Ms. Mary Alice Evans, Director  
State of Hawaii  
Office of Planning and Sustainable Development  
Environmental Review Program  
235 South Beretania Street, Room 702  
Honolulu, Hawaii 96813

Dear Ms. Evans:

SUBJECT: Anticipated Finding of No Significant Impact  
Chapter 25, Revised Ordinances of Honolulu  
Draft Environmental Assessment for Arnold-Tripier Residence  
5699 Kalanianaole Highway - Niu  
Tax Map Key 3-7-002: 081

The Department of Planning and Permitting is the approving agency for the above-referenced action (two new dwellings), and we anticipate a finding of no significant impact. Please publish this determination letter in the next edition of The Environmental Notice, in accordance with Hawaii Administrative Rules Section 11-200.1-30(b).

Should you have any questions, please contact Zack Stoddard, of our Land Use Approval Branch, at (808) 768-8019 or via email zachary.stoddard@honolulu.gov.

Very truly yours,

Dean Uchida  
Director

cc: Jean Tripier/Jean M. Arnold Trust  
Planning Solutions, Inc. (James T. Hayes)
Project Name: Arnold-Tripier Residence

Applicable Law: Revised Ordinances of Honolulu Chapter 25

Type of Document: Draft Environmental Assessment

Island: Oahu

District: Honolulu

TMK: 3-7-002:081

Permits Required: Special Management Area Use Permit, Shoreline Certification, Building Permit, Grading Permit, Sewer Connection Permit

Applicant or Proposing Agency: Jean Tripier/Jean M. Arnold Trust
(Address, Contact Person, Telephone, E-mail) 5699 Kalanianaole Highway
Honolulu, Hawaii  96821
(415) 810-0300
jeankarnold@gmail.com

Approving Agency or Accepting Authority: Zack Stoddard
Department of Planning and Permitting
(Address, Contact Person, Telephone, E-mail) 650 South King Street, 7th Floor
Honolulu, Hawaii  96813
(808) 768-8019
zachary.stoddard@honolulu.gov

Consultant: Planning Solutions, Inc. (Makena White)
(Address, Contact Person, Telephone, E-mail) 711 Kapiolani Boulevard, Suite 950
Honolulu, Hawaii  96813
(808) 550-4538
makena@psi-hi.com

Status: Finding of no significant impact anticipated

Project Summary:
(Summarize proposed action and purpose/need in less than 200 words in the space below):

The Applicant is proposing two new dwellings on a 31,728-square-foot lot within the R-10 Residential District in Niu. The lot is developed with an existing single-family dwelling that will be demolished. A new dwelling, pool house, and garage will be constructed first, and the pool house will be converted into a second dwelling once a sewer connection permit is approved. The lot is protected by an existing seawall on the property immediately adjacent to the south. The development requires approval of a Special Management Area Use Permit from the Honolulu City Council.
DRAFT ENVIRONMENTAL ASSESSMENT &
ANTICIPATED FINDING OF NO SIGNIFICANT
IMPACT, 5699 KALANIANA‘OLE HIGHWAY
ARNOLD-TRIPIER RESIDENCE

PREPARED FOR:
The Arnold-Tripier Family

PREPARED BY:

MAY 2022
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LIST OF ACRONYMS
AFONSI Anticipated Finding of No Significant Impact
AMP Archaeological Monitoring Plan
BFE Base Flood Elevation
BMP Best Management Practice
CCH City and County of Honolulu
CIA Cultural Impact Assessment
CRM Concrete Reinforced Masonry
CZM Coastal Zone Management
DEA Draft Environmental Assessment
DLNR Department of Land and Natural Resources
DPP Department of Planning and Permitting
EA Environmental Assessment
EHSCP East Honolulu Sustainable Community Plan
EIS Environmental Impact Statement
FEA Final Environmental Assessment
FEMA Federal Emergency Management Agency
FONSI Finding of No Significant Impact
HAR Hawaiʻi Administrative Rules
HCC Honolulu City Council
HDOH State of Hawaiʻi, Department of Health
HDOT State of Hawaiʻi, Department of Transportation
HEPA Hawaiʻi Environmental Policy Act
HPD Honolulu Police Department
HRS Hawaiʻi Revised Statutes
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>IBC</td>
<td>International Building Code</td>
</tr>
<tr>
<td>IPCC</td>
<td>Intergovernmental Panel on Climate Change</td>
</tr>
<tr>
<td>IRC</td>
<td>International Residential Code</td>
</tr>
<tr>
<td>MSL</td>
<td>Mean Sea Level</td>
</tr>
<tr>
<td>NOAA</td>
<td>National Oceanographic and Atmospheric Agency</td>
</tr>
<tr>
<td>NSSCP</td>
<td>North Shore Sustainable Community Plan</td>
</tr>
<tr>
<td>PSI</td>
<td>Planning Solutions, Inc.</td>
</tr>
<tr>
<td>ROH</td>
<td>Revised Ordinances of Honolulu</td>
</tr>
<tr>
<td>SHPD</td>
<td>State Historic Preservation Division</td>
</tr>
<tr>
<td>SLR</td>
<td>Sea Level Rise</td>
</tr>
<tr>
<td>SLR-XA</td>
<td>Seal Level Rise Exposure Area</td>
</tr>
<tr>
<td>SMA</td>
<td>Special Management Area</td>
</tr>
<tr>
<td>SMP</td>
<td>Special Management Area Permit</td>
</tr>
<tr>
<td>TMK</td>
<td>Tax Map Key</td>
</tr>
<tr>
<td>UBC</td>
<td>Uniform Building Code</td>
</tr>
<tr>
<td>USDA</td>
<td>U.S. Department of Agriculture</td>
</tr>
<tr>
<td>USGS</td>
<td>U.S. Geological Survey</td>
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</tbody>
</table>
INTRODUCTION

1.1 PURPOSE AND NEED

The purpose of the proposal is to utilize the subject property, 5699 Kalanianaʻole Highway (TMK No. (1) 3-7-002:081; Figure 1-1) in a manner consistent with its zoning (residential; R-10; Figure 1-2) and other applicable land use rules and regulations (e.g., shoreline setback) so that a family, and ideally multiple generations and/or multiple families, can live on the property.

The Proposed Action is needed because, although the subject property has been used in a manner consistent with its zoning for decades, the existing improvements do not meet the needs of the new owners.

Figure 1-1: Location Map

Source: Planning Solutions, Inc.
1.2 ENVIRONMENTAL ASSESSMENT TRIGGER

As detailed in Chapter 2, the new owner of the property, the Arnold-Tripier Family, is proposing to construct two residences, which will replace the existing, roughly 80-year-old structure. The residences will be located at 5699 Kalanianaʻole Highway along the shore near ʻĀina Haina, Oʻahu, Hawaiʻi on TMK No. (1) 3-7-002:081 (Figure 1-2). The subject parcel is located in the Special Management Area (SMA) and, consequently, will require an SMA Permit (SMP), pursuant to Revised Ordinances of Honolulu (ROH), Chapter 25 (Figure 1-3). Because the total value of the proposed project is greater than $500,000, it will require an SMP Major issued via Resolution by the Honolulu City Council (HCC).
As part of the process to obtain an SMP Major, pursuant to ROH, Chapter 25-3.3(c), the proposed project must first prepare an Environmental Assessment (EA). This EA is intended to satisfy that requirement and provide the necessary information and analysis so that DPP can support issuance of an SMP Major by the HCC. This EA has been prepared in accordance with the requirements of ROH, Chapter 25, as well as Hawai‘i Revised Statutes (HRS), Chapter 343 and its implementing regulations contained in Hawai‘i Administrative Rules (HAR), Title 11, Chapter 200.1.

1.3 EARLY CONSULTATION

This Draft EA (DEA) has been prepared as an applicant action with DPP acting as the approving agency. It is being published in the Office of Planning and Sustainable Development, Environmental Review Program’s (ERP) bi-monthly bulletin, The Environmental Notice, which initiates a 30-day public review and comment period. After the 30-day public review period is complete, all substantive comments will be considered, and addressed as needed in a Final EA (FEA), and provided with a response. The FEA will reflect revisions based upon any relevant information received during the public review period. At this time, it is anticipated that DPP will issue a Finding of No Significant Impact (FONSI) with its acceptance of the FEA.
Pursuant to HAR 11-200.1-18(a), the applicant has sought to:

“conduct early consultation seeking, at the earliest practicable time, the advice and input of the county agency responsible for implementing the county's general plan for each county in which the Proposed Action is to occur, and consult with other agencies having jurisdiction or expertise as well as those citizen groups and individuals that the proposing agency or approving agency reasonably believes may be affected.”

On January 26, 2022, Planning Solutions, Inc. (PSI), acting on behalf of the applicant, sent letters to the agencies and individuals identified in Table 1-1. All responses received were carefully considered during preparation of this EA. The early consultation letters and all responses are contained in Appendix A.

**Table 1-1: Early Consultation Letters**

<table>
<thead>
<tr>
<th>Level</th>
<th>Department</th>
<th>Division</th>
<th>Recipient</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of Hawai‘i</td>
<td>Department of Business, Economic Development and Tourism (DEBDT)</td>
<td>Office of Planning and Sustainable Development</td>
<td>Mary Allice Evans, Director</td>
<td>Yes</td>
</tr>
<tr>
<td>State of Hawai‘i</td>
<td>Department of Land and Natural Resources (DLNR)</td>
<td>Land Division</td>
<td>Russell Y. Tsuji, Administrator</td>
<td>Yes</td>
</tr>
<tr>
<td>State of Hawai‘i</td>
<td>DLNR</td>
<td>Division of Forestry and Wildlife (DOFAW)</td>
<td>Dave Smith, Administrator</td>
<td>Yes</td>
</tr>
<tr>
<td>State of Hawai‘i</td>
<td>DLNR</td>
<td>Office of Conservation and Coastal Lands (OCCL)</td>
<td>Michael Cain, Acting Administrator</td>
<td>Yes</td>
</tr>
<tr>
<td>CCH</td>
<td>DPP</td>
<td>--</td>
<td>Dean Uchida, Director</td>
<td>Yes</td>
</tr>
<tr>
<td>Private (neighbor)</td>
<td>--</td>
<td>--</td>
<td>Michael J. Gallagher, c/o Ada Murakami</td>
<td>No</td>
</tr>
<tr>
<td>Private (neighbor)</td>
<td>--</td>
<td>--</td>
<td>Jeremy P. Nickle</td>
<td>No</td>
</tr>
<tr>
<td>Private (neighbor)</td>
<td>--</td>
<td>--</td>
<td>Patrick Yim</td>
<td>No</td>
</tr>
<tr>
<td>Private (neighbor)</td>
<td>--</td>
<td>--</td>
<td>Ako Kifuji and Ahmad M. Ramadan</td>
<td>No</td>
</tr>
<tr>
<td>Private (neighbor)</td>
<td>--</td>
<td>--</td>
<td>Sam Yu</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: Compiled by Planning Solutions, Inc. (2022)
1.4 PERMITS AND APPROVALS

The permits and approvals required in order to construct the proposed residence at 5699 Kalaniana‘ole Highway are identified in Table 1-2.

<table>
<thead>
<tr>
<th>Permit</th>
<th>Issuing Authority</th>
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<tbody>
<tr>
<td>ROH §25 Environmental Review</td>
<td>Department of Planning and Permitting</td>
</tr>
<tr>
<td>Certified Shoreline</td>
<td>Department of Land and Natural Resources</td>
</tr>
<tr>
<td>Special Management Area Permit – Major</td>
<td>City and County of Honolulu, County Council</td>
</tr>
<tr>
<td>Building Permit</td>
<td>Department of Planning and Permitting</td>
</tr>
<tr>
<td>Grading Permit</td>
<td>Department of Planning and Permitting</td>
</tr>
<tr>
<td>Sewer Connection Permit</td>
<td>Department of Planning and Permitting</td>
</tr>
</tbody>
</table>

Source: Compiled by Planning Solutions, Inc.
2 PROPOSED ACTION AND ALTERNATIVES

2.1 PROJECT PARCEL DESCRIPTION

The subject parcel, TMK No. (1) 3-7-002:081\(^1\) at 5699 Kalanianaʻole Highway near ‘Āina Haina, O'ahu, Hawaiʻi, is a lot with a total area of 0.73 acres (~31,728 sq. ft.). The recorded owner of the parcel is the Jean Tripier/Jean M. Arnold Trust with an address of 5699 Kalanianaʻole Hwy, Honolulu, HI 96821.

The parcel is accessed via a driveway directly off of Kalanianaʻole Highway (State Route 72), which is to the north of the parcel. All of the neighboring properties to the east and west of the parcel are privately-owned and in residential use. Currently, the project is occupied by a small, single-story, single family residence (Figure 2-1). Prior to 2009, there was a larger home (built in 1932) on the parcel, the current small single family residence was as accessory structure to it, and there were other accessory structures on the parcel as well. Figure 2-2 provides an aerial view of the parcel and Figure 2-3 provides ground-level photographs of existing conditions on the project site. CCH records indicate that the existing residence was constructed in 1932 and has a living area of approximately 468 sq. ft., with one bedroom and one bathroom; the condition of the dwelling is aged but serviceable.

The structure, which is located on the western side of the property, approximately midway between the mauka and makai boundaries of the parcel, is surrounded by a grass lawn with vegetation including coconut palms, mango, monkeypod, and other non-native ornamental vegetation (Figure 2-2 and Figure 2-3). The property has ample space for open parking areas along the mauka side of the property (Figure 2-3).

The project parcel is not directly on the shoreline. It is adjacent to, and visually contiguous with, a small 0.09 ac. (3,802 sq. ft.) shoreline lot (TMK No. (1) 3-7-002:082) on its south side (Figure 2-1). This parcel is identified in CCH, Department of Budget and Fiscal Services, Real Property Assessment Division’s database as filled land from the former Kūpapa fishpond at Niuiki and is owned by the State of Hawaiʻi. The owners of the project parcel hold a 55-year easement over this small parcel (Appendix B). This small parcel includes a seawall that protects the fast land within the shoreline lot and the project parcel. The exact age of the seawall is unknown; the easement indicates it was present when the State obtained the shoreline lot by an order of condemnation in 1972. The seawall is considered “permitted” because the easement clearly recognizes its presence, provides for its “use,” and provides for the repair, rebuilding, alteration, and replacement once appropriate permissions are obtained. The seawall is consistent with the seawalls throughout the area and is currently in aged but adequate condition. Figure 2-4 presents photographs of shoreline conditions near the subject property. The easement also requires the owner of the project parcel to maintain the seawall, steps, and filled land on the shoreline lot in good condition and repair.

---

\(^1\) The parcel’s TMK number became 3-7-002:081 when Kalanianaʻole Highway was widened in the 2000s; prior to that the TMK number was 3-7-002:007
Figure 2-1: Site Plan, Existing Conditions

Source: PSI
Figure 2-2: Aerial Photograph of Existing Site Conditions

Source: PSI and GLAI
Figure 2-3: Ground-Level Photographs of Existing Site Conditions

a. Access gate to the property from Kalanianaʻole Hwy.
b. View south towards existing single family residence along the western boundary of the property.
c. View west toward existing single family residence from approximate center of property.
d. View south towards the ocean along the eastern boundary of the property.
e. View south towards the ocean from approximate center of property.
f. View north towards Kalanianaʻole Hwy. from approximate center of property.

Figure 2-4: Ground-Level Photographs of Existing Shoreline Conditions

a. Coastline fronting the project parcel, looking north from just offshore. Steps in the middle of the photograph provide access to the shoreline from the subject parcel (via the easement). The low structure in the middle left of the photograph is the existing single family residence on the property.

b. Seawall and broad shallow flats fronting subject parcel, looking west from shoreline. The ladder visible in this photograph is associated with a neighboring parcel.
c. Seawall and broad shallow flats fronting subject parcel, looking east from shoreline toward Niuiki Circle. The steps visible in this photograph are associated with a neighboring parcel.

Topographically, the project parcel is almost completely level and stands approximately 4 feet above mean sea level (MSL). The highest point on the property is a small, terraced strip of land immediately makai of the rock wall partitioning the subject property from Kalanianaʻole Highway, elevated approximately 2 feet above the remainder of the parcel. The strip of raised land is grassed, its original intention is not clear.

2.2 PROPOSED ACTION DESCRIPTION

The Proposed Action consists of:

- The HCC issuing a SMA Major Permit to the Arnold-Tripier Family for the proposed project as described in Section 2.3.
- The Arnold-Tripier Family obtaining other necessary permits and approvals and implementing the proposed project as described in Section 2.3.

2.3 PROPOSED PROJECT DESCRIPTION

The Arnold-Tripier Family purchased the project parcel in 2022 with the intention of constructing two residences for their family’s use. The proposed project will be developed in two phases:

- Phase 1, to be implemented as soon as an SMP and other necessary permits are obtained:
  - Demolish and remove the existing one story, 468 sq. ft. single-family residence currently present on the site.
  - Construct a: (i) residence, (ii) pool house, (iii) a detached garage, and (iv) a raised courtyard and swimming pool.
- A continuous perimeter wall around the east, west, and north boundaries of the property.

- Phase 2, to be implemented once a second sewer connection permit is awarded, will consist of expanding and converting the pool house into a second residence.

A site plan illustrating the Phase 1 concept is provided Figure 2-5; the Phase 2 concept is shown in Figure 2-6. A massing concept of the proposed structure(s) in both phases is provided in Figure 2-7. All figures and plans are conceptual at this stage of the project’s development. Plans will be refined based on review comments and owner desires.

All proposed project development would be confined to the project parcel (TMK No. 3-7-002:081). No development is proposed on the shoreline lot (TMK No. 3-7-002:082). The proposed project does not involve any repair, rebuilding, alteration, and replacement of the seawall, stairs, or filled land on the shoreline lot.

The following subsections provide additional detail on various elements of the proposed development.
Figure 2-5: Conceptual Phase 1 Site Plan with Proposed Shoreline Certification, Conceptual Shoreline Setback, Yards, and 3.2-foot Sea Level Rise Exposure Area

Source: PSI and GLAI
Figure 2-6: Conceptual Phase 2 Site Plan with Proposed Shoreline Certification, Conceptual Shoreline Setback, Yards, and 3.2-foot Sea Level Rise Exposure Area

Source: PSI and GLAI
2.3.1 PRIMARY COMPONENTS, PHASE 1

The primary Phase 1 proposed project components consist of the applicant:

- Demolishing and removing the 468 sq. ft. single family residence (Figure 2-1) and nuisance vegetation.\(^2\)

- Constructing and utilizing a (Figure 2-5, Figure 2-7, and ):
  - A two story residence that would have a total of roughly 7,000 sq. ft. of area including lanai. The living space and lanai would be built on a post and pier foundation with a first floor elevation of roughly 9 feet above MSL so that it is above the BFE. A two car garage would be attached to the mauka side of the residence. The garage would be built on a post and pier foundation and the floor elevation would be roughly 8.5 above MSL.
  - A single level pool house that would have a total of roughly 2,000 sq. ft. of area and be built on a post and pier foundation so that the floor elevation would be roughly 9 feet above MSL, so that it is above the BFE.
  - A third structure on the mauka portion of the parcel with a slab on grade foundation that would consist of a detached garage and storage area with breakaway walls on the ground level and a recreation room and other ancillary space on the second floor. Each level of the structure would have roughly 1,200 sq. ft. of space.

\(^2\) Some existing vegetation, including some of the mature trees, would be retained.
- A courtyard and pool between the residence and pool house. The area would be at a level roughly half a foot lower in elevation than the residences. This would be achieved using (i) decking with a post and pier foundation, (ii) an above-ground pool, and (iii) raised planters. Transitions to the existing ground level will be provided by a sloped driveway on the mauka side and an embankment on the makai side. The pool, planters, and transitions would require retaining walls that would extend roughly 5 feet above existing grade.

The design of the proposed structures would be intended to maintain a Hawaiian sense of scale and place, harmonized with the character of the Niukiki residential community. All new structures would conform to all applicable regulations and standards. For example, the new residential structures will be outside of all yards and setbacks, including a 60 foot shoreline setback, be less than the applicable height limit of 30 feet; and not exceed the allowable building area (Section 4.2.3 and 4.2.4).

2.3.2 ACCESSORY COMPONENTS, PHASE 1

Driveways and walkways. A driveway connecting the garages with Kalanianaʻole Highway would be provided. An embankment would be built so that the driveway to the garage attached to the primary residence would slope up to the floor elevation. Walkways would connect the detached garage to the residences and courtyard area. The driveways and walkways would have concrete surfacing.

Gate and perimeter walls. A roughly 6 foot high rock or masonry wall would be built along the sides of the subject parcel. The existing rock wall fronting Kalanianaʻole Highway would be retained; a new automatic gate would be installed to provide vehicle and pedestrian access.

Landscaping. The existing landscape, including mature trees, would be retained to the extent possible and desired. Additional landscaping would be added. Landscaping would generally be drought and salt tolerant. A sprinkler system would be installed to provide irrigation for the landscaping.

Stormwater management. Stormwater from ground level impervious areas, such as driveways and walkways, would be directed to landscaped areas. Stormwater from roofs will be collected in gutters and directed to dry wells and/or infiltration beds. Thus, stormwater would be managed on-site.

2.3.3 PHASE 2

Phase 2 would proceed if and when a second sewer connection permit is approved by the City and County of Honolulu. Once that approval is obtained, other permits required (e.g., building permit), would be obtained. This EA discloses the potential environmental effects associated with both Phase 1 and Phase 2. It is intended that the SMP Major permit being sought approve both Phase 1 and Phase 2, with Phase 2 being conditioned on the awarding of a second sewer connection permit.

Phase 2 would consist of expanding and converting the pool house into a second residence. The expansion would add up to 1,000 sq. ft. of area to the structure and include a full kitchen. The addition would have a similar character as the Phase 1 structures and, like the Phase 1 structures,
comply with all applicable land use requirements. The portion of the second residence built during Phase 1 (the pool house) would be renovated and repurposed as necessary to integrate it with the addition and create a seamless second residence. The Phase 1 pool house will be designed with the intent that it would be converted to a Phase 2 second residence in the future; therefore, the extent of the renovations would be minimized.

2.4 PROPOSED PROJECT CONSTRUCTION DESCRIPTION

The proposed demolition and construction can be accomplished with standard construction equipment; no novel equipment or techniques are required to complete the project. Limited excavations would be necessary, such as for building foundation elements, wall foundations, and utility trenches (e.g., water, sewer, and irrigation). Post and pier foundations for the residence and pool house/second residences would require a grid of small excavations roughly 3 feet below existing ground level. The slab on grade foundations for the detached garage and pool would be broad, but shallow. All excavated material would be reused on-site to fill trenches or used to build embankments for the driveway and transitions to the courtyard area. Roughly 100 cubic yards of material would be imported to complete the embankments and raised planters. Best Management Practices (BMPs) would be implemented throughout the entire process from demolition through construction to prevent fugitive dust from leaving the site and unmanaged storm water from discharging into waters of the State of Hawai‘i. Physical BMPs will include:

- An 8-foot-tall dust fence.
- A stabilized construction site ingress and egress.
- The use of silt fences and/or silt socks to manage storm water runoff.

Administrative BMPs will include the application of water to control dust during demolition; protocols regarding equipment fueling, materials storage, and waste management; maintaining a petroleum spill kit on site; and policies regarding limiting the disturbance area and stabilizing disturbed areas. The plans submitted to obtain building permits would detail the BMPs for erosion and sediment control.

The construction would employ traditional trades (e.g., carpentry, electricians, plumbers, laborers) and will be carried out during normal business hours. All construction staging would occur on-site. Materials would be delivered in phases, as needed, as the construction progresses.

Notification of neighboring residents in adjacent parcels would be initiated prior to commencing construction activities. Worker parking would be coordinated to occur on-site.

2.4.1 PRELIMINARY SCHEDULE

The Arnold-Tripier Family intends to complete Phase 1 as expeditiously as practicable. The Arnold-Tripier Family intends to proceed with Phase 2 as soon as possible. Based on a March 22, 2022, denial of a sewer connection application on behalf of the Family, approval of the necessary second sewer connection appears to be contingent of expanding sewer capacity in the region, specifically a 24-inch diameter sewer main under Kalaniana‘ole Highway. It is unknown if or when sewer capacity will increase. The major project-related tasks, and their preliminary schedule for completion, are presented in Table 2-1 below.
### Table 2-1: Preliminary Schedule for the Proposed Action

<table>
<thead>
<tr>
<th>Task</th>
<th>Estimated Start Date</th>
<th>Estimated Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Environmental Assessment Scoping</td>
<td>1/26/2022</td>
<td>2/28/2022</td>
</tr>
<tr>
<td>Shoreline Certification</td>
<td>4/2022</td>
<td>6/2022</td>
</tr>
<tr>
<td>Environmental Assessment</td>
<td>12/2021</td>
<td>7/2022</td>
</tr>
<tr>
<td>Special Management Area – Major Permit</td>
<td>7/2022</td>
<td>10/2022</td>
</tr>
<tr>
<td>Other Permitting, Construction Bidding, and Contractor Selection,</td>
<td>10/2022</td>
<td>4/2023</td>
</tr>
<tr>
<td>Phase 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 Demolition and Removal</td>
<td>5/2023</td>
<td>6/2023</td>
</tr>
<tr>
<td>Phase 1 Construction</td>
<td>6/2023</td>
<td>7/2024</td>
</tr>
<tr>
<td>Second Sewer Connection Permit and Other Phase 2 Permits</td>
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<td></td>
</tr>
<tr>
<td>Phase 2 Construction</td>
<td>Unknown</td>
<td></td>
</tr>
</tbody>
</table>

Source: Compiled by Planning Solutions, Inc. (2022)

#### 2.4.1 Estimated Project Budget

The estimated Phase 1 project cost is $2,000,000. The Phase 2 project cost is anticipated to be less than $500,000 in 2022 dollars.

#### 2.5 Project Alternatives

##### 2.5.1 Framework for Consideration of Alternatives

Title 11, Chapter 200.1, HAR contains the State of Hawai‘i, Department of Health (HDOH) environmental review rules. HAR, §11-200.1-9 deals with applicant actions such as the proposed project. It requires that, for actions not exempt, the applicant must consider the environmental factors and available alternatives and disclose those in an EA or Environmental Impact Statement (EIS). HAR §11-200.1-18 establishes the process for the preparation and content of an EA. Among the requirements listed, HAR §11-200.1-18(d)(7) requires the identification and analysis of impacts of alternatives considered during project planning.

In accordance with those requirements, the Arnold-Tripiel Family has considered a number of alternatives before determining that the Proposed Action described above is its preferred alternative. The process consisted of formally defining the purpose and need for the project (Section 1.1), identifying other ways in which those objectives might be achieved (i.e., alternatives, including those specifically recommended by HRS, Chapter 343 and HAR §11-200.1), and evaluating each alternative with respect to the project’s objectives. Possibilities considered included the “No Action Alternative,” alternative locations, alternative configurations for the project, alternative scales for the proposed project, and alternative timing (i.e., delayed action).

##### 2.5.2 Alternatives for Detailed Consideration

The Arnold-Tripiel Family has concluded that the only alternatives that merit detailed consideration in this EA are:

- *The Proposed Action Alternative*, described previously in this chapter. The Arnold-Tripiel Family has concluded that constructing and occupying facilities at the project
The parcel on its present timeline would enable it to best meet its purpose and need as described in Section 1.1. Thus, the Proposed Action represents its preferred alternative.

- **The No Action Alternative.** Under the No Action Alternative, existing conditions on the project parcel would not be changed. No attempts would be made to remove the structure present on the site, and no new construction would occur there. While the No Action Alternative does not meet the project’s purpose and need as defined in Section 1.1, it is considered here pursuant to the recommendations of HRS, Chapter 343 and HAR 11-200.1, and to provide a baseline for comparison and contrast with the action alternative (i.e., the Proposed Action).

Only these two alternatives are analyzed in Chapters 3 and 4.

### 2.5.1 ALTERNATIVES CONSIDERED BUT REJECTED

The following subsections briefly describe the other alternatives considered and the factors that were used to decide that they should be excluded from detailed consideration.

#### 2.5.1.1 Restoration and/or Renovation of Existing Residence

Despite being approximately 90 years old, the existing residence on the property is adequately maintained. However, the structure is very small (468 square feet) and not all aspects of it meet current code. Because the size of the structure is not adequate to meet their needs, the Arnold-Tripier Family has concluded that investing in renovations to increase the size and bring the residence into compliance would not deliver a satisfactory outcome. This situation has led them to conclude that the Proposed Action (see Section 2.3) is a preferrable course of action. Consequently, the Arnold-Tripier Family has eliminated the restoration alternative from further consideration and evaluation.

#### 2.5.1.2 Alternative Scale

In considering the residential needs of the project, the Arnold-Tripier Family considered constructing a residence at the same location, but with an alternative scale. The scale could be larger or smaller than that outlined in Section 2.3. The subject 0.73 acres (~31,728 square feet) parcel, is certainly capable of hosting a larger residence or multiple residences. Having evaluated the larger scale possibility, project planners and owners concluded that it would exceed their residential needs, reduce the outdoor space that has value for the family, and be inconsistent with the surrounding neighborhood. A single or smaller structure was determined to be less attractive because it would not provide sufficient space for the family’s residential needs. Therefore, the Arnold-Tripier Family eliminated these scale alternatives from further consideration.

#### 2.5.1.1 Delayed Action Alternative

As noted previously, HAR §11-200.1 recommends the consideration of a variety of alternatives, including those of a substantially different nature than the Proposed Action, to include alternative timing (i.e., delayed action). The Arnold-Tripier Family’s Proposed Action is for the sole purpose of developing a residence at 5699 Kalaniana‘ole Highway, meeting the purpose and need identified in Section 1.1 of this report. The Arnold-Tripier Family is having to phase the project due the current lack of sewer capacity in the region. Project planners believe that additionally delays may
be dismissed out of hand because it would neither address the purpose or meet the needs of the proposed project. Further, to prolong development of the residence would offer no countervailing advantages. For these reasons, the Arnold-Tripiër Family has determined that a delayed action alternative is not a viable option and eliminated it from further consideration in this EA.

2.5.1.2 Alternative Location

HAR §11-200.1 also recommends the consideration of alternative locations for a Proposed Action. Effectively, the determination with regard to siting was made when the Arnold-Tripiër Family acquired TMK No. 3-7-002:081. The Arnold-Tripiër Family believes that this site possesses all of the characteristics which make it a desirable location for the proposed project, and that other available sites did not possess the same combination of characteristics which make the current location ideal for the proposed use. Having now purchased this property, which possesses the appropriate underlying zoning and other characteristics, the project planners can see no advantage to further investigating alternative locations. For these reasons, the Arnold-Tripiër Family has determined that an alternative location is not a reasonable option and eliminated it from further consideration in this EA.
3 EXISTING ENVIRONMENT, POTENTIAL IMPACTS, AND MITIGATION

This chapter describes the potential environmental effects of the Proposed Action and the No Action Alternative, as described in Chapter 2. The Proposed Action consists of both Phase 1 and Phase 2 and this chapter address the potential environmental effects of both phases. Where necessary impacts are discussed by phase.

This chapter is organized by resource category (e.g., coastal hazards, archaeological and cultural resources, etc.). The discussion under each topic includes: (i) an overview of existing conditions on the project site; (ii) the potential environmental impacts that may occur as a result of implementation of one of the alternatives considered in this EA; and, where appropriate, (iii) any measures that the Arnold-Tripier Family will take to avoid, minimize, or mitigate potential adverse effects. The scale of the discussion related to each topic is commensurate with the potential for impacts. Where appropriate, the larger environmental context (e.g., East Honolulu) is discussed, and in other cases the focus is narrower (e.g., the project site). The discussion of impacts also distinguishes between short-term impacts (i.e., those occurring when construction equipment and personnel are actively implementing demolition and construction processes) and those that may result over the long-term as a result of the project.

3.1 COASTAL ZONE HAZARDS

The Atlas of Natural Hazards in the Hawaiian Coastal Zone (USGS, 2002) provides an overview of coastal hazards throughout Hawai‘i, including in the vicinity of the project site. The project site is in what it calls the “Diamond Head” area, which stretches from Diamond Head in the west to Niu Valley in the east. It indicates that the conditions and hazards for the Niuiki community, including the subject parcel, are as follows (Figure 3-1):

- Geology: Developed, with a fringing reef (Dfr)
- Coastal Slope: 1 (<20%)
- Tsunami Hazard: 4 out of 4, the highest hazard level
- Stream Flooding Hazard: 4 out of 4, the highest hazard level
- High Waves Hazard: 2 out of 4, the medium-low hazard level
- Storms Hazard: 4 out of 4, the highest hazard level
- Erosion Hazard: 4 out of 4, the highest hazard level
- Sea Level Hazard: 2 out of 4, medium-low hazard level
- Volcanic/Seismic Hazard: 3 out of 4, medium-high hazard level
- Overall Hazard Assessment: 5 out of 7
The Overall Hazard Assessment for the coastline fronting the project site is moderate to high (5). The following subsections consider these hazards in more detail, then the impacts are discussed (Section 3.1.8), and finally, the avoidance, minimization, and mitigation measures are presented (Section 3.1.9).

### 3.1.1 Tsunami Hazard

The *Atlas of Natural Hazards in the Hawaiian Coastal Zone* (USGS, 2002) indicates that “The tsunami and storm hazards along the Diamond Head coast reflect the influence of topography. They are both ranked high except at Diamond Head, where they are reduced to moderately high.” The subject site is within the tsunami evaluation zone as illustrated in Figure 3-2.
Figure 3-2: Tsunami Evaluation Zone


3.1.2 FLOODING HAZARDS – TSUNAMI, STREAMS, & STORMS

The National Flood Insurance Program, administered by the Federal Emergency Management Agency (FEMA), maintains floodplain and flood hazard maps for use in determining a reference height that allows property insurance companies to assess flood risk, known as the BFE. Along the Diamond Head coastline, the greatest 1 percent annual flood risk is considered by FEMA to be associated with tsunami wave inundation, and not from storm surge or stream flooding.

A small makai portion of the project parcel is in the VE flood zone and the rest of the parcel, including the portion where structures are proposed, is in the AE flood zone. The AE zone indicates a 100-year coastal flood zone that has additional velocity hazards associated with waves, including tsunami runup (see Figure 3-3). The BFE has been determined in this zone and is 9 feet above MSL on the subject parcel.

The stream nearest to the project parcel is Niu Valley Stream, approximately 350 feet to the southeast; Wailupe Stream is located 0.9 miles to the west and Kuli‘ou‘ou Stream is located 1 mile to the east. These are relatively small streams and runoff flowing down them, even during high flow, is not expected to affect the parcel, or, if they do, the flood elevation would be lower than the BFE identified above.
The *Atlas of Natural Hazards in the Hawaiian Coastal Zone* (USGS, 2002) set the storm hazard level at the project site at 4 out of 4 (i.e., high; see Figure 3-1). The Atlas’ hazard ranking for
storms is primarily associated with the storm surge and high wind hazards. The high ranking is primarily associated with the relatively strong predicted storm surge in the area. According to the National Oceanographic and Atmospheric Agency (NOAA) National Storm Surge Hazard Maps (Figure 3-4), no portion of the project parcel would likely experience a storm surge of more than 3 feet (but less than 6 feet) during a Category 4 hurricane (see Section 3.1.4 for further discussion of storms). Therefore, storm surge in the area is anticipated to be far below the BFE at the project site.

**Figure 3-4: Storm Surge Hazard, Category 4 Hurricane**

![Storm Surge Hazard Map](https://www.nhc.noaa.gov/nationalsurge/)

Source: https://www.nhc.noaa.gov/nationalsurge/ (downloaded February 22, 2022)

### 3.1.3 High Waves Hazard

The *Atlas of Natural Hazards in the Hawaiian Coastal Zone* (USGS, 2002) indicates that along the Diamond Head coast the threat associated with high waves that annually reach this coast in spring and summer is ranked moderately high.

The *Hawai‘i Sea Level Rise Vulnerability and Adaptation Report* (Hawai‘i Climate Change Mitigation and Adaptation Commission (HCCMAC), 2017) included numerical modeling to estimate the potential impacts that a 0.5, 1.1, 2.0, and 3.2-foot rise in sea level would have on coastal hazards, including annual high wave flooding. Those heights of sea level rise are predicted to occur in 2030, 2050, 2075, and 2100, respectively. Figure 3-5 shows the annual high wave flooding exposure area in the vicinity of the project area with 0.5 feet of sea level rise; Figure 3-6 shows both the 1.1 and 2.0 foot of sea level rise scenarios; and Figure 3-7 shows the annual high
wave flooding exposure area in the vicinity of the project area with 3.2 feet of sea level rise (a sea level rise that is not expected to occur until 2100).

**Figure 3-5: Annual High Wave Flooding in Project Area under a 0.5-foot Sea Level Rise Scenario (2030)**

![Image of annual high wave flooding in project area under a 0.5-foot sea level rise scenario (2030)](image1)


**Figure 3-6: Annual High Wave Flooding in Project Area under 1.1-foot (2050), and 2.0-foot (2075) Sea Level Rise Scenarios**

![Image of annual high wave flooding in project area under 1.1-foot (2050), and 2.0-foot (2075) sea level rise scenarios](image2)

As shown in Figure 3-5, Figure 3-6, and Figure 3-7, a gradually increasing portion of the project parcel is modeled to be affected by annual high wave flooding between now and 2100, as sea level rises. As discussed in Section 2.1, the parcel’s ground level elevation is currently roughly 4 feet above MSL. While only the small parcel of State-owned land makai of the parcel is expected to be impacted under typical circumstances today, the entire parcel is modeled to be affected by annual high wave flooding in 2100.

### 3.1.4 STORM HAZARD

The official Central Pacific Hurricane Season runs from June 1 through November 30; the primary hurricane season in Hawai‘i is considered July through September. During this period, tropical storms generally form off the west coast of Mexico and move westward across the Central Pacific. These storms typically pass south of the Hawaiian Islands and sometimes have a northward curvature near the islands. Late season tropical storms follow a somewhat different track, forming south of Hawai‘i and moving north toward the islands. When these storms generate sustained wind speeds over 64 knots (74 mph) they are hurricanes. A handful of hurricanes have passed within 60 miles of the main Hawaiian Islands in the past 40 years (Figure 3-8):

- Iwa in 1982 (Category 1)
- Iniki in 1992 (Category 4)
• Iselle in 2014 (Category 1)
• Ana in 2014 (Category 1)
• Douglas in 2020 (Category 1)

Figure 3-8: Hurricanes Within 60 Miles of the Main Hawaiian Islands (1980-2020)


The damage and injury associated with these meteorological phenomena is the result of high winds, marine overwash (i.e., storm surge), heavy rains, tornadoes, and other intense small-scale winds and high waves. The intensity of the hazard is typically proportional to the proximity (distance) from the storm and the intensity (category) of the storm. The Atlas of Natural Hazards in the Hawaiian Coastal Zone (USGS, 2002) set the storm hazard level at the project site at 3 out of 4 (medium-high; see Figure 3-1). The Atlas’ hazard ranking for storms is primarily associated with the storm surge and high wind hazards. As detailed in Section 3.1.3, the storm surge is not anticipated to exceed 3 feet for a Category 4 hurricane.

3.1.5 EROSION HAZARD

The causes of coastal erosion and beach loss in Hawai‘i are numerous but poorly understood and rarely quantified. Factors that contribute to coastal erosion and beach loss include:
- Construction of shoreline hardening structures, which, while limiting coastal land loss landward of the structure, does not alleviate beach loss and may accelerate erosion on the seaward side of the structures by reducing sediment deposition.

- Reduced sediment supply either from landward or seaward (primarily reef) sources. Obvious causes, such as beach sand mining and structures that prevent natural access to back-beach deposits, remove sediment from the active littoral system. More complex issues may be related to reef health and carbonate production which, in turn, may be linked to changes in water quality.

- Large storms, which can transport sediment beyond the littoral system.\(^3\)

- Sea level rise, which leads to a landward migration of the shoreline.

The Coastal Geology Group in the School of Ocean and Earth Science and Technology at the University of Hawai’i (UH) developed a web map that provides information from their Hawai’i Shoreline Study. As part of the study they developed “Future Erosion Hazard Zones,” which are lands that are projected to be vulnerable to coastal erosion by a specified year and associated height of sea level rise. The hazard zone is not meant to be a prediction of the exact lands that will be eroded in the future, nor a prediction of where the shoreline will be in the future. Rather, the erosion hazard zone represents lands that fall within a zone with a certain likelihood of exposure to erosion, according to probabilistic modeling. Figure 3-9 provides the output from the website for the area of the subject project.

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\(^3\) The littoral system is the area from the landward edge of the coastal upland (e.g., the certified shoreline) to the seaward edge of the nearshore zone (e.g., the edge of the shallow fringing reef).
Because the small State-owned shoreline parcel makai of the project site is armored with a seawall and there is no beach makai of that wall (Figure 2-4), no rate of erosion has been assessed. Thus, based on UH’s assessment, the shoreline parcel fronting the project site is not vulnerable to erosion. This will continue to be true as long as the seawall is maintained. The easement over the shoreline parcel allows the owners of the subject parcel to maintain the seawall. As discussed in Section 2.1, the condition of the seawall is currently adequate and the proposed project does not involve seawall maintenance.

### 3.1.6 Sea Level Rise Hazard

The global community of climate scientists has concluded that sea levels are currently rising and that this trend is expected to continue for the foreseeable future. The Intergovernmental Panel on Climate Change (IPCC) has predicted (IPCC, 2013) that the average temperature in the Hawaiian Islands is likely to increase by 0.9° F to 1.7° F (0.5° to 1.5 C°) by 2100, rainfall is likely to decrease by, at most, 10 percent, and sea level could rise between 0.85 to 3.2 feet (0.26 to 0.98 meter). Given that likelihood, it is incumbent upon planners to look at the potential effects this trend could have on development and examine ways in which project designs can accommodate these changes. To partially illustrate the impact of Sea Level Rise (SLR) on the project vicinity, Figure 3-10 depicts the project site superimposed with the NOAA 1 meter (3.2 feet) SLR contour.
While Figure 3-10 depicts the change in the static sea level rise, or passive flooding, associated with a 1-meter (3.2 feet) SLR, the Hawai‘i Sea Level Rise Vulnerability and Adaptation Report (HCCMAC, 2017) goes a step further when assessing the hazards associated with SLR. It modeled the three chronic flood hazards associated with SLR: (i) passive flooding; (ii) annual high wave flooding (see Section 3.1.4. for detailed discussion); and (iii) coastal erosion (see Section 3.1.5 for a detailed discussion). The combined footprint of these three hazards define what the report terms the “Sea Level Rise Exposure Area” (SLR-XA) and indicates flooding in the area will be associated with “long-term, chronic hazards punctuated by annual or more frequent flooding events.”

Figure 3-11 shows the SLR-XA in the vicinity of the project area with 3.2 feet of sea level rise, which is not expected to occur until 2100. Because annual high wave flooding is the greatest SLR hazard in the Niuiki community, the SLR-XA is identical to the annual high wave flooding exposure area shown in Figure 3-7.
3.1.7 **VOLCANIC/SEISMIC HAZARD**

The *Atlas of Natural Hazards in the Hawaiian Coastal Zone* (USGS, 2002) indicates that “volcanic/seismic hazard is ranked moderately high as it is along all of O‘ahu’s southern shores, due to their proximity to the Moloka‘i Seismic Zone.” The Atlas’ ranking of this hazard attempt to account for the variability in (i) geology, (ii) Uniform Building Code (UBC) seismic zone factor rankings for each island, (iii) history of volcanic and seismic activity, and (iv) recent scientific predictions of the probability distribution of seismic hazards among the main Hawaiian Islands. It notes that the volcanic/seismic hazard ranking generally increases uniformly from Kaua‘i toward Hawai‘i Island, because of the increase in volcanic and seismic activity found along Hawai‘i Island’s south-east coast.

Like all of O‘ahu, the project site is designated by the UBC as Seismic Zone 2a. Current building codes, including the International Building Code (IBC), include minimum design criteria for structures to address the potential for damage due to seismic disturbances specific to each seismic zone. There is no threat of volcanic eruptions directly affecting the project area directly.
3.1.8 **POTENTIAL IMPACTS**

The Proposed Action will not have a discernable impact on the susceptibility of the area to coastal zone hazards (e.g., tsunami, flooding, high waves, storms, erosion, sea level rise, or seismicity). The range of coastal hazards may episodically or chronically impact the project parcel and any improvements upon it, including the proposed project. There are several factors that temper the scale of impact associated with the coastal hazards; these include, (i) the subject parcel being in an area with a fringing reef; (ii) the presence of the seawall on the adjacent intervening state-owned parcel, which the owners of the subject parcel may maintain; and (iii) the ground level is at an elevation of roughly 4 feet above MSL. Hazards with the potential to directly impact the portion of the parcel where structures would be built are:

- Tsunamis may occur but would be unlikely to reach the living area of the proposed residence, which would be elevated above the BFE.
- Storms (high wind, storm surge, and high waves) may occur but would be unlikely to have a substantial adverse effect on the proposed residence since it would be required to be designed to withstand high winds and the living area would be elevated above the BFE.
- High waves may more frequently crest the intervening shoreline parcel and flow onto the project parcel as sea level rises. Such occurrences may be a nuisance but will not substantially affect the parcel, which is dominated by salt-tolerant landscaping, or proposed residence, which will have a foundation sufficient to weather such events.
- After 2100, when sea level rise is predicted to reach 3.2 feet, a combination of the coastal hazards could render the proposed residence uninhabitable. By 2100, the project proponents will no longer be present and the proposed residence would be reaching the end of its design life. At that time, the existing level of sea level rise and the prevailing coastal zone policy will dictate the appropriate actions.

Because these hazards are not anticipated to render the proposed residence uninhabitable until after the end of its design life, it has been assessed the associated impact will be less than significant.

Similar to the Proposed Action, the No Action Alternative will not have a discernable impact on these coastal zone hazards (tsunami, flooding, high waves, storms, erosion, sea level rise, or earthquakes). However, the existing structure will become dilapidated and is not elevated above the BFE. Therefore, the continued presence of the existing structure constitutes a potential hazard (e.g., it could collapse and become flotsam or airborne) should one of these coastal hazards occur.

3.1.9 **AVOIDANCE, MINIMIZATION, OR MITIGATION MEASURES**

In general, the proposed project will address these hazards and their associated potential impacts in a similar manner as existing residences have for years and new residences will in the future. This will include:

- Meeting or exceeding IBC’s minimum design standards for Seismic Zone 2a.
- Conforming to the 2012 International Residential Code (IRC) and Hawai‘i State Building Code (HRS Chapter 107), as amended by CCH.
Implementing select design and construction measures outlined in FEMA’s Coastal Construction Manual to reduce hurricane risk.

Complying with all development standards of ROH, §21-9.10 Flood Hazard Districts applicable to the coastal high hazard district.

Elevating the residence and lanai so that the bottom of the first floor structure is at an elevation of roughly 9 feet above MSL, which is above the BFE.

Not placing structures within the shoreline setback (Figure 2-5).

Abiding by emergency orders, such as tsunami evacuations.

Maintaining the property in a way that minimizes the potential for the coastal zone hazards to cause property damage or undo risk to human health and safety, such as keeping the property reasonably clear of debris and maintaining easy ingress and egress.

Maintaining flood insurance coverage, provided it is available.

Maintaining the seawall on the adjacent State-owned shoreline parcel per the terms of the 55-year easement and seeking the renewal of the easement prior to its expiration.

Landscaping in a manner consistent with applicable guidance such that it does not affect the seawall or littoral processes and is tolerant of the salt and wind.

Implementing these measures will avoid and minimize the potential impacts of the coastal zone hazards; no mitigation measures are necessary since the level of impact is less than significant.

3.2 ARCHAEOLOGICAL AND CULTURAL RESOURCES

3.2.1 CONTEXT

The project site is located in the Waikīkī Ahupuaʻa, Kona Moku, on the southern side of Oʻahu, Hawaiʻi, an area known to be inhabited by Native Hawaiians in both pre- and post-Contact eras. While no new archaeological investigations or reports were prepared for this project, during preliminary planning and preparation for the Proposed Action, the project’s planners have reviewed a variety of sources of information regarding the potential for archaeological, historical, or cultural resources to be present on, near, or associated with, the project site. In addition to standard references, the following documents were reviewed:


3.2.1.1 Historical Context

The project site is located in the Waikiki Ahupua‘a, which is part of the Kona District of O‘ahu Island, on the coastline below Niu Valley, in an area traditionally known as Niukiki. Niu literally means “coconut”; it was named for a woman who husked the coconuts (“He ʻo niu kana hana”) from a large grove of trees there. Niu is variously described as an ‘ili in the ahupua‘a of Waikikī or an ahupua‘a in the district of Kona. It extends from the border with Wailupe on the west to the border with Kuli‘ou‘ou on the east, and from the sea to the Ko‘olau Mountains. Niu is divided into two valleys, separated by Kūlepamoa (flapping of chicken) Ridge. On the west is Pia (arrowroot) Valley and on the east is Kūpaua (upright clam) Valley. The two streams of these valleys merge into Niu Stream near the coast. Traditional land use in the area consisted of agriculture, fishing, and aquaculture.

Between May of 1844 and September 1846 the USS Constitution undertook a circumnavigation of the globe, arriving in Honolulu in November of 1845. Aboard was Lieutenant John B. Dale (1814-1848). During the Constitution’s brief stay amongst the islands, Dale created evocative sketches and watercolor images of Hawai‘i in the earliest days of American involvement there. One image, depicting a view of Maunalua Bay, Koko Crater, and Niukiki as seen from the highlands of Niu is shown in Figure 3-12.
Evidence remains of at least 11 native Hawaiian fishponds within the region, including the Paikō, Kaluaha‘iha‘i, Wailupe, and Niuiki Fishponds in the immediate vicinity of the project site. Several accounts from early Western visitors suggest that there were quite a few settlements present along the Maunalua Bay coast. In *Native Planters in Old Hawaii: Their Life, Lore, and Environment* (Handy and Handy; 1972) the following description of East O‘ahu, including the project area, is included:

*Beyond Palolo, Waialae takes its name from a sprint whose water irrigated a small area of terraces. Next, eastward, is Wailupe: here the ground is so porous that the small stream disappears into it. A kamaaina said he had never seen any terraces. Doubtless, sweet potatoes were grown. Wailupe had a large fishpond (McAllister, 1933, p. 71). In Niu Valley, beyond Wailupe there was marshy land where a little taro may have been grown. McAllister (1933, p. 70) describes a fishpond and Niu. Kuli’ou‘ou, which comes next and is the last ahupua‘a in Kona, is dry. The ground is too porous to hold water even if it had been available, which it may have been for the gulch is verdant and has springs in it. Some forest taro and yams may have been grown, but the subsistence staple, other than fish, must have been sweet potato.*
Maunalua, and the land area at the southeasternmost tip of Oahu, marked by the two great barren mountain masses, Koko Head jutting seaward and Koko Crater, inland, was not part of the chiefdom of Kona, although it lies on the south (Kona) coast of the island. It was an ‘ili (land section) of Waimanalo on the adjacent eastern (windward) coast in Koʻolaupoko (coulter, 1935, p. 223). Maunalua (Two-Mountains) was notable for its great fishpond (loko kuapa) covering 523 acres. Actually, this great pond, named Ke-ahu-pua-o-maunalua (The-shrine-of the-baby-mullet-of-Maunalua) was a broad shallow bay, walled off at its seaward side, with an inlet and a gate which was opened to let fish in as the tide came in and was closed when the tide began to run out. Chamberlain (1957, p. 29) crossed the causeway in 1828. There was evidently a sizeable village in the vicinity because there was a school in which he addressed thirty people, although most of the men were away cutting sandalwood. Before that, and since the time of the chiefess Mahoe for whom the menehune built the kuapa, Maunalua Bay was said to have been amply inhabited and the hinterland of Maunalua and beyond there are many evidences of former sweet-potato culture.

Fishponds played a critical role in Hawaiian culture, providing a reliable source of dietary protein. Typically, they were constructed in estuaries where freshwater streams flowed into the ocean. Kūpapa Pond or Niu Fishpond (the former fishpond at Niuiki Circle) had water-worn walls 3-feet high and 8-feet wide that formed a 2,000-foot long semicircle around several acres. Figure 3-13 depicts Niuki Fishpond and adjacent areas, including the current project site, in 1925.

**Figure 3-13: Maunalua Coastline with Niuki and Paikō ca. 1925**

The Niuki Fishpond was part of a tract of 2,446 acres that was once a summer home of Kamehameha I and which was later given to Capt. Alexander Adams, under Land Claim Award No. 802, filed on February 14, 1848, at the time of the Great Māhele. The claim states:
From the testimony of Governor Kekuanaoa and Mrs. Ii, it appears that the claimant was created lord or konohiki of this land, in the time of Kamehameha I, and that he has exercised the konohikiship of the same without dispute ever since the year of Our Lord 1822.

It further appears that the claimant obtained his rights in this land in remuneration for services rendered the king as sea captain or sailing master. In *Men of Hawaii: The Story of Hawaii and Its Builders* (3rd ed.; 1925), edited by George F. Nellist, and published by the Honolulu Star Bulletin, Ltd., an entry exists for one Captain Alexander Adams (http://files.usgwarchives.net/hi/statewide/bios/adams2bs.txt):

ALEXANDER ADAMS, Pioneer Navigator. Intimate friend and confidential advisor of Kamehameha the Great, founder of the Kamehameha dynasty in Hawaii and who entrusted to him the command of the king’s fleet, Captain Alexander Adams, the first regular pilot for the port of Honolulu, was one of the most picturesque figures of that colorful epoch in Hawaiian history when a pagan monarch ruled the islands in semi-barbaric splendor.

For some thirty years Captain Adams and his family were close to the reigning house, and in recognition of his services to the crown he and his heirs were granted a perpetual land holding by King Kamehameha I and his queen, Kaahumanu, of more than 2,000 acres, extending from the mountains to the sea and embracing that portion of Oahu known as Niu, near Honolulu. Much of this land was valuable, and with it were granted fully and freely fish and water rights, all other rights, and the country home of the king and queen. To this day the land grant is held intact by Mrs. Charles Lucas, a granddaughter of Captain Adams.

By 1933, the pond had been filled and used for agriculture and in 1953, the pond was filled and developed for residential use. Figure 3-14 provides an aerial photograph of Niuiki in 1927; the process of infilling the fishpond for agricultural use appears to be underway by this date. The project site, to the left of Niuiki Fishpond, remains wooded.
3.2.1.1 Soils

According to the U.S. Department of Agriculture, Natural Resource Conservation Service, the soil on the subject parcel is fill land (FL) emplaced during redevelopment of Niuiki Fishpond for agricultural, and later, residential use. A small sliver of land in the far southwest corner of the property is Jaucus Series (JaC), typical of coastal areas of the island. A geotechnical survey of the project site is planned to help inform project design, but its results are not yet available. What is visible on the ground surface, and the long presence of a residence on the lot since 1943, suggests that the project site was filled and graded to be flat for the purpose of residential development and is well-suited to this use. In addition, the entire parcel is devoid of natural surface features except for several large trees occupying portions of the site.

3.2.1.2 Burials

No native Hawaiian burials are known to have been found in the Niuiiki community where the subject parcel is located. There were known burials in the natural, lava-rock caves in the sloped sides of Niu Valley, but these are more than a half mile north of the project site, on the other side of Kalanianaʻole Highway. The bulk of the project site is composed of fill land deposited there when Niuiki Fishpond was filled for first agricultural, and later, residential use.

3.2.1.3 Historic Site in HICRIS

The HICRIS website indicates that there are no historic sites listed on the Hawai‘i Registry of Historic Places within 0.8 miles of the subject parcel.


3.2.1.2 Cultural Practices

Cultural practices and resources are not known to occur on the project parcel, which has been in private residential use for many decades. The shoreline area in the vicinity of the project parcel, but not the project parcel itself, is periodically traversed to access surfing, paddling, and fishing areas. Fisherman, surfers, and other recreants access the shoreline at Kawaiku‘i Beach Park, a public accessway along Niia Stream, Kuli‘ou‘ou Beach Park, and Paikō Lagoon. The cultural site closest to the project parcel is Kaluaha‘iha‘i Fishpond, approximately 1,500 feet to the east on the opposite side of Niuiki Circle.

3.2.1.3 Identified Potential Historical Resources

Reports available for other projects in the vicinity indicate that there are a variety of archaeological resources in the region, but that none have been identified on the project parcel. As noted above, the cultural site closest to the project parcel is Kaluaha‘iha‘i Fishpond, approximately 1,500 feet to the east on the opposite side of Niuiki Circle. The nearest resource on the Hawai‘i Registry of Historic Places is the Carl and Florence (Gurrey) Bayer Residence which is approximately 0.85 miles from the subject parcel.

3.2.2 Potential Impacts

All ground disturbance would be entirely within the boundaries of TMK No. 3-7-002:081. Across much of that area ground disturbance will be limited to moving equipment during demolition and landscaping. There will be no mass grading of the site but there will some embankments installed and a grading permit will be triggered. The following ground disturbances are anticipated: (i) many small excavations roughly 3 feet deep and 3 feet square for post and pier foundations, these excavations will be in grids to support the residence, pool house/second residence, courtyard deck, and lanais; (ii) a shallow, roughly 1,200 square foot excavation for the slab on grade foundation for the detached garage; (iii) a shallow, roughly 1,000 square foot excavation for the embedment of the above-ground pool; (iv) dry wells and/or infiltration beds for stormwater runoff from the roofs; and (v) other minor excavations and trenches for perimeter wall foundations and underground utilities. Nearly all excavations will occur in the portion of the project parcel that is identified as being fill land (Section 3.2.1.1.1).

Under the Proposed Action, given that the project site: (i) has been in continuous residential use for approximately 90 years, (ii) will occupy fill land placed there for agricultural and residential use, and (iii) no archaeological or cultural resources or practices have been identified within the subject parcel, project planners have concluded that the Proposed Action will have a less than significant impact on cultural and historic resources. The project will not affect access to the shoreline in the area. In the parlance of HRS Chapter 6E, planners have concluded that the Proposed Action would have no effect on archaeological or historic properties. To substantiate this conclusion materials have been submitted to the State Historic Preservation Division (SHPD) with a request for their review and response. In addition, this EA is being provided to SHPD with a request for review and comment.

The No Action Alternative would not involve any demolition or ground-disturbing activities and does not have the potential to impact archaeological or historic properties.
3.2.3 AVOIDANCE, MINIMIZATION, OR MITIGATION MEASURES

Under the Proposed Action, ground disturbance will be limited to the maximum degree practicable. Given the lack of historic sites in the area and the presence of fill land throughout the majority of the subject parcel, no further avoidance or minimization measures are warranted. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted and the State Historic Preservation Division (SHPD) will be notified as soon as possible. If human remains are discovered, further disturbances and activities shall cease in the area and nearby areas suspected to overlie remains, and SHPD and the Police will be contacted immediately. If discovery occurs on Saturday, Sunday, or a holiday, the Division of Conservation and Resource Enforcement and the Police will be notified.

3.3 VISUAL AND AESTHETIC RESOURCES

3.3.1 EXISTING CONDITIONS

The CCH’s General Plan (Amended 2002), regarding aesthetic and scenic resources, is focused on:

“the preservation of scenic resources such as mature trees, scenic views and vistas, key landmarks, and historic and cultural features; the use of urban design principles that emphasize aesthetic compatibility while meeting functional standards; and reviewing standards to ensure that the character of older communities is maintained while still allowing for new construction and maintaining older facilities.”

The East Honolulu Sustainable Communities Plan (EHSCP; 2021) reaffirms East Honolulu’s role in O‘ahu’s development pattern, as intended in the County General Plan, by establishing policies and guidelines for future development, including the need to:

Protect natural and Scenic Resources—Significant scenic views of ridges, upper valley slopes, and shoreline areas along Kalaniana‘ole Highway, popular hiking trails, and the Kaiwi Scenic Shoreline, mauka to makai, are protected from residential and commercial development and degradation by vehicle operations. Furthermore, access to shoreline areas and mountainous regions are improved and provided for all to use responsibility.

The EHSCP goes on to describe and define protected scenic land features, viewplanes, and panoramas in Exhibit 2-2 Scenic Resources, reproduced here as Figure 3-15. As can be seen from that map, none of the significant scenic resources broadly defined in the EHSCP, such as ridges, sloped valleys, or unaltered shoreline, are in the immediate vicinity of the proposed project. Figure 3-16 depicts a Google MapsTM street view screenshot taken of the project site from Kalaniana‘ole Highway. As can be seen, the project parcel is screened by the intervening lava rock wall, landscaping, and structures, which prevent direct public views of the property or the ocean beyond it. The first photograph in Figure 2-4 shows the view of the subject parcel from the water toward the land; it shows that existing structures and vegetation screen the line of sight to the highway and valley floors, but the ridges and mountainous regions remain visible in the distance.
3.3.2 POTENTIAL IMPACTS

As discussed above, the Proposed Action does not have the potential to materially change scenic views, panoramas, or any other scenic resource, relative to existing conditions. The screening lava rock wall and landscaping that can be seen in Figure 3-16 prevent clear views of, or across, the project parcel. Thus, while the proposed new construction may create a new visual presence on the property, views of and across it will remain substantially the same, with the ocean not visible from the highway. The Proposed Action will not result in any change to views along the shoreline near Niuiki Circle. None of the scenic resources identified in the EHSCP would be impacted by the Proposed Action, and as a result, the visual impact of the Proposed Action is negligible and no mitigation is required.

The No Action Alternative would not have any significant impact on visual and aesthetic resources; however, the existing improvements present on the site would continue to age and degrade over time.

Figure 3-15: EHSCP Scenic Resources Map
3.4 PROTECTED SPECIES

3.4.1 EXISTING CONDITIONS

No rare, threatened, endangered, or otherwise protected species are known to exist on the project site. Some protected species, including the Pacific Golden Plover or Kōlea (*Pluvialis flava*) and Hawaiian Hoary Bat or ‘Ōpe‘ape‘a (*Lasiurus cinereus semotus*), may occasionally visit the project site, but have not been seen during site inspections or reported by previous residents.

Green sea turtles (*Chelonia mydas*) likely visit the nearshore waters adjacent to the project site. They may even haul out on the sandy area near the nearby mouth of Niu Stream. As there is no beach fronting the shoreline parcel it is not possible for turtles to haul out or nest immediately adjacent to the project site. Other protected species may occur in nearshore waters or overfly the area; these include other sea turtle species, monk seals, and seabirds (shearwaters, petrels, terns, tropicbirds, and frigates).

The marine water offshore of the project parcel are part of the Hawaiian Islands Humpback Whale National Marine Sanctuary. The nearest wildlife sanctuary is the State-owned Paikō Lagoon Wildlife Sanctuary, approximately 4,500 ft. to the east.

3.4.2 POTENTIAL IMPACTS

Under the Proposed Action, the project will not substantially change the overall character of the project parcel: it will continue to be used for residential purposes in a manner consistent with prior
use. The proposed project will not alter the character of the shoreline area. Thus, the Proposed Action does not have the potential to result in more than a negligible impact on protected species or their habitat.

The No Action Alternative does not have the potential to directly impact protected species.

3.4.3 **AVOIDANCE, MINIMIZATION, OR MITIGATION MEASURES**

To reduce the potential for harmful interactions between nocturnally flying seabirds, including Wedge-tailed Shearwaters, and sea turtles with external lighting and manmade structures, construction activities will be limited to daylight hours when lighting is not required. If it becomes necessary to conduct any construction operations after dark, construction lighting will be shielded to prevent light attraction of native seabirds and turtles.

To avoid and minimize potential impacts to protected species, the project will:

- Use only exterior lighting that is identified as “acceptable” by the DLNR’s Wildlife Lighting guidelines at the time it is specified in project designs. The current guidelines are available at [https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf](https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf). Thus, all exterior lighting will be fully shielded.
- Design all exterior lighting to avoid light trespass beyond the relatively level area on the project parcel so the light sources (the bulbs or diodes) are not visible from nearshore waters.
- Use light sources that are “warm” with ratings of 3000 Kelvin or lower, which typically have a lower blue light content.
- Maintain landscaping on the project parcel.
- Maintain vegetation on the adjoining beach parcel (TMK 3-7-002:082) as specified in the easement.

3.5 **OTHER RESOURCES AND TOPICS**

Due to the nature of the proposed project – replacing existing a residential structure with new residential structures in order to continue the same use, which is consistent with all applicable land use rules and regulations – the Proposed Action has no potential to substantially impact other resources or conditions. Therefore, the following topics, which are sometimes discussed in detail in EAs, are only briefly mentioned in this section:

- **Topography, geology, and soils.** The project parcel is essentially flat and the soil is mapped as fill land (FL) with a small sliver of Jaucus Series (JaC) in the southwest corner of the property. Although the proposed project does involve modifying topography by adding fill to create the sloped driveway to a garage, raised planters, and embankments for transitions from the raised pool deck area to the existing ground level (Section 2.3), it does not involve mass grading the entire project parcel or grading that would alter stormwater runoff in a manner that would impact surrounding uses. The Proposed Action does not involve activities that have the potential to meaningfully impact geology and soil resources.
Hydrology (surface waters, groundwater, and marine waters). The stream nearest to the project parcel is Niu Valley Stream, approximately 350 feet to the southeast; Wailupe Stream is located 0.9 miles to the west and Kuliʻouʻou Stream is located 1 mile to the east. These are relatively small streams and runoff flowing down them, even during high flow, is not expected to affect the parcel. The Pacific Ocean in the area is considered Class A, which is to be protected for recreational purposes and aesthetic enjoyment. There have been reports of high bacteria counts at Niu Beach during routine beach monitoring by the Department of Health; such events occur periodically around the island and typically coincide with rain events. Brown water advisories also occur periodically along the southern shore of O‘ahu; these advisories are typically associated with storm events.

Air Quality. Air quality in the region is good; all federal and state air quality standards have been attained.

Noise. The predominant noise sources in the vicinity of the project site are traffic from Kalaniana‘ole Highway and background noise from the ocean due to wave action.

Public Utilities, Infrastructure, and Services.

- Water. The Board of Water Supply provides potable water to the project parcel. This will continue to be the case and substantial changes in water use are not anticipated.

- Electricity and communications. Overhead lines provide electrical and communication services to the project parcel (a utility pole is present in the utility easement on the subject parcel). Utilities will be placed underground from on-site pole to the proposed structures. Substantial changes in demand are not anticipated.

- Wastewater. The site is currently, and will continue to be served by, the municipal sanitary wastewater system. There is not a documented history of unusual releases or other issues associated with the wastewater system in the area. Currently, the parcel has a single sewer connection permit. The Phase 1 residence will utilize that permit. As the Phase 1 residence will conform to land use rules, including the number of kitchens, wet bars, laundry rooms, and bathrooms allowed, it will have a less than significant impact on the wastewater system. DPP has indicated that they will not approve a second sewer connection permit, apparently because there is a regional capacity issue associated with a 24-inch diameter sewer main under Kalaniana‘ole Highway. As planned, the Phase 2 second residence would not substantially increase the volume of wastewater generated on the parcel. Nevertheless, in order to avoid adverse effects to the regional wastewater system, the Phase 2 residence will only proceed after DPP awards a second sewer connection permit.

- Storm water management. Currently, storm water from roofs, the only area of hardscape, is allowed to flow to the ground surface and percolate into the

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4 There have been wastewater releases from the sewer system in the area, mostly recently reported on January 6, 2022. That release is not considered unusually because it occurred during a period of intense rain and several other wastewater releases were reported across O‘ahu during that storm period.
ground. Roofs and concrete driveways and walkways will be the principle areas of hardscape under the proposed project; less than half the parcel will be hardscape. Storm water from roofs will be directed to a storm water system that includes a dry well. Storm water from the concrete surfaces will be directed to landscaped areas where it can infiltrate.

- **Solid waste.** The project site is served by the Department of Environmental Services, Solid Waste Division, which provides weekly collection of solid waste, recycling, and green waste. This will continue to be the case and substantial changes in solid waste generation are not anticipated.

- **Fire.** The project parcel is primarily served by the Fire Station No. 23 (Wailupe) at 5046 Kalanianaʻole Highway.

- **Police.** The project parcel is in Honolulu Police Department District 7. District 7 encompasses about 40 square miles in East Honolulu, from Punahou Street to Makapuʻu Point; its administrative office is in the main police station, located at 801 South Beretania Street in Honolulu.

- **Schools.** The project parcel is served by: (i) ʻĀina Haina Elementary School, (ii) Niu Valley Intermediate School, and (iii) Kalani High School.

- **Parks.** There are several parks in proximity to the project site, including Kawaikuʻi Beach Park, Kuliʻouʻou Beach Park, and Paikō Lagoon.

- **Other services.** Primary medical services for the project area are provided by: (i) East Oʻahu Medical Center; (ii) Straub’s Kahala Clinic and Urgent Care; and (iii) Minute Clinic Urgent Care in Hawaiʻi Kai.

- **Roads.** The parcel is accessed directly from Kalanianaʻole Highway (State Route 72). This highway, which is the principal arterial for east Oʻahu, experiences approximately 35,000 vehicle trips each day.

### 3.6 CONSTRUCTION

Although the construction period will be short relative to the life of the structures built, the potential for impacts related to air quality, water quality, noise, and other neighborhood-level inconveniences and impacts is greatest during the relatively brief construction period. This is because there will be more people and equipment at the site and more ground disturbance of the site than at any other time over the life of the project. Several measures will be implemented to avoid, minimize, and/or mitigate potential construction-phase impacts including the following:

- Stage all materials and equipment on the project parcel.

- Require contractors to park on-site, or in areas along Niuiki Circle which are entirely out of the travelway.

- Implement standard work hours: Monday through Friday (excluding holidays) from 7am to 6pm and Saturday from 9am to 6pm and comply with all applicable provisions of HAR §11-46 *Community Noise Control*.

- Conduct construction activities such that they comply with (i) Honolulu’s *Rules Relating Storm Drainage Standards*, (ii) ROH Chapter 14 regarding Public Works
Infrastructure Requirements, (iii) HAR 11-54 Water Quality Standards, and (iv) HAR 11-55 Water Pollution Controls. Typical measures will include establishing and maintaining appropriate construction BMPs until the site has been stabilized, such as a designated site ingress and egress, appropriately stockpiling materials on-site to prevent runoff, limiting the total area of exposed earth, and establishing landscaping as early as possible on disturbed areas.

- Maintain all construction equipment in proper tune according to manufacturer’s specifications and further minimize noise by properly maintaining mufflers and other noise-attenuating equipment.
- Fuel all off-road and equipment, including but not limited to backhoes, tractors, generator sets, and compressors, in a designated location with sufficient spill response equipment and materials.
- Maintain a dust control barriers to minimize the amount of airborne dust leaving the site.

### 3.7 CUMULATIVE IMPACTS

Cumulative effects are impacts which result from the incremental effects of an activity when added to other related past, present, and reasonable foreseeable future action, regardless of which agency, organization, or individual undertakes such action(s). Cumulative impacts may result from individually minor but collectively significant actions taking place over a period of time.

The Proposed Action consists of demolition and removal of an existing single-family residence and its replacement with new residences, constituting continued residential use of a residential lot. The proposed project is not contingent on any other action, public or private, and will not individually cause future actions to be taken by any public or private entities. Therefore, the project will not generate secondary or cumulative impacts.
4 CONSISTENCY WITH LAND USE PLANS, POLICIES, AND CONTROLS

This chapter discusses the relationship of the Proposed Action with applicable land use plans, policies, and regulations at the local and state level.

4.1 STATE OF HAWAI‘I

4.1.1 HAWAI‘I STATE PLAN, HRS §226

Adopted in 1978 and last revised in 1991, the Hawai‘i State Plan is intended to guide the long-range development of the State by:

- Identifying goals, objectives, and policies for the State and its residents;
- Establishing a basis for determining priorities and allocating resources; and
- Providing a unifying vision to enable coordination between the various counties’ plans, programs, policies, projects and regulatory activities to assist them in developing their county plans, programs, and projects and the State’s long-range development objectives.

The Hawai‘i State Plan is a policy document. It depends on implementing laws and regulations to achieve its goals. While not all sections of the Hawai‘i State Plan are directly applicable to the Proposed Action, the most relevant are identified and discussed below.

§226-19: Objectives and policies for socio-cultural advancement—housing: (a) Planning for the State’s socio-cultural advancement with regard to housing shall be directed towards achievement of the following objectives:

(1) Greater opportunities for Hawaii’s people to secure reasonably priced, safe, sanitary, livable homes situated in environments that satisfactorily accommodate the needs and desires of families and individuals.

(2) The orderly development of residential areas sensitive to community needs and other land uses.

Discussion: The Proposed Action is intended to develop residences in a residentially-zoned community on a parcel currently in residential use. As such, the project is intended to develop an appropriately-located, livable home to meet the needs and desires of the family that will inhabit it. The Proposed Action will result in the orderly redevelopment of a residential parcel, and has been planned in consultation with the adjacent landowners and in a manner sensitive to the needs of the Niuiki community.

§226-19(b): To achieve the housing objectives, it shall be the policy of the State to:

(1) Effectively accommodate the housing needs of Hawaii’s people.

(3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
(4) Promote appropriate improvement, rehabilitation, and maintenance of existing housing units and residential areas.

(5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.

(6) Facilitate the use of available vacant, developable, and underutilized urban lands for housing.

(7) Foster a variety of lifestyles traditional to Hawaii through the design and maintenance of neighborhoods that reflect the cultures and values of the community.

Discussion: The Proposed Action is intended to develop residences on a residentially-zoned lot in an existing residential community. As such, it is a modest contribution to meeting the residential needs of the people of Hawai‘i. By removing an existing single-family residence and replacing it with new residences, it will maintain and enhance an existing residential parcel in an existing residential area. Further, the design of the proposed structures is intended to maintain a Hawaiian sense of scale and place, in tune with the character of the surrounding community. In doing so, it is consistent with the policy of siting and design of housing which is in harmony with its physical setting, easily accommodated by the public facilities and services in the area, and with the neighborhood.

4.1.2 Hawai‘i 2050 Sustainability Plan

The Hawai‘i 2050 Sustainability Plan is a blueprint for Hawai‘i’s preferred future. It is the most comprehensive planning process since the Hawai‘i State Plan was developed over four decades ago. The Hawai‘i 2050 Sustainability Plan has five major goals, designed to achieve the State of Hawai‘i’s preferred future by the year 2050. Each goal is supported by a set of strategic actions that must be implemented in order to achieve the goal. Under each goal and set of strategic actions are a specific indicators, which are quantifiable measures of progress. Considered together, the Hawai‘i 2050 Sustainability Plan’s: (i) goals identify what it hopes to achieve, (ii) the strategic actions characterize the paths to achieving the Plan’s goals, and (iii) the indicators serve to measure progress along the way. The Plan’s goals are in no particular order or priority and are of equal importance, both interrelated and interdependent of one another; they are:

Goal One. A Way of Life – Living sustainably is part of our daily practice in Hawai‘i.

Goal Two. The Economy – Our diversified and globally competitive economy enables us to meaningfully live, work and play in Hawai‘i.

Goal Three. Environment and Natural Resources – Our natural resources are responsibly and respectfully used, replenished and preserved for future generations.

Goal Four. Community and Social Well-Being – Our community is strong, healthy, vibrant and nurturing, providing safety nets for those in need.

Goal Five. Kānaka Maoli and Island Values – Our Kānaka Maoli and island cultures and values are thriving and perpetuated.
Discussion: Of these, Goal Four is the most relevant to the Proposed Action, touching on the need to provide for the community’s social well-being. While the focus of the goal is not housing development, it’s first Strategic Action (i.e., Goal 4, Strategic Action 1) stipulates that having a safe and decent place to live is a measure of a humane and compassionate society. The plan goes on to establish that providing for the basic necessities of living, including adequate housing, is a critical component of sustainable development in the State of Hawai‘i. To the extent that the Proposed Action will result in a modest contribution to the maintenance of the available housing stock on O‘ahu while not interfering with the ability to achieve the other goals, it is consistent with the goals and strategic actions of the Hawai‘i 2050 Sustainability Plan.

4.1.3 Hawai‘i Land Use Law; HRS §205

Chapter 205, HRS established the State Land Use Commission and gives this body the authority to designate all lands in the State as Urban, Rural, Agricultural, or Conservation District. The counties make all land use decisions within the Urban District in accordance with their respective county general plans, development plans, and zoning ordinances. The counties also regulate land use in the State Rural and Agricultural Districts, but within the limits specified by HRS, Chapter 205.

The proposed project is located in the State’s Urban Land Use District. Hawai‘i Administrative Rule §15-15-18 characterizes the Urban District as exhibiting “city-like” concentrations of people, structures, streets, with an urban level of services and other related land uses. It also stresses the importance of ensuring availability of basic services and utilities in urban areas.

Discussion: The Proposed Action, while modest and residential in nature and scope, is consistent with the land uses envisioned for the State Urban District, contributing to the envisioned concentration of people and structures in appropriate areas. In addition, the proposed project will not alter or detract from the overall character of the surrounding community; therefore, it is an appropriate land use in the Urban District.

4.1.4 Coastal Zone Management Program, HRS §205A

The objectives of the Hawai‘i CZM Program are set forth in Hawai‘i Revised Statutes, Chapter 205A. The State Office of Planning and Sustainable Development administers Hawai‘i’s CZM Program. The program is intended to promote the protection and maintenance of valuable coastal resources. All lands in Hawai‘i are classified as valuable coastal resources. A general discussion of the project’s consistency with the objectives and policies of Hawai‘i’s CZM Program follows.

4.1.4.1 Recreational Resources

Objective: Provide coastal recreational opportunities accessible to the public.

Policies:

1) Improve coordination and funding of coastal recreational planning and management; and

2) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
a) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;

b) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;

c) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;

d) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;

e) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;

f) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;

g) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and

h) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.

Discussion: The Proposed Action will have no effect on coastal recreational resources. It is not near a dedicated public right-of-way to access the shoreline. While the project is adjacent to the shoreline and near areas used by the public for recreation, including surfing and fishing, the project will be confined to the project parcel and not affect access or recreation in a way material different than the existing residential use of the subject parcel, if at all.

4.1.4.2 Historic Resources

Objective: Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

1) Identify and analyze significant archaeological resources;

2) Maximize information retention through preservation of remains and artifacts or salvage operations; and
3) Support state goals for protection, restoration, interpretation, and display of historic resources.

Discussion: There are no known archaeological or historic resources present on the project site, it is not within a historic or cultural district, and all project activity will be confined to a parcel that has been completely developed since the 1930s. Section 3.2 provides archaeological and cultural background information for the area. That section also outlines why it has been determined that no historic resources will be directly or adversely affected by the proposed project. Thus, the Proposed Action is consistent with this policy of the CZM Program.

4.1.4.3 Scenic and Open Space Resources

Objective: Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

1) Identify valued scenic resources in the coastal zone management area;
2) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;
3) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and
4) Encourage those developments that are not coastal dependent to locate in inland areas.

Discussion: Coastal open space and scenic resources will not be adversely affected by the Proposed Action. It is anticipated that: (i) the project site does not abut a scenic landmark, (ii) the proposed structure is consistent in scale with nearby residences, (iii) all adjacent parcels are developed, (iv) the proposed structure will be only partially visible from Kalaniana‘ole Highway (the nearest coastal public roadway), and (iv) all development will be outside the shoreline setback. Once completed, the new residences would be compatible with other residences in the Niuiki community. In addition, the Proposed Action will not appreciably alter natural landforms or adversely impact public views to and from the shoreline from publicly-accessible locations.

4.1.4.1 Coastal Ecosystems

Objective: Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

1) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;
2) Improve the technical basis for natural resource management;
3) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;
4) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

5) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

Discussion: The Proposed Action will not interact with or affect coastal ecosystems or any other water body in a manner materially different than the existing residential use of the subject parcel. As described in Section 3.4, the project site does not provide habitat for protected species and is not near protected habitat, reserves, conservation districts, or wetlands.

4.1.4.2 Economic Uses

Objective: Provide public or private facilities and improvements important to the State’s economy in suitable locations.

Policies:

1) Concentrate coastal dependent development in appropriate areas;

2) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

3) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:
   a) Use of presently designated locations is not feasible;
   b) Adverse environmental effects are minimized; and
   c) The development is important to the State’s economy.

Discussion: The Proposed Action is a residential development in a coastal, residentially-zoned community. The parcel has been placed in the State Urban Land Use District and is zoned R-10 Residential by the CCH. As such, it is appropriately located on a parcel which is already in residential use, consistent with these state and county land use designations. There are no harbors, ports, designated tourist destinations, or other substantial commercial operations nearby.

4.1.4.3 Coastal Hazards

Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.
Policies:

1) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;

2) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;

3) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and

4) Prevent coastal flooding from inland projects.

Discussion: Section 3.1 discussed coastal hazards in detail. The project site is not experiencing shoreline erosion. Although the project site is within the tsunami evaluation zone, it complies with the related programs. The living level of the structure will be above the BFE; the proposed residences will not cause or contribute to coastal flooding.

4.1.4.1 Managing Development

Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

1) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

2) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

3) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

Discussion: The Arnold-Tripier Family has initiated contact (see Chapter 6) and continues to work cooperatively with all government agencies with oversight responsibilities to facilitate efficient processing of permits and informed decision-making by the responsible parties. In addition, they have, via public outreach and this EA, attempted to communicate the potential impacts of the Proposed Action to the public in clear and understandable terms. The proposed activity conforms with applicable state and county land use designations and rules, no variances are being requested.

4.1.4.2 Public Participation

Objective: Stimulate public awareness, education, and participation in coastal management.

Policies:

1) Promote public involvement in coastal zone management processes;

2) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for
persons and organizations concerned with coastal issues, developments, and
government activities; and

3) Organize workshops, policy dialogues, and site-specific mediations to respond
to coastal issues and conflicts.

Discussion: A public notice of availability for the DEA will be published in the ERP’s bi-monthly bulletin, *The Environmental Notice*. Once available, the public will have an opportunity to review and comment on the DEA, pursuant to the requirements of HAR 11-200.1. The SMA Major Permit process will provide additional opportunities for public participation.

### 4.1.4.1 Beach Protection

**Objective:** Protect beaches for public use and recreation.

**Policies:**

1) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;

2) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and

3) Minimize the construction of public erosion-protection structures seaward of the shoreline.

Discussion: The Proposed Action poses no risk to beaches. The subject parcel is not experiencing shoreline erosion, no structures are planned seaward of the shoreline setback, and no interactions with littoral processes would be involved.

### 4.1.4.1 Marine Resources

**Objective:** Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

**Policies:**

1) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

2) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;

3) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;

4) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information
necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and

5) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Discussion: The Proposed Action will not adversely impact the protection, use, and sustainable development of marine and coastal resources. No new structures are slated to occur within the shoreline setback.

4.2 CITY AND COUNTY OF HONOLULU

4.2.1 COUNTY GENERAL PLAN

The General Plan for the City and County of Honolulu was adopted in 1977, and has been subsequently amended (most recently in 2002). The General Plan for the City and County of Honolulu is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of O‘ahu’s residents and the strategies of actions to achieve them. It is the focal point of a comprehensive planning process that addresses physical, social, economic and environmental concerns affecting the CCH. This planning process serves as the coordinative means by which the CCH government provides for the future growth of the metropolitan area of Honolulu.

The General Plan for the City and County of Honolulu envisions several objectives related to housing. Section I, Population, Objective C, proposes: “To establish a pattern of population distribution that will allow the people of Oahu to live and work in harmony.” Further developing this theme, Section I, Objective C, Policy 3 states:

Policy 3

Manage physical growth and development in the urban-fringe and rural areas so that:

a. An undesirable spreading of development is prevented; and

b. Their population densities are consistent with the character of development and environmental qualities desired for such areas.

Discussion: To the extent that the Proposed Action will develop new residences on a lot already designated and used for residential purposes in an urban area, it will avoid any undesirable spread of development. Furthermore, the proposed structures are consistent with the character of development and environmental qualities of the surrounding community in both nature and scope.

The General Plan for the City and County of Honolulu further devotes an entire chapter to the subject of housing. Section IV, Housing, Objective A states the CCH’s policy, “To provide decent housing for all the people of Oahu at prices they can afford.” Specific policies follow from that, including:

Policy 4

Establish public, and encourage private, programs to maintain and improve the condition of existing housing.
Policy 11

Encourage the construction of affordable homes within established low-density communities by such means as ‘ohana units, duplex dwellings, and cluster development.

Discussion: The Proposed Action, which consists of demolition, removal, and replacement of an existing single-family residence is intended to rehabilitate an existing residential lot, allowing its continued use for years to come, consistent with the policy of maintaining and improving the existing housing stock on O‘ahu. Thus, the Proposed Action actively promotes these housing policies of the General Plan for the City and County of Honolulu.

4.2.2 East Honolulu Sustainable Community Plan

The EHSCP (CCH, 2021) summarizes the role of East Honolulu in O‘ahu’s development pattern as follows:

Limited development and population growth so that East Honolulu’s share of O‘ahu’s population remains stable at approximately five percent, or 50,000;

Maintenance as a predominantly residential area characterized by generally low-rise, low-density development; and,

Moderate growth of business centers, retail and service commercial uses, and satellite institutional and public uses geared to serving the needs of households.

The EHCP’s proposed land use policies are intended to provide guidance for future actions and agency decision-making. General policies are broad statements of intent that express the CCH’s overall philosophy toward particular land uses and their effective management. Planning principles and guidelines provide more specific guidance in terms of planning, design, and implementation of projects and programs. The overarching theme of the EHSCP is that the East Honolulu region should remain relatively stable, and oriented toward maintaining and enhancing the region’s ability to sustain its safe, clean, and diverse suburban character and the relaxed lifestyle that flows from it.

In Section 3.5 Residential Use, the plan states that (CCH; 2021):

With the establishment of the Community Growth Boundary to contain the spread of development, housing capacity in East Honolulu should only be increased through infill development. This will occur through development of the few remaining scattered vacant parcels on the relatively level valley floors and on previously developed ridges; through minor subdivisions of some larger residential lots at scattered locations throughout the region; and expansions of existing homes.

The Community Growth Boundary (CGB) for the plan area is provided in Exhibit 2-1 of the EHSCP and is reproduced here as Figure 4-1.
As shown in Figure 4-1, the proposed project and all of the Niuiki community are within the CGB and are areas appropriate for residential use. While the Proposed Action constitutes redevelopment, as opposed to development of a previously undeveloped lot, it is within the limits designated by the EHSCP for residential use. As no proposals for residential uses can be considered outside the CGB, the Proposed Action is consistent with this directive, preventing the encroachment of development onto agricultural lands and open space resources.

Section 3.5 of the EHSCP discusses residential communities in the plan area, defining appropriate elements which aid and enhance the overall quality of life in the community. Three categories of urban residential development are recognized in the EHSCP: (i) Single-Family Residential, (ii) Low-Density Apartment, and (iii) Medium-Density Apartment. All of these categories are found only within the CGB. The project site, located at 5699 Kalanianaʻole Highway, is defined as Single-Family Residential in the EHSCP. Section 3.5.1.3 Residential Development provides the following guidelines for dwellings in the Single-Family Residential development category: (i) single-family detached or attached homes or townhouses with individual entries; (ii) may range between 5-12 units per acre; and (iii) building heights generally do not exceed two stories.

The design of the proposed residences generally comports with these stipulations of the EHSCP. The Proposed Action consists of redevelopment of an existing residential lot within the designated CGB and its design is compatible with the EHSCP’s guidelines for the Single-Family Residential development category. In addition, the Proposed Action has been designed to be generally
compatible with the predominant form of existing homes on adjacent properties along Kalanianaʻole Highway and with the Niuiki Circle neighborhood.

4.2.3 **LAND USE ORDINANCE, ROH §21**

The purpose of the CCH’s Land Use Ordinance (LUO), contained in ROH, Chapter 21, is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies, including the *General Plan for the City and County of Honolulu* and the EHSCP. These standards govern the location, height, area, and siting of structures, yard areas, off-street parking facilities, and open spaces, and the use of structures and land for agriculture, industry, business, residences, and other purposes.

**Discussion:** The Proposed Action is located in the CCH’s R-10 Residential District (Figure 1-2). The intent of the R-10 Residential District is to allow for urban residential development. Because the Proposed Action consists of construction of new residences on a site designated and currently used for residential purposes, it is an allowable use per the CCH’s LUO. In addition, the proposed structures will meet all applicable design standards with respect to minimum lot area and width/depth, minimum front and side yards, maximum building area, height, and other factors, as summarized in Table 4-1. Thus, the Proposed Action is consistent with the CCH’s LUO.

<table>
<thead>
<tr>
<th>LUO Standard</th>
<th>R-10 Zone</th>
<th>Proposed Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>10,000 square feet</td>
<td>31,728 square feet</td>
</tr>
<tr>
<td>Minimum lot width and depth</td>
<td>65 feet</td>
<td>120 feet</td>
</tr>
<tr>
<td>Front Yard</td>
<td>10 feet</td>
<td>&gt;10 feet</td>
</tr>
<tr>
<td>Side Yard</td>
<td>5 feet</td>
<td>&gt;5 feet</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>5 feet</td>
<td>&gt;20 feet</td>
</tr>
<tr>
<td>Maximum Building Area</td>
<td>50%</td>
<td>25% (est.)</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>25-30 feet</td>
<td>Max 30 feet (see note below)</td>
</tr>
<tr>
<td>Maximum Density Floor Area Ratio</td>
<td>0.6 (0.7 with adjusted setbacks)</td>
<td>0.35 (est.)</td>
</tr>
<tr>
<td>Maximum Number of Wet Bars/Dwelling</td>
<td>1</td>
<td>Phase 1: 1</td>
</tr>
<tr>
<td>Maximum Number of Laundry Rooms/Dwelling</td>
<td>1</td>
<td>Phase 1: 1</td>
</tr>
<tr>
<td>Maximum Number of Bathrooms/Dwelling</td>
<td>8 if one dwelling/lot</td>
<td>Phase 1: &lt;6</td>
</tr>
<tr>
<td></td>
<td>8 total if two dwellings/lot</td>
<td>Phase 2: &lt;8</td>
</tr>
<tr>
<td>Minimum Off-Street Parking Ratio</td>
<td>75% of total zoning lot area</td>
<td>40% (est.)</td>
</tr>
<tr>
<td></td>
<td>1:1,000</td>
<td>1:1,000 (9 spots, est.)</td>
</tr>
</tbody>
</table>

**Note:** Per LUO Sec. 21-9.10, “(b) Dwellings in country, residential and agricultural districts, as well as detached dwellings and duplex units in apartment and apartment mixed use districts, may exceed the maximum height in the district by no more than five feet if required to have its lowest floor elevated to or above the base flood elevation, provided such additional height shall not be greater than 25 feet above the base flood elevation.” This is applicable to the proposed project, where the lowest living area floor is elevated roughly 5 feet off the existing ground level so that it is above the BFE.

**Source:** LUO Standard and R-10 Zone columns: Land Use Ordinance, Department of Planning and Permitting, City and County of Honolulu, December 2020, Revise to January 22, 2021. Proposed Action column: Planning Solutions, Inc.

4.2.4 **SHORELINE SETBACK, ROH §23**

ROH Chapter 23 Shoreline Setbacks establishes the standards and procedures, which apply to all lands within the shoreline area on Oʻahu. The “shoreline area” means all the land area between the certified shoreline and the shoreline setback line. The “certified shoreline” means the shoreline...
as established by a surveyor and certified by the DLNR under HAR §13-222. The shoreline survey conducted on November 23, 2021, by Erik S. Kaneshiro, a professional land surveyor licensed in the State of Hawai‘i, and attached in Appendix C, was submitted to DLNR for certification. The shoreline determined by that survey and the associated shoreline area (the 60-foot setback)\(^5\) is illustrated in Figure 2-5.

Uses permitted in the shoreline setback are minor structures, such as open work fences and limited paver walkways (20 square feet). The Proposed Action does not propose any new construction in the shoreline area (Figure 2-5). All proposed new structures on the subject parcel will be landward of the certified shoreline and shoreline area; therefore, the Proposed Action complies with ROH Chapter 23 and no variance is required.

4.2.5 SPECIAL MANAGEMENT AREA REVIEW, ROH §25

As discussed in Section 1.2, the Proposed Action is located in the CCH’s SMA (Figure 1-3), and therefore will require SMA Major Permit coverage prior to being initiated. The following subsections discuss the project’s consistency with SMA Review Guidelines contained in ROH, Chapter 25, which relates to shoreline management. Each subsection addresses one of the guidelines listed in this ordinance. For ease of review, the guidelines are reproduced in italics, followed by a discussion of the project’s consistency with them.

4.2.5.1 Public Access

Impacts on Public Access

All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that: §25-3.2a(1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles;

Discussion: The Proposed Action would take place entirely within TMK No. 3-7-002:081, which is not accessible to the public. Because there is no public shoreline access via the site, and because no work will take place in any off-site public shoreline access, no impacts related to public access are anticipated. The improvements to the parcel will not affect the shoreline, and would not impair off-site public access to beaches, recreation areas, or reserves. The public will continue to have unfettered lateral access along the shoreline fronting the project parcel.

\(^5\) The current version of ROH Chapter 23 indicates a 40 foot setback. DPP and the City Council are currently considering modifications to the shoreline setback. That proposal, if adopted as currently drafted, would establish a shoreline setback ranging from 60 feet to 130 feet, depending on historic erosion rates. It indicates that shoreline lots with a history of coastal erosion would be subject to a setback based on the erosion rate, measured as 60 feet (the base setback) plus 70 times the annual coastal erosion rate, up to a maximum setback of 130 feet. With the expectation that the proposal will be adopted prior to an award of an SMA permit for the proposed project and the historic rate of erosion at the site is 0.0 feet per year, we have chosen to use the proposed 60 foot base shoreline setback in this document.
4.2.5.2  Recreation Areas and Wildlife Reserves

Impacts on Recreation Areas and Wildlife Reserves

All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that: §25-3.2a(2): Adequate and properly located public recreation areas and wildlife preserves are reserved;

Discussion: As discussed in Section 3.5, the closest public recreation areas are Kawaikuʻi Beach Park, Kuliʻouʻou Beach Park, and Paikō Lagoon; the nearest natural reserve is the Paikō Lagoon Wildlife Sanctuary, approximately 4,500 ft. to the east. Because all of the work related to the Proposed Action would be confined to TMK No. 3-7-002:018, there is no potential for these activities to impact public recreation areas or wildlife reserves in the region.

4.2.5.3  Solid and Liquid Waste Treatment Facilities

Impacts on Solid and Liquid Waste Treatment Facilities

All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that: §25-3.2a(3): Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources;...

Discussion: The Proposed Action will not have any impact on solid or liquid waste treatment facilities, aside from minor deposits of solid waste to an appropriate landfill during the demolition and removal of the existing single-family residence on the property. Once complete, the proposed residences will deposit liquid waste into the municipal wastewater system. No adverse impact on special management area resources would occur.

4.2.5.4  Land Forms, Vegetation, and Water Resources

Impacts on Land Forms, Vegetation, and Water Resources

All development in the special management area shall be subject to reasonable terms and conditions set by the council to ensure that: §25-3.2a(4) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of earthquake.

Discussion: Because the proposed site has already been developed for residential purposes, only minor grading and site preparation is needed. The Proposed Action will not significantly affect or alter land forms, vegetation, or water resources. The site will continue to have the same general physiographic and topographic characteristics, and thus would have a similar overall appearance as it does at the present time (Section 3.3).

4.2.5.5  Cumulative Impacts

Cumulative Impacts and Impacts on Planning Options

No development shall be approved unless the council has first found that:
§25-3.2b(1) The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options;

Discussion: The Proposed Action consists of removing an existing single-family residence and replacing it with two residences. The Proposed Action does not require any other developments or land modifications to be viable. The Proposed Action will not make any cumulative contribution to adverse environmental impacts, nor is it part of a larger action which could have substantial adverse effects, or which would eliminate planning options in the future.

4.2.5.6 CZM Program Objectives and SMA Guidelines

Consistency with CZM Program Objectives and Policies and with the State SMA Guidelines

No development shall be approved unless the council has first found that: §25-3.2b (2)The development is consistent with the objectives and policies set forth in Section 25-3.1 and area guidelines contained in HRS Section 205A-26;

Discussion: As discussed in detail in Section 4.1.4, the Proposed Action is consistent with the objectives and policies of the CZM Program. The CCH’s SMA Review Guidelines, discussed in this section, are based upon and consistent with the State of Hawai’i’s CZM Guidelines. The Office of Planning and Sustainable Development (OPSD) in the Department of Business, Economic Development and Tourism (DBEDT) was provided with a copy of this report to permit their confirmation that the project is consistent with the CZM Program’s policies and objectives. The nature and scope of this project does not trigger the requirement for a CZM consistency review.

4.2.5.7 County General Plan, Development Plans, and Zoning

Consistency with County General Plan, Development Plans, and Zoning

No development shall be approved unless the council has first found that: §25-3.2b(3) The development is consistent with the county general plan, development plans and zoning. Such a finding of consistency does not preclude concurrent processing where a development plan amendment or zone change may also be required.

Discussion: Section 4.2 documents the Proposed Action’s consistency with the General Plan for the City and County of Honolulu, the EHSCP, and the LUO.
4.2.5.8 Bays, Salt Marshes, River Mouths, Sloughs, or Lagoons

Impacts on Bays, Salt Marshes, River Mouths, Sloughs, or Lagoons

The council shall seek to minimize, where reasonable: §25-3.2c(1) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;

Discussion: The Proposed Action described and analyzed in this report will not include any dredging, filling, or other modifications to any bay, estuary, salt marsh, river mouth, slough, or lagoon.

4.2.5.9 Beaches and Public Recreation

Impacts on Beaches and Public Recreation

The council shall seek to minimize, where reasonable: §25-3.2c(2) Any development which would reduce the size of any beach or other area usable for public recreation;

Discussion: The hardened shoreline fronting the subject parcel is not experiencing erosion. The Proposed Action will have no impact on the size of any beach or other area usable for public recreation. All of the proposed demolition, removal, and construction activities proposed as part of the project will be confined to TMK No. 3-7-002:018 and will have no impact on nearby beaches or public recreation.

4.2.5.10 Other Coastal Resources within the SMA

Impacts on Other Coastal Resources within the Special Management Area

The council shall seek to minimize, where reasonable: §25-3.2c(3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management area and the mean high tide line where there is no beach;

Discussion: The Proposed Action will not restrict public access to any coastal resource in the area. It is not near a dedicated public right-of-way to access the shoreline.

4.2.5.11 Lines of Sight Toward the Sea

Impacts on Lines of Sight Toward the Sea

The council shall seek to minimize, where reasonable: §25-3.2c(4) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast;...

Discussion: As discussed in Section 3.3, the Proposed Action will not lead to substantial modifications to the existing line of sight from Kalaniana‘ole Highway, the area’s principal arterial and nearest coastal road. Existing structures and currently obstruct views of the shoreline from Kalaniana‘ole Highway in the project vicinity, and will continue to do so once the Proposed Action is implemented, and the project will have no effect on available lines of sight in nearby areas.
4.2.5.12 Water Quality, Open Water, Fisheries, Fishing Grounds, Wildlife Habitats and Agricultural Land Use

Impacts on Water Quality, Open Water, Fisheries, Fishing Grounds, Wildlife Habitats and Agricultural Land Use

The council shall seek to minimize, where reasonable: §25-3.2c(5) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

Discussion: No project-related activities will involve work in, or discharges to, area waterbodies. No adverse impacts to area water quality, fisheries, fishing grounds, wildlife habitat, or agricultural lands are anticipated as a result of the Proposed Action.
5 ANTICIPATED DETERMINATION

5.1 SIGNIFICANCE CRITERIA

Hawai‘i Administrative Rule §11-200.1-14 establishes procedures for determining if an EIS should be prepared or if a FONSI is warranted. HAR §11-200.1-14(d) provides that proposing agencies should issue an environmental impact statement preparation notice for actions that it determines may have a significant effect on the environment. HAR §11-200.1-13(b) lists the following criteria to be used in making that determination.

In most instances, an action shall be determined to have a significant effect on the environment if it:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
2. Curtails the range of beneficial uses of the environment;
3. Conflicts with the State’s long-term environmental policies or goals as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
4. Substantially affects the economic or social welfare of the community or State;
5. Substantially affects public health;
6. Involves substantial secondary impacts, such as population changes or effects on public facilities;
7. Involves a substantial degradation of environmental quality;
8. Is individually limited but cumulatively has considerable effect on the environment or involves a commitment for larger actions;
9. Substantially affects a rare, threatened, or endangered species, or its habitat;
10. Detrimentally affects air or water quality or ambient noise levels;
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;
12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,
13. Requires substantial energy consumption.

5.2 FINDINGS

The potential effects of the Proposed Action was evaluated relative to these 13 significance criteria. The Arnold-Tripier Family’s findings with respect to each criterion are summarized in the following subsections.
5.2.1 **IRREVOCABLE LOSS OR DESTRUCTION OF VALUABLE RESOURCE**

The Proposed Action consists of the demolition and removal of an existing single-family residence and construction of new residences on a lot where no valuable cultural or natural resources are present. It does not involve the loss of any significant or valuable cultural or natural resources.

5.2.2 **CURTAILS BENEFICIAL USES**

The proposed residences would be for residential use on a lot zoned R-10 Residential by the CCH, and consequently may be deemed a beneficial use of the environment. Further, the site has been in continuous residential use since the pre-WWII era. Thus, it's continued residential use will not curtail other beneficial uses of the area and will allow for the continued, beneficial use of the site for its intended residential purposes.

5.2.1 **CONFLICTS WITH LONG-TERM ENVIRONMENTAL POLICIES OR GOALS**

As discussed in Chapter 4, the Proposed Action is consistent with all applicable plans, policies, and controls, including the *Hawai‘i State Plan* and the *General Plan for the City and County of Honolulu*. Further, the Proposed Action is consistent with the State of Hawai‘i’s long-term environmental policies and goals, as expressed in HRS, Chapter 344 and elsewhere in state law.

5.2.2 **SUBSTANTIALLY AFFECTS ECONOMIC OR SOCIAL WELFARE**

The Proposed Action will not have substantial effects on economic or social welfare. Its purpose is solely to demolish and remove an existing, single-family residence and replace it with new residences.

5.2.3 **PUBLIC HEALTH EFFECTS**

The Proposed Action will not adversely affect air or water quality, including water sources used for drinking or recreation. Neither will it generate other emissions that will have a significant adverse effect on public health.

5.2.4 **PRODUCE SUBSTANTIAL SECONDARY IMPACTS**

The Proposed Action will not produce substantial secondary impacts, nor will it foster population growth, promote economic development, or stress public facilities or services. Instead, it is solely intended to demolish and remove an existing, residence and replace it with new residences.

5.2.1 **SUBSTANTIALLY DEGRADE THE ENVIRONMENT**

The Proposed Action will not have substantial long-term environmental effects. The work will temporarily elevate noise levels and generate limited nuisance airborne dust during construction, but these impacts will be localized and of limited duration. Adequate measures will be taken to control the intensity of construction noise and dust, and the effects will be brief and minimal.

5.2.1 **CUMULATIVE EFFECTS OR COMMITMENT TO A LARGER ACTION**

The Proposed Action does not represent a commitment to a larger action and is not intended to facilitate substantial economic or population growth. It is intended solely to demolish and remove
an existing residence and replace it with new residences on a parcel designated by the State and CCH for residential use in a manner consistent with applicable rules and regulations.

5.2.2 **Effects on Rare, Threatened, or Endangered Species**

As discussed in Section 3.4, no rare, threatened, or endangered species are known to utilize the project site, and no activities are contemplated that would pose a threat to rare, threatened, or endangered species, or their habitat. In addition, the Proposed Action would not utilize any resource or habitat needed for the protection of rare, threatened, or endangered species.

5.2.3 **Affects Air or Water Quality or Ambient Noise Levels**

Noise levels and airborne emissions will temporarily increase during demolition, removal, and construction activities. BMPs will be implemented and any effects will be brief, relatively minor, and restricted to the immediate vicinity of the project site. Once construction is completed, the proposed project will not produce airborne emissions, waterborne pollution, or noise.

5.2.4 **Environmentally Sensitive Area**

As discussed in Section 3.1, and due to its proximity to the shoreline, the project site is in a Tsunami Inundation Zone. However, the project site has been in continuous use for residential purposes since prior to WWII. In addition, the parcel on which the Proposed Action is located has been designated as being in the Urban Land Use District by the State of Hawai‘i and placed in the R-10 Residential Zoning District by the CCH. These designations indicated that state and local governments consider the site appropriate for residential development.

5.2.5 **Affects Scenic Vistas and View Planes**

As discussed in Section 3.3, the proposed project is not visible from scenic vistas identified in county or state plans or studies and is not visible in viewplanes identified in county or state plans or studies; therefore, it will not substantially affect them.

5.2.6 **Requires Substantial Energy Consumption**

The demolition, removal, and construction operations that are proposed will require the use of modest amounts of energy. However, once these relatively brief construction operations are complete, the proposed project will require only as much energy as is typical of a residences of its size.

5.1 **Anticipated Determination**

In view of the foregoing, the Arnold-Tripier Family’s draft assessment is that the Proposed Action will not have a significant adverse impact on the environment. Consequently, it is anticipated that DPP will issue a FONSI for the Proposed Action.
6 CONSULTATION AND DISTRIBUTION

6.1 EARLY CONSULTATION

A critical component of the planning effort for the Proposed Action was developing and implementing an early consultation program to inform public agencies and adjacent landowners and obtain their input regarding the project’s purpose, scope, potential impacts, and recommended mitigation measures. Pursuant to HAR, §11-200.1-18, the Arnold-Tripier Family sought, at the earliest practicable time, the advice and input of DPP, the CCH agency responsible for implementing the General Plan for the City and County of Honolulu, other agencies that have jurisdiction over resources with the potential to be affected by the Proposed Action, and the owners of adjacent parcels. Table 1-1 identifies the agencies and individuals that were sent early consultation letters. The complete text of the scoping letter and all responses are provided in Appendix A.

6.2 DISTRIBUTION OF THE DEA

The Arnold-Tripier Family has provided this EA to the parties listed in Table 6-1 with a request for review and comment.
## Table 6-1: DEA Distribution List

<table>
<thead>
<tr>
<th>Federal Agencies</th>
<th>City and County of Honolulu</th>
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<tbody>
<tr>
<td>U.S. Army Corps of Engineers, Honolulu District</td>
<td>Board of Water Supply</td>
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<td>U.S. Department of Agriculture</td>
<td>Department of Community Services</td>
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<td>U.S. Department of Commerce</td>
<td>Department of Design and Construction</td>
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<td>Department of Environmental Services</td>
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<td>U.S. Department of Transportation – Federal Highway Administration</td>
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<td>Department of Transportation Services</td>
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<td>U.S. Fish and Wildlife Service, Pacific Islands Field Office</td>
<td>Honolulu Fire Department</td>
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<td><strong>State Agencies</strong></td>
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<td>U.S. Senator Mazie Hirono</td>
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<td>DBEDT, Office of Planning and Sustainable Development</td>
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<td>Governor David Ige</td>
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<td>Department of Hawaiian Home Lands</td>
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<td>DOH, Clean Water Branch</td>
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<td>State Representative Mark J. Hashem</td>
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<td>DOH, Wastewater Branch</td>
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<td>Honolulu Star Advertiser</td>
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<tr>
<td>DLNR, State Historic Preservation Division</td>
<td>Honolulu Civil Beat</td>
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<tr>
<td>Department of Transportation, Long Range Planning Branch</td>
<td>Other</td>
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<td>Water Resources Research Center</td>
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<td><strong>Utilities</strong></td>
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<td>Hawai‘i Gas</td>
<td>Michael J, Gallagher (Adjacent Landowner)</td>
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<tr>
<td>Hawaiian Electric Co., Inc.</td>
<td>A. Kifuji &amp; A. Ramadan (Adjacent Landowners)</td>
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<td>Hawaiian Telcom</td>
<td>Jeremy P. Nickle (Adjacent Landowner)</td>
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<td></td>
<td>Patrick Yim (Adjacent Landowner)</td>
</tr>
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<td></td>
<td>Sam Yu (Adjacent Landowner)</td>
</tr>
</tbody>
</table>

*Source: Compiled by Planning Solutions, Inc. (2022)*
REFERENCES


City and County of Honolulu, Department of Environmental Services, 2018. *Final Environmental Assessment, Honolulu Area Wastewater Pump Station Facilities Improvements (Paikō Drive Wastewater Pump Station) 265 Paikō Drive, Honolulu, Hawai‘i.* Prepared by Environet, Inc. October 2018.


Appendix A.  Early Consultation Letters and Responses
January 26, 2022

Subject: Scoping Request for Proposed Arnold Tripier Residence
5699 Kalanianaʻole Highway
Honolulu, Oʻahu, Hawaiʻi 96821
TMK No. 3-7-002:081

Dear Madam or Sir,

The Arnold Tripier family recently purchased the above-referenced shoreline parcel (Figure 1), which is roughly 32,187 square feet (0.74 acres) in size. They are proposing to demolish the existing minor structure on the parcel and construct three structures: (i) a main dwelling with roughly 5,000 square feet of floor area; (ii) a pool house with roughly 800 square feet of floor area; and (iii) a garage/barn of roughly 1,600 square feet. The subject parcel is in the State of Hawaiʻi’s Urban Land Use District and the City and County of Honolulu’s (CCH) R-10 Residential District. The site is also located in the CCH’s Special Management Area (SMA; Figure 2). The proposal is considered “development” and will require a Special Management Area Permit (SMP). Because the total value of the proposed project exceeds $500,000, the SMP will be an SMP Major, which is granted via a resolution from the Honolulu City Council.

The project intends to comply with the shoreline setback, yard requirements, height limits, flood hazard requirements, and other applicable development standards (Figure 3).

Because the proposed project requires an SMP Major, an Environmental Assessment (EA) is being prepared, per the Revised Ordinances of Honolulu (ROH), Chapter 25. The Arnold family has retained Planning Solutions, Inc. (PSI) to assist them in preparing the EA and SMP Major application. In addition to the approvals and permits mentioned above, HRS §6E-42 Historic Preservation Review, grading, building, and other permits may be required prior to demolition of the existing structures and construction of the proposed structures.

In order for the forthcoming EA to better address the potential concerns of agencies, organizations, and individuals that may be interested in the proposed project, PSI has prepared this information and the attached figures for your review and comment. At this time, we are seeking any input you may have regarding the project’s nature, scope, potential alternatives, or any permits or approvals that may be required. In particular, we are interested in hearing about any resources, projects, or plans in the area that could be affected by the proposed project and any specific information you feel should be discussed and evaluated in the EA.

We would appreciate your response by February 28, 2022. Please respond either by regular mail to 711 Kapiolani Boulevard, Suite 950, Honolulu, HI 96813 or by email at makena@psi-hi.com. If you have any questions or concerns, please contact me at (808) 550-4538.

Sincerely,

Mākena White, AICP
Planner
cc: Arnold Tripier Family (via email)

Attachments:
- Figure 1: Location Map
- Figure 2: Special Management Area Map
- Figure 3: Site Plan
Figure 1: Location Map
Figure 2: Special Management Area Map
Figure 3: Site Plan

Kalaniana‘ole Highway

Subject Parcel (TMK 3-7-002:081)
Owner: Arnold Tripier Family
32,187 sq. ft.; R-10 zone

Existing walls
Utility casement
Existing fence

Use, maintain, repair, replace and remove casement to
Arnold Tripier Family

Yards (green hatch)
60' Shoreline Setback (blue hatch)

Pacific Ocean
February 7, 2022

Mr. Makena White
Planning Solutions, Inc. (PSI)
Pacific Park Plaza, Suite 950
711 Kapiolani Boulevard
Honolulu, HI 96813-5213

Dear Mr. White:

Subject: Scoping Request for Proposed Arnold Tripler Residence
5699 Kalaniana'ole Highway, Honolulu, O'ahu, Hawai'i; Tax Map Key No. (1) 3-7-002: 081

The Office of Planning and Sustainable Development (OPSD) is in receipt of your Environmental Assessment (EA) pre-consultation request, received January 30, 2022, for demolishing and reconstructing three structures at Kalaniana'ole Highway, Honolulu, O'ahu.

According to the pre-consultation request, the proposed project involves demolishing an existing structure and to construct three structures: (i) a main dwelling with roughly 5,000 square feet of floor area; (ii) a pool house with roughly 800 square feet of floor area; and (iii) a garage/barn of roughly 1,600 square feet.

The OPSD has reviewed the subject pre-consultation request and has the following comments to offer:

1. The EA should provide a regional location map of the subject property on the Island of Oahu, with the project site in relation to the county designated Special Management Area (SMA).

2. The EA should discuss the trigger(s) of preparation of an EA under Hawaii Revised Statutes (HRS) Chapter 343 and/or county SMA Ordinance if the proposed project is required to obtain a SMA Use Permit.

3. The Hawaii Coastal Zone Management (CZM) Law, HRS Chapter 205A, requires all state and county agencies to enforce the CZM objectives and policies. The subject EA should include an assessment with mitigation measures if needed, as to how the proposed project conforms to each of the CZM objectives and supporting policies set forth in HRS § 205A-2, as amended.
4. If the subject EA will serve as a supporting document for the SMA Use Permit application, the OPSD recommends that the EA specifically discuss the compliance with the requirements of SMA use under Revised Ordinances of Honolulu (ROH) Chapter 25, and shoreline setbacks under ROH Chapter 23, for the proposed residence project by consulting with the Department of Planning and Permitting, City and County of Honolulu.

5. Sea level rise increases the risk of waves, storm surges, high tide and shoreline erosion. To assess any potential impacts of sea level rise on the proposed development area, the OPSD suggests the EA refer to the findings of the Hawaii Sea Level Rise Vulnerability and Adaptation Report 2017, accepted by the Hawaii Climate Change Mitigation and Adaptation Commission. The Report, and Hawaii Sea Level Rise Viewer at https://www.pacific.hawaii.edu/shoreline/slr-hawaii/ particularly identifies a 3.2-foot sea level rise exposure area across the main Hawaiian Islands, including Oahu, which may occur in the mid to latter half of the 21st century. The EA should provide a map of 3.2-foot sea level rise exposure area in relation to the property area, and consider site-specific mitigation measures, including design elevation and setbacks from the shoreline during the life of the proposed residential structure, to respond to the potential impacts of 3.2-foot sea level rise on the proposed development.

6. The OPSD has developed guidance documents on stormwater runoff strategies, which offer techniques to prevent land-based pollutants and sediment from potentially affecting water resources. The OPSD recommends that the subject EA consider the following stormwater assessment guidance to mitigate stormwater runoff impacts:

- Stormwater Impact Assessments can be used to identify and analyze information on hydrology, sensitivity of coastal and riparian resources, and management measures to control runoff, as well as consider secondary and cumulative impacts to the area. https://files.hawaii.gov/dbedt/op/czm/initiative/stormwater_impact/final_stormwater_impact_assessments_guidance.pdf

The OPSD looks forward to reviewing the Draft EA when it is available.

If you have any questions regarding this comment letter, please contact Yusraa Tadj of our office at (808) 587-2831.

Sincerely,

Mary Alice Evans
Director
SUBJECT: Request for Comments Regarding the Proposed Arnold Tripler Single-Family Residence at 5699 Kalaniana'ole Highway in Honolulu, O'ahu; TMK (1) 3-7-002:081, and seaward

Dear Mr. Tsuji:

The Department of Land and Natural Resources (DLNR), Office of Conservation and Coastal Lands (OCCL) is in receipt of your request for comments on the above referenced project for a proposed single-family residence on a shorefront parcel in east Honolulu, O'ahu. After reviewing the documentation provided as well as our office’s maps and records, it appears that the parcel itself is not within the Conservation District.

However, as a shorefront parcel, the landowner must be aware of their responsibilities to properly maintain and care for our coastal resources and ecosystems, as well as have awareness of the future impacts of sea level rise and coastal erosion that will greatly affect Hawai‘i’s coastlines. These responsibilities include, but are not limited to, maintaining coastal vegetation so that lateral access is possible by the general public within the beach transit corridor pursuant to Chapters 115 and 183C of the Hawai‘i Revised Statutes (HRS), ensuring that no endangered or threatened species are harmed or affected by coastal maintenance (such as nesting seabirds), and ensuring that no unauthorized work or land uses take place within the Conservation District (shoreline area), among others.

While increasing the population density in shoreline areas where coastal hazards exist is inconsistent with the direction in which we are attempting to move to address coastal resiliency in the face of sea level rise, the proposed project appears unlikely to adversely affect public access and recreational activities in the coastal area, public health, or the coastal and nearshore environments. However, it is imperative that the DEA address the inevitable threat of sea level rise and coastal hazards on the subject property. For reference, using 3.2 meters of sea level rise as the standard gauge for projecting coastal and sea level rise hazards remains true with the recently published 2022 Sea Level Rise Technical Report from the National Oceanic and Atmospheric Administration. The screengrab in Figure 1 shows the subject property highlighted with 3.2 meters of projected sea level rise shown.
Sea Level Rise: State of Hawai‘i Sea Level Rise Viewer

An Interactive Mapping Tool in Support of the State of Hawai‘i Sea Level Rise Vulnerability and Adaptation Report

Figure 1: Image of Sea Level Rise Viewer, Showing Subject Property

In light of this, it is also imperative that coastal landowners be aware of shoreline regulations regarding erosion control, namely Hawai‘i Revised Statutes (HRS) §205A-2, Coastal Zone Management Program, objectives and policies, section (c) Policies, (9) beach protection, (b) beach protection, “Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities”.

Regarding any proposed work itself, it is imperative that all best management practices (BMPs) are followed carefully when doing all work, especially when near the shoreline boundary of the property. Should you have any questions pertaining to this letter, please contact Salvatore Saluga of our office at salvatore.j.saluga@hawaii.gov.

Sincerely,

Michael Cain, Acting Administrator
Office of Conservation and Coastal Lands

CC: Planning Solutions, Inc.
   c/o Mākena White
February 28, 2022

SEND VIA EMAIL

Makena White
makena@psi-hi.com

Dear Makena White:

SUBJECT: Pre-Environmental Assessment (EA) Consultation
Arnold Tripler Residence
5699 Kalanianaole Highway - Niu
Tax Map Key 3-7-002: 081

This is in response to your letter, received on January 28, 2022, requesting comments for the above-mentioned EA. The proposed work involves demolishing an existing structure and constructing three new structures (a dwelling, a pool house, and a garage/barn). We offer the following comments. The draft EA should:

- Include a vulnerability assessment which identifies impacts from sea level rise (SLR), assesses the possible consequences, and evaluates potential adaption strategies (including retreat) that will mitigate chronic and acute impacts of SLR on the Project during its proposed lifetime. According to the State of Hawaii SLR Viewer, virtually the entire lot will be inundated by 3.2 feet of SLR, which could occur as early as the 2060s.

- Describe any existing or proposed shoreline hardening structures. If there are existing shoreline hardening structures, the draft EA should describe when they were built and identify any associated permits or approvals. Correspondence with the Department of Land and Natural Resources in 2011 indicates that a previous owner had intended to resolve a shoreline encroachment; please explain this situation in the draft EA.

- List relevant objective, vision, and policy statements from the newly adopted Oahu General Plan and East Honolulu Sustainable Communities Plan. The draft
EA should include discussions on how the proposed Project is consistent, inconsistent, or implements each of the relevant statements from the respective plans.

- Include a discussion on beach access.

Below is a link to the Instructions for Filing a Special Management Area Permit which includes a content guide for an EA:


We highly recommend that you submit a request for comments from the State Historic Preservation Division through their new online system as early as possible (i.e., before publication of the draft EA), if you have not done so already. You may use the fillable request letter we have provided on our website to initiate your request:


Should you have any questions, please contact Zack Stoddard, of our staff, at (808) 768-8019 or via email at zachary.stoddard@honolulu.gov.

Very truly yours,

[Signature]

Dean Uchida
Director
Dear Sirs:

SUBJECT: Scoping Request for Proposed Arnold Tripier Residence
5699 Kalaniana‘ole Highway
Honolulu, Island of Oahu
TMK: (1) 3-7-002:081

Thank you for the opportunity to review and comment on the subject project. The Land Division of the Department of Land and Natural Resources (DLNR) distributed copies of your request to DLNR’s various divisions for their review and comment.

Enclosed are responses/comments received from our (a) Division of Aquatic Resources and (b) Engineering Division. Should you have any questions about the attached response(s), please feel free to contact Barbara Lee via email at barbara.j.lee@hawaii.gov. Thank you.

Sincerely,

Russell Tsuji

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files
MEMORANDUM

TO:  
DLNR Agencies:
  X Div. of Aquatic Resources (via email: kendall.tucker@hawaii.gov)
  __ Div. of Boating & Ocean Recreation
  X Engineering Division (via email: DLNR.Engr@hawaii.gov)
  X Div. of Forestry & Wildlife (via email: rubyrosa.terrano@hawaii.gov)
  __ Div. of State Parks
  X Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
  X Office of Conservation & Coastal Lands (via email: sharleen.k.kuba@hawaii.gov)
  X Land Division – Oahu District (via email: barry.w.chung@hawaii.gov)

FROM:  
Russell Y. Tsuji, Land Administrator

SUBJECT:  
Scoping Request for Proposed Arnold Tripler Residence

LOCATION:  
Honolulu, Island of Oahu, Hawaii
TMK: (L) 3-7-002:081

APPLICANT:  
PLANNING SOLUTIONS on behalf of the Arnold Tripler Family

Transmitted for your review and comment is information on the above-referenced project. Please review the attached information and submit any comments by the internal deadline of February 25, 2022 to barbara.j.lee@hawaii.gov at the Land Division.

If no response is received by the above due date, we will assume your agency has no comments at this time. Should you have any questions about this request, please contact Barbara Lee at barbara.j.lee@hawaii.gov. Thank you.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
( ) We have no additional comments.
( ☑️) Comments are included/attached.

Signed:  
Print Name: Brian J. Nellson-Administrator
Division: Division of Aquatic Resources
Date: Feb 28, 2022
MEMORANDUM

TO: Brian J. Neilson
DAR Administrator

FROM: Kimberly Fuller, Aquatic Biologist

SUBJECT: Scoping Request for Proposed Arnold Tripier Residence

Request Submitted by: Planning solutions on behalf of the Tripier Family

5699 Kalanianaole Highway, Honolulu, Island of Oahu, Hawaii

Location of Project: TMK (1) 3-7-002:081

Brief Description of Project:
The Arnold Tripier family is planning to demolish the small existing structure at the 0.74 acre parcel located at 5699 Kalanianaole Highway, Honolulu, Hawaii. Once the existing structure is gone, they are proposing to build three structures: (i) a main dwelling with roughly 5,000 square feet of floor area; (ii) a pool house with roughly 800 square feet of floor area; and (iii) a garage/barn of roughly 1,600 square feet. This is a shoreline parcel. The site is within City and County of Honolulu’s Special Management Area (SMA) and will require a Special Management Area Permit major. Planning Solutions, Inc. is preparing an Environmental Assessment and requesting input.

Comments:
☐ No Comments ☑ Comments Attached

Thank you for providing DAR the opportunity to review and comment on the proposed project. Should there be any changes to the project plan, DAR requests the opportunity to review and comment on those changes.

Comments Approved: ____________________________ Date: Feb 28, 2022

Brian J. Neilson
DAR Administrator
Erosion and Land Based Source of Pollution (LBSP) Mitigation:

DAR recommends that best management practices for mitigation of erosion and LBSP be followed. Close proximity to the marine environment should be considered. Landscape design and leveling should be such that long term erosion and LBSP are minimized.

During construction these measures would include any type of barrier (e.g. sediment barriers/bags, petroleum absorption diapers, etc.) that limits the amount of sediment or LBSP (e.g. petroleum products, chemicals, debris, etc.) to the maximum extent practicable. DAR recommends that all construction materials be composed of environmentally inert materials to the extent practicable. The Contractor shall consider the weather while performing construction. Some work may be performed during low rain conditions, but all construction would be halted during storm conditions or when storm conditions threaten the watershed.

DAR should be notified to assess impact should any event occur during construction that could negatively impact aquatic resources. Examples of this type of event include but are not limited to discharge of water contaminated with sediment, or liquids such as oil or gas into the adjacent marine environment.

Consideration for Protected Species:

In the event that protected species such as the Hawaiian monk seal, other marine mammal or sea-turtle is observed in close proximity to the construction/repair site, and the activities being conducted may be considered as a "negligent or intentional act which results in disturbing or molesting a marine mammal", applicant should take appropriate action to modify activities in order to avoid disturbance to the regular behavior and activities of the animal. Appropriate action would include but is not limited to ceasing construction activity until the animal leaves the area, moving to a site further away from the animal (if possible and if the action results in the cessation of disturbance to animal), conducting other portions of repairs that do not negligently or intentionally disturb the animal, until the animal leaves the area.

Entanglement of coastal and marine life should be avoided by keeping the site free of entanglement hazards. Although the work is not planned to occur directly on the coast, ensure there are no entanglement hazards left on the coastal region or in marine waters.
Report any interaction between a protected species and the construction activity proposed, to the NOAA Protected Species Division and State of Hawaii DOCARE:

NOAA Marine Mammal Response Coordinators (Oahu): 808-220-7802

NOAA Sea Turtles (Oahu): Monday-Friday, 7:30am-4pm NOAA National Marine Fisheries Service - PIFSC Marine Turtle Biology and Assessment Program: (808) 725-5730

State of Hawaii Department of Land and Natural Resources (DLNR) Division of Conservation and Resources Enforcement (DOCARE): 808-643-3567

Thank you for the opportunity to comment.
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 02, 2022

MEMORANDUM

FROM: Russell Y. Tsuji, Land Administrator
TO: DLNR Agencies:

X Div. of Aquatic Resources (via email: kendall.1.tucker@hawaii.gov)
_ Div. of Boating & Ocean Recreation
X Engineering Division (via email: DLNR.Engr@hawaii.gov)
X Div. of Forestry & Wildlife (via email: rubyrous1.terago@hawaii.gov)
_ Div. of State Parks
X Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
X Office of Conservation & Coastal Lands (via email: sharleen.k.kuba@hawaii.gov)
X Land Division – Oahu District (via email: barry.w.chung@hawaii.gov)

SUBJECT: Scoping Request for Proposed Arnold Tripler Residence
5699 Kalaniana‘ole Highway,
Honolulu, Island of Oahu, Hawaii
TMK: (1) 3-7-002:081

APPLICANT: PLANNING SOLUTIONS on behalf of the Arnold Tripler Family

Transmitted for your review and comment is information on the above-referenced project. Please review the attached information and submit any comments by the internal deadline of February 25, 2022 to barbara.j.lee@hawaii.gov at the Land Division.

If no response is received by the above due date, we will assume your agency has no comments at this time. Should you have any questions about this request, please contact Barbara Lee at barbara.j.lee@hawaii.gov. Thank you.

BRIEF COMMENTS:

( ) We have no objections.
( ) We have no comments.
( ) We have no additional comments.
(✓) Comments are included/attached.

Signed: Carty S. Chang, Chief Engineer
Print Name: Engineering Division
Division: Date: Feb 24, 2022
DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji
Ref: Scoping Request for Proposed Arnold Tripier Residence
  Location: 5699 Kalaniana‘ole Highway, Honolulu, Island of Oahu, Hawaii
  TMK(s): (1) 3-7-002:081
  Applicant: PLANNING SOLUTIONS on behalf of the Arnold Tripier Family

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a Special Flood Hazard Area (high-risk areas). Be advised that 44CFR, Chapter 1, Subchapter B, Part 60 reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood zones subject to NFIP requirements are identified on FEMA’s Flood Insurance Rate Maps (FIRM). The official FIRMs can be accessed through FEMA’s Map Service Center (msc.fema.gov). Our Flood Hazard Assessment Tool (FHA1) (http://gis.hawaiinfip.org/FHA1) could also be used to research flood hazard information.

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

- **Oahu**: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- **Hawaii Island**: County of Hawaii, Department of Public Works (808) 961-8327.
- **Maui/Molokai/Lanai**: County of Maui, Department of Planning (808) 270-7139.
- **Kauai**: County of Kauai, Department of Public Works (808) 241-4849.

Signed: CARY S. CHANG, CHIEF ENGINEER

Date: Feb 24, 2022
MEMORANDUM

TO: DLNR Agencies:
   X Div. of Aquatic Resources (via email: kendall.l.tucker@hawaii.gov)
   ___ Div. of Boating & Ocean Recreation
   X Engineering Division (via email: DLNR.Engr@hawaii.gov)
   X Div. of Forestry & Wildlife (via email: rubyrosa.t.terrago@hawaii.gov)
   ___ Div. of State Parks
   X Commission on Water Resource Management (via email: DLNR.CWRM@hawaii.gov)
   X Office of Conservation & Coastal Lands (via email: sharleen.k.kuba@hawaii.gov)
   X Land Division – Oahu District (via email: barry.w.cheung@hawaii.gov)

FROM: Russell Tsuji
   Russell Y. Tsuji, Land Administrator

SUBJECT: Scoping Request for Proposed Arnold Tripier Residence
5699 Kalaniana‘ole Highway,
Honolulu, Island of Oahu, Hawaii
TMK: (1) 9-1-013:068

APPLICANT: PLANNING SOLUTIONS on behalf of the Arnold Tripier Family

Transmitted for your review and comment is information on the above-referenced project. Please review the attached information and submit any comments by the internal deadline of February 25, 2022 to barbara.j.lee@hawaii.gov at the Land Division.

If no response is received by the above due date, we will assume your agency has no comments at this time. Should you have any questions about this request, please contact Barbara Lee at barbara.j.lee@hawaii.gov. Thank you.

BRIEF COMMENTS:
   ( ) We have no objections.
   ( ) We have no comments.
   ( ) We have no additional comments.
   (✓) Comments are included/attached.

Signed: DAVID G. SMITH, Administrator
Print Name: DAVID G. SMITH, Administrator
Division: Division of Forestry and Wildlife
Date: Mar 3, 2022

Attachments
Cc: Central Files
MEMORANDUM

TO: RUSSELL Y. TSUJI, Administrator
    Land Division

FROM: DAVID G. SMITH, Administrator
    Division of Forestry and Wildlife

SUBJECT: Division of Forestry and Wildlife Comments on a Scoping Request for the Proposed Arnold Tripler Residence in 5699 Kalaniana‘ole Highway, Honolulu, O‘ahu

March 3, 2022

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) has received your request for comment on the scoping request for the proposed Arnold Tripler residence located at 56999 Kalaniana‘ole in Honolulu, on the island of O‘ahu. TMK: (1) 3-7-002:081. The proposed project consists of demolishing an existing minor structure on a 32,187 square-foot parcel and the construction of the main dwelling with roughly 5,000 square feet (SF) of floor area, a pool house with roughly 800 SF of floor area, and a garage/barn of roughly 1,600 SF. The project intends to comply with the shoreline setback, yard requirements, height limits, flood hazard requirements, and other applicable development standards.

The State listed Hawaiian Hoary Bat or ‘Ope‘ape‘a (Lasiurus cinereus semotus) could potentially occur in the vicinity of the project area and may roost in nearby trees. Any required site clearing should be timed to avoid disturbance to bats during their birthing and pup rearing season (June 1 through September 15). During this period woody plants greater than 15 feet (4.6 meters) tall should not be disturbed, removed, or trimmed. Barbed wire should also be avoided for any construction because bats can become ensnared and killed by such fencing during flight.

Artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. This disorientation can result in a collision with manmade structures or the grounding of birds. For nighttime work that might be required, DOFAW recommends that all lights used to be fully shielded to minimize the attraction of seabirds. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15 through December 15. This is the period when young seabirds take their maiden voyage to the open sea. Permanent lighting also poses a risk of seabird attraction, and as such should be minimized or eliminated to protect seabird flyways and preserve the night sky. For illustrations and guidance related to seabird-friendly light styles that also protect seabirds and the dark starry skies of Hawai‘i please visit https://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf.

The State threatened White Tern (Gygis atra) or Manu o Kū is known to nest in the vicinity of the proposed project. If tree trimming or removal is planned, DOFAW strongly recommends a qualified biologist survey for the presence of White Terns prior to any action that could disturb the trees. White Tern pairs lay their single
egg in a branch fork with no nest. The eggs and chicks can be easily dislodged by construction equipment that nudges the trees. If a nest is discovered, please notify DOFAW staff for assistance.

State listed waterbirds such as the Hawaiian Duck (Anas wyvilliana), Hawaiian Stilt (Himantopus mexicanus knudseni), Hawaiian Coot (Fulica alai), and Hawaiian Common Gallinule (Gallinula chloropus sandvicensis) could potentially occur in the vicinity of the proposed project sites. It is against State law to harm or harass these species. If any of these species are present during construction activities, then all activities within 100 feet (30 meters) should cease, and the bird should not be approached. Work may continue after the bird leaves the area of its own accord. If a nest is discovered at any point, please contact the O‘ahu Branch DOFAW Office at (808) 973-9778.

The State endangered Hawaiian Monk Seal (Monachus schauinslandi) and threatened Green Sea Turtle (Chelonia mydas) could potentially occur within the vicinity of the proposed project site. If either species is detected within 100 meters of the project area all nearby construction operations should cease and not continue until the focal animal has departed the area on its own accord.

Coastal plants such as naupaka (Scaevola sericea) and pa‘uholi‘iaka (Jacquemontia ovalifolia ssp. sandvicensis) may be present in the project area and are host to the State endangered Yellow-faced Bee (Hylaeus sp.). These listed bees have been noted at other shoreline areas near the project area. DOFAW recommends surveys done by an entomologist be conducted before work occurs in the vicinity. If present, Yellow-faced Bee surveys should occur between the months of April to November.

DOFAW recommends minimizing the movement of plant or soil material between worksites. Soil and plant material may contain invasive fungal pathogens (e.g., Rapid ‘Ōhi‘a Death), vertebrate and invertebrate pests (e.g., Little Fire Ants, Coconut Rhinoceros Beetles), or invasive plant parts that could harm our native species and ecosystems. We recommend consulting the O‘ahu Invasive Species Committee (OISC) at (808) 266-7994 in the planning, design, and construction of the project to learn of any high-risk invasive species in the area and ways to mitigate spread. All equipment, materials, and personnel should be cleaned of excess soil and debris to minimize the risk of spreading invasive species. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned with water and sprayed with 70% alcohol solution to prevent the spread of Rapid ‘Ōhi‘a Death and other harmful fungal pathogens.

DOFAW recommends using native plant species for landscaping that are appropriate for the area (i.e., climate conditions are suitable for the plants to thrive, historically occurred there, etc.). Please do not plant invasive species. DOFAW recommends consulting the Hawai‘i-Pacific Weed Risk Assessment website to determine the potential invasiveness of plants proposed for use in the project (https://sites.google.com/site/weedriskassessment/home). We recommend that you refer to www.plantpono.org for guidance on the selection and evaluation of landscaping plants.

We appreciate your efforts to work with our office for the conservation of our native species. Should the scope of the project change significantly, or should it become apparent that threatened or endangered species may be impacted, please contact our staff as soon as possible. If you have any questions, please contact Paul Radley, Protected Species Habitat Conservation Planning Coordinator at (808) 295-1125 or paul.m.radley@hawaii.gov.

Sincerely,

DAVID G. SMITH
Administrator
Appendix B. Easement
LAND COURT

REGULAR SYSTEM

(AREA ABOVE RESERVED FOR RECORDING INFORMATION)

After Recordation, Return by Pick-up (808) 531-8031: Regular

FILL IN NAME AND ADDRESS BELOW:

Gregory W. Kugle, Esq.
Damon Key Leong Kupchak Hastert
1003 Bishop Street #1600
Honolulu, Hawaii 96813

DOCUMENT CONTAINS 16 PAGES
GRANT OF EXCLUSIVE EASEMENT S-6026

THIS INDENTURE, made and entered into this 15th day of August, 2012, by and between the STATE OF HAWAII, by its Board of Land and Natural Resources, hereinafter referred to as the “Grantor,” and BENJAMIN B. CASSIDAY, JR., as trustee on the 22nd day of January, 1988, and amended by First Amendment to declaration of trust dated the 14th day of June, 1999, by Second Amendment to declaration of trust dated the 29th day of June, 2000, by Third amendment to declaration of trust dated the 7th day of May, 2004, by Fourth Amendment to declaration of trust dated the 4th day of October, 2005, by Fifth Amendment To Declaration of Trust dated the 7th day of July, 2006, by Sixth Amendment to Declaration of Trust dated the 13th day of April, 2007, by Seventh Amendment to Declaration of Trust dated the 27th day of April, 2007, by Eight Amendment to Declaration of Trust dated January 25, 2008, by Ninth Amendment to Declaration of Trust dated the 22nd day of September, 2008, by Tenth Amendment to Declaration of Trust dated the 5th day of November, 2010, and by Eleventh Amendment to Declaration of Revocable Trust dated the 22nd day of December, 2010, of the Short Form Trust Agreement of the Benjamin B. Cassiday, Jr. Trust dated December 22, 2010, with powers to lease any real property for such term or terms as it...
may deem advisable, without the authorization of any court and whether or not any such term may extend beyond the period of any trust, whose address is 5621 Kalanianaole Highway, Honolulu, Hawaii 96821, hereinafter referred to as the “Grantee.”

WITNESSETH THAT:

The Grantor, pursuant to Section 171-13, Hawaii Revised Statutes, for and in consideration of the rent to be paid and of the terms, conditions, and covenants herein contained, all on the part of the Grantee to be kept, observed, and performed, does hereby grant unto the Grantee, the following exclusive and term easement rights:

Right, privilege, and authority to use, maintain, repair, replace and remove existing seawall, steps, and filled land, subject to the terms and conditions herein,
in, over, under and across that certain parcel of land (“area”), also referred to as “premises,” situate at Niu, Honolulu, Oahu, Hawaii, being identified as “Seawall, Steps and Filled Land Easement, Fronting Lots 23 and 24 of Niu Beach Lots, File Plan 279,” containing an area of 3,802 square feet, more or less, more particularly described in Exhibit “A” and delineated on Exhibit “B,” both of which are attached hereto and made parts hereof, said exhibits being respectively, a survey description and survey map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, designated C.S.F. No. 25,142 and dated December 28, 2011, TOGETHER WITH the rights of ingress and egress to and from the easement area for all purposes in connection with the rights hereby granted.

TO HAVE AND TO HOLD the easement rights unto the Grantee, its successors and assigns, SUBJECT, HOWEVER, to the following terms, conditions and covenants:

1. The term of this easement shall be fifty-five (55) years, commencing on the 15th day of August, 2012, up to and including the 14th day of August, 2067, unless sooner terminated as hereinafter provided, the Grantor reserving and the Grantee yielding and paying to the Grantor at the Office of the Department of Land and Natural Resources, Honolulu, Oahu, State of Hawaii, a one time payment, payable in advance, without notice or demand of THREE HUNDRED THIRTY THREE THOUSAND AND NO/100 DOLLARS ($337,000.00).
THE GRANTOR AND THE GRANTEE COVENANT AND AGREE AS
FOLLOWS:

1. The Grantee shall at all times with respect to the
   easement area use due care for public safety and agrees to
   indemnify, defend, and hold the Grantor harmless from and against
   any claim or demand for loss, liability, or damage, including
   claims for bodily injury, wrongful death, or property damage,
   arising out of or resulting from: 1) any act or omission on the
   part of the Grantee relating to the Grantee's use, occupancy,
   maintenance, or enjoyment of the easement area; 2) any failure on
   the part of the Grantee to maintain the easement area and
   sidewalks, roadways, and parking areas adjacent thereto in the
   Grantee's use and control, and including any accident, fire or
   nuisance, growing out of or caused by any failure on the part of
   the Grantee to maintain the easement area in a safe condition;
   and 3) from and against all actions, suits, damages, and claims
   by whomsoever brought or made by reason of the Grantee's
   non-observance or non-performance of any of the terms, covenants,
   and conditions of this grant of exclusive easement or the rules,
   regulations, ordinances, and laws of the federal, state,
   municipal or county governments.

2. The Grantor reserves unto itself, its successors
   and assigns, the full use and enjoyment of the easement area and
   the right to grant to others rights and privileges for any and
   all purposes affecting the easement area, provided, however, that
   the rights herein reserved shall not be exercised by the Grantor
   and similar grantee(s) in any manner which interferes
   unreasonably with the Grantee in the use of the easement area for
   the purposes for which this easement is granted.

3. The placement of all improvements in or upon the
   easement area by the Grantee shall be done without cost or
   expense to the Grantor and shall remain the property of the
   Grantee and subject to the terms of paragraphs 10 and 14 may be
   removed or otherwise disposed of by the Grantee at any time;
   provided, that the removal shall be accomplished with minimum
   disturbance to the easement area which shall be restored to its
   original condition, or as close thereto as possible, within a
   reasonable time after removal.

4. Upon completion of any work performed in or upon
   the easement area, the Grantee shall remove therefrom all
   equipment and unused or surplus materials, if any, and shall
   leave the easement area in a clean and sanitary condition
   satisfactory to the Grantor.
5. Throughout the term of this easement (unless sooner abandoned or otherwise terminated herein) this easement shall run with the land and shall inure to the benefit of the real property described as tax map key no. (1)3-7-002:007, provided however, that the Grantee shall carry the required liability insurance covering the easement area and comply with all other terms and conditions as provided herein, and that the Grantee, or authorized representative of the Grantee’s estate, when this easement is sold, assigned, conveyed, or otherwise transferred, shall notify the Grantee’s successors or assigns of the insurance requirement in writing, separate and apart from this easement document.

6. The Grantee shall keep the easement area and the improvements thereon in a safe, clean, sanitary, and orderly condition, and shall not make, permit or suffer, any waste, strip, spoil, nuisance or unlawful, improper, or offensive use of the easement area.

7. The Grantee covenants, for itself, its successors and assigns, that the use and enjoyment of the land herein granted shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin, religion, marital status, familial status, ancestry, physical handicap, disability, age or HIV (human immunodeficiency virus) infection.

8. The Grantee, in the exercise of the rights granted herein, shall comply with all of the requirements of the federal, state, and county authorities and shall observe all county ordinances and state and federal laws, rules and regulations, now in force or which may hereinafter be in force.

9. These easement rights shall cease and terminate, and the easement area shall automatically be forfeited to the Grantor, without any action on the part of the Grantor, in the event of non-use or abandonment by the Grantee of the easement area, or any portion thereof, for a consecutive period of one (1) year.

10. The Grantee shall, at the end of the term or other sooner termination of this easement, peaceably deliver unto the Grantor possession of the premises, together with all improvements existing or constructed thereon or Grantee shall remove such improvements and shall restore the premises to their original state, or as close thereto as possible, within a reasonable time and at the expense of the Grantee. If the Grantee does not remove the improvements or restore the premises
to the satisfaction of the Grantor, the Grantor may effect such action and the Grantee agrees to pay all costs and expenses for such action. Furthermore, upon the expiration, termination, or revocation of this easement, should the Grantee fail to remove any and all of Grantee’s personal property from the premises, after notice thereof, the Grantor may remove any and all of Grantee’s personal property from the premises, and either deem the property abandoned and dispose of the property or place the property in storage at the cost and expense of Grantee and the Grantee does agree to pay all costs and expenses for disposal, removal, or storage of the personal property. This provision shall survive the termination of the easement.

11. The Grantee shall procure and maintain, at its own cost and expense, in full force and effect throughout the term of this easement, comprehensive general liability insurance, or its equivalent, with an insurance company or companies licensed or authorized to do business in the State of Hawaii with an AM Best rating of not less than "A-" or other comparable and equivalent industry rating, in an amount of at least $1,000,000.00 for each occurrence and $2,000,000.00 aggregate, and with coverage terms acceptable to the Chairperson of the Board of Land and Natural Resources. The policy or policies of insurance shall name the State of Hawaii as an additional insured and a copy shall be filed with the State of Hawaii, Department of Land and Natural Resources. The insurance shall cover the entire easement area, including all buildings, improvements, and grounds and all roadways or sidewalks on or adjacent to the easement in the use or control of the Grantee.

The Grantee, prior to entry and use of the easement area or within fifteen (15) days after the effective date of this easement, whichever is sooner, shall furnish the Grantor with a certificate(s) showing the policy(s) to be initially in force, keep the certificate(s) on deposit during the entire easement term, and furnish a like certificate(s) upon each renewal of the policy(s). This insurance shall not be cancelled, limited in scope of coverage, or nonrenewed until after thirty (30) days written notice has been given to the Grantor. The Grantor may at any time require the Grantee to provide Grantor with copies of the insurance policy(s) that are or were in effect during the easement period.

The Grantor shall retain the right at any time to review the coverage, form, and amount of the insurance required by this easement. If, in the opinion of the Grantor, the insurance provisions in this easement do not provide adequate protection for the Grantor, the Grantor may require Grantee to
obtain insurance sufficient in coverage, form, and amount to provide adequate protection. The Grantor's requirements shall be reasonable but shall be designed to assure protection for and against the kind and extent of the risks which exist at the time a change in insurance is required. The Grantor shall notify Grantee in writing of changes in the insurance requirements and Grantee shall deposit copies of acceptable insurance policy(s) or certificate(s) thereof, with the Grantor incorporating the changes within thirty (30) days after receipt of the notice.

The procuring of the required policy(s) of insurance shall not be construed to limit Grantee's liability under this easement nor to release or relieve the Grantee of the indemnification provisions and requirements of this easement. Notwithstanding the policy(s) of insurance, Grantee shall be obligated for the full and total amount of any damage, injury, or loss caused by Grantee's negligence or neglect connected with this easement.

It is agreed that any insurance maintained by the Grantor will apply in excess of, and not contribute with, insurance provided by Grantee's policy.

12. Grantor reserves the right to withdraw the easement for public use or purposes, at any time during the term of this easement upon the giving of reasonable notice to Grantee. Upon withdrawal of the easement, Grantor shall return to Grantee a portion of the one-time payment described in paragraph 1. For purposes of determining the amount to be returned to the Grantee, the term “net payment” shall mean the one-time payment described in paragraph 1 reduced by any non-refundable portion of the one-time payment, if any, that Grantor was required by statute to pay to any other entity or body. The amount returned to Grantee shall be the net payment prorated for the unused term of the easement.

13. The Grantee shall not mortgage, hypothecate, or pledge the premises, any portion, or any interest in this easement without the prior written approval of the Chairperson of the Board of Land and Natural Resources and any mortgage, hypothecation, or pledge without the approval shall be null and void.

14. Time is of the essence in this agreement and if the Grantee shall abandon the premises, or if this easement and premises shall be attached or taken by operation of law, or if any assignment is made of the Grantee's property for the benefit of creditors, or if Grantee shall fail to observe and perform any
of the covenants, terms, and conditions contained in this easement and on its part to be observed and performed, and this failure shall continue for a period of more than sixty (60) calendar days after delivery by the Grantor of a written notice of breach or default, by personal service, registered mail or certified mail to the Grantee at its last known address and to each mortgagee or holder of record having a security interest in the premises, the Grantor may, subject to the provisions of section 171-21, Hawaii Revised Statutes, at once re-enter the premises, or any part, and upon or without the entry, at its option, terminate this easement without prejudice to any other remedy or right of action for any preceding or other breach of contract; and in the event of termination, at the option of Grantor, all improvements shall remain and become the property of the Grantor or shall be removed by Grantee.

15. In the event the Grantor seeks to forfeit the privilege, interest, or estate created by this easement, each recorded holder of a security interest may, at its option, cure or remedy the default or breach within sixty (60) calendar days, from the date of receipt of the Grantor's notice, or within an additional period allowed by Grantor for good cause, and add the cost to the mortgage debt and the lien of the mortgage. Upon failure of the holder to exercise its option, the Grantor may: (a) pay to the holder from any moneys at its disposal, including the special land and development fund, the amount of the mortgage debt, together with interest and penalties, and secure an assignment of the debt and mortgage from the holder or if ownership of the privilege, interest, or estate shall have vested in the holder by way of foreclosure, or action in lieu thereof, the Grantor shall be entitled to the conveyance of the privilege, interest, or estate upon payment to the holder of the amount of the mortgage debt, including interest and penalties, and all reasonable expenses incurred by the holder in connection with the foreclosure and preservation of its security interest, less appropriate credits, including income received from the privilege, interest, or estate subsequent to the foreclosure; or (b) if the property cannot be reasonably reassigned without loss to the State, then terminate the outstanding privilege, interest, or estate without prejudice to any other right or remedy for any preceding or other breach or default and use its best efforts to redispose of the affected land to a qualified and responsible person free and clear of the mortgage and the debt secured; provided that a reasonable delay by the Grantor in instituting or prosecuting its rights or remedies shall not operate as a waiver of these rights or to deprive it of a remedy when it may still otherwise hope to resolve the problems created by the breach or default. The proceeds of any redisposition shall be applied,
first, to reimburse the Grantor for costs and expenses in connection with the redisposition; second, to discharge in full any unpaid purchase price or other indebtedness owing the Grantor in connection with the privilege, interest, or estate terminated; third, to the mortgagee to the extent of the value received by the State upon redisposition which exceeds the fair market value of the land as previously determined by the State's appraiser; and fourth, to the owner of the privilege, interest, or estate.

16. In case the Grantor shall, without any fault on its part, be made a party to any litigation commenced by or against the Grantee as a result of this grant of exclusive easement (other than condemnation proceedings), the Grantee shall pay all costs, including reasonable attorney's fees and expenses incurred by or imposed on the Grantor; furthermore, the Grantee shall pay all costs, including reasonable attorney's fees and expenses, which may be incurred by or paid by the Grantor in enforcing the covenants and conditions of this grant of exclusive easement, or in the collection of delinquent rental, fees, taxes, and any and all other applicable charges attributed to said easement area.

17. The Grantee shall not cause or permit the escape, disposal or release of any hazardous materials except as permitted by law. Grantee shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the easement area any such materials except to use in the ordinary course of Grantee's business, and then only after written notice is given to Grantor of the identity of such materials and upon Grantor's consent which consent may be withheld at Grantor's sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by Grantee, then the Grantee shall be responsible for the reasonable costs thereof. In addition, Grantee shall execute affidavits, representations and the like from time to time at Grantor's request concerning Grantee's best knowledge and belief regarding the presence of hazardous materials on the easement area placed or released by Grantee.

The Grantee agrees to indemnify, defend, and hold Grantor harmless, from any damages and claims resulting from the release of hazardous materials on the easement area occurring while Grantee is in possession, or elsewhere if caused by Grantee or persons acting under Grantee. These covenants shall survive the expiration or earlier termination of this easement.

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Document: Abstract - DocID 46520851
For the purpose of this easement "hazardous material" shall mean any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, the Federal Clean Water Act, or any other federal, state, or local environmental law, regulation, ordinance, rule, or bylaw, whether existing as of the date hereof, previously enforced, or subsequently enacted.

18. No building, structure or improvements other than the existing seawall, steps, and filled land shall be placed or constructed within the easement area.

19. The Grantee acknowledges and agrees that the existing seawall, steps, and filled land described in Exhibit "A" and delineated on Exhibit "B" herein are nonconforming and further, that the Grantee is prohibited from rebuilding or altering said existing seawall, steps, and filled land without first obtaining the appropriate permission (e.g., conservation district use permit) from Grantor. In no event may Grantee extend the existing seawall, steps, and filled land seaward of their present location. Furthermore, the Grantee shall keep the existing seawall, steps, and filled land in good condition and repair; provided, however, if the existing seawall, steps, and filled land are substantially (greater than fifty percent) or completely destroyed as determined by the Grantor, this easement and all rights granted herein shall cease and terminate automatically without any further action on the part of the Grantor.

20. The Grantee shall hold harmless, defend, and indemnify the State of Hawaii, its boards, departments, agencies, and public and appointed officials from any and all claims for harm, taking, damages, loss of land, or specific performance that may arise out of or result from the existence and effect of the existing seawall, steps, and filled land on the flow of ocean water that, in turn, may affect or cause lateral erosion of shoreline land in either direction along the shore from the existing seawall, steps, and filled land.

21. The Grantee shall comply with all applicable federal and state environmental impact regulations.

22. The Grantee shall maintain and employ debris, pollution and contamination control measures, safeguards and techniques to prevent debris, pollution or contamination to the ocean waters, streams or waterways resulting from the Grantee's
its invitee's, or its agent's use, maintenance, repair and operation of the easement area, and shall take immediate corrective action in the event of such pollution or contamination to immediately remove the cause of such pollution or contamination, and shall immediately clean the easement area and its surrounding waters of such pollutant or contaminant and restore to the Grantor's satisfaction the areas affected by such pollution or contamination, all at the Grantee's own cost and expense.

23. The Grantee shall maintain, repair and upkeep the existing seawall, steps, and filled land in a condition satisfactory to the Grantor, and in a manner that will enhance the public shoreline and access thereto. Any improvements to the existing seawall, steps, and filled land shall be subject to the prior written approval of the Board of Land and Natural Resources and any other appropriate permission. Upon abandonment, expiration or termination of this easement, if desired by the Grantor, the Grantee, its successors and assigns, at its sole cost and expense, shall remove the existing seawall, steps, and filled land and restore the area to a condition satisfactory to the Grantor.

24. Should future development necessitate a relocation of the easement granted herein, or any portion thereof, the relocation shall be accomplished at the Grantee's own cost and expense.
IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused this Indenture to be executed as of the day, month, and year first above written.

STATE OF HAWAII

Approved by the Board of Land and Natural Resources at its meeting held on October 28, 2011.

By

WILLIAM J. AILA, JR.
Chairperson
Board of Land and Natural Resources

GRANTOR

By

BENJAMIN B. CASSIDAY, JR., as trustee aforesaid

GRANTEE

APPROVED AS TO FORM:

WILLIAM J. WYNOFF
Deputy Attorney General

Dated: JUL 11 2011

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STATE OF HAWAI'I

CITY AND COUNTY OF HONOLULU

On this 23rd day of July, 2012, before me personally appeared BENJAMIN B. CASSIDAY, JR., to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Notary Public, State of Hawaii

My commission expires: JANUARY 2015

-12-
STATE OF HAWAI'I  
SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
HONOLULU

C.S.F. No. 25,142

December 28, 2011

SEAWALL, STEPS AND FILLED LAND EASEMENT  
Fronting Lots 23 and 24 of Niu Beach Lots, File Plan 279

Niu, Honolulu, Oahu, Hawaii

Being a portion of the filled land of the former Sea Fishery of Niu acquired by the State of Hawaii by FINAL ORDER OF CONDEMNATION: Civil No. 29958 dated October 13, 1972 and recorded in Liber 8702, Page 387 (Land Office Deed S-25733).

Beginning at the northwest corner of this easement and the southeast corner of Lot 25 of Niu Beach Lots, File Plan 279, the coordinates of said point of beginning referred to Government Survey Triangulation Station “KOKO HEAD” being 5966.59 feet North and 11,207.50 feet West, thence running by azimuths measured clockwise from True South:

1. 253° 09' 115.04 feet along Lots 24 and 23 of Niu Beach Lots, File Plan 279;

2. 339° 33' 5.09 feet along Lot 26 of Lae-O-Niu Tract;

3. 14° 40' 47.38 feet along Lot 26 of Lae-O-Niu Tract;

Thence along the seaward face of CRM seawall for the next two (2) courses, the direct azimuths and distances between points along said seaward face of CRM seawall being:

4. 94° 06' 12" 23.06 feet;

5. 81° 47' 20" 29.76 feet;

EXHIBIT "A"
C.S.F. No. 25,142

December 28, 2011

Thence along the seaward face of concrete steps for the next three (3) courses, the direct
azimuths and distances between points along said
seaward face of concrete steps being:

6. 343° 02’ 21”  3.80 feet;
7. 73° 02’ 21”   5.50 feet;
8. 163° 02’ 21”  4.00 feet;
9. 73° 13’ 07”   30.78 feet along seaward face of CRM seawall;
10. 157° 16’  32.70 feet along the remainder of the filled land of the
former Sea Fishery of Niu to the point of
beginning and containing an AREA OF 3802
SQUARE FEET, MORE OR LESS.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAI'I

By: Gerald Z. Yonashiro
Land Surveyor

Compiled from map and desc. furn. by DJNS
Surveying & Mapping, Inc. Said map and desc.
have been examined and checked as to form and
mathematical correctness but not on the ground
by the Survey Division.
Appendix C. Certified Shoreline Submittal
SHORELINE CERTIFICATION
FRONTING LOT A, BEING PORTION OF R.P. 52,
L.C. AW. 802, TO ALEXANDER ADAMS
AT NIU, HONOLULU, OAHU, HAWAII
TAX MAP KEY: (1) 3–7–002: 081
OWNERS: Jean Tripier
ADDRESS: 5699 Kalanianaohe Highway
Honolulu, Hawaii 96821

LEGEND:
find  found
TMK  tax map key

NOTES:
1. Azimuths and Coordinates are referred to Government Survey Triangulation Station "KOKO HEAD" Az.
2. Denotes approximate position and direction of Shoreline Photographs.

December 23, 2021

5699 Kalanianaohe Hwy (Top) (04/34) SHORELINE MAP.png