

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
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JEREMY HARRIS
MAYOR

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(OFC. OF ENVIRONMENTAL
QUALITY CONTROL)



July 29, 2002

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(OFC. OF ENVIRONMENTAL
QUALITY CONTROL)

RANDALL K. FUJIKI, AIA
DIRECTOR

LORETTA K.C. CHEE
DEPUTY DIRECTOR

2002/SV-4 (ask)

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

Dear Ms. Salmonson:

Shoreline Setback Variance, Chapter 343
Final Environmental Assessment (EA)

Recorded Owner/
Applicant : David and Karen Stoutemeyer
Agent : Donald Clegg
Location : 44-001 Aina Moi Place, Kaneohe
Tax Map Key : 4-4-21: 36
Request : Shoreline Setback Variance
Proposal : After-the-fact approval to retain a loose
rock wall and fill

Attached and incorporated by reference is the Final EA prepared by the applicant for the project. Based on the significance criteria outlined in Title 11, Chapter 200, Hawaii Administrative Rules, we have determined that preparation of an Environmental Impact Statement is not required.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA. If you have any questions, please contact Ardis Shaw-Kim of our staff at 527-5349.

Sincerely yours,

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

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CITY & COUNTY OF HONOLULU

2002-08-23-0A-~~FEA~~-Stoutemeyer

FINAL ENVIRONMENTAL ASSESSMENT

AFTER-THE-FACT SHORELINE SETBACK VARIANCE

44-001 Aina Moi Place, Kaneohe, Hawaii

TMK: (1) 4-4-021:036

Submitted to:
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Prepared by:
Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817
(808) 536-5695

July 2002

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44-001 Aina Moi Place, Kaneohe, Hawaii

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EXHIBITS

1. Location Map
2. Photographic Review
3. Tax Map
4. Consolidation Map
5. Certified Shoreline
6. Revetment Plans
7. Fence Plans
8. U.S. Army Corp of Engineers Permit Application

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

1.0 PROJECT SUMMARY INFORMATION

Applicant: David Stoutemyer
44-001 Aina Moi Place
Kaneohe, Hawaii 96744

Recorded Fee Owner: David and Karen Stoutemyer
44-001 Aina Moi Place
Kaneohe, Hawaii 96744

Agent: Analytical Planning Consultants
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96813
Donald Clegg, President
Tel: 536-5695 Fax: 599-1553

Property Profile:

Location: Kaneohe, Hawaii
Site Address: 44-001 Aina Moi Place
Kaneohe, Hawaii

TMK and Lot Area: (1) 4-4-021:036 13,743 sq. ft.
State Land Use: Urban
Development Plan: Residential
Zoning (LUO): R-10 Residential District
Special District: No
Special Management Area: Yes (Private Residence)
Flood Zone: "D"

Additional Permits Required: Building Permits
Department of the Army Permit

Consulted: City and County of Honolulu
Department of Planning &
Permitting

State of Hawaii Office of
Environmental Quality Control

State of Hawaii Department of
Land & Natural Resources

Army Corp of Engineers

Adjacent property owners

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44-001 Aina Moi Place, Kaneohe, Hawaii

2.1 General Description

(A) Project Request

The applicant is requesting a variance from Chapter 23 ROH Section 23-1.5 (b) which prohibits the building of any structures having a "fixed location on the ground" within the designated 40 foot shoreline setback area without a Shoreline Setback Variance. Specifically, approval is being sought for an after-the fact loose lava rock revetment along the shoreline and a 25 foot portion of the fence which protects the swimming pool, both of which fall within the 40 foot shoreline setback area.

(B) Background Information

From 1939 to 1945, the U.S. Navy dredged Mokolii channel to approximately 10 meters. From 1939 to 1940, the U.S. Navy also dredged a ship channel that extends the length of the Bay and connects the Kaneohe Marine Corps Base Hawaii with the Mokolii channel to provide deep draft ship access to the Bay. Dredging of the Bay caused "fill land" to be deposited along the shore of the Bay. This "reclaimed" land slopes gradually from the makai boundary of Lot 31 to the certified shoreline. The area is 38 feet wide on the north side of the property and 45 feet wide on the south and covers approximately 3141 square feet. The reclaimed land was purchased by the applicant from the State of Hawaii on July 10, 2001 and the property consolidated, according to the Subdivision Rules and Regulations of the City and County of Honolulu, on April 19, 2002. The certified shoreline map shows almost all of the reclaimed land to be within the 40 foot setback area. The owner of the property has landscaped the area with grass, plants, concrete stepping stones and a loose rock revetment which extends 1 ½ -2 feet above the shoreline depending on the tide. (There is also a floating wooden dock anchored makai of the certified shoreline. Revocable permits from DLNR for the dock [No. S-6706] and concrete steps [No. S-7257] are pending as part of the State's Kaneohe Piers Amnesty Program.)

(C) Shoreline Setback Area Requirements

As stated in Chapter 23 ROH Section 23-1.2 "it is a primary policy of the city to protect and preserve the natural shoreline, especially sandy beaches; to protect and preserve public pedestrian access laterally along the shoreline and to the sea; and to protect and preserve open space along the shoreline. It is also a secondary policy of the City to reduce hazards to

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 General Description

(A) Project Request

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(B) Background Information

From 1939 to 1945, the U.S. Navy dredged Mokolii channel to approximately 10 meters. From 1939 to 1940, the U.S. Navy also dredged a ship channel that extends the length of the Bay and connects the Kaneohe Marine Corps Base Hawaii with the Mokolii channel to provide deep draft ship access to the Bay. Dredging of the Bay caused "fill land" to be deposited along the shore of the Bay. This "reclaimed" land slopes gradually from the makai boundary of Lot 31 to the certified shoreline. The area is 38 feet wide on the north side of the property and 45 feet wide on the south and covers approximately 3141 square feet. The reclaimed land was purchased by the applicant from the State of Hawaii on July 10, 2001 and the property consolidated, according to the Subdivision Rules and Regulations of the City and County of Honolulu, on April 19, 2002. The certified shoreline map shows almost all of the reclaimed land to be within the 40 foot setback area. The owner of the property has landscaped the area with grass, plants, concrete stepping stones and a loose rock revetment which extends 1 ½ feet above the shoreline. (There is also a floating wooden dock anchored makai of the certified shoreline. Revocable permits from DLNR for the dock [No. S-6706] and concrete steps [No. S-7257] are pending as part of the State's Kaneohe Piers Amnesty Program.)

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**FINAL ENVIRONMENTAL ASSESSMENT
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44-001 Aina Moi Place, Kaneohe, Hawaii**

property from coastal floods. To carry out these policies, Chapter 23 "prohibits within the shoreline area any construction or activity which may adversely affect beach processes, public access along the shoreline, or shoreline open space."

Chapter 23 also states that the shoreline setback line shall be established 40 feet inland from the certified shoreline and that structures and activities are prohibited within the shoreline area.

This application requests approval for a variance from these regulations, provides a description of the action and addresses the potential impacts of the shoreline structure to the coastal environment. The application includes a certified shoreline map dated March 22, 2002 (Exhibit 5) and an Environmental Assessment.

(D) Special Management Area (SMA) Ordinance

The site is entirely within the SMA. The applicant's proposal is exempt from SMA regulations (Section 25-1.3 (2) (A), Revised Ordinances of Honolulu).

(E) Land Use Approvals Granted

None. A previous application for a Shoreline Setback Variance for a Seawall was submitted in 1990 but was denied because at that time the wall was constructed on State Land.

Land Use Approvals Required

- (1) Shoreline Setback Variance for the revetment and fence from the Department of Planning and Permitting, City and County of Honolulu.
- (2) Department of the Army Permit (Section 404 Clean Water Act)
- (3) Building Permits from the Department of Planning and Permitting, City and County of Honolulu for the revetment and fence.

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2.2. Technical Characteristics

(A) Use Characteristics

The property and all the surrounding lots are used for residential purposes. The use of the property will not be changed by the granting of the variance.

(B) Physical Characteristics

The shoreline area of the property consists of 3131 square feet of reclaimed land which was dredged from Kaneohe Bay. The loose rock revetment, which follows the vegetation at the seashore, is considered a shoreline protection structure as it artificially fixes the location of the shoreline. The purpose of the revetment is to protect the property from ocean processes and to stop runoff of sand, pebbles and other debris into the Bay.

The shoreline and near shore area, in front of the applicant's property and the surrounding properties, has been extensively modified by past dredging. The foreshore is composed of mud and rubble. There is a small dredged channel paralleling the shoreline which is less than five feet deep. Seaward of the channel is the reef flat, which extends for several hundred feet at depths of 1 to 2 feet before dropping off into the deeper bay waters.

(C) Construction Characteristics

The revetment was constructed in 1991 by the previous owner of the property and follows along the length of the present makai property boundary and certified shoreline. It was constructed of unmortared rock loosely piled to a height of 2-3 feet with a 2-3 foot rock foundation. The size of the rocks used to construct the wall vary in size from 8-12 inches. The reclaimed land and sand mauka of the revetment are even with the top of the exposed rocks, and $\frac{1}{2}$ - 2 feet of blue rock pebbles support the foundation of the structure (see Exhibit 6 Plans). The purpose of the revetment is to contain the filled land and to stop the runoff of sand, pebbles and other debris into the Bay. The rock revetment has become part of the landscaping of the property and small plants are growing in the crevices of the wall and along the top. A floating wooden dock which is anchored to the shoreline, connects to concrete steps in the center of the rock revetment. (The dock and steps are not included in this variance request as revocable permits from DLNR are pending as part of the State's Kaneohe Piers Amnesty Program.)

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For completeness, the fence which protects the swimming pool and qualifies for a Minor Shoreline Structure Permit, is included in this variance request. The five foot high self-latching fence is made of open metal grillwork and connects laterally to chainlink fences on both sides of the property. It was installed prior to the recent shoreline certification and follows the original property line for Lot 31 (before consolidation of the reclaimed land). As it was placed, it encroaches .5 to 3.5 feet into the present 40 foot setback line for approximately 25 feet of fence on the north side of the property (see photos and survey). (A portion of the fence goes around a coconut tree as it links up with the chain link fence on the north property line.) The fence is necessary for security for the residence and to restrict access to the swimming pool (BP# 315534). The chainlink fences along the north and south sides of the property do not encroach into the 40 foot shoreline setback area. Building permits for all fences will be applied for after the result of the variance request has been determined.

FINAL ENVIRONMENTAL ASSESSMENT
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44-001 Aina Moi Place, Kaneohe, Hawaii

3.0 AFFECTED ENVIRONMENT

3.1 Site & Surrounding Area (including existing land uses; General Plan and Development Plan, zoning; population; unique features)

The property at 44-001 Aina Moi Place is one of a number of residences situated along what is known as the Malae area on the eastern side of Kaneohe Bay. The residence is about .33 miles from the H-3 entrance to the Kaneohe Marine Corps Base which lies north of the property. The privately owned Kaneohe Yacht Club is within half a mile to the south. The surrounding area is primarily residential. The adjacent shore front properties have vertical or near-vertical sea walls seaward of the certified shoreline (see photos).

The property is zoned R-10 Residential and has been designated Residential on the Development Plan. State land use for the property is not known at this time. A request to the Land Use Commission for a determination is in process. Included in the objectives for the preservation of the natural environment, the General Plan for the City and County of Honolulu states that there shall be "sufficient setbacks of improvements in unstable shoreline areas to avoid the future need for protective structures". The concerns of the General Plan are in reference to the preservation of the natural environment; whereas, the reclaimed land which fronts the property is by its very existence an artificial "manmade" shoreline. The previous owners of the property landscaped the filled land, and the purpose of the revetment is to protect the shoreline as it exists now by keeping the sand and coral debris from running back into the Bay.

In the past 200 years, the Kaneohe Bay area has undergone dramatic changes and continues to change as urbanization progresses. The area was used for the cultivation of taro, followed by rice and pineapple, and ended with grazing for pasture purposes. The use of irrigation ditches and water diversions to central Oahu reduced stream flows and have contributed to the deforestation, erosion and siltation in the Bay.

From 1928 to 1945, 280 acres of the Bay was filled to expand Mokapu Peninsula and from 1939 to 1945, approximately 15 million cubic yards of reef material was dredged from the Bay to construct the Kaneohe naval Air Station and for housing development. These activities were a significant contributor to its degradation.

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44-001 Aina Moi Place, Kaneohe, Hawaii

From 1940 to 1988, the Kaneohe area changed from a rural to a residential community. In 1940, the population was 5,387 and by 1988 it had increased to 54,903 requiring more houses, streets and sewers, creating more paved area and less vegetated areas.

In addition to the dredging of channels, private inlets for moorings to provide small boat access to the shoreline house lots have contributed to the changes in the original coastline. Portions of the shoreline are bordered by sea walls built to control erosion and provide moorings for small boats.

Federal State, and local jurisdiction overlap in the land use regulations affecting coastal areas. The past and present owners of the subject parcel have been in discussion with various agencies since 1990 to determine the proper course of action regarding the reclaimed land and the encroachment into the 40 foot setback area. In February of 2000, the present owner purchased the reclaimed land (parcel 36) and is now proceeding with this Shoreline Setback Variance to bring the land into conformance with all state and County regulations.

3.2 Water Quality

Construction along the shoreline area is responsible for increased runoff and sedimentation particularly on the southeastern portion of the Bay. During heavy storms, large deposits of sediment and freshwater have negatively affected coral reef growth where fine sediment is kept in suspension, reducing the clarity of the waters. Much of the material that was removed from the patches and fringing reefs were used to fill old fish ponds along the shoreline or were dumped back into the deeper parts of the Bay. The cumulative impacts have resulted in a highly modified extant marine community leaving little of the original reef structures and shoreline as it was before 1920.

Until 1977-1978, sewage was discharged into the Bay from the Kaneohe sewage treatment plant and continues to occur periodically through the outfalls as "bypasses" and as seepage from the aging sewer collection system in urban Kaneohe. In addition, many streams in the southern portion of the watershed were lined with concrete channels to protect houses built on natural flood plains from periodic flooding causing a reduction of ground water recharge and increase in sediment and freshwater storm runoff flowing into the Bay.

The health of the Kaneohe Bay ecosystem depends chiefly on the water quality in the streams, estuaries, and the Bay. Urbanization of the watershed is the most significant factor affecting water quality.

FINAL ENVIRONMENTAL ASSESSMENT
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44-001 Aina Moi Place, Kaneohe, Hawaii

3.3 Flood Hazard District (and other geologically hazardous conditions)

The subject property is located in the flood hazard area "D" where base flood elevations have not been determined. The shoreline wave action along this section of Kaneohe Bay is minimal. Waves that do enter the Bay are greatly reduced by the shallow coral and sand bottom. The previous variance application references photos taken in 1990 which show erosion of the embankment and cinder blocks in place in an attempt to decrease the rate of erosion. The shoreline structure was put in place to protect erosion along the shoreline frontage.

3.4 Coastal Views

The project site is private residential property along Kaneohe Bay. Due to the nature of the shoreline, which is narrow with little or no beach for walking, pedestrian activity is rare and consists mainly of local residents and fishermen. The 2 foot revetment does not obstruct or detract from any coastal views. The wall is built of dark brown lava rock and has an attractive natural appearance and is similar in aesthetic condition to the surrounding parcels with shoreline structures. The fence has no impact on coastal views.

3.5 Project Site in relation to publicly owned or used beach access points, beach parks and recreation areas; rare, threatened, or endangered species and their habitats; wildlife preserves; wetlands, lagoons, tidal lands and submerged lands; fisheries and fishing grounds; other coastal/natural resources.

The nearest public beach park is Kalama Beach Park on Kailua Bay nearly 2 miles away. A beach access right of way lies 80 feet north of the property. The shoreline in front of the property and the neighboring properties, has been extensively modified by past dredging. There is a small dredged channel parallel to the shoreline. The channel is less than five feet deep and provides navigation for small boats only. Seaward of the channel is the reef flat which extends for several hundred feet at depths of 1 to 2 feet before dropping off into the deeper bay waters. Recreational beach resources in the Bay are poor to non-existent. The area is better suited towards boating activities, fishing and crabbing.

FINAL ENVIRONMENTAL ASSESSMENT
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44-001 Aina Moi Place, Kaneohe, Hawaii

3.6 Environmental Resources - Kaneohe Bay

Kaneohe Bay is the northernmost barrier reef in the world and the only barrier reef in the Hawaiian Islands, extending across the mouth of the Bay to include the northwest Mokoolii Passage and the southeast Kaneohe Passage. The Bay has three inshore to offshore zones: a fringing reef zone, a lagoon zone, and a barrier reef complex and three types of reef: fringing reefs, patch reefs, and a barrier reef. Fringing reefs are found in the inshore zone around the shoreline except in areas where freshwater streams enter the Bay or where dredging activities have modified them. Patch reefs are found in the lagoon zone with most of them concentrated near the two channels that bisect the barrier reef. These reefs are round to irregular in shape where coral grows off the inner floor of the Bay and reaches up near the surface.

The immediate shoreline area in the vicinity of the subject property is generally composed of mud flats, with some thin terrigenous-based beach areas, generally inaccessible to the public. Water quality is often impaired due to turbidity from sediments. Because of the flat broad terrain, the shoreline areas are either completely submerged at high tide, or dry. The shoreline has been extensively altered over the past 100 years with sea walls, channels, dredging, small inlets, piers, jetties, and boat harbors. The project will have no significant adverse effect on existing coastal ecosystems or other coastal/natural resources.

Besides the structural modifications that degraded the marine habitat, urban growth has adversely impacted the marine community. The substratum characteristics of much of Kaneohe Bay, combined with elevated nutrient loading from released sewage into the Bay and freshwater influences have favored the development of larger particulate-feeding animal species, such as sponges, tunicates, and barnacles.

In the past, the Bay had one of the largest estuaries on Oahu and has significant value as a marine and freshwater fish nursery area. At one time, there was a diverse population of reef fish in the Bay, including kumu, maomao, and hinalea. Open water fish such as akule, opel, oio, mullet, nehu, weke, papio and omaka find their way into the southern portion of the Bay.

The organisms found in the shallow southeastern reef areas are all species common to that portion of the Bay. None of these organisms are considered rare or endangered. Many of the shoreline species are forms that are tolerant of lowered salinities and are able to thrive in habitats of low environmental quality with minimal disruption. The proposed rock

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44-001 Aina Moi Place, Kaneohe, Hawaii

wall revetment and other structure within the shoreline setback area will have no impact on any shoreline processes in an area which has been so disturbed.

3.7 Historic, Archeological and Cultural Resources

Kaneohe Bay's significant historical and cultural features are its fishponds. In the Hawaiian cultural tradition, fish ponds were primarily rock walls and used to cultivate fish. In the 19th century, there were 30 fishpond identified in Kaneohe Bay. From 1946 to 1948, 9 fish ponds were filled to create land for housing development. Today only five fishpond are considered intact. Most of the other historic, archeological, and cultural areas of concern are found in the vicinity of coastal ponds and marshes.

The Cultural Impacts Act 50 of Chapter 343, HRS, and the "Guidelines for Assessing Cultural Impacts" require preparers of environmental assessments to analyze the impact of a proposed action on cultural practices and features associated with the project area. Native Hawaiians are constitutionally protected to exercise their traditional and customary rights in any area of Kaneohe Bay. There are no current cultural practices which are presently associated with this area of the Bay and which would be impacted by the proposed action.

4.0 PROJECT IMPACTS AND ALTERNATIVES CONSIDERED

The revetment has impacted the shoreline by artificially by determining its location; however, given the existing conditions, with sea walls already protecting the neighboring properties, and the near shore dredged channel, the revetment should have no adverse impacts on shoreline processes. Positive impacts will include the following:

- (1) Runoff debris from the land will be kept out of the Bay,
- (2) protection of valuable waterfront land, and;
- (3) an improvement in the general aesthetics of the area.

Allowing the existing revetment to remain in its current location, as constructed, will not affect the existing physical, natural, social or economic environmental characteristics of the site. The alternative of removing the rock wall is not reasonable as the revetment is serving to keep the dredged material from running back into the Bay. The applicant is proposing the No-Action Alternative.

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44-001 Aina Moi Place, Kaneohe, Hawaii

Other alternatives which have been considered would be to attempt a "soft structure" and non-structural solution such as sand bags. This alternative would be less aesthetically attractive than the loose rock wall revetment which has been put in place. To remove the existing loose rock wall and replace it with a more substantial mortared wall would likely cause a greater disturbance to the shoreline resources. While more substantial sea walls have been constructed on the neighboring properties abutting the dredged channel, the revetment on the subject property is suitable for the height of the "reclaimed" land.

The safety fence for the swimming pool encroaches .5 to 3.5 feet, for 25 feet, into the shoreline setback area. The applicant is requesting that the fence be permitted to remain in its current location.

5.0 COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT

A review of the project was printed in the May 23, 2002 OEQC bulletin. As part of the public review process, the following comments were received on the Draft Environmental Assessment. The comments were helpful in clarifying particular points of information and have been incorporated into the FEA. The Department of Land and Natural Resources forwarded the DEA to the Land Division Engineering Branch and Planning and Technical Services who had no comments. The Oahu District Land Division confirmed that "a lease for the wooden pier is pending as part of the State's Kaneohe Bay Piers Amnesty Program". No other comments were received.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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JEREMY HARRIS
MAYOR

RANDALL K. FUJIKI, AIA
DIRECTOR
LORETTA K. CHIEE
SENIOR DIRECTOR

2002/ED-2(ask)

June 24, 2002

Mr. Donald A. Clegg, President
Analytical Planning Consultants, Inc.
928 Nuuanu Avenue, Suite 502
Honolulu, Hawaii 96817

Dear Mr. Clegg:

Draft Environmental Assessment for
After-the-Fact Approval to Retain an Unmortared Rock Wall
Tax Map Key: 4-4-21-36

We are forwarding copies of all comments we have thus far received related to the Draft Environmental Assessment (EA) for the above-referenced project.

In accordance with the provisions of Chapter 343, Hawaii Revised Statutes (HRS), you must respond in writing to these and any other comments which were received during the 30-day comment period which began with publication of a notice of availability of the Draft EA in The Environmental Notice on May 23, 2002. The Final EA must include these comments and responses, as well as revised text, where needed.

We have reviewed the above document and offer the following comments:

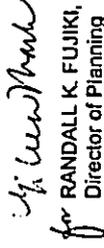
- 1) As the Department of the Army indicated in its May 9, 2002 letter that a Department of Army permit would be required, Page 2 of the DEA should include this in the list of "Additional Permits Required."
- 2) Information related to lot consolidation should be updated now that the consolidation request has been approved.
- 3) The Final EA should indicate the approximate date the wall was constructed. The size of the rocks used in the wall should be described. Page 8, third paragraph, indicated that the wall is 1 1/2 feet high. This differs from the description found on page 6 and the wall plans, Exhibit 4. The final EA should clarify this information.

Mr. Donald A. Clegg
Page 2
June 24, 2002

- 4) The Final EA should disclose that the wall has impacted the shoreline by artificially altering its location.
- 5) We concur with the statement found on Page 7 of the Draft EA indicating that the open fence is included in the variance application. Accordingly, Page 2 should be amended by deleting "Minor Shoreline Structure Permit" from the list of required permits.
- 6) Page 13 of the Draft EA indicates that the property is in the Urban State Land Use District. In its letter of June 6, 2002, the State Land Use Commission indicated that a boundary interpretation would be needed to determine the State land use designation of the fence and reavement. The Draft EA should indicate that the State land use designation for the project area is not known at this time.

Should you have any questions, please contact Ardis Shaw-Kim of our Land Use Approvals Branch at 527-5349.

Sincerely yours,


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

RKF:pl
Encl.

cc: Office of Environmental Quality Control

doc 161608

PHONE (808) 534-5495
FAX (808) 534-1353



ANALYTICAL PLANNING CONSULTANTS, INC.
723 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 5, 2002

Mr. Randall K. Fujiki, AIA
Director of Planning & Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

SUBJECT: Draft Environmental Assessment (EA)
Shoreline Setback Variance
44-001 Aina Moi Place - Kaneohe, Oahu(TMK: 4-4-021:036)

Dear Mr. Fujiki:

Thank you for your letter dated June 24, 2002 commenting on the subject Shoreline Setback Variance and Environmental Assessment. We offer the following responses in respective order of your comments:

- 1) The Department of the Army permit has been included in the FEA under the list of permits required for the proposed project.
- 2) Consolidation of Lot 31 has been deleted from the list of land use approvals required in the FEA.
- 3) The wall was constructed by the previous owner in 1991. The size of the rocks used to construct the wall vary in size from 8-12 inches. This information and the height of the revetment has been clarified in the FEA.
- 4) The following sentence has been added to the FEA section Project Impacts and Alternatives Considered: "The revetment has impacted the shoreline by artificially by determining its location."
- 5) As the fence around the swimming pool is being included in the Shoreline Setback Variance request, the minor shoreline structure permit has been deleted from the list of required permits in the FEA.
- 6) The information that the State land use designation for the

property is not known at this time has been added to the FEA. A request to the Land Use Commission for a determination in process.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,


Donald Clegg, President
Agent for the Applicant



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFER, HAWAII 96833-3440

REPLY TO
ATTENTION OF

May 9, 2002

02 MAY 14 PM 10 06

Regulatory Branch

Mr. Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

This letter responds to your request for comments on the Environmental Assessment (EA) filed by David and Karen Stoutemeyer for an after-the-fact application to retain a rock wall and fill at 44-001 Aina Moi Place, TMK: 4-4-21: 36, Kaneohe Bay, Oahu Island. This letter provides a determination of Department of the Army (DA) permit jurisdiction for the existing structure.

The EA was reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Section 10 of the Rivers and Harbors Act requires that a Department of Army (DA) permit be obtained for certain structures, or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including adjacent wetlands, prior to conducting the work (33 U.S.C. 1344).

For regulatory purposes, the Corps of Engineers defines navigable waters of the U.S. as those waters subject to the ebb and flow of the tide shoreward to the mean high water mark.

Based on our review of the information in the EA and our permit database, it is our determination that the floating dock is a structure affecting navigable waters of the U.S. and that a section of the rock wall constitutes a discharge of fill material within waters of the U.S. Both structures have been constructed without DA authorization.

The Applicants should contact this office to apply for the required DA authorization.

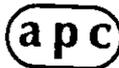
This jurisdictional determination is valid for a period of five (5) years from the date of this letter, unless new information supporting a revision is provided to this office before the expiration date.

Nothing in this letter shall be construed as excusing the Applicants from compliance with other Federal, State, or local statutes, ordinances, or regulations that may have been affected by this work.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please refer to file number 200200311 in future correspondence or if you have any questions concerning this determination. You may contact Farley Watanabe at (808)438-7701 or by fax at (808)438-4060.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch



HONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 3, 2002

Mr. George P. Young
Regulatory Branch, Building 230
Department of the Navy
U.S. Army Engineer District, Honolulu
Fort Shafter, Hawaii 96858-5440

SUBJECT: Draft Environmental Assessment (EA)
Shoreline Setback Variance
44-001 Aina Moi Place - Kaneohe, Oahu (TMK: 4-4-021:036)
File No. 200200311

Dear Mr. Young:

Thank you for your letter dated May 9, 2002 commenting on the subject Shoreline Setback Variance and Environmental Assessment. On behalf of the applicant, we are submitting the application for a Department of the Army authorization permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act for the placement or discharge of dredged and/or fill material into waters of the U.S for the rock revetment.

The floating dock has not been included in the enclosed application as revocable permits from the State of Hawaii Department of Land and Natural Resources for the dock [No. S-6706] and concrete steps [No. S-7257] are pending as part of the State's Kaneohe Piers Amnesty Program. Any permits required from the U.S. Army Corps of Engineers for the dock and steps will be applied for in conjunction with the amnesty program.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment. If further information is required I may be reached at 536-5695.

Sincerely,

DAC
per
Donald Clegg, President
Agent for the Applicant



ANALYTICAL PLANNING CONSULTANTS, INC.
938 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

PHONE (808) 521-5475
FAC (808) 521-1533

GENEVIÈVE SALMONSON
DIRECTOR



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
155 SOUTH KEMERER STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 548-1100
FACSIMILE (808) 548-1100

DATE: JUN 25 PM 3 20
BY: [Signature]

June 21, 2002

Mr. Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

Subject: Draft Environmental Assessment for the Stoutmeyer Alter-de-Fact Shoreline Setback Variance, Kaneohe, Oahu

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

- 1 Please consult with adjacent homeowners and the Kaneohe Neighborhood Board.
- 2 What is the likelihood of the loose rock revetment eroding and impacting adjacent coastal resources and navigation?

Should you have any questions, please call Bryan Thurganaram at 516-4183.

Sincerely,

Genevieve Salmonson
Genevieve Salmonson
Director

cc Analytical Planning Consultants

July 5, 2002

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

SUBJECT: Draft Environmental Assessment (EA)
Shoreline Setback Variance
44-001 Aina Moi Place - Kaneohe, Oahu (THK: 4-4-021:036)

Dear Ms. Salmonson:

Thank you for your letter dated June 21, 2002 commenting on the subject Shoreline Setback Variance and Environmental Assessment. We offer the following responses in respective order of your comments:

- 1) The two adjacent property owners are in the same situation as the applicant and both have substantial seawalls along the shoreline. The owner to the east is in the process of purchasing the fill land from the State. All property owners within 300 feet of the subject property will be notified of a public hearing for the project. There is no requirement for consultation with the Neighborhood Board before submittal of a Shoreline Setback Variance.
- 2) A permit from the Army Corp of Engineers is in process which will determine the risk to coastal waters from the revetment. The purpose of the revetment is to protect the property from ocean processes and to stop runoff of sand, pebbles and fill land or other debris into the Bay. It is the conclusion of the Final Environmental Assessment that there would be considerably more discharge into the Bay should the revetment be removed.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,

Genevieve Salmonson

Donald Clegg, President
Agent for the Applicant

Post-Net Fax Note	7671	Date	6/25/02
To	L. Ori	From	Ardis
City/State		Co.	
Phone #		Phone #	
Fax #		Fax #	



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION

P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
FAX: 808-597-3327
JUNE 6, 2002

ANTHONY J. CHENG
EXECUTIVE OFFICER

Ardis

Mr. Randall K. Fujiki, Director
June 6, 2002
Page 2

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject application.

Please feel free to contact Bert Saruwatari of my office at 587-3822, should you require clarification or any further assistance.

Sincerely,

Anthony J. Cheng
ANTHONY J. CHENG
Executive Officer

c Office of Environmental Quality Control
Sam Lemmo, Department of Land and Natural Resources

02 JUN 13 10 10 AM '02
CITY & COUNTY OF HONOLULU

Mr. Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Fujiki:

Subject: Chapter 343, Environmental Assessment (EA), Shoreline Setback Variance
David and Karen Stoutemeyer
After-the-fact Approval to Retain a Loose Rock Wall and Fill
TMK No: 4-4-21:36

We have reviewed the subject EA forwarded by your letter dated May 6, 2002, and find that we are unable to conclusively determine the State land use designation of the chain link fence and loose lava rock revetment at this time. We understand that the U.S. Navy deposited fill all along the shore of Kaneohe Bay, including areas adjacent to the subject parcel. We further understand that the subject parcel's fill land has since been landscaped with grass, plants, concrete stepping stones, and that the revetment was constructed to contain the fill land and to stop the runoff of sand, pebbles, and other debris into Kaneohe Bay.

We suggest that a request for a boundary interpretation be submitted to our office pursuant to 15-15-22, Hawaii Administrative Rules, to determine the State land use designation of the fence and revetment. The request should be accompanied by documentation, including but not limited to, survey maps and aerial photographs, which confirms i) the date on which the fence and revetment were constructed; ii) the date on which the fill was specifically deposited along the subject parcel; and iii) the location of the shoreline as it existed in 1964.



PHONE (BUS): (808) 536-5695
FAX: (808) 599-1553

ANALYTICAL PLANNING CONSULTANTS, INC.
928 NUUANU AVENUE, SUITE 502 • HONOLULU, HI 96817

July 5, 2002

Mr. Anthony J. H. Ching, Executive Officer
State of Hawaii Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804-2359

SUBJECT: Draft Environmental Assessment (EA)
Shoreline Setback Variance
44-001 Aina Moi Place - Kaneohe, Oahu
(TMK: 4-4-021:036)

Dear Mr. Ching:

Thank you for your letter dated June 6, 2002 commenting on the subject Shoreline Setback Variance and Environmental Assessment. On behalf of the applicant we will be submitting a request for a boundary interpretation to your office pursuant to 15-15-22, Hawaii Administrative Rules to determine the State land use designation of the fence and revetment.

Your letter along with this response will be reproduced in the forthcoming Final Environmental Assessment.

Sincerely,


for Donald Clegg, President
Agent for the Applicant



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 631
HONOLULU, HAWAII 96813

June 6, 2002

ID-NAV
L-2895/2931/2736

Honorable Randall K. Fujiki, Director
Department of Planning and Permitting
City and County of Honolulu
630 South King Street
Honolulu, Hawaii 96813

Attn: Mr. Eugene Takahashi

Dear Mr. Fujiki:

Subject: Review: Draft Environmental Assessment
Request: Shoreline Setback Variance
Applicant: David and Karen Stoutemeyer
Purpose: Retain Existing Loose Rock Wall and Fill
Address: 44-001 Aina Moi Place, Kaneohe, Oahu, Hawaii
Authority: C&CoH Department of Planning and Permitting
TMK: 1st/ 4-4-21: 036

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

- Land Division Engineering Branch
- Land Division Planning and Technical Services
- Oahu District Land Office

Attached herewith is a copy of the Land Division Oahu District Land Office Comment.

The Department has no other comment to offer on the subject matter based on the attached responses.

Should the Land Division receive additional comments, they will be forwarded to your office at that time.

Should you have any questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 587-0438.

Very truly yours,

Dierdre S. Mamiya
DIERDRE S. MAMIYA
Administrator

C: Oahu District Land Office

RECEIVED
LAND DIVISION

701Z MAY 14 P 4:25
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 631
HONOLULU, HAWAII 96813
May 9, 2002

LD-NAV
File: 2002-SV-4 (ASK)

I-2736
Suspense Date: 5/24/02

MEMORANDUM:

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

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Review: Draft Environmental Assessment
Request: Shoreline Setback Variance
Purpose: Retain Existing Loose Rock Wall and Fill
Applicant: David and Karen Stoutemeyer
File No: 2002/SV-4 (ASK)
Authority: C&CoH Department of Planning and Permitting
Address: 44-001 Aina Moi Place, Kaneohe, Oahu, Hawaii
TMK: 1st/ 4-4-21: 036

Please review the attached Draft Environmental Assessment covering the subject matter and submit your comment (if any) to us on Division letterhead signed and dated on or before the suspense date. If we do not receive a response by the suspense date, we will assume there are no comments.

Should you need more time to review this matter, please contact Nicholas A. Vaccaro at 587-0438

(X) We have no comment. () Comment attached.

Signed: *Dierdre S. Mamiya*
Date: 5/14/02

Title:

LAND DIVISION
RECEIVED
CONSTRUCTION AND
DEVELOPMENT
PERMITTING
LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

02 MAY 10 AM 10:13 WATER

02 JUN 10 PM 2 15
CITY AND COUNTY OF HONOLULU

Ref.: 2002-SV4.RCH

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

6.0 MITIGATIVE MEASURES

Allowing the existing revetment and fence to remain as constructed will not affect the existing physical, natural, social or economic environmental characteristics of the site. As such, no mitigative measures are necessary.

7.0 DETERMINATION AND REASONS SUPPORTING THE DETERMINATION

The results of this assessment are that no negative impacts would result from allowing the applicant to retain the existing loose rock revetment and safety fence, and no mitigative measures are required. A Finding of No Significant Impact (FONSI) is anticipated requested.

A review of the "Significant Criteria" used as a basis for the above determination is presented below. An action is determined to have a significant impact on the environment if it meets any one of the thirteen (13) criteria:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;

There will be no destruction of natural resources due to the action and no archeological or historical sites are known to exist at this site.

2. Curtails the range of beneficial uses of the environment;

The project site is a developed residential property. There will be no curtailment of beneficial use of the environment by the proposed action.

3. Conflicts with the state's long term environmental policies or goals and guidelines as expressed in Chapter 344, HRS;

The project is consistent with the environmental policies established in Chapter 344 and will have no significant environmental impacts. The revetment will protect the integrity of Kaneohe Bay from erosion and discharge of sand and fill land back into the Bay. As such there will be no conflict with the State's long term environmental policies and guidelines

4. Substantially affects the economic or social welfare of the community or state;

The proposed action will have no effect on the economic and

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

social well being of the community or state.

5. Substantially affects public health;

There is no public health impact caused by this project. Public access to the shoreline is 80 feet away from the site.

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

The project will have no impact on population changes or public facilities.

7. Involves a substantial degradation of environmental quality;

The project is located in a residential area along the Kaneohe Bay coastline. The purpose of the revetment is to protect the property from ocean processes and to stop runoff of sand, pebbles and other debris into the Bay. The revetment will protect the shoreline and be an improvement in the general aesthetics of the area.

8. Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;

The project is self contained and independent of other projects in the area hence there will be no cumulative impacts.

9. Substantially affects a rare, threatened or endangered species or its habitats;

There are no endangered or threatened species or their habitats on or near this property.

10. Substantially affects air quality, water quality, or ambient noise levels;

The rock revetment has been in place since 1991. There has been no effect on air quality, 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, erosion-prone area, geologically

**FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii**

hazardous land, estuaries, fresh water or coastal waters;

The applicants property is located on Kaneohe Bay on the windward shore of Oahu. The Bay has been heavily impacted by the dredging that was done more than 60 years ago and by the urbanization of the area. Wave action in the Bay is minimal and the project will have no significant adverse effect on existing coastal ecosystems or other coastal/natural resources. The property is not in a tsunami zone and there are no geographically hazardous conditions associated with the property.

12. Substantially affects scenic vistas and view plans identified in county or state plans or studies;

There are no scenic vistas or view plains which will be affected by the proposed project. The project site is approximately 400 feet from scenic Kaneohe Bay Drive and is not visible by the general public or from persons traveling along the road. The existing revetment and landscaping improves the aesthetic quality of the shoreline.

13. Requires substantial energy consumption.

The project has already been constructed. No energy is required.

The findings of this Environmental Assessment indicate that to maintain the wall and fence as constructed will have no environmental impact and appears to be a reasonable request. The structures do not cause adverse effects to the shoreline or the adjoining properties. We request that a Finding of No Significant Impact (FONSI) be issued for this action.

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

8.0 HARDSHIP CRITERIA FOR SHORELINE SETBACK VARIANCE

Chapter 23 Section 23.1.4 ROH Variance Hardship Standards - a structure may be granted a variance upon grounds of hardship if:

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

Dredging of the Bay caused "fill land" to be deposited along the shore of the Bay. This "reclaimed" land slopes gradually from the boundary of Lot 31 to the certified shoreline. The area is 38 feet wide on the north side of the property and 45 feet wide on the south and covers approximately 3141 square feet. The reclaimed land has been purchased by the applicant from the State of Hawaii and a consolidation of the property is in process. The purpose of the revetment is to protect the property from ocean processes and to stop runoff of sand, pebbles and other debris into the Bay. If required to comply fully with the shoreline setback ordinance and remove the rock revetment, the "reclaimed" land would eventually erode into the Bay. This result would deprive the applicant of reasonable use of his land.

- (b) The applicant's proposal is due to unique circumstances and does not draw into question the reasonableness of Chapter 23 ROH and the shoreline setback rules.

The rock revetment is to protect Kaneohe Bay and the land abutting the Bay from mutually disruptive forces. The shoreline setback area is reclaimed land that was created by dredging for an abutting boat channel. As such, the shoreline property is relatively unstable. This is a unique circumstance on Oahu and the granting of a shoreline setback variance does not draw into question the reasonableness of Chapter 23 ROH and the shoreline setback rules. The applicant's property is one of the few properties that is unprotected. This application for a shoreline setback variance, to allow for the rock wall revetment along the certified shoreline and a portion of the fence which encroaches into the 40 foot setback area, is an attempt to legalize all the structures on the property in accordance with Chapter 23 ROH.

- (c) The proposal is the practical alternative which best conforms to the purpose of Chapter 23 ROH and the shoreline setback rules.

The granting of a variance to allow the structures to remain as constructed is a practical alternative to the removal of the structures and conforms to the purpose of Chapter 23 ROH, the

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

shoreline setback rules and the variance criteria:

(1) *No variance shall be granted unless appropriate conditions are imposed to maintain access to and along the shoreline or adequately compensate for its loss.*

The action has no impact on access to and along the shoreline.

(2) *No variance shall be granted unless appropriate conditions are imposed to minimize risk of adverse impacts on beach processes.*

The action has no impact on beach processes. Kaneohe Bay has been severely impacted by the dredging that was done 60 years ago and by urbanization of the area. There is no beach makai of the wall and the tide and wave action is negligible.

(3) *No variance shall be granted unless appropriate conditions are imposed to minimize risk of existing legal or proposed structures falling and becoming loose rocks or rubble on public property.*

The purpose of the revetment is to stop runoff of sand, pebbles and other debris onto the shore and into the Bay. The revetment was carefully constructed of loosely piled lava rock 2-3 feet high with a 2-3 foot rock foundation and has been in place since 1991. Wave action is not severe enough along Kaneohe Bay to dismantle the rocks and the wall poses no risk to public property. Pedestrian traffic along the shoreline is limited.

(4) *No variance shall be granted unless appropriate conditions are imposed to minimize adverse impacts on public views to, from and along the shoreline.*

No public views are impacted.

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

9.0 CONCLUSION

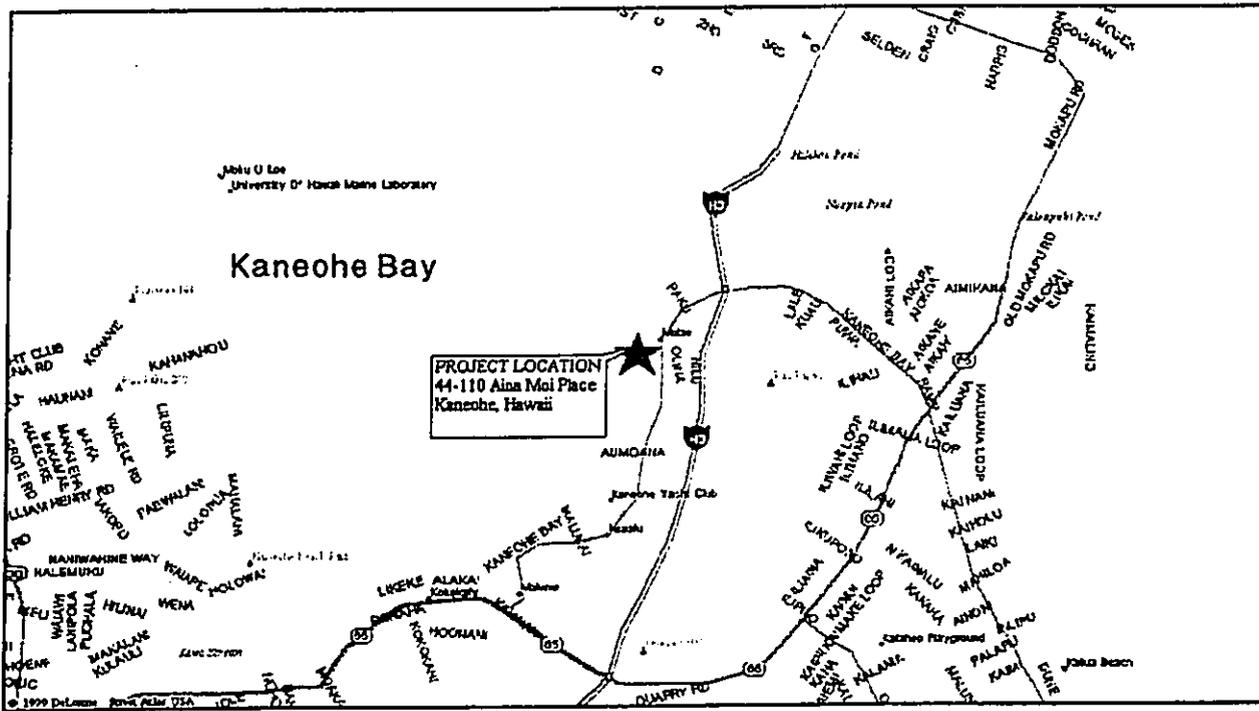
The stated purpose of Chapter 23 ROH is to protect and preserve the natural shoreline, especially sandy beaches; to protect and preserve public pedestrian access laterally along the shoreline and to the sea; to protect and preserve open space along the shoreline; and, to reduce hazards to property from coastal floods. The request of the applicant to maintain the rock revetment and fence will have no impact on the concerns of Chapter 23 ROH or the Shoreline Setback Rules and Regulations.

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

EXHIBITS

1. Location Map
2. Photographic Review
3. Tax Map
4. Consolidation Map
5. Certified Shoreline
6. Revetment Plans
7. Fence Drawing
8. U.S. Army Corp of Engineers Permit Application

FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii



FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii

Photographic Review

Picture #1 shows the shoreline properties looking towards the Kaneohe Marine Corps Station. A portion of the applicant's property is shown in the lower right hand corner of the picture.

Picture #2 shows the shoreline properties looking south with a portion of the applicant's property shown on the left. Both pictures show that the shoreline is lined with sea/retaining walls supporting the reclaimed land which was created with material dredged from the channel.

Picture #3, #4, and #5 show the left, middle and right sections of the rock revetment in front of the reclaimed land. The revetment has been incorporated into the landscaping aesthetics for the property.

Picture #4 shows the floating pier and concrete steps which connects to the revetment. Also in the background can be seen a portion of the safety fence for the swimming pool before it was installed (see arrow).

Picture #6 is a view of the applicant's back yard and additional reclaimed land along Kaneohe Bay.

Picture #7 shows a portion of the latched safety fence which encroaches into the 40 foot shoreline setback area.

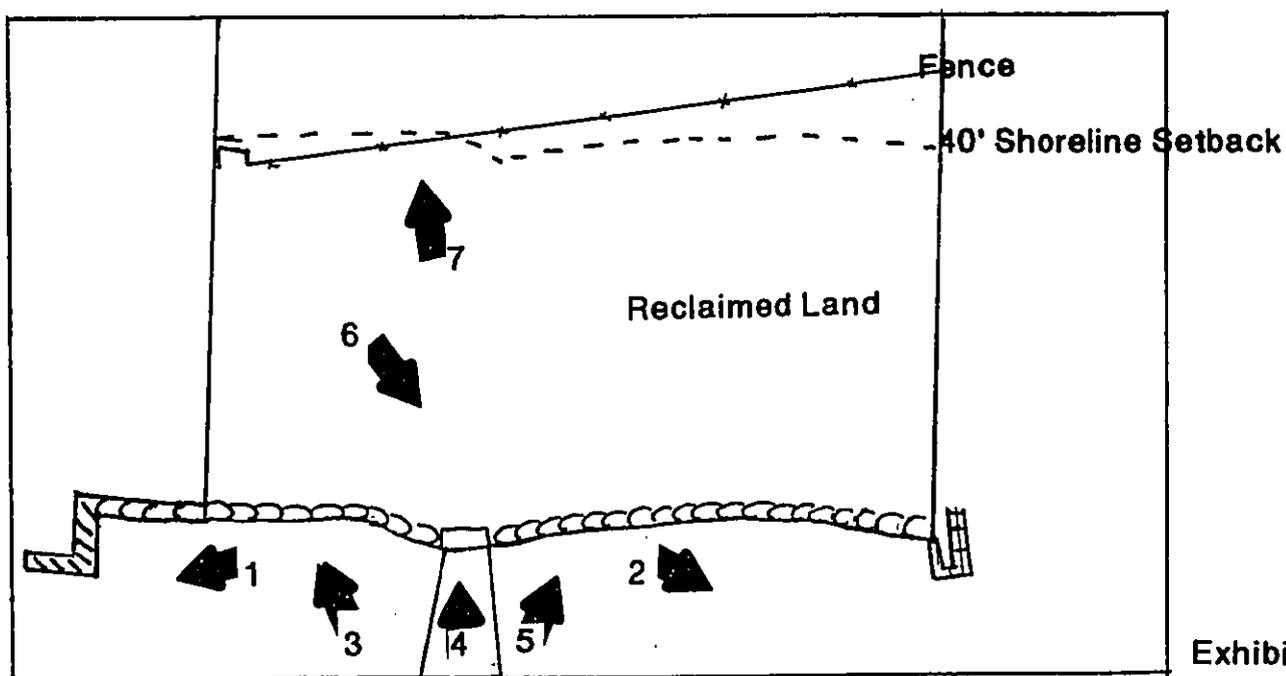
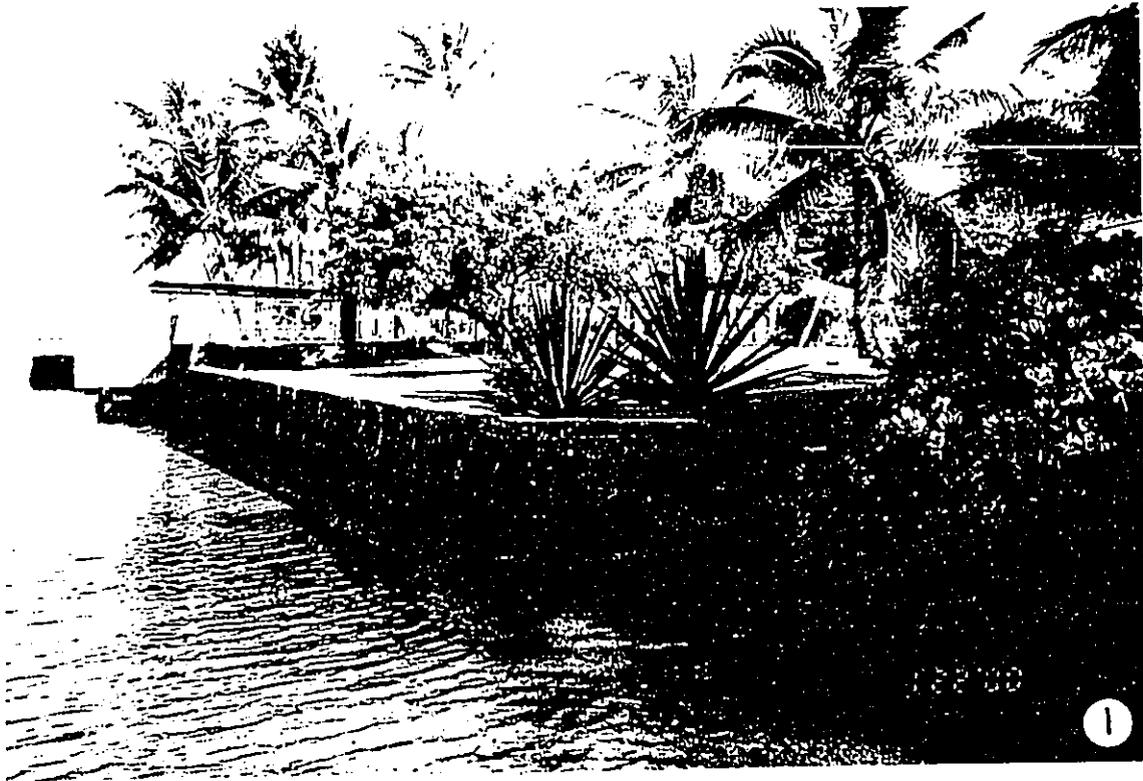
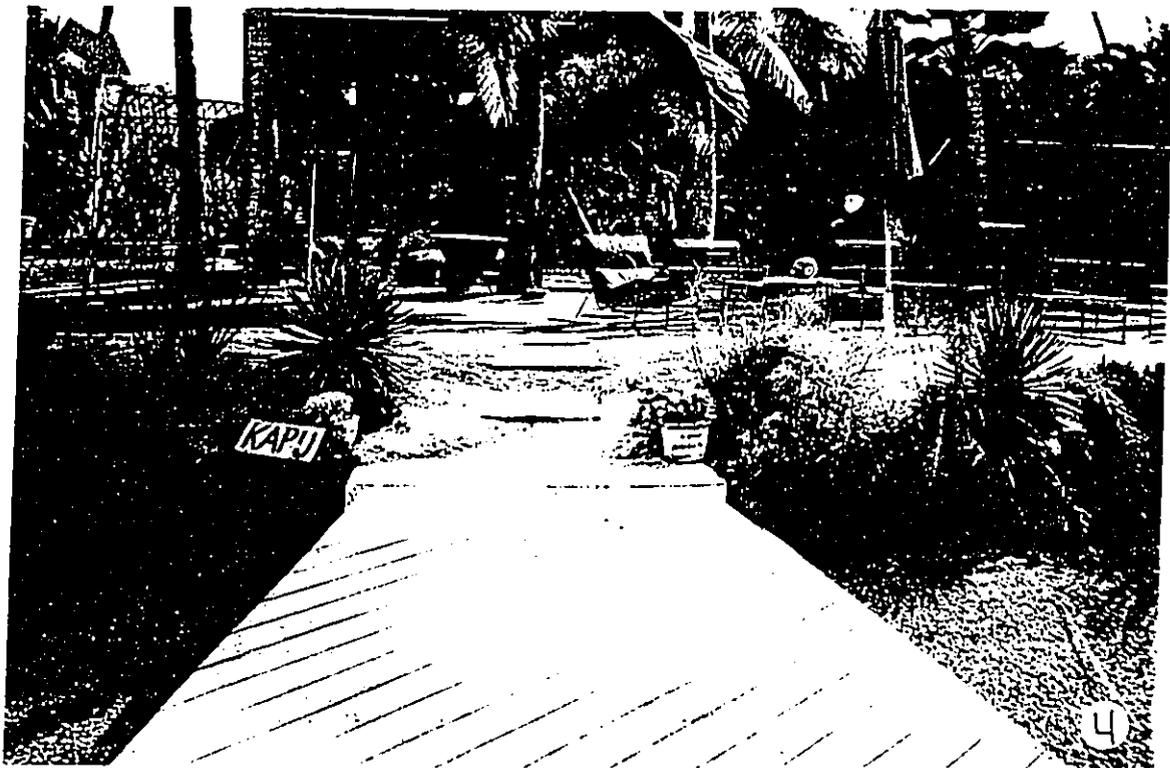


Exhibit 2

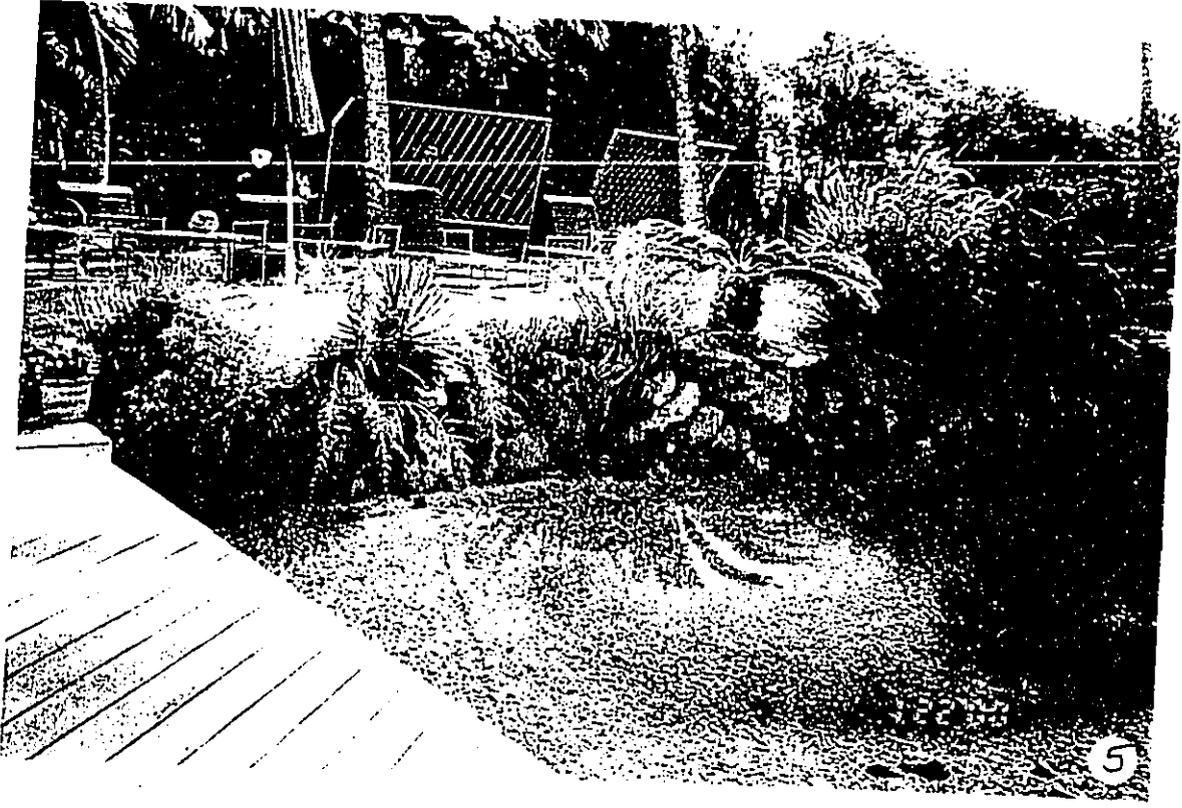
FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii



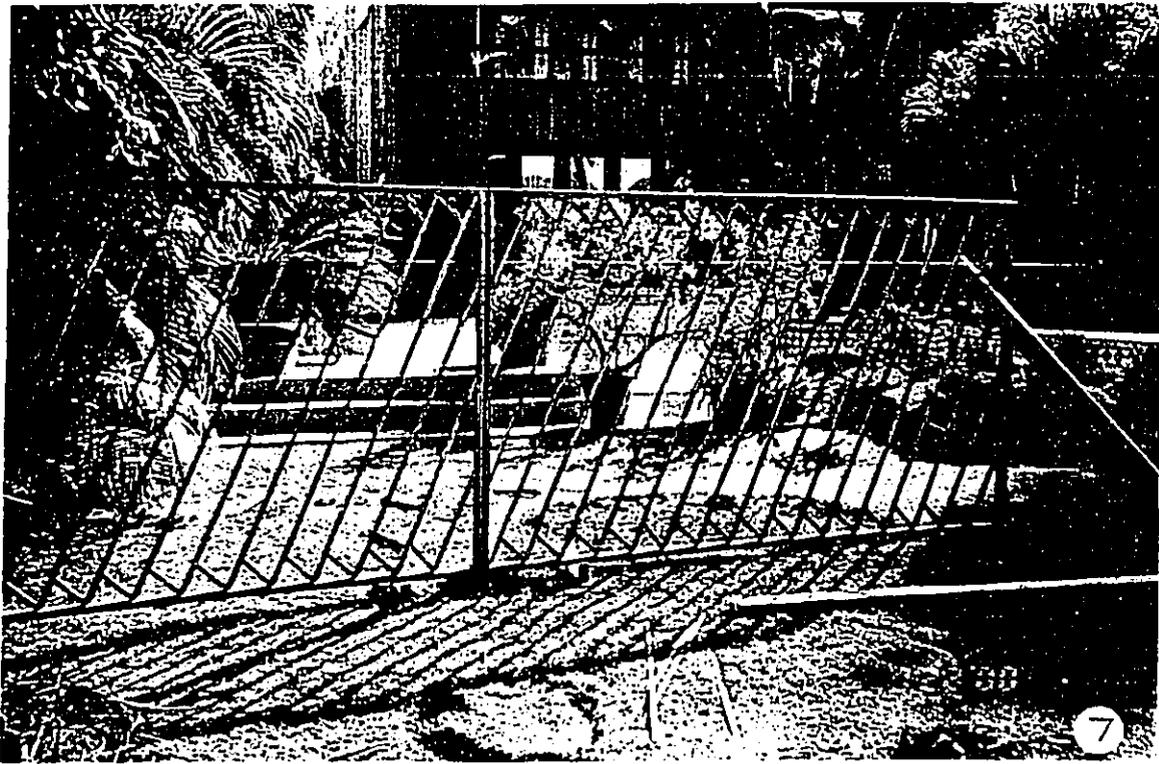
FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii



FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii



FINAL ENVIRONMENTAL ASSESSMENT
AFTER-THE-FACT SHORELINE SETBACK VARIANCE
44-001 Aina Moi Place, Kaneohe, Hawaii



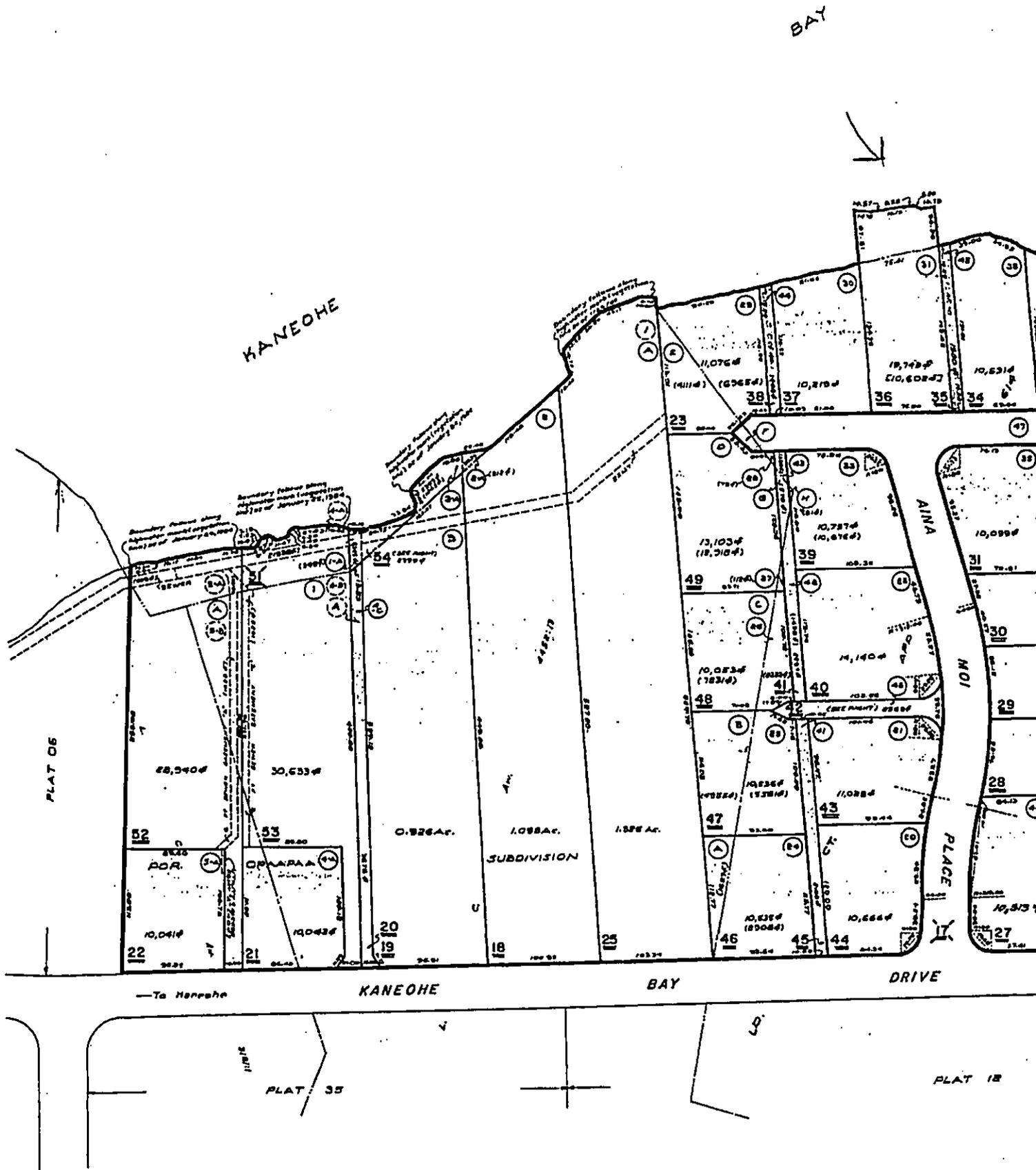
DOCUMENT CAPTURED AS RECEIVED

SOURCE: Lot 14, App. 619 (map 2) of 1808 (map 1) of 7415.

DATE: 10/15/88

Reviewed: 10/15/88

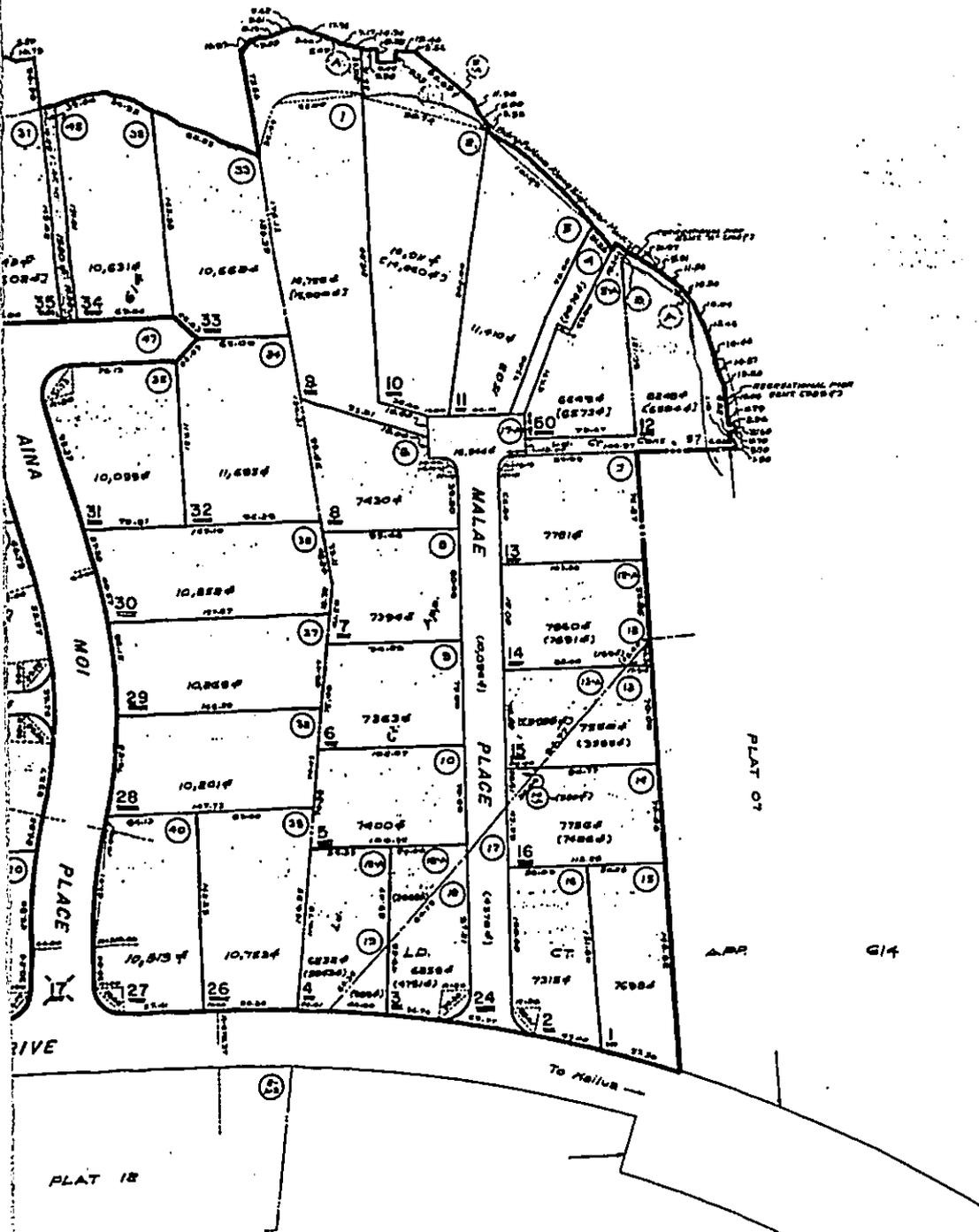
DWG. NO. 3791



KANEHOE, OAHU, HAWAII

DOCUMENT CAPTURED AS RECEIVED

TRUE NORTH
Scale: 1 in. = 60 ft



DROPPED PARCELS (17, 31)

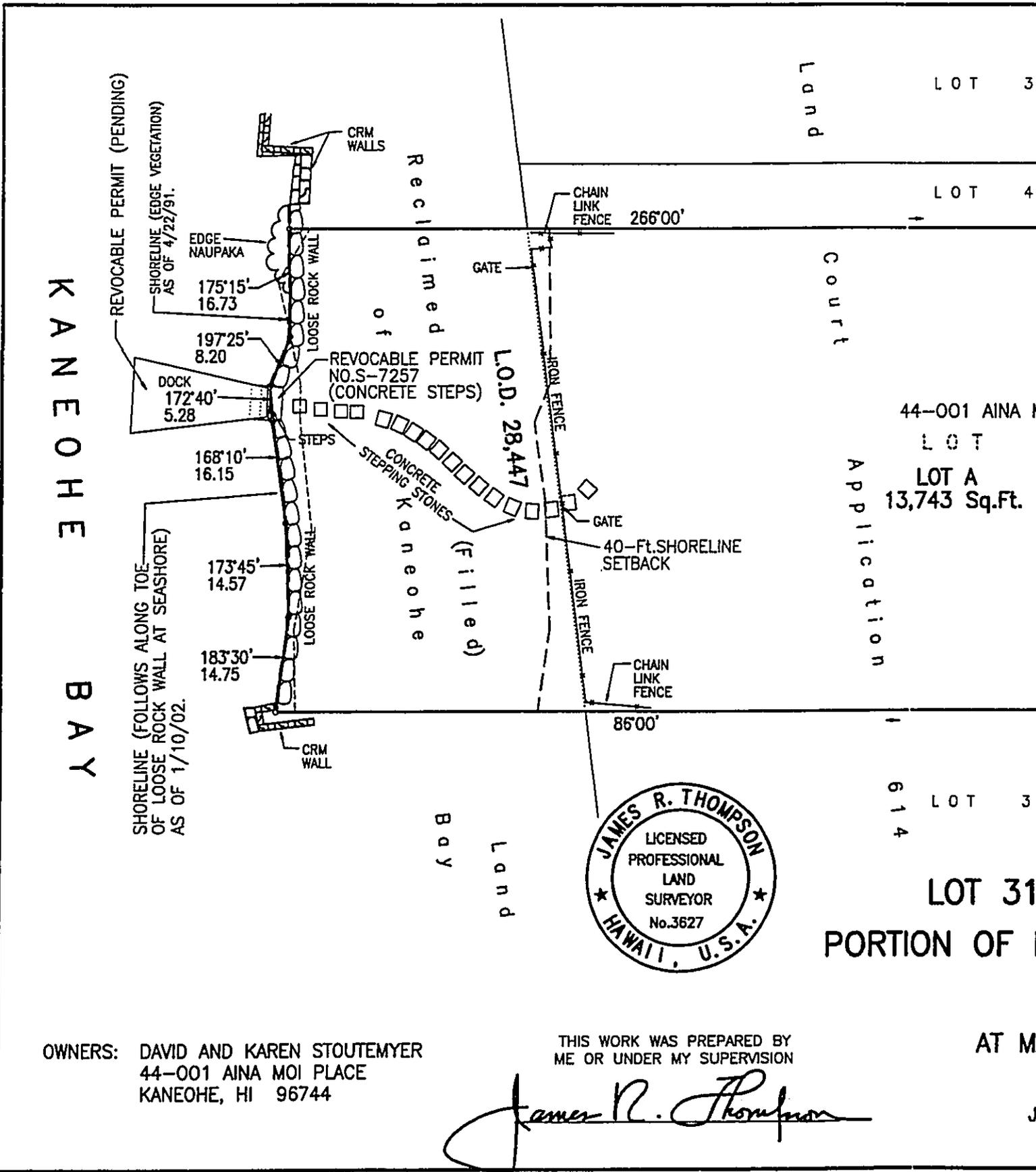
DEPARTMENT OF FINANCE PROPERTY ASSESSMENT DIVISION TAX MAPS SECTION STATE OF HAWAII TAX MAP		
CITY & COUNTY OF HONOLULU		
ZONE	SEC	PLAT
4	4	21
SCALE: 1 IN. = 60 FT.		

FOR PROPERTY ASSESSMENT PURPOSES
SUBJECT TO CHANGE

NOTICE: Owner's lessee's and vendee's names recorded on this tax FFR 1 5 2009

Exhibit 3

00016102.dwg/1344.18/ktdc/jan14



OWNERS: DAVID AND KAREN STOUTEMYER
 44-001 AINA MOI PLACE
 KANEOHE, HI 96744

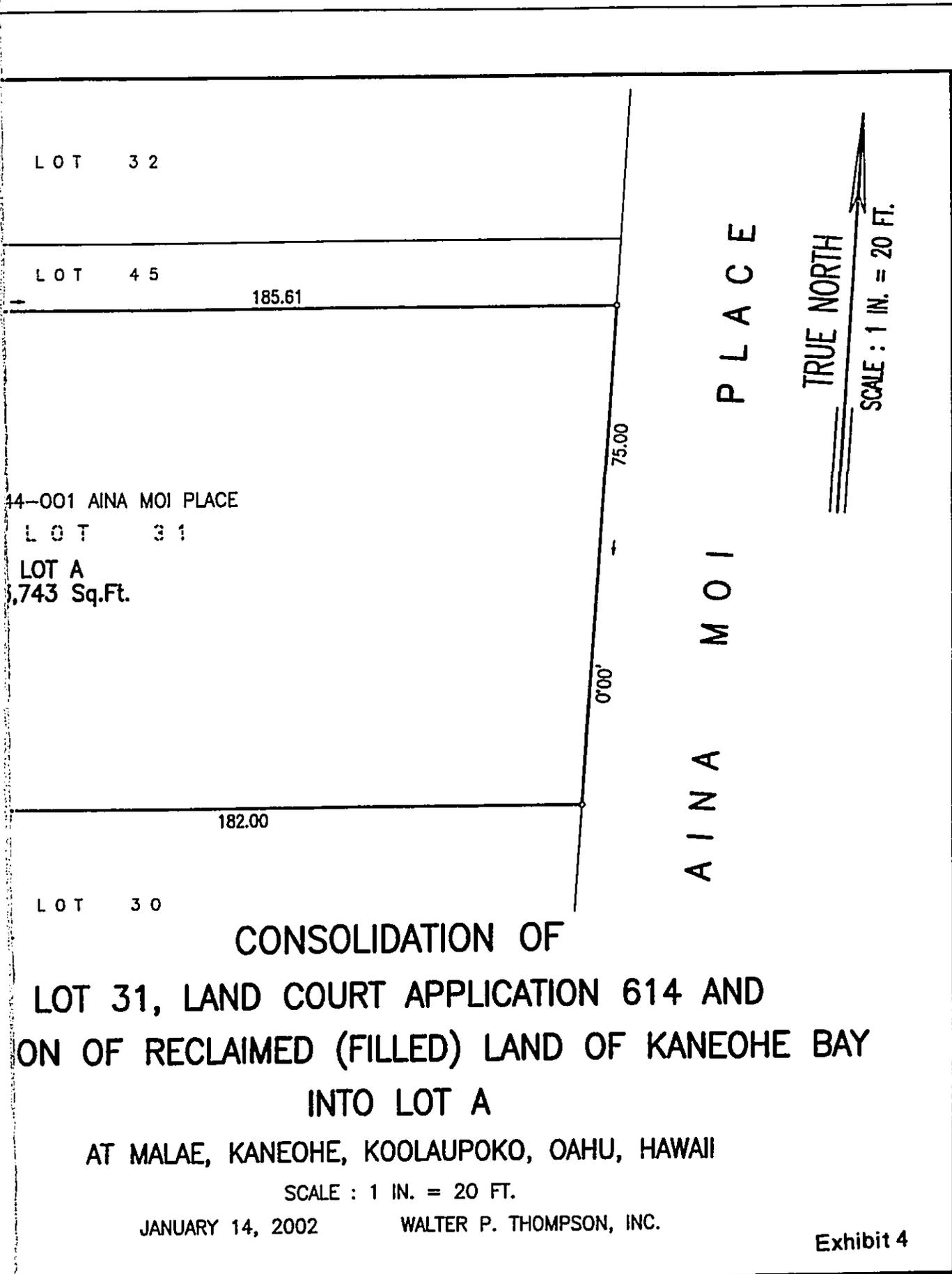
THIS WORK WAS PREPARED BY
 ME OR UNDER MY SUPERVISION

James R. Thompson



TAX MAP KEY : 4 - 4 - 21 : 36

Land LOT 3
 Land LOT 4
 Court
 44-001 AINA MOI PLACE
 LOT
 LOT A
 13,743 Sq.Ft.
 Application
 614
 Land LOT 3
 Land LOT 4
 LOT 31
 PORTION OF P



**CONSOLIDATION OF
 LOT 31, LAND COURT APPLICATION 614 AND
 ADDITION OF RECLAIMED (FILLED) LAND OF KANEOHE BAY
 INTO LOT A**

AT MALAE, KANEOHE, KOOLAUPOKO, OAHU, HAWAII

SCALE : 1 IN. = 20 FT.

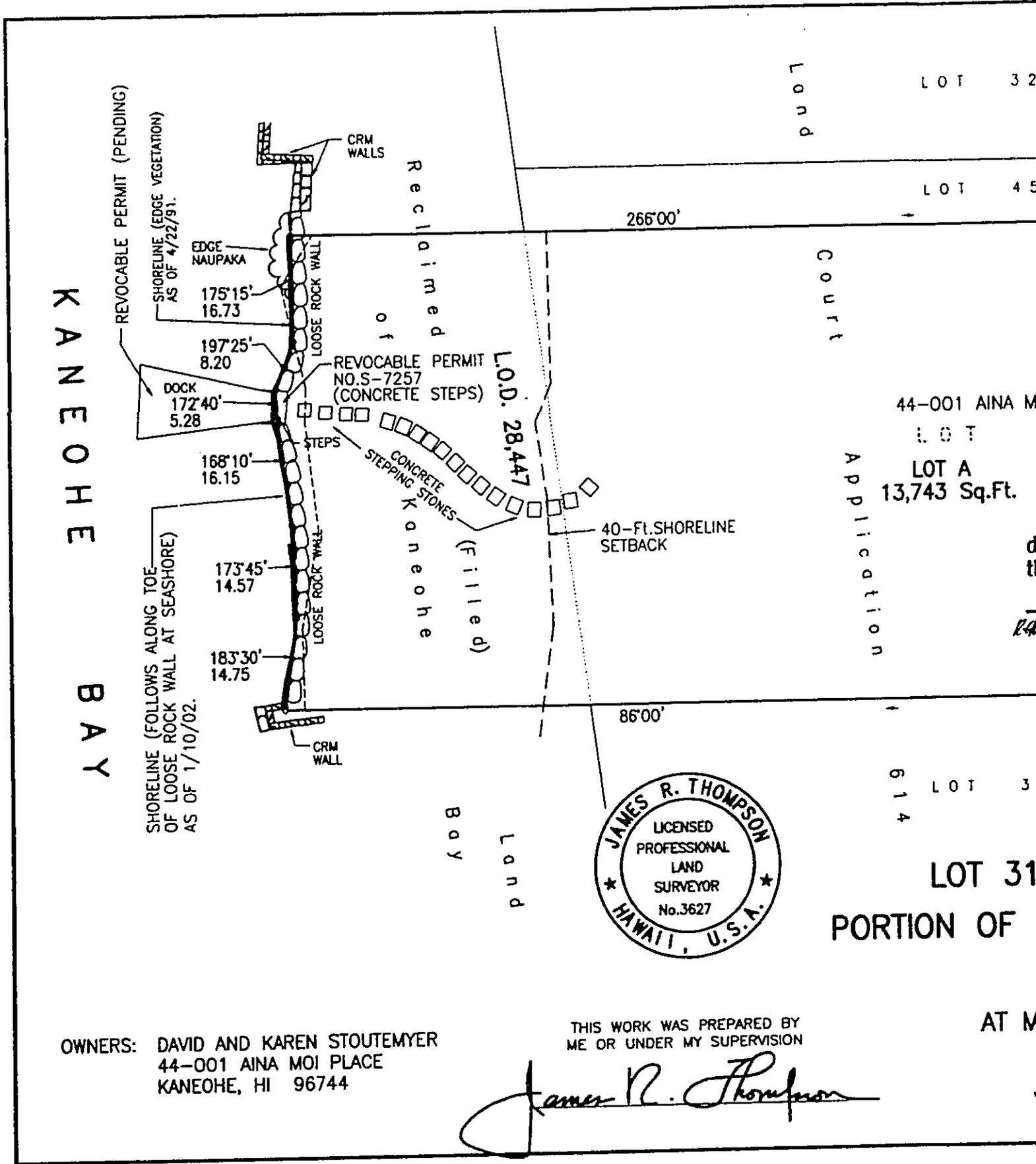
JANUARY 14, 2002

WALTER P. THOMPSON, INC.

Exhibit 4

10"x 15" = 1.0 Sq.Ft.

KANE O H E B A Y



OWNERS: DAVID AND KAREN STOUTEMYER
 44-001 AINA MOI PLACE
 KANE O H E, HI 96744

THIS WORK WAS PREPARED BY
 ME OR UNDER MY SUPERVISION

James R. Thompson



00016102.dwg/1344.18/ktdc/jan14

TAX MAP KEY : 4 - 4 - 21 : 36

LOT 32

LOT 45

185.61

001 AINA MOI PLACE

LOT 31

LOT A
13 Sq.Ft.

The shoreline as located and certified and delineated in red is hereby confirmed as being the actual shoreline as of MAR 22 2002

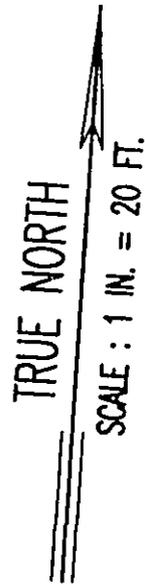
Chie E. Heine
Chairman, Board of Land and
Natural Resources

182.00

75.00

0'00"

AINA MOI PLACE



LOT 30

CONSOLIDATION OF

LOT 31, LAND COURT APPLICATION 614 AND
OF RECLAIMED (FILLED) LAND OF KANEOHE BAY
INTO LOT A

AT MALAE, KANEOHE, KOOLAUPOKO, OAHU, HAWAII

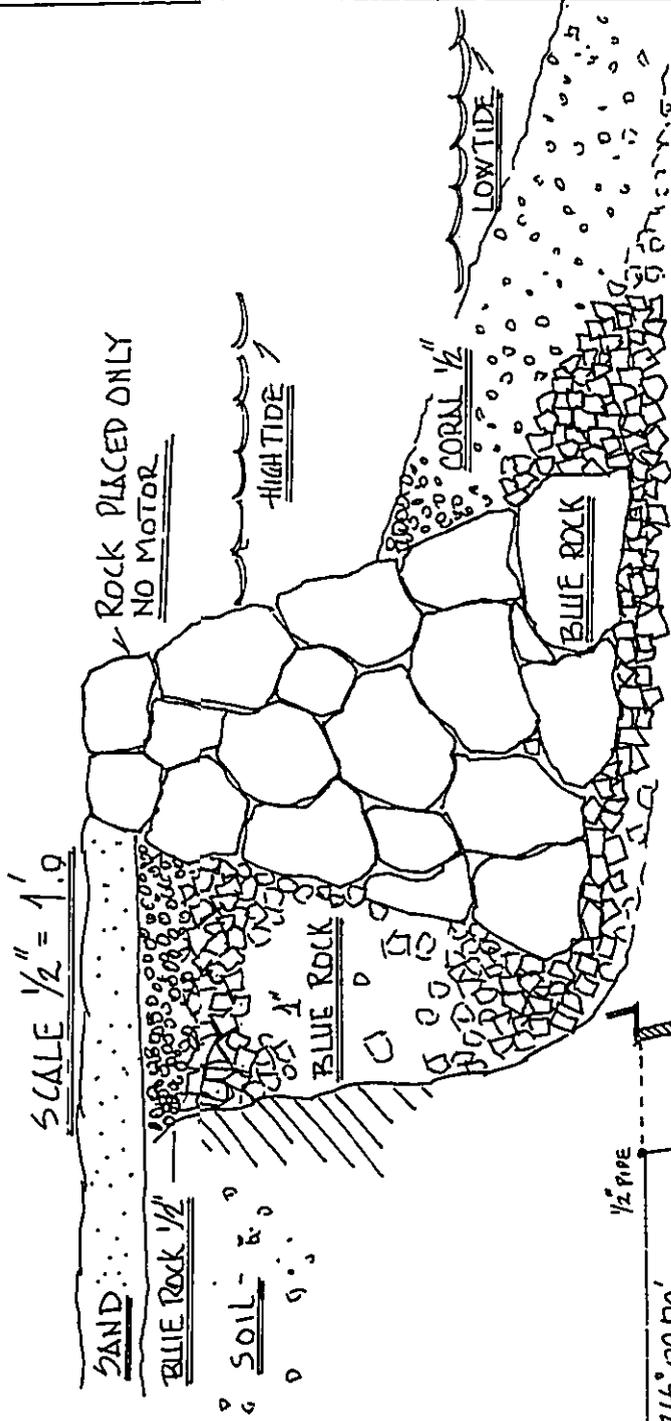
SCALE : 1 IN. = 20 FT.

JANUARY 14, 2002

WALTER P. THOMPSON, INC.

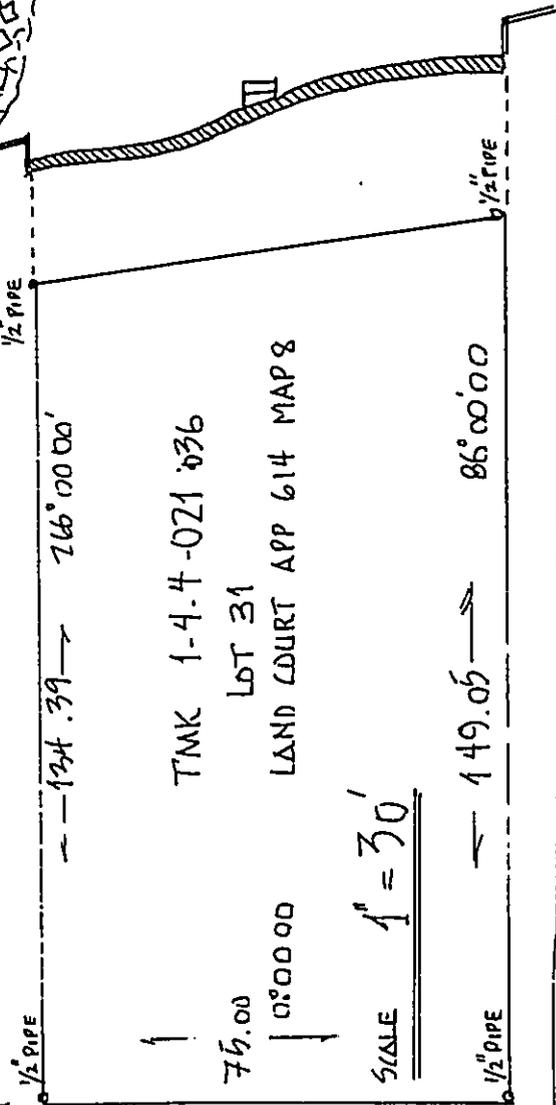
Exhibit 5

10" x 15" = 1.0 Sq.Ft.



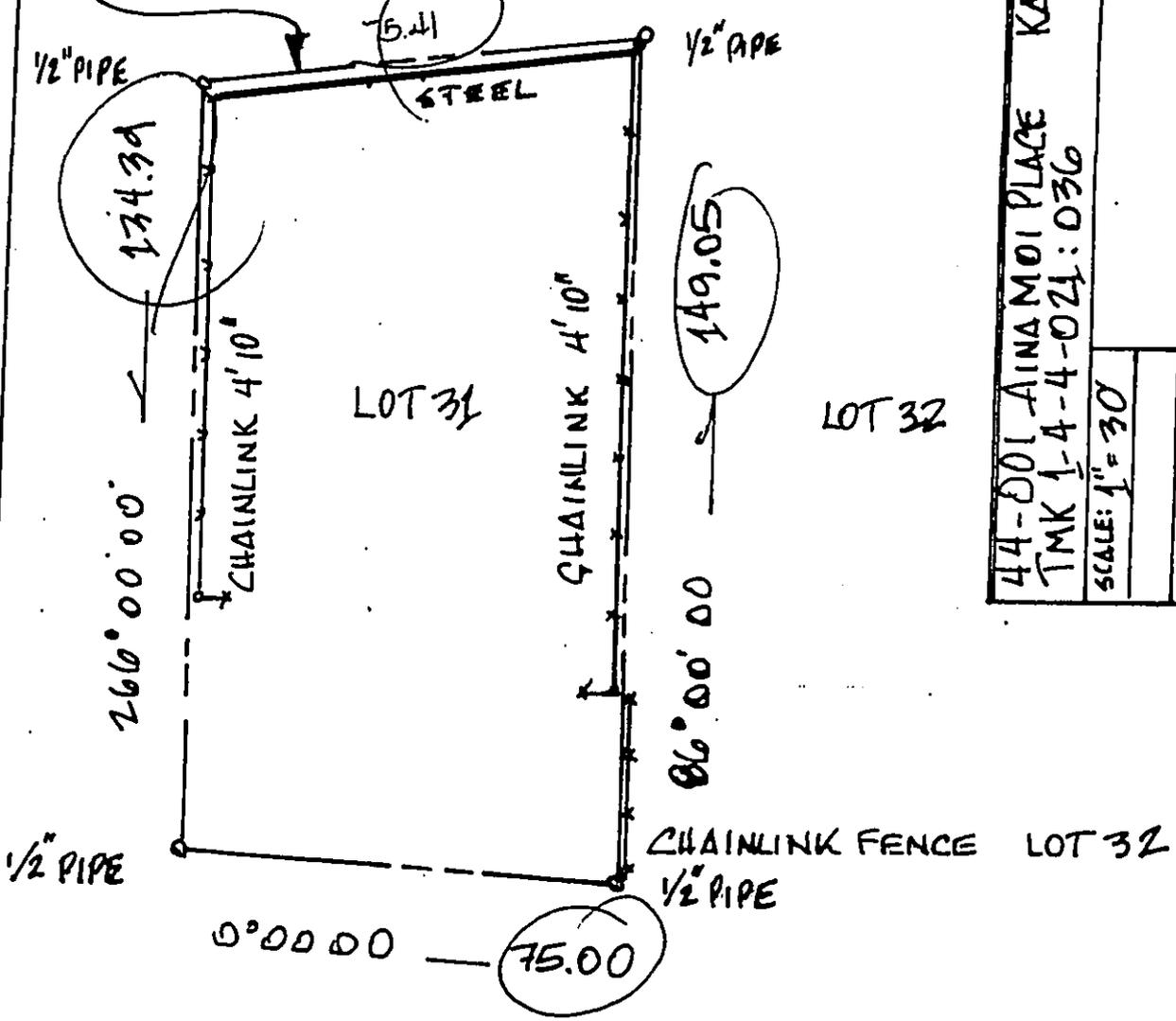
TRUE NORTH
 N

AINA MOI PLACE

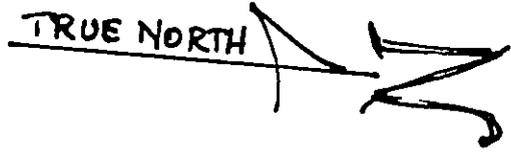


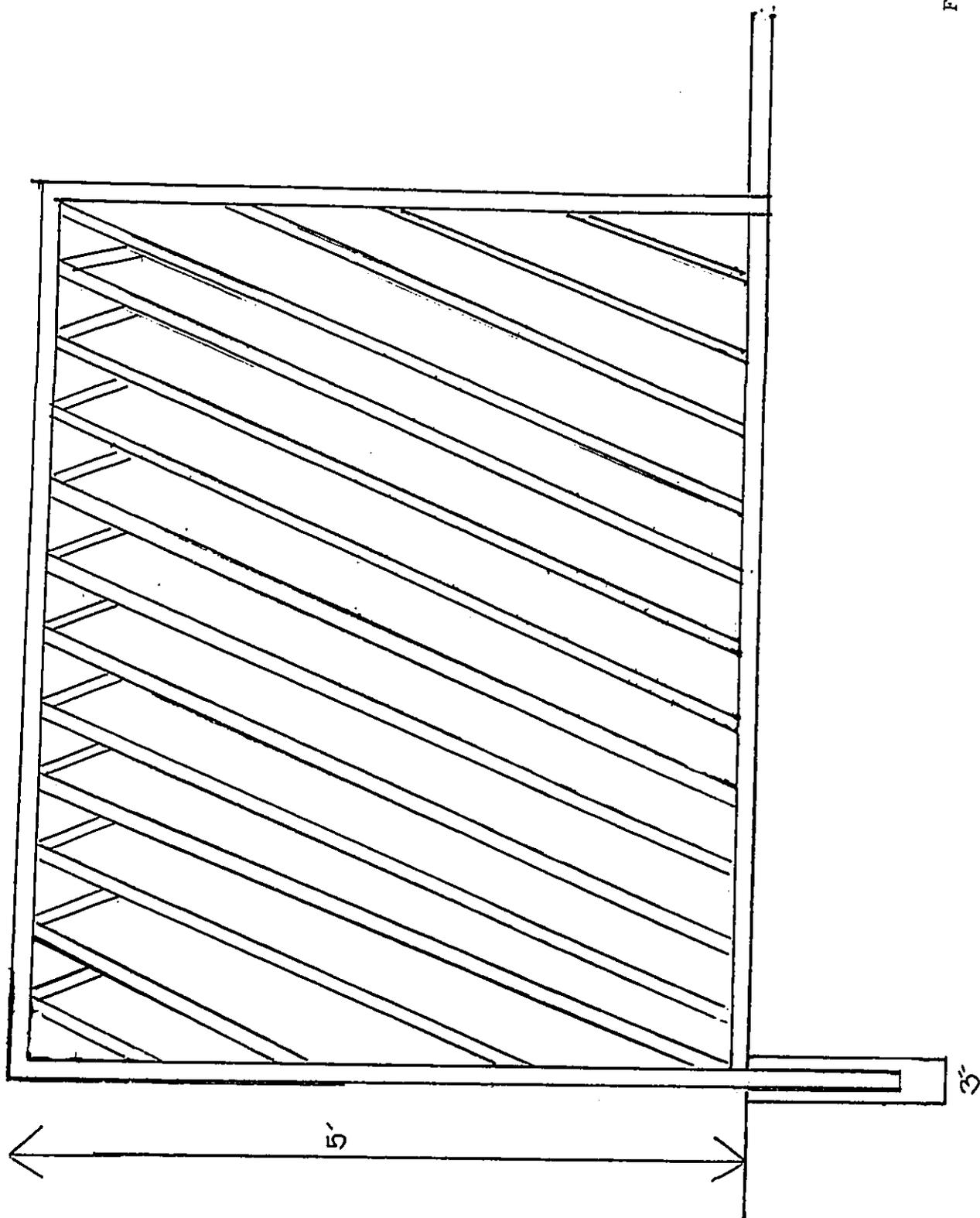
PACIFIC OCEAN

STEEL FENCE AVERAGE HIGHT 5' WITH SQUARE BARS @ 4" ϕ . 2 x 4' GATES.



44-001-AINAMOI PLACE	KANEOHE, OAHU
TMK 1-4-4-021:036	
SCALE: 1" = 30'	
LAND COURT APP 614	MAP 8 LOT 31





FENCE
1"=1'

Exhibit 7

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
Expires December 31, 2004

The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, 33 USC 1413, Section 103. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME David Stoutemeyer	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Donald Clegg, President
6. APPLICANT'S ADDRESS 44-001 Aina Moi Place Kaneohe, Hawaii 96744	9. AGENT'S ADDRESS 928 Nuuanu Avenue Suite 502 Honolulu, Hawaii 96817
7. APPLICANT'S PHONE NOS. W/AREA CODE 808-254-8499 a. Residence 808-254-8499 b. Business	10. AGENT'S PHONE NOS. W/AREA CODE 808-536-5695 a. Residence b. Business 808-536-5695

11. STATEMENT OF AUTHORIZATION

I hereby authorize, Donald Clegg to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.



June 29, 2002

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

2. PROJECT NAME OR TITLE (see instructions) Stoutemeyer Revetment, Kaneohe, Hawaii	
3. NAME OF WATERBODY, IF KNOWN (if applicable) Kaneohe Bay	14. PROJECT STREET ADDRESS (if applicable) 44-001 Aina Moi Place Kaneohe, Hawaii
5. LOCATION OF PROJECT <u>Honolulu</u> COUNTY <u>Hawaii</u> STATE	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN. (see instructions) TMK: (1) 4-4-021:036 Lot A	

7. DIRECTIONS TO THE SITE

Take H3 from Honolulu to Kaneohe Marine Corp Station. Turn left at Kaneohe Bay Drive. Right on Aina Moi Place. The subject Property is at the end of the street. The revetment is along the seaward property boundary.

18. Nature of Activity (Description of project, include all features)

Existing loose rock revetment built in 1991 along the seaward property boundary and certified shoreline. The revetment was constructed on fill land which was dredged from the Bay 60 years ago by the U.S. Navy. The revetment consists of unmortared rock piled to a height of 2-3 feet on a 2-3 foot blue rock foundation. The fill land landward of the revetment is even with the exposed rocks. The wall extends the length of the seaward boundary of the property for approximately 75 feet.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the revetment is to protect the property from ocean processes and to stop runoff of sand, pebbles and fill land or other debris into the Bay.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

The purpose of the revetment is to stop runoff of sand, pebbles and fill land or other debris into the Bay.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

The material that was "discharged" is the lava and coral rock used to construct the revetment, approximately 8 cubic yards.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

The area "filled" by the revetment is on fill land dredged from Kaneohe Bay 60 years ago and deposited along the shore. The revetment was constructed using a backhoe for the foundation and hand placement of the rock.

23. Is Any Portion of the Work Already Complete? Yes Y No IF YES, DESCRIBE THE COMPLETED WORK

The revetment, as described, was completed in 1991 by the previous owner. The present owner and applicant is seeking after-the-fact permits for the construction of the revetment.

4. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

TMK: 4-4-021:034
Francis E. McGrail
Kuulei B. McGrail
44-004 Aina Moi Place
Kaneohe, Hawaii 96744

TMK: 4-4-021:037
Peter T. Krainen
Margaret Steadman-Krainer
44-003 Aina Moi Place
Kaneohe, Hawaii 96844

5. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Dept of Planning & Permitting, C&C of Honolulu	Shoreline Setback Variance/EA	2002/ED-2(ask)	4/16/02	in process	

*Would include but is not restricted to zoning, building and flood plain permits

5. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

[Signature]
SIGNATURE OF APPLICANT

June 29, 2002
DATE

[Signature]
SIGNATURE OF AGENT

6/28/02
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

END

CERTIFICATION

I HEREBY CERTIFY THAT THE MICROPHOTOGRAPH APPEARING IN THIS REEL OF
FILM ARE TRUE COPIES OF THE ORIGINAL DOCUMENTS.

2004

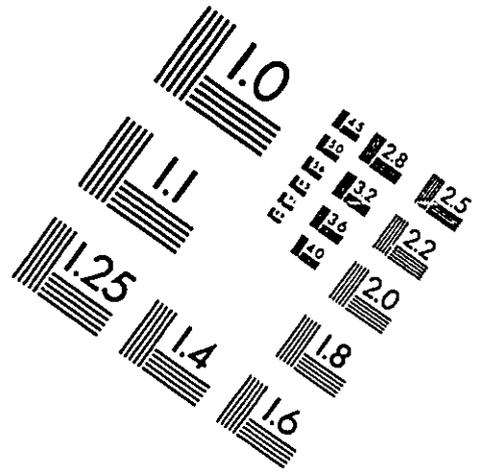
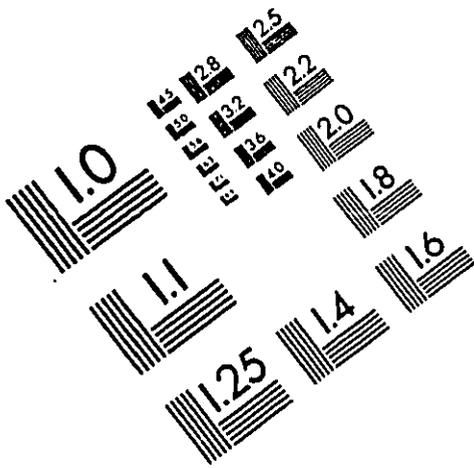
DATE

Jelle Kaai

SIGNATURE OF OPERATOR

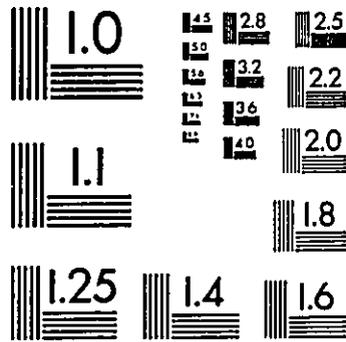
TOP

Film Identification



A & P International
612/854-0088 FAX 612/854-0482
8030 Old Cedar Ave. So., Ste. #215
Bloomington, MN 55425

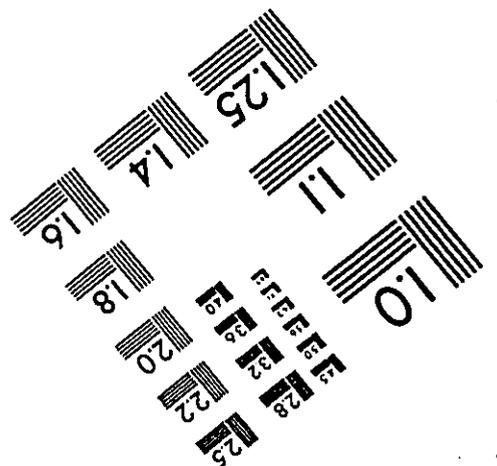
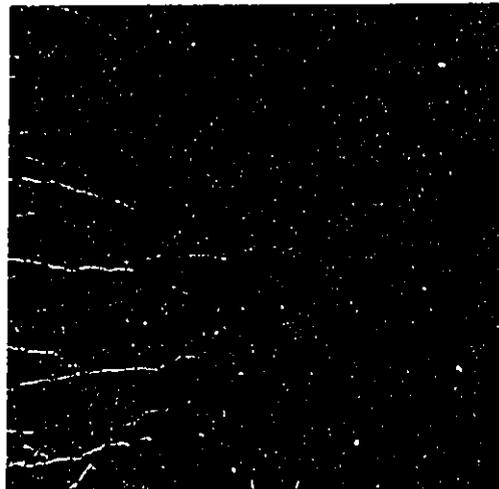
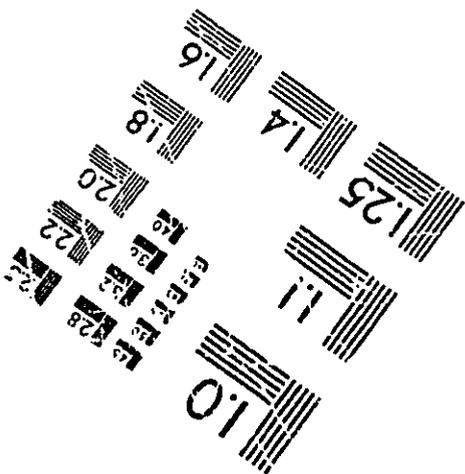
PRECISIONSM RESOLUTION TARGETS



RIGHT

150 MM

6"



PL-3 8½"x11" PAPER PRINTED GENERAL TARGET

DENSITY TARGET

