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JOHN WAHEE
GOVERNOR OF HAWAII



KEITH W. AHUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
JOHN P. KEFFELER, II
DONAL L. HANA'IKE

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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621
HONOLULU, HAWAII 96809

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HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

QUALITY CONTROL

FILE NO.: KA-2725
DOC. ID.: 5009

OCT 17 1994

MEMORANDUM

TO: Dr. Bruce Anderson, Acting Director
Office of Environmental Quality Control

FROM: Keith W. Ahue, Chairperson
Board of Land and Natural Resources

SUBJECT: Negative Declaration for the Construction of a Single Family
Residence at Haena, Kauai, Hawaii; TMK: 5-9-2: 52

*American Trust
Faye Res.*

The Department of Land and Natural Resources has reviewed comments received during the 30-day public comment period which began on August 8, 1994. The DLNR has determined that this project will not have a significant environmental effect and has issued a negative declaration. Please publish this notice in the next OEQC Bulletin.

We have enclosed a completed OEQC Bulletin publication form and four copies of the draft EA.

Please contact Sam Lemmo at the Office of Conservation and Environmental Affairs at 587-0377, should you have any questions.

xc: Walton D.Y. Hong

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1994-11-08-KA-~~FEA~~ Faye Single Family
Residence

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DLNR
OCEA

CHAPTER 343, H.R.S.
ENVIRONMENTAL ASSESSMENT/DETERMINATION

Applicant: Walton D. Y. Hong
Attorney for Diane Faye, et al.,
beneficiaries under Land Trust
3135-A Akahi Street
Lihue, HI 96766

Owner: American Land Trust Co. of Hawaii,
Inc. (Trustee under Land Trust)
12th Floor, Davies Pacific Center
841 Bishop Street
Honolulu, HI 96713

Location: 215,717 square feet, situated at
Haena, District of Hanalei, Island
and County of Kauai, State of Hawaii

Tax Map Keys: (4th) 5-9-02: 52

Request: Conservation District Use Application
(CDUA) permit for a single family
residence.

Consulted Agencies: Department of Land and Natural
Resources, State of Hawaii
Planning Department, County of Kauai

Approving Agency: Board of Land and Natural Resources

Determination: EIS not required

I. Background.

The subject property is presently owned by the American Trust Co. of Hawaii, Inc., as trustee under a land trust. The current beneficiaries of the land trust are two sisters and their respective families.

American Trust Co. of Hawaii, Inc., has authorized Walton D. Y. Hong as its agent to submit an application for a CDUA permit for the proposed single family residence and the consolidation and resubdivision.

The subject application involves that certain parcel situated at Haena, Island and County of Kauai, State of Hawaii, containing an area of 215,717± square feet, and more particularly identified as Kauai TMK: 5-9-02-52. The subject property was also identified as Lot 32 in the Haena Hui Partition, in Fifth Circuit Civil No. 30.

A map, showing the subject parcel is attached hereto as Exhibit "A".

The subject parcel is vacant.

II. Proposed Action.

The Applicant desires to construct a single-family residence with garage and storage on the vacant property. The property would be cleared to accommodate the proposed residence and to provide view corridors from the residence.

The proposed residence on the property would have approximately 1,984 square feet of living area and 1,090 square feet of decking, in a two story structure. The lower level will contain garage and storage, and the upper level will contain the living area, in accordance with the requirements of the Federal Flood Insurance program.

The proposal to construct the residence on the subject property is premised on the basis that it conforms to the policy of the Board of Land and Natural Resources relating to the construction of single-family residences on lands included within the Haena Hui Partition within the Land Use "Conservation" district. More specifically, the Board of Land and Natural Resources acted to allow one residential house on "lots which were categorized as 'house' lots and into which acreage has been placed in Exhibit 'C' Civil No. 30 in the Fifth Circuit Court approved by the court on October 20, 1967."

A review of Exhibit "C" in the said action indicates that, of the 215,717 square feet of the subject property, 5,500 square feet was designated as "Good Interior House Lots" and 86,342 square feet was designated as "Good House Lots On Road".

The Applicant believes that the subject property qualifies for a single family residence thereon under the parameters and policies established by the Board of Land and Natural Resources applicable thereto.

III. Technical Characteristics.

1. The property is presently vacant and overgrown in part with non-endangered species of trees and grasses. These include guava, lantana, coconut palms, ironwoods, java plum and beach grasses. It is the proposal of the Applicant to clear the property as may be necessary for the proposed construction, to provide view corridors from the residence, and for rodent and insect control.

2. The subject property is relatively flat, with the portion nearest Kuhio Highway being the lowest and gradually rising to a natural beach berm along the shoreline. Due to its topography, substantial grading will not be necessary.

3. The sandy soil on the subject property permit good percolation of rain water. In the event of unusually heavy rains, the topography of the lots would cause rain water to drain towards Kuhio Highway. There are no plans to alter this existing drainage pattern.

4. As the proposed use for the subject property is a single-family residence with garage and storage, any increase or effect on traffic, sanitation and waste disposal, refuse or use of water will be insignificant. The lot is sufficient in size so as to locate the individual waste water treatment system, i.e., septic tank with leach fields, an adequate distance from the shoreline and abutting properties to eliminate the hazard of waste pollution from the proposed residence.

5. An archaeological study done on a kuleana contained wholly with the subject property as a condition for the CDUA permit for the single-family residence thereon did not reveal any significant archaeological or historical significance. The Applicant is willing to have a similar archaeological study conducted for the subject property before construction thereon. Should such study disclose any archaeological or historical significance to the site, further work on the site will be halted and the Historic Sites Section of the Department of Land and Natural Resources consulted.

IV. Economic Considerations.

As the proposed use is for a single-family residence, there would not be any significant beneficial or adverse economic effects resulting therefrom, except increased real property taxes and the short term employment benefits during the course

of planning and construction of the proposed residence.

V. Affected Environment.

The proposed action will not result in any significant adverse environmental or ecological effects. Although the property will be cleared for the construction, the clearing will not result in the removal of endangered species of flora or fauna.

A single family residence on a 215,717± square feet lot will not result in significant levels of water usage, sewage generation, noise, and traffic, so as to cause significant adverse effects to the surrounding environment.

VI. Mitigation of Adverse Effects and Alternatives.

As no significant adverse effects will result from the proposed use within the Conservation District, no mitigation measures are necessary.

The only other alternative to the proposed residence is to leave the property in its present state. However, as the Applicant believes that the subject property qualifies for a single family residence under policies adopted by the Board of Land and Natural Resources, any denial of the right to construct a single family residence thereon would be contrary to the Board's policies and subject to scrutiny and possible reversal by the courts. Thus, the alternative of leaving the land in its present state is not viable.

VII. Determination and Reasons Supporting Determination.

As the proposed actions within the Conservation District will not result in any significant or adverse environmental or ecological effects, a negative declaration is appropriate.

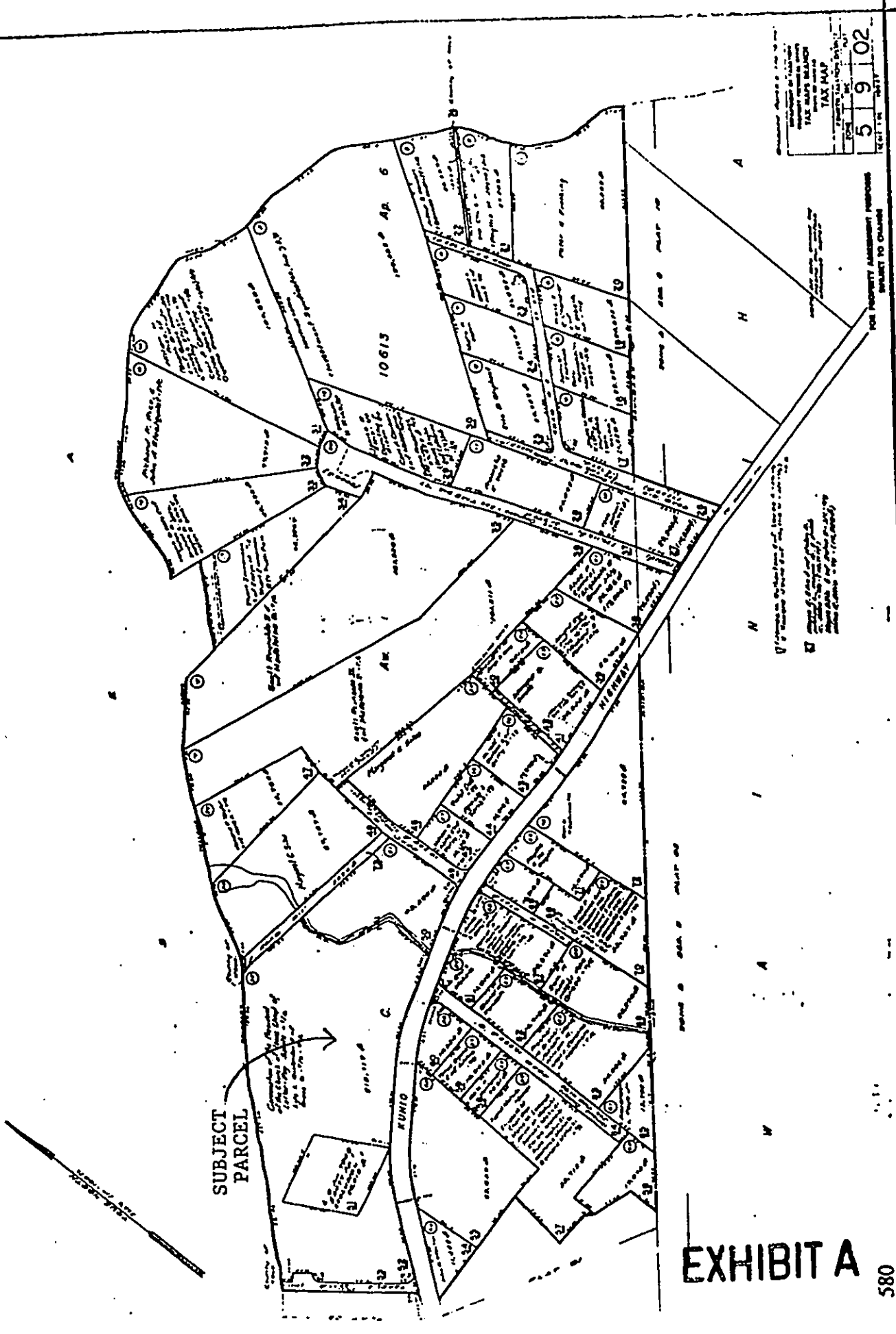


EXHIBIT A

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MACHA, NILELEA, KAUAI.