

JOANN A. YUKIMURA  
MAYOR



DEPARTMENT

JEFFREY LACY  
PLANNING DIRECTOR

DEE M. CROWELL  
DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919

COUNTY OF KAUAI  
PLANNING DEPARTMENT, OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
4280 RICE STREET  
LIHUE, KAUAI, HAWAII 96766

'93 SEP -7 P1:10

August 30, 1993

Mr. Bryan J. J. Choy, Director  
State of Hawaii  
Office of Environmental Quality Control  
220 South King Street, Fourth Floor  
Honolulu, Hawaii 96813

Re: Negative Declaration for the Karl-Heinz Bothe  
Shoreline Setback Variance  
TMK: 4-4-3-09:28 Kapaa, Kauai

The Notice of Availability of the Draft Environmental Assessment (EA) for the above referenced project was published in the OEQC Bulletin on July 23, 1993 and therefore, the 30 day comment period has elapsed. Attached are the comments received during the review period. As requested by OEQC, copies of the Draft EA were distributed to the State of Hawaii Office of State Planning - Coastal Management Program, the Department of Land and Natural Resources - Land Management Division, and the U. S. Army Corp of Engineers.

The County of Kauai Planning Department has reviewed the Environmental Assessment and the comments received during the comment period and has determined that the project will not have any significant impacts on the environment. Based on our determination we are filing a negative declaration for this project.

**Findings and reasons supporting the determination:**

1. The proposed project will not involve a loss or destruction of any natural or cultural resources.
2. The proposed project will not curtail the range of beneficial uses of the environment.
3. The proposed project will not conflict with the State's long-term environmental policies.
4. The proposed project will not substantially affect the economic or social welfare of the community or State, or public health.

5. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.
6. The proposed project will not involve a substantial degradation of environmental quality.
7. The proposed project will not have considerable cumulative effects on the environment, or involve a commitment to larger actions.
8. The proposed project will not substantially affect any rare, threatened or endangered species of flora or fauna or habitat. No endangered species of flora or fauna are known to exist at the project site.
9. The proposed project will not detrimentally affect air or water quality or ambient noise levels.
10. The proposed project will not adversely affect an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geographically hazardous land, estuary, freshwater area or coastal waters.

Please be advised that the foregoing action does not indicate the Planning Department's position on this proposal relative to the requirements of the County of Kauai Special Management Area Rules and Regulations. The requirements of these Rules and Regulations will be considered by the Planning Department during the permit review process.

Please contact George Kalisik of my staff at 245-3919 if you have any questions or comments regarding this matter.



Dee M. Crowell  
Planning Director

c: Karl-Heinz Bothe

1993-09-23-KA-PEA-Bothe Replacement of Wood Shoreline Protection  
Structures: Addition of Retaining Walls and Stairway to the Beach

SEP 23 1993

JOANN A. YUKIMURA  
MAYOR



COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4200 RICE STREET  
LIHUE, KAUAI, HAWAII 96766

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August 30, 1993

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**Findings and reasons supporting the determination:**

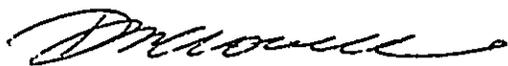
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AN EQUAL OPPORTUNITY EMPLOYER

5. The proposed project will not involve substantial secondary impacts, such as population changes or effects on public facilities.
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Please contact George Kalisik of my staff at 245-3919 if you have any questions or comments regarding this matter.



Dee M. Crowell  
Planning Director

c: Karl-Heinz Bothe

JOHN WAIHEE  
GOVERNOR



BRIAN J. J. CHOY  
Director

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

220 SOUTH KING STREET  
FOURTH FLOOR

HONOLULU, HAWAII 96813  
TELEPHONE (808) 500-4106

July 13, 1993 COUNTY OF KAUAI

'93 JUL 14 P253

PLANNING DEPT.

Mr. Jeffrey Lacy  
Planning Director  
County of Kauai  
Planning Department  
4280 Rice Street  
Lihue, Hawaii 96766

Attention: Mr. George Kalisik

Dear Mr. Lacy:

Subject: Draft Environmental Assessment for the Karl-Heinz Bothe  
Shoreline Setback Variance, Kapaa, Kauai

Thank you for the opportunity to review and comment on the subject  
document. We have the following comments.

1. Please consult with the following agencies:
  - a) State of Hawaii, Office of State Planning, Coastal Zone Management Program;
  - b) State of Hawaii, Department of Land and Natural Resources, Land Management Division; and
  - c) U.S. Army Corps of Engineers.
2. Please provide the findings and reasons to support the determination.

If you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

*Brian J. J. Choy*  
Brian J. J. Choy  
Director

c: Karl-Heinz Bothe



DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
BUILDING 230  
FT. SHAFTER, HAWAII 96858-5440

August 12, 1993

REPLY TO  
ATTENTION OF:

Planning Division

Ms. Dee M. Crowell, Deputy Planning Director  
County of Kauai  
Planning Department  
4280 Rice Street  
Lihue, Kauai, Hawaii 96766

COUNTY OF KAUAI

'93 AUG 12 P2:11

PLANNING DEPT.

Dear Ms. Crowell:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for the Karl-Heinz Bothe Shoreline Setback Variance, Kauai (TMK 4-3-9: 28). The following comments are provided pursuant to Corps of Engineers authorities to disseminate flood hazard information under the Flood Control Act of 1960 and to issue Department of the Army (DA) permits under the Clean Water Act; the Rivers and Harbors Act of 1899; and the Marine Protection, Research and Sanctuaries Act.

a. Based on the applicant's project description that dredging, filling or other alterations would be conducted "... exclusively above the debris line on private property, thereby not intruding upon or affecting any bay estuary, salt marsh, river mouth, slough, or lagoon," a DA permit is not required for the project.

b. According to the enclosed Federal Emergency Management Agency's Flood Insurance Rate Map panel number 150002-0135C dated March 4, 1987, the project is located in Zone X (unshaded; areas determined to be outside of the 500-year flood plain) and Zone VE (areas inundated by the 100-year coastal flood with velocity hazards and a base flood elevation of 9 feet above mean sea level).

Sincerely,

Thomas Ushijima, P.E.  
Acting Director of Engineering

Enclosure

ENVIRONMENTAL ASSESSMENT  
FOR  
PROJECT NAMED:

KARL-HEINZ R. BOTHE  
950 NIULANI RD.  
KAPAA, HI. 96746

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NOISE AND AIR QUALITY

VEHICULAR ACCESS AND PARKING

IMPACT ON PUBLIC UTILITIES

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- D. Plot Plan
- E. Elevation Survey
- F. Drawings for Proposed, Protective Retaining Wall
- G. Shoreline Certification
- H. Cross Section Plot Plan

ENVIRONMENTAL ASSESSMENT

OWNER: Karl-Heinz and Helen Bothe

APPLICANT: Karl-Heinz Bothe  
ADDRESS: 950 Niulani Rd.  
Kapaa, HI. 96746  
PHONE: 822-2454  
FAX: 822-2454

TMK: 4-3-09-28 ZONING: Open

CURRENT LAND USE: Single Family-Private Residence

SUMMARY OF PROPOSED ACTION: Replace the protective retaining structure that was destroyed by Hurricane Iniki, backfill the area between the shoreline and the required 20 ft. setback line, and restore, as closely as possible, the shoreline to pre-Iniki conditions.

VALUATION OF PROPOSED ACTION: \$6,000.00 (Owner-Builder)

APPROVING AGENCY: County of Kauai, Planning Department

GENERAL DESCRIPTION OF THE PROPOSED ACTION'S TECHNICAL, ECONOMIC, SOCIAL AND ENVIRONMENTAL CHARACTERISTICS.

GENERAL DESCRIPTION OF PROPOSED ACTION:

The proposed action is (1) to repair and restore the damaged land and shoreline to pre-Iniki condition, (2) to restore the existing wood retaining structure around 3 groups of ironwood trees located in the 20 foot shoreline setback, which is necessary to keep the loose sand within the root systems of those trees. All damage to land, shoreline and the retaining structure was caused by Hurricane Iniki on September 11, 1992. All repairs and restorations will be made by use of the same materials as the pre-existing materials. (3) To fill the eroded land using sand of the same texture to match the existing shoreline, (4) to rebuild the retaining structure around the root systems of the existing ironwood trees using 12 inch diameter wood poles 2 feet high. This structure will be entirely on private property, is located entirely above ground level, and its main purpose is to prevent man-made erosion caused by walking up and down from level land to the beach on loose sand. (5) To incorporate a stairway leading from the level land to the beach 3 feet below. This will prevent man-made erosion to the land near the shoreline by not having to walk up and down from level land to the beach in loose sand, and will keep the newly restored land and shoreline in pristine condition. (6) To build a "temporary" retaining wall constructed out of loose 2 inch diameter wood poles along the north and south property line starting approximately 6 feet inland from the certified shoreline and being approximately 20 feet long and approximately 30 to 36 inches high. This temporary wall's purpose is solely to hold and keep in place the new loose sand fill and keep same from eroding on to the north and south side neighbor's properties. These loose poles will be removed at the time when both neighbors are ready to start restoring their land. As of this time, they are still trying to settle or waiting for insurance settlements. (7) The entire project is located on private property. The level lot ground elevation is approximately 10 to 11 feet above the mean waterline. Iniki erosion is approximately 30 to 36 inches deep, approximately 20 feet inland from the shoreline and 75 feet along the shoreline (the entire lot width). The bottom of the proposed retaining structure is entirely above the high water mark, approximately 6 feet inland from the certified shoreline and approximately 7 feet above the mean waterline.

The proposed action will be constructed according to the same general dimensions as existed in the destroyed retaining structure, and will be placed in essentially the same location.

Sections 3.0 and 4.0 of the "SPECIAL MANAGEMENT AREA RULES AND REGULATIONS OF THE COUNTY OF KAUAI" (as amended), entitled "Special Management Area Guidelines", which calls for the following guidelines to be used by the Authority for the review of developments proposed

in the special management area, is used in this document as the outline for further discussion of the proposed action.

Section 3.0 states the following objectives and policies of the State's Coastal Zone Management Act, as enumerated in Chapter 205A of the Hawaii Revised Statutes:

A. (1) "Provide coastal recreational opportunities accessible to the public":

Response: The proposed action will restore the shoreline to the pre-Iniki status, thereby preserving the pre-existing coastal recreational opportunities accessible to the public.

(2) "Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture".

Response: Since no natural or man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture are known to exist in this area, and since the proposed action will do nothing but restore the area to the conditions existing prior to Iniki, the proposed action will do nothing to alter natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

(3) "Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources".

Response: The proposed action will restore the natural shoreline to as close as possible to pre-Iniki condition, and because of the nature of the proposed backfill, the proposed retaining structure and the proposed stairs, it will protect, preserve, restore and improve the quality of coastal scenic and open space resources.

(4) "Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems;"

Response: The proposed action will restore the shoreline as close as possible to pre-Iniki conditions, and because of the nature of the proposed backfill, it will protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

(5) "Provide public or private facilities and improvements important to the State's economy in suitable locations".

Response: The proposed action is designed to occur exclusively on private property, therefore, it is not relevant to this objective.

(6) "Reduce hazard to life and property from tsunami,

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storm waves, stream flooding, erosion and subsidence;"

Response: Since the proposed action is designed to replace the Iniki-caused erosion and to protect and keep alive the existing ironwood trees whose root systems prevented further erosion during Iniki, the proposed action will reduce hazard to life and property from tsunami, storm waves, stream flooding and subsidence.

(7) "Improve the development review process, communication, and public participation in the management of coastal resources and hazards".

Response: This process of submitting an Environmental Assessment is certainly including me as one more person in the management of coastal resources and hazards, and, if "practice makes perfect", should assist in improving the entire review process and communication.

3.0B "Policies"

(1) "Recreation Resources:"

(a) "Improve coordination and funding of coastal recreation planning and management:"

Response: Because the proposed action is designed to occur exclusively on private property, it will not affect the coordination and funding of coastal recreation planning and management.

(b) "Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:"

(i) "Protecting coastal resources uniquely suited for recreation activities that cannot be provided in other areas";

Response: The proposed action will restore the area on the immediate shoreline as close as possible to pre-Iniki conditions, and because of the nature of the proposed backfill, will do nothing to adversely effect the existing coastal resources.

(ii) "Requiring replacement of coastal resources having significant recreational value, including but not limited to surfing sites and sandy 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";

Response: The nature and scope of the proposed action as herein described will not diminish coastal resources, therefore no replacement will be required.

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

Response: The proposed action will restore the natural shoreline to pre-Iniki condition, therefore, it will not restrict

public access to and along shorelines.

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

Response: The proposed action will occur exclusively on private property, therefore it has no bearing on the supply of shoreline parks and other recreational facilities for public recreation.

(v) "Encouraging expanded public recreational use of County, state, and federally owned or controlled shoreline lands and waters having recreational value";

Response: The proposed action will occur exclusively on private property, therefore it has no bearing on the supply or use of County, state, and federally owned or controlled shoreline lands and waters having recreational value.

(vi) "Adopting water quality standards and regulating point and non-point sources of pollution to protect and, where feasible, restore the recreational value of coastal waters";

Response: The proposed action, by virtue of the nature of the proposed backfill within the area between the shoreline and the 20 ft. setback line, will protect from the possibility of polluting the recreational value of coastal waters.

(vii) "Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits, and crediting such dedication against the requirements of Section 46-6, HRS.

Response: The proposed action will do nothing to alter the encouragement of reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits, and crediting such dedication against the requirements of Section 46-6, HRS.

(2) "Historic Resources:"

(a) "Identify and analyse significant archaeological resources;"

Response: In the purchase of the property on which the proposed action is to occur, we the purchasers, were not told of any significant archeological resources, and in consultation with the appropriate agencies as required by 11-200-9(a) no determination has been made that such resources exist in the designated area.

(3) "Scenic and Open Space Resources"

Response: The proposed action is designed to restore and protect the shoreline, therefore, it will have no impact on existing scenic and open spaces resources.

(4) "Coastal Ecosystems"

Response: The proposed action is designed to restore and protect the shoreline, and because of the nature of the proposed backfill, which is to be composed of indigenous sand, therefore, it will have no impact on existing coastal ecosystems.

(5) "Economic Uses"

Response: The proposed action will add nothing new to the coastal area to affect the economic activities of the state of Hawaii or the County of Kauai.

(6) "Coastal Hazards"

Response: The proposed action is designed to restore and protect the shoreline, and because of the nature of the proposed backfill, which is to be composed of indigenous sand, therefore, it will have no impact on existing coastal hazards.

Section 4.0A states that "all development in the special management area shall be subjected to reasonable terms and conditions set by the Authority to insure that:"

(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;"

Response: The proposed action will restore the natural shoreline as close as possible to pre-Iniki conditions, and will do nothing to alter pre-Iniki existing accessibility to the beaches, areas and reserves.

(2) "Adequate and properly located public recreation areas and wildlife preserves are preserved;"

Response: The proposed action will restore the natural shoreline as close as possible to pre-Iniki conditions, and will do nothing to alter pre-Iniki public recreation areas and wildlife preserves.

(3) "Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources;"

Response: The proposed action will produce no solid or liquid waste, therefore, no waste treatment, disposition or management is required.

(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."

Response: The proposed action will not alter existing land forms. No soil or permanent plants will be introduced into the designated area. The object of the proposed action is to protect the native trees and plants, therefore shall have no adverse effect to water resources and scenic and recreational amenities. The design of the proposed retaining structure, and the proposed content of the backfill, namely sand, will pose minimum or no danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.

B. "No development shall be approved unless the Authority has first found that:

(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, safety, and welfare, 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."

Response: The proposed action will restore the area along the shoreline as close as possible to pre-Iniki conditions, therefore it will do nothing to adversely effect the existing environmental or ecological conditions.

(2) "The development is consistent with the objectives and policies, as enumerated in Chapter 205A, HRS, and as recited herein under section 3.0, above; and special management area guidelines set forth in these Rules and Regulations".

Response: In my judgement, based on the information contained in this document, the proposed action is consistent with the objectives and policies cited, however, my assumption is that such determination is to be made by the designated Authority.

(3) "The development is consistent with the County general plan, zoning, subdivision, and other applicable ordinances."

Response: The proposed action introduces no new structures into the area under consideration; therefore, it is consistent with the County general plan, zoning, subdivision, and other applicable ordinances.

C. "The Authority shall seek to minimize, where reasonable:

(1) "Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon".

Response: The proposed action is designed to be placed exclusively above the "debris line" on private property thereby not intruding upon or affecting any bay estuary, salt marsh, river mouth,

slough, or lagoon.

(2) "Any development which would reduce the size of any beach or other area usable for public recreation".

Response: The proposed action is designed to be placed exclusively above the "debris line", on private property, and is designed to return the shoreline to its natural and essentially same status as existed prior to Hurricane Iniki, therefore, there will be no reduction to the size of any beach or other area usable for public recreation.

(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".

Response: The proposed action will restore the shoreline to its natural status as close as possible to pre-Iniki conditions, and will do nothing to alter pre-Iniki existing 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.

(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, or from existing public views to and along the shoreline".

Response: The proposed action will restore the shoreline area as close as possible to pre-Iniki conditions, and will do nothing to alter, interfere with, or detract from the line of sight toward the sea from the State Highway nearest the coast, or from existing public views to and along the shoreline.

(5) "Any development which would adversely affect water quality, existing areas of open water free of visible structure, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries, potential or existing agricultural uses of land".

Response: The proposed action will restore the shoreline area as close as possible to pre-Iniki conditions, and by virtue of the proposed backfill within the 20 ft. required setback area, will do nothing to alter water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, estuarine sanctuaries, potential or existing agricultural uses of land.

**EXTENT OF CONSTRUCTION ACTIVITIES:**

Construction activities for the proposed action will be entirely confined to the project site. There will be no construction activity or heavy equipment activity beyond the certified shoreline.

**BIOLOGICAL RESOURCES:**

There will be no negative impacts on biological resources. The vegetation that existed in the designated area prior to Iniki, except for ten ironwood trees, was entirely removed by the wave action of Hurricane Iniki. No new vegetation will be placed within the designated setback area, and no new soil will be placed in the designated areas as backfill. The existing ten ironwood trees will be fronted by a wood retaining structure to protect them and their supporting soil from further erosion.

**NOISE AND AIR QUALITY:**

The proposed action will not produce any noise pollution or air quality reduction. No heavy equipment or machinery is needed for this type of construction.

**VEHICULAR ACCES AND PARKING**

The existing driveway is sufficient to deliver materials and sand needed to complete this project.

**IMPACT ON PUBLIC UTILITIES**

The proposed action will not impact existing public utilities or services.

Island of Kauai

Princeville

Hanalei

Kapaa

PROJECT  
←  
LOCATION

Lihue

Waimea

Koloa



Faint, illegible text at the bottom of the map area.

SITE PLAN FOR  
950 NIULANI RD  
KAPAA, HI, 96746

OWNER:

KARL HEINZ R. BOTHE  
950 NIULANI RD  
KAPAA, HI, 96746

FAX/PHONE 822-2454

TMK 4-3-09-28

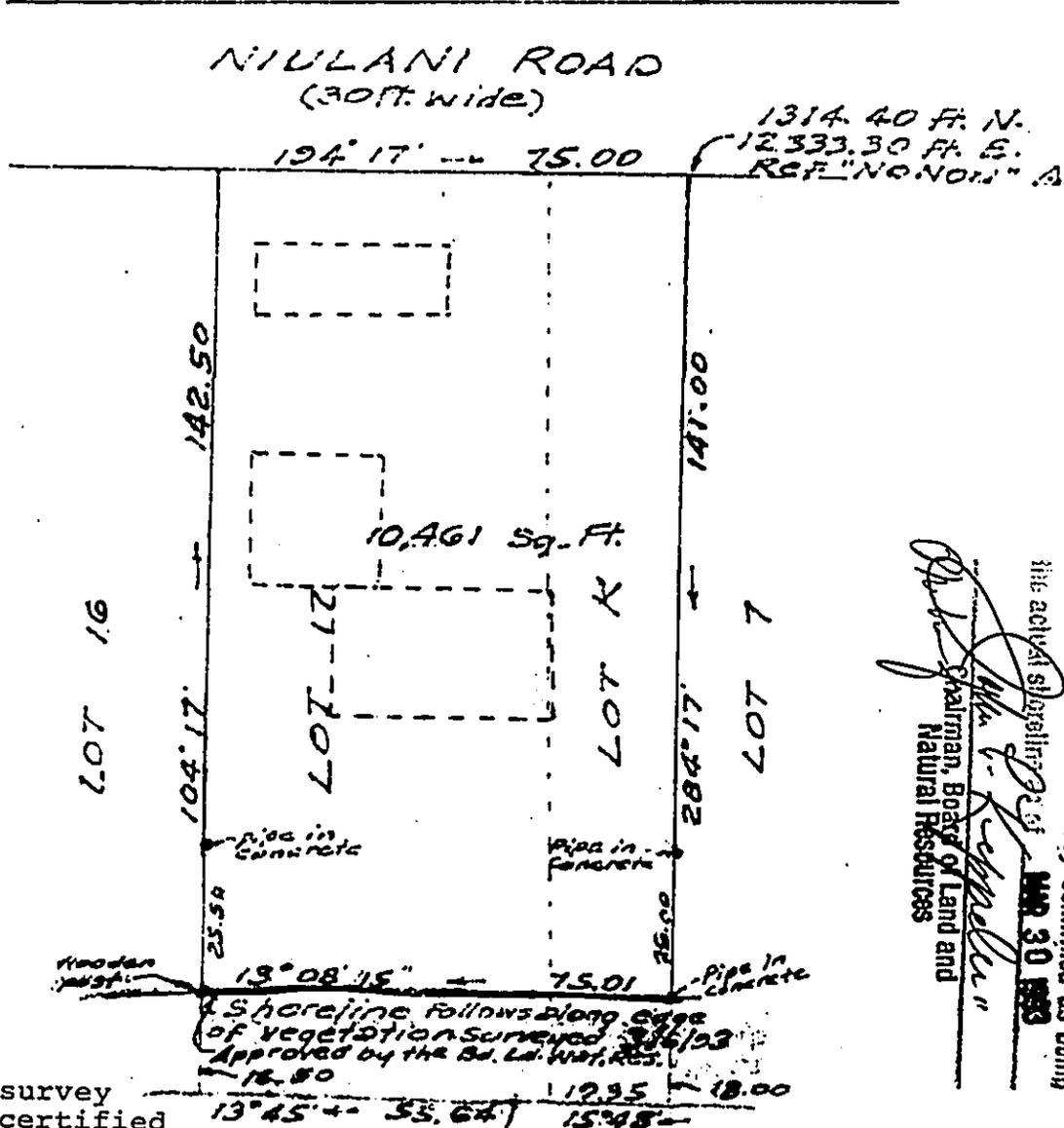
LOT 17 EK

ZONED: O

SINGLE FAMILY RESIDENS



TRUE NORTH  
Scale: 1 in = 30 Ft.



The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline of the land.

*[Signature]*  
Chairman, Board of Land and Natural Resources

APR 30 1993

\*\*The attached survey map is being certified pending the 20-day appeal period from the date of public notice which will expire on

APR 28 1993

Shoreline follows along edge of vegetation surveyed 3/16/93  
Approved by the Bd. of Land and Nat. Resources

Original Highwater Mark  
Nov. 1934

S E A

MAP SHOWING  
SHORELINE SURVEY  
OF LOTS 17 AND K  
WAIPOULI BEACH LOTS  
AT WAIPOULI, KAUAI, HAWAII.

OWNER:  
Karl Heinz R. Bothe  
950 Niulani Rd.  
Kapaa, HI. 96746



This work was prepared by me or under my supervision on 3/16/93.

*[Signature]*  
Registered Land Surveyor  
Puhi, Kauai. 1065

road

BM 10.87  
E.P. # 1005

existing  
bldg

10.09

10.73

existing  
carport

lihue

existing res

hanalei

10.19

10.69

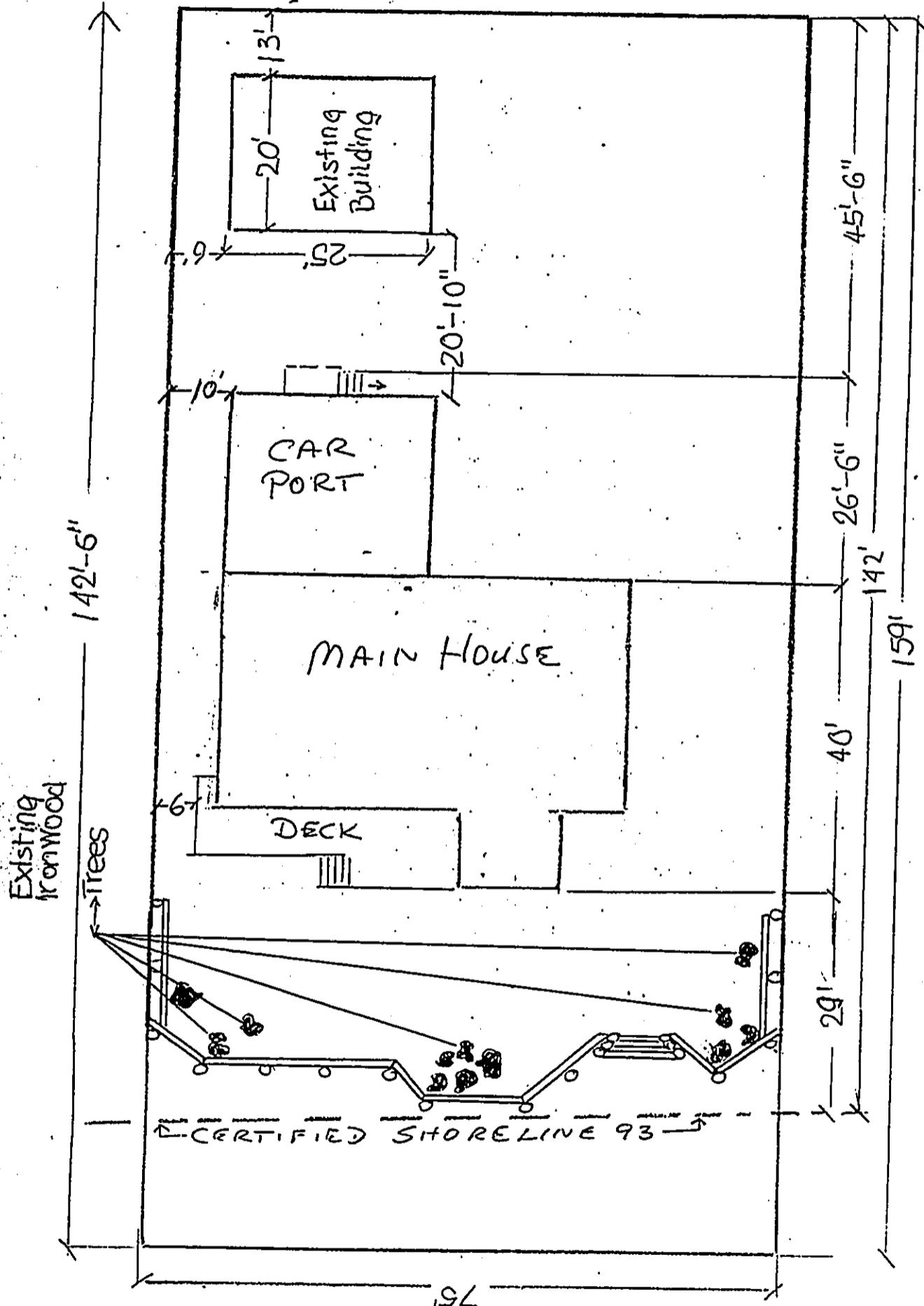
scale  
1" = 20'

sea

ELEVATION PLAN

NICKLA ROAD

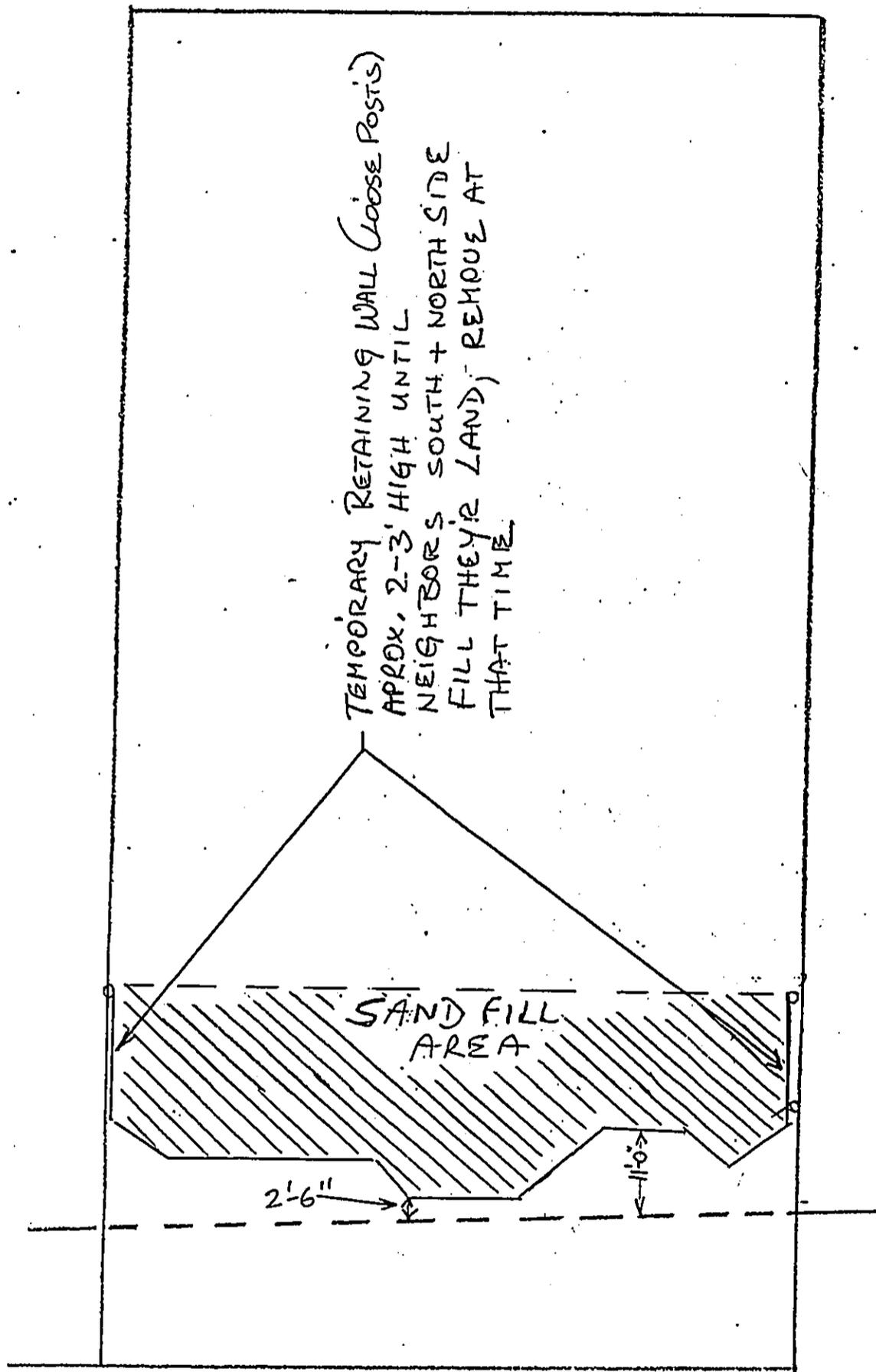
NORTH



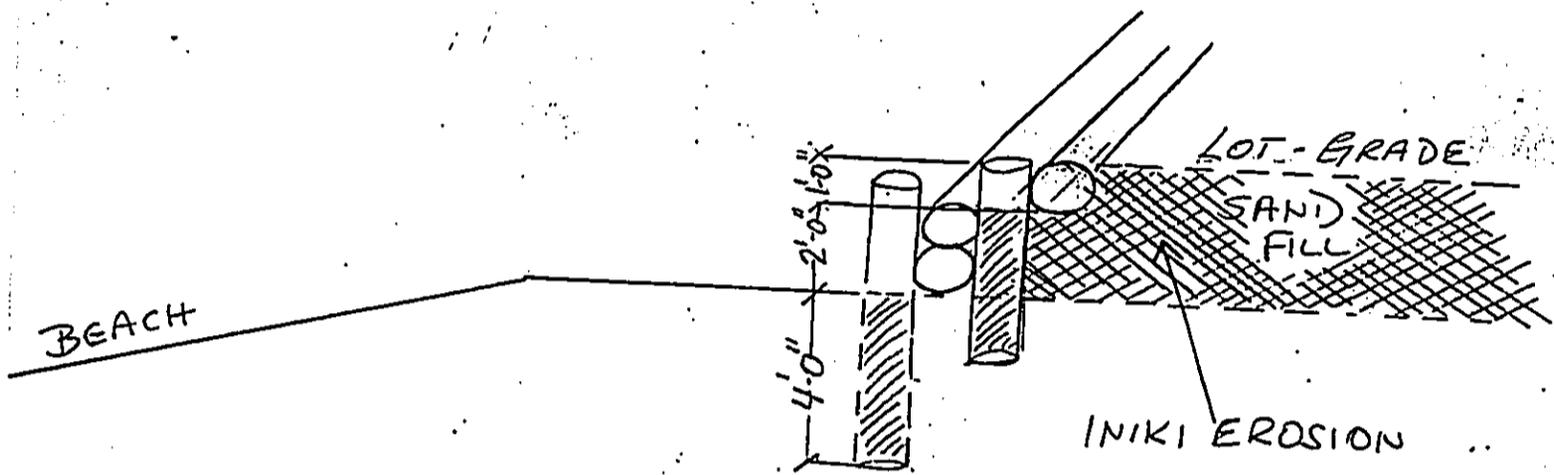
BOACIFIC

1/16" = 1' FOOT

PLOT PLAN



PROJECT SITE PLAN  $1/16" = 1' \text{ FOOT}$

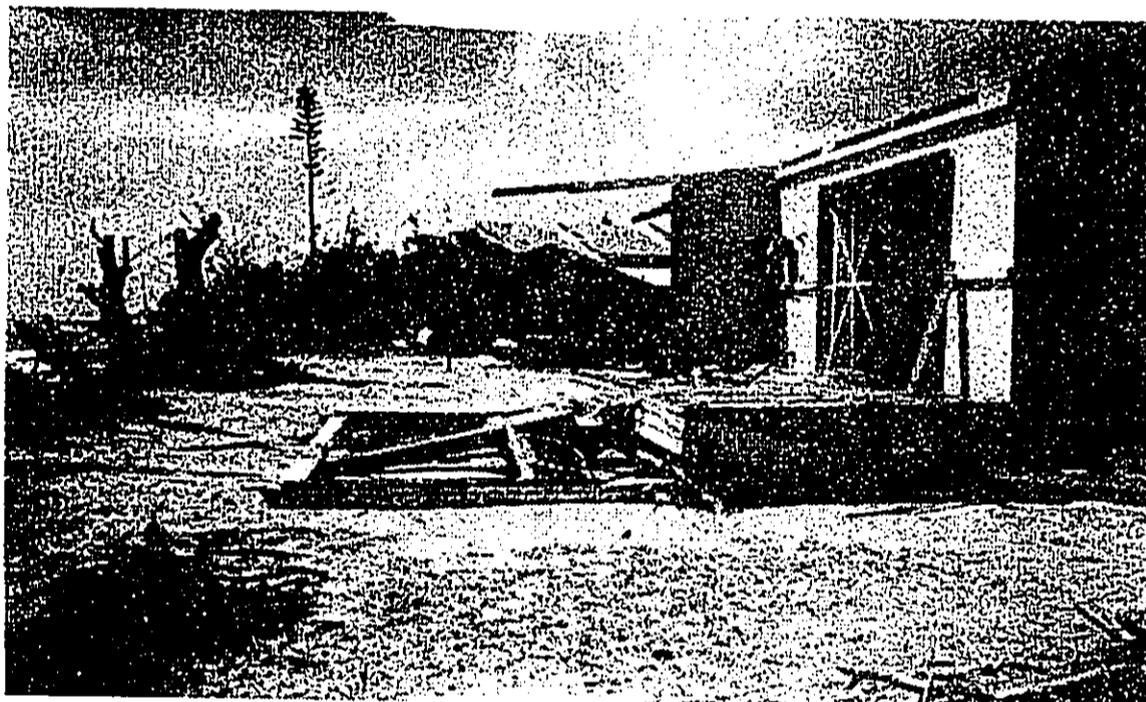


CROSS SECTION PLAN

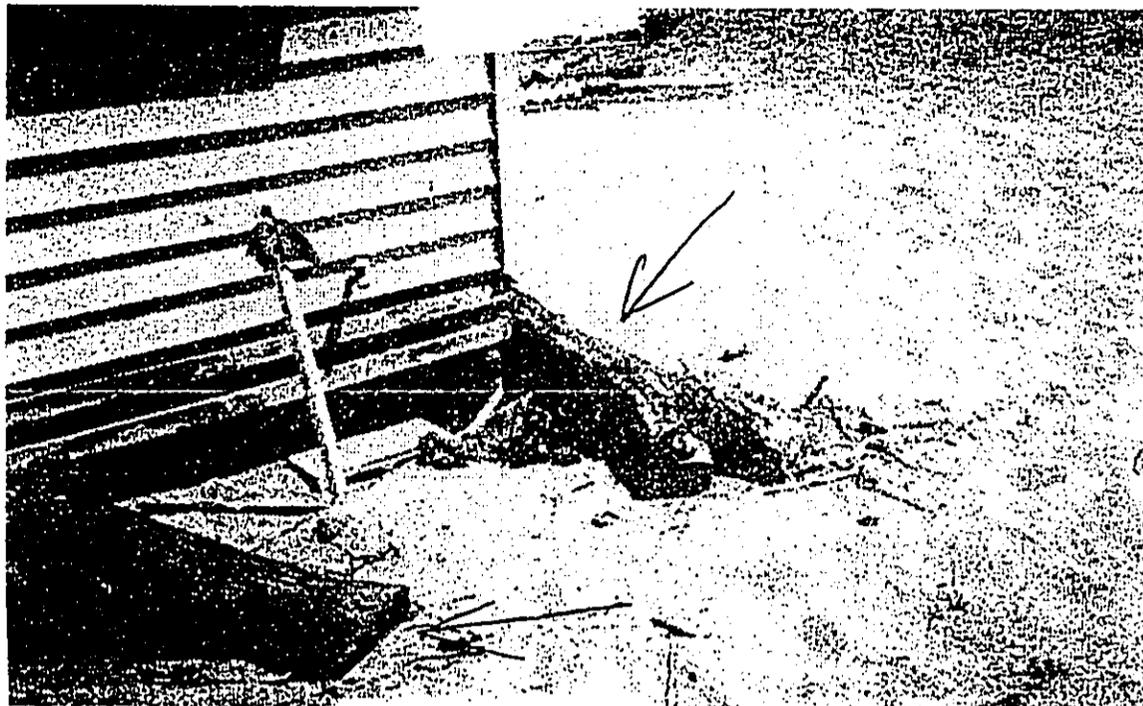
$\frac{1}{4}'' = 1' \text{ FOOT}$



INIKI EROSION SEPT. 11. 92



EROSION STARTS APROX. 20'  
BEHIND HOUSE TOWARDS THE  
SEA



LOGS FROM EXISTING PRE-INIKI  
RETAINING STRUCTURE WASHED  
UP BY WAVES CAUSED BY INIKI

