

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

DEPUTIES

JOHN P. KEPPELER, II
DONA L. HANAIKE

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

NOV 13 1992
NOV 16 1992
FILE NO.: KA-2572
ID.: 10

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

MEMORANDUM

TO: Mr. Brian J.J. Gnoy, Director
Office of Environmental Quality Control

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

SUBJECT: NEGATIVE DECLARATION FOR PRINCEVILLE NURSERY

The Department of Land and Natural Resources has reviewed the comments received on the subject project since publication of the project description in the OEQC Bulletin two months ago. We have determined that this project will not have significant environmental impact and have issued a negative declaration. Please publish this notice as soon as possible in the OEQC Bulletin.

Four copies of the environmental assesement and the OEQC Bulletin publication form are enclosed with this memorandum.

Enclosures

1992-12-08-KA-FED-Princeville Nursery

DEC 8 1992

CONSERVATION DISTRICT USE APPLICATION
FOR
NURSERY FACILITIES AT PRINCEVILLE NURSERY
AT
PRINCEVILLE, HANAIEI, ISLAND OF KAUAI, STATE OF HAWAII

Applicant: Princeville Corporation
Owner of Land: Princeville Corporation
Tax Map Key: (4th) 5-3-01-por. 16

Walton D. Y. Hong
A Law Corporation
3135-A Akahi Street
Lihue, HI 96766
Tel. 245-4757

Attorney for
Applicant

KA-2572

WALTON D.Y. HONG

LAW OFFICES OF
WALTON D.Y. HONG

ATTORNEY AT LAW
A Law Corporation
3135-A AKAHI STREET
LIHUE, KAUAI, HAWAII 96766

TELEPHONE (808) 245-4757
TELECOPIER (808) 245-5175

April 20, 1992

Department of Land and
Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96809

Re: CDUA Permit for nursery facilities,
Princeville, Hanalei, Kauai
Kauai TMK: 5-3-01-por. 16
Princeville Corporation, Applicant

Gentlemen:

On behalf of Princeville Corporation, we are submitting herewith the original and 18 copies of an application for an after the fact Conservation District Use Permit for existing nursery facilities constructed within the Conservation District, as well as for renovation of the interior of the existing office/storage building for employees' restrooms, locker rooms, showers and lunchroom.

This application is prompted by the discovery that some of the nursery facilities were placed within the Conservation District under erroneous belief that they were within the Agricultural District.

We believe that the enclosed application is self-explanatory. We are also enclosing our check for \$100.00 to cover the filing and publication fees.

We have also attached to the Application, as Appendix "A", an Environmental Impact Assessment for the proposed use. For the reasons stated therein, we do not believe that the proposed use will result in any significant adverse environmental impacts, and further request that the Board of Land and Natural Resources issue a negative declaration for the proposed use.

The Document for Publication in the OEQC Bulletin form is likewise attached at the back of the application, after the exhibits referred to in the application and the Environmental Impact Assessment.

Department of Land and
Natural Resources
State of Hawaii
April 20, 1992

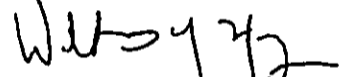
Your prompt attention and processing of this application
will be appreciated.

If there are any questions regarding the above, please feel
free to call the undersigned.

If you will keep us informed of the times and places where
action will be taken on the negative declaration and the
application, we will plan to be in attendance to respond to any
questions which you may have.

Thank you for your consideration to this matter.

Yours very truly,


Walton D. Y. Hong

WDYH:wh

Encl.

cc: Princeville Corporation

February 1983

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

DEPARTMENT MASTER APPLICATION FORM

FOR DLNR USE ONLY

Reviewed by _____
Date _____
Accepted by _____
Date _____
Docket/File No. _____
180-Day Exp. _____
EIS Required _____
PH Required _____
Board Approved _____
Disapproved _____
Well No. _____

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
(If State land, to be filled
in by Government Agency in
control of property)

Name Princeville Corporation
Address P. O. Box 3040
Princeville, HI 96722

Telephone No. 826-3040

SIGNATURE [Signature]
Date 1/24/92

II. APPLICANT (Water Use, omit if applicant
is landowner)

Name _____
Address _____
Telephone No. _____
Interest in Property _____

(Indicate interest in property; submit
written evidence of this interest)

*SIGNATURE [Signature]
Date 1/24/92

*If for a Corporation, Partnership,
Agency or Organization, must be signed
by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

- () A. State Lands
- (x) B. Conservation District Use
- () C. Withdraw Water From A Ground
Water Control Area
- () D. Supply Water From A Ground
Water Control Area
- () E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Hanalei
Island Kauai
County Kauai
Tax Map Key 5-3-01, por. 16
Area of Parcel _____
(Indicate in acres or
sq. ft.)
Term (if lease) _____

V. Environmental Requirements

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. the Environmental assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

VI. Summary of Proposed Use (what is proposed)

SEE ATTACHED

INFORMATION REQUIRED FOR ALL USES

SEE ATTACHED

I. Description of Parcel

- A. Existing structures/Use. (Attach description or map).
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage).
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership).
- D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present).
- E. Topography; if ocean area, 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).
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.).
- H. Historic sites affected. (If applicable, attach map and descriptions).

II. Description: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary).

III. Commencement Date: _____

Completion Date: _____

IV. TYPE OF USE REQUESTED (Mark where appropriate) (Please refer to Title 13, Chapter 2)

1. Permitted Use (exception occasional use);
DLNR Title 13, Chapter 2, Section _____; Subzone _____.
2. Accessory Use (accessory to a permitted use):
DLNR Title 13, Chapter 2, Section _____; Subzone _____.
3. Occasional Use: Subzone _____.
4. Temporary Variance: Subzone _____.
5. Conditional Use: Subzone Resource.

Area of Proposed Use _____
(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark _____

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone _____
County General Plan Designation _____

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY SEE ATTACHED

- I. Plans: (All plans should include north arrow and graphic scale).
 - A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
 - B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.
 - C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
 - D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
 - E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
 - F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.
- 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).

V. ENVIRONMENTAL REQUIREMENTS

An environmental impact assessment of the requested use is attached hereto as Appendix "A" and made a part hereof, showing the following:

(1) Identification of Applicant:

Princeville Corporation
P. O. Box 3040
Princeville, Kauai, HI 96722
Tel. 826-3040

(2) Identification of Approving Agency:

Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96809

(3) Identification of agencies consulted:

Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96809

Planning Department
County of Kauai
4280 Rice Street
Lihue, HI 96766

(4) General description of action's characteristics:

(a) Technical: The site is presently being used as part of the Princeville Nursery, for the propagation and growing of plant and landscape materials used in the development of the Princeville Resort.

The area within the Conservation District and subject of this application contains a nursery office/storage building, a soil mix shed, employees' lunch lanai, a propagation building, and three shade houses.

The office/storage building is a one-story metal building constructed on a concrete slab, and contains an approximate area of 5,000 square feet. The soil mix shed is a lean-to with corrugated iron roof, containing an approximate area of 720

square feet. The employees' lunch lanai is an opensided wooden building with corrugated iron roof, within which the employees are able to eat their meals and lounge; it contains an area of approximately 240 square feet.

The propagation building is a metal-ribbed building with corrugated plastic siding and corrugated plastic roofing. It contains an approximate area of 4,000 square feet. The shade houses are constructed of black web or screening material over a frame, and are approximately 4,000 square feet each.

In addition to the foregoing, crushed coral pathways and parking areas have also been constructed.

Plants grown on the subject site include varieties normally associated with a nursery operated to meet a community's landscaping needs. These include, but are not limited to ferns, hibiscus, grasses, plum trees, palms, coconuts, bouganvillia, crotons, gardenias, oleanders, olives, heliotropes, bottle-brushes, eucalyptus, koa, orchids, monkeypods, norfolk pines, plumerias, shower trees, tecomas, broms, gingers, and philodendrons.

Also included in this application is the proposed remodeling of the restroom facilities within the existing office/storage building. The renovations will add employee locker rooms and showers, as well as a lunchroom. The proposed renovation will encompass approximately 895 square feet, within the 5,000 square feet office/storage building. Upon the completion of such renovation, the present employees' lunch lanai will be removed.

Although not included in the area which is subject of this application, a portion of the Princeville Nursery outside of the Conservation District are among the various sites under possible consideration for the location of a future middle school/high school for the North Shore. Should it be determined that the future middle school/high school will be located at the Princeville Nursery site, the Applicant will remove the required lands from nursery operations. This application is not intended to influence the selection of the future school site in any manner, but only to legitimize the ongoing nursery operations in the Conservation District.

(b) Economic: The existing improvements to the subject site cost in excess of \$500,000. The costs of relocating the

various buildings and improvements away from the "Conservation" District is estimated at more than \$250,000. Based on the significant estimated cost of relocation, as well as the lack of any significant environmental impacts resulting from the use in its present location, it is economically efficient and reasonable to seek a Conservation District Use Application permit for the nursery use.

(c) Social: Continuation of the nursery uses at the subject site will not result in any social impacts to the surrounding community. The current 31 nursery employees will continue to work at their present jobs. The nursery workforce is not sufficiently large to result in any social impact on the community, although any curtailing of the nursery operations through denial of the application, recessionary economic conditions, etc., would result in impacts to the families of the individual workers who may be laid off or cut back in their hours of employment.

(d) Environmental: The environmental characteristics of the requested use are as follows:

(1) Flora and Fauna: There are no endangered or threatened species of flora or fauna at the subject site. The existing vegetation consists of grasses around the various improvements, as well as the plants being propagated and grown in the nursery operations. The proposed action will not require any changes to the existing flora, except as may be propagated or replaced as part of the ordinary nursery operations.

(2) Drainage: The existing drainage pattern before implementation of the nursery was towards the Hanalei Valley. The nursery was built with minimal changes to the existing grade. As such, the drainage pattern of surface flow towards the Hanalei Valley was not changed. As the subject application is for the continued use of the existing operations, no further change in the drainage pattern is anticipated.

(3) Erosion: The subject site is relatively flat and free from erosion. There is no likelihood of erosion problems resulting from the nursery operations and its continued use.

(4) Historical and Archaeological: The Pooku Heiau lies approximately 600 feet to the south of the subject site. The proposed use would not have any effect on the Pooku Heiau.

The Applicant is not aware of any historical or archaeological significance to the subject site. As the nursery operations are already in existence in the subject area, sites of archaeological or historical significance, if any, would have already been altered. The Applicant is not aware of any archaeological sites having been uncovered during the establishing of the nursery, and will immediately cease work and notify the State Historic Sites Section of the Department of Land and Natural Resources should any archaeological remains be uncovered in the future.

(5) Visual: Due to the taller trees and other vegetation along the edge of the subject site overlooking the Hanalei Valley, the nursery operations are not visible from the Hanalei Valley or the Hanalei Valley Lookout. Neither is the nursery visible from Kapa'ka Street leading through the Princeville Agricultural subdivision.

Some of the planting materials and structures are visible from Kuhio Highway. However, as the nursery operation is perpendicular to the normal viewplane for travelers on Kuhio Highway, and visible only for a short duration, the use does not result in any significant visual impact. Moreover, the distraction of the Prince Golf Course in the opposite (makai) direction from Kuhio Highway further mitigates the visual impact of the nursery operations.

(6) Herbicides: Although herbicides, fertilizers and other chemicals are used in the nursery operations, they are used only in compliance with application procedures and dosages established by the manufacturers. The use of such chemicals in limited and localized application minimizes the likelihood that the same will cause any environmental or ecological harm. As the subject site is at the top of the plateau overlooking the Hanalei Valley, it is unlikely that any chemicals used will leach the distance to the ground water in the valley.

(5) Summary Description of the Affected Environment:
The subject site is approximately 7.1 acres in size, located within the Conservation District near the bluffline overlooking the Hanalei Valley, at Hanalei, Kauai, Hawaii. It is more particularly identified as Kauai Tax Map Key: 5-3-01, por. 16. A tax key map, indicating the location of the subject area is attached hereto as Exhibit "1" and made a part hereof.

A site map, to better locate the subject area and the improvements thereon, is attached hereto as Exhibit "2" and made a part hereof.

The continuation of the requested use will not affect the surrounding environment. The nursery operations have been in effect on the subject site since 1988, without any reported or noticeable effects on the surrounding environment. There is no reason to believe that the same will continue.

(6) Identification and summary of major impacts and alternatives considered: As the nursery and related structures has existed for a number of years in the subject area, any environmental or ecological impacts resulting therefrom would have already been experienced.

Yet, there have been no reports of any significant environmental or ecological impacts from the ongoing nursery operations.

The absence of such impacts is due to the low-keyed nature of the nursery operations, akin to agricultural pursuits and practices in the area.

The proposed remodeling of the restroom facilities within the existing office/storage building should not result in any significant adverse impacts, as it would be contained within the existing structure, be used to accommodate existing workers, and would not contribute towards a higher or denser use of the subject area.

Alternatives to permitting the continuance of the nursery operations in its present site are to relocate the operations outside of the Conservation District, cease the nursery operations altogether, or reclassify the subject area from the Conservation to the Agricultural land use district.

Relocating the nursery operations approximately 200 feet to the Agricultural land use district is not only costly, but would not necessarily result in any less of an impact, if any, to the area. It may even result in greater impacts which would not otherwise be incurred due to the necessity of removing the existing concrete slab and pouring a new slab for the relocation of the existing building.

Ceasing of the nursery operations in the subject area is not a viable alternative, as it would still necessitate relocating the operations in order to meet the plant material and landscaping needs of the Princeville resort. Moving the nursery without any appreciable benefit to the community or Applicant, but only for the sake of not locating it within the Conservation district, is not reasonable nor justifiable in the absence of any showing of environmental harm at the nursery's present location.

Seeking a State Land Use reclassification of the subject site from the Conservation to the Agricultural land use district would result in the nursery operations continuing in the same location. However, this alternative is less desirable due to the time and expense it would entail in obtaining the State Land Use reclassification and subsequent County of Kauai zoning for the area. Moreover, reclassification and rezoning of the area to Agriculture could result in the loss of zoning control over a potentially visibly sensitive area.

A do-nothing alternative is not feasible under the circumstances since the existing uses were erroneously implemented without a CDUA permit, and should be resolved to cure the lack of such a permit.

(7) Proposed Mitigation Measures: As discussed previously, the present use has not resulted in any significant adverse environmental or ecological impacts. In the absence of such impacts, no mitigation measures are necessary.

However, should the preservation of the scenic viewplanes become an issue, it can be mitigated by planting buffer trees to further shield the nursery operations from the public roads.

(8) Determination: Based on the foregoing, it is recommended that a finding that the requested use will not result in any significant adverse environmental and ecological impacts be adopted, and that an environmental impact statement not be required of the Applicant for the requested action.

(9) Findings and Reasons Supporting Determination: The requested action is to permit the continued use of the subject site as a nursery for the propagation and growing of planting and landscape materials for the Princeville resort. Such nursery use has been in effect on the site since 1980, and no

demonstrated or reported environmental or ecological impacts have resulted therefrom.

In the absence of any showing of environmental or ecological impacts from the past use, a continuation of the same use and level of activity should not result in any different environmental impact to the area.

The proposed remodeling of the restroom facilities would be within the existing office/storage building, and would not result in a higher use of the property. Thus, the proposed remodeling would not have any significant adverse environmental impact to the subject site or the area.

(10) Agencies to be consulted: As a recommendation of negative declaration is proposed, no other agency need to be consulted for preparation of an environmental impact statement.

VI. SUMMARY OF PROPOSED USE

The subject application is for an after-the-fact Conservation District Use Application permit for nursery operations within the Conservation District at Hanalei, Kauai, Hawaii, as well as the remodeling of the restroom facilities within the existing office/storage building.

Prior to constructing the improvements and implementation of the nursery operations, the Applicant's engineering and planning consultant believed that the Conservation/Agricultural district boundary was along the edge of the bluffline overlooking the Hanalei Valley. Based on that belief, all nursery improvements were planned and constructed to be a minimum of 40 feet setback from the believed Conservation boundary.

Exhibit "3", submitted herewith and made a part hereof, is a copy of the site utility plan drawn by Belt, Collins & Associates for the nursery, which clearly indicates where the Conservation/Agricultural district boundary was believed to be and upon which the construction of the nursery improvements were based.

It has only been recently brought to the Applicant's attention that the consultant was wrong, and that the Conservation district boundary is set approximately 200 feet further back from the bluffline. A copy of a Land Use Boundary Inter-

pretation for the subject area is attached hereto as Exhibit "4" and made a part hereof.

As a result of the engineering and planning consultant's error, portions of the existing nursery operations are within the Conservation district, necessitating this after-the-fact permit.

As noted before, the area within the Conservation District and subject of this application contains a nursery office/storage building, a soil mix shed, employees' lunch lanai, a propagation building, and 3 shade houses.

The proposed use is to continue the ongoing nursery operations at the subject site. The Applicant also proposes to remodel the restroom facilities within the existing office/storage building to provide showers, locker rooms, and a lunchroom area for the employees, following which the existing employees' lunch lanai will be removed.

INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

(A) Existing structures and use. The subject area presently contains a nursery office/storage building, a soil mix shed, employees' lunch lanai, a propagation building, and 3 shade houses. The existing use is the operation of the Princeville Nursery for the propagation and growing of planting and landscaping materials for the Princeville resort.

(B) Existing utilities. The subject site is served by electricity, telephone and potable water.

(C) Existing access. Access to the subject site is from Kapa'ka Street. Kapa'ka Street is a paved roadway, constructed to County standards, which services the Princeville Agricultural subdivision from Kuhio Highway.

(D) Vegetation. Vegetation at the subject is primarily the planting and landscaping material grown at the nursery.

(E) Topography. The subject site is relatively flat, with a gentle fall towards the bluffline overlooking the Hanalei Valley.

(F) Shoreline. Not applicable.

(G) Existing covenants, easements, restrictions. The Applicant is not aware of any covenants, easements or restrictions which adversely affect the continued nursery use of the subject site. The Princeville Agricultural subdivision is subject to a certain restrictive covenants, which do not prohibit or interfere with the nursery operations.

(H) Historic sites affected. The Applicant is not aware of any historic or archaeologically significant sites within the subject area, although the Pooku Heiau is approximately 600 feet to the south.

II. Activity Proposed, Purpose and Operations Conducted

As indicated previously, this is an after-the-fact application for the continued use of current nursery operations. Based on an erroneous belief as to the location of the Conservation/Agricultural district boundary, the nursery structures were planned and constructed to be a minimum of 40 feet from such boundary. See Exhibit "3" hereto.

This application is necessitated by the Applicant's learning that its consultant was in error as to the location of the Conservation/Agricultural boundary, and that the nursery operations are infringing into the Conservation district.

The nursery operations are for the propagation and growing of plant and landscape materials. These materials are used for landscaping, beautification, and ground cover within the Princeville resort.

This application is also for the remodeling of the restroom facilities within the existing office/storage building to provide showers, locker rooms and a lunch area for the nursery employees. Following such renovation, the existing employees' lunch lanai will be removed.

III. Commencement Date: The use of the subject area is already existing, having begun approximately 4 years ago. The remodeling of the restroom facilities will begin within 30 days after all necessary permits therefor have been obtained.

Completion Date: The structures and improvements within the subject area and subject of the after-the-fact portion of this application have been completed. The restroom remodeling is anticipated to be completed within 90 days after commencement of work thereon.

IV. Type of Use Requested:

The Applicant is requesting a Conditional Use Permit in the Resource (R) Subzone.

The area of the site under consideration is approximately 7.1 acres.

The nearest town is Hanalei.

The Conservation District Subzone is Resource (R).

The County of Kauai General Plan Designation of the subject site is Agricultural.

V. Filing Fee:

The filing fee of \$100.00 is enclosed herewith.

INFORMATION REQUIRED FOR CONDITIONAL USE

I. Plans:

A. Area Plan: Exhibit "1" hereto is a copy of the tax key map, which shows the subject site, as well as the surrounding area.

The names and addresses of abutting property owners and the tax map keys of their respective parcels, to the best of Applicant's knowledge, are as follows:

Princeville Corporation, fka Princeville Development Corporation
P. O. Box 3040
Princeville, HI 96722
TMK: (4th) 5-3-01-02
5-3-06-14

Thomas L. May Trust
Thomas Blankley, Jr.
NSC #112, P. O. Box 758
Kilauea, HI 96754
TMK: (4th) 5-3-08-01

Robert Britt, et al.
P. O. Box 301
Hanalei, HI 96714
TMK: (4th) 5-3-08-02

D. E. Towers and Co., Inc., Trust
Wallace Steven, Trustee
1027 N. Roxbury Drive
Beverly Hills, CA 90210
TMK: (4th) 5-3-08-03

Mark Hershon, et al.
Edward Rosa, Jr.
756 Kuhio Highway
Kapaa, HI 96746
TMK: (4th) 5-3-08-04

Allen R. Musse
14232 Chambers Road
Tustin, CA 92680
TMK: (4th) 5-3-08-05

Kathleen J. Painton
23462 Via Alondra
Trabuco Canyon, CA 92679
TMK: (4th) 5-3-08-05

Clarence Greff III, et al.
P. O. Box 456
Hanalei, HI 96714
TMK: (4th) 5-3-08-06

Jeanne Anderson
3869 Owena St.
Honolulu, HI 96815
TMK: (4th) 5-3-08-07

Thomas Carpenter, et al.
P. O. Box 3437
Princeville, HI 96722
TMK: (4th) 5-3-08-08

Matthew Krane
P. O. Box 3149
Breckenridge, CO 80424
TMK: (4th) 5-3-08-09

Miriam Bouret
P. O. Box 344
Hanalei, HI 96714
TMK: (4th) 5-3-08-10

Matthew Segall
6922 Hollywood Blvd., #70
Hollywood, CA 90028
TMK: (4th) 5-3-08-20

John D. Tudor
Rt. 1, Box 217
Deland, CA 93215
TMK: (4th) 5-3-08-21

Peter D. Gache
P. O. Box 942
Smithtown, NY 11787
TMK: (4th) 5-3-08-22

United States of America
300 Ala Moana Blvd.
Honolulu, HI 96814
TMK: (4th) 5-4-03-07

B. Site Plan: The site plan, showing the location of the various improvements on the subject site, is attached hereto as Exhibit "2".

C. Construction Plans: As the improvements for the requested use have already been built on the subject site, construction plans for those improvements are not being submitted herewith. In lieu thereof, attached hereto as Exhibit "5" are photographs of the various structures on the subject site.

D. Maintenance Plans: Maintenance plans for the proposed use consist of normal repairs and maintenance as may be needed. As the structures are fairly maintenance free, there are no formal or regularly scheduled maintenance or repair programs.

E. Management Plans: As the proposed use will not involve use of animal or mineral resources, no management plan is required. The use of plant resources consist of the propagation and growing of nursery plants, and the management plan for this activity is the continued nursery operational plans for such propagation and growing.

F. Historical or Archaeological Site Plan: As no historic or archaeological sites on the State or Federal Register exist on the site, a historical or archaeological site plan is not required.

II. Subzone Objective:

The subject area is within the "Resource (R)" subzone. The objective of this subzone is to "develop, with proper management, areas to ensure sustained use of the natural resources of those areas."

The proposed use is not inconsistent with this objective, as use of the natural resources of the subject site sustains and

supports the ongoing nursery operations. The site is flat and relatively clear of heavy vegetative growth, which made it reasonable and conducive for the nursery operations.

As discussed hereinbefore, the proposed continued use does not result in any significant adverse environmental or ecological impact.

Appendix "A"
ENVIRONMENTAL IMPACT ASSESSMENT
FOR
NURSERY FACILITIES AT PRINCEVILLE NURSERY
AT
PRINCEVILLE, HANAIEI, ISLAND OF KAUAI, STATE OF HAWAII
TAX MAP KEY: . 5-3-01, POR. 16

Appendix "A"
ENVIRONMENTAL IMPACT ASSESSMENT
FOR
NURSERY FACILITIES AT PRINCEVILLE NURSERY
AT
PRINCEVILLE, HANAIEI, ISLAND OF KAUAI, STATE OF HAWAII
TAX MAP KEY: 5-3-01, POR. 16

Appendix "A"

ENVIRONMENTAL IMPACT ASSESSMENT

The following is an environmental impact assessment on the continued nursery operations on real property more particularly identified as Kauai Tax Map Key: 5-3-01, por. 16.

(1) Identification of Applicant:

Princeville Corporation
P. O. Box 3040
Princeville, Kauai, HI 96722
Tel. 826-3040

(2) Identification of Approving Agency:

Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96809

(3) Identification of agencies consulted:

Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96809

Planning Department
County of Kauai
4280 Rice Street
Lihue, HI 96766

(4) General description of action's characteristics:

(a) Technical: The site is presently being used as part of the Princeville Nursery, for the propagation and growing of plant and landscape materials used in the development of the Princeville Resort.

The area within the Conservation District and subject of this application contains a nursery office/storage building, a

soil mix shed, employees' lunch lanai, a propagation building, and 3 shade houses.

The office/storage building is a one-story metal building constructed on a concrete slab, and contains an approximate area of 5,000 square feet. The soil mix shed is a lean-to with corrugated iron roof, containing an approximate area of 720 square feet. The employees' lunch lanai is an opensided wooden building with corrugated iron roof, within which the employees are able to eat their meals and lounge; it contains an area of approximately 240 square feet.

The propagation building is a metal-ribbed building with corrugated plastic siding and corrugated plastic roofing. It contains an approximate area of 4,000 square feet. The shade houses are constructed of black web or screening material over a frame, and are approximately 4,000 square feet each.

In addition to the foregoing, crushed coral pathways and parking areas have also been constructed.

Plants grown on the subject site include varieties normally associated with a nursery operated to meet a community's landscaping needs. These include, but are not limited to ferns, hibiscus, grasses, plum trees, palms, coconuts, bouganvillia, crotons, gardenias, oleanders, olives, heliotropes, bottle-brushes, eucalyptus, koa, orchids, monkeypods, norfolk pines, plumerias, shower trees, tecomas, broms, gingers, and philodendrons.

Also included in this application is the proposed remodeling of the restroom facilities within the existing office/storage building. The renovations will add employee locker rooms and showers, as well as a lunchroom. The proposed renovation will encompass approximately 895 square feet, within the 5,000 square feet office/storage building. Upon the completion of such renovation, the present employees' lunch lanai will be removed.

(b) Economic: The improvements to the subject site cost in excess of \$500,000. The costs of relocating the various buildings and improvements away from the "Conservation" District is estimated at more than \$250,000. Based on the estimated cost of relocation, as well as the lack of any significant environmental impacts resulting from the use in its present location, it is economically efficient and reasonable to seek a

Conservation District Use Application permit for the nursery use.

(c) Social: Continuation of the nursery uses at the subject site will not result in any social impacts to the surrounding community. The current 31 nursery employees will continue to work at their present jobs. The nursery workforce is not sufficiently large to result in any social impact on the community, although any curtailing of the nursery operations through denial of the application, recessionary economic conditions, etc., would result in impacts to the families of the individual workers who may be laid off or cut back in their hours of employment.

(d) Environmental: The environmental characteristics of the requested use are as follows:

(1) Flora and Fauna: There are no endangered or threatened species of flora or fauna at the subject site. The existing vegetation consists of grasses around the various improvements, as well as the plants being propagated and grown in the nursery operations. The proposed action will not require any changes to the existing flora, except as may be propagated or replaced as part of the ordinary nursery operations.

(2) Drainage: The existing drainage pattern before implementation of the nursery was towards the Hanalei Valley. The nursery was built with minimal changes to the existing grade. As such, the drainage pattern of surface flow towards the Hanalei Valley was not changed. As the subject application is for the continued use of the existing operations, no further change in the drainage pattern is anticipated.

(3) Erosion: The subject site is relatively flat and free from erosion. There is no likelihood of erosion problems resulting from the nursery operations and its continued use.

(4) Historical and Archaeological: The Pooku Heiau lies approximately 600 feet to the south of the subject site. The proposed use would not have any effect on the Pooku Heiau. The Applicant is not aware of any historical or archaeological significance to the subject site. As the nursery operations are already in existence in the subject area, sites of archaeological or historical significance, if any, would have already been altered. The Applicant is not aware of any archaeological sites having been uncovered during the establishing of the nursery,

and will immediately cease work and notify the State Historic Sites Section of the Department of Land and Natural Resources should any archaeological remains be uncovered in the future.

(5) Visual: Due to the taller trees and other vegetation along the edge of the subject site overlooking the Hanalei Valley, the nursery operations are not visible from the Hanalei Valley or the Hanalei Valley Lookout. Neither is the nursery visible from Kapa'ka Street leading through the Princeville Agricultural subdivision.

Some of the planting materials and structures are visible from Kuhio Highway. However, as the nursery operation is perpendicular to the normal viewplane for travelers on Kuhio Highway, and visible only for a short duration, the use does not result in any significant visual impact. Moreover, the distraction of the Prince Golf Course in the opposite (makai) direction from Kuhio Highway further mitigates the visual impact of the nursery operations.

(6) Herbicides: Although herbicides, fertilizers and other chemicals are used in the nursery operations, they are used only in compliance with application procedures and dosages established by the manufacturers. The use of such chemicals in limited and localized application minimizes the likelihood that the same will cause any environmental or ecological harm. As the subject site is at the top of the plateau overlooking the Hanalei Valley, it is unlikely that any chemicals used will leach the distance to the ground water in the valley.

(5) Summary Description of the Affected Environment:

The subject site is approximately 7.1 acres in size, located within the Conservation District near the bluffline overlooking the Hanalei Valley, at Hanalei, Kauai, Hawaii. It is more particularly identified as Kauai Tax Map Key: 5-3-01, por. 16. A tax key map, indicating the location of the subject area is attached hereto as Exhibit "1" and made a part hereof.

A site map, to better locate the subject area and the improvements thereon, is attached hereto as Exhibit "2" and made a part hereof.

The continuation of the requested use will not affect the surrounding environment. The nursery operations have been in effect on the subject site since 1988, without any reported or

noticeable effects on the surrounding environment. There is no reason to believe that the same will continue.

(6) Identification and summary of major impacts and alternatives considered: As the nursery and related structures has existed for a number of years in the subject area, any environmental or ecological impacts resulting therefrom would have already been experienced.

Yet, there have been no reports of any significant environmental or ecological impacts from the ongoing nursery operations.

The absence of such impacts is due to the low-keyed nature of the nursery operations, akin to agricultural pursuits and practices in the area.

The proposed remodeling of the restroom facilities within the existing office/storage building should not result in any significant adverse impacts, as it would be contained within the existing structure, be used to accommodate existing workers, and would not contribute towards a higher or denser use of the subject area. The completion of the remodeling will also result in the removal of the existing employees' lunch lanai.

Alternatives to permitting the continuance of the nursery operations in its present site are to relocate the operations outside of the Conservation District, cease the nursery operations altogether, or reclassify the subject area from the Conservation to the Agricultural land use district.

Relocating the nursery operations approximately 200 feet to the Agricultural land use district is not only costly, but would not necessarily result in any less of an impact, if any, to the area. It may even result in greater impacts which would not otherwise be incurred due to the necessity of removing the existing concrete slab and pouring a new slab for the relocation of the existing building.

Ceasing of the nursery operations in the subject area is not a viable alternative, as it would still necessitate relocating the operations in order to meet the plant material and landscaping needs of the Princeville resort. Moving the nursery without any appreciable benefit to the community or Applicant, but only for the sake of not locating it within the Conservation district, is not reasonable nor justifiable in the absence of

any showing of environmental harm at the nursery's present location.

Seeking a State Land Use reclassification of the subject site from the Conservation to the Agricultural land use district would result in the nursery operations continuing in the same location. However, this alternative is less desirable due to the time and expense it would entail in obtaining the State Land Use reclassification and subsequent County of Kauai zoning for the area. Moreover, reclassification and rezoning of the area to Agriculture could result in the loss of zoning control over a potentially visibly sensitive area.

A do-nothing alternative is not feasible under the circumstances since the existing uses were erroneously implemented without a CDUA permit, and should be resolved to cure the lack of such a permit.

(7) Proposed Mitigation Measures: As discussed previously, the present use has not resulted in any significant adverse environmental or ecological impacts. In the absence of such impacts, no mitigation measures are necessary.

However, should the preservation of the scenic viewplanes become an issue, it can be mitigated by planting buffer trees to further shield the nursery operations from the public roads.

(8) Determination: Based on the foregoing, it is recommended that a finding that the requested use will not result in any significant adverse environmental and ecological impacts be adopted, and that an environmental impact statement not be required of the Applicant for the requested action.

(9) Findings and Reasons Supporting Determination: The requested action is to permit the continued use of the subject site as a nursery for the propagation and growing of planting and landscape materials for the Princeville resort. Such nursery use has been in effect on the site since 1988, and no demonstrated or reported environmental or ecological impacts have resulted therefrom.

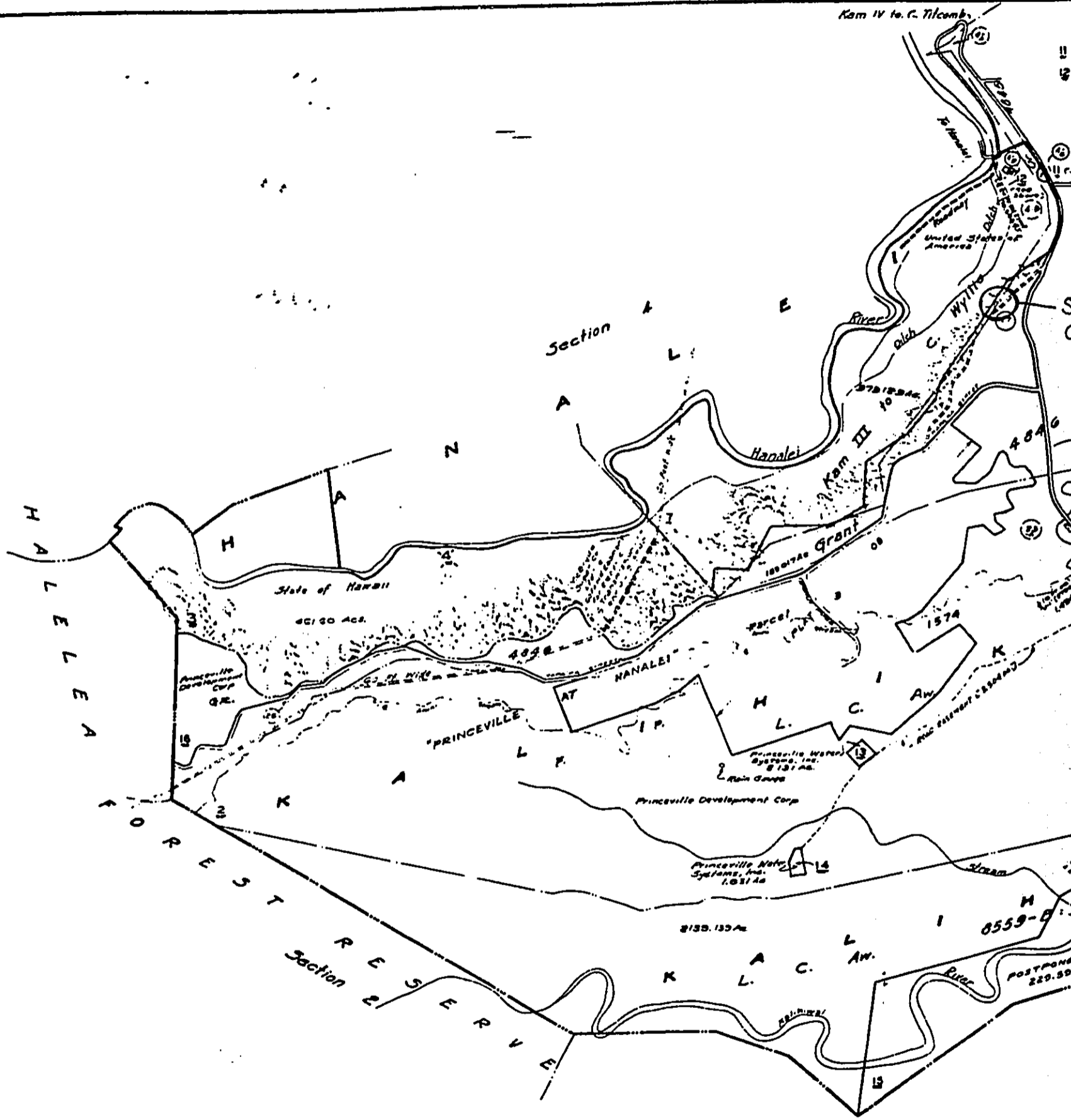
In the absence of any showing of environmental or ecological impacts from the past use, a continuation of the same use and level of activity should not result in any different environmental impact to the area.

The proposed remodeling of the restroom facilities would be within the existing office/storage building, and would not result in a higher use of the property as it would be to accommodate existing employees. Thus, the proposed remodeling would not have any significant adverse environmental impact to the subject site or the area.

(10) Agencies to be consulted: As a recommendation of negative declaration is proposed, no other agency need to be consulted for preparation of an environmental impact statement.

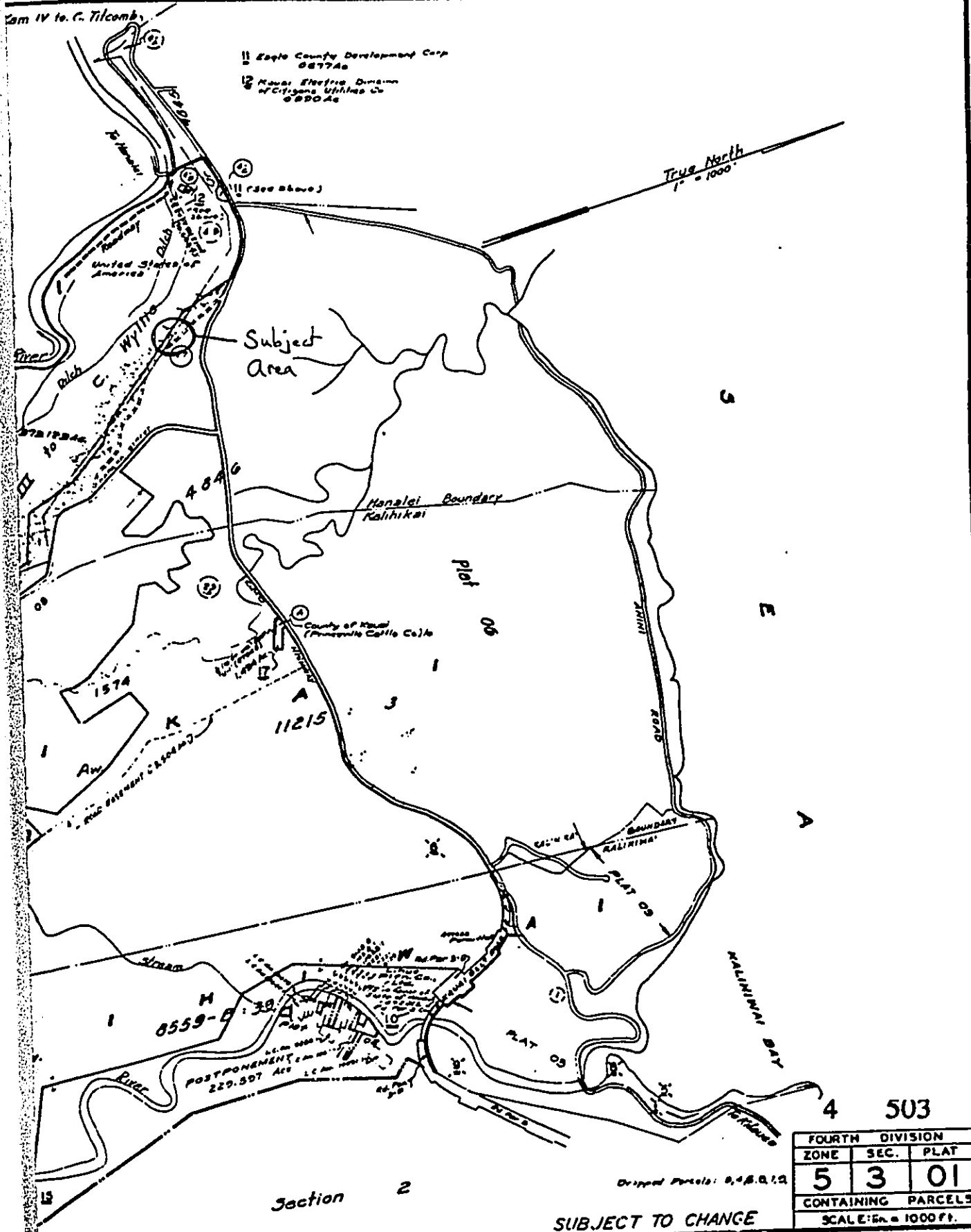
EXHIBITS

Kam IV to G. Tilcomb



Source: T.M.B. & F.R. 1974
 By: F.M.B.C.-H.H. May 1936

FOR OF HANALETI - KALHIKAI & MAI, HANALETI KAUAI.



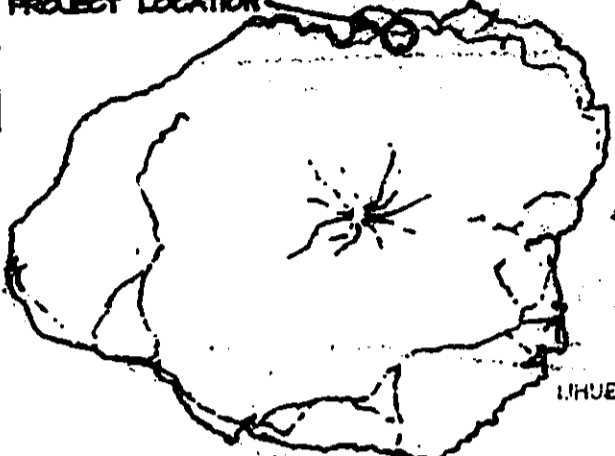
FOURTH DIVISION		
ZONE	SEC.	PLAT
5	3	01
CONTAINING PARCELS		
SCALE: 1" = 1000 FT.		

SUBJECT TO CHANGE

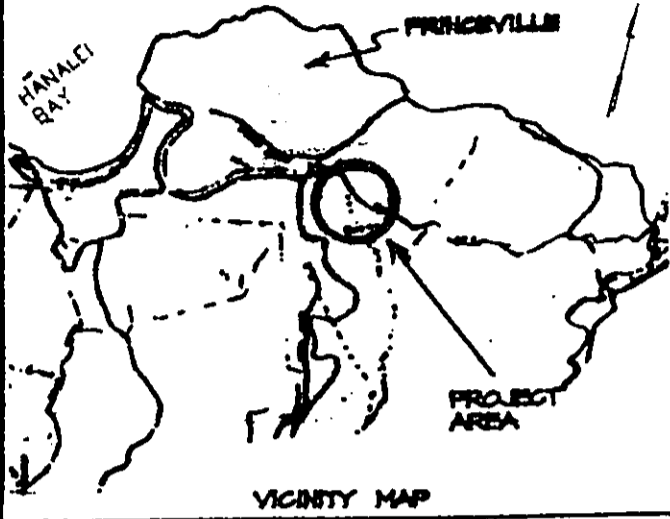
PRINTED

EXHIBIT 1

PROJECT LOCATION

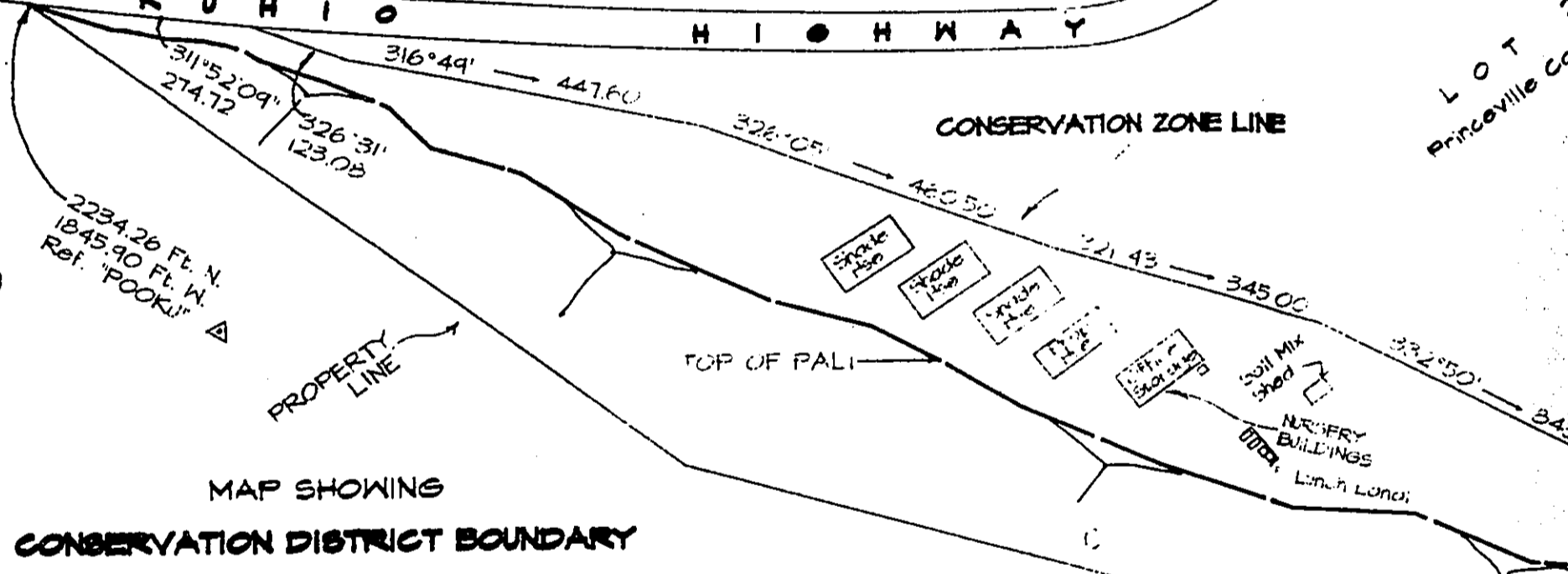


LOCATION MAP



VICINITY MAP

K U H I O H I G H W A Y



MAP SHOWING
CONSERVATION DISTRICT BOUNDARY
LOT 27

PRINCEVILLE AG. SUBDIVISION
HANAIEI, HALELEA, KAUAI, HAWAII

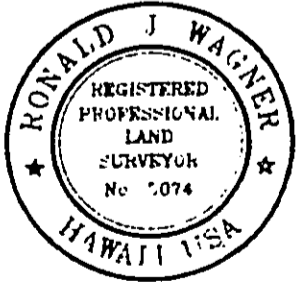
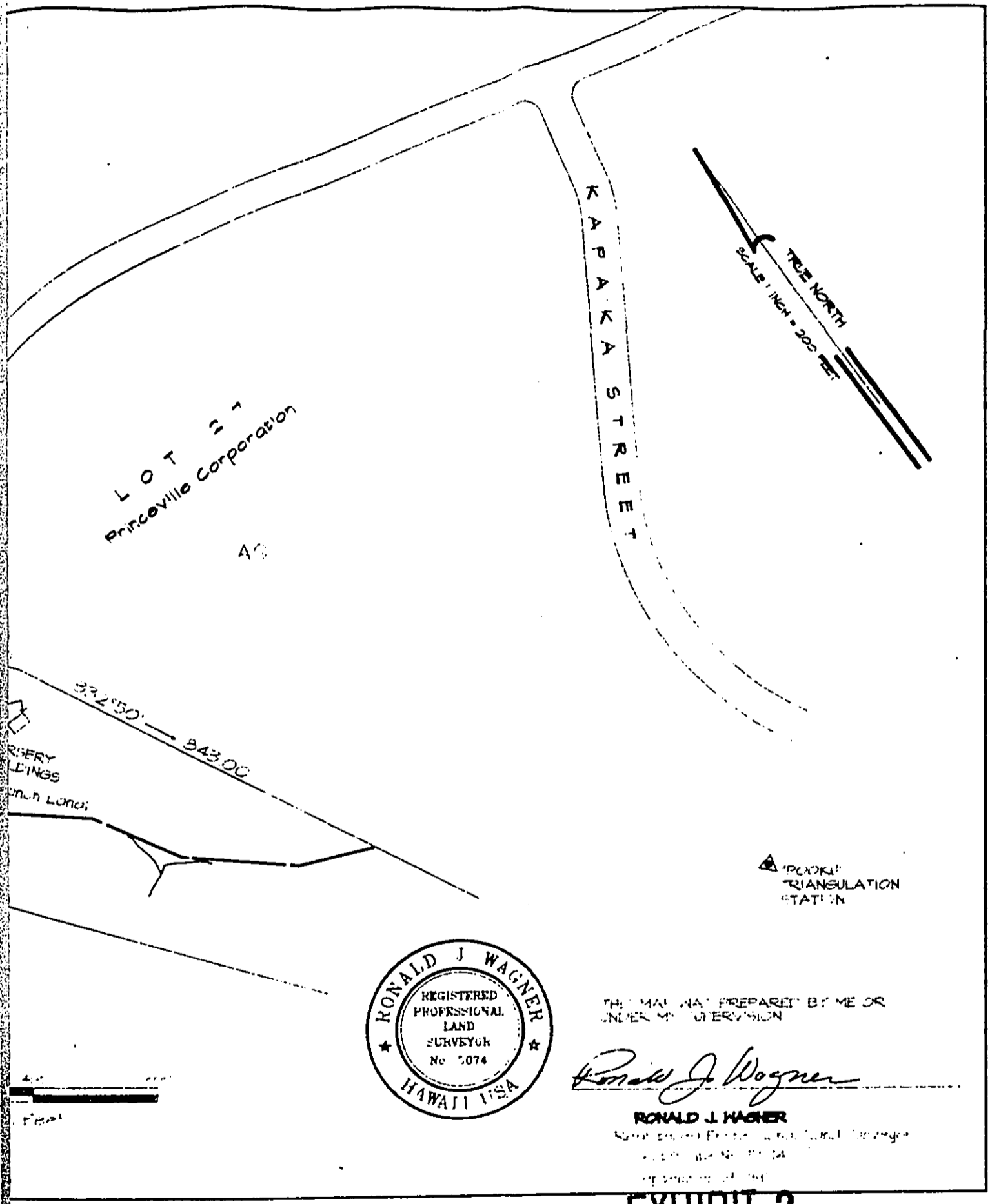
WAGNER ENGINEERING SERVICES, INC.
P.O. BOX 351 HANAIEI, KAUAI, HAWAII 96714

LOT 4-B
Wildlife Reserve
United States of America



Graphic Scale - Feet

LOT 2
Princeville Com



THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION

Ronald J. Wagner

RONALD J. WAGNER
Surveyor General
No. 2074
Hawaii, USA

EXHIBIT 2

Site Utility Plan
(attached, folded)

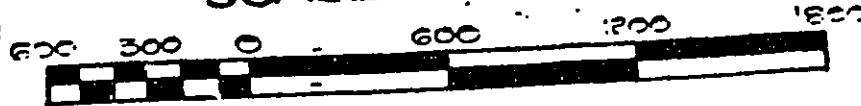
EXHIBIT 3

CONSERVATION DISTRICT BOUNDARY INTERPRETATION MAP PRINCEVILLE RANCH

HALELEA, KAUAI, HAWAII

TAX MAP KEY: ZONE 5, SECTIONS 3, 4 AND 5
FOURTH DIVISION

SCALE IN FEET



OCT 26, 1977

(FINAL SUBDIVISION MAP)

OWNER: THE LIHUE PLANTATION CO. LTD.

MAP 1

EXHIBIT 4

DOCUMENT CAPTURED AS RECEIVED

BOUNDARY
MAP
VCH
WALL
3, 4 AND 5

OCT 26, 1978



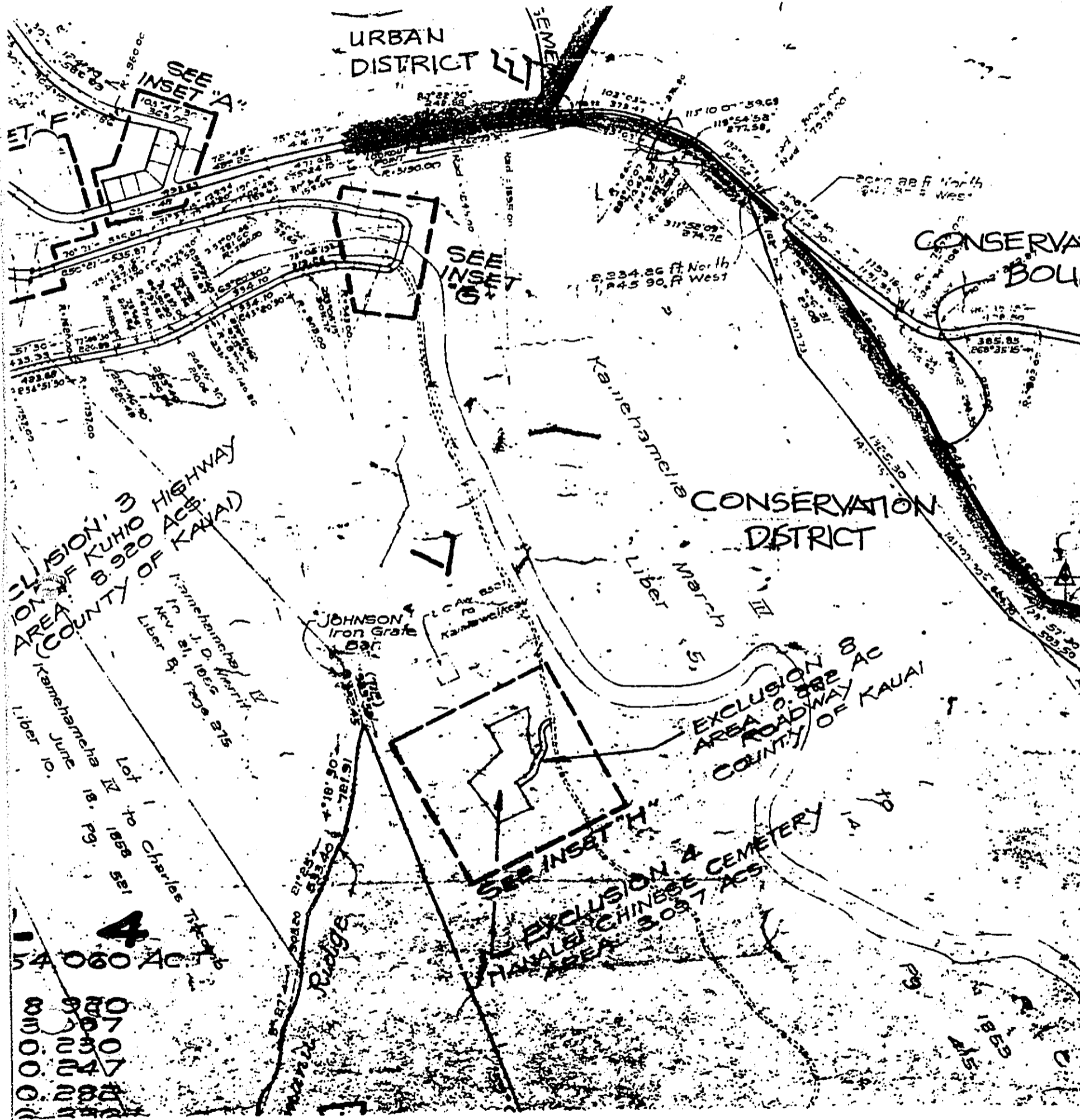
SURVEY AND MAP BY
S. M. EDWIN CORPORATION
233 MERCHANT ST
HONOLULU, HAWAII
SEPT. 30, 1968

D. LTD.



REGISTERED
COPY

DOCUMENT CAPTURED AS RECEIVED



SEE INSET "A"

SEE INSET "G"

SEE INSET "H"

EXCLUSION 3
 AREA 8,920 AC
 COUNTY OF KAUAI

Kamohamohala Highway
 Liber B. Page 275
 J. O. Martin
 1855

Lot 1 to Charles T. ...
 June 18, 1858

EXCLUSION 8
 AREA 0.882 AC
 ROADWAY
 COUNTY OF KAUAI

EXCLUSION 4
 AREA 3,097 AC
 HAWAIIAN CHINESE CEMETERY

54,060 AC

ON 10/10/00

10/10/00

10/10/00

10/10/00

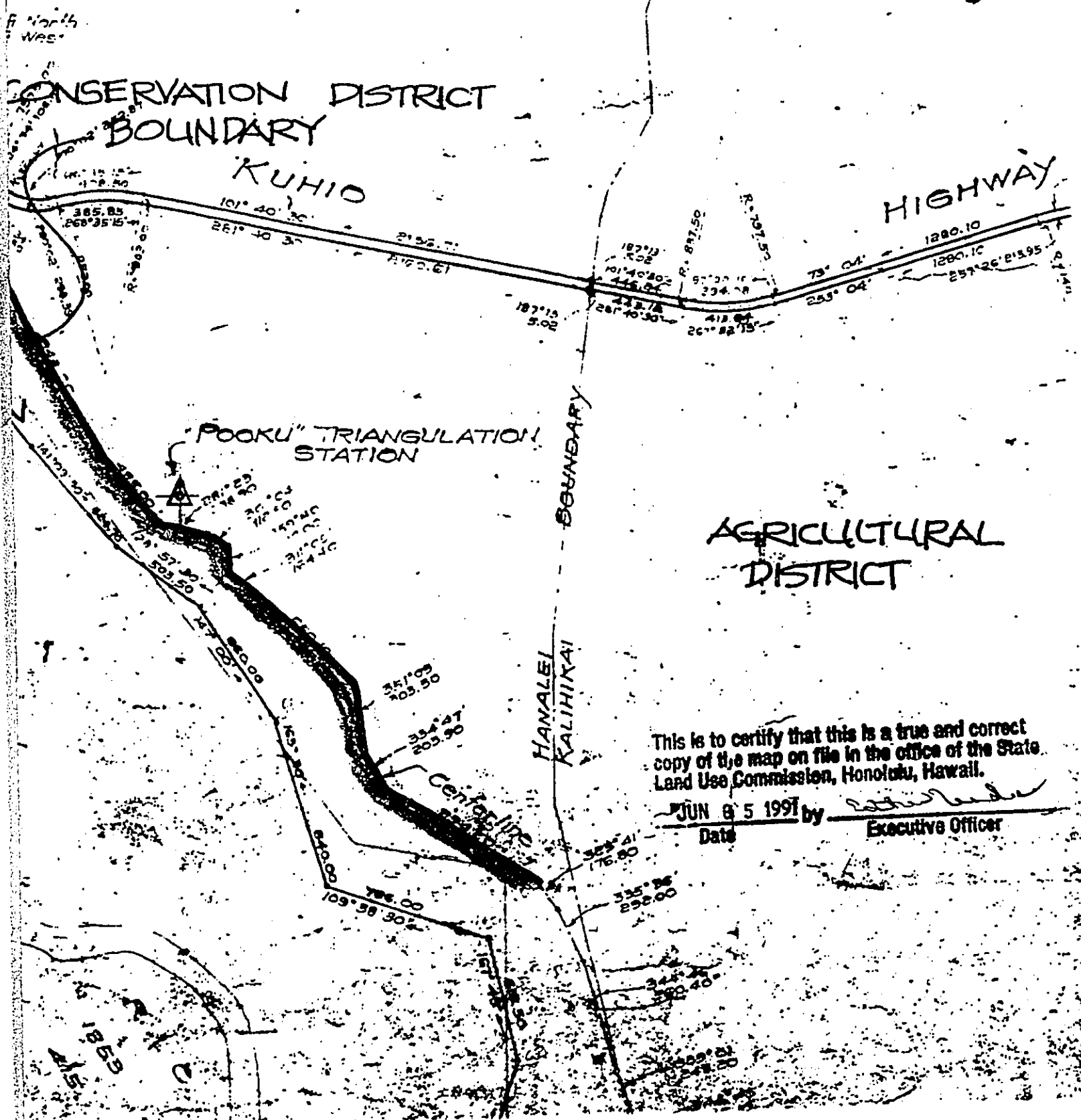
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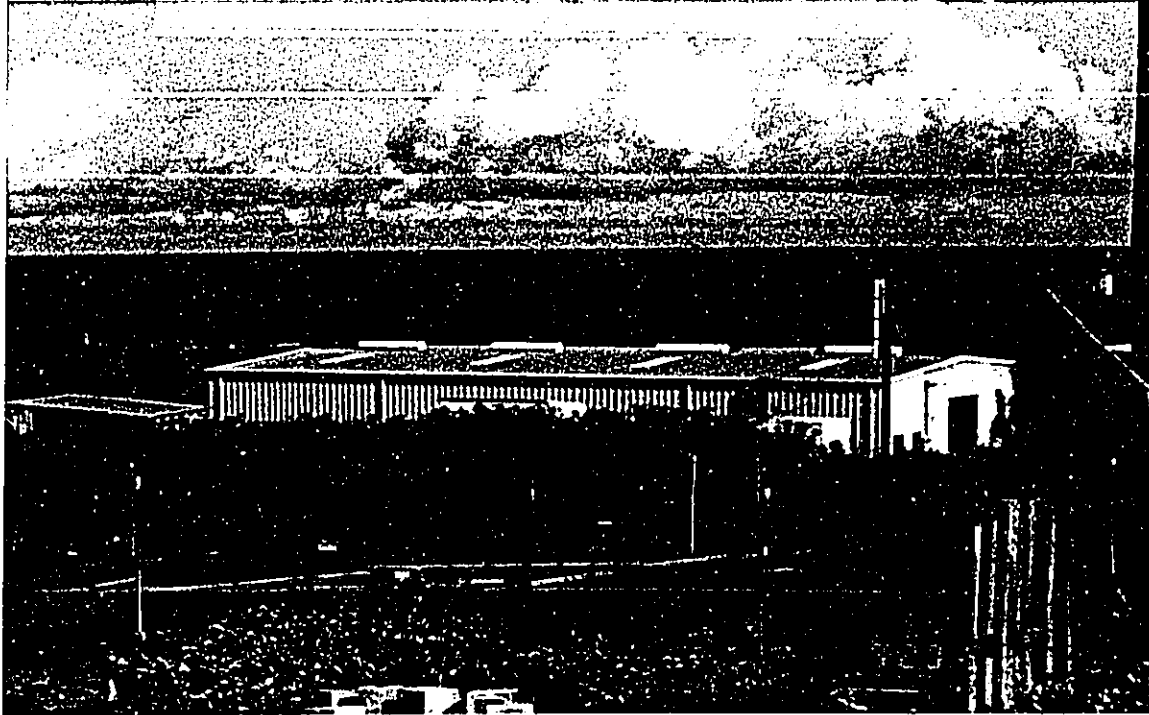
DOCUMENT CAPTURED AS RECEIVED

(ANINI BEACH ROAD)
NET AREA = 912.7

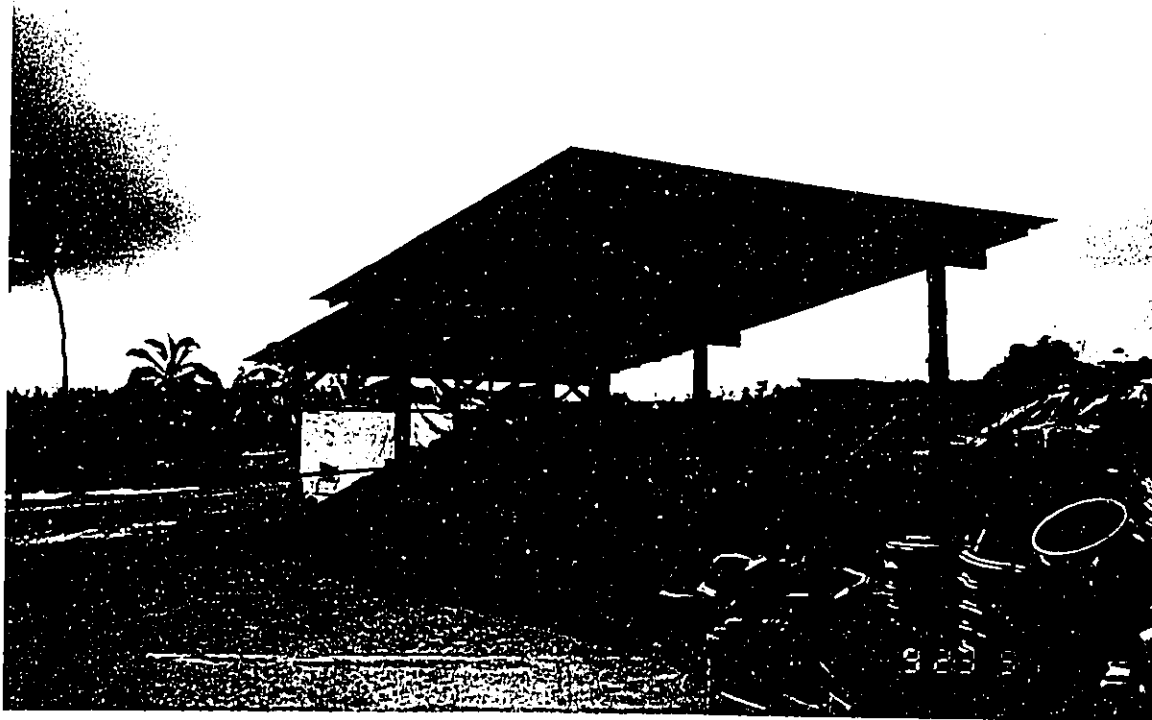


This is to certify that this is a true and correct copy of the map on file in the office of the State Land Use Commission, Honolulu, Hawaii.

JUN 8 5 1991 by [Signature]
Date Executive Officer



NURSERY OFFICE/STORAGE BUILDING



SOIL MIX SHED

EXHIBIT 5



EMPLOYEES' LUNCH LANAI



PROPAGATION BUILDING

EXHIBIT 5



SHADE HOUSE

EXHIBIT 5

DOCUMENT FOR PUBLICATION IN
THE OEQC BULLETIN

FOR

NURSERY FACILITIES AT PRINCEVILLE NURSERY

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

Date: ___/___/___ Prepared by: Princeville Corporation

The document is a (check all that apply)

Chapter 205A Document	()	Negative Declaration	(X)
Chapter 343 Document	(X)	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: Princeville Nursery,
Princeville, Kauai, Hawaii

Location: Island Kauai District Hanalei

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

Name of Proposing Applicant or Agency: Princeville Corporation

Name of Contact: Walton D. Y. Hong

Address: 3135-A Akahi Street

City: Lihue State: HI Zip Code: 96766

Phone: (808) 245-4757

Name of Preparer or Consultant: Walton D. Y. Hong

Name of Contact: Walton D. Y. Hong

Address: 3135-A Akahi Street

City: Lihue State: HI Zip Code: 96766

Phone: (808) 245-4757

Accepting Authority: Dept. of Land and Natural Resources

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): _____

After-the-fact application for a CDUA permit for the continued use of Conservation land for existing Princeville Nursery operations at Princeville, Hanalei, Kauai, Hawaii, and remodeling of restroom facilities in storage building.

(Continue on another sheet if necessary)

Tax Map Key(s): (4th) 5-3-01, por. 16. _____

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: _____