

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division/Planning Branch

Ref: LFB:TC

MAR 22 2001

File: KA-3011

MEMORANDUM

'01 MAR 27 A11:27

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

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 Hill Single Family Residence (SFR) in the
Conservation District at TMK parcel [4] 4-9-005:005, Aliomanu,
Kauai

The Department of Land and Natural Resources has reviewed the comments received during the 30-day public comment period that began on February 8, 2001 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 April 8, 2001 OEQC Environmental Notice. ✓

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the Final EA for the project. Comments on the draft EA were sought from relevant county agencies, and were included in the final EA.

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

Enclosures

cc: Walton D.Y. Hong

39

APR 8 2001

FILE COPY

2001-04-08 - KA FEA - Hill Single Family
Residence

ENVIRONMENTAL IMPACT ASSESSMENT (Final)

FOR

**CONSTRUCTION OF RESIDENCES WITHIN THE
CONSERVATION AND AGRICULTURAL DISTRICTS
(including fencing and landscaping)**

AT

ALIOMANU, ISLAND OF KAUAI, STATE OF HAWAII

TAX MAP KEY: 4-9-05-05 (4th)

The following is the final environmental impact assessment for the proposed construction of a single family residence within the Conservation district and a farm dwelling within the Agricultural district, at Aliomanu, Island of Kauai, State of Hawaii, on real property more particularly identified as Kauai Tax Map Key: 4-9-05-05, together with fencing along the mauka boundary and landscaping of the property.

(1) Identification of Applicant

Richard S. Hill
c/o Walton D. Y. Hong
3135-A Akahi Street
Lihue, HI 96766
Tel. (808) 245-4757
Fax. (808) 245-5175

(2) Identification of Approving Agency

Board of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96808

(3) Identification of Agencies Consulted in Making Assessment

Department of Land and Natural Resources
State of Hawaii
P. O. Box 621
Honolulu, HI 96808

County of Kauai
Planning Department
4444 Rice Street
Lihue, HI 96766

County of Kauai
Building Division, Dept. of Public Works
4444 Rice Street
Lihue, HI 96766

(4) General Description of the action's characteristics

(a) Technical. The property subject of this assessment is that certain parcel situated on the shoreline at Aliomanu, Island and County of Kauai, State of Hawaii. A map of the Island of Kauai, showing the area of the proposed use is attached hereto as Exhibit "A" and made a part hereof. Also attached hereto as Exhibit "B" and made a part hereof, is a copy of the tax map, showing the parcel as TMK: 4-9-05-05. The parcel is shown on the tax maps as containing an area of 8.75 acres. However, an on the ground survey indicates the actual acreage to be approximately 7.142 acres; the difference can be attributed to erosion and encroachment by the sea.

Except for approximately 1 acre in the southwest corner of the property classified as "Agriculture" by the State Land Use Commission, the remainder of the property is within the Land Use "Conservation" district. A map, showing the subject property and the Land Use Agriculture/Conservation district boundary line is attached hereto as Exhibit "C" and made a part hereof.

The applicant proposes to construct two dwellings on the property. The first would be a single family structure, containing a total floor area of 4,998 square feet, within the Conservation District. This residence will be approximately 150 feet from the shoreline, at elevation between 45-55 feet above mean sea level. This proposed action necessitates a Conservation District Use Application ("CDUA") permit, to be issued by the Board of Land and Natural Resources.

The applicant also proposes to construct a farm dwelling within the Agriculture district of the lot, which would contain a living area of approximately 3,841 square feet. This structure will be about 300 feet from the shoreline, at elevation 60+ feet. The farm dwelling would be bi-level, with the basement containing a garage, mechanical and storage space. A swimming pool and tennis court are also proposed within the Agriculture district. Also proposed is a service building of 500 square feet, which will be used to house landscaping and maintenance equipment. As the property is within the Special

Management Area established by the County of Kauai and more than one residence is proposed, a Special Management Area permit is also required, and has been obtained, from the County of Kauai Planning Commission.

The applicant also proposes a driveway and turn-around/parking area, which would be from Kukunā Road and end between the proposed residences.

Attached hereto as Exhibit "D" and made a part hereof, is a plot plan, showing the approximate size and location of the proposed structures.

Both structures will be of concrete and woodframe construction, with either tile or slate roofs. No structure will exceed the 25 feet height limit within the Conservation district. The tallest structure within the Agriculture district would not exceed 30 feet in height. To minimize any visual impact from the development, the structures are designed to have breaks in the roofline and the applicant proposes to utilize earth tone colors and extensive landscaping.

The structures are intended to be occupied by the applicant and his relatives as primary or secondary residences. There will not be any commercial or rental activities conducted from the residences.

The applicant further proposes to construct a hog wire fence along the mauka boundary of the subject property, terminating approximately 200 feet from the northern corner of the property. A map showing the location of the proposed fence is attached hereto as Exhibit "E" and made a part hereof. The fence will be of hog wire fencing, hung on steel or wooden posts at appropriate intervals, and not to exceed six feet in height.

The purposes of the fencing is to provide security to the Applicant while constructing the proposed residences, protect the landscaping as may be implemented according to the landscaping plan, and to minimize further erosion and soil runoff into the ocean by preventing people from destroying the vegetation by driving across the property.

Lastly, the applicant intends to implement a comprehensive landscaping plan for the entire property over the next several years. The landscaping plan will entail clearing and

replacing some of the existing vegetation with other indigenous and endemic Hawaiian plants.

A copy of a preliminary landscaping plan is attached hereto as Exhibit "F" and made a part hereof. The Applicant notes that a supplementary description of the landscaping zones has been attached thereto and is made part of Exhibit "F".

(b) Economic. The cost of the proposed action will be in excess of \$500,000. This will provide some immediate economic benefits to the community, especially to the contractor and other persons supplying materials and/or labor for the construction and during the implementation of the landscaping plan. Upon completion of the construction, the economic benefits will diminish, with real property taxes and payment for services such as landscaping and pool maintenance being the continued benefits derived from the proposed use.

(c) Social. As the proposed structures are intended for use by the applicant and his family as their residences, there will not be any significant social benefits or detriments from the proposed action.

(d) Environmental. The environmental characteristics of the proposed actions are as follows:

(1) Flora and Fauna: The subject property is presently overgrown with ironwood trees, heliotrope, grasses, and naupaka along parts of the shoreline. Flora include normal species found on Kauai, including mynahs, sparrows, doves, and rodents. No endangered or threatened species of flora or fauna were observed on the site. This was also confirmed by Kina'Ole Sustainable Land Use Company, the consultant used in developing the landscaping plan attached as Exhibit "F" hereto, who is familiar with various types of flora and fauna. Further, the immediate areas to be cleared for the construction of the proposed structures were formerly used in pineapple cultivation, and is presently overgrown with ironwood trees, lantana and grasses.

It is the intention of the applicant to clear around each area of proposed use and, as appropriate, revegetate with landscaping materials. The remainder of the site will be cleaned and revegetated in accordance with an approved landscaping plan to maintain the area's natural beauty as much as reasonably possible. It will be necessary to trim or remove

some of the vegetation (primarily ironwood trees) between the residences and the shoreline to open up windows to the ocean, but any such trimming will be kept to the minimum or replaced by other appropriate landscaping materials.

(2) Erosion: A copy of a topographic map of the subject property is attached hereto as Exhibit "G" and made a part hereof. As the map shows, the subject property contains some steeper areas and gullies where the soil has been eroded from vehicular traffic and surface runoff. The applicant proposes to build in the flatter portions of the subject property which do not involve the eroded areas. Drainage from impervious surfaces resulting from the development will be handled through properly designed drainage channels to avoid or mitigate erosion problems. The present eroded areas will be revegetated and landscaped in accordance with the landscaping plan. Grading will be kept to the minimum, and there are no plans to grade areas unnecessary for the proposed uses. During the course of construction, mitigation measures as may be required by the County will be implemented to prevent fugitive dust and soil from entering into the offshore waters.

(3) Historical and Archaeological: An archaeological inventory survey of the subject property was conducted in 1992 by Aki Sinoto Consulting for the property's previous owner. Since the property has been in agricultural cultivation and cleared and grubbed in the past, it was anticipated that no significant archaeological sites would be found. The survey confirmed this, reporting that:

"The walk-through survey encountered no archaeological remains such as surface structures, midden scatters, or exposed subsurface features. Particular attention was devoted to areas of exposed ground, erosional embankments, and erosional deposits on the beach area for any indication of cultural remains. All results were totally negative." Archaeological Inventory Survey of TMK 4-9-05:05, Aliomanu, Kawaihau, Kaua'i, by Aki Sinoto and Jeffrey Pantaleo, March 1992, at page 4.

The applicant is not aware of any historical significance of the subject property.

Concern was raised by the Historic Preservation Division of the Department of Land and Natural Resources during

the Special Management Area Use Permit process before the Kauai Planning Commission of the possibility of archaeological findings in the sandy shoreline areas. As a result, a condition was imposed on the issuance of SMA permit that "if work is proposed in the shoreline sand area, an archaeological subsurface survey shall be conducted. If a survey is required, an inventory survey report shall be submitted for review and approval by SHPD [State Historic Preservation Division]."

(4) Visual: The proposed use will result in some visual impact resulting from the clearing of the land and construction of the residences. However, the nearest residence will be approximately 150 feet from the shoreline, at an elevation of between 45-55 feet; this compares favorably with the abutting properties, which contain or will contain residences about the 35 feet elevation. Because of the intervening topography and vegetation between the structure and the shoreline, only the upper portions of the structures will be visible from the shoreline.

Notwithstanding that the structures will not be wholly visible from the shoreline, the applicant's plans to use earth-tone colors and non-reflective roofing materials will also mitigate any visual impacts. The breaking of the roofline into smaller areas, rather than a long continuous roof, will further mitigate any such impacts.

The structures will be visible from the properties to the rear or mauka of the property. Since those properties are privately owned, the proposed use will not affect any public views from that viewpoint.

(e) Cultural Impact Assessment. As previously noted, an earlier archaeological walk-through survey did not disclose any cultural significance to the site. There are no heiaus or other archaeologically or historically significant sites on the subject property.

As previously noted, the Historic Preservation Division of the Department of Land and Natural Resources had some concern as to any work done in the shoreline sand area, due to findings of surface artifacts found within the shoreline sand areas on the neighboring properties. This concern was noted in the agency comments on the Applicant's application for a Special Management Area Permit to the County of Kauai Planning Commis-

sion, and a copy of those comments is attached hereto as Exhibit "H", and made a part hereof.

The Applicant is not aware of any Hawaiian cultural practices being carried out on the subject property which would be disrupted by the proposed use. The subject property was formerly cleared and on the fringes of pineapple cultivation in the area. There is no evidence of any archaeological sites on the property which would suggest the presence of cultural practices on the site. Further investigation, consisting of consulting with an elderly Hawaiian gentleman familiar with the property and with a person who lived and was raised in the area, confirmed the absence of any native Hawaiian cultural practices on the property.

In the absence of any evidence to the contrary, it does not appear that the site was used for agricultural or gathering purposes. While native Hawaiians likely used the shoreline area for fishing, the proposed use will not deprive anyone from continuing to use the shoreline for fishing. The Applicant will follow proper mitigation and consultation with appropriate agencies should any unidentified cultural, historic, or burial sites be encountered during the course of construction on the property.

(f) Public Access. It is significant that the Kauai Planning Commission determined that two public accesses to the shoreline over properties in close proximity to the subject property were sufficient and did not require that the applicant provide public access over his property in the granting of the SMA permit. One access is approximately 900 feet to the south of the property, while the other is approximately 1500 feet to the north. A map showing the location of the two public accesses is attached hereto as Exhibit "I" and made a part hereof.

The Applicant notes that the Territory of Hawaii, in Land Patent (Grant No. 10,095), dated August 22, 1932, and in its Deed dated September 24, 1932, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12043 at Page 456, excepted and reserved a ". . . trail over and across this land along near highwater mark, which said highwater mark is that part of the shore of the sea to which the waves ordinarily reach when the tide is at its highest, the location of said trail to be designated by the Commissioner of Public Lands." Although there has been no designation of the trail by the Commissioner

of Public Lands to date, the Applicant recognizes the exception and reservation, and is willing to work with the said Commissioner on designating such a trail along near highwater mark.

The Applicant is also willing to grant access by State workers to the designated trail for the purpose of maintaining the trail. However, the Applicant is not willing to accept the responsibility of maintaining the trail because of the potential liability exposure therefrom.

(5) Summary Description of Affected Environment. The subject property is located on the shoreline at Aliomanu, District of Kawaihau, Island and County of Kauai, State of Hawaii. It is an irregularly shaped parcel, approximately 1,100 feet long by 300 feet deep. The shoreline consists of a white sand beach, with some rocky outcrops extending into the ocean.

The subject property rises from several feet above sea level at its makai boundaries, to a high of approximately 70 feet in the area of the proposed farm dwelling. The site is overgrown with ironwood trees, heliotrope, grasses and beach naupaka. Due to past agricultural activities and clearing conducted on the property, there are several cleared areas within the Conservation District, of which one is proposed for use for the residence.

The proposed uses will be limited to the southern third of the property, with no plans other than landscaping to further develop the remaining areas. The proposed structures will be built away from the shoreline, so as to minimize any impacts to the environment.

The mauka half to two-thirds of the subject property is Lihue Silty Clay, characterized by slow to moderately rapid permeability, slow runoff, and subject to moderate erosion hazards. The steeper makai portion is classified as Badland, characterized as steep, barren, saprolitic substrates with rapid runoff and active erosion. The applicant will be constructing in the Lihue Silty Clay area, in the southwestern portion of the property.

The rainfall in the area averages 40-50 inches annually.

(6) Identification and Summary of Major Impacts. The biggest impact from the proposed use would be visual, as it would be replacing natural vegetation with residences and

landscaping materials not currently found in the immediate area.

Another impact would be additional vehicular traffic in the area, although the incremental increase would not be significant as the proposed uses are for the applicant's own use and not for any commercial purpose. There would not be any appreciable increase in noise from the proposed use, although there will be significant noise temporarily during the construction phase.

The proposed uses would not affect the shoreline in any manner, as the proposed structures are placed as far away as reasonably possible therefrom. No endangered or threatened species of flora or fauna will be affected by the proposed uses.

(7) Proposed Mitigation Measures. Mitigation measures will be addressed to the visual impact, as it would be the only possible significant impact from the proposed uses.

Any visual impact can be mitigated and minimized. The structures will be limited to a maximum height of twenty-five feet within Conservation district, and thirty feet within the Agriculture district. The siting of the proposed structures away from the shoreline, together with the rapid rise of the land from the shoreline before leveling to the proposed building site, will only permit the top portions of the structures to be visible from the beach.

The use of earth tone colors and non-reflective roofing materials will further mitigate the visual impacts. There will be no wholesale clearing of vegetation along the shoreline, although it may be necessary to provide minimal vistas in selected areas to open viewplanes towards the ocean.

Other appropriate mitigative measures, as may be required by the County during the construction phase, will be implemented to prevent runoff into or pollution of the offshore waters.

(8) Alternatives to Proposed Use. The three alternatives to the proposed uses are (a) no use of the property, (b) construction of a farm dwelling in the Agriculture zoned portion and no development in the Conservation zoned portion, and (c) construction of a single family residence in the Conservation zoned portion and no development in the Agriculture zoned portion of the subject property.

The first alternative is not realistic nor practicable, as the inability of the landowner to use his parcel for residential purposes, notwithstanding that the same is a recognized and permitted use under applicable law, would be violative of the Applicant's constitutional and legal rights.

The second and third alternatives are likewise unrealistic and unpractical, and would pose severe limitations on the landowner's rights. The Agriculture zoned portion is one acre in size, and is permitted a maximum of 50% lot coverage of impervious surfaces. The Applicant desires to construct two dwellings on the subject property; one is for the Applicant and the other is intended for use by the Applicant's fiancée's family. The 50% maximum impervious surface coverage for the Agriculture zoned area does not allow the Applicant to address his particular needs. Similarly, the maximum 5,000 square feet living area within the Conservation zoned area does not permit the Applicant to construct the separate dwelling structures he requires. Moreover, restriction to either the Agriculture or the Conservation zoned area is contrary to applicable law allowing the proposed uses in both zones, and would be a form of inverse condemnation in violation of the Applicant's legal rights.

The portion of the subject property which is zoned Agriculture is not feasible for agricultural practices due to its size, limited access, proneness to erosion, and the lack of agricultural water. It is noteworthy that the subject property was left barren while the immediately abutting mauka properties were cultivated in pineapple in the past; the applicant believes that the failure to use the subject property for such cultivation is indicative of the inability and unfeasibility of conducting agricultural practices on the property.

The areas within the Conservation district could be left in its current undisturbed state. However, this will cause the present erosion problem to continue, resulting in bare areas being exposed to the offshore winds, and soil running into the ocean during heavy rains. The applicant's proposed landscaping of the area would mitigate the erosion and runoff into the ocean.

(9) Determination. Based on the foregoing, it is determined that the said action will not result in any significant adverse environmental or ecological impacts, and that an

environmental impact statement is not required of the Applicant for the proposed use.

(10) Findings and Reasons for Supporting Determination.

The following reasons and discussion of the criteria for identifying significant environmental impacts supports the determination that the proposed action will not result in any significant impacts on the environment:

(a) Does not involve an irrevocable commitment to loss or destruction of any natural or cultural resources.

The archaeological inventory survey by Aki Sinoto Consulting, dated March 1992, of the subject property clearly indicates that the subject site does not contain any significant cultural or archaeological resources. There is no evidence to support any contention that native tenants' cultural practices needing preservation, were carried on the subject property.

The natural resource of the property is its beauty and proximity to the ocean. The proposed use will not cause any loss of this natural resource, as the use is not significant relative to the size of the entire parcel and mitigation measures discussed above will minimize and mitigate any visual impact of the proposed structures.

(b) Does not curtail the range of beneficial uses of the environment.

The proposed use will not affect the ability of the public to continue using the beach for recreational purposes. As such, the range of beneficial uses of the shoreline, such as swimming, picnicking, surfing and fishing, will be preserved. Similarly, any fishing practices of native tenants will be able to continue as the shoreline will remain open to everyone.

(c) Does not conflict with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, H.R.S., any revisions thereof, court decisions or executive orders.

Among the policies expressed in Chapter 344, H.R.S., are to conserve the natural resources so that they are protected by controlling pollution, by preserving or augmenting

natural resources, by safeguarding the State's unique natural environment characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic and other requirements of the people of Hawaii.

The proposed uses do not conflict with these policies. The proposed uses are limited in scope and magnitude, and consists of essentially two residences constructed away from the shoreline, with an extensive landscaping plan to enhance the natural beauty of the area. Ground disturbance will be limited to the landscaping plan, which will preserve and improve on the natural beauty of the area. As such, the environment of the area will be preserved, allowing the applicant to use his property in harmony with nature. There should not be any pollution resulting from the proposed use. Waste water will be disposed of through the use of septic tanks and leachfields, in accordance with Department of Health regulations. The areas of proposed use are sufficiently removed from and downwind of the shoreline that any reasonable uses of herbicides or fertilizers to maintain the landscaping will not affect the shoreline.

(d) Does not substantially affect the economic or social welfare of the community or State.

The proposed use will not substantially affect the economic or social welfare of the community or State due to its limited scope and magnitude. While it will provide short-term economic benefits through the construction phase, such benefits are not expected to be significant to the economic welfare of the surrounding community or State. As the proposed uses are for residential purposes, the social welfare of the community or State will not be affected.

(e) Does not substantially affect public health.

All waste water from the proposed use will be disposed of through individual waste water systems, constructed and maintained in accordance with Department of Health rules and regulations. The system will consist of septic tanks and leachfields, which will be sufficiently removed from the shoreline as to not to affect the same. The proposed use is not expected to generate any other impact which would affect the public health.

(f) Does not involve substantial secondary impacts, such as population changes or effects on public facilities.

The proposed residential use by the applicant and his family will be minimal and will not cause any substantial secondary impacts on population and impacts on public facilities.

(g) Does not involve a substantial degradation of environmental quality.

The proposed residences, located in the southwestern portion of the property, will not cause any significant or substantial degradation of the environmental quality due to its limited scope and maximum proximity to the shoreline. The intent of the applicant to landscape the subject property in accordance with an appropriate landscape plan will also minimize any degradation of the surrounding environment.

(h) While individually limited, will not cumulatively have considerable effect on the environment, nor involve a commitment for larger actions.

The proposed use is not part of any larger development, but intended for residential use solely by the applicant and his family. As such, there will not be any cumulative effects resulting therefrom.

(i) Does not substantially affect a rare, threatened or endangered species or its habitat.

There is no evidence that there are any rare, threatened or endangered species of flora or fauna on the subject property which will be affected by the proposed use.

(j) Does not detrimentally affect air or water quality or ambient noise levels.

The proposed use will not emit any emissions which would detrimentally affect the air quality of the area. Waste disposal will be handled through septic tanks and leachfields in accordance with governmental regulations, and will be located sufficiently distant from the shoreline so as not to have any effect on the quality of the offshore water. The proposed residences will not generate any abnormal noises which would be detrimental to the residents in the area.

(k) Does not affect nor is likely to suffer damage by being located an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal water.

Although the subject property is located on the coastline of eastern Kauai, the siting of the proposed structures are above the flood and tsunami zones established under the Federal Flood Insurance program, and are not likely to suffer any damage from tsunamis or floods. Portions of the subject property are subject to erosion. These areas of erosion are not in close proximity to the proposed building sites, will be revegetated with appropriate planting materials, and will not affect the proposed uses.

(l) Does not substantially affect scenic vistas and view planes identified in county or State plans or studies. The proposed building sites are not visible from the nearest public highway, and will not intrude any scenic vistas or viewplanes from any public highway. The upper portions of the structures will be visible from the shoreline, but such visual impact will not be substantial or insignificant due to the color and building materials to be used, landscaping, and the intervening topography between the shoreline and the structures. Although the flora of the area may change from its existing ironwoods and beach grasses to appropriate Hawaiian plants, the area will continue to remain, in large part, open space with minimal effects on the scenic vistas and view planes.

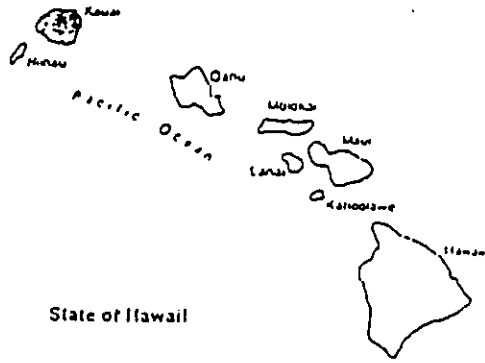
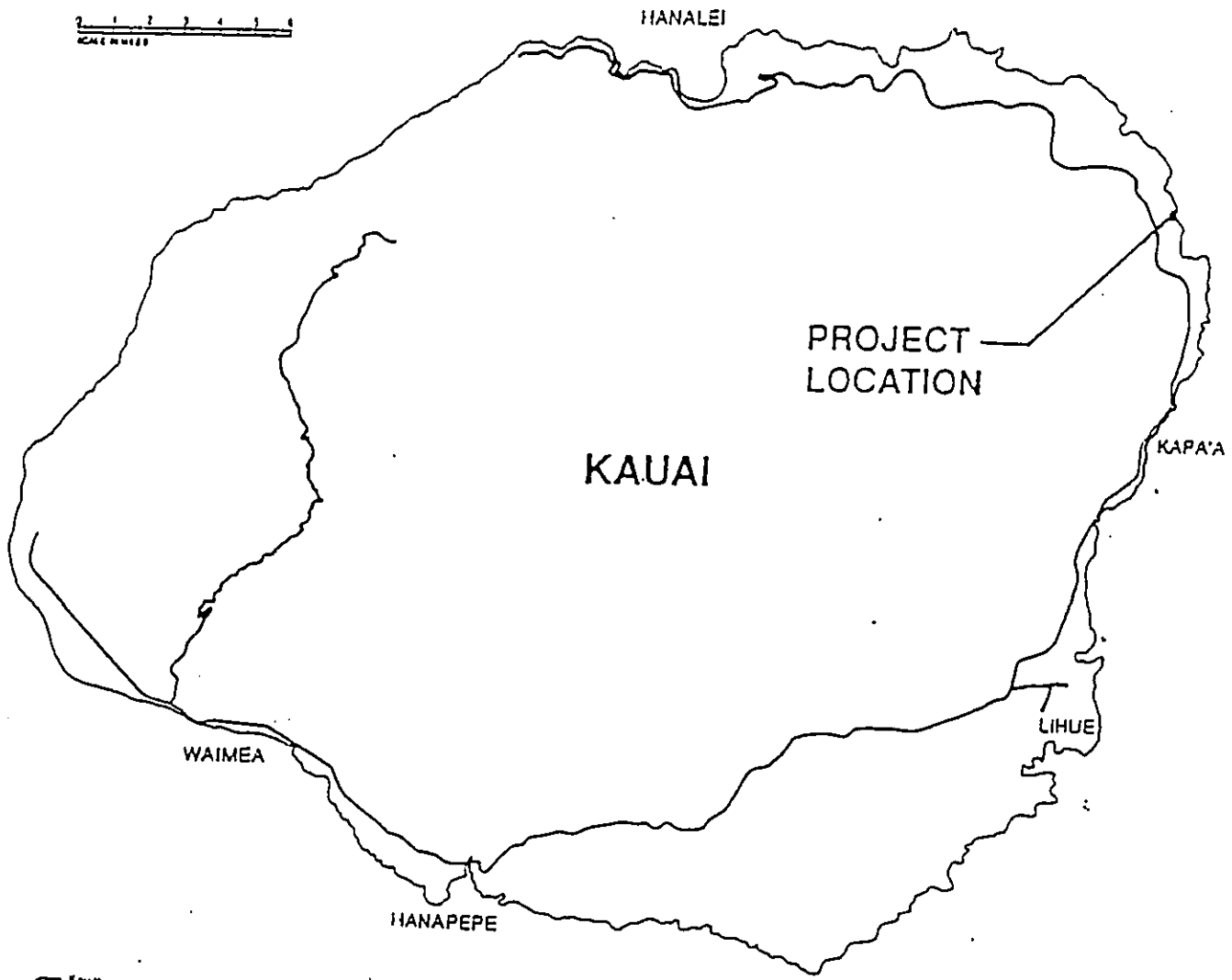
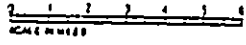
(m) Does not require substantial energy consumption.

The proposed uses will require the consumption of energy. However, the level of consumption will be similar to other households on the Island, which household consumptions cannot be considered substantial.

(11) Agencies pre-consulted and to be consulted. The Department of Land and Natural Resources and the County of Kauai were consulted prior to the drafting of this Environmental Impact Assessment. The Department of Land and Natural Resources will continue to be involved in the evaluation and recommendation on the Conservation District Use Application permit. Although the County of Kauai Planning Department has already issued the Special Management Area Use Permit for the proposed residential uses, the Kauai Planning Department will continue to be involved in the applicant's meeting the conditions of the SMA

permit. As part of the application process, comments from other agencies as to the proposed use will be solicited and considered in the decision making. As a recommendation of negative declaration is proposed, no other agency need to be consulted for preparation of an environmental impact statement.

(12) Comments and responses. Copies of comments received from various agencies, and the Applicant's responses thereto, are attached hereto and made a part hereof.



HILL
RESIDENCE
TMK: 4-9-05:5
ALIOMANU, KAWAIHAU
KAUAI

LOCATION MAP

EXHIBIT A

4 2 03

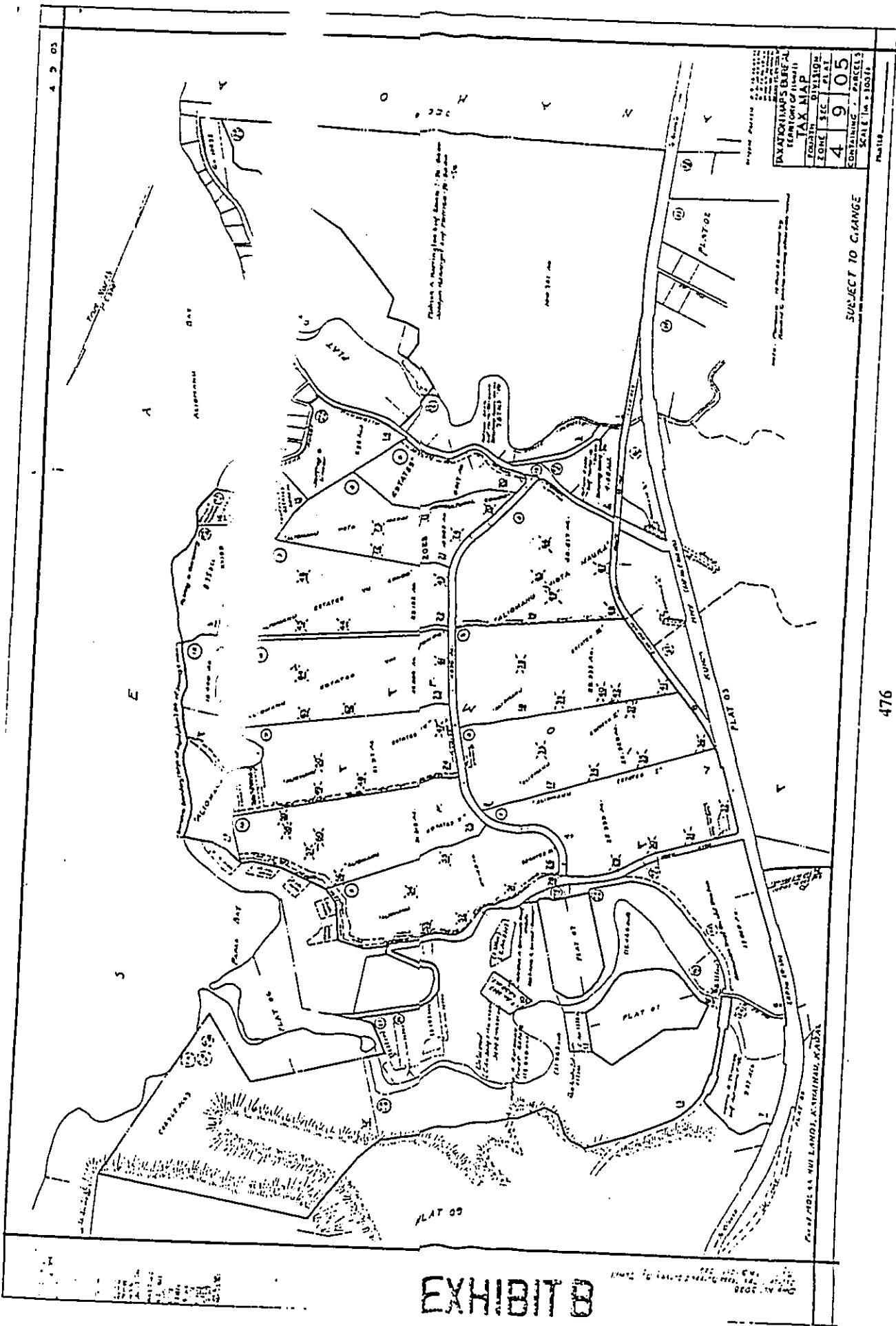


EXHIBIT B

TAYLOR'S BUREAU	
ENGINEERS	
TAX MAP	
4	9
0	5
CONTAINING PARCELS	
SCALE 1" = 100'	

SUBJECT TO CHANGE

EXHIBIT C

Shoreline Boundary (Edge of Vegetation)
As of June 21, 1993

TRUE NORTH
SCALE 1 in. = 100 ft

Parcel 5
T.M.K. 4-9-03
7.142 Acres

CONSERVATION

AGRICULTURAL
(1.0 Acre)

Grant 10045 to Lyle A. Dickey et al.

WILSON ESTATES SUBSIS...
File Plan 2023

The boundaries located, named and delineated is hereby certified as the actual Land Use District Boundary adopted by the Lyle A. Dickey et al. Use Commission, Honolulu, Hawaii.

2023 by *[Signature]*
Executive Officer

Map No. 2023-001-001
Date: 06-21-2023



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION

[Signature]
LICENSED PROFESSIONAL LAND SURVEYOR
Certificate Number: 8033

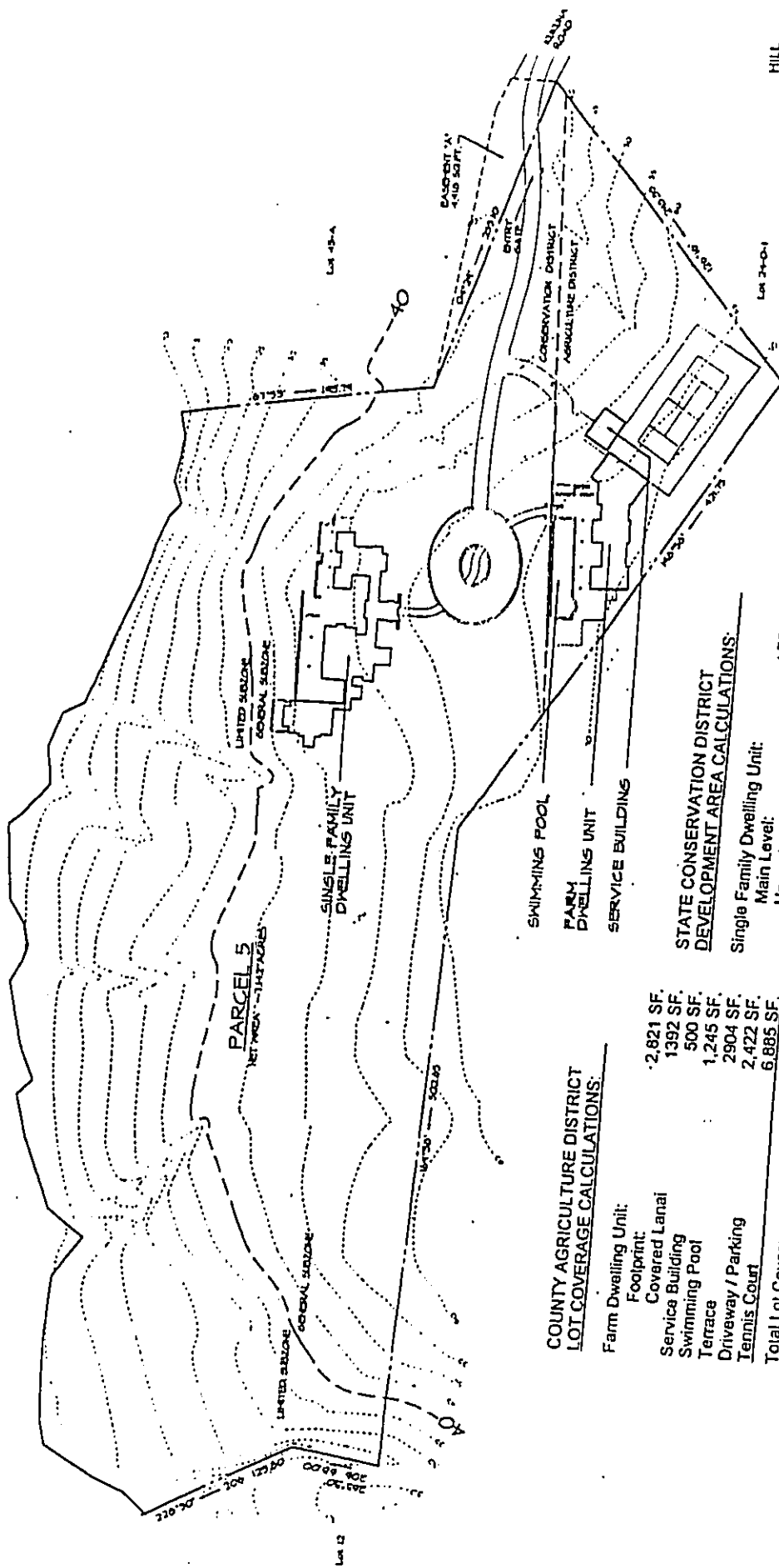
OWNER: RICHARD S. HILL
1000 KANAHOU AVENUE
KAWAI, HAWAII 96701

Map Showing
Conservation Line
Parcel 5, T.M.K. 4-9-03
Being portion of Parcel "C"
Grant 10045 to Lyle A. Dickey Et Al.
Maloua Hul Lands
At Allomau, Kanahou, Kawai, Hawaii

Owner: Richard S Hill

Interpretation No. 00-29
LAND USE DISTRICT BOUNDARY

Pacific Ocean



HILL
RESIDENCE
TMK: 4-9-05 5
AUCAMAUU, KAWAII
KAWAII

PLOT PLAN

**COUNTY AGRICULTURE DISTRICT
LOT COVERAGE CALCULATIONS:**

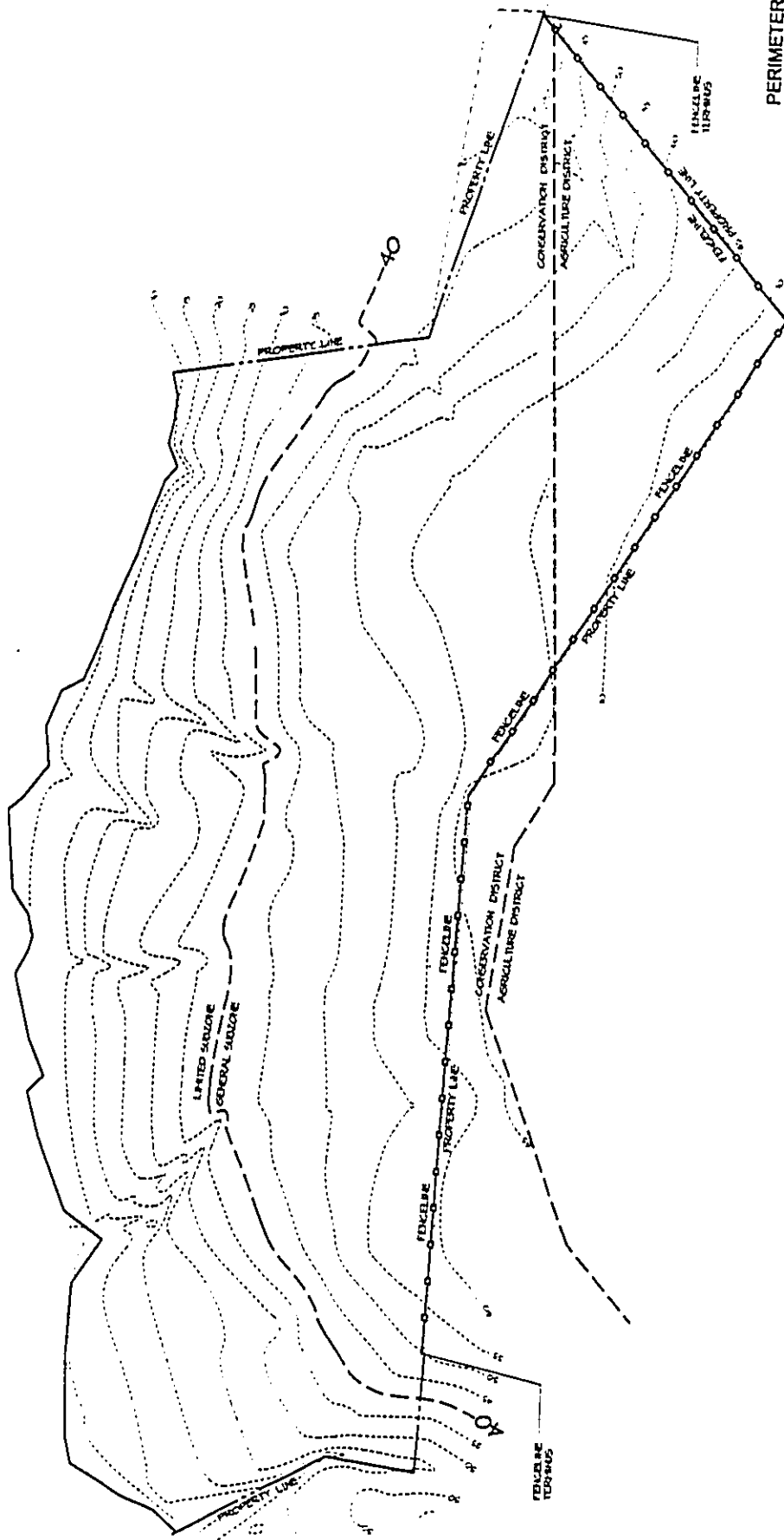
Farm Dwelling Unit:		
Footprint:		2,821 SF.
Covered Lanai		1392 SF.
Service Building		500 SF.
Swimming Pool		1,245 SF.
Terrace		2904 SF.
Driveway / Parking		2,422 SF.
Tennis Court		6,885 SF.
Total Lot Coverage		18,169 SF.

**STATE CONSERVATION DISTRICT
DEVELOPMENT AREA CALCULATIONS:**

Single Family Dwelling Unit:		
Main Level:		4,720 SF.
Upper Level:		272 SF.
Total Development Area		4,992 SF.



EXHIBIT C



PERIMETER
FENCE

LOT 24-D
ALOMARIU, KAWAIHAU
KAUAI

HILL

RESIDENCE
TMK: 4-9-05:05

09/11/00



EXHIBIT

Aliomanu Hale



The Garden by the Sea



Kina'Ole Sustainable Land Use Company

PO Box 175

Kula, HI 96790

alive@maui.net

LANDSCAPE

MOJIBAN

PLAN

EXHIBIT F

Kama 'Oie Sustainable Land use Co.
Clifton Dodge

551-A Hahaione Rd.
Kula, HI 96790

Phone 808-240-3403
Fax 808-274-1143
Email alive@maui.net

April 14, 2000

Rick Hill
Novellus Systems Inc
400 North 1st Street M/S 220
San Jose, Ca 95134

Aloha Rick,

I enjoyed meeting you and having the opportunity to walk your incredible piece of land. It is a truly amazing spot with wonderful potential.

Enclosed is a design guideline and cost estimate for the landscape of your Aliomanu, Kauai property. I have concentrated my energy in this phase of the design to be somewhat general in actual species, and have focused on designating planting zones according to site factors (view, wind, slope, etc.) as well as the factors which we discussed. I have then suggested appropriate themes and species for each zone.

As to our conversation on Kauai, I have given an approximate time table over three years of the development of the native coastal zone, and have included the theoretical evolution of the rest of your land in the drawings. Included are some estimates for cost on site preparation, irrigation, materials (fertilizer, topsoil, boulders) and labor. I have included a plant cost due average, variant upon species, size and availability.

Please feel free to contact me with any questions/concerns you may have regarding this proposal, and I look forward to hearing from you at your earliest convenience.

Sincerely,



Clifton Dodge

Description of Zones

- Zone 1 Consists of the areas around the dwellings including from the front gate along the driveway to the houses.
To be fully installed when the structures are nearing completion. Considered to be the most high input high maintenance area on the property.
- Zone 2 Consists of most of the area immediately surrounding zone 1. Intended to be a transitional zone from the 'manicured' to the relatively to completely unmaintained.
Will consist of mostly trees, palms, 'tough' shrubs and open space. This zone will also have remaining ironwood groves.
This zone will be the last zone to receive large amounts of inputs, other than clearing ironwood and planting near the house initially.
- Zone 3 Consists of the property boundary on the windward (eastern) side of the property.
Its' primary purposes being to create a windbreak as well as block the nearby house from view.
This would be one of the initial planting, as to establish a visual break as quickly as possible.
- Zone 4 Consisting of the entire length of the mauka (mountain) side of the property.
Its' purpose will be to create a solid barrier between the neighboring property.
This project will be planted as soon as possible to create a buffer and begin to give privacy to the dwelling and property.
- Zone 5 Consisting of the entire coastal portion of the property, to be planted out primarily in indigenous and endemic Hawaiian plants.
The initial focus of this project will be to stabilize the coastline and reduce property loss. This zone will have a walking trail and will include all the gully systems. The gulches will be cleared initially and planted with indigenous coastal trees and will become the initial view corridors. As those trees in the gulches grow up, the ironwood will be cleared back off of the ridges and gradually replaced with native shrubs, vines, etc., and open space. Eventually those gullies will host huge trees and the ridges will be wide open view space looking through and over a unique and rare landscape.

Zone Themes and Species Suggestions

Zone 1 This zone should evoke the feeling of Hawaii in every way. From stately palms set in rolling lawns lining the driveway, to the Japanese style mondo grass and bromeliads flanked with orchids by the pond near the front door, every turn should make one want to see more. Simple yet elegant, hosting large trees and fragrant plants, this area sets the stage for comfortable living.

Plants: Palms: Loulu, coconut, peachpalm, macarthur palms, etc.
Trees: monkey pod, pheasant wood, neem, kou, shower trees, fruit trees, poiniana
Shrubs: pikake, gardenia, ti leaf, hibiscus, ginger's, etc.
Vines: pakalana, iliquoi, jasmine, thumbergia sp.
Lawn: seashore paspallum
Misc: bromeliads, orchids, anthuriums, papaya, banana, pineapple, etc.

Zone 2 This zone is the transition zone, the space that gradually takes you from a tight manicured setting to the natural surroundings. Consisting of primarily open space, carefully placed plantings of trees and palms will help to give the feel of a park, yet keep the maintenance and water use to a minimum. This 'transitional' zone will host the few remaining ironwood groves, and will be a very low impact area.

Plants: Palms: Coconut, Loulu, ornamental species, etc.
Trees: Hardwood trees, legumes, fruit trees, etc..
Shrubs: colorful hibiscus, tough, low maintenance
Lawn: seashore paspallum(mow), McCoy grass(no mow)

Zone 3 Planted thick, this zone will buffer the house from the wind, as well as create a visual screen from the blue tile roof. This zone will be impenetrable and will consist of a mix of plants to create this effect.

Plants: Trees: Lua hala, kou, coconut, bamboo
Shrubs: beach naupaka, pohinahina, oleander, hibiscus, etc..
Vines: 'awikiwiki (Canavalia pubescens) 'anapanapa (Colubrina asiatica)

Zone 4 This zone will be the primary privacy for the entire property. It will be planted in a similar fashion as zone three, with more diversity due to the large amount of space it will cover. This boarder will be encouraged to become as wide as possible as the naupaka fills in. Vines will be planted on the fence to increase a visual break and diversity. Native vines compatible with naupaka and the trees will be used so as not to create a maintenance situation.

Plants: Trees: coconut, kou, milo, Lau hala, bombo, etc.
Shrubs: beach naupaka, hibiscus, oleander, etc.
Vines: 'awikiwiki, 'anapanapa

Zone 5 This zone has the potential for being something completely unique in the field of landscaping. The potential for complete restoration of the coastline to native species is immense. Including a trail to walk and view points to enjoy, this will be a garden like none other. The re-introduction of species to the area will start to create habitat for native birds and insects, and in a short time will start to create its' own stable environment. Areas once choked by ironwood will start to host a

myriad of flowering native species, and will be a joy to behold. This type of project is still rarely seen merely because of the lack of knowledge and confidence that it can be done. I have done it, both in the hills and on the beach, and the potential is staggering. Costly, yet priceless, this garden will open eyes to the potential of the "seaside" garden.

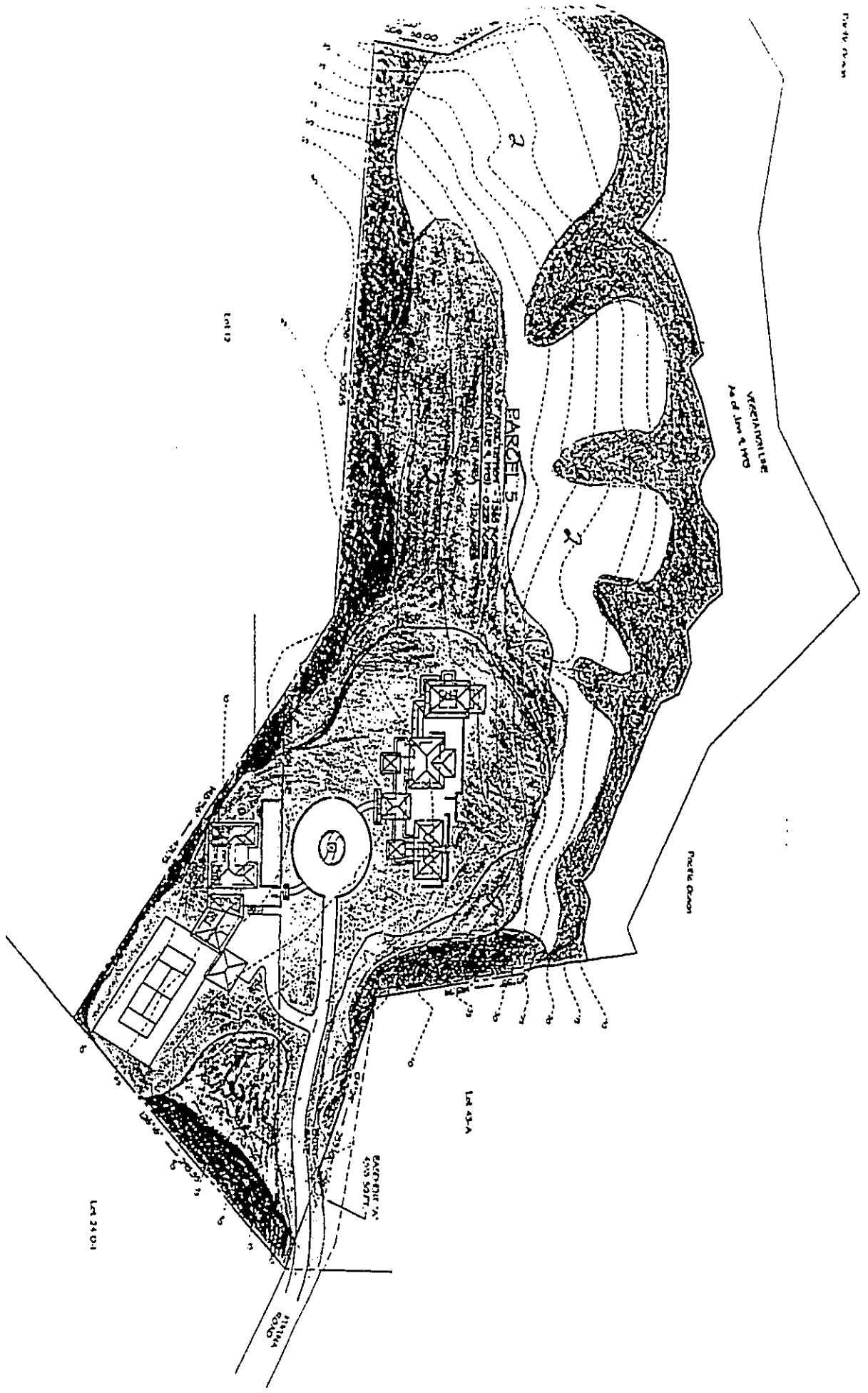
Plants: Trees: beach heliotrope, milo, kou, coconut, hau, ohe makai, Lau hala, sandalwood, koa'ia, lama, naio, etc..

Shrubs: beach naupaka, akia, a'ali'i, mao, ko'oko'olau, acheranthes, kului, etc..

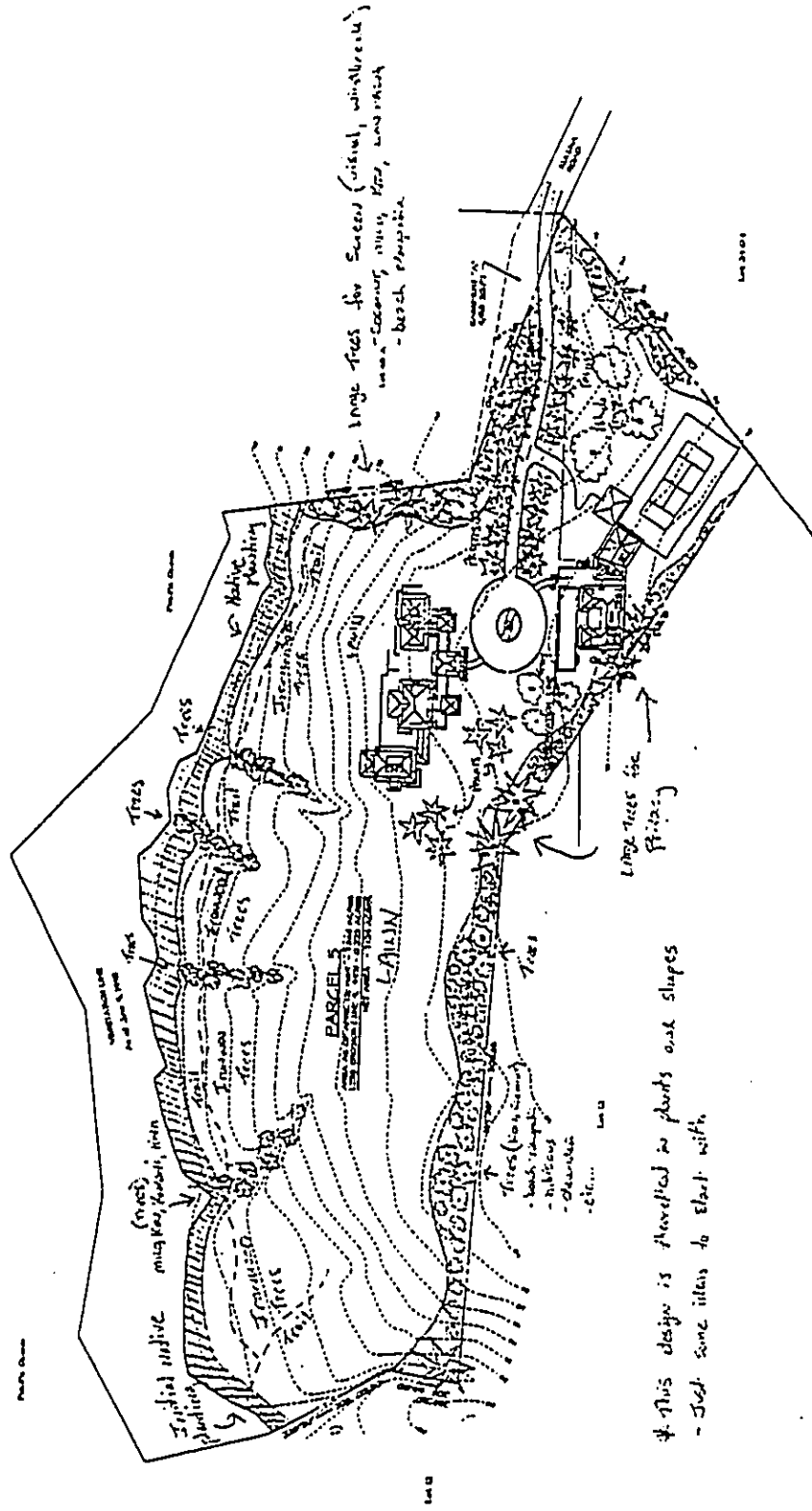
Vines: beach morning glory, pohinahina, iiima papa, pa'u o' hi'iaka, 'awikiwikw, 'anapanapa, etc..

There are over 80 species of coastal plants that could do well in this situation. our major factor will be availability. We are prepared to start a nursery specifically for propagating our own plants for this project.

North Arrow



YEAR 1



* This design is intended to plant on slopes
 - Just some ideas to start with

YEAR 1

AMITY DE JEWIS
 ARCHITECTS
 1000 10th St
 San Francisco, CA 94103
 Tel: 415.774.1111
 Fax: 415.774.1112

HILL
 ADDRESS
 1000 10th St
 San Francisco, CA 94103
 Tel: 415.774.1111
 Fax: 415.774.1112

SCHEDULE

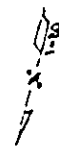
PAINTS
03.15.00

NOI PLAN
 1/15/00

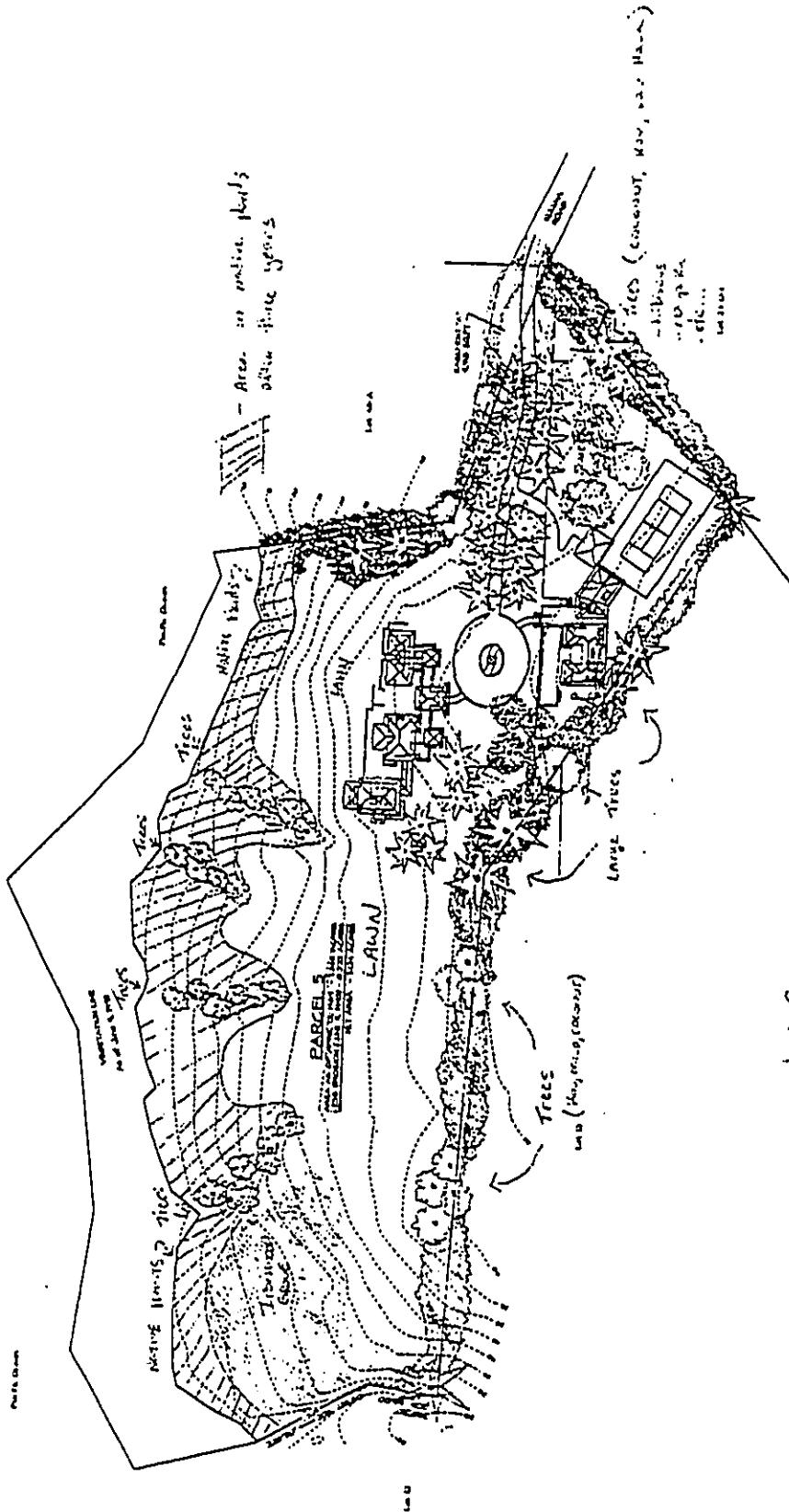
NOI PLAN
 1/15/00

NOI PLAN
 1/15/00

NOI PLAN
 1/15/00



YEAR 3



YEAR 3

ARCHITECTURE
AND INTERIORS
L.A. 314 441
2025 W. 10TH
LOS ANGELES, CA 90024
www.architecture
andinteriors.com

HILL
ASSEMBLY
Dec. 11, 2025
at 10:00 AM
at the Hill Assembly
Building, Hill

SCHEMATIC

PLANTED
07.24.00

SCALE
1" = 10'-0"

PROJECT
HILL

DATE
11/12/00

AX-X

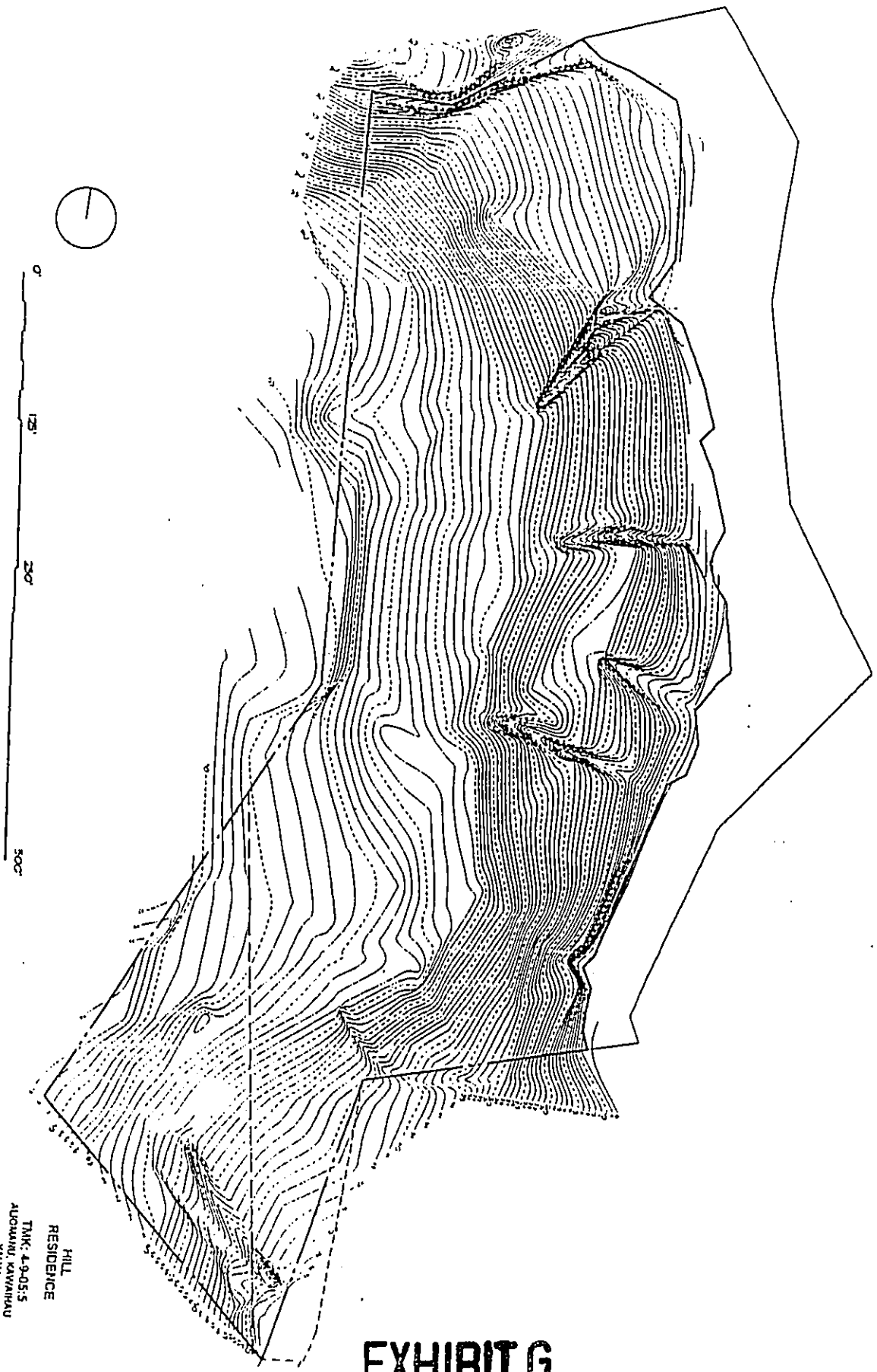
Description of Landscape Activities
Hill Residence
TMK: 4-9-05:5 Lot 24D

27 November 2000

Five Landscape Zones have been identified for this site. Zones 1 through 4 exist outside the immediate shoreline area and consist of scattered ironwood trees. The interior portion of the property is host to noxious weeds including lantana, hale koa, and hila hila grass. Palms, fruit trees, hardy perennial shrubs and lawn will be integrated throughout Zones 1 through 4.

Zone 5 consists predominantly of ironwood trees occurring on the slope to the beach and in the gullies. At the shoreline there are some beach heliotrope, beach naupaka, and a few other species of indigenous Hawaiian plants. The ironwoods in this zone will be selectively thinned to make room for an expansion of the Hawaiian plants that currently struggle to survive or have been completely lost amount the ironwood. Removed ironwood will be mulched and used as a resource to create growth environments for the indigenous species to be planted.

This landscape plan will be realized over a three to five year period with the following goals: 1) perpetuate coastal Hawaiian plants, 2) improve and maintain soil stability, 3) suppress weed infestations, and 4) preserve and enhance the unique indigenous coastal landscape.



SITE
CONTOUR MAP

HILL
RESIDENCE
TKIK: 4-9-05:5
AUNAMU, KAWAIIHAU
KAUAI

EXHIBIT G



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
Kakuihewa Building, Room 555
501 Kamohala Boulevard
Kapolei, Hawaii 96707

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

REF:HP-AMK

SEP 15 2000

SEP 15 2000

PLANNING

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

LOG NO: 26150
DOC NO: 0009NM02

Dear Mr. Crowell:

SUBJECT: Chapter 6E-42, Historic Preservation Review -SMA (U)-2001-2
(Richard Hill) TMK: 4-9-05: 5, Aliomanu, Kawaihau, Kauai

Such coastal sand areas often contain buried archaeological sites – habitation deposits and sometimes associated burials. Our office files indicate that in 1982, Dr. William Kukuchi wrote two letter reports on surface artifacts found in the project area -- an adz grinding stone currently found in a stone wall of the property, a broken adz, an adz flake and a worked beach rock abrader. He and a few students from his Archaeology Club at Kauai Community College were unable to find any significant historic sites. An archaeological inventory survey was conducted on the property in March 1992 (Sinoto and Pantaleo 1992, Sinoto Consulting). They found no significant historic sites on the property. However, both these studies conducted no subsurface testing to determine if buried archaeological sites were present.

We believe archaeological subsurface testing in the sandy substrate is needed if construction takes place in the shoreline sand area. Burials have been found along the shorelines in Aliomanu, Moloa'a, Anahola and Pila'a, and buried habitation deposits are likely. Thus, we believe that such testing is needed to conclude an archaeological inventory survey of the project area – to determine if subsurface sites are present. Our office will need to review an acceptable inventory survey report in order to make recommendations to your office whether any mitigation conditions would be needed. [Note: This recommendation disagrees with the conclusion that only archaeological monitoring is needed.]

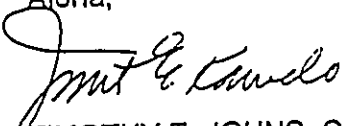
If no work is to take place in the sandy substrate soils, then based on previous information we have on the property, we believe that this project will have "no effect" on significant historic sites.

EXHIBIT H

Crowell
Page 2

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

Aloha,

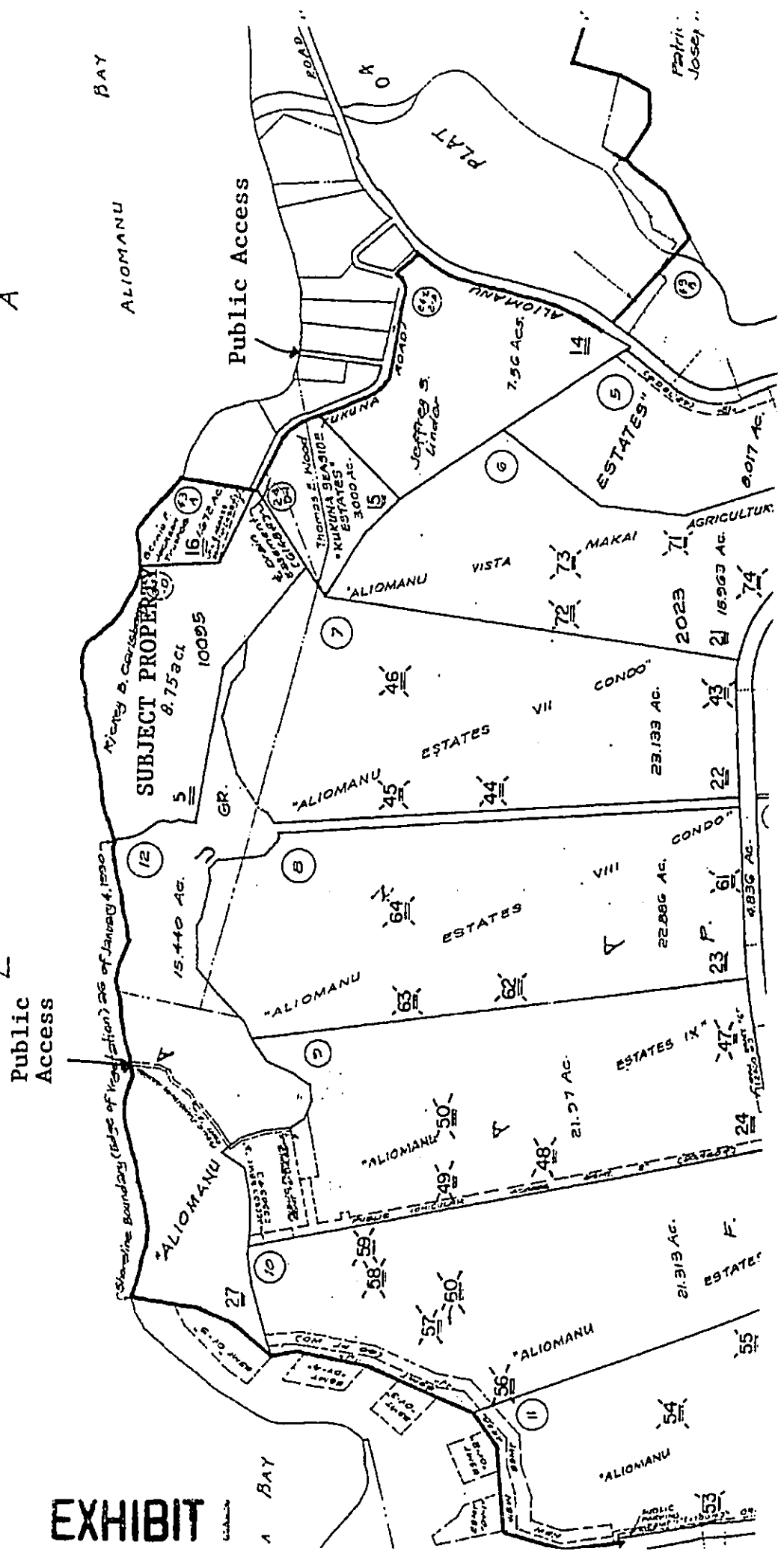
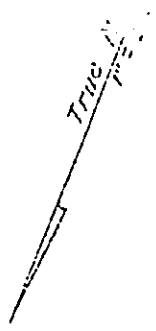

TIMOTHY E. JOHNS, Chairperson and
State Historic Preservation Officer

PM:amk

EXHIBIT

E

A



COMMENTS AND RESPONSES

MARYANNE W. KUSAKA
MAYOR



PLANNING DEPARTMENT

COPY

DEE M. CROWELL
PLANNING DIRECTOR
SHEILAH N. MIYAKE
DEPUTY PLANNING DIRECTOR
TELEPHONE (808) 241-6677
FAX (808) 241-6699

October 12, 2000

Richard S. Hill
c/o Walton D. Y. Hong
3135-A Akahi Street
Lihue, HI 96766

Subject: Special Management Area Use Permit SMA(U)-2001-2
TMK:4-9-05:5, Aliomanu, Kauai

The Planning Commission at its meeting held on October 12, 2000, approved the subject permit for construction of a two story, single family dwelling, and a farm dwelling with an attached recreation structure, basement, and garage, in Aliomanu, as represented by the applicant.

Approval is subject to the following conditions, as recommended by the Planning Department:

1. Prior to Building Permit approval the applicant shall submit revised plans for the farm dwelling that conform to the maximum height and story requirements of Section 8.3.7(b)(.1) of the Comprehensive Zoning Ordinance. The revised plans shall be subject to review and approval by the Planning Department
2. Exterior colors of all structures, including building roof colors, shall be limited to medium or dark earth tones such as brown, green, or grey, or other color compatible with the area's natural surroundings. Use of reflective materials or colors shall be prohibited. The proposed color scheme shall be submitted to the Planning Department for review and approval prior to building permit application.

3. The applicant shall submit for review and approval by the Planning Department, a landscape plan composed of native species or species common to the area, to help screen the proposed use, and integrate the site with its surroundings. The approved landscape plan shall be implemented prior to occupancy of the dwelling.
4. In order to minimize adverse impacts on the Federally Listed Threatened Species, Newell's Shearwater and other seabirds, all external lighting shall be only of the following types: shielded lights, cut-off luminaires, or indirect lighting. Spotlights aimed upward or spotlighting of structures or the ocean shall be prohibited.
5. As recommended by the State Historic Preservation Division (SHPD), if work is proposed in the shoreline sand area, an archaeological subsurface survey shall be conducted. If a survey is required, an inventory survey report shall be submitted for review and approval by SHPD.
6. If historic/cultural remains such as archaeological artifacts, charcoal deposits or human burials are found during construction, the applicant shall stop work in the immediate area, and shall contact SHPD at 587-0047, and the Planning Department, to determine appropriate action.
7. The applicant shall resolve and comply with the recommendations of the State Department of Health, the County Fire Department, the County Department of Water, and the County Department of Public Works
8. The applicant is advised that prior to construction and use, additional government agency conditions may be imposed. It shall be the applicant's responsibility to resolve those conditions with the respective agency(ies)



Dee M. Crowell
Planning Director

c: State Department of Health
DLNR-Historic Preservation Division
Department of Public Works
Department of Water
Fire Department

WALTON D.Y. HONG

LORNA A. NISHIMITSU

LAW OFFICES OF

WALTON D. Y. HONG

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

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

March 13, 2001

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

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 - Richard Hill, Applicant)

Dear Director Crowell:

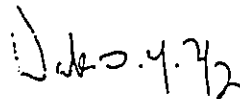
A copy of your letter of October 12, 2000 to the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

As you know, the Applicant proposes to construct a single family residence within the Conservation District and a farm dwelling within the Agricultural District on the same parcel. We have already obtained a Special Management Area Use Permit from the Kauai Planning Commission for the farm dwelling.

While no SMA Permit will be necessary for the residence within the Conservation District, it is the intention of the Applicant to adhere to the same building guidelines and conditions as were set forth in the SMA Permit, as they are appropriate and reasonable.

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

Yours very truly,



Walton D. Y. Hong

WDYH:wh

cc: Richard Hill
DLNR

MARYANNE W. KUSAKA
MAYOR

WALLACE G. REZENTES, SR.
ADMINISTRATIVE ASSISTANT



CESAR C. PORTUGAL
COUNTY ENGINEER
TELEPHONE 241-6600

IAN K. COSTA
DEPUTY COUNTY ENGINEER
TELEPHONE 241-6640

RECEIVED
LAND DIVISION

2001 FEB -8 A 11: 27

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

AN EQUAL OPPORTUNITY EMPLOYER
COUNTY OF KAUA'I
DEPARTMENT OF PUBLIC WORKS
4444 RICE STREET
MO'IKEHA BUILDING, SUITE 275
LIHU'E, KAUA'I, HAWAII 96766

February 5, 2001

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

Attention: Mr. Dean Y. Uchida

SUBJECT: REQUEST FOR COMMENTS - CONSERVATION DISTRICT
USE APPLICATION FOR RICHARD HILL, TMK 4-9-5-5
PW1.134

We reviewed the subject Conservation District Use Application and offer the following comments in regards to grading.

A. Grading

1. A grading permit will be required for the driveway construction from Kukuna Road to the residence and tennis court construction. A grading permit may also be required for the residence and farm dwelling site. We are reserving our grading comments on the residence and farm dwelling for when detailed building plans are submitted for our review during the building permit process. Prior to obtaining building permit approval, a grading permit if required, must be obtained from the Engineering Division.
2. The subject application mentions the applicant intends to clear around the area of the proposed use. A grubbing permit is required for clearing and grubbing more than one acre.

State of Hawaii
Department of Land & Natural Resources
February 5, 2001
Page (2)

3. Although the applicant will be building on the flatter portions of the property, erosion control measures will need to be implemented during the grubbing and grading phases.
4. Based on panel no. 70C of the Federal Insurance Rate Maps (FIRM) dated March 4, 1987 the flood zone along the coastal area of the subject property is a zone VE with a corresponding base flood elevation of 11 feet above mean sea level (MSL). From paragraph (4)(a) *General Description of the action's characteristics*, and Exhibit D, the building site at the single family residence is above flood elevation.

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

LAW OFFICES OF

WALTON D.Y. HONG

WALTON D.Y. HONG

TELEPHONE (808) 245-4767

LORNA A. NISHIMITSU

ATTORNEY AT LAW
A Law Corporation
1135-A AKAHI STREET
LIHUE, KAUAI, HAWAII 96766

TELECOPIER (808) 245-5175

March 13, 2001

Mr. Cesar C. Portugal
County Engineer
County of Kauai
4444 Rice Street, Suite 275
Lihue, HI 96766

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 – Richard Hill, Applicant)

Dear Mr. Portugal:

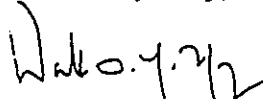
A copy of your letter of February 5, 2001 to the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

Thank you for your comments.

Your comments are appropriate and will be observed when the Applicant proceeds with the construction of the proposed single family residence. These include obtaining of a grading permit for the driveway construction from Kukuna Road, and the obtaining of a grubbing permit if the area to be cleared exceeds one acre. We will also work with your department with respect to erosion control measures to be implemented during the grubbing and grading phases.

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

Yours very truly,



Walton D. Y. Hong

WDYH:wh
cc: Richard Hill
DLNR

RECEIVED
LAND DIVISION

2001 FEB -8 A 11: 23

Na Ala Hele-Kauai
State of Hawaii
Division of Forestry & Wildlife
3060 Ewa Street, Room 306
Lihue, Hawaii 96766
1-808-274-3433

February 6, 2001

DEPT. OF LAND &
NATURAL RESOURCES
Dean, Office of Planning
Dept. of Land & Natural Resources
Land Division
P.O. Box 621
Honolulu, HI 96809

Thank you for the opportunity to comment on the draft environmental assessment for the construction of residence within the conservation and agricultural district, Aliomanu, Kauai, tmk: 4-9-05-05.

The Kauai Na Ala Hele section has the following comments on the details of the plan.

Section 4 (f): The State of Hawaii has interest to reserve the trail over and across this land along near the highwater mark, which said highwater mark is that when the tide is at its highest, the location of said trail to be designated by the commissioner of Public Lands.

Here is a brief history of Na Ala Hele involvement of this trail. On February 15, 1993, the Kauai Na Ala Hele Council met with the former owners and surveyors at the proposed site and a suggested routing of the trail alignment was determined. On June 21, 1993 a Shoreline Survey Map was formulated by Portugal & Associates, Inc. showing the proposed trail alignment.

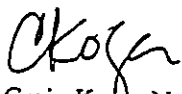
The last correspondence with the former land owner was in November 1998. The land was eventually resold in 2000. The new owner is now Richard Hill and is represented by Walton Hong.

Na Ala Hele would like to reserve its claim to the same trail alignment that was established in 1993 as the designated trail. There is no need to put in this trail alignment at this time because the high watermark fronting the parcel is sufficient for the public to access the beach laterally from Aliomanu Road Beach : Access and Papaa Beach Access.

If and when the highwater mark fronting this parcel should erode, blocking off public access, the State would then exercise its right to develop the trail according to the survey map of 1993. Maintenance and liability issues would need to be negotiated at that time. The trail would eventually be entered into the Na Ala Hele State trail inventory.

If you have any questions please call me at 274-3433.

Sincerely,



Craig Koga, Na Ala Hele Program Kauai

cc: Walton D. Y. Hong
Curt Cottrell, Na Ala Hele Program Manager
County of Kauai, Planning Department
Aliomanu file

LAW OFFICES OF

WALTON D. Y. HONG

LORNA A. NISHIMITSU

WALTON D. Y. HONG

ATTORNEY AT LAW
A Law Corporation
1135-A AKAHI STREET
LIHUE, KAUAI, HAWAII 96766

March 13, 2001

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

Na Ala Hele-Kauai
State of Hawaii, Division of Forestry & Wildlife
Attention: Mr. Craig Koga
3060 Eiwa Street, Room 306
Lihue, HI 96766

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 - Richard Hill, Applicant)

Dear Mr. Koga:

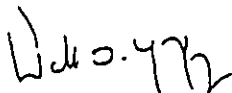
A copy of your letter of February 6, 2001 to the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

Thank you for your comments.

I have reviewed the June 21, 1993 shoreline survey map by Portugal & Associates, and we foresee no difficulty in addressing your concerns. As stated in my February 9, 2001 letter to you, the Applicant has no intentions of blocking public access along the shoreline; and will work with your agency to resolve the matter should it become necessary when and if the ocean and its highwater mark obstructs lateral passage along the shoreline.

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

Yours very truly,



Walton D. Y. Hong

WDYH:wh
cc: Richard Hill
DLNR

RECEIVED
LAND DIVISION2001 FEB 14 P 1:43 STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
DEPARTMENT OF LAND & NATURAL RESOURCES
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813
STATE OF HAWAII

February 8, 2001

Mr. Dean Y. Uchida, Administrator
Department of Land and Natural Resources
Land Division
1151 Punchbowl Street, Room 220
Honolulu, Hawaii 96813

Dear Mr. Uchida:

Subject: Conservation District Use Application (File No. KA-3011B) for Hill Single Family Home in Conservation District, TMK (4) 4-9-5:5 Aliomanu, Island of Kauai

This is in response to your letter of January 24, 2001, within which you had requested the Office of Hawaiian Affairs review and comment on the Conservation District Use Application for the above proposed project in Kauai. Upon review of the enclosed CDUA application form and the Environmental Assessment prepared, the Office of Hawaiian Affairs presently has a few comments, regarding the CDUA application and materials.

Although the project application relies on the findings of the 1992 archaeological inventory survey, OHA questions whether reliance on a previous study is appropriate. OHA believes that the applicant should, in the interest of finding out the impact of its use (as opposed to previous uses) in the Conservation District, perform its own archaeological survey.

Although the project seems to have satisfactorily completed a cultural impact assessment and accounted for impacts on traditional, cultural, and historically significant sites and exercise of rights, OHA finds questionable the characterization of page 7 of the CDUA in the fourth paragraph which implies that the absence of archaeological or historical sites alone leads to the conclusion that there will be no cultural impacts of the project. Despite appearing to have assessed cultural impacts with the proper context and diligence, this statement regarding the absence of sites is an incorrect characterization of what is required to assess cultural impacts.

OHA relies on the assurance that proper mitigation and consultation will occur should any unidentified cultural, historic, or burial sites be encountered during any future developments of the shoreline area. OHA also relies on your assurance that the use of this project will not affect fishing rights. The owner's use should not affect any gathering, ceremonial or other traditional activities along the shoreline of the surrounding area.

Thank you for the opportunity to review and comment regarding the proposed project. If you have any questions, please contact Wayne Kawamura, Policy Analyst at 594-1945, or email him at waynek@oha.org.

Sincerely,



Colin Kippen, Jr.
Deputy Administrator

CK:wk

cc: BOT

WALTON D.Y. HONG
LORNA A. NISHIMITSU

LAW OFFICES OF
WALTON D.Y. HONG
ATTORNEY AT LAW
A Law Corporation
3135-A AKAHI STREET
LIHUE, KAUAI, HAWAII 96766

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

March 13, 2001

Office of Hawaiian Affairs
Attention: Mr. Colin Kippen, Jr.
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 - Richard Hill, Applicant)

Dear Mr. Kippen:

A copy of your letter of February 8, 2001 to the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

Thank you for your comments. We respond as follows:

1. As the subject property has remained in the same state of disuse since the archaeological inventory survey by Aki Sinoto and Jeffrey Pantaleo in March of 1992, we feel that a new archaeological inventory survey is unnecessary and unreasonable. However, we realize and acknowledge that should, during the course of construction, any archaeological sites or remains be uncovered, work will be halted and the Historic Preservation Section of the Department of Land and Natural Resources will be notified as to appropriate action to be followed.
2. We have discussed your concern that the absence of archaeologically significant sites on the property does not necessary lead to a conclusion that there will be no cultural impacts from the project, with your staff member, Wayne Kawamura. We will amend the Environmental Impact Assessment to address this concern in accordance with our discussion.
3. In the absence of any known or documented native Hawaiian cultural activities being held on the site, discussions were held with persons familiar with the area to determine whether such activities were conducted thereat. The two persons consulted, a elderly Hawaiian gentlemen familiar with the area and a person who was raised and lived in the area, indicated a lack of past practices. Nonetheless, the Applicant will follow proper

mitigation and consultation with appropriate agencies should any unidentified cultural, historic, or burial sites be encountered during the course of construction on the property.

4. We concur that the Applicant's use should not affect any gathering, ceremonial or other traditional activities along the shoreline of the subject property.

We trust that you will find the foregoing satisfactory. If there are any questions regarding the above, please feel free to call me.

Yours very truly,



Walton D. Y. Hong

WDYH:wh
cc: Richard Hill
DLNR

DEPARTMENT OF WATER
County of Kauai

February 12, 2001

"Water has no substitute"
RECEIVED
CONSERVATION
DIVISION

2001 FEB 14 A 9:33

Mr. Dean Y. Uchida, Administrator
Department of Land and Natural Resources
State of Hawaii
PO Box 621
Honolulu, HI 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Dear Mr. Uchida:

Subject: Conservation District Use Application (CDUA) No. KA-3011B for the Hill Single-Family Residence, TMK: 4-9-05:005, Kakuna Road, Aliomanu, Anahola, Kauai.

We have no objections to the proposed construction of a single family dwelling on parcel 5. However, the applicant should be made aware that any actual development of this area will be dependent on the adequacy of the source storage and transmission facilities existing at that time. At the present time, the Department of Water (DOW) is in the process of negotiating with the Department of Hawaiian Home Lands to complete a License Agreement for the operation of the existing water system serving a major portion of Anahola. Until the terms of this agreement have been finalized the DOW has suspended all new water meters and building permit request that are serviced by that system.

Prior to the DOW recommending new water meter service or building permit approval:

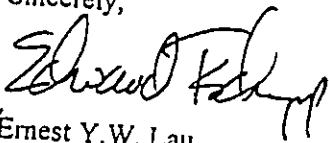
1. The License Agreement providing sufficient capacity to the DOW must be finalized.
2. The applicant must complete other DOW's requirements, which may be in effect at the time that development occurs.

The applicant is also made aware that:

- a. Water service availability as applicable through the terms of the License Agreement will be allowed on a first come first serve basis. It is recommended that you submit a written formal request for water service for your proposed development to the DOW.
- b. In addition to the above, water service off of Kakuna Road is presently limited to one single-family dwelling and/or one 5/8-inch water meter until the existing three-inch transmission main along Kakuna Road is up-graded to a six-inch water main.

If you have any questions, please call Mr. Edward Doi of my staff at 808-245-5417.

Sincerely,



/Ernest Y.W. Lau
Manager and Chief Engineer

ED/Lau
D:\In\doc\wrp\ed\11-032-Hill-CDUA-Anahola

WALTON D.Y. HONG
LORNA A. NISHIMITSU

LAW OFFICES OF
WALTON D.Y. HONG
ATTORNEY AT LAW
A Law Corporation
3135-A AKAHI STREET
LIHUE, KAUAI, HAWAII 96766

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

March 13, 2001

Department of Water
County of Kauai
Attention: Mr. Ernest Y. W. Lau, Manager
4398 Pua Loke Street
Lihue, HI 96766

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 - Richard Hill, Applicant)

Dear Mr. Lau:

A copy of your letter of February 12, 2001 to the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

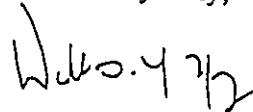
Thank you for your comments.

We are aware that written formal request for water service must be made. The Applicant has already submitted past requests for water service, and is awaiting the availability of water service. We recognize that water service will be limited until such time as the transmission main along Kukuna Road can be upgraded to a six-inch line.

All requirements of your department will be followed for the construction of the proposed structures. Should your department be unable to provide water service in a timely manner, the Applicant has explored and will consider development of an independent water system onsite.

We trust that you will find the foregoing satisfactory. If there are any questions regarding the above, please feel free to call me.

Yours very truly,



Walton D. Y. Hong

WDYH:wh
cc: Richard Hill
DLNR

SUSPENSE DATE: February 14, 2001

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

MEMORANDUM

To: William Devick, Administrator
From: Richard Sixberry, Aquatic Biologist *RS*
Subject: Comments on Conservation District Use Application KA-3011B

Comments Requested By: Dean Uchida - Land Division

Date of Request: 1/24/01

Date Received: 1/24/01

Summary of Project

Title: Single Family Residence & Associated Improvements
Proj. By: Richard S. Hill
Location: Aliomanu, Kauai

Brief Description:

The applicant proposes to construct a single family dwelling with accessory structures and improvements on a 7.142 acre shoreline parcel in the Conservation District and an additional farm dwelling and improvements within the Agriculture District on the same parcel.

Comments:

The proposal as described should not significantly impact aquatic resource values provided construction activities are restricted to periods of minimal rainfall and low runoff, and the areas denuded of vegetation or susceptible to erosion are appropriately stabilized. Also, precautions shall be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from flowing blowing or leaching into coastal waters.

Any additional or undescribed construction or landscape modifications within the Conservation District should be submitted to the Department for review.

Finally, any traditional or existing public access or trails to and along the shoreline for fishermen and other recreational users should be maintained.

Richard Sixberry
Aquatic Biologist

5/6/01

WALTON D.Y. HONG
LORNA A. NISHIMITSU

LAW OFFICES OF
WALTON D.Y. HONG
ATTORNEY AT LAW
A Law Corporation
3135-A AKAHI STREET
LIHUE, KAUAI, HAWAII 96766

TELEPHONE (808) 245-4757
TELECOPIER (808) 245-6175

March 13, 2001

Department of Land and Natural Resources
Division of Aquatic Resources
Attention: Mr. Richard Sixberry, Aquatic Biologist
P. O. Box 621
Honolulu, HI 96809

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 - Richard Hill, Applicant)

Dear Mr. Sixberry:

A copy of your Memorandum to Mr. William Devick, Administrator, of the Division of Aquatic Resources of the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

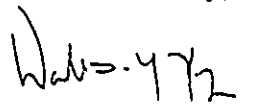
Thank you for your comments.

Be assured that all required and appropriate erosion control measures, as determined by the County of Kauai Department of Public Works, will be followed during the grading, grubbing and construction phases to minimize adverse effects to the neighboring shoreline area. Further, appropriate steps will be taken to prevent debris, landscaping chemicals, eroded soil, petroleum products and other potential contaminants from entering into the offshore waters from the site.

The proposed use will not disturb traditional or existing public access or trails to and along the shoreline for fisherman and other recreational users.

We trust that you will find the foregoing satisfactory. If there are any questions regarding the above, please feel free to call me.

Yours very truly,


Walton D. Y. Hong

WDYH:wh
cc: Richard Hill
DLNR

BENJAMIN J. CAYETANO
GOVERNOR



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 686-4186
FACSIMILE (808) 686-4186

March 8, 2001

Mr. Gilbert Agaran, Director
Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809

Dear Mr. Agaran:

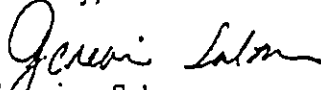
Subject: Draft Environmental Assessment for the Hill Residences

Thank you for the opportunity to review and comment on the subject document. We have the following comments.

1. The applicant is proposing to build two residences within one parcel. This single parcel is within two land use districts (Conservation and Agricultural). One home will be built within the conservation zone and the other within the agricultural zone. Is this proposal to build two homes within one parcel allowable under State and County land use regulations?
2. According to the environmental assessment, "No endangered or threatened species of flora or fauna were observed on the site." Was this observation made by a qualified biologist? If not, we recommend that a qualified biologist take a look at the site.
3. Please describe the mitigation measures to minimize or avoid storm water runoff during construction from polluting the nearby ocean waters.
4. Please include a list of all the permits that would be required for this project..

Should you have any question, please call Jeyan Thirugnanam at 586-4185.

Sincerely,


Genevieve Salmonson
Director

c: Walton Hong

WALTON D.Y. HONG

LORNA A. NISHIMITSU

LAW OFFICES OF

WALTON D.Y. HONG

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

March 13, 2001

TELEPHONE (808) 243-4757
TELECOPIER (808) 243-5175

Office of Environmental Quality Control
Attention: Ms. Genevieve Salmonson, Director
236 South Beretania Street, Suite 702
Honolulu, HI 96813

Re: Environmental Impact Assessment for proposed construction of
A Single Family Residence within the Conservation District at
Aliomanu, Island of Kauai, State of Hawaii
(Kauai TMK: 4-9-05-05 – Richard Hill, Applicant)

Dear Ms. Salmonson:

A copy of your letter of March 8, 2001 to Mr. Gilbert Agaran of the Department of Land and Natural Resources, relating to the Environmental Impact Assessment for the above-referenced proposed use, was referred to our attention for response.

Thank you for your comments. We respond as follows:

1. The proposal to construct a farm dwelling within the Agriculture District and a single family residence within the Conservation District on the same parcel is permitted under the Comprehensive Zoning Ordinance of the County of Kauai and the Rules and Regulations of the Department of Land and Natural Resources.
2. No qualified biologist was retained to inventory the flora or fauna on the site. However, the proposed landscaping plan was prepared by Kina'Ole Sustainable Land Use Company, after an onsite inspection. Clifton Dodge, of Kina'Ole Sustainable Land Use Company, is knowledgeable as to what species may be threatened or endangered, and his review of the site did not disclose the presence of such. Moreover, the areas of the proposed residence and farm dwelling were formerly used for pineapple cultivation, and has since been overgrown with ironwood trees, lantana, and grasses. The areas closer to the ocean (but not part of the residence or farm dwelling sites) also contain heliotrope and naupaka. Given the past uses, the limited areas for construction, and the background and knowledge of the landscaper, it is unlikely that any endangered or threatened species would be present to justify the cost of a qualified biologist.
3. The Applicant will adhere to all mitigation measures which may be required by the County of Kauai for the construction of the proposed structures. These may include,