



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

AQUACULTURE DEVELOPMENT PROGRAM
 AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 CONSERVATION AND RESOURCES ENFORCEMENT
 CONVEYANCES
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 LAND DIVISION
 STATE PARKS
 WATER RESOURCE MANAGEMENT

'99 DEC 13 P12:55

DEC 10 1999

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

File: KA-2946

Ref.:PB:THE

MEMORANDUM

To: Genevieve Salmonson, Director
 Office of Environmental Quality Control

From: Dean Y. Uchida, Administrator *[Signature]*
 Land Division, Department of Land and Natural Resources

Subject: Final Environmental Assessment (EA)/Finding of No Significant Impact (FONSI) for Yellin/Greenan Single Family Residence (SFR) in the Conservation District at TMK parcel [4]5-9-2:50, Haena, Kauai

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on October 23, 1998 for the subject project. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the December 23, 1999 OEQC Environmental Notice.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA for the project. As you may note, the original landowner/applicant (Yellin) decided to back out of the proposed development of the SFR on the property in January 1999. Soon thereafter, the property was sold to the current owner (Greenan) who was willing to pursue developing the original SFR design. Accordingly, in consultation with your staff, we decided to allow the new owner/applicant to finalize the draft EA that had been initiated by the former owner/applicant. However, additional comments on the EA were sought from relevant county agencies, and were included in the final EA. Other than changing the name of the applicant/landowner, the summary for this project has not changed from that noted in the Publication Form for the draft EA.

Please contact Tom Eisen of our Planning Branch at 587-0439 if you have any questions on this matter.

Enclosures

cc: Michael Belles

1999-12-23-KA-FLA-

DEC 23 1999

FILE COPY

**ENVIRONMENTAL ASSESSMENT
IN SUPPORT OF
CONSERVATION DISTRICT USE
PERMIT APPLICATION
FOR
JAMES S. GREENAN*
TO CONSTRUCT A SINGLE-FAMILY RESIDENCE*
LOCATED AT
HAENA, KAUAI, HAWAII
KAUAI TAX MAP KEY NO. (4) 5-9-2:50**

OFFICE OF
QUALITY CONTROL

'99 DEC 13 P12:56

RECEIVED

. CONSERVATION DISTRICT USE PERMIT APPLICATION
FOR
JAMES S. GREENAN

ENVIRONMENTAL ASSESSMENT

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Exhibit "A"	-	Title Report
Exhibit "B"	-	Location Map of the Parcel
Exhibit "C"	-	Tax Map of the Parcel
Exhibit "D"	-	Survey Map of the Parcel
Exhibit "E"	-	State Conservation District Subzone Map
Exhibit "F"	-	Kauai General Plan Map
Exhibit "G"	-	SMA Map
Exhibit "H"	-	Site Plan
Exhibit "I"	-	Dwelling Floor Plan
Exhibit "J"	-	Dwelling Front Elevation
Exhibit "K"	-	Tree Removal Plan
Exhibit "L"	-	Letter from Jim D. Campbell (6/28/98)
Exhibit "M"	-	Letter from Cultural Surveys Hawaii (7/1/98)
Exhibit "N"	-	Photograph Location Map/Photographs
Exhibit "O"	-	Comment Letters and Responses

BELLES GRAHAM PROUDFOOT & WILSON

MICHAEL J. BELLES (1577-0)
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766-1388
Telephone No.: (808) 245-4705

Attorney for Applicant
JAMES S. GREENAN

BOARD OF LAND AND NATURAL RESOURCES

OF THE

STATE OF HAWAII

In the Matter of the)
Application) ENVIRONMENTAL ASSESSMENT
)
Of)
)
JAMES S. GREENAN, for a)
Conservation District Use)
Permit to Construct a)
Single-Family Residence on)
real property situated at)
Haena, Kauai, Hawaii, and)
further identified by Kauai)
Tax Map Key No. (4)5-9-2:50.)
_____)

ENVIRONMENTAL ASSESSMENT

Comes now, JAMES S. GREENAN (hereinafter referred to as
"Applicant"), by and through his attorneys, Belles Graham
Proudfoot & Wilson, and respectfully submits the following

LIHUE\9999\318\31048.1\WJB

Environmental Assessment pursuant to the requirements contained in Chapters 343 and 344 of the Hawaii Revised Statutes and in Title 11, Chapter 200, and Title 13, Chapter 5, of the Hawaii Administrative Rules.

I. APPLICANT.

The Applicant is James S. Greenan.

II. APPLICANT'S ADDRESS AND TELEPHONE.

The Applicant's address and telephone is:

1333 N. California Boulevard
Suite 450
Walnut Creek, California 94596
Telephone No.: (925) 935-0700

All communications having to do with this Environmental Assessment should be made to the Applicant's attorney at the following address:

Michael J. Belles
Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
Lihue, Kauai, Hawaii 96766
Telephone: (808) 245-4705

III. APPROVING AGENCY.

The Approving Agency is the following:

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

IV. CONSULTED AGENCIES.

The governmental agencies consulted with regard to the Applicant's proposal included the Planning Department of the County of Kauai and the Department of Land and Natural Resources of the State of Hawaii.

V. OWNERSHIP OF THE SUBJECT PROPERTY.

The ownership of the property described hereinafter as the "Parcel" (Kauai Tax Map Key No. (4)5-9-2:50) is as shown on the Title Report attached hereto as Exhibit "A" and made a part hereof by reference.

VI. DESCRIPTION OF SUBJECT PROPERTY.

The Parcel is located at Haena, County of Kauai, State of Hawaii, is designated by Kauai Tax Map Key No. (4)5-9-2:50, and contains approximately 43,598 square feet.

The general location of the Parcel is shown on the Map attached hereto and incorporated herein as Exhibit "B". These areas are shown in more detail on the Tax Map attached as Exhibit "C" and the Survey Map which is also attached as part of Exhibit "D".

VII. LAND USE CLASSIFICATIONS.

A. The Parcel has the following land use classifications:

1. State Land Use Commission. The Parcel is located within the State Land Use Commission ("SLUC") Conservation District, Limited Subzone, as shown on Exhibit "E".

2. County General Plan. As shown on Exhibit "F", attached hereto and incorporated herein, the Parcel is located within the Open Zone Classification of the General Plan for the County of Kauai ("Kauai General Plan").

3. Special Management Area. The Subject Property is located within the Special Management Area ("SMA"), as shown on the SMA Map attached as Exhibit "G".

VIII. REQUESTED LAND USE PERMIT.

The Applicant has filed a Conservation District Use Application (hereinafter referred to as "CDUA") with the Department of Land and Natural Resources (hereinafter referred to as "DLNR") and the Board of Land and Natural Resources (hereinafter referred to as "Land Board") for the issuance of a Conservation District Use Permit (hereinafter referred to as "CDUP") for the following purposes:

A. The Applicant proposes to construct a single-family residential dwelling unit (hereinafter referred to as the "dwelling") on the Parcel pursuant to Sections 13-5-23(c) (D-1), 13-5-34, and 13-5-41 of the Hawaii Administrative Rules ("HAR") and Section 183C-5 of the Hawaii Revised Statutes ("HRS").

B. Access to the Parcel is via a private, all-weather surface road (hereinafter referred to as "Access Road"). The Access Road runs from Kuhio Highway. The Access Road is an existing, graded, all-weather surface road approximately thirty (30) feet in width.

IX. PROPOSED DEVELOPMENT.

The Applicant proposes to construct a single-family residential dwelling on the Parcel as shown on the Site Plan attached as Exhibit "H". A Floor Plan of the proposed dwelling is attached as Exhibit "I" and a front elevation is attached as Exhibit "J".

The appearance of the residence reflects a traditional plantation style architecture that is consistent with both older dwellings in the region, together with those newer structures which seek to emulate the more traditional style architecture.

The proposed dwelling will not exceed five thousand (5,000) square feet in size. It will be constructed primarily of wood, with a metal, non-reflective roof, and will have a foundation made of concrete columns on concrete footings. The dwelling will not exceed thirty (30) feet in height, and will be painted earth-tone colors. If a metal roof is used, it will also be painted an earth-tone color. The proposed dwelling will have five (5) bedrooms, five (5) bathrooms, a living room, a family room, a dining room, a kitchen, and lanais. The proposed dwelling will utilize a septic system for disposal of waste water. A site plan showing the location of the dwelling and septic system is attached as Exhibit "H".

X. SUBJECT PROPERTY ANALYSIS.

A. Location. The Parcel is located at Haena, Kauai, Hawaii. The Parcel is unimproved and vacant.

B. Agricultural Use. Because of its size, location and topography, the Parcel is not suitable for agricultural use. The Applicant's proposed use of the Parcel will have no negative impacts on its availability for future agricultural use.

C. Technical Characteristics. The subject property is presently overgrown with Ironwood trees, True and False Kamani

trees, Java Plum, Coconut Palms, African Tulip, and non-endangered species of grasses and weeds. The Applicant proposes to only remove the weeds, grasses, and not more than six (6) trees in the area of the residence and to leave as much of the remaining area as possible in its natural state with the existing flora and fauna. It should be noted that the Applicant selected the property in large part because of its existing generous landscaping and vegetation. In addition, Applicant intends to plant additional trees and landscaping to compliment those plants currently existing on the Parcel.

The Parcel is located approximately fifteen (15) feet above sea level (msl) and consists of both gently sloping and visually level topography. The soil is a fine, sandy loam throughout the parcel.

There is a drainage streambed running along the western boundary of the property. It is normally dry, but water does flow during heavy rains. The flow of water will not be disturbed by the proposed residence, which will be sited to the northeast of the streambed.

The existing drainage pattern of the subject property appears to be into the existing dry streambed traversing the property.

The shoreline is located approximately one hundred fifty (150) feet from the subject parcel, and the parcel is further separated from the shoreline by those certain other parcels identified as TMK Nos. (4)5-9-2:48 and (4)5-9-2:52.

As the proposed use is simply a single-family residence, 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 septic system an adequate distance from the streambed and the shoreline to eliminate the hazard of waste pollution from the proposed use.

Several walk-throughs of the subject property did not disclose any apparent historical or archaeologically significant sites. Should actual construction disclose the presence of such sites, the State Office of Historic Sites will be notified and work immediately halted until an appropriate resolution is reached in accordance with all applicable laws, rules and regulations. In addition, an archaeological survey will be performed on the Parcel prior to the commencement of any construction.

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

E. Social Characteristics. The property is bordered on its northside by a public pedestrian right-of-way to Tunnels Beach (D-1). The D-1 walkway will be undisturbed by the proposed use. The Buyer intends to plant additional palms and other landscaping on the subject property to beautify the public walkway and to provide privacy by screening the proposed residence to the maximum extent possible and reasonable.

E. Drainage.

The limited amount of additional drainage from the proposed development of the Parcel will not appreciably affect, nor overburden, the drainage system. This is particularly true in view of the fact that the structure must be elevated in accordance with the flood height requirements of the County of Kauai.

F. Traffic Impact. The increase in traffic generated by the construction of a single-family residence on the Parcel will be minimal, and will have no impact on existing traffic conditions along Kuhio Highway or elsewhere in the immediate area.

G. Availability of Public Services and Facilities. The construction of a single-family residence on the Parcel will not unreasonably burden public agencies to provide additional necessary urban amenities, services and/or facilities.

1. Schools. Hanalei Elementary School is located approximately five (5) miles from the Subject Property. Kapaa Intermediate and Kapaa High School are located approximately thirty (30) miles from the Parcel. The construction of a single-family residential dwelling on the Subject Property will not increase the number of students attending these schools to any measurable or appreciable extent, and will not adversely impact the capacity of the schools.

2. Wastewater Disposal. There are no County sewage facilities in this area. The proposed dwelling on the Parcel will utilize a septic system as approved by the Department of Health, State of Hawaii ("DOH") for disposal of waste water. The septic system will be designed to satisfy all applicable

requirements of DOH. There are currently other dwellings located on adjacent parcels in the vicinity of the Parcel. The balance of the area consists of unimproved lands. Given the projected limited wastewater disposal from the proposed domestic use, and the large amount of open, unused lands surrounding the proposed septic system, it is unlikely that the proposed wastewater disposal will have any harmful effects on the area. Applicant understands that the Department of Health ("DOH") will require a private wastewater system for the residence and Applicant will be required to install a septic system with a leach field. Thus, the septic system will be constructed in accordance with DOH rules and regulations.

H. Solid Waste Disposal. Refuse collection will be provided by the County of Kauai to the Parcel.

I. Water. Water storage and transmission facilities are presently adequate to serve the proposed dwelling.

J. Electricity and Telephone. Electric, phone and cable television facilities are presently located on Kuhio Highway. These facilities will have to be extended within the Access Road to service the Parcel. These existing facilities, as well as the capacity of both the Citizens Utilities Co. (Kauai Electric

Division) and the GTE Hawaiian Telephone Company, are sufficient to service the proposed dwelling to be constructed on the Parcel.

K. Police and Fire Protection. This area is currently served by the Princeville Police and Fire Station located approximately eight (8) miles from the Parcel. The construction of a single-family residence on the Parcel will not in and of itself create an unreasonable demand for an expansion of either the police or fire services.

XI. IMPACTS UPON RESOURCES OF THE AREA.

A. Flora and Fauna. The Applicant is not aware of any endangered species of plants on the Parcel, nor of any rare or endangered animals living in the area. The primary types of vegetation present on and around the Parcel are Ironwood trees, True and False Kamani trees, Java Plum, African Tulip, Coconut palms, and various types of weeds and grasses. The removal of not more than the six (6) trees necessary to construct the dwelling will have no substantial negative impact on the surrounding flora or fauna, as the parcel is heavily vegetated and landscaped with mature trees and other vegetation. Applicant has attached a Landscape Plan and a Tree Removal Plan as Exhibit "K". Applicant contacted Mr. Jim D. Campbell of Garden Island Tree Care concerning

this matter. Based on his knowledge of this location, Mr. Campbell does not believe that there are any threatened or endangered species of plants and wildlife located on or around the Subject Property. A letter from Mr. Jim D. Campbell dated June 28, 1998 is attached hereto as Exhibit "L".

B. Historical and Archaeological. The Applicant is not aware of any historical, cultural or archaeological sites on the surface of the Parcel. However, the Applicant will protect and preserve any historic or archaeological resources or sites that may be found in this area as a result of the construction of the single-family residence. The Applicant warrants that in the event of inadvertent burial discovery, all construction activity will cease and the DLNR Historic Preservation Division will be contacted immediately. There is no evidence on the surface of the ground of any structures or other developments on the Parcel. Prior to any construction on the Parcel, an Archaeological Survey Inventory will be performed on the Parcel as described in that certain correspondence from Cultural Surveys Hawaii, Inc., dated July 1, 1998, attached hereto as Exhibit "M".

C. Recreational Resources. . The Parcel is not used for, nor does it provide for, any present recreational opportunities. Thus, Applicant's proposed construction of a single-family residence will not effect any present recreational uses.

D. Scenic Resources. The construction of the proposed single-family residence on the Parcel will be compatible with the adjacent uses and compatible with the scenic characteristics of the surrounding area. Because of its location and the existing vegetation, the proposed dwelling on the Parcel will not be readily visible from any public streets or public areas in Haena, although the dwelling may be partially visible from abutting parcels. The access to the Parcel is approximately fifty (50) feet from the closest public street, which is Kuhio Highway. The existing trees and vegetation on and around the Parcel which shield it from the view from Kuhio Highway will not be removed. The only trees that will be removed will be those few trees (not more than six trees) necessary to construct the residence located on the center of the Parcel. Because of the trees and vegetation which will remain, and because the residence will be painted in subdued earthtone colors, it will be difficult, if not impossible, to see it from any vantage point on Kuhio Highway. Applicant has attached as Exhibit "N"

photographs of the Parcel. taken from various vantage points in Haena, photographs from, on or near the Parcel, and a photograph location map.

E. Community Concerns. The Applicant will meet with the Hanalei Community Association (hereinafter referred to as "HCA") to discuss the CDUA permit and solicit their comments and recommendations. Applicant will provide the HCA with a copy of the Application in this case.

F. Future Development/Cumulative Impacts. The Tax Map attached to the Application as Exhibit "C" shows the parcels in the area immediately surrounding the Subject Property. Houses have been constructed on TMK Nos. (4)5-9-02:52, 51, 48, 47, 45, 43, 41, 40, 39, 36, and 35. The road leading to this area is improved with an all weather surface, and there are utilities. Because of the few number of parcels, even if this area is developed for residential and/or agricultural purposes, it does not appear that the cumulative impact will overburden the area.

XII. COMPATIBILITY WITH APPLICABLE LAWS.

The Applicant's proposed development of a single-family residence on the Parcel, removal of trees as minimally necessary to construct the residence will be compatible with HRS Chapter 183C

and HAR Chapter 13-5, HRS Chapter 205, the Hawaii State Plan (Hawaii Revised Statutes Chapter 225), the Hawaii State Functional Plans, and all other applicable laws, ordinances, or regulations. Thus, the proposed development will have no substantial negative environmental impacts on the Parcel or the surrounding area.

XIII. COMPLIANCE WITH CDUA CRITERIA.

The proposed construction of the single-family residence on the Parcel will comply with the following criteria, as set forth in the Hawaii Administrative Rules, Title 13, Department of Land and Natural Resources, Subtitle 1 Administration, Chapter 5, Conservation District (13-5-30):

(1) Whether the proposed land use is consistent with the purpose of the conservation district.

The proposed Project will result in a minimal disturbance to the existing physical environment and social area, and as such is consistent with the intent to conserve, protect and preserve the natural resources of the conservation district.

(2) Whether the proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.

The proposed Project consists of land uses for residential purposes which are permitted in the Limited Subzone. The proposed construction of a single-family residence will not adversely impact existing watersheds, marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcanological features and sites, and other designated unique areas within this subzone.

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

The proposed construction of a single-family residence is located in the "Coastal Zone Management" area, however, the construction of the residence is an exempt activity pursuant to Section 1.4H(2)(a) of the SMA rules and regulations of the County of Kauai, and as a result, will not have any direct adverse impact on the land in question.

(4) Whether the proposed land use will cause substantial adverse impact to existing natural resources within the surrounding area, community or region.

The proposed construction of a single-family residence will not adversely impact the existing and surrounding

environment, as it will have an incidental and minimal impact on the surrounding environment.

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

Because of its minimal impact on the physical and natural environment, the proposed construction of a single-family residence is compatible with the locality and surrounding areas.

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

The natural beauty and open space characteristics of the area will be preserved because of the minimal physical and visual impact of the proposed construction of a single-family residence. Due to the size of the dwelling and the surrounding landscaping, there will be minimal visual impacts.

(7) Whether the Subdivision of land will be utilized to increase the intensity of land uses in the conservation district.

The proposed construction of a single-family residence will not result in a subdivision of land that would intensify the land use in the conservation district.

(8) Whether the proposed land use will be materially detrimental to the public health, safety and welfare.

The proposed construction of a single-family residence will not be detrimental to public health, safety, and welfare, due to its location and very limited impacts.

XIV. SIGNIFICANCE CRITERIA.

The proposed construction of the single-family residence on the Parcel will comply with the following criteria as set forth in Title 11, Chapter 200, Section 11-200-12 of the EIS Administrative Rules of the Office of Environmental Quality Control:

(1) Whether the proposed action involves an irrevocable commitment to loss or destruction of any natural or cultural resource.

Due to the absence of any known natural or cultural resources on the location of the proposed single-family residence, coupled with the fact that the residence will not exceed five thousand (5,000) square feet in size, there will be no irrevocable commitment to loss or destruction of such resources.

(2) Whether the proposed action curtails the range of beneficial uses of the environment.

The proposed construction of a single-family residence will have a minimal impact on the existing vegetation currently growing on the otherwise vacant parcel that is not now being used for other beneficial purposes and will not, therefore, curtail the range of existing or future beneficial uses of the environment on or adjacent to the parcel in question.

(3) Whether the proposed action conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed construction of a single-family residence on a legal lot of record located in the conservation district but not having any adverse impact on the environment or otherwise creating any adverse effects on the public health,

safety, and welfare due to the reasonable size and location of the structure does not conflict with the State's long-term policies or goals as articulated in Chapter 344, HRS, court decisions, or executive orders.

(4) Whether the proposed action substantially affects the economic or social welfare of the community or state.

The proposed construction of a single-family residence on the parcel that is currently vacant and not being utilized for other purposes, coupled with the fact that the proposed use is consistent with those uses currently existing on abutting parcels in the immediate vicinity does not substantially effect the economic or social welfare of the community or state.

(5) Whether the proposed action substantially affects public health.

The proposed construction and use of a single-family residence and the proposed construction of the necessary septic system built in accordance with all applicable laws, rules and regulations of the Department of Health of the State of Hawaii relative to the disposal of waste water will not substantially affect public health.

(6) Whether the proposed action involves substantially secondary impacts, such as population changes or affects on public facilities.

The proposed construction of a single-family residence and the use thereof by the Applicant and his family on a parcel which has available to it all necessary public utilities and services is both minimal and reasonable and, as such, will not involve substantial secondary impacts on such public facilities.

(7) Whether the proposed action involves a substantial degradation of environmental quality.

The proposed construction of a single-family residence in conformity with all applicable laws, rules and regulations of the County of Kauai and State of Hawaii is a minimal and reasonable use of the land that will not involve a substantial degradation of environmental quality.

(8) Whether the proposed action is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.

The proposed construction of a single-family residence is by its nature a minimal impact as explained in the Environmental Assessment and, as a result, is limited and

cumulatively will not have considerable effect upon the environment for larger actions.

(9) Whether the proposed action affects a rare, threatened, or endangered species, or its habitat.

There are no known rare, threatened, or endangered species, or its habitat on the parcel and, as a result, the proposed construction of a single-family residence will not have any affect thereon.

(10) Whether the proposed action affects air or water quality or ambient noise levels.

The proposed construction, occupation and use of the single-family residence will be in accordance with all applicable laws of the County of Kauai and the State of Hawaii, and with the exception of noise that normally and customarily is associated with the construction of the single-family residence during those hours of the day authorized by law and for the limited period of time during construction, the proposed action will not unreasonably affect air, water quality or noise levels.

(11) Whether the proposed action affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion

prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

Although the proposed single-family residence will be constructed in the tsunami zone, the structure will be elevated approximately fourteen (14) feet above the ground level in accordance with the FIRM Maps and flood height requirements of the County of Kauai and, as a result, the proposed action is not likely to suffer damage by being located in an environmentally sensitive area such as the tsunami zone.

(12) Whether the proposed action substantially affects scenic vistas and viewplanes identified in County or State plans or studies.

The proposed construction of the single-family residence will not affect scenic vistas and viewplanes identified in county or state plans or studies. In addition, the Applicant intends to retain the existing trees and vegetation as shown on the attached landscape plan and, as a result, the structure will be completely shielded and hidden from view from any vantage point along the nearest state highway.

(13) Whether the proposed action requires substantial energy consumption.

The proposed construction, occupation and use of a single-family residence will only require minimal energy consumption for residential purposes not unlike other single-family residences in the immediate vicinity and, as a result, the proposed action will not require substantial energy consumption.

XV. CONCLUSION.

The Applicant respectfully requests that the DLNR and Land Board: find that Applicant's proposed construction of a single-family residence will not have any significant environmental impacts; find that the Applicant need not prepare an Environmental Impact Statement in this case; and issue a "Negative Declaration" in this matter, as that term is defined by Title 11, Department of Health, Chapter 200, Environmental Impact Statement (EIS) Rules, Subchapter 2(11-200-2).

DATED: Lihue, Kauai, Hawaii, July 23, 1999.



MICHAEL J. BELLES
Attorney for Applicant

EXHIBIT "A"

CHICAGO TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

CHICAGO TITLE INSURANCE COMPANY, a corporation of Missouri, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedule A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company. This Commitment shall not be valid or binding until countersigned by an authorized officer or agent.

IN WITNESS WHEREOF, the Company has caused this Commitment to be signed and sealed, to become valid when countersigned by an authorized officer or agent of the Company, all in accordance with its By-Laws. This Commitment is effective as of the date shown in Schedule A as "Effective Date."

CHICAGO TITLE INSURANCE COMPANY

By:

John Rau
President

By:

Thomas J. Adams
Secretary

Issued by:
FIRST HAWAII
TITLE CORPORATION
201 Merchant St. - Ste. 2000
Honolulu, Hawaii 96813
(808) 521 - 3411



Grant Hanafusa
Authorized Officer or Agent

Chicago Title Insurance Company
COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

1. Effective Date: March 30, 1999 at 8:00 A. M.

2. Policy or Policies to be issued:
 - (a) ALTA STANDARD OWNER'S POLICY Amount
Proposed Insured: \$450,000.00
James S. Greenan and Pamela B. Greenan

 - (b) ALTA EXTENDED LOAN POLICY Amount
Proposed Insured: \$337,500.00
TO BE DETERMINED

 - (c) None Amount
Proposed Insured: \$

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

FEE SIMPLE INTEREST

Order No. 00099278
Escrow No. 99040099

Page 1

SCHEDULE A, Continued

4. Title to the estate or interest in the land is at the effective date hereof vested in:

HILARY PRESTON and NAN GUSLANDER, AS TRUSTEES OF THE HILARY PRESTON TRUST U/A DATED MAY 31, 1995, with full powers and authority to buy, lease, mortgage and sell the property herein described, and other powers more fully set forth therein, as to an undivided 24.46% interest, L. WHIT PRESTON and NAN GUSLANDER, AS TRUSTEES OF THE L. WHIT PRESTON TRUST U/A DATED JUNE 14, 1995, with full powers and authority to buy, lease, mortgage and sell the property herein described, and other powers more fully set forth therein, as to an undivided 24.46% interest, NAN GUSLANDER, TRUSTEE OF THE NAN GUSLANDER TRUST AGREEMENT, DATED FEBRUARY 9, 1989, as to an undivided 1.08% interest; DIANE GUSLANDER FAYE, wife of Lindsay Faye, as to an undivided 20.2714% interest; DIANE DEACON FAYE, unmarried, as to an undivided 14.8643% interest; and DIANE GUSLANDER FAYE, Custodian for Lindsay Catherine Faye under the Hawaii Uniform Transfers to Minors Act, as to an undivided 14.8643% interest, as Tenants in Common

5. The land referred to in this Commitment is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Order No. 00099278
Escrow No. 99040099

Page 2

SCHEDULE B-Section 1

REQUIREMENTS

The following are the requirements to be complied with:

1. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record.
2. Payment of the full consideration to, or for the account of, the grantors or mortgagors.
3. Payment of all taxes, charges, assessments levied and assessed against the subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements, and/or repairs or alterations thereto are completed; that contractor, subcontractors, labor and materialman are all paid.
5. Provide First Hawaii Title Corporation with a full copy of the NAN GUSLANDER Trust Agreement, dated February 9, 1989, and any amendment(s) referred to in Schedule A.

Order No. 00099278
Escrow No. 99040099

SCHEDULE B - Section 2

Part I

Schedule B of the Policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
6. Any lien, or right to a lien, for service, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records

Any Owner's Policy issued pursuant hereto will contain in Schedule B, the abovementioned standard exceptions 1, 2, 3, 4, 5 and 6.

Order No. 00099278
Escrow No. 99040099

Page 4

SCHEDULE B - Section 2

Part II

1. Tax Key: (4) 5-9-002-050
See Real Property Tax Statement attached.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Any variations in and along the boundaries running along Stream, as may be caused by the natural deviation of said Stream.
4. AS TO THE UNDIVIDED INTEREST IN ROAD "D-2":
 - a) Easement in favor of the County of Kauai, as set forth in instrument dated October 20, 1967, recorded in Book 5844 Page 406.
5. Claims arising out of customary or traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes as provided for in the Hawaii Constitution or the Hawaii Revised Statutes, as amended.
6. The terms, provisions, conditions and restrictions, if any, contained in that certain Trust Agreement(s) herein referred to.

EXHIBIT "A"

All of that certain parcel of land (being a portion of the Ahupuaa of Haena, Royal Patent Number 3596, Land Commission Award Number 10,613, Apana 6 to Abner Paki) situate, lying and being on the north side of Road "A" and on the west side of Road "D-2" at Haena, District of Hanalei, Island and County of Kauai, State of Hawaii, being LOT NUMBER 31 of the "HAENA HUI" and thus bounded and described as follows:

Beginning at the northeast corner of this parcel of land, on the west side of Road "D-2" being also the southeast corner of Road "D-1", the coordinates of which referred to Government Survey Triangulation Station "NIHA 2" being 92.92 feet north and 4,760.85 feet west, and running by azimuths measured clockwise from true South:

1. 358° 25' 30" 166.30 feet along the west side of Road "D-2";

Thence along the westerly side of Road "D-2", on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

2. 38° 20' 28" 25.67 feet;

Thence along the north side of Road "A" on a curve to the left with a radius of 730.00 feet, the chord azimuth and distance being:

3. 74° 53' 43" 85.62 feet;

4. 71° 32' 56.58 feet along the northerly side of Road "A" to the middle of stream;

Thence following down the middle of stream, along remainder of the Ahupuaa of Haena (Lot 32) for the next five (5) courses, the direct azimuths and distances between points along middle of said stream being:

- | | | | |
|-----|----------|--------|---|
| 5. | 152° 42' | 5.20 | feet; |
| 6. | 187° 32' | 112.00 | feet; |
| 7. | 113° 23' | 123.00 | feet; |
| 8. | 167° 03' | 72.40 | feet; |
| 9. | 202° 48' | 30.29 | feet; |
| 10. | 278° 11' | 255.36 | feet along the south side of Road "D-1" to the point of beginning and containing an area of 43,598 square feet, more or less. |

TOGETHER WITH an undivided one-seventh (1/7th) interest in Road "D-2", described as follows:

All of that certain parcel of land (being a portion of the Ahupuaa of Haena, Royal Patent Number 3596, Land Commission Award Number 10,613, Apana 6 to Abner Paki) situate, lying and being on the north side of Road "A" at Haena, District of Hanalei, Island and County of Kauai, State of Hawaii, being ROAD "D-2", and thus bounded and described as follows:

Beginning at the northwest corner of this parcel of land, on the east boundary of Lot 30, being also the southwest corner of Lot 19, the coordinates of which referred to Government Survey Triangulation Station "NIHA 2" being 251.88 feet north and 4,745.30 feet west, and running by azimuths measured clockwise from true South:

- | | | | |
|----|--------------|--------|--|
| 1. | 280° 20' | 30.06 | feet along remainder of the Ahupuaa of Haena (Lot 19); |
| 2. | 6° 37' 30" | 135.51 | feet along remainder of the Ahupuaa of Haena (Lot 28); |
| 3. | 358° 25' 30" | 175.25 | feet along remainder of the Ahupuaa of Haena (Lots 28 and 27); |

Thence along remainder of the Ahupuaa of Haena (Lot 27), on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

Order No. 00099278
Escrow No. 99040099

Page 7

4. 311° 02' 21" 29.44 feet;

Thence along the north side of Road "A", on a curve to the left with a radius of 730.00 feet, the chord azimuth and distance being:

5. 80° 57' 19" 68.73 feet;

Thence along remainder of the Ahupuaa of Haena (Lot 31) on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being;

6. 218° 20' 28" 25.67 feet;

7. 178° 25' 30" 186.59 feet along remainder of the Ahupuaa of Haena (Lot 31 and Road "D-1");

8. 186° 37' 30" 139.60 feet along remainder of the Ahupuaa of Haena (Lot 30) to the point of beginning and containing an area of 10,300 square feet, more or less.

Being all of the land conveyed by the following:

1) SPECIAL TRUSTEE'S DEED

Grantor: HAWAIIAN TRUST COMPANY, LIMITED, a corporation of Hawaii, as Successor by merger to AMERICAN TRUST CO. OF HAWAII, INC., as Trustee under Land Trust No. 90-02050 and Trust dated December 24, 1987

Grantee: HILARY PRESTON, unmarried, as to an undivided 24.46% interest; LYLE WHITMORE PRESTON, unmarried, as to an undivided 24.46% interest; NAN GUSLANDER, TRUSTEE OF THE NAN GUSLANDER TRUST AGREEMENT, DATED FEBRUARY 9, 1989, as to an undivided 1.08% interest; DIANE GUSLANDER FAYE, wife of Lindsay Faye, as to an undivided 20.2714% interest; DIANE DEACON FAYE, unmarried, as to an undivided 14.8643% interest; and DIANE GUSLANDER FAYE, Custodian for Lindsay Catherine Faye under the Hawaii Uniform Transfers to Minors Act, as to an undivided 14.8643% interest; as Tenants in Common

Dated: October 12, 1995

Document No. 95-138926

(Also affects other property)

Order No. 00099278
Escrow No. 99040099

Page 8

2) QUITCLAIM DEED

Grantor: HILARY PRESTON, unmarried
Grantee: HILARY PRESTON and NAN GUSLANDER, AS TRUSTEES
OF THE HILARY PRESTON TRUST U/A DATED MAY 31,
1995, with full powers and authority to buy, lease, mortgage and
sell the property herein described, and other powers more fully set
forth therein
Dated: August 29, 1996
Document No. 96-131030
(Also affects other property)

3) QUITCLAIM DEED

Grantor: LYLE WHITMORE PRESTON, unmarried
Grantee: L. WHIT PRESTON and NAN GUSLANDER, AS TRUSTEES
OF THE L. WHIT PRESTON TRUST U/A DATED JUNE 14,
1995, with full powers and authority to buy, lease, mortgage and
sell the property herein described, and other powers more fully set
forth therein
Dated: August 26, 1996
Document No. 96-131048
(Also affects other property)

008 FIRST HAWAII TITLE CORPORATION

TXCHIPO IKP3 OKPC

KAUAI 1998-1999 TAX ROLL

PAGE 1 OF

UPDATED AS OF 02/28/1999

09:22:36 04/15/199

TMK: 5-9-002-050-0000

SITUS:

MAIL: PRESTON, L WHIT/NAN GUSLANDER BLDG
23 GREENFIELD AVE LAND
SARATOGA SPRINGS NY 12866 TOTAL

1998 VALUE
0
276,000
276,000

T/O OO ORDER
EXEMPTION

9927-
NE

276,00
276,00

----- ASSESSED OWNER(S) -----

PRESTON, HILARY TRUST /ETAL

STATUS
LAST PAYMENT
TAX AMOUNT
PENALTY
INTEREST
AMOUNT PAID
AMOUNT DUE

1ST HALF
** PAID **
08/20/1998
1,131.60
.00
.00
1,131.60
.00

2ND HALF
** PAID *
02/22/199
1,131.6
.0
.0
1,131.6
.0

NO ASSESSMENT/PRIOR YEAR DELINQUENCY FOUND

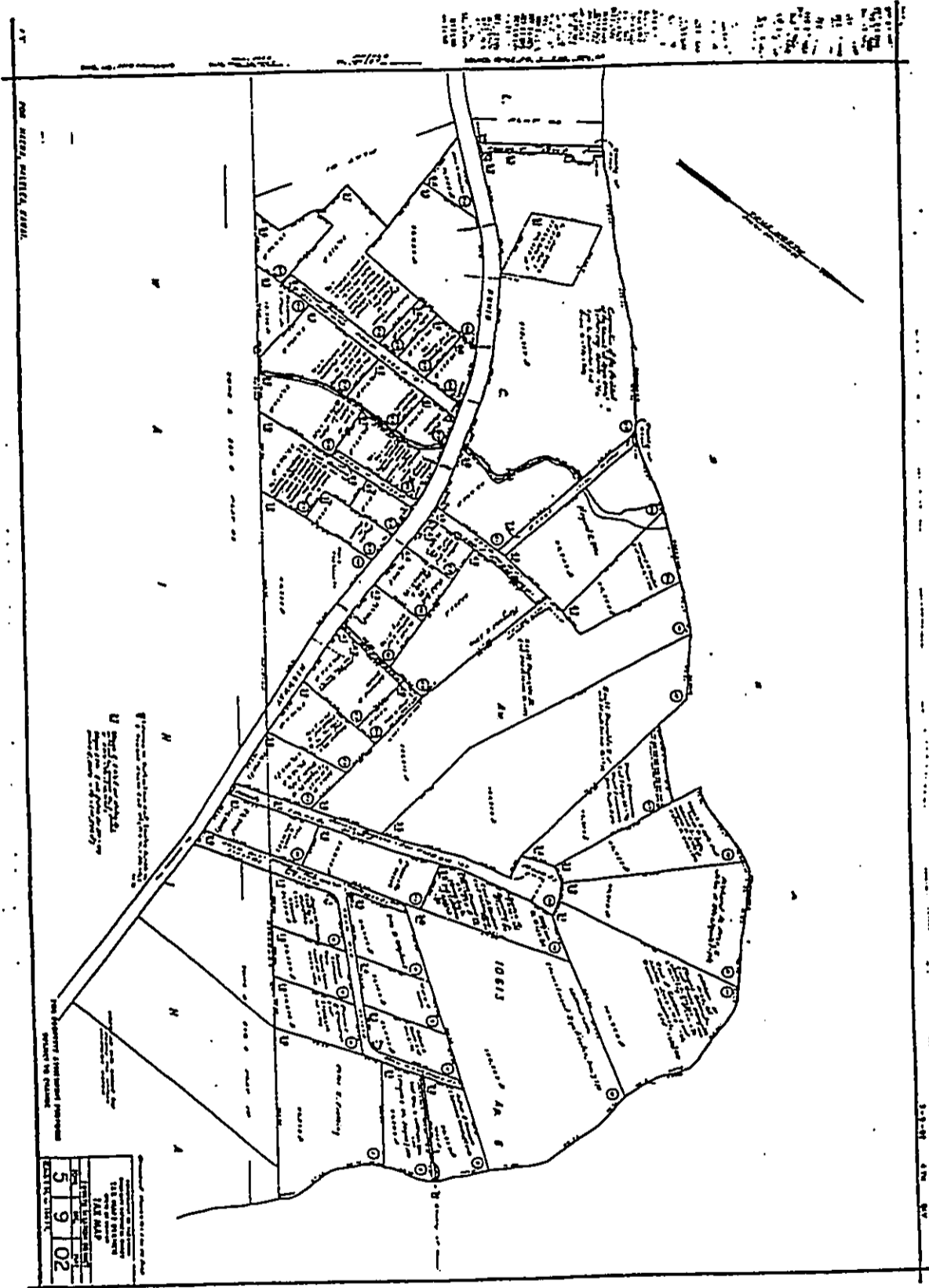
*** TOTAL TAX DUE ***

.0

CLASS: 6 LAND AREA: 43598 SQFT

*** END OF SEARCH ***

*** END OF OUTPUT ***



This is not a survey plat but a plat furnished as a courtesy only



FIRST HAWAII TITLE CORPORATION

Title Department ❖ City Financial Tower ❖ 201 Merchant St. Suite 2000
Honolulu, Hawaii 96813 ❖ Telephone: (808) 521-3411 ❖ Facsimile: (808) 531-5241

LIEN AND FINANCING STATEMENT REPORT

First Hawaii Title Corporation hereby reports that the following names were checked for Liens and Financing Statements:

HILARY PRESTON, individually and as Trustee
NAN GUSLANDER, individually and as Trustee
L. WHIT PRESTON, individually and as Trustee
DIANE GUSLANDER FAYE
DIANE DEACON FAYE
JAMES S. GREENAN
PAMELA B. GREENAN

And the following matters were found of record, to-wit:

NONE FOUND

Dated: March 30, 1999 at 8:00 A. M.

FIRST HAWAII TITLE CORPORATION


Grant Hanafusa, First Hawaii Title Corporation

Order No. 00099278
Escrow No. 99040099



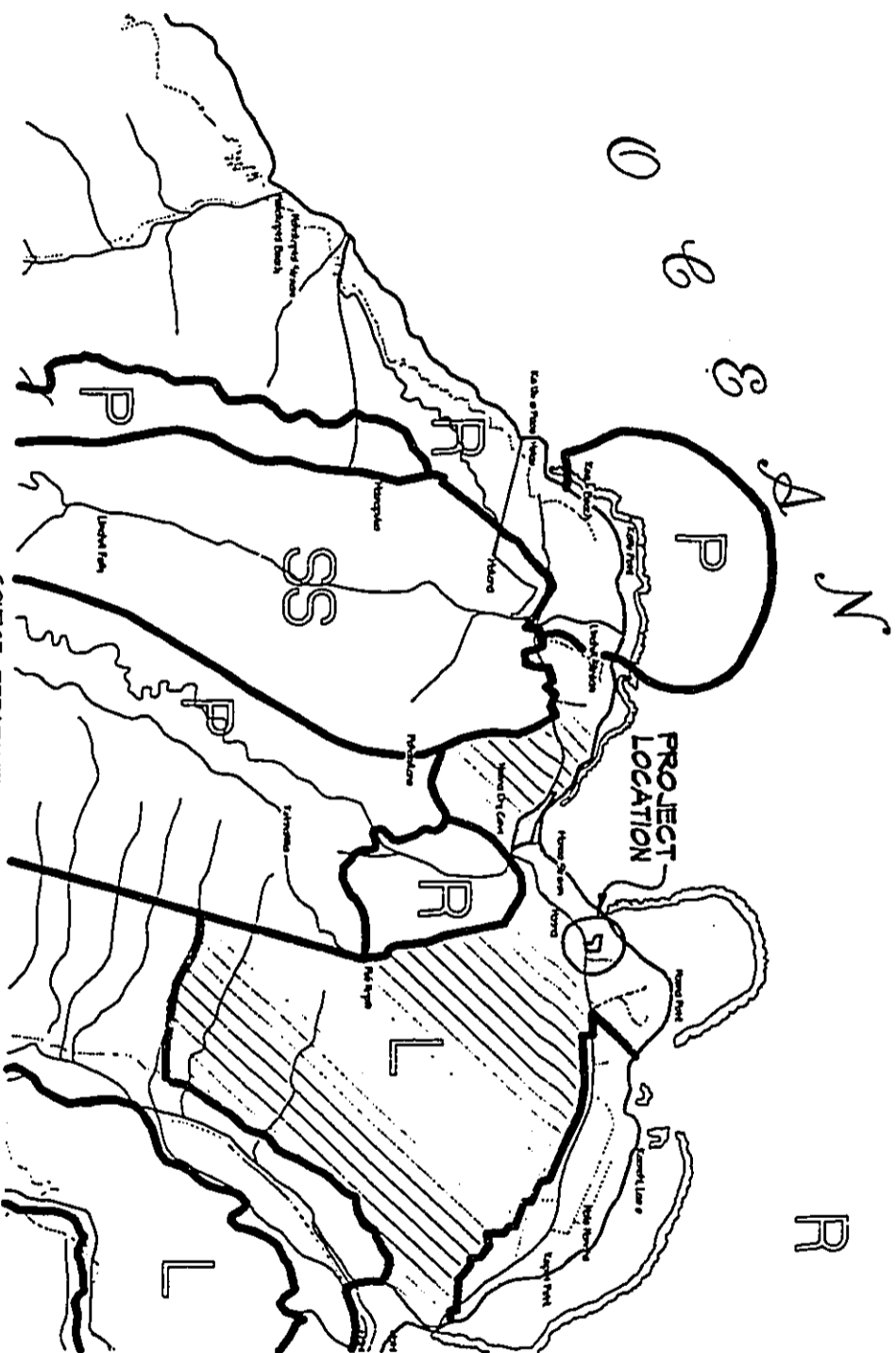
EXHIBIT "B"

EXHIBIT "C"

EXHIBIT "D"

EXHIBIT "E"

TRUE NORTH
Scale: 1 in. = 3000 ft.



SOURCE: DEPARTMENT OF LAND AND NATURAL RESOURCES, QUAD K-3, 1983

CONSERVATION DISTRICT SUBZONES:

RESOURCE	P	PROTECTIVE	P	LIMITED	L	SPECIAL SUBZONE	SS
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STATE CONSERVATION LAND USE DISTRICT SUBZONE MAP

GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII



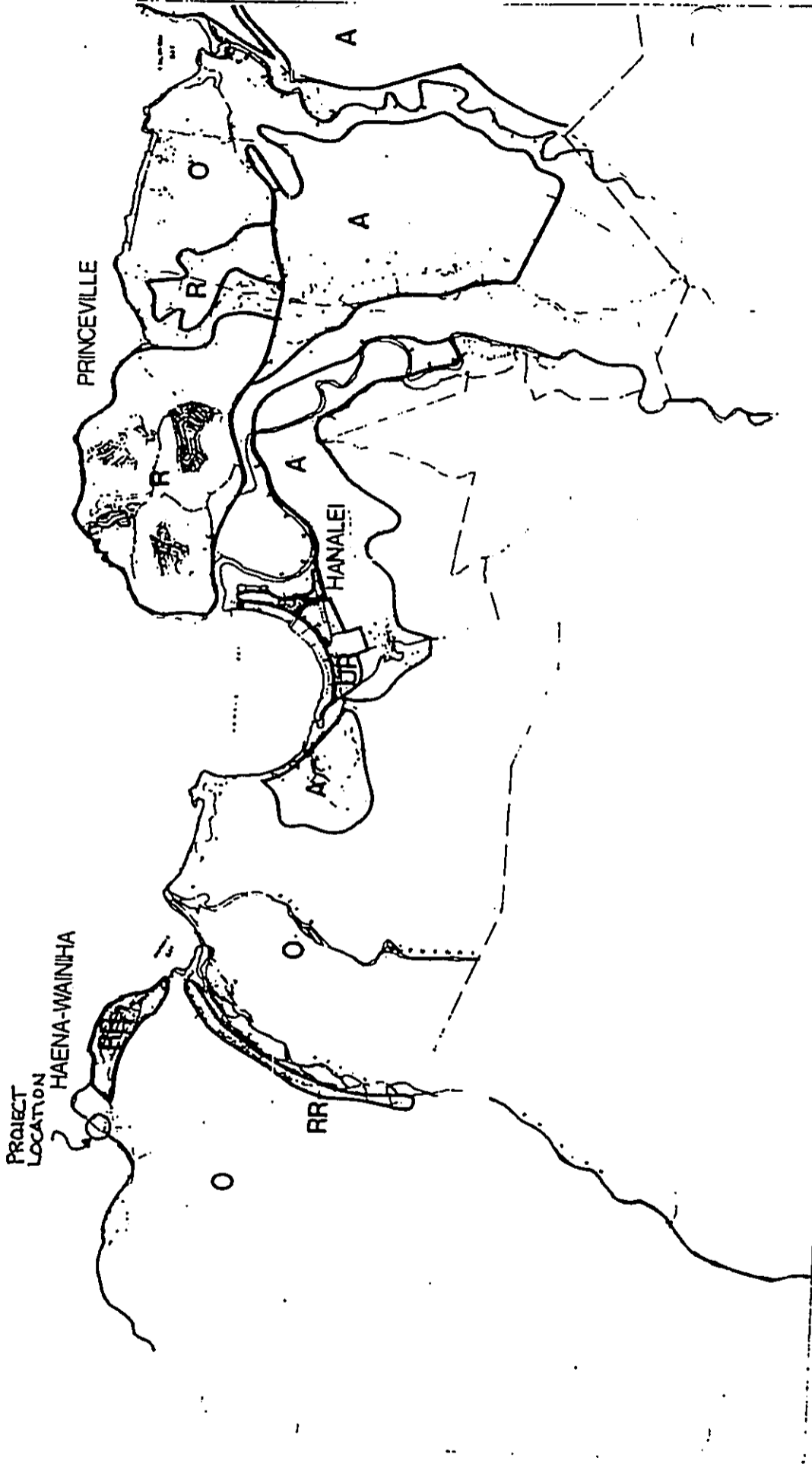
Graphic Scale in Feet

JULY 15, 1999

Tax Map Key: (4) 5-9-02:50

Project No. 2019

EXHIBIT "F"



KAUAI GENERAL PLAN

NORTH SHORE

O OPEN
 A AGRICULTURAL
 RR RURAL RESIDENTIAL
 UR URBAN RESIDENTIAL

UM URBAN MIXED USE
 R RESORT
 PF PUBLIC FACILITIES

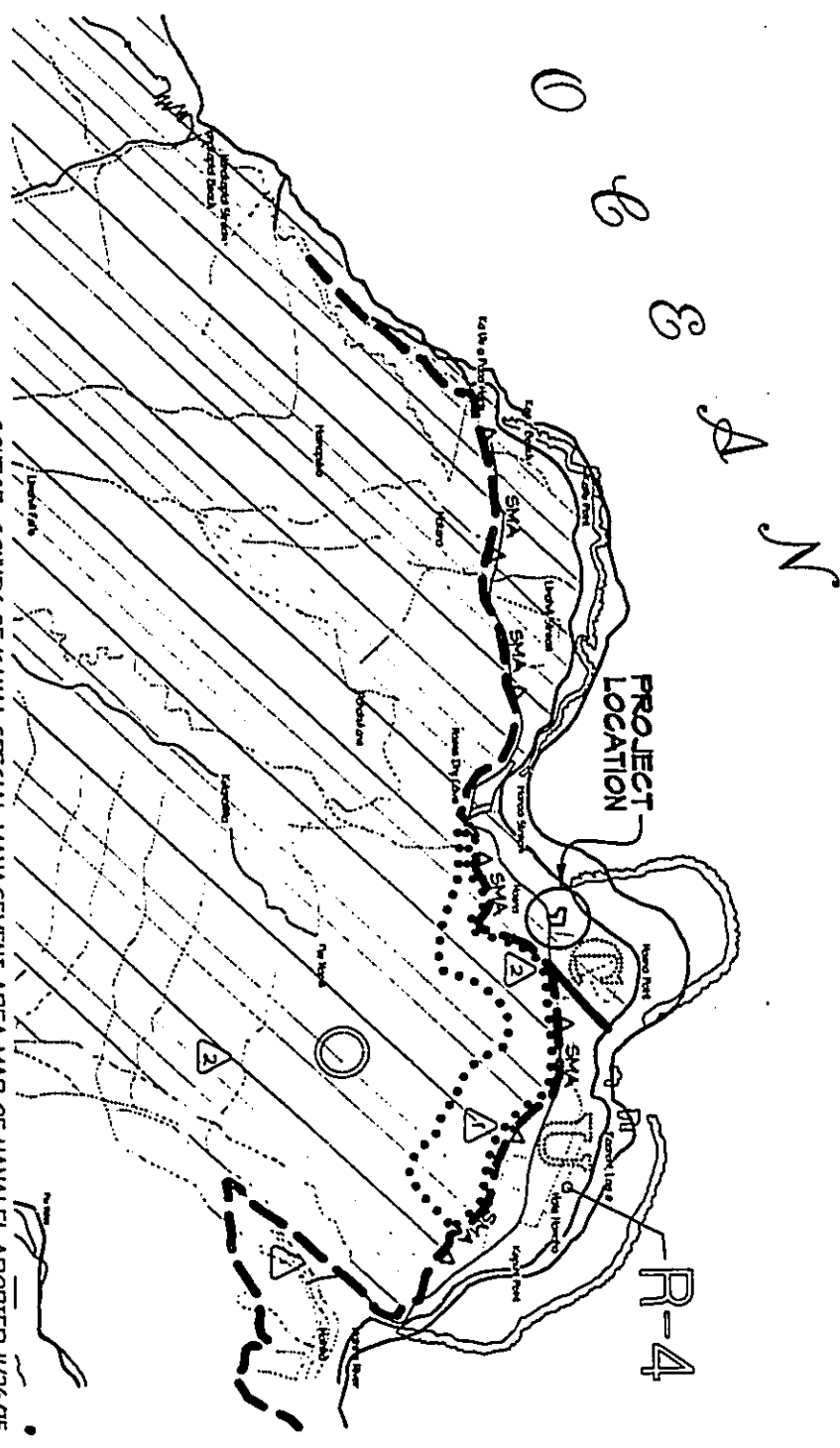
1 OF 2

0 2500 10,000 25,000

JUNE 1982

EXHIBIT "G"

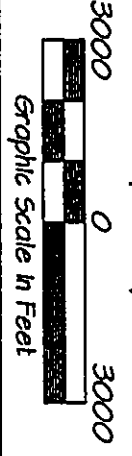
TRUE NORTH
Scale: 1 in. = 3000 ft.



SOURCE: COUNTY OF KAUAI, SPECIAL MANAGEMENT AREA MAP OF HAENA, ADOPTED 11/26/75

- STATE ZONING:
- URBAN DISTRICT CONSERVATION DISTRICT SPECIAL MANAGEMENT AREA
 - TO COMPLY WITH AMENDMENTS TO CHAPTER 205A, H.R.S., IN ACCORDANCE WITH ACT 200, SESSION LAWS OF HAWAII, 1974.
 - TO CONFORM WITH FEDERAL FLOOD INSURANCE RATE MAP AMENDMENTS AS ADOPTED NOVEMBER 4, 1981
- COUNTY ZONING:
- OPEN R-4

SPECIAL MANAGEMENT AREA MAP
GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII



JULY 15, 1999
Tax Map Key: (4) 5-9-02:50

Project No. 2019

EXHIBIT "H"

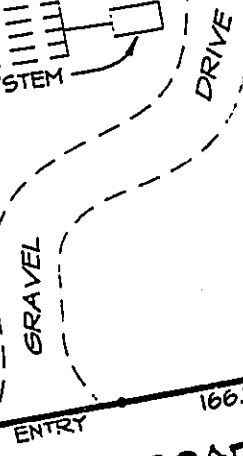
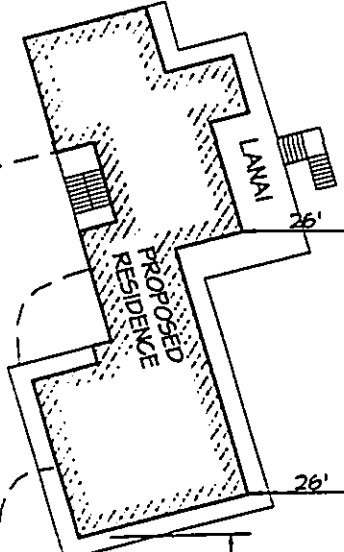
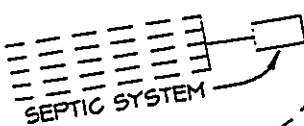
TRUE NORTH
Scale: 1 in. = 40 ft.

LOT 32
FAYE et. al.
(OWNER)

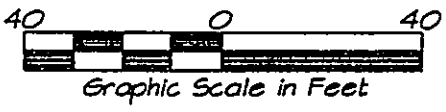
LOT 31
43,598 SQ. FT.

ROAD D-1 (PEDESTRIAN R.O.M. - 20 FT. WIDE)

BRIDGE
KUHIO HIGHWAY



SITE PLAN
GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII



JULY 15, 1999

Tax Map Key: (4) 5-9-02:50

Project No. 2019

EXHIBIT "I"

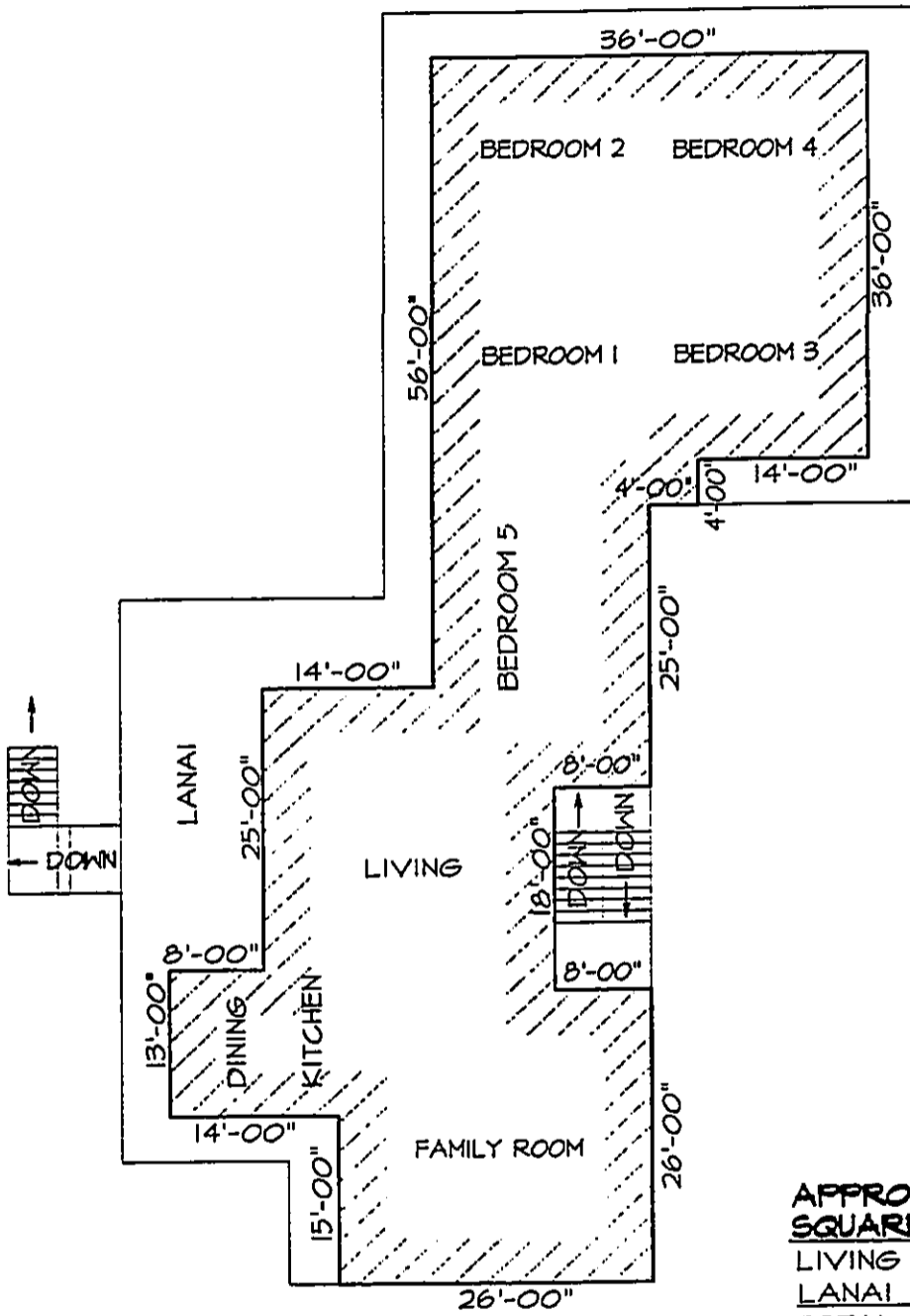
**FLOOR PLAN
GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII**



Graphic Scale in Feet

JULY 15, 1999

Tax Map Key: (4) 5-9-02:50

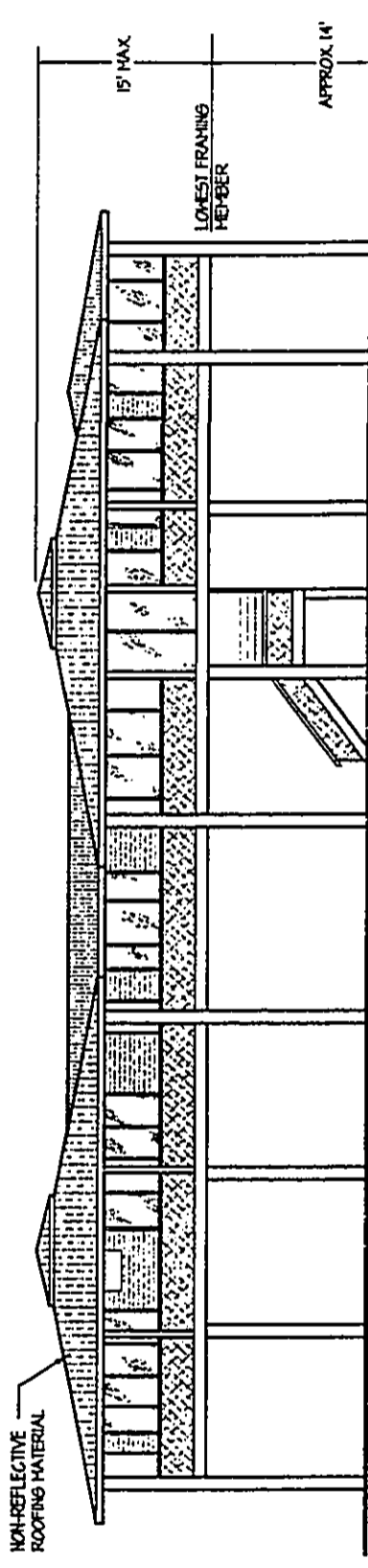


**APPROXIMATE BUILDING
SQUARE FOOTAGE**

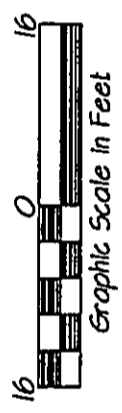
LIVING	- 3,392 SQ. FT.
LANAI	- 1,548 SQ. FT.
TOTAL	- 4,940 SQ. FT.

Project No. 2019

EXHIBIT "J"



**NORTH ELEVATION
GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII**



JULY 15, 1999

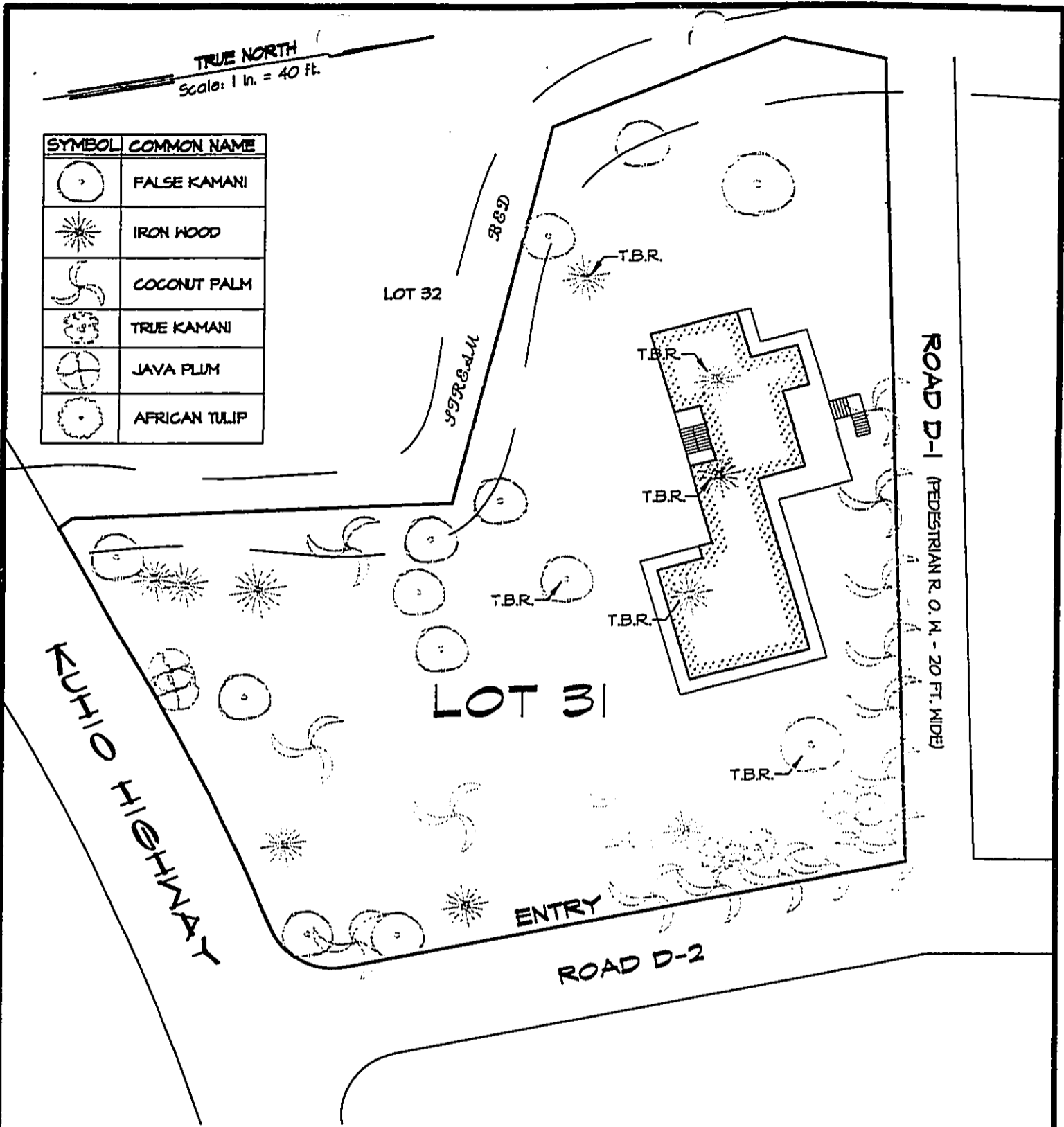
Tax Map Key: (4) 5-9-02:50

Project No. 2019

EXHIBIT "K"

TRUE NORTH
Scale: 1 in. = 40 ft.

SYMBOL	COMMON NAME
	FALSE KAMANI
	IRON WOOD
	COCONUT PALM
	TRUE KAMANI
	JAVA PLUM
	AFRICAN TULIP



NOTE:

1. TREE SIZES AND LOCATIONS ARE APPROXIMATE.
2. T.B.R. = TO BE REMOVED

JULY 15, 1999

Tax Map Key: (4) 5-9-02:50

TREE REMOVAL PLAN

**GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII**



Graphic Scale in Feet

Project No. 2019

EXHIBIT "L"



GARDEN ISLAND TREE CARE

Jim D. Campbell, Certified Arborist #437 & Tree Worker #192
Hawaii Contractor's License #17532 & Insured
1291 Puuopae Rd. Kapaa, HI 96746
(808) 822-9620



June 28, 1998

Mr. Bill Long
Via Fax: 828-6639

RE: TMK#4-5-9-2-50, approx. 43,598 sq. ft. lot, Haena, Kauai, Hawaii

Dear Mr. Long,

At your request, I have walked the property listed above and observed the plant life. The plant life is consistent with most of the other properties in Haena that have not been cleared. The property has several large Ironwood trees (*Casuarina equisetifolia*) which are the largest trees on the property. The rest of the significant growth consists of False Kamani (*Terminalia catappa*) and True Kamani/Alexandrian Laurel (*Calophyllum inophyllum*). There also is a mix of volunteer shrub undergrowth being mainly Giant redleaf (*Acalypha wilkesiana*).

I did walk the entire property and did not see any rare or endangered plant life.

Respectfully yours,

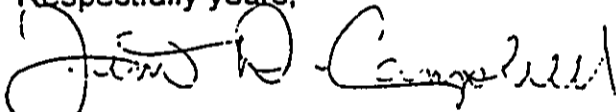

Jim D. Campbell

EXHIBIT "M"

CULTURAL SURVEYS HAWAII, INC.
Archaeological Studies

Hallett H. Hammat, Ph.D.
733 N. Kalabco Ave., Kailua, Hawaii 96734
Bus: (808) 262-9972/Fax: 262-4950
e-mail: csh@dps.net

Mr. Michael J. Belles
4334 Rice St., Suite 202
Lihue, Kauai, HI. 96766-1388

July 1, 1998

Subject: Archaeological Inventory Survey of a Residential
Located in Haena, Halelea, Kauai, TMK No. (4)5-9-02:50

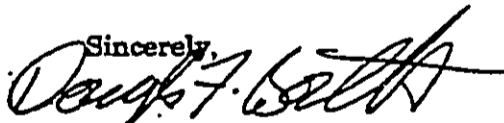
Dear Mr. Belles,

Cultural Surveys Hawaii has been contracted to conduct an Archaeological Inventory Survey for a proposed residence at Haena, Kauai, TMK No. (4)5-9-02:50. Cultural Surveys Hawaii has conducted previous research in the vicinity and is well aware of the types of archaeological sites which maybe encountered. Site types that have been identified include: buried cultural layers; isolated hearth features; buried structural remains; and human burials. A previously identified cultural layer at Haena Point, State site 50-30-02-1089, was dated to CA. AD 1280 - 1410. Numerous human burials have been found in the extensive sand deposits of Haena Point. (eg. Zimmerman and Anawalt Properties)

Based on knowledge of previous archaeological research in the vicinity, Cultural Surveys has formulated a scope of work which incorporates extensive sub-surface testing which will focus on planned house footings and other sub-surface construction activities. The scope of work also includes provisions for coordination with appropriate State and County agencies.

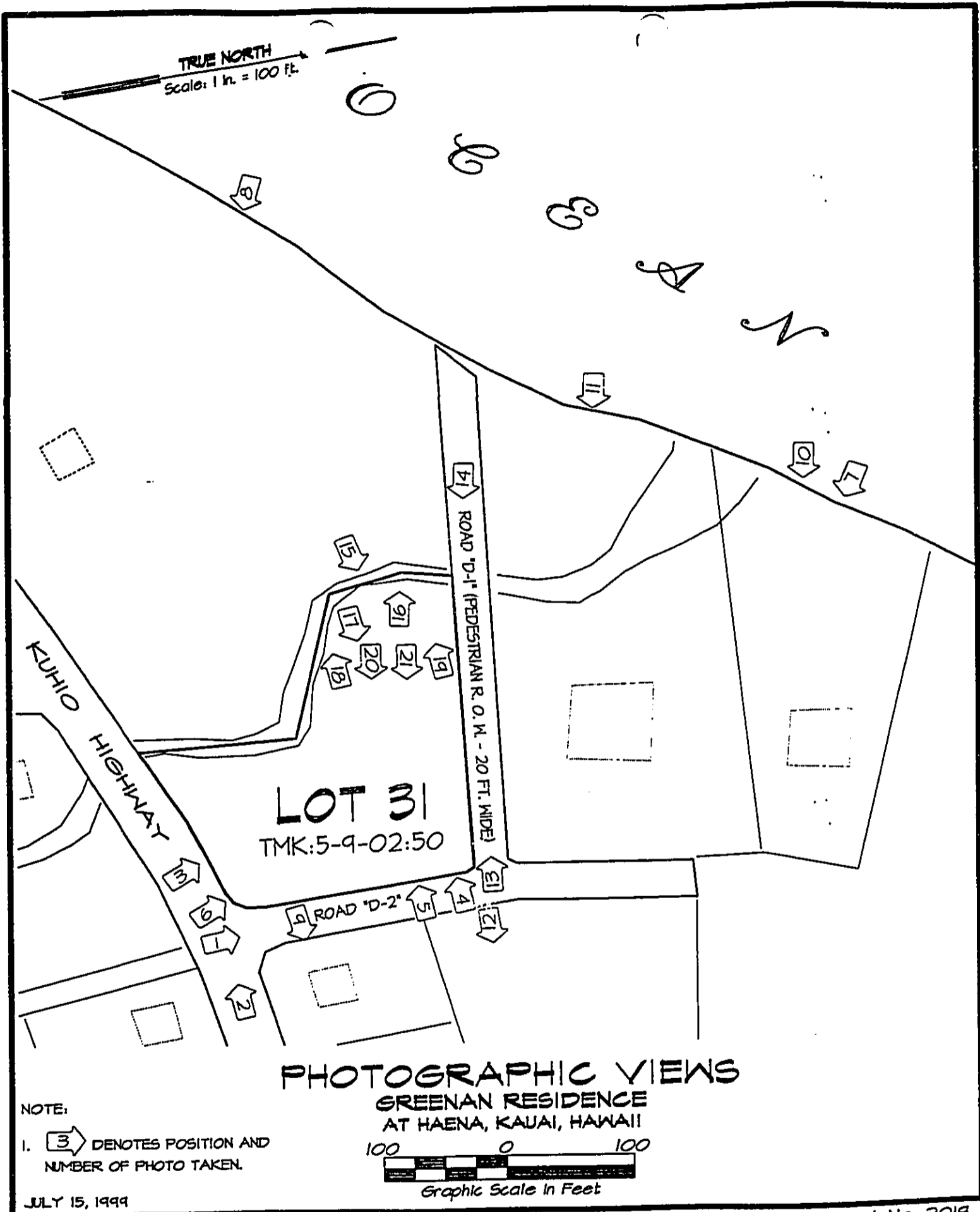
In the advent that human remains are discovered during the inventory survey all appropriate measures will be undertaken which in part, include: (1) Immediate work stoppage in the vicinity of the burial (2) Notification to the State Historic Preservation Division Department of Land and Natural Resources; And (3) Notification of land owner and/or their representative.

Sincerely,



Douglas F. Borthwick

EXHIBIT "N"



NOTE:

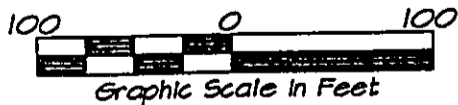
- 1. [3] DENOTES POSITION AND NUMBER OF PHOTO TAKEN.

JULY 15, 1999

Tax Map Key: (4) 5-9-02:50

PHOTOGRAPHIC VIEWS

GREENAN RESIDENCE
AT HAENA, KAUAI, HAWAII



Project No. 2019

PHOTOGRAPHS

The Applicant has attached photographs numbered 1 through 21 showing the location of the Subject Property, the adjacent houses, the topography and the vegetation on the Subject Property. Also attached is a Photograph Location Map showing the location of each photograph, and the direction in which it was taken. The photographs describe the following scenes:

1. Photographs 1, 2 and 3. Photograph 1 is taken from Road D-2, looking north. Subject Property 50 is on the left. The gated driveway to the homes on Parcels 48 and 47 is at the end of D-2. Photograph 2 is taken from Kuhio Highway looking westward, with Subject Property 50 on the right. The Subject Property runs to approximately the middle of the bridge, denoted by the several small, yellow signs on the right of the highway, across from the oncoming car in distance of the photograph. Photograph 3 shows a close up of one of several existing fencepost (with cable) running along the border of Kuhio Highway and the Subject Property.

2. Photographs 4, 5 and 6. Photograph 4 is taken of the northeast corner of Subject Property 50, showing the surveyor's corner pin with the existing metal fence post and cable behind it on the north and east sides of the Subject Property. Posts and cable currently exists on three (3) sides (north, east and south) of the Subject Property. Photograph 5 is the same view as Photograph 4, except that it is taken closer to the metal post. Photograph 6 is taken from the southeast corner of the Subject Property showing the surveyor's flag with the metal fence post in the background, with the pink flag on the cable.

3. Photographs 7, 8 and 9. Photograph 7 shows the brown house on Parcel 47, with the white house on Parcel 48 also visible. Photograph 8 shows the beige house on Parcel "C" (the parcel bordering the Subject Property on the west). Photograph 9 shows the residence on Parcel 45, which is across D-2 from the Subject Property. Parcels 45, 47 and 48 all have driveways on D-2, with Parcels 47 and 48 having a wooden gate (see Photograph 1).

4. Photographs 10, 11 and 12. Photograph 10 is a close-up view of the house on Parcel 47. Photograph 11 is a close-up view of the house on Parcel 48. Photograph 12 is of Lot 46, which also has metal posts which cable visible, and appears to be undergoing some work. Parcel 46 is like Parcel 45, also across D-2 from the Subject Property, while Parcel 48 is just across D-1, and Parcel 47 is next to Parcel 48.

5. Photographs 13, 14 and 15. Photograph 13 shows the Subject Property to the left of pathway D-1, and is taken from the intersection of roadway D-2 and pathway D-1. The Applicant proposes to plant even more palm trees along the side of the Subject Property bordering pathway D-1 to enhance the beauty of the property and for privacy. All trees visible in Photograph 13 on the Subject Property will be retained, and as the photographs shows, existing vegetation and trees will screen the proposed residence from pathway D-1 and neighbors on Parcel 48. Photograph 14 shows virtually the same area as in Photograph 13, but is taken farther to the west on the path, and is looking back in an easterly direction up pathway D-1 toward roadway D-2. The Subject Property

is on the right. All trees visible in Photograph 14 on the Subject Property will be retained. Again, existing vegetation and trees will screen the proposed residence, and more trees will be planted. Photograph 15 is taken from near the northwest corner of the Subject property, looking south towards Kuhio Highway. All trees (False Kamani) visible in Photograph 15 will be retained. As can be seen, these existing trees will screen the proposed residence.

6. Photographs 16, 17 and 18. Photograph 16 is taken from the northwest side of the Subject Property looking in a northwesterly direction toward the ocean through trees that will be retained (False Kamani) and which will screen the property. Photograph 17 is taken from pathway D-1 into the Subject Property. Dead and damaged tree trunks and stumps are visible on the ground, as is a natural clearing which the Applicant proposes as the site where the proposed residence will be constructed. Photograph 18 is taken from inside the Subject Property looking northwest toward the ocean. Damaged trees are visible on the ground, as is part of the natural clearing proposed as the homesite.

7. Photographs 19, 20 and 21. Photograph 19 was taken from inside the Subject Property looking toward the ocean (blue water is visible). Dead wood on the ground and the natural clearing are visible. As can be seen, the trees and vegetation at the periphery will screen the proposed residence from the beach. Photograph 20 is taken from the northwestern portion of the Subject Property looking in a southeastern direction. Several large, damaged (dead) trees are visible on the ground in the clearing, which is the area proposed as the homesite. Photograph 21 is taken through dead tree stumps (on the left and the right) toward a dead log, all lying in the natural clearing proposed as the homesite.





Photo 3



Photo 4







Photo 9 -



Photo 10 -





Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



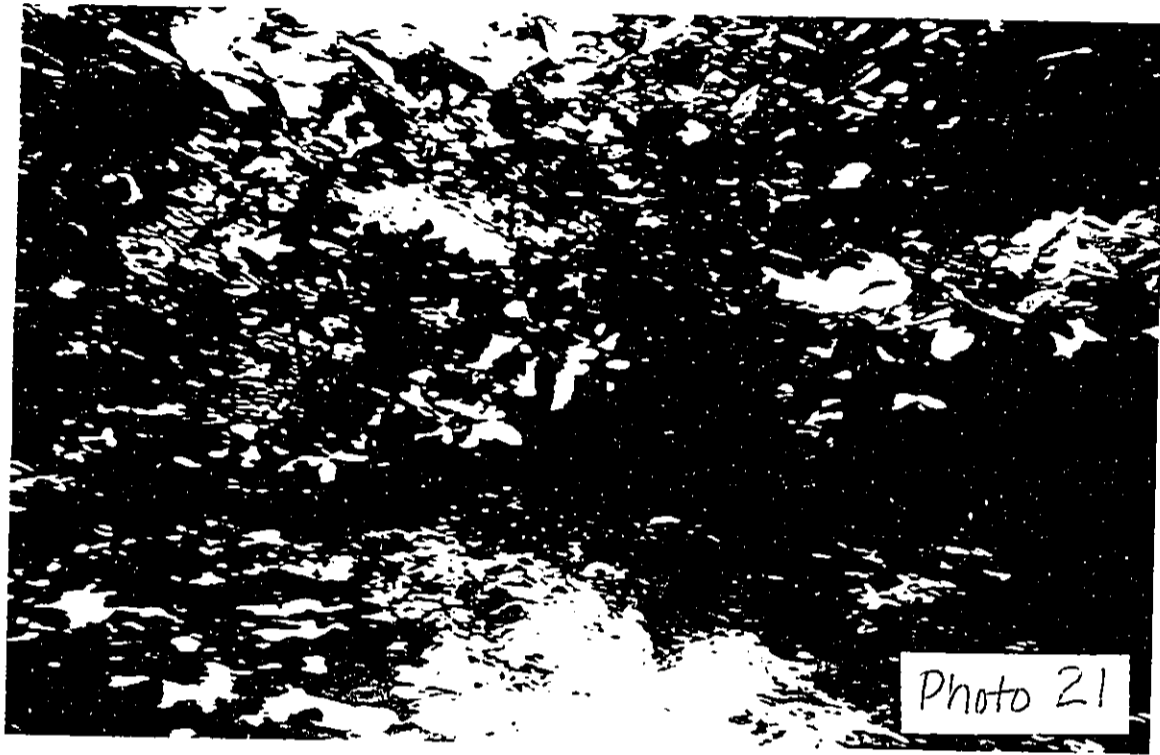


EXHIBIT "O"

MARYANNE W. KUSAKA
MAYOR



PLANNING DEPARTMENT

DEE M. CROWELL
PLANNING DIRECTOR
IAN K. COSTA
DEPUTY PLANNING DIRECTOR
TELEPHONE (808) 241-6677
FAX (808) 241-6699

October 7, 1998

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

Attention: Tom Eisen

Subject: Conservation District Use Application KA-2891
Single Family Residence and Tree Removal
TMK:5-9-2:50
Haena, Kauai

OCT 13 9 53 AM '98

Thank you for the opportunity to comment on the above referenced application. The project is located within the County of Kauai Special Management Area (SMA). However, according to Section 1.4.H of the County of Kauai SMA Rules and Regulations, construction of a single family residence that is not a part of a larger development is not considered development. In addition, removal of a maximum of six trees in connection with construction of the residence also is not considered development, and therefore, an SMA Permit is not required.

Please contact George Kalisik of my staff at 241-6677 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dee M. Crowell".

Dee M. Crowell
Planning Director

c: Michael J. Belles

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

ATTORNEYS AT LAW

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
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TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

ASSOCIATE
PAMELA P. RASK
OF COUNSEL
JONATHAN J. CHUN

November 12, 1999

Mr. Dee Crowell
Planning Director
Planning Department
County of Kauai
4444 Rice Street, Suite 473
Lihue, Kauai, Hawaii 96766

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Crowell:

Thank you for your letter dated October 7, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

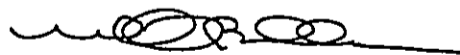
As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

We note your comments that the construction of a single-family residence and the removal of a maximum of six trees in connection with the construction of the residence is not considered a development pursuant to the County of Kauai SMA Rules and Regulations and as such, a SMA Permit is not required.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

LIHUE1\26019\1\32864.1\MJB

PHONE (808) 594-1888

FAX (808) 594-1885



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

OCT 16 9 13 AM '98
OFF. HAWAIIAN AFFAIRS

October 13, 1998

Mr. Dean Uchida, Administrator
Land Division
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

PA 131

Re: CDUA KA 2901, Ms. Jackie Yellin, Single Family Residence, Haena, Kauai, Hawaii;
TMK: (4) 5-9-2:50.

Dear Mr. Uchida:

Thank you for the opportunity to review the Conservation District Use Application (CDUA) and Environmental Assessment (EA) for Ms. Yellin's proposed single family residence at Haena, Kauai. As always, the Office of Hawaiian Affairs is concerned with the preservation of archaeological resources and the inadvertent discovery of burials.

We are pleased to see that the applicant has done a preliminary archaeological survey and does not expect to find any archaeological resources on the property. However, she has pledged to preserve and protect any archaeological resources that may be found during construction of the home. In addition, she has agreed to cease construction immediately and notify the Kaua'i Island burial council if any burials are inadvertently discovered.

At this time we have no further comments on this project. If you have any questions, please contact Lynn Lee, EIS Planner at 594-1936.

Sincerely

Handwritten signature of Randall Ogata in black ink.

Randall Ogata
Administrator

Handwritten signature of Colin Kippen in black ink.

Colin Kippen
Acting Land Division Officer

cc: Board of Trustees
Kaua'i Community Affairs Office

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

ATTORNEYS AT LAW

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FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

ASSOCIATE
PAMELA P. RASK

OF COUNSEL
JONATHAN J. CHUN

November 12, 1999

Mr. Colin Kippen
Acting Land Division Officer
Office of Hawaiian Affairs
State of Hawaii
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Kippen:

Thank you for your letter dated October 13, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

We note your comments about the archaeological survey, and we are pleased to advise you that the final inventory survey report was filed with and accepted by the State Historic Preservation Division of the DLNR as evidenced by the enclosed correspondence dated January 26, 1999.

Moreover, the Applicant, James S. Greenan, has similarly pledged to preserve and protect any archaeological resources that may be found during construction of the home and to notify the Kauai Island Burial Council if any burials are inadvertently discovered.

LIHUE1\26019\1\32867.1\WJB

Mr. Colin Kippen
November 8, 1999
Page 2

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc
Enclosure

cc: James S. Greenan (with enclosure)
Mr. Tom Eisen, Staff Planner, DLNR (with enclosure)

41 :

FAX NO. :

Feb. 06 1999 04:33PM P2

BENJAMIN J. CAYZANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kalouahewa Building, Room 555
901 Kamehameha Boulevard
Honolulu, Hawaii 96807

January 26, 1999

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
GILBERT COLOMA-AGUIAR
TIMOTHY E. JOHNS

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

Hallett Hammatt, Ph.D.
Cultural Surveys Hawaii
733 N. Kalaheo Avenue
Kailua, HI 96734

LOG NO: 22760 ✓
DOC NO: 9812NM16

Dear Dr. Hammatt:

SUBJECT: Historic Preservation Review -- Archaeological Inventory Survey for a
43, 598 ft Property in the Ahupua'a of Ha'ena, District of Halele'a,
Island of Kaua'i, (Yellin)
Haena, Halele'a, Kaua'i
TMK: 5-9-02: 50

Thank you for the submission of the archaeological inventory survey report (Hammatt & Shideler 1998. Archaeological Inventory Survey for a 43, 598 ft Property in the Ahupua'a of Ha'ena, District of Halele'a, Island of Kaua'i. Cultural Surveys Hawaii ms).

We believe that the survey techniques adequately covered the project area. Seven backhoe trenches were excavated. Background review was acceptable. No historic sites were found.

Thus, land alteration on this parcel will have "no effect" on significant historic sites. This report is acceptable, and no further archaeological work is required.

Please send a copy of this report to our Honolulu office for filing in the statewide inventory library.

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

Don Hibbard, Administrator
State Historic Preservation Division

NM:jk

c: Dee Crowell, County of Kauai, Planning
Land Management, DLNR

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

LAND DIVISION



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813
October 15, 1998

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

GILBERT COLOMA-AGARAH

AQUACULTURE DEVELOPMENT
PROGRAM

AQUATIC RESOURCES
CONSERVATION AND

RESOURCES ENFORCEMENT

CONVEYANCES

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION

DIVISION

LAND DIVISION


STATE PARKS

WATER AND LAND DEVELOPMENT

MEMORANDUM

LOG NO: 22327 ✓
DOC NO: 9810NM05

TO: Dean Uchida, Administrator
Land Division

FROM: Don Hibbard, Administrator
State Historic Preservation Division 

SUBJECT: Historic Preservation Review -- File No. KA-2901
Single Family Residence (Yellin)
TMK: 5-9-02: 50
Haena, Halelea, Kaua'i

We received a end of fieldwork letter of August 14, 1998, from Cultural Surveys Hawaii, in which they stated that the completion of the archaeological inventory survey for TMK: 5-9-02: 50 in Haena. Seven backhoe trenches were excavated in the proposed construction areas. No sites were found. We have not received the final inventory survey report to conclude our review of the project. We believe that this project will have "no effect" on significant historic sites with the following condition attached:

1) The completion of a final acceptable inventory survey report shall be submitted to the State Historic Preservation Division within a reasonable time frame.

If you have any questions, please call Nancy McMahon 742-7033.

NM:jk

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON
Federal I.D. No. 99-0317663

ATTORNEYS AT LAW
WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

ASSOCIATE
PAMELA P. RASK
OF COUNSEL
JONATHAN J. CHUN

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com
November 12, 1999

Mr. Don Hibbard
Administrator
State Historic Preservation Division
Department of Land and Natural Resources
State of Hawaii
33 South King Street, 6th Floor
Honolulu, Hawaii 96813

Attn: Ms. Nancy McMahon

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2-50, CDUA KA-2901

Dear Mr. Hibbard:

Thank you for your letter dated October 15, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

It is further noted that as evidenced by your corresponding letter dated January 26, 1999, a copy of which is enclosed herewith, your office accepted the final report and concluded that the proposed land alteration will have "no effect" on significant historical sites and no further archaeological work is required.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc
Enclosure

cc: James S. Greenan (with enclosure)
Mr. Tom Eisen, Staff Planner, DLNR (with enclosure)

LIHUE1\26019\1\32871.1\WJB

FROM :

FAX NO. :

Feb. 06 1999 04:33PM P2

BENJAMIN J. CATZANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kekuhihewa Building, Room 555
901 Kamehale Boulevard
Kapohoehoe, Hawaii 96707

January 26, 1999

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
CLEMENTE COLOMA-ACARAN
TIMOTHY E. JONES

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

Hallett Hammatt, Ph.D.
Cultural Surveys Hawaii
733 N. Kalaheo Avenue
Kailua, HI 96734

LOG NO: 22760 ✓
DOC NO: 9812NM16

Dear Dr. Hammatt:

SUBJECT: Historic Preservation Review -- Archaeological Inventory Survey for a
43, 598 ft Property in the Ahupua'a of Ha'ena, District of Halele'a,
Island of Kaua'i, (Yellin)
Haena, Halele'a, Kaua'i
TMK: 5-9-02: 50

Thank you for the submission of the archaeological inventory survey report (Hammatt & Shideler 1998. Archaeological Inventory Survey for a 43, 598 ft Property in the Ahupua'a of Ha'ena, District of Halele'a, Island of Kaua'i. Cultural Surveys Hawaii ms).

We believe that the survey techniques adequately covered the project area. Seven backhoe trenches were excavated. Background review was acceptable. No historic sites were found.

Thus, land alteration on this parcel will have "no effect" on significant historic sites. This report is acceptable, and no further archaeological work is required.

Please send a copy of this report to our Honolulu office for filing in the statewide inventory library.

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

Don Hibbard, Administrator
State Historic Preservation Division

NM:jk

c: Dee Crowell, County of Kauai, Planning
Land Management, DLNR

Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

September 30, 1998

MEMORANDUM

TO: Tom Eisen, Planner
Division of Land Management

THRU: Dean Uchida, Administrator
Division of Land Management

FROM: Michael G. Buck, Administrator
Division of Forestry and Wildlife



SUBJECT: CDUA (Board Permit) File #KA-2901, Request for Single Family Residence,
Haena, Kauai TMK 5-9-2:50.

We have reviewed this CDUA with respect to its impacts on our natural resources management programs and endangered species in particular. We have no objections to the proposed request to build a single family residence on State Conservation District land designated as Limited subzone.

C: Kauai DOFAW

Uci 1

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

ATTORNEYS AT LAW

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

OF COUNSEL
JERILYNN ONO HALL
PAMELA P. RASK

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com

November 12, 1999

Mr. Michael G. Buck
Administrator
Division of Forestry & Wildlife
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Buck:

Thank you for your letter dated September 30, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).


As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

It is further noted that you have no objections to the proposed request to build a single-family residence on State Conservation District land designated as limited subzone.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

LIHUE1\26019\1\32875.1\MJB

SUSPENSE DATE: Tuesday October 20, 1998

STATE OF HAWAII
Department of Land and Natural Resources
Division of Aquatic Resources

MEMORANDUM

To: William Devick, Acting Administrator *WD*
From: Richard Sixberry, Aquatic Biologist
Subject: Comments on Conservation District Use Application KA-2901

Comments Requested By: Dean Uchida - Land Division

Date of Request: 9/29/98

Date Received: 10/29/98

Summary of Project

Title: Single Family Residence
Proj. By: Ms. Jackie Yellin
Location: Haena, Kauai

Brief Description:

The applicant proposes to construct a single family dwelling with related improvements on a parcel fronting Kuhio Highway at Haaena, Kauai. This property does not border the shoreline.

Comments:

Significant impacts adverse to aquatic resource values are not expected from the proposed single family dwelling.
Precautions should be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing blowing or leaching into the abutting stream or coastal waters.

Richard Sixberry
Aquatic Biologist

**BELLES GRAHAM
PROUDFOOT & WILSON**

ATTORNEYS AT LAW

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

OF COUNSEL
JERILYNN ONO HALL
PAMELA P. RASK

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com
November 12, 1999

Mr. William Devick
Acting Administrator
Division of Aquatic Resources
Department of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Devick:

Thank you for your letter dated October 20, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

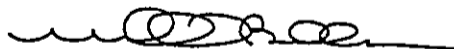
As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

We note that you have commented that the proposed development is not expected to cause any significant impacts adverse to aquatic resource values. In addition, we note that precautions should be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products, and other potential contaminants from flowing, blowing or leaching into the abutting stream or coastal water.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

LIHUE1\26019\132876.1\MJB

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Planning and Technical Services Branch
Honolulu, Hawaii
SEP 29 1998

RECEIVED
2 4 : 08
DIVISION OF WATER &
File Number: CDEN KA-2901
Acceptance Date: Sept. 10, 1998
180-Day Exp. Date: March 9, 1999
SUSPENSE DATE: 21 Days from
stamped date

Ref.:PB:THE

MEMORANDUM

TO: Engineering Branch; Kauai District Land Agent; Aquatic Resources;
Conservation and Resource Enforcement; Historic Preservation/DOFAW

FROM: Dean Y. Uchida, Administrator
Land Division *[Signature]*

SUBJECT: REQUEST FOR COMMENTS
Conservation District Use Application

APPLICANT: Ms. Jackie Yellin

FILE NO.: KA-2901

REQUEST: Single Family Residence

LOCATION: Haena, Kauai

TMK: (4)5-9-2:50

PUBLIC HEARING: YES ___ NO X

DOCARE: Please conduct field inspection

Oct 2 3 25 PM '98

Should you require additional information, please call Tom Eisen at 587-0386.

If no response is received by the suspense date, we will assume there are no comments.

Attachment

(X) Comments Attached

Signed: *[Signature]*
ANDREW M. MONDEN, Chief Engineer

Date: 10/2/98

ENGINEERING BRANCH

COMMENTS

We suggest that the proposed single-family residence follow Kauai County's Flood Ordinance Standards.

For your information; the proposed project site, according to FEMA Community Panel Map No. 15002 0030 C, is located in Zone VE. This is an area located within the 100-year flood plain where coastal flooding occurs with velocity hazard (wave action), and base flood elevations determined.

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

ATTORNEYS AT LAW

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4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

OF COUNSEL
JERILYNN ONO HALL
PAMELA P. RASK

TELEPHONE NO: (808) 245-4705

FACSIMILE NO: (808) 245-3277

E-MAIL: mail@kauai-law.com

November 12, 1999

Mr. Andrew M. Monden
Chief Engineer
Planning and Technical Services Branch
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Monden:

Thank you for your letter dated September 29, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

In response to your comments, we confirm that the proposed single-family residence will be constructed in accordance with the Kauai County's Flood Ordinance and FEMA Community Panel Map No. 15002 0030 C.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

LIHUE1\26019\1\32880.1\WJB

CORRECTION

THE PRECEDING DOCUMENT(S) HAS
BEEN REPHOTOGRAPHED TO ASSURE
LEGIBILITY
SEE FRAME(S)
IMMEDIATELY FOLLOWING

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

ATTORNEYS AT LAW

WATUMULL PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

OF COUNSEL
JERILYNN ONO HALL
PAMELA P. RASK

TELEPHONE NO: (808) 245-4705

FACSIMILE NO: (808) 245-3277

E-MAIL: mail@kauai-law.com

November 12, 1999

Mr. Andrew M. Monden
Chief Engineer
Planning and Technical Services Branch
Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, Hawaii 96809

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Monden:

Thank you for your letter dated September 29, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

In response to your comments, we confirm that the proposed single-family residence will be constructed in accordance with the Kauai County's Flood Ordinance and FEMA Community Panel Map No. 15002 0030 C.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

LIHUE1\26019\1\32880.1\MJB

State of Hawaii
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement

October 22, 1998

MEMORANDUM

TO: Dean Uchida, Administrator
Land Division

FROM: Patricia Edwards, Acting Investigator
Division of Conservation and Resources Enforcement

SUBJECT: Site Visit/Field Inspection Report 2901-KA

OCT 23 10 16 AM '98

1. CASE DATA

- a. FILE NO: 2901-KA
- b. INITIATOR: Ms. Jackie Yellin
- c. LOCATION: TMK:(4)5-9-02:50, Haena, Kauai
- d. SUMMARY: Construction of a single family residence and related improvements.

2. FINDINGS

- a. Site visit/inspection conducted on 10/14/98 by DOCARE Officer Lawrence Fernandes. There was no indication that any project work had been undertaken as of this date.
- b. Officer Fernandes expressed concerns that due to the present condition of the site, many more trees than "no more than six" will have to be removed.
- c. The officer also related that the proposed construction is within an area that is heavily used by locals and tourists. He expresses concern that construction in this area may cause problems with vehicle and pedestrian traffic.
- d. Finally, the officer relates that the proposed construction is within an area that has archeological and historical significance. He suggests that a representative of the State be present at all phases of ground work to assure that nothing of significance is disturbed.

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON
Federal I.D. No. 99-0317663

ATTORNEYS AT LAW
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4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388

OF COUNSEL
JERILYNN ONO HALL
PAMELA P. RASK

TELEPHONE NO: (808) 245-4705
FACSIMILE NO: (808) 245-3277
E-MAIL: mail@kauai-law.com
November 12, 1999

Ms. Patricia Edwards
Acting Investigator
Department of Land and Natural Resources
Division of Conservation and Resources Enforcement
State of Hawaii
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Ms. Edwards:

Thank you for your letter dated October 22, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

In response to the findings contained in your Memorandum, this is to confirm that no project work has been undertaken to date. In addition, this is to confirm that no more than six trees will be removed where the single-family residence is proposed to be constructed. In view of the fact that only one single-family residence is being proposed to be constructed, it is not anticipated that there will be any unreasonable interference with public vehicular or pedestrian traffic near or abutting the project site.

Finally, in response to the concern expressed about archaeological and historical sites, it should be noted that the final inventory survey report was filed with and accepted by the State Historic Preservation Division of the DLNR as evidenced by the enclosed correspondence dated January 26, 1999.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc
Enclosure

cc: James S. Greenan (with enclosure)
Mr. Tom Eisen, Staff Planner, DLNR (with enclosure)

LIHUE1\26019\1\32882.1\MJB

FROM :

FAX NO. :

Feb. 06 1999 04:33PM P2

BENJAMIN J. CAYSTANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuhāwea Building, Room 555
601 Kamehāmeha Boulevard
Honolulu, Hawaii 96707

January 26, 1999

MICHAEL D. WILSON, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES
CLEMENT COLOMA-AGARAN
TIMOTHY E. JONES

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

Hallett Hammatt, Ph.D.
Cultural Surveys Hawaii
733 N. Kalaheo Avenue
Kailua, HI 96734

LOG NO: 22760 ✓
DOC NO: 9812NMI6

Dear Dr. Hammatt:

SUBJECT: Historic Preservation Review -- Archaeological Inventory Survey for a
43, 598 ft Property in the Ahupua'a of Ha'ena, District of Halele'a,
Island of Kaua'i, (Yellin)
Haena, Halele'a, Kaua'i
TMK: 5-9-02: 50

Thank you for the submission of the archaeological inventory survey report (Hammatt & Shideler 1998. Archaeological Inventory Survey for a 43, 598 ft Property in the Ahupua'a of Ha'ena, District of Halele'a, Island of Kaua'i. Cultural Surveys Hawaii ms).

We believe that the survey techniques adequately covered the project area. Seven backhoe trenches were excavated. Background review was acceptable. No historic sites were found.

Thus, land alteration on this parcel will have "no effect" on significant historic sites. This report is acceptable, and no further archaeological work is required.

Please send a copy of this report to our Honolulu office for filing in the statewide inventory library.

Aloha,

A handwritten signature in black ink, appearing to read "Don Hibbard".

Don Hibbard, Administrator
State Historic Preservation Division

NM:jk

c: Dee Crowell, County of Kauai, Planning
Land Management, DLNR

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441

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

October 29, 1998

RECEIVED
LAWRENCE MIIKE
DIRECTOR OF HEALTH
In reply, please refer to:
98 00129 8 1:06
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

OCT 29 7 57 AM '98

TO: The Honorable Michael D. Wilson, Chairperson
Department of Land and Natural Resources

FROM: Lawrence Miike *LMiike*
Director of Health

SUBJECT: CONSERVATION DISTRICT USE APPLICATION

Applicant: Ms. Jackie Yellin
File No.: KA-2901
Request: Construct a Single Family Residence
Location: Haena, Kauai
TMK: 5-9-2: 50

Thank you for allowing us to review and comment on the subject request. We have the following comments to offer:

1. The proposed "septic system" or treatment individual wastewater system (TIWS) shall meet the minimum applicable provisions of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-62, "Wastewater Systems."
2. The construction of the proposed dwelling and TIWS will require the clearing of vegetative matter. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with HAR, Chapter 11-26, "Vector Control," the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
3. The applicant shall comply with the applicable requirements of HAR, Chapter 11-46, "Community Noise Control," pertaining to construction activities and stationary sources.
4. The project may generate fugitive dust emissions during site preparation and construction. In accordance with HAR, Chapter 11-60.1, "Air Pollution Control," the property owner/developer shall be responsible for ensuring that effective control measures are provided to prevent or minimize any fugitive dust emissions caused by the

The Honorable Michael D. Wilson
October 29, 1998
Page 2

98-216/epo

construction work, including the off-site roadways used to enter/exit the project, from impacting the surrounding areas. These measures include, but are not limited to, the use of water wagons, sprinkler systems, and dust fences.

5. In accordance with HAR, Chapter 11-58.1, "Solid Waste Management Control," the property owner/developer shall be responsible for ensuring that grub material, demolition waste and construction waste generated by the project are disposed of in a manner or at a site approved by the State Department of Health. Disposal of any of these wastes by burning is prohibited.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.

Should you have any questions on these comments, please call Mr. Clyde Takekuma, District Environmental Health Program Chief, Kauai District Health office, at 241-3323.

c: KDHO

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

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E-MAIL: mail@kauai-law.com

ASSOCIATE
PAMELA P. RASK
OF COUNSEL
JONATHAN J. CHUN

November 12, 1999

Mr. Gary Gill
Deputy Director of Health
Environmental Health
Department of Health
State of Hawaii
P. O. Box 3378
Honolulu, Hawaii 96813

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Gill:

Thank you for your letter dated October 29, 1998 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your letter and responding to the same, but please be advised that your correspondence will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

For your ease of reference, we will respond to your comments in the order they appear in your letter.

1. The proposed "septic system" will meet the minimum applicable provisions of Title 11, Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems."
2. Pursuant to Hawaii Administrative Rules, Chapter 11-26, "Vector Control," the Applicant will ascertain the presence or absence of rodents on the property in question, and if rodents are present, they will be eradicated prior to clearing of the site.

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Mr. Gary Gill
November 12, 1999
Page 2

3. The Applicant will comply with the applicable requirements of Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control," pertaining to construction activities and stationary sources.
4. In accordance with Hawaii Administrative Rules, Chapter 11-60.1, "Air Pollution Control," the Applicant shall prevent or minimize as appropriate any fugitive dust caused by construction work.
5. In accordance with Hawaii Administrative Rules, Chapter 11-58.1, "Solid Waste Management Control," the Applicant will ensure that grub material, demolition waste and construction waste are disposed of in a manner approved by the State Department of Health.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**

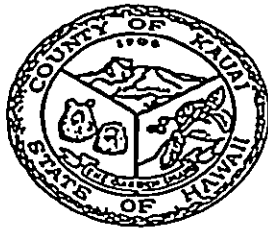


Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

MARYANNE W. KUSAKA
MAYOR



CESAR C. PORTUGAL
COUNTY ENGINEER
TELEPHONE 241-6600

RUSSELL SUGANO
ACTING DEPUTY COUNTY ENGINEER
TELEPHONE 241-6631

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUAI

DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUAI, HAWAII 96766

PW9.287

October 1, 1998

State of Hawaii
Dept. of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Mr. Dean Uchida

Gentlemen:

SUBJECT: CONSERVATION DISTRICT USE APPLICATION
FOR YELLIN RESIDENCE CDUA KA-2891
TMK: 5-9-2: 50

We reviewed the subject application and offer the following comments in regards to flooding:

A. Flood

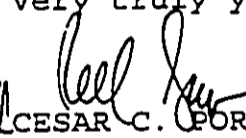
1. Based on panel no. 30C of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the captioned property is susceptible to flooding from the ocean. The flood zoning is a zone VE-23' and VE-24'.
2. The proposed residence will be located within the VE-24' flood zone with a base flood elevation (BFE) of 24 feet above mean sea level. (MSL).
3. We can approve a building permit application upon satisfying the following flood requirements:
 - a. The building plans will need to be design and stamped by either a structural engineer or architect registered in the State of Hawaii. The above designer will need to complete a "Coastal High Hazard Certification" which certifies that the new structure is design to be flood compliant in accordance with FEMA's and the County's flood provisions.

OCT 7 8 54 AM '98

Dept. of Land and Natural Resources
Land Division
October 1, 1998
Page 2

- b. Stair cases below the BFE will need to be designed as breakaway and the breakaway details shown on the building plans.
- c. All new replacement water and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters. The on-site waste disposal system shall be located to avoid impairment to the system from flood waters or contamination of flood waters during flooding.
- d. The lowest framing member of the structure shall be elevated to or above 24 feet MSL and noted on the building plans.
- e. After the lowest framing member is constructed, an "Elevation Certificate" must be completed by either a professional engineer or surveyor registered in the State of Hawaii. The completed Elevation Certificate shall be returned back to our office prior to occupancy of the structure.
- f. Any fill within the Coastal High Hazard Area (VE flood zone) is prohibited.

Thank you for the opportunity to review and offer our comments. Should you have any questions, please feel free to contact Mr. Wallace Kudo of my staff at (808) 241-6620.

Very truly yours,

CESAR C. PORTUGAL
County Engineer

WK/cu

MARYANNE W. KUSAKA
MAYOR



CESAR C. PORTUGAL
COUNTY ENGINEER
TELEPHONE 241-6000

WALLACE G. REZENTES, SR.
ADMINISTRATIVE ASSISTANT

IAN K. COSTA
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6040

AN EQUAL OPPORTUNITY EMPLOYER

COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MOIKEHA BUILDING, SUITE 275
LIIULE, KAUAI, HAWAII 96766

PW9.008

September 7, 1999

RECEIVED
DIVISION OF
LAND MANAGEMENT
SEP 13 11:02 AM '99

State of Hawaii
Dept. of Land and Natural Resources
Land Division
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Mr. Dean Uchida

Gentlemen:

SUBJECT: CONSERVATION DISTRICT USE APPLICATION
FOR JAMES GREENAN
TMK: 5-9-2-50

We reviewed the subject application and offer the following comments in regards to flooding:

A. Flood

1. Based on Panel No. 30C of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the captioned property is susceptible to flooding from the ocean and the adjacent natural watercourse. The flood zone is a zone VE-23' and VE-24' for the property. From Exhibit "H" the proposed residence will be located in the VE-24'. A flood study should be developed to evaluate the riverine flooding for the existing natural watercourse at the westerly common lot boundary.
2. We can approve a building permit application upon satisfying the following flood requirements:

Dept. of Land and Natural Resources
Land Division
September 7, 1999
Page 2

- a. The building plans will need to be designed and stamped by either a structural engineer or architect duly licensed in the State of Hawaii. The above designer must complete the attached structural certification (coast high hazard) for building within the VE zone. The completed certification must be returned back to my office for further processing.
- b. The lowest framing member of the residence must be elevated at or above 24 feet above mean sea level (MSL) and noted on the building plans.
- c. No machinery or equipment which service a building such as a furnace, heat pump, water heater, bathroom facilities, air conditioner, washer, dryer, electrical junction and circuit breaker boxes, refrigerators, and freezers are permitted below the base flood elevation.
- d. All new replacement and sanitary sewage systems shall be designed to minimize or eliminate flood waters into the system, and discharged from the system into flood waters. The onsite waste disposal shall be located to avoid impairment to the system from flood waters during flooding.
- e. Our Drainage and Flood Ordinance No. 630, Section 15-1.5, paragraph (c)(1)(D) states "Alteration of sand dunes and mangrove stands are prohibited". The County of Kauai interpreted this to mean that any fills within the coastal high hazard area (VE flood zone) is prohibited.
- f. Space below the base flood elevation will need to be designed as breakaway. The breakaway details will need to be shown on the building plans and certified by the designer.
- g. After the lowest framing member is constructed, the attached "Elevation Certificate" will need to be completed by either a surveyor or professional engineer duly licensed in the State of Hawaii and returned back to my office.
- h. Our Planning Department is the responsible agency for checking the building height. Our flood ordinance states "no structure shall be higher than twenty-five (25) feet from ground level or the base flood elevation of plus fifteen (15) feet, whichever is greater at the site, unless a greater height is authorized by the Planning

Dept. of Land and Natural Resources
Land Division
September 7, 1999
Page 3

Commission pursuant to a use permit after review and
recommendation by the North Shore Improvement Committee.

Thank you for this opportunity to provide our comments. Should you have any
questions, please feel free to contact Wallace Kudo of my staff at (808) 241-6620.

Very truly yours,


CESAR C. PORTUGAL
County Engineer

WK/cu

**BELLES GRAHAM
PROUDFOOT & WILSON**

MICHAEL J. BELLES
MAX W.J. GRAHAM, JR.
DAVID W. PROUDFOOT
DONALD H. WILSON

Federal I.D. No. 99-0317663

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November 12, 1999

ASSOCIATE
PAMELA P. RASK
OF COUNSEL
JONATHAN I. CHUN

Mr. Cesar C. Portugal
County Engineer
Department of Public Works
County of Kauai
4444 Rice Street, Suite 275
Lihue, Kauai, Hawaii 96766

Re: Draft Environmental Assessment (EA) for Single-Family Residence
Located at Haena, Kauai, Hawaii TMK No. (4)5-9-2:50, CDUA KA-2901

Dear Mr. Portugal:

Thank you for your letters dated October 1, 1998 and September 7, 1999 relative to the above-referenced Draft Environmental Assessment (DEA). I apologize for the delay in acknowledging receipt of your first letter and responding to the same, but please be advised that both of your correspondences will be included in the Final Environmental Assessment (FEA).

As a prefatory matter, it should be noted that the identity of the Applicant has been changed from Jackie Yellin to James S. Greenan, however, the Application has remained virtually identical in all other material respects relative to the issues discussed in your correspondence.

In response to your comments offered by the Department of Public Works of the County of Kauai, the Applicant confirms that the proposed single-family residence will be elevated to conform to the height requirements prescribed by the applicable FIRM maps. In addition, the Applicant confirms that he will comply with all applicable building permit flood requirements as set forth in the above-referenced correspondence from the Kauai Department of Public Works.

Thank you for your cooperation and assistance in this matter. If you have any questions regarding this development, please feel free to contact me at (808)246-6961.

Very truly yours,

**BELLES GRAHAM
PROUDFOOT & WILSON**



Michael J. Belles

MJB:spc

cc: James S. Greenan
Mr. Tom Eisen, Staff Planner, DLNR

LIHUE1\26019\1\32886.1\WJB