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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

File: KA-3132

Ref.:PB:sl

AUG 26 2003

MEMORANDUM

TO: Genevieve Salmonson, Director
Office of Environmental Quality Control

FROM: Dierdre S. Mamiya, Acting Administrator *[Signature]*
Office of Conservation and Coastal Lands, Department of Land and Natural Resources

SUBJECT: Final Environmental Assessment (FEA)/Finding of No Significant Impact (FONSI) for
the Proposed Wan Single Family Residence (SFR) in the Conservation District at TMK
Parcel: (4) 5-9-02:59, located at Haena, Kauai

The Department of Land and Natural Resources has reviewed the Wan Final Environmental Assessment (FEA) for the construction of a Single Family Residence. The Draft Environmental Assessment (DEA) for CDUA KA-3132 was published in the June 23, 2003 OEQC Environmental Notice for the subject project. The FEA is being submitted to OEQC. We have determined that this project will not have significant environmental effects, and have therefore issued a FONSI. Please publish this notice in the September 8, 2003 OEQC Environmental Notice.

We have enclosed four copies of the FEA and CDUA KA-3121 for the project. The OEQC Bulletin Publication Form is attached. Comments on the draft EA were sought from relevant agencies and the public, and were included in the FEA.

It should be noted that acceptance of the EA does not constitute a project approval by the Board of Land and Natural Resources (BLNR). The matter will be taken up by the BLNR at a regularly scheduled meeting to be announced at which time they have the discretion to approve, deny, or modify the project.

Please contact Sam Lemmo of our Planning Branch at 587-0381 if you have any questions on this matter.

Enclosures

cc: Peter Morimoto

SEP 18 2003

FILE COPY

2003-09-08-KA-FEA-Wann Single
Family Residence

FINAL ENVIRONMENTAL
ASSESSMENT FOR PRESLEY V.
WANN'S CONSERVATION
DISTRICT USE APPLICATION

FINAL ENVIRONMENTAL ASSESSMENT
CONSERVATION DISTRICT USE PERMIT APPLICATION
FOR
PRESLEY V. WANN

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- Exhibit "B" - Tax Map of Parcel
- Exhibit "C" - Special Management Area Map
- Exhibit "D" - Site Plan
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- Exhibit "F" - Dwelling Front Elevation
- Exhibit "G" - Title Report
- Exhibit "H" - Subzone Map
- Exhibit "I" - County of Kauai General Plan Map
- Exhibit "J" - Letter From Scientific Consultants, Inc.
- Exhibit "K" - Location Maps for Photographs/
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- Exhibit "L" - P. Holly McEldowney's June 5, 2003
Memorandum
- Exhibit "M" - Letter from Hanalei Community
Association
- Exhibit "N" - July 22, 2003 letter from Genevieve
Salmonson (OEQC)
- Exhibit "O" - Letters from neighboring property
owners

PETER M. MORIMOTO 3589-0
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Lihue, Kauai, Hawaii 96766
Telephone No.: (808) 821-0782

Attorney for Applicant
PRESLEY V. WANN

BOARD OF LAND AND NATURAL RESOURCES
OF THE
STATE OF HAWAII

In the Matter of the)
Application) FINAL ENVIRONMENTAL ASSESSMENT
Of)
PRESLEY V. WANN, 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)5-9-2:59.)

FINAL ENVIRONMENTAL ASSESSMENT

PRESLEY V. WANN (hereinafter referred to as "Applicant"),
by and through his attorney, Peter M. Morimoto, respectfully
submits the following Final 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 Presley V. Wann.

II. APPLICANT'S ADDRESS AND TELEPHONE.

The Applicant's address and telephone is:

161 Lihau Street
Kapaa, Hawaii 96746
Telephone No.: (808) 822-0046

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

Peter M. Morimoto
P. O. Box 3677
Lihue, Kauai, Hawaii 96766
Telephone: (808) 821-0782

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 include 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 owner of the real property described hereinafter as the "Subject Property" (Kauai Tax Map Key No. (4)5-9-2:59) is Presley V. Wann, as shown on the Title Report attached hereto as Exhibit "G" and made a part hereof by reference.

VI. DESCRIPTION OF SUBJECT PROPERTY.

The Subject Property is located at Haena, County of Kauai, State of Hawaii, is designated by Kauai Tax Map Key No. (4)5-9-2:59, and contains approximately 10,942 square feet.

The general location of the Subject Property is shown on the Map attached hereto and incorporated herein as Exhibit "A". These areas are shown in more detail on the Tax Map attached as Exhibit "B".

VII. LAND USE CLASSIFICATIONS.

A. The Subject Property has the following land use classifications:

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

2. County General Plan. As shown on Exhibit "I", attached hereto and incorporated herein, the Subject Property 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 "C".

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 Subject Property 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 Subject Property 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 twelve (12) feet in width.

IX. PROPOSED DEVELOPMENT.

The Applicant proposes to construct a single-family residential dwelling on the Subject Property as shown on the Site Plan attached as Exhibit "D". A Floor Plan of the proposed dwelling is attached as Exhibit "E" and a front elevation is attached as Exhibit "F".

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 one thousand six hundred ninety (1,690) square feet in size. It will be constructed

primarily of wood, with an asphalt non-reflective roof, and will have a foundation made of concrete columns on concrete footings. The dwelling will not exceed thirty eight (38) feet in height, and will be painted earth-tone colors. The proposed dwelling will have three (3) bedrooms, two (2) bathrooms, a living room, a kitchen, and lanais. The proposed dwelling will utilize a septic system for disposal of waste water.

X. SUBJECT PROPERTY ANALYSIS.

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

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

C. Technical Characteristics. The subject property is presently overgrown with non-endangered species of grasses and weeds. The Applicant proposes to only remove the weeds and grasses 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. In addition, Applicant intends to plant additional trees and landscaping to compliment those plants currently existing on the Subject Property.

The Subject Property is located approximately ten (10) feet above sea level (msl) and consists of both gently sloping and

visually level topography. The soil is a fine, sandy loam throughout the Subject Property.

The Subject Property 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 on the eastern portion of the Subject Property.

The shoreline is located approximately three hundred fifty (350) feet from the Subject Property, and the Subject Property is further separated from the shoreline by Kuhio Highway and those certain other properties identified as TMK Nos. (4) 5-9-2:47, :48, :50, :51, :52 and :60.

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 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. Also, Applicant's mother, Mary Wann, and Applicant's predecessor in interest and aunt, Adeline Ogawa, both of whom were raised in Haena and are descendants of the original Haena Hui, were consulted regarding historical or archaeologically significant sites. Neither could recall any such sites being located on the Subject Property. 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 Subject Property 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 Subject Property is bound by the access road to the east, by (4) 5-9-2:60 to the north, by (4) 5-9-2:55 to the west and (4) 5-9-2:58 to the south.

E. Drainage.

The limited amount of additional drainage from the proposed development of the Subject Property 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 Subject Property will be minimal, and will have minimal 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 Subject Property 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 Subject Property. 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 Subject Property 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 Subject Property. 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 Subject Property.

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 Subject Property. 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 Subject Property.

K. Police and Fire Protection. This area is currently served by the Princeville Police and Fire Station located approximately eight (8) miles from the Subject Property. The construction of a single-family residence on the Subject Property 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 Subject Property, nor of any rare or endangered animals living in the area. The primary types of vegetation present on and around the Subject Property are various types of weeds and grasses. The removal of any weeds and grasses necessary to construct the dwelling will have no substantial negative impact on the surrounding flora or fauna, as the Subject Property is heavily vegetated.

B. Historical and Archaeological. According to the County of Kauai's Real Property Tax Division, the Subject Property once had a house that was valued at \$20,900.00. The house had all ready been removed when the Applicant obtained the Subject Property from Adeline Ogawa in 1996.

There is no evidence on the surface of the ground of any structures or other developments on the Subject Property. Applicant is willing to have an Archaeological Survey Inventory performed on the Subject Property as described in that certain correspondence from Scientific Consultant Services, Inc., dated September 13, 2002, attached hereto as Exhibit "J".

C. Recreational Resources. The Subject Property 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 affect any present recreational uses.

D. Scenic Resources. The construction of the proposed single-family residence on the Subject Property 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, except for a short distance on Kuhio Highway to the west-northwest of the Subject Property, the proposed dwelling will not be readily visible from any public streets or public areas in Haena. The dwelling will be partially visible from abutting parcels. The access to the Subject Property is approximately eight five (85) feet from the closest public street, which is Kuhio Highway. The existing trees and vegetation on and around the Subject Property, which shield it from public view from Kuhio Highway will not be removed. 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 except for the short distance to the west-northwest of the Subject Property (See Photo No. 9, attached hereto as part of Exhibit "K"). Applicant has attached as Exhibit "K" photographs of the Subject Property taken from various vantage points in Haena, photographs from, on or near the Subject Property, and photograph location maps.

E. Community Concerns. The Applicant has met with the Hanalei Community Association (hereinafter referred to as "HCA") to

discuss the CDUA permit and solicit their comments and recommendations.

F. Future Development/Cumulative Impacts. The Tax Map attached to the Application as Exhibit "B" shows the parcels in the area immediately surrounding the Subject Property. Buildings have been constructed on TMK Nos. (4) 5-9-2:43, :45, :46, :47, :48, :50, :51, :52, :55, :57, :61, :63 and :72.

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 Subject Property, 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 Subject Property or the surrounding area.

XIII. COMPLIANCE WITH CDUA CRITERIA.

The proposed construction of the single-family residence on the Subject Property 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 "Special Management Area" ("SMA") adopted by the County of Kauai, 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 Subject Property 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 one thousand six hundred ninety (1,690) 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 land 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 Subject Property 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 Subject Property 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 land 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 Subject Property 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. RESPONSE TO COMMENTS.

A. Acting Administrator for the State Historic Preservation Division, P. Holly McEldowney's June 5, 2003 Memorandum ("Memorandum") to Deidre S. Mamiya, Administrator of the Land Division, Department of Land and Natural Resources, State of Hawaii.

Applicant will, in accordance with the comments of Ms. McEldowney, have a qualified archaeologist conduct an archaeological inventory survey prior to beginning construction. With regard to paragraph 2 of the recommended conditions, Applicant is willing to develop detailed mitigation plans and submit them to the State Historic Preservation Division for review and approval, and to have the division verify that the plan has been successfully executed prior to land alteration. With regard to paragraph 3 of the recommended conditions, 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. In any event, any burials discovered on the Subject Property will in all likelihood be Applicant's ancestors will be treated with the utmost respect.

Applicant would like to point out the following:

With regard to the first paragraph of the Memorandum, Applicant never stated on page 5 of the CDUA that "he does not know if the proposed dwelling unit will affect historic sites". In fact, Applicant states that "construction of the proposed dwelling will not affect any known historic sites".

The Subject Property was part of the Haena Hui and has been in Applicant's family for generations. Applicant's great grandmother, Uluhane, was an original member of the Haena Hui, as was Adeline Kanealii's (now Adeline Ogawa) mother, Esther U'o. Applicant obtained the Subject Property from Adeline Ogawa in 1996. Applicant's mother, Mary Wann (formerly known as Mary Chu), and Adeline Ogawa were both born and raised in the Haena area. According to both Mrs. Ogawa and Mrs. Chu, the Subject Property did not contain any significant historic sites.

In the Memorandum's recommended conditions, paragraph 1 states that an archaeological inventory survey should be conducted by a qualified archaeologist prior to well construction, and that the report should include extensive background research on the history of the church and land commission award for this parcel. The application does not propose the construction of a well. Furthermore, according to both Mrs. Ogawa and Mrs. Wann, there was

never a church located on the Subject Property. Despite the inaccuracies, Applicant is willing to have the archaeological survey conducted.

A true and correct copy of the Memorandum is attached hereto as Exhibit "L".

B. June 24, 2003, letter from Diane Daniells, President of the Hanalei Community Association ("HCA") to Sam Lemmo of the Department of Land and Natural Resources.

In accordance the application, and to address one of HCA's concerns, Applicant will construct the residence using a traditional design and earth tone colors, and will not install upward tree lighting. Any exterior lighting will be kept to a minimum and will not be turned on for any extended period of time. A true and correct copy of the HCA letter is attached hereto as Exhibit "M".

C. Letter from Genevieve Salmonson, Director of the Office of Environmental Quality Control dated July 22, 2003.

With regard to comments concerning the cultural impact assessment, the Subject Property cannot be seen from the ocean and the residence will not obscure traditional navigation landmarks. Applicant does not intend to fence the Subject Property or prevent access to traditional gathering or recreational activities mauka or makai of the Subject Property. Applicant is a kanaka maoli, and the ghosts of his ancestors inhabit the Haena area. Applicant favors the nurturing of the cultural and historical environment, but does not feel he needs to consult a cultural impact assessment provider to ensure that his proposed residence will be pono with

the surrounding area. A true and correct copy of the letter from Ms. Salmonson is attached hereto as Exhibit "N".

Applicant has obtained letters of support from neighbors on the adjoining properties, some of whom are his relatives (Samson Mahuiki and Sherman Maka). True and correct copies of the letter of support from Samson Mahuiki, an owner of the lot identified by Tax Map Key No. (4)5-9-2:57, R. Steve Summers, owner of the lot identified by Tax Map Key No. (4)5-9-2:63, and Sherman Maka and Naomi Yokotake, owners of the lot identified by Tax Map Key No. (4)5-9-2:55, are attached collectively hereto as Exhibit "O".

With regard to the comments concerning indirect and cumulative impacts of wastewater disposal, Applicant, through his counsel, attempted to solicit comment from the Clean Water Branch, Wastewater Branch and Safe Drinking Water Branch of the Department of Health's Environmental Management Division. The Department of Land and Natural Resources informed Applicant's counsel that the CDUA and Environmental Assessment was delivered to the Department of Health for their comment on the application. When no comments were received, Applicant's counsel, on or about August 14, 2003, hand delivered a copy of the CDUA and Environmental Assessment to the Kauai office of the Department of Health's Environmental Management Division requesting their comment on the application. To date, the Clean Water Branch, Wastewater Branch and Safe Drinking Water Branch have not provided comment regarding the application.

XV. CONCLUSION.

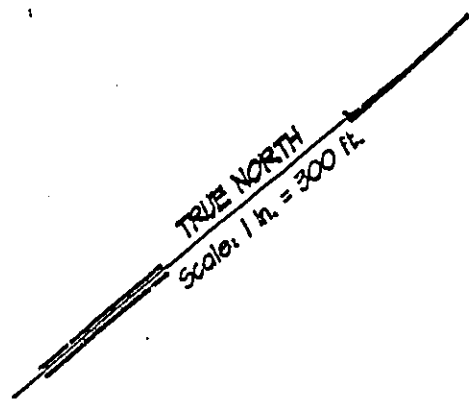
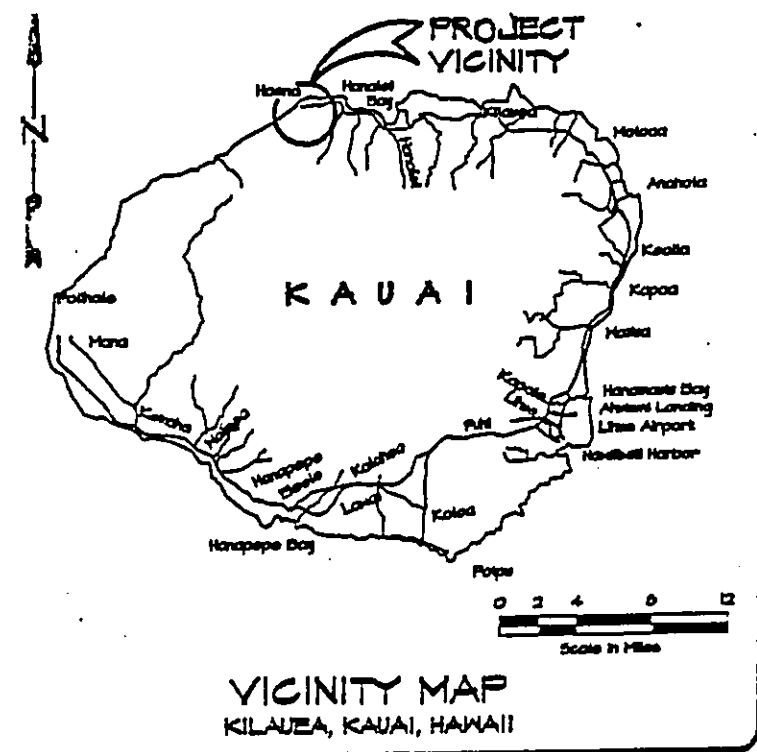
The Applicant respectfully requests that the DLNR and Land Board: find that Applicant's proposed construction of a single-family residence will not have any significant environmental impacts; find that the Applicant need not prepare an Environmental Impact Statement in this case; and issue a "Negative 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: Kapaa, Kauai, Hawaii, August 24, 2003 .

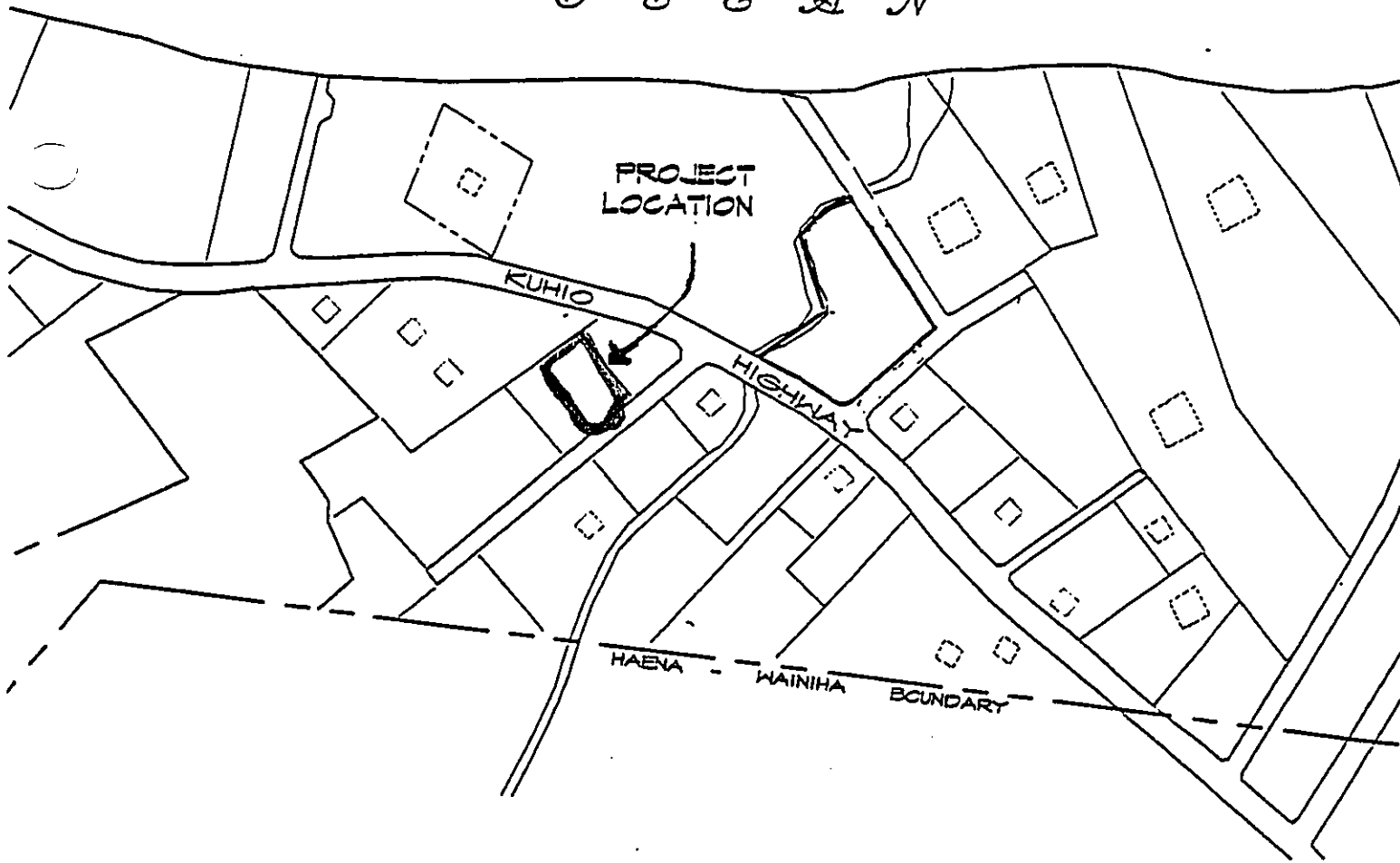
Peter M. Morimoto

PETER M. MORIMOTO
Attorney for Applicant

Exhibit "A"



O E E A N



LOCATION MAP

AT HAENA, KAUAI, HAWAII

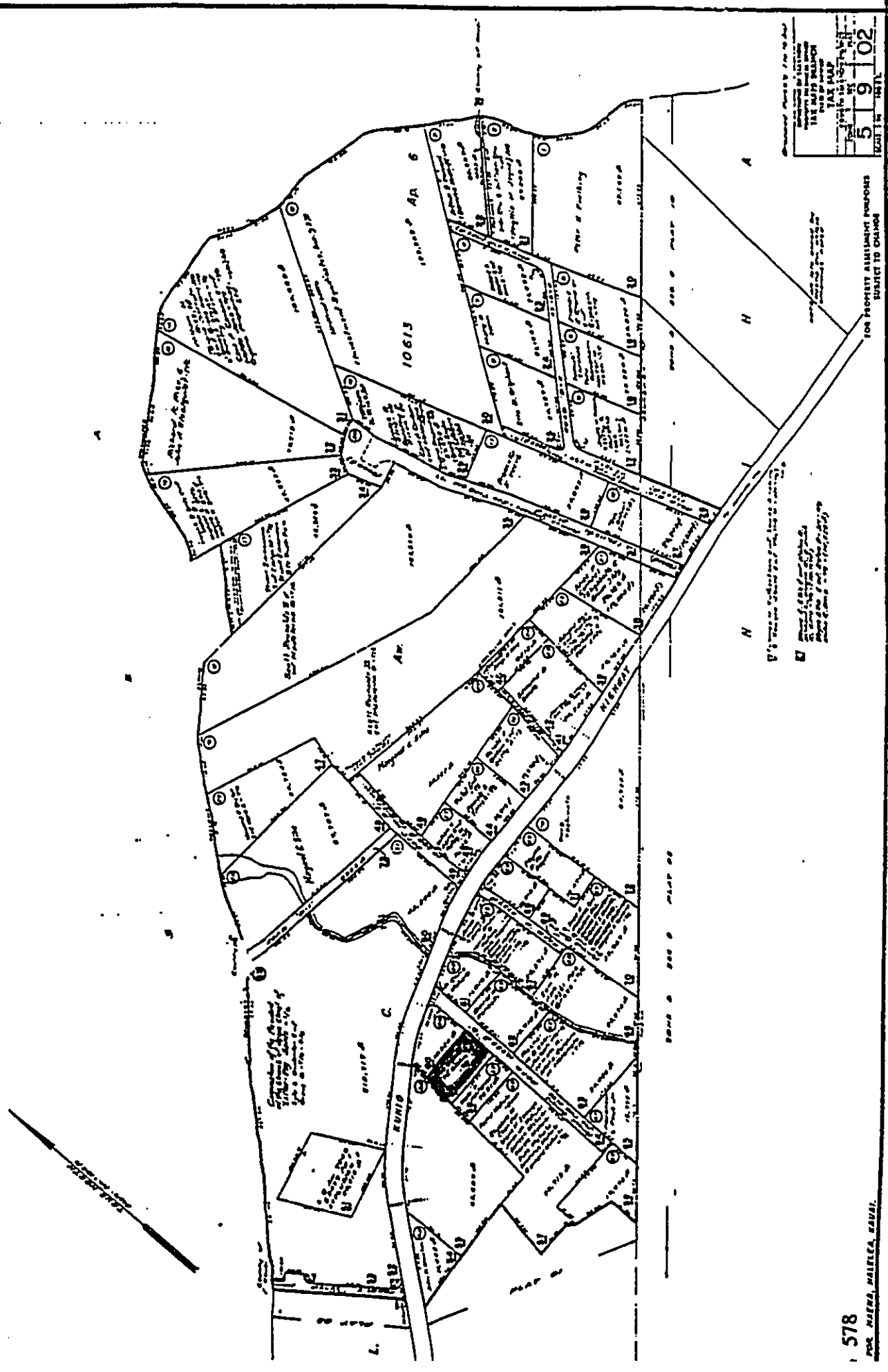
300 0 300



Graphic Scale in Feet

Exhibit "B"

1-2-01 4TH DIV

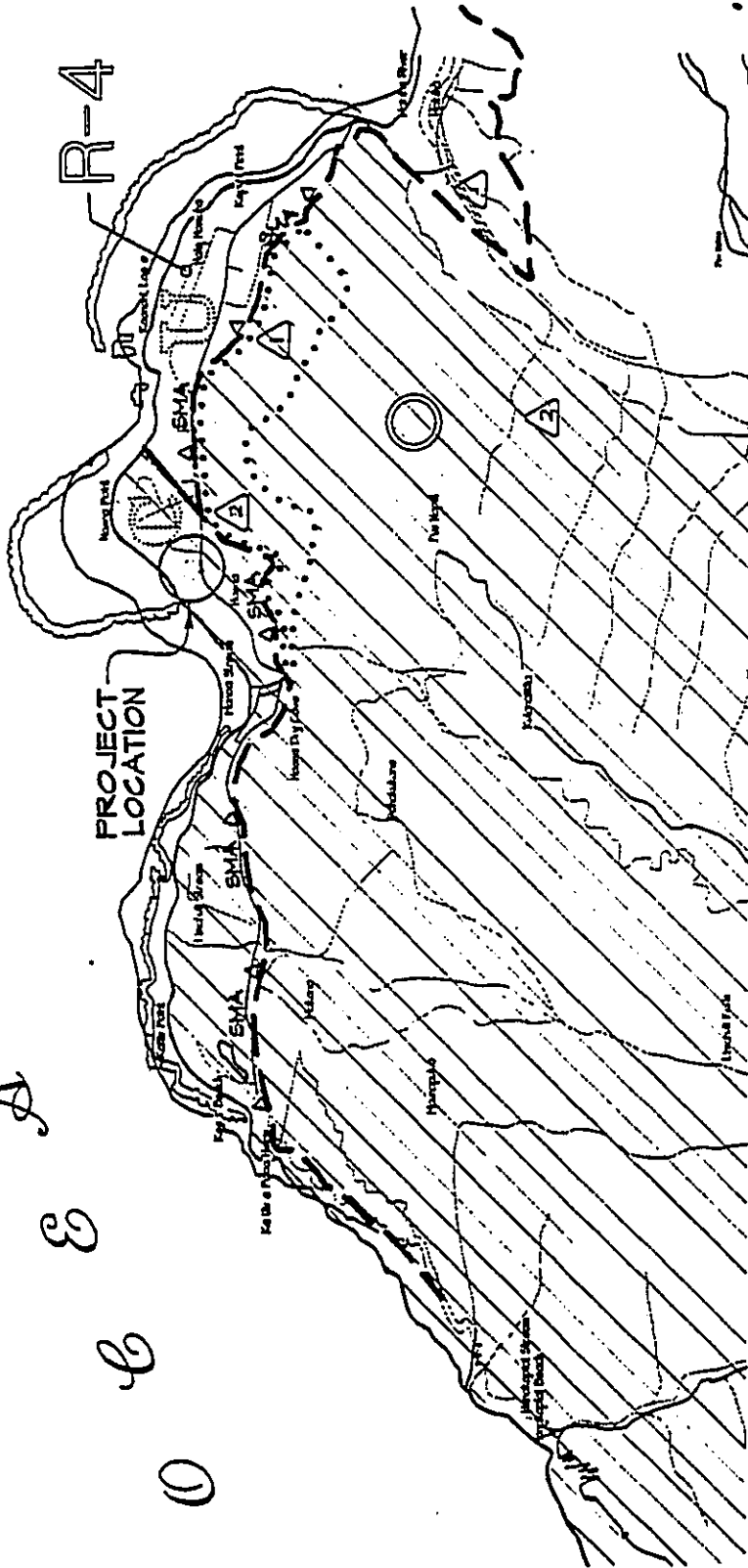


NO. OF LOTS	1
NO. OF BLOCKS	1
NO. OF SECTIONS	1
TAX MAP	5 9 02
DATE	1951
SCALE	1:1000

Exhibit "C"

TRUE NORTH
Scale: 1 in. = 3000 FE.

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

STATE ZONING:

URBAN DISTRICT	CONSERVATION DISTRICT	SPECIAL MANAGEMENT AREA
U	C	SM

- ① TO COMPLY WITH AMENDMENTS TO CHAPTER 205A, I.I.R.S., IN ACCORDANCE WITH ACT 200, SESSION LAWS OF HAWAII, 1974.
- ② TO CONFORM WITH FEDERAL FLOOD INSURANCE RATE MAP AMENDMENTS AS ADOPTED NOVEMBER 4, 1981

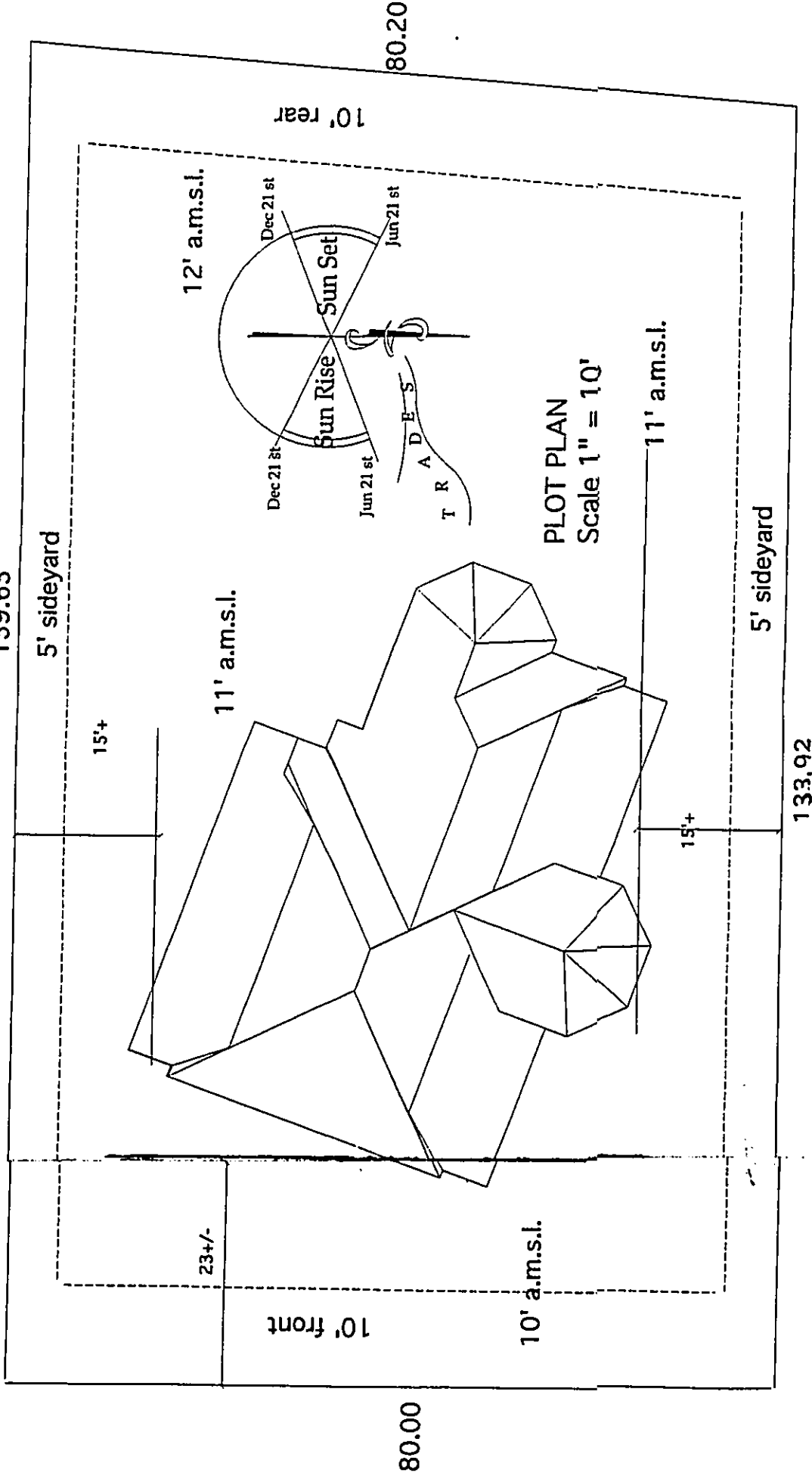
COUNTY ZONING:

OPEN	R-4
O	R-4

SPECIAL MANAGEMENT AREA MAP

AT HAENA, KAUAI, HAWAII
3000 0 3000
Graphic Scale In Feet

Exhibit "D"



0

0

Exhibit "E"

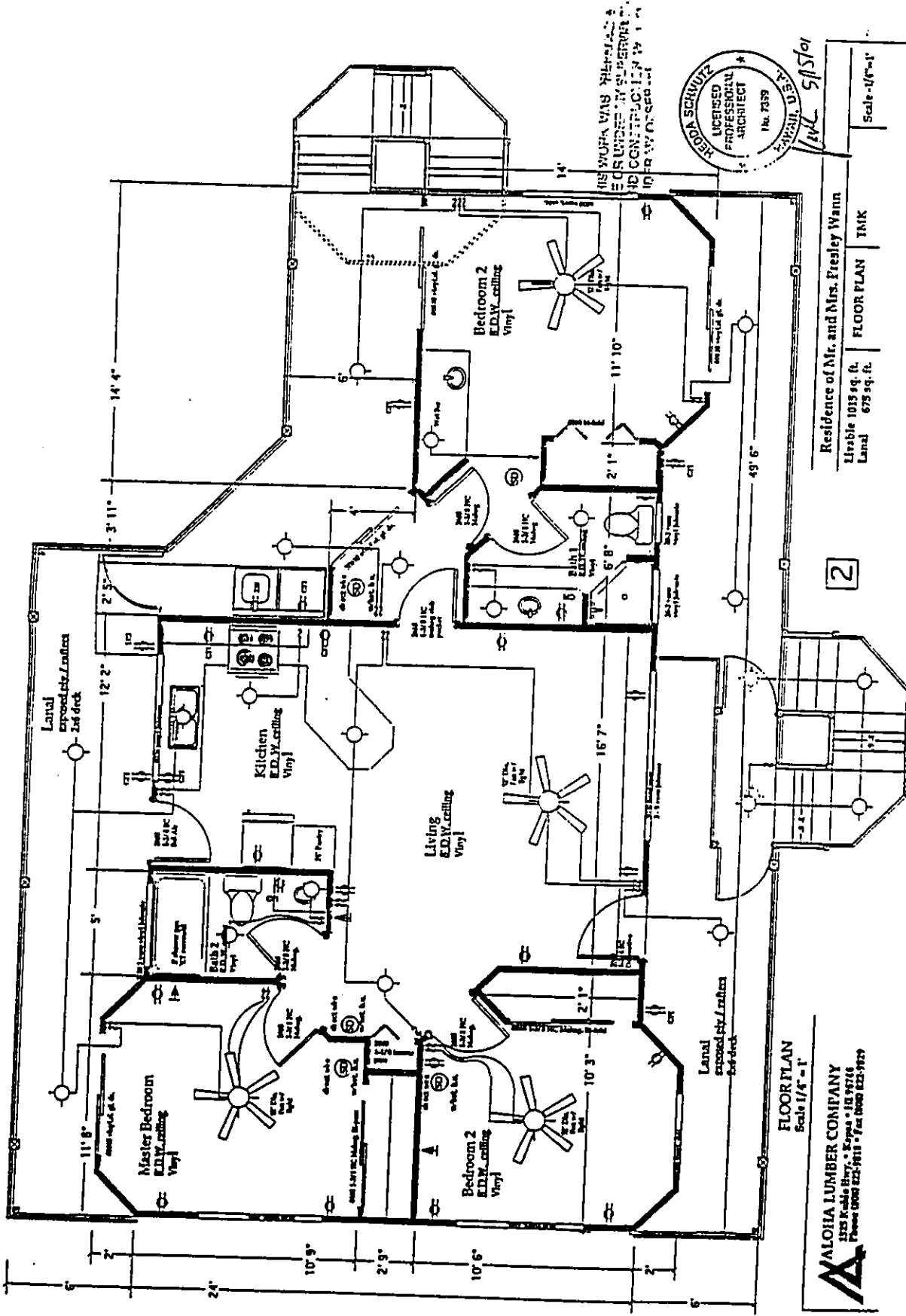
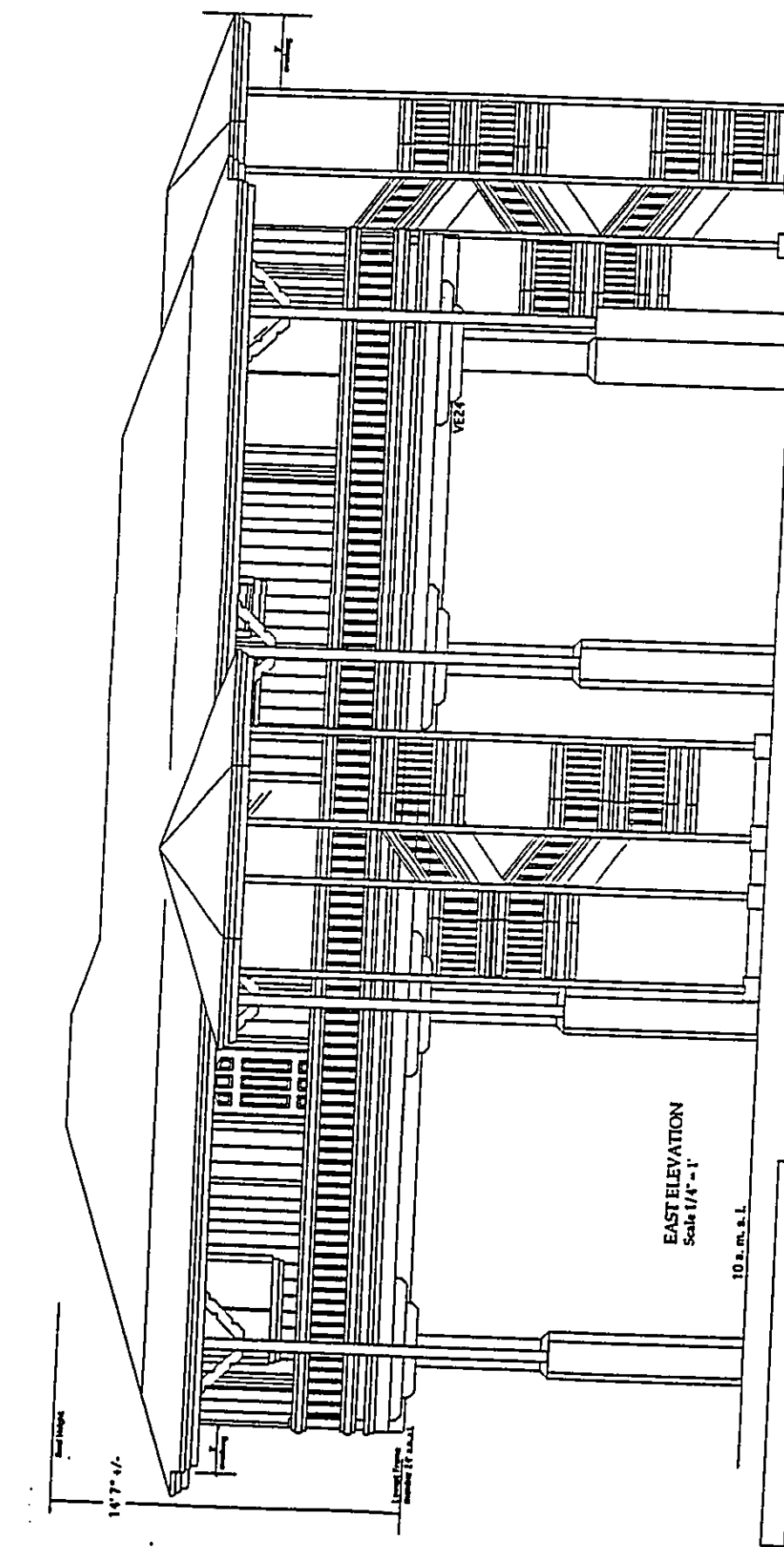
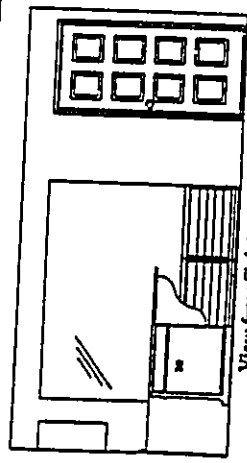


Exhibit "F"



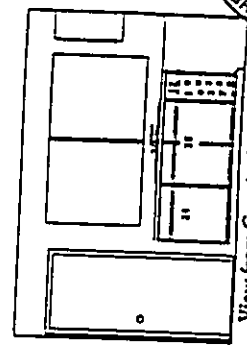
EAST ELEVATION
Scale 1/4" = 1"

10 s. m. s. l.



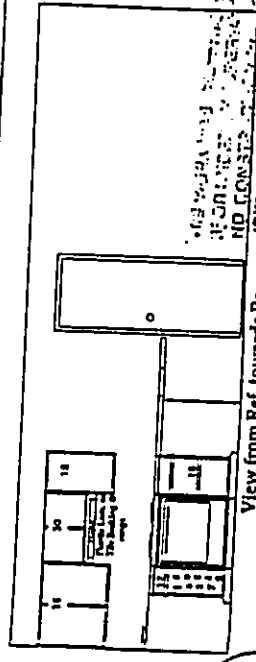
View from Sink towards Living

A
ALOHA LUMBER COMPANY
1225 Kalia Hwy., Kapa'ae • HI 96716
Phone: (808) 822-9613 • Fax: (808) 822-9129

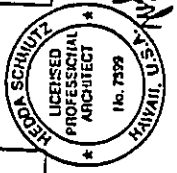


View from Counter towards Sink

3



View from Ref. towards Range



Residence of Mr. and Mrs. Presley Wann
 Livable 1015 sq. ft. ELEVATIONS TMK
 Land 675 sq. ft. Scale 3/8"=1"

Exhibit "G"



Title Guaranty of Hawaii, Inc.

235 QUEEN STREET, HONOLULU, HI 96813 • P.O. BOX 3084, HONOLULU, HI 96802

CSU3 RESEARCH A Phone (808) 533-5874 Fax (808) 533-5855

ADVANCE NOTICE

CLIENT COPY

Date: 3/04/2003

Account No: 258826

MR. PETER MORIMOTO
P.O. BOX 3677
LIHUE, HI 96766

ATTENTION: MR. PETER MORIMOTO

RE:

Order No: 200311224
Your Reference:
Tax Key: (4) 5-9-002-059

DESCRIPTION

AMOUNT

STATUS REPORT

200.00

Total Estimate

200.00

Note: Amounts will change if coverage related liability, or services change.
Please contact a Title Representative to revise this order.

STATUS REPORT

Maximum liability limited to
\$2,500.00

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it.

SCHEDULE A

Title Guaranty of Hawaii, Incorporated, hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

PRESLEY V. WANN,
husband of Colleen Wann,
as Tenant in Severalty,
as Fee Owner

This report is dated as of February 26, 2003 at 8:00 a.m.

Inquiries concerning this report
should be directed to
ANELYN AGUILAR.
Email aaguilar@tghawaii.com
Fax (808) 533-5855
Telephone (808) 539-7724.
Refer to Order No. 200311224.

200311224

Title Guaranty of Hawaii, Inc.
HONOLULU, HAWAII

Page 1

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes, Second Installment, Fiscal Year July 1, 2002
- June 30, 2003. (see tax statement attached)

Tax Key: (4) 5-9-002-059 Area Assessed: 10,942 sq. ft.

2. Reservation in favor of the State of Hawaii of all mineral and
metallic mines.

3. -AS TO AN UNDIVIDED 1/9 INTEREST IN ROAD G:-

Rights of others who own undivided interest(s) in the land
described in Schedule C.

END OF SCHEDULE B

SCHEDULE C

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by the Ahupuaa of Haena, Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki) situate, lying and being at Haena, District of Halelea, Island and County of Kauai, State of Hawaii, being LOT 57, of "HAENA HUI", and thus bounded and described:

Beginning at the northeast corner of this parcel of land, on the west side of Road "G", being also the southeast corner of Lot 56, the coordinates of which referred to Government Survey Triangulation Station "NIHA 2" being 308.74 feet south and 4,983.39 feet west, and running by azimuths measured clockwise from true South:

- | | | | | | |
|----|------|-----|-----|--------|---|
| 1. | 0° | 11' | 30" | 80.00 | feet along the west side of Road "G"; |
| 2. | 90° | 11' | 30" | 139.63 | feet along remainder of the Ahupuaa of Haena (Lot 58); |
| 3. | 184° | 16' | 30" | 80.20 | feet along remainder of the Ahupuaa of Haena (Lot 55); |
| 4. | 270° | 11' | 30" | 133.92 | feet along remainder of the Ahupuaa of Haena (Lot 56) to the point of beginning and containing an area of 10,942 square feet, more or less. |

Together with an undivided one-ninth (1/9) interest in Road "G", more particularly described as follows:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by the Ahupuaa of Haena, Royal Patent 3596, Land Commission Award 10,613, Apana 6 to Abner Paki) situate, lying and being on the southeast side of Road "A", at Haena, District of Halelea, Island and County of Kauai, State of Hawaii, being ROAD "G", of "HAENA HUI", and thus bounded and described:

SCHEDULE C CONTINUED

3-ginning at the northwest corner of this parcel of land, on the southeast side of Road "A", the coordinates of which referred to Government Survey Triangulation Station "NIHA 2" being 209.72 feet south and 5,009.75 feet west, and running by azimuths measured clockwise from true South:

Along the southeast side of Road "A", on a curve to the right with a radius of 485.00 feet, the chord azimuth and distance being:

- | | | | | | |
|----|------|-----|-----|-------|--|
| 1. | 251° | 04' | 32" | 7.74 | feet; |
| 2. | 251° | 32' | | 66.49 | feet along the southeast side of Road "A"; |

Thence along remainder of the Ahupuaa of Haena (Lot 64), on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

- | | | | | | |
|----|------|-----|-----|--------|--|
| 3. | 35° | 51' | 45" | 23.33 | feet; |
| 4. | 01° | 11' | 30" | 515.69 | feet along remainder of the Ahupuaa of Haena (Lots 64, 63, 62 and 61); |
| 5. | 90° | 11' | 30" | 30.00 | feet along remainder of the Ahupuaa of Haena (Lot 60); |
| 6. | 180° | 11' | 30" | 492.00 | feet along remainder of the Ahupuaa of Haena (Lots 59, 58, 57 and 56); |

Thence along remainder of the Ahupuaa of Haena (Lot 56), on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

- | | | | | | |
|----|------|-----|-----|-------|--|
| 7. | 125° | 24' | 20" | 32.68 | feet to the point of beginning and containing an area of 15,968 square feet, more or less. |
|----|------|-----|-----|-------|--|

SCHEDULE C CONTINUED

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : ADELINE K. OGAWA, Trustee under the Adeline K. Ogawa Trust dated February 22, 1996, and TERUO OGAWA, Trustee under the Teruo Ogawa Trust dated February 22, 1996

GRANTEE : PRESLEY V. WANN, husband of Colleen Wann, as Tenant in Severalty

DATED : October 7, 1996

RECORDED : Document No. 96-155439

END OF SCHEDULE C

GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
 - B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
 - C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
 - D. If the transaction involves a construction loan, the following is required:
 - (1) a letter confirming that there is no construction prior to recordation; or
 - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Title Company for approval at least one week prior to the anticipated date of recordation.
- Forms are available upon request from Title Guaranty of Hawaii.
- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
 - F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
 - G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from Title Guaranty of Hawaii or on our website at www.tghawaii.com.

DATE PRINTED: 3/04/2003

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: WANN, PRESLEY V
LEASED TO :

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.
(4) 5 9 002 059 0000

CLASS: 6 AREA ASSESSED: 10,942 SF

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2002

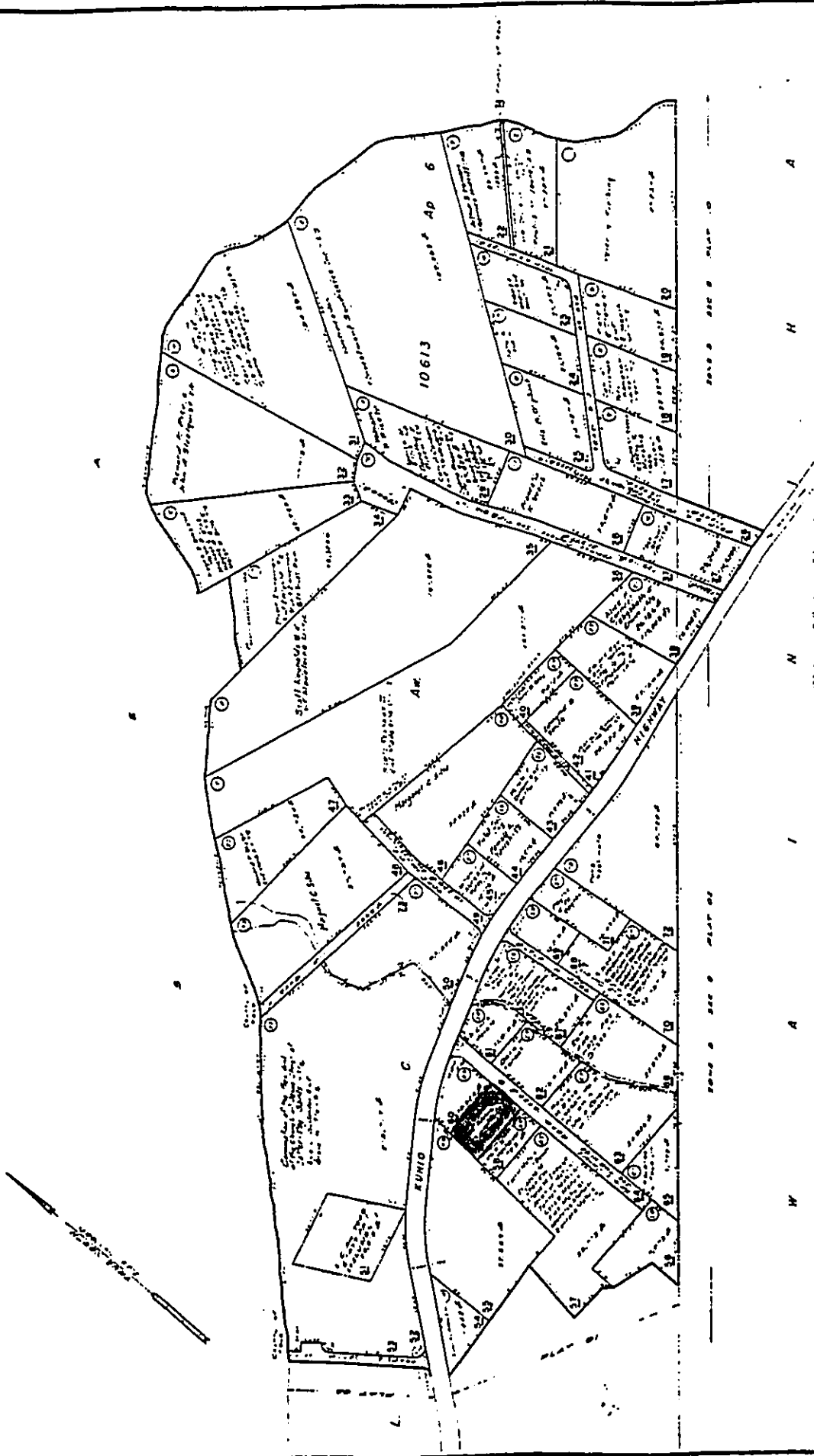
This certifies that the records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

BUILDING	\$	20,900
EXEMPTION	\$	0
NET VALUE	\$	20,900
LAND	\$	163,800
EXEMPTION	\$	0
NET VALUE	\$	163,800
TOTAL NET VALUE	\$	184,700

Installment (1 - due 8/20; 2 - due 2/20)

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2002	2	739.08				739.08	PENDING
2002	1	739.08				739.08	PAID
2000	2	587.18				587.18	PAID
2000	1	587.19				587.18	PAID
1999	2	587.18				587.19	PAID
1999	1	587.19					
Total Amount Due:						739.08	

Penalty and Interest Computed to: 1/10/2003

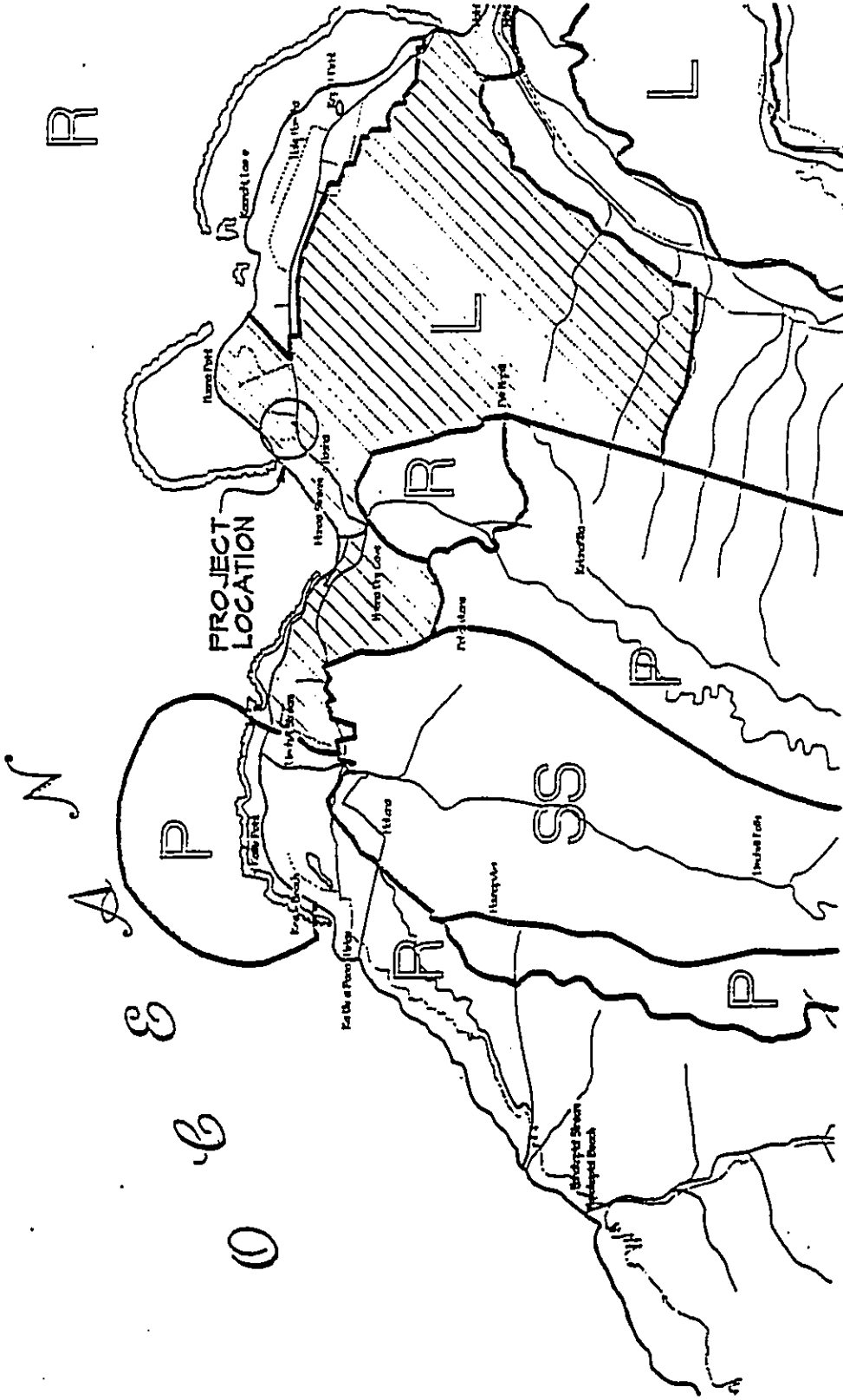


ATTENTION: THIS MAP IS FOR INFORMATION ONLY.
 IT DOES NOT CONSTITUTE A WARRANTY OF TITLE.
 THE STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 TAX MAP
 5 9 02

FOR PROPERTY ACHIEVING PURPOSES
 SUBJECT TO CHANGE.

Exhibit "H"

TRUE NORTH
Scale: 1 in. = 3000 FT.



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

CONSERVATION DISTRICT SUBZONES:

RESOURCE	R	PROTECTIVE	P	LIMITED	L	SPECIAL SUBZONE	SS
----------	---	------------	---	---------	---	-----------------	----

STATE CONSERVATION LAND USE DISTRICT SUBZONE MAP

AT HAENA, KAUAI, HAWAII

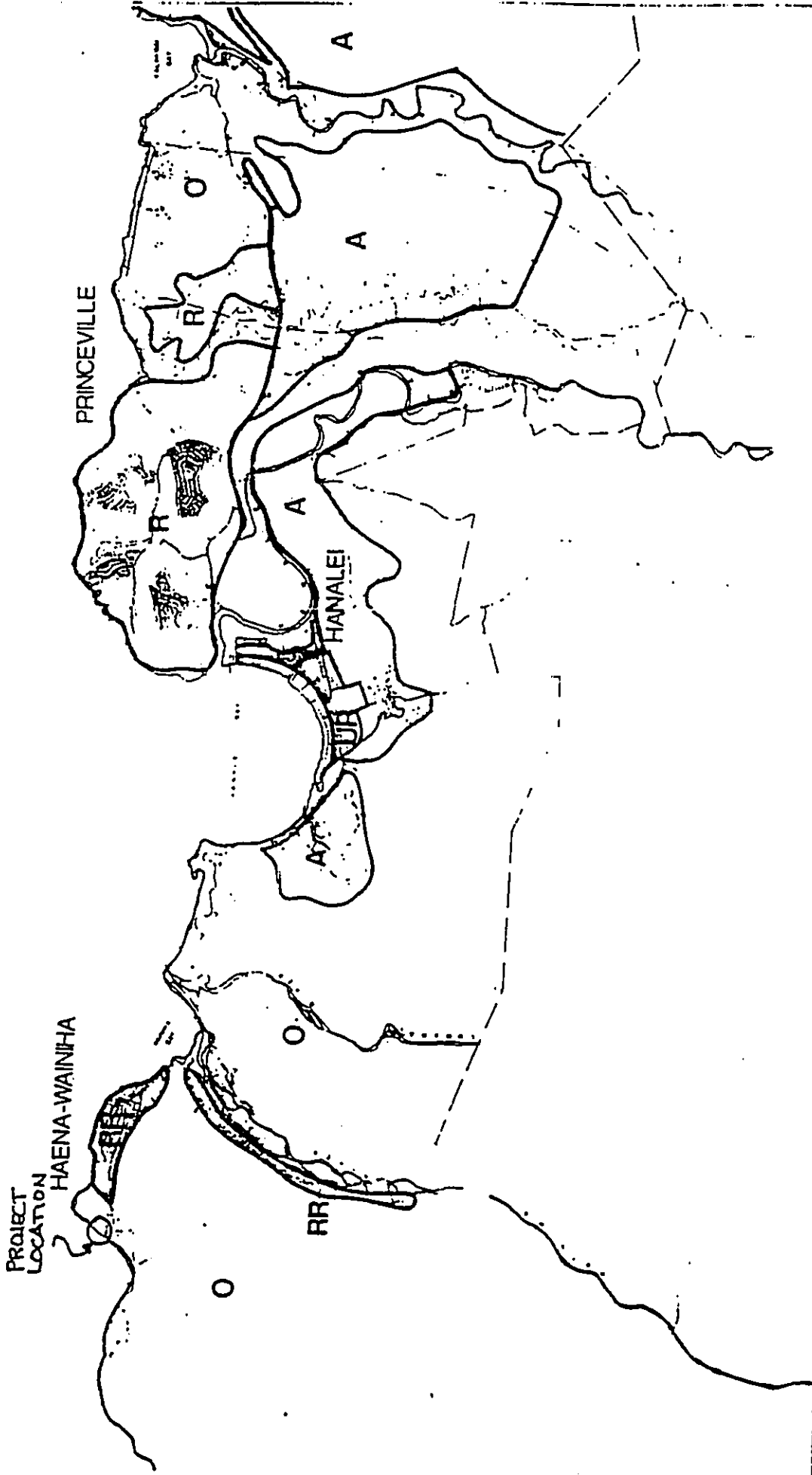
3000 0 3000

Graphic Scale in Feet

Exhibit "I"

P A C I F I C

O C E A N



KAUAI GENERAL PLAN

NORTH SHORE

- O OPEN
- A AGRICULTURAL
- RR RURAL RESIDENTIAL
- UR URBAN RESIDENTIAL

- UMU URBAN MIXED USE
- R RESORT
- PF PUBLIC FACILITIES

0 2500 10,000 25,000



1 OF 2

JUNE 1982

Exhibit "J"

SCIENTIFIC CONSULTANT SERVICES, Inc.



711 Kapiolani Blvd., Suite 1475 Honolulu, Hawai'i 96813

Presley Wann
Koga Engineering

9/13/02

Dear Mr. Wann:

Thank you for contacting SCS concerning your need for archaeological services in relation to your project located in Haena, Kauai (TMK:5-9-2:59). Prior to producing this proposal I discussed this project with Ms. Nancy McMahon, Kauai Island archaeologist for the State Historic Preservation Division (SHPD). Ms. McMahon stated that Archaeological Inventory Survey was required for your project, with the field excavation suggested to be by backhoe.

Inventory Survey includes limited archival/background research; field work, which, in this case, would primarily be excavation with a backhoe; appropriate laboratory analysis, including radiocarbon dating, if possible; and the production of a report acceptable to SHPD. We will also coordinate our work with SHPD and any other agency you request.

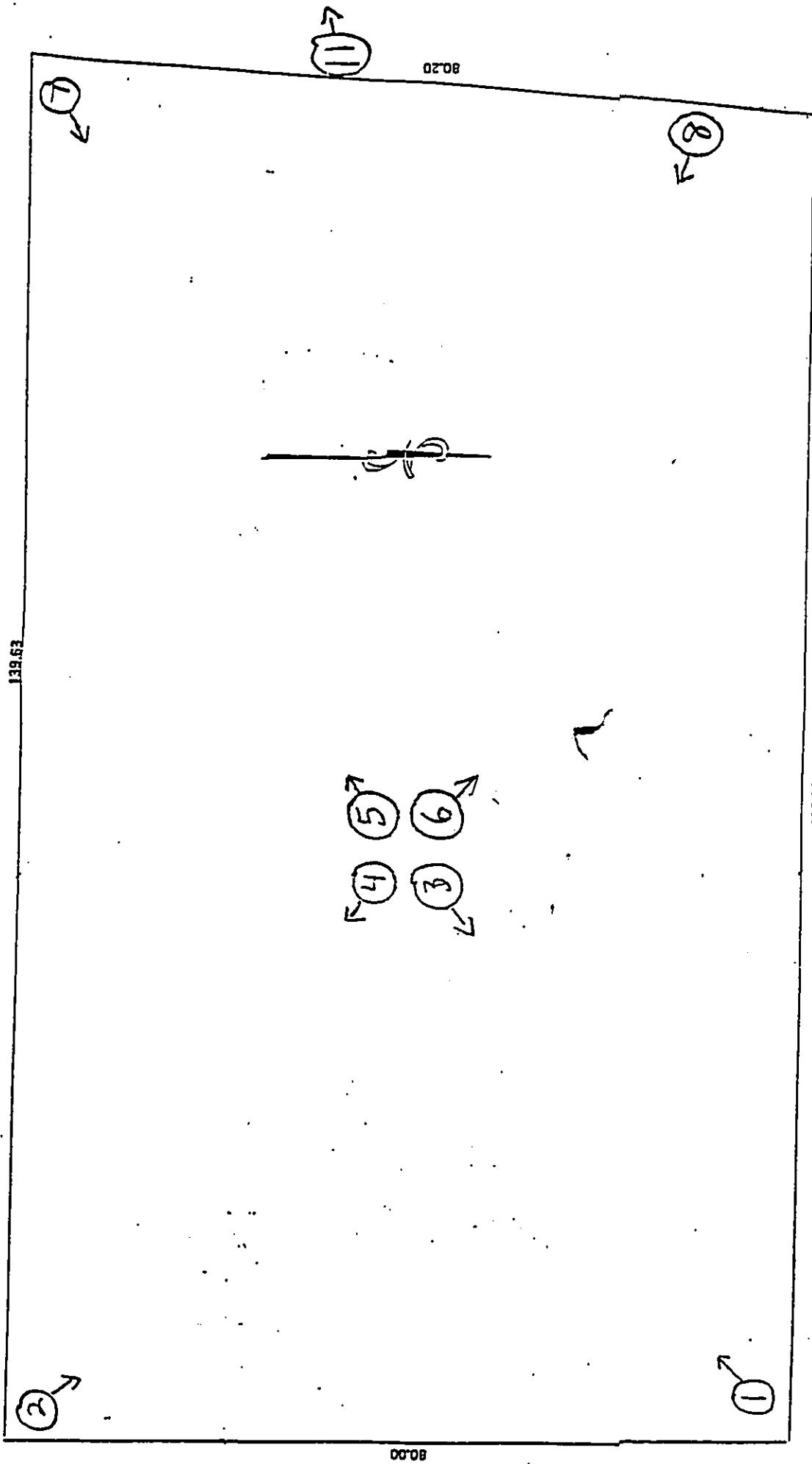
The estimated budget range for the Inventory Survey is \$3,020.00 to \$4,980.00. The low end of the budget range is based on the assumption that no significant cultural deposits will be encountered. The upper end of the range assumes that limited significant deposits are encountered, and includes the cost for a single radiocarbon date. Please note that the cost for the use of a backhoe, for up to two days, is not included in the proposed budget.

If you have any questions about this proposal please feel free to contact me at 1-808-597-1182 (e-mail bob@scshawaii.com). I look forward to working with you on this project.

Sincerely,

Robert L. Spear, Ph.D.
President
Scientific Consultant Services, Inc.

Exhibit "K"



MAP OF SUBJECT PROPERTY SHOWING PHOTO LOCATIONS

PARTIAL MAP OF TAX MAP SHOWING
PHOTO LOCATIONS

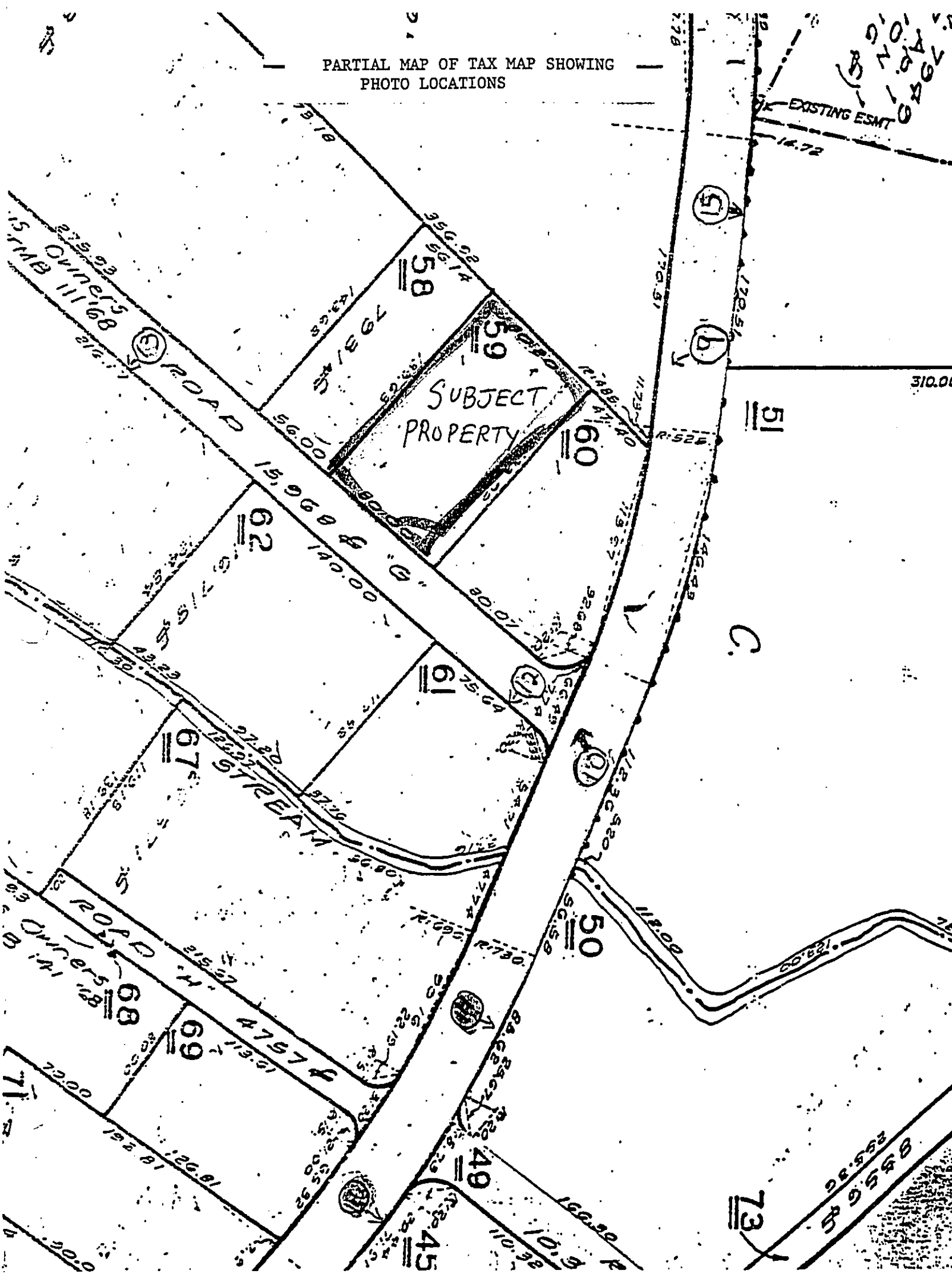




PHOTO NO. 3

View from center of Subject Property looking northeast



PHOTO NO. 4

View from center of Subject Property looking southeast



PHOTO NO. 5

View from center of Subject Property looking southwest



PHOTO NO. 6

View from center of Subject Property looking northwest



PHOTO NO. 7

View from southwest corner of Subject Property looking northeast



PHOTO NO. 8

View from west side of Subject Property looking east



PHOTO NO. 9

View from Kuhio Highway looking southwest towards Subject Property



PHOTO NO. 10

View from Kuhio Highway looking southeast towards Subject Property



PHOTO NO. 11

View from west boundary of Subject Property looking west

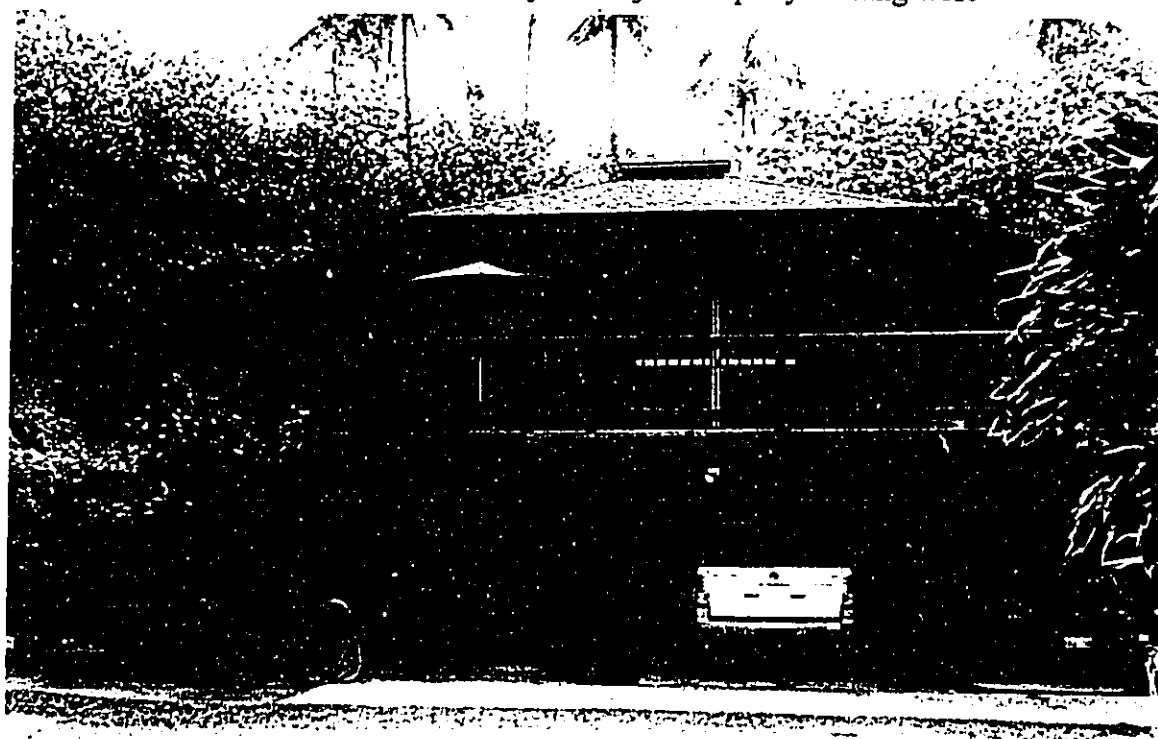


PHOTO NO. 12

House located on TMK (4) 5-9-02-61
(across road to east of Subject Property abutting Kuhio Hwy.)



PHOTO NO. 13

House located on TMK (4) 5-9-02-63 (across road to northeast of Subject Property)



PHOTO NO. 14

House located on corner of Kuhio Hwy. and Road D-2
(County of Kauai right of way to Makua Beach)



PHOTO NO. 15
House located on TMK (4) 5-9-02-51
(abutting makai side of Kuhio Hwy. north of Subject Property)

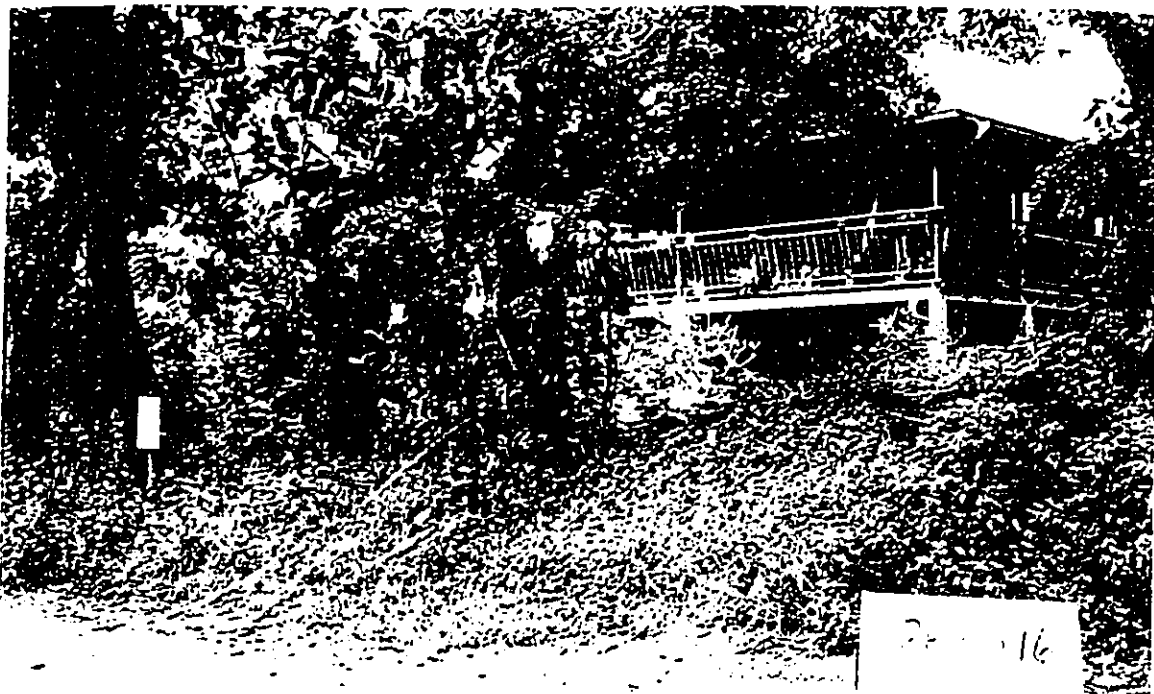


PHOTO NO. 16
House located on TMK (4) 5-9-02-45
(abutting makai side of Kuhio Hwy. to northeast of Subject Property)

Exhibit "L"

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

June 5, 2003

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

MEMORANDUM

LOG NO: 2003.0773
DOC NO: 0306NM01

TO: Diedre S. Mamiya, Administrator
Land Division

FROM: P. Holly McEldowney, Acting Administrator *PHM*
State Historic Preservation Division

SUBJECT: **Chapter 6E-42 Historic Preservation Review – KA-3132 CDUA
for Single Family Residence for Presley Wann
Hā`ena, Hanalei, Kauai. (TMK: (4)-5-9-02:059)**

Thanks you for submitting this application which we received on May 30, 2003. No archaeological survey has been conducted on this parcel. We expect to find historic sites in this area, such as cultural deposits including habitation sites and human burials, since we have found Hawaiian burials and habitation deposits in nearby areas. On page 5 of the application, the applicant states that he does not know if the proposed dwelling will affect historic sites. The applicant also proposes to stop work if he encounters any inadvertent burials. Unfortunately, we do not believe that this proposed measure is sufficient. The Hā`ena area is known to be a sensitive area with high probability for encountering subsurface cultural layers and human burials. Our Kaua`i/Ni`ihau Burial Council also insists that we treat the Hā`ena area with sensitivity with regards to Hawaiian burial sites. The applicant submitted Appendix J, which is a proposal for an archaeological inventory survey, but no archaeological inventory survey report was submitted with this application.

Therefore, we recommend the following conditions be attached to any approved permit, to ensure significant historic sites are properly identified and treated:

- 1) An archaeological inventory survey shall be conducted by a qualified archaeologist prior to well construction. A report documenting the archaeological work shall be submitted to the State Historic Preservation Division for review and approval. The report should include extensive background research on the history of the church and land commission award for this parcel.

This report shall propose significance evaluations for identified historic site, and shall propose mitigation treatments for any significant historic sites.

2) If significant historic sites are identified and once mitigation commitments are agreed to, then the applicant shall develop detailed mitigation plans (scopes of work) and submit these to the State Historic Preservation Division for review and approval. Prior to any land alteration, that Division must verify in writing that these plans have successfully executed.

3) If burials are discovered during the survey, a burial treatment plan shall be prepared following the procedures outlined in Chapter 6E-43 and its rules. Coordination with the Kauai Island Burial Council is required as part of the approval of burial treatment. Contact DLNR Historic Preservation Burials Program for information on this matter (Kana`i Kapeliela at 692-0037 on O`ahu).

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

c. Chair, Kaua`i/Ni`ihau Islands Burial Council
Chair, Kaua`i Historic Preservation Commission
Kana`i Kapeliela, Burial Sites Program

NM:ak

Exhibit "M"

*Hanalei Community Association
Post Office Box 789
Hanalei, HI 96714*

June 24, 2003

Mr. Sam Lemmo
State of Hawai'i
Department of Land and Natural Resources
PO Box 621
Honolulu, HI 96714

RE: Presley Wann's CDUA for Single Family Residence in Haena, Kaua'i, Hawai'i

Dear Mr. Lemmo,

Hanalei Community Association members were pleased to meet with the applicant Mr. Presley Wann and his representative Peter Morimoto yesterday evening. We were very appreciative of the opportunity to discuss the project with them.

We have no objections to the project based on their representations to us. Our special interest is that the residence will be compatible with the neighborhood with the traditional design and earth tone colors that will be used. One issue that was discussed after Mr. Wann and Mr. Morimoto left was a concern about nighttime lighting. HCA recommends that nighttime lighting – such as floodlights, upward “tree lighting” and the like - be avoided due to the presence of Shearwaters.

In addition, there is a strong desire in the community to maintain what is left of the rural character in the neighborhood, as the area has been inundated by the construction of very large, inappropriate structures in the Conservation District.

Thank you for the opportunity to comment.

Sincerely yours,


Diane Daniells
HCA President

c: Peter Morimoto

Exhibit "N"

LINDA LINGLE

GOVERNOR



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENT QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

July 22, 2003

Mr. Presley V. Wann
161 Lihau Street
Kapa'a, Hawai'i 96746

Mr. Peter M. Morimoto, Esq.
P.O. Box 3677
Lihu'e, Hawai'i 96766

Robert Spear, Ph.D.
Scientific Resources
711 Kapi'olani Boulevard, Suite 1475
Honolulu, Hawai'i 96813

Mr. Samuel Lemmo
Department of Land and Natural Resources, State of Hawai'i
1151 Punchbowl Street, Room 220
Honolulu, Hawai'i 96813

Dear Messrs. Wann, Morimoto, Spear, and Lemmo:

Having reviewed the draft environmental assessment submitted in support of a Conservation District Use Application for Presley V. Wann in support of requests before the Board of Land and Natural Resources to: (1) construct a single-family residential dwelling situated in the Hanalei district at Tax Map Key (4) 5-9-2:59, the Office of Environmental Quality Control (OEQC) submits the following comments for your consideration and response.

1. **CULTURAL IMPACT ASSESSMENT UNDER CHAPTER 343, HAWAII REVISSED STATUTES, AS AMENDED:** We note that the document briefly mentions a walk through survey for historical and archaeological resources, with a letter from Dr. Robert Spear (Appendix J) proposing a budget for a future archaeological inventory survey (pursuant to Chapter 6E, Hawai'i Revised Statutes) that was required by the Kaua'i Island archaeologist, Nancy McMahon. Act 50, Session Laws of Hawai'i 2000, modified Chapter 343, Hawai'i Revised Statutes to require the disclosure of the cultural environment (resources and practices) and any direct, indirect and cumulative impacts to the cultural environment. Although the environmental council has not yet proposed administrative rules implementing Act 50, SLH 2000, the environmental council has composed recommended guidance (Attached) in the assessment of cultural impacts. While a piece of property such as that being proposed for a conservation district use application may have no apparently visible cultural resources, we would like to call to your attention the idea that cultural resources and practices need not necessarily be on the property for an action to have cultural impacts under Chapter 343, Hawai'i Revised Statutes. Examples of such resources or practices include but are not limited to: building of structures which would obscure traditional navigation landmarks; or,

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enclosed fencing around property which would prevent access to traditional gathering or recreational activities both mauka or makai of the property in this present day and time. Please visit our Internet web site at <http://www.state.hi.us/health/oeqc/index.html> and click on guidance and download the Cultural Impact Assessment Guidelines" adopted by the Environmental Council in 1997 for your use in meeting this requirement prior to submission of a final environmental assessment. This would include contacting resource agencies (such as the Historic Preservation Division of the Department of Land and Natural Resources, the Office of Hawaiian Affairs), neighbors, community members in the Ha'ena area to ascertain what cultural practices (if any) are occurring in the region encompassing the project and what impacts (if any) the proposed project may have on these cultural practices or resources - you may wish to ask Dr. Spear if this additional work could be accomplished as a part of the research he proposes to fulfill the requirements of Chapter 6E, Hawai'i Revised Statutes. If not, a directory of cultural impact assessment providers (self-listed and not endorsed by any agency, including OEQC) can also be found at our website above. To meaningfully complete the assessment of significance of the proposed action, we strongly recommend that the requirements for historic preservation (under Chapter 6E, HRS) and for cultural impact assessment (under Chapter 343, HRS, as amended), be completed prior to the issuance of the notice of determination and final environmental assessment.

2. WASTEWATER DISPOSAL INDIRECT AND CUMULATIVE IMPACTS: Page 8 of the draft environmental assessment notes that a septic system will be installed to comply with the requirements of the Department of Health and noting that there are other dwellings located on adjacent parcels in the vicinity of the project site. While the proposed project may individually have no direct impacts, there may be indirect and cumulative impacts on ground water and nearshore water quality. Please consult with the Clean Water Branch, the Wastewater Branch and the Safe Drinking Water Branch of the Department of Health's Environmental Management Division to solicit comment on indirect and cumulative impacts to ground water and nearshore water quality.

Again we thank you for the opportunity to comment. If there are any questions, please call me or Leslie Segundo at (808) 586-4185.

Sincerely,



GENEVIEVE SALMONSON
Director

Exhibit "O"

To Whom It May Concern,

I am an owner of the real property located in Haena, Kauai, Hawaii and identified by Tax Map Key No. (4) 5-9-2:57. My property is adjacent to TMK (4) 5-9-2:59, the real property that is the subject of Presley Wann's Conservation District Use Application to construct a single family residence.

I support the application and have no objection to Mr. Wann's construction of a single family residence on his property.

Sincerely,

A handwritten signature in cursive script that reads "Samson Mahuiki".

Samson Mahuiki

To Whom It May Concern,

I am an owner of the real property located in Haena, Kauai, Hawaii and identified by Tax Map Key No. (4) 5-9-2:55. My property is adjacent to TMK (4) 5-9-2:59, the real property that is the subject of Presley Wann's Conservation District Use Application to construct a single family residence.

I support the application and have no objection to Mr. Wann's construction of a single family residence on his property.

Sincerely,

A handwritten signature in cursive script that reads "Naomi L. Yokota".

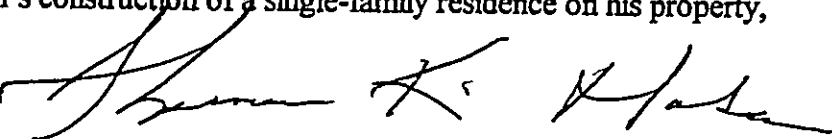
Naomi L. Yokota

August 21, 2003

To Whom It May Concern:

I am an owner of the real property located in Ha'ena, Kaua'i, Hawai'i and identified by Tax Map Key # 4-5-9-2-55. My property is adjacent to Tax Map Key # 4-5-9-2-59 the real property that is the subject of Presley Wann's Conservation District Use Application to construct a single family residence. I support the application and have no objection to Mr. Wann's construction of a single-family residence on his property,

Sincerely,

A handwritten signature in black ink, appearing to read "Sherman K. Maka". The signature is written in a cursive style with a large initial 'S' and a distinct 'K'.

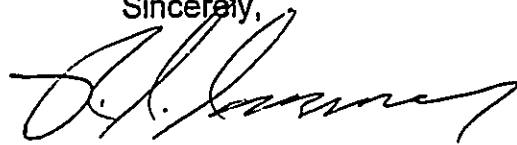
Mr. Sherman Maka
Representing the Maka Family

To Whom It May Concern,

I am an owner of the real property located in Haena, Kauai, Hawaii and identified by Tax Map Key No. (4) 5-9-2:63. My property is adjacent to TMK (4) 5-9-2:59, the real property that is the subject of Presley Wann's Conservation District Use Application to construct a single family residence.

I support the application and have no objection to Mr. Wann's construction of a single family residence on his property.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Steve Summers". The signature is written in a cursive style with a large, sweeping initial "R".

R. Steve Summers