

JOHN WAIHEE  
GOVERNOR OF HAWAII



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

WILLIAM W. PATY, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

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WATER AND LAND DEVELOPMENT

REF:OCEA:JN

JUN 12 1991

JUN 12 1991

File No.: KA-5/17/91-2484  
Doc. No.: 0844E

MEMORANDUM

TO: Office of Environmental Quality Control

FROM: William W. Paty, Chairpson  
Board of Land and Natural Resources

SUBJECT: DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN -  
ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE  
APPLICATION KA-5/17/91-2484 for Consolidation and  
Resubdivision of Lands in the Conservation District at  
Haena, Halelea, Kauai, TMK: 5-9-1: 3 and 24

The above mentioned Chapter 343 Document was reviewed and a  
negative declaration was declared based upon the environmental  
assessment provided with the CDUA.

Please feel free to call me or Cathy Tilton of our Office of  
Conservation and Environmental Affairs, at 548-7837, if you have  
any questions.

William W. Paty

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'91 JUN 14 P4:40

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

- 1991-06-23-KA-FRT

FILE COPY

**CONSERVATION DISTRICT USE APPLICATION**

**FOR THE**

**\* CONSOLIDATION OF LOTS 151 AND 152**

**OF THE HA'ENA HUI LANDS, KAUA'I, HAWAI'I,**

**AND THE**

**SUBDIVISION INTO LOTS 151-A AND 152-A \***

KA-2484

**CONSERVATION DISTRICT USE APPLICATION**  
**FOR THE**  
**CONSOLIDATION OF LOTS 151 AND 152**  
**OF THE HA'ENA HUI LANDS, KAUA'I, HAWAI'I,**  
**AND THE**  
**SUBDIVISION INTO LOTS 151-A AND 152-A**

Prepared by  
Charles R. Wichman Jr.

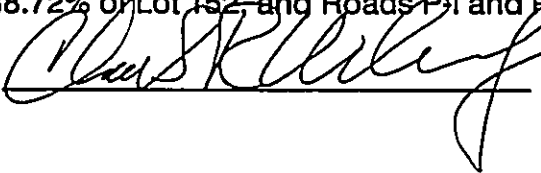
May 1991

**STATE OF HAWAI'I  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION**

**I. LANDOWNERS**

A. Charles R. Wichman, Jr.  
Post Office Box 753  
Hanalei, Kaua'i, Hawai'i 96714  
(808) 826-9147

Owner of 88.72% of Lot 152 and Roads P-1 and P-2.

Signature:  Date: 5/14/91

B. Charles R. Wichman \*  
Post Office Box 656  
Honolulu, Oahu, Hawai'i 96809  
(808) 523-2500

Owner of 40.84% of Lot 151; and 11.28% of Lot 152, and Roads P-1 and P-2.

C. Frederick B. Wichman \*  
Post Office Box 297  
Hanalei, Kaua'i, Hawai'i 96714

Owner of 29.58% of Lot 151.

D. Holbrook W. Goodale \*  
3429 Hinahina Street  
Lihu'e, Kaua'i, Hawai'i 96765

Owner of 29.58% of Lot 151.


\* See following signature page for endorsement of Charles R. Wichman Jr. as the authorized agent for this CDUA.

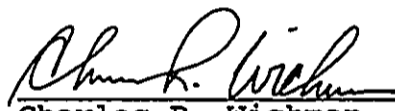
STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

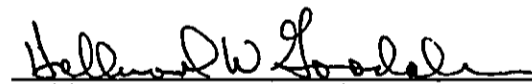
AUTHORIZATION

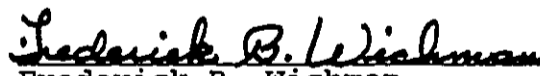
The undersigned, being all of the co-owners of Lot 151 (TMK 5-9-1:24) and Lot 152 (TMK 5-9-1:3), hereby authorize Charles Rice Wichman, Jr. to act as our authorized agent in the action of "Consolidation of Lots 151 and 152 Ha'ena Hui Lands and Subdivision into Lots 151-A and 152-A Being Portions of the Ahupua'a of Ha'ena".

Dated: Ha'ena, Kaua'i, Hawai'i, October 26, 1990.

  
\_\_\_\_\_  
Charles R. Wichman, Jr.  
Co-owner of Lot 152

  
\_\_\_\_\_  
Charles R. Wichman  
Co-owner of Lot 152  
Co-owner of Lot 151

  
\_\_\_\_\_  
Holbrook W. Goodale  
Co-owner of Lot 151

  
\_\_\_\_\_  
Frederick B. Wichman  
Co-owner of Lot 151

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
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**II. APPLICANTS**

The applicants are the property owners indicated in section (I) above. The applicants' interest in the subject property is further documented in Appendix 2.

**III. TYPE OF PERMIT APPLYING FOR**

The applicants are applying for the adjustment of a common boundary between Lot 151 (TMK 05-09-01:24) and Lot 152 (TMK 05-09-01:3). Both of these lots are located within the Conservation District.

**IV. LAND PARCEL LOCATION**

District: Halelea  
Island: Kaua'i  
County: Kaua'i

<u>Lot Number</u>	<u>Tax Map Key</u>	<u>Area of Parcel (Acres)</u>
152	05-09-01:03	992.00
151	05-09-01:24	62.70

**V. ENVIRONMENTAL REQUIREMENTS**

**1. Identification of applicants:**

The applicants are all *kama'aina* of Kaua'i, and represent the three sons and one grandson of the late Juliet Rice Wichman (a.k.a. Juliet Atwood Wichman) of Ha'ena. Today, with the exception of Charles R. Wichman who lives in Honolulu, all of the applicants live on Kaua'i.

**2. Identification of approving agency:**

Since the applicants are applying for the boundary adjustment of land within the Conservation District, the approving agency is the Department of Land and Natural Resources (DLNR) of the State of Hawai'i.

**3. Identification of agencies consulted in making assessment:**

Due to the nature of the applicants' proposal, the only agencies that were contacted on an informal basis were the DLNR's Office of Environmental Quality Control (OCEA), Division of Historic Preservation, and the County of Kaua'i Planning Department. Also consulted was Mr. Ronald J. Wagner, the certified surveyor who prepared the preliminary map showing the proposed boundary change (Exhibit 1).

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**4. General description of the action's technical, economic, social, and environmental characteristics:**

The applicants are requesting a realignment of a portion of the common boundary between Lots 151 and 152. This action will increase the size of Lot 151 by 3.59 acres and decrease the size of Lot 152 by a corresponding amount. The characteristics of this action are as follows:

**Technical**

Technically, this action is called a "consolidation and subdivision" and is being requested for two reasons. These are as follows:

1. To rectify an error that originally occurred when the lands owned by the Ha'ena Hui were partitioned during the period of 1955 to 1967.

During the 12 years of negotiations that took place during the partition process, it was agreed by the commissioners and plaintiffs that Lot 151 would encompass the *mauka* lands immediately south of, and abutting the house lots assigned to the Wichman family (Lots 147 to 150), as well as the land upon which the ancient Hawaiian spring known as *Kawaialoha* (the source of domestic water for these house lots) was located.

Evidence of this can be found in the original Commissioners Deed for Lot 151 (Appendix 3). The last paragraph of this deed describes an easement for the "use of spring water in pipelines for domestic purposes" (no such easement for "spring water in pipelines" can be found in the deed for Lot 152). Although it is not identified by name, the spring referred to in the deed is *Kawaialoha* and has supplied the domestic water, via pipelines, for Lots 102, 147, 148, and 149 since the 1940s and the domestic water for Lot 150 since 1985.

It was not until the final stages of the Court proceedings in 1967 that it was discovered that the Court appointed surveyor had made an error. The partition map had been drawn so that *Kawaialoha* (as indicated by the water tank on the map) was located on Lot 152 and not on Lot 151.

How or why this error was made by the surveyor is not clear, especially since the exact location of the water tank that holds the spring water is clearly noted on the partition map (Exhibit 2). At that point, instead of asking the surveyor to resurvey Lots 151 and 152, and revise the partition map (the partition process had already taken 12 years, from 1955 to 1967, and the plaintiffs did not want any more delays), the Wichman family allowed the Court Commissioners to complete the partition process with the lots described as they were. The Wichmans allowed this error to pass uncorrected because both Lot 151 and Lot 152 were to be assigned to the same parties; that is, 88.72% to Mrs. Juliet Wichman, and 11.28% to Charles Wichman.

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Due to the common ownership of Lot 151 and Lot 152 over the last 24 years, the mapping error which located *Kawaialoha* on Lot 152 has not posed a problem for the Wichmans. Today, however, the current owners of Lot 152, Charles R. Wichman and Charles R. Wichman Jr., who are also two of the applicants, are negotiating the gift of Lot 152 to the National Tropical Botanical Garden (NTBG), owners of Lots 140 to 145 (Exhibit 2). This brings up the second reason for the applicants' proposed action.

2. To continue to maintain ownership of the land on which the ancient Hawaiian spring *Kawaialoha* is located after the gift of Lot 152 to the NTBG.

The Wichman family are firm supporters of the NTBG's Master Plan for Limahuli Gardens and Preserve (currently under review by the DLNR as CDUA KA-2482). Because they feel the NTBG's Master Plan will preserve, protect, and use Limahuli Valley in the manner outlined by the late Juliet Rice Wichman, they would like to give Lot 152 (992 acres) to the NTBG. However, in order to completely protect the source of their domestic water, the Wichman/Goodale families would like to retain ownership of the land that *Kawaialoha* is located on. This will require realigning the common boundary between Lots 151 and 152 so that the newly created Lot 151-A will then encompass the land upon which *Kawaialoha* is located.

**Economic**

Because the proposed action will not change the existing or future uses of Lots 151 and 152, or the existing or future uses of the water which flows from the ancient Hawaiian spring known as *Kawaialoha*, there will be no economic impact.

**Social**

Socially, the proposed action will protect the applicants' health by insuring the future supply of pristine domestic water from *Kawaialoha*. This water is known throughout Ha'ena for its exemplary character, and has been used several times by the Ha'ena community as a source of potable water when natural disasters such as tidal waves and hurricanes disrupted the County's normal supply of potable water. Additionally, this action will insure that the owners of Lots 102 and 147 to 150 continue to have an alternative source of domestic water other than that provided by the County's water system, and thus help to reduce the demand on the County's water system.

**Environmental**

Because the proposed action will not entail any change in the existing or future use of the subject property, there will be no environmental consequences or impacts.



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**5. Summary description of the affected environment, including suitable and adequate location and site maps:**

The 3.59 acres that will be removed from Lot 152 and added on to Lot 151 is roughly a triangular shape with its southern apex located on a mountainous ridge and with the hypotenuse abutting Kuhio Highway on the north (Exhibit 4). Beginning at Kuhio Highway (about 60 feet elevation) and proceeding *mauka* (south) the land rises abruptly to form a precipitous cliff close to 150 feet high (Exhibit 5). It is from this cliff that *Kawaialoha* flows. South and above the cliff face, this area becomes a broad but steep ridge which runs up to the apex of the triangle at approximately 600 feet elevation (Exhibit 5; Appendix 1). This ridge is the natural boundary for Limahuli Valley on the east.

This steep nearly inaccessible area has never been surveyed for vegetation or historic sites, although visual reconnaissance with binoculars has indicated a combination of native and naturalized alien plants with the dominate species being the alien *Schefflera actinophylla*.

**6. Identification and summary of major impacts and alternatives considered, if any:**

No major impacts have been identified that will result from the proposed action, as a result no alternatives have been considered.

**7. Proposed mitigation measures:**

Because no major impacts were identified, there are no proposed mitigation measures.

**8. Determination:**

Due to the lack of impacts resulting from the proposed action, it has been determined that no EIS should be required. Thus, a **NEGATIVE DECLARATION** should be filed with the Office of Environmental Quality Control (OEQC).

**9. Reasons and findings supporting determination:**

The determination of a **NEGATIVE DECLARATION** is based upon the fact that the proposed action will in no way affect the natural or cultural resources of the area, the welfare or health of the community (society), nor will it affect the economy of Kaua'i and/or Hawai'i. It does not commit the State to any future actions nor will it cause a future shift in population. In essence, the proposed action will have no effect upon the environment, the society, or the economy.

**10. Agencies to be consulted in the preparation of EIS, if applicable.**

Due to the determination of a **NEGATIVE DECLARATION** this section is not applicable.

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**VI. SUMMARY OF PROPOSED USE**

The applicants are presently considering giving Lot 152 to the National Tropical Botanical Garden. However, prior to executing the deed of gift, the applicants would like to realign a portion of the common boundary between Lots 151 and 152 so that the ancient Hawaiian spring known as *Kawaialoha* will be located on the newly created Lot 151-A. This action will rectify an error that was made during the partition of the lands owned by the Ha'ena Hui during the period of 1955 to 1967, and will allow the Wichman/Goodale families to maintain ownership of the land from which their source of domestic water (*Kawaialoha*) springs.

This realignment process is technically known as a "consolidation and subdivision" and will result in two new lots known as Lot 151-A and Lot 152-A. Lot 151-A will be 66.29 acres total, or 3.59 acres larger than the original Lot 151. Lot 152-A will be 988.41 acres, or 3.59 acres smaller than the original Lot 152.

The 3.59 acre area (Exhibit 4) that is to be removed from Lot 152 and attached to Lot 151, is a steep mountainous area (Exhibit 5), the majority of which is nearly inaccessible from Kuhio Highway. The new boundary for Lots 151-A and 152-A will use existing reference points that are defined in the metes and bounds for Lots 151 and 152, and will continue to follow the broad ridge which is the natural boundary of Limahuli Valley.

Due to the lack of any physical change on the subject property resulting from the proposed action, it has been determined that the "consolidation and subdivision" of Lots 151 and 152 into Lots 151-A and 152-A, will in no way affect the environment, the society, or the economy of the community or the State.

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**INFORMATION REQUIRED FOR ALL USES**

**I. Description of Parcel**

**A. Existing Structures/Use. (Attach description or map.)**

Currently there are no existing structures on Lot 151, while the 3.59 acre area of Lot 152 that is the subject of this application (Exhibit 4) has only a concrete water tank used to store the water which flows from *Kawaialoha*. Additionally, an old toolshed and a plastic water tank used in the NTBG's maintenance of Limahuli Gardens are located on the 988.41 acres of Lot 152 that are not affected by this application (Exhibit 6; please note that most of the infrastructure shown in this Exhibit is not located on Lot 152).

**B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewage.)**

There are no existing utilities located on Lot 151, and the only utility located on the 3.59 acre area of Lot 152 that is the subject of this application (Exhibit 4) is the private water system that uses *Kawaialoha* as its source and supplies Lots 102, and 147-150 with domestic water. Additionally, parts of two other irrigation systems used in Limahuli Gardens are located on the 988.41 acres of Lot 152 that are not affected by this application (Exhibit 6).

**C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership.)**

Both Lots 151 and 152 abut Kuhio Highway. Additionally, legal access to Lot 152 is provided over easement roads P-1 and P-2 which have been only partially developed as a dirt and gravel road (Exhibits 2 and 6).

**D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present.)**

Vegetation on both Lot 151 and Lot 152 consists of a mixture of native and alien growth. The dominate species appears to be the alien *Schefflera actinophylla*.

Due to the nature of this application, and the fact that it will not change the existing or future uses of the subject area, no botanical survey has been undertaken by the applicants to determine if any rare or endangered species are found there.

**G. Topography; if ocean areas, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases.)**

There are no ocean areas in the subject property. For contours, see Exhibit 5.

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
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F. If shoreline area describe shoreline.

The subject property does not encompass any shoreline area.

G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)

The applicants' property is not subject to any covenants or restrictions.

Legal access to Lots 137-145, 152, and Exclusion 27 is provided by easement Road P-1 and Road P-2 (Exhibit 2).

The Wichman family has also granted the Board of Water Supply of the County of Kaua'i an easement over the lower portion of Road P-1. This allowed the County to install a sub-main and fire hydrant on the east side of Road P-1.

H. Historic sites affected. (If applicable, attach map and description.)

After consultation with Ms. Nancy McMahon of the State's Historic Preservation program, it was agreed that no historic sites will be affected by the proposed action.

II. **Description:** (Describe activity proposed, its purpose and all operations to be conducted).

The applicants are requesting the DLNR to realign a portion of the common boundary between Lot 151, TMK 5-9-1:24 and Lot 152, TMK 5-9-1:3. This action will require consolidation of Lots 151 and 152, and subdivision into Lots 151-A and 152-A. This action will increase the size of Lot 151 (62.70 acres) by 3.59 acres so that Lot 151-A will be 66.29 acres, and decrease the size of Lot 152 (992 acres) by 3.59 acres so that Lot 152-A will be 988.41 acres.

In order to facilitate the surveying and mapping component of the consolidation and subdivision process, the new boundary uses only existing points of reference. The use of these existing reference points, which have already been established and marked (in the field), as well as defined in the metes and bounds for Lots 151 and 152, has eliminated the need to conduct an on-site survey to create new points of reference for use in defining the new Lots 151-A and 152-A. The new boundary for Lots 151-A and 152-A continues to follow the broad ridge which is the natural boundary for Limahuli Valley.

This action will rectify an old mapping error that occurred during the lengthy partition process of the Ha'ena Hui's lands, and insure the owners of Lots 102, 147 to 150 with the unrestricted future use of water from the ancient Hawaiian spring known as *Kawaialoha* in the event that Lot 152 is gifted to the NTBG in the future.

There will be no change in the existing or future use of the subject property as a result of this action.

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
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III. **Commencement Date:** As soon as possible.

**Completion Date:** The "consolidation and subdivision" process is expected to be completed within a few months of DLNR approval.

IV. **Type of Use Requested:**

The applicants are requesting Conditional Use of the (L) Limited and (P) Protected Subzones within the Conservation District.

**Area of Proposed Use:**

The total area of Lots 151 and 152 is 1,054.70 acres. However, this application really only effects the 3.59 acres area of Lot 152 (Exhibits 1-3) which will be removed from Lot 152 and added to Lot 151.

**Name & Distance of Nearest Town or Landmark:**

The north eastern portion of Lot 151 is immediately adjacent to the County's Ha'ena Beach Park, while the north western portion of Lot 152 is immediately adjacent to the State's Ha'ena State Park.

**Conservation District Subzone:**

Currently, the applicants' property falls within the Limited (L) and Protected (P) Subzones of the Conservation District.

**County General Plan Designation:**

None.

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

**INFORMATION REQUIRED FOR CONDITIONAL USE**

I. **Plans:** (All plans should include north arrow and graphic scale.)

A. **Area Plan** - See CDUA Exhibits 1-2, in addition to the following information:

TMK 5-8-2:02

Lot 201

**Owner:** Helen Robinson, Keith P. Robinson, and Bruce B. Robinson.  
Makawele, Hawai'i 96769

**Present Use:** Conservation with Wainiha stream used for Hydroelectric power.

**Future Use:** Same.

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TMK 5-9-1:01

**Owner:** State of Hawai'i.

**Present Use:** Na Pali - Kona Forest Reserve.

**Future Use:** Same.

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TMK 5-9-1:03

Lot 151

**Owners:** Charles R. Wichman, P.O. Box 656, Honolulu, Hawai'i 96809.

Frederick B. Wichman, P.O. Box 297, Hanalei, Hawai'i 96714.

Holbrook W. Goodale, 3429 Hinahina St., Lihue, Hawai'i 96765.

**Present Use:** Conservation.

**Future Use:** Same.

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TMK 5-9-1:21

Lot 71

**Owner:** F. Langwith Berry, P.O. Box 999, Los Altos, California 94022

**Present Use:** Conservation.

**Future Use:** Same.

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TMK 5-9-1:22

Lot 153

**Owner:** State of Hawai'i.

**Present Use:** Conservation/State Park.

**Future Use:** Same.

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STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
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**TMK 5-9-3:30**

**Lot 147**

**Owner:** Holbrook W. Goodale, 3429 Hinahina St., Lihue, Hawai'i 96765.

**Present Use:** Home site.

**Future Use:** Same.

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**TMK 5-9-3:29**

**Lot 148**

**Owner:** Holbrook W. Goodale, 3429 Hinahina St., Lihue, Hawai'i 96765.

**Present Use:** Conservation.

**Future Use:** Home site.

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**TMK 5-9-3:01**

**Lot 149**

**Owner:** Charles R. Wichman, P.O. Box 656, Honolulu, Hawai'i 96809.

**Present Use:** Home site.

**Future Use:** Same.

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**TMK 5-9-5:18**

**Lot 150**

**Owner:** Frederick B. Wichman, P.O. Box 297, Hanalei, Hawai'i 96714.

**Present Use:** Home site.

**Future Use:** Same.

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**TMK 5-9-5:17**

**Lot 44**

**Owner:** County of Kaua'i.

**Present Use:** Conservation.

**Future Use:** Same.

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**TMK 5-9-3:38**

**Lot 146**

**Owner:** Alexander L. Faye, Jr., 7495 Alder Ct., Pleasanton, California 94566

**Present Use:** Conservation.

**Future Use:** Same.

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**TMK 5-9-6:01**

**Exclusion 26**

**Owner:** Donald and Jill Canaparo, P.O. Box 382, Aptos, California 95001

**Present Use:** Home site.

**Future Use:** Same.

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TMK 5-9-6:07

Exclusion 27

Owner: Gordon and Roberta Haas, P.O. Box 237, Hanalei, Hawai'i 96714

Present Use: Home site.

Future Use: Same.

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TMK 5-9-6:10

Lot 139

Owner: Ira and Lasca Goldberg, 3386 Haas Dr., Aptos, California 95003

Present Use: Conservation

Future Use: Possible home site.

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TMK 5-9-6:11

Lot 138

Owner: Ira and Lasca Goldberg, 3386 Haas Dr., Aptos, California 95003

Present Use: Conservation

Future Use: Possible home site.

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TMK 5-9-6:12

Lot 137

Owner: Tim Dunn, P.O. Box 3238, Hanalei, Hawai'i 96714

Present Use: Home site.

Future Use: Same.

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TMK 5-9-6:13

Lot 135

Owner: State of Hawai'i

Present Use: Conservation/State Park.

Future Use: Same.

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TMK 5-9-7:01

Lot 134

Owner: State of Hawai'i

Present Use: Conservation/State Park.

Future Use: Same.

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**B. Site Plans**

Site Plans including dimensions and shapes of lots, their metes and bounds, and easement Roads P-1 and P-2 are found in Exhibits 1-3.

Existing Features including vegetation, water areas, utilities, and roads are found on Exhibits 2-6.

**C. Construction Plans**

Because nothing will be constructed as a result of this application, this section is not applicable.

**D. Maintenance Plans**

Because there will be no change in the existing or future use of the resources in the subject area as a result of this application, this section is not applicable.

**E. Management Plans**

Because there will be no change in the existing or future use of the resources in the subject area as a result of this application this section is not applicable.

**F. Historic or Archaeological Site Plans**

Due to the nature of this application, and after discussing it with Ms. Nancy McMahon of the Historic Preservation Program, the applicants have not conducted any archaeological survey.

**II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).**

Because approval of this application will not change the existing or future use of Lots 151 and 152 as a protected conservation area, it is entirely consistent with the stated objectives of the Limited and Protected Subzones of the Conservation District.

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CONSERVATION DISTRICT USE APPLICATION

**SUPPORTING DOCUMENTS**

**CDUA EXHIBITS**

- Exhibit 1 - CONSOLIDATION AND SUBDIVISION MAP
- Exhibit 2 - BOUNDARY MAP (LOTS 135-150)
- Exhibit 3 - BOUNDARY MAP (LOTS 71, & 151-153)
- Exhibit 4 - 3.59 ACRE AREA SUBJECT TO THIS APPLICATION
- Exhibit 5 - TOPOGRAPHY MAP
- Exhibit 6 - EXISTING INFRASTRUCTURE IN LIMAHULI GARDENS

**CDUA APPENDICES**

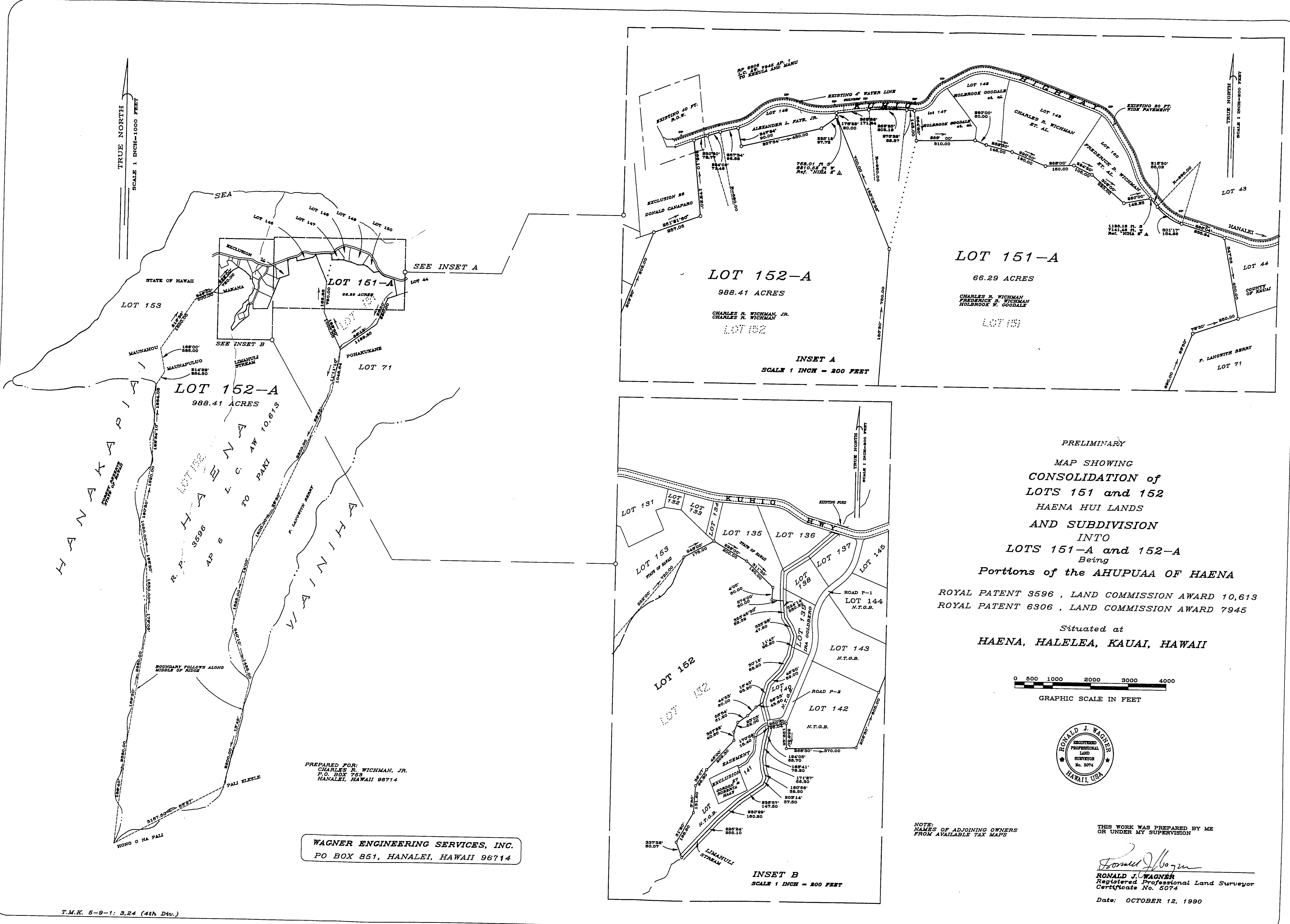
- Appendix 1 - PHOTOGRAPHS OF APPLICANTS' PROPERTY
- Appendix 2 - APPLICANTS' INTEREST IN PROPERTY
- Appendix 3 - COMMISSIONERS' DEEDS FOR LOTS 151 AND 152
- Appendix 4 - APPLICANTS' WATER USE DECLARATION
- Appendix 5 - DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
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## **CDUA EXHIBIT 1**

**PRELIMINARY MAP OF THE  
CONSOLIDATION AND SUBDIVISION OF  
LOTS 151 AND 152 INTO LOTS 151-A AND 152-A**  
Prepared by Mr. Ronald J. Wagner, Certified Surveyor

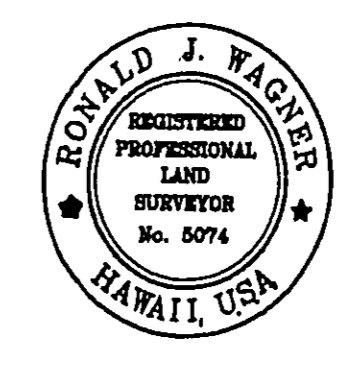
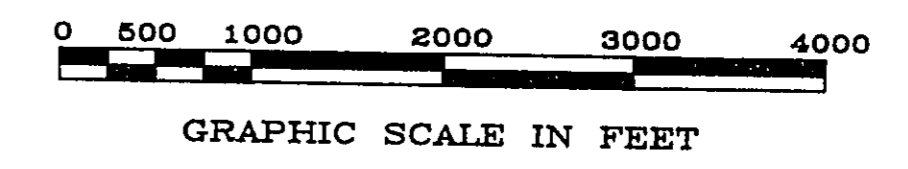
90



**LOT 151-A**  
66.29 ACRES  
CHARLES R. WICHMAN, JR.  
CHARLES R. WICHMAN  
HOLBROOK K. GOODALE

**LOT 152-A**  
988.41 ACRES  
CHARLES R. WICHMAN, JR.  
CHARLES R. WICHMAN  
LOT 152

PRELIMINARY  
MAP SHOWING  
CONSOLIDATION of  
LOTS 151 and 152  
HAENA HUI LANDS  
AND SUBDIVISION  
INTO  
LOTS 151-A and 152-A  
Being  
Portions of the AHUPUAA OF HAENA  
ROYAL PATENT 3596, LAND COMMISSION AWARD 10,613  
ROYAL PATENT 6306, LAND COMMISSION AWARD 7945  
Sited at  
HAENA, HALELEA, KAUAI, HAWAII



NOTE:  
NAMES OF ADJOINING OWNERS  
FROM AVAILABLE TAX MAPS

THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION

*Ronald J. Wagner*  
RONALD J. WAGNER  
Registered Professional Land Surveyor  
Certificate No. 5074  
Date: OCTOBER 12, 1990

PREPARED FOR:  
CHARLES R. WICHMAN, JR.  
P.O. BOX 743  
HANAIEI, HAWAII 96714

WAGNER ENGINEERING SERVICES, INC.  
PO BOX 851, HANAIEI, HAWAII 96714

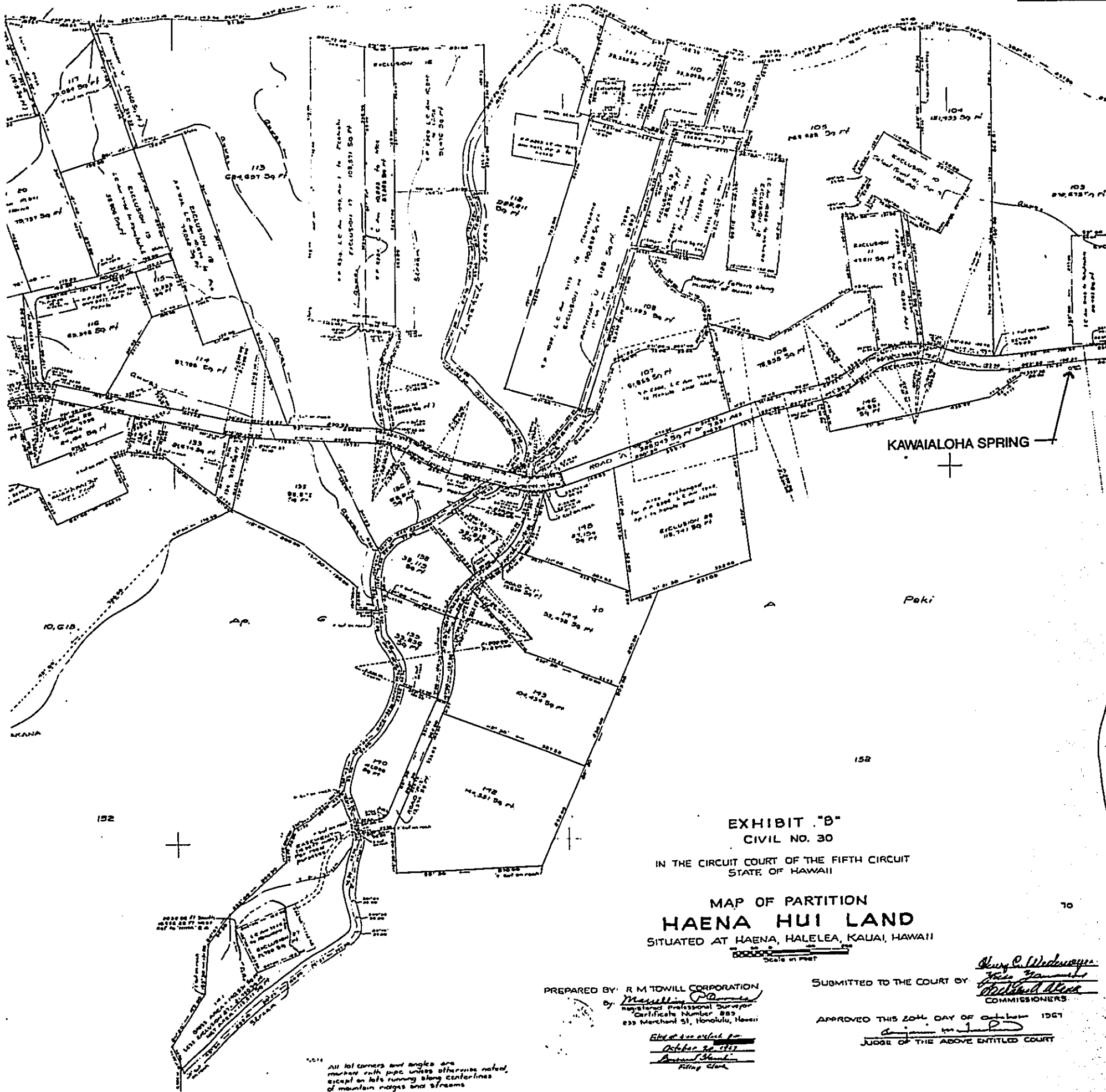
T.M.R. 5-9-1: 3,24 (4th Ed.)

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

**CDUA EXHIBIT 2**

**BOUNDARY MAP OF LOTS 135 - 150**  
(Taken from the original Ha'ena Hui Partition Map)

**DOCUMENT CAPTURED AS RECEIVED**



**EXHIBIT "B"**  
**CIVIL NO. 30**  
 IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
 STATE OF HAWAII

**MAP OF PARTITION  
 HAENA HUI LAND**  
 SITUATED AT HAENA, HALELEA, KAUAI, HAWAII

Scale in feet

PREPARED BY: R. M. TOWILL CORPORATION  
 by Maxwell P. O'Rourke  
 Registered Professional Surveyor  
 Certificate Number 889  
 233 Merchant St., Honolulu, Hawaii

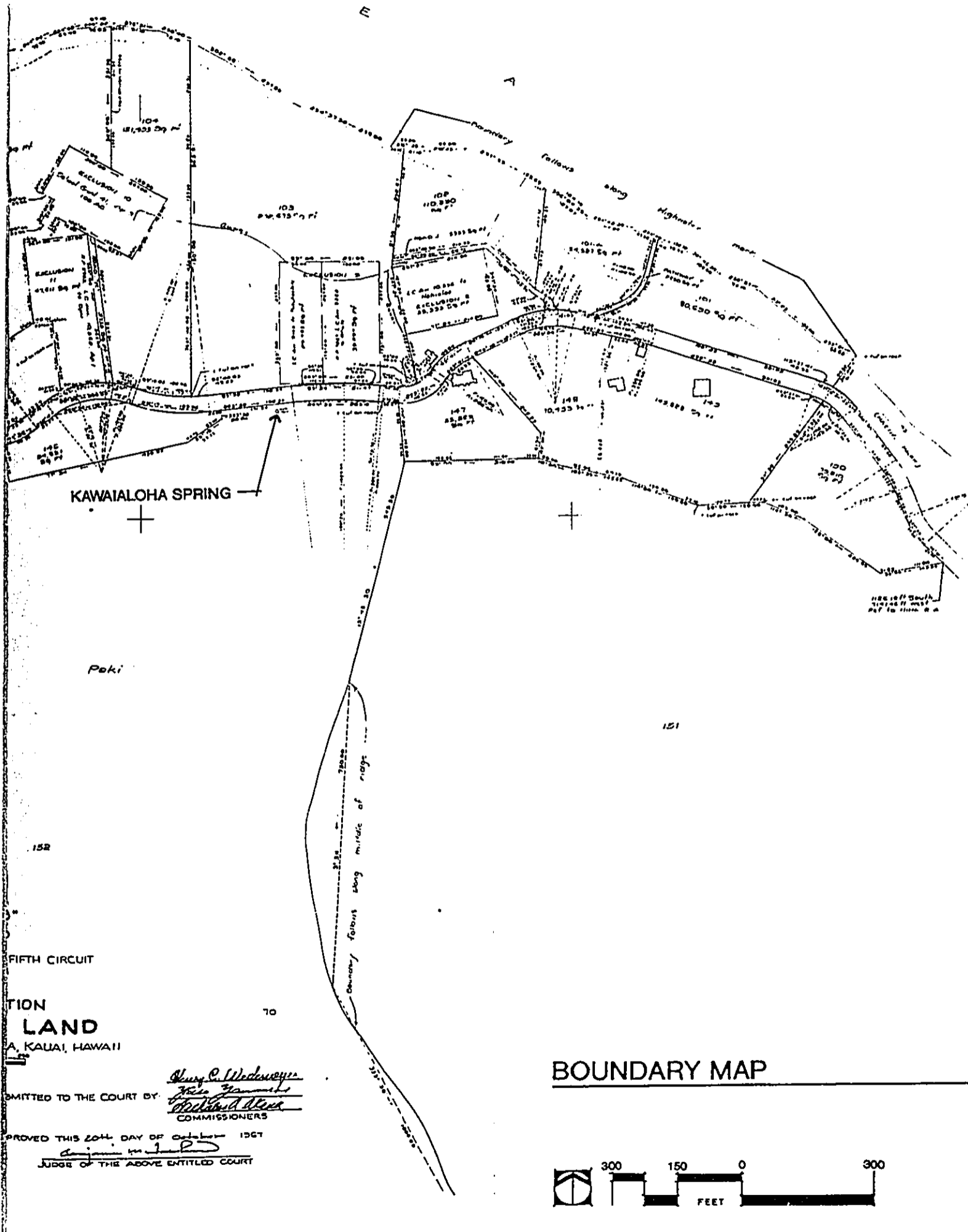
Filed at 2:00 o'clock p.m.  
October 20, 1967  
Barbara M. O'Rourke  
 Filing Clerk

SUBMITTED TO THE COURT BY:  
Henry C. Wedemeyer  
John Hammond  
Richard Allen  
 COMMISSIONERS

APPROVED THIS 20th DAY OF October 1967  
James M. Jones  
 JUDGE OF THE ABOVE ENTITLED COURT

1011 All lot corners and angles are marked with pipe unless otherwise noted, except on lots running along centerlines of mountain ridges and streams.

DOCUMENT CAPTURED AS RECEIVED



KAWAIALOHA SPRING

Paki

FIFTH CIRCUIT

TION LAND  
A, KAUAI, HAWAII

MITTED TO THE COURT BY:  
*Henry C. Wechsinger*  
*John J. Hammons*  
*Richard A. Black*  
COMMISSIONERS

PROVED THIS 20th DAY OF October 1967  
*[Signature]*  
JUDGE OF THE ABOVE ENTITLED COURT

BOUNDARY MAP

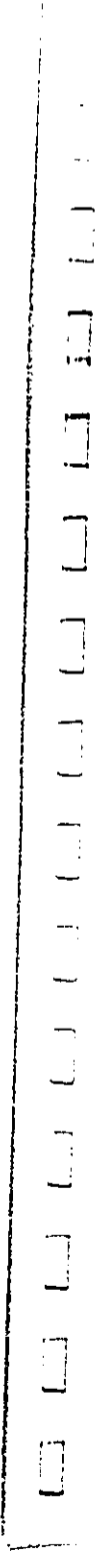




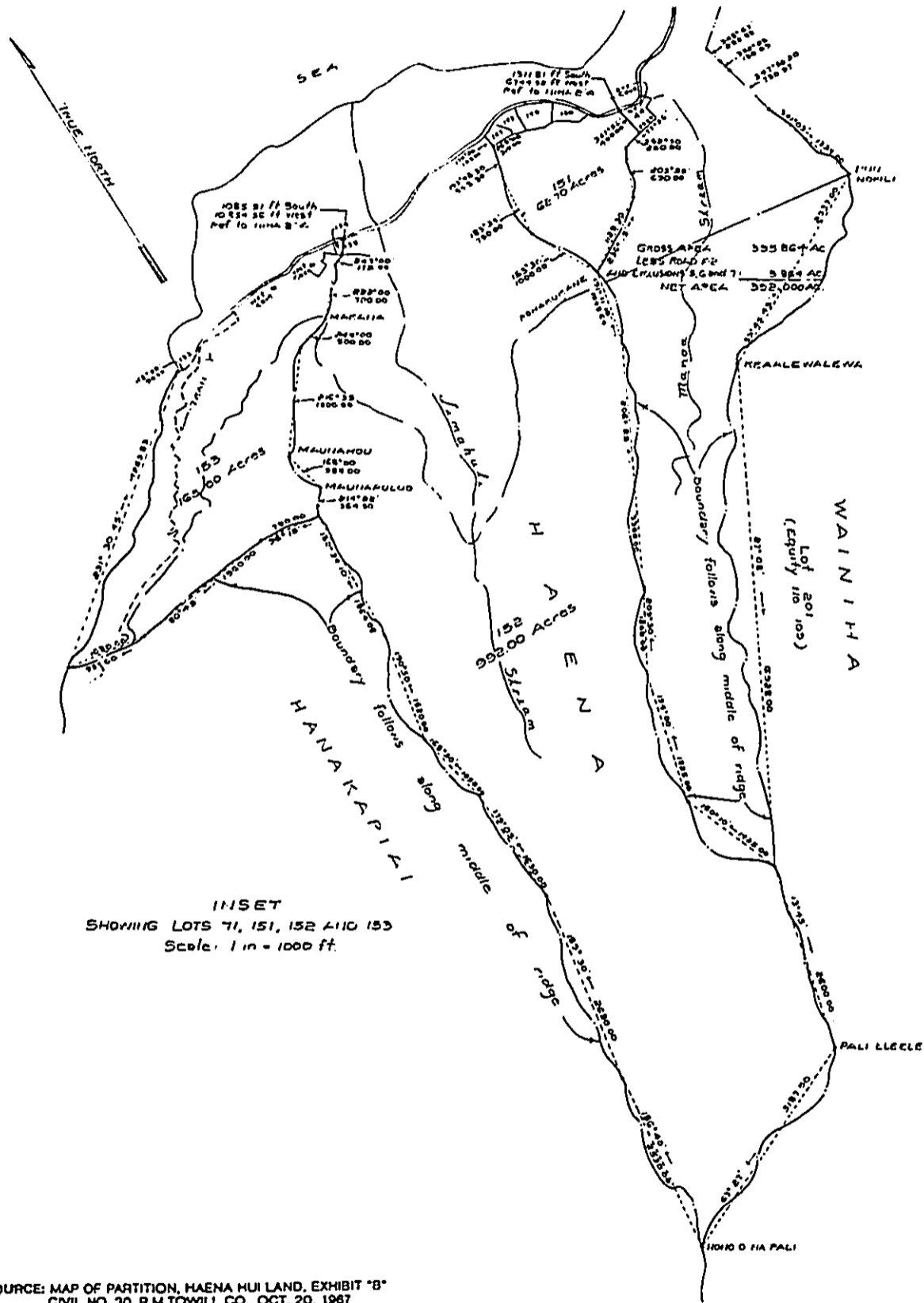
STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

## **CDUA EXHIBIT 3**

**BOUNDARY MAP OF LOTS 71, AND 151 - 153**  
(Taken from the original Ha'ena Hui Partition Map)



DOCUMENT CAPTURED AS RECEIVED



SOURCE: MAP OF PARTITION, HAENA HUI LAND, EXHIBIT "B"  
CIVIL NO. 30, R.M. TOWILL CO., OCT. 20, 1967

BOUNDARY MAP

HAENA, KAUAI

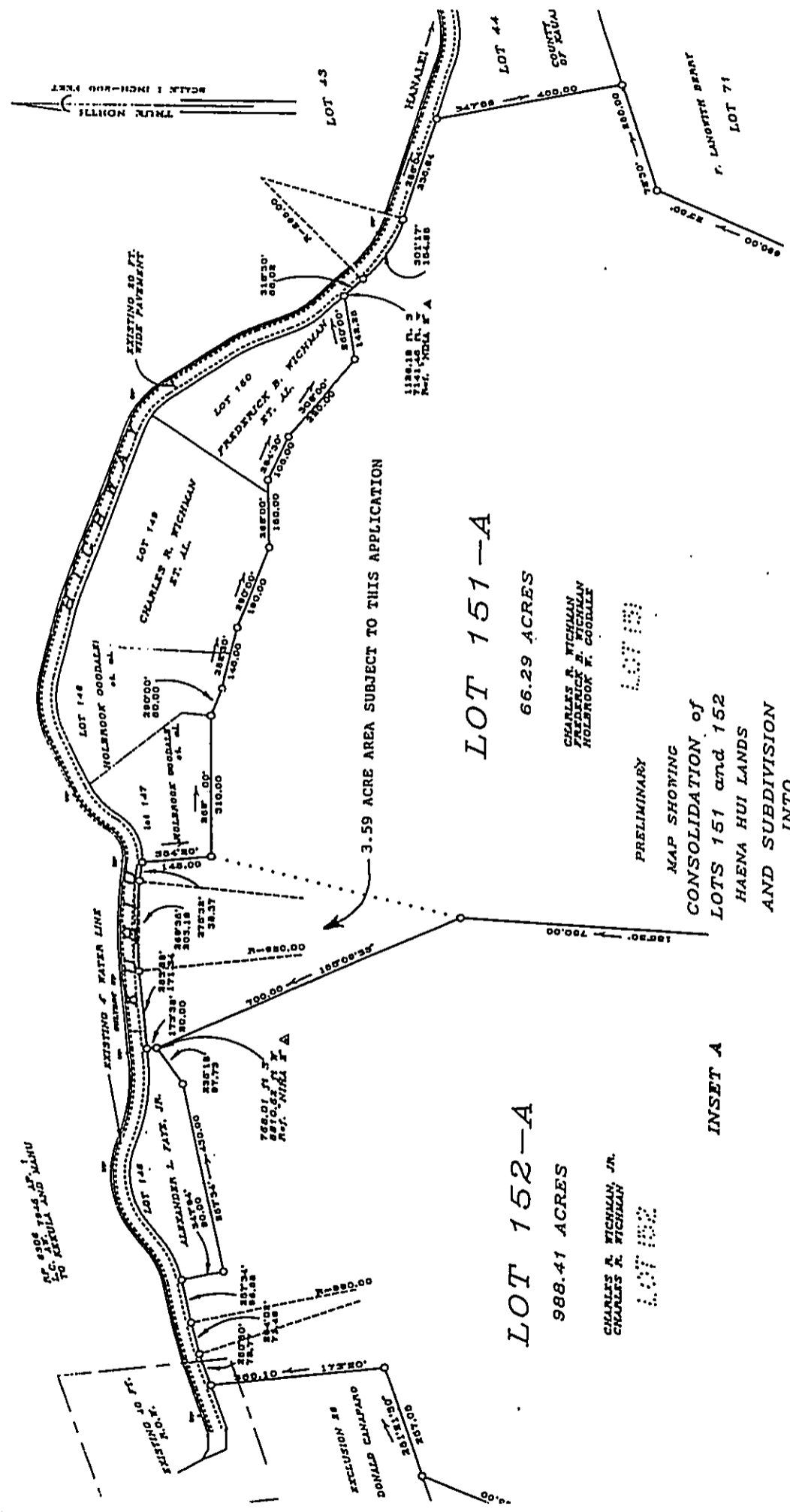


STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

## **CDUA EXHIBIT 4**

**3.59 ACRE AREA SUBJECT TO THIS APPLICATION**  
(Taken from Inset "A" of Exhibit 1)

DOCUMENT CAPTURED AS RECEIVED



LOT 151-A

66.29 ACRES

CHARLES R. MICHMAN  
FREDERICK B. MICHMAN  
HOLBROOK R. GOODALE

LOT 152

PRELIMINARY

MAP SHOWING

CONSOLIDATION OF

LOTS 151 and 152

HAENA HUI LANDS

AND SUBDIVISION

INTO

LOTS 151-A and 152-A

Being

Portions of the AHUPUAA OF HAENA

ROYAL PATENT 3596 . LAND COMMISSION AWARD 10,613

ROYAL PATENT 6306 . LAND COMMISSION AWARD 7945

Situated at

HAENA, HALELEA, KAUAI, HAWAII

LOT 152-A

988.41 ACRES

CHARLES R. MICHMAN, JR.  
CHARLES R. MICHMAN

LOT 152

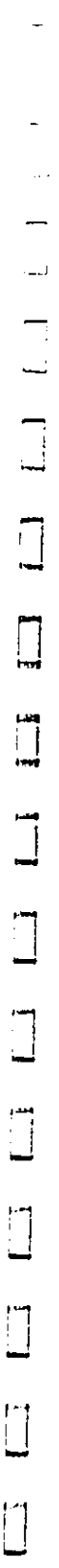
INSET A

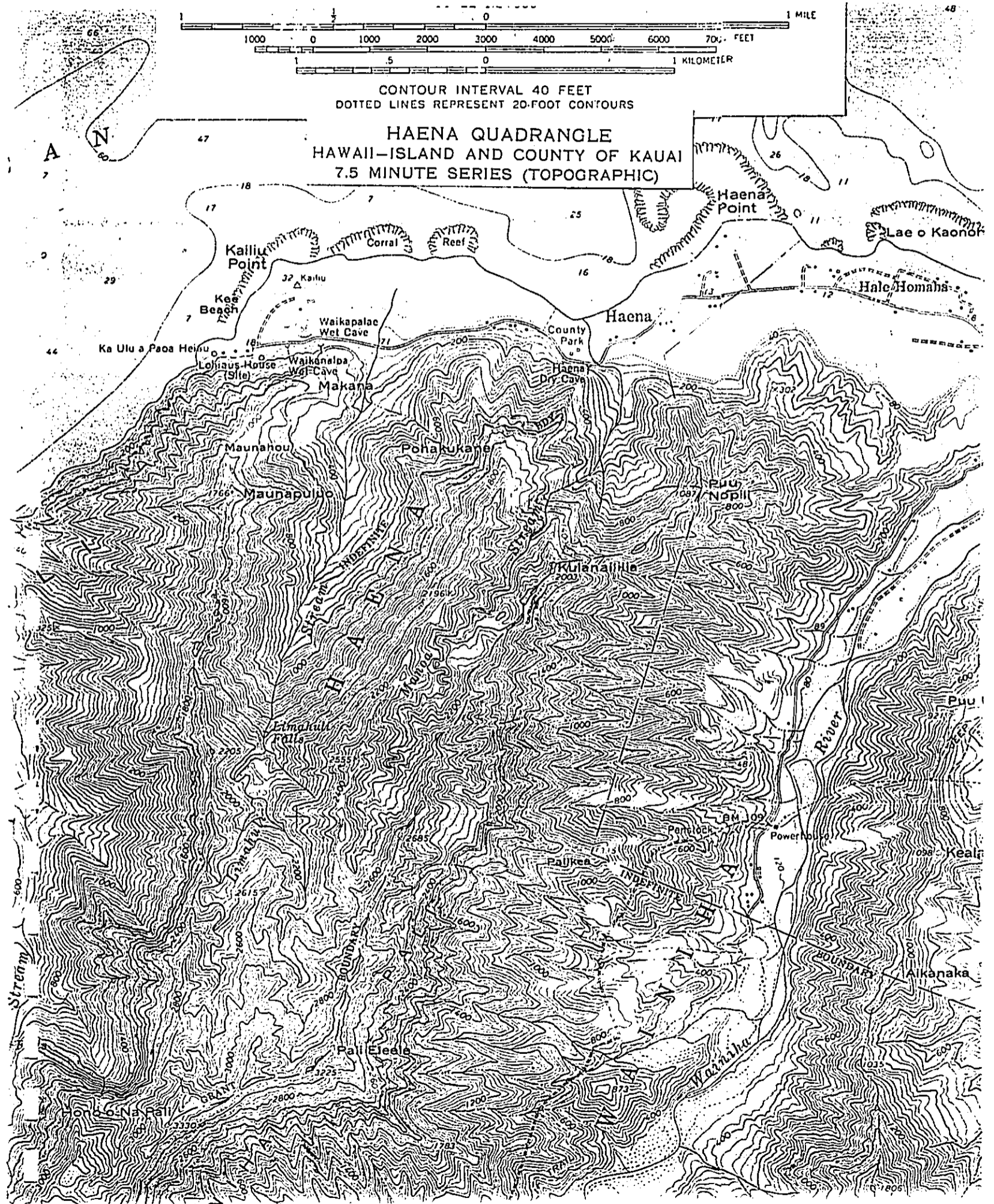


STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

**CDUA EXHIBIT 5**

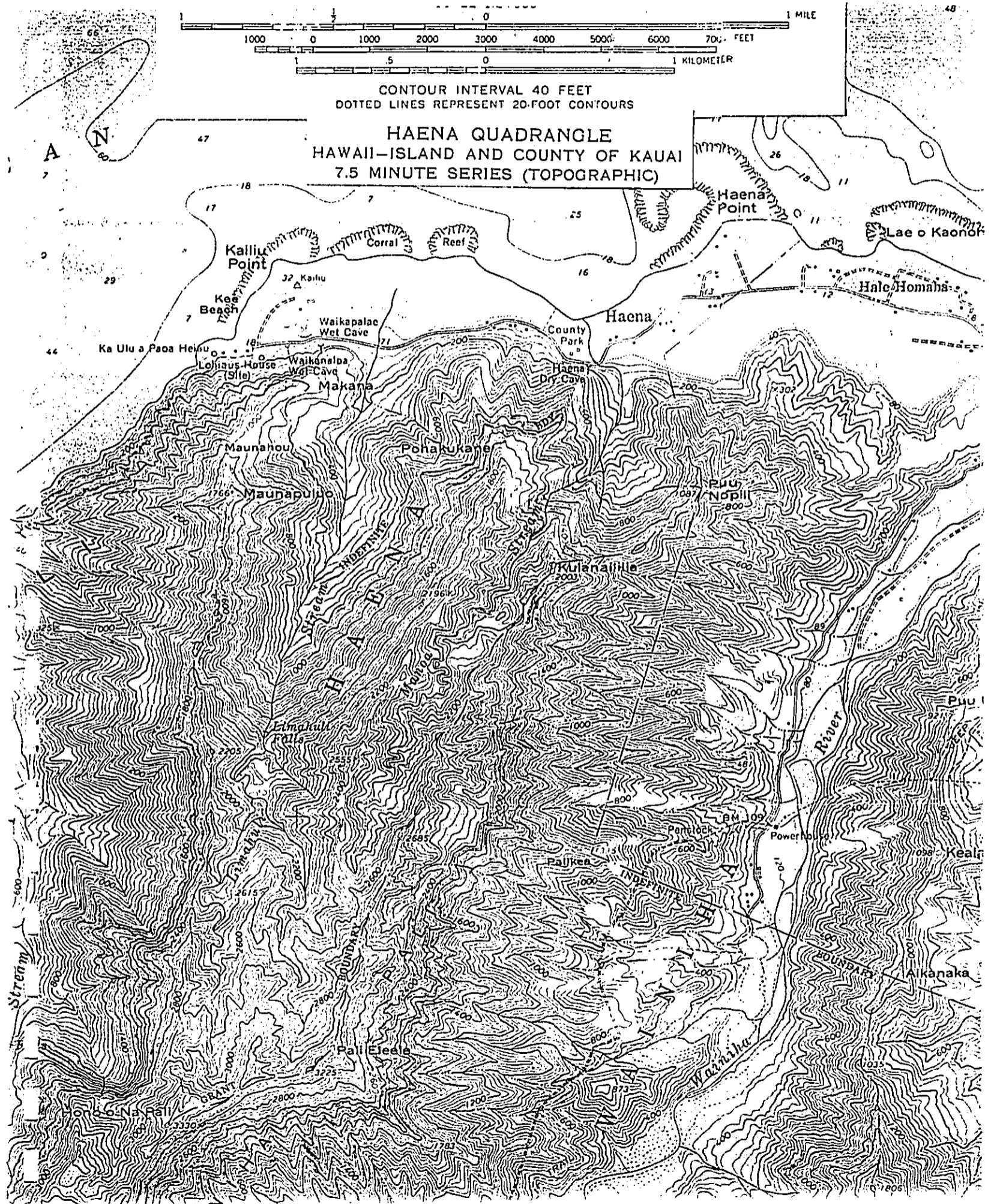
**TOPOGRAPHY MAP OF HA'ENA**  
(LOTS 44, 71, AND 135-153)





CONTOUR INTERVAL 40 FEET  
 DOTTED LINES REPRESENT 20-FOOT CONTOURS

HAENA QUADRANGLE  
 HAWAII-ISLAND AND COUNTY OF KAUAI  
 7.5 MINUTE SERIES (TOPOGRAPHIC)



CONTOUR INTERVAL 40 FEET  
 DOTTED LINES REPRESENT 20-FOOT CONTOURS

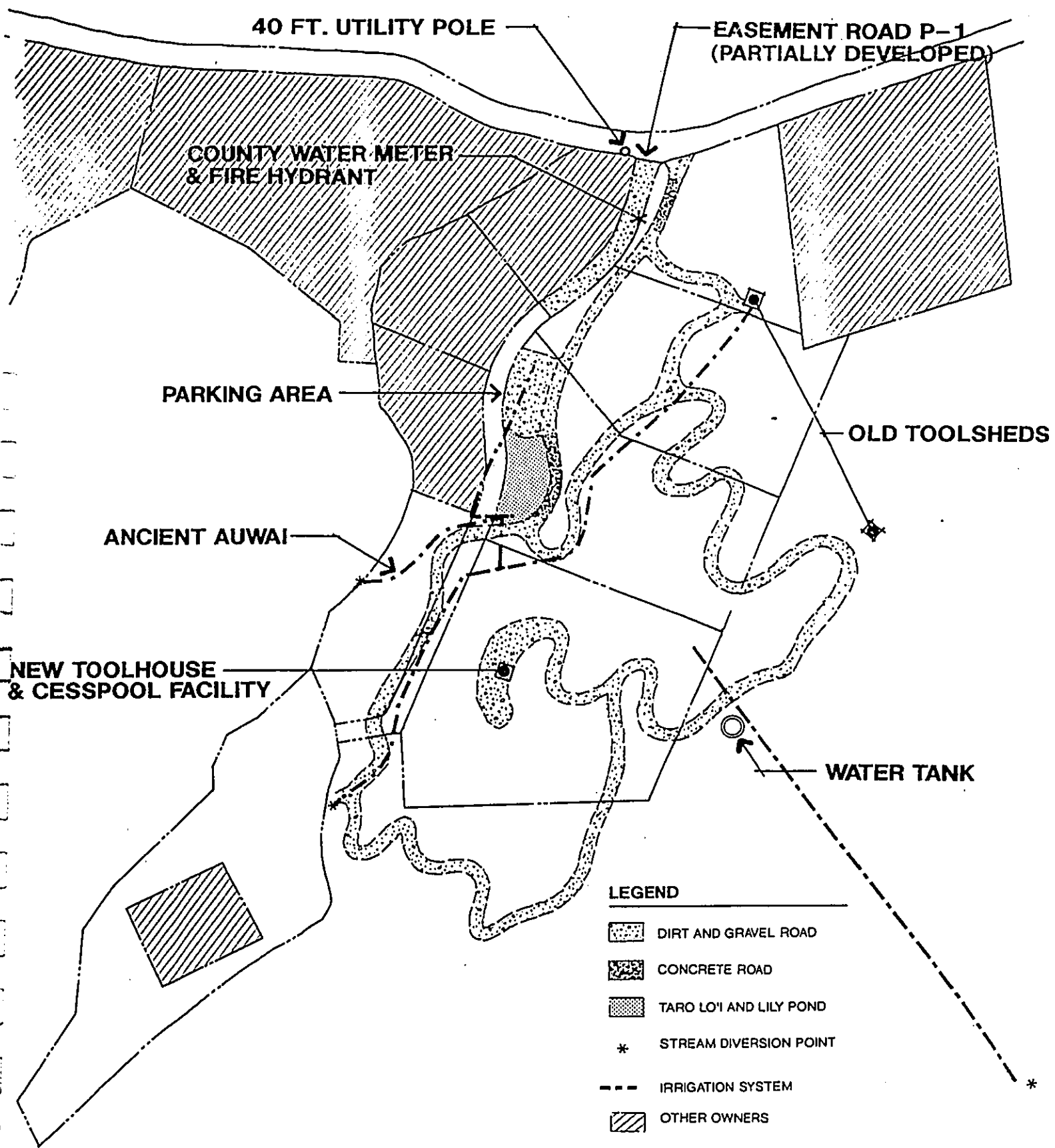
HAENA QUADRANGLE  
 HAWAII-ISLAND AND COUNTY OF KAUAI  
 7.5 MINUTE SERIES (TOPOGRAPHIC)

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

## **CDUA EXHIBIT 6**

### **EXISTING INFRASTRUCTURE IN LIMAHULI GARDENS**

(Taken from the NTBG's Master Plan for Limahuli Gardens and Preserve.  
Infrastructure located on Lots other than 152 is not applicable to this CDUA.)



EXISTING INFRASTRUCTURE

**LIMAHULI VALLEY**  
NATIONAL TROPICAL BOTANICAL GARDEN

HAENA, KAUAI

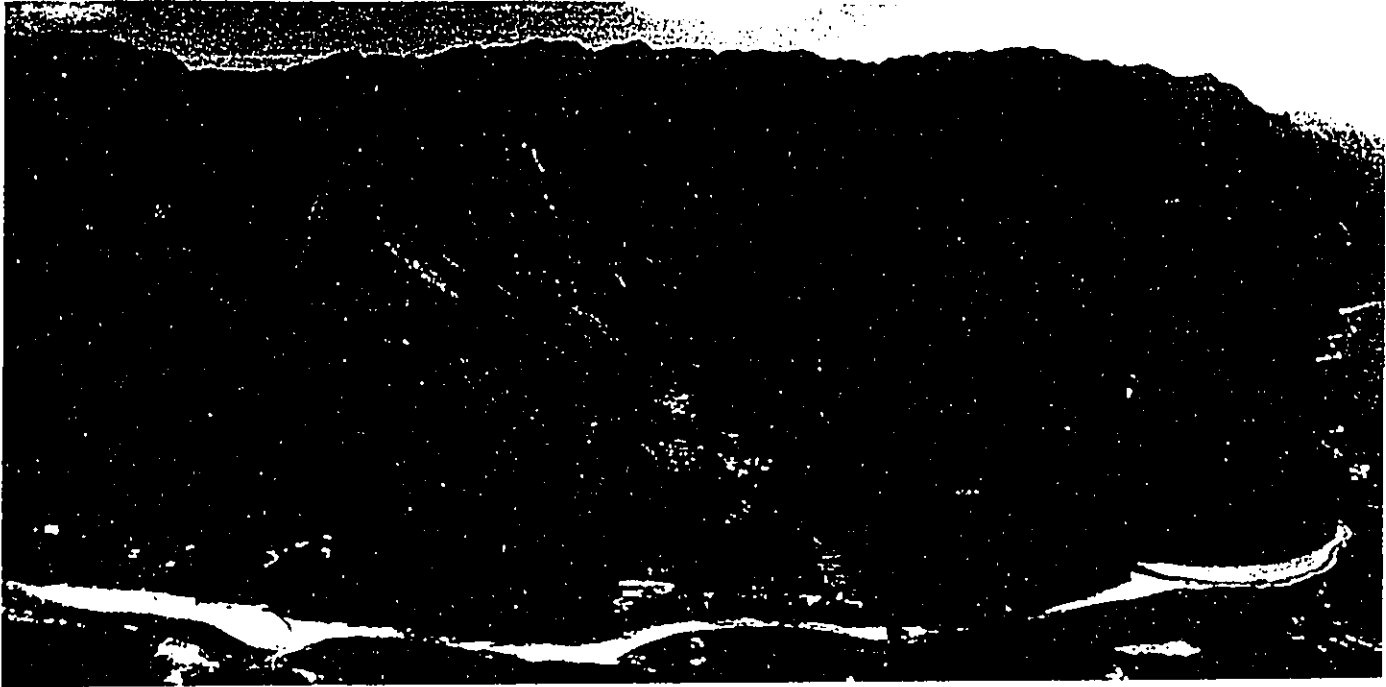




STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

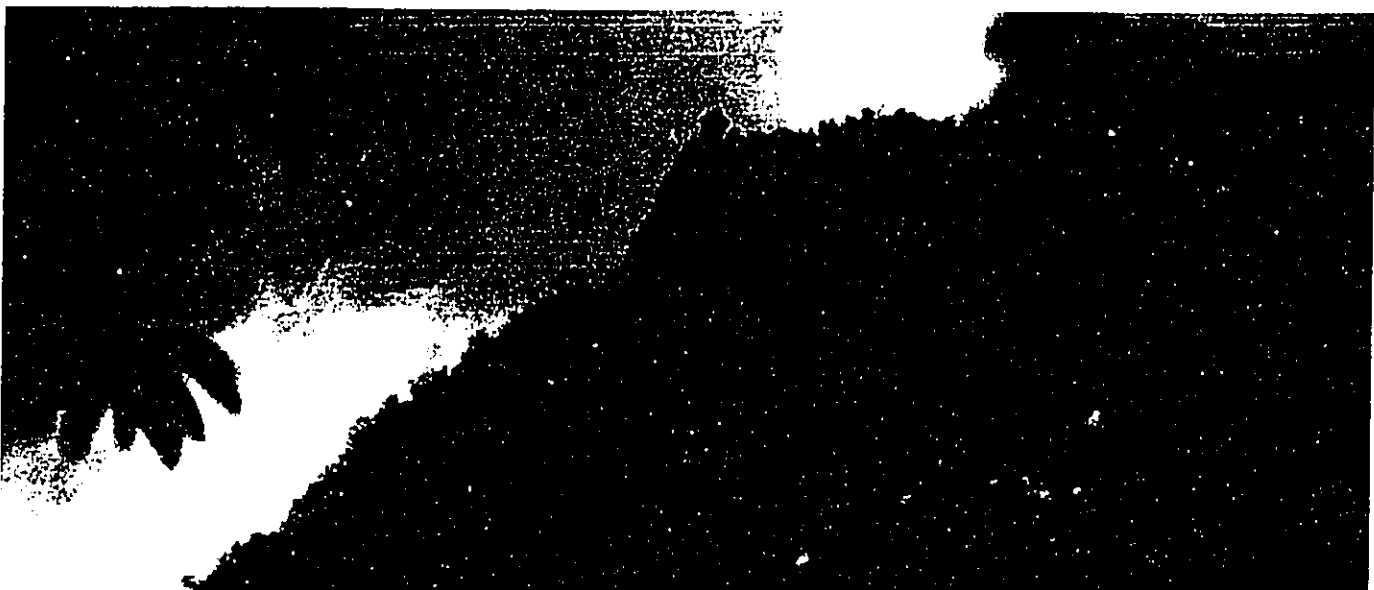
## **CDUA APPENDIX 1**

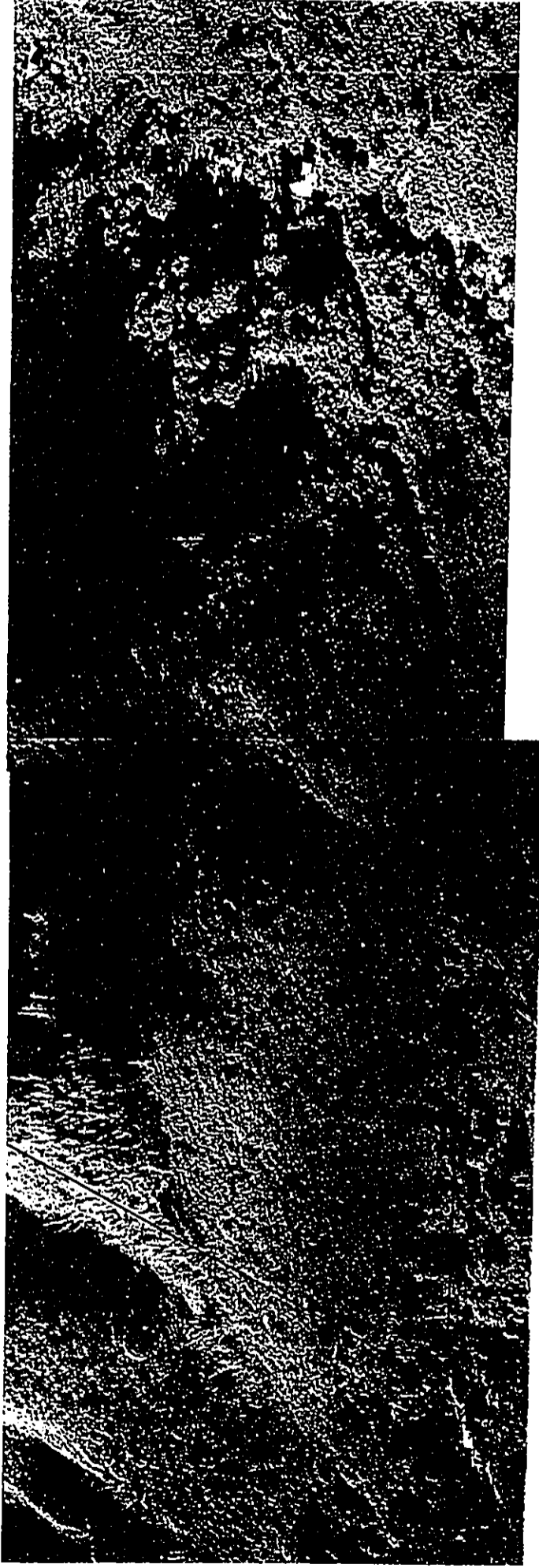
**PHOTOGRAPHS OF APPLICANTS' PROPERTY**



ABOVE - In this bird's-eye view of Limahuli Valley, Lot 151 is the mountainous area above the homes located in the lower left corner of the picture. Lot 152 encompasses the majority of the valley up to the skyline on the top of the picture. The 3.59 acre area that is the subject of this application is located on the broad ridge which defines the eastern (left) edge of the valley. Note how quickly the mountains rise from the nearly-level sandy plains located in the front of the valley to reach heights of over 2,000 feet on the tops of the ridges.

BELOW - Pohaku 'O Kane, the rock shown sitting atop the eastern ridge of Limahuli Valley, is the highest point of Lot 151 (elevation @ 1,600 feet). Note how steep this area is.





**ABOVE** - This sequence of pictures shows the 3.59 acre area that is the subject of this application. Note how the subject area is part of the broad ridge (dissected a small drainage valley) which defines Limahuli Valley on the east.

The existing boundary for lots 151 and 152 runs down the east (left) side of this broad ridge, while the new boundary will take a more westerly course down the middle of the ridge meeting Kuhio Highway east of the small drainage valley (the area partially in shadow just left of where the two pictures are joined).

The houses shown in the lower left corner are the homes located on Lots 147 (upper) and 102 (lower). Kawaialoha spring is located about halfway between the home on Lot 147 and the small drainage valley.



**RIGHT** - Taken from a different angle, this picture shows more of the true topography (slope) of this rugged mountainous area. Note the vegetation shown in all three of these photographs is predominantly the alien octopus tree (*Schefflera actinophylla*) with alien iron wood trees (*Casuarina equisetifolia*) clumped together at higher elevations.

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

## **CDUA APPENDIX 2**

**APPLICANTS' INTEREST IN PROPERTY**

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

Appendix 2 provides the written evidence (as required in the Master Application) of the applicants' interest in Lots 151 and 152.

**Proof of Charles Rice Wichman Jr.'s 88.72% ownership of Lot 152, Roads P-1 & P-2:**

A WARRANTY DEED, dated December 9, 1988, conveying an 88.72% interest in Lot 152, and Roads P-1 and P-2, from the TRUSTEES of the unrecorded Revocable Trust dated December 20, 1976, made by Juliet Atwood Wichman to CHARLES RICE WICHMAN JR, is recorded at the Bureau of Conveyances of the State of Hawai'i in Liber 22733, Pages 382 et seq.

**Proof of Charles Rice Wichman's 11.28% ownership of Lot 152, Roads P-1 & P-2:**

A COMMISSIONERS' DEED, dated November 17, 1967, conveying an 11.28% interest in Lot 152, and Roads P-1 and P-2, from the COMMISSIONERS of the Fifth Circuit Court of Hawai'i to CHARLES RICE WICHMAN, is recorded at the Bureau of Conveyances of the State of Hawai'i in Liber 5871, Pages 271 et seq.

**Proof of Charles Rice Wichman's 40.84% ownership of Lot 151:**

A COMMISSIONERS' DEED, dated November 17, 1967, conveying a 11.28% interest in Lot 151, from the COMMISSIONERS of the Fifth Circuit Court of Hawai'i to CHARLES RICE WICHMAN, is recorded at the Bureau of Conveyances of the State of Hawai'i in Liber 5871, Pages 271 et seq.

A WARRANTY DEED, dated December 9, 1988, conveying a 29.56% interest in Lot 151, from the TRUSTEES of the unrecorded Revocable Trust dated December 20, 1976, made by Juliet Atwood Wichman to CHARLES RICE WICHMAN, is recorded at the Bureau of Conveyances of the State of Hawai'i in Liber 22733, Pages 375 et seq.

**Proof of Frederick B. Wichman's 29.58% ownership of Lot 151:**

A WARRANTY DEED, dated December 9, 1988, conveying a 29.58% interest in Lot 151, from the TRUSTEES of the unrecorded Revocable Trust dated December 20, 1976, made by Juliet Atwood Wichman to FREDERICK B. WICHMAN, is recorded at the Bureau of Conveyances of the State of Hawai'i in Liber 22733, Pages 375 et seq.

**Proof of Holbrook W. Goodale's 29.58% ownership of Lot 151:**

A WARRANTY DEED, dated December 9, 1988, conveying a 29.58% interest in Lot 151, from the TRUSTEES of the unrecorded Revocable Trust dated December 20, 1976, made by Juliet Atwood Wichman to HOLBROOK W. GOODALE, is recorded at the Bureau of Conveyances of the State of Hawai'i in Liber 22733, Pages 375 et seq.

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

**CDUA APPENDIX 3**

**ORIGINAL COMMISSIONERS' DEEDS AND  
DESCRIPTIONS FOR LOTS 151 AND 152**

Recordation requested by:  
 CARLSMITH, CARLSMITH, WICHMAN AND CASE  
 P. O. Box 656  
 Honolulu, Hawaii  
 After recordation, return to:  
 CARLSMITH, CARLSMITH, WICHMAN AND CASE  
 P. O. Box 656  
 Honolulu, Hawaii  
 Return by Mail  Pickup

67-45572

STATE OF HAWAII  
 BUREAU OF CONVEYANCES  
 RECORDS & RECORDS  
 LIBER 5871 PAGE 271  
 '67 NOV 20 PM 2:31

*[Signature]*  
 INDEXED REGISTRAR

COMMISSIONERS' DEED

KNOW ALL MEN BY THESE PRESENTS:

That HENRY C. WEDEMEYER, YEISO YAMAURA and NICHOLAS A. AKANA, Commissioners appointed in Civil No. 30 in the Fifth Circuit Court of Hawaii to partition the lands of Haena Hui, also known as the "Hui Kuai Aina o Haena," being the Ahupuaa of Haena, also known as Royal Patent 3596, Land Commission Award 10613, Apana 6 to Abner Paki, pursuant to the powers granted to them by said Court and in accordance with the Final Order in Partition entered on October 27<sup>th</sup>, 1967, do hereby grant and convey unto CHARLES R. WICHMAN (husband of Jeanne Rose Wichman), whose residence and post office address is 123 Kalaiopua Place, Honolulu, Hawaii, as to an undivided 11.28% interest, and JULIET ATWOOD WICHMAN (unmarried), whose residence and post office address is Lihue, Hawaii 96766, as to the remaining undivided 88.72% interest, Grantees, as tenants in common, their respective heirs and assigns:

STATE OF CONVEYANCE  
 HAWAII  
 TAX... 00.00  
 P.O. NOV 20 1967

2 1 4 2 2 3  
 FILED

All those certain parcels of land (Lot 101, Lot 101-A, Lot 140, Lot 141 (subject to an easement in favor of L. C. Aw. 7946), Lots 142, 143, 144, 145, 147, 148 and 149, Lot 151 (subject to spring water easement), Lot 152 and Roads P-1 and P-2, of the Haena Hui Partition) situate at Haena, Halelea, Island and County of Kauai, State of Hawaii, being more fully described in Exhibit "A" attached hereto.

DOCUMENT CAPTURED AS RECEIVED

TO HAVE AND TO HOLD the same with all the improvements thereon and the rights, easements, privileges and appurtenances thereunto belonging, unto the Grantees, their respective heirs and assigns, forever.

IN WITNESS WHEREOF said Commissioners have hereunto set their hands and seals this 17<sup>th</sup> day of November 1967.

Henry C. Wedemeyer  
Henry C. Wedemeyer

Yeiso Yamaura  
Yeiso Yamaura

Nicholas A. Akana  
Nicholas A. Akana

STATE OF HAWAII )  
                          ) SS:  
COUNTY OF KAUAI )

On this 17<sup>th</sup> day of November 1967, before me personally appeared HENRY C. WEDEMEYER, YEISO YAMAURA and ~~NICHOLAS A. AKANA~~, to me known to be the persons described in and who executed the foregoing instrument as Commissioners appointed in Civil No. 30 in the Fifth Circuit Court of Hawaii and severally acknowledged to me that they executed the same as their free act and deed as such Commissioners.

[Signature]  
Notary Public, Fifth Judicial Circuit, State of Hawaii  
My commission expires: 8-24-76



UBER 5871 PAGE 297

HAENA HUI

LOT 151

CHARLES R. WICHMAN (11.28%) AND  
JULIET ATWOOD WICHMAN (88.72%) - AWARDEES

LAND SITUATED ON THE SOUTHERLY SIDE OF ROAD "A"  
AT HAENA, HALELEA, KAUAI, HAWAII

Being a Portion of the Ahupuaa of Haena,  
Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki

Beginning at the Northeast corner of this parcel of land, on  
the Southwest side of Road "A," being also the Northwest corner of Lot 44,  
the coordinates of which referred to Government Survey Triangulation  
Station "NIHA 2" being 1,311.81 feet South and 6,744.52 feet West, and  
running by azimuths measured clockwise from true South:

1.  $347^{\circ} 56'$  400.00 feet along remainder of the Ahupuaa  
of Haena (Lot 44);
2.  $72^{\circ} 30'$  250.00 feet along remainder of the Ahupuaa  
of Haena (Lot 71) to the middle  
of ridge;

thence following up the middle  
of ridge, along remainder of the  
Ahupuaa of Haena (Lot 71) for  
the next two (2) courses, the  
approximate direct azimuths and  
distances between points in  
middle of said ridge being:

F-151

R. M. TOWILL CORPORATION  
CIVIL ENGINEERS • SURVEYORS  
233 MERCHANT ST. • HONOLULU HAWAII 96811

- |     |              |  |
|-----|--------------|--|
| 3.  | 23° 50'      | 690.00 feet;   |
| 4.  | 56° 15'      | 1,129.30 feet to a point marking the common boundary of Lots 71, 151, and 152;   |
|     |              | thence following down the middle of ridge, along remainder of the Ahupuaa of Haena (Lot 152) for the next two (2) courses, the approximate direct azimuths and distances between points in middle of said ridge being: |
| 5.  | 153° 30'     | 1,000.00 feet;   |
| 6.  | 183° 35'     | 750.00 feet; thence  |
| 7.  | 193° 48' 30" | 543.30 feet along remainder of the Ahupuaa of Haena (Lot 152) to the Southwest corner of Lot 147;  |
| 8.  | 269° 00'     | 310.00 feet along remainder of the Ahupuaa of Haena (Lot 147);   |
| 9.  | 290° 00'     | 60.00 feet along remainder of the Ahupuaa of Haena (Lot 148);  |
| 10. | 282° 30'     | 145.00 feet along remainder of the Ahupuaa of Haena (Lots 148 and 149);  |
| 11. | 290° 00'     | 190.00 feet along remainder of the Ahupuaa of Haena (Lot 149);   |
| 12. | 268° 00'     | 150.00 feet along remainder of the Ahupuaa of Haena (Lots 149 and 150);  |
| 13. | 294° 30'     | 105.00 feet along remainder of the Ahupuaa of Haena (Lot 150);   |
| 14. | 308° 00'     | 220.00 feet along remainder of the Ahupuaa of Haena (Lot 150);   |
| 15. | 260° 00'     | 142.25 feet along remainder of the Ahupuaa of Haena (Lot 150) to the Southwest side of Road "A";   |

F-151a

16. 316° 30' 55.02 feet along the Southwest side of Road "A";  
thence along the Southwest side of Road "A," on a curve to the left with a radius of 295.00 feet, the chord azimuth and distance being:
17. 301° 17' 154.86 feet;
18. 286° 04' 235.94 feet along the Southwest side of Road "A" to the point of beginning and containing an area of 62.70 acres, more or less.

Subject, however, to an easement for the free flowage of water in any auwai or drainage stream bed as exist on the ground.

Subject, also, to an easement in favor of the owners of Lot 102 to take and use spring water in pipelines for domestic purposes, after prior rights thereto for said purposes in favor of the owners of Lots 147, 148, 149, and 150.

F-151b

HAENA HUI

LOT 152

CHARLES R. WICHMAN (11.28%) AND  
JULIET ATWOOD WICHMAN (88.72%) - AWARDEES

LAND SITUATED ON THE SOUTHERLY SIDE OF ROAD "A"

AT HAENA, HALELEA, KAUAI, HAWAII

Being a Portion of the Ahupuaa of Haena,  
Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki  
And a Portion of Royal Patent 6306, Land Commission Award 7945,  
Apana 1 to Kekula and Mahu, Acquired by Exchange for a  
Portion of the Ahupuaa of Haena

Beginning at the Northeast corner of this parcel of land, on  
the South side of Road "A," being also the Northwest corner of Lot 147,  
the coordinates of which referred to Government Survey Triangulation  
Station "NIHA 2" being 721.35 feet South and 8,401.13 feet West, and  
running by azimuths measured clockwise from true South:

1.  $354^{\circ} 20'$                   145.00 feet along remainder of the Ahupuaa of  
Haena (Lot 147);
2.  $13^{\circ} 48' 30''$                 543.30 feet along remainder of the Ahupuaa of  
Haena (Lot 151) to the middle of  
ridge;

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UBER 5871 PAGE 301

thence following up the middle of ridge, along remainder of the Ahupuaa of Haena (Lot 151) for the next two (2) courses, the approximate direct azimuths and distances between points in middle of said ridge being:

3. 3° 35' 750.00 feet;

4. 333° 30' 1,000.00 feet to a point marking the common boundary of Lots 71, 151, and 152;

thence following up the middle of ridge, along remainder of the Ahupuaa of Haena (Lot 71) for the next five (5) courses, the approximate direct azimuths and distances between points in middle of said ridge being:

5. 11° 11' 10" 1,048.64 feet;

6. 26° 25' 3,300.00 feet;

7. 29° 30' 1,200.00 feet;

8. 14° 00' 1,825.00 feet;

9. 340° 10' 1,425.00 feet to the middle of ridge marking the boundary between the Lands of Haena and Wainiha;

thence following up the middle of ridge, along Lot 201 of Wainiha Hui Land (Equity No. 109) to "Pali Eleele," the approximate direct azimuth and distance being:

10. 13° 45' 2,600.00 feet;

F-152a

thence following up the middle of ridge, along Lot 201 of Wainiha Hui Land (Equity No. 109) to "Hono o Na Pali," the triple divide between the Lands of Wainiha, Haena, and Hanakapiai, the approximate direct azimuth and distance being:

11. 63° 27' 3,187.50 feet;

thence following down the middle of ridge, along the Land of Hanakapiai for the next six (6) courses, the approximate direct azimuths and distances between points in middle of said ridge being:

12. 186° 40' 2,530.00 feet;

13. 189° 30' 2,680.00 feet;

14. 179° 05' 1,630.00 feet;

15. 168° 30' 1,050.00 feet;

16. 190° 50' 1,520.00 feet;

17. 182° 34' 10" 1,864.08 feet to the Southeast corner of Lot 153;

thence following down the middle of ridge, along remainder of the Ahupuaa of Haena (Lot 153) for the next five (5) courses, the approximate direct azimuths and distances between points in middle of said ridge being:

18. 214° 22' 364.50 feet;

19. 168° 00' 585.00 feet;

20. 216° 35' 1,500.00 feet;

F-152b

21.	249° 00'	500.00 feet;
22.	222° 00'	720.00 feet; thence
23.	243° 00'	175.00 feet along remainder of the Ahupuaa of Haena (Lot 153) to the Southwest corner of Lot 135;
24.	298° 00'	200.00 feet along remainder of the Ahupuaa of Haena (Lot 135);
25.	311° 30'	190.00 feet along remainder of the Ahupuaa of Haena (Lot 135);
26.	4° 00'	60.00 feet along remainder of the Ahupuaa of Haena (Lot 135);
27.	274° 00'	60.00 feet along remainder of the Ahupuaa of Haena (Lot 135) to the middle of Limahuli Stream;
		thence following up the middle of Limahuli Stream, along remainder of the Ahupuaa of Haena (Lots 139 and 140) for the next seven (7) courses, the direct azimuths and distances between points in middle of said stream being:
28.	353° 45' 30"	82.39 feet;
29.	324° 14'	56.20 feet;
30.	335° 28'	47.60 feet;
31.	11° 47'	98.80 feet;
32.	30° 16'	88.20 feet;
33.	46° 20'	89.00 feet;
34.	16° 43'	93.90 feet to the North corner of Lot 141; thence

F-152c

35.	56° 33'	43.60 feet along remainder of the Ahupuaa of Haena (Lot 141);
36.	44° 53'	60.00 feet along remainder of the Ahupuaa of Haena (Lot 141);
37.	56° 54'	61.20 feet along remainder of the Ahupuaa of Haena (Lot 141);
38.	23° 03'	52.00 feet along remainder of the Ahupuaa of Haena (Lot 141);
39.	357° 22'	40.60 feet along remainder of the Ahupuaa of Haena (Lot 141);
40.	45° 00'	202.30 feet along remainder of the Ahupuaa of Haena (Lot 141);
41.	36° 07'	96.80 feet along remainder of the Ahupuaa of Haena (Lot 141);
42.	3° 30'	131.60 feet along remainder of the Ahupuaa of Haena (Lot 141);
43.	31° 20'	168.50 feet along remainder of the Ahupuaa of Haena (Lot 141);
44.	337° 32'	80.07 feet along remainder of the Ahupuaa of Haena (Lot 141) to the middle of Limahuli Stream;
		thence following down the middle of Limahuli Stream, along remainder of the Ahupuaa of Haena (Lot 141) for the next eight (8) courses, the direct azimuths and distances between points in middle of said stream being:
45.	225° 24'	255.10 feet;
46.	230° 29'	160.20 feet;
47.	236° 57'	147.50 feet;

F-152d



48.	203° 14'	37.50 feet;
49.	160° 58'	38.50 feet;
50.	171° 27'	56.30 feet;
51.	188° 41'	76.20 feet;
52.	194° 05'	68.70 feet;
53.	170° 52'	15.40 feet; thence
54.	260° 30'	96.04 feet along the Southerly side of Road "P-2";
55.	358° 30'	122.45 feet along remainder of the 'Ahupuaa' of Haena (Lot 142);
56.	268° 30'	370.00 feet along remainder of the Ahupuaa of Haena (Lot 142);
57.	202° 30'	805.00 feet along remainder of the Ahupuaa of Haena (Lots 142, 143, and 144);
58.	251° 21' 30"	257.05 feet along remainder of the Ahupuaa of Haena (land exchanged for L. C. Aw. 7945, Apana 1 to Kekula and Mahu);
59.	173° 20'	368.10 feet along remainder of the Ahupuaa of Haena (land exchanged for L. C. Aw. 7945, Apana 1 to Kekula and Mahu) and along remainder of L. C. Aw. 7945, Apana 1 to Kekula and Mahu;
60.	250° 30'	73.77 feet along the Southerly side of Road "A";
		thence along the Southerly side of Road "A," on a curve to the right with a radius of 580.00 feet, the chord azimuth and distance being:

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- |     |          |   |
|-----|----------|---|
| 61. | 254° 02' | 71.49 feet;   |
| 62. | 257° 34' | 96.68 feet along the Southerly side of Road "A";  |
| 63. | 347° 34' | 90.00 feet along remainder of the Ahupuaa of Haena (Lot 146);   |
| 64. | 257° 34' | 430.00 feet along remainder of the Ahupuaa of Haena (Lot 146);  |
| 65. | 235° 18' | 97.73 feet along remainder of the Ahupuaa of Haena (Lot 146);   |
| 66. | 173° 38' | 20.00 feet along remainder of the Ahupuaa of Haena (Lot 146);   |
| 67. | 263° 38' | 171.34 feet along the South side of Road "A";<br>thence along the South side of Road "A," on a curve to the right with a radius of 980.00 feet, the chord azimuth and distance being: |
| 68. | 269° 35' | 203.18 feet;  |
| 69. | 275° 32' | 38.37 feet along the South side of Road "A" to the point of beginning and containing an area of 992.00 acres, more or less.   |

Subject, however, to an easement for the free flowage of water in any auwai or drainage stream bed as exist on the ground.

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STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

## **CDUA APPENDIX 4**

### **APPLICANTS' WATER USE DECLARATION**

JOHN WAIHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

P. O. BOX 621  
HONOLULU, HAWAII 96809

April 25, 1990

WILLIAM W. PATY  
CHAIRPERSON

JOHN C. LEWIN, M.D.  
MICHAEL J. CHUN, PH.D.  
ROBERT S. NAKAYA  
RICHARD H. COY  
GUY K. FUJIMURA

MANABU TAGOMORI  
DEPUTY

Mr. Charles R. Wichman, Jr.  
Wichman Family  
P.O. Box 753  
Hanalei, HI 96714

File Reference: WICHMAN CR

Dear Mr. Wichman:

Notice to Declarants of Water Use

Enclosed is a copy of amended recommendations regarding declarations of water use which were adopted by the Commission on Water Resource Management at its special meeting on February 28, 1990. These recommendations replace the earlier staff recommendations which were a part of the submittal mailed to all declarants last December.

There is now a 180 day deadline in effect to amend declarations which describe instream uses (Category 2), no existing use (Category 3), or which are incomplete (Category 4). This deadline does not affect you because your declarations have been accepted as being reasonably complete and describing an actual existing use (Category 1). The commission staff will verify your declared use and conduct other activities necessary to issue a certificate of water use.

Our records currently show that your declaration(s) have been placed in Category 1 and that your declared use has been summarized as follows:

*Water from a pipe cemented into cliff at Kawaialoha Spring is used for domestic supply at five houses, including drinking water and irrigation of up to 6 acres of yards and plants.*

*NOTE: The Commission staff has the following questions based on the photographs you sent in. How many pipes are cemented into the cliff: 1 or 2? Also, what is the diameter of the pipe(s)?*

If you have not already done so, please write to confirm whether this summary is accurate, advise us of any changes which should be made, and provide additional information. The enclosed sheet dated March 21 (Enclosure #2) describes what is

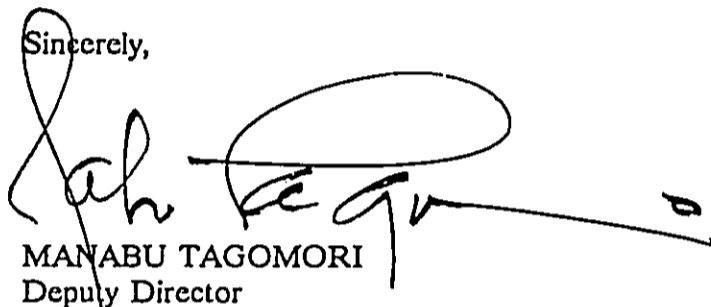
April 25, 1990

Page 2

required. When you write to us, clearly indicate that it is regard to file reference *WICHMAN CR, Kauai*, which has been assigned to you.

If you have questions regarding additional information to amend your declaration, please phone the commission staff in Honolulu at 548-2316 or 548-3948. Neighbor island residents can reach these and other state government numbers toll-free through the government switchboard at 1-800-468-4644.

Sincerely,



MANABU TAGOMORI  
Deputy Director

Encls.:

- (1) Amended Recommendations
- (2) Additional Information Sheet

**COPY**

**THE WICHMAN FAMILY**  
P.O. Box 753  
Hanalei, Hawaii 96813

June 20, 1990

Mr. Manabu Tagomori, Deputy Director  
Commission on Water Resources  
DLNR, State of Hawaii  
P.O. Box 621  
Honolulu, Hawaii 96813

**RE: WICHMAN CR, Kauai**

Dear Mr. Tagomori:

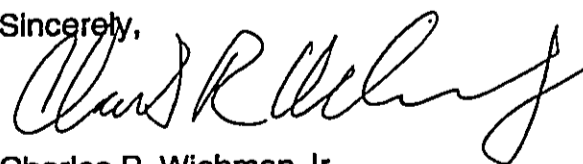
I am writing you in response to your letter of April 25, 1990 requesting more information about our water use declaration.

To answer your questions, there are two pipes cemented into the cliff. One is a 3-inch copper pipe and the other is a 2-inch PVC pipe. Thus, your summary should reflect two pipes cemented into the cliff as follows:

*Water from two pipes cemented into cliff at Kawaialoha Spring is used for domestic supply at five houses, including drinking water and irrigation of up to 6 acres of yards and plants.*

I hope that the above information fulfills your needs. Please feel free to contact me at any time should you need more information or intend to make a site inspection.

Sincerely,



Charles R. Wichman Jr.  
Diversion Works Operator  
Waimakua, Ha'ena, Kaua'i

STATE OF HAWAII - DEPARTMENT OF LAND AND NATURAL RESOURCES  
CONSERVATION DISTRICT USE APPLICATION

## **CDUA APPENDIX 5**

**DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN**

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

Date: 5/14/91 Prepared by: Charles R. Wichman, Jr.

The document is a (check all that apply)

Chapter 205A Document	( )	Negative Declaration	( )
Chapter 343 Document	( )	EIS Preparation Notice	( )
NEPA Document	( )	Draft EIS	( )
		Final EIS	( )
		Acceptance Notice	( )

Is the document a supplemental EIS? Yes ( ) No (x)

Title of Proposed Action or Project: Consolidation of Lots 151 and 152 of the Ha'ena Hui Lands, Kaua'i, Hawai'i and the Subdivision into Lots 151-A and 152-A.

Location: Island Kaua'i District Halelea

Type of Action (check one): Applicant (x) Agency ( )

Name of Proposing Applicant or Agency: Charles R. Wichman, Jr.

Name of Contact: Charles R. Wichman, Jr.

Address: P.O. Box 753

City: Hanalei State: HI Zip Code: 96714

Phone: (808) 826-9147

Name of Preparer or Consultant: Charles R. Wichman, Jr.

Name of Contact: Charles R. Wichman, Jr.

Address: P.O. Box 753

City: Hanalei State: HI Zip Code: 96714

Phone: (808) 826-9147

Accepting Authority: DLNR's Office of Conservation and Environmental Affairs

Estimated Project Cost:		Document Preparation Cost:	
Federal Funds	\$ _____	Neg Dec/EA	\$ _____
State Funds	\$ _____	Draft EIS	\$ _____
County Funds	\$ _____	Sup Draft EIS	\$ _____
Private Funds	\$ _____	Sup Final EIS	\$ _____
TOTAL	\$ _____	TOTAL	\$ _____

EA Trigger (check all that apply)

- ( ) Use of State or County Lands or Funds
- (x) Use of Conservation District Lands
- ( ) Use of Shoreline Setback Area
- ( ) Use of Historic Site or District
- ( ) Use of Lands in the Waikiki Special District
- ( ) Use Requiring an Amendment to a County General Plan

NOTE: For answers to any question on Page 10 or 11, please contact the Office of Environmental Quality Control at (808) 548-6915.

[OEQC Form 89-01 (1/89)  
Page 1 of 2]



- ( ) Use Requiring the Reclassification of Conservation Lands
- ( ) Construction or Modification of Helicopter Facilities
- ( ) Other \_\_\_\_\_

Brief Description of the Proposed Action or Project which will be Published in the OEQC Bulletin (limit of 500 words or less):

The applicants are requesting the DLNR to realign a portion of the common boundary between Lot 151, TMK 5-9-1:24 and Lot 152, TMK 5-9-1:3. This action will require consolidation of Lots 151 and 152, and subdivision into Lots 151-A and 152-A. This action will increase the size of Lot 151 (62.70 acres) by 3.59 acres so that Lot 151-A will be 66.29 acres, and decrease the size of Lot 152 (992 acres) by 3.59 acres so that Lot 152-A will be 988.41 acres.

In order to facilitate the surveying and mapping component of the consolidation and subdivision process, the new boundary uses only existing points of reference. The use of these existing reference points, which have already been established and marked (in the field), as well as defined in the metes and bounds for Lots 151 and 152, has eliminated the need to conduct an on-site survey to create new points of reference for use in defining the new Lots 151-A and 152-A. The new boundary for Lots 151-A and 152-A continues to follow the broad ridge which is the natural boundary for Limahuli Valley.

This action will rectify an old mapping error that occurred during the lengthy partition process of the Ha'ena Hui's lands, and insure the owners of Lots 102, 147 to 150 with the unrestricted future use of water from the ancient Hawaiian spring known as Kawaialoha in the event that Lot 152 is gifted to the NTBG in the future.

There will be no change in the existing or future use of the subject property as a result of this action.

Tax Map Key(s):    5-9-01:24        5-9-01:03        \_\_\_\_\_  
                                  \_\_\_\_\_  
                                  \_\_\_\_\_  
                                  \_\_\_\_\_  
                                  \_\_\_\_\_

**FOR OEQC USE ONLY**

Date of Submission: \_\_\_\_\_ OEQC # \_\_\_\_\_  
 Date of Publication: \_\_\_\_\_ Planner: \_\_\_\_\_  
 Last Day for Consulted  
     Party Request:  
 Comment Period Ends:  
 Acceptance Date:  
 Publication Date of  
     Acceptance: