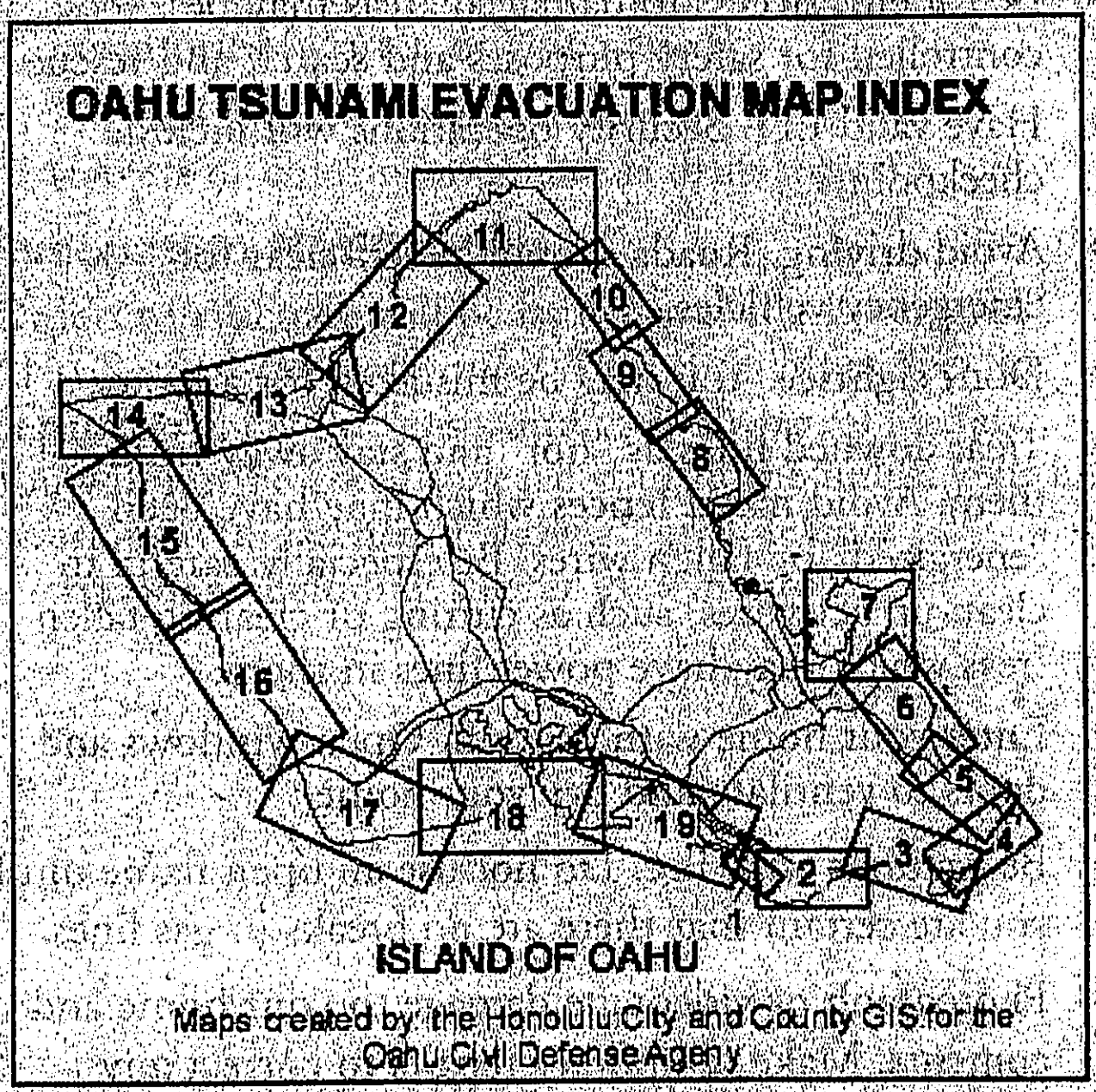
11/7/91

G

roads, especially at night. Follow public safety instructions.

National Weather Service Notifications:

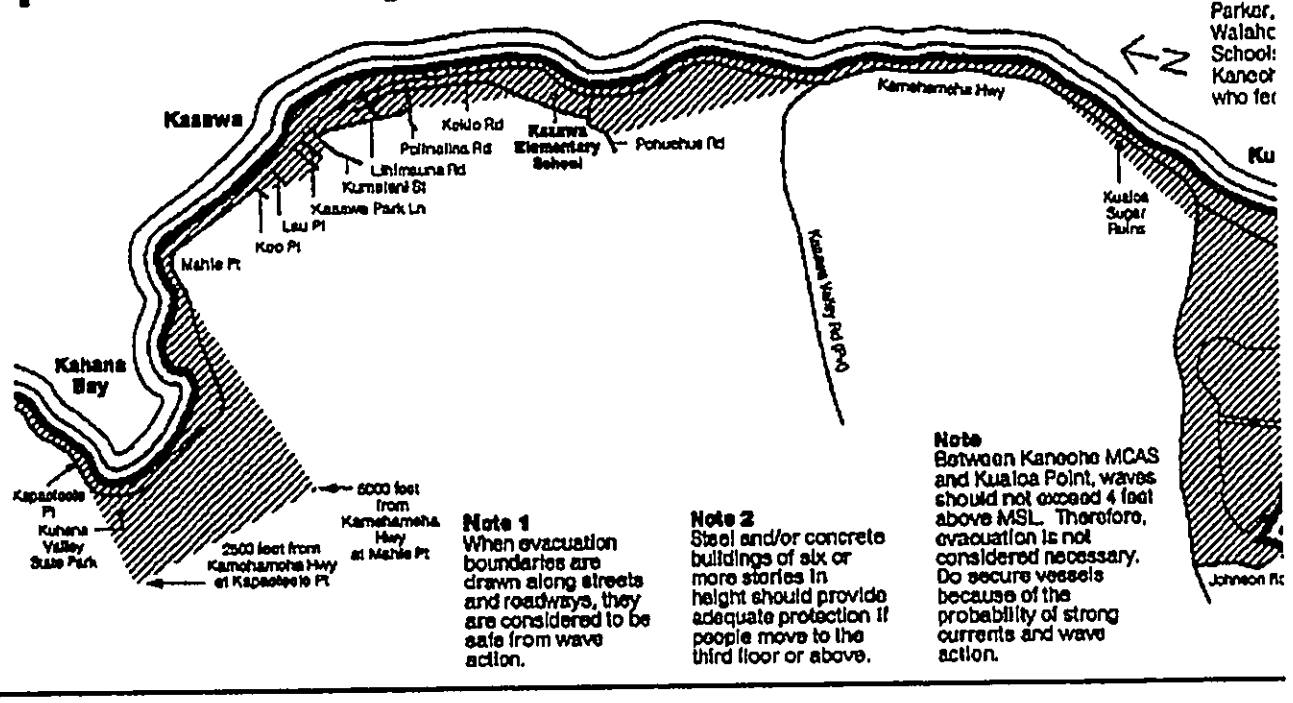
The National Weather Service and the Pacific Tsunami Warning Center coordinate with the Civil Defense System to issue weather and tsunami advisories, bulletins, watches and warnings. They inform the public through local radio, television and newspaper announcements.



Oahu Civil Defense Agency

MAP 8
KANEOHE BAY TO KAHANA BAY

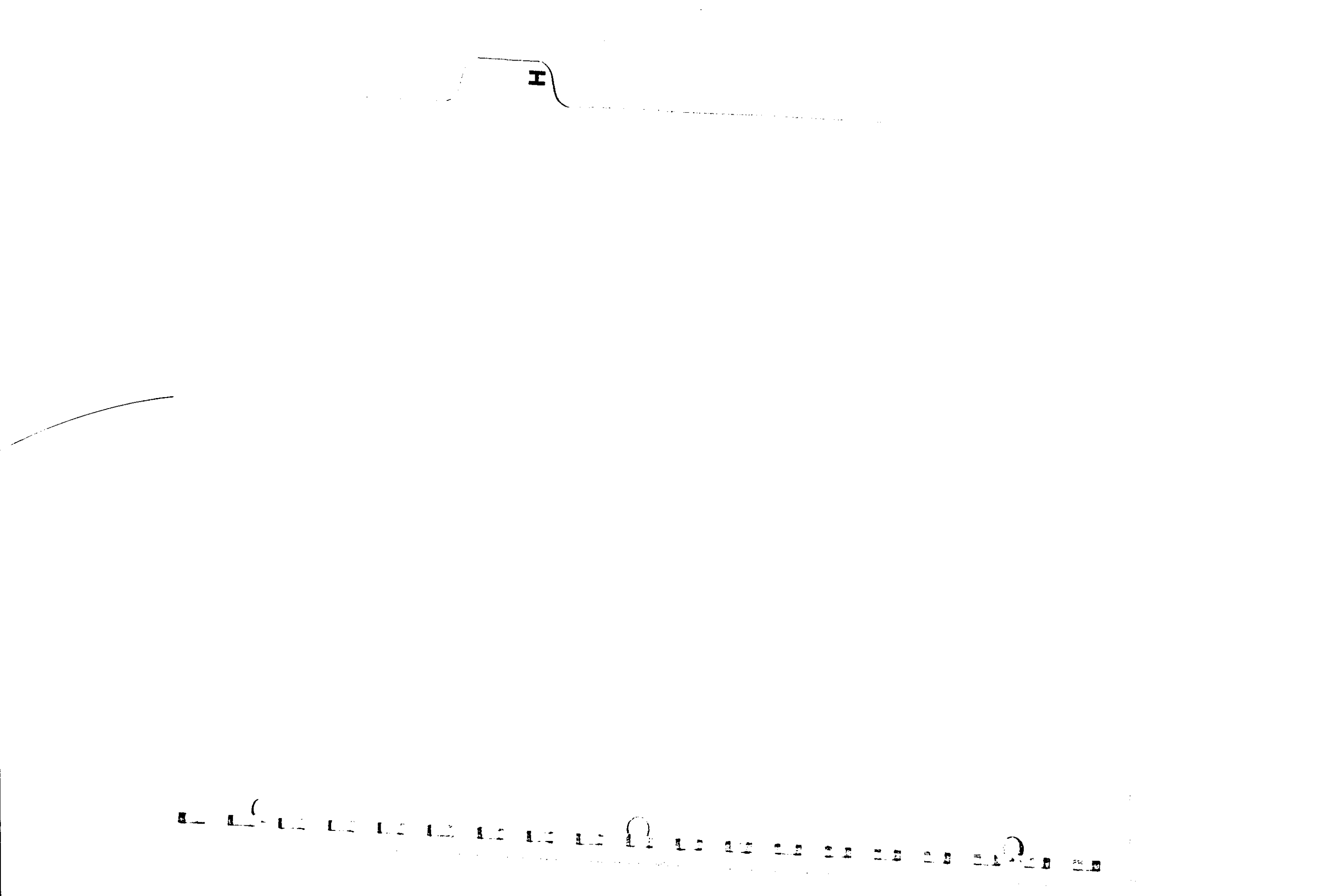
Map 8: Kaneohe Bay to Kahana Bay



Return To Map Index

Return to the Oahu Civil Defense Agency Home Page

Tuesday, July 22, 2003



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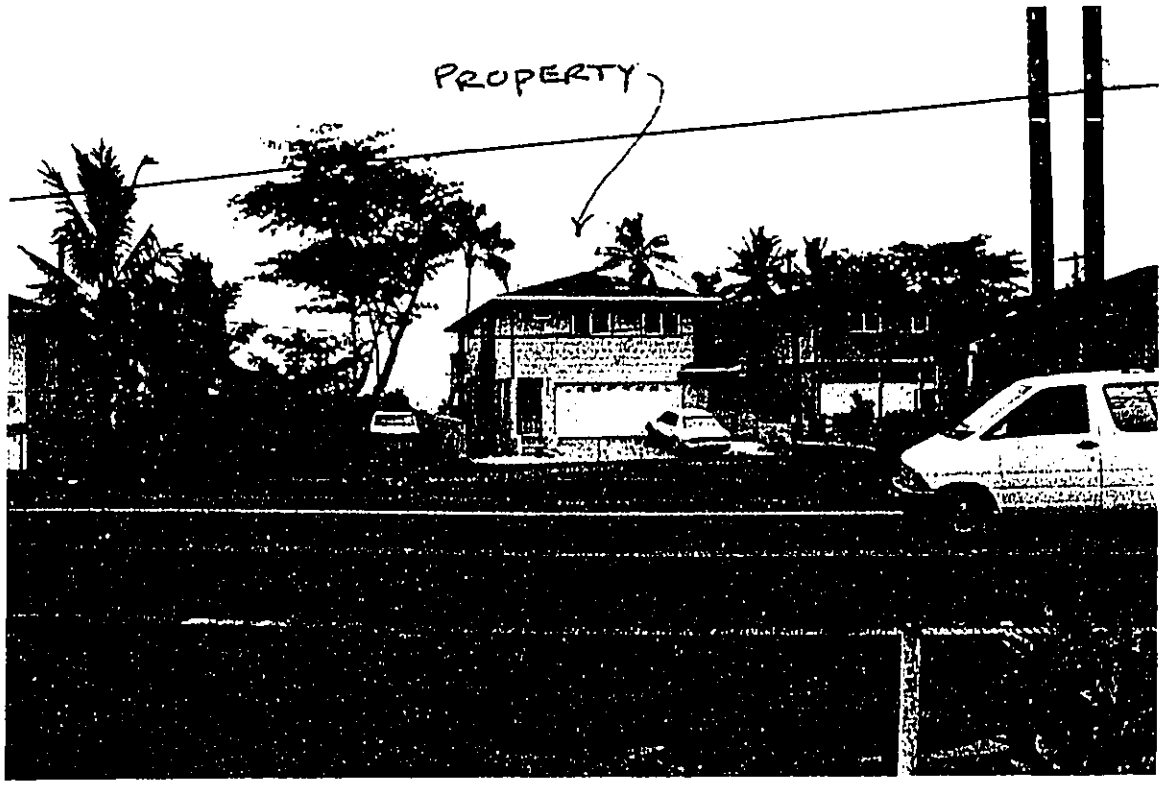
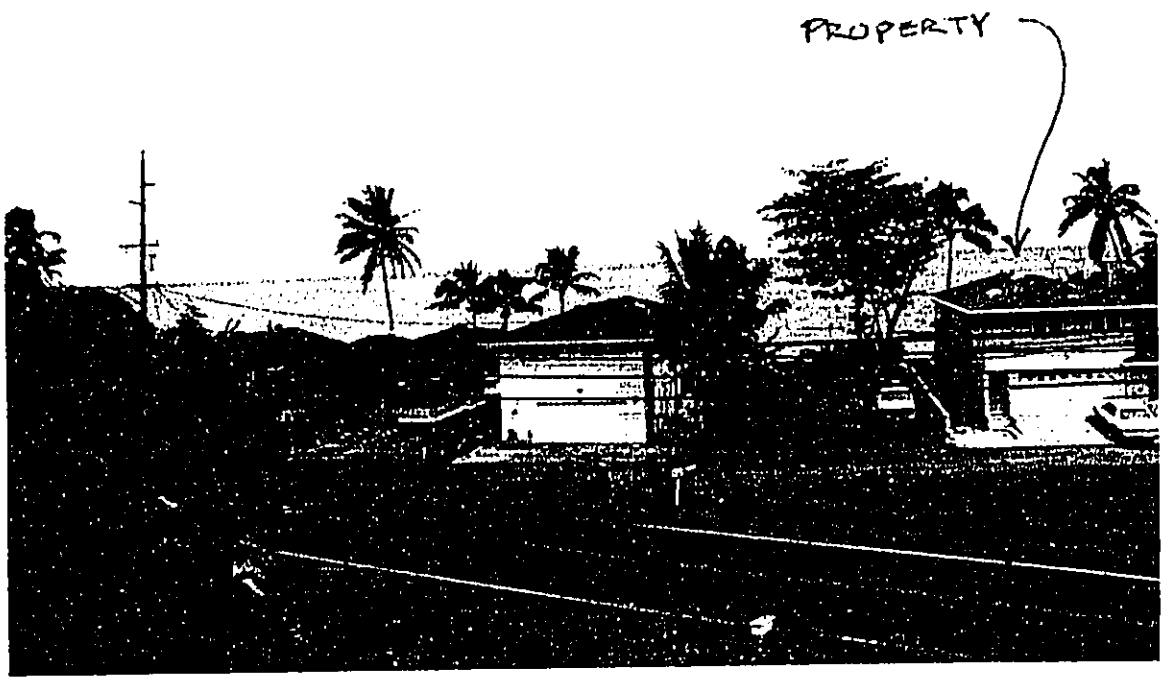


View of Ka`alaea Coast from Kamehameha Highway



Hillside view of Ka`alaea Coast

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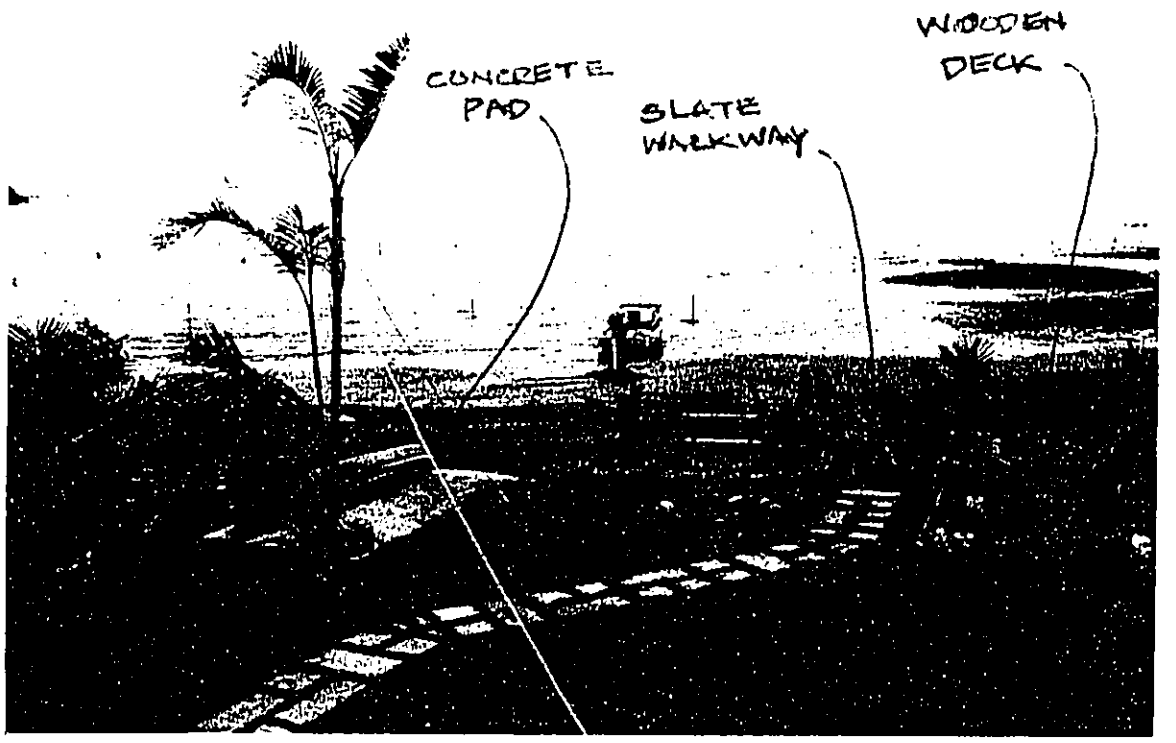

View of Ka`alaea Coast from backyard

Backyard view of Ka`alaea Coast toward Chinaman's Hat

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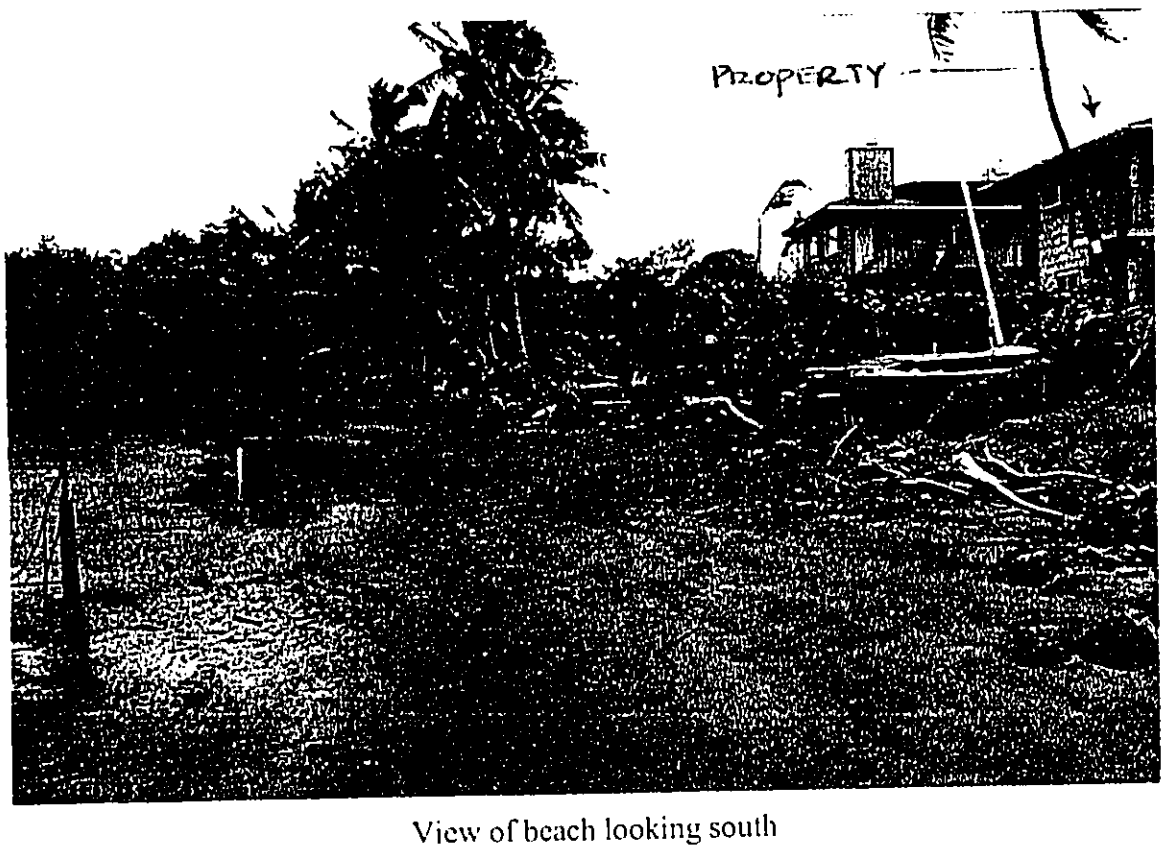
View of beach looking north



View of beach looking south

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/ED-6(ST)

April 11, 2003

Mr. Donald A. Caindec
P. O. Box 6123
Kaneohe, Hawaii 96744-9169

Dear Mr. Caindec:

Draft Environmental Assessment (EA)
Chapter 343, Hawaii Revised Statutes

Project Name : Caindec After-the-Fact Shoreline Setback Variance
File No. : 2003/ED-6
Tax Map Key : 4-7-17: 11

We are forwarding copies of all the comments that we have received relating to the Draft EA for the above-referenced project to you.

In accordance with the procedural provisions of Chapter 343, Hawaii Revised Statutes, you must respond in writing to these and any other comments which were received during the public comment period which began with the initial publication of a notice of availability of the draft EA in The Environmental Notice on March 8, 2003. The final EA must include these comments and response, as well as revised text, if appropriate.

If you have any questions, please contact Steve Tagawa of our staff at 523-4817.

Sincerely yours,

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

EGC:cs
Enclosures

doc. 213827

LINDA LINGLE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

03-050/epo

March 13, 2003

Mr. Eric G. Crispin, AIA, Acting Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Crispin:

Subject: After-the-Fact Shoreline Setback Variance (SSV)
Retain at Grade a Concrete Slab
Construction of a Wood Deck and Slate Walkway within Setback
TMK: 4-7-017:011

Thank you for the opportunity to review and comment on the subject proposal. The SSV application was routed to the various branches of the Environmental Health Administration. We have no comments at this time.

If you have any questions, please contact Lance Tauoa at (808) 586-4337.

Sincerely,

June F. Harrigan-Lum

JUNE F. HARRIGAN-LUM, MANAGER
Environmental Planning Office

c: File

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Ms. June F. Harrigan-Lum, Manager
Environmental Planning Office
Dept. of Health, State of Hawaii
P.O. Box 3378
Honolulu, HI 96801-3378

SUBJECT: After-the-fact Shoreline Setback Variance (SV)
Retain at Grade a Concrete Slab, Construction of a
Wood Deck, and Slate Walkway within Setback
47-745 C Kamehameha Highway, Kahaluu, Oahu
Tax Map Key 4-7-017: 011 (Lot 24)

Dear Ms. Harrigan-Lum:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

I am hopeful that my Final Environmental Assessment document, incorporating all comments received, will be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

Donald A. Caindec

LINDA LINGLE
GOVERNOR

2003 MAR 27 PM 3 42

DEPT OF PLANNING
and PERMITTING
CITY & COUNTY OF HONOLULU

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

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING 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

March 19, 2003

2003-ED-6.RCM
L-880/1058/1059/1019/1268

LD-NAV

Honorable Eric G. Crispin, AIA
Director, Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Crispin:

SUBJECT: Draft Environmental Assessment (DEA) Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No.: 2003-ED-6, Kaneohe, Island of Oahu, Hawaii

Thank you for the opportunity to review and comment on the subject matter. A copy of the DEA covering the subject matter was distributed or made available to the following Department of Land and Natural Resources' Divisions for their review and comment:

- Division of Aquatic Resources
- Division of Forestry & Wildlife
- Division of State Parks
- Division of Boating & Ocean Recreation
- Engineering Division
- Commission on Water Resource Management
- Land-Planning and Technical Services
- Land-Oahu District Land Office

Attached herewith is a copy of the Division of Aquatic Resources' comment.

Based on the attached responses, the Department of Land and Natural Resources has no other comment to offer on the subject matter.

Should you have any questions, please contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 587-0384.

Very truly yours,

Charlene E. Unoki

for DIERDRE S. MAMIYA
Administrator

C: ODLO

LINDA LINGLE
GOVERNOR

DIVISION OF AQUATIC RESOURCES		
DIRECTOR	✓	Suspense Date:
COM FISHERIES		Draft Reply ☐
AQ RES/ENV		Reply Direct ☐
AQ RECREN	✓	Comments ☐
STATE SVCS		Information ☐
FISH DEV		Comp Act & File ☐
STATISTICS		Return to:
AFRC		Copies to:
EDUCATION		Remarks
SECRETARY		
OFFICE SVCS		03-150
FED AID		
RS	X	

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

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING 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

February 26, 2003

LD/NAV
Ref.: 2003-ED-6.CMT

L-880
Suspense Date: 3/13/03

MEMORANDUM:

TO: ✓XXX Division of Aquatic Resources (DD)
**XXX Division of Forestry & Wildlife
XXX Engineering Division (DD)
**XXX Division of State Parks
XXX Division of Boating and Ocean Recreation (DD)
**XXX Commission on Water Resource Management
Land Division Branches of:
**XXX Planning and Technical Services
XXX Oahu District Land Office (DD)

RECEIVED FEB 28 2003 AQUATIC RESOURCES

FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Please review the document covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) by the suspense date.

****Note: One (1) copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

( ) We have no comments.

(X) Comments attached.

Date: 3/12/03

Signed:

Name: William S. Devick
Administrator

SUSPENSE DATE: March 13, 2003

STATE OF HAWAII
Department of Land and Natural Resources
Division of Aquatic Resources

MEMORANDUM

To: William Devick, Administrator
From: Richard Sixberry, Aquatic Biologist

Subject: Comments on Shoreline Setback Variance

Comments Requested By: Charlene Unoki, Land Division

Date of Request: 2/26/03 Date Received: 2/28/03

Summary of Project

Title: After-the-Fact Project within Shoreline Setback

Proj. By: Donald Caindec

Location: Kaneohe, Oahu

Brief Description:

The applicant has constructed a small concrete pad at ground level and a 16'x10' wooden deck near the water, both within the shoreline setback.

Comments:

Significant long-term impacts adverse to aquatic resource values are not expected from the proposed shoreline setback variance. All construction activities have occurred mauka of the applicant's certified shoreline and any traditional or existing public access to and along the shoreline will not be affected. Any future additional or undescribed construction or landscape modifications near the shoreline shall be submitted to the Department for additional review.

Richard Sixberry
Aquatic Biologist

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Mr. William S. Devick, Administrator
Division of Aquatic Resources, Land Division
Dept. of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Dear Mr. Devick:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

My Final Environmental Assessment document, incorporating all comments received, should be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

o/s

Donald A. Caindec

LINDA LINGLE
GOVERNOR

RECEIVED
LA... ON
2003 MAR -6 P 3:10

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

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

February 26, 2003

LD/NAV
Ref.: 2003-ED-6.CMT

L-880
Suspense Date: 3/13/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources (DD)
**XXX Division of Forestry & Wildlife
XXX Engineering Division (DD)
**XXX Division of State Parks
XXX Division of Boating and Ocean Recreation (DD)
**XXX Commission on Water Resource Management
Land Division Branches of:
**XXX Planning and Technical Services
XXX Oahu District Land Office (DD)

FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Please review the document covering the subject matter and submit your comments (if any) on Division letterhead (signed and dated) by the suspense date.

****Note: One (1) copy of the document is available for your review in the Land Division Office, Room 220.**

Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

(✓) We have no comments.

( ) Comments attached

Date: FEB 27 2003

Signed:

Name: MICHAEL G. BUCK, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Mr. Michael G. Buck, Administrator
Division of Forestry and Wildlife
Dept. of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Dear Mr. Buck:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

My Final Environmental Assessment document, incorporating all comments received, should be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

o/s

Donald A. Caindec

LINDA LINGLE
GOVERNOR

TO:
__AD' 'ISTRATOR
__AL .OMIN
__DEV BR
__PLAN BR
__RES MGT BR
__CLERICAL
__ADMIN ASST
__INTERP BR

__CIRC/POST/STAFF RM
__COMMENTS & REC
__DIRECT REPLY
__FILE
__FOLLOW UP
__INFO
__RUN COPIES
__RUSH DUE
__SEE ME
__FAX/SEND COPY TO

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING 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

February 26, 2003

LD/NAV
Ref.: 2003-ED-6.CMT

L-880
Suspense Date: 3/13/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources (DD)
**XXX Division of Forestry & Wildlife
XXX Engineering Division (DD)
✓ **XXX Division of State Parks
XXX Division of Boating and Ocean Recreation (DD)
**XXX Commission on Water Resource Management
Land Division Branches of:
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XXX Oahu District Land Office (DD)

FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division

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Should you need more time to review the subject matter, please contact Nick Vaccaro at ext.: 7-0384. If this office does not receive your comments by the suspense date, we will assume there are no comments.

(✓) We have no comments.

( ) Comments attached.

Date: 2/28/03

Signed:

Name: David S. Quinn

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Division of State Parks
Dept. of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Dear Sirs:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

My Final Environmental Assessment document, incorporating all comments received, should be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

D/S

Donald A. Caindec

LINDA LINGLE
GOVERNOR

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
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AQUATIC RESOURCES
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CONVEYANCES
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

03 MAR -4 P 2:35

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

February 26, 2003

LD/NAV
Ref.: 2003-ED-6.CMT

L-880
Suspense Date: 3/13/03

MEMORANDUM:

TO: XXX Division of Aquatic Resources (DD)
*XXX Division of Forestry & Wildlife
XXX Engineering Division (DD)
**XXX Division of State Parks
XXX Division of Boating and Ocean Recreation (DD)
**XXX Commission on Water Resource Management
Land Division Branches of:
**XXX Planning and Technical Services
XXX Oahu District Land Office (DD)

FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

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(X) We have no comments.

( ) Comments attached.

Date: 3/4/03

Signed: Andrew M. Monden

Name: Andrew M. Monden

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Mr. Andrew M. Monden
Engineering Division
Dept. of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Dear Mr. Monden:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

My Final Environmental Assessment document, incorporating all comments received, should be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

o/s

Donald A. Caindec

LINDA LINGLE
GOVERNOR

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
ACTING DEPUTY DIRECTOR FOR
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LAND
STATE PARKS

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

February 26, 2003

LD/NAV
Ref.: 2003-ED-6.CMT

L-880
Suspense Date: 3/13/03

RECEIVED
03 FEB 28 P1:17
COMMISSION ON WATER RESOURCE MANAGEMENT

MEMORANDUM:

FROM TO:

XXX Division of Aquatic Resources (DD)
**XXX Division of Forestry & Wildlife
XXX Engineering Division (DD)
**XXX Division of State Parks
XXX Division of Boating and Ocean Recreation (DD)
✓**XXX Commission on Water Resource Management
Land Division Branches of:
**XXX Planning and Technical Services
XXX Oahu District Land Office (DD)

TO: FROM: Charlene E. Unoki, Acting Assistant Administrator
Land Division

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
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(✓) We have no comments.

( ) Comments attached.

Date: 3/4/03

Signed: W. Roy Hardy

Name: Roy Hardy

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Mr. W. Roy Hardy
Commission on Water Resource Management
Dept. of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Dear Mr. Hardy:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

My Final Environmental Assessment document, incorporating all comments received, should be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

o/s

Donald A. Caindec

LINDA LINGLE
GOVERNOR

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

ERNEST LAU
DEPUTY DIRECTOR

DEAN A. NAKANO
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STATE OF HAWAII
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P.O. Box 621
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MEMORANDUM:

FROM ~~TO:~~ XXX Division of Aquatic Resources (DD)
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Land Division Branches of:
**XXX Planning and Technical Services
✓XXX Oahu District Land Office (DD)

TO: ~~FROM:~~ Charlene E. Unoki, Acting Assistant Administrator
Land Division

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
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(X) We have no comments.

( ) Comments attached.

Date: 2/27/03

Signed: _____

Name: _____

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Oahu District Land Office
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Draft Environmental Assessment Project Within Shoreline Setback/After-the-Fact Shoreline Setback Variance
I.D. No. 2003/ED-6, Kaneohe, Island of Oahu, Hawaii

Dear Sirs:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated.

My Final Environmental Assessment document, incorporating all comments received, should be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

o/s

Donald A. Caindec

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/ELOG-382(ST)
2003/ED-6

April 2, 2003

Mr. Donald A. Caindec
P. O. Box 6123
Kaneohe, Hawaii 96744-9169

Dear Mr. Caindec:

Draft Environmental Assessment (DEA): After-the-fact Shoreline Setback Variance (SV) - Caindec Concrete Slab, Wood Deck, and Stone Walkway at 47-745C Kamehameha Highway, Kahaluu, Oahu
Tax Map Key 4-7-17: 11 (Lot 24)

We have reviewed the DEA for the above-referenced proposal that was published in the March 8, 2003, edition of The Environmental Notice, and provide the following comments:

General

The Final Environmental Assessment (FEA) should include a cover which indicates that it is an FEA, one that was prepared for a Shoreline Setback Variance (SV) application.

Page 1

Accepting Authority - The Department of Planning and Permitting, City and County of Honolulu, should be identified as the Accepting Authority, pursuant to the State EIS Regulations, Title 11, Chapter 200, Hawaii Administrative Rules (HAR) and Chapter 343, Hawaii Revised Statutes (HRS).

Agencies Consulted in Making Assessment - This section need only list the agencies that were consulted in preparing the DEA. The discussion regarding the inspections by, and interaction with, Officer John Silberstein of the Department of Land and Natural Resources (DLNR), can be relocated to Section III, Affected Environment.

Anticipated Determination - This page should indicate that a Finding of No Significant Impact (FONSI) is anticipated.

SECTION 1 General Description

Brief Narrative - This narrative must include all structures within the 40-foot shoreline setback. Since the slate walkway is not permitted within the shoreline setback without an SV, it must be included in this section. This section must also be revised to clearly indicate that these structures already exist, except for the partially completed wood deck, and that the applicant seeks an after-the-fact approval to retain these structures.

✓ Relationship of Parcel to Shoreline Setback - This description must be revised to disclose how much of the parcel (vs. structures) is located within the shoreline setback (e.g., approximately 1,500 square feet or 30% of the parcel is within the 40-foot shoreline setback).

Land Use Approval Necessary - This section need only list the approvals required. In this case, a Shoreline Setback Variance and Building Permit from the Department of Planning and Permitting should be indicated. The discussion regarding the language and objectives of Chapter 23, ROH should be relocated to Section IV - Project Impacts. ✓

SECTION II Technical Characteristics

✓ Use Characteristics - This section should describe the existing use of the property, including a brief description of the existing dwelling, its size, configuration, location on the parcel, and when it was constructed, etc. This section should also include the slate walkway.

✓ Physical Characteristics - Exhibit B must be revised to include the slate walkway. A copy of the certified shoreline survey, stamped and approved by the DLNR should be included in the FEA.

Construction Characteristics - In addition to including the construction of the slate walkway, this section should be expanded to provide the following:

A. A more detailed description of the construction of each structure, including estimates of concrete poured and the depth and type of compacted fill material used (i.e., under the concrete pad). Also, a larger scale, clear copy of Exhibit B should be included in the FEA.

B. A description of the vegetation removed, estimates of excavation conduced, and the erosion control measures used.

Other Pertinent Information - This section should be revised to disclose that the applicant was issued a Notice of Violation (File No.: 2002/NOV-01-048), on August 23, 2002, and a Notice of Order (File No.: 2002/NOO-12-223), on January 17, 2003, for the premature construction of the structures.

III. Affected Environment

Description of Subject Site and Surrounding Area - The existing elevation information for the project site (i.e., above mean sea level (msl)), as well as, soil type and its characteristics (porosity, shrinkage, etc.) as determined by the U.S. Department of Agriculture, Natural Resources Conservation Service (fka Soil Conservation Service), should be provided in the Final EA.

The parcel history, relative to accretion, should be expanded to elaborate on when the accreted portion of the parcel was consolidated with the original parcel, which was significantly smaller (2,545 versus 5,247 square feet). A survey of the property, such as a certified shoreline survey(which is required), should be referenced as an exhibit. This section of the FEA should also reference which exhibits illustrate this parcel information.

Hazardous Land Conditions - The Federal FIRM Zone information should be revised to reflect the most current flood map, which is Panel 255 dated November 20, 2000. This section, which should include the slate walkway, should describe how the project will comply with flood hazard regulations, Section 21-9.10 of Land Use Ordinance (LUO).

On-site drainage patterns (i.e., sheet flow, culvert locations, etc.) should be described relative to the existing dwelling and the shoreline structures.

The Final EA should also disclose that the site is located in the Tsunami inundation zone as determined by Oahu Civil Defense (CD).

IV. Project Impacts

This section must be expanded to address the possible effects of the project on existing shoreline processes, including erosion and accretion; on public pedestrian lateral access to and along the shoreline; and on open space and views along this shoreline. Reference to exhibits which illustrate these impacts, or lack thereof, should be included.

The following additional sections must be included in the Final EA:

1. <u>List of Agency Commenting on the DEA</u>

Pursuant to the EIS regulations, Section 11-200-10(10), HAR, the FEA must include a section that indicates that the DEA was sent to the following agencies for comment:

Federal: U.S. Army Corps of Engineers (COE)
State: Departments of Health (DOH); Land and Natural Resources (DLNR); Business and Economic Development and Tourism (DBEDT); U.H. Environmental Center; Office of Hawaiian Affairs (OHA);
County: Department of Planning and Permitting
Community Organizations: Kaneohe Neighborhood Board, No. 30

2. <u>Significance Criteria</u>

A section must be <u>added</u> which discusses the findings and reasons supporting the anticipated Finding of No Significant Impact (FONSI), pursuant to 13 significance criteria of Section 11-200-12, HAR.

3. Shoreline Variance Criteria

The "Addendum to Application for Shoreline Setback Variance" submitted with the DEA, should be attached as an appendix to the FEA. It need not reiterate the description of the existing structures, and should be revised/reorganized to address the project against the three (3) tests of the hardship standard, pursuant to Section 23-1.8(b)(3), ROH.

Should you have any questions, please contact Steve Tagawa of our Land Use Approvals Branch at 523-4817.

Sincerely yours,

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

EGC:cs

cc: Office of Environmental Quality Control

POSSE: 212115

www.state.hi.us\health\oeqc

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

Mr. Eric G. Crispin, AIA, Director
Department of Planning and Permitting
City and County of Honolulu
650 So. King Street
Honolulu, HI 96813

Draft Environmental Assessment (DEA): After-the-fact
Shoreline Setback Variance (SV) - Caindec Concrete Slab,
Wood Deck, and Stone Walkway at
47-745 C Kamehameha Highway, Kahaluu, Oahu
Tax Map Key 4-7-17: 11 (Lot 24)

Dear Mr. Crispin:

Thank you for your letter of April 2, 2003 covering the review of my Draft Environmental Assessment (After the Fact) for the proposed work mentioned above.

Per your suggestion, I met with Mr. Steve Tagawa of the Office of Environmental Quality Control on April 9, 2003 to go over the letter. Mr. Tagawa was very helpful in explaining the various points which were covered. I am presently working on incorporating your recommendations into my Final Environmental Assessment document.

I appreciate your assistance and hope to forward my final submission shortly.

Very truly yours,

o/s

Donald A. Caindec

Summary and Disposition of Comments from DPP on Caindec DEA

SUBJECT	COMMENTS BY DPP	DISPOSITION BY CAINDEC	LOCATION
General	Add cover -FEA for SV	Designed cover	Cover
Basic Information			
Accepting Authority	Show as DPP	DPP is named as AA	Page 1, Basic Info
Agencies Consulted in making assessment	List Agencies Consulted	Consulted DPP and neighbors only; used internet extensively for regs, documents	Page 1, Basic Info
	Relocate Silberstein info	moved info to end of FEA	Last page
Anticipated Determination	add FONSI	Added statement about FONSI	Page 1, Basic Info
Sec.1 - General Descrip.			
Brief Narrative	Must include slate walkway also; clearly indicate slab, walkway, part of deck already completed	Added slate walkway throughout FEA; emphasized slab, walkway, partial deck already completed	Throughout document
Relation of Parcel to Shoreline Setback	Indicate how much of structures located within parcel	Added statement about how much of parcel is for structures	Page 3
Land Use Approval Necessary	List approvals required; indicate SSV and Bldg Permit from DPP	done	Page 3
	Relocate objectives of Ch. 23 ROH to Sect. IV - Project Impacts	done	Page 13
Sec. II - Technical Charac.			
Use Characteristics	describe existing use of property; brief description of dwelling (size, config., location, when constructed, including slate walk	done	Page 4
Physical Characteristics	Show walkway on Exhb. B; include copy of latest Shoreline Certification w/ approvals	done	Exhibit B

Summary and Disposition of Comments from DPP on Caindec DEA

SUBJECT	COMMENTS BY DPP	DISPOSITION BY CAINDEC	LOCATION
Construction Characteristics	Add construction of walkway; add details on construction of each structure; est. of concrete used, depth and type of compact fill used; enlarge Exhb. B; describe vegetation removed, show est. of excavated amt.; discuss erosion control measures	done	Exhibit B
Other Pertinent Information	Add disclosure of NOV and NOO	done	Page 6
Sec. III - Affected Environment			
Descr. Of Subject Site and Surrounding Area	State info on existing elevation at site (msl); also soil type, soil characteristics, etc. per USDA	done	Page 7
	Add history of parcel, re accretion, consolidation of parcels, significant increase in size, add shoreline certification to Exhb.; cite Exhbs.	done	Page 8
Hazardous Land Conditions	Use more current FIRM info; discuss slate walkway and describe compliance with flood hazard regs (LUO); discuss drainage patterns relative to dwelling and proposed structures	done	Page 9
Sec. IV - Project Impacts	Discuss effects of projects on shoreline processes, erosion, accretion; public lateral access to shoreline; open space; views along shoreline	done	Page 13 & 14
List of Agencies Commenting	Include list per DPP comments; include copy of letters in Exhbs plus applicant response letters	done	Page 17

Summary and Disposition of Comments from DPP on Caindec DEA

SUBJECT	COMMENTS BY DPP	DISPOSITION BY CAINDEC	LOCATION
Significance Criteria	Discuss findings/reasons support-ing FONSI, why anticipated; include 13 significant criteria	done	Page 20 -24
Shoreline Variance Criteria	Attach excerpt from SSV Application Addendum regarding 3 tests for hardship standard	done	Exhibit L

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

April 7, 2003

Mr. Donald A. Caindec
47-745C Kamehameha Highway
P.O. Box 6123
Kane'ohe, Hawai'i 96744-9169

Mr. Eric G. Crispin
Mr. Steve Tagawa
Department of Planning and Permitting, City and County of Honolulu
650 South King Street
Honolulu, Hawai'i 96813

Dear Messrs. Caindec, Cripsin and Tagawa:

Having reviewed the draft environmental assessment (DEA) for the After-the-Fact, Shoreline Setback Variance and Draft Environmental Assessment (DEA) for the Caindec Concrete Slab, Wood Deck and Stone Walkway at 47-745 C Kamehameha Highway, Kahalu'u, O'ahu, TMK 4-7-17: 11 (lot 24) in the judicial district of Ko'olaupoko, the Office of Environmental Quality Control offers the following comments for your consideration.

1. **SHORELINE HARDENING POLICY AND ENVIRONMENTAL ASSESSMENT GUIDELINES:** Please visit our Internet website at http://www.state.hi.us/health/oeqc/index.htmT and download the guidance document on shoreline hardening and address as appropriate the elements found on pages 7 through 9 of the guidance document.
2. **IDENTIFICATION OF CERTIFIED SHORELINE AS THE POINT OF COMPLIANCE FOR CONSERVATION DISTRICT USE PERMITS:** Please contact the State surveyor's office with information about the high water line and obtain a current map which identifies the "certified shoreline" in relation to the after-the-fact improvements to ascertain whether a conservation district use permit application for the use of subsurface lands will also be required in addition to the shoreline setback variance. Please also consult with the land division of the department of land and natural resources.
3. **INDIGENOUS AND POLYNESIAN INTRODUCED PLANTS FOR USE IN PUBLIC LANDSCAPING:** Please consider the use of native, indigenous and polynesian introduced plants in restorative landscaping.

If you have any questions concerning this letter, please call Leslie Segundo, Environmental Health Specialist, at (808) 586-4185; alternatively, you may send electronic mail to him at lsegund@mail.health.state.hi.us. Thank you for the opportunity to comment.

Sincerely,

Genevieve Salmonson

GENEVIEVE SALMONSON
Director

Dear Ms. Salmonson:

Your comments regarding my Draft Environmental Assessment Project noted above has been received and is greatly appreciated. I will be contacting Mr. Leslie Segundo of your staff within the next few days to discuss questions that I have on the comments listed in your letter.

I am hopeful that my Final Environmental Assessment document, incorporating all comments received, will be submitted shortly to the Department of Planning and Permitting, City and County of Honolulu.

Very truly yours,

D/S

Donald A. Caindec

Mr. Donald A. Caindec
P.O. Box 6123
Kaneohe, HI 96744-9169

May 14, 2003

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

SUBJECT: Draft Environmental Assessment (DEA): After-the-fact Shoreline Setback Variance (SV) - Caindec Concrete Slab, Wood Deck, and Stone Walkway at
47-745 C Kamehameha Highway, Kahaluu, Oahu
Tax Map Key 4-7-17: 11 (Lot 24)

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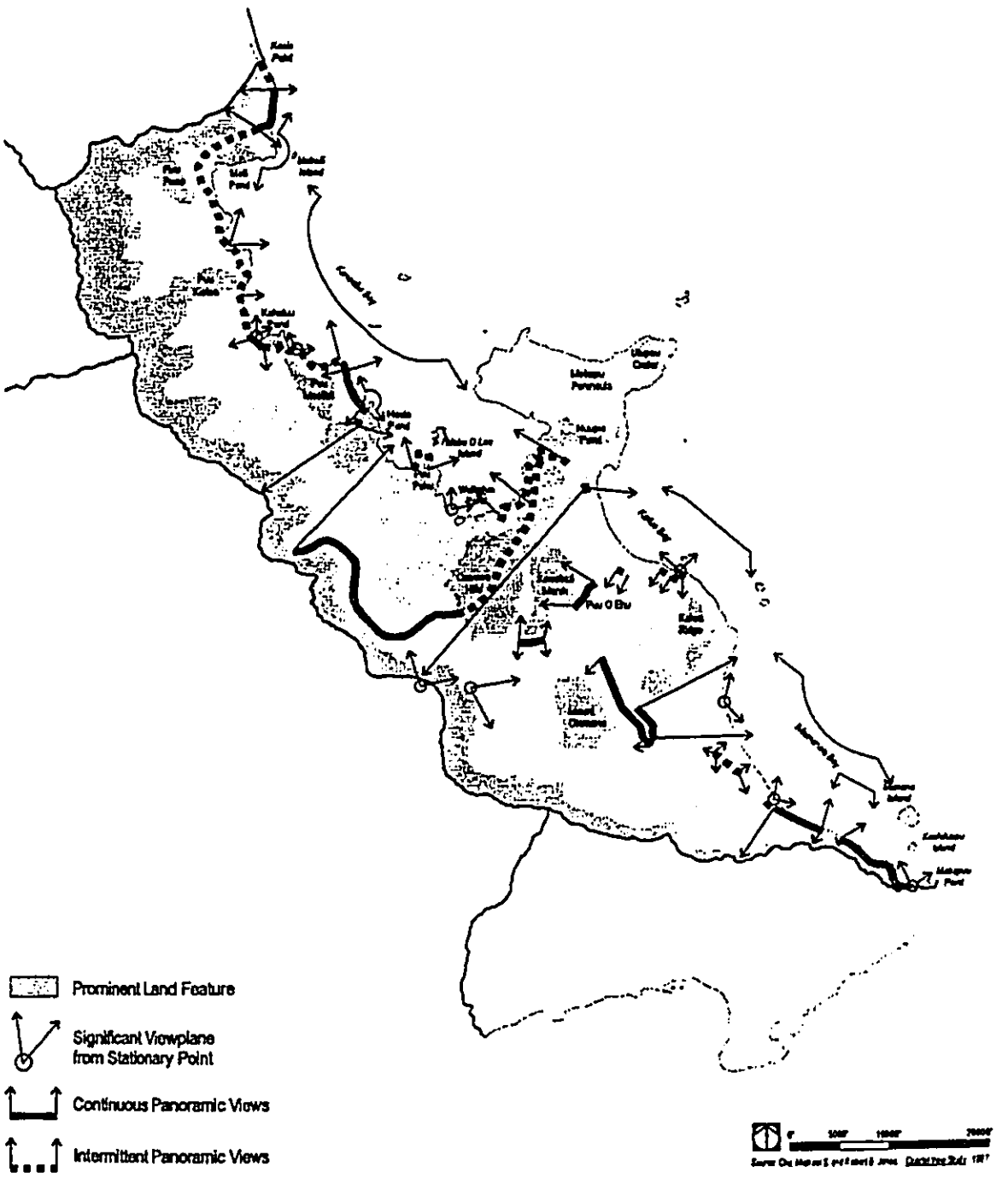
Very truly yours,

Donald A. Caindec

K

Figure 2-4
Significant Scenic Features and Viewplanes in Koolaupoko



Excerpt from Addendum to 1/31/2003 Application for Shoreline Setback Variance for Donald A. Caindec

Section Relating to Hardship Standard

Statement of Hardship

The subject 5,247 sf lot is very narrow, being only 40' wide. Most of the lot is taken up by our newly built home. The backyard, located at the beach side of the property, consists virtually of only the shoreline setback area which is approx. 40' x 40'. There is no front or side yards, therefore, the only outdoor enjoyment is the backyard, including the beachfront.

Beaches in this area (Kahaluu/Kaalaea), however, consist only of *mud and rocks*. Unlike sandy beaches in other parts of the island, this beach is not suitable for swimming, sitting, sunning, picnicking, etc. (Please note that the introductory statement of Revised Ordinances of Honolulu, Chapter 23, emphasizes that the "primary policy of the city is to protect and preserve the natural shoreline, especially sandy beaches" ... (underline inserted by applicant)). The only possible water activity here is small boating (due to shallow depths), fishing, crabbing, and kayaking.

We own a two-person kayak which must be hauled in and out of the water for use. It is somewhat heavy and difficult to maneuver when carrying and therefore we find it convenient to store the kayak on the concrete pad. My wife and I use it occasionally for exercise and enjoyment. Our family and friends also enjoy using it whenever they visit us. We plan to purchase another kayak for single person use.

Unfortunately, our narrow lot makes it difficult for storing of our kayaks and boating equipment. I am 67 years old and my wife is 63. Carrying heavy objects over long distances poses a dangerous threat of injury to ourselves.

Also, the area in which we live, unfortunately, is not very secure and is prone to theft. Only three houses away is a "beer and cigarettes mini-mart" which is frequented by a number of suspected drug dealers. Home theft is not uncommon in this area. While our home has a security alarm system, our yard does not. We have already had two costly outdoor stereo speakers (attached to the walls) stolen from our home. A report of the theft was filed with the Honolulu Police in Kaneohe. Our neighbors have also experienced thefts of personal property.

The 16' x 8' concrete pad will allow us to safely secure our kayaks, and other boating equipment, near the water. Simply storing them on the grass will not give us the security and protection that we need. We will install cable and locks for the kayaks and equipment and connect them to the built-in cleats in the concrete pad. Having these items near the water will also minimize the risk of injury to ourselves.

The 16' x 10' wooden deck will allow us to sit, rest and eat comfortably near the beach, enjoying what most other beach front owners/renters do. With built-in benches and a table always on the deck, we will not have to carry them back and forth each time we need them, minimizing the risk of injury to ourselves. Also, we would not have to take up other valuable storage space which is already scarce on our narrow lot.

We feel that denial of a Shoreline Setback Variance for the above projects would result in *unnecessary and undue hardship* upon us for the following reasons:

1. We would not be able to use and enjoy our beach frontage as most other beach front owners/renters do even though we pay the same property taxes as they do.

2. We would be forced to carry heavy objects long distances, risking injury to ourselves.

3. Our security exposure would increase because it will be more difficult to secure our property.

4. We would be prevented from beautifying our property as we see fit. These projects will enhance the beauty of the area, not take away from it.

5. We would be deprived of fully utilizing our property the way we would like to and on which we are already paying excessive property tax.

Finally, we built the house on this property specifically for retirement in our declining years. Prior to repatriating to Hawaii in 1999, my wife and I lived away for 29 years. We were both born here and went to school locally. We are both retired and have the time to care for and enjoy our home and property.

Construction of our home began in April 2001 and was completed a year later. This is our final home and we look forward to many happy visits by our children, grandchildren, family and friends. (Our four children and eleven grandchildren live on the mainland.)

A major part of our enjoyment here will be the use of our wooden deck, kayaks, boat and the wonderful view of Kaneohe Bay. It would be an *unfair hardship* for us if we were deprived of the enjoyment that we had worked and planned for all our lives.