STATE OF HAWAI`I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
Honolulu, Hawai`i

Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawai`i
Honolulu, Hawai`i

FILE NO.: CDUA OA-3452
REF: OCCL: MC
Acceptance Date: July 7, 2008
180 Exp. Date: January 23, 2009

November 14, 2008

REGARDING:	Driveway (after-the-fact); Demolition and Grading of Topographic Features
APPLICANT:	Joyce and William Chandler 44-102 Kalenakai Place, Kāne`ohe, HI 96744
AGENT: *(unclear if they currently represent landowner)*	Kimura International, Inc. 1600 Kapi`olani Blvd., Suite 1610, Honolulu, HI 96814
LOCATION:	Kea`alau, Kāne`ohe, Ko`olaupoko District, O`ahu
TMK:	TMK (1) 4-4-017:111 (main part) and 017:035 (encroachment)
AREA OF USE:	4500 square feet
SUBZONE:	General

PROJECT SUMMARY:

The applicant is requesting an after-the-fact permit for the construction of a concrete driveway; the grading, grubbing, and construction of a gunite wall; and the construction of a gravel parking lot.

The landowner built the concrete roadway and parking lot between 2001 and 2007. The driveway was extended 102 feet up the hillside to a flat area behind the residence. He graded this area, extending the flat area by 19 feet by 14 feet. He also applied gunite to the hillside to form a wall between the residence and the graded area.

The work was the subject of an enforcement case by DLNR.

In addition to the work already done, the applicant proposes to construct a catchment wall beneath the cut at the apex of the driveway; Remove combustible species from the project area;

place new gravel in the flat area to create a parking area; and construct a walkway from the proposed parking area to the residence.

DESCRIPTION OF AREA:

The project area is on the makai face of Oneawa Hills, the ridge separating the communities of Kailua and Kāne`ohe. Kalenakai Place is one of five residential streets running mauka off of Kāne`ohe Bay Drive at Kea`alu. The lower half of the slope in this neighborhood is a developed residential neighborhood; the upper parts of the slope are undeveloped lands in the General Subzone of the State Land Use Conservation District. The subject parcel is split zoned, with a single family residence in the Urban District. **Exhibit 1** shows the subject parcel location.

The Conservation District lands begin 22 feet behind the house. Flora is dryland scrub dominated by invasive grasses and other herbaceous plants. There are no known endemic or invasive species, no known archaeological or cultural sites, and no active recreational or cultural uses on the parcel. **Exhibit 2** shows the district boundaries.

VIOLATION HISTORY:

There is a history of land use violations on this parcel; securing this CDUP and complying with any conditions set by the Board will resolve the last of the violations with DLNR, although OCCL understands that there are outstanding issues with the County that will still need to be resolved.

A *very* brief summary follows:

2001 – Current landowner purchases the parcel.

June 2003 – The BLNR found the landowner in violation of Conservation District Rules for unauthorized grubbing and grading, the construction of a driveway and parking area, and the construction of a gravel driveway on the parcels 111 and 112 (Enforcement OA-04-11).

July 2003 - OCCL learns that the unauthorized grading and excavation continues on the site, in violation of the June decision. A Cease and Desist Order was served in August.

August 2003 – OCCL learns that work is continuing in violation of the most recent order.

January 2004 – OCCL presents Enforcement Case OA-04-11 to the BLNR. The case goes into Contested Case Hearing.

Settlement Agreement – On June 29, 2007 the parties to Contested Case OA-05-02 signed a Settlement Agreement. The agreement accepted remediation work that was completed, set a $50,000 administrative fine, and removed all the violations except for the first. The landowners were given the option of submitting an after-the-fat permit in lieu of remediation for the first violation.

Securing this after-the-fact CDUP and complying with the conditions therein, or removing the structure, is the final step towards resolving the violations with DLNR.

This application only addresses the initial violation, the work on parcel 111 (some of which encroached on the neighboring parcel 035). The work and remediation on parcel 112 is *not* part of this application.

PROPOSED PROJECT:

The CDUA is requesting an after-the-fact permit for the following completed work:

- the construction of a concrete driveway;
- the grading, grubbing, and construction of a gunite wall; and
- the construction of a gravel driving and parking area.

In addition to the work already done, the applicant proposes to:

- construct a catchment wall beneath the cut at the apex of the driveway;
- replace invasive and combustible species with indigenous species;
- place new gravel in the flat area to create a parking area; and
- construct a walkway from the proposed parking area to the residence.

Exhibit 3 shows the Site Plan, and **Exhibits 4-6** are photographs of the area.

Concrete Driveway: The landowner built the concrete roadway and parking lot between 2001 and 2007. The driveway begins in the Urban area, and was extended 102 feet up the hillside to a flat area behind the existing residence. It appears to have followed a pre-existing grass path. The driveway is six inches in thickness, and constructed with steel reinforcement mesh and rebar. There are V-shaped transverse grooves to prevent water from sheeting off in heavy rains. And engineering study found that it was well built.

Part of the driveway encroaches onto Parcel 17:35. The applicant has submitted an "encroachment agreement" signed by the neighboring landowner in 2003.

Gunite Wall: According to the applicant, the hillside behind the residence had been gunited by a previous owner. The applicant cut into the hillside perpendicular to the gunited wall. The applicant placed loose gravel on the flat area in order to create a parking area. The applicant gunited the hillside, forming the back and side walls of the parking area

Gravel Driveway: The application and environmental assessment discuss a gravel strip abuting the concrete driveway; later in the document this seems to morph into a 'gravel parking lot." The applicant states that they planned to use this parking area for the planned new home on the urban portion of the adjacent lot.

OCCL remains confused about what the applicant is addressing in this section. There is a strip of land with gravel on it on parcel 111; however, at times the application seems to be discussing work done on parcel 112. *OCCL notes that this application is not intended to cover any work on parcel 112; any discussion on our part will be limited to work on parcel 111.*

Catchment Wall: The catchment wall was recommended by the consultant in the Environmental Assessment. The consultant stated that it would help stabilize the cut and minimize the risk of slope failure. The proposed wall will be a cmu block wall, four to six feet in height. The wall will extend 24 feet along the base of the cut.

Landscaping: The botanical survey also recommended that the combustible, invasive species such as haole koa (*Leucaena leucocephala*) and Guinea grass (*Panicum maximum*) be removed from the area surrounding the improvements. OCCL recommended that they be replaced with native species, although the final Environmental Assessment only discusses removal.

Place New Gravel: Based upon the engineer's recommendation, the applicant proposes to place a new layer of gravel on the surface of the gravel pad *to minimize erosion of the surface wall and to maintain vegetative growth along the toe of the slope.*

Walkway: The applicant would like to construct a walkway from the residence to the new parking area. The applicant states that a rough rocky trail already exists; they would replace it with a walking path made of dark pavers or natural rocks, ground cover and other landscaping, and a handrail.

AGENCY COMMENTS:

The CDUA and Draft Environmental Assessment were referred for review and comment to the DLNR – Division of Forestry and Wildlife, Historic Preservation Division, Land Division, Engineering, and Division of Conservation and Resource Enforcement; the State Department of Health; the City & County Department of Planning and Permitting; the Office of Hawaiian Affairs; and the owners of two neighboring properties, Hartley Investmentst and Steven and Deborah Van Emmick.

A copy of the CDUA and DEA were available for review at the Kāne`ohe Public Library .

A notice of the application was placed in the Office of Environmental Quality Control's *Environmental Notice* on July 23, 2008. OCCL issued a FONSI and noticed this in the October 8, 2008 edition.

The following comments were received:

DLNR Historic Preservation
An archaeological assessment conducted on the property did not identify any historic sites, and this permit does not involve any new ground disturbing activities.

DLNR Engineering
Engineering confirms that the project area is in Flood Zone D, and there are no special regulations for this zone.

DLNR Forestry
No comments.

DLNR Land Division
No Comments

Michael Miller and Lisa Menor
The Menors bought the neighboring property from Hartley Investments, and had a number of questions and concerns[1]. They are:

- The Hartley's are concerned with the pattern being established of building first and applying for permits later;
- The easement agreement was agreed upon solely to remedy the trespass onto their property, and was not intended to authorize further development;
- There is an additional enforcement case that was alluded to but not covered by this current CDUA;
- The Menors note that there is a high probability of soil erosion and landslides in this neighborhood when the natural terrain or flow of water is disrupted;
- The DEA does not contain scale references to the violation or the remedies to fix it;
- The existing drainage runs onto their property, and they do not authorize this; and
- The Menors disagree that there is no negative visual impact from the gunite wall and driveway.

Applicants Response
OCCL has included the applicant's response as ***Exhibit*** *7.*

ANALYSIS:

Following review and acceptance for processing, the applicant was notified, by letter dated July 11, 2008 that:

1. The proposed use is an identified land use in the Resource subzone of the Conservation District, pursuant to Hawai`i Administrative Rules (HAR) §13-5-22, P-9 STRUCTURES, EXISTING, (D-1) *Demolition, grading, removal, or alteration of topographic features.*

2. Pursuant to HAR §13-5-40, a Public Hearing will not be required;

[1] Many of these questions involved DLNR process; OCCL will notify the Menors of the Board Hearing and provide them with a copy of this report, as this will address many of their concerns.

3. Pursuant to HAR §13-5-31 *Permit applications,* the permit requires that an environmental assessment be carried out. A Finding of No Significant Impact (FONSI) to the environment is anticipated for the proposed project. The draft environmental assessment (DEA) for the project will be submitted to the Office of Environmental Quality Control (OEQC) to be published in the July 23, 2008 issue of the *Environmental Notice.*

OCCL noted that acceptance of this application did not imply acceptance of the work done, nor of the additional work being proposed. The final authority to grant, amend, or deny the permit rests with the Board of Land and Natural Resources (BLNR).

§13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in HAR §13-5-30.

1) *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare.

OCCL is not convinced that the completed work, nor the proposed work, is a good example of appropriate management of the state's natural resources. At times the applicant states that it was built for a planned future residence, at times as an additional parking lot for the existing residence. OCCL understands that a residence needs parking, but not on the scale evidenced here, nor so removed from the actual residence.

2) *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the General Subzone is *to designate open space where specific conservation uses may not be defined, but where urban use would be premature.*

The use does not impact open space, but it does represent an extension of urban use into the Conservation Zone.

3) *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

The project is not in the Special Management Area.

4) *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff notes that any work on a slope has the potential to affect slope stability, runoff, and erosion. Staff accepts the engineer's report that some additional work might be necessary to mitigate for possible negative effects. The landowner will still have unresolved issues regarding the grading with the City and County even if this CDUP is approved.

5) *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Neighboring parcels share a similar zoning pattern, with residential uses in the lower slopes and undeveloped Conservation Lands on the upper slopes. Development has not entered the Conservation Zone in this area, and so this use is not consistent with the surrounding uses.

6) *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

OCCL is of the opinion that a parking lot neither preserves nor improves upon the natural beauty of the land.

7) *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

8) *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Staff believes that the proposed action will not be materially detrimental to the public health, safety and welfare.

DISCUSSION:

OCCL has been attempting to resolve multiple land use violations with this landowner since 2003. Securing this Conservation District Use Permit, and complying with any conditions therein, will allow us to formally close the last active enforcement case involving this parcel.

There are seven elements to the current proposal; they are:

After the Fact

1. the construction of a concrete driveway;
2. the grading, grubbing, and construction of a gunite wall; and
3. the construction of a gravel parking lot.

Proposed Additional Work

4. construct a catchment wall beneath the cut at the apex of the driveway;
5. replace invasive and combustible species with indigenous species;
6. place new gravel in the flat area to create a parking area; and
7. construct a walkway from the proposed parking area to the residence.

The environmental assessment recommended three options. The first was to take no action, the second was to remove the developments, the third was to attempt to mitigate for the completed work and to stabilize portions of the development.

No Action was rejected as it would leave the graded area exposed to erosion, slope failure, or runoff. *Removal / Restoration* was rejected as restoring the preexisting grade would be technologically difficult, would actually increase the potential for slope failure, flooding, and erosion even more, and would potentially do additional harm to the environment. The consultant recommended the third option, which was to approve the completed work and to allow additional improvements.

OCCL partially concurs with this assessment. If this were a new proposal, based upon the information given and our assessment in the previous section, it would appear that it would not have complied with the criteria outlined in HAR §13-5-30. As discussed above, we do not feel that this use is compatible with surrounding uses (which acts as a greenbelt for the community and does not contain, to our knowledge, contain accessory structures for development in the urban district). However, we agree with the consultant that removal and restoration is not a feasible option, and that additional work will be needed to stabilize some of the existing cuts.

Therefore, we are inclined to recommend approval of work done, approval of additional work to stabilize the area, and denial of approval for any additional improvements to the property.

We are concerned with an apparent attempt by the applicant to circumvent the permitting process by referring to an area behind the residence as a "parking area." This was never an identified use for this area, and any after-the-fact approvals for work done should not be construed as approving the use of this area for parking.

Specifically, we recommend:

Completed Concrete Driveway: *Approve*

Completed Grading and Grubbing: *Approve*

Completed Placement of Gravel on Flat Area: *Approve,* with the caveat that the OCCL does not accept this area as a "parking lot" and is not inclined to approve any additional work that increases its functionality as a parking lot.

Build Additional Catchment Wall at Apex of Driveway: *Approve*, based upon the consultant's recommendation.

Removal of Vegetation: *Deny*.

Placement of New Gravel: *Deny*. We do not accept the consultant's statement that placing loose gravel on the hill will stabilize it, and we do not wish to approve any new work that will increase this area's use for parking.

Construct a New Walkway: *Deny*. A walkway will not mitigate any of the effects of the grading or grubbing.

In effect, the concrete driveway will remain, and the applicant will gunite the cut at the top of the driveway to prevent erosion. The applicant will not conduct *any* further improvements to the flat area behind the house. This area should be left to re-vegetate naturally.

STAFF RECOMMENDATION:

That the Board of Land and Natural Resources APPROVE CDUA OA-3452 for completed work on the concrete driveway, including the associated grading and grubbing, for the completed laying of gravel, and for additional work to gunite the cut at the apex of the driveway to create a catchment wall, at Kea`alau, Kāne`ohe, Ko`olaupoko District, O`ahu, TMK (1) 4-4-017:111 (main part) and 017:035 (encroachment), subject to the following terms and conditions:

1. The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, State and county governments, and the applicable parts of Section 13-5-42, HAR;

2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawai`i harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;

3. The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawai`i Administrative Rules (HAR), Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control," and Chapter 11-54 National Pollutant Discharge Elimination System;

4. Before proceeding with any work authorized by the Board, the applicant shall submit four copies of the construction plans and specifications to the Chairperson or her authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;

5. Any work or construction to be done on the land shall be initiated within one year of the approval of such use, in accordance with construction plans that have been approved by the Department; further, all work must be completed within three years of the approval.

6. The applicant will conduct no further work on the flat area or pathway leading to it, and will allow it to re-vegetate naturally;

7. The applicant shall notify the Office of Conservation and Coastal Lands in writing prior to the initiation, and upon completion, of the project;

8. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the interference, nuisance, harm, or hazard;

9. The applicant will use Best Management Practices for the proposed project;

10. The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;

11. In issuing this permit, the Department and Board have relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;

12. In the event that unrecorded historic remains (i.e., artifacts, or human skeletal remains) are inadvertently uncovered during construction or operations, all work shall cease in the vicinity and the applicant shall immediately contact the State Historic Preservation Division;

13. The applicant shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;

14. Before proceeding with any work authorized by the department or the board, the applicant shall submit four copies of the construction plans and specifications to the chairperson or his authorized representative for approval for consistency with the conditions of the permit and the delectations set forth in the permit application. Three of the copies will be returned to the applicant. Plan approval by the chairperson does not constitute approval required from other agencies.

15. Other terms and conditions as may be prescribed by the Chairperson; and

16. That failure to comply with any of these conditions may render this Conservation District Use Permit null and void.

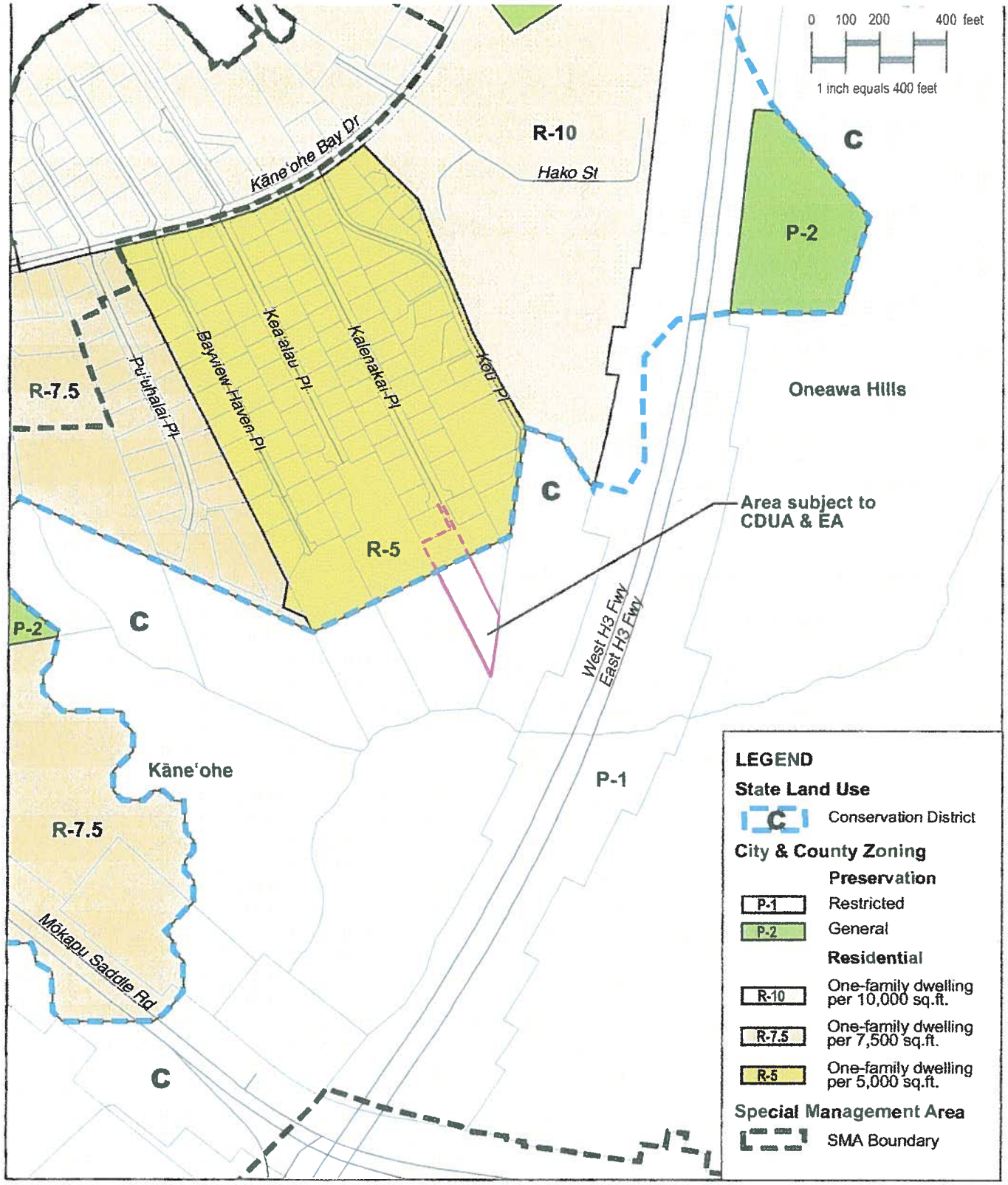
Respectfully Submitted,

Michael Cain
Staff Planner

Approved for Submittal:

LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

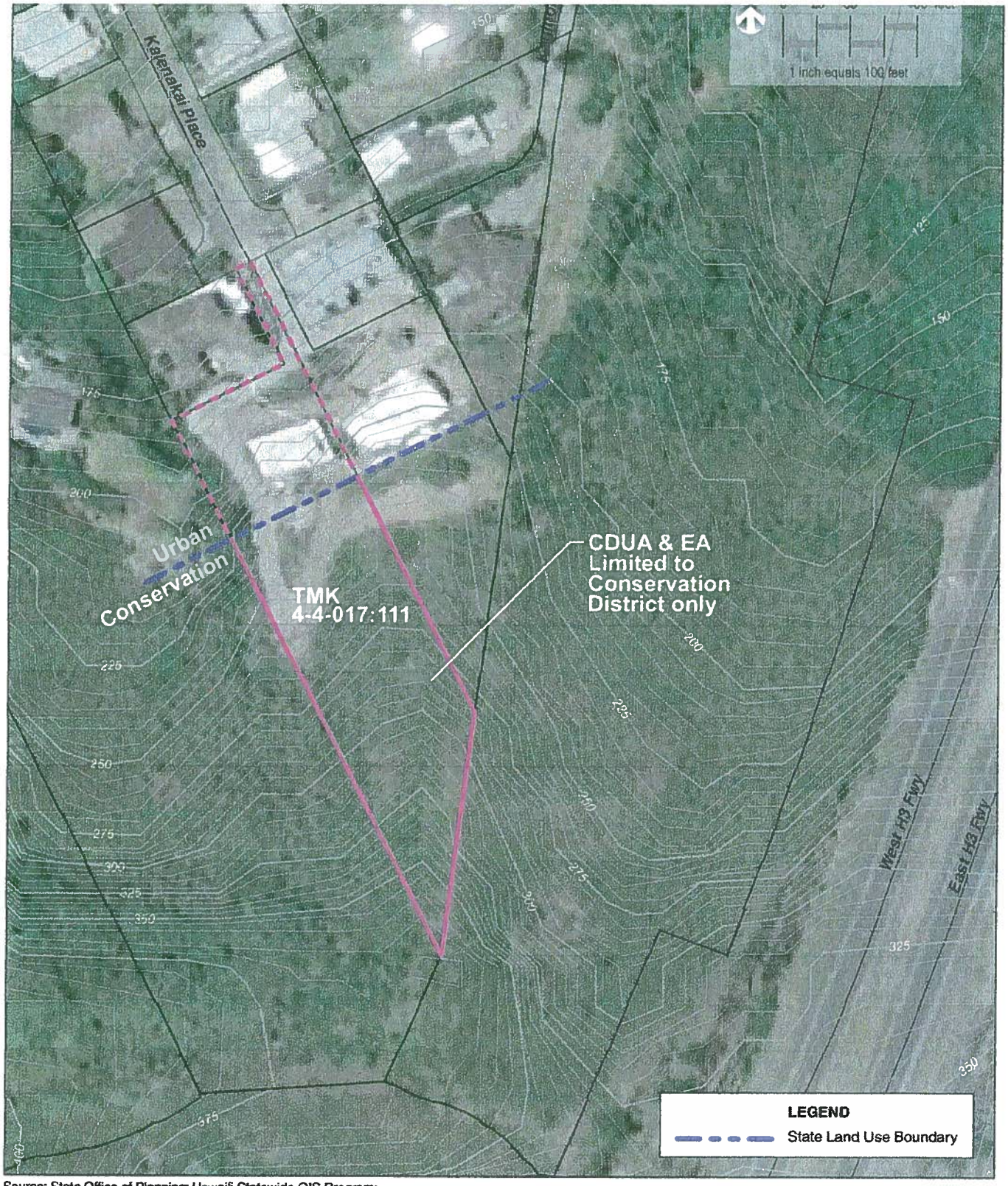
EXHIBIT 1



Source: State Office of Planning; Hawai'i Statewide GIS Program

Figure 8
State Land Use, Zoning (City) and SMA

EXHIBIT 2



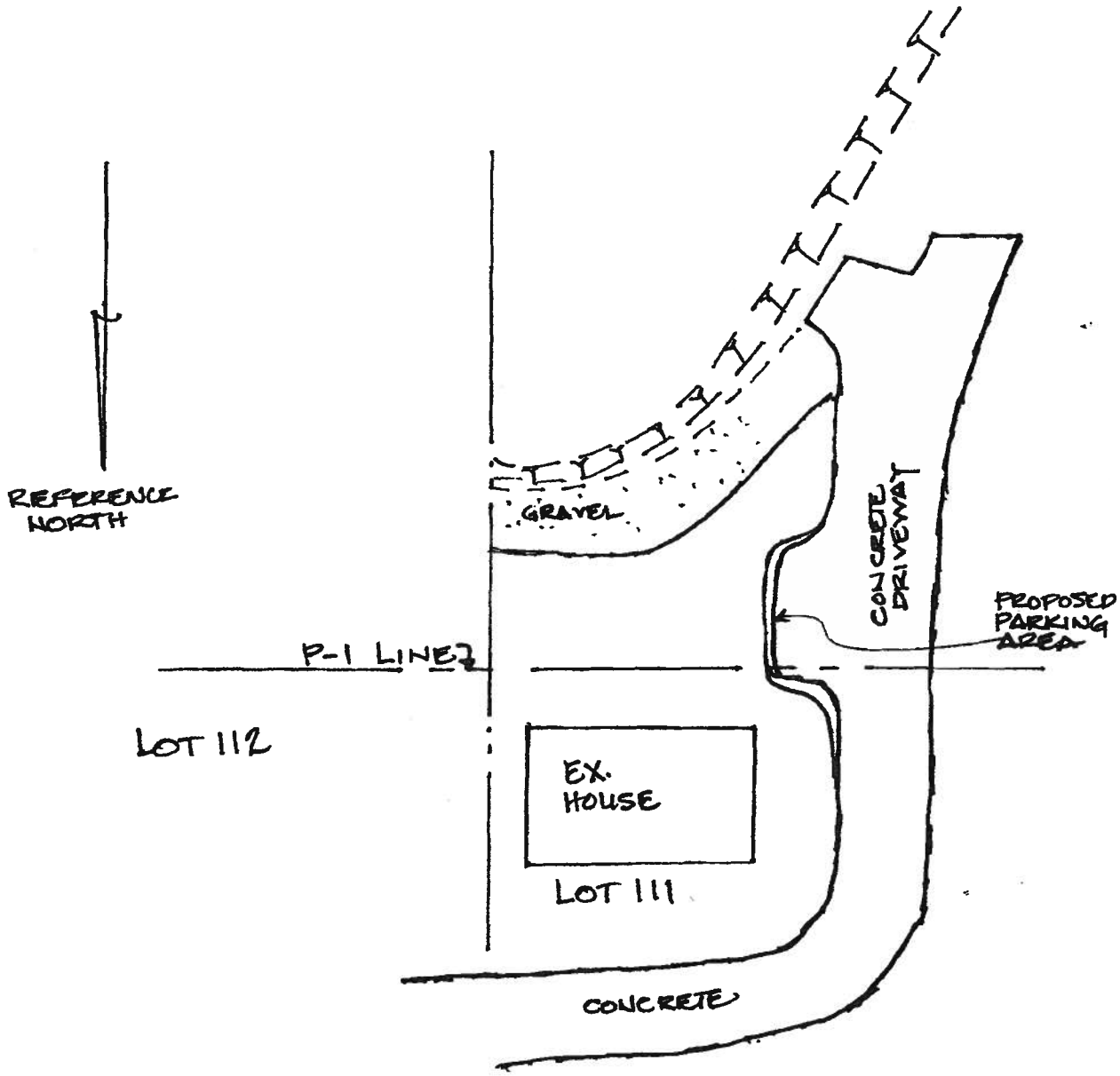
Source: State Office of Planning; Hawai'i Statewide GIS Program;
Tax map parcels are overlaying Google Earth image with no precise registration,
Contour interval 5 feet.

Figure 2
Project Vicinity

EXHIBIT 3

SHINSATO ENGINEERING, INC.
Consulting Geotechnical Engineers
98-747 Kuahao Place, #E
Pearl City, HI 96782
Phone: (808) 487-7855

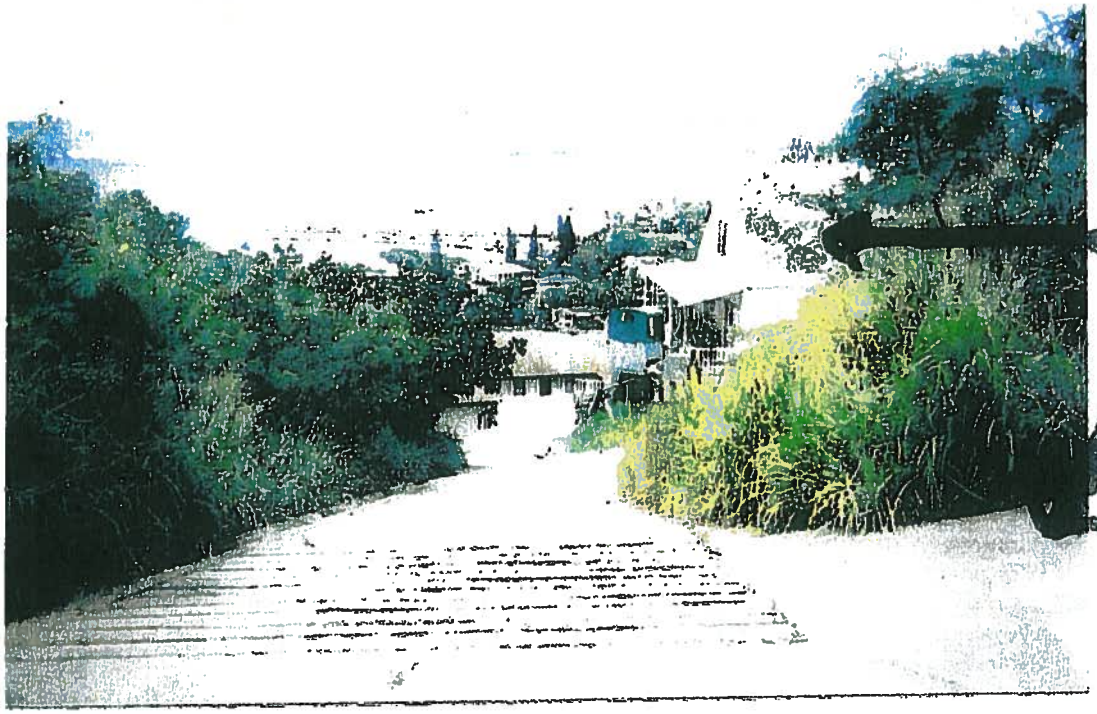
SHEET NO. _____ OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____



PLOT PLAN
NOT TO SCALE
FOR REFERENCE ONLY

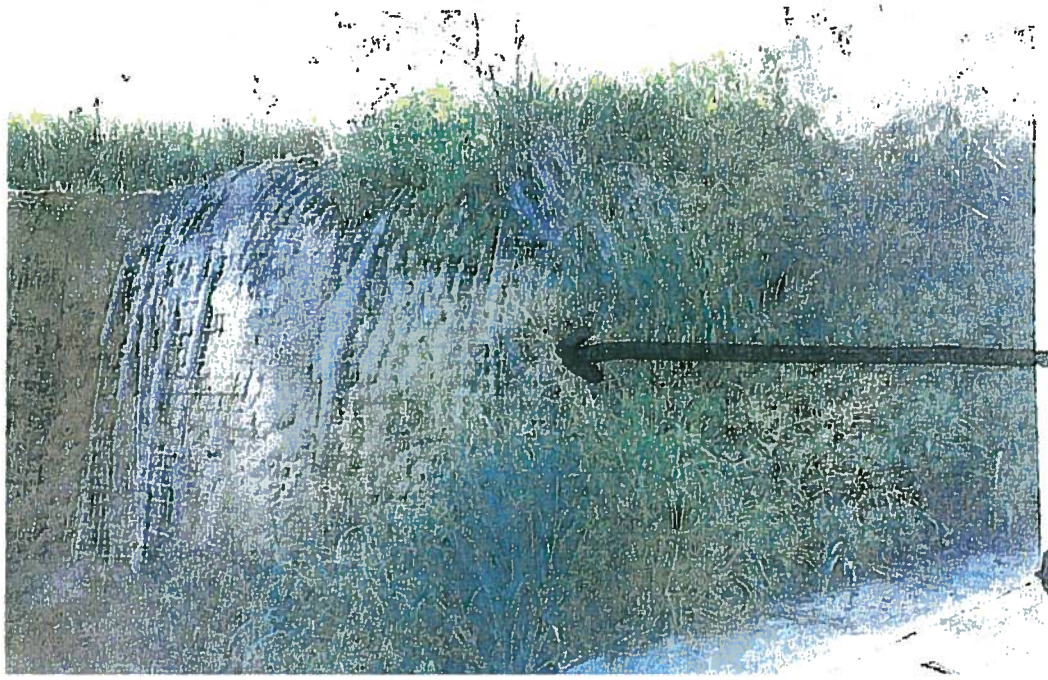
EXHIBIT 4

Looking Uphill



House in R-5

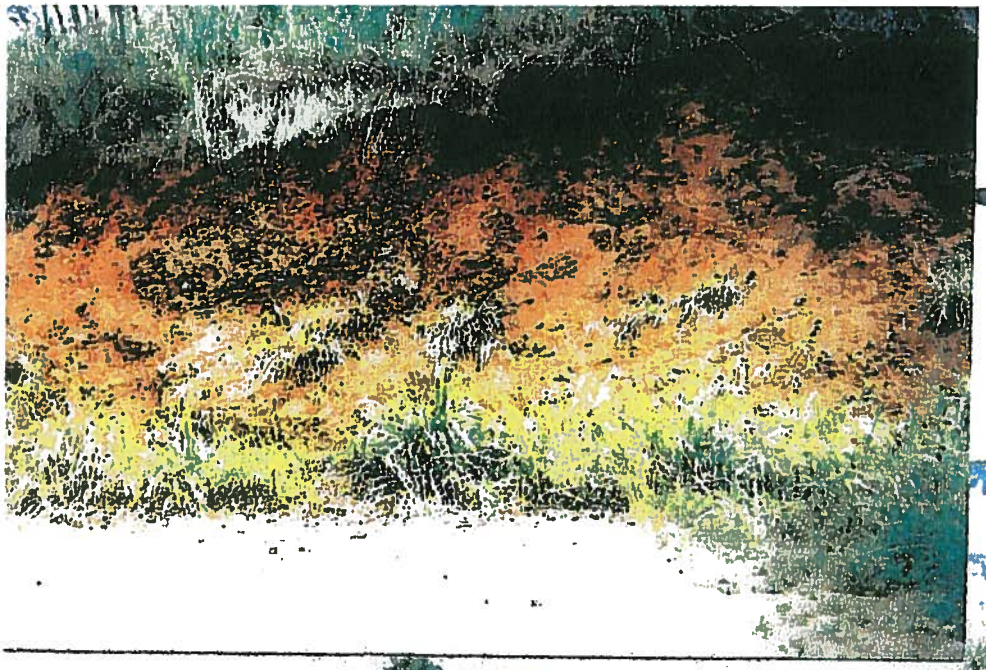
Concrete Road



Gunite Carport Wall

Concrete Road

EXHIBIT 5



Cut Slope
at Top of
Concrete
Driveway

crete Pad
and
vel Road

Concrete Pad
at Top of
Concrete
Driveway

Gravel Road

EXHIBIT 6

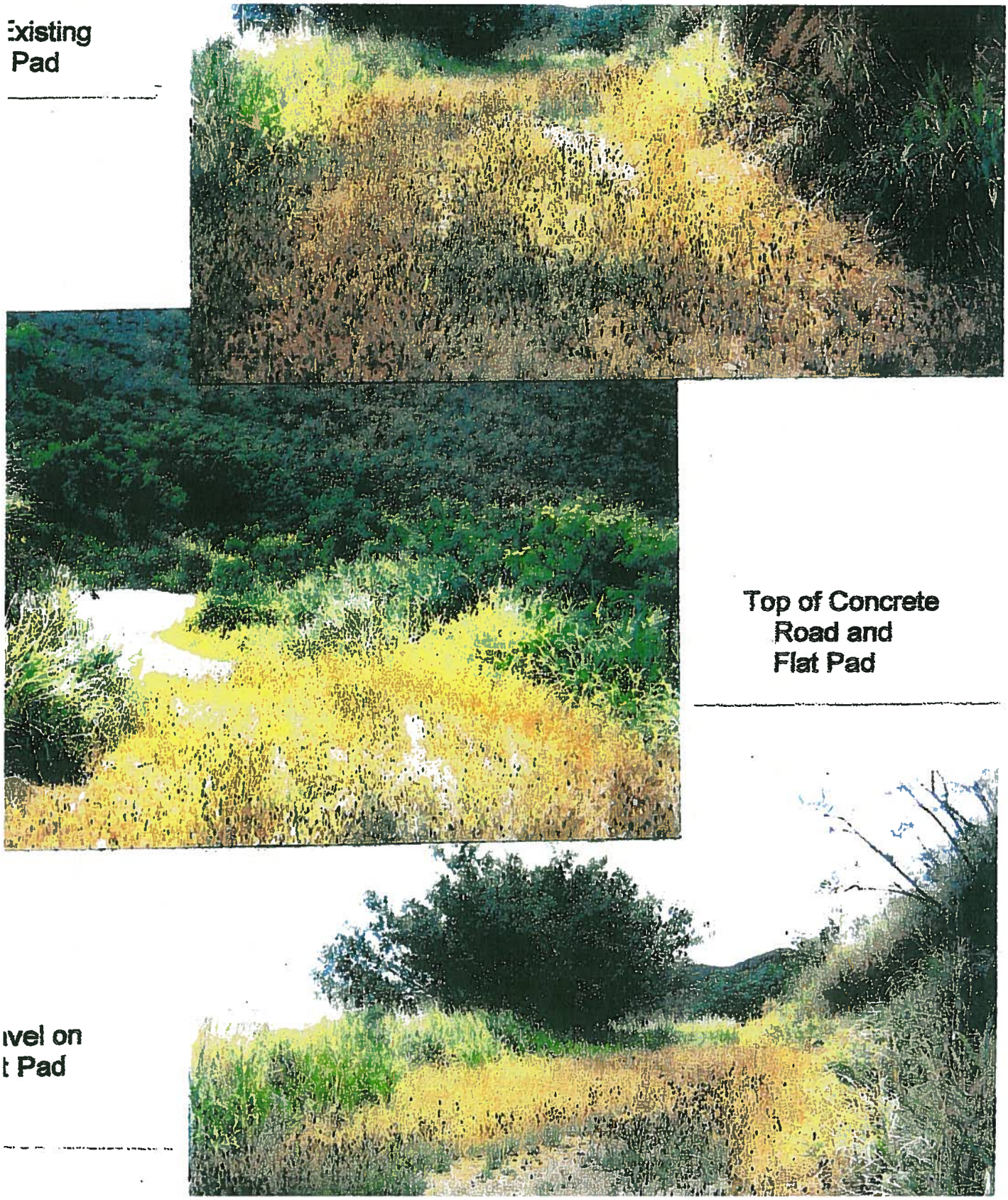


EXHIBIT 7

Sept. 21, 2008

Michael C. Miller and Lisa A. Menor
44-096 Kea'alau Place
Kaneohe, Hawaii 96744

Aloha, neighbors:

We are writing this letter in response to the concerns that you outlined in your August 18, 2008 letter to Mr. Sam Lemmo of the Office of Conservation and Coastal Lands regarding our application for an after-the-fact CDUA. Thank you for meeting with us today so that we could discuss in person some of the issues that are of most concern to you.

In response to the first comment (1) in your letter, we acknowledge the unauthorized improvements which we made to our property when we extended our work into the conservation district without permits (subject of the CDUA). But the other violation which you refer to was a result of work done without our knowledge or permission while we were out of the country. Although we as the landowners were responsible for the violation, it was not a willful act on our part (after just resolving the first violation and paying fines for it, we had certainly learned a lesson, and had no desire to incur further violations or fines). That violation did cause this CDUA to be put on hold until it was resolved. You also mention an "additional separate enforcement case as referenced in the July 11, 2008 letter from the DLNR to Joyce and William Chandler, not covered by the current CDUA." This was actually the resolved second violation, and not another separate violation.

One of the improvements cited in our CDUA application was the construction of a "non-permitted flat parking area off of the driveway." We apologize if the wording in the Draft EA was confusing. The non-permitted flat parking area is actually the gunited "carport" parking area behind the house, which does not encroach on your property.

We were among the neighboring property owners who had a total of seven encroachments onto the Kea'alau property, and who received easement letters prior to the property's sale to the owners who eventually sold the property to you. Our easement agreement covers two locations (one in conservation and one in R5) which are located on the crest of the ravine which runs between our two properties. Our proposed catchment wall at the apex of the concrete road will extend only along the base of the hillside (a maximum of 25 feet), which does not include any portion of the Kea'alau property, so no part of the wall will be on your property.

In response to your second (2) comment, your letter states your concerns regarding "the high possibility of major soil erosion and landslides when the natural terrain and/or flow of water is disrupted or changed."
(a) - Our engineers' reports all cite the stabilizing effect that the concrete road has had on the hillside.
(b)We understand your concern regarding water overflow, since the Kea'alau property was already affected by water overflow from a neighboring property using mesh stabilization. (Your fifth comment (5) also addresses this issue). Since the driveway has built-in concrete drainage swales and side gutters, the flow of water is downhill on concrete, with no erosion. As the engineers reported, removal of the concrete would leave exposed, unstabilized soil conditions which would leave the area highly susceptible to runoff- and wind-induced erosion. "Removal of the driveway structure would create the potential for significant disturbance and adverse impact on makai properties and the drainage swale adjacent to the subject property." (Armstrong letter). The majority of the water flow runoff caused by rains is funneled by the transverse grooves of the driveway into the side gutters on the driveway, and not directly into the ravine itself. Although some heavy rains overflow from the concrete roadway gutters into the adjacent drainage ditch (ravine--your property), the unauthorized improvements which we made have not added to the amount of water which goes toward the drainage ditch .

(c) In your letter, you state that the 4 year time period during which our unauthorized improvements have shown no damage to neighboring properties is too short a time to make this determination, and that in "the last 4 years, there have not been storms of the size and impact of those in 1980 and Hurricanes Iwa and Iniki." Records of flooding on Oahu list the 1980 storm to which you refer as causing flooding in Kakaako. These same records show more flooding damage to the Windward side caused by the extremely heavy rains and flooding which occurred during a 43 day period in the spring of 2006 (Feb 19-Apr 2)—111 homes on Windward Oahu flooded during this 43 day period. We were living on the Windward side of the island at that time (and at the time of the 1980 storm), and agree with our engineers that the 2006 flooding was severe enough to be a good test of the stability of our improvements.

In your third (3) comment, you note that there is "no scale reference to the violation or remedies to fix the violations". In our Draft EA, we did actually include the consultants' recommendations. Since our engineering consultants recommended retaining the concrete improvements because they have actually stabilized the hillside, and their removal would cause erosion problems, the main fix would be the construction of a catchment wall at the top of the concrete road.

In response to your fourth (4) comment, the wording in the after-the-fact CDUA/Draft EA is somewhat confusing, because the work already done has to be listed under "proposed work." So the "proposed" carport, which you may have interpreted as something that was going to be built, actually refers to the parking area behind the house, off the driveway, which was paved with concrete; the gunited hillside behind this carport area is the carport wall. There is no plan in our Draft EA to build, as you stated in your letter, "additional residential space and/or spaces…on the "carport" area and surrounding conservation land, thus resulting in more "after-the-fact violations and permit requests." You expressed concern at the possibility of our "continuing construction 'accidentally' encroaching again" onto your property and adding to the urban sprawl on land designated for conservation." Hopefully our meeting with you today clarified this issue.

Regarding comment six (6), we acknowledge that our consulting firm included the demographic characteristics of the Kaneohe area from 1970 to 2000.

Thank you for your input regarding visual impact (comment 7) . On our visit to your property today, it was noted that the vegetation between the two properties is a positive, and there is currently very limited visual impact from the improvements. There is only one home on the subject property, and it is located on the R5 portion of the lot. The CDUA applies only to work done on the conservation portion of the property. The home on the subject property was already built when we purchased the lot.

In response to your eighth (8) comment: Although the Draft EA shows a date of July 11, 2008, we actually submitted it along with the CDUA in January 2008. Later we were required to make some additions to the Draft EA, and typed a new cover sheet when we resubmitted the Draft EA in July. (The CDUA, which included the form with the Kea'alau property owners' information, had already been submitted in January, when we were not aware that you were the new owners). Knowing that the (previous) owners did not actually live on the property next to us, we did attempt unsuccessfully to locate them by sending a letter to their post office box address. We finally dropped off a letter at your house addressed to the owners. Only then did we learn that you were our new neighbors.

We appreciated the positive meeting with you today at your home. We were able to clarify some of the questions you had in regards to our CDUA application. Thank you for explaining that you have no problem with the existing improvements on the P-1 land. It is our understanding that your primary concern deals with a possible expansion of the carport area behind the house.

We look forward to open communication and a good relationship with you as neighbors.

Mahalo,
Bill and Joyce Chandler